

STATE OF OKLAHOMA

Oklahoma Statutes

Selected Titles — 2025 Edition

Title 21	Crimes and Punishments	884 pages
Title 22	Criminal Procedure	623 pages
Title 37	Intoxicating Liquors	24 pages
Title 37A	Alcoholic Beverage	211 pages
Title 47	Motor Vehicles	1,475 pages

Total: 3,217 pages across 5 Titles

*Source: Oklahoma Legislature — oklegislature.gov
Compiled: March 2026*

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§21-1. Title of code.

This chapter shall be known as the penal code of the State of Oklahoma.

R.L.1910, § 2082.

§21-2. Criminal acts are only those prescribed - "This code" defined.

No act or omission shall be deemed criminal or punishable except as prescribed or authorized by this code. The words "this code" as used in the "penal code" shall be construed to mean "Statutes of this State."

R.L.1910, § 2083.

§21-3. Crime and public offense defined.

A crime or public offense is an act or omission forbidden by law, and to which is annexed, upon conviction, either of the following punishments:

1. Death;
2. Imprisonment;
3. Fine;
4. Removal from office; or

5. Disqualification to hold and enjoy any office of honor, trust, or profit, under this state.

R.L. 1910, § 2084. Amended by Laws 1997, c. 133, § 10, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 1, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 10 from July 1, 1998, to July 1, 1999.

§21-4. Crimes classified.

Crimes are divided into:

1. Felonies;
2. Misdemeanors.

R.L.1910, § 2085.

§21-5. Felony defined.

A felony is a crime which is, or may be, punishable with death, or by imprisonment in the penitentiary.

R.L. 1910, § 2086. Amended by Laws 1997, c. 133, § 11, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 2, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 11 from July 1, 1998, to July 1, 1999.

§21-6. Misdemeanor defined.

Every other crime is a misdemeanor.

R.L.1910, § 2087. R.L.1910, § 2087.

§21-7. Objects of penal code.

This title specifies the classes of persons who are deemed capable of crimes, and liable to punishment therefor. This title defines the nature of various crimes and prescribes the kind and measure of punishment to be inflicted for each. The manner of prosecuting and convicting criminals is regulated by the code of criminal procedure.

R.L. 1910, § 2088. Amended by Laws 1997, c. 133, § 12, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 3, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 12 from July 1, 1998, to July 1, 1999.

§21-8. Conviction must precede punishment.

The punishments prescribed by this chapter can be inflicted only upon a legal conviction in a court having jurisdiction.

R.L.1910, § 2090.

§21-9. Punishment of felonies.

Except in cases where a different punishment is prescribed by this title, or by some existing provision of law, every offense declared to be a felony is punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the State

Penitentiary not exceeding two (2) years, or by both such fine and imprisonment.

R.L. 1910, § 2090. Amended by Laws 1997, c. 133, § 13, eff. July 1, 1999; Laws 1998, 1st Ex.Sess., c. 2, § 1, emerg. eff. June 19, 1998; Laws 1999, 1st Ex.Sess., c. 5, § 4, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 13 from July 1, 1998, to July 1, 1999.

§21-10. Punishment of misdemeanor.

Except in cases where a different punishment is prescribed by this chapter or by some existing provisions of law, every offense declared to be a misdemeanor is punishable by imprisonment in the county jail not exceeding one year or by a fine not exceeding five hundred dollars, or both such fine and imprisonment.

R.L.1910, § 2091.

§21-11. Special provisions as governing - Acts punishable in different ways.

If there be in any other provision of the laws of this state a provision making any specific act or omission criminal and providing the punishment therefor, and there be in this title any provision or section making the same act or omission a criminal offense or prescribing the punishment therefor, that offense and the punishment thereof, shall be governed by the special provisions made in relation thereto, and not by the provisions of this title. But an act or omission which is made punishable in different ways by different provisions of this title may be punished under any of such provisions, except that in cases specified in Sections 51.1 and 54 of this title, the punishments therein prescribed are substituted for those prescribed for a first offense, but in no case can a criminal act or omission be punished under more than one section of law; and an acquittal or conviction and sentence under one section of law, bars the prosecution for the same act or omission under any other section of law.

R.L. 1910, § 2092. Amended by Laws 1970, c. 199, § 1; Laws 1987, c. 226, § 1, operative July 1, 1987; Laws 1997, c. 133, § 14, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 5, eff. July 1, 1999; Laws 2019, c. 227, § 1, eff. Nov. 1, 2019.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 14 from July 1, 1998, to July 1, 1999.

§21-12. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-12.1. Required service of minimum percentage of sentence - Effective date.

A person committing a felony offense listed in Section 30 of this act on or after March 1, 2000, and convicted of the offense shall serve not less than eighty-five percent (85%) of the sentence of imprisonment imposed within the Department of Corrections. Such person shall not be eligible for parole consideration prior to serving eighty-five percent (85%) of the sentence imposed and such person shall not be eligible for earned credits or any other type of credits which have the effect of reducing the length of the sentence to less than eighty-five percent (85%) of the sentence imposed. Added by Laws 1999, 1st Ex.Sess., c. 4, § 29, eff. July 1, 1999.

§21-13. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-13.1. See the following versions:

OS 21-13.1v1 (HB 3936, Laws 2024, c. 59, § 5)
OS 21-13.1v2 (HB 1001, Laws 2025, c. 18, § 2)
OS 21-13.1v3 (SB 541, Laws 2025, c. 162, § 1)
OS 21-13.1v4 (SB 631, Laws 2025, c. 352, § 1)

§21-13.1v1. Required service of minimum percentage of sentence - Offenses specified.

Persons convicted of:

1. First degree murder as defined in Section 701.7 of this title;
2. Second degree murder as defined by Section 701.8 of this title;
3. Manslaughter in the first degree as defined by Section 711 of this title;
4. Poisoning with intent to kill as defined by Section 651 of this title;
5. Shooting with intent to kill, use of a vehicle to facilitate use of a firearm, crossbow or other weapon, assault, battery, or assault and battery with a deadly weapon or by other means likely to produce death or great bodily harm, as provided for in Section 652 of this title;
6. Assault with intent to kill as provided for in Section 653 of this title;
7. Conjoint robbery as defined by Section 800 of this title;
8. Robbery with a dangerous weapon as defined in Section 801 of this title;
9. First degree robbery as defined in Section 797 of this title;
10. First degree rape as provided for in Section 1111, 1114 or 1115 of this title;
11. First degree arson as defined in Section 1401 of this title;

12. First degree burglary as provided for in Section 1436 of this title;

13. Bombing as defined in Section 1767.1 of this title;

14. Any crime against a child provided for in Section 843.5 of this title;

15. Forcible sodomy as defined in Section 888 of this title;

16. Child sexual abuse material or aggravated child sexual abuse material as defined in Section 1021.2, 1021.3, 1024.1, 1024.2 or 1040.12a of this title;

17. Child prostitution as defined in Section 1030 of this title;

18. Lewd molestation of a child as defined in Section 1123 of this title;

19. Abuse of a vulnerable adult as defined in Section 10-103 of Title 43A of the Oklahoma Statutes;

20. Aggravated trafficking as provided for in subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

21. Aggravated assault and battery upon any person defending another person from assault and battery; or

22. Human trafficking as provided for in Section 748 of this title,

shall be required to serve not less than eighty-five percent (85%) of any sentence of imprisonment imposed by the judicial system prior to becoming eligible for consideration for parole. Persons convicted of these offenses shall not be eligible for earned credits or any other type of credits which have the effect of reducing the length of the sentence to less than eighty-five percent (85%) of the sentence imposed.

Added by Laws 1999, 1st Ex. Sess., c. 4, § 30, eff. July 1, 1999.

Amended by Laws 2000, c. 291, § 2, eff. Nov. 1, 2000; Laws 2001, c. 437, § 2, eff. July 1, 2001; Laws 2002, c. 22, § 7, emerg. eff.

March 8, 2002; Laws 2007, c. 199, § 1, eff. Nov. 1, 2007; Laws 2009, c. 234, § 117, emerg. eff. May 21, 2009; Laws 2011, c. 385, § 1, eff. Nov. 1, 2011; Laws 2014, c. 147, § 1, eff. Nov. 1, 2014, and Laws 2014, c. 231, § 1, eff. Nov. 1, 2014; Laws 2015, c. 290, § 1, eff. Nov. 1, 2015; Laws 2021, c. 121, § 1, eff. Nov. 1, 2021; Laws 2024, c. 59, § 5, eff. Nov. 1, 2024.

NOTE: Laws 2001, c. 428, § 2 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002.

NOTE: Laws 2014, c. 147, § 1 and Laws 2014, c. 231, § 1 made identical changes to this section.

§21-13.1v2. Required service of minimum percentage of sentence - Offenses specified.

Persons convicted of:

1. First degree murder as defined in Section 701.7 of this title;

2. Second degree murder as defined by Section 701.8 of this title;
3. Manslaughter in the first degree as defined by Section 711 of this title;
4. Poisoning with intent to kill as defined by Section 651 of this title;
5. Shooting with intent to kill, use of a vehicle to facilitate use of a firearm, crossbow or other weapon, assault, battery, or assault and battery with a deadly weapon or by other means likely to produce death or great bodily harm, as provided for in Section 652 of this title;
6. Assault with intent to kill as provided for in Section 653 of this title;
7. Conjoint robbery as defined by Section 800 of this title;
8. Robbery with a dangerous weapon as defined in Section 801 of this title;
9. First degree robbery as defined in Section 797 of this title;
10. First degree rape as provided for in Section 1111, 1114 or 1115 of this title;
11. First degree arson as defined in Section 1401 of this title;
12. First degree burglary as provided for in Section 1436 of this title;
13. Bombing as defined in Section 1767.1 of this title;
14. Any crime against a child provided for in Section 843.5 of this title;
15. Forcible sodomy as defined in Section 888 of this title;
16. Child pornography or aggravated child pornography as defined in Section 1021.2, 1021.3, 1024.1, 1024.2 or 1040.12a of this title;
17. Child sex trafficking as defined in Section 1030 of this title;
18. Lewd molestation of a child as defined in Section 1123 of this title;
19. Abuse of a vulnerable adult as defined in Section 10-103 of Title 43A of the Oklahoma Statutes;
20. Aggravated trafficking as provided for in subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;
21. Aggravated assault and battery upon any person defending another person from assault and battery;
22. Human trafficking as provided for in Section 748 of this title; or
23. Accessory to murder in the first degree or accessory to murder in the second degree as provided for in Section 175 of this title,

shall be required to serve not less than eighty-five percent (85%) of any sentence of imprisonment imposed by the judicial system prior to becoming eligible for consideration for parole. Persons convicted of these offenses shall not be eligible for earned credits or any other type of credits which have the effect of reducing the length of the sentence to less than eighty-five percent (85%) of the sentence imposed.

Added by Laws 1999, 1st Ex. Sess., c. 4, § 30, eff. July 1, 1999.

Amended by Laws 2000, c. 291, § 2, eff. Nov. 1, 2000; Laws 2001, c. 437, § 2, eff. July 1, 2001; Laws 2002, c. 22, § 7, emerg. eff.

March 8, 2002; Laws 2007, c. 199, § 1, eff. Nov. 1, 2007; Laws 2009, c. 234, § 117, emerg. eff. May 21, 2009; Laws 2011, c. 385, § 1, eff. Nov. 1, 2011; Laws 2014, c. 147, § 1, eff. Nov. 1, 2014, and Laws 2014, c. 231, § 1, eff. Nov. 1, 2014; Laws 2015, c. 290, § 1, eff. Nov. 1, 2015; Laws 2021, c. 121, § 1, eff. Nov. 1, 2021; Laws 2024, c. 151, § 1, eff. Nov. 1, 2024; Laws 2025, c. 18, § 2, eff. Nov. 1, 2025.

NOTE: Laws 2001, c. 428, § 2 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002.

NOTE: Laws 2014, c. 147, § 1 and Laws 2014, c. 231, § 1 made identical changes to this section.

§21-13.1v3. Required service of minimum percentage of sentence - Offenses specified.

Persons convicted of:

1. First degree murder as provided for in Section 701.7 of this title;
2. Second degree murder as provided for in Section 701.8 of this title;
3. Manslaughter in the first degree as provided for in Section 711 of this title;
4. Poisoning with intent to kill as provided for in Section 651 of this title;
5. Shooting with intent to kill, use of a vehicle to facilitate use of a firearm, crossbow or other weapon, assault, battery, or assault and battery with a deadly weapon or by other means likely to produce death or great bodily harm, as provided for in Sections 644 and 652 of this title;
6. Assault with intent to kill as provided for in Section 653 of this title;
7. Conjoint robbery as provided for in Section 800 of this title;
8. Robbery with a dangerous weapon as provided for in Section 801 of this title;
9. First degree robbery as provided for in Section 797 of this title;

10. First degree rape as provided for in Section 1111 or 1114 of this title;
11. First degree arson as provided for in Section 1401 of this title;
12. First degree burglary as provided for in Section 1431 of this title;
13. Bombing as provided for in Section 1767.1 of this title;
14. Any crime against a child as provided for in Section 843.5 of this title;
15. Forcible sodomy as provided for in Section 888 of this title;
16. Child sexual abuse material or aggravated child sexual abuse material as provided for in Section 1021.2, 1021.3, 1024.1, 1024.2, or 1040.12a of this title;
17. Child sex trafficking as defined in Section 1030 of this title;
18. Lewd molestation of a child as provided for in Section 1123 of this title;
19. Abuse of a vulnerable adult as defined in Section 10-103 of Title 43A of the Oklahoma Statutes;
20. Aggravated trafficking as provided for in subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;
21. Aggravated assault and battery as provided for in Section 646 of this title upon any person defending another person from assault and battery; or
22. Human trafficking as defined in Section 748 of this title, shall be required to serve not less than eighty-five percent (85%) of any sentence of imprisonment imposed by the judicial system prior to becoming eligible for consideration for parole. Persons convicted of these offenses shall not be eligible for earned credits or any other type of credits which have the effect of reducing the length of the sentence to less than eighty-five percent (85%) of the sentence imposed.

Added by Laws 1999, 1st Ex. Sess., c. 4, § 30, eff. July 1, 1999.
Amended by Laws 2000, c. 291, § 2, eff. Nov. 1, 2000; Laws 2001, c. 437, § 2, eff. July 1, 2001; Laws 2002, c. 22, § 7, emerg. eff. March 8, 2002; Laws 2007, c. 199, § 1, eff. Nov. 1, 2007; Laws 2009, c. 234, § 117, emerg. eff. May 21, 2009; Laws 2011, c. 385, § 1, eff. Nov. 1, 2011; Laws 2014, c. 147, § 1, eff. Nov. 1, 2014, and Laws 2014, c. 231, § 1, eff. Nov. 1, 2014; Laws 2015, c. 290, § 1, eff. Nov. 1, 2015; Laws 2021, c. 121, § 1, eff. Nov. 1, 2021; Laws 2024, c. 151, § 1, eff. Nov. 1, 2024; Laws 2025, c. 162, § 1, eff. Nov. 1, 2025.

§21-13.1v4. Required service of minimum percentage of sentence - Offenses specified.

Persons convicted of:

1. First degree murder as provided for in Section 701.7 of this title;
2. Second degree murder as provided for in Section 701.8 of this title;
3. Manslaughter in the first degree as provided for in Section 711 of this title;
4. Poisoning with intent to kill as provided for in Section 651 of this title;
5. Shooting with intent to kill, use of a vehicle to facilitate use of a firearm, crossbow or other weapon, assault, battery, or assault and battery with a deadly weapon or by other means likely to produce death or great bodily harm, as provided for in Section 652 of this title;
6. Assault with intent to kill as provided for in Section 653 of this title;
7. Conjoint robbery as provided for in Section 800 of this title;
8. Robbery with a dangerous weapon as provided for in Section 801 of this title;
9. First degree robbery as provided for in Section 797 of this title;
10. First degree rape as provided for in Section 1111 or 1114 of this title;
11. First degree arson as provided for in Section 1401 of this title;
12. First degree burglary as provided for in Section 1431 of this title;
13. Bombing as provided for in Section 1767.1 of this title;
14. Any crime against a child as provided for in Section 843.5 of this title;
15. Forcible sodomy as provided for in Section 888 of this title;
16. Child sexual abuse material or aggravated child sexual abuse material as provided for in Section 1021.2, 1021.3, 1024.1, 1024.2, or 1040.12a of this title;
17. Child sex trafficking as defined in Section 1030 of this title;
18. Lewd molestation of a child as provided for in Section 1123 of this title;
19. Abuse of a vulnerable adult as defined in Section 10-103 of Title 43A of the Oklahoma Statutes;
20. Aggravated trafficking as provided for in subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;
21. Aggravated assault and battery as provided for in Section 646 of this title upon any person defending another person from assault and battery;

22. Human trafficking as defined in Section 748 of this title or

23. Discharging a firearm at or into a dwelling or building used for public or business purposes, as provided for in Section 1289.17A of this title, or any attempt, conspiracy, or solicitation thereof, shall be required to serve not less than eighty-five percent (85%) of any sentence of imprisonment imposed by the judicial system prior to becoming eligible for consideration for parole. Persons convicted of these offenses shall not be eligible for earned credits or any other type of credits which have the effect of reducing the length of the sentence to less than eighty-five percent (85%) of the sentence imposed.

Added by Laws 1999, 1st Ex. Sess., c. 4, § 30, eff. July 1, 1999. Amended by Laws 2000, c. 291, § 2, eff. Nov. 1, 2000; Laws 2001, c. 437, § 2, eff. July 1, 2001; Laws 2002, c. 22, § 7, emerg. eff. March 8, 2002; Laws 2007, c. 199, § 1, eff. Nov. 1, 2007; Laws 2009, c. 234, § 117, emerg. eff. May 21, 2009; Laws 2011, c. 385, § 1, eff. Nov. 1, 2011; Laws 2014, c. 147, § 1, eff. Nov. 1, 2014, and Laws 2014, c. 231, § 1, eff. Nov. 1, 2014; Laws 2015, c. 290, § 1, eff. Nov. 1, 2015; Laws 2021, c. 121, § 1, eff. Nov. 1, 2021; Laws 2024, c. 151, § 1, eff. Nov. 1, 2024; Laws 2025, c. 352, § 1, eff. Nov. 1, 2025.

NOTE: Laws 2001, c. 428, § 2 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002.

NOTE: Laws 2014, c. 147, § 1 and Laws 2014, c. 231, § 1 made identical changes to this section.

§21-14. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-15. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-16. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-17. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-18. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-19. Uniform reporting system to be used by criminal and juvenile justice information systems.

For purposes of any crime specified by the criminal code of this title or any provision of the law in this state, all criminal and juvenile justice information systems shall adopt and use the uniform reporting standard created and published by the Oklahoma State Bureau of Investigation as provided by Section 1517 of Title 22 of the Oklahoma Statutes. The uniform reporting standard shall insure the accurate reporting of all criminal and juvenile delinquency information relating to arrests, charges, custody records, dispositions, and any other information record purporting to identify a criminal or juvenile delinquency history record or information to be maintained by any criminal or juvenile justice information system within this state. Every district court, criminal justice agency, and juvenile delinquency agency of this state is hereby directed to comply with and use the uniform reporting standard for reporting and maintaining all criminal justice information systems of this state.

Added by Laws 2001, c. 122, § 2, eff. July 1, 2001. Amended by Laws 2009, c. 178, § 5.

§21-20.1. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-20.2. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-20.3. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-20.4. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-20A. Short title – Oklahoma Sentencing Modernization Act of 2024 – Classification system for felony offenses.

A. This act shall be known and may be cited as the "Oklahoma Sentencing Modernization Act of 2024".

B. There is hereby established a classification system for all felony criminal offenses provided for in the Oklahoma Statutes that places the offenses into classes on the basis of the severity of the offense and other factors of the commission of the crime. All felonies provided for by the Oklahoma Statutes shall be classified in the following manner:

1. "Class Y" is reserved for the crime of murder in the first degree as defined by Section 701.7 of Title 21 of the Oklahoma Statutes; and

2. "Class A1", "Class A2", "Class A3", "Class B1", "Class B2", "Class B3", "Class B4", "Class B5", "Class B6", "Class C1", "Class

C2", "Class D1", "Class D2", and "Class D3" are reserved for all other violent and nonviolent felony offenses.

Added by Laws 2024, c. 366, § 1, eff. Jan. 1, 2026.

§21-20B. Class Y offenses.

A. Upon the effective date of this act, Class Y shall include the following criminal offenses:

1. Murder in the first degree as provided for in subsection A of Section 701.7 of Title 21 of the Oklahoma Statutes;

2. Murder in the first degree during the commission of a crime, as provided for in subsection B of Section 701.7 of Title 21 of the Oklahoma Statutes;

3. Murder in the first degree when the death of a child results from willful or malicious injuring, torturing, maiming, or using unreasonable force, as provided for in subsection C of Section 701.7 of Title 21 of the Oklahoma Statutes;

4. Murder in the first degree when the person solicits another to cause the death of another human being in furtherance of unlawfully manufacturing, distributing, or dispensing a controlled dangerous substance, as provided for in subsection D of Section 701.7 of Title 21 of the Oklahoma Statutes;

5. Murder in the first degree when the person intentionally causes the death of a law enforcement officer, as provided for in subsection E of Section 701.7 of Title 21 of the Oklahoma Statutes; and

6. Murder in the first degree when a person kills another person or causes the death of another human being in the commission of an act of terrorism, as provided for in subsection C of Section 1268.2 of Title 21 of the Oklahoma Statutes.

B. Any person convicted of a Class Y criminal offense set forth in this section shall be punished in accordance with the corresponding penalties provided for in the Oklahoma Statutes.

Added by Laws 2024, c. 366, § 2, eff. Jan. 1, 2026.

§21-20C. Class A1 offenses.

A. Upon the effective date of this act, Class A1 shall include the following criminal offenses:

1. Domestic abuse committed against a pregnant woman with knowledge of the pregnancy and a miscarriage occurs or injury to the unborn child, as provided for in subsection E of Section 644 of Title 21 of the Oklahoma Statutes;

2. Administering poison with intent to kill, as provided for in Section 651 of Title 21 of the Oklahoma Statutes;

3. Second degree murder, as provided for in paragraph 1 of Section 701.8 of Title 21 of the Oklahoma Statutes;

4. Second degree murder by a person engaged in the commission of a felony, as provided for in paragraph 2 of Section 701.8 of Title 21 of the Oklahoma Statutes;

5. Kidnapping for the purpose of extorting money, as provided for in subsection A of Section 745 of Title 21 of the Oklahoma Statutes;

6. Sexual abuse of a child under twelve (12) years of age, as provided for in subsection F of Section 843.5 of Title 21 of the Oklahoma Statutes;

7. Sexual exploitation of a child under twelve (12) years of age, as provided for in subsection I of Section 843.5 of Title 21 of the Oklahoma Statutes;

8. Sexual abuse of a child under fourteen (14) years of age subsequent to a previous conviction of sexual abuse of a child under fourteen (14) years of age, as provided for in subsection K of Section 843.5 of Title 21 of the Oklahoma Statutes;

9. Soliciting or aiding a minor to perform an obscene act, as provided for in paragraph 1 of subsection B of Section 1021 of Title 21 of the Oklahoma Statutes;

10. Showing, exhibiting, loaning, or distributing to a minor child obscene material or child pornography for purposes of inducing the minor to participate in an obscene act, as provided for in paragraph 2 of subsection B of Section 1021 of Title 21 of the Oklahoma Statutes;

11. Murder, maiming, robbery, rape, or arson committed in the course of a riot, as provided for in paragraph 1 of Section 1312 of Title 21 of the Oklahoma Statutes;

12. Burglary by the aid or use of any explosive, as provided for in Section 1441 of Title 21 of the Oklahoma Statutes;

13. Place, manufacture, possess, display, or threaten to use any explosive or incendiary device and personal injury results, as provided for in Section 1767.1 of Title 21 of the Oklahoma Statutes;

14. Aggravated manufacturing a controlled dangerous substance, as provided for in paragraph 3 of subsection G of Section 2-401 of Title 63 of the Oklahoma Statutes; and

15. Using any explosive or blasting agent to kill, injure, or intimidate any person or to damage any real or personal property and personal injury results, as provided for in subsection B of Section 124.8 of Title 63 of the Oklahoma Statutes.

B. Any person convicted of a Class A1 criminal offense set forth in this section shall be punished in accordance with the corresponding penalties provided for in the Oklahoma Statutes. Added by Laws 2024, c. 366, § 3, eff. Jan. 1, 2026.

§21-20D. Class A2 offenses.

A. Upon the effective date of this act, Class A2 shall include the following criminal offenses:

1. Accessory to murder in the first degree, as provided for in paragraph 5 of Section 175 of Title 21 of the Oklahoma Statutes;
2. Aggravated assault and battery upon a police officer, sheriff, deputy sheriff, highway patrolman, corrections personnel, or any state peace officer that results in maiming, as provided for in subsection B of Section 650 of Title 21 of the Oklahoma Statutes;
3. Solicitation for murder in the first degree, as provided for in Section 701.16 of Title 21 of the Oklahoma Statutes;
4. Manslaughter in the first degree, as provided for in Section 711 of Title 21 of the Oklahoma Statutes;
5. Administration of poison, drug, or medicine by an intoxicated physician to another person that causes the death of such other person, as provided for in Section 712 of Title 21 of the Oklahoma Statutes;
6. Aiding, assisting, or participating in the receipt, possession, or exchange of money or thing of value from the kidnapped person, as provided for in subsection B of Section 745 of Title 21 of the Oklahoma Statutes;
7. Human trafficking for labor or commercial sex, as provided for in subsection C of Section 748 of Title 21 of the Oklahoma Statutes;
8. Female genital mutilation, as provided for in Section 760 of Title 21 of the Oklahoma Statutes;
9. Robbery in the first degree, as provided for in Section 798 of Title 21 of the Oklahoma Statutes;
10. Conjoint robbery committed by two or more persons, as provided for in Section 800 of Title 21 of the Oklahoma Statutes;
11. Robbery or attempted robbery with a dangerous weapon or imitation firearm, as provided for in Section 801 of Title 21 of the Oklahoma Statutes;
12. Wiring or equipping vehicles or structures with explosive materials, things, or devices with intent to cause bodily injury or death to another person, as provided for in Section 849 of Title 21 of the Oklahoma Statutes;
13. Aggravated possession of child pornography, as provided for in Section 1040.12a of Title 21 of the Oklahoma Statutes;
14. Rape by instrumentation, as provided for in Section 1111.1 of Title 21 of the Oklahoma Statutes;
15. Rape in the first degree, as provided for in subsection A of Section 1114 of Title 21 of the Oklahoma Statutes;
16. Compelling a woman to marry another person against her will by force, menace, or duress, as provided for in Section 1117 of Title 21 of the Oklahoma Statutes;
17. Maliciously, wantonly, or negligently removing, injuring, or destroying any railroad or railroad equipment that results in the death of another human being, as provided for in Section 1752 of Title 21 of the Oklahoma Statutes;

18. Resisting or aiding in resisting the execution of process during a state of riot or insurrection, as provided for in Section 107 of Title 22 of the Oklahoma Statutes;

19. Driving under the influence of alcohol or other intoxicating substance after a previous conviction of murder in the second degree or manslaughter in the first degree where a death was caused as a result of driving under the influence of alcohol or other intoxicating substance, as provided for in paragraph 5 of subsection C of Section 11-902 of Title 47 of the Oklahoma Statutes;

20. Manufacturing or attempting to manufacture any controlled dangerous substance or the possession of certain substances, as provided for in paragraph 2 of subsection G of Section 2-401 of Title 63 of the Oklahoma Statutes; and

21. Robbery or attempted robbery of controlled dangerous substances from a practitioner, manufacturer, distributor, or agent thereof, as provided for in subsection B of Section 2-403 of Title 63 of the Oklahoma Statutes.

B. Any person convicted of a Class A2 criminal offense set forth in this section shall be punished in accordance with the corresponding penalties provided for in the Oklahoma Statutes. Added by Laws 2024, c. 366, § 4, eff. Jan. 1, 2026.

§21-20E. Class A3 offenses.

A. Upon the effective date of this act, Class A3 shall include the following criminal offenses:

1. Domestic assault and battery with a deadly weapon, as provided for in paragraph 2 of subsection D of Section 644 of Title 21 of the Oklahoma Statutes;

2. Second or subsequent conviction of domestic abuse against a pregnant woman with knowledge of the pregnancy, as provided for in subsection E of Section 644 of Title 21 of the Oklahoma Statutes;

3. Aggravated assault and battery upon a police officer, sheriff, deputy sheriff or highway patrolman, corrections personnel, or any state peace officer, as provided for in subsection A of Section 650 of Title 21 of the Oklahoma Statutes;

4. Shooting with the intent to kill, as provided for in subsection A of Section 652 of Title 21 of the Oklahoma Statutes;

5. Using a vehicle to facilitate the intentional discharge of a firearm, crossbow, or other weapon, as provided for in subsection B of Section 652 of Title 21 of the Oklahoma Statutes;

6. Assault and battery with a deadly weapon, as provided for in subsection C of Section 652 of Title 21 of the Oklahoma Statutes;

7. Maiming, as provided for in Section 751 of Title 21 of the Oklahoma Statutes;

8. Sexual abuse by a caretaker, as provided for in paragraph 2 of subsection B of Section 843.1 of Title 21 of the Oklahoma Statutes;

9. Child abuse, as provided for in subsection A of Section 843.5 of Title 21 of the Oklahoma Statutes;

10. Enabling child abuse, as provided for in subsection B of Section 843.5 of Title 21 of the Oklahoma Statutes;

11. Child sexual abuse, as provided for in subsection E of Section 843.5 of Title 21 of the Oklahoma Statutes;

12. Enabling child sexual abuse, as provided for in subsection G of Section 843.5 of Title 21 of the Oklahoma Statutes;

13. Child sexual exploitation, as provided for in subsection H of Section 843.5 of Title 21 of the Oklahoma Statutes;

14. Enabling child sexual exploitation, as provided for in subsection J of Section 843.5 of Title 21 of the Oklahoma Statutes;

15. Lewd or indecent proposals or acts to a child, as provided for in subsection A of Section 1123 of Title 21 of the Oklahoma Statutes;

16. Terrorism, as provided for in subsection B of Section 1268.2 of Title 21 of the Oklahoma Statutes;

17. Conspiracy to commit terrorism, as provided for in subsection A of Section 1268.3 of Title 21 of the Oklahoma Statutes;

18. Any person above the age of eighteen (18) who, on campuses or public school grounds, advocates revolution, sabotage, force and violation, sedition, treason, or the overthrow of the United States government, as provided for in subsection B of Section 1327 of Title 21 of the Oklahoma Statutes;

19. Arson in the first degree, as provided for in subsection A of Section 1401 of Title 21 of the Oklahoma Statutes;

20. Arson while manufacturing, attempting to manufacture, or endeavoring to manufacture a controlled dangerous substance, as provided for in subsection B of Section 1401 of Title 21 of the Oklahoma Statutes; and

21. Causing personal injury while committing an act of arson, as provided for in Section 1405 of Title 21 of the Oklahoma Statutes.

B. Any person convicted of a Class A3 criminal offense set forth in this section shall be punished in accordance with the corresponding penalties provided for in the Oklahoma Statutes. Added by Laws 2024, c. 366, § 5, eff. Jan. 1, 2026. Amended by Laws 2025, c. 187, § 1, eff. Jan. 1, 2026.

§21-20F. Class B1 offenses.

A. Upon the effective date of this act, Class B1 shall include the following criminal offenses:

1. Accessory to murder in the second degree, as provided for in paragraph 5 of Section 175 of Title 21 of the Oklahoma Statutes;

2. Rescuing or attempting to rescue a prisoner charged or convicted of a felony, as provided for in paragraph 1 of Section 521 of Title 21 of the Oklahoma Statutes;

3. Aiding suicide, as provided for in Section 813 of Title 21 of the Oklahoma Statutes;

4. Aiding suicide by furnishing the person with deadly weapons or poisonous drugs, as provided for in Section 814 of Title 21 of the Oklahoma Statutes;

5. Mingling poison, controlled dangerous substances, or sharp objects harmful to human life with any food, drink, medicine, or water, as provided for in Section 832 of Title 21 of the Oklahoma Statutes;

6. Abuse, financial neglect, neglect, or exploitation by a caretaker, as provided for in paragraph 1 of subsection B of Section 843.1 of Title 21 of the Oklahoma Statutes;

7. Engaging in child neglect, as provided for in subsection C of Section 843.5 of Title 21 of the Oklahoma Statutes;

8. Enabling child neglect, as provided for in subsection D of Section 843.5 of Title 21 of the Oklahoma Statutes;

9. Forcible sodomy, as provided for in subsection A of Section 888 of Title 21 of the Oklahoma Statutes;

10. Sodomy by a person over eighteen (18) years of age upon a person under sixteen (16) years of age, as provided for in paragraph 1 of subsection B of Section 888 of Title 21 of the Oklahoma Statutes;

11. Sodomy upon a person incapable through mental illness or unsoundness of mind to give legal consent, as provided for in paragraph 2 of subsection B of Section 888 of Title 21 of the Oklahoma Statutes;

12. Sodomy with any person by means of force, violence, or threats of force or violence, as provided for in paragraph 3 of subsection B of Section 888 of Title 21 of the Oklahoma Statutes;

13. Sodomy upon a person under the legal custody, supervision, or authority of a state agency, county, municipality, or political subdivision of the state, as provided for in paragraph 4 of subsection B of Section 888 of Title 21 of the Oklahoma Statutes;

14. Sodomy upon a person at least sixteen (16) years of age but less than twenty (20) years of age and who is a student of any public or private secondary school, junior high, high school, or public vocational school with a person eighteen (18) years of age or older and who is employed by the same school system, as provided for in paragraph 5 of subsection B of Section 888 of Title 21 of the Oklahoma Statutes;

15. Sodomy upon a person who is unconscious, as provided for in paragraph 7 of subsection B of Section 888 of Title 21 of the Oklahoma Statutes;

16. Sodomy upon a person who is intoxicated by a narcotic or anesthetic agent administered by or with the privity of the accused, as provided for in paragraph 8 of subsection B of Section 888 of Title 21 of the Oklahoma Statutes;

17. Procuring or causing the participation of a minor in child pornography or possessing, procuring, manufacturing, selling, or distributing child pornography, as provided for in Section 1021.2 of Title 21 of the Oklahoma Statutes;

18. Permitting or consenting to the participation of a minor in child pornography by a parent, guardian, or individual having custody, as provided for in Section 1021.3 of Title 21 of the Oklahoma Statutes;

19. Buying, procuring, or possessing child pornography, as provided for in Section 1024.2 of Title 21 of the Oklahoma Statutes;

20. Child sex trafficking, as provided for in subsection B of Section 1029 of Title 21 of the Oklahoma Statutes;

21. Receiving or offering to agree to receive a child for purposes of prostitution, as provided for in paragraph 2 of subsection A of Section 1087 of Title 21 of the Oklahoma Statutes;

22. Transporting or aiding in the transport of a child for prostitution, as provided for in paragraph 3 of subsection A of Section 1087 of Title 21 of the Oklahoma Statutes;

23. Permitting the prostitution of a child in any house, building, room, other premises, or any conveyances under the control of a person, as provided for in paragraph 2 of subsection B of Section 1087 of Title 21 of the Oklahoma Statutes;

24. Causing, inducing, persuading, or encouraging a child by promise, threats, violence, or any device or scheme to engage in prostitution, as provided for in paragraph 1 of subsection A of Section 1088 of Title 21 of the Oklahoma Statutes;

25. Keeping, holding, detaining, restraining, or compelling a child to engage in prostitution, as provided for in paragraph 2 of subsection A of Section 1088 of Title 21 of the Oklahoma Statutes;

26. Keeping, holding, detaining, restraining, or compelling a child to engage in prostitution for purposes of compelling the child to pay, liquidate, or cancel any debts, dues, or obligations incurred by the child, as provided for in paragraph 3 of subsection A of Section 1088 of Title 21 of the Oklahoma Statutes;

27. Permitting the keeping, holding, detaining, or restraining of a child for prostitution in any house, building, room, other premises, or any conveyances under the control of a person, as provided for in paragraph 2 of subsection B of Section 1088 of Title 21 of the Oklahoma Statutes;

28. Advocating the revolution, sabotage, force and violation, sedition, treason, or overthrow of the government of the United States, as provided for in Section 1266 of Title 21 of the Oklahoma Statutes;

29. Commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy, or alter the government of the United States, as provided for in Section 1266.4 of Title 21 of the Oklahoma Statutes;

30. Biochemical terrorism, as provided for in subsection D of Section 1268.2 of Title 21 of the Oklahoma Statutes;

31. Biochemical assault when the person knows the substance is toxic, noxious, or lethal to humans, as provided for in subsection C of Section 1268.5 of Title 21 of the Oklahoma Statutes;

32. Second or subsequent conviction of using a firearm while committing a felony, as provided for in subsection A of Section 1287 of Title 21 of the Oklahoma Statutes;

33. Discharging a firearm or other deadly weapon at or into a dwelling or building used for public or business purposes, as provided for in Section 1289.17A of Title 21 of the Oklahoma Statutes;

34. Directing, advising, encouraging, or soliciting other persons to commit acts of force or violence while participating in a riot, as provided for in paragraph 4 of Section 1312 of Title 21 of the Oklahoma Statutes;

35. Burglary in the first degree, as provided for in Section 1431 of Title 21 of the Oklahoma Statutes;

36. Seizing or exercising control of any bus by force or violence or by threats of force or violence, as provided for in subsection A of Section 1903 of Title 21 of the Oklahoma Statutes;

37. Using a dangerous or deadly weapon while seizing or exercising control of a bus or when intimidating, threatening, assaulting, or battering a bus driver, as provided for in subsection C of Section 1903 of Title 21 of the Oklahoma Statutes;

38. Receiving, acquiring, and concealing proceeds derived from unlawful activities in an amount of more than Fifty Thousand Dollars (\$50,000.00), as provided for in paragraph 4 of subsection G of Section 2001 of Title 21 of the Oklahoma Statutes;

39. Participating in racketeering activities, as provided for in subsection A of Section 1403 of Title 22 of the Oklahoma Statutes;

40. Acquiring or maintaining any interest in or control of any enterprise or real property through racketeering activities, as provided for in subsection B of Section 1403 of Title 22 of the Oklahoma Statutes;

41. Using or investing any part of proceeds derived from racketeering activities, as provided for in subsection C of Section 1403 of Title 22 of the Oklahoma Statutes;

42. Conspiring with others to commit unlawful racketeering activities, as provided for in subsection D of Section 1403 of Title 22 of the Oklahoma Statutes;

43. Causing an accident resulting in great bodily injury while driving under the influence of alcohol or other intoxicating substance, as provided for in paragraph 1 of subsection B of Section 11-904 of Title 47 of the Oklahoma Statutes; and

44. Trafficking in fentanyl or carfentanyl, or any fentanyl analogs or derivatives, as provided for in subparagraph a of paragraph 12 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes.

B. Any person convicted of a Class B1 criminal offense set forth in this section shall be punished in accordance with the corresponding penalties provided for in the Oklahoma Statutes. Added by Laws 2024, c. 366, § 6, eff. Jan. 1, 2026. Amended by Laws 2025, c. 187, § 2, eff. Jan. 1, 2026.

§21-20G. Class B2 offenses.

A. Upon the effective date of this act, Class B2 shall include the following criminal offenses:

1. Transport, move, or attempt to transport in this state any alien knowing that the alien has entered the United States in violation of law, as provided for in subsection A of Section 446 of Title 21 of the Oklahoma Statutes;

2. Conceal, harbor, or shelter from detection any alien in any place within this state knowing that the alien has entered the United States in violation of law, as provided for in subsection B of Section 446 of Title 21 of the Oklahoma Statutes;

3. Intentionally destroy, hide, alter, abscond with, or keep certain identification documentation of an individual for the purpose of trafficking the individual, as provided for in subsection C of Section 446 of Title 21 of the Oklahoma Statutes;

4. Allowing any person lawfully held in custody to escape or go at large by a sheriff, deputy, coroner, clerk of a court, constable, or other ministerial officer, as provided for in Section 532 of Title 21 of the Oklahoma Statutes;

5. Kidnapping, as provided for in Section 741 of Title 21 of the Oklahoma Statutes;

6. Causing, aiding, abetting, or encouraging a minor child to distribute, dispense, possess, or manufacture a controlled dangerous substance or a counterfeit or imitation controlled dangerous substance, as provided for in Section 856.1 of Title 21 of the Oklahoma Statutes;

7. Trafficking in children, as provided for in Section 866 of Title 21 of the Oklahoma Statutes;

8. Photographing, publishing, distributing, or participating in the preparation of child pornography, as provided for in subsection C of Section 1040.8 of Title 21 of the Oklahoma Statutes;

9. Procuring another for the purpose of prostitution, as provided for in Section 1081 of Title 21 of the Oklahoma Statutes;

10. Keeping, holding, detaining, or restraining against her will a female in a house of prostitution, as provided for in Section 1085 of Title 21 of the Oklahoma Statutes;

11. Rape in the second degree, as provided for in subsection B of Section 1114 of Title 21 of the Oklahoma Statutes;

12. Arson in the second degree, as provided for in Section 1402 of Title 21 of the Oklahoma Statutes;

13. Second or subsequent conviction of residing, either temporarily or permanently, within a two-thousand-foot radius of a public or private school, playground, park, licensed child care center, family child care home, or residence of a victim by a person who is required to register as a sex offender pursuant to the Sex Offenders Registration Act, as provided for in subsection A of Section 590 of Title 57 of the Oklahoma Statutes;

14. Second or subsequent conviction for residing with a minor child by a person who is required to register as a sex offender pursuant to the Sex Offenders Registration Act for an offense in which a minor child was the victim, as provided for in subsection B of Section 590 of Title 57 of the Oklahoma Statutes;

15. Breaking into and entering the dwelling house of a defendant by a bail enforcer, as provided for in Section 1350.6 of Title 59 of the Oklahoma Statutes;

16. Possessing a drug product containing ephedrine, pseudoephedrine, or phenylpropanolamine with intent to use the product as a precursor to manufacture methamphetamine or other controlled substance, as provided for in subsection A of Section 2-332 of Title 63 of the Oklahoma Statutes;

17. Aggravated trafficking of marijuana, as provided for in subparagraph b of paragraph 1 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

18. Aggravated trafficking of cocaine, coca leaves, or cocaine base, as provided for in subparagraph c of paragraph 2 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

19. Aggravated trafficking of heroin, as provided for in subparagraph b of paragraph 3 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

20. Aggravated trafficking of amphetamine or methamphetamine, as provided for in subparagraph c of paragraph 4 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

21. Aggravated trafficking of lysergic acid diethylamide (LSD), as provided for in subparagraph b of paragraph 5 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes; and

22. Aggravated trafficking of phencyclidine (PCP), as provided for in subparagraph b of paragraph 6 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes.

B. Any person convicted of a Class B2 criminal offense set forth in this section shall be punished in accordance with the corresponding penalties provided for in the Oklahoma Statutes. Added by Laws 2024, c. 366, § 7, eff. Jan. 1, 2026.

§21-20H. Class B3 offenses.

A. Upon the effective date of this act, Class B3 shall include the following criminal offenses:

1. Embezzlement of state property by a public officer of the state or any county, city, town, or member or officer of the Legislature, deputy, or clerk, as provided for in Section 341 of Title 21 of the Oklahoma Statutes;

2. Burning, destroying, or injuring any public building, as provided for in Section 349 of Title 21 of the Oklahoma Statutes;

3. Resisting or aiding in resisting the execution of process, as provided for in Section 539 of Title 21 of the Oklahoma Statutes;

4. Domestic abuse with a prior pattern of physical abuse, as provided for in Section 644.1 of Title 21 of the Oklahoma Statutes;

5. Assault, battery, or assault and battery upon an intimate partner or a family or household member with any sharp or dangerous weapon, as provided for in paragraph 1 of subsection D of Section 644 of Title 21 of the Oklahoma Statutes;

6. Assault and battery against a current or former intimate partner or a family or household member that results in great bodily injury to the victim, as provided for in subsection F of Section 644 of Title 21 of the Oklahoma Statutes;

7. Second or subsequent conviction for assault and battery by strangulation or attempted strangulation against an intimate partner or a family or household member, as provided for in subsection J of Section 644 of Title 21 of the Oklahoma Statutes;

8. Second or subsequent conviction for committing or attempting to commit a felony while wearing body armor, as provided for in Section 1289.26 of Title 21 of the Oklahoma Statutes;

9. Riotous assembly for the purpose of resisting the execution of any statute or obstructing any public officer, as provided for in paragraph 2 of Section 1312 of Title 21 of the Oklahoma Statutes;

10. Carrying at the time of a riot any firearm or other deadly weapon or being disguised while participating in a riot, as provided for in paragraph 3 of Section 1312 of Title 21 of the Oklahoma Statutes;

11. Directing, advising, encouraging, or soliciting other persons to use force or violence while participating in a riot, as provided for in paragraph 4 of Section 1312 of Title 21 of the Oklahoma Statutes;

12. Arson with the intent to injure or defraud the insurer, as provided for in subsection B of Section 1403 of Title 21 of the Oklahoma Statutes;

13. Forgery in the first degree, as provided for in Section 1561 of Title 21 of the Oklahoma Statutes;

14. Forgery of stock certificates or securities, as provided for in Section 1562 of Title 21 of the Oklahoma Statutes;

15. Fraudulently uttering one's signature on any instrument as that of another with the same name, as provided for in Section 1622 of Title 21 of the Oklahoma Statutes;

16. Fraudulently uttering one's endorsement on any negotiable instrument as that of another with the same name, as provided for in Section 1623 of Title 21 of the Oklahoma Statutes;

17. Total or partial erasure or obliteration of any instrument or writing with intent to defraud, as provided for in Section 1624 of Title 21 of the Oklahoma Statutes;

18. Signing fictitious name as an officer or agent of a corporation, as provided for in Section 1626 of Title 21 of the Oklahoma Statutes;

19. Procuring, soliciting, selling, or receiving more than ten (10) telephone records by fraudulent, deceptive, or false means, as provided for in paragraph 3 of subsection B of Section 1742.2 of Title 21 of the Oklahoma Statutes;

20. Violating the Viatical Settlements Act of 2008, as provided for in paragraph 1 of subsection F of Section 4055.14 of Title 36 of the Oklahoma Statutes;

21. Third or subsequent conviction of driving under the influence of alcohol or other intoxicating substance, as provided for in paragraph 4 of subsection C of Section 11-902 of Title 47 of the Oklahoma Statutes;

22. Driving under the influence with a blood or breath alcohol concentration of fifteen-hundredths (0.15) or more, as provided for in subsection D of Section 11-902 of Title 47 of the Oklahoma Statutes;

23. Injuring, destroying, or attempting to injure or destroy any hazardous liquid transportation system, as provided for in Section 47.6 of Title 52 of the Oklahoma Statutes;

24. Bringing into or having in his or her possession in any jail, state penal institution, or other place where prisoners are located, any gun, knife, bomb, other dangerous instrument, controlled dangerous substance, alcoholic beverage, money, or financial documents, as provided for in subsection A of Section 21 of Title 57 of the Oklahoma Statutes;

25. Purchasing or attempting to purchase, receive, or otherwise acquire any product, mixture, or preparation containing any detectable quantity of base pseudoephedrine or ephedrine after a conviction of manufacturing or attempting to manufacture methamphetamine, as provided for in paragraph 5 of subsection G of Section 2-401 of Title 63 of the Oklahoma Statutes;

26. Distributing, other than by dispensing, a Schedule I or Schedule II controlled dangerous substance, in the course of legitimate business, as provided for in paragraph 1 of subsection A of Section 2-406 of Title 63 of the Oklahoma Statutes;

27. Using a fictitious, revoked, suspended, or fraudulent registration number in the course of manufacturing or distributing a controlled dangerous substance, as provided for in paragraph 2 of subsection A of Section 2-406 of Title 63 of the Oklahoma Statutes;

28. Furnishing false or fraudulent material information in, or omitting any material information from, any application, report, or document required by the Uniform Controlled Dangerous Substances Act, as provided for in paragraph 4 of subsection A of Section 2-406 of Title 63 of the Oklahoma Statutes;

29. Making, distributing, or possessing any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, upon any drug, container, or labeling, as provided for in paragraph 5 of subsection A of Section 2-406 of Title 63 of the Oklahoma Statutes;

30. Trafficking twenty-five (25) pounds or more of marijuana, as provided for in subparagraph a of paragraph 1 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

31. Trafficking twenty-eight (28) grams or more of cocaine, coca leaves, or cocaine base, as provided for in subparagraph a of paragraph 2 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

32. Trafficking three hundred (300) grams or more of cocaine, coca leaves, or cocaine base, as provided for in subparagraph b of paragraph 2 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

33. Trafficking ten (10) grams or more of heroin, as provided for in subparagraph a of paragraph 3 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

34. Trafficking twenty (20) grams or more of amphetamine or methamphetamine, as provided for in subparagraph a of paragraph 4 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

35. Trafficking two hundred (200) grams or more of amphetamine or methamphetamine, as provided for in subparagraph b of paragraph 4 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

36. Trafficking one (1) gram or more of lysergic acid diethylamide (LSD), as provided for in subparagraph a of paragraph 5 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

37. Trafficking twenty (20) grams or more of phencyclidine (PCP), as provided for in subparagraph a of paragraph 6 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

38. Trafficking thirty (30) tablets or ten (10) grams of 3,4-Methylenedioxy methamphetamine, as provided for in subparagraph a of paragraph 7 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

39. Aggravated trafficking one hundred (100) tablets or thirty (30) grams of 3,4-Methylenedioxy methamphetamine, as provided for in subparagraph b of paragraph 7 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

40. Trafficking one thousand (1,000) grams or more of morphine, as provided for in paragraph 8 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

41. Trafficking four hundred (400) grams or more of oxycodone, as provided for in paragraph 9 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

42. Trafficking three thousand seven hundred fifty (3,750) grams or more of hydrocodone, as provided for in paragraph 10 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

43. Trafficking five hundred (500) grams or more of benzodiazepine, as provided for in paragraph 11 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

44. Trafficking one (1) gram or more of fentanyl or carfentanyl, as provided for in subparagraph a of paragraph 12 of subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

45. Employing, hiring, or using an individual under fifteen (15) years of age to unlawfully transport, carry, sell, give away, prepare for sale, or peddle any controlled dangerous substance, as provided for in subsection D of Section 2-419.1 of Title 63 of the Oklahoma Statutes;

46. Second or subsequent conviction for violating the Vessel and Motor Chop Shop, Stolen and Altered Property Act, as provided for in subsection J of Section 4253 of Title 63 of the Oklahoma Statutes; and

47. Third or subsequent conviction for violating the Vessel and Motor Chop Shop, Stolen and Altered Property Act, as provided for in subsection J of Section 4253 of Title 63 of the Oklahoma Statutes.

B. Any person convicted of a Class B3 criminal offense set forth in this section shall be punished in accordance with the corresponding penalties provided for in the Oklahoma Statutes. Added by Laws 2024, c. 366, § 8, eff. Jan. 1, 2026.

§21-20I. Class B4 offenses.

A. Upon the effective date of this act, Class B4 shall include the following criminal offenses:

1. Concealing the birth or death of a child, as provided for in Section 53 of Title 21 of the Oklahoma Statutes;

2. Assault, battery, or assault and battery with a sharp or dangerous weapon, as provided for in Section 645 of Title 21 of the Oklahoma Statutes;

3. Robbery in the second degree, as provided for in Section 799 of Title 21 of the Oklahoma Statutes;

4. Neglecting a vulnerable adult, as provided for in subsection A of Section 843.3 of Title 21 of the Oklahoma Statutes;

5. Malicious harassment of another person based on that person's race, color, religion, ancestry, national origin, or disability, as provided for in Section 850 of Title 21 of the Oklahoma Statutes;

6. Abandonment of a child under ten (10) years of age, as provided for in Section 851 of Title 21 of the Oklahoma Statutes;

7. Abandonment of a wife or child under fifteen (15) years of age, as provided for in Section 853 of Title 21 of the Oklahoma Statutes;

8. Second or subsequent conviction for causing, aiding, abetting, encouraging, soliciting, or recruiting a minor to participate, join, or associate with a criminal street gang, as provided for in subsection E of Section 856 of Title 21 of the Oklahoma Statutes;

9. Incest, as provided for in Section 885 of Title 21 of the Oklahoma Statutes;

10. Crime against nature, as provided for in Section 886 of Title 21 of the Oklahoma Statutes;

11. Taking or enticing away any child under sixteen (16) years of age with the intent to detain or conceal such child, as provided for in Section 891 of Title 21 of the Oklahoma Statutes;

12. Indecent exposure, as provided for in paragraph 1 of subsection A of Section 1021 of Title 21 of the Oklahoma Statutes;

13. Procuring, counseling, or assisting another to commit an act of indecent exposure, as provided for in paragraph 2 of subsection A of Section 1021 of Title 21 of the Oklahoma Statutes;

14. Preparing, publishing, selling, distributing, downloading on a computer, or exhibiting obscene material or child pornography, as provided for in paragraph 3 of subsection A of Section 1021 of Title 21 of the Oklahoma Statutes;

15. Preparing, selling, giving, loaning, distributing, or exhibiting any type of obscene material or child pornography, as provided for in paragraph 4 of subsection A of Section 1021 of Title 21 of the Oklahoma Statutes;

16. Operating, owning, or maintaining a house of prostitution, soliciting, enticing, or procuring another for prostitution, or transporting or assisting in the transport of another for prostitution purposes, as provided for in Section 1028 of Title 21 of the Oklahoma Statutes;

17. Engaging in prostitution or soliciting, inducing, enticing, or procuring another to commit an act of prostitution, as provided for in subsection A of Section 1029 of Title 21 of the Oklahoma Statutes;

18. Purchasing, selling, or distributing obscene material or child pornography, as provided for in Section 1040.13 of Title 21 of the Oklahoma Statutes;

19. Encouraging, offering, or soliciting sexual conduct with a minor by use of technology, as provided for in Section 1040.13a of Title 21 of the Oklahoma Statutes;

20. Promoting a pyramid promotional scheme, as provided for in Section 1073 of Title 21 of the Oklahoma Statutes;

21. Second or subsequent offense of permitting prostitution in any house, building, room, or premises under the control of such person, as provided for in Section 1086 of Title 21 of the Oklahoma Statutes;

22. Offering or offering to secure a child under eighteen (18) years of age for the purpose of prostitution, as provided for in paragraph 1 of subsection A of Section 1087 of Title 21 of the Oklahoma Statutes;

23. Knowingly permitting the prostitution of a child under eighteen (18) years of age by an owner, proprietor, manager, conductor, or other person in any house, place, building, room, or other premises under the control of such person, as provided for in paragraph 2 of subsection B of Section 1087 of Title 21 of the Oklahoma Statutes;

24. Taking a woman against her will to compel her by force or duress to marry another, as provided for in Section 1118 of Title 21 of the Oklahoma Statutes;

25. Abduction of a child under fifteen (15) years of age for the purpose of marriage, concubinage, or any crime involving moral turpitude, as provided for in Section 1119 of Title 21 of the Oklahoma Statutes;

26. Sexual battery, as provided for in subsection B of Section 1123 of Title 21 of the Oklahoma Statutes;

27. Indecent acts with a human corpse, as provided for in subsection C of Section 1123 of Title 21 of the Oklahoma Statutes;

28. Desecration of a human corpse, as provided for in Section 1161.1 of Title 21 of the Oklahoma Statutes;

29. Stalking within ten (10) years of a prior conviction for stalking, as provided for in subsection D of Section 1173 of Title 21 of the Oklahoma Statutes;

30. Interfering with, molesting, or assaulting firefighters in the performance of their duties, as provided for in Section 1217 of Title 21 of the Oklahoma Statutes;

31. Concealment of hazardous waste, as provided for in Section 1230.7 of Title 21 of the Oklahoma Statutes;

32. Criminal syndicalism, as provided for in Section 1261 of Title 21 of the Oklahoma Statutes;

33. Sabotage, as provided for in Section 1262 of Title 21 of the Oklahoma Statutes;

34. Advocating or teaching criminal syndicalism or sabotage, as provided for in Section 1263 of Title 21 of the Oklahoma Statutes;

35. Destroying, interfering, hindering, or tampering with real or personal property with intent to hinder, delay, or interfere with preparations for defense or for war, as provided for in Section 1265.2 of Title 21 of the Oklahoma Statutes;

36. Make or cause defects with any article or thing with reasonable grounds to believe such article or thing will be used for defense or for war, as provided for in Section 1265.3 of Title 21 of the Oklahoma Statutes;

37. Conspiracy to commit crimes provided in the Sabotage Prevention Act, as provided for in Section 1265.5 of Title 21 of the Oklahoma Statutes;

38. Terrorism hoax, as provided for in Section 1268.4 of Title 21 of the Oklahoma Statutes;

39. Engaging in terrorist activity by manufacturing, sending, delivering, or possessing any toxic, noxious, or lethal substances, chemical, biological, or nuclear materials, as provided for in Section 1268.6 of Title 21 of the Oklahoma Statutes;

40. Conducting or attempting to conduct financial transactions involving property related to terrorism, as provided for in Section 1268.7 of Title 21 of the Oklahoma Statutes;

41. Using a money services business or an electronic funds transfer in violation of the Oklahoma Antiterrorism Act, as provided for in Section 1268.8 of Title 21 of the Oklahoma Statutes;

42. Possession of a firearm by a convicted felon, as provided for in subsection A of Section 1283 of Title 21 of the Oklahoma Statutes;

43. Possession of a firearm by a person serving a term of probation for a felony or who is subject to supervision, probation, parole, or inmate status, as provided for in subsection C of Section 1283 of Title 21 of the Oklahoma Statutes;

44. Possession of a firearm by a person previously adjudicated as a delinquent child or youthful offender, as provided for in subsection D of Section 1283 of Title 21 of the Oklahoma Statutes;

45. Possession of a firearm by a person who is an alien illegally or unlawfully in the United States, as provided for in subsection E of Section 1283 of Title 21 of the Oklahoma Statutes;

46. Allowing a convicted felon, adjudicated delinquent, or youthful offender to possess a pistol authorized for use under the Oklahoma Self-Defense Act by a person who has a handgun license, as provided for in subsection F of Section 1283 of Title 21 of the Oklahoma Statutes;

47. Use of a firearm or other offensive weapon while committing a felony, as provided for in Section 1287 of Title 21 of the Oklahoma Statutes;

48. Pointing a firearm, as provided for in Section 1289.16 of Title 21 of the Oklahoma Statutes;

49. Manufacturing, importing, or selling restricted bullets, as provided for in Section 1289.20 of Title 21 of the Oklahoma Statutes;

50. Possessing, carrying, or using or attempting to use against another person any restricted bullets, as provided for in Section 1289.21 of Title 21 of the Oklahoma Statutes;

51. Committing a felony while wearing body armor, as provided for in Section 1289.26 of Title 21 of the Oklahoma Statutes;

52. Carrying a stolen handgun, as provided for in subsection B of Section 1290.21 of Title 21 of the Oklahoma Statutes;

53. Incitement to riot, as provided for in Section 1320.2 of Title 21 of the Oklahoma Statutes;

54. Malicious destruction or damage to real or personal property or malicious injury to another during a state of emergency, as provided for in Section 1321.7 of Title 21 of the Oklahoma Statutes;

55. Participating in a riot during a state of emergency, as provided for in subsection A of Section 1321.8 of Title 21 of the Oklahoma Statutes;

56. Causing an innocent or irresponsible person to engage in a riot, as provided for in subsection E of Section 1321.8 of Title 21 of the Oklahoma Statutes;

57. Possession of explosives by a convicted felon, as provided for in Section 1368 of Title 21 of the Oklahoma Statutes;

58. Attempting, conspiring, or endeavoring to perform an act of violence, as provided for in subsection A of Section 1378 of Title 21 of the Oklahoma Statutes;

59. Devising a plan, scheme, or program of action to cause serious bodily harm or death of another person, as provided for in subsection C of Section 1378 of Title 21 of the Oklahoma Statutes;

60. Endangering any human life including emergency service personnel while committing an act of arson, as provided for in Section 1405 of Title 21 of the Oklahoma Statutes;

61. Intimidating, threatening, assaulting, or battering any driver, attendant, guard, or passenger of a bus with intent to seize the bus, as provided for in subsection B of Section 1903 of Title 21 of the Oklahoma Statutes;

62. Discharging any firearm into or within any bus, terminal, or other transportation facility, as provided for in subsection D of Section 1903 of Title 21 of the Oklahoma Statutes;

63. Leaving the scene of a vehicle accident that resulted in the death of a person, as provided for in Section 10-102.1 of Title 47 of the Oklahoma Statutes;

64. Second felony conviction of driving under the influence of alcohol or other intoxicating substance, as provided for in

paragraph 3 of subsection C of Section 11-902 of Title 47 of the Oklahoma Statutes;

65. Causing an accident resulting in the death of another person while operating a vehicle without a valid driver license, as provided for in subsection C of Section 11-905 of Title 47 of the Oklahoma Statutes;

66. Throwing or dropping any substance at a moving vehicle, as provided for in subsection A of Section 11-1111 of Title 47 of the Oklahoma Statutes;

67. Throwing or dropping any object from a bridge or overpass with intent to damage property or injure a person, as provided for in subsection B of Section 11-1111 of Title 47 of the Oklahoma Statutes;

68. Manufacturing, selling, transferring, or furnishing a precursor substance to another with knowledge the recipient will use such substance to unlawfully manufacture a controlled substance, as provided for in subsection C of Section 2-328 of Title 63 of the Oklahoma Statutes;

69. Second or subsequent conviction for manufacturing, selling, transferring, furnishing, or receiving a precursor substance, as provided for in subsection D of Section 2-328 of Title 63 of the Oklahoma Statutes;

70. Purchasing, obtaining, possessing, manufacturing, selling, or transferring a precursor substance without a permit or making a false statement in an application or report, as provided for in subsection E of Section 2-328 of Title 63 of the Oklahoma Statutes;

71. Selling, transferring, distributing, or dispensing any product containing ephedrine, pseudoephedrine, or phenylpropanolamine to another with knowledge the purchaser will use such product as a precursor to manufacture methamphetamine or another controlled illegal substance, as provided for in Section 2-333 of Title 63 of the Oklahoma Statutes;

72. Cultivating, producing, or knowingly permitting the cultivation or production of any species of plants from which controlled dangerous substances may be derived, as provided for in subsection B of Section 2-509 of Title 63 of the Oklahoma Statutes;

73. Manufacturing or attempting to manufacture any controlled dangerous substance by cooking, burning, or extracting and converting marihuana or marihuana oil into hashish, hashish oil, or hashish powder, as provided for in subsection H of Section 2-509 of Title 63 of the Oklahoma Statutes;

74. Purchasing or possessing any quantity of pseudoephedrine by a person who is subject to the Oklahoma Methamphetamine Offender Registry Act, as provided for in subsection B of Section 2-701 of Title 63 of the Oklahoma Statutes; and

75. Using an explosive or blasting agent with the intent to kill, injure, or intimidate a person or unlawfully damage real or

personal property, as provided for in subsection B of Section 124.8 of Title 63 of the Oklahoma Statutes.

B. Any person convicted of a Class B4 criminal offense set forth in this section shall be punished in accordance with the corresponding penalties provided for in the Oklahoma Statutes. Added by Laws 2024, c. 366, § 9, eff. Jan. 1, 2026. Amended by Laws 2025, c. 187, § 3, eff. Jan. 1, 2026.

§21-20J. Class B5 offenses.

A. Upon the effective date of this act, Class B5 shall include the following criminal offenses:

1. Second or subsequent conviction for assault and battery against a current or former intimate partner or a family or household member, as provided for in subsection C of Section 644 of Title 21 of the Oklahoma Statutes;

2. Second or subsequent conviction for domestic abuse committed in the presence of a child, as provided for in subsection G of Section 644 of Title 21 of the Oklahoma Statutes;

3. Assault and battery by strangulation or attempted strangulation against an intimate partner or a family or household member, as provided for in subsection J of Section 644 of Title 21 of the Oklahoma Statutes;

4. Aggravated assault and battery, as provided for in Section 646 of Title 21 of the Oklahoma Statutes;

5. Battery or assault and battery upon a police officer, sheriff, deputy sheriff, highway patrolman, corrections personnel, or other state peace officer, as provided for in subsection B of Section 649 of Title 21 of the Oklahoma Statutes;

6. Striking or mistreating a police dog or police horse during the commission of a misdemeanor or felony, as provided for in subsection D of Section 649.1 of Title 21 of the Oklahoma Statutes;

7. Disfiguring, disabling, or killing a police dog or police horse during the commission of a misdemeanor or felony, as provided for in subsection C of Section 649.2 of Title 21 of the Oklahoma Statutes;

8. Battery or assault and battery resulting in bodily injury to any employee of the Office of Juvenile Affairs or residential facility, as provided for in subsection E of Section 650.2 of Title 21 of the Oklahoma Statutes;

9. Assault with intent to kill, as provided for in Section 653 of Title 21 of the Oklahoma Statutes;

10. Assault with intent to commit any felony, as provided for in Section 681 of Title 21 of the Oklahoma Statutes;

11. Manslaughter in the second degree, as provided for in Section 716 of Title 21 of the Oklahoma Statutes;

12. Owning a mischievous animal that kills a human being, as provided for in Section 717 of Title 21 of the Oklahoma Statutes;

13. Causing, aiding, abetting, or encouraging a minor to commit or participate in committing a felony offense, as provided for in subsection C of Section 856 of Title 21 of the Oklahoma Statutes;

14. Causing, aiding, abetting, encouraging, soliciting, or recruiting a minor to participate, join, or associate with any criminal street gang, as provided for in subsection D of Section 856 of Title 21 of the Oklahoma Statutes;

15. Committing a gang-related offense as a condition of membership in a criminal street gang, as provided for in Section 856.3 of Title 21 of the Oklahoma Statutes;

16. Stalking, as provided for in subsection B of Section 1173 of Title 21 of the Oklahoma Statutes;

17. Second or subsequent conviction of stalking or committing the act of stalking within ten (10) years of the completion of sentence for a prior conviction of stalking, as provided for in subsection C of Section 1173 of Title 21 of the Oklahoma Statutes;

18. Intentionally or recklessly spreading an infectious disease, as provided for in Section 1192.1 of Title 21 of the Oklahoma Statutes;

19. Entering the premises of another while masked or disguised with the intent to inflict bodily injury or injury to property, as provided for in Section 1302 of Title 21 of the Oklahoma Statutes;

20. Assault with a dangerous weapon while masked or in disguise, as provided for in Section 1303 of Title 21 of the Oklahoma Statutes;

21. Unlawful assembly for the purpose of engaging in a riot, as provided for in Section 1320.3 of Title 21 of the Oklahoma Statutes;

22. Acts of cruelty to animals, as provided for in Section 1685 of Title 21 of the Oklahoma Statutes;

23. Instigating or encouraging any cockfight, as provided for in Section 1692.2 of Title 21 of the Oklahoma Statutes;

24. Keeping a pit or other place or knowingly providing equipment or facilities for cockfighting, as provided for in Section 1692.3 of Title 21 of the Oklahoma Statutes;

25. Servicing or facilitating a cockfight, as provided for in Section 1692.4 of Title 21 of the Oklahoma Statutes;

26. Owning, possessing, keeping, or training any bird for cockfighting, as provided for in Section 1692.5 of Title 21 of the Oklahoma Statutes;

27. Instigating or encouraging any fight between dogs, as provided for in Section 1694 of Title 21 of the Oklahoma Statutes;

28. Keeping a house, pit, or other place, or providing any equipment or facilities to be used for any fight between dogs, as provided for in Section 1695 of Title 21 of the Oklahoma Statutes;

29. Acting or performing any service in the furtherance of or facilitating any dogfight, as provided for in Section 1696 of Title 21 of the Oklahoma Statutes;

30. Owning, possessing, keeping, or training any dog with intent to have such dog fight another dog, as provided for in Section 1697 of Title 21 of the Oklahoma Statutes;

31. Failing to stop for an accident resulting in a nonfatal injury to another person, as provided for in Section 10-102 of Title 47 of the Oklahoma Statutes;

32. Personal injury accident while driving or operating a motor vehicle under the influence of alcohol or other intoxicating substance while having a previous conviction for driving or operating a motor vehicle while under the influence of alcohol or other intoxicating substance, as provided for in paragraph 2 of subsection A of Section 11-904 of Title 47 of the Oklahoma Statutes;

33. Failure to register as a sex offender, as provided for in Section 583 of Title 57 of the Oklahoma Statutes;

34. Furnishing false or misleading information in the registration required by the Sex Offenders Registration Act, as provided for in Section 586 of Title 57 of the Oklahoma Statutes;

35. Failure to comply with the Sex Offenders Registration Act, as provided for in subsection A of Section 587 of Title 57 of the Oklahoma Statutes;

36. Failure to comply with established guidelines of global-positioning-system (GPS) monitoring pursuant to the provisions of the Sex Offenders Registration Act, as provided for in subsection B of Section 587 of Title 57 of the Oklahoma Statutes;

37. Temporarily or permanently residing within a two-thousand-foot radius of a public or private school site or other listed places by a person required to register pursuant to the Sex Offenders Registration Act, as provided for in subsection A of Section 590 of Title 57 of the Oklahoma Statutes;

38. Residing with a minor child after being convicted of an offense that involved a minor child by a person required to register pursuant to the Sex Offenders Registration Act, as provided for in subsection B of Section 590 of Title 57 of the Oklahoma Statutes;

39. Two or more sex offenders residing together in a dwelling during the term of registration as a sex offender, as provided for in subsection A of Section 590.1 of Title 57 of the Oklahoma Statutes; and

40. Establishing, leasing, operating, or owning any structure where persons required to register pursuant to the Sex Offenders Registration Act are allowed to reside, as provided for in subsection E of Section 590.1 of Title 57 of the Oklahoma Statutes.

B. Any person convicted of a Class B5 criminal offense set forth in this section shall be punished in accordance with the corresponding penalties provided for in the Oklahoma Statutes. Added by Laws 2024, c. 366, § 10, eff. Jan. 1, 2026. Amended by Laws 2025, c. 187, § 4, eff. Jan. 1, 2026.

§21-20K. Class B6 offenses.

A. Upon the effective date of this act, Class B6 shall include the following criminal offenses:

1. Striking, tormenting, mistreating, or administering a nonpoisonous desensitizing substance to a police dog or police horse, as provided for in subsection A of Section 649.1 of Title 21 of the Oklahoma Statutes;

2. Interfering with the lawful performance of a police dog or police horse, as provided for in subsection B of Section 649.1 of Title 21 of the Oklahoma Statutes;

3. Harming, torturing, injuring, disabling, or otherwise mistreating or killing a service animal during the commission of a misdemeanor or felony offense, as provided for in subsection D of Section 649.3 of Title 21 of the Oklahoma Statutes;

4. Assault, battery, or assault and battery upon a Department of Corrections employee by a person in the custody of the Department of Corrections, as provided for in subsection A of Section 650.2 of Title 21 of the Oklahoma Statutes;

5. Assault, battery, or assault and battery upon an employee of a private prison contractor by a person incarcerated in an institution operated by a private prison contractor, as provided for in subsection B of Section 650.2 of Title 21 of the Oklahoma Statutes;

6. Aggravated assault and battery upon a Department of Human Services employee or contractor, as provided for in subsection C of Section 650.2 of Title 21 of the Oklahoma Statutes;

7. Assault, battery, or assault and battery upon an employee of the Office of Juvenile Affairs by a person in the custody of the Office of Juvenile Affairs, as provided for in subsection D of Section 650.2 of Title 21 of the Oklahoma Statutes;

8. Assault, battery, or assault and battery upon a medical care provider, as provided for in Section 650.4 of Title 21 of the Oklahoma Statutes;

9. Assault, battery, or assault and battery upon an officer of the court, witness, or juror, as provided for in subsection B of Section 650.6 of Title 21 of the Oklahoma Statutes;

10. Aggravated assault and battery upon a school employee, as provided for in subsection C of Section 650.7 of Title 21 of the Oklahoma Statutes;

11. Assault, battery, or assault and battery upon an employee of a facility maintained by the Office of Juvenile Affairs, a facility maintained by a private contractor, juvenile detention center, or juvenile bureau, as provided for in Section 650.8 of Title 21 of the Oklahoma Statutes;

12. Throwing, transferring, or placing any feces, urine, semen, saliva, or blood upon an employee of the state, a county, or a city,

as provided for in Section 650.9 of Title 21 of the Oklahoma Statutes;

13. Medical battery, as provided for in Section 650.11 of Title 21 of the Oklahoma Statutes; and

14. Child endangerment, as provided for in Section 852.1 of Title 21 of the Oklahoma Statutes.

B. Any person convicted of a Class B6 criminal offense set forth in this section shall be punished in accordance with the corresponding penalties provided for in the Oklahoma Statutes. Added by Laws 2024, c. 366, § 11, eff. Jan. 1, 2026.

§21-20L. Class C1 offenses.

A. Upon the effective date of this act, Class C1 shall include the following criminal offenses:

1. Assisting a prisoner, who is confined in prison for a felony, to escape from prison, as provided for in paragraph 1 of Section 437 of Title 21 of the Oklahoma Statutes;

2. Carrying in or sending into a prison anything useful to aid a prisoner, who is confined in prison for a felony, in escaping from prison, as provided for in paragraph 1 of Section 438 of Title 21 of the Oklahoma Statutes;

3. Harboring, assisting, or concealing any person guilty of a felony, outlaw, or fugitive from justice, as provided for in subsection A of Section 440 of Title 21 of the Oklahoma Statutes;

4. Preventing or attempting to prevent any person from giving testimony or producing records or documents, as provided for in subsection A of Section 455 of Title 21 of the Oklahoma Statutes;

5. Threatening physical harm through force or fear or causing physical harm to any person who provided testimony in any civil or criminal trial or proceeding, as provided for in subsection B of Section 455 of Title 21 of the Oklahoma Statutes;

6. Endangering any other person while attempting to elude a peace officer or causing an accident resulting in great bodily injury while eluding or attempting to elude a peace officer, as provided for in subsection B or C of Section 540A of Title 21 of the Oklahoma Statutes;

7. Fighting any duel, as provided for in Section 662 of Title 21 of the Oklahoma Statutes;

8. Financial exploitation of an elderly or disabled adult with funds, assets, or property valued at One Hundred Thousand Dollars (\$100,000.00) or more, as provided for in paragraph 1 of subsection B of Section 843.4 of Title 21 of the Oklahoma Statutes;

9. Arson in the third degree by setting fire, burning, or using explosive devices to burn any property, as provided for in subsection A of Section 1403 of Title 21 of the Oklahoma Statutes;

10. Arson in the fourth degree by placing or distributing any flammable, explosive, or combustible material or substance in any

building or property with the intent to set fire to or burn the same, as provided for in subsection B of Section 1404 of Title 21 of the Oklahoma Statutes;

11. Burglary in the second degree by breaking and entering into the dwelling house of another in which no human is present, as provided for in subsection A of Section 1435 of Title 21 of the Oklahoma Statutes;

12. Stealing in the night time from the person of another, as provided for in Section 1708 of Title 21 of the Oklahoma Statutes;

13. Receiving, acquiring, or concealing proceeds or engaging in transactions involving proceeds of Ten Thousand Dollars (\$10,000.00) or more that were derived from unlawful activities, as provided for in paragraph 3 of subsection G of Section 2001 of Title 21 of the Oklahoma Statutes;

14. Making a false affidavit, as provided for in Section 6-302 of Title 47 of the Oklahoma Statutes;

15. Using or soliciting the use of services of a minor to distribute, dispense, transport, or cultivate a controlled dangerous substance, as provided for in subsection E of Section 2-401 of Title 63 of the Oklahoma Statutes;

16. Transporting with intent to distribute or dispense, distributing, or possessing with intent to distribute a controlled dangerous substance within two thousand (2,000) feet of a public or private school, college or university, park, or child care facility, as provided for in subsection F of Section 2-401 of Title 63 of the Oklahoma Statutes;

17. Acquiring or obtaining possession of a controlled dangerous substance by a registrant through misrepresentation, fraud, forgery, deception, or subterfuge, as provided for in paragraph 3 of subsection A of Section 2-406 of Title 63 of the Oklahoma Statutes;

18. Employing, hiring, or using a minor to transport, carry, sell, give away, prepare for sale, or peddle any controlled dangerous substance, as provided for in subsection A of Section 2-419.1 of Title 63 of the Oklahoma Statutes;

19. Employing, hiring, or using a minor to transport, carry, sell, give away, prepare for sale, or peddle any controlled dangerous substance subsequent to a previous conviction of the same, as provided for in subsection C of Section 2-419.1 of Title 63 of the Oklahoma Statutes;

20. Evading federal reporting requirements or other federal money laundering laws, as provided for in Section 2-503.1f of Title 63 of the Oklahoma Statutes;

21. Owning, operating, or conducting a chop shop, as provided for in paragraph 1 of subsection A of Section 4253 of Title 63 of the Oklahoma Statutes;

22. Transporting any vessel, motor, or vessel or motor parts to or from a chop shop, as provided for in paragraph 2 of subsection A of Section 4253 of Title 63 of the Oklahoma Statutes; and

23. Selling, transferring, purchasing, or receiving any vessel, motor, or vessel or motor parts to or from a chop shop, as provided for in paragraph 3 of subsection A of Section 4253 of Title 63 of the Oklahoma Statutes.

B. Any person convicted of a Class C1 criminal offense set forth in this section shall be punished by imprisonment in the custody of the Department of Corrections for a term of not more than eight (8) years and shall serve at least twenty-five percent (25%) of the sentence imposed before release from custody including release to electronic monitoring pursuant to Section 510.9 of Title 57 of the Oklahoma Statutes.

C. 1. Every person who, having been previously convicted of one or two Class C or Class D criminal offenses, commits a Class C1 criminal offense shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for a term of not less than two (2) years nor more than twelve (12) years and shall serve at least twenty-five percent (25%) of the sentence imposed before release from custody including release to electronic monitoring pursuant to Section 510.9 of Title 57 of the Oklahoma Statutes.

2. Every person who, having been previously convicted of three Class C or Class D criminal offenses, or one or more Class Y, Class A, or Class B criminal offenses, commits a Class C1 criminal offense shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for a term of not less than two (2) years nor more than thirty (30) years and shall serve at least fifty percent (50%) of the sentence imposed before release from custody including release to electronic monitoring pursuant to Section 510.9 of Title 57 of the Oklahoma Statutes.

D. 1. Unless specifically exempted pursuant to subsection E of this section, Section 51.1 of Title 21 of the Oklahoma Statutes shall not apply to Class C1 criminal offenses.

2. The criminal offenses listed in paragraphs 15 and 18 of subsection A of this section shall be exempt from the penalty provisions provided for in subsections B and C of this section. Persons convicted of the criminal offenses provided for in paragraphs 15 and 18 of subsection A of this section shall be punished in accordance with the corresponding penalties provided for in the Oklahoma Statutes including Section 51.1 of Title 21 of the Oklahoma Statutes.

3. The criminal offense listed in paragraph 19 of subsection A of this section shall be exempt from the penalty provision provided for in subsection B of this section. Persons convicted of the criminal offense provided for in paragraph 19 of subsection A of

this section shall be punished in accordance with the corresponding penalties provided for in the Oklahoma Statutes including Section 51.1 of Title 21 of the Oklahoma Statutes. The provisions of subsection C of this section still apply to the criminal offense listed in paragraph 19 of subsection A of this section.

E. All Class C1 criminal offenses shall be punishable by the corresponding fines as provided for in the Oklahoma Statutes. Added by Laws 2024, c. 366, § 12, eff. Jan. 1, 2026. Amended by Laws 2025, c. 187, § 5, eff. Jan. 1, 2026.

§21-20M. Class C2 offenses.

A. Upon the effective date of this act, Class C2 shall include the following criminal offenses:

1. Theft of anhydrous equipment, as provided for in subsection B of Section 11-10 of Title 2 of the Oklahoma Statutes;

2. Branding, misbranding, marking, or mismarking any domestic animal with intent to defraud, as provided for in Section 268 of Title 4 of the Oklahoma Statutes;

3. Injuring, destroying, or attempting to injure or destroy any pipeline transportation system, as provided for in subsection C of Section 6.1 of Title 17 of the Oklahoma Statutes;

4. Embezzlement by a county treasurer or other officer, as provided for in Section 641 of Title 19 of the Oklahoma Statutes;

5. Giving or offering any bribe to an executive officer, as provided for in Section 265 of Title 21 of the Oklahoma Statutes;

6. Receiving or agreeing to receive a bribe by an executive officer or person elected or appointed to an executive office, as provided for in Section 266 of Title 21 of the Oklahoma Statutes;

7. Entry into a restricted area of a building or grounds using or carrying a deadly or dangerous weapon or firearm or engaging in acts of violence that result in great bodily injury, as provided for in paragraph 1 of subsection B of Section 282 of Title 21 of the Oklahoma Statutes;

8. Forcefully or fraudulently preventing the Legislature from meeting or organizing, as provided for in Section 301 of Title 21 of the Oklahoma Statutes;

9. Forcefully or fraudulently compelling or attempting to compel the Legislature to adjourn or disperse, as provided for in Section 303 of Title 21 of the Oklahoma Statutes;

10. Compelling or attempting to compel either house of the Legislature to pass, amend, or reject any bill or resolution, grant or refuse any petition, or to perform or omit to perform any other official act, as provided for in Section 305 of Title 21 of the Oklahoma Statutes;

11. Offering to give a bribe to any member of the Legislature in order to influence the member in giving or withholding a vote, as provided for in Section 308 of Title 21 of the Oklahoma Statutes;

12. Asking, receiving, or agreeing to receive any bribe by a member of the Legislature, as provided for in Section 309 of Title 21 of the Oklahoma Statutes;

13. Entering a fort, magazine, arsenal, armory, arsenal yard, or encampment and seizing or taking away arms, ammunition, military stores, or supplies belonging to the state, as provided for in Section 350 of Title 21 of the Oklahoma Statutes;

14. Carrying, causing to be carried, or publicly displaying any red flag or other emblem or banner indicating disloyalty to the Government of the United States, as provided for in Section 374 of Title 21 of the Oklahoma Statutes;

15. Bribery by a fiduciary, as provided for in subsection A of Section 380 of Title 21 of the Oklahoma Statutes;

16. Bribery of a fiduciary, as provided for in subsection B of Section 380 of Title 21 of the Oklahoma Statutes;

17. Commercial bribery of an insured depository institution or credit union, as provided in Section 380.1 of Title 21 of the Oklahoma Statutes;

18. Accepting or requesting a bribe by public officers or employees of this state, as provided for in Section 382 of Title 21 of the Oklahoma Statutes;

19. Offering or giving a bribe to any judicial officer, as provided for in Section 383 of Title 21 of the Oklahoma Statutes;

20. Attempting to influence a juror, as provided for in Section 388 of Title 21 of the Oklahoma Statutes;

21. Conspiracy to commit a felony, as provided for in subsection C of Section 421 of Title 21 of the Oklahoma Statutes;

22. Conspiring to commit any act against the peace of the state by two or more persons outside of the state, as provided for in Section 422 of Title 21 of the Oklahoma Statutes;

23. Conspiring to commit any act against the state by two or more persons, as provided for in Section 424 of Title 21 of the Oklahoma Statutes;

24. Attempting to avoid a roadblock by failing to stop, passing by or through such roadblock without permission, as provided for in Section 540B of Title 21 of the Oklahoma Statutes;

25. Fraudulently producing an infant in order to intercept the inheritance or distribution of any personal estate or real estate, as provided for in Section 578 of Title 21 of the Oklahoma Statutes;

26. Maiming by inflicting upon one's self any disabling injury, as provided for in Section 752 of Title 21 of the Oklahoma Statutes;

27. Financial exploitation of an elderly or disabled adult with funds, assets, or property valued at One Hundred Thousand Dollars (\$100,000.00) or less, as provided for in paragraph 2 of subsection B of Section 843.4 of Title 21 of the Oklahoma Statutes;

28. Conducting gambling games, as provided for in Section 941 of Title 21 of the Oklahoma Statutes;

29. Using a house, room, or place to conduct gambling games, as provided for in Section 946 of Title 21 of the Oklahoma Statutes;

30. Engaging or participating in gambling games by a public officer, as provided for in Section 948 of Title 21 of the Oklahoma Statutes;

31. Commercial gambling, as provided for in Section 982 of Title 21 of the Oklahoma Statutes;

32. Letting premises for the purpose of betting on races or receiving, registering, recording, or forwarding any money or thing of value to a racetrack for betting purposes, as provided for in paragraphs 2 through 6 of subsection A of Section 991 of Title 21 of the Oklahoma Statutes;

33. Using the terms "prize" or "gift" in a manner that is untrue or misleading, as provided for in Section 996.3 of Title 21 of the Oklahoma Statutes;

34. Advocating criminal syndicalism, sabotage, or the necessity, propriety, or expediency of doing any act of physical violence or unlawful act as a means of accomplishing any industrial or political ends, change, or revolution, as provided for in subsection A of Section 1327 of Title 21 of the Oklahoma Statutes;

35. Arson in the fourth degree by attempting to set fire to or burn any building or property, as provided for in subsection A of Section 1404 of Title 21 of the Oklahoma Statutes;

36. Delivering to another any merchandise for which any bill of lading, receipt, or voucher has been issued and the value of the property is Fifteen Thousand Dollars (\$15,000.00) or more, as provided for in paragraph 4 of Section 1416 of Title 21 of the Oklahoma Statutes;

37. Burglary in the second degree by breaking and entering into any commercial building or by breaking and entering into a coin-operated or vending machine, as provided for in subsection A of Section 1435 of Title 21 of the Oklahoma Statutes;

38. Embezzlement of property valued at Fifteen Thousand Dollars (\$15,000.00) or more, as provided for in paragraph 4 of subsection B of Section 1451 of Title 21 of the Oklahoma Statutes;

39. Embezzlement by a county or state officer, as provided for in subsection C of Section 1451 of Title 21 of the Oklahoma Statutes;

40. False personation of another, as provided for in Section 1531 of Title 21 of the Oklahoma Statutes;

41. Receiving money or property intended for another with a value of Fifteen Thousand Dollars (\$15,000.00) or more, as provided for in paragraph 4 of Section 1532 of Title 21 of the Oklahoma Statutes;

42. Use of a motor vehicle or motor-driven cycle for the purpose of falsely impersonating a law enforcement officer which causes another person to be injured, defrauded, harassed, vexed, or

annoyed, as provided for in paragraph 2 of subsection F of Section 1533 of Title 21 of the Oklahoma Statutes;

43. Obtaining, attempting to obtain, or presenting to a financial institution personal, financial, or other information of another person, as provided for in Section 1533.2 of Title 21 of the Oklahoma Statutes;

44. Obtaining property by trick, deception, or by means of a false or bogus check and the property value is Fifteen Thousand Dollars (\$15,000.00) or more, as provided for in paragraph 3 of subsection A of Section 1541.2 of Title 21 of the Oklahoma Statutes;

45. Making, drawing, uttering, or delivering two or more false or bogus checks and the value is Fifteen Thousand Dollars (\$15,000.00) or more, as provided for in paragraph 3 of subsection A of Section 1541.3 of Title 21 of the Oklahoma Statutes;

46. Selling, exchanging, or delivering any forged or counterfeited promissory note, check, bill, draft, or other evidence of debt knowing the same is forged or counterfeited and the value of the instrument is Fifteen Thousand Dollars (\$15,000.00) or more, as provided for in paragraph 4 of subsection A of Section 1577 of Title 21 of the Oklahoma Statutes;

47. Possession of any forged, altered, or counterfeited negotiable note, bill, draft, or other evidence of debt and the value of the instrument is Fifteen Thousand Dollars (\$15,000.00) or more, as provided for in paragraph 4 of subsection A of Section 1578 of Title 21 of the Oklahoma Statutes;

48. Possession of any forged or counterfeited instrument with intent to injure or defraud and the value of the instrument is Fifteen Thousand Dollars (\$15,000.00) or more, as provided for in paragraph 4 of subsection A of Section 1579 of Title 21 of the Oklahoma Statutes;

49. Uttering or publishing as true any forged, altered, or counterfeited instrument or counterfeit coins and the value of the instrument is Fifteen Thousand Dollars (\$15,000.00) or more, as provided for in paragraph 4 of subsection A of Section 1592 of Title 21 of the Oklahoma Statutes;

50. Exhibiting false, forged, or altered books, papers, vouchers, security, or other instruments of evidence to any public officer or board with intent to deceive, as provided for in Section 1632 of Title 21 of the Oklahoma Statutes;

51. Destroying, altering, mutilating, or falsifying any books, papers, writing, or securities belonging to a corporation or association with intent to defraud, as provided for in Section 1635 of Title 21 of the Oklahoma Statutes;

52. Larceny of lost property and the value of the property is Fifteen Thousand Dollars (\$15,000.00) or more, as provided for in paragraph 4 of Section 1702 of Title 21 of the Oklahoma Statutes;

53. Grand larceny and the value of the property is Fifteen Thousand Dollars (\$15,000.00) or more, as provided for in paragraph 4 of subsection A of Section 1705 of Title 21 of the Oklahoma Statutes;

54. Grand larceny in any dwelling house or vessel, as provided for in Section 1707 of Title 21 of the Oklahoma Statutes;

55. Larceny of any evidence of debt or other written instrument, as provided for in Section 1709 of Title 21 of the Oklahoma Statutes;

56. Buying or receiving any property that has been stolen, embezzled, or obtained by false pretense or robbery and has a value of Fifteen Thousand Dollars (\$15,000.00) or more, as provided for in paragraph 3 of subsection A of Section 1713 of Title 21 of the Oklahoma Statutes;

57. Buying or receiving any construction equipment or farm equipment that has been stolen, embezzled, or obtained by false pretense or robbery, as provided for in Section 1713.1 of Title 21 of the Oklahoma Statutes;

58. Bringing into this state the stolen property of another obtained from another state or country, as provided for in Section 1715 of Title 21 of the Oklahoma Statutes;

59. Larceny of livestock or implement of husbandry, as provided for in subsection A of Section 1716 of Title 21 of the Oklahoma Statutes;

60. Larceny of a dog, as provided for in Section 1718 of Title 21 of the Oklahoma Statutes;

61. Grand larceny of exotic livestock, as provided for in Section 1719.2 of Title 21 of the Oklahoma Statutes;

62. Larceny of an aircraft, automobile, construction equipment, or farm equipment, valued at Fifty Thousand Dollars (\$50,000.00) or more, as provided for in Section 1720 of Title 21 of the Oklahoma Statutes;

63. Tapping or drilling into a pipeline, as provided for in Section 1721 of Title 21 of the Oklahoma Statutes;

64. Taking any crude oil or gasoline from any pipe, pipeline, tank, tank car, or other receptacle or container and the value of such product is One Thousand Dollars (\$1,000.00) or more, as provided for in paragraph 2 of Section 1722 of Title 21 of the Oklahoma Statutes;

65. Larceny of merchandise from a retailer or wholesaler and the value of the goods is Fifteen Thousand Dollars (\$15,000.00) or more, as provided for in paragraph 5 of subsection A of Section 1731 of Title 21 of the Oklahoma Statutes;

66. Larceny of trade secrets that is valued at Fifteen Thousand Dollars (\$15,000.00) or more, as provided for in Section 1732 of Title 21 of the Oklahoma Statutes;

67. Procuring, soliciting, selling, or receiving by fraudulent, deceptive, or false means two to ten telephone records without authorization, as provided for in paragraph 2 of subsection B of Section 1742.2 of Title 21 of the Oklahoma Statutes;

68. Masking, altering, or removing any locomotive or railway car lights or signals, as provided for in Section 1778 of Title 21 of the Oklahoma Statutes;

69. Mutilating, tearing, defacing, obliterating, or destroying any written instrument, value of Fifteen Thousand Dollars (\$15,000.00) or more, as provided for in Section 1779 of Title 21 of the Oklahoma Statutes;

70. Violations of the Oklahoma Computer Crimes Act, as provided for in paragraphs 1, 2, 3, 6, 7, 9, or 10 of subsection A of Section 1953 of Title 21 of the Oklahoma Statutes;

71. Contracting the sale of rights arising from a criminal act without providing for the forfeiture of the proceeds, as provided for in subsection A of Section 17 of Title 22 of the Oklahoma Statutes;

72. Violating any of the provisions of the Oklahoma Clean Air Act knowing that the violation places others in danger of death or serious bodily injury, as provided for in subsection B of Section 2-5-116 of Title 27A of the Oklahoma Statutes;

73. Violating any of the provisions of the Oklahoma Pollutant Discharge Elimination System Act knowing that the violation places others in imminent danger of death or serious bodily injury, as provided for in subparagraph a of paragraph 3 of subsection G of Section 2-6-206 of Title 27A of the Oklahoma Statutes;

74. Soliciting or accepting any bribe or money by a game warden in connection with the performance of his or her duties as a game warden, as provided for in subsection E of Section 3-201 of Title 29 of the Oklahoma Statutes;

75. Taking or enticing away an incapacitated or partially incapacitated person or person for whom a guardian has been appointed without consent of the guardian, as provided for in Section 4-904 of Title 30 of the Oklahoma Statutes;

76. Violating any of the provisions of the Viatical Settlements Act of 2008 if the value of the viatical settlement contract is more than Two Thousand Five Hundred Dollars (\$2,500.00) but not more than Thirty-five Thousand Dollars (\$35,000.00), as provided for in paragraph 2 of subsection F of Section 4055.14 of Title 36 of the Oklahoma Statutes;

77. Embezzlement of certain funds held in trust, value of Fifteen Thousand Dollars (\$15,000.00) or more, as provided for in paragraph (2) of Section 153 of Title 42 of the Oklahoma Statutes;

78. Providing any false statement of a material fact in an application for a certificate of title, as provided for in Section 4-108 of Title 47 of the Oklahoma Statutes;

79. Altering or forging any certificate of title issued by the Oklahoma Tax Commission, as provided for in Section 4-109 of Title 47 of the Oklahoma Statutes;

80. Perjury by making any false affidavit, as provided for in Section 6-302 of Title 47 of the Oklahoma Statutes;

81. Creating, manufacturing, issuing, or selling security verification forms, as provided for in subsection B of Section 7-612 of Title 47 of the Oklahoma Statutes;

82. Committing a subsequent violation of driving under the influence of alcohol or other intoxicating substance within ten (10) years of being convicted of driving under the influence of alcohol or other intoxicating substance, causing a personal injury accident while driving under the influence of alcohol or other intoxicating substance, or driving under the influence of alcohol or other intoxicating substance while transporting a child, as provided for in paragraph 2 of subsection C of Section 11-902 of Title 47 of the Oklahoma Statutes;

83. Operating a vehicle without a valid driver license for the class of vehicle being operated and causing an accident resulting in great bodily injury to another person, as provided for in subsection B of Section 11-905 of Title 47 of the Oklahoma Statutes;

84. Operating a crusher without a proper license and receiving, obtaining, or possessing any vehicle or property known to be stolen, as provided for in paragraph 2 of subsection B of Section 592.9 of Title 47 of the Oklahoma Statutes;

85. Selling a vehicle or other property to a crusher using false or altered identification or making a false declaration of ownership or lien status, as provided for in paragraph 3 of subsection B of Section 592.9 of Title 47 of the Oklahoma Statutes;

86. Owning, operating, or conducting a chop shop, transporting any motor vehicle or parts to or from a chop shop, or selling, transferring, purchasing, or receiving any motor vehicle or parts to or from a chop shop, as provided for in subsection A of Section 1503 of Title 47 of the Oklahoma Statutes;

87. Altering, counterfeiting, defacing, destroying, disguising, falsifying, forging, obliterating, or knowingly removing a vehicle identification number, as provided for in subsection B of Section 1503 of Title 47 of the Oklahoma Statutes;

88. Perjury by a public officer or employee who states as true any material matter knowing it to be false, as provided for in Section 36.5 of Title 51 of the Oklahoma Statutes;

89. Advocating by teaching, justifying, or becoming a member of or affiliated with the Communist Party or with any other party or organization that advocates for the revolution, sedition, treason, or overthrow of the government of the United States or the State of Oklahoma by a public officer or employee, as provided for in Section 36.6 of Title 51 of the Oklahoma Statutes;

90. Perjury by verifying under oath any report, map, or drawing required to be filed with the Corporation Commission knowing that such material is false, as provided for in Section 109 of Title 52 of the Oklahoma Statutes;

91. Asking, receiving, or agreeing to receive any gift or gratuity by any member of the Corporation Commission, as provided for in Section 118 of Title 52 of the Oklahoma Statutes;

92. Burglary in the first degree by a bail enforcer by breaking into and entering the dwelling house of any defendant or third party for purposes of recovery or attempted recovery of a defendant, as provided for in subsection A of Section 1350.6 of Title 59 of the Oklahoma Statutes;

93. Distributing, dispensing, transporting, or possessing a controlled dangerous substance or soliciting a person less than eighteen (18) years of age to cultivate, distribute, or dispense a controlled dangerous substance, as provided for in paragraph 1 of subsection A of Section 2-401 of Title 63 of the Oklahoma Statutes;

94. Creating, distributing, transporting, or possessing a counterfeit controlled dangerous substance, as provided for in paragraph 2 of subsection A of Section 2-401 of Title 63 of the Oklahoma Statutes;

95. Manufacturing or distributing a controlled substance or synthetic controlled substance, as provided for in paragraph 1 of subsection C of Section 2-401 of Title 63 of the Oklahoma Statutes;

96. Larceny, burglary, or theft of a controlled dangerous substance, as provided for in subsection A of Section 2-403 of Title 63 of the Oklahoma Statutes;

97. Obtaining or attempting to obtain any controlled dangerous substance by fraud, deceit, misrepresentation, or subterfuge, as provided for in paragraph 1 of subsection A of Section 2-407 of Title 63 of the Oklahoma Statutes;

98. Obtaining or attempting to obtain any controlled dangerous substance by forgery of, alteration of, or changing any information on a prescription or any written order, as provided for in paragraph 2 of subsection A of Section 2-407 of Title 63 of the Oklahoma Statutes;

99. Obtaining or attempting to obtain any controlled dangerous substance by the concealment of a material fact, as provided for in paragraph 3 of subsection A of Section 2-407 of Title 63 of the Oklahoma Statutes;

100. Obtaining or attempting to obtain any controlled dangerous substance by the use of a false name or false address, as provided for in paragraph 4 of subsection A of Section 2-407 of Title 63 of the Oklahoma Statutes;

101. Obtaining or attempting to obtain any controlled dangerous substance by failing to disclose the receipt or prescription of a controlled dangerous substance of the same or similar therapeutic

use from another practitioner, as provided for in paragraph 5 of subsection A of Section 2-407 of Title 63 of the Oklahoma Statutes;

102. Manufacturing, creating, delivering, or possessing an original prescription form or counterfeit prescription form, as provided for in subsection B of Section 2-407 of Title 63 of the Oklahoma Statutes;

103. Receiving or acquiring proceeds known to be derived from any violation of the Uniform Controlled Dangerous Substances Act, as provided for in subsection A of Section 2-503.1 of Title 63 of the Oklahoma Statutes;

104. Knowingly or intentionally giving, selling, transferring, trading, investing, concealing, transporting, or maintaining an interest in anything of value which is intended to be used for committing a violation of the Uniform Controlled Dangerous Substances Act, as provided for in subsection B of Section 2-503.1 of Title 63 of the Oklahoma Statutes;

105. Directing, planning, organizing, initiating, financing, managing, supervising, or facilitating the transportation or transfer of proceeds known to be derived from a violation of the Uniform Controlled Dangerous Substances Act, as provided for in subsection C of Section 2-503.1 of Title 63 of the Oklahoma Statutes;

106. Conducting a financial transaction involving proceeds derived from a violation of the Uniform Controlled Dangerous Substances Act for the purpose of concealing or disguising the nature, location, source, ownership, or control of the proceeds known to be derived from a violation of the Uniform Controlled Dangerous Substances Act, as provided for in subsection D of Section 2-503.1 of Title 63 of the Oklahoma Statutes;

107. Encouraging, facilitating, or allowing access to any money transmitter equipment for unlawful purposes, as provided for in subsection B of Section 2-503.1d of Title 63 of the Oklahoma Statutes;

108. Using a money services business or electronic funds transfer network to facilitate any violation of the Uniform Controlled Dangerous Substances Act, as provided for in Section 2-503.1e of Title 63 of the Oklahoma Statutes;

109. Structuring, assisting, or attempting to structure any unlawful transaction with one or more financial or nonfinancial trades or businesses, as provided for in Section 2-503.1g of Title 63 of the Oklahoma Statutes;

110. Altering, counterfeiting, defacing, destroying, disguising, falsifying, forging, obliterating, or removing a hull identification number of a vessel or motor, as provided for in subsection B of Section 4253 of Title 63 of the Oklahoma Statutes;

111. Commit or attempt to commit certain violations of the Vessel and Motor Chop Shop, Stolen and Altered Property Act, as

provided for in subsection D of Section 4253 of Title 63 of the Oklahoma Statutes;

112. Giving a false or bogus check in payment or remittance of taxes, fees, penalties, or interest levied pursuant to any state tax laws and the value of the false or bogus check is Five Hundred Dollars (\$500.00) or more, as provided for in Section 218.1 of Title 68 of the Oklahoma Statutes;

113. Perjury by providing false answers to any questions from the Oklahoma Tax Commission or making or presenting any false affidavit to be filed with the Oklahoma Tax Commission, as provided for in Section 244 of Title 68 of the Oklahoma Statutes;

114. Perjury by verifying by oath, affirmation, or declaration, any false report or false return that is to be filed with the Oklahoma Tax Commission, as provided for in Section 246 of Title 68 of the Oklahoma Statutes;

115. Making or manufacturing any tax stamp or falsely or fraudulently forging, counterfeiting, reproducing, or possessing any tax stamp, as provided for in subsection (a) of Section 317 of Title 68 of the Oklahoma Statutes;

116. Offering or selling unregistered securities, as provided for in Section 1-301 of Title 71 of the Oklahoma Statutes;

117. Issuing investment certificates when insolvent by an investment certificate issuer, as provided for in paragraph 1 of subsection K of Section 1-308 of Title 71 of the Oklahoma Statutes;

118. Transacting business as a broker-dealer without being registered as a broker-dealer, as provided for in subsection A of Section 1-401 of Title 71 of the Oklahoma Statutes;

119. Employing or associating with an individual for security transaction purposes when the registration of the individual is suspended or revoked or the individual is barred from employment or association with a broker-dealer, as provided for in subsection C of Section 1-401 of Title 71 of the Oklahoma Statutes;

120. Transacting business as an agent without being registered as an agent, as provided for in subsection A of Section 1-402 of Title 71 of the Oklahoma Statutes;

121. Employing or associating with an agent who transacts business on behalf of broker-dealers when the agent is not registered, as provided for in subsection D of Section 1-402 of Title 71 of the Oklahoma Statutes;

122. Conducting business on behalf of a broker-dealer when the registration of the agent is suspended or revoked or the individual is barred from employment or association with a broker-dealer, as provided for in subsection F of Section 1-402 of Title 71 of the Oklahoma Statutes;

123. Transacting business as an investment adviser without being registered as an investment adviser, as provided for in subsection A of Section 1-403 of Title 71 of the Oklahoma Statutes;

124. Employing or associating with an individual to engage in providing investment advice when the registration of the individual is suspended or revoked or the individual is barred from employment or association with an investment adviser, as provided for in subsection C of Section 1-403 of Title 71 of the Oklahoma Statutes;

125. Employing or associating with an individual required to be registered as an investment adviser representative who is not registered as an investment adviser representative, as provided for in subsection D of Section 1-403 of Title 71 of the Oklahoma Statutes;

126. Transacting business as an investment adviser representative without being registered as an investment adviser representative, as provided for in subsection A of Section 1-404 of Title 71 of the Oklahoma Statutes;

127. Conducting business on behalf of an investment adviser or federal-covered investment adviser when the registration of the investment adviser representative is suspended or revoked or the individual is barred from employment or association with an investment adviser or federal-covered investment adviser, as provided for in subsection E of Section 1-404 of Title 71 of the Oklahoma Statutes;

128. Employing a device, scheme, or artifice to defraud another when offering, selling, or purchasing a security, as provided for in paragraph 1 of Section 1-501 of Title 71 of the Oklahoma Statutes;

129. Making an untrue statement of a material fact or omitting a material fact when offering, selling, or purchasing a security, as provided for in paragraph 2 of Section 1-501 of Title 71 of the Oklahoma Statutes;

130. Engaging in an act, practice, or course of business that operates as a fraud or deceit upon another person when offering, selling, or purchasing a security, as provided for in paragraph 3 of Section 1-501 of Title 71 of the Oklahoma Statutes;

131. Employing a device, scheme, or artifice to defraud another when advising others for compensation as to the value of securities, as provided for in paragraph 1 of subsection A of Section 1-502 of Title 71 of the Oklahoma Statutes;

132. Making an untrue statement of a material fact or omitting a material fact when advising others for compensation as to the value of securities, as provided for in paragraph 2 of subsection A of Section 1-502 of Title 71 of the Oklahoma Statutes;

133. Engaging in an act, practice, or course of business that operates as a fraud or deceit upon another person when advising others for compensation as to the value of securities, as provided for in paragraph 3 of subsection A of Section 1-502 of Title 71 of the Oklahoma Statutes;

134. Making false or misleading statements in a record, as provided for in Section 1-505 of Title 71 of the Oklahoma Statutes;

135. Making or causing to be made to a purchaser, customer, client, or prospective customer or client, an inconsistent representation, as provided for in Section 1-506 of Title 71 of the Oklahoma Statutes;

136. Willfully violating certain provisions of the Oklahoma Uniform Securities Act of 2004, as provided for in subsection A of Section 1-508 of Title 71 of the Oklahoma Statutes;

137. Offering or selling any business opportunity without being registered under the Oklahoma Business Opportunity Sales Act, as provided for in Section 806 of Title 71 of the Oklahoma Statutes;

138. Offering or selling any business opportunity without a written disclosure being filed, as provided for in subsection A of Section 808 of Title 71 of the Oklahoma Statutes;

139. Offering or selling any business opportunity without a business opportunity contract or agreement, as provided for in subsection A of Section 809 of Title 71 of the Oklahoma Statutes;

140. Making or using any specific representations from the Oklahoma Business Opportunity Sales Act without having a minimum net worth of Fifty Thousand Dollars (\$50,000.00), as provided for in Section 811 of Title 71 of the Oklahoma Statutes;

141. Using information filed with or obtained by the Administrator that is not public for the personal benefit of the Administrator or any officers or employees of the Administrator, as provided for in subsection B of Section 812 of Title 71 of the Oklahoma Statutes;

142. Employing any device, scheme, or artifice to defraud in connection with offering or selling any business opportunity, as provided for in paragraph 1 of Section 819 of Title 71 of the Oklahoma Statutes;

143. Making any untrue statement of a material fact or omitting a material fact in connection with offering or selling any business opportunity, as provided for in paragraph 2 of Section 819 of Title 71 of the Oklahoma Statutes;

144. Engaging in any act, practice, or course of business which operates as a fraud or deceit in connection with offering or selling any business opportunity, as provided for in paragraph 3 of Section 819 of Title 71 of the Oklahoma Statutes;

145. Making or causing to be made any false or misleading statements or omitting to state a material fact necessary in any document filed with the Administrator or in any proceeding pursuant to the Oklahoma Business Opportunity Sales Act, as provided for in Section 820 of Title 71 of the Oklahoma Statutes;

146. Filing any application for registration that is false, incomplete, or misleading, as provided for in Section 821 of Title 71 of the Oklahoma Statutes;

147. Publishing, circulating, or using any advertising that contains untrue statements of material facts or omits to state

material facts necessary, as provided for in Section 822 of Title 71 of the Oklahoma Statutes;

148. Taking or receiving any rebate, percentage of contract, money, or any other thing of value by an officer of the Office of Management and Enterprise Services from any person, firm, or corporation, as provided for in Section 71 of Title 74 of the Oklahoma Statutes;

149. Monopolizing, attempting to monopolize, or conspiring to monopolize any part of trade or commerce, as provided for in subsection B of Section 203 of Title 79 of the Oklahoma Statutes;

150. Discrimination in price between different purchasers of commodities by any person engaged in commerce, as provided for in Section 204 of Title 79 of the Oklahoma Statutes;

151. Violation of the Oklahoma Antitrust Reform Act, as provided for in Section 206 of Title 79 of the Oklahoma Statutes;

152. Having any interest, directly or indirectly, in any contract for the purchase of property or construction of work by or for the Grand River Dam Authority by a director, officer, agent, or employee, as provided for in Section 867 of Title 82 of the Oklahoma Statutes; and

153. Using explosive agent to kill, injure, or intimidate or to damage property, as provided for in subsection B of Section 124.8 of Title 63 of the Oklahoma Statutes.

B. Any person convicted of a Class C2 criminal offense set forth in this section shall be punished by imprisonment in the custody of the Department of Corrections for a term of not more than seven (7) years and shall serve at least twenty percent (20%) of the sentence imposed before release from custody including release to electronic monitoring pursuant to Section 510.9 of Title 57 of the Oklahoma Statutes.

C. 1. Every person who, having been previously convicted of one or two Class C or Class D criminal offenses, commits a Class C2 criminal offense shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for a term of not less than two (2) years nor more than ten (10) years and shall serve at least twenty percent (20%) of the sentence imposed before release from custody including release to electronic monitoring pursuant to Section 510.9 of Title 57 of the Oklahoma Statutes.

2. Every person who, having been previously convicted of three Class C or Class D criminal offenses, or one or more Class Y, Class A, or Class B criminal offenses, commits a Class C2 criminal offense shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for a term of not less than two (2) years nor more than twelve (12) years and shall serve at least forty percent (40%) of the sentence imposed before release from custody including release to electronic monitoring pursuant to Section 510.9 of Title 57 of the Oklahoma Statutes.

D. Unless specifically exempted pursuant to subsection E of this section, Section 51.1 of Title 21 of the Oklahoma Statutes shall not apply to Class C2 criminal offenses.

E. 1. The criminal offenses listed in paragraphs 1, 2, 52, 53, 54, 55, 63, 65, 67, 68, 76, and 77 of subsection A of this section shall be exempt from the penalty provisions provided for in subsections B and C of this section. Persons convicted of the criminal offenses provided for in paragraphs 1, 2, 52, 53, 54, 55, 63, 65, 67, 68, 76, and 77 of subsection A of this section shall be punished in accordance with the corresponding penalties provided for in the Oklahoma Statutes including Section 51.1 of Title 21 of the Oklahoma Statutes.

2. The criminal offense listed in paragraph 64 of subsection A of this section shall be exempt from the penalty provision provided for in subsection B of this section. Persons convicted of the criminal offense provided for in paragraph 64 of subsection A of this section shall be punished in accordance with the corresponding penalties as provided for in the Oklahoma Statutes including Section 51.1 of Title 21 of the Oklahoma Statutes. The provisions of subsection C of this section still applies to the criminal offense listed in paragraph 64 of subsection A of this section.

F. All Class C2 criminal offenses shall be punishable by the corresponding fines as provided for in the Oklahoma Statutes. Added by Laws 2024, c. 366, § 13, eff. Jan. 1, 2026. Amended by Laws 2025, c. 187, § 6, eff. Jan. 1, 2026.

§21-20N. Class D1 offenses.

A. Upon the effective date of this act, Class D1 shall include the following criminal offenses:

1. Public warehouse and/or commodity stock fraud, as provided for in Section 9-34 of Title 2 of the Oklahoma Statutes;

2. False issuance of warehouse receipt, as provided for in Section 9-35 of Title 2 of the Oklahoma Statutes;

3. Misrepresentation of charter, as provided for in Section 9-36 of Title 2 of the Oklahoma Statutes;

4. Tampering with anhydrous equipment, as provided for in subsection A of Section 11-10 of Title 2 of the Oklahoma Statutes;

5. Willfully burn forest, grass, crops, or woodlands, as provided for in Section 16-25 of Title 2 of the Oklahoma Statutes;

6. Willful and unlawful burning of forest, grass, croplands, rangeland, or other wild lands by owner, as provided for in Section 16-28.1 of Title 2 of the Oklahoma Statutes;

7. Possession of incendiary device with the intent to burn, as provided for in Section 16-34 of Title 2 of the Oklahoma Statutes;

8. Operate aircraft not registered with the Federal Aviation Administration Office of Aircraft Registry or foreign country, as

provided for in subsection A of Section 258 of Title 3 of the Oklahoma Statutes;

9. Supply false information in regard to aircraft ownership, as provided for in subsection B of Section 258 of Title 3 of the Oklahoma Statutes;

10. Concealing identity of aircraft, as provided for in subsection C of Section 258 of Title 3 of the Oklahoma Statutes;

11. Destruction of registration or serial number on aircraft, as provided for in subsection A of Section 259 of Title 3 of the Oklahoma Statutes;

12. Destruction of registration or serial number on aircraft with intent to conceal, as provided for in subsection B of Section 259 of Title 3 of the Oklahoma Statutes;

13. Sell, purchase, or possess aircraft with removed or falsified identification number with intent to misrepresent the identity of aircraft, as provided for in subsection D of Section 259 of Title 3 of the Oklahoma Statutes;

14. Operating aircraft under the influence of alcohol, second or subsequent offense within ten (10) years, as provided for in subsection A of Section 301 of Title 3 of the Oklahoma Statutes;

15. Operating aircraft under the influence of intoxicant, second or subsequent offense with ten (10) years, as provided for in subsection A of Section 301 of Title 3 of the Oklahoma Statutes;

16. Unauthorized use of aircraft, as provided for in subsection A of Section 321 of Title 3 of the Oklahoma Statutes;

17. Charge fee for horse race without a license, as provided for in Section 205 of Title 3A of the Oklahoma Statutes;

18. Pari-mutuel wagering without a license, as provided for in subsection A of Section 208.4 of Title 3A of the Oklahoma Statutes;

19. Entering racehorse under false name, as provided for in subsection A of Section 208.6 of Title 3A of the Oklahoma Statutes;

20. Entering racehorse without name being registered, as provided for in subsection B of Section 208.6 of Title 3A of the Oklahoma Statutes;

21. Using racing stimulating devices, as provided for in Section 208.7 of Title 3A of the Oklahoma Statutes;

22. Racetrack bribery or ticket falsification, as provided for in Section 208.8 of Title 3A of the Oklahoma Statutes;

23. Unauthorized wagering on horse racing, as provided for in Section 208.9 of Title 3A of the Oklahoma Statutes;

24. Falsification of information on racehorse, as provided for in Section 208.10 of Title 3A of the Oklahoma Statutes;

25. Administer a drug or medication without authorization to horse prior to racing, as provided for in subsection C of Section 208.11 of Title 3A of the Oklahoma Statutes;

26. Violation of horse racing drug provisions, as provided for in subsection D of Section 208.11 of Title 3A of the Oklahoma Statutes;

27. Forging and/or counterfeiting state lottery ticket, as provided for in subsection A of Section 727 of Title 3A of the Oklahoma Statutes;

28. Influence lottery win by fraud, as provided for in subsection B of Section 727 of Title 3A of the Oklahoma Statutes;

29. Own dog that attacks and kills a person, as provided for in subsection B of Section 42.4 of Title 4 of the Oklahoma Statutes;

30. Release dog on law enforcement officer, as provided for in subsection C of Section 42.4 of Title 4 of the Oklahoma Statutes;

31. Pledging assets of bank as collateral, as provided in Section 809 of Title 6 of the Oklahoma Statutes;

32. Unlawful compensation of bank officer, as provided for in Section 1405 of Title 6 of the Oklahoma Statutes;

33. Receipt of deposits while insolvent, as provided for in Section 1406 of Title 6 of the Oklahoma Statutes;

34. Unlawful service as bank officer or director, as provided for in Section 1407 of Title 6 of the Oklahoma Statutes;

35. Serving as bank commissioner, administrative assistant, or assistant banking commissioner with a felony conviction, as provided for in Section 1408 of Title 6 of the Oklahoma Statutes;

36. Concealing bank transaction, as provided for in Section 1409 of Title 6 of the Oklahoma Statutes;

37. Improper maintenance of accounts or false or deceptive entries and statements, as provided for in Section 1410 of Title 6 of the Oklahoma Statutes;

38. Payment of penalties and judgments against others, as provided for in Section 1411 of Title 6 of the Oklahoma Statutes;

39. Embezzlement of bank funds, as provided for in Section 1412 of Title 6 of the Oklahoma Statutes;

40. Circulation of statement or representation for the purpose of injuring any bank institution, as provided for in Section 1413 of Title 6 of the Oklahoma Statutes;

41. Authorizing, executing, or ratifying a criminal offense, as provided for in subsection A of Section 1414 of Title 6 of the Oklahoma Statutes;

42. Violation of any lawful order of the Board or Commissioner, as provided for in subsection C of Section 1414 of Title 6 of the Oklahoma Statutes;

43. Bank advertising with confusingly similar name, as provided for in subsection A of Section 1417 of Title 6 of the Oklahoma Statutes;

44. Using shortened confusingly similar name for advertising, as provided for in subsection B of Section 1417 of Title 6 of the Oklahoma Statutes;

45. Acquiring another bank but using former name, as provided for in subsection C of Section 1417 of Title 6 of the Oklahoma Statutes;

46. Non-banking business using confusingly similar name, as provided for in subsection D of Section 1417 of Title 6 of the Oklahoma Statutes;

47. Registered sex offender providing services in a child care facility, as provided for in subsection F of Section 404.1 of Title 10 of the Oklahoma Statutes;

48. Failure to report child abuse, as provided for in subsection C of Section 1-2-101 of Title 10A of the Oklahoma Statutes;

49. Interception of wire, oral, or electronic communication, as provided for in paragraph 1 of Section 176.3 of Title 13 of the Oklahoma Statutes;

50. Using devices to intercept oral communication, as provided for in paragraph 2 of Section 176.3 of Title 13 of the Oklahoma Statutes;

51. Disclosing contents of wire, oral, or electronic communication, as provided for in paragraph 3 of Section 176.3 of Title 13 of the Oklahoma Statutes;

52. Using contents of wire, oral, or electronic communication, as provided for in paragraph 4 of Section 176.3 of Title 13 of the Oklahoma Statutes;

53. Removing, injuring, or obstructing telephone line, as provided for in paragraph 5 of Section 176.3 of Title 13 of the Oklahoma Statutes;

54. Carrying devices for interception of wire, oral, or electronic communication, as provided for in paragraph 6 of Section 176.3 of Title 13 of the Oklahoma Statutes;

55. Making devices for interception of wire, oral, or electronic communication, as provided for in paragraph 7 of Section 176.3 of Title 13 of the Oklahoma Statutes;

56. Using communication facility in committing felonies, as provided for in paragraph 8 of Section 176.3 of Title 13 of the Oklahoma Statutes;

57. Violation of the Oklahoma Consumer Protection Act, as provided for in Section 753 of Title 15 of the Oklahoma Statutes;

58. Violation of the Home Repair Fraud Act, as provided for in Section 765.3 of Title 15 of the Oklahoma Statutes;

59. Conduct closing-out sale without license, as provided for in Section 767 of Title 15 of the Oklahoma Statutes;

60. Violation of the Unlawful Electronic Mail Act, as provided for in Section 776.1 of Title 15 of the Oklahoma Statutes;

61. Violation of the Unlawful Electronic Mail Act for commercial electronic mail, as provided for in Section 776.6 of Title 15 of the Oklahoma Statutes;

62. Conceal or destroy corporation records, as provided for in Section 16 of Title 17 of the Oklahoma Statutes;

63. Misapplication of funds, as provided for in Section 411 of Title 18 of the Oklahoma Statutes;

64. Solicit funds to secure old age assistance by deception or fraud, as provided for in Section 553.1 of Title 18 of the Oklahoma Statutes;

65. Inspector, judge, or clerk refusing to extend or enforce the right to sign and deliver the certificate of election votes, as provided for in Section 90 of Title 19 of the Oklahoma Statutes;

66. Knowing and willful failure or refusal to perform duties, as provided for in Section 91 of Title 19 of the Oklahoma Statutes;

67. County officer failing to make daily deposit, as provided for in Section 682 of Title 19 of the Oklahoma Statutes;

68. Use of false or illegal voucher by county official, as provided for in Section 686 of Title 19 of the Oklahoma Statutes;

69. Gift to influence legislator, as provided for in Section 318 of Title 21 of the Oklahoma Statutes;

70. Legislator receiving payoff for employment of other, as provided for in Section 321 of Title 21 of the Oklahoma Statutes;

71. Lobbying legislature on contingency fee basis, as provided for in Section 334 of Title 21 of the Oklahoma Statutes;

72. Furnishing public supplies for profit, as provided for in subsection A of Section 355 of Title 21 of the Oklahoma Statutes;

73. Purchase public supplies from business that employs family member or spouse with more than five percent (5%) interest, as provided for in subsection C of Section 355 of Title 21 of the Oklahoma Statutes;

74. Make false claim against the state, as provided for in subsection A of Section 358 of Title 21 of the Oklahoma Statutes;

75. Bribing an officer, as provided for in Section 381 of Title 21 of the Oklahoma Statutes;

76. Bribing participant or official in athletic contest, as provided for in Section 399 of Title 21 of the Oklahoma Statutes;

77. Engaging in pattern of criminal offenses, as provided for in Section 425 of Title 21 of the Oklahoma Statutes;

78. Escape from county or city jail, as provided for in subsection A of Section 443 of Title 21 of the Oklahoma Statutes;

79. Escape from the Department of Corrections or alternative incarceration, as provided for in subsection B of Section 443 of Title 21 of the Oklahoma Statutes;

80. Escape from juvenile detention facility, as provided for in subsection E of Section 443 of Title 21 of the Oklahoma Statutes;

81. Unauthorized entry into penal institution or jail, as provided for in Section 445 of Title 21 of the Oklahoma Statutes;

82. Preparing false evidence, as provided for in Section 453 of Title 21 of the Oklahoma Statutes;

83. Bribing witness to falsely testify, as provided for in Section 456 of Title 21 of the Oklahoma Statutes;
84. Larceny or destruction of records by clerk or officer, as provided for in Section 461 of Title 21 of the Oklahoma Statutes;
85. Larceny or destruction of records by person other than officers, as provided for in Section 462 of Title 21 of the Oklahoma Statutes;
86. Offer forged or false instruments for the record, as provided for in Section 463 of Title 21 of the Oklahoma Statutes;
87. Perjury, as provided for in Section 491 of Title 21 of the Oklahoma Statutes;
88. Contradictory statements as perjury, as provided for in Section 496 of Title 21 of the Oklahoma Statutes;
89. Perjury by subornation, as provided for in Section 504 of Title 21 of the Oklahoma Statutes;
90. Falsify public record, as provided for in Section 531 of Title 21 of the Oklahoma Statutes;
91. Fortifying access point to place where felony is being committed, as provided for in Section 540C of Title 21 of the Oklahoma Statutes;
92. Compounding a crime, as provided for in Section 543 of Title 21 of the Oklahoma Statutes;
93. Substitute a child to deceive a parent or guardian, as provided for in Section 579 of Title 21 of the Oklahoma Statutes;
94. Record, listen to, or observe jury proceedings, as provided for in Section 588 of Title 21 of the Oklahoma Statutes;
95. Abuse, sexual abuse, or exploitation of a vulnerable adult, as provided for in subsection A of Section 843.3 of Title 21 of the Oklahoma Statutes;
96. Neglect of a vulnerable adult, as provided for in subsection B of Section 843.3 of Title 21 of the Oklahoma Statutes;
97. Procuring an abortion, as provided for in Section 861 of Title 21 of the Oklahoma Statutes;
98. Adultery, as provided for in Section 871 of Title 21 of the Oklahoma Statutes;
99. Bigamy, as provided for in Section 881 of Title 21 of the Oklahoma Statutes;
100. Knowingly marrying a bigamist, as provided for in Section 884 of Title 21 of the Oklahoma Statutes;
101. Confidence game by cards, as provided for in Section 954 of Title 21 of the Oklahoma Statutes;
102. Dealing in gambling devices, as provided for in Section 984 of Title 21 of the Oklahoma Statutes;
103. Install communication of gambling information, as provided for in Section 986 of Title 21 of the Oklahoma Statutes;
104. Dissemination of gambling information, as provided for in Section 987 of Title 21 of the Oklahoma Statutes;

105. Conspiracy to violate gambling laws, as provided for in Section 988 of Title 21 of the Oklahoma Statutes;

106. Engaging in prostitution while HIV-infected, as provided for in subsection B of Section 1031 of Title 21 of the Oklahoma Statutes;

107. Engage in or operate prostitution within one thousand (1,000) feet of a school or church, as provided for in subsection D of Section 1031 of Title 21 of the Oklahoma Statutes;

108. Interactive computer service provider failing to remove child pornography, third or subsequent offense, as provided for in Section 1040.80 of Title 21 of the Oklahoma Statutes;

109. Gain or attempt to gain value from nonconsensual dissemination of private sexual images, as provided for in subsection G of Section 1040.13b of Title 21 of the Oklahoma Statutes;

110. Sex offender entering safety zone around school, as provided for in Section 1125 of Title 21 of the Oklahoma Statutes;

111. Unlawful removal of dead body, as provided for in Section 1161 of Title 21 of the Oklahoma Statutes;

112. Purchasing or receiving dead body, as provided for in Section 1162 of Title 21 of the Oklahoma Statutes;

113. Using photographic, electronic, or video equipment in clandestine manner, as provided for in subsection B of Section 1171 of Title 21 of the Oklahoma Statutes;

114. Obscene, threatening, or harassing phone call, second or subsequent offense, as provided for in Section 1172 of Title 21 of the Oklahoma Statutes;

115. Spreading infectious diseases, as provided for in Section 1192 of Title 21 of the Oklahoma Statutes;

116. Altering livestock appearance for exhibition, second or subsequent offense, as provided for in Section 1229 of Title 21 of the Oklahoma Statutes;

117. Unlawfully transport hazardous waste, as provided for in Section 1230.3 of Title 21 of the Oklahoma Statutes;

118. Unlawful waste management, as provided for in Section 1230.4 of Title 21 of the Oklahoma Statutes;

119. False statements and acts concerning permits and waste, as provided for in Section 1230.5 of Title 21 of the Oklahoma Statutes;

120. Unlawful disposal of hazardous waste, as provided for in Section 1230.6 of Title 21 of the Oklahoma Statutes;

121. Attempts to violate the Sabotage Prevention Act, as provided for in Section 1265.4 of Title 21 of the Oklahoma Statutes;

122. Carry weapon with intent to injure another, as provided for in Section 1278 of Title 21 of the Oklahoma Statutes;

123. Teaching, demonstrating, or training use of firearms in furtherance of riot, as provided for in Section 1320.10 of Title 21 of the Oklahoma Statutes;

124. Delivering fraudulent bill of lading, as provided for in Section 1411 of Title 21 of the Oklahoma Statutes;

125. Maintaining fraudulent warehouse receipts, as provided for in Section 1412 of Title 21 of the Oklahoma Statutes;

126. Issuing duplicate bills of lading or warehouse receipts, as provided for in Section 1414 of Title 21 of the Oklahoma Statutes;

127. Selling goods without consent of holder of bill of lading, as provided for in Section 1415 of Title 21 of the Oklahoma Statutes;

128. Unlawful delivery of goods, value from Two Thousand Five Hundred Dollars (\$2,500.00) to Fifteen Thousand Dollars (\$15,000.00), as provided for in paragraph 3 of Section 1416 of Title 21 of the Oklahoma Statutes;

129. Burglary in the third degree, as provided for in subsection B of Section 1435 of Title 21 of the Oklahoma Statutes;

130. Embezzlement of property, value from Two Thousand Five Hundred Dollars (\$2,500.00) to Fifteen Thousand Dollars (\$15,000.00), as provided for in subsection A of Section 1451 of Title 21 of the Oklahoma Statutes;

131. Extortion, as provided for in Section 1481 of Title 21 of the Oklahoma Statutes;

132. Extortion induced by threats, as provided for in Section 1482 of Title 21 of the Oklahoma Statutes;

133. Obtain signatures by extortion, as provided for in Section 1485 of Title 21 of the Oklahoma Statutes;

134. Extortion by threatening letter, as provided for in Section 1486 of Title 21 of the Oklahoma Statutes;

135. Blackmail, as provided for in Section 1488 of Title 21 of the Oklahoma Statutes;

136. Defrauding hotel, inn, or restaurant, value of One Thousand Dollars (\$1,000.00) or more, as provided for in Section 1503 of Title 21 of the Oklahoma Statutes;

137. Renting motor vehicle with bogus check, value of One Thousand Dollars (\$1,000.00) or more, as provided for in Section 1521 of Title 21 of the Oklahoma Statutes;

138. Receive money or property by impersonating another, value from Two Thousand Five Hundred Dollars (\$2,500.00) to Fifteen Thousand Dollars (\$15,000.00), as provided for in paragraph 3 of Section 1532 of Title 21 of the Oklahoma Statutes;

139. False use of "State Police" with intent to communicate policing authority, and another is injured, defrauded, harassed, or vexed, as provided for in subsection G of Section 1533 of Title 21 of the Oklahoma Statutes;

140. Identity theft, as provided for in Section 1533.1 of Title 21 of the Oklahoma Statutes;

141. Felony value - false pretense, bogus check, con game, valued from Two Thousand Five Hundred Dollars (\$2,500.00) to Fifteen Thousand Dollars (\$15,000.00), as provided for in subsection A of Section 1541.2 of Title 21 of the Oklahoma Statutes;

142. Two or more false or bogus checks, valued from Two Thousand Five Hundred Dollars (\$2,500.00) to Fifteen Thousand Dollars (\$15,000.00), as provided for in subsection A of Section 1541.3 of Title 21 of the Oklahoma Statutes;

143. Obtaining money or property with false negotiable paper, as provided for in Section 1544 of Title 21 of the Oklahoma Statutes;

144. Signs credit or debit card with intent to defraud, as provided for in subsection (a) of Section 1550.28 of Title 21 of the Oklahoma Statutes;

145. Possess credit or debit card of another with intent to defraud, as provided for in subsection (b) of Section 1550.28 of Title 21 of the Oklahoma Statutes;

146. Possessing incomplete credit cards with intent to complete, as provided for in Section 1550.31 of Title 21 of the Oklahoma Statutes;

147. Possess firearm with altered ID during commission of a felony, as provided for in subsection A of Section 1550 of Title 21 of the Oklahoma Statutes;

148. Make, sell, or display false identification for felony purposes or to mislead police officer, as provided for in subsection C of Section 1550.41 of Title 21 of the Oklahoma Statutes;

149. Forgery of state, public, court, or corporate seals, as provided for in Section 1571 of Title 21 of the Oklahoma Statutes;

150. Forgery of records, as provided for in Section 1572 of Title 21 of the Oklahoma Statutes;

151. Making false entry in records, as provided for in Section 1573 of Title 21 of the Oklahoma Statutes;

152. Forgery of certification or acknowledgement of conveyance, as provided for in Section 1574 of Title 21 of the Oklahoma Statutes;

153. Forgery II / Forgery III, valued from Two Thousand Five Hundred Dollars (\$2,500.00) to Fifteen Thousand Dollars (\$15,000.00), as provided for in subsection A of Section 1577 of Title 21 of the Oklahoma Statutes;

154. Possession of forged evidence of debt, valued from Two Thousand Five Hundred Dollars (\$2,500.00) to Fifteen Thousand Dollars (\$15,000.00), as provided for in subsection A of Section 1578 of Title 21 of the Oklahoma Statutes;

155. Possession of other forged instrument, valued from Two Thousand Five Hundred Dollars (\$2,500.00) to Fifteen Thousand Dollars (\$15,000.00), as provided for in subsection A of Section 1579 of Title 21 of the Oklahoma Statutes;

156. Issuing spurious or false certificates of stock, as provided for in Section 1580 of Title 21 of the Oklahoma Statutes;

157. Reissuing canceled certificates of stock, as provided for in Section 1581 of Title 21 of the Oklahoma Statutes;

158. Issuing or pledging false evidence of debt, as provided for in Section 1582 of Title 21 of the Oklahoma Statutes;

159. Counterfeiting coin, as provided for in Section 1583 of Title 21 of the Oklahoma Statutes;

160. Counterfeiting coin for exportation, as provided for in Section 1584 of Title 21 of the Oklahoma Statutes;

161. Forging process of court or title to property, as provided for in Section 1585 of Title 21 of the Oklahoma Statutes;

162. Making false entries in public book, as provided for in Section 1586 of Title 21 of the Oklahoma Statutes;

163. Forging tickets of passage, as provided for in Section 1587 of Title 21 of the Oklahoma Statutes;

164. Forging postage stamps, as provided for in Section 1588 of Title 21 of the Oklahoma Statutes;

165. Falsification of corporate records, as provided for in Section 1589 of Title 21 of the Oklahoma Statutes;

166. Employee making false entries, as provided for in Section 1590 of Title 21 of the Oklahoma Statutes;

167. Possessing counterfeit coin with intent to circulate, as provided for in Section 1591 of Title 21 of the Oklahoma Statutes;

168. Uttering forged instruments, value from Two Thousand Five Hundred Dollars (\$2,500.00) to Fifteen Thousand Dollars (\$15,000.00), as provided for in subsection A of Section 1592 of Title 21 of the Oklahoma Statutes;

169. Falsely procuring another's signature, as provided for in Section 1593 of Title 21 of the Oklahoma Statutes;

170. Utter signature of another with same name, as provided for in Section 1622 of Title 21 of the Oklahoma Statutes;

171. Uttering one's endorsement as another's, as provided for in Section 1623 of Title 21 of the Oklahoma Statutes;

172. Erasure or alterations with intent to defraud, as provided for in Section 1624 of Title 21 of the Oklahoma Statutes;

173. Sign fictitious name as officer of corporation, as provided for in Section 1626 of Title 21 of the Oklahoma Statutes;

174. Fraudulent insolvency of corporation, as provided for in Section 1639 of Title 21 of the Oklahoma Statutes;

175. Workers' compensation fraud, as provided for in Section 1663 of Title 21 of the Oklahoma Statutes;

176. Willfully poisoning animal, as provided for in Section 1681 of Title 21 of the Oklahoma Statutes;

177. Larceny of lost property, value from Two Thousand Five Hundred Dollars (\$2,500.00) to Fifteen Thousand Dollars

(\$15,000.00), as provided for in paragraph 3 of Section 1702 of Title 21 of the Oklahoma Statutes;

178. Grand larceny, value from Two Thousand Five Hundred Dollars (\$2,500.00) to Fifteen Thousand Dollars (\$15,000.00), as provided for in subsection A of Section 1705 of Title 21 of the Oklahoma Statutes;

179. Larceny of written instrument, as provided for in Section 1709 of Title 21 of the Oklahoma Statutes;

180. Receive, possess, or conceal stolen property, value from Two Thousand Five Hundred Dollars (\$2,500.00) to Fifteen Thousand Dollars (\$15,000.00), as provided for in subsection A of Section 1713 of Title 21 of the Oklahoma Statutes;

181. Bringing stolen property into state, value from Two Thousand Five Hundred Dollars (\$2,500.00) to Fifteen Thousand Dollars (\$15,000.00), as provided for in Section 1715 of Title 21 of the Oklahoma Statutes;

182. Larceny of dogs, as provided for in Section 1718 of Title 21 of the Oklahoma Statutes;

183. Larceny of or receiving stolen fowls, as provided for in Section 1719 of Title 21 of the Oklahoma Statutes;

184. Larceny of domesticated fish or game, value One Thousand Dollars (\$1,000.00) or more, as provided for in Section 1719.1 of Title 21 of the Oklahoma Statutes;

185. Larceny of auto, aircraft, or other motor vehicle, value less than Fifty Thousand Dollars (\$50,000.00), as provided for in Section 1720 of Title 21 of the Oklahoma Statutes;

186. Larceny from building or house, as provided for in Section 1723 of Title 21 of the Oklahoma Statutes;

187. Possession of mercury, as provided for in Section 1726 of Title 21 of the Oklahoma Statutes;

188. Entering with intent to steal copper, as provided for in Section 1727 of Title 21 of the Oklahoma Statutes;

189. Possessing, receiving, or transporting stolen copper, as provided for in Section 1728 of Title 21 of the Oklahoma Statutes;

190. Larceny of merchandise from retailer, value from Two Thousand Five Hundred Dollars (\$2,500.00) to Fifteen Thousand Dollars (\$15,000.00), as provided for in subsection A of Section 1731 of Title 21 of the Oklahoma Statutes;

191. Larceny of trade secrets, value from Two Thousand Five Hundred Dollars (\$2,500.00) to Fifteen Thousand Dollars (\$15,000.00), as provided for in Section 1732 of Title 21 of the Oklahoma Statutes;

192. Procuring, selling, or receiving telephone records by fraud (single telephone record), as provided for in subsection A of Section 1742.2 of Title 21 of the Oklahoma Statutes;

193. Injury to or obstruction of railroad, as provided for in Section 1751 of Title 21 of the Oklahoma Statutes;

194. Interfering with railroad, as provided for in Section 1752.1 of Title 21 of the Oklahoma Statutes;

195. Possess, use, manufacture, or threaten to use incendiary device or explosives without injury, as provided for in Section 1767.1 of Title 21 of the Oklahoma Statutes;

196. Removing or injuring piles securing bank or dam, as provided for in Section 1777 of Title 21 of the Oklahoma Statutes;

197. Maliciously injuring written instrument, value from Two Thousand Five Hundred Dollars (\$2,500.00) to Fifteen Thousand Dollars (\$15,000.00), as provided for in Section 1779 of Title 21 of the Oklahoma Statutes;

198. Place hard object or inflammable object in grain or cotton, as provided for in Section 1837 of Title 21 of the Oklahoma Statutes;

199. Selling five or more unlawful telecommunication devices within six (6) months, as provided for in subsection B of Section 1873 of Title 21 of the Oklahoma Statutes;

200. Manufacturing five or more unlawful telecommunications devices within six (6) months, as provided for in subsection B of Section 1874 of Title 21 of the Oklahoma Statutes;

201. Unauthorized removal of baggage or cargo from bus or terminal, as provided for in Section 1904 of Title 21 of the Oklahoma Statutes;

202. Access computer system or network with unlawful intent, as provided for in Section 1958 of Title 21 of the Oklahoma Statutes;

203. Reproduction of sound recording without consent, one hundred (100) or more articles, as provided for in Section 1976 of Title 21 of the Oklahoma Statutes;

204. Unlawfully sell sound recordings, as provided for in Section 1977 of Title 21 of the Oklahoma Statutes;

205. Broadcast or live recording for sale without consent, as provided for in Section 1978 of Title 21 of the Oklahoma Statutes;

206. Rent or sell articles without true name of manufacturer, as provided for in Section 1979 of Title 21 of the Oklahoma Statutes;

207. Counterfeiting recording or article label, as provided for in Section 1980 of Title 21 of the Oklahoma Statutes;

208. Violation of Trademark Anti-Counterfeiting Act, as provided for in Section 1990.2 of Title 21 of the Oklahoma Statutes;

209. Tampering with security equipment, as provided for in Section 1993 of Title 21 of the Oklahoma Statutes;

210. Sex offender engaging in ice cream truck vending, as provided for in Section 2100.1 of Title 21 of the Oklahoma Statutes;

211. Protective order violation, second or subsequent offense, as provided for in subsection A of Section 60.6 of Title 22 of the Oklahoma Statutes;

212. Protective order violation resulting in physical injury, as provided for in subsection B of Section 60.6 of Title 22 of the Oklahoma Statutes;

213. Disposal of seized liquor by officer, as provided for in Section 1263 of Title 22 of the Oklahoma Statutes;

214. False affidavits, as provided for in Section 1264 of Title 22 of the Oklahoma Statutes;

215. Interfering with voting machine, as provided for in Section 9-118 of Title 26 of the Oklahoma Statutes;

216. Voting illegally, as provided for in Section 16-102 of Title 26 of the Oklahoma Statutes;

217. Removing ballot from or carrying ballot into polling place, as provided for in Section 16-102.1 of Title 26 of the Oklahoma Statutes;

218. False application for an absentee ballot, as provided for in Section 16-102.2 of Title 26 of the Oklahoma Statutes;

219. False affidavit in voting registration, as provided for in Section 16-103 of Title 26 of the Oklahoma Statutes;

220. Causing unqualified persons to be invalidly registered, as provided for in Section 16-103.1 of Title 26 of the Oklahoma Statutes;

221. False notarization of absentee ballot, as provided for in Section 16-104 of Title 26 of the Oklahoma Statutes;

222. Perpetrate fraud or theft to affect election, as provided for in Section 16-105 of Title 26 of the Oklahoma Statutes;

223. Bribes to influence votes, as provided for in Section 16-106 of Title 26 of the Oklahoma Statutes;

224. Offer bribe to withdraw as candidate, as provided for in Section 16-107 of Title 26 of the Oklahoma Statutes;

225. Solicit or accept bribe for withdrawal of candidacy, as provided for in Section 16-108 of Title 26 of the Oklahoma Statutes;

226. Prevent person from registering to vote or voting, as provided for in Section 16-109 of Title 26 of the Oklahoma Statutes;

227. Printing or possession of ballots illegally, as provided for in Section 16-120 of Title 26 of the Oklahoma Statutes;

228. Violation of the Oklahoma Pollutant Discharge Elimination System Act, as provided for in subsection G of Section 2-6-206 of Title 27A of the Oklahoma Statutes;

229. Falsely state information to the Department of Environmental Quality, as provided for in Section 2-7-109 of Title 27A of the Oklahoma Statutes;

230. Falsify information on permit application for Oklahoma Solid Waste Management Act, as provided for in Section 2-10-302 of Title 27A of the Oklahoma Statutes;

231. Violation of use of solid waste disposal sites, as provided for in Section 2-10-801 of Title 27A of the Oklahoma Statutes;

232. Filing false sale with Insurance Commissioner, as provided for in Section 311.1 of Title 36 of the Oklahoma Statutes;

233. Selling insurance with revoked or suspended license, as provided for in subsection A of Section 1435.26 of Title 36 of the Oklahoma Statutes;

234. Aiding or conspiring with a person whose insurance license is revoked or suspended, as provided for in subsection B of Section 1435.26 of Title 36 of the Oklahoma Statutes;

235. False statements, reports, or filings with intent to deceive Insurance Commissioner, as provided for in subsection E of Section 1643 of Title 36 of the Oklahoma Statutes;

236. Violation of the Viatical Settlements Act of 2008, value from Five Hundred Dollars (\$500.00) to Two Thousand Five Hundred Dollars (\$2,500.00), as provided for in subsection F of Section 4055.14 of Title 36 of the Oklahoma Statutes;

237. Violation of prepaid funeral provisions, as provided for in Section 6130 of Title 36 of the Oklahoma Statutes;

238. Out-of-state retailer shipping alcoholic beverages into state, as provided for in Section 3-101 of Title 37A of the Oklahoma Statutes;

239. Permit invitee under twenty-one (21) to possess or consume alcohol, as provided for in subsection A of Section 6-101 of Title 37A of the Oklahoma Statutes;

240. Permit invitee under twenty-one (21) to possess or consume alcohol resulting in great bodily injury or death, as provided for in subsection C of Section 6-101 of Title 37A of the Oklahoma Statutes;

241. Sale of alcoholic beverages outside of authorized day or hours, as provided for in Section 6-123 of Title 37A of the Oklahoma Statutes;

242. Disclosing confidential information concerning violation of Employment Security Act of 1980, as provided for in Section 4-508 of Title 40 of the Oklahoma Statutes;

243. Hiring armed guards without permit, as provided for in Section 169 of Title 40 of the Oklahoma Statutes;

244. Causing employee death by commanding to enter steam boiler, as provided for in Section 183 of Title 40 of the Oklahoma Statutes;

245. False statement about lien by contractor, as provided for in Section 142.4 of Title 42 of the Oklahoma Statutes;

246. Mechanics liens/embezzlement, valued from Two Thousand Five Hundred Dollars (\$2,500.00) to Fifteen Thousand Dollars (\$15,000.00), as provided for in Section 142.6 of Title 42 of the Oklahoma Statutes;

247. Marrying prohibited persons, as provided for in Section 14 of Title 43 of the Oklahoma Statutes;

248. Bigamy and remarriage, as provided for in Section 123 of Title 43 of the Oklahoma Statutes;

249. Mistreatment of mental health patient, as provided for in Section 2-219 of Title 43A of the Oklahoma Statutes;

250. Violation of opioid substitution treatment program, as provided for in Section 3-601 of Title 43A of the Oklahoma Statutes;

251. Coerce another to execute a declaration of revocation of an advanced directive, as provided for in subsection D of Section 11-113 of Title 43A of the Oklahoma Statutes;

252. Unauthorized use of implement of husbandry, as provided for in subsection B of Section 4-102 of Title 47 of the Oklahoma Statutes;

253. Receive, possess, or conceal implement of husbandry, as provided for in subsection B of Section 4-103 of Title 47 of the Oklahoma Statutes;

254. Removed, falsified, or unauthorized identification, as provided for in subsection A of Section 4-107 of Title 47 of the Oklahoma Statutes;

255. Buy, receive, possess, or sell motor vehicle with VIN removed or defaced with intent to conceal, as provided for in subsection C of Section 4-107 of Title 47 of the Oklahoma Statutes;

256. Destroying, removing, altering, covering, or counterfeiting trim tag plates, as provided for in Section 4-107a of Title 47 of the Oklahoma Statutes;

257. Misuse of manufactured home certificate of title, as provided for in subsection B of Section 4-110 of Title 47 of the Oklahoma Statutes;

258. Alter manufactured home certificate of title, as provided for in subsection B of Section 4-110 of Title 47 of the Oklahoma Statutes;

259. Remove receipt with intent to misrepresent payment of tax or fees, as provided for in subsection B of Section 4-110 of Title 47 of the Oklahoma Statutes;

260. Purchase registration receipt on assigned certificate of title, as provided for in subsection B of Section 4-110 of Title 47 of the Oklahoma Statutes;

261. Misuse of forged, counterfeit, or suspended driver license, as provided for in Section 6-301 of Title 47 of the Oklahoma Statutes;

262. Perjury through false affidavit, as provided for in Section 6-302 of Title 47 of the Oklahoma Statutes;

263. Interference with traffic control device resulting in injury or death, as provided for in subsection B of Section 11-207 of Title 47 of the Oklahoma Statutes;

264. Buy, sell, or dispose vehicle with altered VIN, chop shop, as provided for in subsection C of Section 1503 of Title 47 of the Oklahoma Statutes;

265. Attempt to violate chop shop laws, as provided for in subsection D of Section 1503 of Title 47 of the Oklahoma Statutes;

266. Perjury before the Corporation Commission, as provided for in Section 108 of Title 52 of the Oklahoma Statutes;

267. Delay probation duties of the Corporation Commission with use or attempted use of firearms, as provided for in Section 114 of Title 52 of the Oklahoma Statutes;

268. Conspiracy to violate Oklahoma Oil and Gas Conservation Act, as provided for in Section 115 of Title 52 of the Oklahoma Statutes;

269. Corruption of Corporation Commission, as provided for in Section 117 of Title 52 of the Oklahoma Statutes;

270. Misappropriation of gas, as provided for in Section 235 of Title 52 of the Oklahoma Statutes;

271. Falsification of application for emergency relief, as provided for in Section 26.18 of Title 56 of the Oklahoma Statutes;

272. Medicaid fraud, as provided for in Section 1005 of Title 56 of the Oklahoma Statutes;

273. Fraudulently obtaining or receiving assistance, value of Five Thousand Dollars (\$5,000.00) or more, as provided for in Section 1005.1 of Title 56 of the Oklahoma Statutes;

274. Carry contraband into jail or prison, as provided for in subsection B of Section 21 of Title 57 of the Oklahoma Statutes;

275. Possess cell phone in jail or prison, as provided for in subsection E of Section 21 of Title 57 of the Oklahoma Statutes;

276. Jail employee receiving compensation from inmate, value of Five Hundred Dollars (\$500.00) or more, as provided for in Section 22 of Title 57 of the Oklahoma Statutes;

277. Use of convict labor on private property, as provided for in Section 222 of Title 57 of the Oklahoma Statutes;

278. Failure to comply with Mary Rippey Violent Crime Offenders Registration Act, as provided for in Section 599 of Title 57 of the Oklahoma Statutes;

279. Practicing dentistry without a license, as provided for in subsection B of Section 328.49 of Title 59 of the Oklahoma Statutes;

280. Giving false information to obtain license, as provided for in subsection B of Section 328.49 of Title 59 of the Oklahoma Statutes;

281. Impersonating a pharmacist, as provided for in Section 353.17A of Title 59 of the Oklahoma Statutes;

282. Alteration of prescription or unlawful dispensing of drugs, second violation, as provided for in Section 353.24 of Title 59 of the Oklahoma Statutes;

283. False representation in procuring license under the Oklahoma Pharmacy Act, as provided for in subsection B of Section 353.25 of Title 59 of the Oklahoma Statutes;

284. Cremation without license and permit, as provided for in Section 396.33 of Title 59 of the Oklahoma Statutes;

285. Practicing medicine without a license, as provided for in Section 491 of Title 59 of the Oklahoma Statutes;

286. Violation of the Oklahoma Osteopathic Medicine Act, as provided for in Section 638 of Title 59 of the Oklahoma Statutes;

287. Acting as building inspector without a license, as provided for in Section 1044 of Title 59 of the Oklahoma Statutes;

288. Affidavit as to undertaking, as provided for in Section 1322 of Title 59 of the Oklahoma Statutes;

289. Bail jumping, as provided for in Section 1335 of Title 59 of the Oklahoma Statutes;

290. False declaration of ownership in pawn shop, value of One Thousand Dollars (\$1,000.00) or more, if property is firearms, or was acquired through robbery or burglary, as provided for in subsection C of Section 1512 of Title 59 of the Oklahoma Statutes;

291. Violation of Oklahoma Security Guard and Private Investigator Act, as provided for in subsection B of Section 1750.11 of Title 59 of the Oklahoma Statutes;

292. Collusion among bidders, as provided for in Section 115 of Title 61 of the Oklahoma Statutes;

293. Disclosure of terms of bids, as provided for in Section 116 of Title 61 of the Oklahoma Statutes;

294. False or illegal voucher by public official, as provided for in Section 81 of Title 62 of the Oklahoma Statutes;

295. Use of facsimile signature or seal with intent to defraud, as provided for in Section 604 of Title 62 of the Oklahoma Statutes;

296. Distribution of controlled substance, possession with intent, Schedule III, IV, and V drugs, as provided for in subsection A of Section 2-401 of Title 63 of the Oklahoma Statutes;

297. Distribution of counterfeit controlled substance, possession with intent, Schedule III, IV, and V drugs, as provided for in subsection A of Section 2-401 of Title 63 of the Oklahoma Statutes;

298. Robbery of controlled dangerous substance, as provided for in subsection B of Section 2-403 of Title 63 of the Oklahoma Statutes;

299. Distribute or dispense controlled substance without required order form, as provided for in subsection A of Section 2-404 of Title 63 of the Oklahoma Statutes;

300. Manufacture, distribute, or dispense controlled substance not authorized by registration, as provided for in subsection A of Section 2-404 of Title 63 of the Oklahoma Statutes;

301. Omit, remove, alter, or obliterate symbol required on controlled substance, as provided for in subsection A of Section 2-404 of Title 63 of the Oklahoma Statutes;

302. Refuse or fail to make, keep, or furnish required information, as provided for in subsection A of Section 2-404 of Title 63 of the Oklahoma Statutes;

303. Refuse entry or inspection of premises with respect to controlled substance, as provided for in subsection A of Section 2-404 of Title 63 of the Oklahoma Statutes;

304. Maintain place for keeping or selling controlled substance, as provided for in subsection A of Section 2-404 of Title 63 of the Oklahoma Statutes;

305. Sell, transfer, or provide money transmitter equipment to unlicensed person, second or subsequent offense, as provided for in subsection A of Section 2-503.1d of Title 63 of the Oklahoma Statutes;

306. Responsibility of permit holders, as provided for in subsection A of Section 124.8 of Title 63 of the Oklahoma Statutes;

307. Purchase or sell body parts for transplantation, as provided for in Section 2200.16A of Title 63 of the Oklahoma Statutes;

308. Falsification, forgery, concealment, defacement, or obliteration of document of gift, as provided for in Section 2200.17A of Title 63 of the Oklahoma Statutes;

309. Unlawful possession of vessel or motor, as provided for in Section 4209 of Title 63 of the Oklahoma Statutes;

310. Receive, possess, sell, or dispose of stolen vessel or motor, as provided for in Section 4209.1 of Title 63 of the Oklahoma Statutes;

311. Remove or alter ID number of vessel, as provided for in subsection B of Section 4209.2 of Title 63 of the Oklahoma Statutes;

312. Buy, receive, possess, or dispose of vessel with false ID number with intent to conceal, as provided for in subsection D of Section 4209.2 of Title 63 of the Oklahoma Statutes;

313. False statement in application for certificate of title for stolen vehicle, as provided for in Section 4209.3 of Title 63 of the Oklahoma Statutes;

314. Alteration or forging of vessel certificate of title, as provided for in Section 4209.4 of Title 63 of the Oklahoma Statutes;

315. Possess vessel with altered ID number, as provided for in subsection C of Section 4253 of Title 63 of the Oklahoma Statutes;

316. Destroying or falsifying checks to the Land Office, as provided for in Section 1026 of Title 64 of the Oklahoma Statutes;

317. Prospecting on public lands without permit, as provided for in Section 1094 of Title 64 of the Oklahoma Statutes;

318. Business for profit by a member of the Department of Transportation, as provided for in subsection B of Section 304 of Title 66 of the Oklahoma Statutes;

319. Business for profit by a member of the Department of Transportation, as provided for in subsection B of Section 324 of Title 66 of the Oklahoma Statutes;

320. Failure to comply with request for county records, as provided for in Section 83 of Title 67 of the Oklahoma Statutes;

321. Refusal to file tax return with intent to defraud, as provided for in Section 240.1 of Title 68 of the Oklahoma Statutes;

322. Filing false sales tax report, as provided for in Section 241 of Title 68 of the Oklahoma Statutes;

323. Possession of controlled dangerous substances without tax stamp, as provided for in Section 450.8 of Title 68 of the Oklahoma Statutes;

324. Remove tax stamp with intent to reuse, as provided for in Section 450.9 of Title 68 of the Oklahoma Statutes;

325. Making false oath to report required by Cotton Manufacturers Act, as provided for in Section 2003 of Title 68 of the Oklahoma Statutes;

326. File false income tax return with intent to defraud, as provided for in Section 2376 of Title 68 of the Oklahoma Statutes;

327. Fraudulent tax receipt by county treasurer, as provided for in Section 2920 of Title 68 of the Oklahoma Statutes;

328. False or fraudulent lists of taxable property, as provided for in Section 2945 of Title 68 of the Oklahoma Statutes;

329. False application under Oklahoma Quality Jobs Program Act, as provided for in Section 3609 of Title 68 of the Oklahoma Statutes;

330. False application under Former Military Facility Development Act, as provided for in Section 3807 of Title 68 of the Oklahoma Statutes;

331. False application under Oklahoma Specialized Quality Investment Act, as provided for in Section 4109 of Title 68 of the Oklahoma Statutes;

332. False application under Oklahoma Quality Investment Act, as provided for in Section 4209 of Title 68 of the Oklahoma Statutes;

333. Conflict of interest by a member of the Transportation Commission, as provided for in Section 310 of Title 69 of the Oklahoma Statutes;

334. Conflict of interest by a member of the Oklahoma Turnpike Authority, as provided for in Section 1705 of Title 69 of the Oklahoma Statutes;

335. Violation of Oklahoma Highway Code of 1968, as provided for in Section 1802 of Title 69 of the Oklahoma Statutes;

336. Conflict of interest by Oklahoma Educational Television Authority member, as provided for in Section 23-106 of Title 70 of the Oklahoma Statutes;

337. Alter or destroy audit records by Board of Regents, as provided for in subsection E of Section 3909 of Title 70 of the Oklahoma Statutes;

338. Authority to receive gifts or funds, as provided for in subsection B of Section 4306 of Title 70 of the Oklahoma Statutes;

339. Make takeover offer which is not effective under Oklahoma Take-over Disclosure Act of 1985, as provided for in subsection A of Section 453 of Title 71 of the Oklahoma Statutes;

340. Fraudulent, deceptive, or manipulative acts in takeover offer, as provided for in Section 455 of Title 71 of the Oklahoma Statutes;

341. Violation of Oklahoma Take-over Disclosure Act of 1985, as provided for in Section 460 of Title 71 of the Oklahoma Statutes;

342. Conflict of interest by Oklahoma Capitol Improvement Authority member, as provided for in Section 162 of Title 73 of the Oklahoma Statutes;

343. Fraud in obtaining certification as a minority business, as provided for in Section 85.45h of Title 74 of the Oklahoma Statutes;

344. False statement for small business surety bond guarantee, as provided for in Section 85.47h of Title 74 of the Oklahoma Statutes;

345. Forge or alter criminal history record, as provided for in subsection D of Section 150.9 of Title 74 of the Oklahoma Statutes;

346. Making or receiving kickback, as provided for in Section 3404 of Title 74 of the Oklahoma Statutes;

347. Pooling of bridge or highway contracts, as provided for in Section 101 of Title 79 of the Oklahoma Statutes;

348. Business for profit by Water Resources Board member, as provided for in Section 1086.3 of Title 82 of the Oklahoma Statutes;

349. Conflict of interest by water district official or employee, as provided for in Section 1281 of Title 82 of the Oklahoma Statutes;

350. Falsely executes a written declaration as a witness to a will, as provided for in paragraph 6 of Section 55 of Title 84 of the Oklahoma Statutes; and

351. False statement and misrepresentation, as provided for in Section 6 of Title 85A of the Oklahoma Statutes.

B. Any person convicted of a Class D1 criminal offense set forth in this section shall be punished by imprisonment in the custody of the Department of Corrections for a term of not more than five (5) years and shall serve at least twenty percent (20%) of the sentence imposed before release from custody including release to electronic monitoring pursuant to Section 510.9 of Title 57 of the Oklahoma Statutes.

C. 1. Every person who, having been previously convicted of one or two Class C or Class D criminal offenses, commits a Class D1

criminal offense shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for a term of not less than one (1) year nor more than seven (7) years and shall serve at least twenty percent (20%) of the sentence imposed before release from custody including release to electronic monitoring pursuant to Section 510.9 of Title 57 of the Oklahoma Statutes.

2. Every person who, having been previously convicted of three Class C or Class D criminal offenses, or one or more Class Y, Class A, or Class B criminal offenses, commits a Class D1 criminal offense shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for a term of not less than two (2) years nor more than ten (10) years and shall serve at least thirty percent (30%) of the sentence imposed before release from custody including release to electronic monitoring pursuant to Section 510.9 of Title 57 of the Oklahoma Statutes.

D. Unless specifically exempted pursuant to subsection E of this section, Section 51.1 of Title 21 of the Oklahoma Statutes shall not apply to Class D1 criminal offenses.

E. The criminal offenses listed in paragraphs 98, 108, 212, 213, and 229 of subsection A of this section shall be exempt from the penalty provisions provided for in subsections B and C of this section. Persons convicted of the criminal offenses provided for in paragraphs 98, 108, 212, 213, and 229 of subsection A of this section shall be punished in accordance with the corresponding penalties provided for in the Oklahoma Statutes including Section 51.1 of Title 21 of the Oklahoma Statutes.

F. All Class D1 criminal offenses shall be punishable by the corresponding fines as provided for in the Oklahoma Statutes. Added by Laws 2024, c. 366, § 14, eff. Jan. 1, 2026.

§21-200. Class D2 offenses.

A. Upon the effective date of this act, Class D2 shall include the following criminal offenses:

1. Attempt to escape from penitentiary, as provided for in Section 434 of Title 21 of the Oklahoma Statutes;

2. Attempt to escape from prison, not a penitentiary, as provided for in Section 436 of Title 21 of the Oklahoma Statutes;

3. Escape from arrest or detention for a felony, as provided for in subsection C of Section 444 of Title 21 of the Oklahoma Statutes;

4. Aggravated assault and battery upon medical care provider, as provided for in Section 650.5 of Title 21 of the Oklahoma Statutes;

5. Omitting to provide for a child, as provided for in Section 852 of Title 21 of the Oklahoma Statutes;

6. Harboring an endangered runaway child, second or subsequent offense, as provided for in Section 856.2 of Title 21 of the Oklahoma Statutes;

7. Discharging a stun gun, tear gas, mace, or other agent against officer, as provided for in Section 1272.3 of Title 21 of the Oklahoma Statutes;

8. Possession of sawed-off shotgun, as provided for in Section 1289.18 of Title 21 of the Oklahoma Statutes;

9. Transmit threatening letter, as provided for in Section 1304 of Title 21 of the Oklahoma Statutes;

10. Abortion without license, as provided for in Section 1-731 of Title 63 of the Oklahoma Statutes;

11. Abortion after first trimester, as provided for in Section 1-731 of Title 63 of the Oklahoma Statutes;

12. Self-induced abortion, as provided for in Section 1-733 of Title 63 of the Oklahoma Statutes;

13. Violate Oklahoma Unborn Child Protection from Dismemberment Abortion Act, as provided for in Section 1-737.9 of Title 63 of the Oklahoma Statutes;

14. Violation of Unborn Child Pain Awareness/Prevention Act, as provided for in Section 1-738.14 of Title 63 of the Oklahoma Statutes;

15. Knowingly perform abortion on unemancipated minor, as provided for in Section 1-740.4b of Title 63 of the Oklahoma Statutes;

16. Make fraudulent statement to obtain abortion for a minor, as provided for in Section 1-740.4b of Title 63 of the Oklahoma Statutes;

17. Violation of the Pain-Capable Unborn Child Protection Act, as provided for in Section 1-745.7 of Title 63 of the Oklahoma Statutes;

18. Violation of the Heartbeat Informed Consent Act, as provided for in Section 1-746.7 of Title 63 of the Oklahoma Statutes;

19. Abortion on minor less than fourteen (14) years of age or failure to submit tissue, as provided for in Section 1-749 of Title 63 of the Oklahoma Statutes;

20. Distribution of imitation controlled substance, second offense, as provided for in Section 2-401 of Title 63 of the Oklahoma Statutes; and

21. Assist another in purchase of pseudoephedrine products, second or subsequent offense, as provided for in Section 2-701 of Title 63 of the Oklahoma Statutes.

B. Any person convicted of a Class D2 criminal offense set forth in this section shall be punished by imprisonment in the custody of the Department of Corrections for a term of not more than

two (2) years and shall serve at least twenty percent (20%) of the sentence imposed before release from custody.

C. 1. Every person who, having been previously convicted of one or two Class C or Class D criminal offenses, commits a Class D2 criminal offense shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for a term of not less than one (1) year nor more than five (5) years and shall serve at least twenty percent (20%) of the sentence imposed before release from custody including release to electronic monitoring pursuant to Section 510.9 of Title 57 of the Oklahoma Statutes.

2. Every person who, having been previously convicted of three Class C or Class D criminal offenses, or one or more Class Y, Class A, or Class B criminal offenses, commits a Class D2 criminal offense shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for a term of not less than one (1) year nor more than ten (10) years and shall serve at least thirty percent (30%) of the sentence imposed before release from custody including release to electronic monitoring pursuant to Section 510.9 of Title 57 of the Oklahoma Statutes.

D. Unless specifically exempted pursuant to subsection E of this section, Section 51.1 of Title 21 of the Oklahoma Statutes shall not apply to Class D2 criminal offenses.

E. 1. The criminal offenses listed in paragraphs 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 of subsection A of this section shall be exempt from the penalty provisions provided for in subsections B and C of this section. Persons convicted of the criminal offenses provided for in paragraphs 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 of subsection A of this section shall be punished in accordance with the corresponding penalties provided for in the Oklahoma Statutes including Section 51.1 of Title 21 of the Oklahoma Statutes.

2. The criminal offense listed in paragraphs 2, 4, 5, and 6 of subsection A of this section shall be exempt from the penalty provisions provided for subsection B of this section. Persons convicted of the criminal offenses provided for in paragraphs 2, 4, 5, and 6 of subsection A of this section shall be punished in accordance with the corresponding penalties provided for in the Oklahoma Statutes including Section 51.1 of Title 21 of the Oklahoma Statutes. The provisions of subsection C of this section still applies to the criminal offenses listed in paragraphs 2, 4, 5, and 6 of subsection A of this section.

F. All Class D2 criminal offenses shall be punishable by the corresponding fines as provided for in the Oklahoma Statutes. Added by Laws 2024, c. 366, § 15, eff. Jan. 1, 2026.

§21-20P. Class D3 offenses.

A. Upon the effective date of this act, Class D3 shall include the following criminal offenses:

1. Violation of the Oklahoma Agricultural Code, as provided for in Section 2-18 of Title 2 of the Oklahoma Statutes;

2. Violation of the Oklahoma Farm Animal, Crop, and Research Facilities Protection Act, as provided for in Section 5-105 of Title 2 of the Oklahoma Statutes;

3. Removing tag from diseased animal, as provided for in Section 6-94 of Title 2 of the Oklahoma Statutes;

4. Moving quarantined livestock, in the amount of One Thousand Dollars (\$1,000.00) or more, as provided for in Section 6-125 of Title 2 of the Oklahoma Statutes;

5. Ship or transport of livestock without health certification or permit, as provided for in Section 6-151 of Title 2 of the Oklahoma Statutes;

6. Ship or transport of livestock which originated from a quarantined area, as provided for in Section 6-151 of Title 2 of the Oklahoma Statutes;

7. Unlawful transport of livestock, as provided for in Section 6-155 of Title 2 of the Oklahoma Statutes;

8. Slaughter of animals not in compliance with the Oklahoma Meat Inspection Act, as provided for in Section 6-190 of Title 2 of the Oklahoma Statutes;

9. Unauthorized labeling of meat products, as provided for in Section 6-191 of Title 2 of the Oklahoma Statutes;

10. Selling horsemeat for human consumption, as provided for in Section 6-192 of Title 2 of the Oklahoma Statutes;

11. Bribing or accepting bribe by meat inspector, as provided for in Section 6-194 of Title 2 of the Oklahoma Statutes;

12. Selling or transporting carcasses not intended for human consumption, as provided for in Section 6-197 of Title 2 of the Oklahoma Statutes;

13. Failing to register as a meat broker, as provided for in Section 6-199 of Title 2 of the Oklahoma Statutes;

14. Selling or transporting dead, dying, or disabled animals, as provided for in Section 6-200 of Title 2 of the Oklahoma Statutes;

15. Violation of Oklahoma Meat Inspection Act, as provided for in Section 6-207 of Title 2 of the Oklahoma Statutes;

16. Selling poultry products with false label, as provided for in Section 6-258 of Title 2 of the Oklahoma Statutes;

17. Violation of the Oklahoma Poultry Products Inspection Act, as provided for in Section 6-259 of Title 2 of the Oklahoma Statutes;

18. Processing poultry not in compliance with the Oklahoma Poultry Products Inspection Act, as provided for in Section 6-260 of Title 2 of the Oklahoma Statutes;

19. Buy, sell, or transport poultry carcasses not intended for use as human food, as provided for in Section 6-261 of Title 2 of the Oklahoma Statutes;

20. Interfere with poultry products inspector, as provided for in Section 6-262 of Title 2 of the Oklahoma Statutes;

21. Violating regulations regarding the storage of poultry products, as provided for in Section 6-264 of Title 2 of the Oklahoma Statutes;

22. Release of feral swine upon public lands, as provided for in Section 6-611 of Title 2 of the Oklahoma Statutes;

23. Misrepresentation of goods, as provided for in Section 9-37 of Title 2 of the Oklahoma Statutes;

24. Conduct livestock auction without bond, as provided for in Section 9-132 of Title 2 of the Oklahoma Statutes;

25. Sale or advertisement of agricultural products with improper description, as provided for in Section 11-2 of Title 2 of the Oklahoma Statutes;

26. Violation of any provision of the Oklahoma Scrap Metal Dealers Act, third offense, as provided for in subsection A of Section 11-94 of Title 2 of the Oklahoma Statutes;

27. Knowingly providing false information in violation of the Oklahoma Scrap Metal Dealers Act, as provided for in subsection C of Section 11-94 of Title 2 of the Oklahoma Statutes;

28. Purchasing or selling burnt copper material or copper wire, second or subsequent offense, as provided for in subsection D of Section 11-94 of Title 2 of the Oklahoma Statutes;

29. Interfere with, molest, assault, or impede the progress of forest rangers or firefighters, as provided for in Section 16-6 of Title 2 of the Oklahoma Statutes;

30. Removal of timber from state lands, as provided for in Section 16-59 of Title 2 of the Oklahoma Statutes;

31. Cut down, injure, or destroy trees, as provided for in Section 16-60 of Title 2 of the Oklahoma Statutes;

32. Fictitious, false, or fraudulent offer, agreement, or contract for timber, as provided for in Section 16-63 of Title 2 of the Oklahoma Statutes;

33. False identification used in sale of timber, as provided for in Section 16-66 of Title 2 of the Oklahoma Statutes;

34. Install nonconforming fuel tank on aircraft, as provided for in subsection A of Section 281 of Title 3 of the Oklahoma Statutes;

35. Possess aircraft with nonconforming fuel tank on aircraft, as provided for in subsection B of Section 281 of Title 3 of the Oklahoma Statutes;

36. Testify falsely under oath before the Oklahoma Horse Racing Commission, as provided for in subsection C of Section 203.6 of Title 3A of the Oklahoma Statutes;

37. Multiple violations of Amusement and Carnival Games Act, as provided for in subsection A of Section 504 of Title 3A of the Oklahoma Statutes;

38. Stray Animal Act violation, as provided for in Section 85.11 of Title 4 of the Oklahoma Statutes;

39. Willful political contributions by banks, as provided for in subsection B of Section 808 of Title 6 of the Oklahoma Statutes;

40. Unlawful use of special assessment funds, as provided for in Section 39-113 of Title 11 of the Oklahoma Statutes;

41. False affidavit as to value of real estate, as provided for in Section 65 of Title 12 of the Oklahoma Statutes;

42. Swearing falsely in making an affidavit in forma pauperis, as provided for in Section 923 of Title 12 of the Oklahoma Statutes;

43. Maintaining bucket shop dealing in commodity futures, as provided for in Section 567 of Title 15 of the Oklahoma Statutes;

44. Violation of the control of Rural Electric Cooperative Act, as provided in Section 158.59 of Title 17 of the Oklahoma Statutes;

45. Violation of restricting, acquisition, control, or merger of Domestic Public Utilities Act, as provided for in Section 191.11 of Title 17 of the Oklahoma Statutes;

46. Violation of the Oklahoma Savings and Loans Code, as provided for in Section 381.73 of Title 18 of the Oklahoma Statutes;

47. Election officer or commissioner refuses to perform duties, as provided for in Section 28 of Title 19 of the Oklahoma Statutes;

48. Bribery to influence voter, as provided for in Section 29 of Title 19 of the Oklahoma Statutes;

49. Bribery to influence voter, as provided for in Section 92 of Title 19 of the Oklahoma Statutes;

50. Violation of responsibilities by county treasurer, as provided for in Section 112 of Title 19 of the Oklahoma Statutes;

51. Use of bank in county in which treasurer or commissioner has interest, as provided for in Section 123 of Title 19 of the Oklahoma Statutes;

52. Candidate contribution violation, as provided for in Section 187.1 of Title 21 of the Oklahoma Statutes;

53. Contributions by corporation, as provided for in Section 187.2 of Title 21 of the Oklahoma Statutes;

54. Acceptance of gratuity or reward for appointment or exercise of office, as provided for in Section 275 of Title 21 of the Oklahoma Statutes;

55. Entry into restricted area, as provided for in Section 282 of Title 21 of the Oklahoma Statutes;

56. Altering draft bill, as provided for in Section 306 of Title 21 of the Oklahoma Statutes;

57. Altering engrossed copy of bill, as provided for in Section 307 of Title 21 of the Oklahoma Statutes;

58. Coercion of state employee by public official, as provided for in Section 360 of Title 21 of the Oklahoma Statutes;

59. Mutilate, defile, treat with indignity, or destroy the United States flag, as provided for in Section 372 of Title 21 of the Oklahoma Statutes;

60. Jurors, referees, arbitrators, umpires, or assessors receiving bribes, as provided for in Section 384 of Title 21 of the Oklahoma Statutes;

61. Receiving bribe for athletic contest, as provided for in Section 400 of Title 21 of the Oklahoma Statutes;

62. Assisting prisoner to escape, as provided for in Section 437 of Title 21 of the Oklahoma Statutes;

63. Carry into prison things to aid escape, as provided for in Section 438 of Title 21 of the Oklahoma Statutes;

64. Removing electronic monitoring device, as provided for in subsection D of Section 444 of Title 21 of the Oklahoma Statutes;

65. Offering false evidence, as provided for in Section 451 of Title 21 of the Oklahoma Statutes;

66. Violation of child custody order, as provided for in Section 567A of Title 21 of the Oklahoma Statutes;

67. Communicate false information on missing child, as provided for in subsection B of Section 589 of Title 21 of the Oklahoma Statutes;

68. Fail to maintain public financial or business records, as provided for in Section 590 of Title 21 of the Oklahoma Statutes;

69. Aiding attempted suicide, as provided for in Section 815 of Title 21 of the Oklahoma Statutes;

70. Contributing to the delinquency of a minor, second or subsequent offense, as provided for in subsection B of Section 856 of Title 21 of the Oklahoma Statutes;

71. Receiving money to aid person from arrest, as provided for in Section 950 of Title 21 of the Oklahoma Statutes;

72. Betting on races, as provided for in subsection A of Section 991 of Title 21 of the Oklahoma Statutes;

73. Preparing or drawing lottery, as provided for in Section 1053 of Title 21 of the Oklahoma Statutes;

74. Setting up lottery selling plan, as provided for in Section 1066 of Title 21 of the Oklahoma Statutes;

75. Injunction, as provided for in Section 1067 of Title 21 of the Oklahoma Statutes;

76. Pawnbroker refusing to exhibit stolen goods, as provided for in Section 1092 of Title 21 of the Oklahoma Statutes;

77. Interference with places of burial, as provided for in Section 1163 of Title 21 of the Oklahoma Statutes;

78. Buying or selling human skeletal remains, as provided for in Section 1168.1 of Title 21 of the Oklahoma Statutes;

79. Knowingly disturbing human skeletal remains, as provided for in subsection C of Section 1168.4 of Title 21 of the Oklahoma Statutes;

80. Disturbing burial ground with intent to obtain human skeletal remains, as provided for in subsection D of Section 1168.4 of Title 21 of the Oklahoma Statutes;

81. Burning a cross, as provided for in Section 1174 of Title 21 of the Oklahoma Statutes;

82. Unlawful use of police radio, as provided for in Section 1214 of Title 21 of the Oklahoma Statutes;

83. Organize groups advocating or encouraging overthrow of the government of the United States or of Oklahoma, as provided for in Section 1267.1 of Title 21 of the Oklahoma Statutes;

84. Carry or use of slung shot, as provided for in Section 1282 of Title 21 of the Oklahoma Statutes;

85. Unlawful delivery of goods valued from One Thousand Dollars (\$1,000.00) to Two Thousand Five Hundred Dollars (\$2,500.00), as provided for in Section 1416 of Title 21 of the Oklahoma Statutes;

86. Possess burglary tools by convicted burglar, as provided for in Section 1442 of Title 21 of the Oklahoma Statutes;

87. Embezzlement of property valued from One Thousand Dollars (\$1,000.00) to Two Thousand Five Hundred Dollars (\$2,500.00), as provided for in subsection B of Section 1451 of Title 21 of the Oklahoma Statutes;

88. Attempted extortion, as provided for in subsection B of Section 1483 of Title 21 of the Oklahoma Statutes;

89. Defrauding hotel, inn, or restaurant, value One Thousand Dollars (\$1,000.00) or more, as provided for in Section 1503 of Title 21 of the Oklahoma Statutes;

90. Mock auction, as provided for in Section 1506 of Title 21 of the Oklahoma Statutes;

91. Receiving money or property by impersonating another, value from One Thousand Dollars (\$1,000.00) to Two Thousand Five Hundred Dollars (\$2,500.00), as provided for in Section 1532 of Title 21 of the Oklahoma Statutes;

92. False impersonation of public official or law enforcement officer, as provided for in subsection B of Section 1533 of Title 21 of the Oklahoma Statutes;

93. Falsely asserting authority of the law, as provided for in subsection C of Section 1533 of Title 21 of the Oklahoma Statutes;

94. Intimidating public official or law enforcement officer, as provided for in subsection D of Section 1533 of Title 21 of the Oklahoma Statutes;

95. False impersonation of judge, magistrate, court clerk, notary public, or juror, as provided for in subsection E of Section 1533 of Title 21 of the Oklahoma Statutes;

96. False pretense, bogus check, or con game, value from One Thousand Dollars (\$1,000.00) to Two Thousand Five Hundred Dollars (\$2,500.00), as provided for in subsection A of Section 1541.2 of Title 21 of the Oklahoma Statutes;

97. Two or more bogus checks, value from Two Thousand Dollars (\$2,000.00) to Two Thousand Five Hundred Dollars (\$2,500.00), as provided for in subsection A of Section 1541.3 of Title 21 of the Oklahoma Statutes;

98. Obtaining money, property, or signature under false pretenses, as provided for in subsection A of Section 1542 of Title 21 of the Oklahoma Statutes;

99. Obtaining property by false retail sales receipt or label, as provided for in subsection B of Section 1542 of Title 21 of the Oklahoma Statutes;

100. Obtaining contribution for charity by false pretenses, as provided for in Section 1543 of Title 21 of the Oklahoma Statutes;

101. Receive money, goods, or services from forged or revoked credit card, as provided for in Section 1550.32 of Title 21 of the Oklahoma Statutes;

102. Forgery II or Forgery III, value from One Thousand Dollars (\$1,000.00) to Two Thousand Five Hundred Dollars (\$2,500.00), as provided for in subsection A of Section 1577 of Title 21 of the Oklahoma Statutes;

103. Possession of forged evidence of debt, value from One Thousand Dollars (\$1,000.00) to Two Thousand Five Hundred Dollars (\$2,500.00), as provided for in subsection A of Section 1578 of Title 21 of the Oklahoma Statutes;

104. Possession of other forged instrument, value from One Thousand Dollars (\$1,000.00) to Two Thousand Five Hundred Dollars (\$2,500.00), as provided for in subsection A of Section 1579 of Title 21 of the Oklahoma Statutes;

105. Uttering forged instruments, value from One Thousand Dollars (\$1,000.00) to Two Thousand Five Hundred Dollars (\$2,500.00), as provided for in subsection A of Section 1592 of Title 21 of the Oklahoma Statutes;

106. Fraud on insurance company, as provided for in Section 1662 of Title 21 of the Oklahoma Statutes;

107. Larceny of lost property, value from One Thousand Dollars (\$1,000.00) to Two Thousand Five Hundred Dollars (\$2,500.00), as provided for in Section 1702 of Title 21 of the Oklahoma Statutes;

108. Grand larceny, value from One Thousand Dollars (\$1,000.00) to Two Thousand Five Hundred Dollars (\$2,500.00), as provided for in subsection A of Section 1705 of Title 21 of the Oklahoma Statutes;

109. Larceny of written instrument, as provided for in Section 1709 of Title 21 of the Oklahoma Statutes;

110. Receive, possess, or conceal stolen property, value from One Thousand Dollars (\$1,000.00) to Two Thousand Five Hundred

Dollars (\$2,500.00), as provided for in subsection A of Section 1713 of Title 21 of the Oklahoma Statutes;

111. Bringing stolen property into state, valued from One Thousand Dollars (\$1,000.00) to Two Thousand Five Hundred Dollars (\$2,500.00), as provided for in Section 1715 of Title 21 of the Oklahoma Statutes;

112. Larceny of domestic animals, as provided for in subsection B of Section 1716 of Title 21 of the Oklahoma Statutes;

113. Larceny of dogs, as provided for in Section 1718 of Title 21 of the Oklahoma Statutes;

114. Larceny of merchandise from retailer, valued from One Thousand Dollars (\$1,000.00) to Two Thousand Five Hundred Dollars (\$2,500.00), as provided for in subsection A of Section 1731 of Title 21 of the Oklahoma Statutes;

115. Larceny of trade secrets, value from One Thousand Dollars (\$1,000.00) to Two Thousand Five Hundred Dollars (\$2,500.00), as provided for in Section 1732 of Title 21 of the Oklahoma Statutes;

116. Injury to highway, as provided for in Section 1753 of Title 21 of the Oklahoma Statutes;

117. Defaces, steals, or possesses road sign or marker and results in personal injury or death, as provided for in Section 1753.8 of Title 21 of the Oklahoma Statutes;

118. Injure or destroy turnpike gate, as provided for in Section 1755 of Title 21 of the Oklahoma Statutes;

119. Malicious injury or destruction of property, valued One Thousand Dollars (\$1,000.00) or more, as provided for in subsection A of Section 1760 of Title 21 of the Oklahoma Statutes;

120. Malicious injury or destruction of property, two (2) or more prior convictions regardless of amount, as provided for in subsection A of Section 1760 of Title 21 of the Oklahoma Statutes;

121. Defacing or injuring house of worship, as provided for in Section 1765 of Title 21 of the Oklahoma Statutes;

122. Maliciously injuring written instrument, valued from One Thousand Dollars (\$1,000.00) to Two Thousand Five Hundred Dollars (\$2,500.00), as provided for in Section 1779 of Title 21 of the Oklahoma Statutes;

123. Injuring works of literature or art in public place, as provided for in Section 1785 of Title 21 of the Oklahoma Statutes;

124. Injuring pipes or wire, as provided for in Section 1786 of Title 21 of the Oklahoma Statutes;

125. Damaging fences used for production or containment of animals, second or subsequent offense, as provided for in Section 1791 of Title 21 of the Oklahoma Statutes;

126. Willful trespass with intent to willfully damage, destroy, vandalize, deface, tamper with, impede, or inhibit, as provided for in subsection A of Section 1792 of Title 21 of the Oklahoma Statutes;

127. Trespass and damage to critical infrastructure facility, as provided for in subsection B of Section 1792 of Title 21 of the Oklahoma Statutes;

128. Removal or disposal of mortgaged property, value from One Thousand Dollars (\$1,000.00) or more, as provided for in Section 1834 of Title 21 of the Oklahoma Statutes;

129. Telephone solicitor fails to give name or affiliation, third or subsequent offense, as provided for in subsection A of Section 1861 of Title 21 of the Oklahoma Statutes;

130. Violation of Oklahoma Solicitation of Charitable Contributions Act, third or subsequent offense, as provided for in subsection B of Section 1861 of Title 21 of the Oklahoma Statutes;

131. Using telecommunication device with intent to defraud, value more than One Thousand Dollars (\$1,000.00), as provided for in subsection B of Section 1871 of Title 21 of the Oklahoma Statutes;

132. Using a cloned cellular device to facilitate the commission of a felony, as provided for in subsection C of Section 1871 of Title 21 of the Oklahoma Statutes;

133. Possessing five (5) or more unlawful telecommunication devices, as provided for in subsection B of Section 1872 of Title 21 of the Oklahoma Statutes;

134. Possessing instrument capable of intercepting electronic serial number with intent to clone, as provided for in subsection C of Section 1872 of Title 21 of the Oklahoma Statutes;

135. Selling unlawful telecommunication device, as provided for in subsection A of Section 1873 of Title 21 of the Oklahoma Statutes;

136. Manufacturing unlawful telecommunication device, as provided for in subsection A of Section 1874 of Title 21 of the Oklahoma Statutes;

137. Proceeds derived from violation of state statute, value in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) to Ten Thousand Dollars (\$10,000.00), as provided for in subsection G of Section 2001 of Title 21 of the Oklahoma Statutes;

138. Filing unjustified protective order, second or subsequent offense, as provided for in subsection H of Section 60.4 of Title 22 of the Oklahoma Statutes;

139. Bail jumping, as provided for in Section 1110 of Title 22 of the Oklahoma Statutes;

140. Violation of the Oklahoma Pollutant Discharge Elimination System Act, as provided for in subsection G of Section 2-6-206 of Title 27A of the Oklahoma Statutes;

141. Initiative petition fraud, as provided for in Section 23 of Title 34 of the Oklahoma Statutes;

142. Violation of the Subsidiaries Insurers Act, as provided for in subsection D of Section 1643 of Title 36 of the Oklahoma Statutes;

143. False statements concerning death or disability of society member to produce benefit, as provided for in subsection B of Section 2737.1 of Title 36 of the Oklahoma Statutes;

144. Violation of the Viatical Settlements Act of 2008, valued at Five Hundred Dollars (\$500.00) or less, as provided for in subsection F of Section 4055.14 of Title 36 of the Oklahoma Statutes;

145. Sell or furnish alcohol to a person under twenty-one (21) years of age, after two (2) or more previous convictions, as provided for in subsection A of Section 6-101 of Title 37A of the Oklahoma Statutes;

146. Furnish alcohol to insane, mentally deficient, or intoxicated person, after two (2) or more previous convictions, as provided for in subsection A of Section 6-101 of Title 37A of the Oklahoma Statutes;

147. Operating a whiskey still, as provided for in Section 6-115 of Title 37A of the Oklahoma Statutes;

148. Filing fraudulent tax returns under the Oklahoma Alcoholic Beverage Control Act, as provided for in Section 6-116 of Title 37A of the Oklahoma Statutes;

149. Failure to possess required license under the Oklahoma Alcoholic Beverage Control Act, second or subsequent offense, as provided for in Section 6-117 of Title 37A of the Oklahoma Statutes;

150. Use, purchase, sell, or possess powdered alcohol, third or subsequent offense, as provided for in Section 6-129 of Title 37A of the Oklahoma Statutes;

151. Permitting employee to enter steam boiler, as provided for in Section 181 of Title 40 of the Oklahoma Statutes;

152. Mechanics liens or embezzlement, valued from One Thousand Dollars (\$1,000.00) to Two Thousand Five Hundred Dollars (\$2,500.00), as provided for in Section 153 of Title 42 of the Oklahoma Statutes;

153. Assault on a National Guard member, as provided for in Section 210 of Title 44 of the Oklahoma Statutes;

154. Unauthorized use of a vehicle, as provided for in subsection A of Section 4-102 of Title 47 of the Oklahoma Statutes;

155. Receive, possess, or conceal a stolen vehicle, as provided for in subsection A of Section 4-103 of Title 47 of the Oklahoma Statutes;

156. New motor vehicle broker, second or subsequent offense, as provided for in Section 579.1 of Title 47 of the Oklahoma Statutes;

157. Conspiracy to violate chop shop laws, as provided for in subsection E of Section 1503 of Title 47 of the Oklahoma Statutes;

158. Solicitation to violate chop shop laws, as provided for in subsection F of Section 1503 of Title 47 of the Oklahoma Statutes;

159. Aiding or abetting chop shop violation, as provided for in subsection G of Section 1503 of Title 47 of the Oklahoma Statutes;

160. Accessory to violation of chop shop laws, as provided for in subsection H of Section 1503 of Title 47 of the Oklahoma Statutes;

161. Misuse of names obtained from the Department of Human Services, as provided for in subsection E of Section 183 of Title 56 of the Oklahoma Statutes;

162. False representation in obtaining assistance, valued at more than Five Hundred Dollars (\$500.00), as provided for in Section 185 of Title 56 of the Oklahoma Statutes;

163. False representation in obtaining food stamps valued at more than Five Hundred Dollars (\$500.00), as provided for in subsection B of Section 243 of Title 56 of the Oklahoma Statutes;

164. Trafficking in food stamps valued at more than One Hundred Dollars (\$100.00), as provided for in subsection B of Section 243 of Title 56 of the Oklahoma Statutes;

165. Escape from detainer for capital offense, as provided for in Section 13 of Title 57 of the Oklahoma Statutes;

166. False reports or statements by a certified public accountant, as provided for in Section 15.26 of Title 59 of the Oklahoma Statutes;

167. Practicing dental hygiene without a license, second or subsequent offense, as provided for in subsection B of Section 328.49 of Title 59 of the Oklahoma Statutes;

168. Violation of Bail Enforcement and Licensing Act, as provided for in subsection B of Section 1350.2 of Title 59 of the Oklahoma Statutes;

169. Violation of Bail Enforcement and Licensing Act while possessing firearm or weapon, as provided for in subsection C of Section 1350.2 of Title 59 of the Oklahoma Statutes;

170. Unlicensed bail enforcer, as provided for in Section 1350.4 of Title 59 of the Oklahoma Statutes;

171. Impersonation of an officer by bail enforcer, as provided for in Section 1350.12 of Title 59 of the Oklahoma Statutes;

172. Duty to mark vehicles and clothing with "bail enforcer", display badge; use of sirens and red or blue lights prohibited, as provided for in Section 1350.16 of Title 59 of the Oklahoma Statutes;

173. Unlawful dealing in precious metals and gems, subsequent convictions of a willful violation of this act, as provided for in Section 1529 of Title 59 of the Oklahoma Statutes;

174. Conflict of interest in the Public Competitive Bidding Act of 1974, as provided for in Section 114 of Title 61 of the Oklahoma Statutes;

175. Interfere with inspection of State Treasurer's Office, as provided for in subsection D of Section 89.11 of Title 62 of the Oklahoma Statutes;

176. Birth, death, or stillborn certificates, as provided for in Section 1-324.1 of Title 63 of the Oklahoma Statutes;

177. Intentional, knowing, or reckless violation of provision by fraudulent use of an abortion-inducing drug, as provided for in Section 1-757.10 of Title 63 of the Oklahoma Statutes;

178. Failure to keep controlled dangerous substances records and inventories, as provided for in Section 2-307 of Title 63 of the Oklahoma Statutes;

179. Steroid prescription without valid purpose, as provided for in Section 2-312.1 of Title 63 of the Oklahoma Statutes;

180. Tamper with prescription label, as provided for in Section 2-314 of Title 63 of the Oklahoma Statutes;

181. Delivering paraphernalia to person under eighteen (18) years of age, as provided for in subsection D of Section 2-405 of Title 63 of the Oklahoma Statutes;

182. Conceal, deface, or alter advance directive of another, as provided for in subsection C of Section 3101.11 of Title 63 of the Oklahoma Statutes;

183. Falsify or forge advance directive of another, as provided for in subsection D of Section 3101.11 of Title 63 of the Oklahoma Statutes;

184. Require advance directive, as provided for in subsection E of Section 3101.11 of Title 63 of the Oklahoma Statutes;

185. Induce another to execute advance directive, as provided for in subsection F of Section 3101.11 of Title 63 of the Oklahoma Statutes;

186. Possess outboard motor with serial number removed, as provided for in subsection B of Section 4009.1 of Title 63 of the Oklahoma Statutes;

187. Possess outboard motor with counterfeit serial number, as provided for in subsection B of Section 4009.1 of Title 63 of the Oklahoma Statutes;

188. Conspiracy to violate Vessel and Motor Chop Shop, Stolen and Altered Property Act, as provided for in subsection E of Section 4253 of Title 63 of the Oklahoma Statutes;

189. Solicitation to violate Vessel and Motor Chop Shop, Stolen and Altered Property Act, as provided for in subsection F of Section 4253 of Title 63 of the Oklahoma Statutes;

190. Aiding and abetting violation of the Vessel and Motor Chop Shop, Stolen and Altered Property Act, as provided for in subsection G of Section 4253 of Title 63 of the Oklahoma Statutes;

191. Accessory after the fact to violation of the Vessel and Motor Chop Shop, Stolen and Altered Property Act, as provided for in subsection H of Section 4253 of Title 63 of the Oklahoma Statutes;

192. False statements or affidavits, as provided for in Section 1017 of Title 64 of the Oklahoma Statutes;

193. Injury to or wrongful possession of public land, as provided for in Section 1018 of Title 64 of the Oklahoma Statutes;

194. Improper endorsement of checks to Land Office, as provided for in Section 1029 of Title 64 of the Oklahoma Statutes;

195. Sale of cigarettes to person under legal age, as provided for in subsection A of Section 317.1 of Title 68 of the Oklahoma Statutes;

196. Dealing in contraband cigarettes, second or subsequent offense, as provided for in subsection G of Section 349.1 of Title 68 of the Oklahoma Statutes;

197. Dealing in contraband tobacco products, second or subsequent offense, as provided for in Section 426 of Title 68 of the Oklahoma Statutes;

198. Sales by vendor without valid tax permit, second or subsequent offense, as provided for in subsection G of Section 1364 of Title 68 of the Oklahoma Statutes;

199. False affidavit to purchase retail fireworks license, as provided for in Section 1625 of Title 68 of the Oklahoma Statutes;

200. Conflict of interest involving the State Board of Equalization, as provided for in subsection G of Section 2861 of Title 68 of the Oklahoma Statutes;

201. False application under the Small Employer Quality Jobs Incentive Act, as provided for in Section 3908 of Title 68 of the Oklahoma Statutes;

202. Damage or remove traffic control device, as provided for in subsection B of Section 1213 of Title 69 of the Oklahoma Statutes;

203. Falsify Teachers' Retirement System of Oklahoma record, as provided for in Section 17-110 of Title 70 of the Oklahoma Statutes;

204. Offer interest in unregistered subdivided land, as provided for in subsection A of Section 621 of Title 71 of the Oklahoma Statutes;

205. Offer subdivided land in violation of code, as provided for in subsection B of Section 621 of Title 71 of the Oklahoma Statutes;

206. Deliver public offering statement less than forty-eight (48) hours prior to sale, as provided for in subsection A of Section 626 of Title 71 of the Oklahoma Statutes;

207. Acting as agent without real estate license, as provided for in Section 631 of Title 71 of the Oklahoma Statutes;

208. Employ device, scheme, or artifice to defraud, as provided for in Section 641 of Title 71 of the Oklahoma Statutes;

209. Make untrue statement of material fact, as provided for in Section 641 of Title 71 of the Oklahoma Statutes;

210. Engage in fraud or deceit, as provided for in Section 641 of Title 71 of the Oklahoma Statutes;

211. Advertise untrue statement, as provided for in subsection A of Section 653 of Title 71 of the Oklahoma Statutes;

212. Advertise using statement which differs from the registration application, as provided for in subsection A of Section 653 of Title 71 of the Oklahoma Statutes;

213. Filing false document under Oklahoma Subdivided Land Sales Code, as provided for in Section 654 of Title 71 of the Oklahoma Statutes;

214. Impersonating member or veteran of the Armed Forces by wearing medals, as provided for in subsections B and C of Section 6-1 of Title 72 of the Oklahoma Statutes;

215. State Auditor and Inspector or any deputy or employee making false report, as provided for in Section 217 of Title 74 of the Oklahoma Statutes;

216. Illegal profit by water conservancy district official, as provided for in Section 674 of Title 82 of the Oklahoma Statutes; and

217. Provide false information to secure self-insurance permit, as provided for in Section 38 of Title 85A of the Oklahoma Statutes.

B. Any person convicted of a Class D3 criminal offense set forth in this section shall be punished by imprisonment in the custody of the Department of Corrections for a term of not more than two (2) years and shall serve at least ten percent (10%) of the sentence imposed before release from custody including release to electronic monitoring pursuant to Section 510.9 of Title 57 of the Oklahoma Statutes.

C. 1. Every person who, having been previously convicted of one or two Class C or Class D criminal offenses, commits a Class D3 criminal offense shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for a term of not less than one (1) year nor more than four (4) years and shall serve at least ten percent (10%) of the sentence imposed before release from custody including release to electronic monitoring pursuant to Section 510.9 of Title 57 of the Oklahoma Statutes.

2. Every person who, having been previously convicted of three Class C or Class D criminal offenses, or one or more Class Y, Class A, or Class B criminal offenses, commits a Class D3 criminal offense shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for a term of not less than one (1) year nor more than ten (10) years and shall serve at least twenty percent (20%) of the sentence imposed before release from custody including release to electronic monitoring pursuant to Section 510.9 of Title 57 of the Oklahoma Statutes.

D. Unless specifically exempted pursuant to subsection E of this section, Section 51.1 of Title 21 of the Oklahoma Statutes shall not apply to Class D3 criminal offenses.

E. The criminal offenses listed in paragraphs 69, 124, 127, and 177 of subsection A of this section shall be exempt from the penalty provisions provided for in subsections B and C of this section. Persons convicted of the criminal offenses provided for in paragraphs 69, 124, 127, and 177 of subsection A of this section shall be punished in accordance with the corresponding penalties provided for in the Oklahoma Statutes including Section 51.1 of Title 21 of the Oklahoma Statutes.

F. All Class D3 criminal offenses shall be punishable by the corresponding fines as provided for in the Oklahoma Statutes. Added by Laws 2024, c. 366, § 16, eff. Jan. 1, 2026.

§21-20Q. Minimum time-served requirements includable in jury instructions.

Upon the effective date of this act, the minimum time-served requirements on sentences mandated by the provisions of this act, shall be included in the instructions to the jury during a criminal trial. If the minimum time-served requirements on sentences are included in the instructions to the jury in a criminal trial, the minimum time-served requirements shall be in the form of a percentage.

Added by Laws 2024, c. 366, § 17, eff. Jan. 1, 2026. Amended by Laws 2025, c. 187, § 7, eff. Jan. 1, 2026.

§21-21. Prohibited act a misdemeanor, when.

Where the performance of an act is prohibited by any statute, and no penalty for the violation of such statute is imposed in any statute, the doing of such act is a misdemeanor.

R.L.1910, § 2792.

§21-22. Gross injuries - Grossly disturbing peace - Openly outraging public decency - Injurious acts not expressly forbidden.

Every person who willfully and wrongfully commits any act which grossly injures the person or property of another, or which grossly disturbs the public peace or health, or which openly outrages public decency, including but not limited to urination in a public place, and is injurious to public morals, although no punishment is expressly prescribed therefor by this code, is guilty of a misdemeanor.

R.L.1910, § 2793. Amended by Laws 2007, c. 358, § 1, eff. July 1, 2007.

§21-23. Repealed by Laws 1970, c. 199, § 2.

§21-24. Acts punishable under foreign laws.

An act or omission declared punishable by this chapter, is not less so because it is also punishable under the laws of another

State, government or country, unless the contrary is expressly declared in this chapter.

R.L.1910, § 2795.

§21-25. Repealed by Laws 1986, c. 178, § 1, eff. Nov. 1, 1986.

§21-26. Contempts, criminal acts which are also punishable as.

A criminal act is not the less punishable as a crime because it is also declared to be punishable as a contempt.

R.L.1910, § 2797.

§21-27. Mitigation of punishment.

Where it is made to appear at the time of passing sentence upon a person convicted, that such person has already paid a fine or suffered an imprisonment for the act which he stands convicted, under an order adjudging it a contempt, the court authorized to pass sentence may mitigate the punishment to be imposed, in its discretion.

R.L.1910, § 2798.

§21-28. Aiding in a misdemeanor.

Whenever an act is declared a misdemeanor, and no punishment for counseling or aiding in the commission of such act is expressly prescribed by law, every person who counsels or aids another in the commission of such act, is guilty of a misdemeanor, and punishable in the same manner as the principal offender.

R.L.1910, § 2799.

§21-29. Sending letter - When complete - Place of prosecution.

In the various cases in which the sending of a letter is made criminal by this chapter, the offense is deemed complete from the time when such letter is deposited in any post office or any other place, or delivered to any person with intent that it shall be forwarded. And the party may be indicted and tried in any county wherein such letter is so deposited or delivered, or in which it shall be received by the person to whom it is addressed.

R.L.1910, § 2800.

§21-30. Failure to perform duty.

No person is punishable for an omission to perform an act, where such act has been performed by another person acting in his behalf, and competent by law to perform it.

R.L.1910, § 2801.

§21-41. Conviction for attempt not permitted where crime is perpetrated.

No person can be convicted of an attempt to commit a crime when it appears that the crime intended or attempted was perpetrated by such person in pursuance of such attempt.
R.L.1910, § 2802.

§21-42. Attempts to commit crimes - Punishment.

Every person who attempts to commit any crime, and in such attempt does any act toward the commission of such crime, but fails, or is prevented or intercepted in the perpetration thereof, is punishable, where no provision is made by law for the punishment of such attempt, as follows:

1. If the offense so attempted be punishable by imprisonment in the penitentiary for four (4) years or more, or by imprisonment in a county jail, the person guilty of such attempt is punishable by imprisonment in the penitentiary, or in a county jail, as the case may be, for a term not exceeding one-half (1/2) the longest term of imprisonment prescribed upon a conviction for the offense so attempted.

2. If the offense so attempted be punishable by imprisonment in the penitentiary for any time less than four (4) years, the person guilty of such attempt is punishable by imprisonment in a county jail for not more than one (1) year.

3. If the offense so attempted be punishable by a fine, the offender convicted of such attempt is punishable by a fine not exceeding one-half (1/2) the largest fine which may be imposed upon a conviction of the offense so attempted.

4. If the offense so attempted be punishable by imprisonment and by a fine, the offender convicted of such attempt may be punished by both imprisonment and fine, not exceeding one-half (1/2) the longest term of imprisonment and the fine not exceeding one-half (1/2) the largest fine which may be imposed upon a conviction for the offense so attempted.

R.L. 1910, § 2803. Amended by Laws 1997, c. 133, § 21, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 10, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 21 from July 1, 1998, to July 1, 1999.

§21-43. Unsuccessful attempt - Another crime committed.

The last two sections do not protect a person who in attempting unsuccessfully to commit a crime, accomplishes the commission of another and different crime, whether greater or less in guilt, from suffering the punishment prescribed by law for the crime committed.
R.L.1910, § 2804.

§21-44. Attempt defined.

A person is guilty of an attempt to commit a crime if, acting with the kind of culpability otherwise required for commission of the crime, he:

(a) purposely engages in conduct which would constitute the crime if the attendant circumstances were as he believes them to be; or,

(b) when causing a particular result in an element of the crime, does anything with the purpose of causing or with the belief that it will cause such result, without further conduct on his part.

Added by Laws 1965, c. 220, § 1.

§21-51. Repealed by Laws 1997, c. 133, § 602, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 602 from July 1, 1998, to July 1, 1999.

§21-51.1. Second and subsequent offenses after conviction of felony.

A. Except as otherwise provided in the Elderly and Incapacitated Victim's Protection Program and Section 51.1a of this title, every person who, having been convicted of any felony, commits any crime after such conviction, within ten (10) years of the date following the completion of the execution of the sentence, and against whom the district attorney seeks to enhance punishment pursuant to this section of law, is punishable therefor as follows:

1. If the offense for which the person is subsequently convicted is an offense enumerated in Section 571 of Title 57 of the Oklahoma Statutes and the offense is punishable by imprisonment in the custody of the Department of Corrections for a term exceeding five (5) years, such person is punishable by imprisonment in the custody of the Department of Corrections for a term in the range of ten (10) years to life imprisonment;

2. If the offense of which such person is subsequently convicted is such that upon a first conviction an offender would be punishable by imprisonment in the custody of the Department of Corrections for any term exceeding five (5) years, such person is punishable by imprisonment in the custody of the Department of Corrections for a term in the range of twice the minimum term for a first time offender to life imprisonment. If the subsequent felony offense does not carry a minimum sentence as a first time offender, such person is punishable by imprisonment in the custody of the Department of Corrections for a term in the range of two (2) years to life imprisonment; and

3. If such subsequent offense is such that upon a first conviction the offender would be punishable by imprisonment in the custody of the Department of Corrections for five (5) years, or any less term, then the person convicted of such subsequent offense is

punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding ten (10) years.

B. Every person who, having been twice convicted of felony offenses, commits a subsequent felony offense which is an offense enumerated in Section 571 of Title 57 of the Oklahoma Statutes, within ten (10) years of the date following the completion of the execution of the sentence, and against whom the district attorney seeks to enhance punishment pursuant to this section of law, is punishable by imprisonment in the custody of the Department of Corrections for a term in the range of twenty (20) years to life imprisonment. Felony offenses relied upon shall not have arisen out of the same transaction or occurrence or series of events closely related in time and location. Nothing in this section shall abrogate or affect the punishment by death in all crimes now or hereafter made punishable by death.

C. Every person who, having been twice convicted of felony offenses, commits a subsequent felony offense within ten (10) years of the date following the completion of the execution of the sentence, and against whom the district attorney seeks to enhance punishment pursuant to this section of law, is punishable by imprisonment in the custody of the Department of Corrections for a term in the range of three times the minimum term for a first time offender to life imprisonment. If the subsequent felony offense does not carry a minimum sentence as a first time offender, the person is punishable by imprisonment in the custody of the Department of Corrections for a term in the range of four (4) years to life imprisonment. Felony offenses relied upon shall not have arisen out of the same transaction or occurrence or series of events closely related in time and location. Nothing in this section shall abrogate or affect the punishment by death in all crimes now or hereafter made punishable by death.

D. A previous conviction for possession of a controlled dangerous substance pursuant to Section 2-402 of Title 63 of the Oklahoma Statutes, or the equivalent law for possession of a controlled dangerous substance from any other jurisdiction, may not be used to enhance punishment pursuant to this section of law.

E. Every person who, having previously been convicted of a felony other than a felony enumerated in Section 571 of Title 57 of the Oklahoma Statutes, is convicted of a second or subsequent felony for:

1. Uttering a subscription on instrument as that of one with the same name, as provided in Section 1592 of this title;

2. Receiving or concealing stolen property, as provided in Section 1713 of this title;

3. False personation of another, as provided in Section 1531 of this title;

4. Unauthorized use of a motor vehicle, as provided in Section 4-102 of Title 47 of the Oklahoma Statutes;

5. Grand larceny, as provided in Section 1705 of this title;

6. False declaration of ownership to a pawnbroker, as provided in Section 1512 of Title 59 of the Oklahoma Statutes;

7. Forgery in the second degree, as provided in Section 1577 of this title;

8. Receiving, possessing or concealing a stolen vehicle, as provided in Section 4-103 of Title 47 of the Oklahoma Statutes; or

9. Larceny of merchandise from a retailer, as provided in Section 1731 of this title,
is punishable by imprisonment in the custody of the Department of Corrections for a term of not more than twice the maximum sentence that could have been imposed for a first conviction of the current offense.

Added by Laws 1999, 1st Ex. Sess., c. 5, § 434, eff. July 1, 1999.

Amended by Laws 2001, c. 437, § 3, eff. July 1, 2001; Laws 2002, c. 455, § 1, emerg. eff. June 5, 2002; Laws 2018, c. 126, § 1, eff. Nov. 1, 2018.

§21-51.1a. Second offense of rape in the first degree, forcible sodomy, lewd molestation or sexual abuse of a child.

Any person convicted of rape in the first degree, forcible sodomy, lewd molestation or sexual abuse of a child after having been convicted of either rape in the first degree, forcible sodomy, lewd molestation or sexual abuse of a child shall be sentenced to life without parole.

Added by Laws 2002, c. 455, § 3, emerg. eff. June 5, 2002.

§21-51.2. Second and subsequent offenses ten years after completion of sentence.

Except as provided in Section 51.1a of this title, no person shall be sentenced as a second and subsequent offender under Section 51.1 of this title, or any other section of the Oklahoma Statutes, when a period of ten (10) years has elapsed since the completion of the sentence imposed on the former conviction; provided, the person has not, in the meantime, been convicted of a felony. Nothing in this section shall prohibit the use of a prior conviction for physical or sexually related child abuse as a prior conviction for second and subsequent offender purposes if the person is presently charged with a felony crime involving physical or sexually related child abuse.

Added by Laws 1999, 1st Ex. Sess., c. 5, § 435, eff. July 1, 1999.

Amended by Laws 2000, c. 245, § 2, eff. Nov. 1, 2000; Laws 2002, c. 455, § 2, emerg. eff. June 5, 2002; Laws 2018, c. 126, § 2, eff. Nov. 1, 2018.

§21-51.3. Repealed by State Question No. 780, Initiative Petition No. 404, § 21, adopted at General Election held on November 8, 2016, eff. July 1, 2017.

§21-51A. Repealed by Laws 1997, c. 133, § 602, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 602 from July 1, 1998, to July 1, 1999.

§21-52. Repealed by Laws 1998, c. 133, § 602, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 602 from July 1, 1998, to July 1, 1999.

§21-53. Attempt to conceal death of child - Felony on subsequent conviction.

Every woman who, having been convicted of endeavoring to conceal the birth of an issue of her body which, if born alive, would be a bastard, or the death of any such issue under the age of two (2) years, subsequently to such conviction endeavors to conceal any such birth or death of issue of her body, shall be guilty of a Class B4 felony offense punishable by imprisonment in the State Penitentiary not exceeding five (5) years and not less than two (2) years.

R.L. 1910, § 2807. Amended by Laws 1997, c. 133, § 153, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 73, eff. July 1, 1999; Laws 2025, c. 486, § 99, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 153 from July 1, 1998, to July 1, 1999.

§21-54. When first conviction was foreign.

Every person who has been convicted in any other state, government or country of an offense which, if committed within this state, would be punishable by the laws of this state by imprisonment in the penitentiary, is punishable for any subsequent crime committed within this state, in the manner prescribed in Section 434, 435 or 436 of this act, and to the same extent as if such first conviction had taken place in a court of this state.

R.L. 1910, § 2808. Amended by Laws 1997, c. 133, § 15, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 6, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 15 from July 1, 1998, to July 1, 1999.

§21-61. Repealed by Laws 1979, c. 135, § 7, emerg. eff. May 3, 1979.

§21-61.1. Sentences to be served in order received by penal institution - Concurrent sentences - Credit for good conduct.

When any person is convicted of two (2) or more crimes in the same proceeding or court or in different proceedings or courts, and

the judgment and sentence for each conviction arrives at a state penal institution on different dates, the sentence which is first received at the institution shall commence and be followed by those sentences which are subsequently received at the institution, in the order in which they are received by the institution, regardless of the order in which the judgments and sentences were rendered by the respective courts, unless a judgment and sentence provides that it is to run concurrently with another judgment and sentence. This section shall not affect the credits allowed under Section 138 of Title 57.

Laws 1979, c. 135, § 1, emerg. eff. May 3, 1979; Laws 1980, c. 222, § 1, emerg. eff. May 30, 1980.

§21-61.2. Sentences to run concurrent with federal court or another state's court sentence.

When a defendant is sentenced in an Oklahoma state court and is also under sentence from a federal court or another state's court, the court may direct that custody of the defendant be relinquished to the federal or another state's authorities and that such Oklahoma state court sentences as are imposed may run concurrently with the federal or another state's sentence imposed.

Laws 1979, c. 135, § 2, emerg. eff. May 3, 1979; Laws 1980, c. 222, § 2, emerg. eff. May 30, 1980.

§21-61.3. Parole - Revocation - Relinquishment of custody.

When a defendant is on parole from a sentence rendered by an Oklahoma state court and is also under sentence from a federal court or another state's court, the Governor may revoke the defendant's parole and direct that custody of the defendant be relinquished to the federal or another state's authorities and that such parole revocation may run concurrently with the federal or another state's sentence which has been imposed. The Governor may also order that a parole revocation run concurrently with any other sentence rendered by an Oklahoma state court.

Amended by Laws 1988, c. 141, § 1, eff. Nov. 1, 1988.

§21-61.4. Suspended sentence - Revocation - Relinquishment of custody.

When a defendant has received a suspended sentence from an Oklahoma state court and is also under sentence from a federal court or another state's court, the court may revoke the suspended sentence and direct that custody of the defendant be relinquished to the federal or another state's authorities and that the sentence may run concurrently with the federal or other state's sentence which has been imposed.

Laws 1979, c. 135, § 4, emerg. eff. May 3, 1979; Laws 1980, c. 222, § 4, emerg. eff. May 30, 1980.

§21-61.5. Return to State to complete sentence.

Provided, that, after a defendant has been transferred to another jurisdiction pursuant to the provisions of this act, if any sentence remains to be served in the State of Oklahoma, such defendant shall be returned by the sentencing court to the State of Oklahoma to complete his sentence.

Laws 1979, c. 135, § 5, emerg. eff. May 3, 1979; Laws 1980, c. 222, § 5, emerg. eff. May 30, 1980.

§21-62. Repealed by Laws 1997, c. 133, § 602, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 602 from July 1, 1998, to July 1, 1999.

§21-62.1. Imprisonment where no maximum.

Whenever any person is declared punishable for a crime by imprisonment in the penitentiary for a term not less than any specified number of years, and no limit to the duration of such imprisonment is declared, the court authorized to pronounce judgment upon such conviction may, in its discretion, sentence such offender to imprisonment during the natural life of the offender, or for any number of years not less than such as are prescribed.

Added by Laws 1999, 1st Ex.Sess., c. 5, § 437, eff. July 1, 1999.

§21-63. Repealed by Laws 1978, c. 74, § 1.

§21-64. Imposition of fine in addition to imprisonment.

A. Upon a conviction for any misdemeanor punishable by imprisonment in any jail, in relation to which no fine is prescribed by law, the court or a jury may impose a fine on the offender not exceeding One Thousand Dollars (\$1,000.00) in addition to the imprisonment prescribed.

B. Upon a conviction for any felony punishable by imprisonment in any jail or prison, in relation to which no fine is prescribed by law, the court or a jury may impose a fine on the offender not exceeding Ten Thousand Dollars (\$10,000.00) in addition to the imprisonment prescribed.

R.L. 1910, § 2812. Amended by Laws 1983, c. 75, § 1, emerg. eff. April 29, 1983; Laws 1993, c. 51, § 1, eff. Sept. 1, 1993; Laws 1997, c. 133, § 16, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 7, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 16 from July 1, 1998, to July 1, 1999.

§21-65. Civil rights suspended.

A sentence of imprisonment under the Department of Corrections suspends all the civil rights of the person so sentenced, except the

right to make employment contracts, during confinement under said sentence, subject to the approval of the Director of the Department of Corrections, when this benefits the vocational training or release preparation of the prisoner, and forfeits all public offices, and all private trusts, authority or power, during the term of such imprisonment. Provided however, such persons during confinement shall not be eligible to receive benefits under the unemployment compensation law.

R.L. 1910, § 2813; Laws 1976, c. 163, § 2, emerg. eff. June 1, 1976.

§21-66. Repealed by Laws 1976, c. 163, § 7, emerg. eff. June 1, 1976.

§21-67. Person of convict protected.

The person of a convict sentenced to imprisonment in the State Prison is under the protection of the law, and any injury to his person, not authorized by law, is punishable in the same manner as if he was not convicted or sentenced.

R.L.1910, § 2815.

§21-68. Conviction does not work forfeiture.

No conviction of any person for crime works any forfeiture of any property, except in the cases of any outlawry for treason, and other cases in which a forfeiture is expressly imposed by law.

R.L.1910, § 2816.

§21-81. Testimony - Privilege of witnesses and perjury.

The various sections of this Chapter which declare that evidence obtained upon the examination of a person as a witness shall not be received against him in any criminal proceeding, do not forbid such evidence being proved against such person upon any proceedings founded upon a charge of perjury committed in such examination.

R.L.1910, § 2817.

§21-91. Terms to have meanings specified unless different meaning appears.

Wherever the terms mentioned in the following sections are employed in this title, they are deemed to be employed in the senses hereafter affixed to them, except where a different sense plainly appears.

R.L. 1910, § 2818. Amended by Laws 1997, c. 43, § 1, emerg. eff. April 7, 1997.

§21-92. Willfully defined.

The term "willfully" when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or the omission referred to. It does not require any

intent to violate law, or to injure another, or to acquire any advantage.

R.L.1910, § 2819.

§21-93. Negligent - Negligence.

The terms "neglect," "negligence," "negligent" and "negligently," when so employed, import a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concerns.

R.L.1910, § 2820.

§21-94. Corruptly.

The term "corruptly" when so employed, imports a wrongful design to acquire some pecuniary or other advantage to the person guilty of the act or omission referred to.

R.L.1910, § 2821.

§21-95. Malice - Maliciously.

The terms "malice" and "maliciously," when so employed, import a wish to vex, annoy or injure another person, established either by proof or presumption of law.

R.L.1910, § 2822.

§21-96. Knowingly.

The term "knowingly," when so applied, imports only a knowledge that the facts exist which bring the act or omission within the provisions of this code. It does not require any knowledge of the unlawfulness of such act or omission.

R.L.1910, § 2823.

§21-97. Bribe.

The term "bribe" signifies any money, goods, right in action, property, thing of value or advantage, present or prospective, or any promise or undertaking, asked, given or accepted, with a corrupt intent to influence unlawfully the person to whom it is given, in his action, vote or opinion, in any public or official capacity.

R.L.1910, § 2824.

§21-98. Vessel.

The word "vessel," when used with reference to shipping, includes ships of all kinds, steamboats, and steamships, canal boats, and every structure adapted to be navigated from place to place.

R.L.1910, § 2825.

§21-99. Peace officers.

The term "peace officer" means any sheriff, police officer, federal law enforcement officer, tribal law enforcement officer, or any other law enforcement officer whose duty it is to enforce and preserve the public peace.

Every United States Marshal, Marshals Service deputy or other federal law enforcement officer who is employed full-time as a law enforcement officer by the federal government or is otherwise acting under the authority of a Federal Bureau of Indian Affairs Commission and has been certified by the Council on Law Enforcement Education and Training, who is authorized by federal law to conduct any investigation of, and make any arrest for, any offense in violation of federal law shall have the same authority, and be empowered to act, as peace officers within the State of Oklahoma in rendering assistance to any law enforcement officer in an emergency, or at the request of any officer, and to arrest any person committing any offense in violation of the laws of this state.

R.L. 1910, § 2826. Amended by Laws 1995, c. 240, § 3, emerg. eff. May 24, 1995; Laws 1997, c. 43, § 2, emerg. eff. April 7, 1997; Laws 2013, c. 249, § 1, eff. Nov. 1, 2013.

§21-99a. Authority of peace officers.

A. Subject to subsections C and D of this section in addition to any other powers vested by law, a peace officer of the State of Oklahoma as used in this section may enforce the criminal laws of this state throughout the territorial bounds of this state, under the following circumstances:

1. In response to an emergency involving an immediate threat to human life or property;

2. Upon the prior consent of the head of a state law enforcement agency, the sheriff or the chief of police in whose investigatory or territorial jurisdiction the exercise of the powers occurs;

3. In response to a request for assistance pursuant to a mutual law enforcement assistance agreement with the agency of investigatory or territorial jurisdiction;

4. In response to the request for assistance by a peace officer with investigatory or territorial jurisdiction; or

5. While the peace officer is transporting a prisoner.

B. While serving as peace officers of the State of Oklahoma and rendering assistance under the circumstances enumerated above, peace officers shall have the same powers and duties as though employed by and shall be deemed to be acting within the scope of authority of the law enforcement agency in whose or under whose investigatory or territorial jurisdiction they are serving. Salaries, insurance and other benefits shall not be the responsibility of a law enforcement agency that is not the employing agency for the peace officer.

C. A municipal peace officer may exercise authority provided by this section only if the peace officer acts pursuant to policies and procedures adopted by the municipal governing body.

D. A Bureau of Indian Affairs law enforcement officer or a tribal law enforcement officer of a federally recognized Indian tribe who has been commissioned by the Federal Bureau of Indian Affairs and has been certified by the Council on Law Enforcement Education and Training shall have state police powers to enforce state laws on fee land purchased by a federally recognized American Indian tribe or in Indian country, as defined in Section 1151 of Title 18 of the United States Code.

E. Nothing in this act shall limit or prohibit jurisdiction given to tribal officers pursuant to a cross-deputization agreement between a state or local governmental agency or another state or federal law.

Added by Laws 1997, c. 43, § 3, emerg. eff. April 7, 1997. Amended by Laws 2013, c. 249, § 2, eff. Nov. 1, 2013; Laws 2016, c. 347, § 1, eff. Nov. 1, 2016.

§21-100. Signature.

The term "signature" includes any name, mark or sign, written with the intent to authenticate any instrument or writing.

R.L.1910, § 2827.

§21-101. Writing includes printing.

The term "writing" includes printing.

R.L.1910, § 2828.

§21-102. Real property.

The term "real property" includes every estate, interest and right in lands, tenements and hereditaments.

R.L.1910, § 2829.

§21-103. Personal property.

The term "personal property" includes every description of money, goods, chattels, effects, evidences of right in action, and written instruments by which any pecuniary obligation, right or title to property, real or personal, is created or acknowledged, transferred, increased, defeated, discharged or diminished.

R.L.1910, § 2830.

§21-104. Property defined.

The term "property" includes both real and personal property.

R.L.1910, § 2831.

§21-105. Person defined.

The word "person" includes corporations, as well as natural persons.
R.L.1910, § 2832.

§21-106. Person as designating party whose property may be subject of offense.

Where the term "person" is used in this chapter to designate the party whose property may be the subject of any offense, it includes this state, any other state, government or country which may lawfully own any property within this state, and all public and private corporations or joint associations, as well as individuals.
R.L.1910, § 2833.

§21-107. Singular includes plural.

The singular number includes the plural, and the plural the singular.
R.L.1910, § 2834.

§21-108. Gender.

Words used in the masculine gender comprehend as well the feminine and neuter.
R.L.1910, § 2835.

§21-109. Present tense.

Words used in the present tense include the future, but exclude the past.
R.L.1910, § 2836.

§21-110. Intent to defraud.

Whenever, by any of the provisions of this chapter, an intent to defraud is required in order to constitute any offense, it is sufficient if an intent appears to defraud any person, association or body politic or corporate whatever.
R.L.1910, § 2837.

§21-111. Force.

A. In all instances of sexual assault including, but not limited to, rape, rape by instrumentation and forcible sodomy where force is alleged, the term "force" shall mean any force, no matter how slight, necessary to accomplish the act without the consent of the victim. The force necessary to constitute an element need not be actual physical force since fear, fright or coercion may take the place of actual physical force.

B. The Oklahoma Court of Criminal Appeals is requested and authorized to proceed to prescribe, institute and publish within ten (10) days of the effective date of this act a uniform instruction to be given in jury trials of criminal cases that defines the term

"force" consistent with the definition provided for in subsection A of this section.

Added by Laws 2016, c. 349, § 2, emerg. eff. June 6, 2016.

§21-112. Sexual assault.

The term "sexual assault" is any type of sexual contact or behavior that occurs without explicit consent of the recipient including, but not limited to, forced sexual intercourse, forcible sodomy, child molestation, child sexual abuse, incest, fondling and all attempts to complete any of the aforementioned acts.

In any criminal jury trial of a crime involving any type of sexual contact or behavior where "consent" is an element of the crime or a defense raised by the accused, the court shall instruct the jury on the definition of consent as such term is defined in Section 113 of this title.

Added by Laws 2016, c. 349, § 3, emerg. eff. June 6, 2016. Amended by Laws 2017, c. 166, § 1, eff. Nov. 1, 2017.

§21-113. Consent.

The term "consent" means the affirmative, unambiguous and voluntary agreement to engage in a specific sexual activity during a sexual encounter which can be revoked at any time. Consent cannot be:

1. Given by an individual who:
 - a. is asleep or is mentally or physically incapacitated either through the effect of drugs or alcohol or for any other reason, or
 - b. is under duress, threat, coercion or force; or
2. Inferred under circumstances in which consent is not clear including, but not limited to:
 - a. the absence of an individual saying "no" or "stop", or
 - b. the existence of a prior or current relationship or sexual activity.

Added by Laws 2016, c. 349, § 4, emerg. eff. June 6, 2016.

§21-131. Civil remedies not affected.

The omission to specify or affirm in this chapter, any liability to any damages, penalty, forfeiture or other remedy, imposed by law, and allowed to be recovered or enforced in any civil action or proceeding, for any act or omission declared punishable herein, does not affect any right to recover or enforce the same.

R.L.1910, § 2838.

§21-132. Proceeding to impeach or remove.

The omission to specify or affirm in this chapter, any ground of forfeiture of a public office or other trust or special authority conferred by law, to impeach, remove, depose or suspend any public

officer or other person holding any trust, appointment or other special authority conferred by law, does not affect such forfeiture or power, or any proceeding authorized by law to carry into effect such impeachment, removal, deposition or suspension.
R.L.1910, § 2839.

§21-133. Military punishment - Contempt - Apprentices - Disorderly behavior - Vagrancy.

This chapter does not affect any power conferred by law upon any court martial or other military authority or officer to impose or inflict punishment upon offenders; nor any power conferred by law upon any public body, tribunal, or officer, to impose or inflict punishment for a contempt; nor any provisions of the laws relating to apprentices, disorderly behavior or vagrancy.
R.L.1910, § 2840. Amended by Laws 2019, c. 408, § 213, eff. Oct. 1, 2019.

§21-141. Payment into school fund.

All fines, forfeitures and pecuniary penalties prescribed as a punishment by any of the provisions of this chapter, when collected, shall be paid into the treasury and credited to the school fund of the county where such fines are collected.
R.L.1910, § 2841.

§21-142.1. Intent of Legislature.

It is the intent of the Legislature to provide a method of compensating and assisting those persons who become victims of criminal acts and who suffer physical or psychological injury or death who are either within this state or who are residents of this state who become victims, as defined in Section 142.3 of this title, in states that have no crime victims compensation program. It is the further intent of the Legislature that district attorney offices shall provide services to victims of crime, as provided by law, and to assist in completing victim compensation claims pursuant to this act. To this end, it is the further intent of the Legislature to provide compensation in the amount of expenses actually incurred as a direct result of the criminal acts of other persons.
Added by Laws 1981, c. 93, § 1. Amended by Laws 1989, c. 348, § 7, eff. Nov. 1, 1989; Laws 1999, c. 177, § 1, eff. July 1, 1999; Laws 2001, c. 369, § 1, eff. July 1, 2001.

§21-142.2. Short title.

This act shall be known and may be cited as the "Oklahoma Crime Victims Compensation Act".
Laws 1981, c. 93, § 2.

§21-142.3. Definitions.

As used in the Oklahoma Crime Victims Compensation Act, Section 142.1 et seq. of this title:

1. "Allowable expense" means:

- a. charges incurred for needed products, services and accommodations, including, but not limited to, medical care, wage loss, rehabilitation, rehabilitative occupational training and other remedial treatment and care,
- b. any reasonable expenses related to the funeral, cremation or burial,
- c. reasonable costs for counseling family members of a homicide victim,
- d. reasonable costs associated with homicide crime scene cleanup, and
- e. reasonable cost of vehicle impound fees associated with the collection and security of crime scene evidence;

2. "Board" means the Crime Victims Compensation Board created by Section 142.4 of this title;

3. "Claimant" means any of the following persons applying for compensation under the Crime Victims Compensation Act:

- a. a victim,
- b. a dependent of a victim who has died because of criminally injurious conduct, or
- c. a person authorized to act on behalf of any of the persons enumerated in subparagraphs a and b of this paragraph;

4. "Collateral source" means a source of benefits or advantages for economic loss for which the claimant would otherwise be eligible to receive compensation under this act, and which the claimant has received, or which is readily available to the claimant, from any one or more of the following:

- a. the offender,
- b. the government of the United States or any agency thereof, in the form of benefits, such as social security, Medicare and Medicaid, a state or any of its political subdivisions or an instrumentality or two or more states, unless the law providing for the benefits or advantages makes them excessive or secondary to benefits under this act,
- c. state-required temporary nonoccupational disability insurance,
- d. workers' compensation,
- e. wage continuation programs of any employer,
- f. a contract providing prepaid hospital and other health care services or benefits for disability,

- g. a contract providing prepaid burial expenses or benefits, or
 - h. proceeds of any contract of insurance payable to the claimant for loss which the victim sustained because of the criminally injurious conduct, except:
 - (1) life insurance proceeds or uninsured motorist proceeds in an amount of Fifty Thousand Dollars (\$50,000.00) or less shall not be considered a collateral source when computing loss of support, and
 - (2) life insurance proceeds and proceeds from personal uninsured motorist coverage of any amount shall not be considered a collateral source for computing burial expenses;
5. a. "Criminally injurious conduct" means a misdemeanor or felony which occurs or is attempted in this state, or against a resident of this state in a state that does not have an eligible crime victims compensation program as such term is defined in the federal Victims of Crime Act of 1984, Public Law 98-473, that results in bodily injury, threat of bodily injury or death to a victim which:
- (1) may be punishable by fine, imprisonment or death, or
 - (2) if the act is committed by a child, could result in such child being adjudicated a delinquent child.
- b. Such term shall not include acts arising out of the negligent maintenance or use of a motor vehicle unless:
- (1) the vehicle was operated or driven by the offender while under the influence of alcohol, with a blood alcohol level in excess of the legal limit, or while under the influence of any other intoxicating substance,
 - (2) the vehicle was operated or driven by the offender with the intent to injure or kill the victim or in a manner imminently dangerous to another person and evincing a depraved mind, although without any premeditated design to injure or effect the death of any particular person,
 - (3) the offense involved willful, malicious or felonious failure to stop after being involved in a personal injury accident to avoid detection or prosecution, provided the victim of the accident was a pedestrian or was operating a vehicle moved

solely by human power or a mobility device at the time of contact, or

- (4) the offense involving one or more vehicles results in the death of the victim due to the reckless disregard for the safety of others by the offender. As used in this division, "reckless disregard for the safety of others" is defined as the omission to do something which a reasonably careful person would do, or the lack of the usual and ordinary care and caution in the performance of an act usually and ordinarily exercised by a person under similar circumstances and conditions.

- c. "Criminally injurious conduct" shall include an act of terrorism, as defined in Section 2331 of Title 18, United States Code, committed outside the United States;

6. "Dependent" means a natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the death of the victim where the death occurred as a result of criminally injurious conduct;

7. "Economic loss of a dependent" means loss after death of the victim of contributions of things of economic value to the dependent, not including services which would have been received from the victim if he or she had not suffered the fatal injury;

8. "Replacement services loss of dependent" means the loss reasonably incurred by dependents after death of the victim in obtaining ordinary and necessary services in lieu of those the deceased victim would have performed for their benefit had the deceased victim not suffered the fatal injury, less expenses of the dependent avoided by reason of death of the victim and not subtracted in calculating the economic loss of the dependent;

9. "Economic loss" means monetary detriment consisting only of allowable expense, work loss, replacement services loss and, if injury causes death, economic loss and replacement services loss of a dependent, but shall not include noneconomic loss;

10. "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment and nonpecuniary damage;

11. "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income, but for the benefit of self or family, if the victim had not been injured or died;

12. "Traffic offense" means violation of a law relating to the operation of vehicles, but shall not mean negligent homicide due to operation of a motor vehicle, reckless driving, tampering with or damaging a motor vehicle, failure of a driver of a motor vehicle

involved in an accident resulting in death or personal injury to stop at the scene of the accident, leaving the scene of an accident resulting in death or personal injury, operating or being in actual physical control of a motor vehicle while intoxicated or impaired due to alcohol or other intoxicating substance, or combination thereof, or operating a motor vehicle with a blood alcohol content in excess of the legal limit;

13. "Work loss for victim" means loss of income from work the victim would have performed if such person had not been injured or died, reduced by any income from substitute work actually performed by the victim or by income the victim would have earned in available appropriate substitute work that the victim was capable of performing but unreasonably failed to undertake, or loss of income from work the victim's caregiver would have performed if the injuries of the victim sustained as a result of the criminally injurious conduct had not created the need for the caregiver to miss work to care for the injured victim; and

14. "Victim" means a person who suffers personal injury or death as a result of criminally injurious conduct and shall include a resident of this state who is injured or killed by an act of terrorism committed outside of the United States.

Added by Laws 1981, c. 93, § 3. Amended by Laws 1987, c. 224, § 6, eff. Nov. 1, 1987; Laws 1988, c. 109, § 21, eff. Nov. 1, 1988; Laws 1989, c. 125, § 2, eff. Nov. 1, 1989; Laws 1989, c. 348, § 8, eff. Nov. 1, 1989; Laws 1990, c. 146, § 1, eff. Sept. 1, 1990; Laws 1992, c. 136, § 3, eff. July 1, 1992; Laws 1993, c. 325, § 5, emerg. eff. June 7, 1993; Laws 1996, c. 292, § 2, emerg. eff. June 10, 1996; Laws 1997, c. 357, § 4, emerg. eff. June 9, 1997; Laws 1998, c. 410, § 2, eff. July 1, 1998; Laws 1999, c. 177, § 2, eff. July 1, 1999; Laws 2000, c. 324, § 1, eff. July 1, 2000; Laws 2007, c. 171, § 1, eff. Nov. 1, 2007.

§21-142.4. Crime Victims Compensation Board - Membership - Qualifications - Term - Vacancies - Officers - Expenses.

A. There is hereby created a Crime Victims Compensation Board, consisting of three (3) members appointed by the Governor with the advice and consent of the Senate to serve four-year terms and until the successor is appointed and qualified. At least one member of the Board shall be a person admitted to practice law in this state. Of the first members appointed, one shall be appointed for a term of two (2) years, one shall be appointed for a term of three (3) years, and one shall be appointed for a term of four (4) years. Vacancies shall be filled in the same manner as regular appointments.

B. Each year the Board shall elect the chairman from its membership. Members of the Board shall receive such compensation, subsistence allowances, mileage and expenses as are provided by the State Travel Reimbursement Act.

Laws 1981, c. 93, § 4.

§21-142.5. Powers of Board relating to claims for compensation - Office and staff support.

A. The Crime Victims Compensation Board shall award compensation for economic loss arising from criminally injurious conduct if satisfied by a preponderance of the evidence that the requirements for compensation have been met. The Administrator of the Crime Victims Compensation Board may determine initial victims' claims and any victim's claim up to Ten Thousand Dollars (\$10,000.00). The Board may delegate any other victim's claim to the Administrator of the Crime Victims Compensation Board at their discretion. The claimant shall have a right of appeal to the Board for any claim in dispute.

B. The Board shall hear and determine all matters relating to claims for compensation of Ten Thousand Dollars (\$10,000.00) or more and may hear claims under Ten Thousand Dollars (\$10,000.00). The Board shall be able to reinvestigate or reopen claims without regard to statutes of limitation. However, claims that have been inactive for a period of more than three (3) years from the date of the last action by the Board shall be deemed closed and any further action forever barred. Claim files may be destroyed after a claim is closed. Claims which have been declined may be destroyed after nine (9) months, following the last Board action, provided the claimant has not notified the Board of any intentions to request reconsideration of the claim.

C. The Board shall have the power to subpoena witnesses, compel their attendance, require the production of records and other evidence, administer oaths or affirmations, conduct hearings and receive relevant evidence.

D. The Board shall be provided such office, support, staff and secretarial services as determined by the District Attorneys Council.

Added by Laws 1981, c. 93, § 5. Amended by Laws 1989, c. 348, § 9, eff. Nov. 1, 1989; Laws 1990, c. 93, § 1, eff. Sept. 1, 1990; Laws 1993, c. 325, § 6, emerg. eff. June 7, 1993; Laws 1999, c. 177, § 3, eff. July 1, 1999; Laws 2007, c. 171, § 2, eff. Nov. 1, 2007.

§21-142.6. Additional powers of Board.

In addition to any other powers and duties specified elsewhere in Section 142.1 et seq. of this title, the Crime Victims Compensation Board may:

1. Regulate its own procedures except as otherwise provided in Section 142.1 et seq. of this title;
2. Adopt rules and regulations to implement the provisions of Section 142.1 et seq. of this title;

3. Define any term not defined in Section 142.1 et seq. of this title;

4. Prescribe forms necessary to carry out the purposes of Section 142.1 et seq. of this title;

5. Have access to:

- a. any reports of investigations from all law enforcement agencies,
- b. if essential to making a determination of eligibility, any written documentation included with a sexual assault forensic evidence kit tested by an accredited forensic lab, and
- c. any other data necessary to assist the Board in making a determination of eligibility for compensation under the provisions of Section 142.1 et seq. of this title;

6. Take judicial notice of general, technical and scientific facts within their specialized knowledge; and

7. Publicize the availability of compensation and information regarding the filing of claims therefor.

Added by Laws 1981, c. 93, § 6. Amended by Laws 1999, c. 177, § 4, eff. July 1, 1999; Laws 2021, c. 72, § 1, eff. Nov. 1, 2021.

§21-142.7. Collateral source contributions.

The Board may require any claimant to seek or accept any collateral source contribution.

Added by Laws 1981, c. 93, § 7. Amended by Laws 1999, c. 177, § 5, eff. July 1, 1999.

§21-142.8. Parties - Right to appear - Hearing - Notice - Settlement of claim.

A. Every party to the claim shall be afforded an opportunity to appear and be heard and to offer evidence and argument on any issue relevant to the claim, and to examine witnesses and offer evidence in reply to any matter of an evidentiary nature in the record relevant to the claim.

B. In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice pursuant to regulations promulgated by the Board. A record of the proceedings of the hearing in a contested case shall be made and shall be transcribed upon request of any party, who shall pay transcription costs unless otherwise ordered by the Board.

C. The Board may, without a hearing, settle a claim by stipulation, agreed settlement, consent order or default.
Laws 1981, c. 93, § 8.

§21-142.9. Waiver of physician-patient privilege - Mental or physical examination - Reports - Advisory panel - Limiting compensation for treatment - Debt collection.

A. Any person filing a claim under the provisions of Section 142.1 et seq. of this title shall be deemed to have waived any physician-patient privilege as to communications or records relevant to an issue of the physical, mental or emotional conditions of the claimant.

B. If the mental, physical or emotional condition of a claimant is material to a claim, the Crime Victims Compensation Board upon good cause shown may order the claimant to submit to a mental or physical examination. The examination report shall set out the findings of the person making the report, including results of all tests made, diagnoses, prognoses and other conclusions and reports of earlier examinations of the same conditions.

C. The Board shall furnish a copy of the examination report. If the victim is deceased, the Board, on request, shall furnish a copy of the report to the claimant.

D. The Board may require the claimant to supply any additional medical or psychological reports available relating to the injury or death for which compensation is claimed.

E. In certain cases wherein mental health expenses are being claimed, the Board and Administrator of the Crime Victims Compensation Board may request assistance from a panel of professionals in the mental health field. The panel of professionals may only act in an advisory capacity to the Board.

F. The Board shall have the authority to set limits of compensation on any medical or mental health treatment, and require that providers of medical or mental health treatment be licensed prior to compensating for said treatment. Awards for all medical services shall not exceed eighty percent (80%) of the total cost of the service less any other reduction for contributory conduct, as determined by the Board. Any medical provider that receives payment from the Crime Victims Compensation Revolving Fund for medical, dental or psychological services, or any provider that supplies equipment pursuant to an award under the Oklahoma Crime Victims Compensation Act shall, as a condition of the receipt of such payment, accept such payment as discharging in full any and all obligations of the claimant to pay, reimburse or compensate the provider for medical services, supplies or equipment that have been reimbursed pursuant to the Oklahoma Crime Victims Compensation Act. In the event the claimant has paid for a medical service, the claimant will be reimbursed for the out-of-pocket loss, less any reductions for contributory conduct, as determined by the Board.

G. All records and information given to the Board to process a claim on behalf of a crime victim shall be confidential. Such exhibits, medical records, psychological records, counseling records, work records, criminal investigation records, criminal court case records, witness statements, telephone records, and other records of any type or nature whatsoever gathered for the purpose of

evaluating whether to compensate a victim shall not be obtainable by any party to any civil or criminal action through any discovery process except:

1. In the event of an appeal under the Administrative Procedures Act from a decision of the Board and then only to the extent narrowly and necessarily to obtain court review; or

2. Upon a strict showing to the court in a separate civil or criminal action that particular information or documents are not obtainable after diligent effort from any independent source, and are known to exist otherwise only in Board records, the court may inspect in camera such records to determine whether the specific requested information exists. If the court determines the specific information sought exists in the Board's records, the documents may then be released only by court order if the court finds as part of its order that the documents will not pose any threat to the safety of the victim or any other person whose identity may appear in the Board's records.

H. When a person files a claim, all providers that have been given notice of a pending claim shall refrain from all debt collection activities relating to medical treatment or other services received by the person in connection with such claim until an award is made on the claim or until a claim is determined to be noncompensable pursuant to the provisions of this act. The statute of limitations for collection of such debt shall be tolled during the period in which the applicable health care provider or other service provider is required to refrain from debt collection activities under this subsection. For the purposes of this subsection, "debt collection activities" means repeatedly calling or writing to the claimant and threatening either to turn the matter over to a debt collection agency or to an attorney for collection, enforcement, or filing of other process. The term shall not include routine billing about the status of the claim.

Added by Laws 1981, c. 93, § 9. Amended by Laws 1993, c. 325, § 7, emerg. eff. June 7, 1993; Laws 1998, c. 410, § 3, eff. July 1, 1998; Laws 2004, c. 174, § 1, eff. July 1, 2004; Laws 2007, c. 171, § 3, eff. Nov. 1, 2007; Laws 2019, c. 18, § 1, eff. Nov. 1, 2019.

§21-142.10. Award of compensation - Criteria - Amount - Denial, withdrawal or reduction - Reconsideration.

A. Compensation shall not be awarded:

1. Unless the claim has been filed with the Crime Victims Compensation Board within thirty (30) months after the injury or death upon which the claim is based. If the victim is under a mental or cognitive disability or is a child under eighteen (18) years of age, the Board may use the date the criminal incident was disclosed to a responsible adult when establishing whether or not the claim was timely filed. In cases involving sexual assault of an

adult eighteen (18) years of age or older, the Board may use the date the sexual assault forensic evidence kit was tested when establishing whether the claim was timely filed. The Board may, at its discretion, extend the filing period beyond one (1) year upon a showing of good cause or in all cases of sexual assault;

2. To a claimant who was the offender, or an accomplice of the offender;

3. To another person if the award would unjustly benefit the offender or accomplice; or

4. Unless after the criminally injurious conduct resulting in injury or death:

- a. such conduct was reported to a law enforcement officer within seventy-two (72) hours after its occurrence,
- b. in the case of sexual assault, the victim undergoes a forensic medical examination within one hundred twenty (120) hours after its occurrence, or
- c. the Board finds there was good cause for the failure to report the crime or obtain a forensic medical examination within the time specified in subparagraph a or b of this paragraph.

B. Compensation otherwise payable to a claimant shall be diminished to the extent:

1. That the economic loss is recouped from collateral sources; or

2. Of the degree of responsibility for the cause of the injury or death attributable to the victim as determined by the Board. Provided, a self-inflicted injury shall not be attributable to the victim when the Board finds the injury is a direct result of the crime committed against the victim.

C. The Board, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, may deny, withdraw or reduce an award of compensation. Victims of sexual assault who undergo a forensic medical examination within one hundred twenty (120) hours after the sexual assault shall be found to have fully cooperated. The Board may extend this period of time for good cause.

D. The Board, on its own motion or on request of the claimant, may reconsider a decision granting or denying an award or determining its amount. The motion or request to reconsider a decision shall be made within six (6) months from the date of the last action by the Board on the claim at issue. An order on reconsideration of an award shall not require a refund of amounts previously paid unless the award was obtained by fraud. The right of reconsideration does not affect the finality of a Board decision for the purpose of judicial review. On claims which are denied by the Board, reconsideration may only be granted within six (6) months of the last Board action.

E. The provisions of subsections A and B of this section shall not apply to claimants eligible for compensation pursuant to the Murrah Crime Victims Compensation Act who make claims under the Oklahoma Crime Victims Compensation Act.

Added by Laws 1981, c. 93, § 10. Amended by Laws 1989, c. 348, § 10, eff. Nov. 1, 1989; Laws 1990, c. 93, § 2, eff. Sept. 1, 1990; Laws 1993, c. 325, § 8, emerg. eff. June 7, 1993; Laws 1995, c. 148, § 7, emerg. eff. May 2, 1995; Laws 2007, c. 171, § 4, eff. Nov. 1, 2007; Laws 2016, c. 58, § 1, eff. Nov. 1, 2016; Laws 2021, c. 72, § 2, eff. Nov. 1, 2021; Laws 2023, c. 119, § 1, eff. Nov. 1, 2023.

§21-142.11. Prosecution, conviction or adjudication not required - Proof of conviction or copy of adjudication order - Suspension of proceedings.

An award may be made whether or not any person is prosecuted or, convicted as an adult offender or adjudicated a delinquent child. Proof of conviction of a person whose acts give rise to a claim or a copy of the adjudication order for a delinquent child whose acts give rise to a claim is conclusive evidence that the crime was committed, unless an application for rehearing, an appeal of the conviction, certiorari or adjudication is pending, or a rehearing or new trial has been ordered. The Board may suspend the proceedings pending disposition of a criminal prosecution or delinquent child adjudication that has been commenced or is imminent, but may make a tentative award under Section 143.13 of this title.

Laws 1981, c. 93, § 11.

§21-142.12. Recovery from collateral source - Subrogation of state - Retention of funds in trust - Notice to Board.

A. If compensation is awarded, the state shall be subrogated to all the rights of a claimant to receive or recover from a collateral source to the extent that compensation was awarded.

B. In the event the claimant recovers compensation, other than under the provisions of this act, for injuries or death resulting from criminally injurious conduct, the claimant shall retain, as trustee, so much of the recovered funds as necessary to reimburse the Victims Compensation Revolving Fund to the extent that compensation was awarded to the claimant from that Fund. The funds retained in trust shall be promptly deposited in the Victims Compensation Revolving Fund.

C. If a claimant brings an action to recover damages related to the criminally injurious conduct upon which compensation is claimed or awarded, the claimant shall give the Board written notice of the action. After receiving the notice, the Board may join in the action as a party plaintiff to recover the compensation awarded.

Laws 1981, c. 93, § 12.

§21-142.13. Payment of award - Exemption from process - Assignment - Counseling expenses.

A. The Crime Victims Compensation Board may compensate for work loss, replacement services loss, dependent's economic loss and dependent's replacement service loss. Compensation for a caregiver who has out-of-pocket wage loss as a result of caring for the victim who was injured as a result of criminally injurious conduct may not exceed Three Thousand Dollars (\$3,000.00).

B. Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. The Board may, after approval of an initial award of Twenty-five Thousand Dollars (\$25,000.00), grant an additional sum not to exceed Twenty-five Thousand Dollars (\$25,000.00), specifically for loss of wages for the victim or loss of support for dependents of a deceased victim, provided there is verifiable economic loss after deducting payments from other sources. In no event shall compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim exceed Fifty Thousand Dollars (\$50,000.00) in the aggregate.

C. The Board may provide for the payment to a claimant in a lump sum or in installments. At the request of the claimant, the Board may convert future economic loss, other than allowable expense, to a lump sum.

D. An award payable in a lump sum or installments for loss of support for a dependent of the deceased victim may be computed through a formula which calculates the net loss of support for dependents based upon an estimated date of retirement or an estimated date of adulthood for dependent children, beginning with the date of death of the victim and ending with the least of one of the following time periods for each dependent filing loss of support:

1. The amount of time from the date of death of the victim to the date the victim would have been expected to reach sixty-two (62) years of age;

2. The amount of time from the date of death of the victim to the date the spouse of the victim is expected to reach sixty-two (62) years of age; or

3. The amount of time from the date of death of the victim to the date a dependent child is expected to reach eighteen (18) years of age or twenty-three (23) years of age if the dependent child is enrolled as a full-time student. An award payable in installments for future loss of support may be modified by the Board in the event a dependent child receiving loss of support is between the ages of eighteen (18) and twenty-three (23) years of age and is no longer enrolled as a full-time student, the dependent dies before all

installments are paid or the dependent receiving installments moves and leaves no forwarding address with the Board office.

E. An award shall not be subject to execution, attachment, garnishment or other process, except for child support and except that an award for allowable expense shall not be exempt from a claim of a creditor to the extent that such creditor has provided products, services or accommodations, the costs of which are included in the award.

F. An assignment by the claimant to any future award under the provisions of Section 142.1 et seq. of this title is unenforceable, except:

1. An assignment of any award for work loss to assure payment of court ordered alimony, maintenance or child support; or

2. An assignment of any award for allowable expense to the extent that the benefits are for the cost of products, services or accommodations necessitated by the injury or death on which the claim is based and are provided or to be provided by the assignee.

G. The Board may, in its discretion, approve payment of crisis counseling, occurring within three (3) years of the crime, in an amount not to exceed Three Thousand Dollars (\$3,000.00) for each family member of a homicide victim; provided, the counselor is a qualified mental health care provider. Medical and pharmaceutical treatment is not compensable for any family member of a deceased victim.

H. Outpatient counseling expenses for a victim of criminally injurious conduct may be considered by the Board provided the counseling is focused on the crime and the counselor is a qualified mental health care provider. A total not to exceed Three Thousand Dollars (\$3,000.00) may be awarded for individual counseling sessions for victims of criminally injurious conduct. Sessions between the mental health care provider and nonoffending parents of a victimized child under eighteen (18) years of age may also be included in the award provided the combined total for the counseling and parental sessions does not exceed Three Thousand Dollars (\$3,000.00) and the parental sessions relate to the victimization. In extreme cases, the Board may, in its discretion, waive the three-thousand-dollar limit. Inpatient mental health treatment will be reviewed on a case-by-case basis and may be compensated, at the discretion of the Board, in an amount not to exceed Twenty Thousand Dollars (\$20,000.00).

I. Reasonable funeral, cremation or burial expenses shall not exceed Seven Thousand Five Hundred Dollars (\$7,500.00).

J. Reasonable costs associated with crime scene cleanup shall not exceed Two Thousand Dollars (\$2,000.00).

K. Loss of income of a caregiver shall not exceed Three Thousand Dollars (\$3,000.00).

L. Reasonable costs for vehicle impound fees are limited to violent crimes occurring in a vehicle owned by the victim of the violent crime or an eligible claimant, provided such fee is associated with the collection and security of crime scene evidence. Reimbursement for vehicle impound fees shall not exceed Seven Hundred Fifty Dollars (\$750.00).

Added by Laws 1981, c. 93, § 13. Amended by Laws 1993, c. 325, § 9, emerg. eff. June 7, 1993; Laws 1996, c. 292, § 3, emerg. eff. June 10, 1996; Laws 1999, c. 177, § 6, eff. July 1, 1999; Laws 2000, c. 324, § 2, eff. July 1, 2000; Laws 2005, c. 154, § 1, eff. July 1, 2005; Laws 2007, c. 171, § 5, eff. Nov. 1, 2007; Laws 2008, c. 283, § 1, eff. Nov. 1, 2008; Laws 2009, c. 163, § 1, eff. Nov. 1, 2009; Laws 2023, c. 119, § 2, eff. Nov. 1, 2023.

§21-142.14. Advancement on award.

If the Board determines that the claimant will suffer financial hardship unless an advance award is made, an amount may be paid to the claimant and shall be deducted from the final award, or shall be repaid by and recoverable from the claimant to the extent that it exceeds the final award.

Laws 1981, c. 93, § 14.

§21-142.15. Reports to be made by Board.

The Board shall prepare and transmit annually to the Governor and the Speaker of the House of Representatives and the President Pro Tempore of the Senate, a report of its activities, including the amount of compensation awarded and a statistical summary of claims and awards made and denied.

Laws 1981, c. 93, § 15.

§21-142.16. False claims.

The filing of a false claim for compensation pursuant to this act shall constitute a misdemeanor, and shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for a term not to exceed one (1) year, or by both such fine and imprisonment.

Laws 1981, c. 93, § 16.

§21-142.17. Crime Victims Compensation Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Crime Victims Compensation Board to be designated the "Crime Victims Compensation Revolving Fund". The Fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Crime Victims Compensation Board from any source excluding appropriated funds. All monies accruing to the credit of said Fund are hereby appropriated and, except for those monies specifically authorized by the Legislature

to be expended by the District Attorneys Council for administration of the Crime Victims Compensation Board or operating expenses for administering federal grant programs, may be budgeted and expended by the Board for the purpose of implementing the provisions of the Oklahoma Crime Victims Compensation Act including the provisions set forth in Section 142.20 of this title. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment. The fund shall be invested in whatever instruments are authorized by law for investments by the State Treasurer. The interest earned by any investment of monies from the fund shall be credited to the fund for expenditure as provided by law for the fund.

Added by Laws 1981, c. 93, § 17. Amended by Laws 1984, c. 183, § 17, emerg. eff. May 10, 1984; Laws 1989, c. 348, § 11, eff. Nov. 1, 1989; Laws 2004, c. 174, § 2, eff. July 1, 2004; Laws 2012, c. 304, § 88.

§21-142.18. Victim compensation assessments - Probation or parole fees - Restitution funds.

A. In addition to the imposition of any costs, penalties or fines imposed pursuant to law, any person convicted of, pleading guilty to or agreeing to a deferred judgment procedure under the provisions set forth in the Oklahoma Statutes for a felony involving criminally injurious conduct shall be ordered to pay a victim compensation assessment of at least Fifty Dollars (\$50.00), but not to exceed Ten Thousand Dollars (\$10,000.00), for each crime for which the person was convicted or for which the person agreed to a deferred judgment procedure. In imposing this penalty, the court shall consider factors such as the severity of the crime, the prior criminal record, the expenses of the victim of the crime, and the ability of the defendant to pay, as well as the economic impact of the victim compensation assessment on the dependents of the defendant.

B. In addition to the imposition of any costs, penalties or fines imposed pursuant to law, any person convicted of, pleading guilty to or agreeing to a deferred judgment procedure under the provisions set forth in the Oklahoma Statutes for a felony or misdemeanor offense, not including traffic offenses and not including misdemeanor offenses of the Oklahoma Wildlife Conservation Code or statutes relating to water safety, not described in subsection A of this section, the court shall levy a victim compensation assessment of at least Forty-five Dollars (\$45.00), but not to exceed One Thousand Dollars (\$1,000.00) for each felony and at least Thirty Dollars (\$30.00), but not to exceed Three Hundred Dollars (\$300.00) for each misdemeanor upon every fine, penalty, and forfeiture imposed and collected. When a cash bond is posted for

any offense included in this subsection, the bond shall also include a sufficient amount to cover the minimum amount for victim compensation assessment.

C. A victim compensation assessment of at least Thirty Dollars (\$30.00), but not to exceed Two Thousand Dollars (\$2,000.00), shall be levied by the court at the time a child has been adjudicated by the court as a delinquent child, provided the child is committed to the Department of Juvenile Justice, as defined in Sections 2-1-103 and 2-7-503 of Title 10A of the Oklahoma Statutes.

D. All monies collected pursuant to this section shall be forwarded monthly by the court clerk to the Victims Compensation Revolving Fund.

E. In any municipal court of record in which the defendant is ordered by the court to pay municipal court costs as a result of a crime involving violence, the threat of violence, or sexual assault, the court shall levy and collect a victims compensation assessment of Thirty-five Dollars (\$35.00). The municipal court clerk collecting said assessment is authorized to deduct ten percent (10%) of the amount collected from said Thirty-five Dollars (\$35.00) for administrative costs. In any municipal court of record in which the defendant is ordered by the court to pay municipal court costs as a result of driving under the influence of alcohol or other intoxicating substance, or both alcohol and other intoxicating substance, the court shall levy and collect a victims compensation assessment of Twenty-five Dollars (\$25.00). The municipal court clerk collecting said assessment is authorized to deduct ten percent (10%) of the amount collected from said Twenty-five Dollars (\$25.00) for administrative costs. All victims compensation assessments collected by the municipal court clerk shall be forwarded to the Crime Victims Compensation Fund on a quarterly basis.

F. Beginning July 1, 1996, the fee provided for in Section 991d of Title 22 of the Oklahoma Statutes shall be deposited with the State Treasurer and transferred to the Department of Corrections Revolving Fund. There shall be a three-year statute of limitation from the date of receipt of all restitution funds made payable to the Department of Corrections. All restitution funds which have not been disbursed in three (3) years shall be transferred to the Oklahoma Crime Victims Compensation Fund by the 15th of the month following the end of each quarter. The statute of limitations applies to funds currently on the books of the Department of Corrections which have not been disbursed as of July 1, 1993, and July 1st of every year thereafter. Any funds being held since the repeal of Section 991e of Title 22 of the Oklahoma Statutes, which was effective July 1, 1995, shall be transferred to the Oklahoma Crime Victims Compensation Fund by July 31, 1996. Any restitution collected through a county restitution program and deposited in a

county treasury account shall also be forwarded to the Victims Compensation Fund using the same three-year statute of limitations. Added by Laws 1981, c. 93, § 18. Amended by Laws 1984, c. 21, § 1, emerg. eff. March 20, 1984; Laws 1989, c. 125, § 4, eff. Nov. 1, 1989; Laws 1990, c. 142, § 1, operative July 1, 1990; Laws 1990, c. 337, § 6; Laws 1993, c. 325, § 10, emerg. eff. June 7, 1993; Laws 1996, c. 292, § 4, emerg. eff. June 10, 1996; Laws 2001, c. 369, § 2, eff. July 1, 2001; Laws 2009, c. 234, § 118, emerg. eff. May 21, 2009.

NOTE: Laws 1990, c. 93, § 3 repealed by Laws 1990, c. 337, § 26.

§21-142.19. Administration of Sexual Assault Examination Fund - Transfer.

The duties of administering the Sexual Assault Examination Fund are hereby transferred from the Oklahoma State Bureau of Investigation to the Crime Victims Compensation Board. All unexpended funds, property, records and any outstanding financial obligations or encumbrances of the Oklahoma State Bureau of Investigation which relate to the Sexual Assault Examination Fund are hereby transferred to the Crime Victims Compensation Board. Added by Laws 1982, c. 177, § 1, emerg. eff. April 16, 1982.

§21-142.20. Sexual Assault Examination Fund - Establishment.

A. A Sexual Assault Examination Fund shall be established for the purpose of providing to a victim of a sexual assault a forensic medical examination by a qualified licensed health care professional and to provide to the victim medications as directed by the health care professional.

B. As used in this section:

1. "Sexual assault" means:

- a. rape, or rape by instrumentation, as defined in Sections 1111, 1111.1 and 1114 of this title, or
- b. forcible sodomy, as defined in Section 888 of this title; and

2. "Qualified licensed health care professional" means a physician, registered nurse, or other licensed health care professional qualified by training and experience to perform sexual assault examinations.

C. The Crime Victims Compensation Board is authorized to pay for this examination and the medications directed by the qualified licensed health care professional upon application submitted by the victim of a sexual assault.

D. The Crime Victims Compensation Board shall establish the procedures for disbursement of the Sexual Assault Examination Fund, but in no event shall the Crime Victims Compensation Board pay an amount to exceed:

1. Eight Hundred Dollars (\$800.00) for a sexual assault examination; and

2. One Hundred Dollars (\$100.00) for medications which are related to the sexual assault and directed and deemed necessary by the health care professional.

Such payments shall not exceed the amounts specified by this subsection regardless of the amount of any individual bills comprising the claim. Payments shall be made only upon claims signed by the victim or guardian and health care professional.

E. The District Attorneys Council is hereby authorized to transfer funds, as specified in the appropriations bill annually, from the Crime Victims Compensation Fund to the Sexual Assault Examination Fund for the payment of sexual assault forensic examinations and medications, pursuant to this section.

F. Nothing in this section shall prevent the Legislature from appropriating money to the Sexual Assault Examination Fund for the payment of sexual assault forensic examinations and medications, pursuant to this section.

Added by Laws 1982, c. 177, § 2, emerg. eff. April 16, 1982.

Amended by Laws 1984, c. 280, § 9, operative July 1, 1984; Laws 1991, c. 137, § 1, emerg. eff. April 29, 1991; Laws 1992, c. 348, § 1, emerg. eff. June 4, 1992; Laws 1993, c. 325, § 11, emerg. eff. June 7, 1993; Laws 2001, c. 279, § 1, eff. Nov. 1, 2001; Laws 2007, c. 171, § 6, eff. Nov. 1, 2007; Laws 2008, c. 283, § 2, eff. Nov. 1, 2008; Laws 2023, c. 343, § 1, eff. Nov. 1, 2023.

§21-142.31. Short title.

Sections 1 through 6 of this act shall be known as the "Murrah Crime Victims Compensation Act".

Added by Laws 1995, c. 148, § 1, emerg. eff. May 2, 1995.

§21-142.32. Murrah Crime Victims Compensation Fund - Eligibility - Contributions - Restrictions on expenditure of monies.

A. There is hereby created in the State Treasury a revolving fund to be administered by the Oklahoma Crime Victims Compensation Board to be designated the "Murrah Crime Victims Compensation Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Crime Victims Compensation Board from any source for the purpose of implementing the provisions of the Murrah Crime Victims Compensation Act. All monies accruing to the credit of the fund shall be budgeted and expended exclusively to compensate victims and the families of victims of the bombing on April 19, 1995, that took place in front of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and

Enterprise Services for approval and payment. For the purposes of the Murrah Crime Victims Compensation Fund, "families" shall include dependents, as defined by the Oklahoma Crime Victims Compensation Act, parents and spouses.

B. The Administrator of the Oklahoma Crime Victims Compensation Board is authorized to accept and expend contributions from any lawful source to be used for the purposes of the fund. The Administrator is further authorized to accept and expend any contributions from the crime victims compensation systems of any other state or other governmental entity for the use of the fund. The Administrator of the Oklahoma Crime Victims Compensation Board is authorized to accept the services of the victims compensation system of any other state or governmental entity in the processing of any claims received against the Murrah Crime Victims Compensation Fund; provided, that the employees of such entities shall not be considered as employees of the State of Oklahoma.

C. The monies deposited in the Murrah Crime Victims Compensation Fund shall at no time become monies of the state and shall not become part of the general budget of the Oklahoma Crime Victims Compensation Board or any other state agency. No monies from the fund shall be transferred for any purpose to any state agency or any account of the Oklahoma Crime Victims Compensation Board or be used for the purpose of contracting with any other state agency or reimbursing any other state agency for any expense. No monies from the fund shall be used to pay or reimburse the Oklahoma Crime Victims Compensation Board for, in whole or in part, the salary of any employee involved in the administration of the Murrah Crime Victims Compensation Act. Payment of claims from the fund shall not become or be construed to be an obligation of this state. No claims submitted for reimbursement from the fund shall be paid with state monies.

Added by Laws 1995, c. 148, § 2, emerg. eff. May 2, 1995. Amended by Laws 2012, c. 304, § 89.

§21-142.33. Processding of claims - Power of Administrator of Crime Victims Compensation Board.

The Administrator of the Oklahoma Crime Victims Compensation Board is authorized to process any claim against the Murrah Crime Victims Compensation Fund submitted by victims or the families of any victims upon proof that the claimant is a victim or the family of any victim of the bombing that took place in front of the Alfred P. Murrah Federal Building on April 19, 1995. The Administrator is specifically authorized to collect the necessary information to establish said fact in the most expeditious and efficient manner possible, is authorized to establish claim forms and to modify such forms as necessary, and is authorized to process and pay claims based upon information submitted in the claims process.

Added by Laws 1995, c. 148, § 3, emerg. eff. May 2, 1995.

§21-142.34. Compensation for loss - Limits.

A. To the extent that funds from the Murrah Crime Victims Compensation Fund are available, the claimants shall be compensated for all losses which would otherwise be compensable under the Oklahoma Crime Victims Compensation Act and in addition shall be compensated for the costs of any counseling or mental health care for the victims and families of victims which is necessary as a result of the bombing that took place in front of the Alfred P. Murrah Federal Building on April 19, 1995, provided, a claimant shall not be compensated for a loss which is compensated through a collateral source or a private fund established for that purpose.

B. The Administrator of the Oklahoma Crime Victims Compensation Board is authorized to expend amounts from the Murrah Crime Victims Compensation Fund for individual claims up to the limits otherwise provided in the Oklahoma Crime Victims Compensation Act; provided, that the Administrator is further authorized to expend additional monies from the Fund on a pro rata basis to all claimants, if the amounts within the Fund are sufficient to allow the Administrator to exceed the limits set by this section.

Added by Laws 1995, c. 148, § 4, emerg. eff. May 2, 1995.

§21-142.35. Denial of claim under act not to be construed as denying rights under Oklahoma Crime Victims Compensation Act - Presumption.

If any victim is denied compensation or does not receive full compensation under the Murrah Crime Victims Compensation Act, the Murrah Crime Victims Compensation Act shall not be construed to deny such victim the right to receive compensation as otherwise provided under the Oklahoma Crime Victims Compensation Act. Any person or the family of any person injured as a result of the crime specified in the Murrah Crime Victims Compensation Act shall be presumed to be a victim of crime compensable under the Oklahoma Crime Victims Compensation Act.

Added by Laws 1995, c. 148, § 5, emerg. eff. May 2, 1995.

§21-142.36. Rules.

The Administrator of the Oklahoma Crime Victims Compensation Board is authorized to promulgate any rules necessary to implement the provisions of the Murrah Crime Victims Compensation Act. Due to the gravity of the need for total implementation of the Murrah Crime Victims Compensation Act, the Oklahoma Crime Victims Compensation Board is directed to promulgate emergency rules as soon as practicable.

Added by Laws 1995, c. 148, § 6, emerg. eff. May 2, 1995.

§21-142A. Short title.

Sections 142A, 142A-1 and 142B of this title and Sections 4 through 11 of this act shall be known and may be cited as the "Oklahoma Victim's Rights Act".

Added by Laws 1993, c. 325, § 3, emerg. eff. June 7, 1993. Amended by Laws 1997, c. 357, § 1, emerg. eff. June 9, 1997; Laws 2010, c. 135, § 2, eff. Nov. 1, 2010.

§21-142A-1. Definitions.

For purposes of the Oklahoma Victim's Rights Act:

1. "Crime victim" or "victim" means any person against whom a crime or delinquent act was committed or a person directly and proximately harmed by the commission of a crime or delinquent act, except homicide, in which case the victim may be a surviving family member including a stepbrother, stepsister or stepparent, or the estate when there are no surviving family members other than the defendant, and who, as a direct result of the crime, suffers injury, loss of earnings, out-of-pocket expenses, or loss or damage to property, and who is entitled to restitution from an offender pursuant to an order of restitution imposed by a sentencing court under the laws of this state. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a person who is deceased or incompetent, a minor or an incapacitated victim;

2. "Injury" means any physical, mental, or emotional harm caused by the conduct of an offender and includes the expenses incurred for medical, psychiatric, psychological, or generally accepted remedial treatment of the actual bodily or mental harm, including pregnancy and death, directly resulting from a crime and aggravation of existing physical injuries, if additional losses can be attributed to the direct result of the crime;

3. "Loss of earnings" means the deprivation of earned income or of the ability to earn previous levels of income as a direct result of a crime and the loss of the cash equivalent of Social Security, railroad retirement, pension plan, retirement plan, disability, veteran's retirement, court-ordered child support or court-ordered spousal support, where the payment is the primary source of the victim's income, and where the victim is deprived of the money as a direct result of the crime;

4. "Members of the immediate family" means the spouse, a child by birth or adoption, a stepchild, a parent by birth or adoption, a stepparent, a grandparent, a grandchild, a sibling, or a stepsibling of each victim;

5. "Out-of-pocket loss" means the unreimbursed and nonreimbursable expenses or indebtedness incurred for medical care, nonmedical care, or other services necessary for the treatment of the actual bodily or mental harm, including pregnancy and funeral

expenses, directly resulting from the crime and aggravation of existing physical injuries, if additional losses can be attributed directly to the crime; the unreimbursed and nonreimbursable expenses for damage to real and personal property as a direct result of the crime, and unreimbursed and nonreimbursable economic losses incurred as a consequence of participation in prosecution and proceedings related to the crime;

6. "Property" means any real or personal property;

7. "Restitution" means the return of property to the crime victim or payments in cash or the equivalent thereof, and payment in cash or the equivalent thereof as reparation for injury, loss of earnings, and out-of-pocket loss ordered by the court in the disposition of a criminal proceeding;

8. "Victim impact statements" means information about the financial, emotional, psychological, and physical effects of a violent crime on each victim and members of their immediate family, or person designated by the victim or by family members of the victim and includes information about the victim, circumstances surrounding the crime, the manner in which the crime was perpetrated, and the opinion of the victim of a recommended sentence; and

9. "Violent crime" means any crime listed in paragraph 2 of Section 571 of Title 57 of the Oklahoma Statutes or any attempt, conspiracy or solicitation to commit any such crime or the crime of negligent homicide pursuant to Section 11-903 of Title 47 of the Oklahoma Statutes or the crime of causing great bodily injury while driving under the influence of intoxicating substance pursuant to Section 11-904 of Title 47 of the Oklahoma Statutes.

Added by Laws 1997, c. 357, § 2, emerg. eff. June 9, 1997. Amended by Laws 2010, c. 135, § 3, eff. Nov. 1, 2010; Laws 2014, c. 258, § 1, eff. Nov. 1, 2014; Laws 2019, c. 438, § 1, eff. Nov. 1, 2019.

§21-142A-2. Victims and witnesses rights.

A. The office of the district attorney shall inform the victims and witnesses of crimes of their rights under the Oklahoma Victim's Rights Act, which shall include the following rights:

1. Upon request, to be notified and to be present at all proceedings involving the criminal or delinquent conduct, to be heard in any proceeding involving release, plea, sentencing, disposition, parole and any proceeding during which a right of the victim is implicated and to be notified that a court proceeding to which a victim or witness has been subpoenaed will or will not go on as scheduled, in order to save the person an unnecessary trip to court;

2. To be treated with fairness and respect for the safety, dignity and privacy of the victim, to receive protection from harm and threats of harm arising out of the cooperation of the person

with law enforcement and prosecution efforts, to be provided with information as to the level of protection available and how to access protection and, upon request, to be notified of any release or escape of an accused;

3. To be informed of financial assistance and other social services available as a result of being a witness or a victim, including information on how to apply for the assistance and services;

4. To be informed of the procedure to be followed in order to apply for and receive any witness fee to which the victim or witness is entitled;

5. To be informed of the procedure to be followed in order to apply for and receive any restitution to which the victim is entitled;

6. To be provided, whenever possible, a secure waiting area during court proceedings that does not require close proximity to defendants and families and friends of defendants;

7. To have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence. If feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis and property the ownership of which is disputed, shall be returned to the person;

8. To be provided with appropriate employer intercession services to ensure that employers of victims and witnesses will cooperate with the criminal justice process in order to minimize the loss of pay and other benefits of the employee resulting from court appearances;

9. To have the family members of all homicide victims afforded all of the services under this section, whether or not the person is to be a witness in any criminal proceeding;

10. To be informed of any plea bargain negotiations and, upon request, to confer with the attorney for the state;

11. To have victim impact statements filed with the judgment and sentence;

12. To be informed if a sentence is overturned, remanded for a new trial or otherwise modified by the Oklahoma Court of Criminal Appeals;

13. To be informed in writing of all constitutional and statutory rights. Upon initial contact with a victim, a municipal, county or state law enforcement officer shall provide the victim with a written copy of the constitutional and statutory rights of the victim unless, in the judgment of the law enforcement officer making the initial contact, the circumstances of the criminal offense or delinquent act and condition of the victim indicates that the victim, family of the victim or dependents of the victim will not be able to understand the significance of the constitutional and statutory rights. If a written copy of the constitutional and

statutory rights is not provided upon initial contact with the victim, a written copy of the rights shall be provided on the next contact with the victim by a law enforcement officer with the same law enforcement agency no later than twenty-four (24) hours after the initial contact. The Attorney General shall prepare and place on the official website of the Attorney General a sample notification card listing all constitutional and statutory provisions relative to the rights of victims. The card shall be suitable for law enforcement agencies to download for the purpose of providing the cards to victims in printed form. Law enforcement agencies may use the form prepared by the Attorney General or may prepare and use any other written notification form they see fit as long as all rights under the Oklahoma Victim's Rights Act are included;

14. To be informed that when any family member is required to be a witness by a subpoena from the defense, there must be a showing that the witness can provide relevant testimony as to the guilt or innocence of the defendant before the witness may be excluded from the proceeding by invoking the rule to remove potential witnesses and to refuse an interview or other request made by the accused or any person acting on behalf of the accused, other than a refusal to appear if subpoenaed by defense counsel;

15. To be informed that the Oklahoma Constitution allows, upon the recommendation of the Pardon and Parole Board and the approval of the Governor, the commutation of any sentence, including a sentence of life without parole;

16. To receive written notification of how to access victim rights information from the interviewing officer or investigating detective;

17. To a speedy disposition of the charges free from unwarranted delay caused by or at the behest of the defendant or minor. In determining a date for any criminal trial or other important criminal or juvenile justice hearing, the court shall consider the interests of the victim of a crime to a speedy resolution of the charges under the same standards that govern the right to a speedy trial for a defendant or a minor. In ruling on any motion presented on behalf of a defendant or minor to continue a previously established trial or other important criminal or juvenile justice hearing, the court shall inquire into the circumstances requiring the delay and consider the interests of the victim of a crime to a speedy resolution of the case. If a continuance is granted, the court shall enter into the record the specific reason for the continuance and the procedures that have been taken to avoid further delays; and

18. To any other rights enumerated in Section 34 of Article II of the Oklahoma Constitution.

B. The office of the district attorney shall inform the crime victim of an offense committed by a juvenile of the name and address of the juvenile found to have committed the crime, and shall notify the crime victim of all court hearings involving that particular juvenile act. If the victim is not available, the office of the district attorney shall notify an adult relative of the victim of said hearings.

C. The office of the district attorney shall inform victims of violent crimes and members of the immediate family of such victims of their rights under Sections 142A-8 and 142A-9 of this title and Section 332.2 of Title 57 of the Oklahoma Statutes.

D. In any felony case involving a violent crime or a sex offense, the office of the district attorney shall inform the victim, as soon as practicable, or an adult member of the immediate family of the victim if the victim is deceased, incapacitated, or incompetent, of the progress of pretrial proceedings which could substantially delay the prosecution of the case.

E. The office of the district attorney shall inform the crime victim that he or she has the right to utilize the automated notification system provided by the designated Oklahoma victim notification service provider for purposes of receiving information regarding the location of the defendant following an arrest, during a prosecution of the criminal case, during a sentence to probation or confinement, and when there is any release or escape of the defendant from confinement.

F. The victim, the attorney for the victim or other lawful representative, or the attorney for the state upon request of the victim may assert in any trial or appellate court or before any other authority with jurisdiction over the case and have enforced all the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority shall act promptly on such a request. The rights afforded victims under the Oklahoma Victim's Rights Act shall be protected in a manner no less vigorous than the rights afforded the accused. Added by Laws 2010, c. 135, § 4, eff. Nov. 1, 2010. Amended by Laws 2017, c. 380, § 1, eff. Nov. 1, 2017; Laws 2019, c. 438, § 2, eff. Nov. 1, 2019.

§21-142A-3. Informing victim of rights - Lethality assessment.

A. Upon the preliminary investigation of a violent crime, it shall be the duty of the peace officer who interviews the victim of such crime to inform the victim, or a responsible adult if the victim is a minor child or an incompetent person, or the family member who receives death notification in the case of a homicide, in writing, of their rights as a crime victim. Written notification shall consist of handing the victim, responsible adult, if the victim is a minor child or an incompetent person, or family member

receiving death notification, a preprinted card or brochure that, at a minimum, includes the following information:

1. A statement that reads, "As a victim of crime, you have certain rights";
2. Telephone and address information for the local District Attorney Victim-Witness Coordinator; and
3. The website address where victims can access a full list of their rights, additional information, and how to apply for crime victim compensation assistance.

B. A victim of domestic abuse has the right to be informed by the first peace officer who interviews the victim of domestic abuse of the twenty-four-hour statewide telephone communication service established by Section 18p-5 of Title 74 of the Oklahoma Statutes and to give notice to the victim of certain rights. The notice shall consist of handing such victim the following statement:

"As a victim of domestic abuse, you have certain rights. These rights are as follows:

1. The right to request that charges be pressed against your assailant;
2. The right to request protection from any harm or threat of harm arising out of your cooperation with law enforcement and prosecution efforts as far as facilities are available and to be provided with information on the level of protection available;
3. The right to be informed of financial assistance and other social services available as a result of being a victim including information on how to apply for the assistance and services; and
4. The right to file a petition for a protective order or, when the domestic abuse occurs when the court is not open for business, to request an emergency temporary protective order."

C. The victim of sexual assault, as defined in Section 142.20 of this title, has the right to be informed by the peace officer who interviews the victim of sexual assault, or a responsible adult if the victim is a minor child or an incompetent person, of the twenty-four-hour statewide telephone communication service established by the Office of the Attorney General for victims of sexual assault pursuant to Section 18p-5 of Title 74 of the Oklahoma Statutes and to give notice to the victim or such responsible adult of certain rights of the victim. The notice shall consist of handing such victim or responsible adult a written statement in substantially the following form:

"As a victim of sexual assault, you have certain rights. These rights are as follows:

1. The right to request that charges be pressed against your assailant;
2. The right to request protection from any harm or threat of harm arising out of your cooperation with law enforcement and

prosecution efforts as far as facilities are available and to be provided with information on the level of protection available;

3. The right to be informed of financial assistance and other social services available to victims including information on how to apply for the assistance and services;

4. The right to a free forensic medical examination;

5. The right to be informed by the district attorney of other victim's rights available pursuant to Section 142A-2 of this title;

6. The right to speak with a sexual assault victims' advocate;

7. The right to request and receive the status and results of the analysis of the sexual assault forensic evidence; and

8. The right to request a copy of the police report."

D. Upon the preliminary investigation of a domestic violence crime involving intimate partner violence, the first peace officer who interviews the victim of domestic abuse shall assess the potential for danger by asking a series of questions provided on a lethality assessment form available on the Oklahoma Attorney General website. The lethality assessment form shall include the following questions:

1. Has the person ever used a weapon against the victim or threatened the victim with a weapon?

2. Has the person threatened to kill the victim or children of the victim?

3. Does the victim think the person will try to kill the victim?

4. Has the person ever tried to choke the victim?

5. Is the person violently or constantly jealous or does the person control most of the daily activities of the victim?

6. Has the victim left or separated from the person after living together or being married?

7. Is the person unemployed?

8. Has the person ever tried to kill himself or herself?

9. Does the victim have a child that the person knows is not his or her own child?

10. Does the person follow or spy on the victim or leave the victim threatening messages?

11. Is there anything else that worries the victim about his or her safety and if so, what worries the victim?

E. If the results of the lethality assessment indicate a referral is suggested, the assessing officer shall implement the protocol referral process to a domestic violence advocate from a certified or tribal program as follows:

1. Advise the victim of the results of the assessment;

2. Advise the victim that based on the results of the assessment the officer will call the domestic violence hotline to allow the victim to speak with an advocate;

3. If the victim does not want to speak with an advocate, the officer shall document the refusal on the form.

F. Regardless of the results of the lethality assessment, referral information for shelters, domestic violence programs and other social services shall be provided to the victim.

Added by Laws 2010, c. 135, § 5, eff. Nov. 1, 2010. Amended by Laws 2014, c. 196, § 1, eff. Nov. 1, 2014; Laws 2021, c. 344, § 1, eff. Nov. 1, 2021; Laws 2022, c. 228, § 3, emerg. eff. May 5, 2022.

NOTE: Laws 2021, c. 552, § 8 repealed by Laws 2022, c. 228, § 4, emerg. eff. May 5, 2022.

§21-142A-4. Petition for relief.

A victim of domestic abuse, a victim of stalking, a victim of harassment, a victim of rape, any adult or emancipated minor household member on behalf of any other family or household member who is a minor or incompetent, or any minor age sixteen (16) or seventeen (17) years may seek relief under the provisions of the Protection from Domestic Abuse Act. The person seeking relief shall prepare the petition for a protective order or, at the request of the plaintiff, the court clerk or the victim-witness coordinator, victim support person, or court case manager shall prepare or assist the plaintiff in preparing the petition.

Added by Laws 2010, c. 135, § 6, eff. Nov. 1, 2010.

§21-142A-5. Restitution form.

The district attorney's office shall provide all victims, regardless of whether the crime victim makes a specific request, with an official request for restitution form to be completed and signed by the crime victim, and to include all invoices, bills, receipts, and other evidence of injury, loss of earnings and out-of-pocket loss. The crime victim shall provide all documentation and evidence of compensation or reimbursement from insurance companies or agencies of this state, any other state, or the federal government received as a direct result of the crime for injury, loss of earnings or out-of-pocket loss. The unexcused failure or refusal of the crime victim to provide all or part of the requisite information prior to the sentencing, unless disclosure is deferred by the court, shall constitute a waiver of any grounds to appeal or seek future amendment or alteration of the restitution order predicated on the undisclosed available information.

Added by Laws 2010, c. 135, § 7, eff. Nov. 1, 2010.

§21-142A-6. Priority interest in proceeds.

The victims and the legal representative of a victim of a crime shall have a priority interest in any proceeds or profits received by a district court from an offender or any other person with the cooperation of the offender, who is required to forfeit any proceeds

or profits from any source, as a direct or indirect result of the crime or sentence, or the notoriety which the crime or sentence has conferred upon the offender pursuant to the provisions of Section 17 of Title 22 of the Oklahoma Statutes.

Added by Laws 2010, c. 135, § 8, eff. Nov. 1, 2010.

§21-142A-7. Address designation.

An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, as defined by Section 1-111 of Title 30 of the Oklahoma Statutes, may apply to the Attorney General to have an address designated by the Attorney General serve as the address of the person or the address of the minor or incapacitated person pursuant to the Address Confidentiality Program established in Section 60.14 of Title 22 of the Oklahoma Statutes.

Added by Laws 2010, c. 135, § 9, eff. Nov. 1, 2010.

§21-142A-8. Presentation and use of victim impact statement at sentencing and parole proceedings.

A. Each victim, or members of the immediate family of each victim or person designated by the victim or by family members of the victim, may present a written victim impact statement, which may include religious invocations or references, or may appear personally at the sentence proceeding and present the statements orally. Provided, however, if a victim or any member of the immediate family or person designated by the victim or by family members of a victim wishes to appear personally, the person shall have the absolute right to do so. Any victim or any member of the immediate family or person designated by the victim or by family members of a victim who appears personally at the formal sentence proceeding shall not be cross-examined by opposing counsel; provided, however, such cross-examination shall not be prohibited in a proceeding before a jury or a judge acting as a finder of fact. A written victim impact statement introduced at a formal sentence proceeding shall not be amended by any person other than the author, nor shall the statement be excluded in whole or in part from the court record. The court shall allow the victim impact statement to be read into the record.

B. If a presentence investigation report is prepared, the person preparing the report shall consult with each victim or members of the immediate family or a designee of members of the immediate family if the victim is deceased, incapacitated or incompetent, and include any victim impact statements in the presentence investigation report. If the individual to be consulted cannot be located or declines to cooperate, a notation to that effect shall be included.

C. The judge shall make available to the parties copies of any victim impact statements.

D. In any case which is plea bargained, victim impact statements shall be presented at the time of sentencing or attached to the district attorney narrative report. In determining the appropriate sentence, the court shall consider among other factors any victim impact statements if submitted to the jury, or the judge in the event a jury was waived.

E. The Department of Corrections and the Pardon and Parole Board, in deciding whether to release an individual on parole, shall consider any victim impact statements submitted to the jury, or the judge in the event a jury was waived.

Added by Laws 1992, c. 136, § 8, eff. July 1, 1992. Amended by Laws 1993, c. 325, § 18, emerg. eff. June 7, 1993; Laws 1999, c. 417, § 2, emerg. eff. June 10, 1999; Laws 2006, c. 280, § 1, eff. Nov. 1, 2006; Laws 2007, c. 319, § 1, eff. Nov. 1, 2007; Laws 2008, c. 100, § 1, eff. Nov. 1, 2008; Laws 2010, c. 135, § 14, eff. Nov. 1, 2010. Renumbered from § 984.1 of Title 22 by Laws 2010, c. 135, § 19, eff. Nov. 1, 2010.

§21-142A-9. Disclosure of personal information of victim or witness may be prohibited.

The court, upon the request of a victim, witness, or the district attorney, may order that the residential address, telephone number, place of employment, or other personal information of the victim or witness shall not be disclosed in any law enforcement record or any court document, other than the transcript of a court proceeding, if it is determined by the court to be necessary to protect the victim, witness, or immediate family of the victim or witness from harassment or physical harm and if the court determines that the information is immaterial to the defense.

Added by Laws 1992, c. 136, § 9, eff. July 1, 1992. Amended by Laws 1999, c. 417, § 3, emerg. eff. June 10, 1999; Laws 2006, c. 197, § 1, eff. Nov. 1, 2006; Laws 2010, c. 135, § 15, eff. Nov. 1, 2010. Renumbered from § 984.2 of Title 22 by Laws 2010, c. 135, § 20, eff. Nov. 1, 2010.

§21-142A-10. Wearing of buttons containing victim's picture by immediate family.

A. A court shall permit members of the immediate family of a murder victim to wear buttons containing a picture of the victim as a symbol of grief in a trial. The button shall not exceed four (4) inches in diameter.

B. As used in subsection A of this section, "members of the immediate family" means the spouse, children by birth or adoption, stepchildren, parents or stepparents, grandparents, grandchildren, siblings, aunts, uncles or cousins of the murder victim.

Added by Laws 2007, c. 119, § 2, emerg. eff. May 9, 2007.
Renumbered from § 984.3 of Title 22 by Laws 2010, c. 135, § 21, eff.
Nov. 1, 2010.

§21-142A-11. Return of exhibit.

If the owner of an exhibit that has been introduced, filed, or held in custody of the state in any criminal action or proceeding is the victim of the offense for which such exhibit is held, the victim may make application to the court at any time prior to the final disposition of the action or proceeding for the return of the exhibit.

Added by Laws 2010, c. 135, § 10, eff. Nov. 1, 2010.

§21-142A-12. Contesting parole - Notification of victims.

A. Any victim or representative of a victim of a violent crime as provided in paragraph 2 of Section 571 of Title 57 of the Oklahoma Statutes may contest the granting of parole as provided in Section 332.7 of Title 57 of the Oklahoma Statutes.

B. The Pardon and Parole Board shall notify all victims or representatives of a victim, if requested, in writing at least twenty (20) days before an inmate is considered for parole by the Board. The notice shall include the date, time and place of the scheduled meeting and the rules for attendance and providing information. The victim or representative of the victim shall be allowed at least five (5) minutes to address the Board. The Board shall notify all victims or representatives of a victim of the decision of the Board within twenty (20) days after the inmate is considered for parole by the Board.

C. It is the responsibility of the victim or representative of the victim to provide the Pardon and Parole Board a current mailing address. The district attorney's office shall assist the victim or representative of the victim with supplying the address of the victim to the Board if the victim wishes to be notified. Upon failure of the Pardon and Parole Board to notify a victim who has requested notification and has provided a current mailing address, the final decision of the Board may be voidable, provided the victim who failed to receive notification requests a reconsideration hearing within thirty (30) days of the recommendation by the Board for parole.

D. If requested by the victim of a crime, the Pardon and Parole Board shall provide written notification of the placement of the inmate on specialized parole within the county or incorporated city or town to any victim of the crime for which the inmate was convicted by mailing the notification to the last-known address of the victim. The Board shall not give the address of the inmate to any victim of the crime for which the inmate was convicted.

Added by Laws 2010, c. 135, § 11, eff. Nov. 1, 2010.

§21-142A-13. Granting of parole or pardon - Notification of victims.

A. Upon the granting of a parole by the Governor, and release of the inmate to the community, the Pardon and Parole Board shall provide written notification to any victim of the crime for which the parolee was convicted by mailing the notification to the last-known address of the victim, if such information is requested by the victim. The Pardon and Parole Board shall not give the address of the parolee to any victim of the crime for which the parolee was convicted.

B. Upon the granting of a pardon by the Governor, the Pardon and Parole Board shall provide written notification to any victim of the crime for which the person receiving the pardon was convicted by mailing the notification to the last-known address of the victim, if such information is requested by the victim. The Pardon and Parole Board shall not give the address of the person receiving the pardon to any victim of the crime for which the person receiving the pardon was convicted.

C. The notification requirements provided for in subsections A and B of this section shall be made on a monthly basis by the tenth day of the month following the granting of the pardon or parole.

D. The Department of Corrections shall provide notice of the projected date of release of an inmate to the designated Oklahoma victim notification service provider within sixty (60) days but not less than seven (7) days prior to the projected date of release of the inmate.

Added by Laws 2010, c. 135, § 12, eff. Nov. 1, 2010. Amended by Laws 2017, c. 380, § 2, eff. Nov. 1, 2017.

§21-142A-14. Witnessing execution - Rules.

A. A judgment of death must be executed at the Oklahoma State Penitentiary at McAlester, Oklahoma, said prison to be designated by the court by which judgment is to be rendered. A place shall be provided at the Oklahoma State Penitentiary at McAlester so that individuals who are eighteen (18) years of age or older and who are members of the immediate family of any deceased victim of the defendant may witness the execution. The immediate family members shall be allowed to witness the execution from an area that is separate from the area to which other nonfamily member witnesses are admitted, provided, however, if there are multiple deceased victims, the Department of Corrections shall not be required to provide separate areas for each family of each deceased victim. If facilities are not capable or sufficient to provide all immediate family members with a direct view of the execution, the Department may broadcast the execution by means of a closed circuit television

system to an area in which other immediate family members may be located.

B. Immediate family members may request individuals not directly related to the deceased victim but who serve a close supporting role or professional role to the deceased victim or an immediate family member, including, but not limited to, a minister or licensed counselor. The warden in consultation with the Director of the Department of Corrections shall approve or disapprove such requests. Provided further, the Department may set a limit on the number of witnesses or viewers within occupancy limits.

C. Any surviving victim of the defendant who is eighteen (18) years of age or older may view the execution by closed circuit television with the approval of both the Director of the Department of Corrections and the warden. The Director and warden shall prioritize persons to view the execution, including immediate family members, surviving victims, and supporting persons, and may set a limit on the number of viewers within occupancy limits. Any surviving victim approved to view the execution of their perpetrator may have an accompanying support person as provided for members of the immediate family of a deceased victim.

D. As used in this section:

1. "Members of the immediate family" means the spouse, a child by birth or adoption, a stepchild, a parent by birth or adoption, a stepparent, a grandparent, a grandchild, a sibling, or a stepsibling of a deceased victim, or the spouse of any immediate family member; and

2. "Surviving victim" means any person who suffered serious harm or injury due to the criminal acts of the defendant of which the defendant has been convicted in a court of competent jurisdiction.

Added by Laws 2010, c. 135, § 13, eff. Nov. 1, 2010. Amended by Laws 2014, c. 258, § 2, eff. Nov. 1, 2014.

§21-142B. Civil action by victim of felony crime against offender - Attorney's fees and costs - Reduction of hardship exemption from garnishment.

In any civil action against an offender for property damages resulting from a felony crime committed by the offender, the court may award a victim who prevails in the civil action reasonable attorney's fees and other costs of litigation; provided, there has been a felony conviction of the defendant for the crime which caused the damage. The court granting judgment in a civil action pursuant to the provisions of this section may reduce or limit the hardship exemption from garnishment provided in Section 1.1 of Title 31 of the Oklahoma Statutes, when limitation or reduction would be in the interests of justice.

Added by Laws 1993, c. 325, § 4, emerg. eff. June 7, 1993. Amended by Laws 1997, c. 357, § 3, emerg. eff. June 9, 1997; Laws 2000, c. 382, § 12, eff. July 1, 2000.

§21-142C. Definitions.

For the purposes of this act:

1. "Law enforcement officer" means any sheriff, police officer, peace officer, tribal law enforcement officer, federal law enforcement officer, campus police officer or any other law enforcement officer who has been certified by the Council on Law Enforcement Education and Training (CLEET) and whose duty it is to enforce and preserve the public peace or any other first responder;

2. "Sexual assault forensic evidence" means any human biological specimen collected by a medical provider during a forensic medical examination from an alleged sexual assault victim including, when circumstances indicate the need, a toxicology kit;

3. "Sexual assault victim" or "victim" means any person who is a victim of a sexual assault as defined under Section 142.20 of Title 21 of the Oklahoma Statutes. If the victim is incompetent, the term shall include the parent, guardian, spouse or any other person related to the incompetent victim by consanguinity or affinity to the second degree or any other lawful representative of the incompetent victim; and

4. "Sexual assault victims' advocate" means any person who serves as a victims' advocate for a state-certified or tribal sexual assault or sex trafficking program or an advocate working in a center that offers sexual assault services to minors who has received formalized training through a government or tribal agency in providing trauma-informed direct services to victims of sexual assault.

Added by Laws 2021, c. 552, § 2, eff. Nov. 1, 2021.

§21-142C-1. Retention of rights regardless of participation or receiving a forensic medical examination.

In addition to rights enumerated in the Oklahoma Victim's Rights Act, a sexual assault victim retains all the rights of this act regardless of whether the victim agrees to participate in the criminal justice system at any time and regardless of whether the victim agrees to receive a forensic medical examination to collect sexual assault forensic evidence.

Added by Laws 2021, c. 552, § 3, eff. Nov. 1, 2021.

§21-142C-2. Right to speak with victims' advocate prior to forensic medical examination.

A sexual assault victim has the right to speak with, either in person, virtually, via audio and visual communication or telephonically, a sexual assault victims' advocate before the

commencement of any forensic medical examination. When a sexual assault victims' advocate has been requested, but is not available in person, every effort shall be made to allow the sexual assault victim to speak with a sexual assault victims' advocate either virtually, via audio and visual communication or through telephonic means.

Added by Laws 2021, c. 552, § 4, eff. Nov. 1, 2021.

§21-142C-3. Victims' advocate shall be allowed to be present at any victim interview - Prohibition on discouraging victim from reporting sexual assault or receiving a forensic medical examination.

A. A law enforcement officer or district attorney shall allow a sexual assault victims' advocate to be present during any interview with the sexual assault victim.

B. No person, for any reason, shall discourage a sexual assault victim from receiving a forensic medical examination or discourage the sexual assault victim from reporting the sexual assault to the proper authorities.

Added by Laws 2021, c. 552, § 5, eff. Nov. 1, 2021.

§21-142C-4. Prohibited uses of sexual assault forensic evidence.

No sexual assault forensic evidence shall be used:

1. To prosecute a sexual assault victim for any misdemeanor crimes; or

2. As a basis to search for further evidence of any unrelated misdemeanor crimes that may have been committed by the sexual assault victim.

Added by Laws 2021, c. 552, § 6, eff. Nov. 1, 2021.

§21-142C-5. Providing information to victim pursuant to Section 142A-3.

Upon initial interaction with a sexual assault victim, a law enforcement officer or medical provider shall provide the victim with victims' rights information pursuant to subsection C of Section 142A-3 of Title 21 of the Oklahoma Statutes.

Added by Laws 2021, c. 552, § 7, eff. Nov. 1, 2021.

§21-142C-6. Status of forensic evidence - Request from victim.

A. Upon the request of a sexual assault victim, the investigating law enforcement agency shall inform the victim of the status of the sexual assault forensic evidence from the criminal case of the victim. The law enforcement agency may, at its discretion, require that the request by the victim be in writing. The provisions of this subsection shall not require a law enforcement agency to communicate with the victim or the advocate of the victim regarding the status of forensic testing absent a specific request from the victim or advocate of the victim.

B. Sexual assault victims have the right to be informed of the following:

1. Whether or not a deoxyribonucleic acid (DNA) profile was obtained from the testing of the sexual assault forensic evidence from the criminal case of the victim;

2. Whether or not the DNA profile developed from the sexual assault forensic evidence has been entered into the Combined DNA Index System (CODIS) Database; and

3. Whether or not there is a confirmed match between the DNA profile developed from the sexual assault evidence and a DNA profile contained in the Combined DNA Index System (CODIS) Database.

C. This section is intended to encourage law enforcement agencies to notify victims of information that is in the possession of the law enforcement agencies.

D. This section shall not require the disclosure of evidence, information, or results which would impede or compromise an ongoing criminal investigation.

Added by Laws 2025, c. 125, § 1, eff. Nov. 1, 2025.

§21-143. Sexual Assault Forensic Evidence (SAFE) Board – Powers and duties.

A. There is hereby created the Sexual Assault Forensic Evidence (SAFE) Board within the Office of the Attorney General. The Board shall have the power and duty to:

1. Examine the process for gathering and analyzing sexual assault forensic evidence kits in this state and work with members of the Legislature to draft proposed legislation to improve the response of medical and law enforcement systems to sexual assault;

2. Develop a plan for the prioritization and acceptance of untested sexual assault forensic evidence kits identified in the statewide audit conducted by the Board;

3. Identify possible procedures for the testing of anonymous sexual assault evidence kits;

4. Identify possible improvements for victim access to evidence other than sexual assault forensic evidence kits including, but not limited to, police reports and other physical evidence;

5. Identify additional rights of victims concerning the sexual assault forensic evidence kits testing process;

6. Identify and pursue grants and other funding sources to address untested sexual assault forensic evidence kits, reduce testing wait times, provide victim notification, and improve efficiencies in the kit testing process; and

7. Develop a comprehensive training plan for equipping and enhancing the work of law enforcement, prosecutors, victim advocates, Sexual Assault Nurse Examiners, and multidisciplinary Sexual Assault Response Teams (SARTs) across all jurisdictions within this state.

B. In carrying out its duties and responsibilities, the Board shall:

1. Promulgate rules establishing criteria for the collection of sexual assault forensic evidence subject to specific, in-depth review by the Board;

2. Establish and maintain statistical information related to sexual assault forensic evidence collection including, but not limited to, demographic and medical diagnostic information;

3. Establish procedures for obtaining initial information regarding the collection of sexual assault forensic evidence from medical and law enforcement entities;

4. Review the policies, practices, and procedures of the medical and law enforcement systems and make specific recommendations to the entities comprising the medical and law enforcement systems for actions necessary to improve such systems;

5. Review the extent to which the medical and law enforcement systems are coordinated and evaluate whether the state is efficiently discharging its sexual assault forensic evidence collection responsibilities;

6. Request and obtain a copy of all records and reports pertaining to sexual assault forensic evidence including, but not limited to:

- a. hospital records,
- b. court records,
- c. local, state, and federal law enforcement records,
- d. medical and dental records, and
- e. emergency medical service records.

Confidential information provided to the Board shall be maintained by the Board in a confidential manner as otherwise required by state and federal law. Any person damaged by disclosure of such confidential information by the Board or its members which is not authorized by law may maintain an action for damages, costs, and attorney fees pursuant to The Governmental Tort Claims Act;

7. Maintain all confidential information, documents, and records in possession of the Board as confidential and not subject to subpoena or discovery in any civil or criminal proceedings; provided, however, such information, documents, and records otherwise available from other sources shall not be exempt from subpoena or discovery through such sources solely because such information, documents, and records were presented to or reviewed by the Board; and

8. Exercise all incidental powers necessary and proper for the implementation and administration of the Sexual Assault Forensic Evidence (SAFE) Board.

C. The review and discussion of individual cases of sexual assault evidence collection shall be conducted in executive session. All discussions of individual cases and any writings produced by or

created for the Board in the course of determining a remedial measure to be recommended by the Board, as the result of a review of an individual case of sexual assault evidence collection, shall be privileged and shall not be admissible in evidence in any proceeding. All other business shall be conducted in accordance with the provisions of the Oklahoma Open Meeting Act. The Board shall periodically conduct meetings to discuss organization and business matters and any actions or recommendations aimed at improvement of the collection of sexual assault forensic evidence which shall be subject to the Oklahoma Open Meeting Act.

D. The Board shall submit an annual statistical report on the incidence of sexual assault forensic evidence collection in this state for which the Board has completed its review during the past calendar year including its recommendations, if any, to medical and law enforcement systems. The Board shall also prepare and make available to the public an annual report containing a summary of the activities of the Board relating to the review of sexual assault forensic evidence collection and an evaluation of whether the state is efficiently discharging its sexual assault forensic evidence collection responsibilities. The report shall be completed no later than February 1 of the subsequent year.

Added by Laws 2024, c. 180, § 1, eff. Nov. 1, 2024.

§21-143.1. Board composition.

A. The Sexual Assault Forensic Evidence (SAFE) Board shall consist of seventeen (17) members as follows:

1. Four nonvoting members as follows:
 - a. the President Pro Tempore of the Senate shall appoint two members of the Senate who shall not be members of the same political party, and
 - b. the Speaker of the House of Representatives shall appoint two members of the House of Representatives who shall not be members of the same political party;
2. Seven voting members as follows:
 - a. the Attorney General or designee,
 - b. the Director of the Oklahoma State Bureau of Investigation or designee,
 - c. the Chief of the Oklahoma City Police Department or designee,
 - d. the Chief of the Tulsa Police Department or designee,
 - e. the Executive Coordinator of the District Attorneys Council or designee,
 - f. the Executive Director of the Native Alliance Against Violence or designee, and
 - g. the Executive Director of the Council on Law Enforcement Education and Training or designee; and

3. Six voting members to be appointed by the Attorney General to serve for terms of two (2) years and who shall be eligible for reappointment. Such members shall be persons having training or experience in matters related to sexual assault. The appointed members shall include:

- a. a Sexual Assault Nurse Examiner selected from a list of three names submitted by the Oklahoma Nurses Association,
- b. a chief of a municipal police department, not designated in subparagraph c or d of paragraph 2 of this subsection, selected from a list of three names submitted by the Oklahoma Association of Chiefs of Police,
- c. a county sheriff selected from a list of three names submitted by the executive board of the Oklahoma Sheriffs' Association,
- d. an attorney from an office of public defenders with criminal defense experience from a list of three names submitted by the Oklahoma Indigent Defense System or other public defenders organization,
- e. an advocate of sexual assault victims from a community-based organization, and
- f. a person who is a survivor of sexual assault and who has experience with sexual assault forensic evidence kit collection or is a survivor of sexual assault committed in this state who has participated in the justice system process.

B. Every two (2) years the Board shall elect from among its membership a chair and a vice chair. The Board shall meet at least quarterly and may meet more frequently as necessary as determined by the chair. Seven (7) voting members or their designees, as specified in paragraphs 2 and 3 of subsection A of this section, shall constitute a quorum.

C. Members shall serve without compensation but may be reimbursed for necessary travel out of funds available to the Office of the Attorney General pursuant to the State Travel Reimbursement Act; provided, that the reimbursement shall be paid in the case of state employee members by the agency employing the member.

D. The Office of the Attorney General shall provide administrative assistance and services to the Sexual Assault Forensic Evidence Board with funds appropriated or otherwise available for that purpose.

Added by Laws 2024, c. 180, § 2, eff. Nov. 1, 2024.

§21-151. Persons liable to punishment in state.

The following persons are liable to punishment under the laws of this State:

1. All persons who commit, in whole or in part, any crime within the State.

2. All who commit theft out of this state, and bring, or are found with the property stolen, in this state.

3. All who, being out of this state, abduct or kidnap, by force or fraud, any person contrary to the laws of the place where such act is committed, and bring, send, or convey such person within the limits of this state, and are afterward found therein.

4. And all who, being out of this state, cause or aid, advise or encourage, another person, causing an injury to any person or property within this state by means of any act or neglect which is declared criminal by this code, and who are afterward found within this state.

R.L.1910, § 2093.

§21-152. Persons capable of committing crimes - Exceptions - Children - Intellectual disability - Ignorance - Commission without consciousness - Involuntary subjection.

All persons are capable of committing crimes, except those belonging to the following classes:

1. Children under the age of seven (7) years;

2. Children over the age of seven (7) years, but under the age of fourteen (14) years, in the absence of proof that at the time of committing the act or neglect charged against them, they knew its wrongfulness;

3. Persons who are impaired by reason of an intellectual disability upon proof that at the time of committing the act charged against them they were incapable of knowing its wrongfulness;

4. Mentally ill persons, and all persons of unsound mind, including persons temporarily or partially deprived of reason, upon proof that at the time of committing the act charged against them they were incapable of knowing its wrongfulness;

5. Persons who committed the act, or made the omission charged, under an ignorance or mistake of fact which disproves any criminal intent. But ignorance of the law does not excuse from punishment for its violation;

6. Persons who committed the act charged without being conscious thereof; and

7. Persons who committed the act, or make the omission charged, while under involuntary subjection to the power of superiors.

R.L. 1910, § 2094. Amended by Laws 1998, c. 246, § 11, eff. Nov. 1, 1998; Laws 2019, c. 475, § 16, eff. Nov. 1, 2019.

§21-153. Intoxication no defense.

No act committed by a person while in a state of voluntary intoxication shall be deemed less criminal by reason of his having been in such condition.

R.L. 1910 Sec. 2095.

§21-154. Morbid propensity no defense.

A morbid propensity to commit prohibited acts existing in the mind of a person who is not shown to have been incapable of knowing the wrongfulness of such acts, forms no defense to a prosecution therefor.

R.L.1910, § 2096.

§21-155. Subjection to superior exonerates.

The involuntary subjection to the power of a superior which exonerates a person charged with a criminal act or omission from punishment therefor, arises from duress.

R.L.1910, § 2097; Laws 1976, c. 35, § 1.

§21-156. Duress defense.

A person is entitled to assert duress as a defense if that person committed a prohibited act or omission because of a reasonable belief that there was imminent danger of death or great bodily harm from another upon oneself, ones spouse, or ones child.

R.L. 1910, § 2098; Laws 1992, c. 159, § 1, emerg. eff. May 5, 1992.

§21-157. Repealed by Laws 1976, c. 35, § 2.

§21-158. Repealed by Laws 1976, c. 35, § 2.

§21-159. Repealed by Laws 1976, c. 35, § 2.

§21-160. Public foreign ministers exempted.

Ambassadors and other public ministers from foreign governments accredited to the President or the government of the United States, and recognized by it according to the laws of the United States, with their secretaries, messengers, families and servants are not liable to punishment in this State, but are to be returned to their own country for trial and punishment.

R.L.1910, § 2102.

§21-171. Classification of parties.

The parties to crimes are classified as:

1. Principals, and,
2. Accessories.

R.L.1910, § 2103. d

§21-172. Principals defined.

All persons concerned in the commission of crime, whether it be felony or misdemeanor, and whether they directly commit the act

constituting the offense, or aid and abet in its commission, though not present, are principals.

R.L.1910, § 2104.

§21-173. Accessories defined.

All persons who, after the commission of any felony, conceal or aid the offender, with knowledge that he or she has committed a felony, and with intent that the person may avoid or escape from arrest, trial, conviction, or punishment, are accessories. In the case of murder, a person is accountable under this statute for accessory to murder if the person knew or reasonably should have known that the conduct committed upon the victim could foreseeably result in the death of the victim.

R.L.1910, § 2105. Amended by Laws 2022, c. 9, § 2, emerg. eff. March 30, 2022.

§21-174. No accessories to misdemeanor.

In misdemeanor, there are no accessories.

R.L.1910, § 2106.

§21-175. Punishment of accessories.

Except in cases where a different punishment is prescribed by law, an accessory to a felony is punishable as follows:

1. If the underlying offense is a felony punishable by imprisonment in the penitentiary for four (4) years or more, the person guilty of being an accessory shall be subject to imprisonment in the penitentiary for a term not exceeding one-half (1/2) of the longest term prescribed upon a conviction for the underlying offense;

2. If the underlying offense is a felony punishable by imprisonment in the penitentiary for any time less than four (4) years, the person guilty of being an accessory shall be subject to imprisonment in a county jail for not more than one (1) year;

3. If the underlying offense be punishable by a fine only, the person guilty of being an accessory shall be subject to a fine not exceeding one-half (1/2) of the largest amount of money which may be imposed as a fine upon a conviction of the underlying offense;

4. If the underlying offense be punishable by both imprisonment and a fine, the offender convicted of being an accessory shall be subject to both imprisonment and fine, not exceeding one-half (1/2) of the longest term of imprisonment and one-half (1/2) of the largest fine which may be imposed upon a conviction of the underlying offense; and

5. If the underlying offense be murder in the first degree, the accessory thereto shall be guilty of a Class A2 felony offense and shall be punished by imprisonment for not less than five (5) years nor more than forty-five (45) years. If the underlying offense be

murder in the second degree, the accessory thereto shall be guilty of a Class B1 felony offense and shall be punished by imprisonment for not less than five (5) years nor more than twenty-five (25) years.

R.L.1910, § 2107. Amended by Laws 1988, c. 109, § 22, eff. Nov. 1, 1988; Laws 1997, c. 133, § 154, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 74, eff. July 1, 1999; Laws 2004, c. 275, § 2, eff. July 1, 2004; Laws 2025, c. 486, § 15, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 154 from July 1, 1998, to July 1, 1999.

§21-181. Betting upon an election a misdemeanor.

Every person who makes, offers or accepts any bet or wager upon the result of any election, or upon the success or failure of any person or candidate, or upon the number of votes to be cast either in the aggregate, or for any particular candidate, or upon the vote to be cast by any person, or upon the decision to be made by any inspector or canvasser, of any question arising in the course of an election, or upon any event whatever depending upon the conduct or result of an election, is guilty of a misdemeanor.

R.L.1910, § 2108.

§21-182. Offers of office by candidate a misdemeanor.

Every person who, being a candidate at any election, offers or agrees to appoint or procure the appointment of any particular person to office, as an inducement or consideration to any person to vote for, to procure or aid in procuring the election of such candidate, is guilty of a misdemeanor.

R.L.1910, § 2109.

§21-183. Communicating an offer of office.

Every person who, not being a candidate, communicates any offer made in violation of the next preceding section, to any person, with intent to induce him to vote for or procure or aid in procuring the election of the candidate making the offer is guilty of a misdemeanor.

R.L.1910, § 2110.

§21-187. Definitions.

As used in this section through Section 187.2 of this title:

1. "Campaign" means and includes all activities for or against the election of a candidate for elective state office or for or against a state question;

2. "Candidate" means an individual who has filed or should have filed a statement of organization for a candidate committee for state office with the Ethics Commission as required by its Rules. A candidate committee shall include committees for candidates for

partisan elective offices, for nonpartisan judicial offices and for judicial retention offices;

3. "Candidate committee" means the only committee authorized by a candidate to accept contributions or make expenditures on behalf of the candidate's campaign, including the campaign of a judicial retention candidate;

4. "Contribution" means any gift, subscription, loan, guarantee or forgiveness of a loan, conveyance, advance, payment, distribution or deposit of money made to, or anything of value given to, or an expenditure other than an independent expenditure made on behalf of a political party, political action committee or candidate committee, but shall not include the value of services provided without compensation by an individual who volunteers those services;

5. "Expenditure" means a purchase, payment, distribution, loan, advance, compensation, reimbursement, fee deposit or a gift made by a political party, political action committee, candidate committee or other individual or entity that is used to expressly advocate the election, retention or defeat of one or more clearly identified candidates or for or against one or more state questions;

6. "Limited committee" means a political action committee organized to make contributions to candidates; a limited committee may make independent expenditures or electioneering communications, but may not accept contributions in excess of the limits prescribed for limited committees;

7. "Local office" means all elective offices for which a declaration of candidacy is filed with the secretary of any county election board;

8. "Political action committee" means a limited or unlimited committee that has filed or should have filed a statement of organization with the Ethics Commission as required by its Rules;

9. "Political party" means a political party recognized under the laws of this state;

10. "Political party committee" means a committee authorized by the political party to accept contributions or make expenditures on behalf of the political party; a political party committee may include a state committee, a Congressional District committee, a county committee, a precinct committee or any other committee or entity of the party officially recognized in the party's bylaws or similar governing document;

11. "State office" means all elective offices for which declarations of candidacy are filed with the Secretary of the State Election Board;

12. "State question" means an initiative or referendum petition for which the Governor has issued a proclamation setting the date on which an election shall be held or a legislative referendum referred by the Legislature for a vote of the people; and

13. "Unlimited committee" means an independent judicial retention committee, a political action committee organized exclusively for the purpose of making independent expenditures or electioneering communications or a political action committee organized exclusively for the purpose of advocating the approval or defeat of a state question.
Added by Laws 1995, c. 343, § 1, eff. July 1, 1995. Amended by Laws 2014, c. 312, § 1, eff. Jan. 1, 2015.

§21-187.1. Individual contributions - Contributions using intermediary or conduit - Lobbyist or lobbyist principal contributions.

A. No person may contribute more than:

1. The limits set forth in the Rules of the Ethics Commission to a political party committee or political action committee;

2. The limits set forth in the Rules of the Ethics Commission to a candidate committee for a candidate for state office; or

3. The limits set forth in the Rules of the Ethics Commission to a campaign committee for a candidate for municipal office or to a campaign committee for a candidate for county office or to a municipal or county political committee.

B. No candidate, candidate committee, or other committee shall knowingly accept contributions in excess of the amounts provided herein.

C. These restrictions shall not apply to a committee supporting or opposing a state question or local question or to a candidate making a contribution of his or her own funds to his or her own campaign.

D. It shall be prohibited for a campaign contribution to be made to a particular candidate or committee through an intermediary or conduit for the purpose of:

1. Evading requirements of effective Rules of the Ethics Commission promulgated pursuant to Article XXIX of the Oklahoma Constitution or laws relating to the reporting of contributions and expenditures; or

2. Exceeding the contribution limitations imposed by subsection A of this section.

Any person making a contribution in violation of this subsection or serving as an intermediary or conduit for such a contribution, upon conviction, shall be subject to the penalties prescribed in subsections E and F of this section.

E. Any person who knowingly and willfully violates any provision of this section where the aggregate amount contributed exceeds the contribution limitation specified in subsection A of this section by Five Thousand Dollars (\$5,000.00) or more, upon conviction, shall be guilty of a Class D3 felony offense punishable by a fine of up to four times the amount exceeding the contribution

limitation, or by imprisonment as provided for in subsections B through F of Section 20P of this title, or by both such fine and imprisonment.

F. Any person who knowingly and willfully violates any provision of this section where the aggregate amount contributed is less than Five Thousand Dollars (\$5,000.00) in excess of the contribution limitation specified in subsection A of this section, upon conviction, shall be guilty of a misdemeanor punishable by a fine of not more than three times the amount exceeding the contribution limitation or One Thousand Dollars (\$1,000.00), whichever is greater, or by imprisonment in the county jail for up to one (1) year, or by both such fine and imprisonment.

G. No lobbyist or lobbyist principal as defined in the Rules of the Ethics Commission shall make or promise to make a contribution to, or solicit or promise to solicit a contribution for a member of the Oklahoma Legislature or a candidate for a state legislative office during any regular legislative session, beginning the first Monday in February, through its adjournment, and for five (5) calendar days following sine die adjournment. A member of the Oklahoma Legislature or a candidate for a state legislative office shall not intentionally solicit or accept a contribution from a lobbyist or lobbyist principal as defined in the Rules of the Ethics Commission during any regular legislative session and for five (5) calendar days after sine die adjournment. For the purposes of this subsection, a candidate shall mean any person who has filed a statement of organization for a state legislative office pursuant to the Rules of the Ethics Commission.

H. Any person who knowingly and willfully violates any provision of subsection G of this section, upon conviction, shall be guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for up to one (1) year, or by both such fine and imprisonment.

Added by Laws 1995, c. 343, § 2, eff. July 1, 1995. Amended by Laws 1997, c. 133, § 155, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 75, eff. July 1, 1999; Laws 2008, c. 282, § 2, eff. Nov. 1, 2008; Laws 2014, c. 312, § 2, eff. Jan. 1, 2015; Laws 2025, c. 486, § 656, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 155 from July 1, 1998, to July 1, 1999.

§21-187.2. Contributions by corporations, labor unions, limited liability companies, and partnerships.

A. 1. No corporation or labor union may make a contribution to a political party, a political action committee or a candidate committee, and no political party committee, political action committee or candidate committee may accept a contribution from a

corporation or labor union, except as permitted by law or the Rules of the Ethics Commission.

2. No limited liability company that has one or more incorporated members may make a contribution to a political party committee, a political action committee or a candidate committee, except as permitted by law or the Rules of the Ethics Commission.

3. No partnership that has one or more incorporated partners may make a contribution to a political party committee, a political action committee or a candidate committee, except as permitted by law or the Rules of the Ethics Commission.

B. No candidate, candidate committee, political party committee, political action committee or other committee shall knowingly accept contributions given in violation of the provisions of subsection A of this section.

C. The provisions of this section shall not apply to a bank, savings and loan association or credit union loaning money to a candidate in connection with his or her own campaign which is to be repaid with interest at a rate comparable to that of loans for equivalent amounts for other purposes.

D. Any person who knowingly and willfully violates any provision of this section where the aggregate amount contributed exceeds Five Thousand Dollars (\$5,000.00), upon conviction, shall be guilty of a Class D3 felony offense punishable by a fine of up to four times the amount of the prohibited contribution, or by imprisonment as provided for in subsections B through F of Section 20P of this title, or by both such fine and imprisonment.

E. Any person who knowingly and willfully violates any provision of this section where the aggregate amount contributed is Five Thousand Dollars (\$5,000.00) or less, upon conviction, shall be guilty of a misdemeanor punishable by a fine of not more than three times the amount of the prohibited contribution or One Thousand Dollars (\$1,000.00), whichever is greater, or by imprisonment in the county jail for up to one (1) year, or by both such fine and imprisonment.

Added by Laws 1995, c. 343, § 3, eff. July 1, 1995. Amended by Laws 1997, c. 133, § 156, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 76, eff. July 1, 1999; Laws 2014, c. 312, § 3, eff. Jan. 1, 2015; Laws 2025, c. 486, § 657, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 156 from July 1, 1998, to July 1, 1999.

§21-262. Act of officer de facto.

The last section shall not be construed to affect the validity of acts done by a person exercising the functions of a public office in fact, where other persons than himself are interested in maintaining the validity of such acts.

R.L.1910, Sec. 2145.

§21-263. Falsely assuming to be officer.

Every person who shall falsely assume or pretend to be any state, county or township, city or town officer, or who shall knowingly take upon himself to act as such or to require any person to act as such, or assist him in any matter pertaining to such office, shall be punished by imprisonment in the county jail not more than one (1) year nor less than three (3) months, and by fine not exceeding Five Hundred nor less than Fifty Dollars (\$50.00). R.L.1910, § 2146.

§21-264. False impersonation of peace officers - False insignia on motor vehicle.

A. Any person who shall without due authority exercise or attempt to exercise the functions of or hold himself or herself out to any one as a deputy sheriff, marshal, police officer, constable or peace officer shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a fine not exceeding One Hundred Dollars (\$100.00), or by both such fine and imprisonment; provided, however, this section shall not be so construed as to prevent private persons from making arrests for felonies or misdemeanors committed in their presence.

B. It shall be unlawful for any person to affix on his or her motor vehicle, either temporarily or permanently, any insignia typically used by a law enforcement agency for the purpose of causing any other motor vehicle operator to yield the right-of-way and stop, or which actually causes any other motor vehicle operator to yield the right-of-way and stop, whether intended or not. Any person who violates the provisions of this subsection shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. The provisions of this subsection shall not apply to vehicles of any fire department, fire patrol, law enforcement vehicles, ambulances, or other authorized emergency vehicles. R.L. 1910, § 2147. Amended by Laws 2007, c. 120, § 1, eff. Nov. 1, 2007.

§21-265. Bribing or offering bribe to executive officer.

Any person who gives or offers any bribe to any executive officer, with intent to influence him in respect to any act, decision, vote, opinion, or other proceedings of such officer, shall be guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or both.

R.L. 1910, § 2148. Amended by Laws 1997, c. 133, § 157, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 77, eff. July 1, 1999; Laws 2025, c. 486, § 204, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 157 from July 1, 1998, to July 1, 1999.

§21-266. Asking or receiving bribes.

Any executive officer or person elected or appointed to executive office who asks, receives or agrees to receive any bribe upon any agreement or understanding that his vote, opinion or action upon any matter then pending, or which may by law be brought before him in his official capacity, shall be influenced thereby, shall be guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or both; and in addition thereto, any such person forfeits office and is forever disqualified from holding any public office under the laws of the state.

R.L. 1910, § 2149. Amended by Laws 1997, c. 133, § 158, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 78, eff. July 1, 1999; Laws 2025, c. 486, § 205, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 158 from July 1, 1998, to July 1, 1999.

§21-267. Preventing officer's performance of duty.

Every person who attempts, by means of any threat or violence, to deter or prevent any executive officer from performing any duty imposed upon such officer by law, is guilty of a misdemeanor.

R.L.1910, § 2150.

§21-268. Resisting executive officer.

Every person who knowingly resists, by the use of force or violence, any executive officer in the performance of his duty, is guilty of a misdemeanor.

R.L.1910, § 2151.

§21-269. Asking or receiving unauthorized reward for official act.

A. Every executive officer who asks or receives any emolument, gratuity or reward, or any promise of any emolument, gratuity or reward, excepting such as may be authorized by law, for doing any official act, is guilty of a misdemeanor.

B. It shall be unlawful for any state employee, with responsibility or oversight for processing a benefit or allowance, to solicit any portion of the benefit or allowance as a gratuity, kickback, or loan from a recipient who is otherwise entitled to the benefit or allowance.

C. Any state employee convicted of violating the provisions of subsection B of this section shall be guilty of a misdemeanor punishable by a fine of not less than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a term not to exceed one (1) year, or by both such fine and imprisonment. R.L. 1910, § 2152. Amended by Laws 2007, c. 82, § 1, eff. Nov. 1, 2007.

§21-270. Reward for omission to act, asking or receiving.

Every executive officer who asks or receives any emolument, gratuity or reward, or any promise of any emolument, gratuity or reward, for omitting or deferring the performance of any official duty, is guilty of a misdemeanor.

R.L.1910, § 2153.

§21-271. Asking or receiving unauthorized advance fees.

Every executive officer who asks or receives any fee or compensation for any official service which has not been actually rendered, except in cases of charges for prospective costs, or of fees demandable in advance in the cases allowed by law, is guilty of a misdemeanor.

R.L.1910, § 2154.

§21-272. Taking unlawful reward for requisition for fugitive.

Every officer who asks or receives any compensation, fee or reward of any kind for any service rendered or expense incurred in procuring from the Governor a demand upon the executive authority of a State or Territory of the United States, or of a foreign government, for the surrender of a fugitive from justice, or of any service rendered or expense incurred in procuring the surrender of such fugitive, or of conveying him to this state or for detaining him therein, except upon an employment by the Governor, and upon an account duly audited and paid out of the State Treasury, is guilty of a misdemeanor.

R.L.1910, § 2155.

§21-273. Buying appointments to office.

Every person who gives or agrees, or offers to give any gratuity or reward in consideration that himself or any other person shall be appointed to any public office, or shall be permitted to, or to exercise, perform or discharge the prerogatives or duties of any office, is punishable by imprisonment in the county jail not less than six (6) months nor more than one (1) year, or by a fine of not less than Two Hundred Dollars (\$200.00) or more than One Thousand Dollars (\$1,000.00), or both.

R.L.1910, § 2156.

§21-274. Selling appointments to office.

Every person who, directly or indirectly, asks or receives or promises to receive any gratuity or reward, or any promise of a gratuity or reward for appointing another person or procuring for another person an appointment to any public office or any clerkship, deputation or other subordinate position in any public office, is punishable by imprisonment in the county jail not less than six (6) months nor more than one (1) year, or by a fine not less than Two Hundred Dollars (\$200.00) nor more than One Thousand Dollars (\$1,000.00) or both.

R.L. 1910, § 2157.

§21-275. Reward for making appointment or deputation.

Any public officer who, for any gratuity or reward, appoints another person to a public office, or permits another person to exercise, perform or discharge any of the prerogatives or duties of his office, shall be guilty of a Class D3 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20P of this title, and by a fine of not less than Two Hundred Dollars (\$200.00) or more than One Thousand Dollars (\$1,000.00); and in addition thereto the public officer forfeits office.

R.L. 1910, § 2158. Amended by Laws 1997, c. 133, § 159, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 79, eff. July 1, 1999; Laws 2025, c. 486, § 658, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 159 from July 1, 1998, to July 1, 1999.

§21-276. Unlawful deputation is void.

Every grant or deputation made contrary to the provisions of the two preceding sections is void; but official acts done before a conviction for any offense prohibited by those sections shall not be deemed invalid in consequence of the invalidity of such grant or deputation.

R.L.1910, § 2159.

§21-277. Exercising functions of office after term expires.

Every person who having been an executive officer willfully exercises any of the functions of his office after his term of office has expired and a successor has been duly elected or appointed, and has qualified in his place, and he has notice thereof, is guilty of a misdemeanor.

R.L.1910, § 2160.

§21-278. Refusal to surrender books to successor.

Every person who having been an executive officer of this state, wrongfully refuses to surrender the official seal or any of the

books and papers appertaining to his office, to his successor, who has been duly elected or appointed, and has duly qualified, and has demanded the surrender of the books and papers of such office is guilty of a misdemeanor.

R.L.1910, § 2161.

§21-279. Administrative officers included.

The various provisions of this article which relate to executive officers apply in relation to administrative officers in the same manner as if administrative and executive officer were both mentioned together.

R.L.1910, § 2162.

§21-280. Disturbance, interference or disruption of state business - Penalties.

A. It is unlawful for any person, alone or in concert with others and without authorization, to willfully disturb, interfere or disrupt state business or the business of any political subdivision, which includes publicly posted meetings, or any agency operations or any employee, agent, official or representative of the state or political subdivision.

B. It is unlawful for any person who is without authority or who is causing any disturbance, interference or disruption to willfully refuse to disperse or leave any property, building or structure owned, leased or occupied by state officials or any political subdivision or its employees, agents or representatives or used in any manner to conduct state business or any political subdivision's business or operations after proper notice by a peace officer, sergeant-at-arms, or other security personnel.

C. Any violation of the provisions of this section shall be a misdemeanor punishable by imprisonment in the county jail for a term of not more than one (1) year, by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

D. For purposes of this section, "disturb, interfere or disrupt" means any conduct that is violent, threatening, abusive, obscene, or that jeopardizes the safety of self or others.

Added by Laws 2002, c. 75, § 2 and codified by Laws 2002, c. 460, § 43, eff. Nov. 1, 2002. Amended by Laws 2021, c. 136, § 1, emerg. eff. April 21, 2021.

NOTE: Section 43 of Laws 2002, c. 460 provides: "Section 2 of Enrolled Senate Bill No. 1292 (O.S.L. 2002, c. 75, § 2) of the 2nd Session of the 48th Oklahoma Legislature, shall be codified as Section 280 of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering."

§21-281. False statements made during an internal investigation.

A. Any person who knowingly makes or utters a materially false statement, either verbally or in writing, in the course of an internal state agency investigation shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

B. The person being interviewed pursuant to subsection A of this section shall be informed, in writing and prior to commencement of the interview, that providing a materially false statement shall subject the person to criminal prosecution.

Added by Laws 2009, c. 211, § 1, emerg. eff. May 19, 2009.

§21-282. Unlawful acts - Violations.

A. It shall be unlawful for any person or group of persons to:

1. Willfully and knowingly enter or remain in any posted, cordoned off, or otherwise restricted area of a building or grounds where the Governor, any member of the immediate family of the Governor, the Lieutenant Governor, or other state official being provided protection by the Department of Public Safety is or will be temporarily visiting;

2. Willfully and knowingly enter or remain in any posted, cordoned off, or otherwise restricted area of a building or grounds the use of which is restricted in conjunction with an event designated as a special event of national or state significance;

3. Willfully and knowingly, enter with the intent to impede or to disrupt the orderly conduct of government business or official functions in or within close proximity to any building or grounds, as described in paragraph 1 or 2 of this subsection, or to engage in disorderly or disruptive conduct in or within close proximity to any building or grounds, as described in paragraph 1 or 2 of this subsection, which results in the impeding or disruption of the orderly conduct of government business or official functions;

4. Willfully and knowingly obstruct or to impede ingress or egress to or from any building or grounds, as described in paragraph 1 or 2 of this subsection; or

5. Willfully and knowingly engage in any act or acts of physical violence against any person or property in any building or grounds, as described in paragraph 1 or 2 of this subsection.

B. Violation of this section and attempts or conspiracies to commit such violations shall, upon conviction, be :

1. A Class C2 felony offense punishable by a fine of One Thousand Dollars (\$1,000.00), or imprisonment as provided for in subsections B through F of Section 20M of this title, or by both fine and imprisonment, if:

a. the person, during and in relation to the offense, uses or carries a deadly or dangerous weapon or firearm, or

b. the offense results in great bodily injury, as defined by Section 646 of this title, to any other person; or

2. A Class D3 felony offense punishable by a fine of Five Hundred Dollars (\$500.00), or imprisonment as provided for in subsections B through F of Section 20P of this title, or by both fine and imprisonment, in any other case.

C. Violation of this section, and attempts or conspiracies to commit such violations, shall be prosecuted by the district attorney in the district court having jurisdiction of the place where the offense occurred.

D. As used in this section, the term "other person for whom the Oklahoma Highway Patrol Division of the Department of Public Safety is charged with providing protection" means any person the Oklahoma Highway Patrol - Executive Security Division is authorized to protect pursuant to Section 2-101 or Section 2-105.3a of Title 47 of the Oklahoma Statutes when the person has not declined protection. Added by Laws 2011, c. 251, § 2, eff. Nov. 1, 2011. Amended by Laws 2025, c. 486, § 206, eff. Jan. 1, 2026.

§21-301. Preventing meetings of Legislature.

Any person who willfully and by force or fraud prevents the State Legislature or either of the houses composing it, or any of the members thereof, from meeting or organizing shall be guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Two Thousand Dollars (\$2,000.00), or both.

R.L. 1910, § 2163. Amended by Laws 1997, c. 133, § 160, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 80, eff. July 1, 1999; Laws 2025, c. 486, § 207, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 160 from July 1, 1998, to July 1, 1999.

§21-302. Disturbing legislative proceedings - Penalty.

Any person who alone or in concert with others wilfully disturbs, disrupts or interferes with any session, meeting or proceeding of either house of the State Legislature or any committee of either house of the State Legislature, whether within or outside the presence of either house of the State Legislature or any committee, by:

1. Engaging in violent, tumultuous or threatening behavior;
 2. Using abusive or obscene language or making an obscene gesture;
 3. Making unreasonable noise; or
 4. Congregating with other persons and refusing to comply with a lawful order of the police or security officer to disperse;
- shall be guilty of a misdemeanor.

R.L.1910, § 2164; Laws 1981, c. 148, § 1, emerg. eff. May 8, 1981.

§21-302.1. Refusal to leave legislative chambers, galleries and offices - Penalty.

Any person who alone or in concert with others, and without proper authorization, refuses to leave any part of the chambers, galleries or offices of either house of the State Legislature or building in which such chambers, galleries or any such office is located, or within any room or building or upon the property of a building in which a legislative hearing or meeting is being conducted upon a lawful order of the police or a security officer to disperse, leave, or move to a designated area, shall be guilty of a misdemeanor.

Laws 1981, c. 148, § 2, emerg. eff. May 8, 1981.

§21-303. Compelling adjournment of Legislature.

Every person who willfully and by force or fraud compels or attempts to compel the State Legislature, or either of the houses composing it, to adjourn or disperse shall be guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine of not less than Five Hundred Dollars (\$500.00), nor more than Two Thousand Dollars (\$2,000.00), or both.

R.L. 1910, § 2165. Amended by Laws 1997, c. 133, § 161, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 81, eff. July 1, 1999; Laws 2025, c. 486, § 208, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 161 from July 1, 1998, to July 1, 1999.

§21-304. Preventing legislative member or personnel from performing official duties - Penalty.

Any person who alone or in concert with others wilfully either by force, physical interference, fraud, intimidation, or by means of any independently unlawful act, prevents or attempts to prevent any member, officer or employee of either house of the State Legislature or any committee of either house of the State Legislature from performing any official act, function, power or duty shall be guilty of a misdemeanor.

R.L.1910, § 2166. Amended by Laws 1981, c. 148, § 3, eff. May 8, 1981.

§21-305. Compelling Legislature to perform or omit act.

Any person who willfully compels or attempts to compel either of the houses composing the Legislature to pass, amend or reject any bill or resolution, or to grant or refuse any petition, or to perform or omit to perform any other official act, shall be guilty of a Class C2 felony offense punishable by imprisonment as provided

for in subsections B through F of Section 20M of this title, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Two Thousand Dollars (\$2,000.00), or both.

R.L. 1910, § 2167. Amended by Laws 1997, c. 133, § 162, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 82, eff. July 1, 1999; Laws 2025, c. 486, § 209, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 162 from July 1, 1998, to July 1, 1999.

§21-306. Altering draft bill.

Any person who fraudulently alters the draft of any bill or resolution which has been presented to either of the houses composing the Legislature, to be passed or adopted, with intent to procure it to be passed or adopted by either house, or certified by the presiding officer of either house, in language different from that intended by such house shall, upon conviction, be guilty of a Class D3 felony offense and shall be punished as provided for in subsections B through F of Section 20P of this title.

R.L. 1910, § 2168. Amended by Laws 1997, c. 133, § 163, eff. July 1, 1999; Laws 2025, c. 486, § 659, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 163 from July 1, 1998, to July 1, 1999.

§21-307. Altering engrossed copy of bill.

Any person who fraudulently alters the engrossed copy or enrollment of any bill which has been passed by the Legislature, with intent to procure it to be approved by the Governor or certified by the Secretary of State, or printed or published by the printer of the statutes in language different from that in which it was passed by the Legislature shall, upon conviction, be guilty of a Class D3 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title.

R.L. 1910, § 2169. Amended by Laws 1997, c. 133, § 164, eff. July 1, 1999; Laws 2025, c. 486, § 660, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 164 from July 1, 1998, to July 1, 1999.

§21-308. Bribery of or influencing members.

Any person who gives or offers to give a bribe to any member of the Legislature, or attempts directly or indirectly, by menace, deceit, suppression of truth or any other corrupt means, to influence a member in giving or withholding his vote, or in not attending the house of which he is a member, or any committee thereof, shall be guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section

20M of this title, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or both.

R.L. 1910, § 2170. Amended by Laws 1997, c. 133, § 165, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 83, eff. July 1, 1999; Laws 2025, c. 486, § 210, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 165 from July 1, 1998, to July 1, 1999.

§21-309. Soliciting bribes - Trading votes.

Any member of either of the houses composing the Legislature, who asks, receives or agrees to receive any bribe upon any understanding that his official vote, opinion, judgment or action shall be influenced thereby, or shall be given in any manner or upon any particular side of any question or matter upon which he may be required to act in his official capacity, or who gives, or offers or promises to give any official vote in consideration that another member of the Legislature shall give any such vote, either upon the same or another question, is guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or both.

R.L. 1910, § 2171. Amended by Laws 1997, c. 133, § 166, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 84, eff. July 1, 1999; Laws 2025, c. 486, § 211, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 166 from July 1, 1998, to July 1, 1999.

§21-310. Witness refusing to attend legislature or committee.

Every person who, being duly summoned to attend as a witness before either house of the Legislature or any committee thereof authorized to summon witnesses, refuses or neglects without lawful excuse to attend pursuant to such summons, is guilty of a misdemeanor.

R.L.1910, § 2172.

§21-311. Witness refusing to testify before legislature or committee.

Every person who, being present before either house of the Legislature or any committee thereof authorized to summon witnesses, willfully refuses to be sworn or affirmed, or to answer any material and proper question, or to produce upon reasonable notice any material and proper books, papers, or documents in his possession or under his control, is guilty of a misdemeanor.

R.L.1910, § 2173.

§21-312. Forfeiture of office - Disqualification to hold office.

The conviction of a member of the Legislature of any of the crimes defined in this article, involves as a consequence, in addition to the punishment prescribed by this code, a forfeiture of his office, and disqualifies him from ever afterwards holding any office under this state.

R.L.1910, § 2174.

§21-318. Bribery.

It shall be unlawful and deemed a Class D1 felony offense for any person, firm, or member of a firm, corporation, or association to give or offer any money, position or thing of value to any member of the State Legislature to influence him to work or to vote for any proposition, and shall be unlawful for any member of the State Legislature to accept any money, position, promise, or reward or thing of value for his work or vote upon any bill, resolution or measure before either house of the Legislature.

R.L.1910, § 2180. Amended by Laws 2025, c. 486, § 359, eff. Jan. 1, 2026.

§21-320. Penalty for violating Section 318.

Any person or member of any firm, corporation or association violating the provisions of Section 318 of this title shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, and by a fine in the sum of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00). R.L. 1910, § 2182. Amended by Laws 1997, c. 133, § 167, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 85, eff. July 1, 1999; Laws 2025, c. 486, § 360, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 167 from July 1, 1998, to July 1, 1999.

§21-321. Member of legislature - Soliciting or securing employment with state department or institution.

It shall be unlawful and deemed a Class D1 felony offense for any member of the Legislature of Oklahoma to solicit, receive or accept any money or thing of value either directly or through another person for soliciting or securing employment of or for another person from any department or institution of the state, where the said department or institution is supported in whole or in part from revenues levied pursuant to law or appropriations made by the Legislature.

Added by Laws 1937, p. 12, § 1. Amended by Laws 2025, c. 486, § 361, eff. Jan. 1, 2026.

§21-322. Penalty for violating Section 321.

Any member of the Legislature who shall violate the provisions of Section 321 of this title shall be guilty of a Class D1 felony offense, and upon conviction shall be fined in any sum not less than One Hundred Dollars (\$100.00) nor to exceed One Thousand Dollars (\$1,000.00), and be sentenced to a term of incarceration as provided for in subsections B through F of Section 20N of this title, and in addition thereto, the member shall forfeit office.
Added by Laws 1937, p. 12, § 2. Amended by Laws 1997, c. 133, § 168, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 86, eff. July 1, 1999; Laws 2025, c. 486, § 362, eff. Jan. 1, 2026.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 168 from July 1, 1998, to July 1, 1999.

§21-331. Receipt to be given - Copy sent to Tax Commission.

Any person, firm or corporation soliciting or collecting funds, directly or indirectly for the primary purpose of promoting legislation for any person or group receiving grants or allotments from the state government must give a personal receipt for each amount collected. Each receipt must be on a form approved by the Oklahoma Tax Commission, must be made out in triplicate, one (1) copy to be retained by the donee and one (1) copy to be given to the donor and the third (3rd) copy must be sent to the Oklahoma Tax Commission on the first of each month. Each receipt must bear the date on which the money is received, must set forth the full name of the contributor and must be signed by the person collecting the money. Any person, firm, or corporation soliciting or collecting monies for the above cited purpose must give the receipt immediately after the money is received. Any person, firm or corporation soliciting or collecting money through the mail for the above cited reason must remit the receipt within five (5) days after receiving the donation. No receipt form shall be used unless it has had the prior approval of the Oklahoma Tax Commission.
Laws 1949, p. 202, § 1.

§21-332. Records and information confidential.

Any records or information submitted to the Oklahoma Tax Commission under the provisions of this act shall be treated as confidential and shall not be released to any other department of state government except they shall be available to the Attorney General's office, to any court of competent jurisdiction, or any legislative committee desiring any information pertaining thereto.
Laws 1949, p. 202, § 2.

§21-333. Violations - Punishment.

Any person, firm or corporation failing to comply with the provisions of this act or using receipts not approved by the Oklahoma Tax Commission or who fails to give a receipt to a donor or

who fails to send the third (3rd) copy of each receipt to the Oklahoma Tax Commission as required above shall be deemed guilty of a misdemeanor and shall be subject to a fine of Five Hundred Dollars (\$500.00) or six (6) months in jail, or both such fine and imprisonment.

Laws 1949, p. 202, § 3.

§21-334. Compensation contingent upon influencing official action or legislation.

No person may retain or employ a lobbyist, as defined in Section 4249 of Title 74 of the Oklahoma Statutes, for compensation contingent in whole or in part on the passage or defeat of any official action or the approval or veto of any legislation, issuance of an executive order or approval or denial of a pardon or parole by the Governor. No lobbyist may accept any employment or render any service for compensation contingent on the passage or defeat of any legislation or the approval or veto of any legislation by the Governor. Any person convicted of violating the provisions of this section shall be guilty of a Class D1 felony offense punishable by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment as provided for in subsections B through F of Section 20N of this title, or by both such fine and imprisonment.

Added by Laws 1995, c. 343, § 4, eff. July 1, 1995. Amended by Laws 1997, c. 133, § 169, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 87, eff. July 1, 1999; Laws 2025, c. 486, § 363, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 169 from July 1, 1998, to July 1, 1999.

§21-341. Embezzlement and false accounts by officers.

Every public officer of the state or any county, city, town, or member or officer of the Legislature, and every deputy or clerk of any such officer and every other person receiving any money or other thing of value on behalf of or for account of this state or any department of the government of this state or any bureau or fund created by law and in which this state or the people thereof, are directly or indirectly interested, who either:

First: Receives, directly or indirectly, any interest, profit or perquisites, arising from the use or loan of public funds in the officer's or person's hands or money to be raised through an agency for state, city, town, district, or county purposes; or

Second: Knowingly keeps any false account, or makes any false entry or erasure in any account of or relating to any moneys so received by him, on behalf of the state, city, town, district or county, or the people thereof, or in which they are interested; or

Third: Fraudulently alters, falsifies, cancels, destroys or obliterates any such account,

shall, upon conviction thereof, be deemed guilty of a Class B3 felony offense and shall be punished by a fine of not to exceed Five Hundred Dollars (\$500.00), and by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than twenty (20) years and, in addition thereto, the person shall be disqualified to hold office in this state, and the court shall issue an order of such forfeiture, and should appeal be taken from the judgment of the court, the defendant may, in the discretion of the court, stand suspended from such office until such cause is finally determined.

R.L. 1910, § 2581. Amended by Laws 1997, c. 133, § 170, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 88, eff. July 1, 1999; Laws 2002, c. 460, § 4, eff. Nov. 1, 2002; Laws 2025, c. 486, § 80, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 170 from July 1, 1998, to July 1, 1999.

§21-341.1. Postage meter - Unlawful use.

Every person who uses a postage meter that is owned, operated or has been installed by any state department, board, commission or state educational institution, for his own personal use, or to the use of any person not entitled thereto, without authority of law, is guilty of a misdemeanor. Each state department, board, commission or state educational institution which has installed a postage meter machine shall place an imprint plate on such machine showing: first, that the mail carried by such postage is official State of Oklahoma mail; and second, that there is a penalty for the unlawful use of such postage meters for private purposes. The installation and cost of such imprint plates shall be paid from appropriations for postage and contingent expenses made to the various state departments, boards, commissions or state educational institutions.

Laws 1976, c. 57, § 1, emerg. eff. April 15, 1976.

§21-342. Suspension - Vacancy filled.

When any person is suspended from office by any court under the provisions of this section, said court shall certify the fact of such suspension to the proper officer or authority provided by law to fill a vacancy in such office. Such office shall be filled during the suspension in like manner as provided by law for filling vacancies in such offices.

R.L.1910, § 2582.

§21-343. Other violation of official conduct.

Every officer or other person mentioned in the last section, who willfully disobeys any provisions of law regulating his official conduct, in cases other than those specified in that section, is guilty of a misdemeanor.

R.L.1910, § 2583.

§21-344. Interest in property or contract transactions by officers — Penalties.

A. Except as otherwise provided in this section, every public officer, being authorized to sell or lease any property, or make, approve, negotiate, or authorize any contract in his or her official capacity, who voluntarily becomes interested individually in such sale, lease or contract, directly or indirectly, shall, upon conviction, be guilty of a felony and shall be prohibited from holding any public office in this state. Violation of this section shall be grounds for removal from office or termination from state employment.

B. The provisions of this section shall not apply to:

1. Municipal officers who are subject to the provisions of Section 8-113 of Title 11 of the Oklahoma Statutes; and

2. Conservation district board members participating in programs authorized by Section 3-2-106 of Title 27A of the Oklahoma Statutes.

R.L.1910, § 2584. Amended by Laws 1989, c. 131, § 1, eff. Nov. 1, 1989; Laws 1999, c. 43, § 1, eff. Nov. 1, 1999; Laws 2025, c. 336, § 1, eff. Nov. 1, 2025.

§21-345. Refusal of officer to perform duty.

Every county clerk, court clerk, judge of the district court, district attorney, county commissioner, or sheriff, who willfully fails or refuses to perform the duties of his or her office according to law, is guilty of a misdemeanor.

R.L.1910, § 2585. Amended by Laws 1993, c. 239, § 16, eff. July 1, 1993; Laws 1998, c. 310, § 5, eff. Nov. 1, 1998.

§21-346. Obstructing the collection of taxes.

Every person who willfully obstructs or hinders any public officer from collecting any revenue, taxes, or other sums of money in which, or any part of which the people of this state are directly or indirectly interested, and which such officer is by law empowered to collect, is guilty of a misdemeanor.

R.L.1910, § 2586.

§21-347. Applies to all officers.

The provisions of the second preceding section shall also apply to county treasurers, justices of the peace, and all other county and precinct officers.

R.L.1910, § 2587.

§21-348. Willful neglect by state officers.

Any State Auditor and Inspector, State Treasurer, State Superintendent of Public Instruction, or any other state officer who willfully neglects or refuses to perform the duties of his office, as prescribed by law, is guilty of a misdemeanor.

R.L.1910, § 2588; Laws 1979, c. 30, § 8, emerg. eff. April 6, 1979.

§21-349. Injuring or burning public buildings.

Any person who willfully burns, destroys, or injures any public buildings or improvements in this state shall be guilty of a Class B3 felony offense, punishable by imprisonment in the State Penitentiary not exceeding twenty-five (25) years.

R.L. 1910, § 2589. Amended by Laws 1997, c. 133, § 171, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 89, eff. July 1, 1999; Laws 2025, c. 486, § 81, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 171 from July 1, 1998, to July 1, 1999.

§21-350. Seizing military stores.

Any person who enters any fort, magazine, arsenal, armory, arsenal yard or encampment and seizes or takes away any arms, ammunition, military stores or supplies belonging to the people of this state, and every person who enters any such place with intent so to do, shall be guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title.

R.L. 1910, § 2590. Amended by Laws 1997, c. 133, § 172, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 90, eff. July 1, 1999; Laws 2025, c. 486, § 212, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 172 from July 1, 1998, to July 1, 1999.

§21-351. False statement regarding taxes.

Every person who, in making any statement, oral or written, which is required or authorized by law to be made as the basis of imposing any tax or assessment, or of an application to reduce any tax or assessment, willfully states any material matter which he knows to be false, is guilty, upon conviction, of a misdemeanor and shall be punished by imprisonment in the county jail for not more than one (1) year or by the imposition of a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both said fine and imprisonment. Amended by Laws 1984, c. 220, § 1, operative July 1, 1984.

§21-352. Unlawfully issuing or paying warrants.

It shall be unlawful for any state officer or deputy or employee of said officer to issue, cause to be issued or consent to the issuing, or to pay, cause to be paid or consent to the paying of any state warrant, order, or other evidence of public debt in excess of

the appropriation duly made or when no appropriation has been made by the Legislature, for the fund upon which the same may be drawn.
R.L.1910, § 2592.

§21-353. Officer dealing in warrants - Misdemeanor.

A. It shall be unlawful for any public officer or deputy or employee of such officer to either directly or indirectly, buy, barter for, or otherwise engage in any manner in the purchase of any bonds, warrants or any other evidence of indebtedness against this state, any subdivision thereof, or municipality therein, of which he is an officer.

B. The provisions of this section shall not apply to those municipal officers and employees who are subject to Section 8-113 of Title 11 of the Oklahoma Statutes.

R.L.1910, § 2593.

§21-354. Penalty.

Any person who shall violate any of the provisions of the two preceding sections shall be deemed guilty of the unlawful issuing of warrants or the unlawful purchase of warrants as the case may be, and shall be punished by a fine of not exceeding One Thousand Dollars (\$1,000.00).

R.L.1910, § 2594.

§21-355. Member of governing body not to furnish public supplies for consideration - Exceptions.

A. It shall be unlawful and deemed a Class D1 felony offense for any member of any board of county commissioners, city council or other governing body of any city, board of trustees of any town, board of directors of any township, board of education of any city or school district, to furnish, for a consideration any material or supplies for the use of the county, city, town, township, or school district.

B. The provisions of this section shall not apply to those municipal officers who are subject to Section 8-113 of Title 11 of the Oklahoma Statutes or to a member of any board of education of a school district in this state which does not include any part of a municipality with a population greater than two thousand five hundred (2,500) according to the latest Federal Decennial Census when the board member is the only person who furnishes the material or supplies within ten (10) miles of the corporate limits of the municipality. However, any activities permitted by this subsection shall not exceed Five Hundred Dollars (\$500.00) for any single activity and shall not exceed Two Thousand Five Hundred Dollars (\$2,500.00) for all activities in any calendar year.

C. It shall not be unlawful for any member of any board of county commissioners, city council or other governing body of any

city, board of trustees of any town, board of directors of any township, or board of education of any school district to vote to purchase materials or supplies from a business that employs a member of the governing body or employs the spouse of a member if the member or the spouse of a member has an interest in the business of five percent (5%) or less.

R.L. 1910, § 2595. Amended by Laws 1996, c. 341, § 2, eff. Nov. 1, 1996; Laws 1997, c. 317, § 2, emerg. eff. May 29, 1997; Laws 1998, c. 365, § 1, eff. July 1, 1998; Laws 2025, c. 486, § 364, eff. Jan. 1, 2026.

§21-356. Contract or purchase void - Members of body liable.

Any contract or purchase made in violation of the first preceding section shall be void, and no appropriation of public funds shall be made to pay the amount of same; but the members of the body voting for such contract or purchase shall be held personally liable for the amount thereof.

R.L.1910, § 2596.

§21-357. Penalty for such contract or purchase.

Any member of any public body, such as is specified in Section 355 of this title, who shall be a party to any such contract or purchase therein declared unlawful, or who shall receive any money, warrant, certificate, or other consideration thereunder, or who shall vote for or assent to any such contract or purchase, shall be guilty of a Class D1 felony offense punishable by a fine of not less than Fifty Dollars (\$50.00), and imprisonment as provided for in subsections B through F of Section 20N of this title.

R.L. 1910, § 2597. Amended by Laws 1997, c. 133, § 173, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 91, eff. July 1, 1999; Laws 2025, c. 486, § 365, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 173 from July 1, 1998, to July 1, 1999.

§21-358. False, fictitious, or fraudulent claim for payment of public funds or on employment application.

A. It shall be unlawful and deemed a Class D1 felony offense for any person, firm, corporation, association or agency to make, present, or cause to be presented to any employee or officer of the State of Oklahoma, or to any department or agency thereof, any false, fictitious or fraudulent claim for payment of public funds upon or against the State of Oklahoma, or any department or agency thereof, knowing such claim to be false, fictitious or fraudulent. A violation of this subsection shall be punished as provided in subsection A of Section 359 of this title.

B. It shall be unlawful for any person applying for employment with the State of Oklahoma to make a materially false, fictitious or

fraudulent statement or representation on an employment application, knowing such statement or representation to be materially false, fictitious or fraudulent. A violation of this subsection shall be punished as provided in subsection B of Section 359 of this title. Added by Laws 1970, c. 151, § 1, emerg. eff. April 7, 1970. Amended by Laws 2004, c. 526, § 1, eff. Nov. 1, 2004; Laws 2025, c. 486, § 366, eff. Jan. 1, 2026.

§21-359. Penalties.

A. Any person, firm, corporation, association or agency found guilty of violating subsection A of Section 358 of this title shall be guilty of a Class D1 felony offense punishable by a fine not exceeding Ten Thousand Dollars (\$10,000.00), or by imprisonment as provided for in subsections B through F of Section 20N of this title, or by both such fine and imprisonment.

B. Any person found guilty of violating subsection B of Section 358 of this title shall be guilty of a misdemeanor punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a term not exceeding one (1) year, or by both such fine and imprisonment.

Added by Laws 1970, c. 151, § 2, emerg. eff. April 7, 1970. Amended by Laws 1997, c. 133, § 174, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 92, eff. July 1, 1999; Laws 2004, c. 526, § 2, eff. Nov. 1, 2004; Laws 2025, c. 486, § 367, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 174 from July 1, 1998 to July 1, 1999.

§21-360. Coercing political participation of state employees.

No public employee or public official, as defined in Section 304 of Title 51 of the Oklahoma Statutes, shall directly or indirectly coerce, attempt to coerce, command, advise or direct any state employee to pay, lend or contribute any part of his or her salary or compensation, time, effort or anything else of value to any party, committee, organization, agency or person for political purposes. No public employee or official shall retaliate against any employee for exercising his or her rights or for not participating in permitted political activities as provided in Ethics Commission Rule 10-1-4. Any person convicted of willfully violating the provisions of this section shall be guilty of a Class D3 felony offense and shall be punished by the imposition of a fine of not more than Ten Thousand Dollars (\$10,000.00), or by imprisonment as provided for in subsections B through F of Section 20P of this title, or by both said fine and imprisonment.

Added by Laws 1995, c. 343, § 5, eff. July 1, 1995. Amended by Laws 1997, c. 133, § 175, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 93, eff. July 1, 1999; Laws 2025, c. 486, § 661, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 175 from July 1, 1998, to July 1, 1999.

§21-361. Acceptance, use or redemption for personal gain.

It shall be unlawful for any person or persons, firm, company or corporation to accept, use, or redeem for personal gain any trading stamps, coupons, tickets, certificates, cards or similar devices, which are redeemable either for money or any products, goods, wares, articles, merchandise or any other items of value whatsoever in all cases wherein the basis for the credit, issuance, transfer, assignment or distribution of said trading stamps, coupons, tickets, certificates, cards, or similar devices results from purchases by the state, payment for which, either in whole or in part, has been or will be made from the State Treasury or from any other state funds whatsoever.

Laws 1953, p. 94, § 1.

§21-362. Vendors crediting, furnishing, etc. for personal use.

It shall be unlawful for any vendor selling to the State of Oklahoma to credit, furnish, distribute, transmit or supply to any person or persons, firm, company, or corporation, for personal use, any trading stamps, coupons, tickets, certificates, cards or similar devices, which are redeemable either for money or any products, goods, wares, articles, merchandise or any other items of value, in all cases wherein the basis for said credit, issuance, transfer, assignment or distribution results from the sale of any products, goods, wares, articles, merchandise or any other items of value whatsoever to the State of Oklahoma.

Laws 1953, p. 94, § 2.

§21-363. Violations - Punishment.

Any person or persons, companies, partnerships, firms or corporations violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than Twenty-five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00) and each violation of this act shall be deemed a separate offense.

Laws 1953, p. 94, § 3.

§21-364. Repealed by Laws 1989, c. 154, § 2, operative July 1, 1989.

§21-365. Corrupt use of nonpublic information - Penalties.

A. Any current or former officer, employee, or contractor of a state agency who obtains or obtained nonpublic information because of his or her government employment, government office, or contract

with a state agency, and who corruptly, as defined by Section 94 of Title 21 of the Oklahoma Statutes:

1. Uses such information for personal gain or benefit;
 2. Acquires or divests a pecuniary interest in any property, transaction, or enterprise which may be affected by such information;
 3. Speculates or wagers on the basis of such information;
 4. Uses such information in a way that would affect any personal pecuniary interest, including an interest held by an immediate family member, or business entity with which the immediate family member is associated;
 5. Discloses such information to any person, group, entity, or others not entitled to receive such information; or
 6. Aids another to commit any act set forth in paragraphs 1 through 5 of this subsection,
- shall, upon conviction, be guilty of a felony punishable by a fine not to exceed Ten Thousand Dollars (\$10,000.00), by imprisonment in the custody of the Department of Corrections for a term not to exceed five (5) years, or by both such fine and imprisonment. Any person convicted of violating any provision of this section shall be prohibited from holding any public office in this state and shall be prohibited from entering into any state contract.

B. Violation of any provision of this section shall be grounds for removal from office or termination from state employment.

C. For purposes of this section, the term "immediate family member" means:

1. A spouse;
2. A spouse's parents;
3. A child by birth or adoption;
4. A stepchild;
5. A parent;
6. A grandparent;
7. A grandchild;
8. A sibling;
9. A spouse's siblings; or
10. A spouse of any immediate family member listed in this subsection.

Added by Laws 2025, c. 336, § 2, eff. Nov. 1, 2025.

§21-371. Use in advertising prohibited.

Any person or persons, corporation or company, who shall use the flag or the coat of arms of the United States, or any pattern, imitation or representation thereof, either by printing thereon, or attaching thereto, any advertisement or device for the purpose of gain or profit, or as a trademark or label, shall be guilty of misdemeanor.

Laws 1919, c. 72, p. 113, § 1.

§21-372. Mutilation, treating with indignity or destroying flag - Definitions.

A. Any person who shall contemptuously or maliciously tear down, burn, trample upon, mutilate, deface, defile, defy, treat with indignity, wantonly destroy, or cast contempt, either by word or act, upon any flag, standard, colors or ensign of the United States of America shall, upon conviction, be guilty of a Class D3 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title.

B. The word "defile" as used in this section shall include public conduct which brings shame or disgrace upon any flag of the United States by its use for unpatriotic or profane purpose.

C. The terms "flag", "standard", "colors", or "ensign" of the United States as used in this section shall include any picture, representation or part thereof which an average person would believe, upon seeing and without deliberation, to represent the flag, standard, colors or ensign of the United States of America. Added by Laws 1919, c. 72, p. 113, § 2. Amended by Laws 1967, c. 298, § 1; Laws 1971, c. 1, § 1, emerg. eff. Feb. 17, 1971; Laws 1997, c. 133, § 176, eff. July 1, 1999; Laws 2025, c. 486, § 662, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 176 from July 1, 1998, to July 1, 1999.

§21-373. Penalty for violation of Section 372.

Any person, corporation or company violating any provision of Section 372 of this title, upon conviction thereof, shall be punished by a fine not exceeding Three Thousand Dollars (\$3,000.00), or by imprisonment for not more than three (3) years, or both, in the discretion of the court.

Added by Laws 1919, c. 72, p. 113, § 3. Amended by Laws 1967, c. 298, § 2, emerg. eff. May 9, 1967; Laws 1997, c. 133, § 177, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 94, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 177 from July 1, 1998, to July 1, 1999.

§21-374. Display of red flag or emblem of disloyalty or anarchy.

Any person in this state, who shall carry or cause to be carried, or publicly display any red flag or other emblem or banner, indicating disloyalty to the Government of the United States or a belief in anarchy or other political doctrines or beliefs, whose objects are either the disruption or destruction of organized government, or the defiance of the laws of the United States or of the State of Oklahoma, shall be deemed guilty of a Class C2 felony offense, and upon conviction shall be punished by imprisonment as

provided for in subsections B through F of Section 20M of this title, or by a fine not exceeding One Thousand Dollars (\$1,000.00) or by both such imprisonment and fine.

Added by Laws 1919, c. 83, p. 133, § 1, emerg. eff. April 2, 1919. Amended by Laws 1997, c. 133, § 178, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 95, eff. July 1, 1999; Laws 2025, c. 486, § 213, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 178 from July 1, 1998, to July 1, 1999.

§21-375. Raising certain flags over tax-supported property prohibited - Penalty.

A. It shall be unlawful and constitute a misdemeanor for any person to place, hoist, raise or display any flag, standard, colors or ensign upon or over any publicly owned tax-supported property or premises except roads, streets, highways, stadiums or arenas in the State of Oklahoma, except:

1. The flag, standard, colors or ensign of the United States of America;

2. The flag of any nation formerly having dominion over the land now comprising the State of Oklahoma or any portion of said land;

3. The official flag of any of the fifty states of the United States;

4. An Alfred P. Murrah Federal Building commemorative flag;

5. The official flag of any municipality in this state;

6. The Boy Scouts of America flag;

7. The Girl Scouts United States of America flag;

8. The American Red Cross flag;

9. The American Ex-Prisoner of War flag;

10. The POW/MIA flag;

11. The 9/11 Remembrance "Freedom Flag"; and

12. Such other flags as may be approved by the governing board or agency having control over said public property.

B. Any person convicted of a violation of this section shall be punished by a fine not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Added by Laws 1971, c. 79, § 1, emerg. eff. April 16, 1971. Amended by Laws 1987, c. 54, § 1, eff. Nov. 1, 1987; Laws 1996, c. 4, § 2, emerg. eff. March 12, 1996; Laws 2003, c. 107, § 1, eff. Nov. 1, 2003; Laws 2022, c. 275, § 2, emerg. eff. May 16, 2022.

§21-380. Bribery of fiduciary.

A. Any fiduciary who, with a corrupt intent and without the consent of his beneficiary, intentionally or knowingly solicits,

accepts, or agrees to accept any bribe from another person with the agreement or understanding that the bribe as defined by law will influence the conduct of the fiduciary in relation to the affairs of his beneficiary, upon conviction, is guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine not to exceed Five Thousand Dollars (\$5,000.00) or an amount fixed by the court not to exceed twice the value of the benefit gained from the bribe, or by both said imprisonment and fine.

B. Any person who offers, confers, or agrees to confer any bribe the acceptance of which is an offense pursuant to the provisions of subsection A of this section, upon conviction, is guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

C. As used in subsection A of this section:

1. "Beneficiary" means any person for whom a fiduciary is acting;

2. "Fiduciary" means:

- a. an agent or employee, or
- b. a trustee, guardian, custodian, administrator, executor, conservator, receiver, or similar fiduciary, or
- c. a lawyer, physician, accountant, appraiser, or other professional advisor, or
- d. an officer, director, partner, manager, or other participant in the direction of the affairs of a corporation or association.

Added by Laws 1984, c. 155, § 1, eff. Nov. 1, 1984. Amended by Laws 1997, c. 133, § 179, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 96, eff. July 1, 1999; Laws 2025, c. 486, § 214, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 179 from July 1, 1998, to July 1, 1999.

§21-380.1. Commercial bribery involving an insured depository institution.

A person commits the offense of commercial bribery involving an insured depository institution or credit union when the person gives, offers, promises, confers or agrees to confer any benefit to any employee, agent or fiduciary without the consent of the employer or principal and with intent to influence such person's conduct in relation to the affairs of the employer or principal.

Any person convicted of commercial bribery involving an insured depository institution shall be guilty of a misdemeanor punishable by imprisonment in the county jail for a term not more than one (1)

year; or, if there was intent to defraud, the violator, upon conviction, shall be guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title.

Added by Laws 2004, c. 298, § 1, emerg. eff. May 12, 2004. Amended by Laws 2025, c. 486, § 215, eff. Jan. 1, 2026.

§21-381. Bribing officers.

Whoever corruptly gives, offers, or promises to any executive, legislative, county, municipal, judicial, or other public officer, or any employee of the State of Oklahoma or any political subdivision thereof, including peace officers and any other law enforcement officer, or any person assuming to act as such officer, after his election or appointment, either before or after he has qualified or has taken his seat, any gift or gratuity whatever, with intent to influence his act, vote, opinion, decision, or judgment on any matter, question, cause, or proceeding which then may be pending, or may by law come or be brought before him in his official capacity, or as a consideration for any speech, work, or service in connection therewith, shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not exceeding Three Thousand Dollars (\$3,000.00) and imprisonment in jail not exceeding one (1) year.

R.L. 1910, § 2183. Amended by Laws 1967, c. 1, § 1, emerg. eff. Feb. 1, 1967; Laws 1976, c. 41, § 1, emerg. eff. April 5, 1976; Laws 1997, c. 133, § 180, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 97, eff. July 1, 1999; Laws 2025, c. 486, § 368, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 180 from July 1, 1998, to July 1, 1999.

§21-382. Officers receiving bribes.

Every executive, legislative, county, municipal, judicial, or other public officer, or any employee of the State of Oklahoma or any political subdivision thereof, including peace officers and any other law enforcement officer, or any person assuming to act as such officer, who corruptly accepts or requests a gift or gratuity, or a promise to make a gift, or a promise to do an act beneficial to such officer, or that judgment shall be given in any particular manner, or upon a particular side of any question, cause or proceeding, which is or may be by law brought before him in his official capacity, or as a consideration for any speech, work, or service in connection therewith, or that in such capacity he shall make any particular nomination or appointment, shall forfeit his office, be forever disqualified to hold any public office, trust, or appointment under the laws of this state, and be guilty of a Class

C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine not exceeding Five Thousand Dollars (\$5,000.00) and imprisonment in jail not exceeding one (1) year.

R.L. 1910, § 2184. Amended by Laws 1967, c. 1, § 2, emerg. eff. Feb. 1, 1967; Laws 1976, c. 41, § 2, emerg. eff. April 5, 1976; Laws 1997, c. 133, § 181, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 98, eff. July 1, 1999; Laws 2025, c. 486, § 216, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 181 from July 1, 1998, to July 1, 1999.

§21-383. Bribing jurors, referees, etc.

Any person who gives or offers to give a bribe to any judicial officer, juror, referee, arbitrator, umpire or assessor, or to any person who may be authorized by law or agreement of parties interested to hear or determine any question or controversy, with intent to influence his vote, opinion or decision upon any matter or question which is or may be brought before him for decision, is guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or both.

R.L. 1910, § 2185. Amended by Laws 1997, c. 133, § 182, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 99, eff. July 1, 1999; Laws 2025, c. 486, § 217, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 182 from July 1, 1998, to July 1, 1999.

§21-384. Receiving bribes by jurors, referees, etc.

Any juror, referee, arbitrator, umpire or assessor, and every person authorized by law to hear or determine any question or controversy, who asks, receives, or agrees to receive, any bribe upon any agreement or understanding that his vote, opinion or decision upon any matter or question which is or may be brought before him for decision, shall be thereby influenced, shall, upon conviction, be guilty of a Class D3 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title.

R.L. 1910, § 2186. Amended by Laws 1997, c. 133, § 183, eff. July 1, 1999; Laws 2025, c. 486, § 663, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 183 from July 1, 1998, to July 1, 1999.

§21-385. Misconduct of jurors.

Every juror or person drawn or summoned as a juror, or chosen arbitrator, or umpire, or appointed referee, who either:

1. Makes any promise or agreement to give a verdict for or against any party; or,

2. Willfully permits any communication to be made to him, or receives any book, paper, instrument, or information relative to any cause pending before him, except according to the regular course of proceeding upon the trial of such cause, is guilty of a misdemeanor. R.L.1910, § 2187.

§21-386. Accepting gifts.

Every judicial officer, juror, referee, arbitrator or umpire, who accepts any gift from any person, knowing him to be a party in interest or the attorney or counsel of any party in interest to any action or proceeding then pending or about to be brought before him, is guilty of a misdemeanor. R.L.1910, § 2188.

§21-387. Gifts defined.

The word "gift" in the foregoing section shall not be taken to include property received by inheritance, by will or by gift in view of death. R.L.1910, § 2189.

§21-388. Attempts to influence jurors.

Every person who attempts to influence a juror, or any person summoned or drawn as a juror, or chosen as arbitrator or appointed a referee, in respect to his or her verdict, or decision of any cause or matter pending, or about to be brought before him or her, either:

1. By means of any communication oral or written had with him or her, except in the regular course of proceedings upon the trial of the cause;

2. By means of any book, paper, or instrument, exhibited otherwise than in the regular course of proceedings, upon the trial of the cause;

3. By means of any threat or intimidation; or

4. By means of any assurance or promise of any pecuniary or other advantage,

is guilty of a Class C2 felony offense punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by imprisonment as provided for in subsections B through F of Section 20M of this title, or by both such fine and imprisonment.

R.L. 1910, § 2190. Amended by Laws 2014, c. 316, § 1, eff. Nov. 1, 2014; Laws 2025, c. 486, § 218, eff. Jan. 1, 2026.

§21-389. Drawing jurors fraudulently.

Every person authorized by law to assist at the drawing of any jurors to attend any court, who willfully puts or consents to the putting upon any list of jurors as having been drawn any name which

shall not have been drawn for that purpose in the manner prescribed by law; or, who omits to place on such list any name that shall have been drawn in the manner prescribed by law, or who signs or certifies any list of jurors as having been drawn which was not drawn according to law; or, who is guilty of any other unfair, partial or improper conduct in the drawing of any such list of jurors, is guilty of a misdemeanor.
R.L.1910, § 2191.

§21-390. Misconduct by officer in charge of jury.

Every officer to whose charge any juror or jury is committed by any court or magistrate, who negligently or willfully permits them, or any one of them, either:

1. To receive any communication from any person;
2. To make any communication to any person;
3. To obtain or receive any book or paper or refreshment; or
4. To leave the jury room, the jury box, or his immediate custody or control, without the leave of such court or magistrate first obtained, is guilty of a misdemeanor.

Every bailiff, or other officer or person, into whose custody and care any court of record contemplates committing any juror or jury, before entering upon his duties as such for the court term or such lesser period of such service as the court may determine, shall first be admonished and shall make in writing and file with the clerk of such court a solemn oath, sworn to before the clerk or judge of such court, to the effect that he will regard the foregoing provisions of this section and that he will faithfully prevent the same and obstruct any attempt to accomplish or to attempt to do any of them, but at the same time to have regard to the comfort and well-being of the jurors and all of them, entrusted into his care in each and every jury trial in any cause during such court term or lesser period of appointment by such court.

In every court the same admonition shall be given and the same oath required as above, in each jury trial; but the court shall have the option whether the same be oral, or in writing and filed in such case, but thereafter during the trial of the same cause and until such jury is dismissed from further consideration of the same it shall not be necessary, for all intent and purposes of this act, to administer again such admonition or to require such oath.

R.L.1910, § 2192; Laws 1949, p. 203, § 1; Laws 1951, p. 59, § 1.

§21-399. Athletic contests - Bribery of participants, officials, etc.

Whoever corruptly gives, offers or promises any gift, gratuity or thing of value to any player, participant, coach, referee, umpire, official or any other person having authority in connection with the conducting of any amateur or professional athletic contest

with the intent to influence the action, conduct, judgment, or decision of any such person in, or in connection with, such contest, or as a consideration for such person acting, playing or performing his functions in any such contest, in any manner calculated to affect the result thereof, or in consideration of such person failing to participate or engage in such contest, shall be deemed guilty of bribery, and upon conviction shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine of not to exceed Three Thousand Dollars (\$3,000.00) and imprisonment in the county jail for not to exceed one (1) year.

Added by Laws 1947, p. 231, § 1, emerg. eff. April 16, 1947.

Amended by Laws 1997, c. 133, § 184, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 100, eff. July 1, 1999; Laws 2025, c. 486, § 369, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 184 from July 1, 1998, to July 1, 1999.

§21-400. Acceptance of bribe by participant, official, etc.

Every player, participant, coach, umpire, referee or other person having or exercising authority in connection with the conducting of any amateur or professional athletic contest, who corruptly accepts or requests a gift or gratuity or a promise of any such gift or gratuity, or any other thing of value, or the performance of an act beneficial to any such person in consideration of such person performing any act or making any judgment or decision, or in consideration of such person playing or making decisions or judgments or conducting such athletic contest, in a manner intended or calculated to affect or change the result of such athletic contest, or in consideration of such person failing to participate or engage in any such contest, shall be deemed guilty of a Class D3 felony offense and upon conviction shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title, or by a fine of not to exceed Three Thousand Dollars (\$3,000.00), or by both such fine and imprisonment.

Added by Laws 1947, p. 232, § 2, emerg. eff. April 16, 1947.

Amended by Laws 1997, c. 133, § 185, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 101, eff. July 1, 1999; Laws 2025, c. 486, § 664, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 185 from July 1, 1998, to July 1, 1999.

§21-401. Gifts or rewards for outstanding play or meritorious service not prohibited.

The provisions of sections 1 and 2 of this act shall not be construed as preventing or prohibiting the giving or accepting of gifts or rewards by any of the persons specified in said sections

for outstanding play or meritorious service in the performance of their duties in, or in connection with, any athletic contest or contests.

Laws 1947, p. 232, § 3.

§21-402. Forfeiture of monies, properties and assets used in violation of bribery laws.

All monies, properties and assets of any kind or character used in the violation of any and all of the bribery laws of this state, and which has been paid, delivered or turned over to any person, firm, corporation or public official, shall be forfeited to the state by order of the court before which the action concerning the person, firm, or corporation charged with such bribery has terminated with the conviction of such person, firm, or corporation. Laws 1959, p. 113, § 1.

§21-403. Issuance of orders and writs pending trial.

The court before which bribery charges are pending, shall, pending the trial thereof, issue such orders and issue such writs as may be necessary directing the sheriff of the county in which such bribery charge is pending to seize and take possession of such monies, funds, properties or assets, and to hold the same subject to the further proceedings to be had therein.

Laws 1959, p. 113, § 2.

§21-404. Hearing - Judgment of forfeiture - Sale of properties or assets.

The court having jurisdiction of the monies, funds, properties or assets so seized upon conviction of the person, firm, or corporation charged, shall, without a jury, order an immediate hearing as to whether the monies, funds, properties or assets so seized were being used for unlawful purposes, and take such legal evidences as are offered on each behalf and determine the same as in civil cases. Should the court find from a preponderance of the testimony that the monies, funds, properties or assets so seized were being used for the violation of the bribery laws of the State of Oklahoma, it shall render judgment accordingly and declare said monies, funds, properties or assets forfeited to the State of Oklahoma. Thereupon, said properties or assets shall, under the order of said court, be sold by the officer having the same in charge, after ten (10) days' notice published in a daily newspaper of the county wherein said sale is to take place, or if no daily newspaper is published in said county, then by posting five notices in conspicuous places in the city or town wherein such sale is to be made; and if the same is money or a fund, or of such nature as being negotiable and sale unnecessary, then such money, fund or negotiable property shall be held by the officer having charge of same, until

disposed of in accordance with the provisions of this act. All sales of property and assets hereunder shall be for cash. Laws 1959, p. 114, § 3.

§21-405. Appeals - Disposition of proceeds.

Appeals may be allowed as in civil cases, but the possession of monies, funds, properties or assets being so unlawfully used shall be prima facie evidence that it is the properties, funds, monies or assets of the person so using it. Where said monies, funds, properties or assets are sold or otherwise ordered forfeited under the provisions of this act the proceeds shall be disbursed and applied as follows:

First. To the payment of the costs of the forfeiting proceedings and actual expenses of preserving the properties.

Second. One-eighth (1/8) of the proceeds remaining to the public official, witness, juror or other person to whom the bribe was given, provided such public official, witness, juror or other person had theretofore voluntarily surrendered the same to the sheriff of the county and informed the proper officials of the bribery or attempted bribery.

Third. One-eighth (1/8) to the district attorney prosecuting the case.

Fourth. The balance to the county treasurer to be credited by him to the court fund of the county.

Laws 1959, p. 114, § 4.

§21-406. Fees as additional to salaries.

The fees paid to any officer and prosecuting officer as provided in the preceding section, shall be in addition to the salaries now provided for them by law.

Laws 1959, p. 114, § 5.

§21-421. Conspiracy - Definition - Punishment.

A. If two or more persons conspire, either:

1. To commit any crime; or
 2. Falsely and maliciously to indict another for any crime, or to procure another to be charged or arrested for any crime; or
 3. Falsely to move or maintain any suit, action or proceeding;
- or

4. To cheat and defraud any person of any property by any means which are in themselves criminal, or by any means which, if executed, would amount to a cheat or to obtaining money or property by false pretenses; or

5. To commit any act injurious to the public health, to public morals, or to trade or commerce, or for the perversion or obstruction of justice or the due administration of the laws, they are guilty of a conspiracy.

B. Except in cases where a different punishment is prescribed by law the punishment for conspiracy shall be a misdemeanor unless the conspiracy is to commit a felony.

C. Conspiracy to commit a felony shall be a Class C2 felony offense and is punishable by payment of a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment as provided for in subsections B through F of Section 20M of this title, or by both such fine and imprisonment.

R.L. 1910, § 2232. Amended by Laws 1968, c. 84, § 1, emerg. eff. April 1, 1968; Laws 1979, c. 174, § 1; Laws 1997, c. 133, § 186, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 102, eff. July 1, 1999; Laws 2025, c. 486, § 219, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 186 from July 1, 1998, to July 1, 1999.

§21-422. Conspiracy outside state against the peace of the state.

If two or more persons, being out of this state, conspire to commit any act against the peace of this state, the commission or attempted commission of which, within this state, would be treason against the state, they shall be guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title.

R.L. 1910, § 2233. Amended by Laws 1997, c. 133, § 187, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 103, eff. July 1, 1999; Laws 2025, c. 486, § 220, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 187 from July 1, 1998, to July 1, 1999.

§21-423. Overt act necessary.

No agreement to commit a felony or to commit a misdemeanor amounts to a conspiracy, unless some act besides such agreement be done to effect the object thereof, by one or more of the parties to such agreement.

R.L.1910, § 2234.

§21-424. Punishment for conspiracy against state.

If two or more persons conspire either to commit any offense against the State of Oklahoma, any county, school district, municipality or subdivision thereof, or to defraud the State of Oklahoma, any county, school district, municipality or subdivision thereof, in any manner or for any purpose, and if one or more of such parties do any act to effect the object of the conspiracy, all the parties to such conspiracy shall be guilty of a Class C2 felony offense punishable by a fine of not more than Twenty-five Thousand Dollars (\$25,000.00), or imprisonment as provided for in subsections B through F of Section 20M of this title, or by both such fine and imprisonment.

Added by Laws 1915, c. 260, § 1. Amended by Laws 1982, c. 148, § 1, operative Oct. 1, 1982; Laws 1997, c. 133, § 188, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 104, eff. July 1, 1999; Laws 2025, c. 486, § 221, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 188 from July 1, 1998, to July 1, 1999.

§21-425. See the following versions:

OS 21-425v1 (HB 1592, Laws 2025, c. 329, 2)

OS 21-425v2 (HB 2104, Laws 2025, c. 486, § 370)

§21-425v1. Engaging or conspiring to engage in pattern of criminal offenses.

A. Any person who engages in a pattern of criminal offenses in two or more counties or municipalities in this state or who attempts or conspires with others to engage in a pattern of criminal offenses shall, upon conviction, be punished by imprisonment in the Department of Corrections for a term not exceeding two (2) years, or imprisonment in the county jail for a term not exceeding one (1) year, or by a fine of not more than Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment. Such punishment shall be in addition to any penalty imposed for any offense involved in the pattern of criminal offenses. Double jeopardy shall attach upon conviction.

B. For purposes of this section and Section 125.1 of Title 22 of the Oklahoma Statutes, "pattern of criminal offenses" means:

1. Two or more criminal offenses are committed that are part of the same plan, scheme, or adventure;

2. A sequence of two or more of the same criminal offenses are committed and are not separated by an interval of more than thirty (30) days between the first and second offense, the second and third, and so on; or

3. Two or more criminal offenses are committed, each proceeding from or having as an antecedent element a single prior incident or pattern of fraud, robbery, burglary, theft, identity theft, receipt of stolen property, false personation, false pretenses, obtaining property by trick or deception, taking a credit or debit card without consent, or the making, transferring, or receiving of a false or fraudulent identification card.

C. Jurisdiction and venue for a pattern of criminal offenses occurring in multiple counties in this state shall be determined as provided in Section 125.1 of Title 22 of the Oklahoma Statutes.

Added by Laws 2004, c. 292, § 2, emerg. eff. May 11, 2004. Amended by Laws 2025, c. 329, § 2, eff. Nov. 1, 2025.

§21-425v2. Engaging or conspiring to engage in pattern of criminal offenses.

A. Any person who engages in a pattern of criminal offenses in two or more counties in this state or who attempts or conspires with others to engage in a pattern of criminal offenses shall, upon conviction, be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine in an amount not more than Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment. Such punishment shall be in addition to any penalty imposed for any offense involved in the pattern of criminal offenses. Double jeopardy shall attach upon conviction.

B. For purposes of this act, "pattern of criminal offenses" means:

1. Two or more criminal offenses are committed that are part of the same plan, scheme, or adventure; or

2. A sequence of two or more of the same criminal offenses are committed and are not separated by an interval of more than thirty (30) days between the first and second offense, the second and third, and so on; or

3. Two or more criminal offenses are committed, each proceeding from or having as an antecedent element a single prior incident or pattern of fraud, robbery, burglary, theft, identity theft, receipt of stolen property, false personation, false pretenses, obtaining property by trick or deception, taking a credit or debit card without consent, or the making, transferring or receiving of a false or fraudulent identification card.

C. Jurisdiction and venue for a pattern of criminal offenses occurring in multiple counties in this state shall be determined as provided in Section 1 of this act.

Added by Laws 2004, c. 292, § 2, emerg. eff. May 11, 2004. Amended by Laws 2025, c. 486, § 370, eff. Jan. 1, 2026.

§21-431. Rearrest of escaped prisoners.

Every prisoner confined upon conviction for a criminal offense, who escapes from prison, may be pursued, retaken and imprisoned again, notwithstanding the term for which he was sentenced to be imprisoned may have expired at the time when he is retaken, and he shall remain so imprisoned until tried for such escape, or discharged, on a failure to prosecute therefor.
R.L.1910, § 2196.

§21-434. Attempt to escape from penitentiary.

Every prisoner confined in the penitentiary for a term less than for life, who attempts by force or fraud, although unsuccessfully, to escape from such prison, shall be guilty of a Class D2 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 200 of this title.

R.L. 1910, § 2198. Amended by Laws 1997, c. 133, § 189, eff. July 1, 1999; Laws 2025, c. 486, § 591, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 189 from July 1, 1998, to July 1, 1999.

§21-436. Attempt to escape from other prison than penitentiary.

Any prisoner confined in any other prison than the penitentiary, who attempts by force or fraud, although unsuccessfully, to escape therefrom, is guilty of a Class D2 felony offense punishable by imprisonment in a county jail not exceeding one (1) year, to commence from the expiration of the original term of his imprisonment. Any subsequent conviction pursuant to this section shall be a Class D2 felony offense, punishable by imprisonment as provided for in subsection C of Section 200 of this title.

R.L. 1910, § 2200. Amended by Laws 1997, c. 133, § 190, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 105, eff. July 1, 1999; Laws 2025, c. 486, § 592, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 190 from July 1, 1998, to July 1, 1999.

§21-437. Assisting prisoner to escape.

Any person who willfully by any means whatever, assists any prisoner confined in any prison to escape therefrom, is punishable as follows:

1. If such prisoner was confined upon a charge or conviction of a felony, such person shall be guilty of a Class C1 felony offense punishable by imprisonment as provided for in subsections B through E of Section 20L of this title.

2. If such prisoner was confined otherwise than upon a charge or conviction of a felony, such person shall be guilty of a Class D3 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20P of this title, or by fine, not exceeding Five Hundred Dollars (\$500.00), or both.

R.L. 1910, § 2201. Amended by Laws 1997, c. 133, § 191, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 106, eff. July 1, 1999; Laws 2025, c. 486, § 188, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 191 from July 1, 1998, to July 1, 1999.

§21-438. Carrying into prison things to aid escape.

Any person who carries or sends into any prison anything useful to aid any prisoner in making his escape, with intent thereby to facilitate the escape of any prisoner confined therein, is punishable as follows:

1. If such prisoner was confined upon any charge or conviction of felony, the person shall be guilty of a Class C1 felony offense

punishable by imprisonment as provided for in subsections B through E of Section 20L of this title.

2. If such prisoner was confined otherwise than upon a charge or conviction of felony, the person shall be guilty of a Class D3 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20P of this title, or by a fine of Five Hundred Dollars (\$500.00), or both.

R.L. 1910, § 2202. Amended by Laws 1997, c. 133, § 192, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 107, eff. July 1, 1999; Laws 2025, c. 486, § 189, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 192 from July 1, 1998, to July 1, 1999.

§21-439. Concealing escaped prisoner.

Every person who willfully and knowingly conceals any prisoner, who having been confined in prison upon a charge or conviction of misdemeanor, has escaped therefrom, is guilty of a misdemeanor.

R.L.1910, § 2203.

§21-440. Harboring criminals and fugitives - Assisting a sex offender in violation of registration requirements - Unlawful acts - Penalties.

A. Any person who shall knowingly feed, lodge, clothe, arm, equip in whole or in part, harbor, aid, assist or conceal in any manner any person guilty of any felony, or outlaw, or fugitive from justice, or any person seeking to escape arrest for any felony committed within this state or any other state or territory, shall be guilty of a Class C1 felony offense punishable by imprisonment as provided for in subsections B through E of Section 20L of this title.

B. It shall be unlawful for any person who has reason to believe that a sex offender is in violation of the registration requirements of the Sex Offenders Registration Act and who has the intent to assist the sex offender in eluding arrest, to do any of the following:

1. Withhold information from, or fail to notify, a law enforcement agency about the noncompliance of the sex offender with the registration requirements of the Sex Offenders Registration Act, and, if known, the whereabouts of the offender;

2. Harbor, attempt to harbor, or assist another person in harboring or attempting to harbor, the sex offender;

3. Conceal, or attempt to conceal, or assist another person in concealing or attempting to conceal, the sex offender; or

4. Provide information to a law enforcement agency regarding the sex offender that the person knows to be false information.

C. Any person convicted of violating the provisions of subsection B of this section shall be guilty of a misdemeanor

punishable by a fine of not less than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a term not to exceed one (1) year, or by both such fine and imprisonment.

R.L. 1910, § 2204. Amended by Laws 1997, c. 133, § 193, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 108, eff. July 1, 1999; Laws 2009, c. 404, § 1, eff. Nov. 1, 2009; Laws 2025, c. 486, § 190, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 193 from July 1, 1998, to July 1, 1999.

§21-441. Assisting escape from officer.

Every person who willfully assists any prisoner in escaping or attempting to escape from the custody of any officer or person having the lawful charge of such prisoner under any process of law or under any lawful arrest, is guilty of a misdemeanor.

R.L.1910, § 2205.

§21-442. Prisoner defined.

The term prisoner in this article includes every person held in custody under process of law issued from a court of competent jurisdiction, whether civil or criminal, or under any lawful arrest.

R.L.1910, § 2206.

§21-443. Escape from city or county jail or custody of Department of Corrections - Penalty - Juvenile or youthful offender.

A. Any person having been imprisoned in a county or city jail awaiting charges on a felony offense or prisoner awaiting trial or having been sentenced on a felony charge to the custody of the Department of Corrections or any other prisoner having been lawfully detained who escapes from a county or city jail, either while actually confined therein, while permitted to be at large as a trusty, or while awaiting transportation to a Department of Corrections facility for execution of sentence, shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title.

B. Any person who is an inmate in the custody of the Department of Corrections who escapes from said custody, either while actually confined in a correctional facility, while assigned to an alternative to incarceration authorized by law, while assigned to the Preparole Conditional Supervision Program as authorized by Section 365 of Title 57 of the Oklahoma Statutes or while permitted to be at large as a trusty, shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title.

C. For the purposes of this section, an inmate assigned to an alternative to incarceration authorized by law or to the Preparole Conditional Supervision Program shall be considered to have escaped

if the inmate cannot be located within a twenty-four hour period or if he or she fails to report to a correctional facility or institution, as directed. This includes any person escaping by absconding from an electronic monitoring device or absconding after removing an electronic monitoring device from their body.

D. For the purposes of this section, if the individual who escapes has felony convictions for offenses other than the offense for which the person was serving imprisonment at the time of the escape, those previous felony convictions may be used for enhancement of punishment pursuant to the provisions of Section 434 of this title. The fact that any such convictions may have been used to enhance punishment in the sentence for the offense for which the person was imprisoned at the time of the escape shall not prevent such convictions from being used to enhance punishment for the escape.

E. Any juvenile or youthful offender lawfully placed in a juvenile detention facility or secure juvenile facility, other than a community intervention center, who escapes from the facility while actually confined therein, who escapes while escorted by a transportation officer, or who escapes while permitted to be on an authorized pass or work program outside the facility shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title. For purposes of this subsection:

1. A juvenile or youthful offender permitted to be on an authorized pass or work program shall be considered to have escaped if the juvenile or youthful offender cannot be located within a twenty-four-hour period or if the juvenile or youthful offender fails to report to the facility at the specified time, and shall include any juvenile or youthful offender escaping by absconding from an electronic monitoring device or absconding after removing an electronic monitoring device from the body of the juvenile or youthful offender; and

2. "Escape" means a juvenile or youthful offender in lawful custody who has absented himself or herself without official permission from a facility or secure placement, during transport to or from such facility, or failure to return from a pass issued by a facility.

Added by Laws 1939, p. 6, § 1. Amended by Laws 1943, p. 83, § 1; Laws 1974, c. 285, § 15, emerg. eff. May 29, 1974; Laws 1976, c. 175, § 1, emerg. eff. May 31, 1976; Laws 1983, c. 47, § 1, eff. Nov. 1, 1983; Laws 1986, c. 89, § 1, eff. Nov. 1, 1986; Laws 1988, c. 109, § 23, eff. Nov. 1, 1988; Laws 1988, c. 310, § 9, operative July 1, 1988; Laws 1993, c. 276, § 12, emerg. eff. May 27, 1993; Laws 1994, c. 290, § 50, eff. July 1, 1994; Laws 1997, c. 133, § 194, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 109, eff. July 1, 1999; Laws 2005, c. 74, § 1, eff. Nov. 1, 2005; Laws 2006, c.

161, § 1, eff. Nov. 1, 2006; Laws 2010, c. 401, § 1, eff. July 1, 2010; Laws 2025, c. 486, § 371, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 194 from July 1, 1998, to July 1, 1999.

§21-443a. Additional punishment under rules and regulations of prison after escape.

In addition, all prisoners who escape from either of the aforesaid prisons either while confined therein, or while at large as a trusty, when apprehended and returned to the prison, shall be punishable by the prison authorities in such manner as may be prescribed by the rules and regulations of the prison provided that such punishment shall not be cruel or unusual.

Laws 1939, p. 7, § 2.

§21-444. Escape or attempt to escape from arrest or detention - Removal of monitoring device.

A. It is unlawful for any person, after being lawfully arrested or detained by a peace officer, to escape or attempt to escape from such peace officer.

B. Any person who escapes or attempts to escape after being lawfully arrested or detained for custody for a misdemeanor offense shall be guilty of a misdemeanor.

C. Any person who escapes or attempts to escape after being lawfully arrested or detained for custody for a felony offense shall be guilty of a Class D2 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 200 of this title.

D. It is unlawful for any person admitted to bail or released on recognizance, bond, or undertaking for appearance before any magistrate or court of the State of Oklahoma, and required as a condition of such release from detention to wear any electronic monitoring device on the body of the person to remove such device without authorization from the court. For purposes of this subsection, any person charged with a misdemeanor offense who removes such device without authorization from the court shall be guilty of a misdemeanor and any person charged with a felony offense who removes such device without authorization from the court shall, upon conviction, be guilty of a Class D3 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title.

Added by Laws 1981, c. 163, § 1. Amended by Laws 1997, c. 133, § 195, eff. July 1, 1999; Laws 2010, c. 226, § 4, eff. Nov. 1, 2010; Laws 2025, c. 486, § 593, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 195 from July 1, 1998, to July 1, 1999.

§21-445. Unauthorized entry into penal institution, jail, etc. - Penalties.

Any person who willfully gains unauthorized entry into any state penal institution, jail, any place where prisoners are located, or the penal institution grounds, upon conviction, shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by the imposition of a fine of not less than Five Hundred Dollars (\$500.00) or more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

Added by Laws 1985, c. 84, § 1, eff. Nov. 1, 1985. Amended by Laws 1997, c. 133, § 196, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 110, eff. July 1, 1999; Laws 2025, c. 486, § 372, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 196 from July 1, 1998, to July 1, 1999.

§21-446. Unlawful transport of alien - Concealing, harboring or sheltering from detection - Destroying, hiding, altering, or keeping documentation.

A. It shall be unlawful for any person to transport, move, or attempt to transport in the State of Oklahoma any alien knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of law, in furtherance of the illegal presence of the alien in the United States.

B. It shall be unlawful for any person to conceal, harbor, or shelter from detection any alien in any place within the State of Oklahoma, including any building or means of transportation, knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of law.

C. It shall be unlawful for any person to intentionally destroy, hide, alter, abscond with or keep documentation, including birth certificates, visas, passports, green cards or other documents utilized in the regular course of business to either verify or legally extend an individual's legal status within the United States for the purpose of trafficking a person in violation of Section 748 of this title.

D. Nothing in this section shall be construed so as to prohibit or restrict the provision of any state or local public benefit described in 8 U.S.C., Section 1621(b), or regulated public health services provided by a private charity using private funds.

E. Any person violating the provisions of subsections A, B or C of this section shall, upon conviction, be guilty of a Class B2 felony offense punishable by imprisonment in the custody of the Department of Corrections for not less than one (1) year, or by a

fine of not less than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

Added by Laws 2007, c. 112, § 3, eff. Nov. 1, 2007. Amended by Laws 2010, c. 409, § 2, eff. Nov. 1, 2010; Laws 2025, c. 486, § 67, eff. Jan. 1, 2026.

§21-451. Offering false evidence.

Any person who, upon any trial, proceedings, inquiry or investigation whatever, authorized by law, offers in evidence, as genuine, any book, paper, document, record, or other instrument in writing, knowing the same to have been forged, or fraudulently altered shall, upon conviction, be guilty of a Class D3 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title.

R.L. 1910, § 2226. Amended by Laws 1997, c. 133, § 197, eff. July 1, 1999; Laws 2025, c. 486, § 665, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 197 from July 1, 1998, to July 1, 1999.

§21-452. Deceiving witness.

Every person who practices any fraud or deceit, or knowingly makes or exhibits any false statement, representation, token or writing, to any witness or person about to be called as a witness, upon any trial, proceeding, inquiry or investigation whatever, proceeding by authority of law, with intent to affect the testimony of such witness, is guilty of a misdemeanor.

R.L.1910, § 2227.

§21-453. Preparing false evidence.

Any person guilty of falsely preparing any book, paper, record, instrument in writing, or other matter or thing, with intent to produce it, or allow it to be produced as genuine upon any trial, proceeding or inquiry whatever, authorized by law, shall be guilty of a Class D1 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20N of this title.

R.L. 1910, § 2228. Amended by Laws 1997, c. 133, § 198, eff. July 1, 1999; Laws 2025, c. 486, § 373, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 198 from July 1, 1998, to July 1, 1999.

§21-454. Destroying evidence.

Every person who knowing that any book, paper, record, instrument in writing, or other matter or thing, is about to be produced in evidence upon any trial, proceeding, inquiry or investigation whatever, authorized by law, willfully destroys the

same, with intent thereby to prevent the same from being produced, is guilty of a misdemeanor.

R.L.1910, § 2229. d

§21-455. Preventing witness from giving testimony - Threatening witness who has given testimony.

A. Every person who willfully prevents or attempts to prevent any person from giving testimony or producing any record, document or other object, who has been duly summoned or subpoenaed or endorsed on the criminal information or juvenile petition as a witness, or who makes a report of abuse or neglect pursuant to Section 1-2-101 of Title 10A of the Oklahoma Statutes or Section 10-104 of Title 43A of the Oklahoma Statutes, or who is a witness to any reported crime, or threatens or procures physical or mental harm through force or fear with the intent to prevent any witness from appearing in court to give his or her testimony or produce any record, document or other object, or to alter his or her testimony is, upon conviction, guilty of a Class C1 felony offense punishable by imprisonment as provided for in subsections B through E of Section 20L of this title.

B. Every person who threatens physical harm through force or fear or causes or procures physical harm to be done to any person or harasses any person or causes a person to be harassed because of testimony given by such person in any civil or criminal trial or proceeding, or who makes a report of abuse or neglect pursuant to Section 1-2-101 of Title 10A of the Oklahoma Statutes or Section 10-104 of Title 43A of the Oklahoma Statutes, is, upon conviction, guilty of a Class C1 felony offense punishable by imprisonment as provided for in subsections B through E of Section 20L of this title.

R.L. 1910, § 2230. Amended by Laws 1977, c. 158, § 1, eff. Oct. 1, 1977; Laws 1981, c. 92, § 1, eff. Oct. 1, 1981; Laws 1991, c. 296, § 29, eff. Sept. 1, 1991; Laws 1993, c. 182, § 1, emerg. eff. May 17, 1993; Laws 1997, c. 133, § 199, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 111, eff. July 1, 1999; Laws 2013, c. 243, § 1, eff. Nov. 1, 2013; Laws 2025, c. 486, § 191, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 199 from July 1, 1998, to July 1, 1999.

§21-456. Bribing witness - Subornation of perjury.

Any person who gives or offers or promises to give to any witness or person about to be called as a witness in any matter whatever, including contests before United States land officers or townsite commissioners, any bribe upon any understanding or agreement that the testimony of such witness shall be influenced, or who attempts by any other means fraudulently to induce any witness to give false testimony shall be guilty of a Class D1 felony offense

and shall be punished by imprisonment as provided for in subsections B through F of Section 20N of this title, but if the offer, promise, or bribe is in any way to induce the witness to swear falsely, then it shall be held to be subornation of perjury.

R.L. 1910, § 2231. Amended by Laws 1997, c. 133, § 200, eff. July 1, 1999; Laws 2025, c. 486, § 374, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 200 from July 1, 1998, to July 1, 1999.

§21-461. Larceny or destruction of records by clerk or officer.

Any clerk, register or other officer having the custody of any record, maps or book, or of any paper or proceeding of any court of justice, filed or deposited in any public office, who is guilty of stealing, willfully destroying, mutilating, defacing, altering or falsifying or unlawfully removing or secreting such record, map, book, paper or proceeding, or who permits any other person so to do, shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, and in addition thereto, such person shall forfeit office.

R.L. 1910, § 2207. Amended by Laws 1997, c. 133, § 201, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 112, eff. July 1, 1999; Laws 2025, c. 486, § 375, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 201 from July 1, 1998, to July 1, 1999.

§21-462. Larceny or destruction of records by other persons.

Any person not an officer such as is mentioned in Section 461 of this title, who is guilty of any of the acts specified in that section shall be guilty of a Class D1 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

R.L. 1910, § 2208. Amended by Laws 1997, c. 133, § 202, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 113, eff. July 1, 1999; Laws 2025, c. 486, § 376, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 202 from July 1, 1998, to July 1, 1999.

§21-463. Offering forged or false instruments for record.

Any person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office within this state, which instrument, if genuine, might be filed or registered or recorded under any law of this state or of the United States, shall be guilty of a Class D1 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20N of this title.

R.L. 1910, § 2209. Amended by Laws 1997, c. 133, § 203, eff. July 1, 1999; Laws 2025, c. 486, § 377, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 203 from July 1, 1998, to July 1, 1999.

§21-464. Forging name to petition - Penalties.

Any person who shall knowingly sign, subscribe or forge the name of any other person, without the consent of such other person, to any petition, application, remonstrance, or other instrument of writing, authorized by law to be filed in or with any court, board or officer, with intent to deceive or mislead such court, board or officer, shall be punished by a fine of not exceeding Five Hundred Dollars (\$500.00), or imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment.

R.L.1910, § 2210.

§21-465. Disclosure of information related to criminal investigations.

A. Any law enforcement agency or public safety entity, including, but not limited to, the Oklahoma State Bureau of Investigation, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, Department of Public Safety and Oklahoma Military Department, conducting a criminal investigation shall be prohibited from disclosing information about the investigation unless the disclosure is necessary to gather information and evidence related to the investigation. Disclosures authorized by the Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes, shall not be prohibited under this section.

B. Any person who violates the provisions of this section shall, upon conviction, be guilty of a misdemeanor.

Added by Laws 2021, c. 12, § 26, emerg. eff. April 13, 2021.

§21-471. Repealed by Laws 2013, c. 90, § 1, eff. Nov. 1, 2013.

§21-481. Employment of relatives unlawful, when.

A. It shall be unlawful for any executive, legislative, ministerial or judicial officer to appoint or vote for the appointment of any person related to him by affinity or consanguinity within the third degree, to any clerkship, office, position, employment or duty in any department of the state, district, county, city or municipal government of which such executive, legislative, ministerial or judicial officer is a member, when the salary, wages, pay or compensation of such appointee is to be paid out of the public funds or fees of such office. Provided, however, that for the purposes of this chapter, a divorce of husband and wife shall terminate all relationship by affinity that existed

by reason of the marriage, regardless of whether the marriage has resulted in issue who are still living.

B. The provisions of this section shall not apply to any situation covered by Section 5-113 of Title 70 of the Oklahoma Statutes.

R.L. 1910, § 2235. Amended by Laws 1953, p. 95, § 1; Laws 2001, c. 29, § 1, eff. Nov. 1, 2001.

§21-482. Unlawful to pay salary to ineligible persons.

It shall be unlawful for any such executive, legislative, ministerial or judicial officer mentioned in the preceding section, to draw or authorize the drawing of any warrant or authority for the payment out of any public fund, of the salary, wages, pay or compensation of any such ineligible person, and it shall be unlawful for any executive, legislative, ministerial or judicial officer to pay out of any public funds in his custody or under his control the salary, wages, pay or compensation of any such ineligible person.

R.L.1910, § 2236.

§21-483. Appointment of one related to another officer.

It shall be unlawful for any executive, legislative, ministerial, or judicial officer to appoint and furnish employment for any person whose services are to be rendered under his direction and control and paid for out of the public funds, and who is related by either blood or marriage within the third degree to any other executive, legislative, ministerial or judicial officer when such appointment is made in part consideration that such other officer shall appoint and furnish employment to any one so related to the officer making such appointment.

R.L.1910, § 2237.

§21-484. Relatives cannot hold office, when.

Any person related within the third degree by affinity or consanguinity to any elected member of the legislative, judicial or executive branch of the state government shall not be eligible to hold any clerkship, office, position, employment or duty for which compensation is received in the same agency as such elected member of the state government.

Amended by Laws 1988, c. 303, § 37, emerg. eff. July 1, 1988.

§21-484.1. Applicability.

The provisions of Sections 481 through 484 of Title 21 of the Oklahoma Statutes shall not apply to any situation covered by Sections 5-113 and 5-113.1 of Title 70 of the Oklahoma Statutes. Added by Laws 2009, c. 253, § 3, eff. July 1, 2009.

§21-485. Penalty.

Any executive, legislative, ministerial or judicial officer who shall violate any provision of this Article, shall be deemed guilty of a misdemeanor involving official misconduct, and shall be punished by a fine of not less than One Hundred or more than One Thousand Dollars (\$1,000.00), and shall forfeit his office.
R.L.1910, § 2239.

§21-486. Removal from office for violation of article.

Every person guilty of violating the provisions of this article, shall, independently of, or in addition to any criminal prosecution that may be instituted, be removed from office according to the mode of trial and removal prescribed in the Constitution and laws of this State.

R.L.1910, § 2240.

§21-486.1. Exemption of employees already in service of district from certain nepotism provisions.

Upon the election of a board member of a rural water, sewer, gas and solid waste management district created pursuant to the Rural Water, Sewer, Gas and Solid Waste Management Districts Act, the provisions of Sections 481 through 487 of Title 21 of the Oklahoma Statutes shall not prohibit any employee already in the service of such rural water, sewer, gas and solid waste management district from continuing in such service or from promotion therein.

Provided, however, the board member related to the employee shall excuse himself from the board meeting during any discussion of or action taken on any matter that could affect the employment or compensation for employment of such employee.

Added by Laws 1997, c. 172, § 3, emerg. eff. May 7, 1997.

§21-487. Officers affected.

Under the designation executive, legislative, ministerial or judicial officer as mentioned herein are included the Governor, Lieutenant Governor, Speaker of the House of Representatives, Corporation Commissioners, all the heads of the departments of the state government, judges of all the courts of this State, mayors, clerks, councilmen, trustees, commissioners and other officers of all incorporated cities and towns, public school trustees, officers and boards of managers of the state university and its several branches, state normals, the penitentiaries and eleemosynary institutions, members of the commissioners court, and all other officials of the State, district, county, cities or other municipal subdivisions of the state.

R.L.1910, § 2241.

§21-491. Perjury defined - Defense.

Whoever, in a trial, hearing, investigation, deposition, certification or declaration, in which the making or subscribing of a statement is required or authorized by law, makes or subscribes a statement under oath, affirmation or other legally binding assertion that the statement is true, when in fact the witness or declarant does not believe that the statement is true or knows that it is not true or intends thereby to avoid or obstruct the ascertainment of the truth, is guilty of perjury, a Class D1 felony offense. It shall be a defense to the charge of perjury as defined in this section that the statement is true.

R.L.1910, § 2211. Amended by Laws 1965, c. 126, § 1, emerg. eff. May 24, 1965; Laws 2025, c. 486, § 378, eff. Jan. 1, 2026.

§21-492. Oath defined.

The term "oath," as used in the last section, includes an affirmation, and every other mode of attesting the truth of that which is stated, which is authorized by law.

R.L.1910, § 2212.

§21-493. Oath of office.

So much of an oath of office as relates to the future performance of official duties is not such an oath as is intended by the previous sections.

R.L.1910, § 2213.

§21-494. Irregularities no defense.

It is no defense to a prosecution for perjury that the oath was administered or taken in an irregular manner.

R.L.1910, § 2214.

§21-495. Incompetency no defense.

It is no defense to a prosecution for perjury that the accused was not competent to give the testimony, deposition or certificate of which falsehood is alleged. It is sufficient that he actually was required to give such testimony or made such deposition or certificate.

R.L.1910, § 2215.

§21-496. Contradictory statements as perjury.

Whoever, in one or more trials, hearings, investigations, depositions, certifications or declarations, in which the making or subscribing of statements is required or authorized by law, makes or subscribes two or more statements under oath, affirmation or other legally binding assertion that the statements are true, when in fact two or more of the statements contradict each other, is guilty of perjury, a Class D1 felony offense.

R.L.1910, § 2216. Amended by Laws 1965, c. 126, § 2, emerg. eff. May 24, 1965; Laws 2025, c. 486, § 379, eff. Jan. 1, 2026.

§21-497. Making deposition or certificate.

The making of a deposition or certificate is deemed to be complete, within the provisions of this article, from the time when it is delivered by the accused to any other person with the intent that it be uttered or published as true.

R.L.1910, § 2217.

§21-498. Degree of proof required.

(a) Proof of guilt beyond a reasonable doubt is sufficient for conviction under this act, and it shall not be necessary also that proof be by a particular number of witnesses or by documentary or other type of evidence.

(b) Lack of materiality of the statement is not a defense but the degree to which a perjured statement might have affected some phase or detail of the trial, hearing, investigation, deposition, certification or declaration shall be considered, together with the other evidence or circumstances, in imposing sentence.

(c) In a prosecution for perjury by contradictory statements, as defined in Section 496 of Title 21, it is unnecessary to prove which, if any, of the statements is not true.

R.L.1910, § 2218; Laws 1965, c. 126, § 3, emerg. eff. May 24, 1965.

§21-499. Defenses to charges of perjury.

(1) Upon accusation of a charge of perjury by single statement, as defined in Section 491 of Title 21, it is a defense that the statement is true.

(2) Upon accusation of a charge of perjury by contradictory statements, as defined in Section 496 of Title 21, it is a defense that the accused at the time he made each statement believed the statement was true.

Laws 1965, c. 126, § 4.

§21-500. Perjury as a felony.

Perjury is a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title.

R.L. 1910, § 2219. Amended by Laws 1931, p. 8, § 1. Renumbered from § 499 of this title by Laws 1965, c. 126, § 6, emerg. eff. May 24, 1965. Amended by Laws 1997, c. 133, § 204, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 114, eff. July 1, 1999; Laws 2025, c. 486, § 380, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 204 from July 1, 1998, to July 1, 1999.

§21-501. Summary committal of witness.

Whenever it appears probable in any court of record, that any person who has testified in any action or proceeding in such court has committed perjury, such court must immediately commit such person by an order or process for that purpose to prison or take a recognizance with sureties for his appearance and answering to an indictment for perjury.

R.L.1910, § 2220; Laws 1965, c. 126, § 6.

§21-502. Witness bound over to appear.

Such court shall thereupon bind over the witnesses to establish such perjury to appear at the proper court to testify before grand jury, and upon the trial, in case an indictment is found for such perjury, and shall also cause immediate notice of such commitment or recognizance, with the names of the witnesses so bound over, to be given to the district attorney.

R.L.1910, § 2221; Laws 1965, c. 126, § 6.

§21-503. Documents may be retained.

If, upon the hearing of such action or proceeding in which such perjury has probably been committed, any papers or documents produced by either party shall be deemed necessary to be used on the prosecution for such perjury, the court may by order detain such papers or documents from the party producing them, and direct them to be delivered to the district attorney.

R.L.1910, § 2222; Laws 1965, c. 126, § 6.

§21-504. Perjury by subornation - Felony - Attempted perjury by subornation.

Whoever procures another to commit perjury is guilty of perjury by subornation. Perjury by subornation is a Class D1 felony offense, punishable as provided in Section 505 of this title. Whoever does any act with the specific intent to commit perjury by subornation but fails to complete that offense is guilty of attempted perjury by subornation.

Added by Laws 1965, c. 126, § 5, emerg. eff. May 24, 1965. Amended by Laws 1997, c. 133, § 205, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 115, eff. July 1, 1999; Laws 2025, c. 486, § 381, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 205 from July 1, 1998, to July 1, 1999.

§21-505. Punishment of subornation of perjury.

Any person guilty of subornation of perjury is, upon conviction, guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title.

R.L.1910, § 2224. Amended by Laws 1965, c. 126, § 6; Laws 2025, c. 486, § 382, eff. Jan. 1, 2026.

§21-521. Rescuing prisoners.

Any person who by force or fraud rescues or attempts to rescue, or aids another person in rescuing or in attempting to rescue, any prisoner from any officer or other person having him in lawful custody, is punishable as follows:

1. If such prisoner was in custody upon a charge or conviction of a felony, such person shall be guilty of a Class B1 felony offense and shall be punished by imprisonment in the State Penitentiary for not less than ten (10) years; or

2. If such prisoner was in custody otherwise than upon a charge or conviction of a felony, by imprisonment in a county jail not exceeding one (1) year, or by fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

R.L. 1910, § 2194. Amended by Laws 1997, c. 133, § 206, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 116, eff. July 1, 1999; Laws 2025, c. 486, § 43, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 206 from July 1, 1998, to July 1, 1999.

§21-522. Taking goods from legal custody.

Every person who willfully injures or destroys, takes or attempts to take, or assists any other person in taking or attempting to take from the custody of any officer or person, any personal property which such officer or person has in charge under any process of law, is guilty of a misdemeanor.

R.L.1910, § 2195.

§21-531. Destruction or falsification of records.

Any sheriff, coroner, clerk of a court, constable or other ministerial officer, and every deputy or subordinate of any ministerial officer, who mutilates, destroys, conceals, erases, obliterates or falsifies any record or paper appertaining to his office shall be guilty of a Class D1 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20N of this title.

R.L.1910, § 2243. Amended by Laws 1997, c. 133, § 207, eff. July 1, 1999; Laws 2002, c. 460, § 5, eff. Nov. 1, 2002; Laws 2025, c. 486, § 383, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 207 from July 1, 1998, to July 1, 1999.

§21-532. Permitting escapes.

Any sheriff, coroner, clerk of a court, constable or other ministerial officer and any deputy or subordinate of any ministerial officer, who either:

1. Willfully or carelessly allows any person lawfully held by him in custody to escape or go at large, except as may be permitted by law; or

2. Receives any gratuity or reward, or any security or promise of one, to procure, assist, connive at or permit any prisoner in his custody to escape, whether such escape is attempted or not; or

3. Commits any unlawful act tending to hinder justice, shall be guilty of a Class B2 felony offense.

R.L. 1910, § 2244. Amended by Laws 1997, c. 133, § 208, eff. July 1, 1999; Laws 2025, c. 486, § 68, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 208 from July 1, 1998, to July 1, 1999.

§21-533. Refusing to receive or fingerprint prisoners - Medical exceptions.

A. Except as provided in this section and Section 979a of Title 22 of the Oklahoma Statutes, for emergency medical treatment for an injury or condition that threatens life or threatens the loss or use of a limb or where authorized personnel of the jail have deemed a person medically unfit to be received into custody, any peace officer or jail or prison contractor who, in violation of a duty imposed upon the officer or contractor by law or by contract to receive into custody any person as a prisoner, willfully neglects or refuses so to receive such person into custody is guilty of a misdemeanor.

B. Except as provided in this section and Section 979a of Title 22 of the Oklahoma Statutes, for emergency medical treatment for an injury or condition that threatens life or threatens the loss or use of a limb or where authorized personnel of the jail have deemed a person medically unfit to be received into custody, any peace officer or jail or prison contractor who, in violation of a duty imposed upon the officer or contractor by law or by contract to fingerprint any person received into custody as a prisoner, willfully neglects or refuses so to fingerprint such person is guilty of a misdemeanor.

C. Any person coming into contact with a peace officer prior to being actually received into custody at a jail facility or holding facility, including, but not limited to, during the time of any arrest, detention, transportation, investigation of any incident, accident or crime, who needs emergency medical treatment for an injury or condition that threatens life or threatens the loss or use of a limb, shall be taken directly to a medical facility or hospital for such emergency medical care notwithstanding any duty imposed pursuant to this section or any other provision of law to first take

such person into custody or to fingerprint such person. The responsibility for payment of such emergency medical costs shall be the sole responsibility of the person coming into the officer's contact and shall not be the responsibility of any jail, law enforcement agency, jail or prison contractor, sheriff, peace officer, municipality or county, except when the condition is a direct result of injury caused by such officer acting outside the scope of lawful authority.

R.L.1910, § 2245. Amended by Laws 2003, c 199, § 1, eff. Nov. 1, 2003; Laws 2005, c. 470, § 1, emerg. eff. June 9, 2005; Laws 2022, c. 105, § 1, eff. Nov. 1, 2022.

§21-534. Delaying to take before magistrate.

Every public officer or other person having arrested any person upon any criminal charge, who willfully delays to take such person before a magistrate having jurisdiction to take his examination, is guilty of a misdemeanor.

R.L.1910, § 2246.

§21-535. Arrest without authority.

Every public officer or person pretending to be a public officer, who under the pretense or color of any process or other legal authority, arrests any person, or detains him against his will, or seizes or levies upon any property, or dispossesses anyone of any lands or tenements without due and legal process, is guilty of a misdemeanor.

R.L.1910, § 2247.

§21-536. Misconduct in executing a search warrant.

Every peace officer who, in executing a search warrant, willfully exceeds his authority, or exercises it with unnecessary severity, is guilty of a misdemeanor.

R.L.1910, § 2248.

§21-537. Refusing to aid officer.

Every person who, after having been lawfully commanded to aid any officer in arresting any person or in retaking any person who has escaped from legal custody, or in executing any legal process, willfully neglects or refuses to aid such officer, is guilty of a misdemeanor.

R.L.1910, § 2249.

§21-538. Refusing to make arrest.

Every person who, after having been lawfully commanded by any magistrate to arrest another person, willfully neglects or refuses so to do, is guilty of a misdemeanor.

R.L.1910, § 2250.

§21-539. Resisting execution of process in time of insurrection.

Any person who, after proclamation issued by the Governor declaring any county to be in a state of insurrection, resists or aids in resisting the execution of process in the county declared to be in a state of insurrection, or who aids or attempts the rescue or escape of another from lawful custody or confinement, or who resists or aids in resisting a force ordered out by the government to quell or suppress an insurrection, shall be guilty of a Class B3 felony offense punishable by imprisonment in the State Penitentiary for not less than two (2) years.

R.L. 1910, § 2251. Amended by Laws 1997, c. 133, § 209, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 117, eff. July 1, 1999; Laws 2025, c. 486, § 82, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 209 from July 1, 1998, to July 1, 1999.

§21-540. Obstructing officer.

Any person who willfully delays or obstructs any public officer in the discharge or attempt to discharge any duty of his or her office, is guilty of a misdemeanor. Nothing in this section shall preclude a person from recording the activity of law enforcement in a public area, as long as the recording activity does not delay or obstruct the law enforcement agent in his or her duties.

R.L. 1910, § 2252. Amended by Laws 2015, c. 286, § 1, eff. Nov. 1, 2015.

§21-540A. See the following versions:

OS 21-540Av1 (HB 1993, Laws 2025, c. 224, 1)

OS 21-540Av2 (HB 2104, Laws 2025, c. 486, § 192)

§21-540B. Roadblocks.

A peace officer may set up one or more roadblocks to apprehend any person riding upon or within a motor vehicle traveling upon a highway, street, turnpike, or area accessible to motoring public, when the officer has probable cause to believe such person is committing or has committed:

1. A violation of Section 540A of this title;
2. Escape from the lawful custody of any peace officer;
3. A felony under the laws of this state or the laws of any other jurisdiction.

A roadblock is defined as a barricade, sign, standing motor vehicle, or similar obstacle temporarily placed upon or adjacent to a public street, highway, turnpike or area accessible to the motoring public, with one or more peace officers in attendance thereof directing each operator of approaching motor vehicles to stop or proceed.

Any operator of a motor vehicle approaching such roadblock has a duty to stop at the roadblock unless directed otherwise by a peace officer in attendance thereof and the willful violation hereof shall constitute a separate offense from any other offense committed. Any person who willfully attempts to avoid such roadblock or in any manner willfully fails to stop at such roadblock or who willfully passes by or through such roadblock without receiving permission from a peace officer in attendance thereto is guilty of a Class C2 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

Added by Laws 1980, c. 115, § 2, eff. Oct. 1, 1980. Amended by Laws 1997, c. 133, § 211, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 119, eff. July 1, 1999; Laws 2025, c. 486, § 222, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 211 from July 1, 1998, to July 1, 1999.

§21-540C. Fortification of access point where felony under Controlled Dangerous Substances Act is being committed.

A. It shall be unlawful for any person to willfully fortify an access point into any dwelling, structure, building or other place where a felony offense prohibited by the Uniform Controlled Dangerous Substances Act is being committed, or attempted, and the fortification is for the purpose of preventing or delaying entry or access by a law enforcement officer, or to harm or injure a law enforcement officer in the performance of official duties.

B. For purposes of this section, "fortify an access point" means to willfully construct, install, position, use or hold any material or device designed to injure a person upon entry or to strengthen, defend, restrict or obstruct any door, window or other opening into a dwelling, structure, building or other place to any extent beyond the security provided by a commercial alarm system, lock or deadbolt, or a combination of alarm, lock or deadbolt.

C. Any person violating the provisions of this section shall, upon conviction, be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine in an amount not exceeding Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

Added by Laws 2009, c. 405, § 1, eff. Nov. 1, 2009. Amended by Laws 2025, c. 486, § 384, eff. Jan. 1, 2026.

§21-540D. Interfering or threatening first responders.

A. As used in this section:

1. "First responder" shall include a peace officer as defined in Section 99 of Title 21 of the Oklahoma Statutes, a correctional or probation and parole officer, and an emergency medical technician or emergency medical care provider; and

2. "Harass" means to willfully engage in a course of conduct directed at a first responder which intentionally distracts the first responder from performing his or her official duties and serves no legitimate purpose.

B. It shall be unlawful for a person, after receiving a verbal warning not to approach from a person he or she knows or reasonably should know is a first responder, who is engaged in the lawful performance of a legal duty, to knowingly and willfully violate such warning and approach or remain within twenty-five (25) feet of the first responder with the intent to:

1. Impede or interfere with the ability of the first responder to perform such duty;

2. Threaten the first responder with physical harm; or

3. Harass the first responder.

C. Any person who violates the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for a term not to exceed one (1) year, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

Added by Laws 2025, c. 221, § 1, eff. Nov. 1, 2025.

§21-541. Extrajudicial oaths.

Every person who takes an oath before an officer or person authorized to administer judicial oaths, except when such oath is required or authorized by law, or is required by the provisions of some contract as the basis of or in proof of a claim, or when the same has been agreed to be received by some person as proof of any fact, in the performance of any contract, obligation or duty instead of other evidence, is guilty of a misdemeanor.

R.L.1910, § 2253.

§21-542. Administering extrajudicial oaths.

Every officer or other person who administers an oath to another person, or who makes and delivers any certificate that another person, has taken an oath, except when such oath is required by the provisions of some contract as a basis of or proof of a claim, or when the same has been agreed to be received by some person as proof of any fact in the performance of any contract, obligation or duty, instead of other evidence, is guilty of a misdemeanor.

R.L.1910, § 2257.

§21-543. Compounding crimes.

Any person who, having knowledge of the actual commission of a crime or violation of statute, takes any money or property of another, or any gratuity or reward, or any engagement or promise therefor, upon any agreement or understanding, express or implied, to compound or conceal such crime, or violation of statute, or to abstain from any prosecution therefor, or to withhold any evidence thereof, is punishable as follows:

1. By imprisonment for a Class D1 felony offense as provided for in subsections B through F of Section 20N of this title, if the crime compounded is one punishable either by death or by imprisonment in the State Penitentiary for life;

2. By imprisonment for a Class D1 felony offense as provided for in subsections B through F of Section 20N of this title, if the crime compounded was punishable by imprisonment in the State Penitentiary for any other term than for life; or

3. By imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or by both such fine and imprisonment, if the crime or violation of statute compounded is a crime punishable by imprisonment in a county jail, or by fine, or is a misdemeanor, or violation of statute for which a pecuniary or other penalty or forfeiture is prescribed.

R.L. 1910, § 2255. Amended by Laws 1997, c. 133, § 212, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 120, eff. July 1, 1999; Laws 2025, c. 486, § 385, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 212 from July 1, 1998, to July 1, 1999.

§21-544. Compounding prosecution.

Every person who takes any money or property of another, or any gratuity or reward, or any engagement or promise therefor, upon any agreement or understanding, express or implied, to compound, discontinue or delay any prosecution then pending for any crime or violation of statute, or to withhold any evidence in aid thereof, is guilty of a misdemeanor.

R.L.1910, § 2256.

§21-545. Attempt to intimidate officer.

Every person who, directly or indirectly, utters or addresses any threat or intimidation to any judicial or ministerial officer, to any juror, referee, arbitrator, umpire or assessor or other person authorized by law to hear or determine any controversy, with intent to induce him either to any act not authorized by law, or to omit or delay the performance of any duty imposed upon him by law, is guilty of a misdemeanor.

R.L.1910, § 2257.

§21-546. Suppressing evidence.

Every person who maliciously practices any deceit or fraud, or uses any threat, menace or violence, with intent to prevent any party to an action or proceeding from obtaining or producing therein any book, paper, or other matter or thing which might be evidence, or from procuring the attendance or testimony of any witness therein, or with intent to prevent any person having in his possession any book, paper or other matter or thing which might be evidence in such suit or proceeding, or prevent any person being cognizant of any fact material thereto from producing or disclosing the same, is guilty of a misdemeanor.
R.L.1910, § 2259.

§21-547. Buying lands in suit.

Every person who takes any conveyance of any lands or tenements, or of any interest or estate therein, from any person not being in the possession thereof, while such lands or tenements are the subject of controversy, by suit in any court, knowing the pendency of such suit, and that the grantor was not in possession of such lands or tenements, is guilty of a misdemeanor.
R.L. 1910, § 2259.

§21-548. Buying or selling pretended right or title to land.

Any person who buys or sells, or in any manner procures, or makes or takes any promise or covenant to convey any pretended right or title to any lands or tenements, unless the grantor thereof, or the person making such promise or covenant has been in possession, or he and those by whom he claims have been in possession of the same, or of the reversion and remainder thereof, or have taken the rents and profits thereof for the space of one (1) year before such grant, conveyance, sale promise, or covenant made, is guilty of a misdemeanor. Provided, however, that the provisions of this Section shall not be construed to be a restriction or limitation upon the sale of Indian lands by the allottees or the heirs of such allottees of their inherited interest in said lands.
R.L.1910, § 2261.

§21-549. Mortgage of land adversely possessed not prohibited.

The two last sections shall not be construed to prevent any person having a just title to lands, upon which there shall be an adverse possession, from executing a mortgage on such lands.
R.L.1910, § 2261.

§21-550. Common barratry defined.

Common barratry is the practice of exciting groundless judicial proceedings.
R.L.1910, § 2262.

§21-551. Barratry a misdemeanor.

Common barratry is a misdemeanor.

R.L.1910, § 2263.

§21-552. Repealed by Laws 1997, c. 405, § 8, emerg. eff. June 13, 1997.

§21-553. Interest of accused no defense to barratry prosecution.

Upon prosecution for common barratry the fact that the accused was himself a party in interest or upon the record to any proceedings at law complained of, is not a defense.

R.L.1910, § 2265. d

§21-554. Attorneys - Buying demands for suit - Misleading inferior courts.

Every attorney who either directly or indirectly buys or is interested in buying any evidence of debt or thing in action with intent to bring suit thereon is guilty of a misdemeanor. Any attorney who in any proceeding before any court of a justice of the peace or police judge or other inferior court in which he appears as attorney, willfully misstates any proposition or seeks to mislead the court in any matter of law is guilty of a misdemeanor and on any trial therefor the state shall only be held to prove to the court that the cause was pending, that the defendant appeared as an attorney in the action, and showing what the legal statement was, wherein it is not the law. If the defense be that the act was not willful the burden shall be on the defendant to prove that he did not know that there was error in his statement of the law.

R.L.1910, § 2266.

§21-555. District attorneys and their partners.

Every attorney who directly or indirectly advises in relation to, or aids or promotes the defense of any action or proceeding in any court, the prosecution of which is carried on, aided or promoted by any person as district attorney or other public prosecutor; with whom such person is directly or indirectly connected as a partner, or who takes or receives, directly or indirectly, from or on behalf of any defendant therein, any valuable consideration, upon any understanding or agreement whatever, express or implied, having relation to the defense thereof, is guilty of a misdemeanor; and in addition to the punishment prescribed therefor, he shall forfeit his license to practice.

R.L.1910, § 2267.

§21-556. Prosecutor advising the defense.

Every attorney who, having prosecuted or in any manner aided or promoted any action or proceeding in any court, as district attorney

or other public prosecutor, afterward, directly or indirectly, advises in relation to, or takes any part in the defense thereof, as attorney or otherwise, or takes or receives any valuable consideration from or on behalf of any defendant therein, upon any understanding or agreement whatever, express or implied, having relation to the defense thereof, is guilty of a misdemeanor; and in addition to the punishment prescribed therefor he shall forfeit his license to practice.

R.L.1910, § 2268.

§21-557. Attorneys may defend themselves.

The two last sections do not prohibit an attorney from defending himself in person, as attorney or as counsel, when prosecuted either civilly or criminally.

R.L.1910, § 2269.

§21-559. Claims for collection, loans or advances on.

Every attorney, justice of the peace or constable, who, directly or indirectly, lends or advances any money or property, or agrees for or procures any loan or advance, to any person, as a consideration for or inducement toward committing any evidence of debt or thing in action to such attorney, justice, constable or any other person, for collection, is guilty of a misdemeanor.

R.L.1910, § 2271.

§21-562. Receiving claims in payment of debts.

Nothing in the preceding sections shall be construed to prohibit the receiving in payment of any evidence of debt or thing in action for any estate, real or personal, or for any services of any attorney actually rendered, or for a debt antecedently contracted, or the buying or receiving any evidence of debt or the thing in action for the purpose of remittance, and without any intent to violate the preceding section.

R.L.1910, § 2274.

§21-563. Application of preceding sections.

The provisions of the foregoing sections relating to the buying of claims by an attorney with intent to prosecute them, or to the lending or advancing money by an attorney in consideration of a claim being delivered for collection, shall apply to every case of such buying a claim, or lending or advancing money by any person prosecuting a suit or demanding in person.

R.L.1910, § 2275.

§21-564. Privilege of witnesses in respect to claims or debts sold.

No person shall be excused from testifying in any civil action, to any facts showing that an evidence of debt or thing in action has

been bought, sold or received contrary to law, upon the ground that his testimony might tend to convict him of a crime. But no evidence derived from the examination of such person shall be received against him upon any criminal prosecution.

R.L.1910, § 2276.

§21-565. Contempts, direct and indirect - Definitions.

Contempts of court shall be divided into direct and indirect contempts. Direct contempts shall consist of disorderly or insolent behavior committed during the session of the court and in its immediate view, and presence, and of the unlawful and willful refusal of any person to be sworn as a witness, and the refusal to answer any legal or proper question; and any breach of the peace, noise or disturbance, so near to it as to interrupt its proceedings, shall be deemed direct contempt of court, and may be summarily punished as hereinafter provided for. Indirect contempts of court shall consist of willful disobedience of any process or order lawfully issued or made by court; resistance willfully offered by any person to the execution of a lawful order or process of a court.

R.L.1910, § 2277

§21-565.1. Trial court - Power to punish contempt - Censure - Contempt proceedings.

A. The trial judge has the power to cite for contempt anyone who, in his presence in open court, willfully obstructs judicial proceedings. If necessary, the trial judge may punish a person cited for contempt after an opportunity to be heard has been given.

B. Censure shall be imposed by the trial judge only if:

1. it is clear from the identity of the offender and the character of his acts that disruptive conduct is willfully contemptuous; or

2. the conduct warranting the sanction is preceded by a clear warning that the conduct is impermissible and that specified sanctions may be imposed for its repetition.

C. The trial judge, as soon as practicable after he is satisfied that courtroom misconduct requires contempt proceedings, should inform the alleged offender of his intention to institute said proceedings.

D. Before imposing any punishment for contempt, the judge shall give the offender notice of the charges and an opportunity to adduce evidence or argument relevant to guilt or punishment.

E. The judge before whom courtroom misconduct occurs may impose appropriate sanctions including punishment for contempt. If the judge's conduct was so integrated with the contempt that he contributed to it or was otherwise involved or his objectivity can reasonably be questioned, the matter shall be referred to another judge.

Added by Laws 1984, c. 14, § 1, eff. Nov. 1, 1984.

§21-566. Direct or indirect contempt - Penalties - Cases involving failure to comply with court orders regarding children.

A. Unless otherwise provided for by law, punishment for direct or indirect contempt shall be by the imposition of a fine in a sum not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the county jail not exceeding six (6) months, or by both, at the discretion of the court.

B. Any court in this state has the power to enforce an order for current child support, past-due child support and child support arrearage payments, other support, visitation, or other court orders regarding minor children and to punish an individual for failure to comply therewith, as set forth in subsection A of this section. Venue for an action under this section is proper, at the option of the petitioner:

1. In the county in this state in which the support order was entered, docketed or registered;
2. In the county in this state in which the obligee resides; or
3. In the county in this state in which the obligor resides or receives income.

Orders for current child support, past-due child support and child support arrearage payments are enforceable until paid in full. The remedies provided by this section are available regardless of the age of the child.

R.L.1910, § 2278. Amended by Laws 1984, c. 14, § 2, eff. Nov. 1, 1984; Laws 1989, c. 362, § 5, eff. Nov. 1, 1989; Laws 1990, c. 101, § 1, operative July 1, 1990; Laws 2002, c. 461, § 1, eff. Nov. 1, 2002; Laws 2007, c. 140, § 1, eff. Nov. 1, 2007; Laws 2008, c. 407, § 12, eff. Nov. 1, 2008.

§21-566.1. Noncompliance with child support order - Indirect civil contempt.

A. When a court of competent jurisdiction has entered an order compelling a parent to furnish child support, necessary food, clothing, shelter, medical support, payment of child care expenses, or other remedial care for the minor child of the parent:

1. Proof that:
 - a. the order was made, filed, and served on the parent,
 - b. the parent had actual knowledge of the existence of the order,
 - c. the order was granted by default after prior due process notice to the parent, or
 - d. the parent was present in court at the time the order was pronounced; and
2. Proof of noncompliance with the order,

shall be prima facie evidence of an indirect civil contempt of court.

B. 1. In the case of indirect contempt for the failure to comply with an order for child support, child support arrears, or other support, punishment shall be, at the discretion of the court:

- a. incarceration in the county jail not exceeding six (6) months, or
- b. incarceration in the county jail on weekends or at other times that allow the obligor to be employed, seek employment or engage in other activities ordered by the court.

2. Punishment may also include imposition of a fine in a sum not exceeding Five Hundred Dollars (\$500.00).

3. In the case of indirect contempt for the failure to comply with an order for child support, child support arrears, or other support, if the court finds by a preponderance of the evidence that the obligor is willfully unemployed, the court may require the obligor to work two (2) eight-hour days per week in a community service program as defined in Section 339.7 of Title 19 of the Oklahoma Statutes, if the county commissioners of that county have implemented a community service program.

C. 1. During proceedings for indirect contempt of court, the court may order the obligor to complete an alternative program and comply with a payment plan for child support and arrears. If the obligor fails to complete the alternative program and comply with the payment plan, the court shall proceed with the indirect contempt and shall impose punishment pursuant to subsection B of this section.

2. An alternative program may include:

- a. a problem-solving court program for obligors when child support services under the state child support plan as provided in Section 237 of Title 56 of the Oklahoma Statutes are being provided for the benefit of the child. A problem-solving court program is an immediate and highly structured judicial intervention process for the obligor and requires completion of a participation agreement by the obligor and monitoring by the court. A problem-solving court program differs in practice and design from the traditional adversarial contempt prosecution and trial systems. The problem-solving court program uses a team approach administered by the judge in cooperation with a child support state's attorney and a child support court liaison who focuses on removing the obstacles causing the nonpayment of the obligor. The obligors in this program shall be required to sign an agreement to participate in this program as a condition of the

Department of Human Services agreement to stay contempt proceedings or in lieu of incarceration after a finding of guilt. The court liaisons assess the needs of the obligor, develop a community referral network, make referrals, monitor the compliance of the obligor in the program, and provide status reports to the court, and

- b. participation in programs such as counseling, treatment, educational training, social skills training or employment training to which the obligor reports daily or on a regular basis at specified times for a specified length of time.

D. In the case of indirect contempt for the failure to comply with an order for child support, child support arrears, or other support, the Supreme Court shall promulgate guidelines for determination of the sentence and purge fee. If the court fails to follow the guidelines, the court shall make a specific finding stating the reasons why the imposition of the guidelines would result in inequity. The factors that shall be used in determining the sentence and purge fee are:

1. The proportion of the child support, child support arrearage payments, or other support that was unpaid in relation to the amount of support that was ordered paid;

2. The proportion of the child support, child support arrearage payments, or other support that could have been paid by the party found in contempt in relation to the amount of support that was ordered paid;

3. The present capacity of the party found in contempt to pay any arrearages;

4. Any willful actions taken by the party found in contempt to reduce the capacity of that party to pay any arrearages;

5. The past history of compliance or noncompliance with the support order; and

6. Willful acts to avoid the jurisdiction of the court.

Added by Laws 2008, c. 407, § 13, eff. Nov. 1, 2008. Amended by Laws 2013, c. 28, § 1, eff. Nov. 1, 2013.

§21-567. Indirect contempts - Proceedings.

A. In all cases of indirect contempt the party charged with contempt shall be notified in writing of the accusation and have a reasonable time for defense; and the party so charged shall, upon demand, have a trial by jury.

B. In the event the party so charged shall demand a trial by jury, the court shall thereupon set the case for trial at the next jury term of said court, unless such time is waived by the party so charged, in which event the case shall be set for trial at a time determined by the court. The court shall fix the amount of an

appearance bond to be posted by said party charged, which bond shall be signed by said party and two sureties, which sureties together shall qualify by showing ownership of real property, the equal of which property shall be in double the amount of the bond, or, in the alternative, the party charged may deposit with the court clerk cash equal to the amount of the appearance bond.

C. In a case of indirect contempt, it shall not be necessary for the party alleging indirect contempt, or an attorney for that party, to attend an initial appearance or arraignment hearing for the party charged with contempt, unless the party alleging the indirect contempt is seeking a cash bond. If a cash bond is not being requested, the clerk of the court shall, upon request, notify the party alleging the indirect contempt of the date of the trial. R.L. 1910, § 2279. Amended by Laws 1963, c. 55, § 1, emerg. eff. May 13, 1963; Laws 1990, c. 309, § 8, eff. Sept. 1, 1990; Laws 1993, c. 73, § 1, eff. Sept. 1, 1993; Laws 1997, c. 403, § 6, eff. Nov. 1, 1997.

§21-567A. Violation of child custody order - Affirmative defense - Emergency or protective custody.

A. Any parent or other person who violates an order of any court of this state granting the custody of a child under the age of eighteen (18) years to any person, agency, institution, or other facility, with the intent to deprive the lawful custodian of the custody of the child shall, upon conviction, be guilty of a Class D3 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title. The fine for a violation of this subsection shall not exceed Five Thousand Dollars (\$5,000.00).

B. The offender shall have an affirmative defense if the offender reasonably believes that the act was necessary to preserve the child from physical, mental, or emotional danger to the child's welfare and the offender notifies the local law enforcement agency nearest to the location where the custodian of the child resides.

C. If a child is removed from the custody of the child's lawful custodian pursuant to the provisions of this section any law enforcement officer may take the child into custody without a court order and, unless there is a specific court order directing a law enforcement officer to take the child into custody and release or return the child to a lawful custodian, the child shall be held in emergency or protective custody pursuant to the provisions of Section 1-4-201 of Title 10A of the Oklahoma Statutes. Added by Laws 1999, c. 385, § 1, emerg. eff. June 8, 1999. Amended by Laws 2009, c. 234, § 119, emerg. eff. May 21, 2009; Laws 2025, c. 486, § 666, eff. Jan. 1, 2026.

§21-567B. Failure to appear for jury service - Sanctions.

An individual who fails to appear in person on the date scheduled for jury service and who has failed to obtain a postponement in compliance with the provisions for requesting a postponement, or who fails to appear on the date set pursuant to Section 9 of this act, shall be in indirect contempt of court and shall be punished by the imposition of a fine not to exceed Five Hundred Dollars (\$500.00). The prospective juror may be excused from paying sanctions for good cause shown or in the interests of justice. In addition to or in lieu of the fine, the court may order that the prospective juror complete a period of community service for a period no less than if the prospective juror would have completed jury service, and provide proof of completion of this community service to the court.

Added by Laws 2004, c. 525, § 1, eff. July 1, 2004.

§21-568. Contempt - Substance of offense made of record.

Whenever a person shall be imprisoned for contempt the substance of the offense shall be set forth in the order for his confinement, and made a matter of record in the court.

R.L.1910, § 2280.

§21-569. Attorneys - Second application to another judge to stay trial.

Every attorney or counselor at law who, knowing that an application has been made for an order staying the trial of an indictment, to a judge authorized to grant the same, and has been denied, without leave reserved to renew it, makes an application to another judge to stay the same trial, is guilty of a misdemeanor.

R.L.1910, § 2281.

§21-570. Grand juror acting after challenge allowed.

Every grand juror who, with knowledge that a challenge, interposed against him by a defendant, has been allowed, is present at or takes part, or attempts to take part, in the consideration of the charge against the defendant who interposed the challenge, or the deliberations of the grand jury thereon, is guilty of a misdemeanor.

R.L.1910, § 2282.

§21-571. Disclosure of deposition.

Every magistrate, or clerk of any magistrate, who willfully permits any deposition taken on an information or examination of a defendant before such magistrate, and remaining in the custody of such magistrate or clerk to be inspected by any person except a judge of a court having jurisdiction of the offense, the Attorney General, the district attorney and his assistants, and the defendant and his counsel, is guilty of a misdemeanor.

R.L.1910, § 2283.

§21-572. Disclosure of deposition returned by grand jury.

Every clerk of any court who willfully permits any deposition returned by any grand jury with a presentment made by them, and filed with such clerk, to be inspected by any person except the court, the deputies or assistants of such clerk, and the district attorney and his assistants, until after the arrest of the defendant, is guilty of a misdemeanor.

R.L.1910, § 2284.

§21-573. Fraudulent concealment of property.

Every person who, having been called upon, by the lawful order of any court, to make a true exhibit of his real and personal effects, either:

1. Willfully conceals any of his estate or effects, or any books or writing relative thereto; or,
2. Willfully omits to disclose to the court any debts or demands which he has collected, or any transfer of his property which he had made after being ordered to make an exhibit thereof, is guilty of a misdemeanor.

R.L.1910, § 2285.

§21-575. Attorneys, misconduct by - Deceit - Delaying suit - Receiving allowance for money not laid out.

Every attorney who, whether as attorney or as counselor, who:

- 1st, is guilty of any deceit or collusion, or consents to any deceit or collusion with intent to deceive the court or any party; or,
- 2nd, willfully delays his client's suit, with a view to his own gain; or,
- 3rd, willfully receives any money or allowance for or on account of any money which he has not laid out or become answerable for, is guilty of a misdemeanor; and, in addition to the punishment prescribed therefor by this code, he forfeits to the party injured treble damages, to be recovered in a civil action.

R.L.1910, § 2287.

§21-576. Attorney permitting other person to use his name.

If any attorney knowingly permits any person not being his general law partner or a clerk in his office to sue out any process or to prosecute or defend any action in his name, except as authorized by the next section, such attorney, and every person who shall so use his name is guilty of a misdemeanor.

R.L.1910, § 2288.

§21-577. Attorneys, use of name lawful, when.

Whenever an action or proceeding is authorized by law to be prosecuted or defended in the name of the people, or of any public officer, board of officers or municipal corporation, on behalf of another party, the Attorney-General or district attorney, or attorney of such public officer or board or corporation may permit any proceeding therein to be taken in his name by an attorney to be chosen by the party in interest.
R.L.1910, § 2289.

§21-578. Inheritance, intercepting by fraudulent production of infant.

Any person who fraudulently produces an infant, falsely pretending it to have been born of any parent whose child would be entitled to inherit any real estate or to receive a share of any personal estate, with intent to intercept the inheritance of any such real estate, or the distribution of any such personal estate, from any person lawfully entitled thereto, shall be guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title.

R.L. 1910, § 2290. Amended by Laws 1997, c. 133, § 213, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 121, eff. July 1, 1999; Laws 2025, c. 486, § 223, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 213 from July 1, 1998, to July 1, 1999.

§21-579. Substituting child.

Any person to whom an infant has been confided for nursing, education, or any other person, who, with intent to deceive any parent or guardian of such child, substitutes or produces to such parent or guardian another child in the place of the one so confided shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title.

R.L. 1910, § 2291. Amended by Laws 1997, c. 133, § 214, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 122, eff. July 1, 1999; Laws 2025, c. 486, § 386, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 214 from July 1, 1998, to July 1, 1999.

§21-580. Public officers - Willful neglect of duty a misdemeanor.

A public officer or person holding a public trust or employment upon whom any duty is enjoined by law, who willfully neglects to perform the duty is guilty of a misdemeanor. This section does not apply to cases of official acts or omissions, the prevention or punishment of which is otherwise specially provided by statute.

R.L.1910, § 2292.

§21-581. Willful omission of duty by public officers.

Where any duty is or shall be enjoined by law upon any public officer, or upon any person holding any public trust or employment, every willful omission to perform such duty where no special provision shall have been made for the punishment of such delinquency, is punishable as a misdemeanor.

R.L.1910, § 2293.

§21-582. Disclosing presentment or indictment.

In the event the presiding judge orders a presentment or an indictment be sealed until the defendant is arrested, every grand juror, district attorney, clerk, judge, or other officer, who, excepting by issuing or in executing a warrant to arrest the defendant, willfully discloses the content of a sealed presentment or indictment, until the defendant has been arrested, is guilty of a misdemeanor.

R.L.1910, § 2294. Amended by Laws 2012, c. 176, § 1, eff. Nov. 1, 2012.

§21-583. Disclosing proceedings of grand jury.

Every grand juror, district attorney, clerk, judge or other officer who, except when required by a court, willfully discloses any evidence adduced before the grand jury or anything which he himself or any member of the grand jury may have said, or in what manner any grand juror may have voted on a matter before him, is guilty of a misdemeanor.

R.L.1910, § 2295; Laws 1974, c. 24, § 1, emerg. eff. April 8, 1974.

§21-584. Prosecuting suit or bringing action or procuring arrest in false name.

Every person who maliciously institutes or prosecutes any action or legal proceeding; or makes or procures any arrest, in the name of a person who does not exist, or has not consented that it be instituted or made, is guilty of a misdemeanor.

R.L.1910, § 2296.

§21-586. Communicating with a convict.

Every person who, not being authorized by law, or by a written permission from an inspector, or by the consent of the warden, communicates with any convict in the penitentiary, or brings into or conveys out of the penitentiary any letter or printing to or from any convict, is guilty of a misdemeanor.

R.L.1910, § 2298.

§21-587. False certificate by public officer.

Every public officer who, being authorized by law to make or give any certificate or other writing, knowingly makes and delivers

as true any such certificate or writing containing any statement which he knows to be false, is guilty of a misdemeanor.
R.L.1910, § 2299.

§21-588. Recording of grand or petit jury proceedings - Listening or observing - Penalty.

If any person, firm or corporation shall knowingly and willfully, by means of any device whatsoever, records or attempts to record the proceedings of any grand or petit jury in any court of the State of Oklahoma while such jury is deliberating or voting or listens to or observes, or attempts to listen to or observe, the proceedings of any grand or petit jury of which he is not a member in any court of the State of Oklahoma while such jury is deliberating or voting shall be guilty of a Class D1 felony offense and shall be fined not more than One Thousand Dollars (\$1,000.00), or imprisoned as provided for in subsections B through F of Section 20N of this title, or both. Provided, however, that nothing in this section shall be construed to prohibit the taking of notes by a grand juror in any court of the State of Oklahoma in connection with and solely for the purpose of assisting him in the performance of his duties as such juror.

Added by Laws 1957, p. 160, § 1. Amended by Laws 1997, c. 133, § 215, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 123, eff. July 1, 1999; Laws 2025, c. 486, § 387, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 215 from July 1, 1998, to July 1, 1999.

§21-589. False reporting of crime - False reporting of missing child.

A. It shall be unlawful to willfully, knowingly and without probable cause make a false report to any person of any crime or circumstances indicating the possibility of crime having been committed, including the unlawful taking of personal property, which report causes or encourages the exercise of police action or investigation. Any person convicted of violating the provisions of this subsection shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than ninety (90) days or by a fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

B. It shall be unlawful to willfully, knowingly, and without probable cause communicate false information concerning a missing child to a law enforcement agency that causes or encourages the activation of an AMBER alert warning system. Any person convicted of violating the provisions of this subsection shall be guilty of a Class D3 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20P of this title, or by a

fine of not less than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

Added by Laws 1961, p. 227, § 1. Amended by Laws 2005, c. 109, § 1, eff. Nov. 1, 2005; Laws 2007, c. 189, § 1, eff. Nov. 1, 2007; Laws 2025, c. 486, § 667, eff. Jan. 1, 2026.

§21-590. Maintenance of financial and business records - Retention and disposal procedure - Violations.

A. Every state governmental entity shall, for a period of two (2) years, maintain accurate and complete records, as defined in Section 203 of Title 67 of the Oklahoma Statutes, reflecting all financial and business transactions, which records shall include support documentation for each transaction. No such records shall be disposed of for three (3) years thereafter, except upon a unanimous vote of the members of the Archives and Records Commission pursuant to Section 306 of Title 67 of the Oklahoma Statutes, or upon a majority vote of the members of the Commission for records more than five (5) years old. The disposition of such records shall be in accordance with the provisions of Sections 305 through 317 of Title 67 of the Oklahoma Statutes, provided all state or federal audits have been completed, unless such audits request such records to be maintained for some given period of time.

B. Any person who willfully violates the provisions of this section shall, upon conviction, be guilty of a Class D3 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20P of this title, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. Any person convicted of any such violation who holds any elective or appointive public office shall also be subject to immediate removal from office.

Added by Laws 1980, c. 194, § 1, eff. Oct. 1, 1980. Amended by Laws 1985, c. 27, § 1, eff. Nov. 1, 1985; Laws 1997, c. 133, § 216, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 124, eff. July 1, 1999; Laws 2025, c. 486, § 668, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 216 from July 1, 1998, to July 1, 1999.

§21-591. Definitions.

A. As used in this section:

1. "Agent" means any person who acts for another at the request or with the knowledge of the other in dealing with third persons; and

2. "Runner", "capper", and "steerer" mean any person acting within this state for compensation as an agent for an attorney in the solicitation of employment for the attorney.

B. No attorney shall, by means of an agent, runner, capper, steerer, or other person who is not an attorney, solicit or procure

a person to employ the attorney to present, compromise, or settle a claim under the workers' compensation laws of this state.

C. No attorney shall, directly or indirectly, pay or promise to pay any person, other than another attorney, any money, service, fee, commission, or other thing of value in consideration for the employment of the attorney to present, compromise, or settle a claim under the workers' compensation laws of this state.

D. No person shall act or agree to act as an agent, runner, capper, or steerer for an attorney.

E. Subsections B and C of this section shall not prohibit participation by an attorney in a voluntary attorney referral program including, but not limited to, referral programs operated by an association of attorneys. This subsection shall not authorize a referral program which is otherwise unauthorized under the Rules of Professional Conduct adopted by the Supreme Court.

F. Any contract for employment of an attorney secured in violation of this section shall be void and unenforceable and no attorney shall appear or otherwise provide services in an action in violation of this section.

G. Any person who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of up to Two Thousand Five Hundred Dollars (\$2,500.00) for each offense, which shall not be subject to Section 101 of Title 85 of the Oklahoma Statutes. Penalties imposed pursuant to this section shall be in addition to any penalties which might be imposed by the Oklahoma Bar Association or similar organization of another state or by a court when punishing for contempt or when imposing sanctions against an attorney or party.

Added by Laws 1994, 2nd Ex. Sess., c. 1, § 47, emerg. eff. Nov. 4, 1994.

§21-592. Definitions.

A. As used in this section:

1. "Agent" means any person who acts for another at the request or with the knowledge of the other in dealing with third persons;

2. "Medical care provider" means any person licensed in Oklahoma as a medical doctor, a chiropractor, a podiatrist, a dentist, an osteopathic physician or an optometrist or a hospital; and

3. "Runner", "capper", and "steerer" mean any person acting within this state for compensation as an agent for a medical care provider in the solicitation of a person to employ the medical care provider to provide medical services.

B. No medical care provider shall, by means of an agent, runner, capper, steerer, or other person who is not a medical care provider, solicit or procure a person to employ the medical care

provider to provide medical services under the workers' compensation laws of this state.

C. No medical care provider shall, directly or indirectly, pay or promise to pay any person, other than another medical care provider, any money, service, fee, commission, or other thing of value in consideration for the employment of the medical care provider to provide medical services under the workers' compensation laws of this state.

D. No person shall act or agree to act as an agent, runner, capper, or steerer for a medical care provider.

E. Subsections B and C of this section shall not prohibit participation by a medical care provider in a voluntary medical care provider referral program including, but not limited to, referral programs operated by an association of medical care providers.

F. Any contract for employment of a medical care provider secured in violation of this section shall be void and unenforceable and no medical care provider shall provide medical services in violation of this section.

G. Any person who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of up to Two Thousand Five Hundred Dollars (\$2,500.00) for each offense, which shall not be subject to Section 101 of Title 85 of the Oklahoma Statutes. Penalties imposed pursuant to this section shall be in addition to any penalties which might be imposed by the professional licensing organization for the medical care provider or similar organization of another state or by a court when punishing for contempt or when imposing sanctions against a medical care provider or party.

Added by Laws 1994, 2nd Ex. Sess., c. 1, § 48, emerg. eff. Nov. 4, 1994.

§21-593. Failure to report child abuse and neglect – Superintendent or school administrator.

A. Any superintendent or school administrator of a private school or public school district who knowingly and willfully fails to promptly report or who interferes with the prompt reporting of child abuse and neglect, as mandated in Section 1210.163 of Title 70 of the Oklahoma Statutes shall, upon conviction, be guilty of a felony punishable by imprisonment in the Department of Corrections for a term of not less than two (2) years or more than ten (10) years, or by a fine of not less than Twenty Thousand Dollars (\$20,000.00), or by both such fine and imprisonment. In addition, the court shall require the person to complete a term of community service, without compensation, for a period of hours to be determined by the court.

B. As used in this section, "school administrator" means a principal, assistant principal, or any other person who serves in a

supervisory or administrative capacity in a private school or public school district.

Added by Laws 2025, c. 260, § 2, eff. Nov. 1, 2025.

§21-641. Assault defined.

An assault is any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another.

R.L. 1910 Sec. 2340.

§21-642. Battery defined.

A battery is any willful and unlawful use of force or violence upon the person of another.

R.L.1910, § 2341.

§21-643. Force against another not unlawful, when - Self-defense - Defense of property.

To use or to attempt to offer to use force or violence upon or toward the person of another is not unlawful in the following cases:

1. When necessarily committed by a public officer in the performance of any legal duty, or by any other person assisting such officer or acting by such officer's direction;

2. When necessarily committed by any person in arresting one who has committed any felony, and delivering such person to a public officer competent to receive such person in custody;

3. When committed either by the person about to be injured, or by any other person in such person's aid or defense, in preventing or attempting to prevent an offense against such person, or any trespass or other unlawful interference with real or personal property in such person's lawful possession; provided the force or violence used is not more than sufficient to prevent such offense;

4. When committed by a parent or the authorized agent of any parent, or by any guardian, master or teacher, in the exercise of a lawful authority to restrain or correct such person's child, ward, apprentice or scholar, provided restraint or correction has been rendered necessary by the misconduct of such child, ward, apprentice or scholar, or by the child's refusal to obey the lawful command of such parent or authorized agent or guardian, master or teacher, and the force or violence used is reasonable in manner and moderate in degree;

5. When committed by a carrier of passengers, or the authorized agents or servants of such carrier, or by any person assisting them at their request, in expelling from any carriage, railroad car, vessel or other vehicle, any passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped and the force and violence used is not more than is sufficient to expel the offending

passenger, with a reasonable regard to such passenger's personal safety; and

6. When committed by any person in preventing a person who is impaired by reason of intellectual or developmental disability as defined by Section 1430.2 of Title 10 of the Oklahoma Statutes, a mentally ill person, insane person or other person of unsound mind, including persons temporarily or partially deprived of reason, from committing an act dangerous to such person's self or to another, or enforcing such restraint as is necessary for the protection of the person or for restoration to health, during such period only as shall be necessary to obtain legal authority for the restraint or custody of the person.

R.L. 1910, § 2342. Amended by Laws 1998, c. 246, § 12, eff. Nov. 1, 1998; Laws 2019, c. 475, § 17, eff. Nov. 1, 2019.

§21-644. See the following versions:

OS 21-644v1 (HB 1595, Laws 2025, c. 147, 1)
OS 21-644v2 (HB 1273, Laws 2025, c. 322, § 1)
OS 21-644v3 (SB 541, Laws 2025, c. 162, § 2)
OS 21-644v4 (HB 2104, Laws 2025, c. 486, § 3)

§21-644.1. Domestic abuse with a prior pattern of physical abuse.

A. Any person who commits domestic abuse, as defined by subsection C of Section 644 of this title, and has a prior pattern of physical abuse shall be guilty of a Class B3 felony offense, upon conviction, punishable by imprisonment in the custody of the Department of Corrections for a term of not more than ten (10) years or by a fine not exceeding Five Thousand Dollars (\$5,000.00) or by both such fine and imprisonment.

B. For purposes of this section, "prior pattern of physical abuse" means two or more separate incidences, including the current incident, occurring on different days and each incident relates to an act constituting assault and battery or domestic abuse committed by the defendant against a current or former spouse, a present spouse of a former spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is in a dating relationship, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, a person living in the same household as the defendant, a current intimate partner or former intimate partner, or any combination of such persons, where proof of each incident prior to the present incident is established by the sworn testimony of a third party who was a witness to the alleged physical abuse or by other admissible direct evidence that is independent of the testimony of the victim.

Added by Laws 2009, c. 457, § 1, eff. July 1, 2009. Amended by Laws 2014, c. 71, § 2, eff. Nov. 1, 2014; Laws 2016, c. 128, § 1, eff. Nov. 1, 2016; Laws 2025, c. 486, § 83, eff. Jan. 1, 2026.

§21-644v1. Assault - Assault and battery - Domestic abuse.

A. Assault shall be punishable by imprisonment in a county jail not exceeding ninety (90) days, or by a fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

B. Assault and battery shall be punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

C. Any person who commits any assault and battery against a current or former intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes shall be guilty of domestic abuse. Upon conviction, the defendant shall be punished by imprisonment in the county jail for not more than one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. Upon conviction for a second or subsequent offense, the person shall be punished by imprisonment in the custody of the Department of Corrections for not more than four (4) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. The provisions of Section 51.1 of this title shall apply to any second or subsequent offense.

D. 1. Any person who, with intent to do bodily harm and without justifiable or excusable cause, commits any assault, battery, or assault and battery upon an intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes with any sharp or dangerous weapon, upon conviction, is guilty of domestic assault or domestic assault and battery with a dangerous weapon which shall be a felony and punishable by imprisonment in the custody of the Department of Corrections not exceeding ten (10) years, or by imprisonment in a county jail not exceeding one (1) year. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction for a violation of this paragraph.

2. Any person who, without such cause, shoots an intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes by means of any deadly weapon that is likely to produce death shall, upon conviction, be guilty of domestic assault and battery with a deadly weapon which shall be a felony punishable by imprisonment in the custody of the Department of Corrections not exceeding life. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction for a violation of this paragraph.

E. 1. Any person convicted of domestic abuse committed against a pregnant woman with knowledge of the pregnancy shall be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years.

2. Any person convicted of a second or subsequent offense of domestic abuse against a pregnant woman with knowledge of the pregnancy shall be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not less than ten (10) years.

3. Any person convicted of domestic abuse committed against a pregnant woman with knowledge of the pregnancy and a miscarriage occurs or injury to the unborn child occurs shall be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not less than twenty (20) years.

F. Any person convicted of domestic abuse as defined in subsection C of this section that results in great bodily injury to the victim shall be guilty of a felony and punished by imprisonment in the custody of the Department of Corrections for not more than ten (10) years, or by imprisonment in the county jail for not more than one (1) year. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction of a violation of this subsection.

G. Any person convicted of domestic abuse as defined in subsection C of this section that was committed in the presence of a child shall be punished by imprisonment in the county jail for not less than six (6) months nor more than one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. Any person convicted of a second or subsequent domestic abuse as defined in subsection C of this section that was committed in the presence of a child shall be punished by imprisonment in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years, or by a fine not exceeding Seven Thousand Dollars (\$7,000.00), or by both such fine and imprisonment. The provisions of Section 51.1 of this title shall apply to any second or subsequent offense. For every conviction of a domestic abuse crime in violation of any provision of this section committed against an intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, the court shall:

1. Specifically order as a condition of a suspended or deferred sentence that a defendant participate in counseling or undergo treatment to bring about the cessation of domestic abuse as specified in paragraph 2 of this subsection;

2. a. The court shall require the defendant to complete an assessment and follow the recommendations of a batterers' intervention program certified by the Attorney General. If the defendant is ordered to

participate in a batterers' intervention program, the order shall require the defendant to attend the program for a minimum of fifty-two (52) weeks, complete the program, and be evaluated before and after attendance of the program by program staff. Three unexcused absences in succession or seven unexcused absences in a period of fifty-two (52) weeks from any court-ordered batterers' intervention program shall be prima facie evidence of the violation of the conditions of probation for the district attorney to seek acceleration or revocation of any probation entered by the court.

- b. A program for anger management, couples counseling, or family and marital counseling shall not solely qualify for the counseling or treatment requirement for domestic abuse pursuant to this subsection. The counseling may be ordered in addition to counseling specifically for the treatment of domestic abuse or per evaluation as set forth below. If, after sufficient evaluation and attendance at required counseling sessions, the domestic violence treatment program or licensed professional determines that the defendant does not evaluate as a perpetrator of domestic violence or does evaluate as a perpetrator of domestic violence and should complete other programs of treatment simultaneously or prior to domestic violence treatment, including but not limited to programs related to the mental health, apparent substance or alcohol abuse or inability or refusal to manage anger, the defendant shall be ordered to complete the counseling as per the recommendations of the domestic violence treatment program or licensed professional;
3. a. The court shall set a review hearing no more than one hundred twenty (120) days after the defendant is ordered to participate in a domestic abuse counseling program or undergo treatment for domestic abuse to assure the attendance and compliance of the defendant with the provisions of this subsection and the domestic abuse counseling or treatment requirements. The court may suspend sentencing of the defendant until the defendant has presented proof to the court of enrollment in a program of treatment for domestic abuse by an individual licensed practitioner or a domestic abuse treatment program certified by the Attorney General and attendance at weekly sessions of such program. Such proof shall be presented to the

court by the defendant no later than one hundred twenty (120) days after the defendant is ordered to such counseling or treatment. At such time, the court may complete sentencing, beginning the period of the sentence from the date that proof of enrollment is presented to the court, and schedule reviews as required by subparagraphs a and b of this paragraph and paragraphs 4 and 5 of this subsection. Three unexcused absences in succession or seven unexcused absences in a period of fifty-two (52) weeks from any court-ordered domestic abuse counseling or treatment program shall be prima facie evidence of the violation of the conditions of probation for the district attorney to seek acceleration or revocation of any probation entered by the court.

- b. The court shall set a second review hearing after the completion of the counseling or treatment to assure the attendance and compliance of the defendant with the provisions of this subsection and the domestic abuse counseling or treatment requirements. The court shall retain continuing jurisdiction over the defendant during the course of ordered counseling through the final review hearing;

4. The court may set subsequent or other review hearings as the court determines necessary to assure the defendant attends and fully complies with the provisions of this subsection and the domestic abuse counseling or treatment requirements;

5. At any review hearing, if the defendant is not satisfactorily attending individual counseling or a domestic abuse counseling or treatment program or is not in compliance with any domestic abuse counseling or treatment requirements, the court may order the defendant to further or continue counseling, treatment, or other necessary services. The court may revoke all or any part of a suspended sentence, deferred sentence, or probation pursuant to Section 991b of Title 22 of the Oklahoma Statutes and subject the defendant to any or all remaining portions of the original sentence;

6. At the first review hearing, the court shall require the defendant to appear in court. Thereafter, for any subsequent review hearings, the court may accept a report on the progress of the defendant from individual counseling, domestic abuse counseling, or the treatment program. There shall be no requirement for the victim to attend review hearings; and

7. If funding is available, a referee may be appointed and assigned by the presiding judge of the district court to hear designated cases set for review under this subsection. Reasonable compensation for the referees shall be fixed by the presiding judge. The referee shall meet the requirements and perform all duties in

the same manner and procedure as set forth in Sections 1-8-103 and 2-2-702 of Title 10A of the Oklahoma Statutes pertaining to referees appointed in juvenile proceedings.

The defendant may be required to pay all or part of the cost of the counseling or treatment, in the discretion of the court.

H. As used in subsection G of this section, "in the presence of a child" means in the physical presence of a child; or having knowledge that a child is present and may see or hear an act of domestic violence. For the purposes of subsections C and G of this section, "child" may be any child whether or not related to the victim or the defendant.

I. For the purposes of subsections C and G of this section, any conviction for assault and battery against an intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes shall constitute a sufficient basis for a felony charge:

1. If that conviction is rendered in any state, county or parish court of record of this or any other state; or

2. If that conviction is rendered in any municipal court of record of this or any other state for which any jail time was served; provided, no conviction in a municipal court of record entered prior to November 1, 1997, shall constitute a prior conviction for purposes of a felony charge.

J. Any person who commits any assault and battery by strangulation or attempted strangulation against an intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes shall, upon conviction, be guilty of domestic abuse by strangulation and shall be punished by imprisonment in the custody of the Department of Corrections for a period of not less than one (1) year nor more than three (3) years, or by a fine of not more than Three Thousand Dollars (\$3,000.00), or by both such fine and imprisonment. Upon a second or subsequent conviction for a violation of this section, the defendant shall be punished by imprisonment in the custody of the Department of Corrections for a period of not less than three (3) years nor more than ten (10) years, or by a fine of not more than Twenty Thousand Dollars (\$20,000.00), or by both such fine and imprisonment. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction of a violation of this subsection. As used in this subsection, "strangulation" means any form of asphyxia; including, but not limited to, asphyxia characterized by closure of the blood vessels or air passages of the neck as a result of external pressure on the neck or the closure of the nostrils or mouth as a result of external pressure on the head.

K. Any district court of this state and any judge thereof shall be immune from any liability or prosecution for issuing an order that requires a defendant to:

1. Attend a treatment program for domestic abusers certified by the Attorney General;

2. Attend counseling or treatment services ordered as part of any suspended or deferred sentence or probation; and

3. Attend, complete, and be evaluated before and after attendance by a treatment program for domestic abusers, certified by the Attorney General.

L. There shall be no charge of fees or costs to any victim of domestic violence, stalking, or sexual assault in connection with the prosecution of a domestic violence, stalking, or sexual assault offense in this state.

M. In the course of prosecuting any charge of domestic abuse, stalking, harassment, rape, or violation of a protective order, the prosecutor shall provide the court, prior to sentencing or any plea agreement, a local history and any other available history of past convictions of the defendant within the last ten (10) years relating to domestic abuse, stalking, harassment, rape, violation of a protective order, or any other violent misdemeanor or felony convictions.

N. Any plea of guilty or finding of guilt for a violation of subsection C, F, G, I or J of this section shall constitute a conviction of the offense for the purpose of this act or any other criminal statute under which the existence of a prior conviction is relevant for a period of ten (10) years following the completion of any court imposed probationary term; provided, the person has not, in the meantime, been convicted of a misdemeanor involving moral turpitude or a felony.

O. For purposes of subsection F of this section, "great bodily injury" means bone fracture, protracted and obvious disfigurement, protracted loss or impairment of the function of a body part, organ or mental faculty, or substantial risk of death.

P. Any pleas of guilty or nolo contendere or finding of guilt to a violation of any provision of this section shall constitute a conviction of the offense for the purpose of any subsection of this section under which the existence of a prior conviction is relevant for a period of ten (10) years following the completion of any sentence or court imposed probationary term.

R.L.1910, § 2343. Amended by Laws 1986, c. 143, § 1, emerg. eff. April 21, 1986; Laws 1996, c. 197, § 2, emerg. eff. May 20, 1996; Laws 1999, c. 309, § 1, eff. Nov. 1, 1999; Laws 2000, c. 6, § 31, emerg. eff. March 20, 2000; Laws 2004, c. 516, § 1, eff. July 1, 2005; Laws 2005, c. 1, § 12, eff. July 1, 2005; Laws 2005, c. 348, § 9, eff. July 1, 2005; Laws 2006, c. 284, § 1, emerg. eff. June 7, 2006; Laws 2008, c. 174, § 1, eff. Nov. 1, 2008; Laws 2008, c. 318, § 1, eff. Nov. 1, 2008; Laws 2009, c. 2, § 1, emerg. eff. March 12, 2009; Laws 2009, c. 87, § 1, eff. Nov. 1, 2009; Laws 2010, c. 113, § 1; Laws 2010, c. 348, § 1, eff. Nov. 1, 2010; Laws 2011, c. 385, §

2, eff. Nov. 1, 2011; Laws 2014, c. 71, § 1, eff. Nov. 1, 2014; Laws 2019, c. 200, § 1, eff. Nov. 1, 2019; Laws 2023, c. 224, § 1, emerg. eff. May 5, 2023; Laws 2024, c. 452, § 6, emerg. eff. June 14, 2024; Laws 2025, c. 147, § 1, eff. Nov. 1, 2025.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 217 from July 1, 1998, to July 1, 1999.

NOTE: Laws 1997, c. 133, § 217 repealed by Laws 1999, 1st Ex. Sess., c. 5, § 452, eff. July 1, 1999. Laws 1997, c. 368, § 3 repealed by Laws 2000, c. 6, § 34, emerg. eff. March 20, 2000. Laws 2004, c. 520, § 1 repealed by Laws 2005, c. 1, § 13, eff. July 1, 2005. Laws 2008, c. 403, § 1 repealed by Laws 2009, c. 2, § 2, emerg. eff. March 12, 2009.

§21-644v2. Assault - Assault and battery - Domestic abuse.

A. Assault shall be punishable by imprisonment in a county jail not exceeding thirty (30) days, or by a fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

B. Assault and battery shall be punishable by imprisonment in a county jail not exceeding ninety (90) days, or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

C. Any person who commits any assault and battery against a current or former intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes shall be guilty of domestic abuse. Upon conviction, the defendant shall be punished by imprisonment in the county jail for not more than one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. Upon conviction for a second or subsequent offense, the person shall be punished by imprisonment in the custody of the Department of Corrections for not more than four (4) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. The provisions of Section 51.1 of this title shall apply to any second or subsequent offense.

D. 1. Any person who, with intent to do bodily harm and without justifiable or excusable cause, commits any assault, battery, or assault and battery upon an intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes with any sharp or dangerous weapon, upon conviction, is guilty of domestic assault or domestic assault and battery with a dangerous weapon which shall be a felony and punishable by imprisonment in the custody of the Department of Corrections not exceeding ten (10) years, or by imprisonment in a county jail not exceeding one (1) year. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction for a violation of this paragraph.

2. Any person who, without such cause, shoots an intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes by means of any deadly weapon that is likely to produce death shall, upon conviction, be guilty of domestic assault and battery with a deadly weapon which shall be a felony punishable by imprisonment in the custody of the Department of Corrections not exceeding life. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction for a violation of this paragraph.

E. 1. Any person convicted of domestic abuse committed against a pregnant woman with knowledge of the pregnancy shall be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years.

2. Any person convicted of a second or subsequent offense of domestic abuse against a pregnant woman with knowledge of the pregnancy shall be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not less than ten (10) years.

3. Any person convicted of domestic abuse committed against a pregnant woman with knowledge of the pregnancy and a miscarriage occurs or injury to the unborn child occurs shall be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not less than twenty (20) years.

F. Any person convicted of domestic abuse as defined in subsection C of this section that results in great bodily injury to the victim shall be guilty of a felony and punished by imprisonment in the custody of the Department of Corrections for not more than ten (10) years, or by imprisonment in the county jail for not more than one (1) year. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction of a violation of this subsection.

G. Any person convicted of domestic abuse as defined in subsection C of this section that was committed in the presence of a child shall be punished by imprisonment in the county jail for not less than six (6) months nor more than one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. Any person convicted of a second or subsequent domestic abuse as defined in subsection C of this section that was committed in the presence of a child shall be punished by imprisonment in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years, or by a fine not exceeding Seven Thousand Dollars (\$7,000.00), or by both such fine and imprisonment. The provisions of Section 51.1 of this title shall apply to any second or subsequent offense. For every conviction of a domestic abuse crime in violation of any provision of this section committed against an intimate partner or a family or

household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, the court shall:

1. Specifically order as a condition of a suspended or deferred sentence that a defendant undergo treatment to bring about the cessation of domestic abuse as specified in paragraph 2 of this subsection;

2. a. The court shall require the defendant to complete an assessment and follow the recommendations of a batterers' intervention program to attend a fifty-two-week batterers' intervention program or a pilot batterers' intervention program, if available, certified by the Attorney General.
- b. If the defendant participates in a batterers' intervention program, the program shall require the defendant to attend for a minimum of fifty-two (52) weeks, complete the program, and be evaluated before and after attendance of the program by program staff. Three unexcused absences in succession or seven unexcused absences in a period of fifty-two (52) weeks from any court-ordered batterers' intervention program shall be prima facie evidence of the violation of the conditions of probation for the district attorney to seek acceleration or revocation of any probation entered by the court.
- c. To investigate the effectiveness of additional batterers' intervention models, the Attorney General, beginning February 1, 2026, may certify two pilot batterers' intervention programs for a period of thirty-six (36) months located in Oklahoma and Tulsa Counties. Proposals for certification as a pilot batterers' intervention program may be approved only if made by an organization that was dually certified as a batterers' intervention program and a domestic violence and sexual assault program on or before January 1, 2025, or by an organization certified as a batterers' intervention program on or before January 1, 2025, pursuant to a written agreement with an organization certified as a domestic violence and sexual assault program on or before January 1, 2025. Treatment provided through a pilot batterers' intervention program shall be evidence-based and shall be a minimum of twenty-six (26) weeks' duration. Participation in a pilot batterers' intervention program shall be limited to fifty participants at any given time. Pilot batterers' intervention programs shall be self-funded, including any fees which may be charged to the participants; provided, however, state

or federal funding may continue for domestic violence and sexual abuse programs.

- d. The Office of the Attorney General shall promulgate rules for pilot batterers' intervention programs in consultation with domestic violence and batterers' intervention programs or advocacy organizations. The Attorney General shall establish within his or her administrative rules a screening and referral process to review referrals to the pilot batterers' intervention programs; provided, however, individuals convicted of domestic abuse with a dangerous weapon or domestic abuse by strangulation shall not be eligible to participate in the pilot program. The Attorney General shall require reporting of data necessary for evaluation of the pilot programs. The pilot programs shall provide the Attorney General with annual updates and at the end of a pilot program term, a formal evaluation shall be done by a third party agreed upon by the Attorney General and the pilot program operator.
- e. All participants in the pilot program shall be subject to a validated risk assessment conducted by a qualified professional. The results of the assessment shall be used to determine program placement based on the level of risk and individual circumstances. Participation in any shared or joint setting by both the survivor and the individual who has caused harm shall be prohibited under a pilot program. The Attorney General shall adopt rules to implement this subparagraph, including standards for risk assessment tools and differentiated response models.
- f. The Attorney General may provide by rule for extension of no more than twenty-four (24) months beyond thirty-six (36) months of a pilot batterers' intervention program if recommended by the third-party evaluator.
- g. Pilot batterers' intervention programs shall:
 - (1) prioritize survivors' well-being in every part of the pilot program including screening, participation, reporting, and evaluation,
 - (2) ensure that batterers' intervention programs use appropriate intervention strategies to assist the batterer in fostering the appropriate skills to:
 - (a) stop the violence committed by the batterer,
 - (b) accept personal accountability for battering and personal responsibility for the decision to stop or not to stop battering, and

- (c) change the existing attitudes and beliefs of the batterer that support the coercive behavior of the batterer,
 - (3) address all forms of battering,
 - (4) be culturally informed and provide culturally appropriate services to all participants,
 - (5) provide services that are affordable and accessible for participants, including participants with disabilities and limited English proficiency,
 - (6) provide a uniform standard for evaluating the performance of a batterers' intervention program,
 - (7) be informed by evidence-based practice, research, and proven field experience, including risk assessment, that enhances victim safety,
 - (8) foster local and statewide communication and interaction between and among batterers' intervention programs and victim advocacy programs, and
 - (9) ensure that batterers' intervention programs operate as an integrated part of the wider community response to battering.
 - h. A program for anger management, couples counseling, or family and marital counseling shall not solely qualify for the treatment requirement for domestic abuse pursuant to this subsection. The counseling may be ordered in addition to the treatment of domestic abuse or per evaluation as set forth below. If, after sufficient evaluation and attendance at required treatment sessions, the domestic violence treatment program determines that the defendant does not evaluate as a perpetrator of domestic violence or does evaluate as a perpetrator of domestic violence and should complete other programs of treatment simultaneously or prior to or subsequent to domestic violence treatment, including but not limited to programs related to the mental health, apparent substance or alcohol abuse or inability or refusal to manage anger, the defendant shall be ordered to complete the counseling as per the recommendations of the domestic violence treatment program;
3. a. The court shall set a review hearing no more than one hundred twenty (120) days after the defendant is ordered to undergo treatment for domestic abuse to assure the attendance and compliance of the defendant with the provisions of this subsection. The court may delay sentencing of the defendant until the defendant

has presented proof to the court of enrollment in a domestic abuse treatment program certified by the Attorney General and attendance at weekly sessions of such program. Such proof shall be presented to the court by the defendant no later than one hundred twenty (120) days after the defendant is ordered to such treatment. At such time, the court may complete sentencing, beginning the period of the sentence from the date that proof of enrollment is presented to the court, and schedule reviews as required by subparagraphs a and b of this paragraph and paragraphs 4 and 5 of this subsection. Three unexcused absences in succession or seven unexcused absences in a period of fifty-two (52) weeks from any court-ordered treatment program shall be prima facie evidence of the violation of the conditions of probation for the district attorney to seek acceleration or revocation of any probation entered by the court.

- b. The court shall set a second review hearing after the completion of the treatment to assure the attendance and compliance of the defendant with the provisions of this subsection and the treatment requirements. The court shall retain continuing jurisdiction over the defendant during the course of ordered counseling through the final review hearing;

4. The court may set subsequent or other review hearings as the court determines necessary to assure the defendant attends and fully complies with the provisions of this subsection and the treatment requirements;

5. At any review hearing, if the defendant is not satisfactorily attending a treatment program or is not in compliance with treatment requirements, the court may order the defendant to further or continue treatment or other necessary services. The court may revoke all or any part of a suspended sentence, deferred sentence, or probation pursuant to Section 991b of Title 22 of the Oklahoma Statutes and subject the defendant to any or all remaining portions of the original sentence;

6. At the first review hearing, the court shall require the defendant to appear in court. Thereafter, for any subsequent review hearings, the court may accept a report on the progress of the defendant from the treatment program. There shall be no requirement for the victim to attend review hearings; and

7. If funding is available, a referee may be appointed and assigned by the presiding judge of the district court to hear designated cases set for review under this subsection. Reasonable compensation for the referees shall be fixed by the presiding judge. The referee shall meet the requirements and perform all duties in

the same manner and procedure as set forth in Sections 1-8-103 and 2-2-702 of Title 10A of the Oklahoma Statutes pertaining to referees appointed in juvenile proceedings.

The defendant may be required to pay all or part of the cost of the treatment, in the discretion of the court.

H. As used in subsection G of this section, "in the presence of a child" means in the physical presence of a child; or having knowledge that a child is present and may see or hear an act of domestic violence. For the purposes of subsections C and G of this section, "child" may be any child whether or not related to the victim or the defendant.

I. For the purposes of subsections C and G of this section, any conviction for assault and battery against an intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes shall constitute a sufficient basis for a felony charge:

1. If that conviction is rendered in any state, county or parish court of record of this or any other state; or

2. If that conviction is rendered in any municipal court of record of this or any other state for which any jail time was served; provided, no conviction in a municipal court of record entered prior to November 1, 1997, shall constitute a prior conviction for purposes of a felony charge.

J. Any person who commits any assault and battery by strangulation or attempted strangulation against an intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes shall, upon conviction, be guilty of domestic abuse by strangulation and shall be punished by imprisonment in the custody of the Department of Corrections for a period of not less than one (1) year nor more than three (3) years, or by a fine of not more than Three Thousand Dollars (\$3,000.00), or by both such fine and imprisonment. Upon a second or subsequent conviction for a violation of this section, the defendant shall be punished by imprisonment in the custody of the Department of Corrections for a period of not less than three (3) years nor more than ten (10) years, or by a fine of not more than Twenty Thousand Dollars (\$20,000.00), or by both such fine and imprisonment. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction of a violation of this subsection. As used in this subsection, "strangulation" means any form of asphyxia; including, but not limited to, asphyxia characterized by closure of the blood vessels or air passages of the neck as a result of external pressure on the neck or the closure of the nostrils or mouth as a result of external pressure on the head.

K. Any district court of this state and any judge thereof shall be immune from any liability or prosecution for issuing an order that requires a defendant to:

1. Attend a treatment program for domestic abusers certified by the Attorney General;

2. Attend counseling or treatment services ordered as part of any suspended or deferred sentence or probation; and

3. Attend, complete, and be evaluated before and after attendance by a treatment program for domestic abusers, certified by the Attorney General.

L. There shall be no charge of fees or costs to any victim of domestic violence, stalking, or sexual assault in connection with the prosecution of a domestic violence, stalking, or sexual assault offense in this state.

M. In the course of prosecuting any charge of domestic abuse, stalking, harassment, rape, or violation of a protective order, the prosecutor shall provide the court, prior to sentencing or any plea agreement, a local history and any other available history of past convictions of the defendant within the last ten (10) years relating to domestic abuse, stalking, harassment, rape, violation of a protective order, or any other violent misdemeanor or felony convictions.

N. Any plea of guilty or finding of guilt for a violation of subsection C, F, G, I or J of this section shall constitute a conviction of the offense for the purpose of this act or any other criminal statute under which the existence of a prior conviction is relevant for a period of ten (10) years following the completion of any court imposed probationary term; provided, the person has not, in the meantime, been convicted of a misdemeanor involving moral turpitude or a felony.

O. For purposes of subsection F of this section, "great bodily injury" means bone fracture, protracted and obvious disfigurement, protracted loss or impairment of the function of a body part, organ or mental faculty, or substantial risk of death.

P. Any pleas of guilty or nolo contendere or finding of guilt to a violation of any provision of this section shall constitute a conviction of the offense for the purpose of any subsection of this section under which the existence of a prior conviction is relevant for a period of ten (10) years following the completion of any sentence or court imposed probationary term.

R.L.1910, § 2343. Amended by Laws 1986, c. 143, § 1, emerg. eff. April 21, 1986; Laws 1996, c. 197, § 2, emerg. eff. May 20, 1996; Laws 1999, c. 309, § 1, eff. Nov. 1, 1999; Laws 2000, c. 6, § 31, emerg. eff. March 20, 2000; Laws 2004, c. 516, § 1, eff. July 1, 2005; Laws 2005, c. 1, § 12, eff. July 1, 2005; Laws 2005, c. 348, § 9, eff. July 1, 2005; Laws 2006, c. 284, § 1, emerg. eff. June 7, 2006; Laws 2008, c. 174, § 1, eff. Nov. 1, 2008; Laws 2008, c. 318, § 1, eff. Nov. 1, 2008; Laws 2009, c. 2, § 1, emerg. eff. March 12, 2009; Laws 2009, c. 87, § 1, eff. Nov. 1, 2009; Laws 2010, c. 113, § 1; Laws 2010, c. 348, § 1, eff. Nov. 1, 2010; Laws 2011, c. 385, §

2, eff. Nov. 1, 2011; Laws 2014, c. 71, § 1, eff. Nov. 1, 2014; Laws 2019, c. 200, § 1, eff. Nov. 1, 2019; Laws 2023, c. 224, § 1, emerg. eff. May 5, 2023; Laws 2024, c. 452, § 6, emerg. eff. June 14, 2024; Laws 2025, c. 322, § 1, eff. Nov. 1, 2025.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 217 from July 1, 1998, to July 1, 1999.

NOTE: Laws 1997, c. 133, § 217 repealed by Laws 1999, 1st Ex. Sess., c. 5, § 452, eff. July 1, 1999. Laws 1997, c. 368, § 3 repealed by Laws 2000, c. 6, § 34, emerg. eff. March 20, 2000. Laws 2004, c. 520, § 1 repealed by Laws 2005, c. 1, § 13, eff. July 1, 2005. Laws 2008, c. 403, § 1 repealed by Laws 2009, c. 2, § 2, emerg. eff. March 12, 2009.

§21-644v3. Assault - Assault and battery - Domestic Abuse.

A. Assault shall, upon conviction, be punishable by imprisonment in a county jail not exceeding thirty (30) days, by a fine not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

B. Assault and battery shall, upon conviction, be punishable by imprisonment in a county jail not exceeding ninety (90) days, by a fine not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

C. Any person who commits any assault and battery against a current or former intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes shall be guilty of domestic abuse. Upon conviction, the defendant shall be punished by imprisonment in the county jail for not more than one (1) year, by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. Upon conviction for a second or subsequent offense, the person shall be punished by imprisonment in the custody of the Department of Corrections for not more than four (4) years, by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. The provisions of Section 51.1 of this title shall apply to any second or subsequent offense.

D. Any person who, with intent to do bodily harm and without justifiable or excusable cause, commits any assault and battery upon an intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes by means of any deadly weapon or by such other means or force that is likely to produce death shall, upon conviction, be guilty of domestic assault and battery with a deadly weapon which shall be a felony punishable by imprisonment in the custody of the Department of Corrections not exceeding life. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction for a violation of this subsection.

E. Any person convicted of domestic abuse committed against a pregnant woman with knowledge of the pregnancy shall be guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than one (1) year.

Any person convicted of a second or subsequent offense of domestic abuse against a pregnant woman with knowledge of the pregnancy shall be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not less than ten (10) years.

Any person convicted of domestic abuse committed against a pregnant woman with knowledge of the pregnancy and a miscarriage occurs or injury to the unborn child occurs shall be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not less than twenty (20) years.

F. Any person convicted of domestic abuse as defined in subsection C of this section that results in great bodily injury to the victim shall, upon conviction, be guilty of a felony and punished by imprisonment in the custody of the Department of Corrections for not more than ten (10) years or by imprisonment in the county jail for not more than one (1) year. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction of a violation of this subsection.

G. Any person convicted of domestic abuse as defined in subsection C of this section that was committed in the presence of a child shall be punished by imprisonment in the county jail for not less than six (6) months nor more than one (1) year, by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. Any person convicted of a second or subsequent domestic abuse as defined in subsection C of this section that was committed in the presence of a child shall be punished by imprisonment in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years, by a fine not exceeding Seven Thousand Dollars (\$7,000.00), or by both such fine and imprisonment. The provisions of Section 51.1 of this title shall apply to any second or subsequent offense. For every conviction of a domestic abuse crime in violation of any provision of this section committed against an intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, the court shall:

1. Specifically order as a condition of a suspended or deferred sentence that a defendant participate in counseling or undergo treatment to bring about the cessation of domestic abuse as specified in paragraph 2 of this subsection;

2. a. The court shall require the defendant to complete an assessment and follow the recommendations of a batterers' intervention program certified by the Attorney General. If the defendant is ordered to

participate in a batterers' intervention program, the order shall require the defendant to attend the program for a minimum of fifty-two (52) weeks, complete the program, and be evaluated before and after attendance of the program by program staff. Three unexcused absences in succession or seven unexcused absences in a period of fifty-two (52) weeks from any court-ordered batterers' intervention program shall be prima facie evidence of the violation of the conditions of probation for the district attorney to seek acceleration or revocation of any probation entered by the court.

- b. A program for anger management, couples counseling, or family and marital counseling shall not solely qualify for the counseling or treatment requirement for domestic abuse pursuant to this subsection. The counseling may be ordered in addition to counseling specifically for the treatment of domestic abuse or per evaluation as set forth below. If, after sufficient evaluation and attendance at required counseling sessions, the domestic violence treatment program or licensed professional determines that the defendant does not evaluate as a perpetrator of domestic violence or does evaluate as a perpetrator of domestic violence and should complete other programs of treatment simultaneously or prior to domestic violence treatment, including but not limited to programs related to the mental health, apparent substance or alcohol abuse, or inability or refusal to manage anger, the defendant shall be ordered to complete the counseling as per the recommendations of the domestic violence treatment program or licensed professional;
3. a. The court shall set a review hearing no more than one hundred twenty (120) days after the defendant is ordered to participate in a domestic abuse counseling program or undergo treatment for domestic abuse to assure the attendance and compliance of the defendant with the provisions of this subsection and the domestic abuse counseling or treatment requirements. The court may suspend sentencing of the defendant until the defendant has presented proof to the court of enrollment in a program of treatment for domestic abuse by an individual licensed practitioner or a domestic abuse treatment program certified by the Attorney General and attendance at weekly sessions of such program. Such proof shall be presented to the

court by the defendant no later than one hundred twenty (120) days after the defendant is ordered to such counseling or treatment. At such time, the court may complete sentencing, beginning the period of the sentence from the date that proof of enrollment is presented to the court, and schedule reviews as required by subparagraphs a and b of this paragraph and paragraphs 4 and 5 of this subsection. Three unexcused absences in succession or seven unexcused absences in a period of fifty-two (52) weeks from any court-ordered domestic abuse counseling or treatment program shall be prima facie evidence of the violation of the conditions of probation for the district attorney to seek acceleration or revocation of any probation entered by the court.

- b. The court shall set a second review hearing after the completion of the counseling or treatment to assure the attendance and compliance of the defendant with the provisions of this subsection and the domestic abuse counseling or treatment requirements. The court shall retain continuing jurisdiction over the defendant during the course of ordered counseling through the final review hearing;

4. The court may set subsequent or other review hearings as the court determines necessary to assure the defendant attends and fully complies with the provisions of this subsection and the domestic abuse counseling or treatment requirements;

5. At any review hearing, if the defendant is not satisfactorily attending individual counseling or a domestic abuse counseling or treatment program or is not in compliance with any domestic abuse counseling or treatment requirements, the court may order the defendant to further or continue counseling, treatment, or other necessary services. The court may revoke all or any part of a suspended sentence, deferred sentence, or probation pursuant to Section 991b of Title 22 of the Oklahoma Statutes and subject the defendant to any or all remaining portions of the original sentence;

6. At the first review hearing, the court shall require the defendant to appear in court. Thereafter, for any subsequent review hearings, the court may accept a report on the progress of the defendant from individual counseling, domestic abuse counseling, or the treatment program. There shall be no requirement for the victim to attend review hearings; and

7. If funding is available, a referee may be appointed and assigned by the presiding judge of the district court to hear designated cases set for review under this subsection. Reasonable compensation for the referees shall be fixed by the presiding judge. The referee shall meet the requirements and perform all duties in

the same manner and procedure as set forth in Sections 1-8-103 and 2-2-702 of Title 10A of the Oklahoma Statutes pertaining to referees appointed in juvenile proceedings.

The defendant may be required to pay all or part of the cost of the counseling or treatment, in the discretion of the court.

H. As used in subsection G of this section, "in the presence of a child" means in the physical presence of a child; or having knowledge that a child is present and may see or hear an act of domestic violence. For the purposes of subsections C and G of this section, "child" may be any child whether or not related to the victim or the defendant.

I. For the purposes of subsections C and G of this section, any conviction for assault and battery against an intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes shall constitute a sufficient basis for a felony charge:

1. If that conviction is rendered in any state, county, or parish court of record of this or any other state; or

2. If that conviction is rendered in any municipal court of record of this or any other state for which any jail time was served; provided, no conviction in a municipal court of record entered prior to November 1, 1997, shall constitute a prior conviction for purposes of a felony charge.

J. Any person who commits any assault and battery by strangulation or attempted strangulation against an intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes shall, upon conviction, be guilty of domestic abuse by strangulation and shall be punished by imprisonment in the custody of the Department of Corrections for a period not less than one (1) year nor more than ten (10) years, by a fine not more than Twenty Thousand Dollars (\$20,000.00), or by both such fine and imprisonment. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction of a violation of this subsection. As used in this subsection, "strangulation" means any form of asphyxia; including, but not limited to, asphyxia characterized by closure of the blood vessels or air passages of the neck as a result of external pressure on the neck or the closure of the nostrils or mouth as a result of external pressure on the head.

K. Any district court of this state and any judge thereof shall be immune from any liability or prosecution for issuing an order that requires a defendant to:

1. Attend a treatment program for domestic abusers certified by the Attorney General;

2. Attend counseling or treatment services ordered as part of any suspended or deferred sentence or probation; and

3. Attend, complete, and be evaluated before and after attendance by a treatment program for domestic abusers, certified by the Attorney General.

L. There shall be no charge of fees or costs to any victim of domestic violence, stalking, or sexual assault in connection with the prosecution of a domestic violence, stalking, or sexual assault offense in this state.

M. In the course of prosecuting any charge of domestic abuse, stalking, harassment, rape, or violation of a protective order, the prosecutor shall provide the court, prior to sentencing or any plea agreement, a local history and any other available history of past convictions of the defendant within the last ten (10) years relating to domestic abuse, stalking, harassment, rape, violation of a protective order, or any other violent misdemeanor or felony convictions.

N. Any plea of guilty or finding of guilt for a violation of subsection C, F, G, I, or J of this section shall constitute a conviction of the offense for the purpose of this act or any other criminal statute under which the existence of a prior conviction is relevant for a period of ten (10) years following the completion of any court imposed probationary term; provided, the person has not, in the meantime, been convicted of a misdemeanor involving moral turpitude or a felony.

O. For purposes of subsection F of this section, "great bodily injury" means bone fracture, protracted and obvious disfigurement, protracted loss or impairment of the function of a body part, organ or mental faculty, or substantial risk of death.

P. Any pleas of guilty or nolo contendere or finding of guilt to a violation of any provision of this section shall constitute a conviction of the offense for the purpose of any subsection of this section under which the existence of a prior conviction is relevant for a period of ten (10) years following the completion of any sentence or court imposed probationary term.

R.L.1910, § 2343. Amended by Laws 1986, c. 143, § 1, emerg. eff. April 21, 1986; Laws 1996, c. 197, § 2, emerg. eff. May 20, 1996; Laws 1999, c. 309, § 1, eff. Nov. 1, 1999; Laws 2000, c. 6, § 31, emerg. eff. March 20, 2000; Laws 2004, c. 516, § 1, eff. July 1, 2005; Laws 2005, c. 1, § 12, eff. July 1, 2005; Laws 2005, c. 348, § 9, eff. July 1, 2005; Laws 2006, c. 284, § 1, emerg. eff. June 7, 2006; Laws 2008, c. 174, § 1, eff. Nov. 1, 2008; Laws 2008, c. 318, § 1, eff. Nov. 1, 2008; Laws 2009, c. 2, § 1, emerg. eff. March 12, 2009; Laws 2009, c. 87, § 1, eff. Nov. 1, 2009; Laws 2010, c. 113, § 1; Laws 2010, c. 348, § 1, eff. Nov. 1, 2010; Laws 2011, c. 385, § 2, eff. Nov. 1, 2011; Laws 2014, c. 71, § 1, eff. Nov. 1, 2014; Laws 2019, c. 200, § 1, eff. Nov. 1, 2019; Laws 2023, c. 212, § 1, eff. Nov. 1, 2023; Laws 2024, c. 38, § 1, eff. Nov. 1, 2024; Laws 2025, c. 162, § 2, eff. Nov. 1, 2025.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 217 from July 1, 1998, to July 1, 1999.

NOTE: Laws 1997, c. 133, § 217 repealed by Laws 1999, 1st Ex. Sess., c. 5, § 452, eff. July 1, 1999. Laws 1997, c. 368, § 3 repealed by Laws 2000, c. 6, § 34, emerg. eff. March 20, 2000. Laws 2004, c. 520, § 1 repealed by Laws 2005, c. 1, § 13, eff. July 1, 2005. Laws 2008, c. 403, § 1 repealed by Laws 2009, c. 2, § 2, emerg. eff. March 12, 2009.

NOTE: Laws 2023, c. 212, § 1 was purportedly repealed by Laws 2024, c. 452, § 7 but without reference to Laws 2024, c. 38, § 1, which amended it.

§21-644v4. Assault - Assault and battery - Domestic Abuse.

A. Assault shall be punishable by imprisonment in a county jail not exceeding ninety (90) days, or by a fine not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

B. Assault and battery shall be punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

C. Any person who commits any assault and battery against a current or former intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes shall be guilty of domestic abuse. Upon conviction, the defendant shall be punished by imprisonment in the county jail for not more than one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. Upon conviction for a second or subsequent offense, the person shall be guilty of a Class B5 felony offense and shall be punished by imprisonment in the custody of the Department of Corrections for not more than four (4) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. The provisions of Section 51.1 of this title shall apply to any second or subsequent offense.

D. 1. Any person who, with intent to do bodily harm and without justifiable or excusable cause, commits any assault, battery, or assault and battery upon an intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes with any sharp or dangerous weapon, upon conviction, is guilty of domestic assault or domestic assault and battery with a dangerous weapon which shall be a Class B3 felony offense punishable by imprisonment in the custody of the Department of Corrections not exceeding ten (10) years, or by imprisonment in a county jail not exceeding one (1) year. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction for a violation of this paragraph.

2. Any person who, without such cause, shoots an intimate partner or a family or household member as defined by Section 60.1

of Title 22 of the Oklahoma Statutes by means of any deadly weapon that is likely to produce death shall, upon conviction, be guilty of domestic assault and battery with a deadly weapon which shall be a Class A3 felony offense punishable by imprisonment in the custody of the Department of Corrections not exceeding life. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction for a violation of this paragraph.

E. 1. Any person convicted of domestic abuse committed against a pregnant woman with knowledge of the pregnancy shall be guilty of a Class B5 felony offense punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years.

2. Any person convicted of a second or subsequent offense of domestic abuse against a pregnant woman with knowledge of the pregnancy shall be guilty of a Class A3 felony offense punishable by imprisonment in the custody of the Department of Corrections for not less than ten (10) years.

3. Any person convicted of domestic abuse committed against a pregnant woman with knowledge of the pregnancy and a miscarriage occurs or injury to the unborn child occurs shall be guilty of a Class A1 felony offense punishable by imprisonment in the custody of the Department of Corrections for not less than twenty (20) years.

F. Any person convicted of domestic abuse as defined in subsection C of this section that results in great bodily injury to the victim shall be guilty of a Class B3 felony offense and punished by imprisonment in the custody of the Department of Corrections for not more than ten (10) years, or by imprisonment in the county jail for not more than one (1) year. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction of a violation of this subsection.

G. Any person convicted of domestic abuse as defined in subsection C of this section that was committed in the presence of a child shall be punished by imprisonment in the county jail for not less than six (6) months nor more than one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. Any person convicted of a second or subsequent domestic abuse as defined in subsection C of this section that was committed in the presence of a child shall be guilty of a Class B5 felony offense and shall be punished by imprisonment in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years, or by a fine not exceeding Seven Thousand Dollars (\$7,000.00), or by both such fine and imprisonment. The provisions of Section 51.1 of this title shall apply to any second or subsequent offense. For every conviction of a domestic abuse crime in violation of any provision of this section committed against an intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, the court shall:

1. Specifically order as a condition of a suspended or deferred sentence that a defendant participate in counseling or undergo treatment to bring about the cessation of domestic abuse as specified in paragraph 2 of this subsection;

2. a. The court shall require the defendant to complete an assessment and follow the recommendations of a batterers' intervention program certified by the Attorney General. If the defendant is ordered to participate in a batterers' intervention program, the order shall require the defendant to attend the program for a minimum of fifty-two (52) weeks, complete the program, and be evaluated before and after attendance of the program by program staff. Three unexcused absences in succession or seven unexcused absences in a period of fifty-two (52) weeks from any court-ordered batterers' intervention program shall be prima facie evidence of the violation of the conditions of probation for the district attorney to seek acceleration or revocation of any probation entered by the court.

b. A program for anger management, couples counseling, or family and marital counseling shall not solely qualify for the counseling or treatment requirement for domestic abuse pursuant to this subsection. The counseling may be ordered in addition to counseling specifically for the treatment of domestic abuse or per evaluation as set forth below. If, after sufficient evaluation and attendance at required counseling sessions, the domestic violence treatment program or licensed professional determines that the defendant does not evaluate as a perpetrator of domestic violence or does evaluate as a perpetrator of domestic violence and should complete other programs of treatment simultaneously or prior to domestic violence treatment, including but not limited to programs related to the mental health, apparent substance or alcohol abuse or inability or refusal to manage anger, the defendant shall be ordered to complete the counseling as per the recommendations of the domestic violence treatment program or licensed professional;

3. a. The court shall set a review hearing no more than one hundred twenty (120) days after the defendant is ordered to participate in a domestic abuse counseling program or undergo treatment for domestic abuse to assure the attendance and compliance of the defendant with the provisions of this subsection and the

domestic abuse counseling or treatment requirements. The court may suspend sentencing of the defendant until the defendant has presented proof to the court of enrollment in a program of treatment for domestic abuse by an individual licensed practitioner or a domestic abuse treatment program certified by the Attorney General and attendance at weekly sessions of such program. Such proof shall be presented to the court by the defendant no later than one hundred twenty (120) days after the defendant is ordered to such counseling or treatment. At such time, the court may complete sentencing, beginning the period of the sentence from the date that proof of enrollment is presented to the court, and schedule reviews as required by subparagraphs a and b of this paragraph and paragraphs 4 and 5 of this subsection. Three unexcused absences in succession or seven unexcused absences in a period of fifty-two (52) weeks from any court-ordered domestic abuse counseling or treatment program shall be prima facie evidence of the violation of the conditions of probation for the district attorney to seek acceleration or revocation of any probation entered by the court.

- b. The court shall set a second review hearing after the completion of the counseling or treatment to assure the attendance and compliance of the defendant with the provisions of this subsection and the domestic abuse counseling or treatment requirements. The court shall retain continuing jurisdiction over the defendant during the course of ordered counseling through the final review hearing;

4. The court may set subsequent or other review hearings as the court determines necessary to assure the defendant attends and fully complies with the provisions of this subsection and the domestic abuse counseling or treatment requirements;

5. At any review hearing, if the defendant is not satisfactorily attending individual counseling or a domestic abuse counseling or treatment program or is not in compliance with any domestic abuse counseling or treatment requirements, the court may order the defendant to further or continue counseling, treatment, or other necessary services. The court may revoke all or any part of a suspended sentence, deferred sentence, or probation pursuant to Section 991b of Title 22 of the Oklahoma Statutes and subject the defendant to any or all remaining portions of the original sentence;

6. At the first review hearing, the court shall require the defendant to appear in court. Thereafter, for any subsequent review hearings, the court may accept a report on the progress of the

defendant from individual counseling, domestic abuse counseling, or the treatment program. There shall be no requirement for the victim to attend review hearings; and

7. If funding is available, a referee may be appointed and assigned by the presiding judge of the district court to hear designated cases set for review under this subsection. Reasonable compensation for the referees shall be fixed by the presiding judge. The referee shall meet the requirements and perform all duties in the same manner and procedure as set forth in Sections 1-8-103 and 2-2-702 of Title 10A of the Oklahoma Statutes pertaining to referees appointed in juvenile proceedings.

The defendant may be required to pay all or part of the cost of the counseling or treatment, in the discretion of the court.

H. As used in subsection G of this section, "in the presence of a child" means in the physical presence of a child; or having knowledge that a child is present and may see or hear an act of domestic violence. For the purposes of subsections C and G of this section, "child" may be any child whether or not related to the victim or the defendant.

I. For the purposes of subsections C and G of this section, any conviction for assault and battery against an intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes shall constitute a sufficient basis for a felony charge:

1. If that conviction is rendered in any state, county or parish court of record of this or any other state; or

2. If that conviction is rendered in any municipal court of record of this or any other state for which any jail time was served; provided, no conviction in a municipal court of record entered prior to November 1, 1997, shall constitute a prior conviction for purposes of a felony charge.

J. Any person who commits any assault and battery by strangulation or attempted strangulation against an intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes shall, upon conviction, be guilty of a Class B5 felony offense of domestic abuse by strangulation and shall be punished by imprisonment in the custody of the Department of Corrections for a period not less than one (1) year nor more than ten (10) years, or by a fine not more than Twenty Thousand Dollars (\$20,000.00), or by both such fine and imprisonment. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction of a violation of this subsection. As used in this subsection, "strangulation" means any form of asphyxia; including, but not limited to, asphyxia characterized by closure of the blood vessels or air passages of the neck as a result of external pressure on the neck or the closure of the nostrils or mouth as a result of external pressure on the head.

K. Any district court of this state and any judge thereof shall be immune from any liability or prosecution for issuing an order that requires a defendant to:

1. Attend a treatment program for domestic abusers certified by the Attorney General;

2. Attend counseling or treatment services ordered as part of any suspended or deferred sentence or probation; and

3. Attend, complete, and be evaluated before and after attendance by a treatment program for domestic abusers, certified by the Attorney General.

L. There shall be no charge of fees or costs to any victim of domestic violence, stalking, or sexual assault in connection with the prosecution of a domestic violence, stalking, or sexual assault offense in this state.

M. In the course of prosecuting any charge of domestic abuse, stalking, harassment, rape, or violation of a protective order, the prosecutor shall provide the court, prior to sentencing or any plea agreement, a local history and any other available history of past convictions of the defendant within the last ten (10) years relating to domestic abuse, stalking, harassment, rape, violation of a protective order, or any other violent misdemeanor or felony convictions.

N. Any plea of guilty or finding of guilt for a violation of subsection C, F, G, I or J of this section shall constitute a conviction of the offense for the purpose of this act or any other criminal statute under which the existence of a prior conviction is relevant for a period of ten (10) years following the completion of any court imposed probationary term; provided, the person has not, in the meantime, been convicted of a misdemeanor involving moral turpitude or a felony.

O. For purposes of subsection F of this section, "great bodily injury" means bone fracture, protracted and obvious disfigurement, protracted loss or impairment of the function of a body part, organ or mental faculty, or substantial risk of death.

P. Any pleas of guilty or nolo contendere or finding of guilt to a violation of any provision of this section shall constitute a conviction of the offense for the purpose of any subsection of this section under which the existence of a prior conviction is relevant for a period of ten (10) years following the completion of any sentence or court imposed probationary term.

R.L.1910, § 2343. Amended by Laws 1986, c. 143, § 1, emerg. eff. April 21, 1986; Laws 1996, c. 197, § 2, emerg. eff. May 20, 1996; Laws 1999, c. 309, § 1, eff. Nov. 1, 1999; Laws 2000, c. 6, § 31, emerg. eff. March 20, 2000; Laws 2004, c. 516, § 1, eff. July 1, 2005; Laws 2005, c. 1, § 12, eff. July 1, 2005; Laws 2005, c. 348, § 9, eff. July 1, 2005; Laws 2006, c. 284, § 1, emerg. eff. June 7, 2006; Laws 2008, c. 174, § 1, eff. Nov. 1, 2008; Laws 2008, c. 318,

§ 1, eff. Nov. 1, 2008; Laws 2009, c. 2, § 1, emerg. eff. March 12, 2009; Laws 2009, c. 87, § 1, eff. Nov. 1, 2009; Laws 2010, c. 113, § 1; Laws 2010, c. 348, § 1, eff. Nov. 1, 2010; Laws 2011, c. 385, § 2, eff. Nov. 1, 2011; Laws 2014, c. 71, § 1, eff. Nov. 1, 2014; Laws 2019, c. 200, § 1, eff. Nov. 1, 2019; Laws 2023, c. 212, § 1, eff. Nov. 1, 2023; Laws 2024, c. 38, § 1, eff. Nov. 1, 2024; Laws 2025, c. 486, § 3, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 217 from July 1, 1998, to July 1, 1999.

NOTE: Laws 1997, c. 133, § 217 repealed by Laws 1999, 1st Ex. Sess., c. 5, § 452, eff. July 1, 1999. Laws 1997, c. 368, § 3 repealed by Laws 2000, c. 6, § 34, emerg. eff. March 20, 2000. Laws 2004, c. 520, § 1 repealed by Laws 2005, c. 1, § 13, eff. July 1, 2005. Laws 2008, c. 403, § 1 repealed by Laws 2009, c. 2, § 2, emerg. eff. March 12, 2009.

NOTE: Laws 2023, c. 212, § 1 was purportedly repealed by Laws 2024, c. 452, § 7 but without reference to Laws 2024, c. 38, § 1, which amended it.

§21-645. Assault, battery, or assault and battery with dangerous weapon.

Every person who, with intent to do bodily harm and without justifiable or excusable cause, commits any assault, battery, or assault and battery upon the person of another with any sharp or dangerous weapon, or who, without such cause, shoots at another, with any kind of firearm, air gun, conductive energy weapon or other means whatever, with intent to injure any person, although without the intent to kill such person or to commit any felony, upon conviction is guilty of a Class B4 felony offense punishable by imprisonment in the State Penitentiary not exceeding ten (10) years, or by imprisonment in a county jail not exceeding one (1) year.

R.L. 1910, § 2344. Amended by Laws 1957, p. 161, § 1; Laws 1961, p. 229, § 1; Laws 1982, c. 173, § 1, emerg. eff. April 16, 1982; Laws 1997, c. 133, § 218, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 125, eff. July 1, 1999; Laws 2006, c. 62, § 1, emerg. eff. April 17, 2006; Laws 2025, c. 486, § 100, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 218 from July 1, 1998, to July 1, 1999.

§21-646. Aggravated assault and battery defined.

A. An assault and battery becomes aggravated when committed under any of the following circumstances:

1. When great bodily injury is inflicted upon the person assaulted; or

2. When committed by a person of robust health or strength upon one who is aged, decrepit, or incapacitated, as defined in Section 641 of this title.

B. For purposes of this section "great bodily injury" means bone fracture, protracted and obvious disfigurement, protracted loss or impairment of the function of a body part, organ or mental faculty, or substantial risk of death.

Added by Laws 1951, p. 59, § 1. Amended by Laws 1957, p. 161, § 2; Laws 1989, c. 197, § 10, eff. Nov. 1, 1989; Laws 2002, c. 460, § 6, eff. Nov. 1, 2002.

§21-647. Punishment for aggravated assault and battery.

Aggravated assault and battery shall be a Class B5 felony offense and shall be punished by imprisonment in the State Penitentiary not exceeding five (5) years, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not more than Five Hundred Dollars (\$500.00), or both such fine and imprisonment.

Added by Laws 1951, p. 59, § 2. Amended by Laws 1957, p. 162, § 3; Laws 2002, c. 460, § 7, eff. Nov. 1, 2002; Laws 2025, c. 486, § 149, eff. Jan. 1, 2026.

§21-648. Definitions.

A. "Police officer", "police" or "peace officer" means any duly appointed person who is charged with the responsibility of maintaining public order, safety, and health by the enforcement of all laws, ordinances or orders of this state or any of its political subdivisions and who is authorized to bear arms in execution of his responsibilities, including reserve force deputies, reserve municipal police officers, and tribal law enforcement officers who are commissioned pursuant to a cross-deputization agreement authorized by Section 1221 of Title 74 of the Oklahoma Statutes.

B. "Police dog" means any dog used by a law enforcement agency of this state, a political subdivision of this state or a tribal law enforcement officer who is commissioned pursuant to a cross-deputization agreement authorized by Section 1221 of Title 74 of the Oklahoma Statutes, which is especially trained for law enforcement work and is subject to the control of a dog handler.

C. "Police horse" means any horse which is used by a law enforcement agency of this state, a political subdivision of this state or a tribal law enforcement officer who is commissioned pursuant to a cross-deputization agreement authorized by Section 1221 of Title 74 of the Oklahoma Statutes for law enforcement work.

D. "Dog handler" means any police officer or peace officer who has successfully completed training in the handling of a police dog as established by the policy or standard of the law enforcement agency employing said officer.

Added by Laws 1965, c. 221, § 1, emerg. eff. June 16, 1965. Amended by Laws 1986, c. 54, § 1, eff. July 1, 1986; Laws 1990, c. 75, § 1,

eff. Sept. 1, 1990; Laws 2001, c. 324, § 3, eff. July 1, 2001; Laws 2004, c. 57, § 1, emerg. eff. April 1, 2004.

§21-649. Assault, battery or assault and battery upon police officer or other peace officer - Penalties.

A. Every person who, without justifiable or excusable cause, knowingly commits any assault upon the person of a police officer, sheriff, deputy sheriff, highway patrolman, corrections personnel, or state peace officer employed or duly appointed by any state governmental agency to enforce state laws while the officer is in the performance of his or her duties is punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

B. Every person who, without justifiable or excusable cause knowingly commits battery or assault and battery upon the person of a police officer, sheriff, deputy sheriff, highway patrolman, corrections personnel, or other state peace officer employed or duly appointed by any state governmental agency to enforce state laws while the officer is in the performance of his or her duties, upon conviction, shall be guilty of a Class B5 felony offense punishable by imprisonment in the custody of the Department of Corrections of not more than five (5) years or county jail for a period not to exceed one (1) year, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

C. As used in this section and in Section 650 of this title, "corrections personnel" means any person, employed or duly appointed by the state or by a political subdivision, who has direct contact with inmates of a jail or state correctional facility, and includes but is not limited to, Department of Corrections personnel in job classifications requiring direct contact with inmates, persons providing vocational-technical training to inmates, education personnel who have direct contact with inmates because of education programs for inmates, and persons employed or duly appointed by county or municipal jails to supervise inmates or to provide medical treatment or meals to inmates of jails.

D. For the purposes of this section, assault and battery upon law officers includes any attempt to reach for or gain control of the firearm of any police officer, sheriff, deputy sheriff, highway patrol, corrections personnel as defined in Section 649 of this title, or any peace officer employed by any state or federal governmental agency to enforce state laws.

E. For purposes of this section, if an officer is off duty and the nature of the assault or assault and battery relates back to, or in any manner or circumstances has to do with, his or her official position as a law enforcement officer then it shall fall within the meaning of "in the performance of his or her duties" as an officer.

F. This section shall not supersede any other act or acts, but shall be cumulative thereto.

Added by Laws 1965, c. 221, § 2, emerg. eff. June 16, 1965. Amended by Laws 1989, c. 183, § 1, eff. Nov. 1, 1989; Laws 1990, c. 58, § 1, eff. Sept. 1, 1990; Laws 1997, c. 133, § 219, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 126, eff. July 1, 1999; Laws 2001, c. 324, § 4, eff. July 1, 2001; Laws 2015, c. 17, § 1, eff. Nov. 1, 2015; Laws 2015, c. 117, § 1, eff. Nov. 1, 2015; Laws 2025, c. 486, § 150, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 219 from July 1, 1998, to July 1, 1999.

§21-649.1. Striking, tormenting, and other mistreatment of a police dog or horse - Penalties - Restitution.

A. No person shall willfully strike, torment, administer a nonpoisonous desensitizing substance to, or otherwise mistreat a police dog or police horse owned, or the service of which is employed, by a law enforcement agency of the state or a political subdivision of the state.

B. No person shall willfully interfere with the lawful performance of any police dog or police horse.

C. Except as provided in subsection D of this section, any person convicted of violating any of the provisions of this section shall be guilty of a Class B6 felony offense, punishable by the imposition of a fine not exceeding Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not exceeding one (1) year, or by both such fine and imprisonment. In addition, the person shall be ordered to pay restitution, which shall be paid to the law enforcement agency or political subdivision of the state which employed the service of the police dog or horse.

D. Any person who knowingly and willfully and without lawful cause or justification violates the provisions of this section, during the commission of a misdemeanor or felony, shall be guilty of a Class B5 felony offense, punishable by the imposition of a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the custody of the Department of Corrections not exceeding two (2) years, or by both such fine and imprisonment. In addition, the person shall be ordered to pay restitution, which shall be paid to the law enforcement agency or political subdivision of the state which employed the service of the police dog or horse.

Added by Laws 1986, c. 54, § 2, eff. July 1, 1986. Amended by Laws 1990, c. 75, § 2, eff. Sept. 1, 1990; Laws 1997, c. 133, § 220, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 127, eff. July 1, 1999; Laws 2014, c. 222, § 1, eff. Nov. 1, 2014; Laws 2025, c. 486, § 151, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 220 from July 1, 1998, to July 1, 1999.

§21-649.2. Killing, disfiguring, disabling, and other acts committed against a police dog or horse - Penalties - Restitution - Exceptions.

A. No person shall willfully kill; beat; torture; injure so as to disfigure or disable; administer poison to; set a booby trap device for the purpose of injury so as to disfigure, disable or kill; or pay or agree to pay bounty for purposes of injury so as to disfigure, disable or kill any police dog or police horse owned, or the service of which is employed, by a law enforcement agency of the state or a political subdivision of the state.

B. Except as provided in subsection C of this section, any person convicted of violating the provisions of this section is guilty of a misdemeanor punishable by the imposition of a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail not exceeding one (1) year, or by both such fine and imprisonment. In addition, the person shall be ordered to pay restitution, which shall be paid to the law enforcement agency or political subdivision of the state which employed the service of the police dog or horse.

C. Any person who knowingly and willfully and without lawful cause or justification violates the provisions of this section, during the commission of a misdemeanor or felony, shall be guilty of a Class B5 felony offense, punishable by the imposition of a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the custody of the Department of Corrections not exceeding five (5) years, or by both such fine and imprisonment. In addition, the person shall be ordered to pay restitution, which shall be paid to the law enforcement agency or political subdivision of the state which employed the service of the police dog or horse.

D. The provisions of this section shall not apply:

1. To a peace officer or veterinarian who terminates the life of a police dog or a police horse for the purpose of relieving the dog or horse of undue pain or suffering; or

2. If a police dog is off duty and is running loose without supervision of a police officer and gets run over by a motor vehicle or is perceived to be a threat to the public.

Added by Laws 1986, c. 54, § 3, eff. July 1, 1986. Amended by Laws 1990, c. 75, § 3, eff. Sept. 1, 1990; Laws 1997, c. 133, § 221, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 128, eff. July 1, 1999; Laws 2014, c. 222, § 2, eff. Nov. 1, 2014; Laws 2025, c. 486, § 152, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 221 from July 1, 1998, to July 1, 1999.

§21-649.3. Harming, mistreating or killing service animal - Willful interference with service animal's performance - Permitting animal

to fight, injure or kill service animal - Penalties - Exemption from registration or license fees.

A. No person shall willfully harm, including torture, torment, beat, mutilate, injure, disable, or otherwise mistreat or kill a service animal that is used for the benefit of any handicapped person in the state.

B. No person including, but not limited to, any municipality or political subdivision of the state, shall willfully interfere with the lawful performance of any service animal used for the benefit of any handicapped person in the state.

C. Except as provided in subsection D of this section, any person convicted of violating any of the provisions of this section shall be guilty of a misdemeanor, punishable by the imposition of a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail not exceeding one (1) year, or by both such fine and imprisonment.

D. Any person who knowingly and willfully and without lawful cause or justification violates the provisions of this section, during the commission of a misdemeanor or felony, shall be guilty of a Class B6 felony offense, punishable by the imposition of a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the Department of Corrections not exceeding two (2) years, or by both such fine and imprisonment.

E. Any person who encourages, permits or allows an animal owned or kept by such person to fight, injure, disable or kill a service animal used for the benefit of any handicapped person in this state, or to interfere with a service animal in any place where the service animal resides or is performing, shall, upon conviction, be guilty of a misdemeanor punishable as provided in subsection C of this section. In addition to the penalty imposed, the court shall order the violator to make restitution to the owner of the service animal for actual costs and expenses incurred as a direct result of any injury, disability or death caused to the service animal, including but not limited to costs of replacing and training any new service animal when a service animal is killed, disabled or unable to perform due to injury. For purpose of this subsection, when a person informs the owner of an animal that the animal is a threat and requests the owner to control or contain the animal and the owner disregards the request, the owner shall be deemed to have encouraged, permitted or allowed any resulting injury to or interference with a service animal.

F. Notwithstanding any ordinance in effect as of the effective date of this act, no municipality or political subdivision of the state, or any official thereof, may enact or enforce any ordinance or rule that requires any registration or licensing fee for any service animal as defined in this section that is used for the purpose of guiding or assisting a disabled person who has a sensory,

mental, or physical impairment. Any official violating the provisions of this paragraph shall be guilty of a misdemeanor punishable by a fine of not less than Fifty Dollars (\$50.00).

G. As used in this section, "service animal" means an animal that is trained for the purpose of guiding or assisting a disabled person who has a sensory, mental, or physical impairment.

Added by Laws 2004, c. 281, § 1, emerg. eff. May 10, 2004. Amended by Laws 2005, c. 158, § 1, eff. Nov. 1, 2005; Laws 2025, c. 486, § 180, eff. Jan. 1, 2026.

§21-650. See the following versions:

OS 21-650v1 (SB 369, Laws 2025, c. 32, 1)

OS 21-650v2 (HB 2104, Laws 2025, c. 486, § 16)

§21-650.1. Athletic contests - Assault and battery upon referee, umpire, etc.

Every person who, without justifiable or excusable cause and with intent to do bodily harm, commits any assault, battery, assault and battery upon the person of a referee, umpire, timekeeper, coach, official, or any person having authority in connection with any amateur or professional athletic contest is guilty of a misdemeanor and is punishable by imprisonment in the county jail not exceeding one (1) year or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

Amended by Laws 1984, c. 297, § 1.

§21-650.2. Assault or battery upon Corrections, Human Services or Juvenile Affairs employee or contractor.

A. Every person in the custody of the Oklahoma Department of Corrections who, without justifiable or excusable cause, knowingly commits any assault, battery or assault and battery upon the person of a Department of Corrections employee while said employee is in the performance of his or her duties shall, upon conviction thereof, be guilty of a Class B6 felony offense.

B. Every person incarcerated in an institution operated by a private prison contractor, pursuant to Section 561, 563.1 or 563.2 of Title 57 of the Oklahoma Statutes, who, without justifiable or excusable cause, knowingly commits any assault, battery or assault and battery upon the person of an employee of the contractor while said employee is in the performance of duties shall, upon conviction thereof, be guilty of a Class B6 felony offense.

C. Every person in the custody of the Department of Human Services who, without justifiable or excusable cause, knowingly commits any aggravated assault and battery upon the person of a Department of Human Services employee, or a person contracting with the Department to provide services, while the employee or contractor

is in the performance of his or her duties shall, upon conviction thereof, be guilty of a Class B6 felony offense.

D. Every person in the custody of the Office of Juvenile Affairs who, without justifiable or excusable cause, knowingly commits any assault, battery or assault and battery upon the person of an Office of Juvenile Affairs employee while said employee is in the performance of his or her duties shall, upon conviction thereof, be guilty of a Class B6 felony offense.

E. Every person in the custody of the Office of Juvenile Affairs who, without justifiable or excusable cause, knowingly commits any battery or assault and battery resulting in bodily injury to any employee of the Office of Juvenile Affairs or employee of any residential facility while said employee is in the performance of duties of employment shall, upon conviction thereof, be guilty of a Class B5 felony offense. The fine for a violation of this subsection shall not be less than Five Hundred Dollars

(\$500.00) nor more than Five Thousand Dollars (\$5,000.00), which may be imposed whether or not a period of incarceration is imposed. Added by Laws 1985, c. 75, § 1, eff. Nov. 1, 1985. Amended by Laws 1993, c. 326, § 2, emerg. eff. June 7, 1993; Laws 1996, c. 247, § 27, eff. July 1, 1996; Laws 1997, c. 133, § 223, eff. July 1, 1999; Laws 1997, c. 293, § 36, eff. July 1, 1999; Laws 1999, c. 99, § 1, eff. Nov. 1, 1999; Laws 1999, c. 166, § 1, emerg. eff. May 21, 1999; Laws 2008, c. 121, § 2, eff. Nov. 1, 2008; Laws 2025, c. 486, § 153, eff. Jan. 1, 2026.

NOTE: Laws 1997, c. 333, § 4 repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999, but was subsequently amended by Laws 1999, c. 99, § 1. Laws 1997, c. 333, § 3 repealed by Laws 2000, c. 6, § 34, emerg. eff. March 20, 2000.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 223 from July 1, 1998, to July 1, 1999. Laws 1998, 1st Ex.Sess., c. 2, § 24 amended the effective date of Laws 1997, c. 293, § 36 from July 1, 1998, to July 1, 1999. Laws 1998, 1st Ex.Sess., c. 2, § 25 amended the effective date of Laws 1997, c. 333, § 4 from July 1, 1998, to July 1, 1999.

§21-650.3. Delaying, obstructing or interfering with emergency medical technician or other emergency medical care provider - Punishment.

Every person who willfully delays, obstructs or in any way interferes with an emergency medical technician or other emergency medical care provider in the performance of or attempt to perform emergency medical care and treatment or in going to or returning from the scene of a medical emergency, upon conviction, is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

Added by Laws 1990, c. 320, § 1, emerg. eff. May 30, 1990.

§21-650.4. Assault and battery upon emergency medical care provider.

A. Every person who, without justifiable or excusable cause and with intent to do bodily harm, commits any assault, battery or assault and battery upon the person of a medical care provider who is performing medical care duties, upon conviction, is guilty of a Class B6 felony offense punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding two (2) years, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

B. As used in this section, "medical care provider" means doctors, residents, interns, nurses, nurses' aides, ambulance attendants and operators, paramedics, emergency medical technicians, laboratory technicians, radiologic technologists, physical therapists, physician assistants, chaplains, volunteers, pharmacists, nursing students, medical students, members of a hospital security force, and any other employees working in or for a health care facility or independent contractors in one of the listed categories.

Added by Laws 1990, c. 320, § 2, emerg. eff. May 30, 1990. Amended by Laws 2000, c. 143, § 1, eff. Nov. 1, 2000; Laws 2009, c. 337, § 1, emerg. eff. May 27, 2009; Laws 2020, c. 68, § 2, eff. Nov. 1, 2020; Laws 2023, c. 140, § 1, eff. Nov. 1, 2023; Laws 2025, c. 486, § 181, eff. Jan. 1, 2026.

§21-650.5. Aggravated assault and battery or assault with firearm or other dangerous weapon upon medical care provider - Penalty.

A. Every person who, without justifiable or excusable cause and with intent to do bodily harm, commits any aggravated assault and battery or any assault with a firearm or other deadly weapon upon the person of a medical care provider, upon conviction, is guilty of a Class D2 felony offense punishable by imprisonment in the custody of the Department of Corrections for a term not less than two (2) years nor more than five (5) years, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. Any subsequent conviction pursuant to this section shall be a Class D2 felony offense, punishable by imprisonment as provided for in subsection C of Section 200 of this title.

B. As used in this section, "medical care provider" means doctors, residents, interns, nurses, nurses' aides, ambulance attendants and operators, paramedics, emergency medical technicians, laboratory technicians, radiologic technologists, physical therapists, physician assistants, chaplains, volunteers, pharmacists, nursing students, medical students, members of a

hospital security force, and any other employees or independent contractors working in or for a health care facility.

Added by Laws 1990, c. 320, § 3, emerg. eff. May 30, 1990. Amended by Laws 1997, c. 133, § 224, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 130, eff. July 1, 1999; Laws 2020, c. 68, § 3, eff. Nov. 1, 2020; Laws 2023, c. 140, § 2, eff. Nov. 1, 2023; Laws 2025, c. 486, § 594, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 224 from July 1, 1998, to July 1, 1999.

§21-650.6. Assault and battery – County and court officers, witnesses, jurors, or process servers.

A. Every person who commits any assault upon any county commissioner, county clerk, county assessor, county treasurer, or any officer of a state district or appellate court, or the Workers' Compensation Court, including but not limited to judges, bailiffs, court reporters, court clerks or deputy court clerks, or upon any witnesses or juror, because of said person's service in such capacity or within six (6) months of said person's service in such capacity, shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine.

B. Every person who commits any battery or assault and battery upon any county commissioner, county clerk, county assessor, county treasurer, or officer of a state district or appellate court, or the Workers' Compensation Court, including but not limited to judges, bailiffs, court reporters, court clerks or deputy court clerks, or upon any witnesses or juror, because of said person's service in such capacity or within six (6) months of said person's service in such capacity, shall be guilty of a Class B6 felony offense punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years, by a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine.

C. Every person who knowingly commits any assault, battery or assault and battery upon a process server licensed in this state while the person is in the performance of his or her duties shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine.

Added by Laws 1993, c. 326, § 1, emerg. eff. June 7, 1993. Amended by Laws 1997, c. 133, § 225, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 131, eff. July 1, 1999; Laws 2021, c. 373, § 2, eff. Nov. 1, 2021; Laws 2023, c. 136, § 1, emerg. eff. May 1, 2023; Laws 2025, c. 486, § 182, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 225 from July 1, 1998, to July 1, 1999.

§21-650.7. Assault, battery, or assault and battery upon school employee or student - Notice - Definition.

A. As used in this section, "school employee" means a teacher, principal, or any duly appointed person employed by a school system or employees of a firm contracting with a school system for any purpose, including any personnel not directly related to the teaching process and school board members during school board meetings.

B. Any person who, without justifiable or excusable cause, commits any assault, battery, or assault and battery upon the person of a school employee while such employee is in the performance of any duties as a school employee or upon any student while such student is participating in any school activity or attending classes on school property during school hours shall, upon conviction, be guilty of a misdemeanor. The convicted person shall be punished by a term of imprisonment in the county jail for a period not exceeding one (1) year, or by a fine not exceeding Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

C. Any person who, without justifiable or excusable cause, commits any aggravated battery or aggravated assault and battery upon the person of a school employee while such employee is in the performance of any duties as a school employee shall, upon conviction, be guilty of a Class B6 felony offense punishable by a term of imprisonment in the State Penitentiary for a period not exceeding two (2) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

D. Every school site shall post in a prominent place a notice having the following or similar language: "FELONY CHARGES MAY BE FILED AGAINST ANY PERSON(S) COMMITTING AN AGGRAVATED ASSAULT OR BATTERY UPON ANY SCHOOL EMPLOYEE."

E. For purposes of this section, "assault" shall be defined by Section 641 of Title 21 of the Oklahoma Statutes, "battery" shall be defined by Section 642 of Title 21 of the Oklahoma Statutes, and "aggravated assault and battery" shall be defined by Section 646 of Title 21 of the Oklahoma Statutes.

Added by Laws 1971, c. 281, § 6-113, eff. July 2, 1971. Amended by Laws 1978, c. 31, § 1, eff. Oct. 1, 1978; Laws 1980, c. 78, § 1, eff. Oct. 1, 1980; Laws 1995, c. 241, § 1, eff. July 1, 1995. Renumbered from § 6-113 of Title 70 by Laws 1995, c. 241, § 3, eff. July 1, 1995. Amended by Laws 2001, c. 380, § 1, eff. July 1, 2001; Laws 2025, c. 486, § 183, eff. Jan. 1, 2026.

§21-650.8. Felony assault, battery or assault and battery upon employee of facility for delinquent children, juvenile detention center or juvenile bureau.

A. Every person who, without justifiable or excusable cause, knowingly commits any assault, battery or assault and battery upon the person of an employee of a facility maintained by the Office of Juvenile Affairs, a facility maintained by a private contractor pursuant to a contract with the Office of Juvenile Affairs primarily for delinquent children, a juvenile detention center, or a juvenile bureau, while the employee is in the performance of his duties, shall upon conviction thereof be guilty of a Class B6 felony offense.

B. This section shall not supersede any other act or acts, but shall be cumulative thereto.

Added by Laws 1984, c. 276, § 1, emerg. eff. May 30, 1984.

Renumbered from § 1149 of Title 10 by Laws 1995, c. 352, § 200, eff. July 1, 1995. Amended by Laws 1996, c. 247, § 28, eff. July 1, 1996; Laws 1997, c. 133, § 226, eff. July 1, 1999; Laws 1999, c. 99, § 2, eff. Nov. 1, 1999; Laws 2025, c. 486, § 184, eff. Jan. 1, 2026.

NOTE: Laws 1997, c. 293, § 38 repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999, but was subsequently amended by Laws 1999, c. 99, § 2. Laws 1997, c. 293, § 37 repealed by Laws 2000, c. 6, § 34, emerg. eff. March 20, 2000.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 226 from July 1, 1998, to July 1, 1999. Laws 1998, 1st Ex.Sess., c. 2, § 24 amended the effective date of Laws 1997, c. 293, § 38 from July 1, 1998, to July 1, 1999.

§21-650.9. Persons in custody - Placing body wastes or fluids upon government employee or contractor.

Every person in the custody of the state, a county or city or a contractor of the state, a county or a city who throws, transfers or in any manner places feces, urine, semen, saliva or blood upon the person of an employee of the state, a county or a city or an employee of a contractor of the state, a county or a city shall, upon conviction thereof, be guilty of a Class B6 felony offense.

Added by Laws 1996, c. 199, § 1, eff. Nov. 1, 1996. Amended by Laws 1997, c. 133, § 227, eff. July 1, 1999; Laws 2025, c. 486, § 185, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 227 from July 1, 1998, to July 1, 1999.

§21-650.10. Touching assistive device with intent to harass - Penalties.

Every person who, without justifiable or excusable cause and with intent to harass, touches any assistive device of another person, shall upon conviction, be guilty of a misdemeanor punishable

by imprisonment in the county jail for a period of not more than one (1) year, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

As used in this section, "assistive device" means any device that enables a person with a disability to communicate, see, hear, or maneuver.

Added by Laws 2000, c. 83, § 1, eff. Nov. 1, 2000.

§21-650.11. Medical battery - Penalties - Definition.

A. Medical battery is a Class B6 felony offense, upon conviction, punishable by imprisonment in the county jail for a term of not more than one (1) year, or imprisonment in the custody of the Department of Corrections for a term of not more than four (4) years, and a fine in an amount not more than Five Thousand Dollars (\$5,000.00). In addition, the defendant shall be ordered to make restitution to the victim in an amount as determined by the court.

B. For purposes of this section, "medical battery" means:

1. The defendant has been found guilty of practicing dentistry, medicine, osteopathic medicine, or surgery, without a license or authority as prohibited by the provisions of the State Dental Act, the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, or the Oklahoma Osteopathic Medicine Act;

2. The treatment, or course of treatment, practiced in violation of the provisions of the State Dental Act, the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, or the Osteopathic Medicine Act resulted in the victim having permanent physical injury or disfigurement;

3. The victim consented to such treatment, or course of treatment, under a belief that the defendant was licensed and authorized to diagnose and perform the treatment; and

4. The defendant willfully performed the act knowing that such act was prohibited pursuant to law.

Added by Laws 2008, c. 358, § 6, eff. Nov. 1, 2008. Amended by Laws 2025, c. 486, § 186, eff. Jan. 1, 2026.

§21-650v1. Aggravated assault and battery upon peace officer.

A. Every person who, without justifiable or excusable cause, knowingly commits any aggravated assault and battery upon the person of a police officer, sheriff, deputy sheriff, highway patrolman, corrections personnel as defined in Section 649 of this title, or any state peace officer employed by any state or federal governmental agency to enforce state laws, while the officer is in the performance of his or her duties shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than life, a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

B. Every person who, without justifiable or excusable cause, commits any aggravated assault and battery upon a person that the violator knows or should reasonably know is a police officer, sheriff, deputy sheriff, highway patrolman, corrections personnel as defined in Section 649 of this title, or any state peace officer employed by any state or federal governmental agency to enforce state laws, that results in maiming as defined in Section 751 of this title, while the officer is in the performance of his or her duties shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not less than five (5) years nor more than life, a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

C. For purposes of this section, aggravated assault and battery upon law officers includes:

1. The physical contact with and an attempt to gain control of the firearm; or

2. The strangulation,
of any police officer, sheriff, deputy sheriff, highway patrolman, corrections personnel as defined in Section 649 of this title, or any peace officer employed by any state or federal governmental agency to enforce state laws.

As used in this subsection, "strangulation" shall have the same meaning as provided in subsection J of Section 644 of this title.

D. This section shall not supersede any other act or acts but shall be cumulative thereto.

Added by Laws 1969, c. 95, §§ 1, 2, emerg. eff. March 27, 1969.

Amended by Laws 1989, c. 183, § 2, eff. Nov. 1, 1989; Laws 1990, c. 58, § 2, eff. Sept. 1, 1990; Laws 1997, c. 133, § 222, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 129, eff. July 1, 1999; Laws 2011, c. 385, § 3, eff. Nov. 1, 2011; Laws 2015, c. 17, § 2, eff. Nov. 1, 2015; Laws 2025, c. 32, § 1, eff. Nov. 1, 2025.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 222 from July 1, 1998, to July 1, 1999.

§21-650v2. Aggravated assault and battery upon peace officer.

A. Every person who, without justifiable or excusable cause, knowingly commits any aggravated assault and battery upon the person of a police officer, sheriff, deputy sheriff or highway patrolman, corrections personnel as defined in Section 649 of this title, or any state peace officer employed by any state or federal governmental agency to enforce state laws, while the officer is in the performance of his or her duties shall upon conviction thereof be guilty of a Class A3 felony offense, which shall be punishable by imprisonment in the custody of the Department of Corrections for not more than life or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

B. Every person who, without justifiable or excusable cause, commits any aggravated assault and battery upon a person that the violator knows or should reasonably know is a police officer, sheriff, deputy sheriff or highway patrolman, corrections personnel as defined in Section 649 of this title, or any state peace officer employed by any state or federal governmental agency to enforce state laws, that results in maiming as defined in Section 751 of this title, while the officer is in the performance of his or her duties shall, upon conviction, be guilty of a Class A2 felony offense punishable by imprisonment in the custody of the Department of Corrections of not less than five (5) years nor more than life or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

C. For purposes of this section, aggravated assault and battery upon law officers includes the physical contact with and in attempt to gain control of the firearm of any police officer, sheriff, deputy sheriff, highway patrolman, corrections personnel as defined in Section 649 of this title, or any peace officer employed by any state or federal governmental agency to enforce state laws.

D. This section shall not supersede any other act or acts, but shall be cumulative thereto.

Added by Laws 1969, c. 95, §§ 1, 2, emerg. eff. March 27, 1969.

Amended by Laws 1989, c. 183, § 2, eff. Nov. 1, 1989; Laws 1990, c. 58, § 2, eff. Sept. 1, 1990; Laws 1997, c. 133, § 222, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 129, eff. July 1, 1999; Laws 2011, c. 385, § 3, eff. Nov. 1, 2011; Laws 2015, c. 17, § 2, eff. Nov. 1, 2015; Laws 2025, c. 486, § 16, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 222 from July 1, 1998, to July 1, 1999.

§21-651. Poison, attempt to kill by administering.

Any person who, with intent to kill, administers or causes or procures to be administered to another any poison which is actually taken by such other person but by which death is not caused shall be guilty of a Class A1 felony offense, punishable by imprisonment in the State Penitentiary for not less than ten (10) years.

R.L. 1910, § 2335. Amended by Laws 1997, c. 133, § 228, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 132, eff. July 1, 1999; Laws 2025, c. 486, § 4, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 228 from July 1, 1998, to July 1, 1999.

§21-652. Shooting or discharging firearm with intent to kill - Use of vehicle to facilitate discharge of weapon in conscious disregard of safety of others - Assault and battery with deadly weapon, etc.

A. Every person who intentionally and wrongfully shoots another with or discharges any kind of firearm, with intent to kill any

person, including an unborn child as defined in Section 1-730 of Title 63 of the Oklahoma Statutes, shall upon conviction be guilty of a Class A3 felony offense punishable by imprisonment in the State Penitentiary not exceeding life.

B. Every person who uses any vehicle to facilitate the intentional discharge of any kind of firearm, crossbow or other weapon in conscious disregard for the safety of any other person or persons, including an unborn child as defined in Section 1-730 of Title 63 of the Oklahoma Statutes, shall upon conviction be guilty of a Class A3 felony offense punishable by imprisonment in the custody of the Department of Corrections for a term not less than two (2) years nor exceeding life.

C. Any person who commits any assault and battery upon another, including an unborn child as defined in Section 1-730 of Title 63 of the Oklahoma Statutes, by means of any deadly weapon, or by such other means or force as is likely to produce death, or in any manner attempts to kill another, including an unborn child as defined in Section 1-730 of Title 63 of the Oklahoma Statutes, or in resisting the execution of any legal process, shall upon conviction be guilty of a Class A3 felony offense punishable by imprisonment in the State Penitentiary not exceeding life.

D. The provisions of this section shall not apply to:

1. Acts which cause the death of an unborn child if those acts were committed during a legal abortion to which the pregnant woman consented; or

2. Acts which are committed pursuant to usual and customary standards of medical practice during diagnostic testing or therapeutic treatment.

E. Under no circumstances shall the mother of the unborn child be prosecuted for causing the death of the unborn child unless the mother has committed a crime that caused the death of the unborn child.

R.L.1910, § 2336. Amended by Laws 1955, p. 186, § 1; Laws 1977, c. 42, § 1, eff. May 11, 1977; Laws 1987, c. 58, § 1, emerg. eff. April 30, 1987; Laws 1992, c. 192, § 1, emerg. eff. May 11, 1992; Laws 1997, c. 133, § 229, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 133, eff. July 1, 1999; Laws 2005, c. 200, § 2, emerg. eff. May 20, 2005; Laws 2007, c. 358, § 2, eff. July 1, 2007; Laws 2025, c. 486, § 35, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 229 from July 1, 1998, to July 1, 1999.

§21-653. Punishment for other assaults with intent to kill.

Any person who is guilty of an assault with intent to kill any person, the punishment for which is not prescribed by Section 652 of this title, shall be guilty of a Class B5 felony offense punishable by imprisonment in the State Penitentiary for a term not exceeding

five (5) years, or in a county jail not exceeding one (1) year, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

R.L. 1910, § 2337. Amended by Laws 1997, c. 133, § 230, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 134, eff. July 1, 1999; Laws 2025, c. 486, § 154, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 230 from July 1, 1998, to July 1, 1999.

§21-661. Duel defined.

A duel is any combat with deadly weapons fought between two persons by agreement.

R.L.1910, § 2354.

§21-662. Dueling a felony.

Any person guilty of fighting any duel, although no death or wound ensues, shall be guilty of a Class C1 felony offense punishable by imprisonment as provided for in subsections B through E of Section 20L of this title.

R.L. 1910, § 2355. Amended by Laws 1997, c. 133, § 231, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 135, eff. July 1, 1999; Laws 2025, c. 486, § 193, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 231 from July 1, 1998, to July 1, 1999.

§21-681. Assaults with intent to commit felony.

A. Any person who is guilty of an assault with intent to commit any felony, except an assault with intent to kill, the punishment for which assault is not otherwise prescribed in this code, shall be guilty of a Class B5 felony offense punishable by imprisonment in the custody of the Department of Corrections not exceeding five (5) years, or in a county jail not exceeding one (1) year, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

B. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of subsection A of this section and the offense involved sexual assault, shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

R.L. 1910, § 2338. Amended by Laws 1997, c. 133, § 232, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 136, eff. July 1, 1999; Laws 2007, c. 261, § 3, eff. Nov. 1, 2007; Laws 2025, c. 486, § 155, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 232 from July 1, 1998, to July 1, 1999.

§21-684. Repealed by Laws 2021, c. 308, § 1, eff. June 24, 2022.

§21-691. Homicide defined.

A. Homicide is the killing of one human being by another.

B. As used in this section, "human being" includes an unborn child, as defined in Section 1-730 of Title 63 of the Oklahoma Statutes.

C. Homicide shall not include:

1. Acts which cause the death of an unborn child if those acts were committed during a legal abortion to which the pregnant woman consented; or

2. Acts which are committed pursuant to the usual and customary standards of medical practice during diagnostic testing or therapeutic treatment.

D. Under no circumstances shall the mother of the unborn child be prosecuted for causing the death of the unborn child unless the mother has committed a crime that caused the death of the unborn child.

R.L. 1910 Sec. 2308. Amended by Laws 2006, c. 185, § 1, eff. Nov. 1, 2006.

§21-692. Homicide classified.

Homicide is either:

1. Murder;

2. Manslaughter;

3. Excusable homicide; or,

4. Justifiable homicide.

R.L.1910, § 2309.

§21-693. Proof necessary to conviction of murder or manslaughter.

No person can be convicted of murder or manslaughter, or of aiding suicide, unless the death of the person alleged to have been killed and the fact of the killing by the accused are each established as independent facts beyond a reasonable doubt.

R.L. 1910, § 2310.

§21-694. Certain common law rules abolished.

A. The rules of the common law distinguishing the killing of a master by his servant and of a husband by his wife as petit treason are abolished and these offenses are deemed homicides, punishable in the manner prescribed by Section 691 et seq. of this title.

B. The rule of the common law providing that a death occurring after a year and a day from the date of a criminal corporal injury

is irrebuttably presumed not to be the result of that injury is abolished.

R.L.1910, § 2311; Laws 1994, c. 65, § 1, emerg. eff. April 15, 1994.

§21-695. Confidential or domestic relation may be considered.

Whenever the grade or punishment of homicide is made to depend upon its having been committed under circumstances evincing a depraved mind or unusual cruelty, or in a cruel manner, the jury may take into consideration the fact that any domestic or confidential relation existed between the accused and the person killed, in determining the moral quality of the acts proved.

R.L.1910, § 2312.

§21-701.7. Murder in the first degree.

A. A person commits murder in the first degree when that person unlawfully and with malice aforethought causes the death of another human being. Malice is that deliberate intention unlawfully to take away the life of a human being, which is manifested by external circumstances capable of proof.

B. A person also commits the crime of murder in the first degree, regardless of malice, when that person or any other person takes the life of a human being during, or if the death of a human being results from, the commission or attempted commission of murder of another person, shooting or discharge of a firearm or crossbow with intent to kill, intentional discharge of a firearm or other deadly weapon into any dwelling or building as provided in Section 1289.17A of this title, forcible rape, robbery with a dangerous weapon, kidnapping, escape from lawful custody, eluding an officer, first degree burglary, first degree arson, unlawful distributing or dispensing of controlled dangerous substances or synthetic controlled substances, trafficking in illegal drugs, or manufacturing or attempting to manufacture a controlled dangerous substance.

1. Except as provided in paragraph 3 of this subsection, the term "synthetic controlled substance" means a substance:

- a. the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II,
- b. which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II, or
- c. with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system

that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II.

2. The designation of gamma butyrolactone does not preclude a finding pursuant to paragraph 1 of this subsection that the chemical is a synthetic controlled substance.

3. Such term does not include:

- a. a controlled substance,
- b. any substance for which there is an approved new drug application,
- c. with respect to a particular person any substance, if an exemption is in effect for investigational use, for that person, under Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) to the extent conduct with respect to such substance is pursuant to such exemption, or
- d. any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

C. A person commits murder in the first degree when the death of a child results from the willful or malicious injuring, torturing, maiming or using of unreasonable force by said person or who shall willfully cause, procure or permit any of said acts to be done upon the child pursuant to Section 843.5 of this title. It is sufficient for the crime of murder in the first degree that the person either willfully tortured or used unreasonable force upon the child or maliciously injured or maimed the child.

D. A person commits murder in the first degree when that person unlawfully and with malice aforethought solicits another person or persons to cause the death of a human being in furtherance of unlawfully manufacturing, distributing or dispensing controlled dangerous substances, as defined in the Uniform Controlled Dangerous Substances Act, unlawfully possessing with intent to distribute or dispense controlled dangerous substances, or trafficking in illegal drugs.

E. A person commits murder in the first degree when that person intentionally causes the death of a law enforcement officer, correctional officer, or corrections employee while the officer or employee is in the performance of official duties.

F. A person who violates any of the provisions provided for in this section shall, upon conviction, be guilty of a Class Y felony offense.

Added by Laws 1976, 1st Ex.Sess., c. 1, § 1, eff. July 24, 1976.

Amended by Laws 1982, c. 279, § 1, operative Oct. 1, 1982; Laws 1989, c. 259, § 1, emerg. eff. May 19, 1989; Laws 1996, c. 161, § 1, eff. Nov. 1, 1996; Laws 1997, c. 386, § 23, emerg. eff. June 10,

1997; Laws 1998, c. 5, § 11, emerg. eff. March 4, 1998; Laws 2004, c. 520, § 2, eff. Nov. 1, 2004; Laws 2006, c. 186, § 2, eff. July 1, 2006; Laws 2009, c. 234, § 120, emerg. eff. May 21, 2009; Laws 2012, c. 128, § 1, eff. Nov. 1, 2012; Laws 2012, c. 208, § 1, eff. Nov. 1, 2012; Laws 2025, c. 486, § 1, eff. Jan. 1, 2026.

NOTE: Laws 1989, c. 253, § 1 repealed by Laws 1989, c. 353, § 14, emerg. eff. June 3, 1989. Laws 1997, c. 324, § 1 repealed by Laws 1998, c. 5, § 29, emerg. eff. March 4, 1998.

§21-701.8. Murder in the second degree.

Homicide, a Class A1 felony offense, is murder in the second degree in the following cases:

1. When perpetrated by an act imminently dangerous to another person and evincing a depraved mind, regardless of human life, although without any premeditated design to effect the death of any particular individual; or

2. When perpetrated by a person engaged in the commission of any felony other than the unlawful acts set out in Section 1, subsection B, of this act.

Added by Laws 1976, 1st Ex.Sess., c. 1, § 2, eff. July 24, 1976.

Amended by Laws 2025, c. 486, § 5, eff. Jan. 1, 2026.

§21-701.9. Punishment for murder.

A. A person who is convicted of or pleads guilty or nolo contendere to murder in the first degree shall be guilty of a Class Y felony offense and shall be punished by death, by imprisonment for life without parole, or by imprisonment for life. A person who is convicted of or pleads guilty or nolo contendere to murder in the first degree, as described in subsection E of Section 701.7 of this title, shall be guilty of a Class Y felony offense and shall be punished by death or by life without parole and absent an overwhelming amount of mitigating evidence shall not be entitled to or afforded the benefit of receiving imprisonment for life or deferment of the sentence.

B. A person who is convicted of or pleads guilty or nolo contendere to murder in the second degree shall be guilty of a Class A1 felony offense punishable by imprisonment in the custody of the Department of Corrections for not less than ten (10) years nor more than life.

Added by Laws 1976, 1st Ex. Sess., c. 1, § 3, eff. July 24, 1976.

Amended by Laws 1987, c. 96, § 1, eff. Nov. 1, 1987; Laws 1997, c. 133, § 233, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 137, eff. July 1, 1999; Laws 2004, c. 520, § 3, eff. Nov. 1, 2004; Laws 2017, c. 169, § 2, eff. Nov. 1, 2017; Laws 2025, c. 486, § 6, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 233 from July 1, 1998, to July 1, 1999.

§21-701.10. Sentencing proceeding - Murder in the first degree - State seeking death penalty.

A. Upon conviction or adjudication of guilt of a defendant of murder in the first degree, wherein the state is seeking the death penalty, the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death, life imprisonment without parole or life imprisonment. The proceeding shall be conducted by the trial judge before the same trial jury as soon as practicable without presentence investigation.

B. If the trial jury has been waived by the defendant and the state, or if the defendant pleaded guilty or nolo contendere, the sentencing proceeding shall be conducted before the court.

C. In the sentencing proceeding, evidence may be presented as to any mitigating circumstances or as to any of the aggravating circumstances enumerated in Section 701.7 et seq. of this title. Only such evidence in aggravation as the state has made known to the defendant prior to his trial shall be admissible. In addition, the state may introduce evidence about the victim and about the impact of the murder on the family of the victim.

D. This section shall not be construed to authorize the introduction of any evidence secured in violation of the Constitutions of the United States or of the State of Oklahoma. The state and the defendant or his counsel shall be permitted to present argument for or against sentence of death.

Added by Laws 1976, 1st Ex.Sess., c. 1, § 4, eff. July 24, 1976.

Amended by Laws 1987, c. 96, § 2, eff. Nov. 1, 1987; Laws 1989, c. 365, § 1, emerg. eff. June 3, 1989; Laws 1992, c. 67, § 1, emerg. eff. April 13, 1992; Laws 2013, c. 6, § 1, eff. Nov. 1, 2013.

§21-701.10-1. Sentencing proceeding - Murder in the first degree - Life imprisonment.

A. Upon conviction or adjudication of guilt of a defendant of murder in the first degree, wherein the state is not seeking the death penalty but has alleged that the defendant has prior felony convictions, the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to life imprisonment without parole or life imprisonment, wherein the state shall be given the opportunity to prove any prior felony convictions beyond a reasonable doubt. The proceeding shall be conducted by the trial judge before the same trial jury as soon as practicable without presentence investigation.

B. If the trial jury has been waived by the defendant and the state, or if the defendant pleaded guilty or nolo contendere, the sentencing proceeding shall be conducted before the court.

Added by Laws 2013, c. 6, § 2, eff. Nov. 1, 2013.

§21-701.10a. Sentencing proceeding on remand - Murder in the first degree - Admissibility of evidence.

Notwithstanding subsection A of Section 701.10 of this title, which requires that the same jury sit in the sentencing phase of a capital murder trial, the following shall apply:

1. Upon any appeal by the defendant where the sentence is of death, the appellate court, if it finds prejudicial error in the sentencing proceeding only, may set aside the sentence of death and remand the case to the trial court in the jurisdiction in which the defendant was originally sentenced. No error in the sentencing proceeding shall result in the reversal of the conviction for a capital felony. When a capital case is remanded after vacation of a death sentence, the prosecutor may:

- a. move the trial court to impose any sentence authorized by law at the time of the commission of the crime, which the trial court shall impose after a non-jury sentencing proceeding, provided, the original sentencing proceeding was conducted before the court or the original sentencing proceeding was conducted before a jury and both the defendant and the state waive jury sentencing after remand; or
- b. move the trial court to impanel a new sentencing jury who shall determine the sentence of the defendant, which may be any sentence authorized by law at the time of the commission of the crime, provided, the original sentencing proceeding was conducted before a jury;

2. If the prosecutor elects to utilize the procedure provided in paragraph b of subsection 1 of this section, the trial court shall impanel a new jury for the purpose of conducting new sentencing proceedings;

3. Resentencing proceedings shall be governed by the provisions of Sections 701.10, 701.11 and 701.12 of this title;

4. All exhibits and a transcript of all testimony and other evidence properly admitted in the prior trial and sentencing shall be admissible in the new sentencing proceeding; additional relevant evidence may be admitted including testimony of witnesses who testified at the previous trial;

5. The provisions of this section are procedural and shall apply retroactively to any defendant sentenced to death;

6. This section shall not be construed to amend the provisions of Section 701.10 of this title, requiring the same jury to sit in both the guilt and sentencing phases of the original trial.

Laws 1989, c. 365, § 3, emerg. eff. June 3, 1989; Laws 1993, c. 325, § 12, emerg. eff. June 7, 1993.

§21-701.10b. Death sentence prohibited for defendants who were intellectually disabled prior to age 18 - Sentencing proceedings.

A. For purposes of this section:

1. "Intellectual disability" or "intellectually disabled" means significantly subaverage general intellectual functioning, existing concurrently with significant limitations in adaptive functioning;

2. "Significant limitations in adaptive functioning" means significant limitations in two or more of the following adaptive skill areas: communication, self-care, home living, social skills, community use, self-direction, health, safety, functional academics, leisure skills and work skills; and

3. "Significantly subaverage general intellectual functioning" means an intelligence quotient of seventy (70) or below.

B. Regardless of any provision of law to the contrary, no defendant who is intellectually disabled shall be sentenced to death; provided, however, the onset of the intellectual disability must have been manifested before the defendant attained the age of eighteen (18) years.

C. The defendant has the burden of production and persuasion to demonstrate intellectual disability by showing significantly subaverage general intellectual functioning, significant limitations in adaptive functioning, and that the onset of the intellectual disability was manifested before the age of eighteen (18) years. An intelligence quotient of seventy (70) or below on an individually administered, scientifically recognized standardized intelligence quotient test administered by a licensed psychiatrist or psychologist is evidence of significantly subaverage general intellectual functioning; however, it is not sufficient without evidence of significant limitations in adaptive functioning and without evidence of manifestation before the age of eighteen (18) years. In determining the intelligence quotient, the standard measurement of error for the test administered shall be taken into account.

However, in no event shall a defendant who has received an intelligence quotient of seventy-six (76) or above on any individually administered, scientifically recognized, standardized intelligence quotient test administered by a licensed psychiatrist or psychologist, be considered intellectually disabled and, thus, shall not be subject to any proceedings under this section.

D. A defendant charged with capital murder who intends to raise an intellectual disability as a bar to the death sentence shall provide to the state notice of such intention at least ninety (90) days after formal arraignment or within ninety (90) days after the filing of a bill of particulars, whichever is later. The notice shall include a brief but detailed statement specifying the witnesses, nature and type of evidence sought to be introduced. The

notice must demonstrate sufficient facts that demonstrate a good-faith belief as to the intellectual disability of the defendant.

E. The district court shall conduct an evidentiary hearing to determine whether the defendant is intellectually disabled. If the court determines, by clear and convincing evidence, that the defendant is intellectually disabled, the defendant, if convicted, shall be sentenced to life imprisonment or life without parole. If the district court determines that the defendant is not intellectually disabled, the capital trial of the offense may proceed. A request for a hearing under this section shall not waive entitlement by the defendant to submit the issue of an intellectual disability to a jury during the sentencing phase in a capital trial if convicted of an offense punishable by death. The court's determination on the issue of an intellectual disability shall not be the subject of an interlocutory appeal.

F. The court shall submit a special issue to the jury as to whether the defendant is intellectually disabled. This special issue shall be considered and answered by the jury during the sentencing stage and prior to the determination of sentence. If the jury unanimously determines that the defendant is intellectually disabled, the defendant may only be sentenced to life imprisonment or life without parole. The defendant has the burden of production and persuasion to demonstrate an intellectual disability to the jury by a preponderance of the evidence.

G. If the jury determines that the defendant is not intellectually disabled or is unable to reach a unanimous decision, the jury shall proceed to determine the existence of aggravating and mitigating factors in determining whether the sentence of death shall be imposed. In those deliberations, the jury may consider any evidence of an intellectual disability as a mitigating factor in sentencing the defendant.

H. If the jury determines that the defendant is not intellectually disabled and imposes a death sentence, the trial court shall make findings of fact and conclusions of law relating to the issue of whether the determination on the issue of an intellectual disability was made under the influence of passion, prejudice, or any other arbitrary factor. The findings shall be attached as an exhibit to the report of the trial judge required under Section 701.13 of Title 21 of the Oklahoma Statutes. If the trial court finds that the determination of an intellectual disability was not supported by the evidence, the issue may be raised on appeal to the Oklahoma Court of Criminal Appeals for consideration as part of its mandatory sentence review.

I. The standard of review for a trier of fact intellectual disability determination shall be whether, after reviewing the evidence in the light most favorable to the state, any rational trier of fact could have found the defendant not intellectually

disabled as defined by this section, giving full deference to the findings of the trier of fact.

J. The court shall give appropriate instructions in those cases in which evidence of the intellectual disability of the defendant requires the consideration by the jury of the provisions of this section.

Added by Laws 2006, c. 290, § 1, eff. July 1, 2006. Amended by Laws 2019, c. 475, § 18, eff. Nov. 1, 2019.

§21-701.11. Instructions - Jury findings of aggravating circumstance.

In the sentencing proceeding, the statutory instructions as determined by the trial judge to be warranted by the evidence shall be given in the charge and in writing to the jury for its deliberation. The jury, if its verdict be a unanimous recommendation of death, shall designate in writing, signed by the foreman of the jury, the statutory aggravating circumstance or circumstances which it unanimously found beyond a reasonable doubt. In nonjury cases the judge shall make such designation. Unless at least one of the statutory aggravating circumstances enumerated in this act is so found or if it is found that any such aggravating circumstance is outweighed by the finding of one or more mitigating circumstances, the death penalty shall not be imposed. If the jury cannot, within a reasonable time, agree as to punishment, the judge shall dismiss the jury and impose a sentence of imprisonment for life without parole or imprisonment for life.

Amended by Laws 1987, c. 96, § 3, eff. Nov. 1, 1987.

§21-701.11a. Clemency not affected.

Nothing in this act shall be construed to impair or abrogate the use of clemency by way of commutation or pardon.

Amended by Laws 1987, c. 96, § 3, eff. Nov. 1, 1987.

§21-701.12. Aggravating circumstances.

Aggravating circumstances shall be:

1. The defendant was previously convicted of a felony involving the use or threat of violence to the person;
2. The defendant knowingly created a great risk of death to more than one person;
3. The person committed the murder for remuneration or the promise of remuneration or employed another to commit the murder for remuneration or the promise of remuneration;
4. The murder was especially heinous, atrocious, or cruel;
5. The murder was committed for the purpose of avoiding or preventing a lawful arrest or prosecution;
6. The murder was committed by a person while serving a sentence of imprisonment on conviction of a felony;

7. The existence of a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society; or

8. The victim of the murder was a peace officer as defined by Section 99 of this title, or correctional employee of an institution under the control of the Department of Corrections, and such person was killed while in performance of official duty.

Added by Laws 1976, 1st Ex. Sess., c. 1, § 6, eff. July 24, 1976.
Amended by Laws 1981, c. 147, § 1, emerg. eff. May 8, 1981; Laws 2011, c. 160, § 1, eff. Nov. 1, 2011.

§21-701.13. Death penalty - Review of sentence.

A. Whenever the death penalty is imposed, and upon the judgment becoming final in the trial court, the sentence shall be reviewed on the record by the Oklahoma Court of Criminal Appeals. The court reporter of the trial court shall prepare all transcripts necessary for appeal within six (6) months of the imposition of the sentence.

The clerk of the trial court, within ten (10) days after receiving the transcript, shall transmit the entire record and transcript to the Oklahoma Court of Criminal Appeals together with a notice prepared by the clerk and a report prepared by the trial judge. The notice shall set forth the title and docket number of the case, the name of the defendant and the name and address of his attorney, a narrative statement of the judgment, the offense, and the punishment prescribed. The report shall be in the form of a standard questionnaire prepared and supplied by the Oklahoma Court of Criminal Appeals.

B. The Oklahoma Court of Criminal Appeals shall consider the punishment as well as any errors enumerated by way of appeal.

C. With regard to the sentence, the court shall determine:

1. Whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor; and

2. Whether the evidence supports the jury's or judge's finding of a statutory aggravating circumstance as enumerated in Section 701.12 of this title.

D. Both the defendant and the state shall have the right to submit briefs within the time provided by the court, and to present oral argument to the court. The defendant shall have one hundred twenty (120) days from the date of receipt by the court of the record, transcript notice, and report provided for in subsection A of this section, in which to submit a brief. The state shall have sixty (60) days from the date of filing of the defendant's brief to file a reply brief. The defendant may file a reply brief within a time period established by the court, however the receipt of the reply brief, the hearing of oral arguments, and the rendering of a decision by the court all shall be concluded within one (1) year after the date of the filing of the reply brief. If the defendant

or the state fails to submit their respective briefs within the period prescribed by law, the defendant or the state shall transmit a written statement of explanation to the Presiding Judge of the Court of Criminal Appeals who shall have the authority to grant an extension of the time to submit briefs, based upon a showing of just cause. Failure to submit briefs in the required time may be punishable as indirect contempt of court.

E. In addition to its authority regarding correction of errors, the court, with regard to review of death sentences, shall be authorized to:

1. Affirm the sentence of death; or
2. Set the sentence aside and remand the case for resentencing by the trial court.

F. The sentence review shall be in addition to direct appeal, if taken, and the review and appeal shall be consolidated for consideration. The court shall render its decision on legal errors enumerated, the factual substantiation of the verdict, and the validity of the sentence.

G. If the court reporter of the trial court fails to complete preparation of the transcripts necessary for appeal within the six-month period required by the provisions of subsection A of this section, the court reporter shall transmit a written statement of explanation of such failure to the Chief Justice of the Oklahoma Supreme Court, the Presiding Judge of the Court of Criminal Appeals, and the Administrative Director of the Courts. The Court of Criminal Appeals shall have the authority to grant an extension of the time for filing the transcripts, based upon a showing of just cause. Failure to complete the transcripts in the required time may be punishable as indirect contempt of court and except for just cause shown may result in revocation of the license of the court reporter.

Added by Laws 1976, 1st Ex.Sess., c. 1, § 7, eff. July 24, 1976.

Amended by Laws 1985, c. 265, § 1, emerg. eff. July 16, 1985.

§21-701.14. Repealed by Laws 1991, c. 238, § 37, eff. July 1, 1991.

§21-701.15. Constitutionality - Sentence.

In the event the death penalty is held to be unconstitutional by the Oklahoma Court of Criminal Appeals or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death shall cause such person to be brought before the court, and the court shall sentence such person to imprisonment for life without parole.

Amended by Laws 1985, c. 105, § 1, eff. Nov. 1, 1985.

§21-701.16. Solicitation for murder in the first degree.

It shall be unlawful for any person or agent of that person to solicit another person or persons to cause the death of a human being by the act of murder in the first degree as is defined by Section 701.7 of this title. A person who is convicted, pleads guilty or pleads nolo contendere to the act of solicitation for murder in the first degree, except as provided in Section 701.7 of this title, shall be guilty of a Class A2 felony offense punishable by imprisonment in a state penal institution for not less than five (5) years nor more than life imprisonment in the State Penitentiary. Added by Laws 1981, c. 147, § 2, emerg. eff. May 8, 1981. Amended by Laws 1989, c. 259, § 2, emerg. eff. May 19, 1989; Laws 1997, c. 133, § 234, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 138, eff. July 1, 1999; Laws 2025, c. 486, § 17, eff. Jan. 1, 2026. NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 234 from July 1, 1998, to July 1, 1999.

§21-701.17. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-702. Design to effect death inferred.

A design to effect death is inferred from the fact of killing, unless the circumstances raise a reasonable doubt whether such design existed.

R.L.1910, § 2314.

§21-703. Premeditation.

A design to effect death sufficient to constitute murder may be formed instantly before committing the act by which it is carried into execution.

R.L.1910, § 2315.

§21-704. Anger or intoxication no defense.

Homicide committed with a design to effect death is not the less murder because the perpetrator was in a state of anger or voluntary intoxication at the time.

R.L.1910, § 2316.

§21-705. Act imminently dangerous and evincing depraved mind.

Homicide perpetrated by an act imminently dangerous to others and evincing a depraved mind, regardless of human life, is not the less murder because there was no actual intent to injure others.

R.L.1910, § 2317.

§21-711. Manslaughter in the first degree defined.

Homicide, a Class A2 felony offense, is manslaughter in the first degree in the following cases:

1. When perpetrated without a design to effect death by a person while engaged in the commission of a misdemeanor;

2. When perpetrated without a design to effect death, and in a heat of passion, but in a cruel and unusual manner, or by means of a dangerous weapon; unless it is committed under such circumstances as constitute excusable or justifiable homicide;

3. When perpetrated unnecessarily either while resisting an attempt by the person killed to commit a crime, or after such attempt shall have failed.

R.L.1910, § 2320. Amended by Laws 2025, c. 486, § 18, eff. Jan. 1, 2026.

§21-712. Liability of physicians.

Every physician who, being in a state of intoxication without a design to effect death, administers any poison, drug or medicine, or does any other act as such physician to another person, which produces the death of such other person, is guilty of manslaughter in the first degree, a Class A2 felony offense.

R.L.1910, § 2321. Amended by Laws 2025, c. 486, § 19, eff. Jan. 1, 2026.

§21-713. Repealed by Laws 2006, c. 185, § 23, eff. Nov. 1, 2006.

§21-714. Repealed by Laws 2021, c. 308, § 1, eff. June 24, 2022.

§21-715. Manslaughter in the first degree a felony.

Any person guilty of manslaughter in the first degree shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not less than four (4) years.

R.L. 1910, § 2324. Amended by Laws 1997, c. 133, § 235, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 139, eff. July 1, 1999; Laws 2005, c. 200, § 4, emerg. eff. May 20, 2005; Laws 2006, c. 185, § 2, eff. Nov. 1, 2006.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 235 from July 1, 1998, to July 1, 1999.

§21-716. Manslaughter in the second degree.

Every killing of one human being by the act, procurement or culpable negligence of another, which, under the provisions of this chapter, is not murder, nor manslaughter in the first degree, nor excusable nor justifiable homicide, is manslaughter in the second degree, a Class B5 felony offense.

R.L.1910, § 2325. Amended by Laws 2025, c. 486, § 156, eff. Jan. 1, 2026.

§21-717. Owner of mischievous animal which kills person.

If the owner of a mischievous animal, knowing its propensities, wilfully suffers it to go at large, or keeps it without ordinary care, and such animal, while so at large or not confined, kills any human being who has taken all the precautions which the circumstances permitted, to avoid such animal, the owner is deemed guilty of manslaughter in the second degree, a Class B5 felony offense.

R.L.1910, § 2326. Amended by Laws 2025, c. 486, § 157, eff. Jan. 1, 2026.

§21-722. Manslaughter in the second degree a felony - Penalty.

Any person guilty of manslaughter in the second degree shall be guilty of a Class B5 felony offense punishable by imprisonment in the State Penitentiary not more than four (4) years and not less than two (2) years, or by imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both fine and imprisonment.

R.L. 1910, § 2331. Amended by Laws 1997, c. 133, § 236, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 140, eff. July 1, 1999; Laws 2025, c. 486, § 158, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 236 from July 1, 1998, to July 1, 1999.

§21-723. Offender's knowledge of victim's pregnancy.

Any offense committed pursuant to the provisions of Section 652, 701.7, 701.8, 711 or 716 of this title does not require proof that the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant or that the offender intended to cause the death or bodily injury to the unborn child.

Added by Laws 2005, c. 200, § 5, emerg. eff. May 20, 2005. Amended by Laws 2019, c. 409, § 1, eff. Nov. 1, 2019.

§21-731. Excusable homicide, what is.

Homicide is excusable in the following cases:

1. When committed by accident and misfortune in doing any lawful act, by lawful means, with usual and ordinary caution, and without any unlawful intent.

2. When committed by accident and misfortune in the heat of passion, upon any sudden and sufficient provocation, or upon a sudden combat provided that no undue advantage is taken, nor any dangerous weapon used, and that the killing is not done in a cruel or unusual manner.

Amended by Laws 1985, c. 90, § 1, eff. Nov. 1, 1985.

§21-732. Justifiable homicide by officer.

A. A peace officer, correctional officer, or any person acting by his command in his aid and assistance, is justified in using deadly force when:

1. The officer is acting in obedience to and in accordance with any judgment of a competent court in executing a penalty of death; or

2. In effecting an arrest or preventing an escape from custody following arrest and the officer reasonably believes both that:

a. such force is necessary to prevent the arrest from being defeated by resistance or escape, and

b. there is probable cause to believe that the person to be arrested has committed a crime involving the infliction or threatened infliction of serious bodily harm, or the person to be arrested is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay; or

3. The officer is in the performance of his legal duty or the execution of legal process and reasonably believes the use of the force is necessary to protect himself or others from the infliction of serious bodily harm; or

4. The force is necessary to prevent an escape from a penal institution or other place of confinement used primarily for the custody of persons convicted of felonies or from custody while in transit thereto or therefrom unless the officer has reason to know:

a. the person escaping is not a person who has committed a felony involving violence, and

b. the person escaping is not likely to endanger human life or to inflict serious bodily harm if not apprehended.

B. An officer or other person acting by the officer's command in the officer's aid and assistance whose use of deadly force is found during any pretrial hearing or proceeding to be unjustified pursuant to this section may appeal such ruling to the Court of Criminal Appeals within ten (10) days of the ruling. Priority shall be given to appeals made pursuant to this subsection and an order staying proceedings shall be entered pending the outcome of the appeal. If an appeal is not brought within ten (10) days of the ruling, the officer waives the right to immediate appeal of the ruling but does not waive any right to assert the claim at trial or upon direct appeal.

R.L.1910, § 2333. Amended by Laws 1990, c. 179, § 1, emerg. eff. May 3, 1990; Laws 2025, c. 163, § 1, eff. Nov. 1, 2025.

§21-733. Justifiable homicide by any person.

A. Homicide is also justifiable when committed by any person in any of the following cases:

1. When resisting any attempt to murder such person, or to commit any felony upon him, or upon or in any dwelling house in which such person is;

2. When committed in the lawful defense of such person or of another, when the person using force reasonably believes such force is necessary to prevent death or great bodily harm to himself or herself or another or to terminate or prevent the commission of a forcible felony; or

3. When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed; or in lawfully suppressing any riot; or in lawfully keeping and preserving the peace.

B. As used in this section, "forcible felony" means any felony which involves the use or threat of physical force or violence against any person.

R.L. 1910, § 2334. Amended by Laws 2014, c. 391, § 1, emerg. eff. June 3, 2014.

§21-741. Kidnapping defined.

Any person who, without lawful authority, seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away another, with intent, either:

1. To cause such other person to be confined or imprisoned in this state against the will of the other person; or

2. To cause such other person to be sent out of this state against the will of the other person; or

3. To cause such person to be sold as a slave, or in any way held to service against the will of such person, shall be guilty of a Class B2 felony offense punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding twenty (20) years. Upon any trial for a violation of this section, the consent thereto of the person kidnapped or confined, shall not be a defense, unless it appears satisfactorily to the jury, that such person was above the age of twelve (12) years, and that such consent was not extorted by threat, or by duress.

Except for persons sentenced to life or life without parole, on and after the effective date of this act, any person sentenced to imprisonment for a violation of this section and the offense involved sexual abuse or sexual exploitation, shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

R.L.1910, § 2374. Amended by Laws 1997, c. 133, § 237, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 141, eff. July 1, 1999; Laws 2004, c. 275, § 3, eff. July 1, 2004; Laws 2007, c. 261, § 4, eff. Nov. 1, 2007; Laws 2009, c. 444, § 1, eff. July 1, 2009; Laws 2012, c. 92, § 1, eff. Nov. 1, 2012; Laws 2025, c. 486, § 69, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 237 from July 1, 1998, to July 1, 1999.

§21-745. Kidnapping for purpose of extortion - Assisting in disposing, receiving, possessing or exchanging money or property received.

A. Every person who, without lawful authority, forcibly seizes and confines another, or inveigles or kidnaps another, for the purpose of extorting any money, property or thing of value or advantage from the person so seized, confined, inveigled or kidnapped, or from any other person, or in any manner threatens either by written instrument, word of mouth, message, telegraph, telephone, by placing an ad in a newspaper, or by messenger, demands money or other thing of value, shall be guilty of a Class A1 felony offense, and upon conviction shall suffer death or imprisonment in the State Penitentiary for not less than ten (10) years.

B. Every person, not a principal in the kidnapping and not a relative or agent authorized by a relative of a kidnapped person, but who knowingly aids, assists, or participates in the disposing, receiving, possession or exchanging of any moneys, property or thing of value or advantage from the person so seized, confined, inveigled or kidnapped, shall be guilty of a Class A2 felony offense, and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for not less than five (5) years.

R.L. 1910, § 2378. Amended by Laws 1935, p. 17, § 1; Laws 1937, p. 13, § 1; Laws 1997, c. 133, § 238, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 142, eff. July 1, 1999; Laws 2025, c. 486, § 7, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 238 from July 1, 1998, to July 1, 1999.

§21-746. Venue.

Every offense prohibited in the last section may be tried in the county in which the crime may have been committed or in any county through which the person so seized, confined, inveigled or kidnapped shall have been taken, carried, or into which such person may be brought.

R.L.1910, § 2379.

§21-747. Holder of hostage - Telephone communications.

A. The supervising law enforcement official having jurisdiction in the geographical area where any hostage is held or any suspect is barricaded who has probable cause to believe that the holder of any hostage or that any suspect is committing a crime shall have the authority to order a telephone company to arrange to cut, reroute or divert telephone lines in any emergency in which any hostage is being held or any suspect is barricaded, for the purpose of preventing telephone communication by the holder of any hostage or any barricaded suspect with any person other than a peace officer or a person authorized by the peace officer.

B. The serving telephone company within the geographical area of a law enforcement unit shall designate appropriate telephone company management employees to provide, or cause to be provided, all required assistance to law enforcement officials to carry out the purposes of this section.

C. Good faith reliance on an order by a supervising law enforcement official pursuant to this section, shall constitute a complete defense to any civil or criminal action brought against a telephone company, its agents or employees, as a result of compliance with said order.

D. During any hostage or barricaded suspect situation as provided in subsection A of this section it shall be unlawful for any person to publicly disseminate, unless with the consent or at the request of the law enforcement agency of the supervising law enforcement officer, any information received from any hostage holder or barricaded suspect when a cellular telephone has been used to establish contact with such hostage holder or barricaded suspect. Every person convicted of a violation of this subsection shall be guilty of a misdemeanor punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00).

Added by Laws 1979, c. 80, § 1, emerg. eff. April 20, 1979. Amended by Laws 1998, c. 9, § 1, eff. July 1, 1998.

§21-748. See the following versions:

OS 21-748v1 (HB 1886, Laws 2025, c. 291, 2)

OS 21-748v2 (HB 2104, Laws 2025, c. 486, § 20)

§21-748.1. Human Trafficking Awareness and Education Program.

A. There is hereby created a statewide "Human Trafficking Awareness and Education Program". The Director of the Human Trafficking Response Unit within the Office of the Attorney General shall develop, promote, and coordinate a public awareness program to be utilized by law enforcement agencies, communities, and local schools and school districts throughout the State of Oklahoma.

B. The Human Trafficking Awareness and Education Program shall include:

1. Objective criteria, guidelines, and a comprehensive integrated curriculum for human trafficking programs;
 2. Establish and review annually model policies for human trafficking issues;
 3. Develop and implement guidelines, strategies, and criteria which encourage all schools to be trained in human trafficking awareness and prevention, and recognizing tactics used by traffickers to recruit victims through social media, gaming platforms, and any other digital spaces; and
 4. Develop and implement guidelines, strategies, and criteria to require all law enforcement agencies within this state to be trained in human trafficking awareness and prevention, and recognizing tactics used by traffickers to recruit victims through social media, gaming platforms, and any other digital spaces.
- C. Final determination of the materials created and produced by the Human Trafficking Response Unit to be used and the means of implementation of the curriculum shall be made by the Director of the Human Trafficking Response Unit.
- D. The Human Trafficking Response Unit shall promulgate rules to implement the provisions of the Human Trafficking Awareness and Education Program.
- Added by Laws 2025, c. 291, § 3, eff. Nov. 1, 2025.

§21-748.2. Guidelines for treatment of human trafficking victims - Right to civil action - Notice of rights - Protective custody.

- A. Human trafficking victims shall:
1. Be housed in an appropriate shelter as soon as practicable;
 2. Not be detained in facilities inappropriate to their status as crime victims;
 3. Not be jailed, fined, or otherwise penalized due to having been trafficked;
 4. Receive prompt medical care, mental health care, including counseling services and rehabilitation services, food, resources for safe housing, and other assistance, as necessary;
 5. Have access to legal assistance, information about their rights, and translation services, as necessary;
 6. Be provided protection if the safety of the victim is at risk or if there is a danger of additional harm by recapture of the victim by a trafficker, including:
 - a. taking measures to protect trafficked persons and their family members from intimidation and threats of reprisals, and
 - b. ensuring that the names and identifying information of trafficked persons and their family members are not disclosed to the public;

7. Be treated with fairness and respect for the safety, dignity, and privacy of the victim and treated as a true crime victim rather than a defendant in a criminal case;

8. Be informed of financial assistance and other social services as a result of being a human trafficking victim; and

9. Be informed in writing of all constitutional and statutory rights, as provided for in the provisions of the Oklahoma Victim's Rights Act.

B. Any person aggrieved by a violation of subsection B of Section 748 of this title may bring a civil action against the person or persons who committed the violation to recover actual and punitive damages and reasonable attorney fees and costs. The civil action brought under this section may be instituted in the district court in this state in the county in which the prospective defendant resides or has committed any act which subjects him or her to liability under this section. A criminal case or prosecution is not a necessary precedent to the civil action. The statute of limitations for the cause of action shall not commence until the latter of the victim's emancipation from the defendant, the victim's twenty-first birthday, or the plaintiff discovers or reasonably should have discovered that he or she was a victim of human trafficking and that the defendant caused, was responsible for or profited from the human trafficking.

C. Upon availability of funds, the Attorney General is authorized to establish an emergency hotline number for victims of human trafficking to call in order to request assistance or rescue. The Attorney General is authorized to enter into agreements with the county departments of health to require posting of the rights contained in this section along with the hotline number for publication in locations as directed by the State Department of Health.

D. Any peace officer who comes in contact with a human trafficking victim shall inform the victim of the human trafficking emergency hotline number and give notice to the victim of certain rights. The notice shall consist of handing the victim a written statement of the rights provided for in subsection A of this section.

E. 1. Any peace officer or employee of a district court, juvenile bureau or Office of Juvenile Affairs who has reasonable suspicion that a minor may be a victim of human trafficking and is in need of immediate protection shall assume protective custody over the minor and immediately notify the Department of Human Services. The minor shall be transferred to the emergency custody of the Department pursuant to the provisions of Section 1-4-201 of Title 10A of the Oklahoma Statutes. While in custody of the Department, the minor shall be provided with any necessary emergency social

services which include, but shall not be limited to, medical examination or treatment, or a mental health assessment.

Law enforcement and the Department of Human Services shall conduct a joint investigation into the claim.

The minor shall remain in the custody of the Department of Human Services until the investigation has been completed, but for no longer than two (2) judicial days, for the show-cause hearing. The Department may release the minor to the custody of a parent or legal guardian if it determines the minor will not be subject to further exploitation. If no such determination is made, the minor shall be subject to the deprived child provisions of the Oklahoma Children's Code and made eligible for appropriate child welfare services.

2. The minor shall not be subject to juvenile delinquency proceedings or child-in-need-of-supervision proceedings for prostitution offenses or misdemeanor or nonviolent felony offenses committed as a result of being a victim of human trafficking.

Added by Laws 2008, c. 134, § 2. Amended by Laws 2010, c. 325, § 2, emerg. eff. June 5, 2010; Laws 2011, c. 1, § 11, emerg. eff. March 18, 2011; Laws 2013, c. 59, § 1, eff. Nov. 1, 2013; Laws 2014, c. 309, § 2, eff. Nov. 1, 2014; Laws 2018, c. 167, § 1, eff. Nov. 1, 2018; Laws 2022, c. 20, § 2, eff. Nov. 1, 2022; Laws 2025, c. 291, § 4, eff. Nov. 1, 2025.

NOTE: Laws 2010, c. 409, § 3 repealed by Laws 2011, c. 1, § 12, emerg. eff. March 18, 2011.

§21-748.3. Victims of Human Trafficking and Prevention Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the Office of the Attorney General to be designated the "Victims of Human Trafficking and Prevention Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received from penalties imposed by the courts on convictions of human trafficking violations and funds received from any other source, including legislative appropriations. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Office of the Attorney General for the purposes provided in subsection B of this section. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

B. The purposes of the fund include, but are not limited to:

1. Educating the public about the recruitment, trafficking, and exploitation of persons through human trafficking;

2. Assisting in the prevention of recruitment in schools of minors for exploitation;

3. Establishing a survivors' resource center to make information available to survivors of human trafficking about services and resources, including legal services, social services, safe harbors, safe houses, and language services;

4. Assisting in the coordination between law enforcement agencies and service providers; and

5. Providing information concerning a petition for expungement of a criminal history record resulting from the arrest or filing of charges for an offense committed or reported to have been committed while the person was a victim of human trafficking.

Added by Laws 2023, c. 376, § 1, eff. Nov. 1, 2023.

§21-748v1. Human trafficking for forced labor or forced sexual exploitation.

A. As used in Sections 748 and 748.2 of this title:

1. "Coercion" means compelling, forcing or intimidating a person to act by:

- a. threats of harm or physical restraint against any person,
- b. any act, scheme, plan, or pattern intended to cause a person to believe that performing, or failing to perform, an act would result in serious physical, financial, or emotional harm or distress to or physical restraint against any person,
- c. the abuse or threatened abuse of the law or legal process,
- d. knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport, labor or immigration document, or other government identification document, including but not limited to a driver license or birth certificate, of another person,
- e. facilitating or controlling a person's access to any addictive or controlled substance other than for legal medical purposes,
- f. blackmail,
- g. demanding or claiming money, goods, or any other thing of value from or on behalf of a prostituted person where such demand or claim arises from or is directly related to the act of prostitution,
- h. determining, dictating or setting the times at which another person will be available to engage in an act of prostitution with a third party,
- i. determining, dictating or setting the places at which another person will be available for solicitation of, or to engage in, an act of prostitution with a third party, or

- j. determining, dictating or setting the places at which another person will reside for purposes of making such person available to engage in an act of prostitution with a third party;
- 2. "Commercial sex" means any form of commercial sexual activity such as sexually explicit performances, prostitution, participation in the production of pornography, performance in a strip club, or exotic dancing or display;
- 3. "Debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined;
- 4. "Human trafficking" means modern-day slavery that includes, but is not limited to, extreme exploitation and the denial of freedom or liberty of an individual for purposes of deriving benefit from that individual's commercial sex act or labor;
- 5. "Human trafficking for labor" means:
 - a. recruiting, enticing, harboring, maintaining, transporting, providing or obtaining, by any means, another person through deception, force, fraud, threat or coercion or for purposes of engaging the person in labor, or
 - b. benefiting, financially or by receiving anything of value, from participation in a venture that has engaged in an act of trafficking for labor;
- 6. "Human trafficking for commercial sex" means:
 - a. recruiting, enticing, harboring, maintaining, transporting, providing or obtaining, by any means, another person through deception, force, fraud, threat or coercion for purposes of engaging the person in a commercial sex act,
 - b. recruiting, enticing, harboring, maintaining, transporting, providing, purchasing or obtaining, by any means, a minor for purposes of engaging the minor in a commercial sex act, or
 - c. benefiting, financially or by receiving anything of value, from participating in a venture that has engaged in an act of trafficking for commercial sex;
- 7. "Legal process" means the criminal law, the civil law, or the regulatory system of the federal government, any state, territory, district, commonwealth, or trust territory therein, and any foreign government or subdivision thereof and includes legal civil actions, criminal actions, and regulatory petitions or applications;

8. "Minor" means an individual under eighteen (18) years of age; and

9. "Victim" means a person against whom a violation of any provision of this section has been committed.

B. It shall be unlawful to knowingly engage in human trafficking.

C. 1. Any person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than five (5) years or for life, or by a fine of not more than One Hundred Thousand Dollars (\$100,000.00), or by both such fine and imprisonment.

2. Any person violating the provisions of this section where the victim of the offense is under eighteen (18) years of age at the time of the offense shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than ten (10) years, for life, or for life without parole, or by a fine of not more than Two Hundred Fifty Thousand Dollars (\$250,000.00), or by both such fine and imprisonment.

3. The court shall also order the defendant to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes. In addition, the court shall require the defendant to pay for a psychological evaluation to determine the extent of counseling necessary for the human trafficking victim and any necessary psychological counseling deemed necessary to rehabilitate the victim. Such evaluations and counseling may be performed by psychiatrists, psychologists, licensed professional counselors, or social workers.

4. If the person is convicted of human trafficking, the person shall serve eighty-five percent (85%) of the sentence before being eligible for parole consideration or any earned credits. The terms of imprisonment specified in this subsection shall not be subject to statutory provisions for suspension, deferral or probation, or state correctional institution earned credits accruing from and after November 1, 1989, except for the achievement earned credits authorized by subsection H of Section 138 of Title 57 of the Oklahoma Statutes. To qualify for such achievement earned credits, such inmates must also be in compliance with the standards for Class level 2 behavior, as defined in subsection D of Section 138 of Title 57 of the Oklahoma Statutes.

D. It is an affirmative defense to prosecution for a criminal, youthful offender, or delinquent offense that, during the time of the alleged commission of the offense, the defendant or alleged youthful offender or delinquent was a victim of human trafficking.

E. The consent of a victim to the activity prohibited by this section shall not constitute a defense.

F. Lack of knowledge of the age of the victim shall not constitute a defense to the activity prohibited by this section with respect to human trafficking of a minor.

Added by Laws 2008, c. 134, § 1. Amended by Laws 2010, c. 325, § 1, emerg. eff. June 5, 2010; Laws 2012, c. 95, § 1, eff. Nov. 1, 2012; Laws 2014, c. 147, § 2, eff. Nov. 1, 2014; Laws 2014, c. 231, § 2, eff. Nov. 1, 2014; Laws 2017, c. 69, § 1, eff. Nov. 1, 2017; Laws 2022, c. 20, § 1, eff. Nov. 1, 2022; Laws 2025, c. 291, § 2, eff. Nov. 1, 2025.

NOTE: Laws 2014, c. 309, § 1 repealed by Laws 2015, c. 54, § 9, emerg. eff. April 10, 2015.

§21-748v2. Human trafficking for forced labor or forced sexual exploitation.

A. As used in Sections 748 and 748.2 of this title:

1. "Coercion" means compelling, forcing or intimidating a person to act by:

- a. threats of harm or physical restraint against any person,
- b. any act, scheme, plan, or pattern intended to cause a person to believe that performing, or failing to perform, an act would result in serious physical, financial, or emotional harm or distress to or physical restraint against any person,
- c. the abuse or threatened abuse of the law or legal process,
- d. knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport, labor or immigration document, or other government identification document, including but not limited to a driver license or birth certificate, of another person,
- e. facilitating or controlling a person's access to any addictive or controlled substance other than for legal medical purposes,
- f. blackmail,
- g. demanding or claiming money, goods, or any other thing of value from or on behalf of a prostituted person where such demand or claim arises from or is directly related to the act of prostitution,
- h. determining, dictating or setting the times at which another person will be available to engage in an act of prostitution with a third party,
- i. determining, dictating or setting the places at which another person will be available for solicitation of, or to engage in, an act of prostitution with a third party, or

- j. determining, dictating or setting the places at which another person will reside for purposes of making such person available to engage in an act of prostitution with a third party;
- 2. "Commercial sex" means any form of commercial sexual activity such as sexually explicit performances, prostitution, participation in the production of pornography, performance in a strip club, or exotic dancing or display;
- 3. "Debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined;
- 4. "Human trafficking" means modern-day slavery that includes, but is not limited to, extreme exploitation and the denial of freedom or liberty of an individual for purposes of deriving benefit from that individual's commercial sex act or labor;
- 5. "Human trafficking for labor" means:
 - a. recruiting, enticing, harboring, maintaining, transporting, providing or obtaining, by any means, another person through deception, force, fraud, threat or coercion or for purposes of engaging the person in labor, or
 - b. benefiting, financially or by receiving anything of value, from participation in a venture that has engaged in an act of trafficking for labor;
- 6. "Human trafficking for commercial sex" means:
 - a. recruiting, enticing, harboring, maintaining, transporting, providing or obtaining, by any means, another person through deception, force, fraud, threat or coercion for purposes of engaging the person in a commercial sex act,
 - b. recruiting, enticing, harboring, maintaining, transporting, providing, purchasing or obtaining, by any means, a minor for purposes of engaging the minor in a commercial sex act, or
 - c. benefiting, financially or by receiving anything of value, from participating in a venture that has engaged in an act of trafficking for commercial sex;
- 7. "Legal process" means the criminal law, the civil law, or the regulatory system of the federal government, any state, territory, district, commonwealth, or trust territory therein, and any foreign government or subdivision thereof and includes legal civil actions, criminal actions, and regulatory petitions or applications;

8. "Minor" means an individual under eighteen (18) years of age; and

9. "Victim" means a person against whom a violation of any provision of this section has been committed.

B. It shall be unlawful to knowingly engage in human trafficking.

C. Any person violating the provisions of this section shall, upon conviction, be guilty of a Class A2 felony offense punishable by imprisonment in the custody of the Department of Corrections for a term of not less than five (5) years or for life, or by a fine of not more than One Hundred Thousand Dollars (\$100,000.00), or by both such fine and imprisonment. Any person violating the provisions of this section where the victim of the offense is under eighteen (18) years of age at the time of the offense shall, upon conviction, be guilty of a Class A2 felony offense punishable by imprisonment in the custody of the Department of Corrections for a term of not less than fifteen (15) years or for life, or by a fine of not more than Two Hundred Fifty Thousand Dollars (\$250,000.00), or by both such fine and imprisonment. The court shall also order the defendant to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes. If the person is convicted of human trafficking, the person shall serve eighty-five percent (85%) of the sentence before being eligible for parole consideration or any earned credits. The terms of imprisonment specified in this subsection shall not be subject to statutory provisions for suspension, deferral or probation, or state correctional institution earned credits accruing from and after November 1, 1989, except for the achievement earned credits authorized by subsection H of Section 138 of Title 57 of the Oklahoma Statutes. To qualify for such achievement earned credits, such inmates must also be in compliance with the standards for Class level 2 behavior, as defined in subsection D of Section 138 of Title 57 of the Oklahoma Statutes.

D. It is an affirmative defense to prosecution for a criminal, youthful offender, or delinquent offense that, during the time of the alleged commission of the offense, the defendant or alleged youthful offender or delinquent was a victim of human trafficking.

E. The consent of a victim to the activity prohibited by this section shall not constitute a defense.

F. Lack of knowledge of the age of the victim shall not constitute a defense to the activity prohibited by this section with respect to human trafficking of a minor.

Added by Laws 2008, c. 134, § 1. Amended by Laws 2010, c. 325, § 1, emerg. eff. June 5, 2010; Laws 2012, c. 95, § 1, eff. Nov. 1, 2012; Laws 2014, c. 147, § 2, eff. Nov. 1, 2014; Laws 2014, c. 231, § 2, eff. Nov. 1, 2014; Laws 2017, c. 69, § 1, eff. Nov. 1, 2017; Laws 2022, c. 20, § 1, eff. Nov. 1, 2022; Laws 2025, c. 486, § 20, eff. Jan. 1, 2026.

NOTE: Laws 2014, c. 309, § 1 repealed by Laws 2015, c. 54, § 9, emerg. eff. April 10, 2015.

§21-751. Maiming defined.

Every person who, with premeditated design to injure another, inflicts upon his person any injury which disfigures his personal appearance or disables any member or organ of his body or seriously diminishes his physical vigor, is guilty of maiming, a Class A3 felony offense.

R.L.1910, § 2345. Amended by Laws 2025, c. 486, § 36, eff. Jan. 1, 2026.

§21-752. Maiming one's self.

Every person who with design to disable himself from performance of any legal duty, existing or anticipated, inflicts upon himself any injury whereby he is so disabled, is guilty of maiming, a Class C2 felony offense.

R.L.1910, § 2346. Amended by Laws 2025, c. 486, § 224, eff. Jan. 1, 2026.

§21-754. Means and manner of maiming immaterial.

To constitute maiming it is immaterial by what means or instrument, or in what manner the injury was inflicted.

R.L.1910, § 2348.

§21-755. Maiming by disfigurement.

To constitute maiming by disfigurement, the injury must be such as is calculated, after healing, to attract observation. A disfigurement which can only be discovered by close inspection does not constitute maiming.

R.L.1910, § 2349.

§21-756. Design to maim inferred.

A design to injure, disfigure, or disable, is inferred from the fact of inflicting an injury which is calculated to disfigure or disable, unless the circumstances raise a reasonable doubt whether such design existed.

R.L.1910, § 2350.

§21-757. Premeditated design.

A premeditated design to injure, disfigure or disable, sufficient to constitute maiming, may be formed instantly before inflicting the wound.

R.L.1910, § 2351.

§21-758. Recovery before trial a bar - Conviction of assault and battery.

Where it appears, upon a trial for maiming another person, that the person injured has, before the time of trial, so far recovered from the wound that he is no longer by it disfigured in personal appearance, or disabled in any member or organ of his body, or affected in physical vigor, no conviction for maiming shall be had; but the accused may be convicted of assault and battery, with or without a special intent, according to proof.
R.L.1910, § 2352.

§21-759. Penalty for maiming.

Any person guilty of maiming another, as defined in Section 751 of this title, shall be guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both such fine and imprisonment.
R.L.1910, § 2353. Amended by Laws 1997, c. 133, § 239, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 143, eff. July 1, 1999; Laws 2011, c. 385, § 4, eff. Nov. 1, 2011; Laws 2025, c. 486, § 225, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 239 from July 1, 1998, to July 1, 1999.

§21-760. Female genital mutilation.

A. Female genital mutilation shall be unlawful in the State of Oklahoma. Whoever knowingly circumcises, excises, or infibulates, in whole or in part, the labia majora, labia minora, or clitoris of another shall, upon conviction, be guilty of a Class A2 felony offense punishable by incarceration in the custody of the Department of Corrections for a term of not less than three (3) years nor more than life and a fine of not more than Twenty Thousand Dollars (\$20,000.00). Consent to the procedure by a minor on whom it is performed or by the parent or parents of the minor is not a defense to a violation of this subsection.

B. A surgical procedure is not a violation of subsection A of this section if the procedure:

1. Is necessary as a recognized treatment for a known disease or for purposes of cosmetic surgery to repair a defect or injury for the person on whom it is performed and is performed by:

- a. a licensed physician, or
- b. a physician in training under the supervision of a licensed physician; or

2. Is necessary in the assistance of childbirth or for medical purposes connected with that labor or birth and is performed by:

- a. a licensed physician,
- b. a physician in training under the supervision of a licensed physician, or
- c. a certified nurse-midwife.

C. Any physician, physician in training, certified nurse-midwife or any other medical professional who performs or participates in a female genital mutilation procedure shall, in addition to the penalties in subsection A of this section, have the professional license or certification of the person permanently revoked.

Added by Laws 2009, c. 406, § 1, eff. Nov. 1, 2009. Amended by Laws 2025, c. 486, § 21, eff. Jan. 1, 2026.

§21-771. Libel defined.

Libel is a false or malicious unprivileged publication by writing, printing, picture, or effigy or other fixed representation to the eye, which exposes any person to public hatred, contempt, ridicule or obloquy, or which tends to deprive him of public confidence, or to injure him in his occupation, or any malicious publication as aforesaid, designed to blacken or vilify the memory of one who is dead, and tending to scandalize his surviving relatives or friends.

R.L.1910, §§ 2380, 4956.

§21-772. Privileged publications.

A privileged publication is one made:

First. In any legislative or judicial proceeding or any other proceeding authorized by law;

Second. In the proper discharge of an official duty.

Third. By a fair and true report of any legislative or judicial or other proceeding authorized by law, or anything said in the course thereof, and any and all expressions of opinion in regard thereto, and criticisms thereon, and any and all criticisms upon the official acts of any and all public officers, except where the matter stated of and concerning the official act done, or of the officer, falsely imputes crime to the officer so criticized.

In all cases of publication of matter not privileged under this section, malice shall be presumed from the publication; unless the fact and the testimony rebut the same. No publication which, under this section, would be privileged, shall be punishable as libel.

R.L.1910, §§ 2381, 4958.

§21-773. Penalty - Civil liability.

Every person who makes, composes or dictates such libel or procures the same to be done; or who willfully publishes or circulates such libel; or in any way knowingly or willfully aids or assists in making, publishing or circulating the same, shall be punishable by imprisonment in the county jail not more than one (1) year, or by fine not exceeding One Thousand Dollars (\$1,000.00), or both, and shall also be civilly liable to the party injured.

R.L.1910, § 2382.

§21-774. Defenses in criminal libel action.

In all criminal prosecutions or indictments for libel, the truth thereof may be given in evidence to the jury, and if it be made to appear by the defendant that the matter charged as libelous was true, and in addition thereto was published with good motives, and for justifiable ends, or was a privileged communication, the defendant shall be acquitted.

R.L.1910, § 2383.

§21-776. Publication, what constitutes.

To sustain the charge of publishing libel it is not needful that the words complained of should have been read by any person; it is enough and sufficient evidence that the accused knowingly parted with the immediate custody of the libel under circumstances which exposed it to be read by any person other than himself.

R.L.1910, § 2385.

§21-777. Newspapers reporting official proceedings.

No editor or proprietor of any newspaper shall be liable to prosecution for a fair and true report of any judicial, legislative or other public official proceedings except upon proof of malice in making such report, and in making such report of public official proceedings, malice shall not be implied from publication; but libelous remarks connected with matter privileged under the last section, shall not be privileged by reason of their being connected therewith.

R.L.1910, § 2386.

§21-778. Threatened libel.

Any person who threatens to publish a libel concerning any other person, or concerning any relative, wife or child or dead relative of such person, or member of his family, shall be liable civilly and criminally to have the same intent as though the publication had been made. But if the threat be not in writing, the threat and character of the libelous matter must be proven by at least two witnesses, or by one witness and corroborating circumstances.

R.L.1910, § 2387.

§21-779. Repealed by Laws 2017, c. 155, § 1, eff. Nov. 1, 2017.

§21-780. Repealed by Laws 2017, c. 155, § 2, eff. Nov. 1, 2017.

§21-781. False rumors - Slander - Penalty.

Any person, who shall willfully, knowingly, or maliciously repeat or communicate to any person, or persons, a false rumor or report of a slanderous or harmful nature, or which may be

detrimental to the character or standing of such other person, or persons, whether such person is a private citizen, or officer, or candidate for office, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or imprisoned not less than thirty (30) days nor more than one hundred and twenty (120) days in the county jail, or both so fined and imprisoned for each offense.

Added by Laws 1929, c. 21, p. 18, § 1.

§21-791. Robbery defined.

Robbery is a wrongful taking of personal property in the possession of another, from his person or immediate presence, and against his will, accomplished by means of force or fear.

R.L.1910, § 2364.

§21-792. Force or fear - How employed.

To constitute robbery, the force or fear must be employed either to obtain or retain possession of the property, or to prevent or overcome resistance to the taking.

R.L.1910, § 2365. Amended by Laws 2025, c. 329, § 3, eff. Nov. 1, 2025.

§21-793. Degree of force immaterial.

When force is employed in either of the ways specified in the last section, the degree of force employed is immaterial.

R.L.1910, § 2366.

§21-794. What fear is an element.

The fear which constitutes robbery may be either:

1. The fear of an unlawful injury, immediate or future, to the person or property of the person robbed or of any relative of his, or member of his family; or,

2. The fear of an immediate and unlawful injury to the person or property of anyone in the company of the person robbed, at the time of the robbery.

R.L.1910, § 2367.

§21-795. Value of property not material.

When property is taken under the circumstances, required to constitute robbery, the fact that the property was of trifling value does not qualify the offense.

R.L.1910, § 2368.

§21-796. Taking secretly not robbery.

The taking of property from the person of another is not robbery, when it clearly appears that the taking was fully completed without his knowledge.
R.L.1910, § 2369.

§21-797. Degrees of robbery.

Robbery in the first degree is when, in the course of committing the theft, the defendant:

1. Inflicts serious bodily injury upon the person;
2. Threatens a person with immediate serious bodily injury;
3. Intentionally puts a person in fear of immediate serious bodily injury; or
4. Commits or threatens to commit a felony upon the person.

When accomplished in any other manner, it is robbery in the second degree.

R.L.1910, § 2370. Amended by Laws 2001, c. 437, § 4, eff. July 1, 2001.

§21-798. Robbery in the first degree a felony.

Any person guilty of robbery in the first degree shall be guilty of a Class A2 felony offense punishable by imprisonment in the State Penitentiary not less than ten (10) years.

R.L. 1910, § 2371. Amended by Laws 1997, c. 133, § 240, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 144, eff. July 1, 1999; Laws 2025, c. 486, § 22, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 240 from July 1, 1998, to July 1, 1999.

§21-799. Robbery in the second degree a felony.

Any person guilty of robbery in the second degree shall be guilty of a Class B4 felony offense punishable by imprisonment in the State Penitentiary not exceeding ten (10) years.

R.L. 1910, § 2372. Amended by Laws 1997, c. 133, § 241, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 145, eff. July 1, 1999; Laws 2025, c. 486, § 101, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 241 from July 1, 1998, to July 1, 1999.

§21-800. Robbery by two or more persons a felony.

Whenever two or more persons conjointly commit a robbery or where the whole number of persons conjointly commits a robbery and persons present and aiding such robbery amount to two or more, each and either of such persons shall be guilty of a Class A2 felony offense punishable by imprisonment in the State Penitentiary for not less than five (5) years nor more than fifty (50) years.

R.L. 1910, § 2373. Amended by Laws 1997, c. 133, § 242, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 146, eff. July 1, 1999; Laws 2025, c. 486, § 23, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 242 from July 1, 1998, to July 1, 1999.

§21-801. Robbery or attempted robbery with dangerous weapon or imitation firearm a felony.

Any person or persons who, with the use of any firearms or any other dangerous weapons, whether the firearm is loaded or not, or who uses a blank or imitation firearm capable of raising in the mind of the one threatened with such device a fear that it is a real firearm, attempts to rob or robs any person or persons, or who robs or attempts to rob any place of business, residence or banking institution or any other place inhabited or attended by any person or persons at any time, either day or night, shall be guilty of a Class A2 felony offense and, upon conviction therefor, shall suffer punishment by imprisonment for life in the State Penitentiary, or for a period of time of not less than five (5) years, at the discretion of the court, or the jury trying the same.

Upon conviction therefor, any person guilty of three separate and distinct felonies, in violation of this section shall suffer punishment by imprisonment for life in the State Penitentiary, or for a period of time of not less than ten (10) years, and it is mandatory upon the court to impose no less than the minimum sentence of ten (10) years. The sentence imposed upon such person shall not be reduced to less than ten (10) calendar years, nor suspended, nor shall any person be eligible for probation or parole or receive any deduction from his sentence for good conduct until he shall have served ten (10) calendar years of such sentence.

Added by Laws 1923, c. 85, p. 150, § 1. Amended by Laws 1925, c. 44, p. 71, § 1; Laws 1973, c. 76, § 1, emerg. eff. April 30, 1973; Laws 1982, c. 173, § 2, emerg. eff. April 16, 1982; Laws 1997, c. 133, § 243, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 147, eff. July 1, 1999; Laws 2025, c. 486, § 24, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 243 from July 1, 1998, to July 1, 1999.

§21-811. Suicide defined.

Suicide is the intentional taking of one's own life.

R.L.1910, §§ 2300.

§21-813. Aiding suicide.

Every person who willfully, in any manner, advises, encourages, abets, or assists another person in taking his own life, is guilty of aiding suicide, a Class B1 felony offense.

R.L.1910, § 2302. Amended by Laws 2025, c. 486, § 44, eff. Jan. 1, 2026.

§21-814. Furnishing weapon or drug.

Every person who willfully furnishes another person with any deadly weapon or poisonous drug, knowing that such person intends to use such weapon or drug in taking his own life, is guilty of aiding suicide, a Class B1 felony offense, if such person thereafter employs such instrument or drug in taking his own life.

R.L.1910, § 2303. Amended by Laws 2025, c. 486, § 45, eff. Jan. 1, 2026.

§21-815. Aid in attempt to commit suicide.

Every person who willfully aids another in attempting to take his own life, in any manner which by the preceding sections would have amounted to aiding suicide if the person assisted had actually taken his own life, is, upon conviction, guilty of aiding an attempt at suicide, a Class D3 felony offense.

R.L.1910, § 2304. Amended by Laws 2025, c. 486, § 669, eff. Jan. 1, 2026.

§21-816. Incapacity of person committing or attempting suicide no defense.

It is no defense to a prosecution for aiding suicide or aiding an attempt at suicide, that the person who committed or attempted to commit the suicide was not a person deemed capable of committing crime.

R.L.1910, § 2305.

§21-817. Aiding suicide a felony.

Any person guilty of aiding suicide shall be guilty of a Class B1 felony offense punishable by imprisonment in the State Penitentiary for not less than seven (7) years.

R.L. 1910, § 2306. Amended by Laws 1997, c. 133, § 244, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 148, eff. July 1, 1999; Laws 2025, c. 486, § 46, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 244 from July 1, 1998, to July 1, 1999.

sI §21-818. Aiding an attempt at suicide a felony.

Every person guilty of aiding an attempt at suicide shall be guilty of a Class D3 felony offense punishable by imprisonment in the State Penitentiary not exceeding two (2) years, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both.

R.L. 1910, § 2307. Amended by Laws 1976, c. 6, § 1, emerg. eff. Jan. 30, 1976; Laws 1997, c. 133, § 245, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 149, eff. July 1, 1999; Laws 2025, c. 486, § 670, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 245 from July 1, 1998, to July 1, 1999.

§21-831. Intoxicated physician.

Every physician who being in the state of intoxication administers any poison, drug or medicine, or does any other act as such physician to another person, is guilty of a misdemeanor. R.L.1910, § 2390.

§21-832. Willfully poisoning food, drink, medicine, or patent or proprietary medicine.

A. 1. No person shall willfully mingle any poison, Schedule I through V drug pursuant to the provisions of Sections 2-203 through 2-212 of Title 63 of the Oklahoma Statutes, or sharp object, or any other object or substance which if used in a manner which is not customary or usual is harmful to human life, with any food, drink, medicine, or patent or proprietary medicine with intent that the same shall be taken, consumed, applied, or used in any manner by any human being to his injury; and

2. Unless authorized by law, no person shall willfully poison or place any Schedule I through V drug pursuant to the provisions of Sections 2-203 through 2-212 of Title 63 of the Oklahoma Statutes or any other object or substance which if used in a manner which is not customary or usual is harmful to human life in any spring, well, or reservoir of water.

B. Any person convicted of violating any of the provisions of this section shall be guilty of a Class B1 felony offense, punishable by imprisonment in the State Penitentiary for not less than five (5) years, or by a fine of not less than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

R.L. 1910, § 2391. Amended by Laws 1983, c. 19, § 1, emerg. eff. April 18, 1983; Laws 1997, c. 133, § 246, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 150, eff. July 1, 1999; Laws 2025, c. 486, § 47, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 246 from July 1, 1998, to July 1, 1999.

§21-833. Unlawful confinement of intellectually or developmentally disabled persons.

Every overseer of the poor, constable, keeper of a jail, or other person who confines a person who is impaired by reason of intellectual or developmental disability, as defined by Section 1430.2 of Title 10 of the Oklahoma Statutes, mentally ill person, insane person or other person of unsound mind, in any other manner or in any other place than is authorized by law, is guilty of a misdemeanor.

R.L. 1910, § 2392. Amended by Laws 1998, c. 246, § 13, eff. Nov. 1, 1998; Laws 2019, c. 475, § 19, eff. Nov. 1, 2019.

§21-834. Reconfining persons discharged upon writ of deliverance.

Every person who, either solely or as a member of a court, in the execution of a judgment, order or process, knowingly recommits, imprisons or restrains of his liberty, for the same cause, any person who has been discharged from imprisonment upon a writ of deliverance, is guilty of a misdemeanor; and, in addition to the punishment prescribed therefor, he forfeits to the party aggrieved One Thousand Dollars (\$1,000.00), to be recovered in a civil action. R.L.1910, § 2393.

§21-835. Concealing persons to avoid habeas corpus.

Every person having in his custody or power, or under his restraint, a party who by the provisions of law relating to habeas corpus, would be entitled to a writ of habeas corpus, or for whose relief such writ has been issued, who, with intent to elude the service of such writ, to avoid the effect thereof, transfers the party to the custody, or places him under the power or control of another, or conceals or changes the place of his confinement, or who, without lawful excuse, refuses to produce him, is guilty of a misdemeanor.

R.L.1910, § 2394.

§21-836. Assisting in concealing person to avoid habeas corpus.

Every person who knowingly assists in the violation of the preceding section is guilty of a misdemeanor.

R.L.1910, § 2394.

§21-837. Intimidating laborers.

Every person who, by use of force, threats or intimidation, prevents or endeavors to prevent any hired foreman, journeyman, apprentice, workman, laborer, servant or other person employed by another, from continuing or performing his work, or from accepting any new work or employment, or induces such hired person to relinquish his work or employment, or to return any work he has in hand, before it is finished, is guilty of a misdemeanor.

Every person who, by use of force, threats, or intimidation, prevents or endeavors to prevent any farmer or rancher from harvesting, handling, transporting or marketing any agricultural products, is guilty of a misdemeanor.

R.L.1910, § 2396; Laws 1968, c. 213, § 1, emerg. eff. April 23, 1968.

§21-838. Intimidating employers.

Every person who, by use of force, threats or intimidation, prevents or endeavors to prevent another from employing any person, or to compel another to employ any person, or to force or induce another to alter his or her mode of carrying on business, to interrupt or disrupt the carrying on of business or to limit or increase the number of his hired foremen, journeymen, apprentices, workmen, laborers, servants or other persons employed by him, or their rate of wages or time of service, is guilty of a misdemeanor. R.L. 1910, § 2397. Amended by Laws 2019, c. 357, § 1, eff. Nov. 1, 2019.

§21-839.1. Right of privacy - Use of name or picture for advertising without consent - Misdemeanor.

Any person, firm or corporation that uses for the purpose of advertising for the sale of any goods, wares or merchandise, or for the solicitation of patronage by any business enterprise, the name, portrait or picture of any person, without having obtained, prior or subsequent to such use, the consent of such person, or, if such person is a minor, the consent of a parent or guardian, and, if such person is deceased, without the consent of the surviving spouse, personal representatives, or that of a majority of the deceased's adult heirs, is guilty of a misdemeanor. Laws 1965, c. 431, § 1, emerg. eff. July 9, 1965.

§21-839.1A. Use of name or picture of Armed Forces member for advertising without consent - Misdemeanor.

Any person, firm, or corporation that uses for the purpose of advertising for the sale of any goods, wares, or merchandise, or for the solicitation of patronage by any business enterprise, the name, portrait, or picture of any service member of the United States Armed Forces, without having obtained, prior or subsequent to such use, the consent of the person, or, if the person is deceased, without the consent of the surviving spouse, personal representatives, or that of a majority of the adult heirs of the deceased, is guilty of a misdemeanor. This section applies to the name, portrait, or picture of both active duty members as well as former members of the Armed Forces of the United States. Every person convicted of a violation of this section shall be punished by a fine of not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for not to exceed one (1) year, or by both said fine and imprisonment. Added by Laws 2006, c. 69, § 1, eff. Nov. 1, 2006.

§21-839.2. Right of action - Damages.

Any person whose right of privacy, as created in Section 1 hereof, is violated or the surviving spouse, personal representatives or a majority of the adult heirs of a deceased

person whose name, portrait, or picture is used in violation of Section 1 hereof, may maintain an action against the person, firm or corporation so using such person's name, portrait or picture to prevent and restrain the use thereof, and may in the same action recover damages for any injuries sustained, and if the defendant in such action shall have knowingly used such person's name, portrait or picture in such manner as is declared to be unlawful, the jury or court, if tried without a jury, in its discretion may award exemplary damages.

Laws 1965, c. 431, § 2, emerg. eff. July 9, 1965.

§21-839.3. Right of photographer to exhibit specimens of work - Other uses excepted.

Nothing contained in this act shall be so construed as to prevent any person, firm or corporation, practicing the profession of photography, from exhibiting in or about his or its establishment specimens of the work of such establishment, unless the same is continued by such person, firm or corporation after written notice objecting thereto has been given by the person portrayed; and nothing contained in this act shall be so construed as to prevent any person, firm or corporation from using the name, portrait or picture of any manufacturer or dealer in connection with the goods, wares and merchandise manufactured, produced or dealt in by him which he has sold or disposed of with such name, portrait or picture used in connection therewith; or from using the name, portrait or picture of any author, composer or artist in connection with his literary, musical or artistic productions which he has sold or disposed of with such name, portrait or picture used in connection therewith. Provided that this act shall not prevent the continued use of names of such persons by business establishments using such names and displaying such names at the effective date of this act.

Laws 1965, c. 431, § 3, emerg. eff. July 9, 1965.

§21-841. Repealed by Laws 2006, c. 141, § 5, eff. Nov. 1, 2006.

§21-841.5. Renumbered as § 1-1451 of Title 63 by Laws 2001, c. 384, § 12, emerg. eff. June 4, 2001.

§21-842. Repealed by Laws 2006, c. 141, § 5, eff. Nov. 1, 2006.

§21-842.1. Performing or offering to perform body piercing or tattooing on child under 18 years—Definitions.

A. It shall be unlawful for any person to perform or offer to perform body piercing or tattooing on a child under eighteen (18) years of age. No person under eighteen (18) years of age shall be allowed to receive a tattoo. No person under eighteen (18) years of age shall be allowed to receive a body piercing procedure unless the

parent or legal guardian of such child gives written consent for the procedure, and the parent or legal guardian of the child is present during the procedure. No person shall be allowed to purchase or possess tattoo equipment or supplies without being licensed either as an Oklahoma medical micropigmentologist or as an Oklahoma tattoo artist.

B. Tattooing shall not be performed upon a person impaired by drugs or alcohol. A person impaired by drugs or alcohol is considered incapable of consenting to tattooing and incapable of understanding tattooing procedures and aftercare suggestions.

C. It shall be unlawful for any person to perform or offer to perform scleral tattooing upon a person.

D. As used in this section and Sections 842.2 and 842.3 of this title:

1. "Body piercing" means a procedure in which an opening is created in a human body solely for the purpose of inserting jewelry or other decoration; provided, however, the term does not include ear piercing;

2. "Tattooing" means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment; provided, that medical micropigmentation, performed pursuant to the provisions of the Oklahoma Medical Micropigmentation Regulation Act, shall not be construed to be tattooing;

3. "Body piercing operator" means any person who owns, controls, operates, conducts, or manages any permanent body piercing establishment, whether actually performing the work of body piercing or not. A mobile unit, including, but not limited to, a mobile home, recreational vehicle, or any other nonpermanent facility, shall not be used as a permanent body piercing establishment;

4. "Tattoo operator" means any person who owns, controls, operates, conducts, or manages any permanent tattooing establishment whether performing the work of tattooing or not, or a temporary location that is a fixed location at which an individual tattoo operator performs tattooing for a specified period of not more than seven (7) days in conjunction with a single event or celebration, where the primary function of the event or celebration is tattooing;

5. "Artist" means the person who actually performs the body piercing or tattooing procedure;

6. "Apprentice" means any person who is training under the supervision of a licensed tattoo artist. That person cannot independently perform the work of tattooing. Apprentice also means any person who is training under the supervision of a licensed body artist. That person cannot independently perform the work of body piercing; and

7. "Scleral tattooing" means the practice of producing an indelible mark or figure on the human eye by scarring or inserting a

pigment on, in, or under the fornix conjunctiva, bulbar conjunctiva, ocular conjunctive, or other ocular surface using needles, scalpels or other related equipment.

E. Sections 842.1 through 842.3 of this title shall not apply to any act of a licensed practitioner of the healing arts performed in the course of practice of the practitioner.

F. Any person violating the provisions of this section shall be punished as provided in Section 842.2 of this title.

Added by Laws 1998, c. 123, § 1, eff. Nov. 1, 1998. Amended by Laws 2006, c. 141, § 1, eff. Nov. 1, 2006; Laws 2009, c. 319, § 1, eff. July 1, 2009.

§21-842.2. Penalties.

Any person convicted of violating the provisions of Section 842.1 of this title or rules promulgated pursuant thereto shall be guilty of a misdemeanor punishable by imprisonment in the county jail not to exceed ninety (90) days, a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. Added by Laws 1998, c. 123, § 2, eff. Nov. 1, 1998. Amended by Laws 2006, c. 141, § 2, eff. Nov. 1, 2006.

§21-842.3. Rules to be promulgated by State Board of Health - City or county regulations - Licensing - Fines.

A. All body piercing operators, tattoo operators and artists shall be prohibited from performing body piercing or tattooing unless licensed in the appropriate category by the State Department of Health. The State Board of Health shall promulgate rules regulating body piercing and tattooing which shall include, but not be limited to:

1. Artist temporary and permanent licensure;
2. Facility operator temporary and permanent licensure;
3. Body piercing and tattoo facility requirements;
4. Equipment setup and requirements;
5. Procedures for sanitary body piercing and tattooing;
6. Forms to be completed prior to performing body piercing and tattooing including, but not limited to, applications and parental consent forms;
7. Hand washing and general health;
8. Body piercing and tattoo site preparation and application;
9. Procedure following body piercing and tattoo application;
10. Limits and prohibitions concerning body piercing and tattooing;
11. Facility inspection documents including, but not limited to, equipment inspection;
12. Administrative fines structure; and
13. Education and training.

B. A city or county may adopt any regulations that do not conflict with, or are more comprehensive than, the provisions of this section or with the rules promulgated by the Department. This section does not limit the ability of a city or county to require an applicant to obtain any further business licenses or permits that the city or county deems appropriate.

C. A body piercing or tattoo operator applying for license renewal or for a new license to perform at an existing body piercing or tattoo place of business shall pay a certification fee established by the Department by rule.

D. A body piercing or tattoo operator applying for a new license shall publish notice of the license application one time in a newspaper of general circulation nearest to the proposed location of the body piercing or tattoo business most likely to give notice to interested citizens of the county, city, and community in which the application proposes to engage in business. The publication shall identify the exact location at which the proposed business is to be operated. The required notice shall not apply to license renewals unless the application for license renewal lists a different location than the original or current license location.

E. The State Department of Health has authority to enforce the provisions of this section and regulations promulgated pursuant hereto. The Department may enforce by one or both of the following means:

1. Notifying the district attorney, of any relevant county, of a violation of Section 842.1 of this title or rules promulgated pursuant thereto and, in addition to any criminal penalty imposed, the Department may impose an administrative fine not to exceed Five Thousand Dollars (\$5,000.00) per violation per day, and may suspend, revoke, or deny the license of the establishment, or may impose both such administrative fine and suspension, revocation, or denial for any such violation;

2. Whenever it shall appear that any person is engaged or about to engage in any acts or practices which constitutes or will constitute a violation of the provisions of Section 842.1 of this title, or of any rule, or order thereunder, the Department, the Attorney General, or the district attorney of any relevant county may bring an action in the relevant district court or in Oklahoma County to enjoin such acts or practices and to enforce compliance with this act or any rule, order, or temporary or permanent injunction shall be granted without bond. The Department, the Attorney General, and the district attorney shall transmit such evidence as may be available concerning such acts or practices or concerning apparent violations of this act to the district attorney for Oklahoma County, who, in their discretion, may institute appropriate criminal proceedings.

Added by Laws 1998, c. 123, § 3, eff. Nov. 1, 1998. Amended by Laws 2006, c. 141, § 3, eff. Nov. 1, 2006; Laws 2024, c. 270, § 1, eff. Nov. 1, 2024.

§21-843. Renumbered as § 7115 of Title 10 by Laws 1995, c. 353, § 20, eff. Nov. 1, 1995.

§21-843.1. Caretakers - Abuse, financial neglect, neglect, sexual abuse or exploitation of charge.

A. 1. No caretaker or other person shall abuse, commit financial neglect, neglect, commit sexual abuse, or exploit any person entrusted to the care of such caretaker or other person in a nursing facility or other setting, or knowingly cause, secure, or permit any of these acts to be done.

2. For purposes of this section, the terms "abuse", "financial neglect", "neglect", "sexual abuse", and "exploit" shall have the same meaning as such terms are defined and clarified in Section 10-103 of Title 43A of the Oklahoma Statutes.

B. 1. Any person convicted of a violation of this section, except as provided in paragraph 2 of this subsection, shall be guilty of a Class B1 felony offense. The violator, upon conviction, shall be punished by imprisonment in the custody of the Department of Corrections for a term not to exceed ten (10) years, and by a fine not exceeding Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment, and in addition, the person shall be subject to the Elderly and Incapacitated Victim's Protection Act. Such person's term shall further be subject to the provisions of Section 13.1 of this title for mandatory minimum sentencing.

2. Any person convicted of violating the provisions of this section by committing sexual abuse shall be guilty of a Class A3 felony offense. The person convicted of sexual abuse shall be punished by imprisonment in the custody of the Department of Corrections for a term not to exceed fifteen (15) years, and by a fine not exceeding Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment, and in addition, the person shall be subject to the Elderly and Incapacitated Victim's Protection Act. Such person's imprisonment term imposed pursuant to this section shall further be subject to the provisions of Section 13.1 of this title for mandatory minimum sentencing.

C. Consent shall not be a defense for any violation of this section.

D. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of paragraph 2 of subsection B of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the

Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

Added by Laws 1984, c. 140, § 2, eff. Nov. 1, 1984. Amended by Laws 1997, c. 133, § 247, eff. July 1, 1999; Laws 1998, c. 298, § 7, eff. Nov. 1, 1998; Laws 1999, 1st Ex. Sess., c. 5, § 151, eff. July 1, 1999; Laws 2001, c. 428, § 3, emerg. eff. June 5, 2001; Laws 2002, c. 22, § 8, emerg. eff. March 8, 2002; Laws 2007, c. 68, § 1, eff. Nov. 1, 2007; Laws 2007, c. 261, § 5, eff. Nov. 1, 2007; Laws 2008, c. 314, § 1, eff. July 1, 2008; Laws 2025, c. 486, § 37, eff. Jan. 1, 2026.

NOTE: Laws 1998, c. 219, § 1 repealed by Laws 1999, 1st Ex. Sess., c. 5, § 452, eff. July 1, 1999. Laws 2001, c. 194, § 1 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 247 from July 1, 1998, to July 1, 1999.

§21-843.2. Verbal abuse of charge.

A. No caretaker shall verbally abuse any person entrusted to the care of the caretaker, or knowingly cause, secure, or permit an act of verbal abuse to be done. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor. The violator, upon conviction, shall be punished by imprisonment in the county jail for a term not to exceed one (1) year, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

B. For the purpose of this section, "verbal abuse" means the repeated use of words, sounds, or other forms of communication by a caretaker, including but not limited to, language, gestures, actions or behaviors, that are calculated to humiliate or intimidate or cause fear, embarrassment, shame, or degradation to the person entrusted to the care of the caretaker.

Added by Laws 2001, c. 194, § 2, eff. July 1, 2001.

§21-843.3. Abuse, sexual abuse, exploitation, or neglect of vulnerable adult.

A. Any person who engages in abuse, sexual abuse, or exploitation of a vulnerable adult, as defined in Section 10-103 of Title 43A of the Oklahoma Statutes, shall be guilty of a Class B4 felony offense. The person, upon conviction, shall be fined not more than Ten Thousand Dollars (\$10,000.00) or be imprisoned in the custody of the Department of Corrections for a term of not more than two (2) years, or both such fine and imprisonment.

B. Any person who has a responsibility to care for a vulnerable adult as defined by Section 10-103 of Title 43A of the Oklahoma Statutes who purposely, knowingly or recklessly neglects the vulnerable adult shall be guilty of a Class D1 felony offense. The

person, upon conviction, shall be fined not more than Ten Thousand Dollars (\$10,000.00), or be imprisoned as provided for in subsections B through F of Section 20N of Title 21 of the Oklahoma Statutes, or both such fine and imprisonment.

C. In addition the court shall consider any provision of the Elderly and Incapacitated Victim's Protection Act when the victim is an elderly or incapacitated person as defined by Section 991a-15 of Title 22 of the Oklahoma Statutes.

Added by Laws 2003, c. 195, § 1, eff. July 1, 2003. Amended by Laws 2008, c. 314, § 2, eff. July 1, 2008; Laws 2025, c. 486, § 102, eff. Jan. 1, 2026.

§21-843.4. Exploitation of elderly or disabled adult.

A. As used in this section, "exploitation of an elderly person or disabled adult" means:

1. Knowingly, by deception or intimidation, obtaining or using, or endeavoring to obtain or use, an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who:

a. stands in a position of trust and confidence with the elderly person or disabled adult, or

b. has a business relationship with the elderly person or disabled adult, or

2. Obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who knows or reasonably should know that the elderly person or disabled adult lacks the capacity to consent.

B. 1. If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult are valued at One Hundred Thousand Dollars (\$100,000.00) or more, the violator commits a Class C1 felony offense punishable by imprisonment as provided for in subsections B through E of Section 20L of this title, and by a fine in an amount not exceeding Ten Thousand Dollars (\$10,000.00).

2. If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult are valued at less than One Hundred Thousand Dollars (\$100,000.00), the violator commits a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title

and by a fine in an amount not exceeding Ten Thousand Dollars (\$10,000.00).

C. For purposes of this section, "elderly person" means any person sixty-two (62) years of age or older.

Added by Laws 2006, c. 215, § 1, eff. July 1, 2006. Amended by Laws 2025, c. 486, § 194, eff. Jan. 1, 2026.

§21-843.5. See the following versions:

OS 21-843.5v1 (HB 3936, Laws 2024, c. 59, 6)

OS 21-843.5v2 (SB 599, Laws 2025, c. 281, § 1)

OS 21-843.5v3 (HB 2104, Laws 2025, c. 486, § 8)

§21-843.5v1. Child abuse - Child neglect - Child sexual abuse - Child sexual exploitation - Enabling - Penalties.

A. Any person who shall willfully or maliciously engage in child abuse, as defined in this section, shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

B. Any person responsible for the health, safety or welfare of a child who shall willfully or maliciously engage in enabling child abuse, as defined in this section, shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) or both such fine and imprisonment.

C. Any person responsible for the health, safety or welfare of a child who shall willfully or maliciously engage in child neglect, as defined in this section, shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

D. Any parent or other person who shall willfully or maliciously engage in enabling child neglect shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

E. Any person responsible for the health, safety or welfare of a child who shall willfully or maliciously engage in child sexual

abuse, as defined in this section, shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment, except as provided in Section 51.1a of this title or as otherwise provided in subsection F of this section for a child victim under twelve (12) years of age. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

F. Any person responsible for the health, safety or welfare of a child who shall willfully or maliciously engage in child sexual abuse, as defined in this section, to a child under twelve (12) years of age shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not less than twenty-five (25) years nor more than life imprisonment, and by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00).

G. Any parent or other person who shall willfully or maliciously engage in enabling child sexual abuse shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

H. Any person who shall willfully or maliciously engage in child sexual exploitation, as defined in this section, shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment except as provided in subsection I of this section for a child victim under twelve (12) years of age. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under

conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

I. Any person who shall willfully or maliciously engage in child sexual exploitation, as defined in this section, of a child under twelve (12) years of age shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not less than twenty-five (25) years nor more than life imprisonment, and by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00).

J. Any person responsible for the health, safety or welfare of a child who shall willfully or maliciously engage in enabling child sexual exploitation, as defined in this section, shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

K. Notwithstanding any other provision of law, any person convicted of forcible anal or oral sodomy, rape, rape by instrumentation, or lewd molestation of a child under fourteen (14) years of age subsequent to a previous conviction for any offense of forcible anal or oral sodomy, rape, rape by instrumentation, or lewd molestation of a child under fourteen (14) years of age shall be punished by death or by imprisonment for life without parole.

L. Provided, however, that nothing contained in this section shall prohibit any parent or guardian from using reasonable and ordinary force pursuant to Section 844 of this title.

M. Consent shall not be a defense for any violation provided for in this section.

N. Notwithstanding the age requirements of other statutes referenced within this section, this section shall apply to any child under eighteen (18) years of age.

O. As used in this section:

1. "Child abuse" means:

- a. the willful or malicious harm or threatened harm or failure to protect from harm or threatened harm to the health, safety or welfare of a child under eighteen (18) years of age by a person responsible for a child's health, safety or welfare, or
- b. the act of willfully or maliciously injuring, torturing or maiming a child under eighteen (18) years of age by any person;

2. "Child neglect" means the willful or malicious neglect, as defined by Section 1-1-105 of Title 10A of the Oklahoma Statutes, of

a child under eighteen (18) years of age by a person responsible for a child's health, safety or welfare;

3. "Child sexual abuse" means the willful or malicious sexual abuse of a child under eighteen (18) years of age by a person responsible for a child's health, safety or welfare and includes, but is not limited to:

- a. sexual intercourse,
- b. penetration of the vagina or anus, however slight, by an inanimate object or any part of the human body not amounting to sexual intercourse,
- c. sodomy,
- d. incest, or
- e. a lewd act or proposal, as defined in this section;

4. "Child sexual exploitation" means the willful or malicious sexual exploitation of a child under eighteen (18) years of age by another and includes, but is not limited to:

- a. human trafficking, as provided for in Section 748 of this title, if the offense involved child trafficking for commercial sex,
- b. trafficking in children, as provided for in Section 866 of this title, if the offense was committed for the sexual gratification of any person,
- c. procuring or causing the participation of a minor in child sexual abuse material, as provided for in Section 1021.2 of this title,
- d. purchase, procurement or possession of child sexual abuse material, as provided for in Section 1024.2 of this title,
- e. engaging in or soliciting prostitution, as provided for in Section 1029 of this title, if the offense involved child prostitution,
- f. publication, distribution or participation in the preparation of obscene material, as provided for in Section 1040.8 of this title, if the offense involved child sexual abuse material,
- g. aggravated possession of child sexual abuse material, as provided for in Section 1040.12a of this title,
- h. sale or distribution of obscene material, as provided for in Section 1040.13 of this title,
- i. soliciting sexual conduct or communication with a minor by use of technology, as provided for in Section 1040.13 of this title,
- j. offering or transporting a child for purposes of prostitution, as provided for in Section 1087 of this title, and
- k. child prostitution, as provided for in Section 1088 of this title;

5. "Enabling child abuse" means the causing, procuring or permitting of child abuse by a person responsible for a child's health, safety or welfare;

6. "Enabling child neglect" means the causing, procuring or permitting of child neglect by a person responsible for a child's health, safety or welfare;

7. "Enabling child sexual abuse" means the causing, procuring or permitting of child sexual abuse by a person responsible for a child's health, safety or welfare;

8. "Enabling child sexual exploitation" means the causing, procuring or permitting of child sexual exploitation by a person responsible for a child's health, safety or welfare;

9. "Incest" means marrying, committing adultery or fornicating with a child by a person responsible for the health, safety or welfare of a child;

10. "Lewd act or proposal" means:

- a. making any oral, written or electronic or computer-generated lewd or indecent proposal to a child for the child to have unlawful sexual relations or sexual intercourse with any person,
- b. looking upon, touching, mauling or feeling the body or private parts of a child in a lewd or lascivious manner or for the purpose of sexual gratification,
- c. asking, inviting, enticing or persuading any child to go alone with any person to a secluded, remote or secret place for a lewd or lascivious purpose,
- d. urinating or defecating upon a child or causing, forcing or requiring a child to defecate or urinate upon the body or private parts of another person for the purpose of sexual gratification,
- e. ejaculating upon or in the presence of a child,
- f. causing, exposing, forcing or requiring a child to look upon the body or private parts of another person for the purpose of sexual gratification,
- g. causing, forcing or requiring any child to view any obscene materials, child sexual abuse material or materials deemed harmful to minors as such terms are defined in Sections 1024.1 and 1040.75 of this title,
- h. causing, exposing, forcing or requiring a child to look upon sexual acts performed in the presence of the child for the purpose of sexual gratification, or
- i. causing, forcing or requiring a child to touch or feel the body or private parts of the child or another person for the purpose of sexual gratification;

11. "Permit" means to authorize or allow for the care of a child by an individual when the person authorizing or allowing such

care knows or reasonably should know that the child will be placed at risk of the conduct or harm proscribed by this section;

12. "Person responsible for a child's health, safety or welfare" for purposes of this section shall include, but not be limited to:

- a. the parent of the child,
- b. the legal guardian of the child,
- c. the custodian of the child,
- d. the foster parent of the child,
- e. a person eighteen (18) years of age or older with whom the parent of the child cohabitates, who is at least three (3) years older than the child,
- f. any other person eighteen (18) years of age or older residing in the home of the child, who is at least three (3) years older than the child,
- g. an owner, operator, agent, employee or volunteer of a public or private residential home, institution, facility or day treatment program, as defined in Section 175.20 of Title 10 of the Oklahoma Statutes, that the child attended,
- h. an owner, operator, agent, employee or volunteer of a child care facility, as defined in Section 402 of Title 10 of the Oklahoma Statutes, that the child attended,
- i. an intimate partner of the parent of the child, as defined in Section 60.1 of Title 22 of the Oklahoma Statutes, or
- j. a person who has voluntarily accepted responsibility for the care or supervision of a child;

13. "Sexual intercourse" means the actual penetration, however slight, of the vagina or anus by the penis; and

14. "Sodomy" means:

- a. penetration, however slight, of the mouth of the child by a penis,
- b. penetration, however slight, of the vagina of a person responsible for a child's health, safety or welfare, by the mouth of a child,
- c. penetration, however slight, of the mouth of the person responsible for a child's health, safety or welfare by the penis of the child, or
- d. penetration, however slight, of the vagina of the child by the mouth of the person responsible for a child's health, safety or welfare.

Added by Laws 1963, c. 53, § 1, emerg. eff. May 8, 1963. Amended by Laws 1975, c. 250, § 2, emerg. eff. June 2, 1975; Laws 1977, c. 172, § 1, eff. Oct. 1, 1977; Laws 1982, c. 7, § 1, operative Oct. 1, 1982; Laws 1989, c. 348, § 12, eff. Nov. 1, 1989; Laws 1990, c. 224,

§ 5, eff. Sept. 1, 1990; Laws 1995, c. 353, § 15, eff. Nov. 1, 1995. Renumbered from § 843 of this title by Laws 1995, c. 353, § 20, eff. Nov. 1, 1995. Amended by Laws 1996, c. 200, § 15, eff. Nov. 1, 1996; Laws 1997, c. 133, § 127, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 57, eff. July 1, 1999; Laws 2000, c. 291, § 1, eff. Nov. 1, 2000; Laws 2002, c. 455, § 7, emerg. eff. June 5, 2002; Laws 2006, c. 326, § 1, eff. July 1, 2006; Laws 2007, c. 325, § 1, eff. Nov. 1, 2007; Laws 2008, c. 3, § 5, emerg. eff. Feb. 28, 2008. Renumbered from § 7115 of Title 10 by Laws 2009, c. 233, § 207, emerg. eff. May 21, 2009. Amended by Laws 2010, c. 278, § 18, eff. Nov. 1, 2010; Laws 2014, c. 240, § 1, emerg. eff. May 9, 2014; Laws 2019, c. 284, § 1, eff. Nov. 1, 2019; Laws 2021, c. 331, § 1, eff. Nov. 1, 2021; Laws 2024, c. 59, § 6, eff. Nov. 1, 2024.

NOTE: Laws 2007, c. 261, § 1 repealed by Laws 2008, c. 3, § 6, emerg. eff. Feb. 28, 2008. Laws 2010, c. 23, § 1 repealed by Laws 2011, c. 1, § 13, emerg. eff. March 18, 2011.

§21-843.5v2. Child abuse - Child neglect - Child sexual abuse - Child sexual exploitation - Enabling - Penalties.

A. Any person who shall willfully or maliciously engage in child abuse, as defined in this section, shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

B. Any person responsible for the health, safety, or welfare of a child who shall willfully or maliciously engage in enabling child abuse, as defined in this section, shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

C. Any person responsible for the health, safety, or welfare of a child who shall willfully or maliciously engage in child neglect, as defined in this section, shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

D. Any parent or other person who shall willfully or maliciously engage in enabling child neglect shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine not less than

Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

E. Any person responsible for the health, safety, or welfare of a child who shall willfully or maliciously engage in child sexual abuse, as defined in this section, shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment, except as provided in Section 51.1a of this title or as otherwise provided in subsection F of this section for a child victim under twelve (12) years of age. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

F. Any person responsible for the health, safety, or welfare of a child who shall willfully or maliciously engage in child sexual abuse, as defined in this section, to a child under twelve (12) years of age shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not less than twenty-five (25) years nor more than life imprisonment, and by a fine not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00).

G. Any parent or other person who shall willfully or maliciously engage in enabling child sexual abuse shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

H. Any person who shall willfully or maliciously engage in child sexual exploitation, as defined in this section, shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment, except as provided in subsection I of this section for a child victim under twelve (12) years of age. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall

be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

I. Any person who shall willfully or maliciously engage in child sexual exploitation, as defined in this section, of a child under twelve (12) years of age shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not less than twenty-five (25) years nor more than life imprisonment, and by a fine not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00).

J. Any person responsible for the health, safety, or welfare of a child who shall willfully or maliciously engage in enabling child sexual exploitation, as defined in this section, shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

K. In addition to any other punishment prescribed by law, any person convicted of forcible anal or oral sodomy, rape, or rape by instrumentation of a child under fourteen (14) years of age shall be eligible for punishment by death or by imprisonment for life without parole.

L. Provided, however, that nothing contained in this section shall prohibit any parent or guardian from using reasonable and ordinary force pursuant to Section 844 of this title.

M. Consent shall not be a defense for any violation provided for in this section.

N. Notwithstanding the age requirements of other statutes referenced within this section, this section shall apply to any child under eighteen (18) years of age.

O. As used in this section:

1. "Child abuse" means:

- a. the willful or malicious harm or threatened harm or failure to protect from harm or threatened harm to the health, safety, or welfare of a child under eighteen (18) years of age by a person responsible for a child's health, safety, or welfare, or
- b. the act of willfully or maliciously injuring, torturing, or maiming a child under eighteen (18) years of age by any person;

2. "Child neglect" means the willful or malicious neglect, as defined by Section 1-1-105 of Title 10A of the Oklahoma Statutes, of

a child under eighteen (18) years of age by a person responsible for a child's health, safety, or welfare;

3. "Child sexual abuse" means the willful or malicious sexual abuse of a child under eighteen (18) years of age by a person responsible for a child's health, safety, or welfare and includes, but is not limited to:

- a. sexual intercourse,
- b. penetration of the vagina or anus, however slight, by an inanimate object or any part of the human body not amounting to sexual intercourse,
- c. sodomy,
- d. incest, or
- e. a lewd act or proposal, as defined in this section;

4. "Child sexual exploitation" means the willful or malicious sexual exploitation of a child under eighteen (18) years of age by another and includes, but is not limited to:

- a. human trafficking, as provided for in Section 748 of this title, if the offense involved child trafficking for commercial sex,
- b. trafficking in children, as provided for in Section 866 of this title, if the offense was committed for the sexual gratification of any person,
- c. procuring or causing the participation of a minor in child sexual abuse material, as provided for in Section 1021.2 of this title,
- d. purchase, procurement, or possession of child sexual abuse material, as provided for in Section 1024.2 of this title,
- e. engaging in or soliciting prostitution, as provided for in Section 1029 of this title, if the offense involved child sex trafficking,
- f. publication, distribution, or participation in the preparation of obscene material, as provided for in Section 1040.8 of this title, if the offense involved child sexual abuse material,
- g. aggravated possession of child sexual abuse material, as provided for in Section 1040.12a of this title,
- h. sale or distribution of obscene material, as provided for in Section 1040.13 of this title,
- i. soliciting sexual conduct or communication with a minor by use of technology, as provided for in Section 1040.13a of this title,
- j. offering or transporting a child for purposes of child sex trafficking, as provided for in Section 1087 of this title, and
- k. child sex trafficking, as provided for in Section 1088 of this title;

5. "Enabling child abuse" means the causing, procuring, or permitting of child abuse by a person responsible for a child's health, safety, or welfare;

6. "Enabling child neglect" means the causing, procuring, or permitting of child neglect by a person responsible for a child's health, safety, or welfare;

7. "Enabling child sexual abuse" means the causing, procuring, or permitting of child sexual abuse by a person responsible for a child's health, safety, or welfare;

8. "Enabling child sexual exploitation" means the causing, procuring, or permitting of child sexual exploitation by a person responsible for a child's health, safety, or welfare;

9. "Incest" means marrying, committing adultery, or fornicating with a child by a person responsible for the health, safety, or welfare of a child;

10. "Lewd act or proposal" means:

- a. making any oral, written, or electronic or computer-generated lewd or indecent proposal to a child for the child to have unlawful sexual relations or sexual intercourse with any person,
- b. looking upon, touching, mauling, or feeling the body or private parts of a child in a lewd or lascivious manner or for the purpose of sexual gratification,
- c. asking, inviting, enticing, or persuading any child to go alone with any person to a secluded, remote, or secret place for a lewd or lascivious purpose,
- d. urinating or defecating upon a child or causing, forcing, or requiring a child to defecate or urinate upon the body or private parts of another person for the purpose of sexual gratification,
- e. ejaculating upon or in the presence of a child,
- f. causing, exposing, forcing, or requiring a child to look upon the body or private parts of another person for the purpose of sexual gratification,
- g. causing, forcing, or requiring any child to view any obscene materials, child sexual abuse material or materials deemed harmful to minors as such terms are defined in Sections 1024.1 and 1040.75 of this title,
- h. causing, exposing, forcing, or requiring a child to look upon sexual acts performed in the presence of the child for the purpose of sexual gratification, or
- i. causing, forcing, or requiring a child to touch or feel the body or private parts of the child or another person for the purpose of sexual gratification;

11. "Permit" means to authorize or allow for the care of a child by an individual when the person authorizing or allowing such

care knows or reasonably should know that the child will be placed at risk of the conduct or harm proscribed by this section;

12. "Person responsible for a child's health, safety, or welfare" for purposes of this section shall include, but not be limited to:

- a. the parent of the child,
- b. the legal guardian of the child,
- c. the custodian of the child,
- d. the foster parent of the child,
- e. a person eighteen (18) years of age or older with whom the parent of the child cohabitates, who is at least three (3) years older than the child,
- f. any other person eighteen (18) years of age or older residing in the home of the child, who is at least three (3) years older than the child,
- g. an owner, operator, agent, employee, or volunteer of a public or private residential home, institution, facility, or day treatment program, as defined in Section 175.20 of Title 10 of the Oklahoma Statutes, that the child attended,
- h. an owner, operator, agent, employee, or volunteer of a child care facility, as defined in Section 402 of Title 10 of the Oklahoma Statutes, that the child attended,
- i. an intimate partner of the parent of the child, as defined in Section 60.1 of Title 22 of the Oklahoma Statutes, or
- j. a person who has voluntarily accepted responsibility for the care or supervision of a child;

13. "Sexual intercourse" means the actual penetration, however slight, of the vagina or anus by the penis; and

14. "Sodomy" means:

- a. penetration, however slight, of the mouth of the child by a penis,
- b. penetration, however slight, of the vagina of a person responsible for a child's health, safety, or welfare, by the mouth of a child,
- c. penetration, however slight, of the mouth of the person responsible for a child's health, safety, or welfare by the penis of the child, or
- d. penetration, however slight, of the vagina of the child by the mouth of the person responsible for a child's health, safety, or welfare.

Added by Laws 1963, c. 53, § 1, emerg. eff. May 8, 1963. Amended by Laws 1975, c. 250, § 2, emerg. eff. June 2, 1975; Laws 1977, c. 172, § 1, eff. Oct. 1, 1977; Laws 1982, c. 7, § 1, operative Oct. 1, 1982; Laws 1989, c. 348, § 12, eff. Nov. 1, 1989; Laws 1990, c. 224,

§ 5, eff. Sept. 1, 1990; Laws 1995, c. 353, § 15, eff. Nov. 1, 1995. Renumbered from § 843 of this title by Laws 1995, c. 353, § 20, eff. Nov. 1, 1995. Amended by Laws 1996, c. 200, § 15, eff. Nov. 1, 1996; Laws 1997, c. 133, § 127, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 57, eff. July 1, 1999; Laws 2000, c. 291, § 1, eff. Nov. 1, 2000; Laws 2002, c. 455, § 7, emerg. eff. June 5, 2002; Laws 2006, c. 326, § 1, eff. July 1, 2006; Laws 2007, c. 325, § 1, eff. Nov. 1, 2007; Laws 2008, c. 3, § 5, emerg. eff. Feb. 28, 2008. Renumbered from § 7115 of Title 10 by Laws 2009, c. 233, § 207, emerg. eff. May 21, 2009. Amended by Laws 2010, c. 278, § 18, eff. Nov. 1, 2010; Laws 2014, c. 240, § 1, emerg. eff. May 9, 2014; Laws 2019, c. 284, § 1, eff. Nov. 1, 2019; Laws 2021, c. 331, § 1, eff. Nov. 1, 2021; Laws 2024, c. 151, § 2, eff. Nov. 1, 2024; Laws 2025, c. 29, § 2, eff. Nov. 1, 2025; Laws 2025, c. 281, § 1, eff. Nov. 1, 2025.

NOTE: Laws 2007, c. 261, § 1 repealed by Laws 2008, c. 3, § 6, emerg. eff. Feb. 28, 2008. Laws 2010, c. 23, § 1 repealed by Laws 2011, c. 1, § 13, emerg. eff. March 18, 2011.

§21-843.5v3. Child abuse - Child neglect - Child sexual abuse - Child sexual exploitation - Enabling - Penalties.

A. Any person who shall willfully or maliciously engage in child abuse, as defined in this section, shall, upon conviction, be guilty of a Class A3 felony offense punishable by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

B. Any person responsible for the health, safety or welfare of a child who shall willfully or maliciously engage in enabling child abuse, as defined in this section, shall, upon conviction, be guilty of a Class A3 felony offense and shall be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

C. Any person responsible for the health, safety or welfare of a child who shall willfully or maliciously engage in child neglect, as defined in this section, shall, upon conviction, be guilty of a Class B1 felony offense and shall be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

D. Any parent or other person who shall willfully or maliciously engage in enabling child neglect shall, upon conviction, be guilty of a Class B1 felony offense and shall be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

E. Any person responsible for the health, safety or welfare of a child who shall willfully or maliciously engage in child sexual abuse, as defined in this section, shall, upon conviction, be guilty of a Class A3 felony offense and shall be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment, except as provided in Section 51.1a of this title or as otherwise provided in subsection F of this section for a child victim under twelve (12) years of age. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

F. Any person responsible for the health, safety or welfare of a child who shall willfully or maliciously engage in child sexual abuse, as defined in this section, to a child under twelve (12) years of age shall, upon conviction, be guilty of a Class A1 felony offense and shall be punished by imprisonment in the custody of the Department of Corrections for not less than twenty-five (25) years nor more than life imprisonment, and by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00).

G. Any parent or other person who shall willfully or maliciously engage in enabling child sexual abuse shall, upon conviction, be guilty of a Class A3 felony offense and shall be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

H. Any person who shall willfully or maliciously engage in child sexual exploitation, as defined in this section, shall, upon conviction, be guilty of a Class A3 felony offense and shall be

punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment, except as provided in subsection I of this section for a child victim under twelve (12) years of age. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

I. Any person who shall willfully or maliciously engage in child sexual exploitation, as defined in this section, of a child under twelve (12) years of age shall, upon conviction, be guilty of a Class A1 felony offense and shall be punished by imprisonment in the custody of the Department of Corrections for not less than twenty-five (25) years nor more than life imprisonment, and by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00).

J. Any person responsible for the health, safety or welfare of a child who shall willfully or maliciously engage in enabling child sexual exploitation, as defined in this section, shall, upon conviction, be guilty of a Class A3 felony offense and shall be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

K. Notwithstanding any other provision of law, any person convicted of forcible anal or oral sodomy, rape, rape by instrumentation, or lewd molestation of a child under fourteen (14) years of age subsequent to a previous conviction for any offense of forcible anal or oral sodomy, rape, rape by instrumentation, or lewd molestation of a child under fourteen (14) years of age shall be guilty of a Class A1 felony offense and shall be punished by death or by imprisonment for life without parole.

L. Provided, however, that nothing contained in this section shall prohibit any parent or guardian from using reasonable and ordinary force pursuant to Section 844 of this title.

M. Consent shall not be a defense for any violation provided for in this section.

N. Notwithstanding the age requirements of other statutes referenced within this section, this section shall apply to any child under eighteen (18) years of age.

O. As used in this section:

1. "Child abuse" means:

- a. the willful or malicious harm or threatened harm or failure to protect from harm or threatened harm to the health, safety or welfare of a child under eighteen (18) years of age by a person responsible for a child's health, safety or welfare, or
- b. the act of willfully or maliciously injuring, torturing or maiming a child under eighteen (18) years of age by any person;

2. "Child neglect" means the willful or malicious neglect, as defined by Section 1-1-105 of Title 10A of the Oklahoma Statutes, of a child under eighteen (18) years of age by a person responsible for a child's health, safety or welfare;

3. "Child sexual abuse" means the willful or malicious sexual abuse of a child under eighteen (18) years of age by a person responsible for a child's health, safety or welfare and includes, but is not limited to:

- a. sexual intercourse,
- b. penetration of the vagina or anus, however slight, by an inanimate object or any part of the human body not amounting to sexual intercourse,
- c. sodomy,
- d. incest, or
- e. a lewd act or proposal, as defined in this section;

4. "Child sexual exploitation" means the willful or malicious sexual exploitation of a child under eighteen (18) years of age by another and includes, but is not limited to:

- a. human trafficking, as provided for in Section 748 of this title, if the offense involved child trafficking for commercial sex,
- b. trafficking in children, as provided for in Section 866 of this title, if the offense was committed for the sexual gratification of any person,
- c. procuring or causing the participation of a minor in child pornography, as provided for in Section 1021.2 of this title,
- d. purchase, procurement or possession of child pornography, as provided for in Section 1024.2 of this title,
- e. engaging in or soliciting prostitution, as provided for in Section 1029 of this title, if the offense involved child sex trafficking,

- f. publication, distribution or participation in the preparation of obscene material, as provided for in Section 1040.8 of this title, if the offense involved child pornography,
- g. aggravated possession of child pornography, as provided for in Section 1040.12a of this title,
- h. sale or distribution of obscene material, as provided for in Section 1040.13 of this title,
- i. soliciting sexual conduct or communication with a minor by use of technology, as provided for in Section 1040.13a of this title,
- j. offering or transporting a child for purposes of child sex trafficking, as provided for in Section 1087 of this title, and
- k. child sex trafficking, as provided for in Section 1088 of this title;

5. "Enabling child abuse" means the causing, procuring or permitting of child abuse by a person responsible for a child's health, safety or welfare;

6. "Enabling child neglect" means the causing, procuring or permitting of child neglect by a person responsible for a child's health, safety or welfare;

7. "Enabling child sexual abuse" means the causing, procuring or permitting of child sexual abuse by a person responsible for a child's health, safety or welfare;

8. "Enabling child sexual exploitation" means the causing, procuring or permitting of child sexual exploitation by a person responsible for a child's health, safety or welfare;

9. "Incest" means marrying, committing adultery or fornicating with a child by a person responsible for the health, safety or welfare of a child;

10. "Lewd act or proposal" means:

- a. making any oral, written or electronic or computer-generated lewd or indecent proposal to a child for the child to have unlawful sexual relations or sexual intercourse with any person,
- b. looking upon, touching, mauling or feeling the body or private parts of a child in a lewd or lascivious manner or for the purpose of sexual gratification,
- c. asking, inviting, enticing or persuading any child to go alone with any person to a secluded, remote or secret place for a lewd or lascivious purpose,
- d. urinating or defecating upon a child or causing, forcing or requiring a child to defecate or urinate upon the body or private parts of another person for the purpose of sexual gratification,
- e. ejaculating upon or in the presence of a child,

- f. causing, exposing, forcing or requiring a child to look upon the body or private parts of another person for the purpose of sexual gratification,
- g. causing, forcing or requiring any child to view any obscene materials, child pornography or materials deemed harmful to minors as such terms are defined in Sections 1024.1 and 1040.75 of this title,
- h. causing, exposing, forcing or requiring a child to look upon sexual acts performed in the presence of the child for the purpose of sexual gratification, or
- i. causing, forcing or requiring a child to touch or feel the body or private parts of the child or another person for the purpose of sexual gratification;

11. "Permit" means to authorize or allow for the care of a child by an individual when the person authorizing or allowing such care knows or reasonably should know that the child will be placed at risk of the conduct or harm proscribed by this section;

12. "Person responsible for a child's health, safety or welfare" for purposes of this section shall include, but not be limited to:

- a. the parent of the child,
- b. the legal guardian of the child,
- c. the custodian of the child,
- d. the foster parent of the child,
- e. a person eighteen (18) years of age or older with whom the parent of the child cohabitates, who is at least three (3) years older than the child,
- f. any other person eighteen (18) years of age or older residing in the home of the child, who is at least three (3) years older than the child,
- g. an owner, operator, agent, employee or volunteer of a public or private residential home, institution, facility or day treatment program, as defined in Section 175.20 of Title 10 of the Oklahoma Statutes, that the child attended,
- h. an owner, operator, agent, employee or volunteer of a child care facility, as defined in Section 402 of Title 10 of the Oklahoma Statutes, that the child attended,
- i. an intimate partner of the parent of the child, as defined in Section 60.1 of Title 22 of the Oklahoma Statutes, or
- j. a person who has voluntarily accepted responsibility for the care or supervision of a child;

13. "Sexual intercourse" means the actual penetration, however slight, of the vagina or anus by the penis; and

14. "Sodomy" means:

- a. penetration, however slight, of the mouth of the child by a penis,
- b. penetration, however slight, of the vagina of a person responsible for a child's health, safety or welfare, by the mouth of a child,
- c. penetration, however slight, of the mouth of the person responsible for a child's health, safety or welfare by the penis of the child, or
- d. penetration, however slight, of the vagina of the child by the mouth of the person responsible for a child's health, safety or welfare.

Added by Laws 1963, c. 53, § 1, emerg. eff. May 8, 1963. Amended by Laws 1975, c. 250, § 2, emerg. eff. June 2, 1975; Laws 1977, c. 172, § 1, eff. Oct. 1, 1977; Laws 1982, c. 7, § 1, operative Oct. 1, 1982; Laws 1989, c. 348, § 12, eff. Nov. 1, 1989; Laws 1990, c. 224, § 5, eff. Sept. 1, 1990; Laws 1995, c. 353, § 15, eff. Nov. 1, 1995. Renumbered from § 843 of this title by Laws 1995, c. 353, § 20, eff. Nov. 1, 1995. Amended by Laws 1996, c. 200, § 15, eff. Nov. 1, 1996; Laws 1997, c. 133, § 127, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 57, eff. July 1, 1999; Laws 2000, c. 291, § 1, eff. Nov. 1, 2000; Laws 2002, c. 455, § 7, emerg. eff. June 5, 2002; Laws 2006, c. 326, § 1, eff. July 1, 2006; Laws 2007, c. 325, § 1, eff. Nov. 1, 2007; Laws 2008, c. 3, § 5, emerg. eff. Feb. 28, 2008. Renumbered from § 7115 of Title 10 by Laws 2009, c. 233, § 207, emerg. eff. May 21, 2009. Amended by Laws 2010, c. 278, § 18, eff. Nov. 1, 2010; Laws 2014, c. 240, § 1, emerg. eff. May 9, 2014; Laws 2019, c. 284, § 1, eff. Nov. 1, 2019; Laws 2021, c. 331, § 1, eff. Nov. 1, 2021; Laws 2024, c. 151, § 2, eff. Nov. 1, 2024; Laws 2025, c. 486, § 8, eff. Jan. 1, 2026.

NOTE: Laws 2007, c. 261, § 1 repealed by Laws 2008, c. 3, § 6, emerg. eff. Feb. 28, 2008. Laws 2010, c. 23, § 1 repealed by Laws 2011, c. 1, § 13, emerg. eff. March 18, 2011.

§21-843.6. Payment of costs by defendant upon conviction.

A. 1. In addition to any other costs which a court is authorized to require a defendant to pay, upon conviction of any offense involving child abuse or neglect, the court may require that the defendant pay court-appointed attorney fees for the child to any local or state agency incurring the cost or any other person or entity providing services to or on behalf of the child, and the cost of any medical examinations conducted on the child in order to determine the nature or extent of the abuse or neglect.

2. If the court determines that the defendant has the ability to pay all or part of the costs, the court may set the amount to be reimbursed and order the defendant to pay that sum to the local or state agency or other person or entity incurring the cost in the

manner in which the court believes reasonable and compatible with the defendant's financial ability.

3. In making a determination of whether a defendant has the ability to pay, the court shall take into account the amount of any fine imposed upon the defendant and any amount the defendant has been ordered to pay in restitution.

B. 1. In addition to any other costs which a court is authorized to require a defendant to pay, upon conviction of any offense involving sexual abuse, the court may require that the defendant pay, to the local or state agency incurring the cost, the cost of any medical examinations conducted on the child for the collection and preservation of evidence.

2. If the court determines that the defendant has the ability to pay all or part of the cost of the medical examination, the court may set the amount to be reimbursed and order the defendant to pay that sum to the local or state agency incurring the cost, in the manner in which the court believes reasonable and compatible with the defendant's financial ability.

3. In making the determination of whether a defendant has the ability to pay, the court shall take into account the amount of any fine imposed upon the defendant and any amount the defendant has been ordered to pay in restitution.

4. In no event shall a court penalize an indigent defendant by imposing an additional period of imprisonment in lieu of payment.

C. 1. The court shall require the defendant to pay, upon conviction of any offense involving the sexual or physical abuse of a child, for the psychological evaluation to determine the extent of counseling necessary for the victim of the abuse and any necessary psychological counseling deemed necessary to rehabilitate the child.

2. Such evaluations and counseling may be performed by psychiatrists, psychologists, licensed professional counselors or social workers. The results of the examination shall be included in the court records and in information contained in the central registry.

Added by Laws 1995, c. 353, § 14, eff. Nov. 1, 1995. Amended by Laws 1998, c. 416, § 20, eff. Nov. 1, 1998. Renumbered from § 7114 of Title 10 by Laws 2009, c. 233, § 206, emerg. eff. May 21, 2009.

§21-843.7. Appointment of representatives for child.

A. 1. In every criminal case filed pursuant to the Oklahoma Child Abuse Reporting and Prevention Act, the judge of the district court may appoint an attorney-at-law to appear for and represent a child who is the alleged victim of child abuse or neglect.

2. The attorney may be allowed a reasonable fee for such services and shall meet with the child as soon as possible after receiving notification of the appointment.

3. Except for good cause shown to the court, the attorney shall meet with the child not less than twenty-four (24) hours prior to any hearing.

4. The attorney shall be given access to all reports relevant to the case and to any reports of examination of the child's parents, legal guardian, custodian or other person responsible for the child's health or safety made pursuant to this section.

5. The attorney shall represent the child and any expressed interests of the child. To that end, the attorney shall make such further investigation as the attorney deems necessary to ascertain the facts, to interview witnesses, examine and cross-examine witnesses at the preliminary hearing and trial, make recommendations to the court, and participate further in the proceedings to the degree appropriate for adequately representing the child.

B. A court-appointed special advocate or guardian ad litem as defined by the Oklahoma Children's Code and the Oklahoma Juvenile Code may be appointed to represent the best interests of the child who is the alleged subject of child abuse or neglect. The court-appointed special advocate or guardian ad litem shall be given access to all reports relevant to the case and to reports of service providers and of examination of the child's parents, legal guardian, custodian or other person responsible for the child's health or safety made pursuant to this section including but not limited to, information authorized by the Oklahoma Children's Code and the Oklahoma Juvenile Code.

C. At such time as the information maintained by the statewide registry for child abuse, sexual abuse, and neglect is indexed by name of perpetrator and the necessary and appropriate due process procedures are established by the Department of Human Services, a court-appointed special advocate organization, in accordance with the policies and rules of the Department, may utilize the registry for the purpose of completing background screenings of volunteers with the organization.

Added by Laws 1995, c. 353, § 12, eff. Nov. 1, 1995. Amended by Laws 1996, c. 200, § 14, eff. Nov. 1, 1996; Laws 1999, c. 396, § 11, emerg. eff. June 10, 1999. Renumbered from § 7112 of Title 10 by Laws 2009, c. 233, § 205, emerg. eff. May 21, 2009.

§21-844. Ordinary force as means of discipline not prohibited.

Provided, however, that nothing contained in this Act shall prohibit any parent, teacher or other person from using ordinary force as a means of discipline, including but not limited to spanking, switching or paddling.

Added by Laws 1963, c. 53, § 2.

§21-845. Renumbered as § 7102 of Title 10 by Laws 1995, c. 353, § 20, eff. Nov. 1, 1995.

§21-846. Renumbered as § 7103 of Title 10 by Laws 1995, c. 353, § 20, eff. Nov. 1, 1995.

§21-846.1. Renumbered as § 7104 of Title 10 by Laws 1995, c. 353, § 20, eff. Nov. 1, 1995.

§21-847. Renumbered as § 7105 of Title 10 by Laws 1995, c. 353, § 20, eff. Nov. 1, 1995.

§21-848. Renumbered as § 7113 of Title 10 by Laws 1995, c. 353, § 20, eff. Nov. 1, 1995.

§21-849. Wiring or equipping of vehicles or structures with explosives a felony.

Every person who shall attach to, or place in or upon any motor vehicle or any vehicle designed or customarily used to transport a person or persons or any structure designed or customarily used for the occupancy of a person or persons, any explosive material, thing or device with the intent of causing bodily injury or death to any person shall be guilty of a Class A2 felony offense, and, upon conviction therefor, shall suffer punishment by imprisonment for a period of time of not less than five (5) years, or imprisonment in the State Penitentiary for life, at the discretion of the court or the jury trying the same.

Added by Laws 1968, c. 101, § 1, emerg. eff. April 1, 1968. Amended by Laws 1997, c. 133, § 248, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 152, eff. July 1, 1999; Laws 2025, c. 486, § 25, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 248 from July 1, 1998, to July 1, 1999.

§21-850. Malicious intimidation or harassment because of race, color, religion, ancestry, national origin or disability - Standardized reporting system.

A. No person shall maliciously and with the specific intent to intimidate or harass another person because of that person's race, color, religion, ancestry, national origin or disability:

1. Assault or batter another person;
2. Damage, destroy, vandalize or deface any real or personal property of another person; or
3. Threaten, by word or act, to do any act prohibited by paragraph 1 or 2 of this subsection if there is reasonable cause to believe that such act will occur.

B. No person shall maliciously and with specific intent to incite or produce, and which is likely to incite or produce, imminent violence, which violence would be directed against another

person because of that person's race, color, religion, ancestry, national origin or disability, make or transmit, cause or allow to be transmitted, any telephonic, computerized, or electronic message.

C. No person shall maliciously and with specific intent to incite or produce, and which is likely to incite or produce, imminent violence, which violence would be directed against another person because of that person's race, color, religion, ancestry, national origin or disability, broadcast, publish, or distribute, cause or allow to be broadcast, published or distributed, any message or material.

D. Any person convicted of violating any provision of subsections A, B or C of this section shall be guilty of a misdemeanor on a first offense and a Class B4 felony offense punishable by not more than ten (10) years incarceration in the custody of the Department of Corrections for a second or subsequent offense. The fine for a felony violation of this section shall not exceed Ten Thousand Dollars (\$10,000.00). Furthermore, said person shall be civilly liable for any damages resulting from any violation of this section.

E. Upon conviction, any person guilty of a misdemeanor in violation of this section shall be punishable by the imposition of a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a period of not more than one (1) year, or by both such fine and imprisonment.

F. The Oklahoma State Bureau of Investigation shall develop a standard system for state and local law enforcement agencies to report incidents of crime which are apparently directed against members of racial, ethnic, religious groups or other groups specified by this section. The Oklahoma State Bureau of Investigation shall promulgate rules, regulations and procedures necessary to develop, implement and maintain a standard system for the collection and reporting of hate crime data. All state, county, city and town law enforcement agencies shall submit a monthly report to the Oklahoma State Bureau of Investigation on forms prescribed by the Bureau. The report shall contain the number and nature of the offenses committed within their respective jurisdictions, the disposition of such matters and any other information the Bureau may require, respecting information relating to the cause and prevention of crime, recidivism, the rehabilitation of criminals and the proper administration of criminal justice.

G. No person, partnership, company or corporation that installs telephonic, computerized, or electronic message equipment shall be required to monitor the use of such equipment for possible violations of this section, nor shall such person, partnership, company or corporation be held criminally or civilly liable for the use by another person of the equipment in violation of this section, unless the person, partnership, company or corporation that

installed the equipment had prior actual knowledge that the equipment was to be used in violation of this section.

Added by Laws 1987, c. 48, § 1, emerg. eff. April 24, 1987. Amended by Laws 1989, c. 68, § 1, emerg. eff. April 13, 1989; Laws 1990, c. 73, § 1, emerg. eff. April 16, 1990; Laws 1992, c. 82, § 1, eff. Sept. 1, 1992; Laws 1997, c. 133, § 249, eff. July 1, 1999; Laws 1998, c. 330, § 1, eff. Nov. 1, 1998; Laws 1998, 1st Ex. Sess., c. 2, § 7, emerg. eff. June 19, 1998; Laws 1999, 1st Ex. Sess., c. 5, § 153, eff. July 1, 1999; Laws 2001, c. 45, § 1, eff. Nov. 1, 2001; Laws 2025, c. 486, § 103, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 249 from July 1, 1998, to July 1, 1999.

§21-851. Desertion of children under age of ten a felony.

A. Any parent of any child or children under the age of ten (10) years, and every person to whom such child or children have been confided for nurture or education, who deserts such child or children within this state, or takes such child or children without this state, with the intent wholly to abandon it shall be deemed guilty of a Class B4 felony offense and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for any period of time not less than one (1) year nor more than ten (10) years.

B. It is an affirmative defense to a prosecution under this section that a parent voluntarily delivered a child under the age of thirty (30) days to and left the child with, or voluntarily arranged for another person to deliver a child to and leave the child with, a medical services provider or child rescuer as provided in Section 1-2-109 of Title 10A of the Oklahoma Statutes.

R.L. 1910, § 2433. Amended by Laws 1923, c. 78, p. 143, § 1, emerg. eff. March 28, 1923; Laws 1997, c. 133, § 250, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 154, eff. July 1, 1999; Laws 2021, c. 313, § 2, eff. July 1, 2021; Laws 2025, c. 486, § 104, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 250 from July 1, 1998, to July 1, 1999.

§21-852. Omission to provide for a child - Penalties.

A. Unless otherwise provided for by law, any parent, guardian, or person having custody or control of a child as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes who willfully omits, without lawful excuse, to furnish necessary food, clothing, shelter, monetary child support, medical attendance, payment of court-ordered day care or payment of court-ordered medical insurance costs for such child which is imposed by law, upon conviction, is guilty of a misdemeanor; provided, any person obligated to make child support payments who willfully and without lawful excuse becomes delinquent

in said child support payments after September 1, 1993, and such delinquent child support accrues without payment by the obligor for a period of one (1) year, or exceeds Five Thousand Dollars (\$5,000.00) shall, upon conviction thereof, be guilty of a Class D2 felony offense punishable in the same manner as any subsequent conviction pursuant to the provisions of this section. Any subsequent conviction pursuant to this section shall be a Class D2 felony offense, punishable by imprisonment as provided for in subsection C of Section 200 of this title, or by the imposition of a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. As used in this section, the duty to furnish medical attendance shall mean that the parent or person having custody or control of a child must furnish medical treatment in such manner and on such occasions as an ordinarily prudent person, solicitous for the welfare of a child, would provide; such parent or person having custody or control of a child is not criminally liable for failure to furnish medical attendance for every minor or trivial complaint with which the child may be afflicted.

B. Any person who leaves the state to avoid providing necessary food, clothing, shelter, court-ordered monetary child support, or medical attendance for such child, upon conviction, shall be guilty of a Class D2 felony offense punishable by imprisonment for not more than four (4) years in the custody of the Department of Corrections, or by the imposition of a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

C. Nothing in this section shall be construed to mean a child is endangered for the sole reason the parent, guardian or person having custody or control of a child, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child; provided, that medical care shall be provided where permanent physical damage could result to such child; and that the laws, rules, and regulations relating to communicable diseases and sanitary matters are not violated.

D. Nothing contained in this section shall prevent a court from immediately assuming custody of a child and ordering whatever action may be necessary, including medical treatment, to protect the health or welfare of the child.

E. Psychiatric and psychological testing and counseling are exempt from the provisions of this section.

F. If any parent of a child in cases in which the Department of Human Services is providing services pursuant to Section 237 of Title 56 of the Oklahoma Statutes is determined by the Department to be willfully violating the provisions of this section, the Department may refer the case to the proper district attorney for

prosecution. The Department shall provide assistance to the district attorneys in such prosecutions. Any child support or arrears payments made pursuant to this section shall be made payable to the Department and paid through the Centralized Support Registry pursuant to Section 413 of Title 43 of the Oklahoma Statutes.

G. It is the duty of any parent having legal custody of a child who is an alcohol-dependent person or a drug-dependent person, as such terms are defined by Section 3-403 of Title 43A of the Oklahoma Statutes, to provide for the treatment, as such term is defined by Section 3-403 of Title 43A of the Oklahoma Statutes, of such child. Any parent having legal custody of a child who is an alcohol-dependent person or a drug-dependent person who without having made a reasonable effort fails or willfully omits to provide for the treatment of such child shall be guilty of a misdemeanor. For the purpose of this subsection, the duty to provide for such treatment shall mean that the parent having legal custody of a child must provide for the treatment in such manner and on such occasions as an ordinarily prudent person, solicitous for the welfare of a child, would provide.

H. Venue is proper in prosecutions for violations of this section in:

1. Any county where the child resides;
2. The county in which the court-ordered support was entered or registered pursuant to the provisions of the Uniform Interstate Family Support Act; or
3. The county in which the defendant resides.

R.L.1910, § 2434. Amended by Laws 1975, c. 67, § 1, emerg. eff. April 18, 1975; Laws 1983, c. 44, § 1, operative Nov. 1, 1983; Laws 1987, c. 167, § 2, operative July 1, 1987; Laws 1989, c. 348, § 13, eff. Nov. 1, 1989; Laws 1990, c. 165, § 1, eff. July 1, 1990; Laws 1993, c. 173, § 1, eff. Sept. 1, 1993; Laws 1994, c. 132, § 1, eff. Sept. 1, 1994; Laws 1997, c. 6, § 1, eff. Nov. 1, 1997; Laws 1997, c. 133, § 251, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 155, eff. July 1, 1999; Laws 2006, c. 219, § 1; Laws 2008, c. 407, § 14, eff. Nov. 1, 2008; Laws 2009, c. 234, § 121, emerg. eff. May 21, 2009; Laws 2025, c. 486, § 595, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 251 from July 1, 1998, to July 1, 1999.

§21-852.1. See the following versions:

OS 21-852.1v1 (HB 1731, Laws 2025, c. 113, 1)

OS 21-852.1v2 (HB 2104, Laws 2025, c. 486, § 187)

§21-852.1v1. Child endangerment - Knowingly permitting physical or sexual abuse - Good-faith reliance on spiritual healing - Penalties.

A. A person who is the parent, guardian, or person having custody or control over a child as defined in Section 1-1-105 of

Title 10A of the Oklahoma Statutes, commits child endangerment when the person:

1. Knowingly permits physical or sexual abuse of a child;
2. Knowingly permits a child to be present at a location where a controlled dangerous substance is being manufactured or attempted to be manufactured as defined in Section 2-101 of Title 63 of the Oklahoma Statutes;
3. Knowingly permits a child to be present in a vehicle when the person knows or should have known that the operator of the vehicle is impaired by or is under the influence of alcohol or another intoxicating substance; or
4. Is the driver, operator, or person in physical control of a vehicle in violation of Section 11-902 of Title 47 of the Oklahoma Statutes or impaired while transporting or having in the vehicle such child or children.

However, it is an affirmative defense to this paragraph if the person had a reasonable apprehension that any action to stop the physical or sexual abuse or deny permission for the child to be in the vehicle with an intoxicated person would result in substantial bodily harm to the person or the child.

Nothing in this subsection shall prohibit the prosecution of a person pursuant to the provisions of Section 11-902 or 11-904 of Title 47 of the Oklahoma Statutes.

B. The provisions of this section shall not apply to any parent, guardian or other person having custody or control of a child for the sole reason that the parent, guardian or other person in good faith selects and depends upon spiritual means or prayer for the treatment or cure of disease or remedial care for such child. This subsection shall in no way limit or modify the protections afforded said child in Section 852 of this title or Section 1-4-904 of Title 10A of the Oklahoma Statutes.

C. Any person convicted of violating any provision of this section shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not more than four (4) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. Added by Laws 1990, c. 165, § 2, eff. July 1, 1990. Amended by Laws 1997, c. 133, § 252, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 156, eff. July 1, 1999; Laws 2001, c. 225, § 6, eff. July 1, 2001; Laws 2009, c. 143, § 1, eff. July 1, 2009; Laws 2009, c. 234, § 122, emerg. eff. May 21, 2009; Laws 2011, c. 350, § 2, eff. Nov. 1, 2011; Laws 2025, c. 113, § 1, eff. Nov. 1, 2025.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 252 from July 1, 1998, to July 1, 1999.

§21-852.1v2. Child endangerment - Knowingly permitting physical or sexual abuse - Good-faith reliance on spiritual healing - Penalties.

A. A person who is the parent, guardian, or person having custody or control over a child as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, commits child endangerment when the person:

1. Knowingly permits physical or sexual abuse of a child;
2. Knowingly permits a child to be present at a location where a controlled dangerous substance is being manufactured or attempted to be manufactured as defined in Section 2-101 of Title 63 of the Oklahoma Statutes;
3. Knowingly permits a child to be present in a vehicle when the person knows or should have known that the operator of the vehicle is impaired by or is under the influence of alcohol or another intoxicating substance; or
4. Is the driver, operator, or person in physical control of a vehicle in violation of Section 11-902 of Title 47 of the Oklahoma Statutes while transporting or having in the vehicle such child or children.

However, it is an affirmative defense to this paragraph if the person had a reasonable apprehension that any action to stop the physical or sexual abuse or deny permission for the child to be in the vehicle with an intoxicated person would result in substantial bodily harm to the person or the child.

Nothing in this subsection shall prohibit the prosecution of a person pursuant to the provisions of Section 11-902 or 11-904 of Title 47 of the Oklahoma Statutes.

B. The provisions of this section shall not apply to any parent, guardian or other person having custody or control of a child for the sole reason that the parent, guardian or other person in good faith selects and depends upon spiritual means or prayer for the treatment or cure of disease or remedial care for such child. This subsection shall in no way limit or modify the protections afforded said child in Section 852 of this title or Section 1-4-904 of Title 10A of the Oklahoma Statutes.

C. Any person convicted of violating any provision of this section shall be guilty of a Class B6 felony offense punishable by imprisonment in the custody of the Department of Corrections for a term of not more than four (4) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

Added by Laws 1990, c. 165, § 2, eff. July 1, 1990. Amended by Laws 1997, c. 133, § 252, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 156, eff. July 1, 1999; Laws 2001, c. 225, § 6, eff. July 1, 2001; Laws 2009, c. 143, § 1, eff. July 1, 2009; Laws 2009, c. 234, § 122, emerg. eff. May 21, 2009; Laws 2011, c. 350, § 2, eff. Nov. 1, 2011; Laws 2025, c. 486, § 187, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 252 from July 1, 1998, to July 1, 1999.

§21-853. Desertion of wife or child under 15 a felony.

Every person who shall without good cause abandon his wife in destitute or necessitous circumstances and neglect and refuse to maintain or provide for her, or who shall abandon his or her minor child or children under the age of fifteen (15) years and willfully neglect or refuse to maintain or provide for such child or children, shall be deemed guilty of a Class B4 felony offense and, upon conviction thereof, shall be punished by imprisonment in the State Penitentiary for any period of time not less than one (1) year or more than ten (10) years.

Added by Laws 1915, c. 149, § 1. Amended by Laws 1923, c. 78, p. 144, § 2, emerg. eff. March 28, 1923; Laws 1997, c. 133, § 253, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 157, eff. July 1, 1999; Laws 2025, c. 486, § 105, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 253 from July 1, 1998, to July 1, 1999.

§21-854. Proof of marriage - Wife as competent witness - Duty of County Attorney to prosecute.

No other evidence shall be required to prove marriage of such husband and wife, or that such person is the lawful father or mother of such child or children than is or shall be required to prove such fact in a civil action, and such wife shall be a competent witness to testify in any case brought under this act, and to any and all matters relevant thereto, including the fact of such marriage and the parentage of such child or children. It shall be the mandatory duty of each district attorney of this state to diligently prosecute all persons violating any of the provisions of this chapter (Chapter 31, Title 21 O.S.1951), and in all cases where the evidence is deemed sufficient to justify a prosecution for such violation, any district attorney who shall willfully fail, neglect or refuse to institute criminal proceedings to enforce such provisions, shall be subject to removal from office.

Laws 1915, c. 149, § 2; Laws 1949, p. 203, § 1.

§21-855. Employment of prisoners - Disposition of wages - Parole on bond - Revocation of parole - Suspension of sentence - Who may inform against violator.

Every person convicted under the provisions of this act, upon the confinement of such person at the State Penitentiary, the warden thereof shall put the said convicted person to work at some suitable employment in the State Penitentiary, at a reasonable wage, not to exceed Two Dollars and fifty cents (\$2.50), per day, and under such rules and regulations as shall be fixed by the warden of said penitentiary with the approval of the Governor, and such earnings

shall, by proper authority, be paid to the said wife, or other person who is in charge of and caring for said child or children.

Upon conviction of any person, under the provisions of this act, the Governor may, before or after sentence, parole said person upon the recommendation of the trial judge in whose court he was convicted, upon said person entering into an undertaking in the form provided by the judge of said court, with two or more good and sufficient sureties. Said sureties shall qualify and make a property statement as provided by law, and the said bond shall be approved by the trial judge before said application is made to the Governor, and a certificate that said bond has been approved by the trial judge shall accompany any application made hereunder. Said bond shall be conditioned that the said convicted person shall within ten (10) days from the first day of each month, pay to the clerk of the court where he was convicted such amount as has been fixed by the court for the support of said wife or child or children, which money shall be paid by the clerk of the court as provided herein for wages at the penitentiary.

Upon the failure to pay said amount within the time provided for under this act, the said bond shall be liable to pay the sums due. Said money, when paid into the court clerk, shall be paid by said clerk to the wife or to any other person in charge of said minor child or children for the support of said wife or minor child or children.

When the terms and conditions of said bond have been violated the said trial judge shall at once notify the Governor, and the Governor may at once revoke said parole and confine said person to the penitentiary under the conditions provided herein, and the makers of said bond shall be liable under the terms and conditions provided in this act, and any person interested may sue on said bond.

Upon recommendation as provided herein for parole, the Governor may suspend the sentence under the terms and conditions of this act, and if the terms are broken and the suspension revoked by the Governor, then the time such person is out on suspension of sentence shall not be deducted from the term of sentence. Provided, that no person shall inform against any one violating this act except the wife or guardian of said minor children, or those having said minor children in charge, or any public officer of the county.

Laws 1923, c. 78, p. 144, § 3.

§21-856. Causing, aiding, abetting or encouraging minor to be delinquent or runaway child, to commit felony or to become involved with criminal street gang.

A. 1. Except as otherwise specifically provided by law, every person who shall knowingly or willfully cause, aid, abet or encourage a minor to be, to remain, or to become a delinquent child

or a runaway child, upon conviction, shall, for the first offense, be guilty of a misdemeanor punishable by imprisonment in a county jail not to exceed one (1) year, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

2. For purposes of prosecution under this subsection, a "runaway child" means an unemancipated minor who is voluntarily absent from the home without a compelling reason, without the consent of a custodial parent or other custodial adult and without the parent or other custodial adult's knowledge as to the child's whereabouts. "Compelling reason" means imminent danger from incest, a life-threatening situation, or equally traumatizing circumstance. A person aiding a runaway child pursuant to paragraph (4) of subsection (a) of Section 5 of Title 76 of the Oklahoma Statutes or aiding a child based upon a reasonable belief that the child is in physical, mental or emotional danger and with notice to the Department of Human Services or a local law enforcement agency of the location of the child within twelve (12) hours of aiding the child shall not be subject to prosecution under this section.

B. Every person convicted of a second or any subsequent violation of this section shall be guilty of a Class D3 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20P of Title 21 of the Oklahoma Statutes, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

C. Every person eighteen (18) years of age or older who shall knowingly or willfully cause, aid, abet, or encourage a minor to commit or participate in committing an act that would be a felony if committed by an adult shall, upon conviction, be guilty of a Class B5 felony offense punishable by the maximum penalty allowed for conviction of the offense or offenses which the person caused, aided, abetted, or encouraged the minor to commit or participate in committing.

D. Every person who shall knowingly or willfully cause, aid, abet, encourage, solicit, or recruit a minor to participate, join, or associate with any criminal street gang, as defined by subsection F of this section, or any gang member for the purpose of committing any criminal act shall, upon conviction, be guilty of a Class B5 felony offense punishable by imprisonment in the custody of the Department of Corrections for a term of not more than five (5) years, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

E. Every person convicted of a second or subsequent violation of subsection D of this section shall be guilty of a Class B4 felony offense punishable by imprisonment in the custody of the Department of Corrections for a term not less than five (5) years nor more than ten (10) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

F. "Criminal street gang" means any ongoing organization, association, or group of five or more persons that specifically either promotes, sponsors, or assists in, or participates in, and requires as a condition of membership or continued membership, the commission of one or more of the following criminal acts:

1. Assault, battery, or assault and battery with a deadly weapon, as defined in Section 645 of this title;

2. Aggravated assault and battery as defined by Section 646 of this title;

3. Robbery by force or fear, as defined in Sections 791 through 797 of this title;

4. Robbery or attempted robbery with a dangerous weapon or imitation firearm, as defined by Section 801 of this title;

5. Unlawful homicide or manslaughter, as defined in Sections 691 through 722 of this title;

6. The sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled dangerous substances, as defined in Section 2-101 et seq. of Title 63 of the Oklahoma Statutes;

7. Trafficking in illegal drugs, as provided for in the Trafficking in Illegal Drugs Act, Section 2-414 of Title 63 of the Oklahoma Statutes;

8. Arson, as defined in Sections 1401 through 1403 of this title;

9. The influence or intimidation of witnesses and jurors, as defined in Sections 388, 455 and 545 of this title;

10. Theft of any vehicle, as described in Section 1720 of this title;

11. Rape, as defined in Section 1111 of this title;

12. Extortion, as defined in Section 1481 of this title;

13. Transporting a loaded firearm in a motor vehicle, in violation of Section 1289.13 of this title;

14. Possession of a concealed weapon, as defined by Section 1289.8 of this title;

15. Shooting or discharging a firearm, as defined by Section 652 of this title;

16. Soliciting, inducing or enticing another to commit an act of prostitution, as defined by Section 1030 of this title;

17. Human trafficking, as defined by Section 748 of this title; or

18. Possession of a firearm after former conviction of a felony, as defined by Section 1283 of this title.

Added by Laws 1939, p. 15, § 1. Amended by Laws 1989, c. 157, § 3, emerg. eff. May 8, 1989; Laws 1990, c. 272, § 5, eff. Sept. 1, 1990; Laws 1992, c. 182, § 1, emerg. eff. May 7, 1992; Laws 1993, c. 212, § 1, emerg. eff. May 24, 1993; Laws 1996, c. 196, § 1, eff. July 1, 1996; Laws 1997, c. 133, § 254, eff. July 1, 1999; Laws 1999, 1st

Ex. Sess., c. 5, § 158, eff. July 1, 1999; Laws 2011, c. 168, § 1, eff. Nov. 1, 2011; Laws 2019, c. 220, § 1, eff. Nov. 1, 2019; Laws 2025, c. 486, § 106, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 254 from July 1, 1998, to July 1, 1999.

§21-856.1. Causing, aiding, abetting or encouraging minor to participate in certain drug-related crimes.

Every person who shall knowingly, intentionally or willfully cause, aid, abet or encourage a minor child to:

1. Distribute, dispense, possess or manufacture a controlled dangerous substance, as provided in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes;

2. Create, distribute, or possess a counterfeit controlled dangerous substance, as defined by Section 2-101 of Title 63 of the Oklahoma Statutes;

3. Distribute any imitation controlled substance as defined by Section 2-101 of Title 63 of the Oklahoma Statutes;

4. Conspire or participate in any scheme, plan or act for the purposes of avoiding, eluding or evading arrest or detection by law enforcement authorities for crimes involving controlled substances as defined by Section 2-101 of Title 63 of the Oklahoma Statutes; or

5. Violate any penal provisions of the Uniform Controlled Dangerous Substances Act, shall be guilty of a Class B2 felony offense punishable by imprisonment in the State Penitentiary for a term not more than twenty (20) years and a fine of not more than Two Hundred Thousand Dollars (\$200,000.00). Said sentence shall not be subject to statutory provisions for suspended sentences, or deferred sentences except when the conviction is for a first offense.

Added by Laws 1989, c. 202, § 1, emerg. eff. May 8, 1989. Amended by Laws 1997, c. 133, § 255, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 159, eff. July 1, 1999; Laws 2025, c. 486, § 70, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 255 from July 1, 1998, to July 1, 1999.

§21-856.2. Harboring endangered runaway child.

It shall be unlawful for any person to knowingly and willfully harbour an endangered runaway child. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in a county jail not exceeding one (1) year, or by both such fine and imprisonment. Every person convicted of a second or any subsequent violation shall, upon conviction, be guilty of a Class D2 felony offense punishable by a

fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment as provided for in subsection C of Section 200 of this title, or by both such fine and imprisonment. For purposes of this section, an "endangered runaway child" means an unemancipated minor who is voluntarily absent from the home for seventy-two (72) hours or more without a compelling reason and without the consent of a custodial parent or other custodial adult or an unemancipated minor who is voluntarily absent from the home without a compelling reason and without the consent of a custodial parent or other custodial adult and the child needs medication or other special services. For purposes of this section, "compelling reason" shall be defined as provided in Section 856 of Title 21 of the Oklahoma Statutes. Added by Laws 1996, c. 196, § 2, eff. July 1, 1996. Amended by Laws 1997, c. 133, § 256, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 160, eff. July 1, 1999; Laws 2025, c. 486, § 596, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 256 from July 1, 1998, to July 1, 1999.

§21-856.3. See the following versions:

OS 21-856.3v1 (SB 861, Laws 2025, c. 108, 1)

OS 21-856.3v2 (HB 2104, Laws 2025, c. 486, § 159)

§21-856.3v1. Gang related offenses - Condition of membership.

Any person who attempts or commits a gang-related offense as a condition of membership in a criminal street gang or while in association with any criminal street gang or gang member shall be guilty of a felony offense punishable upon conviction by imprisonment in the custody of the Department of Corrections for a term of five (5) years, which shall be in addition to any other penalty imposed. For purposes of this section, "criminal street gang" is defined by subsection F of Section 856 of this title and "gang-related offense" means those offenses enumerated in subsection F of Section 856 of this title.

Added by Laws 2011, c. 168, § 2, eff. Nov. 1, 2011. Amended by Laws 2025, c. 108, § 1, eff. Nov. 1, 2025.

§21-856.3v2. Gang related offenses - Condition of membership.

Any person who attempts or commits a gang-related offense as a condition of membership in a criminal street gang or while in association with any criminal street gang or gang member shall be guilty of a Class B5 felony offense. Upon conviction, the violator shall be punished by incarceration in the custody of the Department of Corrections for a term of five (5) years, which shall be in addition to any other penalty imposed. For purposes of this section, "criminal street gang" is defined by subsection F of Section 856 of Title 21 of the Oklahoma Statutes and "gang-related

offense" means those offenses enumerated in paragraphs 1 through 16 of subsection F of Section 856 of Title 21 of the Oklahoma Statutes. Added by Laws 2011, c. 168, § 2, eff. Nov. 1, 2011. Amended by Laws 2025, c. 486, § 159, eff. Jan. 1, 2026.

§21-857. Definitions.

1. "Every person," as used in Sections 856, Section 1 of this act, 857, 858.1 and 858.2 of Title 21 of the Oklahoma Statutes, shall include human beings, without regard to their legal or natural relationship to such minor, as well as legal or corporate entities.

2. "Minor" or "child," as used in Sections 856, Section 1 of this act, 857, 858.1 and 858.2 of Title 21 of the Oklahoma Statutes, shall include male or female persons who shall not have arrived at the age of eighteen (18) years at the time of the commission of the offense.

3. "Encourage," as used in Sections 856, Section 1 of this act, 857, 858.1 and 858.2 of Title 21 of the Oklahoma Statutes, in addition to the usual meaning of the word, shall include a willful and intentional neglect to do that which will directly tend to prevent such act or acts of delinquency on the part of such minor, when the person accused shall have been able to do so.

4. "Delinquent child," as used in Sections 856, 857, 858.1 and 858.2 of Title 21 of the Oklahoma Statutes, shall include a minor, as herein defined, who shall have been or is violating any penal statute of this state, or who shall have been or is committing any one or more of the following acts, to wit:

(a) Associating with thieves, vicious or immoral persons.

(b) Frequenting a house of ill repute.

(c) Frequenting any policy shop, or place where any gambling device is operated.

(d) Frequenting any saloon, dram shop, still, or any place where intoxicating liquors are manufactured, stored or sold.

(e) Possession, carrying, owning or exposing any vile, obscene, indecent, immoral or lascivious photograph, drawing, picture, book, paper, pamphlet, image, device, instrument, figure or object.

(f) Willfully, lewdly or lasciviously exposing his or her person, or private parts thereof, in any place, public or private, in such manner as to be offensive to decency, or calculated to excite vicious or lewd thoughts, or for the purpose of engaging in the preparation or manufacture of obscene, indecent or lascivious photographs, pictures, figures or objects.

(g) Possessing, transporting, selling, or engaging or aiding or assisting in the sale, transportation or manufacture of intoxicating liquor, or the frequent use of same.

(h) Being a runaway from his or her parent or legal guardian.

(i) Violating any penal provision of the Uniform Controlled Dangerous Substances Act.

Added by Laws 1939, p. 15, § 2. Amended by Laws 1971, c. 224, § 1; Laws 1989, c. 202, § 2, emerg. eff. May 8, 1989.

§21-858. Parent or guardian whose child commits crime of possession of firearm on school property - Administrative penalty.

Any custodial parent or guardian of a child under eighteen (18) years of age whose child commits the crime of possession of a firearm on school property may be fined not exceeding Two Hundred Dollars (\$200.00), or ordered to perform community service not exceeding forty (40) hours or both such fine and community service. To satisfy any community service requirement, the court may give preference to work which benefits the school said child attends. Said penalty shall be an administrative penalty and shall not be recorded on the custodial parent's or guardian's criminal record. The fine shall be payable to the court clerk to be deposited in the court fund. Nothing in this section shall prohibit the filing or prosecution of any criminal charge.

Added by Laws 1992, c. 286, § 1, emerg. eff. May 25, 1992.

§21-858.1. Parent causing, aiding, abetting or encouraging minor to become in need of supervision or dependent or neglected - Punishment - Second or subsequent conviction.

A. Any parent or other person who knowingly and willfully:

1. causes, aids, abets or encourages any minor to be in need of supervision, or deprived; or

2. shall by any act or omission to act have caused, encouraged or contributed to the deprivation, or the need of supervision of the minor, or to such minor becoming deprived, or in need of supervision;

shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined a sum not to exceed Five Hundred Dollars (\$500.00), or imprisonment in the county jail for a period not to exceed one (1) year, or by both such fine and imprisonment.

B. Upon a second or succeeding conviction for a violation of this section, the defendant shall be fined not more than One Thousand Dollars (\$1,000.00), or imprisoned in the county jail not to exceed one (1) year, or punished by both such fine and imprisonment.

Laws 1945, p. 27, § 1. Amended by Laws 1990, c. 272, § 6, eff. Sept. 1, 1990; Laws 1991, c. 335, § 6, emerg. eff. June 15, 1991.

§21-858.2. Neglect by parent of child placed in parent's care by court.

In all cases where a minor has been adjudged delinquent, in need of supervision or deprived by a court of competent jurisdiction and such court by order for care or probation, has placed such minor in the care or on probation to the parent, legal guardian, legal

custodian of such minor, stepparent or other adult person living in the home, any parent, legal guardian or legal custodian of such minor who shall neglect, fail or refuse to give such minor proper parental care, or to comply with the order for care or probation shall be deemed guilty of a misdemeanor and upon conviction thereof shall, as applicable, be punished as provided in Section 856 or 858.1 of this title.

Laws 1945, p. 27, § 2. Amended by Laws 1990, c. 272, § 7, eff. Sept. 1, 1990; Laws 1991, c. 335, § 7, emerg. eff. June 15, 1991.

§21-858.3. Causing, aiding, abetting or encouraging minor to become delinquent, in need of supervision, or dependent and neglected - Penalty.

Any person who knowingly and willfully:

1. Causes, aids, abets or encourages a minor to be, to remain or to become delinquent, in need of supervision or dependent and neglected, or

2. Omits the performance of any duty, which act or omission causes or tends to cause, aid, abet, or encourage any minor to be delinquent, in need of supervision or dependent and neglected, within the purview of the Oklahoma Children's Code or the Oklahoma Juvenile Code,

upon conviction, shall be guilty of a misdemeanor and, as applicable, shall be punished pursuant to the provisions of Section 856, 858.1 or 858.2 of Title 21 of the Oklahoma Statutes.

Added by Laws 1971, c. 66, § 3, effective Oct. 1, 1971. Amended by Laws 1990, c. 272, § 4, eff. Sept. 1, 1990; Laws 1995, c. 352, § 193, eff. July 1, 1995. Renumbered from § 1144 of Title 10 by Laws 1995, c. 352, § 200, eff. July 1, 1995.

§21-861. Procuring an abortion.

Every person who administers to any woman, or who prescribes for any woman, or advises or procures any woman to take any medicine, drug or substance, or uses or employs any instrument, or other means whatever, with intent thereby to procure the miscarriage of such woman, unless the same is necessary to preserve her life, shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title.

R.L. 1910, § 2436. Amended by Laws 1961, p. 230, § 1; Laws 1997, c. 133, § 257, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 161, eff. July 1, 1999; Laws 2025, c. 486, § 388, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 257 from July 1, 1998, to July 1, 1999.

§21-862. Repealed by Laws 2021, c. 308, § 1, eff. June 24, 2022.

§21-863. Repealed by Laws 2021, c. 308, § 1, eff. June 24, 2022.

§21-865. Definitions.

As used in this act the terms hereinafter enumerated shall have the following meanings:

1. "Advertising" or "Advertisement" means any communication that originates within this state by newspaper, periodical, telephone book listing, outdoor advertising sign, radio, television or any communication that is disseminated through the use of a computer or related electronic device including, but not limited to, electronic mail, websites, weblogs, search engines, banner messages, pop-up messages, chat rooms, list servers, instant messaging or other Internet presences, and any attachments or links related thereto;

2. "Child" means an unmarried or unemancipated person under the age of eighteen (18) years;

3. "Child-placing agency" means any child welfare agency licensed pursuant to the Oklahoma Child Care Facilities Licensing Act and authorized to place minors for adoption;

4. "Birth parent" means a parent of a child being placed for adoption and includes, but is not limited to, a woman who is pregnant or who presents herself as pregnant and who is offering to place her child, born or unborn, for adoption;

5. "Person" means any natural person, corporation, association, organization, institution or partnership;

6. "Department" means the Department of Human Services; and

7. "Foster home" means a home or other place, other than the home of a parent, relative within the fourth degree or guardian of the child concerned, wherein a child is received for permanent care, custody, and maintenance.

Added by Laws 1957, p. 163, § 1. Amended by Laws 2006, c. 253, § 2, eff. July 1, 2006; Laws 2015, c. 91, § 1, eff. Nov. 1, 2015.

§21-866. Elements of offense.

A. 1. The crime of trafficking in children is defined to consist of any of the following acts or any part thereof:

a. the acceptance, solicitation, offer, payment or transfer of any compensation, in money, property or other thing of value, at any time, by any person in connection with the acquisition or transfer of the legal or physical custody or adoption of a minor child, except as ordered by the court or except as otherwise provided by Section 7505-3.2 of Title 10 of the Oklahoma Statutes,

b. the acceptance or solicitation of any compensation, in money, property or other thing of value, by any person or organization for services performed, rendered or

purported to be performed to facilitate or assist in the adoption or foster care placement of a minor child, except by the Department of Human Services, a child-placing agency licensed in Oklahoma pursuant to the Oklahoma Child Care Facilities Licensing Act, or an attorney authorized to practice law in Oklahoma. The provisions of this paragraph shall not prohibit an attorney licensed to practice law in another state or an out-of-state licensed child-placing agency from receiving compensation when working with an attorney licensed in this state who is, or when working with a child-placing agency licensed in this state which is, providing adoption services or other services necessary for placing a child in an adoptive arrangement,

- c. bringing or causing to be brought into this state or sending or causing to be sent outside this state any child for the purpose of placing such child in a foster home or for the adoption thereof and thereafter refusing to comply upon request with the Interstate Compact on the Placement of Children. Provided, however, that this provision shall have no application to the parent or guardian of the child nor to a person bringing said child into this state for the purpose of adopting the child into such person's own family,
- d. the solicitation or receipt of any money or any other thing of value for expenses related to the placement of a child for the purpose of an adoption by the birth parent of the child who at the time of the solicitation or receipt had no intent to consent to eventual adoption,
- e. the solicitation or receipt of any money or any other thing of value for expenses related to the placement of a child for adoption by a woman who knows she is not pregnant but who holds herself out to be pregnant and offers to place a child upon birth for adoption,
- f.
 - (1) the receipt of any money or any other thing of value for expenses related to the placement of a child for adoption by a birth parent, child-placing agency or attorney who receives, from one or more parties, any money or any other thing of value without disclosing to each prospective adoptive parent, child-placing agency, and attorney the receipt of any money or any other thing of value immediately upon receipt,
 - (2) the solicitation or receipt of any money or any other thing of value by a birth parent, an

- attorney or child-placing agency for expenses related to the placement of a child for the purpose of adoption from more than one prospective adoptive family for the adoption of one child. A birth parent, child-placing agency or attorney shall not represent that a child is, or will be, available for adoption to more than one prospective adoptive family at one time,
- g. advertising of services for compensation to assist with or effect the placement of a child for adoption or for care in a foster home by any person or organization except by the Department of Human Services, or a child-placing agency licensed in this state. Nothing in this paragraph shall prohibit an attorney authorized to practice law in Oklahoma from the advertisement of legal services related to the adoption of children, and
 - h. advertisements for and solicitation of a woman who is pregnant to induce her to place her child upon birth for adoption, except by a child-placing agency licensed in this state or an attorney authorized to practice law in Oklahoma. Nothing in this section shall prohibit a person from advertising to solicit a pregnant woman to consider adoptive placement with the person or to locate a child for an adoptive placement into the person's own home, provided that such person has received a favorable preplacement home study recommendation in accordance with Section 7505-5.1 of Title 10 of the Oklahoma Statutes, which shall be verified by the signed written statement of the person or agency which performed the home study, and provided that no money or other thing of value is offered as part of such an inducement except as ordered by the court or except as otherwise provided by Section 7505-3.2 of Title 10 of the Oklahoma Statutes.
- 2.
 - a. Except as otherwise provided by this section, the violation of any of the subparagraphs in paragraph 1 of this subsection shall constitute a Class B2 felony offense and shall be punishable by imprisonment of up to ten (10) years or a fine of up to Ten Thousand Dollars (\$10,000.00) per violation or both such fine and imprisonment.
 - b. Prospective adoptive parents who violate subparagraph a of paragraph 1 of this subsection, upon conviction thereof, shall be guilty of a misdemeanor and may be punished by a fine not to exceed Five Thousand Dollars (\$5,000.00) per violation.

B. 1. No person shall knowingly publish for circulation within the borders of the State of Oklahoma an advertisement of any kind in any print, broadcast or electronic medium, including, but not limited to, newspapers, magazines, telephone directories, handbills, radio or television, which violates subparagraph g or h of paragraph 1 of subsection A of this section.

2. Any person violating the provisions of this subsection shall, upon conviction thereof, be guilty of a misdemeanor and shall be punished by a fine not to exceed Five Thousand Dollars (\$5,000.00) per violation.

C. The payment or acceptance of costs and expenses listed in Section 7505-3.2 of Title 10 of the Oklahoma Statutes shall not be a violation of this section as long as the petitioner or birth parent has complied with the applicable procedure specified in Section 7505-3.2 of Title 10 of the Oklahoma Statutes and such costs and expenses are approved by the court.

D. Any person knowingly failing to file an affidavit of all adoption costs and expenses before the final decree of adoption as required by Sections 7505-3.2 and 7505-6.2 of Title 10 of the Oklahoma Statutes shall be guilty of a misdemeanor.

Added by Laws 1957, p. 164, §2. Amended by Laws 1965, c. 166, § 1, emerg. eff. June 2, 1965; Laws 1985, c. 309, § 1, eff. Nov. 1, 1985; Laws 1987, c. 226, § 10, operative July 1, 1987; Laws 1997, c. 366, § 57, eff. Nov. 1, 1997; Laws 1998, c. 415, § 41, emerg. eff. June 11, 1998; Laws 2006, c. 253, § 3, eff. July 1, 2006; Laws 2009, c. 107, § 4, eff. Nov. 1, 2009; Laws 2011, c. 371, § 9, eff. Nov. 1, 2011; Laws 2025, c. 486, § 71, eff. Jan. 1, 2026.

§21-867. Trafficking in children a felony.

A. The first conviction of the crime of trafficking in children by any person shall be a felony and punishable by imprisonment in the custody of the Department of Corrections for not less than one (1) year nor for more than three (3) years.

B. Conviction of the crime of trafficking in children, subsequent to a prior conviction for such offense in any form, shall be a felony and punishable by imprisonment in the custody of the Department of Corrections for not less than three (3) years. No suspension of judgment or sentence shall be permitted.

C. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

Added by Laws 1957, p. 164, § 3. Amended by Laws 1985, c. 309, § 2, eff. Nov. 1, 1985; Laws 1997, c. 133, § 258, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 162, eff. July 1, 1999; Laws 2007, c. 261, § 6, eff. Nov. 1, 2007.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 258 from July 1, 1998, to July 1, 1999.

§21-868. Partial invalidity.

If any provision or section of this act or the application thereof to any person, corporation, organization, association, partnership, or institution shall be held to be invalid or unconstitutional, the remainder of the act and the application of such provision or section to any other person, organization, association, institution, corporation or partnership shall not be affected thereby.

Laws 1957, p. 164, § 4.

§21-869. Construction of act.

Except as otherwise set forth or except in case of conflict between the provisions hereof and other law, the provisions of this act shall be cumulative to existing law.

Laws 1957, p. 164, § 5.

§21-870. Reporting requirements.

A. Every person having reason to believe that a person or child-placing agency is engaging in the crime of trafficking in children as described in Section 866 of Title 21 of the Oklahoma Statutes shall report the matter promptly to the Oklahoma Bureau of Narcotics and Dangerous Drugs Control. The Bureau shall notify the district attorney in the county where the alleged trafficking in children took place no later than seven (7) days after receiving a report.

1. No privilege or contract shall relieve any person from the reporting requirements in this subsection.

2. The reporting requirements in this subsection are individual, and no employer, supervisor or administrator shall interfere with the reporting requirement of any employee or other person or in any manner discriminate or retaliate against the employee or other person who in good faith reports suspected trafficking in children, or who provides testimony in any proceeding involving trafficking in children. Any employer, supervisor or administrator who discharges, discriminates or retaliates against the employee or other person shall be liable for damages, costs and attorney fees.

B. Any person who knowingly and willfully fails to promptly report suspected trafficking in children or who interferes with the prompt reporting of trafficking in children and who is licensed by a

state entity shall be reported to the licensing entity and may be subject to discipline, including license revocation or suspension. Added by Laws 2014, c. 20, § 1, eff. Nov. 1, 2014.

§21-871. Adultery defined - Who may institute prosecution.

Adultery is the unlawful voluntary sexual intercourse of a married person with one of the opposite sex; and when the crime is between persons, only one of whom is married, both are guilty of adultery. Prosecution for adultery can be commenced and carried on against either of the parties to the crime only by his or her own husband or wife as the case may be, or by the husband or wife of the other party to the crime: Provided, that any person may make complaint when persons are living together in open and notorious adultery.

R.L.1910, § 2431.

§21-872. Punishment for adultery.

Any person guilty of the crime of adultery shall be guilty of a Class D1 felony offense and punished by imprisonment in the State Penitentiary not exceeding five (5) years or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

R.L. 1910, § 2432. Amended by Laws 1997, c. 133, § 259, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 163, eff. July 1, 1999; Laws 2025, c. 486, § 389, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 259 from July 1, 1998, to July 1, 1999.

§21-881. Bigamy defined.

Every person who having been married to another who remains living, marries any other person except in the cases specified in the next section is guilty of bigamy.

R.L.1910, § 2439.

§21-882. Exceptions to the rule of bigamy.

The last preceding section does not extend:

1. To any person whose husband or wife by a former marriage has been absent for five (5) successive years without being known to such person within that time to be living; nor,

2. To any person whose husband or wife by a former marriage has absented himself or herself from his wife or her husband and has been continually remaining without the United States for a space of five (5) years together; nor,

3. To any person by reason of any former marriage which has been pronounced void, annulled or dissolved by the judgment of a competent court; nor,

4. To any person by reason of any former marriage with a husband or wife who has been sentenced to imprisonment for life.
R.L.1910, § 2440.

§21-883. Bigamy a felony.

Any person guilty of bigamy shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title.

R.L. 1910, § 2441. Amended by Laws 1997, c. 133, § 260, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 164, eff. July 1, 1999; Laws 2025, c. 486, § 390, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 260 from July 1, 1998, to July 1, 1999.

§21-884. Person marrying bigamist.

Any person who knowingly marries the husband or wife of another, in any case in which such husband or wife would be punishable according to the foregoing provisions, shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

R.L. 1910, § 2442. Amended by Laws 1997, c. 133, § 261, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 165, eff. July 1, 1999; Laws 2025, c. 486, § 391, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 261 from July 1, 1998, to July 1, 1999.

§21-885. Incest.

Persons who, being within the degrees of consanguinity within which marriages are by the laws of the state declared incestuous and void, intermarry with each other, or commit adultery or fornication with each other, shall be guilty of a Class B4 felony offense punishable by imprisonment in the custody of the Department of Corrections not exceeding ten (10) years. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

R.L. 1910, § 2443. Amended by Laws 1997, c. 133, § 262, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 166, eff. July 1, 1999; Laws 2007, c. 261, § 7, eff. Nov. 1, 2007; Laws 2025, c. 486, § 107, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 262 from July 1, 1998, to July 1, 1999.

§21-886. Crime against nature.

Every person who is guilty of the detestable and abominable crime against nature, committed with mankind or with a beast, is guilty of a Class B4 felony offense punishable by imprisonment in the custody of the Department of Corrections not exceeding ten (10) years. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

R.L. 1910, § 2444. Amended by Laws 1992, c. 289, § 1, emerg. eff. May 25, 1992; Laws 1997, c. 133, § 263, eff. July 1, 1999; Laws 1997, c. 333, § 5, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 167, eff. July 1, 1999; Laws 2002, c. 460, § 8, eff. Nov. 1, 2002; Laws 2007, c. 261, § 8, eff. Nov. 1, 2007; Laws 2025, c. 486, § 108, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 263 from July 1, 1998, to July 1, 1999. Laws 1998, 1st Ex. Sess., c. 2, § 25 amended the effective date of Laws 1997, c. 333, § 5 from July 1, 1998, to July 1, 1999.

§21-887. Crime against nature, what penetration necessary.

Any sexual penetration, however slight, is sufficient to complete the crime against nature.

R.L.1910, § 2445.

§21-888. See the following versions:

OS 21-888v1 (SB 1425, Laws 2002, c. 455, 4)

OS 21-888v2 (HB 2104, Laws 2025, c. 486, § 48)

§21-888v1. Forcible sodomy.

A. Any person who forces another person to engage in the detestable and abominable crime against nature, pursuant to Section 886 of this title, upon conviction, is guilty of a felony punishable by imprisonment in the State Penitentiary for a period of not more than twenty (20) years, except as provided in Section 3 of this act. Any person convicted of a second violation of this section, where the victim of the second offense is a person under sixteen (16) years of age, shall not be eligible for probation, suspended or deferred sentence.

B. The crime of forcible sodomy shall include:

1. Sodomy committed by a person over eighteen (18) years of age upon a person under sixteen (16) years of age; or

2. Sodomy committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime; or

3. Sodomy accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the victim or the person committing the crime; or

4. Sodomy committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state.

Added by Laws 1981, c. 57, § 1, eff. Oct. 1, 1981. Amended by Laws 1982, c. 11, § 1, operative Oct. 1, 1982; Laws 1990, c. 224, § 1, eff. Sept. 1, 1990; Laws 1992, c. 289, § 2, emerg. eff. May 25, 1992; Laws 1997, c. 133, § 264, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 168, eff. July 1, 1999; Laws 2000, c. 175, § 1, eff. Nov. 1, 2000; Laws 2002, c. 455, § 4, emerg. eff. June 5, 2002. NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 264 from July 1, 1998, to July 1, 1999.

§21-888v2. Forcible sodomy.

A. Any person who forces another person to engage in the detestable and abominable crime against nature, pursuant to Section 886 of this title, upon conviction, is guilty of a Class B1 felony offense punishable by imprisonment in the custody of the Department of Corrections for a period of not more than twenty (20) years. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment. Any person convicted of a second violation of this section, where the victim of the second offense is a person under sixteen (16) years of age, shall not be eligible for probation, suspended or deferred sentence. Any person convicted of a third or subsequent violation of this section, where the victim of the third or subsequent offense is a person under sixteen (16) years of age, shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole, in the discretion of the jury, or in case the jury fails or refuses to fix

punishment then the same shall be pronounced by the court. Any person convicted of a violation of this subsection after having been twice convicted of a violation of subsection A of Section 1114 of this title, a violation of Section 1123 of this title or sexual abuse of a child pursuant to Section 843.5 of this title, or of any attempt to commit any of these offenses or any combination of the offenses, shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole.

B. The crime of forcible sodomy, a Class B1 felony offense, shall include:

1. Sodomy committed by a person over eighteen (18) years of age upon a person under sixteen (16) years of age;

2. Sodomy committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime;

3. Sodomy accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the victim or the person committing the crime;

4. Sodomy committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state, or the subcontractor or employee of a subcontractor of the contractor of the state or federal government, a county, a municipality or a political subdivision of this state;

5. Sodomy committed upon a person who is at least sixteen (16) years of age but less than twenty (20) years of age and is a student of any public or private secondary school, junior high or high school, or public vocational school, with a person who is eighteen (18) years of age or older and is employed by a school system;

6. Sodomy committed upon a student at a secondary school who is concurrently enrolled at an institution of higher education by an employee of the institution of higher education of which the student is enrolled;

7. Sodomy committed upon a person who is at the time unconscious of the nature of the act, and this fact should be known to the accused; or

8. Sodomy committed upon a person where the person is intoxicated by a narcotic or anesthetic agent administered by or with the privity of the accused as a means of forcing the person to submit.

C. "Employee of an institution of higher education", for purposes of this section, means faculty, adjunct faculty, instructors, volunteers, or an employee of a business contracting

with an institution of higher education who may exercise, at any time, institutional authority over the victim. Employee of an institution of higher education shall not include an enrolled student who is not more than three (3) years of age or older than the concurrently enrolled student and who is employed or volunteering, in any capacity, for the institution of higher education.

Added by Laws 1981, c. 57, § 1. Amended by Laws 1982, c. 11, § 1, operative Oct. 1, 1982; Laws 1990, c. 224, § 1, eff. Sept. 1, 1990; Laws 1992, c. 289, § 2, emerg. eff. May 25, 1992; Laws 1997, c. 133, § 264, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 168, eff. July 1, 1999; Laws 2000, c. 175, § 1, eff. Nov. 1, 2000; Laws 2002, c. 460, § 9, eff. Nov. 1, 2002; Laws 2006, c. 62, § 4, emerg. eff. April 17, 2006; Laws 2007, c. 261, § 9, eff. Nov. 1, 2007; Laws 2009, c. 234, § 123, emerg. eff. May 21, 2009; Laws 2016, c. 349, § 5, emerg. eff. June 6, 2016; Laws 2017, c. 128, § 1, eff. July 1, 2017; Laws 2018, c. 167, § 2, eff. Nov. 1, 2018; Laws 2021, c. 331, § 2, eff. Nov. 1, 2021; Laws 2022, c. 260, § 1, eff. Nov. 1, 2022; Laws 2025, c. 486, § 48, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 264 from July 1, 1998, to July 1, 1999.

§21-891. Child stealing - Penalty.

Whoever maliciously, forcibly or fraudulently takes or entices away any child under the age of sixteen (16) years, with intent to detain or conceal such child from its parent, guardian or other person having the lawful charge of such child or to transport such child from the jurisdiction of this state or the United States without the consent of the person having lawful charge of such child shall, upon conviction, be guilty of a Class B4 felony offense punishable by imprisonment in the custody of the Department of Corrections not exceeding ten (10) years.

Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section and the offense involved sexual abuse or sexual exploitation, shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

R.L.1910, § 2435. Amended by Laws 1997, c. 133, § 265, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 169, eff. July 1, 1999; Laws 2000, c. 370, § 13, eff. July 1, 2000; Laws 2007, c. 261, § 10, eff. Nov. 1, 2007; Laws 2008, c. 438, § 1, eff. July 1, 2008; Laws 2025, c. 486, § 109, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 265 from July 1, 1998, to July 1, 1999.

§21-901. Blasphemy defined.

Blasphemy consists in wantonly uttering or publishing words, casting contumelious reproach or profane ridicule upon God, Jesus Christ, the Holy Ghost, the Holy Scriptures or the Christian or any other religion.

R.L.1910, § 2398.

§21-902. Serious discussion not blasphemy.

If it appears beyond reasonable doubt that the words complained of were used in the course of serious discussion, and with intent to make known or recommend opinions entertained by the accused, such words are not blasphemy.

R.L.1910, § 2399.

§21-903. Blasphemy a misdemeanor.

Blasphemy is a misdemeanor.

R.L.1910, § 2400.

§21-904. Profane swearing.

Profane swearing consists in any use of the name of God, or Jesus Christ, or the Holy Ghost, either in imprecating divine vengeance upon the utterer, or any other person, or in light, trifling or irreverent speech.

R.L.1910, § 2401.

§21-905. Punishment for profane swearing.

Every person guilty of profane swearing is punishable by a fine of One Dollar (\$1.00) for each offense.

R.L.1910, § 2402.

§21-906. Obscene language a misdemeanor, when.

If any person shall utter or speak any obscene or lascivious language or word in any public place, or in the presence of females, or in the presence of children under ten (10) years of age, he shall be liable to a fine of not more than One Hundred Dollars (\$100.00), or imprisonment for not more than thirty (30) days, or both.

R.L.1910, § 2403.

§21-907. Sunday to be observed.

The first day of the week being by very general consent set apart for rest and religious uses, the law forbids to be done on that day certain acts deemed useless and serious interruptions of the repose and religious liberty of the community. Any violation of this prohibition is Sabbath-breaking.

R.L.1910, § 2404.

§21-908. Sabbath-breaking defined.

The following are the acts forbidden to be done on the first day of the week, the doing of any of which is Sabbath-breaking:

1. Servile labor, except works of necessity or charity.
2. Trades, manufactures, and mechanical employment.
3. All horse racing or gaming except as authorized by the Oklahoma Horse Racing Commission pursuant to the provisions of the Oklahoma Horse Racing Act.

4. All manner of public selling, or offering or exposing for sale publicly, of any commodities, except that meats, bread, fish, and all other foods may be sold at any time, and except that food and drink may be sold to be eaten and drank upon the premises where sold, and drugs, medicines, milk, ice, and surgical appliances and burial appliances and all other necessities may be sold at any time of the day.

R.L. 1910, § 2405. Amended by Laws 1913, c. 204, p. 456, § 1; Laws 1949, p. 204, § 1; Laws 1983, c. 11, § 36, emerg. eff. March 22, 1983; Laws 1996, c. 191, § 1, emerg. eff. May 16, 1996.

§21-909. Persons observing other day as holy.

It is a sufficient defense in proceedings for servile labor on the first day of the week, to show that the accused uniformly keeps another day of the week as holy time, and does not labor upon that day, and that the labor complained of was done in such manner as not to interrupt or disturb other persons in observing the first day of the week as holy time.

R.L.1910, § 2406.

§21-911. Punishment for Sabbath-breaking.

Every person guilty of Sabbath-breaking is punishable by a fine of not more than Twenty-five Dollars (\$25.00) for each offense.

R.L.1910, § 2408.

§21-912. Malicious service of process or adjournment of trial.

Whoever maliciously procures any process in a civil action to be served on Saturday upon any person who keeps Saturday as holy time, and does not labor on that day, or serves upon him any process returnable on that day, or maliciously procures any civil action to which such person is a party to be adjourned to that day for trial, is guilty of a misdemeanor.

R.L.1910, § 2409.

§21-913. Compelling form of belief.

Any willful attempt, by means of threats or violence to compel any person to adopt, practice or profess any particular form of religious belief, is a misdemeanor.
R.L.1910, § 2410.

§21-914. Preventing religious act.

Every person who willfully prevents, by threats or violence, another person from performing any lawful act enjoined upon or recommended to such person by the religion which he professes, is guilty of a misdemeanor.
R.L.1910, § 2411.

§21-915. Disturbing religious meeting.

Every person who willfully disturbs, interrupts or disquiets any assemblage of people met for religious worship, by any of the acts or things hereinafter enumerated, is guilty of a misdemeanor.
R.L.1910, § 2412.

§21-916. Definition of disturbance.

The following are the acts deemed to constitute disturbance of a religious meeting:

1. Uttering any profane discourse, committing any rude or indecent act, or making any unnecessary noise, either within the place where such meeting is held, or so near it as to disturb the order and solemnity of the meeting.

2. Exhibiting, within one (1) mile, any shows or plays without a license by the proper authority.

3. Engaging in, or aiding or promoting within the like distance, any racing of animals or gaming of any description.

4. Obstructing in any manner, without authority of law, within the like distance, the free passage along any highway to the place of such meeting.

R.L.1910, § 2413.

§21-917. Motor vehicle defined - Antique, classic, or special interest automobile defined.

A. The term "motor vehicle" as used in this act shall mean every vehicle intended primarily for use and operation on the public highways, which is self-propelled; and every vehicle intended primarily for operation on the public highways which is not driven or propelled by its own power, but which is designed either to be attached to or become a part of a self-propelled vehicle; but not including farm tractors and other machines and tools used in the production, harvesting and care of farm products.

B. The term "antique, classic, or special interest automobile" as used in Section 918 of this title shall mean a motor vehicle

which only travels on the highways of this state primarily for historical or exhibition purposes.

Amended by Laws 1985, c. 18, § 1, eff. Nov. 1, 1985.

§21-918. Sale, barter or exchange of motor vehicles on Sunday prohibited - Activities exempt.

No person, firm, or corporation, whether owner, proprietor, agent, or employee, shall keep open, operate, or assist in keeping open or operating any place or premises or residences whether open or closed, for the purpose of selling, bartering, or exchanging, or offering for sale, barter, or exchange, any motor vehicle or motor vehicles, whether new, used, or secondhand, on the first day of the week, commonly called Sunday, except as otherwise provided in this section; and provided, however, that Sections 917 through 919 of this title shall not apply to the opening of an establishment or place of business on the first day of the week for other purposes, such as the sale of petroleum products, tires, automobile accessories, or for the purpose of operating and conducting a motor vehicle repair shop, or for the purpose of supplying such services as towing or wrecking. Antique, classic, or special interest automobiles sold, bartered, auctioned, or exchanged by any person, firm, or corporation are exempt from the provisions of this section, as well as off-premises sales of new motorized recreational vehicles approved by the Oklahoma New Motor Vehicle Commission pursuant to the provisions of the Recreational Vehicle Franchise Act.

Added by Laws 1959, p. 210, §2. Amended by Laws 1985, c. 18, § 2, eff. Nov. 1, 1985; Laws 2005, c. 228, § 1, eff. Nov. 1, 2005; Laws 2011, c. 272, § 19, eff. Jan. 1, 2012; Laws 2023, c. 29, § 33, eff. Nov. 1, 2023.

§21-919. Penalties.

Any person, firm, partnership, or corporation who violates any of the provisions of this act shall be guilty of a misdemeanor, and upon each conviction thereof, shall be punished by a fine of not less than Seventy-five Dollars (\$75.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period not to exceed six (6) months, or the court, in its discretion, may suspend or revoke the Oklahoma motor vehicle dealer's license issued under the provisions of 47 O.S.1951 Sec. 22.15, or by such fine and imprisonment and suspension or revocation.

Laws 1959, p. 210, § 3.

§21-931. Fees for fortune telling prohibited.

It shall be unlawful for any person or persons, pretending or professing to tell fortunes by the use of any subtle craft, means or device whatsoever, either by palmistry, clairvoyancy or otherwise,

plying his or her trade, art or profession within the State of Oklahoma, to make any charge therefor either directly or indirectly or to receive any gift, donation or subscription by any means whatsoever for the same.

Laws 1915, c. 59, § 1.

§21-932. Penalty.

Every person or persons violating the provisions of the foregoing section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), and by imprisonment in the county jail for a period of not less than thirty (30) days nor more than six (6) months.

Laws 1915, c. 59, § 2.

§21-941. Opening, conducting or carrying on gambling game - Dealing for those engaged in game.

Except as provided in the Oklahoma Charity Games Act, every person who opens, or causes to be opened, or who conducts, whether for hire or not, or carries on either poker, roulette, craps or any banking or percentage, or any gambling game played with dice, cards or any device, for money, checks, credits, or any representatives of value, or who either as owner or employee, whether for hire or not, deals for those engaged in any such game, shall be guilty of a Class C2 felony offense, and upon conviction thereof, shall be punished by a fine of not less than Five Hundred Dollars (\$500.00), nor more than Two Thousand Dollars (\$2,000.00), and by imprisonment as provided for in subsections B through F of Section 20M of this title.

Added by Laws 1916, c. 26, p. 54, § 1, emerg. eff. Jan. 29, 1916.

Amended by Laws 1992, c. 328, § 29, eff. Dec. 1, 1992, and adopted by State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992. Amended by Laws 1997, c. 133, § 266, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 170, eff. July 1, 1999; Laws 2025, c. 486, § 226, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 266 from July 1, 1998, to July 1, 1999.

§21-942. Betting on or playing prohibited game - Punishment.

Any person who bets or plays at any of said prohibited games, or who shall bet or play at any games whatsoever, for money, property, checks, credits or other representatives of value with cards, dice or any other device which may be adapted to or used in playing any game of chance or in which chance is a material element, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Twenty-five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00), or by imprisonment in

the county jail for a term of not less than one (1) day, nor more than thirty (30) days, or by both such fine and imprisonment. Laws 1916, c. 26, p. 55, § 2.

§21-943. Gambling paraphernalia - Disposition.

The magistrate or justice of the peace to whom anything suitable to be used for gambling purposes, or furniture or equipment used in a place conducted in violation of this Act is delivered, as provided by law shall, upon the examination of the accused, or if such examination is delayed, or prevented, without awaiting such examination, determine the character of the thing so delivered to him and whether it was actually intended or employed by the accused or others in violation of the provisions of this article; and if he finds that it is of a character suitable to be used for gambling purposes, and that it was actually employed or intended to be used by the accused or others, in violation of the provisions of this Article, he shall so find and cause the same to be delivered to the sheriff to await the order of the district court. Provided, that any of the furniture or equipment susceptible of legitimate use, may be sold and the proceeds thereof placed in the court fund of said county, and that any money so found by the officers shall be placed in the court fund of the county.

Laws 1916, c. 26, p. 55, § 3.

§21-944. Slot machines - Setting up, operating or conducting - Punishment.

Any person who sets up, operates or conducts, or who permits to be set up, operated or conducted in or about his place of business, whether as owner, employee or agent, any slot machine for the purpose of having or allowing the same to be placed by others for money, property, checks, credits or any representative of value shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty-five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00); or by imprisonment in the county jail for a term of not more than thirty (30) days, or by both such fine and imprisonment.

Laws 1916, c. 26, p. 56, § 4.

§21-945. Use of real estate or buildings for gambling purposes - Punishment - Liens - Liability on official bond of receivers, etc. - Invalidity of leases.

It shall be unlawful for the owner or owners of any real estate, buildings, structure or room to use, rent, lease or permit, knowingly, the same to be used for the purpose of violating Section 1 of this act. Any person who shall violate the provisions of this section shall be liable to a penalty of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for

each offense, to be recovered at the suit of the state. The penalty so recovered shall become a lien on the property and premises to be used, leased or rented in violation of this act from and after the date of the filing of the suit to recover such penalty, and the filing of a notice of the pendency of such suit with the county clerk of the county wherein said property is located, and upon final judgment said property may be sold as upon execution to satisfy the same, together with the cost of suit; provided, however, that such lien shall not attach to property under the control of any receiver, trustee, guardian or administrator appointed by a court of competent jurisdiction; but in such case, the receiver, trustee, guardian or administrator shall be liable on his official bond for the penalty so incurred and in addition thereto shall be guilty of a misdemeanor. Each day such property is so used, leased or rented for any such unlawful purpose shall constitute a separate offense, and the penalty herein prescribed shall be recovered for each and every day. All leases between landlords and tenants, under which any tenant shall use the premises for the purpose of violating any provisions of this act shall be wholly null and void, and the landlord may recover possession thereof, as in forcible entry and detainer.

Laws 1916, c. 26, p. 56, § 5.

§21-946. Illegal use of building - Nuisance - Penalty.

Any house, room or place where any of the games prohibited by Section 941 of this title are opened, conducted or carried on, or where persons congregate to play at any such games is a public nuisance and the keepers and managers of any such nuisance, and persons aiding or assisting any such keepers or managers in keeping or managing any such nuisance shall be guilty of a Class C2 felony offense and, upon conviction, shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Ten Thousand Dollars (\$10,000.00), or by imprisonment as provided for in subsections B through F of Section 20M of this title.

Added by Laws 1916, c. 26, p. 57, § 6, emerg. eff. Jan. 29, 1916.

Amended by Laws 1997, c. 133, § 267, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 171, eff. July 1, 1999; Laws 2025, c. 486, § 227, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 267 from July 1, 1998, to July 1, 1999.

§21-947. Dice or other game at cigar stand, etc. - Punishment for permitting.

Any owner, proprietor, manager or person in charge of any cigar stand, hotel lobby, store or place where articles are kept for sale, who shall suffer, allow or permit any person to throw or shake or play dice, or any other game, scheme or device of chance, at or in

such cigar stand, hotel lobby, store or place, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

Laws 1916, c. 26, p. 58, § 7.

§21-948. Officers - Illegal gambling - Collusion - Penalties.

Any state, district, city, town, county or township officer who shall engage or participate in, or who shall assist or encourage any other person or persons in any kind of illegal gambling, whether the same be by cards, dice, dominoes, billiards or any game of chance or a gambling device, by betting money, property or other things of value in such game of chance, or gambling device, such officer shall be deemed guilty of a Class C2 felony offense, and upon conviction shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Ten Thousand Dollars (\$10,000.00), or by imprisonment as provided for in subsections B through F of Section 20M of this title, and such judgment of conviction shall carry with it an immediate removal from office and a disqualification to hold any office of profit or trust in the State of Oklahoma.

Added by Laws 1916, c. 26, p. 58, § 8, emerg. eff. Jan. 29, 1916.

Amended by Laws 1993, c. 305, § 2, eff. July 1, 1993; Laws 1997, c. 133, § 268, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 172, eff. July 1, 1999; Laws 2025, c. 486, § 228, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 268 from July 1, 1998, to July 1, 1999.

§21-949. Repealed by Laws 2006, c. 62, § 6, emerg. eff. April 17, 2006.

§21-950. Officers receiving consideration for protection against arrest or conviction - Issuance of license, permit, etc., prohibited.

Any state, county, city, or township officer, or other person who shall hold for, receive or collect any money, or other valuable consideration, either for his own or the public use, for and with the understanding that he will aid, exempt or otherwise assist said person from arrest or conviction for a violation of any of the provisions of this article, or who shall issue, deliver or cause to be delivered to any person or persons, any license, permit, or other privileges, giving or pretending to give, any authority or right to any person or persons, to carry on, conduct, open or cause to be opened, any game or games which are forbidden or prohibited by any of the provisions of Sections 941 through 953 of this title shall, upon conviction, be deemed guilty of a Class D3 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title.

Added by Laws 1916, c. 26, p. 59, § 10, emerg. eff. Jan. 29, 1916.
Amended by Laws 1997, c. 133, § 269, eff. July 1, 1999; Laws 2025,
c. 486, § 671, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective
date of Laws 1997, c. 133, § 269 from July 1, 1998, to July 1, 1999.

§21-951. Investigation of alleged violations of act.

It shall be the duty of any judge of any court of record, upon the written request of the district attorney, or upon the sworn complaint of any other person, to issue subpoenas for any witness that may have knowledge of the violation of any provision of this act, and such judge shall have the power and it shall be his duty to compel such witness to appear before him and give testimony and produce any books or papers that will aid or assist in the prosecution of such investigation and inquiry into any violation of any provision of this act; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence. The testimony of each witness shall be reduced to writing by said judge, or by some person designated by him, and the same shall be signed by such witness. No person shall disclose any evidence so taken, nor disclose the name of any person so subpoenaed and examined, except when lawfully required to testify as a witness in relation thereto; and the unlawful disclosure, by any person, of any such evidence or of any matter or thing concerning such examination shall be a misdemeanor. Should said judge be unable to hold and conduct such inquiry and investigation for want of time, he may appoint a special judge who shall possess the qualifications and have the power in respect to such matters as the judge of the district court. Should any witness refuse to appear before such judge, in obedience to such subpoena, or refuse to produce any books or papers when lawfully required so to do, or having appeared, shall refuse to answer any proper question, or sign his testimony when so required, it shall be the duty of such judge to commit such person to the county jail until he shall consent to obey such orders and command of such judge in the premises, and in addition thereto such person may be punished, as for contempt of court, in accordance with the Constitution and laws of this state. The special judge appointed under the provisions of this section shall take the oath of the Constitution for state officers, and shall receive the compensation allowed by law for notaries public for taking depositions and be paid by the county in which such proceeding is had, upon the order of the judge who appointed him. When it is shown upon the taking of such testimony that there is probable cause to believe that any person has violated any provision of this act, the district attorney shall immediately prepare an information

charging such person with such offense and file such information in some court of competent jurisdiction.

Laws 1916, c. 26, p. 61, § 12.

§21-952. Persons jointly charged - Severance.

Persons jointly charged with the violation of any of the provisions of this act shall be tried together, provided the court for good cause shown may grant a severance.

Laws 1916, c. 26, p. 61, § 12.

§21-953. Accomplice testimony - Force of same.

Any person charged with a violation of any of the provisions of this act may be convicted on the uncorroborated testimony of an accomplice, and the judgment thereon shall not be set aside or reversed by reason of the fact that such conviction was based on the testimony of an accomplice.

Laws 1916, c. 26, p. 61, § 13.

§21-954. Confidence games - Three-card monte.

Any person who deals, plays or practices in the State of Oklahoma, or who is in any manner accessory to the dealing, playing or practicing of a swindle known as three-card monte, or any other swindle or confidence game, play or practice, shall be deemed guilty of a Class D1 felony offense and, upon conviction thereof, shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by confinement as provided for in subsections B through F of Section 20N of this title.

R.L. 1910, § 2500. Amended by Laws 1997, c. 133, § 270, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 173, eff. July 1, 1999; Laws 2025, c. 486, § 392, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 270 from July 1, 1998, to July 1, 1999.

§21-955. Repealed by Laws 2013, c. 91, § 1, eff. Nov. 1, 2013.

§21-956. Permitting gambling in building or on grounds.

Every person who shall permit any gaming table, bank, or gaming device prohibited by this article, to be set up or used for the purpose of gambling in any house, building, shed, shelter, booth, lot or other premises to him belonging, or by him occupied, or of which he has, at the time, possession or control, shall be, on conviction thereof, adjudged guilty of a misdemeanor, and punished by a fine not exceeding Two Hundred Dollars (\$200.00), nor less than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for a term not exceeding six (6) months nor less than thirty (30)

days, or by both such fine and imprisonment in the discretion of the court.

R.L.1910, § 2502.

§21-957. Leasing for gambling purposes.

Every person who shall knowingly lease or rent to another any house, building or premises for the purpose of setting up or keeping therein, any of the gambling devices prohibited by the preceding provisions of this article, is guilty of a misdemeanor.

R.L.1910, § 2503.

§21-958. Lease void, when - Possession, how recovered.

Whenever any lessee of any house or building shall be convicted of suffering any of the said prohibited gambling devices or games of chance to be carried on in said house or building, the lease or contract or letting such house or building shall become void and the lessor may enter upon the premises so let and shall recover possession of said leased property as in the case of forcible detainer.

R.L.1910, § 2504.

§21-959. Witnesses failing to testify.

Every person duly summoned as a witness for the prosecution or defense on any proceedings ordered under this article, who neglects or refuses to attend and testify as required, is guilty of a misdemeanor.

R.L.1910, § 2505.

§21-960. Seizure of apparatus and delivery to magistrate.

Every person who is authorized or enjoined to arrest any person for a violation of the provisions of this article, is equally authorized and enjoined to seize any table, cards, dice, or other articles or apparatus suitable to be used for gambling purposes found in the possession or under the control of the person so arrested, and to deliver the same to the magistrate before whom the person so arrested is required to be taken.

R.L.1910, § 2506.

§21-961. Testimony, no person excused from giving.

No person shall be excused from giving any testimony or evidence upon any investigation or prosecution for violation of this article, upon the ground that such testimony would tend to convict him of a crime, but such testimony or evidence shall not be received against him upon any criminal investigation or prosecution, except in a prosecution against him for perjury committed in giving such testimony.

R.L.1910, § 2508.

§21-962. Repealed by Laws 2006, c. 62, § 6, emerg. eff. April 17, 2006.

§21-964. "Slot machine" defined.

A. For the purpose of Sections 964 through 977 of this title, "slot machine" is defined to be:

1. Any machine, instrument, mechanism, or device that operates or may be operated or played mechanically, electrically, automatically, or manually, and which can be played or operated by any person by inserting in any manner into said machine, instrument, mechanism, or device, a coin, chip, token, check, credit, money, representative of value, or a thing of value, and by which play or operation such person will stand to win or lose, whether by skill or chance, or by both, a thing of value; and

2. Any machine, instrument, mechanism, or device that operates or may be played or operated mechanically, electrically, automatically, or manually, and which can be played or operated by any person by paying to or depositing with any person, or by depositing with or into any cache, slot, or place a coin, chip, token, check, credit, money, representative of value, or a thing of value, and by which play or operation such person will stand to win or lose, whether by skill or chance, or by both, a thing of value.

B. Sections 964 through 977 of this title shall not apply to a slot machine:

1. If the slot machine is twenty-five (25) years or older and is not used for gambling purposes; or

2. If the slot machine is used for the purpose of teaching slot machine repair and is not used for gambling purposes.

C. Sections 964 through 977 of this title shall not apply to use of a crane machine for nongambling purposes. For purposes of this section, "crane machine" shall mean a machine that upon insertion of a coin, bill, token or similar object, allows the player to skillfully use one or more buttons, joysticks or other controls to maneuver a crane or claw over a toy or novelty in an attempt to retrieve the toy or novelty for the player. The toy or novelty shall not be subject to being exchanged for any other prize, including but not limited to credits, money or other thing of value.

D. A slot machine which is twenty-five (25) years or older or is used for teaching slot machine repair which is used for a gambling purpose in violation of the provisions of Section 970 of this title shall be subject to confiscation as provided by Section 973 of this title.

Added by Laws 1939, p. 9, § 1, emerg. eff. April 28, 1939. Amended by Laws 1983, c. 174, § 1, operative July 1, 1983; Laws 1995, c. 68, § 1; Laws 1999, c. 364, § 3, eff. July 1, 1999.

§21-965. "Thing of value" defined.

For the purposes of this act, "a thing of value" is defined to be any money, coin, currency, check, chip, token, credit, property, tangible or intangible, or any representative of value or any other thing, tangible or intangible, except amusement or entertainment, calculated or intended to serve as an inducement for anyone to operate or play any slot machine or punch board.

Laws 1939, p. 9, Sec. 2; Laws 1949, p. 204, Sec. 1.

§21-966. "Punch board" defined.

For the purposes of this act, "punch board" is defined to be any card, board, substance or thing upon or in which is placed or concealed in any manner any number, figure, name, design, character, symbol, picture, substance or thing which may be drawn, uncovered, exposed or removed therefrom by any person paying a thing of value, which number, figure, name, design, character, symbol, picture, substance or any other thing, when drawn, uncovered, exposed or removed therefrom, will stand the person drawing, uncovering, exposing or removing the same to win or lose a thing of value, but shall not include a breakopen ticket card, as defined in the Oklahoma Charity Games Act.

Laws 1939, p. 9, § 3, emerg. eff. April 28, 1939; Laws 1992, c. 328, § 30, eff. Dec. 1, 1992, and adopted by State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-967. Words in singular and plural.

Any word or words used in this act in the singular number shall include the plural, and the plural the singular.

Laws 1939, p. 9, § 4.

§21-968. "Person" defined.

For the purposes of this act, "person" is defined to include any person, partnership, association, company, stock company, corporation, receiver, trustee, organization or club.

Laws 1939, p. 9, § 5.

§21-969. Possession, sale, or lease of slot machines or punch boards prohibited.

It shall be unlawful for any person to have in his possession any slot machine or punch board, or sell or solicit the sale, or take orders for the sale of, or lease or rent any slot machine or punch board in this state, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Fifty Dollars (\$150.00) or by imprisonment in the county jail for a term of not more than sixty (60) days, or by both such fine and imprisonment.

Laws 1939, p. 10, § 6.

§21-970. Slot machines - Acts prohibited - Punishment - Amusement machine or device near public school.

Any person who sets up, operates or conducts, or who permits to be set up, operated and conducted, in or about any place of business, or in or about any place, whether as owner, employee or agent, any slot machine for the purpose of having or allowing same to be played by others for money, property, tangible or intangible, coin, currency, check, chip, token, credit, or any representative of value or a thing of value, except amusement or entertainment, or who sets up, operates or conducts, or who permits to be set up, operated or conducted, in or about any place of business, or in or about any place, whether as owner, employee or agent, any amusement machine, instrument, mechanism or device within three hundred (300) feet of any public school in this state, said distance to be measured from the school building, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Fifty Dollars (\$150.00), or by imprisonment in the county jail for a term of not more than sixty (60) days, or by both such fine and imprisonment.

Laws 1939, p. 10, § 7; Laws 1949, p. 204, § 2.

§21-971. Punch boards - Acts prohibited - Punishment.

Any person who sets up, operates, exposes, conducts, displays or plays, or who permits to be set up, operated, exposed, conducted, displayed or played, in or about any place or in or about any place of business, whether as owner, employee or agent, any punch board for the purpose of having or allowing the same to be played by others for money, property, tangible or intangible, coin, currency, check, chip, token, credit, amusement or any representative of value or a thing of value, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for a term of not more than thirty (30) days, or by both such fine and imprisonment.

Laws 1939, p. 10, § 8.

§21-972. Slot machines and punch boards declared gambling devices - Public nuisance - Abatement.

Every slot machine and every punch board as defined in this act, is hereby declared to be per se a gambling device, and each is hereby declared to be a public nuisance, and the same may be abated in manner as provided for the abatement of a public nuisance under Chapter 58, Oklahoma Statutes 1931.

Laws 1939, p. 10, § 9.

§21-973. Seizure of slot machines and punch boards - Confiscation, procedure for.

A. Every sheriff, constable, policeman, and peace officer in this state is hereby required to seize every slot machine and every punch board, together with all money contained therein or used in connection therewith, and all property and items of value incident thereto or used or employed in connection therewith, and hold and safely keep the same, subject to the order of the district court. Immediately following such seizure, such officer shall report the same and give all facts in relation thereto to the district attorney of the county in which the seizure was made. The district attorney shall, immediately following such report, file an application in the district court of his county in the name of the State of Oklahoma against the slot machine or punch board seized, and the money and items, if any, used therewith.

The application shall include:

1. A statement showing the time and place of seizure and by whom made;
2. A general description of the slot machine or punch board, and of the money and items, if any, seized;
3. The name and address, if known, of the person from whom seized; and
4. A prayer for judgment:
 - a. confiscating said slot machine or punch board and money and items seized, and
 - (1) ordering said slot machine or punch board either to be sold, with the approval of the court and on such notice as the court may direct, by the sheriff of the county in which the seizure was made, within any state, county or municipality in which the use of such slot machine or punch board is not prohibited by law and ordering the proceeds of sale paid into the Sheriff's Training Fund as provided in Section 1325 of Title 22 of the Oklahoma Statutes, provided that if such slot machine or punch board is not sold within ninety (90) calendar days, the court shall order such to be destroyed under the provisions of this section, or
 - (2) ordering the immediate destruction of said slot machine or punch board by the officer seizing the same or by some other officer or person to be appointed for such purpose by the court,
 - b. ordering the money seized with said slot machine or punch board paid into the Sheriff's Training Fund as provided in Section 1325 of Title 22 of the Oklahoma Statutes, and
 - c. ordering any item of value seized with said slot machine or punch board, if not in itself offensive or a gambling device, to be sold by the sheriff of the county in which the seizure was made, on such notice as the court may direct, and the proceeds

of sale paid into the Sheriff's Training Fund as provided in Section 1325 of Title 22 of the Oklahoma Statutes.

B. The application required to be filed by the district attorney under the provisions of subsection A of this section may include any number of slot machines or punch boards, or both, and all money and items, if any, seized therewith. Upon filing said application in the district court, the court shall order the district attorney to cause a copy thereof to be served on the person from whom the slot machine or punch board was seized, together with written notice that such person may appear before the district court at any date, which shall be fixed in said notice, not less than five (5) days from the date said application was filed in the district court, to show cause why said application should not be granted and judgment rendered as therein prayed. If the person from whom seizure was made cannot be located, or is unknown, or if said slot machine or punch board was unattended at the time of seizure, then the foregoing service shall not be required, but in lieu thereof, a copy of said application and notice shall be delivered to the place where seizure was made. On the date set forth in the foregoing notice, the district court shall hear the application without a jury, and neither party shall have the right to demand a jury trial. The district attorney shall present said application on said hearing, together with all the evidence pertinent thereto, and the owner of or person from whom the slot machine or punch board was seized, if present at said hearing, may introduce any competent evidence. The district court after hearing said application and the evidence introduced at said hearing, shall determine whether or not the slot machine or punch board, or both, mentioned in said application, is a slot machine or punch board as defined in Sections 964 and 966 of this title, and if determined to be such, the court shall make and enter judgment:

1. Confiscating said slot machine or punch board and money and items seized, and

a. ordering said slot machine or punch board either to be sold, with the approval of the court and on such notice as the court may direct, by the sheriff of the county in which the seizure was made, within any state, county or municipality in which the use of such slot machine or punch board is not prohibited by law and ordering the proceeds of sale paid into the Sheriff's Training Fund as provided in Section 1325 of Title 22 of the Oklahoma Statutes, provided that if such slot machine or punch board is not sold within ninety (90) calendar days, the court shall order such to be destroyed under the provisions of this section, or

b. ordering the immediate destruction of said slot machine or punch board by the officer seizing the same or by some other officer or person to be appointed for such purpose by the court;

2. Ordering the money seized in or with said slot machine or punch board paid into the Sheriff's Training Fund as provided in Section 1325 of Title 22 of the Oklahoma Statutes; and

3. Ordering any other item of value seized with the said slot machine or punch board, if not in itself offensive or a gambling device, to be sold by the sheriff of the county in which the seizure was made, on such notice as the court may direct, and the proceeds of sale to be paid into the Sheriff's Training Fund as provided in Section 1325 of Title 22 of the Oklahoma Statutes.

C. The officer or person ordered to destroy a slot machine or punch board under the provisions of subsection B of this section shall execute such order and make return thereof within five (5) days from the date thereof, showing the manner in which he executed the same. An appeal may be had from the judgment of the district court to the Supreme Court, as in civil actions, pursuant to the provisions of the code of civil procedure; and in the event of an appeal by either party, the judgment of the district court shall be stayed pending the determination of said appeal.

Laws 1939, p. 12, § 11.

§21-974. Officers' duties under act - Prosecutions.

It is hereby made the duty of every sheriff, constable, police officer, and peace officer to diligently do and perform the acts required under this act and to arrest or file a report to the district attorney to see if an arrest is warranted for any person who is violating any of the provisions of said act and inform against such person; and it is hereby made the duty of every district attorney to diligently do and perform the acts required under this act and to diligently prosecute any person violating any of the provisions of said act.

Added by Laws 1939, p. 12, Sec. 11. Amended by Laws 2021, c. 147, § 1, eff. Nov. 1, 2021.

§21-975. Evidence of knowledge by officers and prosecutor of existence of slot machines or punch boards in community.

The fact that any slot machine or punch board is set up, operated, conducted, displayed, or exposed in a public place for any considerable length of time, provided the time and place is sufficient to put a reasonably efficient officer upon inquiry and notice, this shall be received along with other evidence in proving that the sheriff and district attorney of the county and the constable and policemen of the district, city or town where the same occurred had knowledge of the same.

Laws 1939, p. 12, § 12.

§21-976. Failure of officers or prosecutor to perform duties under act - Removal - Punishment.

Any sheriff, constable, policeman, or police officer or district attorney who shall fail to diligently do or perform the acts and duties required of him under this act, in that he shall knowingly allow the violation of this act or the open and notorious violation of same as set out in Section 12, shall be guilty of willful neglect of duty and shall be removed from office, as now or as may hereafter be provided by law; and shall also be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a term of not less than thirty (30) days nor more than one (1) year, or by both such fine and imprisonment; and any such officer, upon being convicted or removed from office, shall be ineligible to again hold public office for a period of two (2) years from the date of such conviction or removal from office.
Laws 1939, p. 12, § 13.

§21-977. Partial invalidity.

In case any section, clause, sentence, paragraph or part of this act shall for any reason be adjudged by any court of competent or final jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the section, clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered.
Laws 1939, p. 13, § 14.

§21-981. Definitions.

As used in this act:

1. A "bet" is a bargain in which the parties agree that, dependent upon chance, or in which one of the parties to the transaction has valid reason to believe that it is dependent upon chance, one stands to win or lose something of value specified in the agreement. A bet does not include:

- a. bona fide business transactions which are valid under the law of contracts including, but not limited to, contracts for the purchase or sale at a future date of securities or other commodities and agreements to compensation for loss caused by the happening of the chance including, but not limited to, contracts of indemnity or guaranty and life or health and accident insurance; or
- b. any charity game conducted pursuant to the provisions of the Oklahoma Charity Games Act; or
- c. offers of purses, prizes or premiums to the actual participants in public and semipublic events, as follows, to wit: Rodeos, animal shows, hunting,

fishing or shooting competitions, expositions, fairs, athletic events, tournaments and other shows and contests where the participants qualify for a monetary prize or other recognition. This subparagraph further excepts an entry fee from the definition of "a bet" as applied to enumerated public and semipublic events.

2. "Consideration" as used in this section means anything which is a commercial or financial advantage to the promoter or a disadvantage to any participant. Mere registration without purchase of goods or services; personal attendance at places or events, without payment of an admission price or fee; listening to or watching radio and television programs; answering the telephone or making a telephone call and acts of like nature are not consideration. As used in this paragraph, the term "consideration" shall not include sums of money paid by or for participants in any bingo game or a game of chance with comparable characteristics as defined by subparagraph b of paragraph 1 of this section and it shall be conclusively presumed that such sums paid by or for said participants were intended by said participants to be for the benefit of the organizations described in subparagraph b of paragraph 1 of this section for the use of such organizations in furthering the purposes of such organizations;

3. A "gambling device" is a contrivance designed primarily for gambling purposes which for a consideration affords the player an opportunity to obtain something of value, the award of which is determined by chance, or any token, chip, paper, receipt or other document which evidences, purports to evidence or is designed to evidence participation in a lottery or the making of a bet. The fact that the prize is not automatically paid by the device does not affect its character as a gambling device; and

4. A "gambling place" is any place, room, building, vehicle, tent or location which is used for any of the following: making and settling bets; receiving, holding, recording or forwarding bets or offers to bet; conducting lotteries; or playing gambling devices. Evidence that the place has a general reputation as a gambling place or that, at or about the time in question, it was frequently visited by persons known to be commercial gamblers or known as frequenters of gambling places is admissible on the issue of whether it is a gambling place.

Added by Laws 1975, c. 283, § 1, eff. Oct. 1, 1975. Amended by Laws 1992, c. 328, § 31, eff. Dec. 1, 1992, and adopted by State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992; Laws 2000, c. 181, § 1, emerg. eff. May 3, 2000.

§21-982. Commercial gambling.

A. Commercial gambling is:

1. Operating or receiving all or part of the earnings of a gambling place;
2. Receiving, recording or forwarding bets or offers to bet or, with intent to receive, record or forward bets or offers to bet, possessing facilities to do so;
3. For gain, becoming a custodian of anything of value bet or offered to be bet;
4. Conducting a lottery or with intent to conduct a lottery possessing facilities to do so;
5. Setting up for use or collecting the proceeds of any gambling device; or
6. Alone or with others, owning, controlling, managing or financing a gambling business.

B. Any person found guilty of commercial gambling shall be guilty of a Class C2 felony offense and punished by imprisonment as provided for in subsections B through F of Section 20M of this title, or a fine of not more than Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment. Added by Laws 1975, c. 283, § 2, eff. Oct. 1, 1975. Amended by Laws 1997, c. 133, § 271, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 174, eff. July 1, 1999; Laws 2025, c. 486, § 229, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 271 from July 1, 1998, to July 1, 1999.

§21-983. Permitting premises to be used for commercial gambling.

A. Permitting premises to be used for commercial gambling is intentionally:

1. Granting the use or allowing the continued use of a place as a gambling place; or
2. Permitting another to set up a gambling device for use in a place under the offender's control.

B. Any person permitting premises to be used for commercial gambling shall be guilty of a misdemeanor. Any person found guilty of a second offense under this section shall be punished by imprisonment in the county jail for not more than one (1) year or by a fine of not more than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment. Laws 1975, c. 283, § 3, eff. Oct. 1, 1975.

§21-984. Dealing in gambling devices.

A. Dealing in gambling devices is manufacturing, transferring or possessing with intent to transfer any gambling device or subassembly or essential part thereof.

B. Any person dealing in gambling devices shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or a fine

of not more than Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.

Added by Laws 1975, c. 283, § 4, eff. Oct. 1, 1975. Amended by Laws 1997, c. 133, § 272, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 175, eff. July 1, 1999; Laws 2025, c. 486, § 393, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 272 from July 1, 1998, to July 1, 1999.

§21-985. Possession of a gambling device.

A. Possession of a gambling device is knowingly possessing or having custody or control, as owner, lessee, agent, employee, bailee or otherwise, of any gambling device.

B. Any person possessing a gambling device who knows or has reason to know said devices will be used in making or settling commercial gambling transactions and deals in said gambling devices with the intent to facilitate commercial gambling transactions shall be punished for a misdemeanor.

Laws 1975, c. 283, § 5, eff. Oct. 1, 1975.

§21-986. Installing communication facilities for gamblers.

A. Installing communication facilities for gamblers is:

1. Installing communications facilities in a place which the person who installs the facilities knows is a gambling place;

2. Installing communications facilities knowing that they will be used principally for the purpose of transmitting information to be used in making or settling bets; or

3. Knowing that communications facilities are being used principally for the purpose of transmitting information to be used in making or settling bets, allowing their continued use.

B. Any person not an employee of a communications public utility authorized to transact business in this state by the Oklahoma Corporation Commission acting within the scope of his employment, violating subsection A above, who knows or has reason to know said communications facilities will be used in making or settling commercial gambling transactions and installs said facilities with the intent to facilitate said commercial gambling transactions and is found guilty thereof shall be guilty of a Class D1 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20N of this title, or a fine of not more than Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.

C. When any communications public utility providing telephone communications service is notified in writing by an order of a court of competent jurisdiction, acting within its jurisdiction, that any facility furnished by it is being used principally for the purpose of transmitting or receiving gambling information, it shall

discontinue or refuse the leasing, furnishing or maintaining of such facility, after reasonable notice to the subscriber, but no damages, penalty or forfeiture, civil or criminal, shall be found against any such public utility for any act done in compliance with any such court order. Nothing in this section shall be deemed to prejudice the right of any person affected thereby to secure an appropriate determination, as otherwise provided by law, in a court of competent jurisdiction, that such facility should not be discontinued or removed, or should be restored.

Added by Laws 1975, c. 283, § 6, eff. Oct. 1, 1975. Amended by Laws 1997, c. 133, § 273, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 176, eff. July 1, 1999; Laws 2025, c. 486, § 394, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 273 from July 1, 1998, to July 1, 1999.

§21-987. Dissemination of gambling information.

A. Dissemination of gambling information is the transmitting or receiving, by means of any communications facilities, information to be used in making or settling bets. Provided that nothing herein shall prohibit a licensed radio or television station or newspaper of general circulation from broadcasting or disseminating to the public reports of odds or results of legally staged sporting events.

B. Any person found guilty of disseminating gambling information shall be guilty of a Class D1 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20N of this title, or a fine of not more than Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.

Added by Laws 1975, c. 283, § 7, eff. Oct. 1, 1975. Amended by Laws 1997, c. 133, § 274, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 177, eff. July 1, 1999; Laws 2025, c. 486, § 395, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 274 from July 1, 1998, to July 1, 1999.

§21-988. Conspiracy.

A. A conspiracy is any agreement, combination or common plan or scheme by two or more persons, coupled with an overt act in furtherance of such agreement, combination or common plan or scheme, to violate any section of this act.

B. Any person found guilty of conspiracy shall be guilty of a Class D1 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20N of this title.

Added by Laws 1975, c. 283, § 8, eff. Oct. 1, 1975. Amended by Laws 2025, c. 486, § 396, eff. Jan. 1, 2026.

§21-991. Betting or letting premises for betting on races.

A. Except as provided for in the Oklahoma Horse Racing Act, it shall be unlawful for any person, association, or corporation:

1. To bet or wager upon the result of any trial of speed or power of endurance of animals or beasts; or

2. To occupy any room, shed, tenement or building, or any part thereof, or to occupy any place upon any grounds with books, apparatus, or paraphernalia for the purpose of recording or registering bets or wagers or of selling pools, or making books or mutuels upon the result of any trial of speed or power of endurance of animals or beasts; or

3. Being the owner or lessee or occupant of any room, tent, tenement, shed, booth, or building, or part thereof at any place knowingly to permit the same to be used or occupied to keep, exhibit, or employ any device or apparatus for the purpose of recording or registering such bets or wagers or the selling or making of such books, pools or mutuels, or to become the custodian or depository for gain, hire or reward of any money, property or thing of value, bet or wagered or to be wagered or bet upon the result of any trial of speed or power of endurance of animals or beasts; or

4. To receive, register, record, forward or purport or pretend to forward to or for any racetrack within or without this state, any money, thing or consideration of value offered for the purpose of being bet or wagered upon the result of any trial of speed or power of endurance of any animal or beast; or

5. To occupy any place, or building or part thereof with books, papers, apparatus, or paraphernalia for the purpose of receiving or pretending to receive or for recording or for registering or for forwarding or pretending or attempting to forward in any manner whatever, any money, thing or consideration of value, bet or wagered or to be bet or wagered by any person, or to receive or offer to receive any money, thing, or consideration of value bet or to be bet upon the result of any trial of speed or power of endurance of any animal or beast; or

6. To aid or assist or abet at any racetrack or other place in any manner in any of the acts forbidden by this section.

B. Any person, association, or corporation convicted of violating the provisions of paragraph 1 of subsection A of this section shall be guilty of a Class D3 felony offense and shall be fined not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) and be imprisoned as provided for in subsections B through F of Section 20P of this title. Any person, association, or corporation convicted of violating any provision of paragraphs 2, 3, 4, 5 or 6 of subsection A of this section shall be guilty of a Class C2 felony offense and shall be fined not more than

Ten Thousand Dollars (\$10,000.00), or be imprisoned as provided for in subsections B through F of Section 20M of this title, or both said fine and imprisonment.

C. Any personal property used for the purpose of violating any of the provisions of this section shall be disposed of as provided for in Section 1261 of Title 22 of the Oklahoma Statutes.

Added by Laws 1913, c. 185, p. 414, § 1. Amended by Laws 1983, c. 11, § 37, emerg. eff. March 22, 1983; Laws 1997, c. 133, § 275, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 178, eff. July 1, 1999; Laws 2025, c. 486, § 230, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 275 from July 1, 1998, to July 1, 1999.

§21-992. Repealed by Laws 2017, c. 2, § 2, eff. Nov. 1, 2017.

§21-993. Evidence for prosecution - Accomplices - Immunity for witnesses.

A conviction for the violation of any of the provisions of this act may be had upon the unsupported evidence of an accomplice or participant, and such accomplice or participant shall be exempt from prosecution for any offense in this act about which he may be required to testify.

Laws 1913, c. 185, p. 416, § 3.

§21-995.1. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.1a. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.2. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.3. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.3a. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.4. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.5. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.6. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.7. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.8. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.9. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.10. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.11. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.12. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.13. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.14. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and adopted by State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.15. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.18. Repealed by Laws 1989, c. 154, § 2, operative July 1, 1989.

§21-996.1. Consumers Disclosure of Prizes and Gifts Act - Short title.

This act shall be known and may be cited as the "Consumers Disclosure of Prizes and Gifts Act".

Added by Laws 1991, c. 242, § 1, eff. Sept. 1, 1991.

§21-996.2. Definitions.

As used in the Consumers Disclosure of Prizes and Gifts Act:

1. "Marketing channel" means a method of retail distribution, including but not limited to, catalog sales, mail order, telephone sales, and in-person sales at retail outlets; and

2. "Retail merchant" means any person or entity regardless of the form of organization that has continuously offered for sale or lease more than one hundred different types of goods or services to the public in the State of Oklahoma throughout a period exceeding three (3) years.

Added by Laws 1991, c. 242, § 2, eff. Sept. 1, 1991.

§21-996.3. Violations - Unlawful practices.

A. It is unlawful for any person to use the term "prize" or "gift" or other similar term in any manner that would be untrue or misleading.

B. It is unlawful to notify any person by any means, as a part of an advertising plan or program, that the person has won a prize and that as a condition of receiving such prize the person must pay any money or rent any goods or services.

C. It is unlawful to notify any person by any means that the person will receive a gift and that as a condition of receiving the gift the person must pay any money, or purchase, lease or rent any goods or services, if any one or more of the following exists:

1. The shipping charge, depending on the method of shipping used, exceeds:

- a. the average cost of postage or the average charge of a delivery service in the business of delivering goods of like size, weight, and kind for shippers other than the offeror of the gift for the geographic area in which the gift is being distributed, or
- b. the exact amount for shipping paid to an independent supplier, who is in the business of shipping goods for shippers other than the offeror of the gift.

2. The handling charge:

- a. is not reasonable, or
- b. exceeds the actual cost of handling, or
- c. exceeds the greater of Three Dollars (\$3.00) in any transaction or eighty percent (80%) of the actual cost of the gift item to the offeror or its agent, or

- d. in the case of a merchandise retailer, exceeds the actual amount for handling paid to an independent supplier, who is in the business of handling goods for businesses other than the offeror of the gift.

3. Any goods or services which must be purchased or leased by the offeree of the gift in order to obtain the gift could have been purchased through the same marketing channel in which the gift was offered for a lower price without the gift items at or proximate to the time the gift was offered.

4. The majority of the gift offeror's sales or leases within the preceding year, through the marketing channel in which the gift is offered or through in-person sales at retail outlets, of the type of goods or services which must be purchased or leased in order to obtain the gift item was made in conjunction with the offer of a gift. This paragraph does not apply to a gift offer made by a retail merchant in conjunction with the sale or lease through mail order of goods or services if:

- a. the goods or services are of a type unlike any other type of goods or services sold or leased by the retail merchant at any time during the period beginning six (6) months before and continuing six (6) months after the gift offer,
- b. the gift offer does not extend for a period more than two (2) months, and
- c. the gift offer is not untrue or misleading in any manner.

5. The gift offeror represents that the offeree has been specially selected in any manner unless the representation is true.

D. The provisions of subsection C of this section shall not apply to the sale or purchase, or solicitation or representation in connection therewith, of goods from a catalog or of books, recordings, videocassettes, periodicals and similar goods through a membership group or club which is regulated by the Federal Trade Commission trade regulation rule concerning use of negative option plans by sellers in commerce or through a contractual plan or arrangement such as a continuity plan, subscription arrangement, or a single sale or purchase series arrangement under which the seller ships goods to a consumer who has consented in advance to receive such goods and the recipient of such goods is given the opportunity, after examination of the goods, to receive a full refund of charges for the goods, or unused portion thereof, upon return of the goods, or unused portion thereof, undamaged.

E. Each violation of the provisions of this section shall be an unlawful practice pursuant to the provisions of the Oklahoma Consumer Protection Act, Section 751 et seq. of Title 15 of the Oklahoma Statutes.

F. Any person who violates the provisions of this section shall, upon conviction, be guilty of a Class C2 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20M of this title.

Added by Laws 1991, c. 242, § 3, eff. Sept. 1, 1991. Amended by Laws 2025, c. 486, § 231, eff. Jan. 1, 2026.

§21-1021. Indecent exposure - Indecent exhibitions - Obscene material or child pornography - Solicitation of minors.

A. Every person who willfully and knowingly either:

1. Lewdly exposes his or her person or genitals in any public place, or in any place where there are present other persons to be offended or annoyed thereby; provided, however, for purposes of this section, a person alleged to have committed an act of public urination shall be prosecuted pursuant to Section 22 of this title unless such act was accompanied with another act that violates paragraphs 2 through 4 of this subsection and shall not be subject to registration under the Sex Offenders Registration Act;

2. Procures, counsels, or assists any person to expose such person, or to make any other exhibition of such person to public view or to the view of any number of persons, for the purpose of sexual stimulation of the viewer;

3. Writes, composes, stereotypes, prints, photographs, designs, copies, draws, engraves, paints, molds, cuts, or otherwise prepares, publishes, sells, distributes, keeps for sale, knowingly downloads on a computer, or exhibits any obscene material or child sexual abuse material; or

4. Makes, prepares, cuts, sells, gives, loans, distributes, keeps for sale, or exhibits any disc record, metal, plastic, or wax, wire or tape recording, or any type of obscene material or child sexual abuse material,

shall be guilty, upon conviction, of a Class B4 felony offense and shall be punished by the imposition of a fine of not less than Five Hundred Dollars (\$500.00) nor more than Twenty Thousand Dollars (\$20,000.00) or by imprisonment for not less than thirty (30) days nor more than ten (10) years, or by both such fine and imprisonment.

B. Every person who:

1. Willfully solicits or aids a minor child to perform; or

2. Shows, exhibits, loans, or distributes to a minor child any obscene material or child sexual abuse material for the purpose of inducing said minor to participate in, any act specified in paragraphs 1, 2, 3 or 4 of subsection A of this section, shall be guilty of a Class A1 felony offense, upon conviction, and shall be punished by imprisonment in the custody of the Department of Corrections for not less than ten (10) years nor more than thirty (30) years, except when the minor child is under twelve (12) years of age at the time the offense is committed, and in such case the

person shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not less than twenty-five (25) years.

C. Persons convicted under this section shall not be eligible for a deferred sentence.

D. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

E. For purposes of this section, "downloading on a computer" means electronically transferring an electronic file from one computer or electronic media to another computer or electronic media.

R.L.1910, § 2463. Amended by Laws 1935, p. 18, § 1; Laws 1951, p. 60, § 1; Laws 1961, p. 230, § 1, emerg. eff. July 26, 1961; Laws 1967, c. 111, § 1, emerg. eff. April 25, 1967; Laws 1978, c. 121, § 1; Laws 1984, c. 91, § 1, eff. Nov. 1, 1984; Laws 1996, c. 37, § 1, eff. Nov. 1, 1996; Laws 1997, c. 133, § 276, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 179, eff. July 1, 1999; Laws 2000, c. 208, § 1, eff. Nov. 1, 2000; Laws 2002, c. 20, § 1, emerg. eff. Feb. 28, 2002; Laws 2003, c. 308, § 1, emerg. eff. May 27, 2003; Laws 2007, c. 261, § 11, eff. Nov. 1, 2007; Laws 2008, c. 3, § 12, emerg. eff. Feb. 28, 2008; Laws 2011, c. 186, § 1, eff. Nov. 1, 2011; Laws 2024, c. 59, § 7, eff. Nov. 1, 2024; Laws 2025, c. 486, § 9, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 276 from July 1, 1998, to July 1, 1999.

NOTE: Laws 2007, c. 325, § 2 repealed by Laws 2008, c. 3, § 13, emerg. eff. Feb. 28, 2008.

§21-1021.1. Persons to whom act does not apply - Civil or injunctive relief.

A. Sections 1021 through 1024.4 of this title shall not apply to persons who may possess or distribute obscene matter or child sexual abuse material or participate in conduct otherwise prescribed by this act, when such possession, distribution, or conduct occurs in the course of law enforcement activities.

B. The criminal provisions of this title shall not prohibit the district attorney from seeking civil or injunctive relief to enjoin the production, publication, dissemination, distribution, sale of or participation in any obscene material or child sexual abuse material, or the dissemination to minors of material harmful to minors, or the possession of child sexual abuse material.

Added by Laws 1967, c. 111, § 2, emerg. eff. April 25, 1967.
Amended by Laws 2000, c. 208, § 2, eff. Nov. 1, 2000; Laws 2024, c. 59, § 8, eff. Nov. 1, 2024.

§21-1021.2. See the following versions:

OS 21-1021.2v1 (HB 3936, Laws 2024, c. 59, 9)

OS 21-1021.2v2 (HB 2104, Laws 2025, c. 486, § 49)

§21-1021.2v1. Minors—Sexual abuse materials.

A. Any person who shall procure or cause the participation of any minor under the age of eighteen (18) years in any child sexual abuse material or who knowingly possesses, procures, or manufactures, or causes to be sold or distributed any child sexual abuse material shall be guilty, upon conviction, of a felony and shall be punished by imprisonment for not more than twenty (20) years or by the imposition of a fine of not more than Twenty-five Thousand Dollars (\$25,000.00) or by both said fine and imprisonment. Persons convicted under this section shall not be eligible for a deferred sentence. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

B. The consent of the minor, or of the mother, father, legal guardian, or custodian of the minor to the activity prohibited by this section shall not constitute a defense.

Added by Laws 1978, c. 24, § 1, emerg. eff. March 13, 1978. Amended by Laws 1984, c. 91, § 2, eff. Nov. 1, 1984; Laws 1986, c. 87, § 2, operative July 1, 1986; Laws 1996, c. 37, § 2, eff. Nov. 1, 1996; Laws 1997, c. 133, § 277, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 180, eff. July 1, 1999; Laws 2000, c. 208, § 3, eff. Nov. 1, 2000; Laws 2007, c. 261, § 12, eff. Nov. 1, 2007; Laws 2024, c. 59, § 9, eff. Nov. 1, 2024.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 277 from July 1, 1998, to July 1, 1999.

§21-1021.2v2. Minors — Procuring for participation in pornography or obscene material.

A. Any person who shall procure or cause the participation of any minor under the age of eighteen (18) years in any child pornography or obscene material or who knowingly possesses, views, accesses, shares, streams, downloads, procures, sells, distributes, or manufactures, or causes to be possessed, viewed, accessed,

shared, streamed, downloaded, procured, sold, distributed, or manufactured any child pornography shall, upon conviction, be guilty of a Class B1 felony offense and shall be punished by imprisonment in the custody of the Department of Corrections for not more than twenty (20) years and by the imposition of a fine of not more than Twenty-five Thousand Dollars (\$25,000.00). Persons convicted under this section shall not be eligible for a deferred sentence. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

B. The consent of the minor, or of the mother, father, legal guardian, or custodian of the minor to the activity prohibited by this section shall not constitute a defense.

Added by Laws 1978, c. 24, § 1, emerg. eff. March 13, 1978. Amended by Laws 1984, c. 91, § 2, eff. Nov. 1, 1984; Laws 1986, c. 87, § 2, operative July 1, 1986; Laws 1996, c. 37, § 2, eff. Nov. 1, 1996; Laws 1997, c. 133, § 277, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 180, eff. July 1, 1999; Laws 2000, c. 208, § 3, eff. Nov. 1, 2000; Laws 2007, c. 261, § 12, eff. Nov. 1, 2007; Laws 2024, c. 103, § 1, eff. Nov. 1, 2024; Laws 2025, c. 486, § 49, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 277 from July 1, 1998, to July 1, 1999.

§21-1021.3. Guardians - Parents - Custodians - Consent to participation of minors in sexual abuse materials.

A. Any parent, guardian or individual having custody of a minor under the age of eighteen (18) years who knowingly permits or consents to the participation of a minor in any child sexual abuse material shall be guilty of a Class B1 felony offense and, upon conviction, shall be punished by imprisonment in the custody of the Department of Corrections for a period of not more than twenty (20) years or a fine of not more than Twenty-five Thousand Dollars (\$25,000.00) or by both such fine and imprisonment. Persons convicted under this section shall not be eligible for a deferred sentence. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-

imprisonment supervision shall be in addition to the actual imprisonment.

B. The consent of the minor to the activity prohibited by this section shall not constitute a defense.

Added by Laws 1978, c. 24, § 2, emerg. eff. March 13, 1978. Amended by Laws 1986, c. 87, § 3, operative July 1, 1986; Laws 1996, c. 37, § 3, eff. Nov. 1, 1996; Laws 1997, c. 133, § 278, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 181, eff. July 1, 1999; Laws 2000, c. 208, § 4, eff. Nov. 1, 2000; Laws 2007, c. 261, § 13, eff. Nov. 1, 2007; Laws 2024, c. 59, § 10, eff. Nov. 1, 2024; Laws 2025, c. 486, § 50, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 278 from July 1, 1998, to July 1, 1999.

§21-1021.4. Disclosure of obscene materials containing minors.

A. Any commercial film and photographic print processor or commercial computer technician who has knowledge of or observes, within the scope of such person's professional capacity or employment, any film, photograph, video tape, negative, or slide, or any computer file, recording, CD-Rom, magnetic disk memory, magnetic tape memory, picture, graphic or image that is intentionally saved, transmitted or organized on hardware or any other media including, but not limited to, CDs, DVDs and thumbdrives, whether digital, analog or other means and whether directly viewable, compressed or encoded depicting a child under the age of eighteen (18) years engaged in an act of sexual conduct as defined in Section 1024.1 of this title shall immediately or as soon as possible report by telephone such instance of suspected child abuse or child sexual abuse material to the law enforcement agency having jurisdiction over the case and shall prepare and send a written report of the incident with an attached copy of such material, within thirty-six (36) hours after receiving the information concerning the incident.

For the purposes of this section:

1. "Commercial film and photographic print processor" means any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, for compensation. The term shall also include any employee of such a person but shall not include a person who develops film or makes prints for a public agency; and

2. "Commercial computer technician" means any person who repairs, installs, or otherwise services any computer including, but not limited to, any component part, device, memory storage or recording mechanism, auxiliary storage, recording or memory capacity, or any other materials relating to operation and maintenance of a computer or computer network or system, for compensation. The term shall also include any employee of such person.

B. Any person who violates the provisions of this section, upon conviction, shall be guilty of a misdemeanor and shall be punished by the imposition of a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail not to exceed one (1) year, or both such fine and imprisonment.

C. Nothing in this section shall be construed to require or authorize any person to act outside the scope of such person's professional capacity or employment by searching for prohibited materials or media.

Added by Laws 1984, c. 91, § 3, eff. Nov. 1, 1984. Amended by Laws 2005, c. 19, § 1, emerg. eff. April 5, 2005; Laws 2024, c. 59, § 11, eff. Nov. 1, 2024.

§21-1022. Seizure of obscene material or child sexual abuse materials - Delivery to magistrate.

Every person who is authorized or enjoined to arrest any person for a violation of paragraph 3 of subsection A of Section 1021 of this title is equally authorized and enjoined to seize one copy of the obscene material, or all copies of explicit child sexual abuse material, found in possession of or under the control of the person so arrested, and to deliver the same to the magistrate before whom the person so arrested is required to be taken.

R.L. 1910, § 2464. Amended by Laws 1996, c. 37, § 4, eff. Nov. 1, 1996; Laws 2000, c. 208, § 5, eff. Nov. 1, 2000; Laws 2024, c. 59, § 12, eff. Nov. 1, 2024.

§21-1023. Finding by magistrate that material is obscene or child sexual abuse materials - Issuance of factual and legal basis - Delivery to district attorney.

The magistrate to whom any child sexual abuse material, or any obscene material, is delivered pursuant to Section 1022 of this title, shall, upon the examination of the accused, or if the examination is delayed or prevented, without awaiting such examination, determine the character of such child sexual abuse material or obscene material, and if the magistrate finds it to be obscene material or child sexual abuse material, the magistrate shall cause the same to be delivered to the district attorney of the county in which the accused is liable to indictment or trial. The magistrate shall issue in writing the factual and legal basis for the determination by the magistrate of the character of the child sexual abuse material or obscene material.

R.L. 1910, § 2465. Amended by Laws 1996, c. 37, § 5, eff. Nov. 1, 1996; Laws 2000, c. 208, § 6, eff. Nov. 1, 2000; Laws 2024, c. 59, § 13, eff. Nov. 1, 2024.

§21-1024. Repealed by Laws 2016, c. 32, § 2, eff. Nov. 1, 2016.

§21-1024.1. See the following versions:

OS 21-1024.1v1 (HB 3936, Laws 2024, c. 59, 14)

OS 21-1024.1v2 (SB 53, Laws 2025, c. 29, § 4)

§21-1024.1v1. Definitions.

A. As used in Sections 1021, 1021.1 through 1021.4, Sections 1022 through 1024, and Sections 1040.8 through 1040.24 of this title, "child sexual abuse material" means and includes any visual depiction or individual image stored or contained in any format on any medium including, but not limited to, film, motion picture, videotape, photograph, negative, undeveloped film, slide, photographic product, reproduction of a photographic product, play or performance wherein a minor under the age of eighteen (18) years is engaged in any act with a person, other than his or her spouse, of sexual intercourse which is normal or perverted, in any act of anal sodomy, in any act of sexual activity with an animal, in any act of sadomasochistic abuse including, but not limited to, flagellation or torture, or the condition of being fettered, bound or otherwise physically restrained in the context of sexual conduct, in any act of fellatio or cunnilingus, in any act of excretion in the context of sexual conduct, in any lewd exhibition of the uncovered genitals in the context of masturbation or other sexual conduct, or where the lewd exhibition of the uncovered genitals, buttocks or, if such minor is a female, the breast, has the purpose of sexual stimulation of the viewer, or wherein a person under the age of eighteen (18) years observes such acts or exhibitions. Each visual depiction or individual image shall constitute a separate item and multiple copies of the same identical material shall each be counted as a separate item.

B. As used in Sections 1021 through 1024.4 and Sections 1040.8 through 1040.24 of this title:

1. "Obscene material" means and includes any representation, performance, depiction or description of sexual conduct, whether in any form or on any medium including still photographs, undeveloped photographs, motion pictures, undeveloped film, videotape, optical, magnetic or solid-state storage, CD or DVD, or a purely photographic product or a reproduction of such product in any book, pamphlet, magazine, or other publication or electronic or photo-optical format, if said items contain the following elements:

- a. depictions or descriptions of sexual conduct which are patently offensive as found by the average person applying contemporary community standards,
- b. taken as a whole, have as the dominant theme an appeal to prurient interest in sex as found by the average person applying contemporary community standards, and
- c. a reasonable person would find the material or performance taken as a whole lacks serious literary,

artistic, educational, political, or scientific purposes or value.

The standard for obscenity applied in this section shall not apply to child sexual abuse material;

2. "Performance" means and includes any display, live or recorded, in any form or medium;

3. "Sexual conduct" means and includes any of the following:

a. acts of sexual intercourse including any intercourse which is normal or perverted, actual or simulated,

b. acts of deviate sexual conduct, including oral and anal sodomy,

c. acts of masturbation,

d. acts of sadomasochistic abuse including but not limited to:

(1) flagellation or torture by or upon any person who is nude or clad in undergarments or in a costume which is of a revealing nature, or

(2) the condition of being fettered, bound, or otherwise physically restrained on the part of one who is nude or so clothed,

e. acts of excretion in a sexual context, or

f. acts of exhibiting human genitals or pubic areas; and

4. "Explicit child sexual abuse material" means material which a law enforcement officer can immediately identify upon first viewing without hesitation as child sexual abuse material.

The types of sexual conduct described in paragraph 3 of this subsection are intended to include situations when, if appropriate to the type of conduct, the conduct is performed alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

Added by Laws 1981, c. 146, § 1, eff. Oct. 1, 1981. Amended by Laws 1984, c. 91, § 4, eff. Nov. 1, 1984; Laws 1996, c. 37, § 7, eff. Nov. 1, 1996; Laws 2000, c. 208, § 8, eff. Nov. 1, 2000; Laws 2009, c. 210, § 1, emerg. eff. May 19, 2009; Laws 2009, c. 457, § 2, eff. July 1, 2009; Laws 2012, c. 115, § 1, eff. Nov. 1, 2012; Laws 2024, c. 59, § 14, eff. Nov. 1, 2024.

§21-1024.1v2. Definitions.

A. As used in Sections 1021, 1021.1 through 1021.4, Sections 1022, 1023, and Sections 1040.8 through 1040.24 of this title, "child sexual abuse material" means:

1. Any visual depiction of a child engaged in any act of sexually explicit conduct;

2. Any visual depiction of a child that has been adapted, altered, or modified so that the child depicted appears to be engaged in any act of sexually explicit conduct; or

3. Any visual depiction that appears to be a child, regardless of whether the image is a depiction of an actual child, a computer-generated image, or an image altered to appear to be a child, engaged in any act of sexually explicit conduct, and such visual depiction is obscene.

B. Each visual depiction or individual image of child pornography shall constitute a separate item and act.

C. As used in Sections 1021 through 1024.4 and Sections 1040.8 through 1040.24 of this title:

1. "Child" means a person under eighteen (18) years of age;

2. "Obscene" means any performance or depiction, in any form or on any medium, if the material when taken as a whole:

- a. appeals to the prurient interest in sex as determined by the average person applying the contemporary standards of their community,
- b. depicts, represents, or displays sexually explicit conduct in a patently offensive way, and
- c. a reasonable person would find the material or performance lacks serious literary, artistic, educational, political, or scientific value;

3. "Performance" means any display, live, recorded, or transmitted, in any form or medium;

4. "Sexually explicit conduct" means any of the following whether actual or simulated:

- a. acts of sexual intercourse,
- b. acts of oral and anal sodomy,
- c. acts of masturbation,
- d. acts of sexual activity with an animal,
- e. acts of sadomasochism including:
 - (1) flagellation or torture by or upon any person who is nude or clad in undergarments or in a costume which is of a revealing nature, or
 - (2) the condition of being fettered, bound, or otherwise physically restrained on the part of one who is nude or so clothed,
- f. acts of excretion in a sexual context, or
- g. exhibiting genitalia, breast, or pubic area for the purpose of the sexual stimulation of the viewer;

5. "Explicit child sexual abuse material" means material which a law enforcement officer can immediately identify as child sexual abuse material; and

6. "Visual depiction" means any depiction, picture, movie, performance, or image displayed, stored, shared, or transmitted in any format and on any medium including data that is capable of being converted into a depiction, picture, movie, performance, or image. Added by Laws 1981, c. 146, § 1, eff. Oct. 1, 1981. Amended by Laws 1984, c. 91, § 4, eff. Nov. 1, 1984; Laws 1996, c. 37, § 7, eff.

Nov. 1, 1996; Laws 2000, c. 208, § 8, eff. Nov. 1, 2000; Laws 2009, c. 210, § 1, emerg. eff. May 19, 2009; Laws 2009, c. 457, § 2, eff. July 1, 2009; Laws 2012, c. 115, § 1, eff. Nov. 1, 2012; Laws 2024, c. 103, § 2, eff. Nov. 1, 2024; Laws 2025, c. 29, § 4, eff. Nov. 1, 2025.

§21-1024.2. Purchase, procurement, or possession of child sexual abuse material.

It shall be unlawful for any person to buy, procure or possess child sexual abuse material in violation of Sections 1024.1 through 1024.4 of this title. Such person shall, upon conviction, be guilty of a Class B1 felony offense and shall be punished by imprisonment for a period of not more than twenty (20) years or a fine up to, but not exceeding, Twenty-five Thousand Dollars (\$25,000.00) or by both such fine and imprisonment.

Added by Laws 1981, c. 146, § 2. Amended by Laws 1997, c. 133, § 279, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 182, eff. July 1, 1999; Laws 2000, c. 208, § 9, eff. Nov. 1, 2000; Laws 2015, c. 290, § 3, eff. Nov. 1, 2015; Laws 2024, c. 59, § 15, eff. Nov. 1, 2024; Laws 2025, c. 486, § 51, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 279 from July 1, 1998, to July 1, 1999.

§21-1024.3. Seizure of evidentiary copy of obscene material or all copies of child sexual abuse material.

Every person who is authorized or enjoined to arrest any person for a violation of this act is equally authorized or enjoined to seize an evidentiary copy of any obscene material or child sexual abuse material or all copies of explicit child sexual abuse material found in the possession of or under the control of the person so arrested and to deliver the obscene material or child sexual abuse material to the magistrate before whom the person so arrested is required to be taken.

Added by Laws 1981, c. 146, § 3, eff. Oct. 1, 1981. Amended by Laws 2000, c. 208, § 10, eff. Nov. 1, 2000; Laws 2024, c. 59, § 16, eff. Nov. 1, 2024.

§21-1024.4. Destruction of obscene material or child sexual abuse material upon conviction.

Upon final conviction of the accused and any codefendant, the magistrate or law enforcement agency shall, with the consent of the district attorney, cause any obscene material or child sexual abuse material, in respect whereof the accused and any codefendant stands convicted and which remains in the possession or control of such magistrate, law enforcement agency or district attorney, to be destroyed including, but not limited to, the destruction of any computer, hard drive or other electronic storage media of the

accused or codefendant on which such obscene material or child sexual abuse material was located. For purposes of this section, "final conviction" includes the exhaustion of or failure to timely pursue post-conviction and state and federal habeas corpus review. Added by Laws 1981, c. 146, § 4, eff. Oct. 1, 1981. Amended by Laws 2000, c. 208, § 11, eff. Nov. 1, 2000; Laws 2016, c. 32, § 1, eff. Nov. 1, 2016; Laws 2017, c. 28, § 1, eff. Nov. 1, 2017; Laws 2024, c. 59, § 17, eff. Nov. 1, 2024.

§21-1024.5. Investigation of child pornography.

A. When any person has engaged in, is engaged in, or is attempting or conspiring to engage in any conduct constituting a violation of any of the provisions of Section 1024.2 of Title 21 of the Oklahoma Statutes, the Oklahoma Attorney General or any district attorney in Oklahoma may conduct an investigation of the activity. On approval of the district judge, the Attorney General or district attorney, in accordance with the provisions of Section 258 of Title 22 of the Oklahoma Statutes, is authorized before the commencement of any civil or criminal proceeding to subpoena witnesses, compel their attendance, examine them under oath, or require the production of any business papers or records by subpoena duces tecum. Evidence collected pursuant to this section shall not be admissible in any civil proceeding.

B. Any business papers and records subpoenaed by the Attorney General or district attorney shall be available for examination by the person who produced the material or by any duly authorized representative of the person. Transcripts of oral testimony shall be available for examination by the person who produced such testimony and their counsel.

Except as otherwise provided for in this section, no business papers, records, or transcripts or oral testimony, or copies of it, subpoenaed by the Attorney General or district attorney shall be available for examination by an individual other than another law enforcement official without the consent of the person who produced the business papers, records or transcript.

C. All persons served with a subpoena by the Attorney General or district attorney shall be paid the same fees and mileage as paid witnesses in the courts of this state.

D. No person shall, with intent to avoid, evade, prevent, or obstruct compliance in whole or in part by any person with any duly served subpoena of the Attorney General or district attorney pursuant to the provisions of this section, knowingly remove from any place, conceal, withhold, destroy, mutilate, alter, or by any other means falsify any business papers or records that are the subject of the subpoena duces tecum.

E. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by

imprisonment in the county jail for not more than one (1) year, or by a fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

Added by Laws 2009, c. 210, § 2, emerg. eff. May 19, 2009.

§21-1024.6. Adult performances containing obscene material in a public place where minors will be exposed.

A. As used in this section:

1. "Adult performance" means any performance that contains obscene material, if done in view of a minor or in a public place;

2. "Obscene material" shall have the same meaning as such term is defined in subsection B of Section 1024.1 of Title 21 of the Oklahoma Statutes;

3. "Minor" means an unmarried person under eighteen (18) years of age; and

4. "Public place" means any area or space that the general public may freely access without payment for admission; provided, however, any place that limits access pursuant to an admissions process or that restricts minors from entering the area or space to participate or take part in any event shall be exempt from the provisions of this section.

B. 1. It shall be unlawful for a person to engage in an adult performance which contains obscene material, or for any political subdivision of this state to allow, permit, organize, or authorize the viewing of an adult performance which contains obscene material, on public property or in a public place where a minor, as part of the general public, will be exposed to view such adult performance.

2. A political subdivision acting in good faith in accordance with the requirements of this subsection shall not be liable for the acts of an individual or group in violation of this subsection.

C. Any person who violates the provisions of subsection B of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in a county jail for a term not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) and not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

D. The provisions of this section shall preempt any ordinance, regulation, or restriction that was lawfully adopted or license that was issued by a political subdivision of this state prior to the effective date of this act that is in conflict with the provisions of this section.

Added by Laws 2025, c. 90, § 1, emerg. eff. May 9, 2025.

§21-1025. Bawdy-house, etc. - Penalty.

Every person who keeps any bawdy house, house of ill fame, of assignation, or of prostitution, or any other house or place for persons to visit for unlawful sexual intercourse, or for any other

lewd, obscene or indecent purpose is, upon conviction, guilty of a misdemeanor and shall be punished by a fine of not less than Two Thousand Dollars (\$2,000.00) for each offense.

R.L. 1910, § 2467. Amended by Laws 2014, c. 337, § 1, eff. Nov. 1, 2014.

§21-1026. Disorderly house.

Every person who keeps any disorderly house, or any house of public resort by which the peace, comfort or decency of the immediate neighborhood is habitually disturbed, is guilty of a misdemeanor.

R.L.1910, § 2468.

§21-1027. Letting building for unlawful purposes.

Every person who lets any building or portion of any building knowing that it is intended to be used for any purpose declared punishable by this article, or who otherwise permits any building or portion of a building to be so used, is guilty of a misdemeanor.

R.L.1910, § 2469.

§21-1028. Setting up or operating place of prostitution - Ownership - Renting - Procuring - Receiving person for forbidden purpose - Transportation - Receiving proceeds.

A. It shall be unlawful in the State of Oklahoma:

1. To keep, set up, maintain, or operate any house, place, building, other structure, or part thereof, or vehicle, trailer, or other conveyance with the intent of committing an act of prostitution, lewdness, or assignation;

2. To knowingly own any house, place, building, other structure, or part thereof, or vehicle, trailer, or other conveyance used with the intent of committing an act of lewdness, assignation, or prostitution, or to let, lease, or rent, or contract to let, lease, or rent any such place, premises, or conveyance, or part thereof, to another with knowledge or reasonable cause to believe that the intention of the lessee or rentee is to use such place, premises, or conveyance for prostitution, lewdness, or assignation;

3. To offer, or to offer to secure, another with the intent of having such person commit an act of prostitution, or with the intent of having such person commit any other lewd or indecent act;

4. To receive or to offer or agree to receive any person into any house, place, building, other structure, vehicle, trailer, or other conveyance with the intent of committing an act of prostitution, lewdness, or assignation, or to permit any person to remain there with such intent;

5. To direct, take, or transport, or to offer or agree to take or transport, or aid or assist in transporting, any person to any house, place, building, other structure, vehicle, trailer, or other

conveyance, or to any other person with knowledge or having reasonable cause to believe that the intent of such directing, taking or transporting is prostitution, lewdness or assignation;

6. To knowingly accept, receive, levy, or appropriate any money or other thing of value without consideration from a prostitute or from the proceeds of any person engaged in prostitution; or

7. To knowingly abet the crime of prostitution by allowing a house, place, building, or parking lot to be used or occupied by a person who is soliciting, inducing, enticing, or procuring another to commit an act of lewdness, assignation, or prostitution or who is engaging in prostitution, lewdness, or assignation on the premises of the house, place, building, or parking lot.

B. Any person who violates the provisions of this section shall, upon conviction, be guilty of a Class B4 felony offense punishable by imprisonment in the Department of Corrections for a term of not more than five (5) years, and by a fine as follows:

1. Not more than Five Thousand Dollars (\$5,000.00) upon the first conviction;

2. Not more than Ten Thousand Dollars (\$10,000.00) upon the second conviction; and

3. Not more than Fifteen Thousand Dollars (\$15,000.00) upon the third or subsequent conviction.

C. Any person who violates the provisions of this section where the victim of the offense is under eighteen (18) years of age at the time of the offense shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not more than fifteen (15) years, and by a fine as follows:

1. Not more than Ten Thousand Dollars (\$10,000.00) upon the first conviction;

2. Not more than Twenty Thousand Dollars (\$20,000.00) upon the second conviction; and

3. Not more than Thirty Thousand Dollars (\$30,000.00) upon the third or subsequent conviction.

Added by Laws 1943, p. 83, § 1, emerg. eff. Feb. 26, 1943. Amended by Laws 1992, c. 143, § 1, eff. Sept. 1, 1992; Laws 2002, c. 120, § 1, emerg. eff. April 19, 2002; Laws 2024, c. 267, § 1, eff. Nov. 1, 2024; Laws 2025, c. 486, § 110, eff. Jan. 1, 2026.

§21-1029. Engaging in prostitution, etc. - Soliciting or procuring - Residing or being in place for prohibited purpose - Aiding, abetting or participating - Child prostitution - Presumption of coercion.

A. It shall further be unlawful:

1. To engage in prostitution, lewdness, or assignation;

2. To solicit, induce, or entice another person to pay or provide money or any other item or service of value to engage in an

act of lewdness, assignation, or prostitution, with himself or herself;

3. To reside in, enter, or remain in any house, place, building, or other structure, or to enter or remain in any vehicle, trailer, or other conveyance with the intent of committing an act of prostitution, lewdness, or assignation;

4. To knowingly offer money or any other item or service of value, or agree to provide or pay money or any other item or service of value to, or on behalf of, another person, for the purpose of engaging in sexual conduct, as defined in subsection B of Section 1024.1 of this title, with that person or another; or

5. To aid, abet, or participate in the doing of any of the acts prohibited in paragraph 1, 2, 3, or 4 of this subsection.

B. Any prohibited act described in paragraph 1, 2, 3, 4, or 5 of subsection A of this section is a Class B4 felony offense. Any prohibited act described in paragraph 1, 2, 3, 4, or 5 of subsection A of this section committed with a person under eighteen (18) years of age is a Class B1 felony offense and shall be deemed child sex trafficking, as defined in Section 1030 of this title, and shall be punishable as provided in Section 1031 of this title.

C. No child who is a victim of human trafficking shall be subject to juvenile delinquency or criminal proceedings for the offenses described in subsection A of this section which occurred as a result of the child being a victim of human trafficking.

Added by Laws 1943, p. 83, § 2, emerg. eff. Feb. 26, 1943. Amended by Laws 1992, c. 143, § 2, eff. Sept. 1, 1992; Laws 1993, c. 296, § 1, eff. Sept. 1, 1993; Laws 2013, c. 59, § 2, eff. Nov. 1, 2013; Laws 2016, c. 184, § 1, eff. Nov. 1, 2016; Laws 2022, c. 20, § 3, eff. Nov. 1, 2022; Laws 2023, c. 265, § 1, eff. July 1, 2023; Laws 2024, c. 151, § 3, eff. Nov. 1, 2024; Laws 2025, c. 486, § 52, eff. Jan. 1, 2026.

§21-1030. Definitions.

As used in the Oklahoma Statutes, unless otherwise provided for by law:

1. "Prostitution" means:

- a. the giving or receiving of the body for sexual intercourse, fellatio, cunnilingus, masturbation, anal intercourse or lewdness with any person not his or her spouse, in exchange for money or any other thing of value, or
- b. the making of any appointment or engagement for sexual intercourse, fellatio, cunnilingus, masturbation, anal intercourse or lewdness with any person not his or her spouse, in exchange for money or any other thing of value;

2. "Child sex trafficking" means prostitution or lewdness as defined in this section with a person under eighteen (18) years of age, in exchange for money or any other thing of value;

3. "Anal intercourse" means contact between human beings of the genital organs of one and the anus of another;

4. "Cunnilingus" means any act of oral stimulation of the vulva or clitoris;

5. "Fellatio" means any act of oral stimulation of the penis;

6. "Lewdness" means:

- a. any lascivious, lustful or licentious conduct,
- b. the giving or receiving of the body for indiscriminate sexual intercourse, fellatio, cunnilingus, masturbation, anal intercourse, or lascivious, lustful or licentious conduct with any person not his or her spouse, or
- c. any act in furtherance of such conduct or any appointment or engagement for prostitution; and

7. "Masturbation" means stimulation of the genital organs by manual or other bodily contact exclusive of sexual intercourse.

Added by Laws 1943, p. 84, § 3, emerg. eff. Feb. 26, 1943. Amended by Laws 1992, c. 143, § 3, eff. Sept. 1, 1992; Laws 1993, c. 296, § 2, eff. Sept. 1, 1993; Laws 2016, c. 184, § 2, eff. Nov. 1, 2016; Laws 2024, c. 151, § 4, eff. Nov. 1, 2024.

§21-1031. See the following versions:

OS 21-1031v1 (HB 3450, Laws 2024, c. 151, 5)

OS 21-1031v2 (HB 2104, Laws 2025, c. 486, § 397)

§21-1031v1. Punishment for violations - Fines - Knowingly engaging in prostitution while infected with HIV - Violations within certain distance from school or church.

A. Except as provided in subsection B, C, D, or E of this section, any person violating any of the provisions of Section 1028, paragraph 1, 2, 3, or 5 of subsection A of Section 1029, or Section 1030 of this title shall, upon conviction, be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not less than thirty (30) days nor more than one (1) year or by fines as follows: a fine not more than Two Thousand Five Hundred Dollars (\$2,500.00) upon the first conviction for violation of any of such provisions, a fine not more than Five Thousand Dollars (\$5,000.00) upon the second conviction for violation of any of such provisions, and a fine not more than Seven Thousand Five Hundred Dollars (\$7,500.00) upon the third or subsequent convictions for violation of any of such provisions, or by both such imprisonment and fine. In addition, the court may require a term of community service not less than forty (40) nor more than eighty (80) hours.

The court in which any such conviction is had shall notify the county superintendent of public health of such conviction.

B. Any person who engages in an act of prostitution with knowledge that he or she is infected with the human immunodeficiency virus shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years.

C. Any person who engages in an act of child sex trafficking as defined in Section 1030 of this title shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than ten (10) years and by fines as follows: a fine not more than Five Thousand Dollars (\$5,000.00) upon the first conviction, a fine not more than Ten Thousand Dollars (\$10,000.00) upon the second conviction, and a fine not more than Fifteen Thousand Dollars (\$15,000.00) upon the third or subsequent convictions.

D. Any person violating any of the provisions of Section 1028, 1029 or 1030 of this title within one thousand (1,000) feet of a school or church shall, upon conviction, be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for not more than five (5) years or by fines as follows: a fine not more than Two Thousand Five Hundred Dollars (\$2,500.00) upon the first conviction for violation of any of such provisions, a fine not more than Five Thousand Dollars (\$5,000.00) upon the second conviction for violation of any of such provisions, and a fine not more than Seven Thousand Five Hundred Dollars (\$7,500.00) upon the third or subsequent convictions for violation of any of such provisions, or by both such imprisonment and fine. In addition, the court may require a term of community service not less than forty (40) nor more than eighty (80) hours. The court in which any such conviction is had shall notify the county superintendent of public health of such conviction.

E. Any person violating paragraph 4 of subsection A of Section 1029 of this title shall, upon conviction, be guilty of a felony and shall be punished in accordance with the provisions of subsection B of Section 1040.57 of this title.

Added by Laws 1943, p. 84, § 4, emerg. eff. Feb. 26, 1943. Amended by Laws 1991, c. 200, § 1, eff. Sept. 1, 1991; Laws 1993, c. 296, § 3, eff. Sept. 1, 1993; Laws 1997, c. 133, § 280, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 183, eff. July 1, 1999; Laws 2002, c. 120, § 2, emerg. eff. April 19, 2002; Laws 2023, c. 265, § 2, eff. July 1, 2023; Laws 2024, c. 151, § 5, eff. Nov. 1, 2024.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 280 from July 1, 1998, to July 1, 1999.

§21-1031v2. Punishment for violations - Fines - Knowingly engaging in prostitution while infected with HIV - Violations within certain distance from school or church.

A. Except as provided in subsection B, C, D, or E of this section, any person violating any of the provisions of paragraph 1, 2, 3, or 5 of subsection A of Section 1029 or Section 1030 of this title shall, upon conviction, be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not less than thirty (30) days nor more than one (1) year or by fines as follows: a fine not more than Two Thousand Five Hundred Dollars (\$2,500.00) upon the first conviction for violation of any of such provisions, a fine not more than Five Thousand Dollars (\$5,000.00) upon the second conviction for violation of any of such provisions, and a fine not more than Seven Thousand Five Hundred Dollars (\$7,500.00) upon the third or subsequent convictions for violation of any of such provisions, or by both such imprisonment and fine. In addition, the court may require a term of community service not less than forty (40) nor more than eighty (80) hours. The court in which any such conviction is had shall notify the county superintendent of public health of such conviction.

B. Any person who engages in an act of prostitution with knowledge that he or she is infected with the human immunodeficiency virus shall, upon conviction, be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title.

C. Any person who engages in an act of child prostitution as defined in Section 1030 of this title shall, upon conviction, be guilty of a Class B1 felony offense punishable by imprisonment in the custody of the Department of Corrections for not more than ten (10) years and by fines as follows: a fine not more than Five Thousand Dollars (\$5,000.00) upon the first conviction, a fine not more than Ten Thousand Dollars (\$10,000.00) upon the second conviction, and a fine not more than Fifteen Thousand Dollars (\$15,000.00) upon the third or subsequent convictions.

D. Any person violating any of the provisions of Section 1029 or 1030 of this title within one thousand (1,000) feet of a school or church shall, upon conviction, be guilty of a Class D1 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20N of this title, or by fines as follows: a fine not more than Two Thousand Five Hundred Dollars (\$2,500.00) upon the first conviction for violation of any of such provisions, a fine not more than Five Thousand Dollars (\$5,000.00) upon the second conviction for violation of any of such provisions, and a fine not more than Seven Thousand Five Hundred Dollars (\$7,500.00) upon the third or subsequent convictions for violation of any of such provisions, or by both such imprisonment and fine. In addition, the court may require a term of community service not

less than forty (40) nor more than eighty (80) hours. The court in which any such conviction is had shall notify the county superintendent of public health of such conviction.

E. Any person violating paragraph 4 of subsection A of Section 1029 of this title shall, upon conviction, be guilty of a Class B4 felony offense and shall be punished in accordance with the provisions of subsection B of Section 1040.57 of this title.

Added by Laws 1943, p. 84, § 4, emerg. eff. Feb. 26, 1943. Amended by Laws 1991, c. 200, § 1, eff. Sept. 1, 1991; Laws 1993, c. 296, § 3, eff. Sept. 1, 1993; Laws 1997, c. 133, § 280, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 183, eff. July 1, 1999; Laws 2002, c. 120, § 2, emerg. eff. April 19, 2002; Laws 2023, c. 265, § 2, eff. July 1, 2023; Laws 2024, c. 267, § 2, eff. Nov. 1, 2024; Laws 2025, c. 486, § 397, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 280 from July 1, 1998, to July 1, 1999.

§21-1040.8. Publication, distribution, or participation in preparation of obscene material or child sexual abuse material - Unsolicited mailings.

A. No person shall knowingly photograph, act in, pose for, model for, print, sell, offer for sale, give away, exhibit, publish, offer to publish, or otherwise distribute, display, or exhibit any book, magazine, story, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, motion picture film, electronic video game or recording, image, cast, slide, figure, instrument, statue, drawing, presentation, or other article which is obscene material or child sexual abuse material, as defined in Section 1024.1 of this title. In the case of any unsolicited mailing of any of the material listed in this section, the offense is deemed complete from the time such material is deposited in any post office or delivered to any person with intent that it shall be forwarded. Also, unless preempted by federal law, no unsolicited mail which is harmful to minors pursuant to Section 1040.75 of this title shall be mailed to any person. The party mailing the materials specified in this section may be indicted and tried in any county wherein such material is deposited or delivered, or in which it is received by the person to whom it is addressed.

B. Any person who violates any provision of this section involving obscene materials, upon conviction, shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than one (1) year, or by a fine of not less than Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

C. Any person who violates any provision of this section involving child sexual abuse material, upon conviction, shall be guilty of a Class B2 felony offense and shall be punished by imprisonment in the custody of the Department of Corrections for not

less than three (3) years and not more than twenty (20) years, or by a fine of not less than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment. Any person convicted of a second or subsequent violation shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not less than ten (10) years and not more than thirty (30) years, or by a fine of not less than Twenty Thousand Dollars (\$20,000.00), or by both such fine and imprisonment. The violator, upon conviction, shall be required to register as a sex offender under the Sex Offenders Registration Act.

Added by Laws 1961, p. 230, § 1, emerg. eff. July 26, 1961. Amended by Laws 1970, c. 91, § 1, emerg. eff. March 27, 1970; Laws 1983, c. 5, § 1, emerg. eff. Feb. 23, 1983; Laws 2000, c. 208, § 12, eff. Nov. 1, 2000; Laws 2002, c. 107, § 1, eff. Nov. 1, 2002; Laws 2009, c. 457, § 3, eff. July 1, 2009; Laws 2014, c. 337, § 2, eff. Nov. 1, 2014; Laws 2024, c. 59, § 18, eff. Nov. 1, 2024; Laws 2025, c. 486, § 72, eff. Jan. 1, 2026.

§21-1040.9. Repealed by Laws 2000, c. 208, § 24, eff. Nov. 1, 2000.

§21-1040.10. Repealed by Laws 2000, c. 208, § 24, eff. Nov. 1, 2000.

§21-1040.11. Short title - Oklahoma Law on Obscenity and Child Sexual Abuse Material.

Sections 1021 through 1040.77 of this title shall be known as the "Oklahoma Law on Obscenity and Child Sexual Abuse Material" and may be referred to by that designation.

Added by Laws 1968, c. 121, § 1, emerg. eff. April 4, 1968. Amended by Laws 2000, c. 208, § 13, eff. Nov. 1, 2000; Laws 2024, c. 59, § 19, eff. Nov. 1, 2024.

§21-1040.12. Repealed by Laws 2000, c. 208, § 24, eff. Nov. 1, 2000.

§21-1040.12a. See the following versions:

OS 21-1040.12av1 (HB 3936, Laws 2024, c. 59, 20)

OS 21-1040.12av2 (SB 53, Laws 2025, c. 29, § 3)

OS 21-1040.12av3 (HB 2104, Laws 2025, c. 486, § 26)

§21-1040.13. Acts prohibited - Felony.

Every person who, with knowledge of its contents, sends, brings, or causes to be sent or brought into this state for sale or commercial distribution, or in this state prepares, sells, exhibits, commercially distributes, gives away, offers to give away, or has in his or her possession with intent to sell, to commercially distribute, to exhibit, to give away, or to offer to give away any

obscene material or child sexual abuse material or gives information stating when, where, how, or from whom, or by what means obscene material or child sexual abuse material can be purchased or obtained, upon conviction, is guilty of a Class B4 felony offense and shall be punished by imprisonment for not more than ten (10) years in prison or by a fine of not more than Ten Thousand Dollars (\$10,000.00), or by both such imprisonment and fine.

Added by Laws 1968, c. 121, § 3, emerg. eff. April 4, 1968. Amended by Laws 1983, c. 5, § 2, emerg. eff. Feb. 23, 1983; Laws 2000, c. 208, § 14, eff. Nov. 1, 2000; Laws 2024, c. 59, § 21, eff. Nov. 1, 2024; Laws 2025, c. 486, § 111, eff. Jan. 1, 2026.

§21-1040.13a. Facilitating, encouraging, offering or soliciting sexual conduct or engaging in sexual communication with a minor or person believed to be a minor.

A. It is unlawful for any person to facilitate, encourage, offer or solicit sexual conduct with a minor, or other individual the person believes to be a minor, by use of any technology, or to engage in any communication for sexual or prurient interest with any minor, or other individual the person believes to be a minor, by use of any technology. For purposes of this subsection, "by use of any technology" means the use of any telephone or cell phone, computer disk (CD), digital video disk (DVD), recording or sound device, CD-ROM, VHS, computer, computer network or system, Internet or World Wide Web address including any blog site or personal web address, e-mail address, Internet Protocol address (IP), text messaging or paging device, any video, audio, photographic or camera device of any computer, computer network or system, cell phone, any other electrical, electronic, computer or mechanical device, or any other device capable of any transmission of any written or text message, audio or sound message, photographic, video, movie, digital or computer-generated image, or any other communication of any kind by use of an electronic device.

B. A person is guilty of violating the provisions of this section if the person knowingly transmits any prohibited communication by use of any technology defined herein, or knowingly prints, publishes or reproduces by use of any technology described herein any prohibited communication, or knowingly buys, sells, receives, exchanges, or disseminates any prohibited communication or any information, notice, statement, website, or advertisement for communication with a minor or access to any name, telephone number, cell phone number, e-mail address, Internet address, text message address, place of residence, physical characteristics or other descriptive or identifying information of a minor, or other individual the person believes to be a minor.

C. The fact that an undercover operative or law enforcement officer was involved in the detection and investigation of an

offense pursuant to this section shall not constitute a defense to a prosecution under this section.

D. Any violation of the provisions of this section shall be a Class B4 felony offense, punishable by a fine in an amount not to exceed Ten Thousand Dollars (\$10,000.00), or by imprisonment in the custody of the Department of Corrections for a term of not more than ten (10) years, or by both such fine and imprisonment. For purposes of this section, each communication shall constitute a separate offense. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

E. For purposes of any criminal prosecution pursuant to any violation of this section, the person violating the provisions of this section shall be deemed to be within the jurisdiction of this state by the fact of accessing any computer, cellular phone or other computer-related or satellite-operated device in this state, regardless of the actual jurisdiction where the violator resides. Added by Laws 1995, c. 66, § 4, eff. July 1, 1995. Amended by Laws 2001, c. 360, § 1, eff. Nov. 1, 2001; Laws 2002, c. 110, § 1, eff. July 1, 2002; Laws 2006, c. 183, § 2, emerg. eff. May 22, 2006; Laws 2007, c. 261, § 14, eff. Nov. 1, 2007; Laws 2025, c. 486, § 112, eff. Jan. 1, 2026.

§21-1040.13b. See the following versions:

OS 21-1040.13bv1 (HB 1364, Laws 2025, c. 23, 1)

OS 21-1040.13bv2 (HB 2104, Laws 2025, c. 486, § 399)

§21-1040.14. Action for adjudication of obscene material or child sexual abuse content of mailable matter.

A. Whenever the Attorney General of this state or the district attorney for any district has reasonable cause to believe that any person, with knowledge of its contents, is:

1. Engaged in sending or causing to be sent, bringing or causing to be brought, into this state for sale or commercial distribution; or

2. In this state preparing, selling, exhibiting or commercially distributing or giving away, or offering to give away, or has in his or her possession with intent to sell, or commercially distribute or to exhibit or give away or offer to give away, any obscene material or child sexual abuse material, the Attorney General or the district attorney for the county into which such

mailable matter is sent or caused to be sent, brought or caused to be brought, or in which it is prepared, sold, exhibited or commercially distributed or given away or offered to be given away, or possessed, may institute an action in the district court for an adjudication of the obscenity or child sexual abuse content of the mailable matter.

B. The procedure to be followed shall be that set forth in this act.

Added by Laws 1968, c. 121, § 4, emerg. eff. April 4, 1968. Amended by Laws 2000, c. 208, § 15, eff. Nov. 1, 2000; Laws 2024, c. 59, § 22, eff. Nov. 1, 2024.

§21-1040.15. Petition.

The action described in Section 1040.14 of this title shall be commenced by filing with the court a petition:

1. Directed against the matter by name or description;
2. Alleging it is obscene material or child sexual abuse material;
3. Listing the names and addresses, if known, of its author, publisher and any other person sending or causing it to be sent, bringing or causing it to be brought into this state for sale or commercial distribution and of any person in this state preparing, selling, exhibiting or commercially distributing it, or giving away or offering to give it away, or possessing it with intent to sell or commercially distribute or exhibit or give away or offer to give it away;
4. Seeking an adjudication that it is either obscene material or child sexual abuse material, as defined in Section 1024.1 of this title;
5. Seeking a permanent injunction against any person sending or causing it to be sent, bringing or causing it to be brought, into this state for sale or commercial distribution, or in this state preparing, selling, exhibiting or commercially distributing it, giving away or offering to give it away, or possessing it with intent to sell or commercially distribute or exhibit or give away or offer to give it away; and
6. Seeking its surrender, seizure and destruction.

Added by Laws 1968, c. 121, § 5, emerg. eff. April 4, 1968. Amended by Laws 2000, c. 208, § 16, eff. Nov. 1, 2000; Laws 2024, c. 59, § 23, eff. Nov. 1, 2024.

§21-1040.16. Summary examination of material - Dismissal or show cause order.

A. Upon the filing of the petition described in Section 1040.15 of this title, the court shall summarily examine the obscene material or child sexual abuse material.

B. If the court finds no probable cause to believe it is obscene material or child sexual abuse material, the court shall dismiss the petition.

C. If the court finds probable cause to believe it is obscene material or child sexual abuse material, the court shall immediately issue an order or rule to show cause why it should not be adjudicated to be obscene material or child sexual abuse material.

D. The order or rule to show cause shall be:

1. Directed against it by name or description;

2. If their names and addresses are known, served personally in the manner provided in this act for the service of process or in any manner now or hereafter provided by law, upon its author, publisher, and any other person interested in sending or causing it to be sent, bringing or causing it to be brought, into this state for sale or commercial distribution, and on any person in this state preparing, selling, exhibiting or commercially distributing it or giving away or offering to give it away, or possessing it with intent to sell or commercially distribute or exhibit or give away or offer to give it away; and

3. Returnable six (6) days after its service.

Added by Laws 1968, c. 121, § 6, emerg. eff. April 4, 1968. Amended by Laws 2000, c. 208, § 17, eff. Nov. 1, 2000; Laws 2024, c. 59, § 24, eff. Nov. 1, 2024.

§21-1040.17. Answer.

A. On or before the return date specified in the order or rule to show cause, the author, publisher, or any person interested in sending or causing to be sent, bringing or causing to be brought, into this state for sale or commercial distribution, or any person in this state preparing, selling, exhibiting or commercially distributing, or giving away or offering to give away, or possessing with intent to sell or commercially distribute or exhibit or give away or offer to give away, the matter may appear and file an answer.

B. The court may, by order, permit any other person to appear and file an answer as amicus curiae. A person granted permission and appearing and filing an answer has all the rights of a party to the proceeding.

C. If no person appears and files an answer on or before the return date specified in the order or rule to show cause, the court shall enter judgment either:

1. Adjudicating the matter not to be obscene material or child sexual abuse material, if the court so finds; or

2. Adjudicating it to be obscene material or child sexual abuse material, if the court so finds.

D. Every person appearing and answering shall be entitled, upon request, to a trial of the issues before the court not less than three (3) days after a joinder of issue.
Added by Laws 1968, c. 121, § 7, emerg. eff. April 4, 1968. Amended by Laws 2000, c. 208, § 18, eff. Nov. 1, 2000; Laws 2024, c. 59, § 25, eff. Nov. 1, 2024.

§21-1040.18. Trial - Evidence.

(a) The court shall conduct the trial in accordance with the rules of civil procedure applicable to the trial of cases by the court without a jury.

(b) The court shall receive evidence at the trial, including the testimony of experts, pertaining, but not limited, to:

(1) whether, to the average person, applying contemporary community standards, the dominant theme of the mailable matter taken as a whole is to prurient interest;

(2) the artistic, literary, scientific and educational merits of the mailable matter considered as a whole;

(3) the intent of the author and publisher in preparing, writing and publishing the mailable matter;

(4) the appeal to prurient interest, or absence thereof, in advertising or other promotion of the mailable matter.

Laws 1968, c. 121, § 8, emerg. eff. April 4, 1968.

§21-1040.19. Repealed by Laws 2000, c. 208, § 24, eff. Nov. 1, 2000.

§21-1040.20. Destruction - Injunction.

In the event that a judgment is entered adjudicating the matter to be obscene material or child sexual abuse material, the court shall further:

1. Order the person or persons having possession of it to surrender it to the sheriff for destruction and, in the event that person refuses, order the sheriff in the county in which the action was brought to seize and destroy it; and

2. Enter a permanent injunction against any person sending or causing it to be sent, bringing or causing it to be brought, into this state for sale or commercial distribution, and against any person in this state preparing, selling, exhibiting or commercially distributing it, giving it away or offering to give it away, or having it in his or her possession with intent to sell or commercially distribute or exhibit or give it away or offer to give it away.

Added by Laws 1968, c. 121, § 10, emerg. eff. April 4, 1968.

Amended by Laws 2000, c. 208, § 19, eff. Nov. 1, 2000; Laws 2024, c. 59, § 26, eff. Nov. 1, 2024.

§21-1040.21. Sending or selling of materials with knowledge of judgment.

Any matter which, following the entry of a judgment that it is obscene material or child sexual abuse material, is sent or caused to be sent, brought or caused to be brought, into this state for sale or commercially distributed, given away or offered to be given away, by any person with knowledge of the judgment, or is in the possession of any such person with intent to sell or commercially distribute or exhibit or give away or offer to give away, is subject to the provisions of Section 1040.13 of this title.

Added by Laws 1968, c. 121, § 11, emerg. eff. April 4, 1968.

Amended by Laws 2000, c. 208, § 20, eff. Nov. 1, 2000; Laws 2024, c. 59, § 27, eff. Nov. 1, 2024.

§21-1040.22. Contempt.

After the entry of a judgment that the matter is obscene material or child sexual abuse material, any person who, with knowledge of the judgment or of the order or rule to show cause, sends or causes to be sent, brings or causes to be brought, into this state for sale or commercial distribution, the matter, or who in this state sells, exhibits or commercially distributes it, gives away or offers to give it away, or has it in his or her possession with intent to sell or commercially distribute or exhibit or give away or offer to give it away, shall be guilty of contempt of court and upon conviction after notice and hearing shall be imprisoned in the county jail for not more than one (1) year or fined not more than One Thousand Dollars (\$1,000.00), or be so imprisoned or fined.

Added by Laws 1968, c. 121, § 12, emerg. eff. April 4, 1968.

Amended by Laws 2000, c. 208, § 21, eff. Nov. 1, 2000; Laws 2024, c. 59, § 28, eff. Nov. 1, 2024.

§21-1040.23. Extradition.

In all cases in which a charge or violation of any section or sections of this act is brought against a person who cannot be found in this state, the executive authority of this state, being the Governor or any person performing the functions of Governor by authority of the law of this state, shall demand extradition of such person from the executive authority of the state in which such person may be found, pursuant to the law of this state.

Laws 1968, c. 121, § 13, emerg. eff. April 4, 1968.

§21-1040.24. Presumptions.

The possession of two or more of any single article that is obscene material or child sexual abuse material, or the possession of a combined total of any five articles that are obscene material or child sexual abuse material (except the possession of them for the purpose of return to the person from whom received) shall create

a presumption that they are intended for sale or commercial distribution, exhibition or gift, but such presumption shall be rebuttable. The burden of proof that their possession is for the purpose of return to the person from whom received shall be on the possessor.

Added by Laws 1968, c. 121, § 14, emerg. eff. April 4, 1968.

Amended by Laws 2000, c. 208, § 22, eff. Nov. 1, 2000; Laws 2024, c. 59, § 29, eff. Nov. 1, 2024.

§21-1040.25. Jurisdiction - Service of process - Fines - Execution against property.

In order to protect the citizens and residents of this state against unfit articles and printed or written matter or material which originate outside this state, it is the purpose of this section to subject to the jurisdiction of the courts of this state those persons who are responsible for the importation of those things into this state.

To that end and in the exercise of its power and right to protect its citizens and residents, it is hereby provided that any person, whether or not a citizen or resident of this state, who sends or causes to be sent into this state for resale in this state any article or printed matter or material is for the purpose of this act transacting business in this state and by that act:

(a) submits himself to the jurisdiction of the courts of this state in any proceeding commenced under Section 4 of this act;

(b) constitutes the Secretary of State his agent for service of process in any proceeding commenced under Section 4 of this act; and consents that service of process shall be made by serving a copy upon the Secretary of State or by filing a copy in the Secretary of State's office, and that this service shall be sufficient service provided that, within one day after service, notice of the service and a copy of the process are sent by registered mail by the Attorney General or district attorney to him at his last-known address and proof of such mailing filed with the clerk of the court within one day after mailing;

(c) consents that any fine levied against him under any section of this act may be executed against any of his real property, personal property, tangible or intangible, choses in action or property of any kind or nature, including debts owing to him, which are situated or found in this state.

Service of process upon any person who is subject to the jurisdiction of the courts of this state, as provided in this section, may also be made by personally serving the summons upon him outside this state with the same force and effect as though summons had been personally served within this state. The service of summons shall be made in like manner as service within this state, by any person over twenty-one (21) years of age not a party to the

action. No order of court is required. An affidavit of the server shall be filed stating the time, manner and place of service. The court may consider the affidavit, or any other competent proofs, in determining whether service has been properly made.

Laws 1968, c. 121, § 15, emerg. eff. April 4, 1968.

§21-1040.26. Repealer.

21 O.S.1961, Sections 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040.1, 1040.2, 1040.3, 1040.4, 1040.5, 1040.6 and 1040.7, are hereby repealed.

Laws 1968, c. 121, § 16, emerg. eff. April 4, 1968.

§21-1040.51. Repealed by Laws 2000, c. 208, § 24, eff. Nov. 1, 2000.

§21-1040.52. Showing of specified actual or simulated sexual activity and nudity at certain outdoor theaters prohibited - Penalty.

A. Every owner or operator of an outdoor theater in this state is guilty of a misdemeanor who shows or causes to be shown a motion picture depicting:

1. Any person, whether nude or clad, in an act or simulation of an act of sexual intercourse, unnatural copulation or other sexual activity including the showing of human genitals in a state of sexual stimulation or arousal, acts of human masturbation, or fondling or other erotic touching of human genitals, pubic region, buttock or female breast; or

2. Nude or partially denuded figures including less than completely and opaquely covered human genitals, pubic regions, buttock and female breast below a point immediately above the top of the areola and including human male genitals in a discernibly turgid state. even if completely and opaquely covered.

B. This section shall be applicable, however, only where the viewing portion of the screen of such theater is situated within the view of any residence or where children under eighteen (18) years of age have an understanding view of the picture.

C. Any prosecution under this section must be preceded by a written complaint from a resident affected by the terms of this act.

D. Upon conviction of a violation of this section such person shall be imprisoned in the county jail for not more than one (1) year. or fined not more than One Thousand Dollars (\$1,000.00), or be both so imprisoned and fined.

Laws 1970, c. 243, § 1, emerg. eff. April 22, 1970; Laws 1973, c. 63, § 1, emerg. eff. April 27, 1973.

§21-1040.53. Projectionists, ushers or cashiers excepted from statutes relating to exhibit of obscene motion pictures.

The provisions of statutes of this state and the provisions of ordinances of any city prescribing a criminal penalty for exhibit of any obscene motion picture shown in a commercial theater open to the general public shall not apply to a projectionist or assistant projectionist, usher or cashier, provided he has no financial interest in the show or in its place of presentation other than regular employment as a projectionist or assistant projectionist, usher or cashier. Provided further, that such person is not acting as manager or director of such theater. The provisions of this act shall not exempt any projectionist or assistant projectionist, usher or cashier from criminal liability for any act unrelated to projection of motion pictures in a commercial theater open to the general public.

Laws 1971, c. 20, § 1, emerg. eff. March 22, 1971.

§21-1040.54. Seizure and forfeiture of equipment used in certain offenses relating to obscene material or child sexual abuse material.

A. Any peace officer of this state is authorized to seize any equipment which is used, or intended for use in the preparing, photographing, printing, selling, exhibiting, publishing, distributing, displaying, advertising, filming, copying, recording, or mailing of obscene material, as defined in paragraph 1 of subsection B of Section 1024.1 of this title or child sexual abuse material, as defined in subsection A of Section 1024.1 of this title. Said equipment may be held as evidence until a forfeiture has been declared or a release ordered. Forfeiture actions under this section may be brought by the district attorney in the proper county of venue as petitioner; provided, in the event the district attorney elects not to file such an action, or fails to file such action within ninety (90) days of the date of the seizure of such equipment, a forfeiture action may be brought by the entity seizing such equipment as petitioner.

B. Notice of seizure and intended forfeiture proceeding shall be given all owners and parties in interest by the party seeking forfeiture as follows:

1. Upon each owner or party in interest whose name and address is known, by mailing a copy of the notice by registered mail to the last-known address; and

2. Upon all other owners or parties in interest, whose addresses are unknown, by one publication in a newspaper of general circulation in the county where the seizure was made.

C. Within sixty (60) days after the mailing or publication of the notice, the owner of the equipment and any other party in interest may file a verified answer and claim to the equipment described in the notice of seizure and of the intended forfeiture proceeding.

D. If at the end of sixty (60) days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of the unlawful use and may order the equipment forfeited to the state, if such fact is proven.

E. If a verified answer is filed, the forfeiture proceeding shall be set for hearing.

F. At the hearing the party seeking the forfeiture shall prove by clear and convincing evidence that the equipment was used in the preparing, photographing, printing, selling, exhibiting, publishing, distributing, displaying, advertising, filming, copying, recording, or mailing of obscene material, as defined in paragraph 1 of subsection B of Section 1024.1 of this title or child sexual abuse material, as defined in Section 1024.1 of this title, with knowledge by the owner of the equipment.

G. The owner or party in interest may prove that the right or interest in the equipment was created without any knowledge or reason to believe that the equipment was being, or was to be, used for the purpose charged.

H. In the event of such proof, the court may order the equipment released to the bona fide or innocent owner or party in interest if the amount due the person is equal to, or in excess of, the value of the equipment as of the date of the seizure.

I. If the amount due to such person is less than the value of the equipment, or if no bona fide claim is established, the equipment shall be forfeited to the state and shall be sold pursuant to the judgment of the court.

J. Equipment taken or detained pursuant to this section shall not be replevable, but shall be deemed to be in the custody of the office of the district attorney of the county where the equipment was seized or in the custody of the party seeking the forfeiture. The district attorney or the party seeking the equipment may release said equipment to the owner of the equipment if it is determined that the owner had no knowledge of the illegal use of the equipment or if there is insufficient evidence to sustain the burden of showing illegal use of the equipment. Equipment which has not been released by the district attorney or the party seizing the equipment shall be subject to the orders and decrees of the court or the official having jurisdiction thereof.

K. The district attorney or the party seizing such equipment shall not be held civilly liable for having custody of the seized equipment or proceeding with a forfeiture action as provided for in this section.

L. The proceeds of the sale of any equipment not taken or detained by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections or the Office of the

Attorney General shall be distributed as follows, in the order indicated:

1. To the bona fide or innocent purchaser or conditional sales vendor of the equipment, if any, up to the amount of the person's interest in the equipment, when the court declaring the forfeiture orders a distribution to such person;

2. To the payment of the actual expenses of preserving the equipment; and

3. The balance to a revolving fund in the office of the county treasurer of the county where the equipment was seized, said fund to be used and maintained as a revolving fund for any purpose by the department that made the seizure with a yearly accounting to the board of county commissioners in whose county the fund is established. Monies from said fund may be used to pay costs for the storage of such equipment if such equipment is ordered released to a bona fide or innocent owner, purchaser, or conditional sales vendor and if such monies are available in said fund.

M. The proceeds of the sale of any equipment seized, taken or detained by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections or the Office of the Attorney General shall be distributed as follows, in the order indicated:

1. To the bona fide or innocent purchaser or conditional sales vendor of the equipment, if any, up to the amount of the person's interest in the equipment, when the court declaring the forfeiture orders a distribution to such person;

2. To the payment of the actual expenses of preserving the equipment; and

3. The balance to a revolving fund of the agency seizing said equipment to be used and maintained as a revolving fund for law enforcement purposes by the agency seizing said equipment. Monies from said fund may be used to pay costs for the storage of such equipment if such equipment is ordered released to a bona fide or innocent owner, purchaser, or conditional sales vendor.

N. When any equipment is forfeited pursuant to this section, the district court of jurisdiction may order that the equipment seized may be retained by the state, county, or municipal law enforcement agency which seized the equipment for its official use.

O. If the court finds that the equipment was not used in the preparing, photographing, printing, selling, exhibiting, publishing, distributing, displaying, advertising, filming, copying, recording, or mailing of obscene material, as defined in paragraph 1 of subsection B of Section 1024.1 of this title or child sexual abuse material as defined in Section 1024.1 of this title, the court shall order the equipment released to the owner.

P. No equipment shall be forfeited pursuant to the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the knowledge or consent of such owner, or by any person other than such owner while such equipment was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any state.

Added by Laws 1986, c. 191, § 1, eff. Nov. 1, 1986. Amended by Laws 2000, c. 101, § 1, eff. Nov. 1, 2000; Laws 2000, c. 208, § 23, eff. Nov. 1, 2000; Laws 2024, c. 59, § 30, eff. Nov. 1, 2024.

§21-1040.55. Adult cabaret and sexually oriented business exterior advertising signs - Requirements.

A. As used in this section:

1. "Adult cabaret" means a nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties;

2. "Sexually oriented business" means any business which offers its patrons goods of which a substantial portion are sexually oriented materials. Any business where more than ten percent (10%) of display space is used for sexually oriented materials shall be presumed to be a sexually oriented business;

3. "Sexually oriented materials" means any textual, pictorial, or three-dimensional material that depicts nudity, sexual conduct, sexual excitement, or sadomasochistic abuse in a way that is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and

4. "State of nudity" means the showing of either:

- a. the human male or female genitals or pubic area with less than a fully opaque covering, or
- b. the female breast with less than a fully opaque covering or any part of the nipple.

B. Except as otherwise provided in this subsection, no billboard or other exterior advertising sign for an adult cabaret or sexually oriented business shall be located within one (1) mile of any state highway. If such a business is located within one (1) mile of a state highway, the business may display a maximum of two exterior signs on the premises of the business, consisting of one identification sign and one sign solely giving notice that minors are not permitted on the premises. The identification sign shall be no more than forty (40) square feet in size and shall include no more than the following information: name, street address, telephone number, and operating hours of the business.

C. Signs existing at the time of the adoption of this section, which do not conform to the requirements of this section, may be allowed to continue as a nonconforming use, but shall be made to conform not later than November 1, 2009.

D. The Attorney General shall represent the state in all actions and proceedings arising from this section. In addition, all costs incurred by the Attorney General to defend or prosecute this section, including payment of all court costs, civil judgments, and, if necessary, any attorney fees, shall be paid from the General Revenue Fund.

E. Any owner of a business who violates the provisions of this section shall be guilty of a misdemeanor.

Added by Laws 2006, c. 321, § 1, eff. Nov. 1, 2006.

§21-1040.56. Cause of action - Damages - Statute of limitations.

A. Any person who, while under the age of eighteen (18), was a victim of an offense provided for in Section 681, 741, 843.5, 852.1, 867, 885, 886, 888, 891, 1021, 1021.2, 1021.3, 1024.2, 1040.8, 1040.12a, 1040.13, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of this title, where such offense resulted in a conviction and any portion of such offense was used in the production of child sexual abuse material, and who suffers personal or psychological injury as a result of the production, promotion, or possession of such child sexual abuse material, may bring a civil action against the producer, promoter, or intentional possessor of such child sexual abuse material, regardless of whether the victim is now an adult.

B. In any civil action brought under this section, the prevailing plaintiff shall recover the actual, special and punitive damages such person sustained and the cost of the suit, including reasonable attorney fees.

C. Notwithstanding any other provision of law, any civil action commenced pursuant to this section shall be filed within three (3) years after the later of:

1. The conclusion of the related criminal case;
2. The notification to the victim by a law enforcement agency of the creation, possession, distribution or promotion of child sexual abuse material; or
3. In the case of a victim younger than eighteen (18) years of age, within three (3) years after the person reaches the age of eighteen (18).

D. It is not a defense to a civil cause of action under this section that the respondent did not know the victim or commit the abuse depicted in the child sexual abuse material.

E. As used in this section, "child sexual abuse material" shall have the same meaning as such term is defined in Section 1024.1 of this title.

F. The provisions of this section shall not apply to any acts performed in the scope and course of employment by any:

1. Law enforcement officer;
2. Forensic examiner;
3. Prosecuting attorney; or

4. Employee of a child advocacy organization.
Added by Laws 2011, c. 195, § 1, eff. Nov. 1, 2011. Amended by Laws 2024, c. 59, § 31, eff. Nov. 1, 2024.

§21-1040.57. Publishing reviews of sexual encounters – Penalties.

A. It shall be unlawful for any person who pays a fee for a sexual encounter to publish a review of that sexual encounter or to publish a review of the pubic area, buttocks, or breasts experienced in the sexual encounter on a website that facilitates, encourages, offers, solicits, or promotes sexual conduct with another for a fee.

B. 1. Any person who violates the provisions of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the Department of Corrections for a term not more than three (3) years and by fines as follows:

- a. not more than One Thousand Dollars (\$1,000.00) upon the first conviction,
- b. not more than Two Thousand Five Hundred Dollars (\$2,500.00) upon the second conviction, and
- c. not more than Five Thousand Dollars (\$5,000.00) upon the third or subsequent convictions.

2. Any person who violates the provisions of this section where the victim of the offense is under eighteen (18) years of age at the time of the offense shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not more than ten (10) years and by fines as follows:

- a. not more than Five Thousand Dollars (\$5,000.00) upon the first conviction,
- b. not more than Ten Thousand Dollars (\$10,000.00) upon the second conviction, and
- c. not more than Fifteen Thousand Dollars (\$15,000.00) upon the third or subsequent convictions.

3. The terms of imprisonment specified in this subsection shall not be subject to statutory provisions for suspension, deferral, or probation or state correctional institution earned credits accruing from and after November 1, 1989, except for the achievement earned credits authorized by subsection H of Section 138 of Title 57 of the Oklahoma Statutes. To qualify for such achievement earned credits, inmates must also be in compliance with the standards for Class level 2 behavior, as defined in subsection D of Section 138 of Title 57 of the Oklahoma Statutes.

4. Upon a third conviction, the person shall be required to register as a sex offender under the Sex Offenders Registration Act and shall be assigned a risk level of one. Upon a sixth conviction, the person shall be assigned a risk level of two.

C. As used in this section, "publish" means to circulate, deliver, distribute, disseminate, transmit, or otherwise make available to another person.

Added by Laws 2023, c. 265, § 3, eff. July 1, 2023.

§21-1040.75. Definitions.

As used in Sections 1040.75 through 1040.77 of this title:

1. "Minor" means any person under the age of eighteen (18) years;
2. "Harmful to minors" means:
 - a. that quality of any description, exhibition, presentation or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse when the material or performance, taken as a whole, has the following characteristics:
 - (1) the average person eighteen (18) years of age or older applying contemporary community standards would find that the material or performance has a predominant tendency to appeal to a prurient interest in sex to minors, and
 - (2) the average person eighteen (18) years of age or older applying contemporary community standards would find that the material or performance depicts or describes nudity, sexual conduct, sexual excitement or sadomasochistic abuse in a manner that is patently offensive to prevailing standards in the adult community with respect to what is suitable for minors, and
 - (3) the material or performance lacks serious literary, scientific, medical, artistic, or political value for minors, or
 - b. any description, exhibition, presentation or representation, in whatever form, of inappropriate violence;
3. "Inappropriate violence" means any description or representation, in an interactive video game or computer software, of violence which, taken as a whole, has the following characteristics:
 - a. the average person eighteen (18) years of age or older applying contemporary community standards would find that the interactive video game or computer software is patently offensive to prevailing standards in the adult community with respect to what is suitable for minors, and
 - b. the interactive video game or computer software lacks serious literary, scientific, medical, artistic, or

political value for minors based on, but not limited to, the following criteria:

- (1) is glamorized or gratuitous,
- (2) is graphic violence used to shock or stimulate,
- (3) is graphic violence that is not contextually relevant to the material,
- (4) is so pervasive that it serves as the thread holding the plot of the material together,
- (5) trivializes the serious nature of realistic violence,
- (6) does not demonstrate the consequences or effects of realistic violence,
- (7) uses brutal weapons designed to inflict the maximum amount of pain and damage,
- (8) endorses or glorifies torture or excessive weaponry, or
- (9) depicts lead characters who resort to violence freely;

4. "Nudity" means the:

- a. showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering,
- b. showing of the female breast with less than a full opaque covering of any portion of the female breast below the top of the nipple, or
- c. depiction of covered male genitals in a discernibly turgid state;

5. "Sexual conduct" means sexual intercourse, physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be a female, breast, or fellatio, cunnilingus, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, or depictions or descriptions of sexual bestiality, sadomasochism, masturbation, or excretory functions;

6. "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal;

7. "Sadomasochistic abuse" means flagellation or torture by or upon a person clothed or naked or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed or naked;

8. "Material" means anything tangible that is capable of being used or adapted to arouse prurient interest, whether through the medium of reading, observation, sound, or in any other manner including, but not limited to, anything printed or written, any book, magazine, newspaper, pamphlet, picture, drawing, pictorial representation, motion picture, photograph, video tape, video disk,

film, transparency, slide, audiotape, audio disk, computer tape, video game, or any other medium used to electronically produce or reproduce images on a screen, or any mechanical, chemical, or electronic reproduction. Material includes undeveloped photographs, molds, printing plates, and other latent representational objects whether or not processing or other acts are required to make the content of the material apparent;

9. "Performance" means any motion picture, film, video tape, played record, phonograph or tape, preview, trailer, play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, with or without consideration;

10. "Knowingly" means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:

- a. the character and content of any material or performance which is reasonably susceptible of examination by the defendant, and
- b. the age of the minor. However, an honest mistake, shall constitute an excuse from liability pursuant to this act if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor;

11. "Person" means any individual, partnership, association, corporation, or other legal entity of any kind; and

12. "A reasonable bona fide attempt" means an attempt to ascertain the true age of the minor by requiring production of a driver license, marriage license, birth certificate or other governmental or educational identification card or paper and not relying solely on the oral allegations or apparent age of the minor. Added by Laws 1992, c. 7, § 1. Amended by Laws 1995, c. 66, § 1, eff. July 1, 1995; Laws 2001, c. 387, § 1, eff. July 1, 2001; Laws 2006, c. 321, § 2, eff. Nov. 1, 2006; Laws 2024, c. 152, § 1, eff. Nov. 1, 2024.

§21-1040.76. Legislative findings – Legislative intent – Material or performances harmful to minors – Prohibited acts.

The Legislature finds that protecting minor children from overtly sexual and violent content is a legitimate objective that should be actively enforced.

The Legislature further finds that the protection of the right of the people to engage in the freedom of speech and expression is a sacred right in the United States; however, such performances and materials may not contain depictions of sexual conduct, nudity, or inappropriate violence which are harmful to minor children.

Therefore, it is the intent of the Legislature that these provisions be diligently enforced to protect minor children while also protecting the free speech rights of the public.

No person, including but not limited to any persons having custody, control or supervision of any commercial establishment, shall knowingly:

1. Display material which is harmful to minors in such a way that minors, as a part of the invited general public, will be exposed to view such material. Provided, however, a person shall be deemed not to have "displayed" material harmful to minors if the material is kept behind devices commonly known as "blinder racks" so that the lower two-thirds (2/3) of the material is not exposed to view;

2. Sell, furnish, present, distribute, allow to view, or otherwise disseminate to a minor, with or without consideration, any material which is harmful to minors; or

3. Present to a minor or participate in presenting to a minor, with or without consideration, any performance which is harmful to a minor.

Added by Laws 1992, c. 7, § 2. Amended by Laws 1995, c. 66, § 2, eff. July 1, 1995; Laws 2024, c. 152, § 2, eff. Nov. 1, 2024.

§21-1040.77. Violations - Penalties.

Any person convicted of violating any provision of Section 1040.76 of this title shall be guilty of a misdemeanor and shall be fined a sum not exceeding Five Hundred Dollars (\$500.00) for the first or second offense. Any person convicted of a third or subsequent violation of any provision of Section 1040.76 of this title shall be guilty of a misdemeanor and shall be fined a sum not exceeding One Thousand Dollars (\$1,000.00). Each day that any violation of Section 1040.76 of this title occurs or continues shall constitute a separate offense and shall be punishable as a separate violation. Every act or transaction prohibited by Section 1040.76 of this title shall constitute a separate offense as to each item, issue or title involved and shall be punishable as such. For the purpose of this section, multiple copies of the same identical title, monthly issue, volume and number issue or other such identical material as prohibited by Section 1040.76 of this title shall constitute a single offense.

Added by Laws 1992, c. 7, § 3. Amended by Laws 1995, c. 66, § 3, eff. July 1, 1995; Laws 2001, c. 387, § 2, eff. July 1, 2001.

§21-1040.80. Interactive computer service providers - Removal of child sexual abuse material - Court orders - Notice and hearing - Violations - Penalties - Petition for relief.

A. As used in this section, the term:

1. "Interactive computer service provider" means any provider to the public of computer access via the Internet to a computer server or similar device used for the storage of graphic, video or images;

2. "Internet" means the international computer network of both federal and nonfederal interoperable packet-switched data networks;

3. "Controlled or owned by" with respect to a server or other storage device means a server or other such device that is entirely owned by the interactive computer service provider or is subject to exclusive management by the interactive computer service provider by agreement or otherwise; and

4. "Child sexual abuse material" means explicit child sexual abuse material as defined in Section 1024.1 of this title.

B. The Attorney General or a law enforcement officer who receives information that an item of alleged child sexual abuse material resides on a server or other storage device controlled or owned by an interactive computer service provider shall:

1. Contact the interactive computer service provider that controls or owns the server or other storage device where the item of alleged child sexual abuse material is located;

2. Inform the interactive computer service provider of the provisions of this section; and

3. Request that the interactive computer service provider voluntarily comply with this section and remove the item of alleged child sexual abuse material from its server or other storage device expeditiously.

C. 1. If an interactive computer service does not voluntarily remove the item of alleged child sexual abuse material in a timely manner, the Attorney General or law enforcement officer shall apply for a court order of authorization to remove the item of alleged child sexual abuse material under this section. The obligation to remove the item of alleged child sexual abuse material shall not apply to the transmitting or routing of, or the intermediate, temporary storage or caching of an image, information or data that is otherwise subject to this section.

2. The application for a court order shall include:

a. the authority of the applicant to make such an application,

b. the identity and qualifications of the investigative or law enforcement officer or agency that, in the official scope of that officer's duties or agency's authority, discovered the images, information, or data,

c. a particular statement of the facts relied upon by the applicant, including:

(1) the identity of the interactive computer service,

(2) identification of the item of alleged child sexual abuse material discovered on the server or other storage device controlled or owned by an interactive computer service provider,

- (3) the particular images, information, or data to be removed or to which access is to be disabled identified by uniform resource locator (URL) or Internet protocol (IP) address, a statement certifying that such content resides on a server or storage device controlled or owned by such interactive computer service provider, and
- (4) the steps taken to obtain voluntary compliance by such interactive computer service provider with the requirements of this act prior to filing the application,
- d. such additional testimony and documentary evidence in support of the application as the judge may require, and
- e. a showing that there is probable cause to believe that the child sexual abuse material items constitutes a violation of this section.

D. The Attorney General shall notify the interactive computer service provider which is identified in the court's order in accordance with the provisions of this section. The Attorney General shall notify an interactive computer service provider upon the issuance of an order authorizing the removal of the items of alleged child sexual abuse material.

1. The notice by the Attorney General shall include:

- a. a copy of the application made pursuant to subsection C of this section,
- b. a copy of the court order issued pursuant to subsection K of this section,
- c. notification that the interactive computer service shall remove the item of alleged child sexual abuse material contained in the order which resides on a server or other storage device controlled or owned by such interactive service provider and which are accessible to persons located within this state expeditiously after receipt of the notification,
- d. notification of the criminal penalties for failure to remove the item of child sexual abuse material,
- e. notification of the right to appeal the court's order, and
- f. contact information for the Attorney General's Office.

2. An interactive computer service may designate an agent within the state to receive notification pursuant to this section.

E. The interactive computer service provider has the right to request a hearing before the court imposes any penalty under this section.

F. Nothing in this section may be construed as imposing a duty on an interactive computer service provider to actively monitor its

service or affirmatively seek evidence of illegal activity on its service.

G. Notwithstanding any other provision of law to the contrary, any interactive computer service provider that intentionally violates subsection L of this section commits:

1. A misdemeanor for a first offense punishable by a fine of One Thousand Dollars (\$1,000.00);

2. A misdemeanor of a high and aggravated nature for a second offense punishable by a fine of Five Thousand Dollars (\$5,000.00); and

3. A Class D1 felony offense for a third or subsequent offense punishable by a fine of Thirty Thousand Dollars (\$30,000.00) and imprisonment for a maximum of five (5) years.

H. The Attorney General shall have concurrent prosecutorial jurisdiction with a district attorney for violation of this section.

I. The removal of the alleged item of child sexual abuse material which resides on a server or other storage device, shall not, to the extent possible, interfere with any request of a law enforcement agency to preserve records or other evidence, which may be kept by the interactive computer service provider in the normal course of business.

J. Upon consideration of an application for authorization to remove the item of alleged child sexual abuse material that resides on a server or other storage device controlled or owned by an interactive computer service provider as set forth in subsection C of this section, the judge may enter an ex parte order, as requested or as modified, authorizing the removal of the item of alleged child sexual abuse material, if the court determines on the basis of the facts submitted by the applicant that there is or was probable cause for belief that:

1. The item of alleged child sexual abuse material constitutes evidence of an act in violation of this section;

2. The investigative or law enforcement officer or agency acted within the official scope of that officer's duties or agency's authority, in discovering the images, information, or data and has complied with the requirements of subsection I and subsection K of this section;

3. An item of alleged child sexual abuse material resides on the server or other storage device controlled or owned by the interactive computer service provider and is accessible to persons located in the state; and

4. In the case of an application, other than a renewal or extension, for an order removing the item of alleged child sexual abuse material which was the subject of a previous order authorizing the removal or disabling of access, the application is based upon new evidence or information different from and in addition to the evidence or information offered to support the prior order.

K. Each order authorizing the removal or disabling of access to an alleged item of child sexual abuse material shall contain:

1. The name of the judge authorized to issue the order;
2. A particular description of the images, information, or data to be removed or access to such disabled, identified by a URL or IP address, and a statement of the particular violation of the section to which the images, information, or data relate;
3. The identity of the investigative or law enforcement officer or agency who discovered the images, information, or data and the identity of whoever authorized the application; and
4. Such additional information or instruction as the court deems necessary to execute the order.

L. The court shall review the application and testimony, if offered, and, upon a finding of probable cause, issue an order that:

1. An item of child sexual abuse material resides on a server or other storage device controlled by the interactive computer service provider and is accessible to persons located in the state;
2. The interactive computer service provider shall remove the item residing on a server or other storage device controlled or owned by the interactive computer service provider expeditiously after receiving the order, if practical;
3. The order shall specify that removal of any item covered by the order shall be accomplished in a fashion that prevents or minimizes the removal of, or restriction of access to, images, information, or data that are not subject to the order;
4. Failure of the interactive computer service provider to comply with the court's order is a violation of this section;
5. The removal of the item on the server or other storage device controlled or owned by the interactive computer service provider may not unreasonably interfere with a request by a law enforcement agency to preserve records for a reasonable period and in accordance with law; and
6. Provides the interactive computer service provider notice and opportunity for a hearing before the court imposes any penalty under this subsection.

M. An interactive computer service provider who is served with a court order under subsection L of this section shall remove the item of child sexual abuse material that is the subject of the order expeditiously after receiving the court order, if practicable.

N. 1. An interactive service provider may petition the court for relief for cause from an order issued under subsection L of this section.

2. The petition may be based on considerations of:
 - a. the cost or technical feasibility of compliance with the order, or
 - b. the inability of the interactive computer service provider to comply with the order without also

removing data, images or information that are not subject to this section.

Added by Laws 2003, c. 256, § 1, emerg. eff. May 23, 2003. Amended by Laws 2024, c. 59, § 32, eff. Nov. 1, 2024; Laws 2025, c. 486, § 398, eff. Jan. 1, 2026.

§21-1040.12av1. Aggravated possession of child sexual abuse material - Penalties - Definitions.

A. Any person who, with knowledge of its contents, possesses one hundred (100) or more separate materials depicting child sexual abuse material shall be, upon conviction, guilty of aggravated possession of child sexual abuse material. The violator shall be punished by imprisonment in the custody of the Department of Corrections for a term not exceeding life imprisonment and by a fine in an amount not more than Ten Thousand Dollars (\$10,000.00). The violator, upon conviction, shall be required to register as a sex offender under the Sex Offenders Registration Act.

B. For purposes of this section:

1. Multiple copies of the same identical material shall each be counted as a separate item;

2. The term "material" means the same definition provided by Section 1040.75 of this title and, in addition, includes all digital and computerized images and depictions; and

3. The term "child sexual abuse material" means the same definition provided by Section 1040.80 of this title and, in addition, includes sexual conduct, sexual excitement, sadomasochistic abuse, and performance of material harmful to minors where a minor is present or depicted as such terms are defined in Section 1040.75 of this title.

Added by Laws 2008, c. 438, § 2, eff. July 1, 2008. Amended by Laws 2009, c. 457, § 4, eff. July 1, 2009; Laws 2024, c. 59, § 20, eff. Nov. 1, 2024.

§21-1040.12av2. Aggravated possession of child sexual abuse material - Penalties - Definitions.

A. Any person who, with knowledge of its contents, possesses one hundred (100) or more separate visual depictions of child sexual abuse material shall, upon conviction, be guilty of aggravated possession of child sexual abuse material. The violator shall be punished by imprisonment in the custody of the Department of Corrections for a term not exceeding life imprisonment and by a fine not more than Ten Thousand Dollars (\$10,000.00). The violator, upon conviction, shall be required to register as a sex offender under the Sex Offenders Registration Act.

B. For purposes of this section:

1. Multiple copies of the same identical material shall each be counted as a separate item; and

2. The terms "child sexual abuse material" and "visual depictions" mean the same definitions provided by Section 1024.1 of this title.

Added by Laws 2008, c. 438, § 2, eff. July 1, 2008. Amended by Laws 2009, c. 457, § 4, eff. July 1, 2009; Laws 2024, c. 103, § 3, eff. Nov. 1, 2024; Laws 2025, c. 29, § 3, eff. Nov. 1, 2025.

§21-1040.12av3. Aggravated possession of child sexual abuse material - Penalties - Definitions.

A. Any person who, with knowledge of its contents, possesses one hundred (100) or more separate visual depictions of child pornography shall, upon conviction, be guilty of aggravated possession of child pornography, a Class A2 felony offense. The violator shall be punished by imprisonment in the custody of the Department of Corrections for a term not exceeding life imprisonment and by a fine in an amount of not more than Ten Thousand Dollars (\$10,000.00). The violator, upon conviction, shall be required to register as a sex offender under the Sex Offenders Registration Act.

B. For purposes of this section:

1. Multiple copies of the same identical material shall each be counted as a separate item; and

2. The terms "child pornography" and "visual depictions" mean the same definitions provided by Section 1024.1 of this title.

Added by Laws 2008, c. 438, § 2, eff. July 1, 2008. Amended by Laws 2009, c. 457, § 4, eff. July 1, 2009; Laws 2024, c. 103, § 3, eff. Nov. 1, 2024; Laws 2025, c. 486, § 26, eff. Jan. 1, 2026.

§21-1040.13bv1. Nonconsensual dissemination of private sexual images.

A. As used in this section:

1. "Artificial intelligence" means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments, including the ability to:

- a. perceive real and virtual environments,
- b. abstract perceptions made under this paragraph into models through analysis in an automated manner, and
- c. use model inference to formulate options for information or action based on outcomes under subparagraphs a and b of this paragraph.

The term includes generative artificial intelligence;

2. "Artificially generated sexual depiction" means a visual depiction:

- a. that appears to authentically depict an individual in a state of nudity or engaged in sexual conduct that did not occur in reality, and

- b. the production of which was substantially dependent upon technical means, including artificial intelligence or photo editing software, rather than the ability of another person to physically impersonate the other person;

3. "Generative artificial intelligence" means the class of models that emulate the structure and characteristics of input data in order to generate derived synthetic content, including information such as images, videos, audio clips, or text, that has been significantly modified or generated by algorithms, including by artificial intelligence;

4. "Image" includes a photograph, film, videotape, digital recording or other depiction or portrayal of an object, including a human body;

5. "Intimate parts" means the fully unclothed, partially unclothed or transparently clothed genitals, pubic area or female adult nipple;

6. "Sexual act" means sexual intercourse including genital, anal or oral sex; and

7. "Visual depiction" means any depiction, photograph, film, performance, or image displayed, stored, shared, or transmitted in any format and on any medium including data that is capable of being converted into a depiction, picture, movie, performance, or image.

B. 1. A person commits nonconsensual dissemination of private sexual images when he or she:

- a. intentionally disseminates an image of another person who is engaged in a sexual act or whose intimate parts are exposed, in whole or in part,
- b. obtains the image under circumstances in which a reasonable person would know or understand that the image was to remain private, and
- c. disseminates the image without the effective consent of the depicted person.

2. A person commits nonconsensual dissemination of private sexual images when he or she:

- a. disseminates an artificially generated sexual depiction of another person with the intent or with reckless disregard to harass, annoy, threaten, alarm, or cause physical, emotional, reputational, or economic harm to the depicted person, and
- b. disseminates the artificially generated sexual depiction without the effective consent of the depicted person.

C. The provisions of this section shall not apply to the intentional dissemination of an image or artificially generated sexual depiction of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed when:

1. The dissemination is made for the purpose of a criminal investigation that is otherwise lawful;

2. The dissemination is for the purpose of, or in connection with, the reporting of unlawful conduct;

3. The images or artificially generated sexual depictions involve voluntary exposure in public or commercial settings; or

4. The dissemination serves a lawful purpose.

D. Nothing in this section shall be construed to impose liability upon the following entities solely as a result of content or information provided by another person:

1. An interactive computer service, as defined in 47 U.S.C., Section 230(f)(2);

2. A wireless service provider, as defined in Section 332(d) of the Telecommunications Act of 1996, 47 U.S.C., Section 151 et seq., Federal Communications Commission rules, and the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66; or

3. A telecommunications network or broadband provider.

E. A person convicted under this section is subject to the forfeiture provisions in Section 1040.54 of this title.

F. Any person who violates the provisions of subsection B of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in a county jail for not more than one (1) year or by a fine of not more than One Thousand Dollars (\$1,000.00), or both such fine and imprisonment.

G. Any person who violates or attempts to violate the provisions of subsection B of this section and who gains or attempts to gain any property or who gains or attempts to gain anything of value as a result of the nonconsensual dissemination or threatened dissemination of private sexual images or artificially generated sexual depictions shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years. A second or subsequent violation of this subsection shall be a felony punishable by imprisonment in the custody of the Department of Corrections for not more than ten (10) years and the offender shall be required to register as a sex offender under the Sex Offenders Registration Act.

H. The state shall not have the discretion to file a misdemeanor charge, pursuant to Section 234 of Title 22 of the Oklahoma Statutes, for a violation pursuant to subsection G of this section.

I. The court shall have the authority to order the defendant to remove the disseminated image or artificially generated sexual depictions should the court find it is in the power of the defendant to do so.

J. Nothing in this section shall prohibit the prosecution of a person pursuant to the provisions of Section 1021.2, 1021.3, 1024.1, 1024.2, or 1040.12a of this title or any other applicable statute.

K. Any person who violates the provisions of subsection B of this section by disseminating three or more images or artificially generated sexual depictions within a six-month period shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than ten (10) years.

Added by Laws 2016, c. 262, § 1, eff. Nov. 1, 2016. Amended by Laws 2020, c. 35, § 1, eff. Nov. 1, 2020; Laws 2024, c. 214, § 1, eff. Nov. 1, 2024; Laws 2025, c. 23, § 1, eff. Nov. 1, 2025.

§21-1040.13bv2. Nonconsensual dissemination of private sexual images.

A. As used in this section:

1. "Image" includes a photograph, film, videotape, digital recording or other depiction or portrayal of an object, including a human body;

2. "Intimate parts" means the fully unclothed, partially unclothed or transparently clothed genitals, pubic area or female adult nipple; and

3. "Sexual act" means sexual intercourse including genital, anal or oral sex.

B. A person commits nonconsensual dissemination of private sexual images when he or she:

1. Intentionally disseminates an image of another person who is engaged in a sexual act or whose intimate parts are exposed, in whole or in part;

2. Obtains the image under circumstances in which a reasonable person would know or understand that the image was to remain private; and

3. Disseminates the image without the effective consent of the depicted person.

C. The provisions of this section shall not apply to the intentional dissemination of an image of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed when:

1. The dissemination is made for the purpose of a criminal investigation that is otherwise lawful;

2. The dissemination is for the purpose of, or in connection with, the reporting of unlawful conduct;

3. The images involve voluntary exposure in public or commercial settings; or

4. The dissemination serves a lawful purpose.

D. Nothing in this section shall be construed to impose liability upon the following entities solely as a result of content or information provided by another person:

1. An interactive computer service, as defined in 47 U.S.C., Section 230(f)(2);

2. A wireless service provider, as defined in Section 332(d) of the Telecommunications Act of 1996, 47 U.S.C., Section 151 et seq., Federal Communications Commission rules, and the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66; or

3. A telecommunications network or broadband provider.

E. A person convicted under this section is subject to the forfeiture provisions in Section 1040.54 of this title.

F. Any person who violates the provisions of subsection B of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in a county jail for not more than one (1) year or by a fine of not more than One Thousand Dollars (\$1,000.00), or both such fine and imprisonment.

G. Any person who violates or attempts to violate the provisions of subsection B of this section and who gains or attempts to gain any property or who gains or attempts to gain anything of value as a result of the nonconsensual dissemination or threatened dissemination of private sexual images shall, upon conviction, be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title. A second or subsequent violation of this subsection shall be a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title and the offender shall be required to register as a sex offender under the Sex Offenders Registration Act.

H. The state shall not have the discretion to file a misdemeanor charge, pursuant to Section 234 of Title 22 of the Oklahoma Statutes, for a violation pursuant to subsection G of this section.

I. The court shall have the authority to order the defendant to remove the disseminated image should the court find it is in the power of the defendant to do so.

J. Nothing in this section shall prohibit the prosecution of a person pursuant to the provisions of Section 1021.2, 1021.3, 1024.1, 1024.2, or 1040.12a of this title or any other applicable statute.

K. Any person who violates the provisions of subsection B of this section by disseminating three or more images within a six-month period shall, upon conviction, be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title.

Added by Laws 2016, c. 262, § 1, eff. Nov. 1, 2016. Amended by Laws 2020, c. 35, § 1, eff. Nov. 1, 2020; Laws 2024, c. 214, § 1, eff. Nov. 1, 2024; Laws 2025, c. 486, § 399, eff. Jan. 1, 2026.

§21-1041. Repealed by Laws 2008, c. 391, § 8, eff. Nov. 1, 2008.

§21-1042. Repealed by Laws 2008, c. 391, § 8, eff. Nov. 1, 2008.

§21-1043. Repealed by Laws 2008, c. 391, § 8, eff. Nov. 1, 2008.

§21-1044. Repealed by Laws 2008, c. 391, § 8, eff. Nov. 1, 2008.

§21-1045. Repealed by Laws 2008, c. 391, § 8, eff. Nov. 1, 2008.

§21-1046. Repealed by Laws 2008, c. 391, § 8, eff. Nov. 1, 2008.

§21-1047. Repealed by Laws 2008, c. 391, § 8, eff. Nov. 1, 2008.

§21-1048. Storage or accumulation of wrecked or abandoned motor vehicle or part thereof within view of preexisting residence or adjoining property - Farm-related vehicles excepted.

No person, firm, partnership or corporation shall with malice or without valid business purpose store, accumulate, allow to accumulate, or allow to remain stored or accumulated after receipt of notice as is hereinafter provided, any wrecked or abandoned motor vehicle, or any recyclable or nonrecyclable hulk or part of a motor vehicle within view of any preexisting residence or adjoining property situated outside the territorial limits of any incorporated municipality. Any homeowner or adjoining property owner aggrieved by any violation of this section may order the removal of any motor vehicle, hulk or part stored in violation hereof upon thirty (30) days' written notice to the owner of the land where such motor vehicle, hulk or part is stored. Upon the failure of the offending party to comply with said order, the aggrieved party may obtain injunctive and mandamus relief for the removal of matter so stored or accumulated or for screening of the matter so stored or accumulated from view from the adjoining property from the district court of the county where the residence is situated and, further; shall be entitled to recover reasonable attorneys' fees, court costs and other reasonable expenses of bringing suit.

Provided, nothing within this section shall prohibit the accumulation or storage of farm-related vehicles upon any property currently used for agricultural or ranching-related purposes. Added by Laws 1980, c. 273, § 18, emerg. eff. June 9, 1980. Amended by Laws 1993, c. 113, § 1, eff. Sept. 1, 1993.

§21-1051. Lottery defined - Consideration - Organizations permitted to issue tickets.

A. A lottery is any scheme for the disposal or distribution of property by chance among persons who have paid, or promised, or agreed to pay any valuable consideration for the chance of obtaining such property, or a portion of it, or for any share of or interest in such property, upon any agreement, understanding or expectation that it is to be distributed or disposed of by a lot or chance, whether called a lottery, a raffle, or a gift enterprise, or by

whatever name the same may be known. "Valuable consideration" shall be construed to mean money or goods of actual pecuniary value. Provided, it shall not be a violation of the lottery or gambling laws of this state for:

1. The Oklahoma Lottery Commission to conduct a lottery pursuant to the provisions of the Oklahoma Education Lottery Act;

2. A bona fide resident merchant or merchants of a city or town, acting in conjunction with the Chamber of Commerce or Commercial Club of this state thereof, to issue free of charge numbered tickets on sales of merchandise, the corresponding stub of one or more of which tickets to be drawn or chosen by lot by a representative or representatives of the Chamber of Commerce or of the Commercial Club in the manner set forth on the tickets, the numbered stub or stubs so drawn to entitle the holder of the corresponding numbered issued ticket to a valuable prize donated by the merchant;

3. A bona fide community chest welfare fund on a military post or reservation to issue numbered tickets in conjunction with voluntary contributions to the fund, the corresponding stub or stubs of one or more of the tickets to be drawn by lot under the supervision of a military commander, the stub or stubs so drawn entitling the ticket holder to a prize of some value. Provided, however, that no person shall sell tickets or receive contributions to the fund off the military reservation;

4. a. A qualified organization to raise funds by issuing numbered tickets in conjunction with voluntary contributions to the qualified organization, the corresponding stub or stubs of one or more of the tickets to be drawn by lot under the supervision of an official of the qualified organization, the stub or stubs so drawn entitling the ticket holder to a prize. As used in this paragraph, "qualified organization" means:

- (1) a church,
- (2) a public or private school accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs,
- (3) a student group or organization affiliated with a public or private school qualified pursuant to division (2) of this subparagraph,
- (4) a parent-teacher association or organization affiliated with a public or private school qualified pursuant to division (2) of this subparagraph,
- (5) fire departments,
- (6) police departments,

- (7) organizations that are exempt from taxation pursuant to the provisions of subsection (c) of Section 501 of the United States Internal Revenue Code, as amended, 26 U.S.C., Section 501(c) et seq., or
 - (8) an "organization" as such term is defined in paragraph 20 of Section 402 of Title 3A of the Oklahoma Statutes.
- b. Any raffle conducted by a qualified organization shall be conducted by members of the qualified organization without compensation to any member. The organization shall not hire or contract with any person or business association, corporation, partnership, limited partnership or limited liability company to conduct a raffle, to sell raffle tickets or to solicit contributions in connection with a raffle on behalf of the organization;

5. The Oklahoma Department of Wildlife Conservation to conduct controlled, draw, lottery or raffle hunts; or

6. Savings promotion raffle accounts or programs pursuant to Section 1 of this act.

B. If the Oklahoma Education Lottery Act ceases to have the force and effect of law pursuant to Section 735 of Title 3A of the Oklahoma Statutes, the provisions of paragraph 3 of subsection A of this section shall cease to have the force and effect of law.

R.L. 1910, § 2470. Amended by Laws 1929, c. 19, p. 16, § 1; Laws 1957, p. 163, § 1; Laws 2003, c. 202, § 1; Laws 2004, c. 275, § 4; Laws 2009, c. 2, § 3, emerg. eff. March 12, 2009; Laws 2018, c. 123, § 2, eff. Nov. 1, 2018; Laws 2021, c. 193, § 2, eff. Nov. 1, 2021.

NOTE: Laws 2004, c. 275, § 4 (and Laws 2003, c. 202, § 1, which it amended) became effective upon approval by the people of Oklahoma of State Question No. 705, House Bill Number 1278 of the 1st Regular Session of the 49th Oklahoma Legislature (Laws 2003, c. 58, § 37), at election held on Nov. 2, 2004.

NOTE: Laws 2003, c. 58, § 37 repealed by Laws 2009, c. 2, § 4, emerg. eff. March 12, 2009.

§21-1052. Lottery unlawful - Nuisance.

Every lottery is unlawful, and a common public nuisance.

R.L.1910, § 2471.

§21-1053. Preparing or drawing lottery - Punishment.

Any person who contrives, prepares, sets up, proposes or draws any lottery shall be guilty of a Class D3 felony offense punishable by a fine equal to double the amount of the whole sum or value for which such lottery was made and, if such amount cannot be ascertained, then by imprisonment as provided for in subsections B

through F of Section 20P of this title, or by a fine of Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.

R.L. 1910, § 2472. Amended by Laws 1997, c. 133, § 282, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 185, eff. July 1, 1999; Laws 2025, c. 486, § 672, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 282 from July 1, 1998, to July 1, 1999.

§21-1054. Selling lottery tickets.

Every person who sells, gives or in any manner whatever furnishes or transfers to or for any other person, any ticket, chance, share or interest, or any paper, certificate or instrument, purporting or represented or understood to be or represent any ticket, chance, share or interest in or depending upon the event of any lottery, is guilty of a misdemeanor.

R.L.1910, § 2473.

§21-1055. Repealed by Laws 1993, c. 239, § 55, eff. July 1, 1993.

§21-1056. Advertising lotteries.

Every person who, by writing or printing, by circulars or letters, or in any other way advertises or publishes any account of any lottery stating when or where the same is to be or has been drawn, or what are the prizes or any of them therein, or the price of a ticket or of any share or interest or where it may be obtained, or in any way aiding or assisting the same, or adapted to induce persons to adventure therein, is guilty of a misdemeanor.

R.L.1910, § 2475.

§21-1057. Offering property dependent on lottery.

Every person who offers for sale, distribution or disposition in any way, any real or personal property, or things in action, or any interest therein, to be determined by lot or chance, that shall be dependent upon the drawing of any lottery within or out of this state, and every person who sells, furnishes or procures, or causes to be sold, furnished or procured in any manner whatsoever, any chance or share, or any interest whatsoever in any property offered for sale, distribution or disposition in violation of this section, or any ticket or other evidence of any chance, share, or interest in such property, is guilty of a misdemeanor.

R.L.1910, § 2476.

§21-1058. Lottery offices - Punishment.

Every person who opens, sets up or keeps, by himself, or by any other person or persons, any office or other place for registering

the numbers of any ticket in any lottery or for making, receiving or registering any bets or wagers upon the drawing, determination or result of any lottery, is punishable by imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars (\$1,000.00).

R.L.1910, § 2477.

§21-1059. Advertising lottery offices.

Every person who, by writing or printing by circulars or letters, or in any other way, advertises or publishes any account of the opening, setting up or keeping of any office or other place for either of the purposes prohibited by the last section, is guilty of a misdemeanor.

R.L.1910, § 2478.

§21-1060. Insuring lottery tickets.

Every person who insures or receives any consideration for insuring for or against the drawing of any ticket, share, or interest in any lottery, or for or against the drawing of any number, or ticket, or number of any ticket in any lottery; and every person who receives any valuable consideration upon any agreement to pay any sum, or to deliver any property or thing in action in the event that any ticket, share, or interest in any lottery, or any number, or ticket, or number of any ticket in any lottery shall prove fortunate or unfortunate, or shall be drawn or not drawn on any particular day or in any particular order; and every person who promises, agrees, or offers to pay any sum of money or to deliver any property or thing in action, or to do, or forbear to do anything for the benefit of any other person, with or without consideration, upon any event whatever connected with any lottery, is guilty of a misdemeanor.

R.L.1910, § 2479.

§21-1061. Advertising insurance of lottery tickets.

Every person who, by writing or printing, by circulars or letters, or in any other way, advertises or publishes any offer, notice or proposal for any violation of the last section, is guilty of a misdemeanor.

R.L.1910, § 2480.

§21-1062. Property offered by lottery is forfeited.

All property offered for sale, distribution, or disposition, in violation of the provisions of this article, is forfeited to the people of this state, as well before as after the determination of the chance on which the same was dependent. And it is the duty of the respective district attorneys, to demand, sue for, and recover, in behalf of this state, all property so forfeited, and to cause the

same to be sold when recovered, and to pay the proceeds of the sale of such property, and any monies that may be collected in any such suit, into the county treasury for the benefit of common schools.
R.L.1910, § 2481.

§21-1063. Letting building for lottery.

Every person who lets or permits to be used any building or portion of any building, knowing that it is intended to be used for any of the purposes declared punishable by this article, is guilty of a misdemeanor.
R.L.1910, § 2482.

§21-1064. Lotteries drawn out of the state.

The provisions of this article apply in respect to lotteries drawn or to be drawn out of this state, whether authorized or not by the laws of the state where they are drawn or to be drawn, in same manner as to lotteries drawn or to be drawn within this state.
R.L.1910, § 2483.

§21-1065. Advertisements by person out of state.

The provisions of Sections 2475 and 2478 are applicable wherever the advertisement was published, or the letter or circular sent or delivered through or in this state, notwithstanding the person causing or procuring the same to be published, sent or delivered, was out of this state at the time of so doing.
R.L.1910, § 2484.

§21-1066. Selling plan as lottery.

Every person who sets up, promotes or engages in any plan by which goods or anything of value is sold to a person, firm or corporation for a consideration and upon the further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase or purchases and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods or something of value, depending upon the number of persons joining in the plan, shall be held to have set up and promoted a lottery, which shall be deemed a Class D3 felony offense, and shall be punished as provided in Section 1068 of this title.

Added by Laws 1957, p. 162, § 1, emerg. eff. June 1, 1957. Amended by Laws 1997, c. 133, § 283, eff. July 1, 1999; Laws 2025, c. 486, § 673, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 283 from July 1, 1998, to July 1, 1999.

§21-1067. Injunction.

The district court of the judicial district in which any such plan is proposed, operated or promoted may issue an injunction without bond, upon petition filed by the Attorney General, the district attorney of the county in which such plan is proposed, operated or promoted, or other interested individual, to enjoin the further operation of any such plan.

Laws 1957, p. 162, § 2.

§21-1068. Penalty.

Any person violating the provisions of Section 1066 or 1067 of this title shall, upon conviction thereof, be guilty of a Class D3 felony offense and be punished by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment as provided for in subsections B through F of Section 20P of this title, or by both such fine and imprisonment.

Added by Laws 1957, p. 162, § 3, emerg. eff. June 1, 1957. Amended by Laws 1997, c. 133, § 284, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 186, eff. July 1, 1999; Laws 2025, c. 486, § 674, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 284 from July 1, 1998, to July 1, 1999.

§21-1071. Oklahoma Pyramid Promotional Scheme Act - Short title.

This act shall be known and may be cited as the "Oklahoma Pyramid Promotional Scheme Act".

Added by Laws 1995, c. 186, § 1, eff. Nov. 1, 1995.

§21-1072. Definitions.

As used in the Oklahoma Pyramid Promotional Scheme Act:

1. "Compensation" means payment of money, thing of value or financial benefit. Compensation does not include:

- a. payment to participants based upon sales of products purchased for actual use and consumption, or
- b. payment to participants under reasonable commercial terms;

2. "Consideration" means the payment of cash or purchase of goods, services or intangible property. Consideration does not include:

- a. purchase of products furnished at cost to be used in making sales and not for resale,
- b. purchase of products where the seller offers to repurchase the participant's products under reasonable commercial terms, or
- c. participant's time and effort in pursuit of sales or recruiting activities;

3. "Participant" means a person who contributes money into a pyramid promotional scheme;

4. "Person" means an individual, a corporation, a partnership or any association or unincorporated organization;

5. "Promote" means:

a. to contrive, prepare, establish, plan, operate or advertise, or

b. to induce or attempt to induce other persons to be a participant;

6. "Pyramid promotional scheme" means any plan or operation by which a participant gives consideration for the opportunity to receive compensation which is derived primarily from the person's introduction of other persons into the plan or operation rather than from the sale of goods, services or intangible property by the participant or other persons introduced into the plan or operation; and

7. "Reasonable commercial terms" includes repurchase by the seller, at the participant's request and upon termination of the business relationship or contract with the seller, of all unencumbered products purchased by the participant from the seller within the previous twelve (12) months which are unused and in commercially resalable condition. Repurchase by the seller shall be for not less than ninety percent (90%) of the actual amount paid by the participant to the seller of the products, less any consideration received by the participant for purchase of the products being returned. A product shall not be deemed nonresalable solely because the product is no longer marketed by the seller, unless it is clearly disclosed to the participant at the time of sale that the product is a seasonal, discontinued, or special promotion product, and not subject to the repurchase obligation. Added by Laws 1995, c. 186, § 2, eff. Nov. 1, 1995.

§21-1073. Promoting pyramid promotional scheme - Penalty.

Any person who promotes a pyramid promotional scheme shall be guilty of a Class B4 felony offense and, upon conviction, shall be punishable by a fine of not more than Ten Thousand Dollars

(\$10,000.00) or by imprisonment in the State Penitentiary for not more than ten (10) years, or by both such fine and imprisonment, for each violation of this act.

Added by Laws 1995, c. 186, § 3, eff. Nov. 1, 1995. Amended by Laws 1997, c. 133, § 285, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 187, eff. July 1, 1999; Laws 2025, c. 486, § 113, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 285 from July 1, 1998, to July 1, 1999.

§21-1074. Written assurance of discontinuance of violation - Acceptance by district attorney - Restitution.

A district attorney may accept a written assurance of discontinuance of any practice in violation of this act from the person that has engaged in the unlawful practice. The district attorney may require in the agreement that by a certain date, restitution will be made to any person that has been a victim of a violation of this act. A person is not required to accept restitution pursuant to an assurance, however, acceptance of restitution pursuant to the assurance will bar that person from seeking damages from the same defendant for the same violations of this act.

Added by Laws 1995, c. 186, § 4, eff. Nov. 1, 1995.

§21-1075. Civil action.

Except as provided in Section 4 of this act, any participant in a pyramid promotional scheme may declare their transaction void and bring a civil action in a court of competent jurisdiction to recover the consideration paid. In such an action, the court, in addition to any judgment awarded, shall require the defendant to pay reasonable attorney fees and the costs of the action, less any money paid to the participant as profit in the pyramid promotional scheme.

Added by Laws 1995, c. 186, § 5, eff. Nov. 1, 1995.

§21-1081. Offense - Punishment - Fines.

Any person who shall procure any other person for prostitution, or who, by promise, threats, violence or by any device or scheme shall cause, induce, persuade or encourage another person to become a prostitute; or shall procure a place as inmate in a house of prostitution for another person; or who shall, by promise, threats, violence, or by any device or scheme cause, induce, persuade or encourage an inmate of a house of prostitution to remain therein as such inmate; or who shall, by fraud, or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority procure any other person to become a prostitute, or to enter any place in which prostitution is encouraged or allowed within this state, or to come into this state or leave this state for the purpose of prostitution, or who shall procure any other person, who has not previously practiced prostitution to become a prostitute within this state, or to come into this state or leave this state for the purpose of prostitution; or shall receive or give or agree to receive or give any money or thing of value for procuring or attempting to procure any other person to become an inmate of a house of prostitution within this state, or to come into this state or leave this state for the purpose of prostitution, shall be guilty of pandering, and upon conviction for any offense under this article shall be guilty of a Class B2 felony offense and

shall be punished by imprisonment in the State Penitentiary for a period of not less than two (2) years nor more than twenty (20) years and by fines as follows: a fine of not less than One Thousand Dollars (\$1,000.00) and not more than Three Thousand Dollars (\$3,000.00) upon the first conviction for such offense, a fine of not less than Three Thousand Dollars (\$3,000.00) and not more than Six Thousand Dollars (\$6,000.00) upon the second conviction, and a fine of not less than Six Thousand Dollars (\$6,000.00) and not more than Nine Thousand Dollars (\$9,000.00) for the third or subsequent convictions for such offense.

R.L. 1910, § 2425. Amended by Laws 1997, c. 133, § 286, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 188, eff. July 1, 1999; Laws 2000, c. 123, § 1, eff. Nov. 1, 2000; Laws 2002, c. 120, § 3, emerg. eff. April 19, 2002; Laws 2025, c. 486, § 73, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 286 from July 1, 1998, to July 1, 1999.

§21-1082. Part of offense outside of state no defense.

It shall not be a defense to a prosecution for any of the acts prohibited in the foregoing section that any part of such act or acts shall have been committed outside this state.

R.L.1910, § 2426.

§21-1083. Injured party as witness.

Any such female person, referred to in the foregoing sections, shall be a competent witness in any prosecution under this article, to testify for or against the accused as to any transaction or as to any conversation with the accused or by him with another person or persons in her presence, notwithstanding the fact of her having married the accused before or after the violation of any of the provisions of this article, whether called as a witness during the existence of the marriage or after its dissolution.

R.L.1910, § 2427.

§21-1084. Marriage no defense.

The act or state of marriage shall not be a defense to any violation of this article.

R.L.1910, § 2428.

§21-1085. Restraining female in house of prostitution a felony.

Whoever shall by any means keep, hold, detain, or restrain against her will, any female person in a house of prostitution or other place where prostitution is practiced or allowed; or whoever shall, directly or indirectly keep, hold, detain or restrain or attempt to keep, hold, detain or restrain, in any house of prostitution or other place where prostitution is practiced or

allowed, any female person by any means for the purpose of compelling such female person, directly or indirectly to pay, liquidate or cancel any debt, dues or obligations incurred or said to have been incurred by such female person, shall upon conviction be guilty of a Class B2 felony offense and shall be punished by imprisonment in the State Penitentiary for a period of not less than two (2) years nor more than twenty (20) years, and by a fine of not less than Three Hundred Dollars (\$300.00) and not more than One Thousand Dollars (\$1,000.00).

R.L. 1910, § 2429. Amended by Laws 1997, c. 133, § 287, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 189, eff. July 1, 1999; Laws 2025, c. 486, § 74, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 287 from July 1, 1998, to July 1, 1999.

§21-1086. Allowing offense on premises - Punishment.

Any owner, proprietor, keeper, manager, conductor, or other person, who knowingly permits or suffers the violation of any provision of this article, in any house, building, room, tent, lot or premises under his control or of which he has possession, upon conviction, shall be punished for the first offense by imprisonment within the county jail for a period of not less than six (6) months nor more than one (1) year, and by a fine of not more than Three Hundred Dollars (\$300.00), and upon conviction for any subsequent offense under this article shall be guilty of a Class B4 felony offense and shall be punished by imprisonment in the State Penitentiary for a period of not less than one (1) year nor more than ten (10) years.

R.L. 1910, § 2430. Amended by Laws 1997, c. 133, § 288, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 190, eff. July 1, 1999; Laws 2025, c. 486, § 114, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 288 from July 1, 1998, to July 1, 1999.

§21-1087. Child under 18 years of age – Procuring for child sex trafficking, lewdness, indecent acts, etc.

A. No person shall:

1. Offer, or offer to secure, a child under eighteen (18) years of age for the purpose of child sex trafficking, or for any other lewd or indecent act, or procure or offer to procure a child for, or a place for a child as an inmate in, a house of prostitution or other place where prostitution is practiced;

2. Receive or to offer or agree to receive any child under eighteen (18) years of age into any house, place, building, other structure, vehicle, trailer, or other conveyance for the purpose of child sex trafficking, lewdness, or assignation, or to permit any person to remain there for such purpose; or

3. Direct, take, or transport, or to offer or agree to take or transport, or aid or assist in transporting, any child under eighteen (18) years of age to any house, place, building, other structure, vehicle, trailer, or other conveyance, or to any other person with knowledge or having reasonable cause to believe that the purpose of such directing, taking, or transporting is child sex trafficking, lewdness, or assignation.

B. 1. Any person violating the provisions of paragraph 1 of subsection A of this section shall, upon conviction, be guilty of a Class B4 felony offense punishable by imprisonment of not less than one (1) year nor more than ten (10) years. Any person violating the provisions of paragraph 2 or 3 of subsection A of this section shall, upon conviction, be guilty of a Class B1 felony offense punishable by imprisonment of not less than one (1) year nor more than ten (10) years.

2. Any owner, proprietor, keeper, manager, conductor, or other person who knowingly permits any violation of this section in any house, building, room, or other premises or any conveyances under his or her control or of which he or she has possession shall, upon conviction for the first offense, be guilty of a misdemeanor and punishable by imprisonment in the county jail for a period of not less than six (6) months nor more than one (1) year, and by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00). Upon conviction for a subsequent offense pursuant to this subsection, such person shall be guilty of a Class B1 felony offense and shall be punished by imprisonment in the custody of the Department of Corrections for a period of not less than one (1) year nor more than ten (10) years, or by a fine of not less than Five Thousand Dollars (\$5,000.00) nor more than Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.

C. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

Added by Laws 1985, c. 55, § 1, eff. Nov. 1, 1985. Amended by Laws 1997, c. 133, § 289, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 191, eff. July 1, 1999; Laws 2007, c. 261, § 15, eff. Nov. 1, 2007; Laws 2024, c. 151, § 6, eff. Nov. 1, 2024; Laws 2025, c. 486, § 53, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 289 from July 1, 1998, to July 1, 1999.

§21-1088. Child under 18 years of age – Inducing, keeping, detaining or restraining for child sex trafficking – Penalties.

A. No person shall:

1. By promise, threats, violence, or by any device or scheme, including but not limited to the use of any controlled dangerous substance prohibited pursuant to the provisions of the Uniform Controlled Dangerous Substances Act, cause, induce, persuade, or encourage a child under eighteen (18) years of age to engage or continue to engage in child sex trafficking or to become or remain an inmate of a house of prostitution or other place where prostitution is practiced;

2. Keep, hold, detain, restrain, or compel against his or her will any child under eighteen (18) years of age to engage in the practice of child sex trafficking or in a house of prostitution or other place where child sex trafficking is practiced or allowed; or

3. Directly or indirectly keep, hold, detain, restrain, or compel or attempt to keep, hold, detain, restrain, or compel a child under eighteen (18) years of age to engage in the practice of child sex trafficking or in a house of prostitution or any place where prostitution is practiced or allowed for the purpose of compelling such child to directly or indirectly pay, liquidate, or cancel any debt, dues, or obligations incurred, or said to have been incurred, by such child.

B. 1. Any person violating the provisions of this section other than paragraph 2 of this subsection, upon conviction, shall be guilty of a Class B1 felony offense punishable by imprisonment in the custody of the Department of Corrections for not less than one (1) year nor more than twenty-five (25) years, and by a fine of not less than Five Thousand Dollars (\$5,000.00) nor more than Twenty-five Thousand Dollars (\$25,000.00).

2. Any owner, proprietor, keeper, manager, conductor, or other person who knowingly permits a violation of this section in any house, building, room, tent, lot or premises under his or her control or of which he or she has possession, upon conviction for the first offense, shall be guilty of a misdemeanor punishable by imprisonment in the county jail for a period of not less than six (6) months nor more than one (1) year, and by a fine of not more than Five Thousand Dollars (\$5,000.00). Upon conviction for a subsequent offense pursuant to the provisions of this paragraph, such person shall be guilty of a Class B1 felony offense punishable by imprisonment in the custody of the Department of Corrections for a period of not less than one (1) year nor more than ten (10) years, and by a fine of not less than Five Thousand Dollars (\$5,000.00) nor more than Twenty-five Thousand Dollars (\$25,000.00).

C. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-

imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

Added by Laws 1985, c. 55, § 2, eff. Nov. 1, 1985. Amended by Laws 1997, c. 133, § 290, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 192, eff. July 1, 1999; Laws 2007, c. 261, § 16, eff. Nov. 1, 2007; Laws 2024, c. 151, § 7, eff. Nov. 1, 2024; Laws 2025, c. 486, § 54, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 290 from July 1, 1998, to July 1, 1999.

§21-1089. Fines for violations relating to prostitution - Percentage forwarded to city - county health department.

In counties having a population of greater than four hundred thousand (400,000), One Hundred Dollars (\$100.00) of each fine collected for violation of Sections 1028, 1029, 1030, and 1081 of Title 21 of the Oklahoma Statutes shall be forwarded by the court clerk to the city-county health department serving the county.

Added by Laws 2002, c. 348, § 5, emerg. eff. May 30, 2002.

§21-1092. Refusing to exhibit stolen goods.

Any pawnbroker or person carrying on the business of a pawnbroker, and every junk dealer, who having received any goods which have been embezzled or stolen, refuses or omits to exhibit them, upon demand, during the usual business hours, to the owner of said goods or his agent authorized to demand an inspection thereof, or any peace officer shall, upon conviction, be guilty of a Class D3 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title.

R.L. 1910, § 2513. Amended by Laws 1997, c. 133, § 291, eff. July 1, 1999; Laws 2025, c. 486, § 675, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 291 from July 1, 1998, to July 1, 1999.

§21-1093. Selling pledge before default.

Every pawnbroker who sells any article received by him in pledge, before the time to redeem the same has expired, and every pawnbroker who willfully refuses to disclose the name of the purchaser and the price received by him for any article received by him in pledge and subsequently sold, is guilty of a misdemeanor.

R.L.1910, § 2514.

§21-1101. Repealed by Laws 1990, c. 135, § 1, eff. July 1, 1990.

§21-1102. License - Restrictions - Fee - Notice - Protests.

It shall be unlawful for any person to maintain or operate a public pool or billiard hall, or any public pool or billiard table, in any incorporated city or town, without first securing a license from the district court clerk. The person applying for the license shall appear once each year and satisfy the district court clerk that he or she is a person of good moral character; that he or she has never been convicted of violating any of the laws regulating the traffic in any spirituous, vinous, fermented, or malt liquors, or any of the intoxicating beverage or low-point beer laws of this state, or convicted of violating any of the gambling laws of this state. A fee of Twenty-five Dollars (\$25.00) every three (3) years shall be charged for the license. Upon application, the district court clerk shall give five (5) days' notice by posting notices, one notice to be posted at the county courthouse, one notice to be served on the district attorney or the district attorney's assistant, and three (3) notices in the city or town where the pool hall shall be located. The notice shall contain the name of the applicant and the location of the pool or billiard hall. Any citizen of the city or town may file a written protest to the issuance of the license with the district court clerk and the court shall set the matter of protest for hearing. Any person violating any provision of this section shall be punished by fine, not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), for each offense.

Added by Laws 1915, c. 21, § 2. Amended by Laws 1968, c. 414, § 2, eff. Jan. 13, 1969; Laws 1978, c. 212, § 7, eff. July 1, 1978; Laws 1991, c. 8, § 1, eff. Sept. 1, 1991; Laws 1995, c. 274, § 4, eff. Nov. 1, 1995; Laws 2000, c. 172, § 2, eff. Nov. 1, 2000; Laws 2001, c. 161, § 1, eff. Nov. 1, 2001.

§21-1103. Revocation of license.

A judge of the district court, upon five (5) days' notice to the person holding such license, may revoke such license for any one of the following reasons:

1. Drunkenness of the person holding such license or permitting any intoxicated person to loiter in such place;
2. Violation of any provision of law relating to persons under twenty-one (21) years of age and alcoholic beverages as defined in Section 506 of Title 37 or low-point beer as defined in Section 163.2 of Title 37; or
3. Violating any of the intoxicating beverage or low-point beer laws of the state; or permitting anyone to violate any of these laws in such place.

Added by Laws 1915, c. 21, § 3. Amended by Laws 1923-24, c. 113, p. 134, § 1; Laws 1968, c. 414, § 3, eff. Jan. 13, 1969; Laws 1991, c. 8, § 2, eff. Sept. 1, 1991; Laws 1995, c. 274, § 5, eff. Nov. 1, 1995; Laws 2001, c. 161, § 1, eff. Nov. 1, 2001.

§21-1104. Additional fee by city - Abolishment.

This act shall in no way impair the right of any incorporated city or town to impose an additional license fee for maintaining any such pool or billiard hall, or pool or billiard table; or to prevent any incorporated city or town from abolishing same under existing laws.

Laws 1915, c. 21, § 4.

§21-1105. Disposition of fees and fines.

All fees collected and all fines collected for the violation of any provision of this act shall be paid into the county treasury to the credit of the court fund.

Laws 1915, c. 21, § 5; Laws 1968, c. 414, § 4, eff. Jan. 13, 1969.

§21-1111. See the following versions:

OS 21-1111v1 (HB 1995, Laws 2025, c. 60, 1)

OS 21-1111v2 (SB 630, Laws 2025, c. 103, § 1)

OS 21-1111v3 (HB 1003, Laws 2025, c. 365, § 1)

§21-1111.1. Rape by instrumentation.

A. Rape by instrumentation, a Class A2 felony offense, is an act within or without the bonds of matrimony in which any inanimate object or any part of the human body, not amounting to sexual intercourse is used in the carnal knowledge of another person without his or her consent and penetration of the anus or vagina occurs to that person.

B. Provided, further, that at least one of the circumstances specified in Section 1111 of this title has been met; further, where the victim is:

1. At least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in conduct prohibited by this section of law with a person who is eighteen (18) years of age or older and is an employee of a school system;

2. Under the legal custody or supervision of a state or federal agency, county, municipal or a political subdivision and engages in conduct prohibited by this section of law with a federal, state, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim, consent shall not be an element of the crime;

3. Nineteen (19) years of age or younger and in the legal custody of a state agency, federal agency or tribal court and

engages in conduct prohibited by this section of law with a foster parent or foster parent applicant; or

4. A student at a secondary school, is concurrently enrolled at an institution of higher education, and engages in acts pursuant to this section with a perpetrator who is an employee of the institution of higher education of which the student is enrolled.

C. "Employee of an institution of higher education", for purposes of this section, means faculty, adjunct faculty, instructors, volunteers, or an employee of a business contracting with an institution of higher education who may exercise, at any time, institutional authority over the victim. Employee of an institution of higher education shall not include an enrolled student who is not more than three (3) years of age or older than the concurrently enrolled student and who is employed or volunteering, in any capacity, for the institution of higher education.

D. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

Added by Laws 1981, c. 325, § 2. Amended by Laws 1987, c. 224, § 7, eff. Nov. 1, 1987; Laws 2007, c. 261, § 17, eff. Nov. 1, 2007; Laws 2009, c. 444, § 2, eff. July 1, 2009; Laws 2015, c. 67, § 2, eff. Nov. 1, 2015; Laws 2022, c. 260, § 3, eff. Nov. 1, 2022; Laws 2025, c. 486, § 27, eff. Jan. 1, 2026.

§21-1111v1. Rape defined.

A. Rape is an act of sexual intercourse involving vaginal or anal penetration accomplished with a male or female within or without the bonds of matrimony who may be of the same or the opposite sex as the perpetrator under any of the following circumstances:

1. Where the victim is under sixteen (16) years of age;
2. Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent;
3. Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person;
4. Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit;
5. Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;

6. Where the victim submits to sexual intercourse under the belief that the person committing the act is a spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused or by the accused in collusion with the spouse with intent to induce that belief. In all cases of collusion between the accused and the spouse to accomplish such act, both the spouse and the accused, upon conviction, shall be deemed guilty of rape;

7. Where the victim is under the legal custody or supervision of a state agency, a federal agency, a county, a municipality or a political subdivision and engages in sexual intercourse with a state, federal, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim, or the subcontractor or employee of a subcontractor of the contractor of the state or federal government, a county, a municipality or a political subdivision that exercises authority over the victim;

8. Where the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in sexual intercourse with a person who is eighteen (18) years of age or older and is an employee of a school system. For purposes of this section, "employee of a school system" shall include employed and contracted school resource officers and security guards;

9. Where the victim is nineteen (19) years of age or younger and is in the legal custody of a state agency, federal agency or tribal court and engages in sexual intercourse with a foster parent or foster parent applicant; or

10. Where the victim is a student at a secondary school, is concurrently enrolled at an institution of higher education, and engages in acts pursuant to this subsection with a perpetrator who is an employee of the institution of higher education of which the victim is enrolled.

B. "Employee of an institution of higher education", for purposes of this section, means faculty, adjunct faculty, instructors, volunteers, or an employee of a business contracting with an institution of higher education who may exercise, at any time, institutional authority over the victim. Employee of an institution of higher education shall not include an enrolled student who is not more than three (3) years of age or older than the concurrently enrolled student and who is employed or volunteering, in any capacity, for the institution of higher education.

R.L. 1910, § 2414. Amended by Laws 1981, c. 325, § 1; Laws 1983, c. 41, § 1, eff. Nov. 1, 1983; Laws 1984, c. 134, § 1, eff. Nov. 1,

1984; Laws 1990, c. 224, § 2, eff. Sept. 1, 1990; Laws 1993, c. 62, § 1, eff. Sept. 1, 1993; Laws 1995, c. 22, § 1, eff. Nov. 1, 1995; Laws 1999, c. 309, § 2, eff. Nov. 1, 1999; Laws 2001, c. 184, § 1, eff. Nov. 1, 2001; Laws 2002, c. 22, § 9, emerg. eff. March 8, 2002; Laws 2006, c. 62, § 5, emerg. eff. April 17, 2006; Laws 2015, c. 67, § 1, eff. Nov. 1, 2015; Laws 2017, c. 128, § 2, eff. July 1, 2017; Laws 2018, c. 167, § 3, eff. Nov. 1, 2018; Laws 2021, c. 331, § 3, eff. Nov. 1, 2021; Laws 2022, c. 260, § 2, eff. Nov. 1, 2022; Laws 2024, c. 452, § 8, emerg. eff. June 14, 2024; Laws 2025, c. 60, § 1, emerg. eff. May 6, 2025.

NOTE: Laws 2001, c. 51, § 4 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002.

NOTE: This section was purportedly repealed by Laws 2022, c. 228, § 6, emerg. eff. May 5, 2022.

§21-1111v2. Rape defined.

A. Rape is an act of sexual intercourse involving vaginal or anal penetration accomplished with a male or female within or without the bonds of matrimony who may be of the same or the opposite sex as the perpetrator under any of the following circumstances:

1. Where the victim is under sixteen (16) years of age;
2. Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent;
3. Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person;
4. Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit;
5. Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;
6. Where the victim submits to sexual intercourse under the belief that the person committing the act is a spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused or by the accused in collusion with the spouse with intent to induce that belief. In all cases of collusion between the accused and the spouse to accomplish such act, both the spouse and the accused, upon conviction, shall be deemed guilty of rape;
7. Where the victim is under the legal custody or supervision of a state agency, a federal agency, a county, a municipality, or a political subdivision and engages in sexual intercourse with a state, federal, county, municipal, or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality, or a political subdivision that exercises authority over the victim, or the subcontractor or employee of a subcontractor of the contractor of the state or federal government,

a county, a municipality, or a political subdivision that exercises authority over the victim;

8. Where the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in sexual intercourse with a person who is eighteen (18) years of age or older and is an employee, contractor, or subcontractor of a school system;

9. Where the victim is nineteen (19) years of age or younger and is in the legal custody of a state agency, federal agency or tribal court and engages in sexual intercourse with a foster parent or foster parent applicant; or

10. Where the victim is a student at a secondary school, is concurrently enrolled at an institution of higher education, and engages in acts pursuant to this subsection with a perpetrator who is an employee of the institution of higher education of which the victim is enrolled.

B. "Employee of an institution of higher education", for purposes of this section, means faculty, adjunct faculty, instructors, volunteers, or an employee of a business contracting with an institution of higher education who may exercise, at any time, institutional authority over the victim. Employee of an institution of higher education shall not include an enrolled student who is not more than three (3) years of age or older than the concurrently enrolled student and who is employed or volunteering, in any capacity, for the institution of higher education.

R.L. 1910, § 2414. Amended by Laws 1981, c. 325, § 1; Laws 1983, c. 41, § 1, eff. Nov. 1, 1983; Laws 1984, c. 134, § 1, eff. Nov. 1, 1984; Laws 1990, c. 224, § 2, eff. Sept. 1, 1990; Laws 1993, c. 62, § 1, eff. Sept. 1, 1993; Laws 1995, c. 22, § 1, eff. Nov. 1, 1995; Laws 1999, c. 309, § 2, eff. Nov. 1, 1999; Laws 2001, c. 184, § 1, eff. Nov. 1, 2001; Laws 2002, c. 22, § 9, emerg. eff. March 8, 2002; Laws 2006, c. 62, § 5, emerg. eff. April 17, 2006; Laws 2015, c. 67, § 1, eff. Nov. 1, 2015; Laws 2017, c. 128, § 2, eff. July 1, 2017; Laws 2018, c. 167, § 3, eff. Nov. 1, 2018; Laws 2021, c. 331, § 3, eff. Nov. 1, 2021; Laws 2022, c. 260, § 2, eff. Nov. 1, 2022; Laws 2024, c. 452, § 8, emerg. eff. June 14, 2024; Laws 2025, c. 103, § 1, eff. Nov. 1, 2025.

NOTE: Laws 2001, c. 51, § 4 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002.

NOTE: This section was purportedly repealed by Laws 2022, c. 228, § 6, emerg. eff. May 5, 2022.

§21-1111v3. Rape defined.

A. Rape is an act of sexual intercourse involving vaginal or anal penetration accomplished with a male or female within or without the bonds of matrimony who may be of the same or the opposite sex as the perpetrator under any of the following circumstances:

1. Where the victim is under eighteen (18) years of age;
2. Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent;
3. Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person;
4. Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit;
5. Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;
6. Where the victim submits to sexual intercourse under the belief that the person committing the act is a spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused or by the accused in collusion with the spouse with intent to induce that belief. In all cases of collusion between the accused and the spouse to accomplish such act, both the spouse and the accused, upon conviction, shall be deemed guilty of rape;
7. Where the victim is under the legal custody or supervision of a state agency, a federal agency, a county, a municipality, or a political subdivision and engages in sexual intercourse with a state, federal, county, municipal, or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality, or a political subdivision that exercises authority over the victim, or the subcontractor or employee of a subcontractor of the contractor of the state or federal government, a county, a municipality, or a political subdivision that exercises authority over the victim;
8. Where the victim is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in sexual intercourse with a person who is eighteen (18) years of age or older and is an employee of a school system;
9. Where the victim is nineteen (19) years of age or younger and is in the legal custody of a state agency, federal agency, or tribal court and engages in sexual intercourse with a foster parent or foster parent applicant; or
10. Where the victim is a student at a secondary school, is concurrently enrolled at an institution of higher education, and engages in acts pursuant to this subsection with a perpetrator who

is an employee of the institution of higher education at which the victim is enrolled.

B. "Employee of an institution of higher education", for purposes of this section, means faculty, adjunct faculty, instructors, volunteers, or an employee of a business contracting with an institution of higher education who may exercise, at any time, institutional authority over the victim. Employee of an institution of higher education shall not include an enrolled student who is not more than three (3) years of age or older than the concurrently enrolled student and who is employed or volunteering, in any capacity, for the institution of higher education.

R.L. 1910, § 2414. Amended by Laws 1981, c. 325, § 1; Laws 1983, c. 41, § 1, eff. Nov. 1, 1983; Laws 1984, c. 134, § 1, eff. Nov. 1, 1984; Laws 1990, c. 224, § 2, eff. Sept. 1, 1990; Laws 1993, c. 62, § 1, eff. Sept. 1, 1993; Laws 1995, c. 22, § 1, eff. Nov. 1, 1995; Laws 1999, c. 309, § 2, eff. Nov. 1, 1999; Laws 2001, c. 184, § 1, eff. Nov. 1, 2001; Laws 2002, c. 22, § 9, emerg. eff. March 8, 2002; Laws 2006, c. 62, § 5, emerg. eff. April 17, 2006; Laws 2015, c. 67, § 1, eff. Nov. 1, 2015; Laws 2017, c. 128, § 2, eff. July 1, 2017; Laws 2018, c. 167, § 3, eff. Nov. 1, 2018; Laws 2021, c. 331, § 3, eff. Nov. 1, 2021; Laws 2022, c. 260, § 2, eff. Nov. 1, 2022; Laws 2024, c. 452, § 8, emerg. eff. June 14, 2024; Laws 2025, c. 365, § 1.

NOTE: Laws 2001, c. 51, § 4 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002.

NOTE: This section was purportedly repealed by Laws 2022, c. 228, § 6, emerg. eff. May 5, 2022.

§21-1112. Age limitation on conviction for rape.

No person can be convicted of rape or rape by instrumentation on account of an act of sexual intercourse with anyone sixteen (16) years of age or older, with his or her consent, unless such person was more than four (4) years older than the other person at the time of such act.

R.L.1910, § 2415. Amended by Laws 1981, c. 325, § 3; Laws 2025, c. 365, § 2.

§21-1113. Slight penetration is sufficient to complete crime.

The essential guilt of rape or rape by instrumentation, except with the consent of a male or female over fourteen (14) years of age, consists in the outrage to the person and feelings of the victim. Any sexual penetration, however slight, is sufficient to complete the crime.

R.L.1910, § 2416; Laws 1981, c. 325, § 4.

§21-1114. Rape or rape by instrumentation in first degree - Rape in second degree.

A. Rape or rape by instrumentation in the first degree, a Class A2 felony offense, shall include:

1. Rape committed by a person over eighteen (18) years of age upon a person under fourteen (14) years of age;

2. Rape committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime;

3. Rape accomplished where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit;

4. Rape accomplished where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;

5. Rape accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the person committing the crime; or

6. Rape by instrumentation regardless of the age of the victim or the age of the person committing the crime.

B. In all other cases, rape is rape in the second degree, a Class B2 felony offense.

R.L. 1910, § 2417. Amended by Laws 1981, c. 325, § 5; Laws 1983, c. 41, § 2, eff. Nov. 1, 1983; Laws 1986, c. 179, § 3, eff. Nov. 1, 1986; Laws 1990, c. 224, § 3, eff. Sept. 1, 1990; Laws 2008, c. 438, § 3, eff. July 1, 2008; Laws 2017, c. 164, § 1, eff. Nov. 1, 2017; Laws 2025, c. 486, § 28, eff. Jan. 1, 2026.

§21-1115. See the following versions:

OS 21-1115v1 (SB 1425, Laws 2002, c. 455, 5)

OS 21-1115v2 (HB 2104, Laws 2025, c. 486, § 29)

§21-1115v1. Rape in first degree a felony.

Rape in the first degree is a felony punishable by death or imprisonment in the State Penitentiary, not less than five (5) years, except as provided in Section 3 of this act, in the discretion of the jury, or in case the jury fails or refuses to fix the punishment then the same shall be pronounced by the court.

R.L.1910, § 2418. Amended by Laws 1965, c. 149, § 1; Laws 1997, c. 133, § 292, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 193, eff. July 1, 1999; Laws 2002, c. 455, § 5, emerg. eff. June 5, 2002. NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 292 from July 1, 1998, to July 1, 1999.

§21-1115v2. Punishment for rape in first degree.

Rape in the first degree is a Class A2 felony offense punishable by death or imprisonment in the custody of the Department of Corrections, for a term of not less than five (5) years, life or life without parole. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment. Any person convicted of a second or subsequent violation of subsection A of Section 1114 of this title shall not be eligible for any form of probation. Any person convicted of a third or subsequent violation of subsection A of Section 1114 of this title or of an offense under Section 888 of this title or an offense under Section 1123 of this title or sexual abuse of a child pursuant to Section 843.5 of this title, or any attempt to commit any of these offenses or any combination of these offenses shall be punished by imprisonment in the custody of the Department of Corrections for life or life without parole.

R.L. 1910, § 2418. Amended by Laws 1965, c. 149, § 1; Laws 1997, c. 133, § 292, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 193, eff. July 1, 1999; Laws 2002, c. 460, § 10, eff. Nov. 1, 2002; Laws 2007, c. 261, § 18, eff. Nov. 1, 2007; Laws 2009, c. 234, § 124, emerg. eff. May 21, 2009; Laws 2025, c. 486, § 29, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 292 from July 1, 1998, to July 1, 1999.

§21-1116. Rape in second degree a felony.

Rape in the second degree is a Class B2 felony offense punishable by imprisonment in the State Penitentiary not less than one (1) year nor more than fifteen (15) years.

R.L. 1910, § 2419. Amended by Laws 1997, c. 133, § 293, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 194, eff. July 1, 1999; Laws 2025, c. 486, § 75, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 293 from July 1, 1998, to July 1, 1999.

§21-1117. Compelling woman to marry.

Any person who takes any woman against her will and, by force, menace or duress, compels her to marry him or to marry any other person, shall be guilty of a Class A2 felony offense punishable by imprisonment in the State Penitentiary not less than ten (10) years.

R.L. 1910, § 2420. Amended by Laws 1997, c. 133, § 294, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 195, eff. July 1, 1999; Laws 2025, c. 486, § 30, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 294 from July 1, 1998, to July 1, 1999.

§21-1118. Intent to compel woman to marry.

Any person who takes any woman unlawfully against her will, with the intent to compel her by force, menace or duress to marry him, or to marry any other person, shall be guilty of a Class B4 felony offense punishable by imprisonment in the State Penitentiary not exceeding ten (10) years.

R.L. 1910, § 2421. Amended by Laws 1997, c. 133, § 295, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 196, eff. July 1, 1999; Laws 2025, c. 486, § 115, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 295 from July 1, 1998, to July 1, 1999.

§21-1119. Abduction of person under fifteen.

Every person who takes away or induces to leave any person under the age of fifteen (15) years, from a parent, guardian or other person having the legal charge of the person, without the consent of said parent, guardian, or other person having legal charge, for the purpose of marriage or concubinage, or any crime involving moral turpitude shall be guilty of a Class B4 felony offense punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

R.L. 1910, § 2422. Amended by Laws 1976, c. 155, § 1; Laws 1997, c. 133, § 296, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 197, eff. July 1, 1999; Laws 2025, c. 486, § 116, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 296 from July 1, 1998, to July 1, 1999.

§21-1120. Repealed by Laws 2017, c. 155, § 3, eff. Nov. 1, 2017.

§21-1121. Repealed by Laws 2017, c. 155, § 4, eff. Nov. 1, 2017.

§21-1122. Repealed by Laws 2017, c. 155, § 5, eff. Nov. 1, 2017.

§21-1123. See the following versions:

OS 21-1123v1 (HB 1995, Laws 2025, c. 60, § 2)

OS 21-1123v2 (SB 599, Laws 2025, c. 281, § 2)

OS 21-1123v3 (HB 2104, Laws 2025, c. 486, § 38)

§21-1123v1. Lewd or indecent proposals or acts as to child under 16 or person believed to be under 16 - Sexual battery.

A. It is a felony for any person to knowingly and intentionally:

1. Make any oral, written or electronically or computer-generated lewd or indecent proposal to any child under sixteen (16) years of age, or other individual the person believes to be a child under sixteen (16) years of age, for the child to have unlawful sexual relations or sexual intercourse with any person;

2. Look upon, touch, maul, or feel the body or private parts of any child under sixteen (16) years of age in any lewd or lascivious manner by any acts against public decency and morality, as defined by law;

3. Ask, invite, entice, or persuade any child under sixteen (16) years of age, or other individual the person believes to be a child under sixteen (16) years of age, to go alone with any person to a secluded, remote, or secret place, with the unlawful and willful intent and purpose then and there to commit any crime against public decency and morality, as defined by law, with the child;

4. In any manner lewdly or lasciviously look upon, touch, maul, or feel the body or private parts of any child under sixteen (16) years of age in any indecent manner or in any manner relating to sexual matters or sexual interest; or

5. In a lewd and lascivious manner and for the purpose of sexual gratification:

- a. urinate or defecate upon a child under sixteen (16) years of age, or force or require a child to defecate or urinate upon the body or private parts of another, or for the purpose of sexual gratification,
- b. ejaculate upon or in the presence of a child,
- c. cause, expose, force or require a child to look upon the body or private parts of another person,
- d. force or require any child under sixteen (16) years of age or other individual the person believes to be a child under sixteen (16) years of age, to view any obscene materials, child sexual abuse material or materials deemed harmful to minors as such terms are defined by Sections 1024.1 and 1040.75 of this title,
- e. cause, expose, force or require a child to look upon sexual acts performed in the presence of the child, or
- f. force or require a child to touch or feel the body or private parts of the child or another person.

Any person convicted of any violation of this subsection shall be punished by imprisonment in the custody of the Department of Corrections for not less than three (3) years nor more than twenty (20) years, except when the child is under twelve (12) years of age

at the time the offense is committed, and in such case the person shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not less than twenty-five (25) years. The provisions of this subsection shall not apply unless the accused is at least three (3) years older than the victim, except when accomplished by the use of force or fear. Except as provided in Section 51.1a of this title, any person convicted of a second or subsequent violation of this subsection shall be guilty of a felony punishable as provided in this subsection and shall not be eligible for probation, suspended or deferred sentence. Except as provided in Section 51.1a of this title, any person convicted of a third or subsequent violation of this subsection shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of life or life without parole, in the discretion of the jury, or in case the jury fails or refuses to fix punishment then the same shall be pronounced by the court. Any person convicted of a violation of this subsection after having been twice convicted of a violation of subsection A of Section 1114 of this title, Section 888 of this title, sexual abuse of a child pursuant to Section 843.5 of this title, or of any attempt to commit any of these offenses or any combination of convictions pursuant to these sections shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole.

B. No person shall commit sexual battery on any other person. "Sexual battery" shall mean the intentional touching, mauling or feeling of the body or private parts of any person sixteen (16) years of age or older, in a lewd and lascivious manner:

1. Without the consent of that person;

2. When committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state, or the subcontractor or employee of a subcontractor of the contractor of the state or federal government, a county, a municipality or a political subdivision of this state;

3. When committed upon a person who is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or in the legal custody or supervision of any public or private elementary or secondary school, or technology center school, by a person who is eighteen (18) years of age or older and is an employee of a school system;

4. When committed upon a person who is nineteen (19) years of age or younger and is in the legal custody of a state agency,

federal agency or a tribal court, by a foster parent or foster parent applicant; or

5. When the victim is a student at a secondary school, is concurrently enrolled at an institution of higher education, and engages in acts pursuant to this subsection with a perpetrator who is an employee of the institution of higher education of which the student is enrolled.

As used in this subsection, "employee of an institution of higher education" means faculty, adjunct faculty, instructors, volunteers, or an employee of a business contracting with an institution of higher education who may exercise, at any time, institutional authority over the victim. Employee of an institution of higher education shall not include an enrolled student who is not more than three (3) years of age or older than the concurrently enrolled student and who is employed or volunteering, in any capacity, for the institution of higher education.

As used in this subsection, "employee of a school system" means a teacher, principal or other duly appointed person employed by a school system or an employee of a firm contracting with a school system, including a school resource officer and security guard.

C. No person shall in any manner lewdly or lasciviously:

1. Look upon, touch, maul, or feel the body or private parts of any human corpse in any indecent manner relating to sexual matters or sexual interest; or

2. Urinate, defecate or ejaculate upon any human corpse.

D. Any person convicted of a violation of subsection B or C of this section shall be deemed guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for not more than ten (10) years.

E. The fact that an undercover operative or law enforcement officer was involved in the detection and investigation of an offense pursuant to this section shall not constitute a defense to a prosecution under this section.

F. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

Added by Laws 1945, p. 95, § 1, emerg. eff. May 5, 1945. Amended by Laws 1947, p. 232, § 1, emerg. eff. March 6, 1947; Laws 1951, p. 60, § 1, emerg. eff. May 26, 1951; Laws 1955, p. 186, § 1, emerg. eff. May 24, 1955; Laws 1965, c. 97, § 1, emerg. eff. May 12, 1965; Laws 1981, c. 206, § 1, emerg. eff. May 26, 1981; Laws 1983, c. 42, § 1, eff. Nov. 1, 1983; Laws 1985, c. 112, § 4, eff. Nov. 1, 1985; Laws

1989, c. 113, § 1, eff. Nov. 1, 1989; Laws 1990, c. 224, § 4, eff. Sept. 1, 1990; Laws 1992, c. 289, § 3, emerg. eff. May 25, 1992; Laws 1997, c. 133, § 299, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 200, eff. July 1, 1999; Laws 2000, c. 175, § 2, eff. Nov. 1, 2000; Laws 2000, c. 334, § 1, eff. Nov. 1, 2000; Laws 2002, c. 110, § 2, eff. July 1, 2002; Laws 2002, c. 460, § 11, eff. Nov. 1, 2002; Laws 2003, c. 159, § 1, eff. Nov. 1, 2003; Laws 2006, c. 284, § 2, emerg. eff. June 7, 2006; Laws 2007, c. 261, § 19, eff. Nov. 1, 2007; Laws 2008, c. 3, § 14, emerg. eff. Feb. 28, 2008; Laws 2009, c. 234, § 125, emerg. eff. May 21, 2009; Laws 2010, c. 226, § 5, eff. Nov. 1, 2010; Laws 2013, c. 138, § 1, eff. Nov. 1, 2013; Laws 2015, c. 67, § 3, eff. Nov. 1, 2015; Laws 2017, c. 128, § 3, eff. July 1, 2017; Laws 2018, c. 167, § 4, eff. Nov. 1, 2018; Laws 2021, c. 331, § 4, eff. Nov. 1, 2021; Laws 2022, c. 260, § 4, eff. Nov. 1, 2022; Laws 2024, c. 59, § 33, eff. Nov. 1, 2024; Laws 2025, c. 60, § 2, emerg. eff. May 6, 2025.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 299 from July 1, 1998, to July 1, 1999.

NOTE: Laws 2000, c. 56, § 1 repealed by Laws 2000, c. 334, § 9, eff. Nov. 1, 2000. Laws 2007, c. 325, § 3 repealed by Laws 2008, c. 3, § 15, emerg. eff. Feb. 28, 2008. Laws 2002, c. 455, § 6 repealed by Laws 2013, c. 138, § 2, eff. Nov. 1, 2013.

§21-1123v2. Lewd or indecent proposals or acts as to child under 16 or person believed to be under 16 - Sexual battery.

A. It is a felony for any person to knowingly and intentionally:

1. Make any oral, written or electronically or computer-generated lewd or indecent proposal to any child under sixteen (16) years of age, or other individual the person believes to be a child under sixteen (16) years of age, for the child to have unlawful sexual relations or sexual intercourse with any person;

2. Look upon, touch, maul, or feel the body or private parts of any child under sixteen (16) years of age in any lewd or lascivious manner by any acts against public decency and morality, as defined by law;

3. Ask, invite, entice, or persuade any child under sixteen (16) years of age, or other individual the person believes to be a child under sixteen (16) years of age, to go alone with any person to a secluded, remote, or secret place, with the unlawful and willful intent and purpose then and there to commit any crime against public decency and morality, as defined by law, with the child;

4. In any manner lewdly or lasciviously look upon, touch, maul, or feel the body or private parts of any child under sixteen (16) years of age in any indecent manner or in any manner relating to sexual matters or sexual interest; or

5. In a lewd and lascivious manner and for the purpose of sexual gratification:

- a. urinate or defecate upon a child under sixteen (16) years of age, or force or require a child to defecate or urinate upon the body or private parts of another, or for the purpose of sexual gratification,
- b. ejaculate upon or in the presence of a child,
- c. cause, expose, force or require a child to look upon the body or private parts of another person,
- d. force or require any child under sixteen (16) years of age or other individual the person believes to be a child under sixteen (16) years of age, to view any obscene materials, child sexual abuse material or materials deemed harmful to minors as such terms are defined by Sections 1024.1 and 1040.75 of this title,
- e. cause, expose, force or require a child to look upon sexual acts performed in the presence of the child, or
- f. force or require a child to touch or feel the body or private parts of the child or another person.

Any person convicted of any violation of this subsection shall be punished by imprisonment in the custody of the Department of Corrections for not less than three (3) years nor more than twenty (20) years, except when the child is under twelve (12) years of age at the time the offense is committed, and in such case the person shall, upon conviction, be punished by death or by imprisonment in the custody of the Department of Corrections for a term of not less than ten (10) years, life, or life without parole. The provisions of this subsection shall not apply unless the accused is at least three (3) years older than the victim, except when accomplished by the use of force or fear. Except as provided in Section 51.1a of this title, any person convicted of a second or subsequent violation of this subsection shall be guilty of a felony punishable as provided in this subsection and shall not be eligible for probation, suspended or deferred sentence. Except as provided in Section 51.1a of this title, any person convicted of a third or subsequent violation of this subsection shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of life or life without parole, in the discretion of the jury, or in case the jury fails or refuses to fix punishment then the same shall be pronounced by the court. Any person convicted of a violation of this subsection after having been twice convicted of a violation of subsection A of Section 1114 of this title, Section 888 of this title, sexual abuse of a child pursuant to Section 843.5 of this title, or of any attempt to commit any of these offenses or any combination of convictions pursuant to these sections shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole.

B. No person shall commit sexual battery on any other person. "Sexual battery" shall mean the intentional touching, mauling or feeling of the body or private parts of any person sixteen (16) years of age or older, in a lewd and lascivious manner:

1. Without the consent of that person;

2. When committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state, or the subcontractor or employee of a subcontractor of the contractor of the state or federal government, a county, a municipality or a political subdivision of this state;

3. When committed upon a person who is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or in the legal custody or supervision of any public or private elementary or secondary school, or technology center school, by a person who is eighteen (18) years of age or older and is an employee of a school system;

4. When committed upon a person who is nineteen (19) years of age or younger and is in the legal custody of a state agency, federal agency or a tribal court, by a foster parent or foster parent applicant; or

5. When the victim is a student at a secondary school, is concurrently enrolled at an institution of higher education, and engages in acts pursuant to this subsection with a perpetrator who is an employee of the institution of higher education of which the student is enrolled.

As used in this subsection, "employee of an institution of higher education" means faculty, adjunct faculty, instructors, volunteers, or an employee of a business contracting with an institution of higher education who may exercise, at any time, institutional authority over the victim. Employee of an institution of higher education shall not include an enrolled student who is not more than three (3) years of age or older than the concurrently enrolled student and who is employed or volunteering, in any capacity, for the institution of higher education.

As used in this subsection, "employee of a school system" means a teacher, principal or other duly appointed person employed by a school system or an employee of a firm contracting with a school system.

C. No person shall in any manner lewdly or lasciviously:

1. Look upon, touch, maul, or feel the body or private parts of any human corpse in any indecent manner relating to sexual matters or sexual interest; or

2. Urinate, defecate or ejaculate upon any human corpse.

D. Any person convicted of a violation of subsection B or C of this section shall be deemed guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for not more than ten (10) years.

E. The fact that an undercover operative or law enforcement officer was involved in the detection and investigation of an offense pursuant to this section shall not constitute a defense to a prosecution under this section.

F. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

Added by Laws 1945, p. 95, § 1, emerg. eff. May 5, 1945. Amended by Laws 1947, p. 232, § 1, emerg. eff. March 6, 1947; Laws 1951, p. 60, § 1, emerg. eff. May 26, 1951; Laws 1955, p. 186, § 1, emerg. eff. May 24, 1955; Laws 1965, c. 97, § 1, emerg. eff. May 12, 1965; Laws 1981, c. 206, § 1, emerg. eff. May 26, 1981; Laws 1983, c. 42, § 1, eff. Nov. 1, 1983; Laws 1985, c. 112, § 4, eff. Nov. 1, 1985; Laws 1989, c. 113, § 1, eff. Nov. 1, 1989; Laws 1990, c. 224, § 4, eff. Sept. 1, 1990; Laws 1992, c. 289, § 3, emerg. eff. May 25, 1992; Laws 1997, c. 133, § 299, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 200, eff. July 1, 1999; Laws 2000, c. 175, § 2, eff. Nov. 1, 2000; Laws 2000, c. 334, § 1, eff. Nov. 1, 2000; Laws 2002, c. 110, § 2, eff. July 1, 2002; Laws 2002, c. 460, § 11, eff. Nov. 1, 2002; Laws 2003, c. 159, § 1, eff. Nov. 1, 2003; Laws 2006, c. 284, § 2, emerg. eff. June 7, 2006; Laws 2007, c. 261, § 19, eff. Nov. 1, 2007; Laws 2008, c. 3, § 14, emerg. eff. Feb. 28, 2008; Laws 2009, c. 234, § 125, emerg. eff. May 21, 2009; Laws 2010, c. 226, § 5, eff. Nov. 1, 2010; Laws 2013, c. 138, § 1, eff. Nov. 1, 2013; Laws 2015, c. 67, § 3, eff. Nov. 1, 2015; Laws 2017, c. 128, § 3, eff. July 1, 2017; Laws 2018, c. 167, § 4, eff. Nov. 1, 2018; Laws 2021, c. 331, § 4, eff. Nov. 1, 2021; Laws 2022, c. 260, § 4, eff. Nov. 1, 2022; Laws 2024, c. 59, § 33, eff. Nov. 1, 2024; Laws 2025, c. 281, § 2, eff. Nov. 1, 2025.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 299 from July 1, 1998, to July 1, 1999.

NOTE: Laws 2000, c. 56, § 1 repealed by Laws 2000, c. 334, § 9, eff. Nov. 1, 2000. Laws 2007, c. 325, § 3 repealed by Laws 2008, c. 3, § 15, emerg. eff. Feb. 28, 2008. Laws 2002, c. 455, § 6 repealed by Laws 2013, c. 138, § 2, eff. Nov. 1, 2013.

§21-1123v3. Lewd or indecent proposals or acts as to child under 16 or person believed to be under 16 - Sexual battery.

A. It is a Class A3 felony offense for any person to knowingly and intentionally:

1. Make any oral, written or electronically or computer-generated lewd or indecent proposal to any child under sixteen (16) years of age, or other individual the person believes to be a child under sixteen (16) years of age, for the child to have unlawful sexual relations or sexual intercourse with any person;

2. Look upon, touch, maul, or feel the body or private parts of any child under sixteen (16) years of age in any lewd or lascivious manner by any acts against public decency and morality, as defined by law;

3. Ask, invite, entice, or persuade any child under sixteen (16) years of age, or other individual the person believes to be a child under sixteen (16) years of age, to go alone with any person to a secluded, remote, or secret place, with the unlawful and willful intent and purpose then and there to commit any crime against public decency and morality, as defined by law, with the child;

4. In any manner lewdly or lasciviously look upon, touch, maul, or feel the body or private parts of any child under sixteen (16) years of age in any indecent manner or in any manner relating to sexual matters or sexual interest; or

5. In a lewd and lascivious manner and for the purpose of sexual gratification:

- a. urinate or defecate upon a child under sixteen (16) years of age, or force or require a child to defecate or urinate upon the body or private parts of another, or for the purpose of sexual gratification,
- b. ejaculate upon or in the presence of a child,
- c. cause, expose, force or require a child to look upon the body or private parts of another person,
- d. force or require any child under sixteen (16) years of age or other individual the person believes to be a child under sixteen (16) years of age, to view any obscene materials, child sexual abuse material or materials deemed harmful to minors as such terms are defined by Sections 1024.1 and 1040.75 of this title,
- e. cause, expose, force or require a child to look upon sexual acts performed in the presence of the child, or
- f. force or require a child to touch or feel the body or private parts of the child or another person.

Any person convicted of any violation of this subsection shall be punished by imprisonment in the custody of the Department of Corrections for not less than three (3) years nor more than twenty (20) years, except when the child is under twelve (12) years of age at the time the offense is committed, and in such case the person shall, upon conviction, be punished by imprisonment in the custody

of the Department of Corrections for not less than twenty-five (25) years. The provisions of this subsection shall not apply unless the accused is at least three (3) years older than the victim, except when accomplished by the use of force or fear. Except as provided in Section 51.1a of this title, any person convicted of a second or subsequent violation of this subsection shall be guilty of a felony punishable as provided in this subsection and shall not be eligible for probation, suspended or deferred sentence. Except as provided in Section 51.1a of this title, any person convicted of a third or subsequent violation of this subsection shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of life or life without parole, in the discretion of the jury, or in case the jury fails or refuses to fix punishment then the same shall be pronounced by the court. Any person convicted of a violation of this subsection after having been twice convicted of a violation of subsection A of Section 1114 of this title, Section 888 of this title, sexual abuse of a child pursuant to Section 843.5 of this title, or of any attempt to commit any of these offenses or any combination of convictions pursuant to these sections shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole.

B. No person shall commit sexual battery on any other person. "Sexual battery" shall mean the intentional touching, mauling or feeling of the body or private parts of any person sixteen (16) years of age or older, in a lewd and lascivious manner:

1. Without the consent of that person;

2. When committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state, or the subcontractor or employee of a subcontractor of the contractor of the state or federal government, a county, a municipality or a political subdivision of this state;

3. When committed upon a person who is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or in the legal custody or supervision of any public or private elementary or secondary school, or technology center school, by a person who is eighteen (18) years of age or older and is an employee of a school system;

4. When committed upon a person who is nineteen (19) years of age or younger and is in the legal custody of a state agency, federal agency or a tribal court, by a foster parent or foster parent applicant; or

5. When the victim is a student at a secondary school, is concurrently enrolled at an institution of higher education, and engages in acts pursuant to this subsection with a perpetrator who is an employee of the institution of higher education of which the student is enrolled.

As used in this subsection, "employee of an institution of higher education" means faculty, adjunct faculty, instructors, volunteers, or an employee of a business contracting with an institution of higher education who may exercise, at any time, institutional authority over the victim. Employee of an institution of higher education shall not include an enrolled student who is not more than three (3) years of age or older than the concurrently enrolled student and who is employed or volunteering, in any capacity, for the institution of higher education.

As used in this subsection, "employee of a school system" means a teacher, principal or other duly appointed person employed by a school system or an employee of a firm contracting with a school system.

C. No person shall in any manner lewdly or lasciviously:

1. Look upon, touch, maul, or feel the body or private parts of any human corpse in any indecent manner relating to sexual matters or sexual interest; or

2. Urinate, defecate or ejaculate upon any human corpse.

D. Any person convicted of a violation of subsection B or C of this section shall be deemed guilty of a Class B4 felony offense and shall be punished by imprisonment in the custody of the Department of Corrections for not more than ten (10) years.

E. The fact that an undercover operative or law enforcement officer was involved in the detection and investigation of an offense pursuant to this section shall not constitute a defense to a prosecution under this section.

F. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

Added by Laws 1945, p. 95, § 1, emerg. eff. May 5, 1945. Amended by Laws 1947, p. 232, § 1, emerg. eff. March 6, 1947; Laws 1951, p. 60, § 1, emerg. eff. May 26, 1951; Laws 1955, p. 186, § 1, emerg. eff. May 24, 1955; Laws 1965, c. 97, § 1, emerg. eff. May 12, 1965; Laws 1981, c. 206, § 1, emerg. eff. May 26, 1981; Laws 1983, c. 42, § 1, eff. Nov. 1, 1983; Laws 1985, c. 112, § 4, eff. Nov. 1, 1985; Laws 1989, c. 113, § 1, eff. Nov. 1, 1989; Laws 1990, c. 224, § 4, eff. Sept. 1, 1990; Laws 1992, c. 289, § 3, emerg. eff. May 25, 1992;

Laws 1997, c. 133, § 299, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 200, eff. July 1, 1999; Laws 2000, c. 175, § 2, eff. Nov. 1, 2000; Laws 2000, c. 334, § 1, eff. Nov. 1, 2000; Laws 2002, c. 110, § 2, eff. July 1, 2002; Laws 2002, c. 460, § 11, eff. Nov. 1, 2002; Laws 2003, c. 159, § 1, eff. Nov. 1, 2003; Laws 2006, c. 284, § 2, emerg. eff. June 7, 2006; Laws 2007, c. 261, § 19, eff. Nov. 1, 2007; Laws 2008, c. 3, § 14, emerg. eff. Feb. 28, 2008; Laws 2009, c. 234, § 125, emerg. eff. May 21, 2009; Laws 2010, c. 226, § 5, eff. Nov. 1, 2010; Laws 2013, c. 138, § 1, eff. Nov. 1, 2013; Laws 2015, c. 67, § 3, eff. Nov. 1, 2015; Laws 2017, c. 128, § 3, eff. July 1, 2017; Laws 2018, c. 167, § 4, eff. Nov. 1, 2018; Laws 2021, c. 331, § 4, eff. Nov. 1, 2021; Laws 2022, c. 260, § 4, eff. Nov. 1, 2022; Laws 2024, c. 59, § 33, eff. Nov. 1, 2024; Laws 2025, c. 486, § 38, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 299 from July 1, 1998, to July 1, 1999.

NOTE: Laws 2000, c. 56, § 1 repealed by Laws 2000, c. 334, § 9, eff. Nov. 1, 2000. Laws 2007, c. 325, § 3 repealed by Laws 2008, c. 3, § 15, emerg. eff. Feb. 28, 2008. Laws 2002, c. 455, § 6 repealed by Laws 2013, c. 138, § 2, eff. Nov. 1, 2013.

§21-1124. Renumbered as Title 21, § 1958 by Laws 1989, c. 151, § 6, eff. Nov. 1, 1989.

§21-1125. Zone of safety - Schools, child care centers, playgrounds, parks and residences of victims - Restrictions on convicted sex offenders - Exemptions.

A. A zone of safety is hereby created around elementary, junior high and high schools, permitted or licensed child care centers as defined by the Department of Human Services, playgrounds, parks or the residence of a victim of a sex crime.

1. A person is prohibited from loitering within five hundred (500) feet of any elementary, junior high or high school, permitted or licensed child care center, playground, or park if the person has been convicted of a crime that requires the person to register pursuant to the Sex Offenders Registration Act or the person has been convicted of an offense in another jurisdiction, which offense if committed or attempted in this state, would have been punishable as one or more of the offenses listed in Section 582 of Title 57 of the Oklahoma Statutes and the victim was a child under the age of sixteen (16) years.

2. A person is prohibited from entering any park if:

- a. the person has been designated as a habitual or aggravated sex offender as provided in Section 584 of Title 57 of the Oklahoma Statutes, or
- b. the person has been convicted of an offense in another jurisdiction, which offense, if committed or attempted

in this state, would designate the person as a habitual or aggravated sex offender as provided in Section 584 of Title 57 of the Oklahoma Statutes.

3. A person is prohibited from loitering within one thousand (1,000) feet of the residence of his or her victim if:

- a. the person who committed a sex crime against the victim has been convicted of said crime, and
- b. the person is required to register pursuant to the Sex Offenders Registration Act.

B. A person convicted of a violation of subsection A of this section shall be guilty of a Class D1 felony offense punishable by a fine not exceeding Two Thousand Five Hundred Dollars (\$2,500.00), or by imprisonment as provided for in subsections B through F of Section 20N of this title, or by both such fine and imprisonment. Any person convicted of a second or subsequent violation of subsection A of this section shall be guilty of a Class D1 felony offense and shall be punished by a fine not exceeding Two Thousand Five Hundred Dollars (\$2,500.00), or by imprisonment as provided for in subsections B through F of Section 20N of this title, or by both such fine and imprisonment. This proscription of conduct shall not modify or remove any restrictions currently applicable to the person by court order, conditions of probation or as provided by other provision of law.

C. 1. A person shall be exempt from the prohibition of this section regarding a school or a licensed or permitted child care facility only under the following circumstances and limited to a reasonable amount of time to complete such tasks:

- a. the person is the custodial parent or legal guardian of a child who is an enrolled student at the school or child care facility, and
- b. the person is enrolling, delivering or retrieving such child at the school or licensed or permitted child care center during regular school or facility hours or for school-sanctioned or licensed-or-permitted-child-care-center-sanctioned extracurricular activities.

Prior to entering the zone of safety for the purposes listed in this paragraph, the person shall inform school or child care center administrators of his or her status as a registered sex offender. The person shall update monthly, or as often as required by the school or center, information about the specific times the person will be within the zone of safety as established by this section.

2. This exception shall not be construed to modify or remove any restrictions applicable to the person by court order, conditions of probation, or as provided by other provision of law.

D. The provisions of subsection A of this section shall not apply to any person receiving medical treatment at a hospital or other facility certified or licensed by the State of Oklahoma to

provide medical services. As used in this subsection, "medical treatment" shall not include any form of psychological, social or rehabilitative counseling services or treatment programs for sex offenders.

E. Nothing in this section shall prohibit a person, who is registered as a sex offender pursuant to the Sex Offenders Registration Act, from attending a recognized church or religious denomination for worship; provided, the person has notified the religious leader of his or her status as a registered sex offender and the person has been granted written permission by the religious leader.

F. For purpose of prosecution of any violation of this section, the provisions of Section 51.1 of this title shall not apply.

G. As used in this section, "park" means any outdoor public area specifically designated as being used for recreational purposes that is operated or supported in whole or in part by a homeowners' association or a city, town, county, state, federal or tribal governmental authority.

Added by Laws 2003, c. 209, § 1, emerg. eff. May 12, 2003. Amended by Laws 2006, c. 284, § 3, emerg. eff. June 7, 2006; Laws 2007, c. 32, § 1, emerg. eff. April 18, 2007; Laws 2007, c. 261, § 20, eff. Nov. 1, 2007; Laws 2008, c. 318, § 2, eff. Nov. 1, 2008; Laws 2010, c. 147, § 1, emerg. eff. April 19, 2010; Laws 2014, c. 250, § 1, eff. Nov. 1, 2014; Laws 2015, c. 270, § 1, eff. Nov. 1, 2015; Laws 2018, c. 38, § 2, eff. Nov. 1, 2018; Laws 2025, c. 486, § 400, eff. Jan. 1, 2026.

§21-1151. Disposal of one's own body.

A. Any person has the right to direct the manner in which his or her body shall be disposed of after death, and to direct the manner in which any part of his or her body which becomes separated therefrom during his or her lifetime shall be disposed of. The provisions of Section 1151 et seq. of this title do not apply where such person has given directions for the disposal of his or her body or any part thereof inconsistent with these provisions.

B. A person may assign the right to direct the manner in which his or her body shall be disposed of after death by executing a sworn affidavit stating the assignment of the right and the name of the person or persons to whom the right has been assigned.

C. If the decedent died while serving in any branch of the United States Armed Forces, the United States Reserve Forces or the National Guard, and completed a United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, the person authorized by the decedent pursuant to that form shall have the right to bury the decedent or to provide other funeral and disposition arrangements, including but not limited to cremation.

D. Any person who knowingly fails to follow the directions as to the manner in which the body of a person shall be disposed of pursuant to subsection A, B or C of this section, upon conviction thereof, shall be guilty of a misdemeanor punishable by a fine of not more than Five Thousand Dollars (\$5,000.00).
R.L. 1910, § 2446. Amended by Laws 1997, c. 197, § 1, eff. Nov. 1, 1997; Laws 2011, c. 208, § 8, eff. Nov. 1, 2011.

§21-1151a. Forfeiture of right to dispose of body of decedent.

Any person entitled by law to the right to dispose of the body of the decedent shall forfeit that right, and the right shall be passed on to the next qualifying person as listed in Section 1158 of Title 21 of the Oklahoma Statutes, in the following circumstances:

1. Any person charged with first or second degree murder or voluntary manslaughter in connection with the death of the decedent, and whose charges are known to the funeral director; provided, however that if the charges against such person are dropped, or if such person is acquitted of the charges, the right of disposition shall be returned to the person;

2. Any person who does not exercise the right of disposition within three (3) days of notification of the death of the decedent or within five (5) days of the death of the decedent, whichever is earlier; or

3. If the district court, pursuant to Title 58 of the Oklahoma Statutes, determines that the person entitled to the right of disposition and the decedent were estranged at the time of death. For purposes of this paragraph, "estranged" means a physical and emotional separation from the decedent at the time of death that clearly demonstrates an absence of due affection, trust and regard for the decedent.

Added by Laws 2011, c. 208, § 2, eff. Nov. 1, 2011.

§21-1152. Duty of burial.

Except in the cases in which a right to dissect a dead body is expressly conferred by law, every dead body of a human being must be decently buried within a reasonable time after the death.

R.L.1910, § 2447.

§21-1153. Burial in other states.

The last section does not affect the right to carry the dead body of a human being through this state, or to remove from this state the body of a person dying within it, for the purpose of burying the same in another state or territory.

R.L.1910, § 2448.

§21-1154. Autopsy - Definition - When allowed - Retention of tissue and specimens.

A. Autopsy means a post mortem dissection of a dead human body in order to determine the cause, seat or nature of disease or injury and includes, but is not limited to, the retention of tissues for evidentiary, identification, diagnostic, scientific and therapeutic purposes.

B. An autopsy may be performed on the dead body of a human being in the following cases:

1. In cases authorized by positive enactment of the Legislature;

2. Whenever the death occurs under circumstances in which the medical examiner is authorized as provided in Title 63 of the Oklahoma Statutes to conduct such autopsy; or

3. Whenever consent is given to a licensed physician to conduct an autopsy on the body of a deceased person by whichever one of the following assumes custody of the body for purposes of burial: Father, mother, husband, wife, child, guardian, next of kin, or in the absence of any of the foregoing, a friend, or a person charged by law with the responsibility for burial. If two (2) or more such persons assume custody of the body, the consent of one of them shall be deemed sufficient.

C. 1. Any physician or hospital authorized to perform an autopsy pursuant to this section, whether by statutory authority or by consent from a person entitled to assume custody of the body for burial, shall be and is authorized to retain such tissue and specimens as the examining physician deems proper. Such tissue and specimens may be retained for examination, dissection or study in furtherance of determining the cause of death, or for evidentiary, diagnostic, or scientific purposes. Except with regard to medical examiners and the Office of the Chief Medical Examiner, this provision shall not apply if a person entitled to assume custody of the body for burial notifies the physician or hospital performing the autopsy prior to said autopsy of any objection to the retention of tissue and specimens obtained from the autopsy.

2. No physician or hospital authorized to perform an autopsy pursuant to this section shall be subject to criminal or civil liability for the retention, examination, dissection, or study of tissue and specimens obtained from said autopsy under existing laws regarding the prevention of mutilation of dead bodies.

R.L. 1910, § 2449; Laws 1967, c. 98, § 1, emerg. eff. April 20, 1967; Laws 1981, c. 106, § 1; Laws 1992, c. 355, § 1.

§21-1155. Unlawful dissection is a misdemeanor.

Every person who makes or procures to be made any dissection of the body of a human being, except by authority of law, or in pursuance of a permission given by the deceased, is guilty of a misdemeanor.

R.L.1910, § 2450.

§21-1156. Remains after dissection.

In all cases in which a dissection has been made, the provisions of this article requiring the burial of a dead body, and punishing interference with or injuries to a dead body, apply equally to the remains of the body dissected as soon as the lawful purposes of such dissection have been accomplished.

R.L.1910, § 2451.

§21-1157. Dead limb or member of body.

All provisions of this article requiring the burial of a dead body, or punishing interference with or injuries to a dead body, applying equally to any dead limb or member of a human body, separated therefrom during lifetime.

R.L.1910, § 2452.

§21-1158. Right to control disposition of the remains of a deceased person.

The right to control the disposition of the remains of a deceased person, the location, manner and conditions of disposition, and arrangements for funeral goods and services vests in the following order, provided the person is eighteen (18) years of age or older and of sound mind:

1. The decedent, provided the decedent has entered into a pre-need funeral services contract or executed a written document that meets the requirements of the State of Oklahoma;

2. A representative appointed by the decedent by means of an executed and witnessed written document meeting the requirements of the State of Oklahoma;

3. The surviving spouse;

4. The sole surviving adult child of the decedent whose whereabouts is reasonably ascertained or if there is more than one adult child of the decedent, the majority of the surviving adult children whose whereabouts are reasonably ascertained;

5. The surviving parent or parents of the decedent, whose whereabouts are reasonably ascertained;

6. The surviving adult brother or sister of the decedent whose whereabouts is reasonably ascertained, or if there is more than one adult sibling of the decedent, the majority of the adult surviving siblings, whose whereabouts are reasonably ascertained;

7. The guardian of the person of the decedent at the time of the death of the decedent, if one had been appointed;

8. The person in the classes of the next degree of kinship, in descending order, under the laws of descent and distribution to inherit the estate of the decedent. If there is more than one person of the same degree, any person of that degree may exercise the right of disposition;

9. If the decedent was an indigent person or other person the final disposition of whose body is the financial responsibility of the state or a political subdivision of the state, the public officer or employee responsible for arranging the final disposition of the remains of the decedent; and

10. In the absence of any person under paragraphs 1 through 9 of this section, any other person willing to assume the responsibilities to act and arrange the final disposition of the remains of the decedent, including the personal representative of the estate of the decedent or the funeral director with custody of the body, after attesting in writing that a good-faith effort has been made to no avail to contact the individuals under paragraphs 1 through 9 of this section.

R.L. 1910, § 2453. Amended by Laws 1997, c. 197, § 2, eff. Nov. 1, 1997; Laws 2011, c. 208, § 1, eff. Nov. 1, 2011.

§21-1158a. Court authority to award the right of disposition of body of decedent.

The district court for the county where the decedent resided may award the right of disposition to the person determined by the court to be the most fit and appropriate to carry out the right of disposition, and may make decisions regarding the remains of the decedent if those sharing the right of disposition cannot agree. The following provisions shall apply to the determination of the court under this section:

1. If the persons holding the right of disposition are two or more persons with the same relationship to the decedent and cannot, by majority vote, make a decision regarding the disposition of the remains of the decedent, any of the persons or a funeral director with custody of the remains may file a petition asking the district court to make a determination in the matter;

2. In making a determination under this section, the district court shall consider the following:

- a. the reasonableness and practicality of the proposed funeral arrangements and disposition,
- b. the degree of the personal relationship between the decedent and each person claiming the right of disposition,
- c. the desires of the person or persons who are ready, willing and able to pay the cost of the funeral arrangements and disposition,
- d. the convenience and needs of other families and friends wishing to pay respects,
- e. the desires of the decedent, and
- f. the degree to which the funeral arrangements would allow maximum participation by all wishing to pay respect;

3. In the event of a dispute regarding the right of disposition, a funeral director shall not be liable for refusing to accept the remains or to inter or otherwise dispose of the remains of the decedent or complete the arrangements for the final disposition of the remains until the funeral director receives a court order or other written agreement signed by the parties in the disagreement that decides the final disposition of the remains. If the funeral director retains the remains for final disposition while the parties are in disagreement, the funeral director may embalm, refrigerate, or shelter the body in order to preserve it while awaiting the final decision of the district court and may add the cost of embalming, refrigeration or sheltering to the final disposition costs. If a funeral director brings an action under this section, the funeral director may add the legal fees and court costs associated with a petition under this section to the cost of final disposition. This section shall not be construed to require or to impose a duty on a funeral director to bring an action under this section. A funeral director shall not be held criminally or civilly liable for choosing not to bring an action under this section; and

4. Except to the degree it may be considered by the district court under subparagraph c of paragraph 2 of this section, the fact that a person has paid or agreed to pay for all or part of the funeral arrangements and final disposition does not give that person a greater right to the right of disposition than the person would otherwise have. The personal representative of the estate of the decedent does not, by virtue of being the personal representative, have a greater claim to the right of disposition than the person would otherwise have.

Added by Laws 2011, c. 208, § 3, eff. Nov. 1, 2011.

§21-1158b. Funeral service agreements - Instructions.

Any person signing a funeral service agreement, cremation authorization form, or any other authorization for disposition shall be deemed to warrant the truthfulness of any facts set forth therein, including the identity of the decedent whose remains are to be buried, cremated, or otherwise disposed of, and the authority of the person to order such disposition. A funeral establishment shall have the right to rely on such funeral service contract or authorization and shall have the authority to carry out the instructions of the person or persons who the funeral director reasonably believes holds the right of disposition. The funeral director shall have no responsibility to contact or to independently investigate the existence of any next of kin or relative of the decedent. If there is more than one person in a class who are equal in priority and the funeral director has no knowledge of any objection by other members of such class, the funeral director shall

be entitled to rely on and act according to the instructions of the first person in the class to make funeral and disposition arrangements; provided that no other person in such class provides written notice of objections to the funeral director.

Added by Laws 2011, c. 208, § 4, eff. Nov. 1, 2011.

§21-1158c. Funeral directors - Final disposition - Collection of charges.

A funeral director shall have complete authority to control the final disposition and to proceed under this act to recover reasonable charges for the final disposition when both of the following apply:

1. The funeral director has actual knowledge that none of the persons described in paragraphs 1 through 7 of Section 1158 of Title 21 of the Oklahoma Statutes exist or that none of the persons so described whose whereabouts are reasonably ascertained, can be found; and

2. The appropriate public or court authority fails to assume responsibility for disposition of the remains within thirty-six (36) hours after having been given written notice of the facts. Written notice may be delivered by hand, United States mail, facsimile transmission or electronic mail.

Added by Laws 2011, c. 208, § 5, eff. Nov. 1, 2011.

§21-1158d. Funeral director - Criminal and civil liability.

No funeral establishment or funeral director who relies in good faith upon the instructions of an individual claiming the right of disposition shall be subject to criminal or civil liability or subject to disciplinary action for carrying out the disposition of the remains in accordance with the instructions.

Added by Laws 2011, c. 208, § 6, eff. Nov. 1, 2011.

§21-1159. Neglect of burial.

Every person upon whom the duty of making burial of the remains of a deceased person is imposed by law, who omits to perform that duty within a reasonable time, is guilty of a misdemeanor; and, in addition to the punishment prescribed therefor, is liable to pay to the person performing the duty in his stead, treble the expenses incurred by the latter in making the burial, to be recovered in a civil action.

R.L.1910, § 2454.

§21-1160. Persons entitled to custody of body.

The person charged by law with the duty of burying the body of a deceased person is entitled to the custody of such body for the purpose of burying it, except that in the cases in which an inquest is required by law to be held upon a dead body, the officer holding

the inquest is entitled to its custody until such inquest has been completed.

R.L.1910, § 2455.

§21-1161. Unlawful removal of dead body - Violation of or damage to casket or burial vault.

A. No person shall intentionally remove the dead body of a human being or any part thereof from the initial site where such dead body is located for any purpose, unless such removal is authorized by a district attorney or his authorized representative or medical examiner or his authorized representative, or is not required to be investigated pursuant to the provisions of Section 938 of Title 63 of the Oklahoma Statutes, said authorization by the district attorney or medical examiner shall not be required prior to the removal of said body. A district attorney having jurisdiction may refuse to prosecute a violation of this subsection if the district attorney determines that circumstances existed which would justify such removal or that such removal was not an act of malice or wantonness.

B. No person shall remove any part of the dead body of a human being from any grave or other place where the same has been buried, or from any place where the same is deposited while awaiting burial, with intent to sell the same, or to dissect it without authority of law, or from malice or wantonness.

C. No person shall willfully or with malicious intent violate or cause damage to the casket or burial vault holding the deceased human remains.

D. Any person convicted of violating any of the provisions of this section shall be guilty of a Class D1 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. R.L. 1910, § 2456. Amended by Laws 1986, c. 281, § 1, eff. Nov. 1, 1986; Laws 1989, c. 193, § 1, eff. Nov. 1, 1989; Laws 1997, c. 133, § 300, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 201, eff. July 1, 1999; Laws 2025, c. 486, § 401, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 300 from July 1, 1998, to July 1, 1999.

§21-1161.1. Desecration of a human corpse - Penalty - Prosecution with other offenses - Definition.

A. It is unlawful for any person to knowingly and willfully desecrate a human corpse for any purpose of:

1. Tampering with the evidence of a crime;
2. Camouflaging the death of human being;
3. Disposing of a dead body;

4. Impeding or prohibiting the detection, investigation or prosecution of a crime;

5. Altering, inhibiting or concealing the identification of a dead body, a crime victim, or a criminal offender; or

6. Disrupting, prohibiting or interfering with any law enforcement agency or the Office of the State Medical Examiner in detecting, investigating, examining, determining, identifying or processing a dead body, cause of death, the scene where a dead body is found, or any forensic examination or investigation relating to a dead body or a crime.

B. Upon conviction, the violator of any provision of this section shall be guilty of a Class B4 felony offense punishable by imprisonment in the custody of the Department of Corrections for a term not more than seven (7) years, by a fine not exceeding Eight Thousand Dollars (\$8,000.00), or by both such fine and imprisonment.

C. This offense may be prosecuted in addition to any prosecution pursuant to Section 1161 of Title 21 of the Oklahoma Statutes for removal of a dead body or any other criminal offense.

D. For purposes of this section, "desecration of a human corpse" means any act committed after the death of a human being including, but not limited to, dismemberment, disfigurement, mutilation, burning, or any act committed to cause the dead body to be devoured, scattered or dissipated; except, those procedures performed by a state agency or licensed authority in due course of its duties and responsibilities for forensic examination, gathering or removing crime scene evidence, presentation or preservation of evidence, dead body identification, cause of death, autopsy, cremation or burial, organ donation, use of a cadaver for medical educational purposes, or other necessary procedures to identify, remove or dispose of a dead body by the proper authority.

Added by Laws 2008, c. 438, § 6, eff. July 1, 2008. Amended by Laws 2025, c. 486, § 117, eff. Jan. 1, 2026.

§21-1162. Purchasing dead body.

Whoever purchases, or who receives, except for the purpose of burial, any dead body of a human being, knowing the same has been removed contrary to Section 1161 of this title shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

R.L. 1910, § 2457. Amended by Laws 1997, c. 133, § 301, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 202, eff. July 1, 1999; Laws 2025, c. 486, § 402, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 301 from July 1, 1998, to July 1, 1999.

§21-1163. Unlawful interference with places of burial.

Any person who opens any grave or any place of burial, temporary or otherwise, or who breaks open any building wherein any dead body of a human being is deposited while awaiting burial, with intent either:

1. To remove any dead body of a human being for the purpose of selling the same, or for the purpose of dissection; or

2. To steal the coffin, or any part thereof or anything attached thereto, or connected therewith, or the vestments or other articles buried with the same,

shall, upon conviction, be guilty of a Class D3 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20P of this title, or by a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or by both such fine and imprisonment.

R.L. 1910, § 2458. Amended by Laws 1997, c. 133, § 302, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 203, eff. July 1, 1999; Laws 2025, c. 486, § 676, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 302 from July 1, 1998, to July 1, 1999.

§21-1164. Removal to another burial place.

Whenever a cemetery or other place of burial is lawfully authorized to be removed from one place to another, the right and duty to disinter, remove and rebury the remains of bodies there lying buried devolves upon the same persons required to bury the deceased in the order in which they there are named, and if they all fail to act, then upon the lawful custodians of the place of burial so removed. Every omission of such duty is punishable in the same manner as other omissions to perform the duty of making burial.

R.L.1910, § 2459.

§21-1165. Arresting or attaching dead body.

Every person who arrests or attaches any dead body of a human being upon any debt or demand whatever, or detains or claims to detain it for any debt or demand, or upon any pretended lien or charge, is guilty of a misdemeanor.

R.L.1910, § 2460.

§21-1166. Disturbing funerals.

Every person who willfully disturbs, interrupts or disquiets any assemblage of people met for the purpose of any funeral, or who, without authority of law, obstructs or detains any persons engaged in carrying or accompanying any dead body of a human being to a place of burial, is guilty of a misdemeanor.

R.L.1910, § 2461.

§21-1167. Destruction, mutilation, etc. of cemetery structures, markers, etc. - Sale or barter of veteran markers.

Every person who:

1. Shall willfully with malicious intent destroy, mutilate, deface, injure or remove any tomb, monument or gravestone, or other structure placed in any cemetery or private burying ground, or any fence, railing, or other work for the protection or ornament of any such cemetery or place of burial of any human being, or tomb, monument or gravestone, memento, veteran marker from any war, or memorial, or other structure aforesaid, or of any lot within a cemetery, or shall willfully or with malicious intent destroy, cut, break, or injure any tree, shrub or plant, within the limits thereof; or

2. Knowingly buys, sells or barter for profit any veteran marker from any war that is placed on a lot within a cemetery or place of burial of any human being, shall be guilty of a misdemeanor if the amount of damage is less than Five Thousand Dollars (\$5,000.00), and shall, upon conviction thereof, be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for not less than ninety (90) days, or by both such fine and imprisonment. In addition, the court shall require the person to perform not more than one hundred twenty (120) hours of community service. If the amount of damage exceeds Five Thousand Dollars (\$5,000.00) the person shall be guilty of a felony and shall, upon conviction thereof, be punished by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), or by imprisonment in the county jail for not less than six (6) months, or by both such fine and imprisonment. In addition, the court shall require the person to perform not more than two hundred forty (240) hours of community service. The court shall not suspend any portion of the community service requirement set forth in this section.

R.L. 1910, § 2462. Amended by Laws 1989, c. 193, § 2, eff. Nov. 1, 1989; Laws 2001, c. 386, § 1, eff. July 1, 2001; Laws 2003, c. 179, § 1, eff. Nov. 1, 2003; Laws 2005, c. 225, § 1, eff. Nov. 1, 2005.

§21-1168. Definitions.

As used in this section and Sections 13 through 18 of this act:1. "Human

2. "Burial grounds" means any place where human skeletal remains are buried;

3. "Burial furniture" means any items intentionally placed with human remains at the time of burial and shall include but not be limited to burial markers, items of personal adornment, casket and hardware, stone, bone, shell and metal ornaments and elaborately decorated pottery vessels;

4. "State Historic Preservation Officer" means the individual of this title appointed by the Governor and employed by the Oklahoma Historical Society; and

5. "State Archaeologist" means the individual of this title employed by the Oklahoma Archeological Survey.

Added by Laws 1987, c. 204, § 12, operative July 1, 1987.

§21-1168.1. Buying, selling or bartering for profit of human skeletal remains or associated burial furniture - Felony.

Anyone who knowingly buys, sells or barter for profit human skeletal remains or associated burial furniture previously buried within this state shall, upon conviction, be guilty of a Class D3 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title.

Added by Laws 1987, c. 204, § 13, operative July 1, 1987. Amended by Laws 1997, c. 133, § 303, eff. July 1, 1999; Laws 2025, c. 486, § 677, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 303 from July 1, 1998, to July 1, 1999.

§21-1168.2. Certain institutions and museums to consult tribal leaders or certain state entities before disposition of remains.

Accredited educational institutions, or officially designated institutions or museums as provided by Section 361 of Title 53 of the Oklahoma Statutes, coming into possession or knowledge of human skeletal remains or associated burial furniture from Oklahoma shall consult if possible with tribal leaders, designated by the Oklahoma Indian Affairs Commission, regarding the final disposition of said remains prior to any activities related to scientific or educational purposes. Where direct historical ties to existing tribal groups cannot be established, consultation regarding final disposition shall take place with the State Historic Preservation Officer, State Archaeologist and the Director of the Oklahoma Museum of Natural History.

Added by Laws 1987, c. 204, § 14, operative July 1, 1987.

§21-1168.3. Display of open burial ground, furniture or skeletal remains for profit or commercial enterprise.

Anyone who knowingly displays an open burial ground, burial furniture or human skeletal remains previously buried in Oklahoma for profit or to aid and abet a commercial enterprise shall be guilty of a misdemeanor and each day of display shall be a separate offense.

Added by Laws 1987, c. 204, § 15, operative July 1, 1987.

§21-1168.4. Discovery of human remains or burial furniture - Reporting and notification procedure.

A. All persons who encounter or discover human skeletal remains or what they believe may be human skeletal remains or burial furniture thought to be associated with human burials in or on the ground shall immediately cease any activity which may cause further disturbance and shall report the presence and location of such human skeletal remains to an appropriate law enforcement officer.

B. Any person who willfully fails to report the presence or discovery of human skeletal remains or what they believe may be human skeletal remains within forty-eight (48) hours to an appropriate law enforcement officer in the county in which the remains are found shall be guilty of a misdemeanor.

C. Any person who knowingly disturbs human skeletal remains or burial furniture other than a law enforcement officer, registered mortician, a representative of the Office of the Chief Medical Examiner, a professional archaeologist or physical anthropologist, or other officials designated by law in performance of official duties shall, upon conviction, be guilty of a Class D3 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title.

D. Anyone other than a law enforcement officer, registered mortician, a representative of the Office of the Chief Medical Examiner, a professional archaeologist or physical anthropologist, or other officials designated by law in performance of official duties, who disturbs or permits disturbance of a burial ground with the intent to obtain human skeletal remains or burial furniture shall, upon conviction, be guilty of a Class D3 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title.

E. The law enforcement officer, if there is a reason to believe that the skeletal remains may be human, shall promptly notify the landowner and the Chief Medical Examiner. If remains reported under this act are not associated with or suspected of association with any crime, the State Archaeologist and the State Historic Preservation Officer shall be notified within fifteen (15) days. If review by the State Archaeologist and the State Historic Preservation Officer of the human skeletal remains and any burial furniture demonstrates or suggests a direct historical relationship to a tribal group, then the State Archaeologist shall:

1. Notify the State Historic Preservation Officer; and

2. Consult with the tribal leader, designated by the Oklahoma Indian Affairs Commission, within fifteen (15) days regarding any proposed treatment or scientific studies and final disposition of the materials.

Added by Laws 1987, c. 204, § 16, operative July 1, 1987. Amended by Laws 1997, c. 133, § 304, eff. July 1, 1999; Laws 2025, c. 486, § 678, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 304 from July 1, 1998, to July 1, 1999.

§21-1168.5. Designation of repository for remains and furniture for scientific purposes.

If the human skeletal remains and any burial furniture are not directly related to a tribal group or if the remains are not claimed by the consulted entity, the State Archaeologist and the State Historic Preservation Officer with the Director of the Oklahoma Museum of Natural History may designate a repository for curation of such skeletal remains and burial furniture for scientific purposes. Added by Laws 1987, c. 204, § 17, operative July 1, 1987.

§21-1168.6. Penalties.

A. Any person convicted of a misdemeanor pursuant to the provisions of Sections 1168 through 1168.5 of this title shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00), by imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment.

B. Any person convicted of a felony pursuant to the provisions of Sections 1168 through 1168.5 of this title shall be guilty of a Class D3 felony offense punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment as provided for in subsections B through F of Section 20P of this title, or by both such fine and imprisonment.

Added by Laws 1987, c. 204, § 18, operative July 1, 1987. Amended by Laws 1997, c. 133, § 305, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 204, eff. July 1, 1999; Laws 2025, c. 486, § 679, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 305 from July 1, 1998, to July 1, 1999.

§21-1168.7. Federal and state agencies encountering burial grounds, human skeletal remains or burial furniture - Reports - Disposition.

A. Any federal or state department or agency which, in the performance of its duties, discovers a burial ground, human skeletal remains or burial furniture shall immediately cease any activity which may cause further disturbance of the site and shall report the presence and location of any skeletal remains to an appropriate law enforcement officer as required by Section 1168 et seq. of Title 21 of the Oklahoma Statutes and shall comply with all other provisions of said sections.

B. If it is determined that the burial ground, human skeletal remains or burial furniture is not directly related to a tribal group, the State Historic Preservation Officer shall work with the director of the federal or state department or agency until disposition of the burial ground, human skeletal remains or burial

furniture has been completed to the satisfaction of the State Historic Preservation Officer.

Added by Laws 1992, c. 214, § 2, eff. Sept. 1, 1992.

§21-1169. Disposition of human tissue - Rules and regulations.

A. The State Board of Health is hereby directed to immediately promulgate rules and regulations for the proper disposition of human tissue by medical facilities over which the Board has jurisdiction.

B. The State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners shall immediately promulgate rules and regulations for the proper disposition of human tissue by physicians, their employees or agents.

C. The State Board of Health, the State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners shall cooperatively establish uniform rules and regulations so as to provide consistency for the proper disposition of human tissue.

D. Any person violating any rule or regulation established pursuant to subsections A or B of this section relating to the disposition of human tissue shall, upon conviction, be fined an amount not to exceed Ten Thousand Dollars (\$10,000.00).

Added by Laws 1992, c. 355, § 2.

§21-1171. Peeping Tom - Use of photographic, electronic or video equipment - Offenses and punishment - Definition.

A. Every person who hides, waits or otherwise loiters in the vicinity of any private dwelling house, apartment building, any other place of residence, or in the vicinity of any locker room, dressing room, restroom or any other place where a person has a right to a reasonable expectation of privacy, with the unlawful and willful intent to watch, gaze, or look upon any person in a clandestine manner, shall, upon conviction, be guilty of a misdemeanor. The violator shall be punished by imprisonment in the county jail for a term of not more than one (1) year, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

B. Every person who uses photographic, electronic or video equipment in a clandestine manner for any illegal, illegitimate, prurient, lewd or lascivious purpose with the unlawful and willful intent to view, watch, gaze or look upon any person without the knowledge and consent of such person when the person viewed is in a place where there is a right to a reasonable expectation of privacy, or who publishes or distributes any image obtained from such act, shall, upon conviction, be guilty of a Class D1 felony offense. The violator shall be punished by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine

not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

C. Every person who uses photographic, electronic or video equipment in a clandestine manner for any illegal, illegitimate, prurient, lewd or lascivious purpose with the unlawful and willful intent to view, watch, gaze or look upon any person and capture an image of a private area of a person without the knowledge and consent of such person and knowingly does so under circumstances in which a reasonable person would believe that the private area of the person would not be visible to the public, regardless of whether the person is in a public or private place shall, upon conviction, be guilty of a misdemeanor. The violator shall be punished by imprisonment in the county jail for a term of not more than one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

D. As used in this section, the phrase "private area of the person" means the naked or undergarment-clad genitals, pubic area, buttocks, or any portion of the areola of the female breast of that individual.

Added by Laws 1959, p. 112, § 1. Amended by Laws 2001, c. 386, § 2, eff. July 1, 2001; Laws 2008, c. 38, § 1, eff. Nov. 1, 2008; Laws 2025, c. 486, § 403, eff. Jan. 1, 2026.

§21-1172. Obscene, threatening or harassing telecommunication or other electronic communications - Penalty.

A. It shall be unlawful for a person who, by means of a telecommunication or other electronic communication device, willfully either:

1. Makes any comment, request, suggestion, or proposal which is obscene, lewd, lascivious, filthy, or indecent;

2. Makes a telecommunication or other electronic communication including text, sound or images with intent to terrify, intimidate or harass, or threaten to inflict injury or physical harm to any person or property of that person;

3. Makes a telecommunication or other electronic communication, whether or not conversation ensues, with intent to put the party called in fear of physical harm or death;

4. Makes a telecommunication or other electronic communication, including text, sound or images whether or not conversation ensues, without disclosing the identity of the person making the call or communication and with intent to annoy, abuse, threaten, or harass any person at the called number;

5. Knowingly permits any telecommunication or other electronic communication under the control of the person to be used for any purpose prohibited by this section; and

6. In conspiracy or concerted action with other persons, makes repeated calls or electronic communications or simultaneous calls or

electronic communications solely to harass any person at the called number(s).

B. As used in this section, "telecommunication" and "electronic communication" mean any type of telephonic, electronic or radio communications, or transmission of signs, signals, data, writings, images and sounds or intelligence of any nature by telephone, including cellular telephones, wire, cable, radio, electromagnetic, photoelectronic or photo-optical system or the creation, display, management, storage, processing, transmission or distribution of images, text, voice, video or data by wire, cable or wireless means, including the Internet. The term includes:

1. A communication initiated by electronic mail, instant message, network call, or facsimile machine including text, sound or images;

2. A communication made to a pager; or

3. A communication including text, sound or images posted to a social media or other public media source.

C. Use of a telephone or other electronic communications facility under this section shall include all use made of such a facility between the points of origin and reception. Any offense under this section is a continuing offense and shall be deemed to have been committed at either the place of origin or the place of reception.

D. Except as provided in subsection E of this section, any person who is convicted of the provisions of subsection A of this section, shall be guilty of a misdemeanor.

E. Any person who is convicted of a second offense under this section shall be guilty of a Class D1 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20N of this title.

Added by Laws 1969, c. 233, § 1, emerg. eff. April 21, 1969.

Amended by Laws 1986, c. 215, § 1, eff. Nov. 1, 1986; Laws 1993, c. 283, § 1, eff. Sept. 1, 1993; Laws 1997, c. 133, § 306, eff. July 1, 1999; Laws 2004, c. 275, § 5, eff. July 1, 2004; Laws 2005, c. 231, § 1, eff. Nov. 1, 2005; Laws 2019, c. 357, § 2, eff. Nov. 1, 2019; Laws 2025, c. 486, § 404, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 306 from July 1, 1998, to July 1, 1999.

§21-1173. See the following versions:

OS 21-1173v1 (HB 1413, Laws 2025, c. 145, § 1)

OS 21-1173v2 (HB 2104, Laws 2025, c. 486, § 118)

§21-1173.1. Repealed by Laws 2025, c. 167, § 4, eff. July 1, 2025.

§21-1173v1. Stalking - Penalties.

A. Any person who willfully, maliciously, and repeatedly follows or harasses another person in a manner that:

1. Would cause a reasonable person or a member of the immediate family of that person as defined in subsection F of this section to feel frightened, intimidated, threatened, harassed, or molested; and

2. Actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested,

shall, upon conviction, be guilty of the crime of stalking, which is a felony punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed three (3) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. Any person convicted of a second violation of the provisions of this subsection shall be punished by imprisonment in the custody of the Department of Corrections for a term not to exceed six (6) years, or by a fine not to exceed Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment. Any person convicted of a third or subsequent violation of the provisions of this subsection shall be punished by imprisonment in the custody of the Department of Corrections for a term not to exceed twelve (12) years, or by a fine not to exceed Fifteen Thousand Dollars (\$15,000.00), or by both such fine and imprisonment.

B. Any person who violates the provisions of subsection A of this section when:

1. There is a permanent or temporary restraining order, a protective order, an emergency ex parte protective order, or an injunction in effect prohibiting the behavior described in subsection A of this section against the same party, when the person violating the provisions of subsection A of this section has actual notice of the issuance of such order or injunction;

2. Said person is on probation or parole, a condition of which prohibits the behavior described in subsection A of this section against the same party or under the conditions of a community or alternative punishment; or

3. Said person, within ten (10) years preceding the violation of subsection A of this section, completed the execution of sentence for a conviction of a crime involving the use or threat of violence against the same party, or against any member of the immediate family of such party, shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed fifteen (15) years, or by a fine not to exceed Twenty Thousand Dollars (\$20,000.00), or by both such fine and imprisonment.

C. Any person who:

1. Commits a second act of stalking within ten (10) years of the completion of sentence for a prior conviction of stalking; or

2. Has a prior conviction of stalking and, after being served with a protective order that prohibits contact with an individual, knowingly makes unconsented contact with the same individual, shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed twenty (20) years, or by a fine not to exceed Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.

D. Any person who commits an act of stalking within ten (10) years of the completion of execution of sentence for a prior conviction under subsection B or C of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed twenty-five (25) years, or by a fine not to exceed Thirty Thousand Dollars (\$30,000.00), or by both such fine and imprisonment.

E. Evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact, as defined in subsection F of this section, with the victim after having been requested by the victim to discontinue the same or any other form of unconsented contact, and to refrain from any further unconsented contact with the victim, shall give rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

F. For purposes of determining the crime of stalking, the following definitions shall apply:

1. "Harasses" means a pattern or course of conduct directed toward another individual that includes, but is not limited to, repeated or continuing unconsented contact, that would cause a reasonable person to suffer emotional distress, and that actually causes emotional distress to the victim. Harassment shall include harassing or obscene phone calls as prohibited by Section 1172 of this title and conduct prohibited by Section 850 of this title. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose;

2. "Course of conduct" means a series of two or more separate acts over a period of time, however short or long, evidencing a continuity of purpose, including any of the following:

- a. maintaining a visual or physical proximity to the victim,
- b. approaching or confronting the victim in a public place or on private property,
- c. appearing at the workplace of the victim or contacting the employer or coworkers of the victim,

- d. appearing at the home of the victim or contacting the neighbors of the victim,
- e. entering onto or remaining on property owned, leased, or occupied by the victim,
- f. contacting the victim by telephone, text message, electronic message, electronic mail, or other means of electronic communication or causing the telephone or electronic device of the victim or the telephone or electronic device of any other person to ring or generate notifications repeatedly or continuously, regardless of whether a conversation ensues,
- g. photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the victim. This subparagraph applies regardless of where the act occurs,
- h. sending to the victim any physical or electronic material or contacting the victim by any means, including any message, comment, or other content posted on any Internet site or web application,
- i. sending to a family member or member of the household of the victim, or any current or former employer of the victim, or any current or former coworker of the victim, or any friend of the victim, any physical or electronic material or contacting such person by any means, including any message, comment, or other content posted on any Internet site or web application, for the purpose of obtaining information about, disseminating information about, or communicating with the victim,
- j. placing an object on or delivering an object to property owned, leased, or occupied by the victim,
- k. delivering an object to a family member or member of the household of the victim, or an employer, coworker, or friend of the victim, or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the victim, or
- l. causing a person to engage in any of the acts described in subparagraphs a through k of this paragraph.

Constitutionally protected activity is not included within the meaning of "course of conduct";

3. "Emotional distress" means significant mental suffering or distress that may, but does not necessarily require, medical or other professional treatment or counseling;

4. "Unconsented contact" means any contact with another individual that is initiated or continued without the consent of the

individual, or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Constitutionally protected activity is not included within the meaning of unconsented contact. Unconsented contact includes but is not limited to any of the following:

- a. following or appearing within the sight of that individual,
- b. approaching or confronting that individual in a public place or on private property,
- c. appearing at the workplace or residence of that individual,
- d. entering onto or remaining on property owned, leased, or occupied by that individual,
- e. contacting that individual by telephone,
- f. sending mail or electronic communications to that individual, and
- g. placing an object on, or delivering an object to, property owned, leased, or occupied by that individual;

5. "Member of the immediate family", for the purposes of this section, means any spouse, parent, child, person related within the third degree of consanguinity or affinity or any other person who regularly resides in the household or who regularly resided in the household within the prior six (6) months; and

6. "Following" shall include the tracking of the movement or location of an individual through the use of a Global Positioning System (GPS) device or other monitoring device by a person, or person who acts on behalf of another, without the consent of the individual whose movement or location is being tracked; provided, this shall not apply to the lawful use of a GPS device or other monitoring device or to the use by a new or used motor vehicle dealer or other motor vehicle creditor of a GPS device or other monitoring device, including a device containing technology used to remotely disable the ignition of a motor vehicle, in connection with lawful action after default of the terms of a motor vehicle credit sale, loan or lease, and with the express written consent of the owner or lessee of the motor vehicle.

G. Any pleas of guilty or nolo contendere or finding of guilt to a violation of any provision of this section shall constitute a conviction of the offense for the purpose of any subsection of this section under which the existence of a prior conviction is relevant for a period of ten (10) years following the completion of any sentence or court imposed probationary term.

Added by Laws 1992, c. 107, § 1, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 64, § 1, emerg. eff. April 13, 1993; Laws 1997, c. 133, § 307, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 205, eff. July 1, 1999; Laws 2000, c. 370, § 14, eff. July 1, 2000;

Laws 2015, c. 206, § 1, eff. Nov. 1, 2015; Laws 2018, c. 153, § 1, emerg. eff. May 1, 2018; Laws 2022, c. 318, § 2, eff. Nov. 1, 2022; Laws 2025, c. 145, § 1, eff. Nov. 1, 2025.

NOTE: Laws 1992, c. 348, § 4 repealed the original effective date of Laws 1992, c. 107, § 1 (Sept. 1, 1992). A new emergency effective date of June 4, 1992, was given to that section by Laws 1992, c. 348, § 5.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 307 from July 1, 1998, to July 1, 1999.

§21-1173v2. Stalking - Penalties.

A. Any person who willfully, maliciously, and repeatedly follows or harasses another person in a manner that:

1. Would cause a reasonable person or a member of the immediate family of that person as defined in subsection F of this section to feel frightened, intimidated, threatened, harassed, or molested; and

2. Actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested,

shall, upon conviction, be guilty of the crime of stalking, which is a felony punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed three (3) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. Any person convicted of a second violation of the provisions of this subsection shall be punished by imprisonment in the custody of the Department of Corrections for a term not to exceed six (6) years, or by a fine not to exceed Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment. Any person convicted of a third or subsequent violation of the provisions of this subsection shall be punished by imprisonment in the custody of the Department of Corrections for a term not to exceed twelve (12) years, or by a fine not to exceed Fifteen Thousand Dollars (\$15,000.00), or by both such fine and imprisonment.

B. Any person who violates the provisions of subsection A of this section when:

1. There is a permanent or temporary restraining order, a protective order, an emergency ex parte protective order, or an injunction in effect prohibiting the behavior described in subsection A of this section against the same party, when the person violating the provisions of subsection A of this section has actual notice of the issuance of such order or injunction;

2. Said person is on probation or parole, a condition of which prohibits the behavior described in subsection A of this section against the same party or under the conditions of a community or alternative punishment; or

3. Said person, within ten (10) years preceding the violation of subsection A of this section, completed the execution of sentence for a conviction of a crime involving the use or threat of violence against the same party, or against any member of the immediate family of such party, shall, upon conviction, be guilty of a Class B5 felony offense punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed fifteen (15) years, or by a fine not to exceed Twenty Thousand Dollars (\$20,000.00), or by both such fine and imprisonment.

C. Any person who:

1. Commits a second act of stalking within ten (10) years of the completion of sentence for a prior conviction of stalking; or

2. Has a prior conviction of stalking and, after being served with a protective order that prohibits contact with an individual, knowingly makes unconsented contact with the same individual, shall, upon conviction, be guilty of a Class B5 felony offense punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed twenty (20) years, or by a fine not to exceed Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.

D. Any person who commits an act of stalking within ten (10) years of the completion of execution of sentence for a prior conviction under subsection B or C of this section shall, upon conviction, be guilty of a Class B4 felony offense punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed twenty-five (25) years, or by a fine not to exceed Thirty Thousand Dollars (\$30,000.00), or by both such fine and imprisonment.

E. Evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact, as defined in subsection F of this section, with the victim after having been requested by the victim to discontinue the same or any other form of unconsented contact, and to refrain from any further unconsented contact with the victim, shall give rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

F. For purposes of determining the crime of stalking, the following definitions shall apply:

1. "Harasses" means a pattern or course of conduct directed toward another individual that includes, but is not limited to, repeated or continuing unconsented contact, that would cause a reasonable person to suffer emotional distress, and that actually causes emotional distress to the victim. Harassment shall include harassing or obscene phone calls as prohibited by Section 1172 of this title and conduct prohibited by Section 850 of this title.

Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose;

2. "Course of conduct" means a series of two or more separate acts over a period of time, however short or long, evidencing a continuity of purpose, including any of the following:

- a. maintaining a visual or physical proximity to the victim,
- b. approaching or confronting the victim in a public place or on private property,
- c. appearing at the workplace of the victim or contacting the employer or coworkers of the victim,
- d. appearing at the home of the victim or contacting the neighbors of the victim,
- e. entering onto or remaining on property owned, leased, or occupied by the victim,
- f. contacting the victim by telephone, text message, electronic message, electronic mail, or other means of electronic communication or causing the telephone or electronic device of the victim or the telephone or electronic device of any other person to ring or generate notifications repeatedly or continuously, regardless of whether a conversation ensues,
- g. photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the victim. This subparagraph applies regardless of where the act occurs,
- h. sending to the victim any physical or electronic material or contacting the victim by any means, including any message, comment, or other content posted on any Internet site or web application,
- i. sending to a family member or member of the household of the victim, or any current or former employer of the victim, or any current or former coworker of the victim, or any friend of the victim, any physical or electronic material or contacting such person by any means, including any message, comment, or other content posted on any Internet site or web application, for the purpose of obtaining information about, disseminating information about, or communicating with the victim,
- j. placing an object on or delivering an object to property owned, leased, or occupied by the victim,
- k. delivering an object to a family member or member of the household of the victim, or an employer, coworker, or friend of the victim, or placing an object on, or delivering an object to, property owned, leased, or

- occupied by such a person with the intent that the object be delivered to the victim, or
1. causing a person to engage in any of the acts described in subparagraphs a through k of this paragraph.

Constitutionally protected activity is not included within the meaning of "course of conduct";

3. "Emotional distress" means significant mental suffering or distress that may, but does not necessarily require, medical or other professional treatment or counseling;

4. "Unconsented contact" means any contact with another individual that is initiated or continued without the consent of the individual, or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Constitutionally protected activity is not included within the meaning of unconsented contact. Unconsented contact includes but is not limited to any of the following:

- a. following or appearing within the sight of that individual,
- b. approaching or confronting that individual in a public place or on private property,
- c. appearing at the workplace or residence of that individual,
- d. entering onto or remaining on property owned, leased, or occupied by that individual,
- e. contacting that individual by telephone,
- f. sending mail or electronic communications to that individual, and
- g. placing an object on, or delivering an object to, property owned, leased, or occupied by that individual;

5. "Member of the immediate family", for the purposes of this section, means any spouse, parent, child, person related within the third degree of consanguinity or affinity or any other person who regularly resides in the household or who regularly resided in the household within the prior six (6) months; and

6. "Following" shall include the tracking of the movement or location of an individual through the use of a Global Positioning System (GPS) device or other monitoring device by a person, or person who acts on behalf of another, without the consent of the individual whose movement or location is being tracked; provided, this shall not apply to the lawful use of a GPS device or other monitoring device or to the use by a new or used motor vehicle dealer or other motor vehicle creditor of a GPS device or other monitoring device, including a device containing technology used to remotely disable the ignition of a motor vehicle, in connection with lawful action after default of the terms of a motor vehicle credit

sale, loan or lease, and with the express written consent of the owner or lessee of the motor vehicle.

Added by Laws 1992, c. 107, § 1, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 64, § 1, emerg. eff. April 13, 1993; Laws 1997, c. 133, § 307, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 205, eff. July 1, 1999; Laws 2000, c. 370, § 14, eff. July 1, 2000; Laws 2015, c. 206, § 1, eff. Nov. 1, 2015; Laws 2018, c. 153, § 1, emerg. eff. May 1, 2018; Laws 2022, c. 318, § 2, eff. Nov. 1, 2022; Laws 2025, c. 486, § 118, eff. Jan. 1, 2026.

NOTE: Laws 1992, c. 348, § 4 repealed the original effective date of Laws 1992, c. 107, § 1 (Sept. 1, 1992). A new emergency effective date of June 4, 1992, was given to that section by Laws 1992, c. 348, § 5.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 307 from July 1, 1998, to July 1, 1999.

§21-1174. Burning cross with intent to intimidate.

It shall be unlawful for any person or persons, with the intent of intimidating any person or group of persons, to burn, or cause to be burned, a cross on the property of another, a highway or other public place. Any person who shall violate any provision of this section shall, upon conviction, be guilty of a Class D3 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title.

Added by Laws 2003, c. 256, § 2, emerg. eff. May 23, 2003. Amended by Laws 2025, c. 486, § 680, eff. Jan. 1, 2026.

§21-1175. Unauthorized use of newborn DNA.

A laboratory, medical facility, hospital or birthing place is prohibited from the unauthorized storage, transferring, use or databasing of DNA from any newborn child without express parental consent.

Added by Laws 2010, c. 246, § 1, emerg. eff. May 10, 2010.

§21-1176. Use of electronic communication device to threaten, intimidate, or harass a peace officer, public official, medical provider, or crime victim.

A. Whoever, with the intent to threaten, intimidate or harass, or facilitate another to threaten, intimidate or harass, uses an electronic communication device to knowingly publish, post or otherwise make publicly available personally identifiable information of a peace officer, public official, election official, medical care provider, or crime victim, and as a result places that peace officer, public official, election official, medical care provider, or crime victim in reasonable fear of death or serious bodily injury shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for a term not to

exceed six (6) months, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. Upon conviction for a second or subsequent violation, the person shall be punished by imprisonment in the county jail for a term not to exceed one (1) year, or by a fine not to exceed Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

B. To the extent the provisions of Section A apply to medical care providers, the protections provided herein shall not apply when the incident is unrelated to the provider's professional duties.

C. As used in this section:

1. "Crime victim" shall have the same meaning as defined in Section 142A-1 of this title;

2. "Election Official" means a member or employee of the State Election Board or a county election board, the Secretary of the State Election Board or a county election board, or a person serving as a precinct official or absentee voting board member appointed as required by law;

3. "Electronic communication" shall have the same meaning as defined in Section 1172 of this title. Electronic communication does not include broadcast transmissions or similar communications that are not targeted at any specific individual;

4. "Electronic communication device" means any cellular telephone, facsimile, pager, computer, or any device capable of electronic communication;

5. "Medical care provider" means a doctor, resident, intern, nurse, nurse practitioner, nurses' aide, ambulance attendant or operator, paramedic, emergency medical technician, laboratory technician, radiologic technologist, physical therapist, physician assistant, chaplain of a health care facility, volunteer of a health care facility, pharmacist, nursing student, medical student, member of a hospital security force, and any other employee or contractor working in or for a health care facility;

6. "Peace officer" shall have the same meaning as that term is defined in Section 99 of this title;

7. "Personally identifiable information" means information which can identify an individual including but not limited to name, birth date, place of birth, mother's maiden name, biometric records, Social Security number, official state- or government-issued driver license or identification number, government passport number, employer or taxpayer identification number or any other information that is linked or linkable to an individual, such as medical, educational, financial or employment information;

8. "Public official" means any person elected or appointed to a state office in the executive, legislative, or judicial branch of state government or other political subdivision of the state; and

9. "Publish" means to circulate, deliver, distribute, disseminate, transmit, or otherwise make available to another person.

Added by Laws 2021, c. 105, § 1, eff. Nov. 1, 2021. Amended by Laws 2022, c. 318, § 4, eff. Nov. 1, 2022; Laws 2023, c. 170, § 1, eff. Nov. 1, 2023; Laws 2024, c. 452, § 10, emerg. eff. June 14, 2024.

§21-1190. Hazing - Prohibition - Presumption as forced activity - Penalty - Definition.

A. No student organization or any person associated with any organization sanctioned or authorized by the governing board of any public or private school or institution of higher education in this state shall engage or participate in hazing.

B. Any hazing activity described in subsection F of this section upon which the initiation or admission into or affiliation with an organization sanctioned or authorized by a public or private school or by any institution of higher education in this state is directly or indirectly conditioned shall be presumed to be a forced activity, even if the student willingly participates in such activity.

C. A copy of the policy or the rules and regulations of the public or private school or institution of higher education which prohibits hazing shall be given to each student enrolled in the school or institution and shall be deemed to be part of the bylaws of all organizations operating at the public school or the institution of higher education.

D. Any organization sanctioned or authorized by the governing board of a public or private school or of an institution of higher education in this state which violates subsection A of this section, upon conviction, shall be guilty of a misdemeanor, and may be punishable by a fine of not more than One Thousand Five Hundred Dollars (\$1,500.00) and the forfeit for a period of not less than one (1) year all of the rights and privileges of being an organization organized or operating at the public or private school or at the institution of higher education.

E. Any individual convicted of violating the provisions of subsection A of this section shall be guilty of a misdemeanor, and may be punishable by imprisonment for not to exceed ninety (90) days in the county jail, or by the imposition of a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine.

F. For purposes of this section:

1. "Hazing" means an activity which recklessly or intentionally endangers the mental health or physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization operating subject to the sanction

of the public or private school or of any institution of higher education in this state;

2. "Endanger the physical health" shall include but not be limited to any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, alcoholic beverage as defined in Section 506 of Title 37 of the Oklahoma Statutes, low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, drug, controlled dangerous substance, or other substance, or any other forced physical activity which could adversely affect the physical health or safety of the individual; and

3. "Endanger the mental health" shall include any activity, except those activities authorized by law, which would subject the individual to extreme mental stress, such as prolonged sleep deprivation, forced prolonged exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual.

Added by Laws 1990, c. 165, § 3, eff. July 1, 1990. Amended by Laws 1995, c. 274, § 6, eff. Nov. 1, 1995.

§21-1191. Public nuisance a misdemeanor.

Every person who maintains or commits any public nuisance, the punishment for which is not otherwise prescribed, or who willfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a misdemeanor.

R.L.1910, § 2517.

§21-1192. Spread of infectious diseases.

Any person who shall inoculate himself or any other person or shall suffer himself to be inoculated with smallpox, syphilis or gonorrhea and shall spread or cause to be spread to any other persons with intent to or recklessly be responsible for the spread of or prevalence of such infectious disease, shall be deemed a felon, and, upon conviction thereof, guilty of a Class D1 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20N of this title.

R.L. 1910, § 2518. Amended by Laws 1997, c. 133, § 308, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 206, eff. July 1, 1999; Laws 2025, c. 486, § 405, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 308 from July 1, 1998, to July 1, 1999.

§21-1192.1. Knowingly engaging in conduct reasonably likely to transfer HIV virus.

A. It shall be unlawful for any person knowing that he or she has Acquired Immune Deficiency Syndrome (AIDS) or is a carrier of

the human immunodeficiency virus (HIV) and with intent to infect another, to engage in conduct reasonably likely to result in the transfer of the person's own blood, bodily fluids containing visible blood, semen, or vaginal secretions into the bloodstream of another, or through the skin or other membranes of another person, except during in utero transmission of blood or bodily fluids, and:

1. The other person did not consent to the transfer of blood, bodily fluids containing blood, semen, or vaginal secretions; or

2. The other person consented to the transfer but at the time of giving consent had not been informed by the person that the person transferring such blood or fluids had AIDS or was a carrier of HIV.

B. Any person convicted of violating the provisions of this section shall be guilty of a Class B5 felony offense, punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years.

Added by Laws 1988, c. 153, § 3, eff. July 1, 1988. Amended by Laws 1991, c. 200, § 2, eff. Sept. 1, 1991; Laws 1997, c. 133, § 309, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 207, eff. July 1, 1999; Laws 2025, c. 486, § 160, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 309 from July 1, 1998, to July 1, 1999.

§21-1194. Gas tar, throwing into public water.

Every person who throws or deposits any gas tar, or refuse of any gas house or factory, into any public waters, river or stream, or into any sewer or stream emptying into any such public waters, river or stream, is guilty of a misdemeanor.

R.L.1910, § 2528. de

§21-1195. Quarantine regulations, violating.

Every person who having been lawfully ordered by any health officer to be detained in quarantine and not having been discharged leaves the quarantine grounds or willfully violates any quarantine law or regulation, is guilty of a misdemeanor.

R.L.1910, § 2529. d

§21-1196. Apothecary liable for negligence - Willful or ignorant acts or omissions.

Every apothecary or every person employed as clerk or salesman by an apothecary, or otherwise carrying on business as a dealer in drugs or medicines, who, in putting up any drugs or medicines, willfully, negligently or ignorantly omits to label the same, or puts any untrue label, stamp or other designation of contents upon any box, bottle or other package containing any drugs or medicines, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than

that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is endangered, is guilty of a misdemeanor.

R.L.1910, § 2530.

§21-1197. Poisons, laying out.

Whosoever shall willfully lay out poison with the intent that the same be taken by any domestic animal, or in such a manner as to endanger human life; or whoever shall, if in open range livestock territory, lay out poisons except in a safe place on his own premises, is guilty of a misdemeanor.

R.L.1910, § 2531; Laws 1951, p. 61, § 1.

§21-1198. Fires, refusing to aid at or interfering with others' acts.

Every person who, at any burning of a building, is guilty of any disobedience to lawful orders of any public officer or fireman, or of any resistance to or interference with the lawful efforts of any fireman or company of firemen to extinguish the same, or of any disorderly conduct calculated to prevent the same from being extinguished, or who forbids, prevents or dissuades others from assisting to extinguish the same, is guilty of a misdemeanor.

R.L.1910, § 2533.

§21-1199. Contagious disease, exposing oneself or another with.

Every person who willfully exposes himself or another person, being affected with any contagious disease in any public place or thoroughfare, except in his necessary removal in a manner not dangerous to the public health, is guilty of a misdemeanor.

R.L.1910, § 2540.

§21-1200. Frauds affecting market price.

Every person who willfully makes or publishes any false statement, spreads any false rumor, or employs any other false and fraudulent means or device, with intent to affect the market price of any kind of property, is guilty of a misdemeanor.

R.L.1910, § 2541.

§21-1201. Newspapers, false statements in.

Every editor or proprietor of any newspaper who willfully publishes in such newspaper as true, any statement which he has not good reason to believe to be true, with intent to increase thereby the sales of copies of such paper, is guilty of a misdemeanor.

R.L.1910, § 2542. d

§21-1202. Eavesdropping.

Every person guilty of secretly loitering about any building, with intent to overhear discourse therein, and to repeat or publish the same to vex, annoy, or injure others, is guilty of a misdemeanor.

R.L.1910, § 2543.

§21-1205. Throwing, leaving or depositing trash near highway, road or occupied dwelling unlawful - Establishment of solid waste disposal sites.

It shall be unlawful for any person to throw or leave or deposit garbage, tin cans, junk, rubbish or refuse and other items and matters commonly referred to as trash within one hundred (100) yards of any state highway or any county road or the occupied dwelling of another, except when the placement of such materials is along a collection route for the specific intent and purpose of scheduled collection and transportation to a recycling or disposal facility serving the area. Provided, however, that any city or town operating or desiring to operate a solid waste disposal site within the distance above prescribed may establish said solid waste disposal site when said solid waste disposal site is approved by the Oklahoma Department of Environmental Quality.

Added by Laws 1945, p. 152, § 2. Amended by Laws 1993, c. 145, § 337, eff. July 1, 1993; Laws 2019, c. 40, § 1, eff. Nov. 1, 2019.

§21-1206. Punishment for violations.

Any person or any officer of any city or town violating any of the provisions of this act shall, upon conviction, be fined not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00), or be imprisoned in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

Added by Laws 1945, p. 153, § 3. Amended by Laws 2019, c. 40, § 2, eff. Nov. 1, 2019.

§21-1207. Repealed by Laws 1992, c. 284, § 58, eff. Jan. 1, 1993.

§21-1208. Abandonment of refrigerators and iceboxes in places accessible to children - Penalty.

Any person, firm or corporation who abandons or discards, in any place accessible to children, any refrigerator, icebox, or ice chest, of a capacity of one and one-half (1 1/2) cubic feet or more, which has an attached lid or door which may be opened or fastened shut by means of an attached latch, or who, being the owner, lessee, or manager of such place, knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain in such condition, shall be deemed negligent as a matter of law and shall be guilty of a misdemeanor, and upon conviction thereof shall be fined

not more than Five Hundred Dollars (\$500.00), or imprisoned not more than one (1) year, or both such fine and imprisonment.

Laws 1955, p. 188, § 1. d

§21-1209. Disaster areas - Prevention of unauthorized persons from hampering rescue operations.

The purpose of this act is to prevent sightseers, thrill-seekers, souvenir hunters and other unauthorized persons from hampering the work of rescue operations in a disaster area.

Laws 1959, p. 276, § 1.

§21-1210. Definitions.

For the purpose of, and when used in this act:

1. The term "disaster area" means the scene or location of a natural or military disaster, an explosion, an aircraft accident, a fire, a railroad accident and a major traffic accident.

2. The term "authorized person" shall include all state, county and municipal police and fire personnel; hospital and ambulance crews; National Guard and Emergency Management personnel ordered into the disaster area by proper authority; federal civil and military personnel on official business; persons who enter the disaster area to maintain or restore facilities for the provision of water, electricity, communications, or transportation to the public; and such other officials as have a valid reason to enter said disaster area.

Added by Laws 1959, p. 276, § 2. Amended by Laws 2003, c. 329, § 57, emerg. eff. May 29, 2003.

§21-1211. Following of emergency vehicles unlawful.

It shall be unlawful for the driver of any vehicle other than one on official business to follow any emergency vehicle or to purposely drive to any location on or near a highway where a disaster area exists.

Laws 1959, p. 276, § 3.

§21-1211.1. Disruption or prevention of emergency telephone call - Penalties.

Any person who intentionally interrupts, disrupts, impedes or interferes with an emergency telephone call or intentionally prevents or hinders another person from placing an emergency telephone call shall be guilty of a misdemeanor. Upon conviction, the person shall be punished by imprisonment in the county jail for not more than one (1) year, or by a fine of not more than Three Thousand Dollars (\$3,000.00), or by both such fine and imprisonment. Added by Laws 2004, c. 275, § 6, eff. July 1, 2004.

§21-1212. Proceeding to or remaining at disaster area unlawful - Removal of objects.

It shall be unlawful for any person except an authorized person to proceed to or to remain at a disaster area for the purpose of being a bystander, spectator, sightseer or souvenir hunter; or for any such person to take or remove from the disaster area, or disturb or move, any material objects, equipment or thing either directly or indirectly relating or pertaining to the disaster.

Laws 1959, p. 276, § 4.

§21-1213. Penalties.

1. It is a misdemeanor for any person to violate any of the provisions of Section 1209 et seq. of this title.

2. Every person convicted of a misdemeanor for violating any provision of Section 1209 et seq. of this title shall be punished by a fine of not more than Three Thousand Dollars (\$3,000.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment.

Added by Laws 1959, p. 276, § 5. Amended by Laws 2012, c. 187, § 1, eff. Nov. 1, 2012.

§21-1214. Radio sets capable of receiving on police frequencies - Unlawful uses.

It shall be unlawful for any person to operate a mobile radio capable of receiving transmissions made by any law enforcement agency for illegal purposes or while in the commission of a crime and not otherwise, and any person violating the provisions hereof shall be guilty of a Class D3 felony offense and upon conviction thereof shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title, or fined not more than Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine.

Added by Laws 1961, p. 228, H.B. No. 811, § 1. Amended by Laws 1965, c. 134, § 1; Laws 1970, c. 271, § 1, emerg. eff. April 28, 1970; Laws 1997, c. 133, § 310, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 208, eff. July 1, 1999; Laws 2025, c. 486, § 681, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 310 from July 1, 1998, to July 1, 1999.

§21-1215. Renumbered as Title 10A, § 2-8-222 by Laws 2013, c. 404, § 27, eff. Nov. 1, 2013.

§21-1216. Renumbered as Title 10A, § 2-8-223 by Laws 2013, c. 404, § 27, eff. Nov. 1, 2013.

§21-1217. Firemen - Interference with performance of duties.

Any person or persons acting in concert with each other who knowingly and willfully interfere with, molest, or assault firemen in the performance of their duties, or who knowingly and willfully obstruct, interfere with or impede the progress of firemen to reach the destination of a fire, shall be deemed guilty of a Class B4 felony offense and shall be punished therefor by imprisonment in the State Penitentiary for a term not exceeding ten (10) years nor less than two (2) years.

Added by Laws 1968, c. 90, § 1, emerg. eff. April 1, 1968. Amended by Laws 1997, c. 133, § 311, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 209, eff. July 1, 1999; Laws 2025, c. 486, § 119, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 311 from July 1, 1998, to July 1, 1999.

§21-1218. Display of names of military dead at demonstrations or protests without consent prohibited.

It shall be unlawful for the names of persons killed in military action to be carried, displayed on cards or placards, or otherwise published for the purpose of any antiwar, antipolice action or antidraft demonstration or protest on the grounds of schools, colleges, universities, state institutions or facilities, county or city institutions or facilities, which are wholly or in part supported by public funds, or on any other public property such as parks and streets dedicated to public use, without the written consent of the surviving spouse of such deceased person, if married at time of death or, if unmarried, the written consent of one or both

parents, or if they both be deceased, then the next of kin.
Laws 1970, c. 66, § 1, emerg. eff. March 16, 1970.

§21-1220. Transporting alcoholic beverage or low-point beer – Consuming or inhaling marijuana or secondhand smoke – Special assessment – Exceptions – Penalty.

A. 1. It shall be unlawful for any operator to knowingly transport or for any passenger to possess in any moving vehicle upon a public highway, street, or alley any alcoholic beverage or low-point beer, as defined in Section 1-103 of Title 37A of the Oklahoma Statutes, except in the original container which shall not have been opened and from which the original cap or seal shall not have been removed, unless the opened container is in the rear trunk or rear compartment, which shall include the spare tire compartment in a station wagon or panel truck, or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion.

2. It shall be unlawful to consume marijuana or inhale secondhand marijuana smoke due to another person's consumption of

marijuana while operating a motor vehicle on a public highway, street, or alley. A person operating a motor vehicle on a public highway, street, or alley shall not possess any open container that contains marijuana in the passenger area of the motor vehicle. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished as provided in subsection A of Section 6-125 of Title 37A of the Oklahoma Statutes.

B. Any person convicted of violating any provision of subsection A of this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of Two Hundred Fifty Dollars (\$250.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes.

C. The provisions of paragraph 1 of subsection A of this section shall not apply to the passenger area of buses and limousines; however, it shall be unlawful for the driver of the bus or limousine to consume or have in the driver's immediate possession any intoxicating beverage or low-point beer.

D. No city, town, or county may adopt any order, ordinance, rule, or regulation concerning the consumption or serving of intoxicating beverages or low-point beer in buses or limousines.

E. As used in this section:

1. "Bus" means a vehicle as defined in Section 1-105 of Title 47 of the Oklahoma Statutes chartered for transportation of persons for hire. It shall not mean a school bus, as defined by Section 1-160 of Title 47 of the Oklahoma Statutes, transporting children or a vehicle operated pursuant to a franchise with a city or town operating over a regularly scheduled route; and

2. "Limousine" means a chauffeur-driven motor vehicle, other than a bus or taxicab, as defined by Section 1-174 of Title 47 of the Oklahoma Statutes, designed and used for transportation of persons for compensation.

Added by Laws 1970, c. 290, § 1. Amended by Laws 1990, c. 209, § 1, emerg. eff. May 14, 1990; Laws 1995, c. 274, § 7, eff. Nov. 1, 1995; Laws 2003, c. 30, § 1, emerg. eff. April 7, 2003; Laws 2004, c. 386, § 1, emerg. eff. June 3, 2004; Laws 2005, c. 291, § 1, eff. Nov. 1, 2005; Laws 2006, c. 16, § 1, emerg. eff. March 29, 2006; Laws 2025, c. 210, § 1, eff. Nov. 1, 2025.

NOTE: Laws 2005, c. 190, § 1 repealed by Laws 2006, c. 16, § 2, emerg. eff. March 29, 2006.

§21-1220.1. Prohibition of alcohol inhalation device.

It is unlawful for any person to buy, sell, furnish, manufacture or possess any alcohol inhalation device, alcohol infuser or any other device capable of causing a blood or breath alcohol concentration in the human body by means of fumes, vapors, gases,

air particles or matter inhaled directly into the central nervous system by mouth or nasal passages. Any person convicted of any violation of this section shall be guilty of a misdemeanor punishable by a fine in the amount of Five Thousand Dollars (\$5,000.00). The Alcoholic Beverage Laws Enforcement Commission is prohibited from licensing any establishment for consumption of alcohol from such prohibited devices, and shall permanently revoke any license issued to any person convicted of any violation of this section. Provided, however, that any inhalation device which may contain alcohol and is intended or used for medicinal purposes, whether it is available for over-the-counter or by prescription purchase, shall be exempt from these provisions.
Added by Laws 2005, c. 358, § 1, emerg. eff. June 6, 2005.

§21-1221. Repealed by Laws 2019, c. 389, § 2, eff. Nov. 1, 2019.

§21-1222. Repealed by Laws 2019, c. 389, § 3, eff. Nov. 1, 2019.

§21-1223. Leaving carcass in certain places unlawful - Disposal of domestic animal carcass.

A. It shall be unlawful for any person to leave or deposit, or cause to be deposited or left, the carcass of any animal, chicken or other fowl in any well, spring, pond or stream of water; or leave or deposit the same within one-fourth (1/4) mile of any occupied dwelling or of any public highway, without burying or disposing of the carcass in accordance with the recommendations and requirements of the Oklahoma Department of Agriculture, Food, and Forestry.

B. It shall be the duty of the owner of any domestic animal in the State of Oklahoma to dispose of any carcass within twenty-four (24) hours after notice of the knowledge of the death. Disposal shall be in accordance with the recommendations and requirements of the Oklahoma Department of Agriculture, Food, and Forestry. It shall be unlawful to bury any carcass in any land along any stream or ravine where it may become exposed through erosion of the soil, or where the land is at any time subject to overflow.

C. "Owner" shall mean and include any person having possession of domestic animals either by reason of ownership, rent, hire, loan, or otherwise.

D. Any person who violates this section shall be guilty of a misdemeanor.

R.L.1910, § 2522. Amended by Laws 1955, p. 189, § 1; Laws 2019, c. 389, § 1, eff. Nov. 1, 2019.

§21-1224. Repealed by Laws 2019, c. 389, § 4, eff. Nov. 1, 2019.

§21-1225. Repealed by Laws 2019, c. 389, § 5, eff. Nov. 1, 2019.

§21-1226. Repealed by Laws 2019, c. 389, § 6, eff. Nov. 1, 2019.

§21-1227. Repealed by Laws 2019, c. 389, § 7, eff. Nov. 1, 2019.

§21-1228. Repealed by Laws 2019, c. 389, § 8, eff. Nov. 1, 2019.

§21-1229. Exhibition livestock - Administration of certain substances or performance of certain surgical procedures to alter appearance.

For livestock utilized for exhibition purposes, it shall be unlawful for any person to inject into the livestock or cause the livestock to ingest any drug, chemical or substance that is not labeled for use on animals, or to administer any chemical or substance used on livestock for the specific purpose of altering the appearance of livestock or to alter the muscle or fat content of the animal's carcass or to perform any surgical procedure to alter the appearance of the livestock. Ordinary and customary veterinarian procedures, including but not limited to dehorning, branding, tagging or notching ears, castrating, deworming, vaccinating or docking the tail of farm animals shall not be prohibited. Surgery of any kind performed to change the natural contour or appearance of the animal's body or hide, shall be prohibited by this section. Any violation of the provisions of this section shall be a misdemeanor, upon conviction, punishable by a fine of not less than One Thousand Dollars (\$1,000.00), nor more than Ten Thousand Dollars (\$10,000.00), or by imprisonment in the county jail for a term not less than thirty (30) days nor more than one (1) year, or by both such fine and imprisonment. A second or subsequent violation of the provisions of this section shall be a Class D1 felony offense, upon conviction, punishable by a fine of not less than One Thousand Dollars (\$1,000.00), nor more than Ten Thousand Dollars (\$10,000.00), or by imprisonment as provided for in subsections B through F of Section 20N of this title, or by both such fine and imprisonment.

Added by Laws 1995, c. 195, § 1, emerg. eff. May 16, 1995. Amended by Laws 1997, c. 133, § 312, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 210, eff. July 1, 1999; Laws 2025, c. 486, § 406, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 312 from July 1, 1998, to July 1, 1999.

§21-1230.1. Environmental Crimes Act - Short title.

Sections 339 through 347 of this act shall be known and may be cited as the "Environmental Crimes Act".

Added by Laws 1992, c. 363, § 1, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 338, eff. July 1, 1993.

§21-1230.2. Definitions.

A. As used in the Environmental Crimes Act:

1. "Waste" means at least twenty-eight (28) gallons or two hundred twenty (220) pounds, whether liquid or solid, of discarded or abandoned materials and by-products including but not limited to trash, refuse, garbage, biomedical waste, sewage, ash, sludge, deleterious substances, oil field wastes, commercial and industrial waste and chemical waste; and

2. "Hazardous waste" means:

- a. waste that is subject to regulation as a hazardous waste under the federal Resource Conservation and Recovery Act, Title 42 U.S.C., Section 6901 et seq., and regulations adopted pursuant thereto,
- b. waste that is subject to regulation as a hazardous waste under the Oklahoma Hazardous Waste Management Act, or
- c. waste that is ignitable, corrosive, reactive or toxic as determined by testing for the characteristics of ignitability, corrosivity, reactivity or toxicity as provided in 40 Code of Federal Regulations, Sections 261.21 through 261.24.

B. The minimum quantity requirements in paragraph 1 of subsection A of this section shall not apply to chemical wastes used or intended for use in the manufacture of controlled substances in violation of the Uniform Controlled Dangerous Substances Act and shall not apply to hazardous wastes in circumstances involving unlawful disposal or concealment of hazardous waste as prohibited in Sections 1230.6 and 1230.7 of this title.

C. The term hazardous waste shall not include the handling, hauling, storage and disposition of salt water, mineral brines, waste oil and other deleterious substances produced from or obtained or used in connection with the drilling, development, producing and processing of oil and gas, including reclaiming of oil from tank bottoms located on leases and tank farms located outside the boundaries of a refinery.

Added by Laws 1992, c. 363, § 2, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 339, eff. July 1, 1993; Laws 2001, c. 386, § 3, eff. July 1, 2001.

§21-1230.3. Unlawful hazardous waste transportation.

Any person who knowingly and willfully transports or causes the transportation of hazardous waste within the State of Oklahoma without a proper manifest, as prescribed in the Oklahoma Hazardous Waste Management Act, commits the offense of unlawful hazardous waste transportation which shall be deemed a Class D1 felony offense.

Added by Laws 1992, c. 363, § 3, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 340, eff. July 1, 1993; Laws 2025, c. 486, § 407, eff. Jan. 1, 2026.

§21-1230.4. Unlawful waste management.

Any person required by law to have a permit or authorization from the Oklahoma Department of Environmental Quality, the Oklahoma Corporation Commission or the Oklahoma Department of Agriculture to receive, store, treat, process, recycle or dispose of waste, who without such permit or authorization knowingly and willfully receives, stores, treats, processes, recycles or disposes of waste, commits the offense of unlawful waste management which shall be deemed a Class D1 felony offense.

Added by Laws 1992, c. 363, § 4, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 341, eff. July 1, 1993; Laws 2025, c. 486, § 408, eff. Jan. 1, 2026.

§21-1230.5. Unlawful misrepresentation of waste.

A. It shall be unlawful to knowingly and willfully:

1. Make false statements, include false data or omit material information in an application for a waste permit, or for a waste authorization, from the Oklahoma Department of Environmental Quality, the Oklahoma Corporation Commission or the Oklahoma Department of Agriculture;

2. Make false statements, include false data or omit material information in a waste manifest, waste label, or other waste compliance document, record or plan required by law to be created, maintained or submitted to any state agency;

3. Submit a false sample of waste for laboratory analysis;

4. Make false statements or include false data in, or omit material information from, a laboratory analysis of waste;

5. Tamper with an environmental monitoring device to compromise or impair the accuracy of the device; or

6. Provide hazardous waste to another person for transportation without providing a proper manifest as prescribed in the Oklahoma Hazardous Waste Management Act.

B. Any person who violates the provisions of this section commits the offense of unlawful misrepresentation of waste which shall be deemed a Class D1 felony offense.

Added by Laws 1992, c. 363, § 5, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 342, eff. July 1, 1993; Laws 2025, c. 486, § 409, eff. Jan. 1, 2026.

§21-1230.6. Unlawful disposal of hazardous waste.

Any person who knowingly and willfully fails to secure a permit required by or pursuant to law, and who, without lawful permit or authorization, knowingly and willfully disposes, directs the

disposal or aids and abets the disposal of hazardous waste into a sanitary sewer system without appropriate pretreatment, or at a solid waste landfill, transfer station or processing facility, or at any unpermitted disposal place commits the offense of unlawful disposal of hazardous waste which shall be deemed a Class D1 felony offense.

Added by Laws 1992, c. 363, § 6, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 343, eff. July 1, 1993; Laws 2025, c. 486, § 410, eff. Jan. 1, 2026.

§21-1230.7. Unlawful concealment of hazardous waste.

Any person commits a Class B4 felony offense of unlawful concealment of hazardous waste who knowingly and willfully subjects any other person, including but not limited to peace officers, emergency responders or clean-up crews, to the potential for immediate or long-term risk to their health or safety by exposure to chemical wastes, by knowingly and willfully:

1. Concealing or causing other persons to conceal the unlawful abandonment or disposal of hazardous waste;
2. Concealing or causing other persons to conceal that hazardous waste is being transported; or
3. Misrepresenting or causing other persons to misrepresent the type of hazardous waste being transported.

Added by Laws 1992, c. 363, § 7, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 344, eff. July 1, 1993; Laws 2025, c. 486, § 120, eff. Jan. 1, 2026.

§21-1230.8. Penalties.

Any person convicted of the offense of:

1. Unlawful hazardous waste transportation shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or a fine of not more than Twenty-five Thousand Dollars (\$25,000.00), or both such fine and imprisonment;
2. Unlawful waste management with respect to:
 - a. waste other than hazardous waste shall be guilty of a misdemeanor punishable by a fine of not more than Ten Thousand Dollars (\$10,000.00), and
 - b. hazardous waste shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or a fine of not more than Fifty Thousand Dollars (\$50,000.00), or both such fine and imprisonment;
3. Unlawful waste misrepresentation with respect to:
 - a. waste other than hazardous waste shall be guilty of a misdemeanor punishable by a fine of not more than Five Thousand Dollars (\$5,000.00), and

- b. hazardous waste shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or a fine of not more than Twenty-five Thousand Dollars (\$25,000.00), or both such fine and imprisonment;

4. Unlawful disposal of hazardous waste shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or a fine of not more than Twenty-five Thousand Dollars (\$25,000.00), or both such fine and imprisonment; and

5. Unlawful concealment of hazardous waste shall be guilty of a Class B4 felony offense punishable by imprisonment for not less than two (2) years nor more than ten (10) years and a fine of not more than One Hundred Thousand Dollars (\$100,000.00).

Added by Laws 1992, c. 363, § 8, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 345, eff. July 1, 1993; Laws 1997, c. 133, § 313, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 211, eff. July 1, 1999; Laws 2025, c. 486, § 121, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 313 from July 1, 1998, to July 1, 1999.

§21-1230.9. Penalty enhancements.

The fines provided for in Section 1230.8 of this title shall be doubled for any person convicted of any violation of the provisions of the Environmental Crimes Act if:

1. The conviction is for a second or subsequent violation of the same or another provision of the Environmental Crimes Act; or

2. The convicted person profited from or received any remuneration for the actions leading to the conviction.

Added by Laws 1992, c. 363, § 9, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 346, eff. July 1, 1993.

§21-1230.10. Laws saved from repeal - Penalties not in lieu of civil or administrative penalties.

Nothing in Sections 1230.1 through 1230.10 of this title is intended to repeal any existing law. Any penalty imposed under Section 1230.8 of this title shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

Added by Laws 1992, c. 363, § 10, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 347, eff. July 1, 1993.

§21-1241. Furnishing cigarettes or other tobacco or vapor products to persons under 21 - Punishment.

A. Any person who shall furnish to any person under the age of twenty-one (21) by gift, sale or otherwise any cigarettes, cigarette

papers, cigars, bidis, snuff, chewing tobacco, or any other form of tobacco product, nicotine product or vapor product shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine in the amount of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) and by imprisonment in the county jail for a term of not less than ten (10) days nor more than ninety (90) days for each offense. For the purposes of this section, the term "vapor product" shall have the same meaning as provided in the Prevention of Youth Access to Tobacco Act.

B. The provisions of subsection A of this section shall not apply to persons performing activities as part of a scientific study being conducted by a research institution for the purpose of medical research to further efforts in cigarette and tobacco use prevention and cessation and tobacco product regulation, provided that such medical research has been approved by a properly accredited institutional review board pursuant to applicable federal regulations.

Added by Laws 1915, c. 190, § 1. Amended by Laws 1917, c. 148, p. 238, § 1; Laws 1985, c. 54, § 1, eff. Nov. 1, 1985; Laws 2002, c. 76, § 1, emerg. eff. April 15, 2002; Laws 2014, c. 162, § 1, eff. Nov. 1, 2014; Laws 2020, c. 70, § 2, emerg. eff. May 19, 2020; Laws 2021, c. 176, § 1, eff. Nov. 1, 2021; Laws 2022, c. 228, § 7, emerg. eff. May 5, 2022.

NOTE: Laws 2021, c. 554, § 2 repealed by Laws 2022, c. 228, § 8, emerg. eff. May 5, 2022.

§21-1242. Refusing to disclose place and person from whom obtained.

Any person under the age of twenty-one (21) being in possession of cigarettes, cigarette papers, cigars, snuff, chewing tobacco, or any other form of tobacco product, nicotine product or vapor products and being by any police officer, constable, juvenile court officer, truant officer, or teacher in any school, asked where and from whom such cigarettes, cigarette papers, cigars, snuff, chewing tobacco, or any other form of tobacco product, nicotine product or vapor products were obtained, who shall refuse to furnish such information, shall be guilty of a misdemeanor and upon conviction thereof before the district court, or any judge of the district court, such minor being of the age of sixteen (16) years or upwards shall be sentenced to pay a fine not exceeding Five Dollars (\$5.00) or to undergo an imprisonment in the jail of the proper county not exceeding five (5) days, or both; if such minor shall be under the age of sixteen (16) years, he or she shall be certified by such magistrate or justice to the juvenile court of the county for such action as the court shall deem proper. For the purposes of this section, the term "vapor product" shall have the same meaning as provided in the Prevention of Youth Access to Tobacco Act.

Added by Laws 1915, c. 190, § 2. Amended by Laws 1985, c. 54, § 2, eff. Nov. 1, 1985; Laws 2014, c. 162, § 2, eff. Nov. 1, 2014; Laws 2020, c. 70, § 3, emerg. eff. May 19, 2020; Laws 2021, c. 554, § 3, emerg. eff. May 28, 2021.

§21-1244. Disposition of fines - Share of informer.

Of all sums recovered hereunder as fines, one-fourth (1/4) shall be paid to the complaining witness, if not a public officer, the remainder to be paid into the county road fund and be used in the construction and maintenance of the public roads of the county to be distributed as are other county road funds.

Laws 1917, c. 148, p. 238, § 3.

§21-1247. Smoking in certain public areas, indoor workplaces, and educational facilities prohibited - Exemptions - Penalty.

A. The possession of lighted tobacco in any form is a public nuisance and dangerous to public health and is hereby prohibited when such possession is in any indoor place used by or open to the public, all parts of a zoo to which the public may be admitted, whether indoors or outdoors, public transportation or any indoor workplace, except where specifically allowed by law. Commercial airport operators may prohibit the use of lighted tobacco or lighted marijuana or the vaping of marijuana in any area that is open to or used by the public whether located indoors or outdoors, provided that the outdoor area is within one hundred seventy-five (175) feet from an entrance.

As used in this section, "indoor workplace" means any indoor place of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees and all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways or the like. The provisions of this section shall apply to such indoor workplace at any given time, whether or not work is being performed.

B. All buildings and other properties, or portions thereof, owned or operated by this state shall be designated as nonsmoking. The tobacco smoking provisions of this subsection shall not apply to veterans centers operated by this state pursuant to the provisions of Section 221 et seq. of Title 72 of the Oklahoma Statutes, which shall be designated nonsmoking effective January 1, 2015, at which

time veterans centers may establish outdoor designated smoking areas for resident veterans only. Smoking tobacco shall only be allowed in designated outdoor smoking areas.

C. Any building, property or portion of any building or property owned or operated by a county or municipal government, or any trust or authority with a county or municipal government as the beneficiary, at the discretion of the county or municipal governing body, may be designated as a smoke-free location. For the purposes of this subsection, "smoke-free location" means a location where the use of tobacco, nicotine, marijuana or other lawful products consumed in a smoked or vaporized manner are prohibited.

D. All educational facilities or portions thereof as defined in the Smoking in Public Places and Indoor Workplaces Act and all educational facilities as defined in the 24/7 Tobacco-free Schools Act shall be designated as nonsmoking as provided for in Section 1-1523 of Title 63 of the Oklahoma Statutes. All campuses, buildings and grounds, or portions thereof, owned or operated by an institution within The Oklahoma State System of Higher Education may be designated as tobacco and marijuana free including smoking or smokeless tobacco or smokable or vaporable marijuana, by the institution upon adoption of a policy stating the restrictions for the institution and an intent to enforce the penalty for violations as set forth in subsection M of this section.

E. No tobacco or marijuana smoking or marijuana vaping shall be allowed within twenty-five (25) feet of the entrance or exit of any building specified in subsection B, C or D of this section.

F. The restrictions on tobacco smoking provided in this section shall not apply to stand-alone bars, stand-alone taverns and cigar bars as defined in Section 1-1522 of Title 63 of the Oklahoma Statutes.

G. The restrictions on tobacco smoking provided in this section shall not apply to the following:

1. The room or rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games;

2. Up to twenty-five percent (25%) of the guest rooms at a hotel or other lodging establishment;

3. Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;

4. Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace has only incidental public access. "Incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a

delivery. It does not include businesses that depend on walk-in customers for any part of their business;

5. Workplaces occupied exclusively by one or more tobacco smokers, if the workplace has only incidental public access;

6. Private offices occupied exclusively by one or more smokers;

7. Workplaces within private residences, except that smoking tobacco or marijuana or vaping marijuana shall not be allowed inside any private residence that is used as a licensed child care facility during hours of operation;

8. Medical research or treatment centers, if tobacco smoking is integral to the research or treatment. Furthermore, the restrictions on smoking or vaping of marijuana provided in this section shall not apply to medical research or treatment centers, if marijuana smoking or vaping is integral to the research or treatment;

9. A facility operated by a post or organization of past or present members of the Armed Forces of the United States which is exempt from taxation pursuant to Section 501(c)(8), 501(c)(10) or 501(c)(19) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(8), 501(c)(10) or 501(c)(19), when such facility is utilized exclusively by its members and their families and for the conduct of post or organization nonprofit operations except during an event or activity which is open to the public; and

10. Any outdoor seating area of a restaurant; provided, smoking tobacco or smoking or vaping marijuana shall not be allowed within fifteen (15) feet of any exterior public doorway or any air intake of a restaurant.

H. An employer not otherwise restricted from doing so may elect to provide tobacco smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for tobacco smoking, provided each tobacco smoking room is fully enclosed and exhausted directly to the outside in such a manner that no tobacco smoke can drift or circulate into a nonsmoking area. No exhaust from a tobacco smoking room shall be located within fifteen (15) feet of any entrance, exit or air intake.

I. If tobacco smoking is to be permitted in any space exempted in subsection F or G of this section or in a tobacco smoking room pursuant to subsection H of this section, such tobacco smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the tobacco smoking space shall be fully enclosed, exhausted directly to the outside with no air from the tobacco smoking space circulated to any nonsmoking area, and under negative air pressure so that no tobacco smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from a tobacco smoking room shall not be exhausted within fifteen (15) feet of any entrance, exit or air intake. Any employer may choose a more

restrictive tobacco smoking policy including being totally tobacco smoke free.

J. Notwithstanding any other provision of this section, until March 1, 2006, restaurants may have designated tobacco smoking and nonsmoking areas or may be designated as being a totally nonsmoking area. Beginning March 1, 2006, restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated tobacco smoking rooms. Food and beverage may be served in such designated tobacco smoking rooms which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so tobacco smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No exhaust from such room shall be located within twenty-five (25) feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the State Department of Health.

K. The person who owns or operates a place where tobacco smoking or use is prohibited by law shall be responsible for posting a sign or decal, at least four (4) inches by two (2) inches in size, at each entrance to the building indicating that the place is smoke-free or tobacco-free.

L. Responsibility for posting signs or decals shall be as follows:

1. In privately owned facilities, the owner or lessee, if a lessee is in possession of the facilities, shall be responsible;

2. In corporately owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and

3. In publicly owned facilities, the manager and/or supervisor of the facility shall be responsible.

M. Any person who knowingly violates the provisions of this section shall be punished by a citation and fine of not more than One Hundred Dollars (\$100.00).

Added by Laws 1975, c. 26, § 1, operative Sept. 1, 1975. Amended by Laws 2002, c. 96, § 1, eff. July 1, 2002; Laws 2002, c. 377, § 2, eff. July 1, 2002; Laws 2003, S.J.R. No. 21, § 1, eff. Sept. 1, 2003; Laws 2007, c. 70, § 1, eff. Nov. 1, 2007; Laws 2010, c. 95, § 1, eff. Nov. 1, 2010; Laws 2012, c. 30, § 1, eff. Nov. 1, 2012; Laws 2013, c. 15, § 14, emerg. eff. April 8, 2013; Laws 2013, c. 187, § 1, eff. Nov. 1, 2013; Laws 2014, c. 167, § 1, eff. Nov. 1, 2014; Laws 2015, c. 259, § 4; Laws 2017, c. 110, § 1, eff. Nov. 1, 2017; Laws 2019, c. 477, § 1; Laws 2021, c. 465, § 1, eff. Nov. 1, 2021. NOTE: Laws 2012, c. 304, § 90 repealed by Laws 2013, c. 15, § 15, emerg. eff. April 8, 2013.

§21-1253. Failure to ring bell of locomotive.

Every person in charge, as engineer of a locomotive engine, who omits to cause a bell to ring or a steam whistle to sound at the

distance of at least eighty (80) rods from the place where the track crosses, on the same level, any traveled public way, is punishable by a fine not exceeding Fifty Dollars (\$50.00), or by imprisonment in the county jail not exceeding sixty (60) days.

R.L.1910, § 2536.

§21-1254. Drunken engineer or conductor or driver.

Every person who, while in charge, as engineer, of a locomotive engine, or while acting as conductor or driver upon a railroad train or car, whether propelled by steam or drawn by horses, is intoxicated, is guilty of a misdemeanor.

R.L.1910, § 2537.

§21-1255. Railroad officers, servants and agents, neglect of duty.

Every engineer, conductor, brakeman, switch-tender or other officer, agent or servant of any railroad company, who is guilty of any willful violation or omission of his duty as such officer, agent or servant, by which human life or safety is endangered or property is injured or destroyed, the punishment for which is not otherwise prescribed, is guilty of a misdemeanor.

R.L.1910, § 2538.

§21-1261. Criminal syndicalism defined.

Criminal syndicalism is hereby defined to be the doctrine which advocates crime, physical violence, arson, destruction of property, sabotage, or other unlawful acts or methods, as a means of accomplishing or effecting industrial or political ends, or as a means of effecting industrial or political revolution, or for profit.

Laws 1919, c. 70, p. 110, § 1. d

§21-1262. Sabotage defined.

Sabotage is hereby defined to be a malicious, felonious, intentional or unlawful damage, injury to or destruction of real or personal property of any employer or owner by his or her employee or employees, or any employer or employers or by any person or persons at their own instance, or at the instance, request or instigation of such employees, employers, or any other person.

Laws 1919, c. 70, p. 111, § 2.

§21-1263. Advocating or teaching necessity, etc., of crime, criminal syndicalism or sabotage - Printing, publishing, etc., books, pamphlets, etc. - Organizing or becoming member of society or assembly.

Any person who, by word of mouth or writings, advocates, affirmatively suggests or teaches the duty, necessity, propriety or expediency of crime, criminal syndicalism, or sabotage, or who shall

advocate, affirmatively suggest or teach the duty, necessity, propriety or expediency of doing any act of violence, the destruction of or damage to any property, the bodily injury to any person or persons, or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change, or revolution, or for profit; or who prints, publishes, edits, issues, or knowingly circulates, sells, distributes, or publicly displays any books, pamphlets, paper, handbill, poster, document, or written or printed matter in any form whatsoever, containing matter advocating, advising, affirmatively suggesting, or teaching crime, criminal syndicalism, sabotage, the doing of any act of physical violence, the destruction of or damage to any property, the injury to any person, or the commission of any crime or unlawful act as a means of accomplishing, effecting or bringing about any industrial or political ends, or change, or as a means of accomplishing, effecting or bringing about any industrial or political revolution, or for profit; or who shall openly, or at all attempt to justify by word of mouth or writing, the commission or the attempt to commit sabotage, any act of physical violence, the destruction of or damage to any property, the injury to any person or the commission of any crime or unlawful act, with the intent to exemplify, spread or teach or affirmatively suggest criminal syndicalism; or who organizes, or helps to organize or becomes a member of or voluntarily assembles with any society or assemblage of persons which teaches, advocates, or affirmatively suggests the doctrine of criminal syndicalism, sabotage, or the necessity, propriety or expediency of doing any act of physical violence or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change or revolution, or for profit, is guilty of a Class B4 felony offense, and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for a term not to exceed ten (10) years, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. Provided, that none of the provisions of Sections 1261 through 1264 of this title shall be construed to modify or affect Section 166 of Title 40 of the Oklahoma Statutes. Added by Laws 1919, c. 70, p. 111, § 3, emerg. eff. March 15, 1919. Amended by Laws 1997, c. 133, § 314, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 212, eff. July 1, 1999; Laws 2025, c. 486, § 122, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 314 from July 1, 1998, to July 1, 1999.

§21-1264. Permitting use of building for assemblies in violation of section 1263 prohibited.

The owner, lessee, agent, superintendent, or person in charge or occupation of any place, building, room or rooms, or structure, who

knowingly permits therein any assembly or consort of persons prohibited by the provisions of Section 3 of this act, or who after notification by authorized public or peace officers that the place or premises, or any part thereof, is or are so used, permits such use to be continued, is guilty of a misdemeanor and punishable upon conviction thereof by imprisonment in the county jail for not less than sixty (60) days or for not more than one (1) year, or by a fine of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment. Laws 1919, c. 70, p. 111, § 4.

§21-1265.1. Definitions - Highway - Highway commissioners - Public utility.

"Highway" includes any private or public street, way or other place used for travel to or from property.

"Highway commissioners" means any individual, board or other body having authority under then existing law to discontinue the use of the highway which it is desired to restrict or close to public use and travel.

"Public utility" includes any pipeline, gas, electric, heat, water, oil, sewer, telephone, telegraph, radio, railway, railroad, airplane, transportation, communication or other system, by whomsoever owned or operated for public use.

Laws 1941, p. 84, § 1.

§21-1265.2. Destroying or interfering with property with intent to hinder defense preparations or prosecution of war.

Whoever destroys, impairs, injures, interferes or tampers with real or personal property with intent to hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, shall be guilty of a Class B4 felony offense punishable by imprisonment for not more than ten (10) years, or by a fine of not more than Ten Thousand Dollars (\$10,000.00), or both; provided, if such person so acts with the intent to hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, the minimum punishment shall be imprisonment for not less than one (1) year.

Added by Laws 1941, p. 85, § 2. Amended by Laws 1997, c. 133, § 315, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 213, eff. July 1, 1999; Laws 2025, c. 486, § 123, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 315 from July 1, 1998, to July 1, 1999.

§21-1265.3. Causing defects in articles used in defense preparation or prosecution of war.

Whoever intentionally makes or causes to be made any defect in any article or thing with reasonable grounds to believe that such article or thing is intended to be used in connection with the preparation of the United States or any of the states for defense or for war, or for the prosecution of war by the United States, or that such article or thing is one of a number of similar articles or things, some of which are intended so to be used, shall be guilty of a Class B4 felony offense punishable by imprisonment for not more than ten (10) years, or a fine of not more than Ten Thousand Dollars (\$10,000.00) or both; provided, if such person so acts with the intent to hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, the minimum punishment shall be imprisonment for not less than one (1) year. Added by Laws 1941, p. 85, § 3. Amended by Laws 1997, c. 133, § 316, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 214, eff. July 1, 1999; Laws 2025, c. 486, § 124, eff. Jan. 1, 2026. NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 316 from July 1, 1998, to July 1, 1999.

§21-1265.4. Attempts - Punishment - Acts constituting.

Whoever attempts to commit any of the crimes defined by Sections 1265.1 through 1265.14 of this title shall be liable to one-half (1/2) the punishment prescribed for the completed crime. In addition to the acts which constitute an attempt to commit a crime under the law of this state, the solicitation or incitement of another to commit any of the crimes defined by Sections 1265.1 through 1265.14 of this title not followed by the commission of the crime, the collection or assemblage of any materials with the intent that the same are to be used then or at a later time in the commission of such crime, or the entry, with or without permission, of a building, enclosure or other premises of another with the intent to commit any such crime therein or thereon shall constitute an attempt to commit such crime and shall be deemed a Class D1 felony offense.

Added by Laws 1941, p. 85, § 4, emerg. eff. May 31, 1941. Amended by Laws 1997, c. 133, § 317, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 215, eff. July 1, 1999; Laws 2025, c. 486, § 411, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 317 from July 1, 1998, to July 1, 1999.

§21-1265.5. Conspiracies.

If two or more persons conspire to commit any crime defined by Sections 1265.1 through 1265.14 of this title, each of such persons is guilty of conspiracy, a Class B4 felony offense, and subject to the same punishment as if he had committed the crime which he

conspired to commit, whether or not any act be done in furtherance of the conspiracy. It shall not constitute any defense or ground of suspension of judgment, sentence or punishment on behalf of any person prosecuted under this section, that any of his fellow conspirators has been acquitted, has not been arrested or convicted, is not amenable to justice or has been pardoned or otherwise discharged before or after conviction.

Added by Laws 1941, p. 85, § 5. Amended by Laws 1997, c. 133, § 318, eff. July 1, 1999; Laws 2025, c. 486, § 125, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 318 from July 1, 1998, to July 1, 1999.

§21-1265.6. Self incriminating testimony - Immunity from prosecution.

No person shall be excused from attending and testifying or producing any books, papers, or other documents before any court, magistrate, referee or grand jury upon any investigation, proceeding or trial, for or relating to or concerned with a violation of any section of this act or attempt to commit such violation, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him by the state may tend to convict him of a crime or to subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him, upon any criminal investigation, proceeding or trial, except upon a prosecution for perjury or contempt of court based upon the giving or producing of such testimony.

Laws 1941, p. 85, § 6.

§21-1265.7. Posting property of producers of defense materials and public utilities - Entry without permission.

Any individual, partnership, association, corporation, municipal corporation or state or any political subdivision thereof engaged in, or preparing to engage in, the manufacture, transportation or storage of any product to be used in the preparation of the United States or of any of the states for defense or for war or in the prosecution of war by the United States, or the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any of said natural or artificial persons operating any public utility, whose property, except where it fronts on water or where there are entrances for railway cars, vehicles, persons or things, is surrounded by a fence or wall, or a fence or wall and buildings, may post around his or its property at each gate entrance, dock or railway entrance and every one hundred (100) feet of water front a sign reading "No Entry Without Permission".

Whoever without permission of such owner shall willfully enter upon premises so posted shall be punished by imprisonment for not more than ten (10) days, or a fine of not more than Fifty Dollars (\$50.00), or both.

Laws 1941, p. 86, § 7.

§21-1265.8. Detention and arrest of persons entering without permission.

Any peace officer or any person employed as watchman, guard, or in a supervisory capacity on premises posted as provided in Section 7 may stop any person found on any premises to which entry without permission is forbidden by Section 7 and may detain him for the purpose of demanding, and may demand of him his name, address and business in such place. If said peace officer or employee has reason to believe from the answers of the person so interrogated that such person has no right to be in such place, said peace officer shall forthwith release such person or he may arrest such person without a warrant on the charge of violating the provisions of Section 7; and said employee shall forthwith release such person or turn him over to a peace officer, who may arrest him without a warrant on the charge of violating the provisions of Section 7.

Laws 1941, p. 86, § 8.

§21-1265.9. Highways - Closing on petition of producers of defense materials or public utilities.

Any individual, partnership, association, corporation, municipal corporation or state or any political subdivision thereof engaged in or preparing to engage in the manufacture, transportation or storage of any product to be used in the preparation of the United States or any of the states for defense or for war or in the prosecution of war by the United States, or in the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any of said natural or artificial persons operating any public utility, who has property so used which he or it believes will be endangered if public use and travel is not restricted or prohibited on one or more highways or parts thereof upon which such property abuts, may petition the highway commissioners of any city, town or county to close one or more of said highways or parts thereof to public use and travel or to restrict by order the use and travel upon one or more of said highways or parts thereof.

Upon receipt of such petition, the highway commissioners shall set a day for hearing and give notice thereof by publication in a newspaper having general circulation in the city, town or county in which such property is located, such notice to be at least seven days prior to the date set for hearing. If after hearing the highway commissioners determine that the public safety and the safety of the property of the petitioner so require, they shall, by

suitable order, close to public use and travel or reasonably restrict the use of and travel upon one or more of said highways or parts thereof; provided, the highway commissioners may issue written permits to travel over the highways so closed or restricted to responsible and reputable persons for such term, under such conditions and in such form as said commissioners may prescribe. Appropriate notices in letters at least three (3) inches high shall be posted conspicuously at each end of any highway so closed or restricted by such order. The highway commissioners may at any time revoke or modify any order so made.

Laws 1941, p. 86, § 9.

§21-1265.10. Violation of order closing or restricting use of highways.

Whoever violates any order made under Section 9 shall be punished by imprisonment for not more than ten (10) days, or a fine of not more than Fifty Dollars (\$50.00), or both.

Laws 1941, p. 87, § 10.

§21-1265.11. Organization of employees and right to bargain collectively not impaired.

Nothing in this act shall be construed to impair, curtail or destroy the rights of employees and their representatives to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

Laws 1941, p. 87, § 11.

§21-1265.12. Repealed by Laws 1989, c. 154, § 2, operative July 1, 1989.

§21-1265.13. Short title.

This act may be cited as the Sabotage Prevention Act.

Laws 1941, p. 87, § 13.

§21-1265.14. Suspension of inconsistent laws - Conduct made unlawful by other laws.

All acts and parts of acts inconsistent with this act are hereby suspended in their application to any proceedings under this act. If conduct prohibited by this act is also made unlawful by another or other laws, the offender may be convicted for the violation of this act or of such other law or laws.

Laws 1941, p. 87, § 14.

§21-1266. Advocating overthrow of government by force - Penalty.

Any person above the age of eighteen (18) years who advocates revolution, teaches or justifies a program of sabotage, force and violation, sedition or treason against the government of the United States or of this state, or who directly or indirectly advocates or teaches by any means the overthrow of the government of the United States or of this state by force or any unlawful means shall be guilty of a Class B1 felony offense, and upon conviction shall be punished by imprisonment in the State Penitentiary from five (5) years to life.

Added by Laws 1955, p. 189, § 1, emerg. eff. June 6, 1955. Amended by Laws 1997, c. 133, § 319, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 216, eff. July 1, 1999; Laws 2025, c. 486, § 55, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 319 from July 1, 1998, to July 1, 1999.

§21-1266.1. Existence of communist conspiracy.

Upon evidence and proof already presented before this legislature, congress, the courts of this state, and the courts of the United States, it is here now found and declared to be a fact that there exists an International Communist conspiracy which is committed to the overthrow of the government of the United States and of the several states, including that of the State of Oklahoma, by force or violence, such conspiracy including the Communist Party of the United States, its component or related parts and members, and that such conspiracy constitutes a clear and present danger to the government of the United States and of this state.

Laws 1955, p. 189, § 1.

§21-1266.2. Communist Party of the United States and component parts as illegal.

The Communist Party of the United States, together with its component or related parts and organizations, no matter under what name known, and all other organizations, incorporated or unincorporated, which engage in or advocate, abet, advise, or teach, or a purpose of which is to engage in or advocate, abet, advise, or teach, any activities intended to overthrow, destroy, or alter, or to assist in the overthrow, destruction, or alteration of, the constitutional form of the government of the United States, or of the State of Oklahoma, or of any political subdivision of either of them, by force or violence, are hereby declared to be illegal and not entitled to any rights, privileges, or immunities attendant upon bodies under the jurisdiction of the State of Oklahoma or any political subdivision thereof. It shall be unlawful for such Party or any of its component or related parts or organizations, or any such other organization, to exist, function, or operate in the State of Oklahoma. Any organization which is found by a court of

competent jurisdiction to have violated any provisions of this section, in a proceeding brought for that purpose by the County Attorney, shall be dissolved, and if it be a corporation organized and existing under the laws of this state or having a permit to do business in this state, its charter or permit shall be forfeited, and, whether incorporated or unincorporated, all funds, records, and other property belonging to such Party or any component or related part or organization thereof, or to any such other organization, shall be seized by and forfeited to the State of Oklahoma to escheat to the state as in the case of a person dying without heirs. All books, records, and files of any such organizations shall be turned over to the Attorney General.

Laws 1955, p. 190, § 2.

§21-1266.3. Affiliation with parent or superior organization - Prima facie evidence of guilt.

As to any particular organization, proof of its affiliation with a parent or superior organization, inside or outside of this state, which engages in or advocates, abets, advises, or teaches, or a purpose of which is to engage in or advocate, abet, advise, or teach, any activities intended to overthrow, destroy, or alter, or to assist in the overthrow, destruction, or alteration of, the constitutional form of the government of the United States, or of the State of Oklahoma, or of any political subdivision of either of them, by force or violence, shall constitute prima facie evidence that such particular organization engages in or advocates, abets, advises, or teaches, or has as a purpose the engaging in or advocating, abetting, advising, or teaching of, the same activities with the same intent.

Laws 1955, p. 190, § 3.

§21-1266.4. Unlawful acts.

A. It shall be unlawful for any person knowingly or willfully to:

1. Commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy, or alter, or to assist in the overthrow, destruction, or alteration of, the constitutional form of the government of the United States, or of the State of Oklahoma, or of any political subdivision of either of them, by force or violence; or

2. Advocate, abet, advise, or teach by any means any person to commit, attempt to commit, or aid in the commission of any such act, under such circumstances as to constitute a clear and present danger to the security of the United States, or of the State of Oklahoma, or of any political subdivision of either of them; or

3. Conspire with one or more persons to commit any of the above acts; or

4. Assist in the formation of, or participate in the management of, or contribute to the support of, or become or remain a member of, or destroy any books or records or files of, or secrete any funds in this state of the Communist Party of the United States or any component or related part or organization thereof, or any organization which engages in or advocates, abets, advises, or teaches, or a purpose of which is to engage in or advocate, abet, advise or teach, any activities intended to overthrow, destroy, or alter, or to assist in the overthrow, destruction, or alteration of, the constitutional form of the government of the United States, or of the State of Oklahoma, or of any political subdivision of either of them, by force or violence, knowing the nature of such organization.

B. Any person who violates the provisions of this section shall, upon conviction, be guilty of a Class B1 felony offense. Added by Laws 1955, p. 190, § 4. Amended by Laws 2025, c. 486, § 56, eff. Jan. 1, 2026.

§21-1266.5. Penalty.

Any person who shall violate any of the provisions of Section 1266.4 of this title shall be guilty of a Class B1 felony offense, and upon conviction thereof shall be fined not more than Twenty Thousand Dollars (\$20,000.00), or imprisoned not less than one (1) year nor more than twenty (20) years in the State Penitentiary, or may be both so fined and imprisoned. No person convicted of any violation of this act shall ever be entitled to suspension or probation of sentence by the trial court.

Added by Laws 1955, p. 191, § 5, emerg. eff. June 6, 1955. Amended by Laws 1997, c. 133, § 320, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 217, eff. July 1, 1999; Laws 2025, c. 486, § 57, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 320 from July 1, 1998, to July 1, 1999.

§21-1266.6. Bar from holding public office.

Any person who shall be convicted finally by a court of competent jurisdiction of violating any of the provisions of this act shall from the date of such final conviction automatically be disqualified and barred from holding any office, elective or appointive, or any other position of profit, trust, or employment with the government of the State of Oklahoma or any agency thereof, or of any county, municipal corporation, or other political subdivision of the state.

Laws 1955, p. 191, § 6.

§21-1266.7. District court powers.

The district courts of this state and the judges thereof shall have full power, authority, and jurisdiction, upon the application of the State of Oklahoma, acting through the district attorney, to issue any and all proper restraining orders, temporary and permanent injunctions, and any other writs and processes appropriate to carry out and enforce the provisions of this act; no injunction or other writ shall be granted, used or relied upon under the provisions of this act in any labor dispute or disputes. Such proceedings shall be instituted, prosecuted, tried, and heard as other civil proceedings of like nature in such courts, provided that such proceedings shall have priority over other cases in settings for hearing.

Nothing in this act shall be construed to alter in any way the powers now held by the courts of this state or of this nation under the laws of this state in labor disputes.
Laws 1955, p. 191, § 7.

§21-1266.8. Search warrants.

A search warrant may issue for the purpose of searching for and seizing any books, records, pamphlets, cards, receipts, lists, memoranda, pictures, recordings, or any written instruments showing that a person or organization is violating or has violated any provision of this act. Search warrants may be issued by any judge of a court of record in this state upon the written application of the district attorney, within their respective jurisdictions, accompanied by the affidavit of a credible person setting forth the name or description of the owner or person in charge of the premises to be searched, or stating that his name and description are unknown, the address or description of the premises, and showing that the described premises is a place where some specified phase or phases of this act are violated or are being violated, or where are kept any books, records, pamphlets, cards, receipts, lists, memoranda, pictures, recordings, or written instruments of any kind showing a violation of some phase or phases of this act; provided that if the premises to be searched constitute a private residence, such application for a search warrant shall be accompanied by the affidavits of two (2) credible citizens. Except as herein provided, the application, issuance, and execution of any such warrant and all proceedings relative thereto shall conform to the applicable provisions of the Code of Criminal Procedure; provided that any evidence obtained by virtue of a search warrant issued under the provisions of this act shall not be admissible in evidence in the trial of any proceeding, administrative or judicial, save and except those arising under this act.
Laws 1955, p. 191, § 8.

§21-1266.9. Utilization of State agency personnel by Governor.

The Governor is authorized to utilize any personnel of the Department of Public Safety and any other state agency to conduct such investigations and to render such assistance to local law enforcement officers as the Governor may deem necessary in carrying out the provisions of this act.

Laws 1955, p. 191, § 9.

§21-1266.10. Partial invalidity.

If any section or any part whatever of this act, or the application thereof to any person or circumstances, should be held for any reason to be invalid, such invalidity shall not affect or invalidate any portion of the remainder of this act, and it is hereby declared that such remaining portions would have been enacted in any event.

Laws 1955, p. 192, § 10.

§21-1266.11. Provisions cumulative.

The provisions of this act are expressly declared to be cumulative to existing laws.

Laws 1955, p. 192, § 11.

§21-1267.1. Organizing or assisting to organize groups, companies, etc.

Any person organizing or assisting to organize any group, company, assembly of persons, or association with the intent of advocating or encouraging the overthrow of the United States or state governments, or of acting to overthrow such governments, by force or violence, or who is or becomes a member or affiliate of any such organization knowing its purposes shall, upon conviction thereof, be guilty of a Class D3 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title.

Added by Laws 1961, p. 743, § 1, emerg. eff. July 12, 1961. Amended by Laws 1997, c. 133, § 321, eff. July 1, 1999; Laws 2025, c. 486, § 682, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 321 from July 1, 1998, to July 1, 1999.

§21-1267.2. Registration - Contents.

(a) The officers of each group, company, assembly of persons, or association with the intent designated in Section 1267.1 of this title shall, within thirty (30) days of the effective date hereof, register with the Attorney General, on forms prescribed by him by regulations, as such an organization, and shall thereafter register annually on or before July 1.

(b) The registration statements shall include the following information:

(1) The name of the organization and address of its principal office;

(2) The name and present address of each person who is currently an officer of the organization or who has been an officer of the organization any time in the course of the twelve (12) months preceding the filing of each registration statement;

(3) An accounting of all money received and expended by the organization, including the sources of receipt and purposes of expenditures, in the course of the twelve (12) months preceding the filing of each registration statement;

(4) The name and present address of each person who is or was a member of the organization at any time in the course of the twelve (12) months preceding the filing of each registration statement.

(5) If any officer or member of the organization uses or has used more than one name, all such names shall be included in the registration statements.

(c) All such organizations shall maintain, in the form and manner as the Attorney General shall by regulations provide, an accurate and complete record of all information required by the registration statement forms.

(d) If the officers of any such organization violate any provision of this section they shall, upon conviction, be guilty of a felony.

Added by Laws 1961, p. 743, § 2, emerg. eff. July 12, 1961. Amended by Laws 1997, c. 133, § 322, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 322 from July 1, 1998, to July 1, 1999.

§21-1268. Short title.

This act shall be known and may be cited as the "Oklahoma Antiterrorism Act".

Added by Laws 2002, c. 477, § 1, emerg. eff. June 6, 2002.

§21-1268.1. Definitions.

As used in this act:

1. "Biochemical assault" means the intentional delivery of any substance or material to another person without lawful cause, whether or not such substance or material is toxic, noxious or lethal to humans, to:

- a. cause intimidation, fear or anxiety and a reasonable belief by the victim that death, disease, injury or illness will occur as a result of contamination by such substance or material and, based upon that belief, an emergency response is necessary, or
- b. poison, injure, harm or cause disease or illness to any person;

2. "Biochemical terrorism" means an act of terrorism involving any biological organism, pathogen, bacterium, virus, chemical or its toxins, isomers, salts or compounds, or any combination of organisms, viruses or chemicals that is capable of and intended to cause death, disease, injury, illness or harm to any human or animal upon contact or ingestion, or harm to any food supply, plant, water supply, drink, medicine or other product used for or consumed by humans or animals;

3. "Conduct" includes initiating, concluding, or participating in initiating or concluding a transaction;

4. "Financial institution" includes:

- a. any financial institution, as defined in Section 5312(a)(2) of Title 31 of the United States Code, or the regulations promulgated thereunder, and
- b. any foreign bank, as defined in Section 3101 of Title 12 of the United States Code;

5. "Financial transaction" means:

- a. a transaction which in any way or degree affects state, interstate or foreign commerce:
 - (1) involving the movement of funds by wire or other means,
 - (2) involving one or more monetary instruments, or
 - (3) involving the transfer of title to any real property, vehicle, vessel, or aircraft, or
- b. a transaction involving the use of a financial institution which is engaged in, or the activities of which affect, state, interstate or foreign commerce in any way or degree;

6. "Monetary instrument" means:

- a. coin or currency of the United States or of any other country, travelers' checks, personal checks, bank checks, and money orders, or
- b. investment securities or negotiable instruments, in bearer form or otherwise in such form that title thereto passes upon delivery;

7. "Proceeds" means all monies, negotiable instruments, and securities received, used, or intended to be used to facilitate any violation of the Oklahoma Antiterrorism Act;

8. "Terrorism" means one or more kidnappings or other act of violence, or a series of acts of violence, resulting in damage to property, personal injury or death, or the threat of such act or acts that appears to be intended:

- a. to intimidate or coerce a civilian population,
- b. to influence the policy or conduct of a government by intimidation or coercion, or
- c. in retaliation for the policy or conduct of a government by intimidation or coercion.

Peaceful picketing or boycotts and other nonviolent action shall not be considered terrorism;

9. "Terrorism hoax" means the willful conduct to simulate an act of terrorism as a joke, hoax, prank or trick against a place, population, business, agency or government by:

- a. the intentional use of any substance to cause fear, intimidation or anxiety and a reasonable belief by any victim that such substance is used, placed, sent, delivered or otherwise employed as an act of biochemical terrorism requiring an emergency response or the evacuation or quarantine of any person, place or article, or
- b. any act or threat of violence, sabotage, damage or harm against a population, place or infrastructure that causes fear, intimidation or anxiety and a reasonable belief by any victim that such act or threat is an act of terrorism to disrupt any place, population, business, agency or government;

10. "Terrorist activity" means to plan, aid or abet an act of terrorism or aid or abet any person who plans or commits an act of terrorism; and

11. "Transaction" includes a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition, and with respect to a financial institution includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, use of a safe deposit box, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected.

Added by Laws 2002, c. 477, § 2, emerg. eff. June 6, 2002. Amended by Laws 2010, c. 456, § 1, eff. Nov. 1, 2010; Laws 2016, c. 154, § 1, eff. Nov. 1, 2016.

§21-1268.2. Violations - Penalties.

A. Every act of terrorism is a felony.

B. A person convicted of terrorism shall be guilty of a Class A3 felony offense and shall be punished by imprisonment in the custody of the Department of Corrections for a term not exceeding life.

C. A person who kills another person or who causes the death of another person in the commission of an act of terrorism shall be guilty of murder in the first degree, a Class Y felony offense.

D. A person convicted of biochemical terrorism shall be guilty of a Class B1 felony offense and shall be ordered, in addition to the punishment imposed for the act of terrorism, to reimburse the cost of any emergency personnel, equipment, supplies, and other

expenses incurred by the state and any political subdivision as a result of responding to such act of terrorism.

E. The punishment for terrorism shall be in addition to any penalty imposed for any individual offense or offenses involved in the act or acts of terrorism.

Added by Laws 2002, c. 477, § 3, emerg. eff. June 6, 2002. Amended by Laws 2016, c. 154, § 2, eff. Nov. 1, 2016; Laws 2025, c. 486, § 2, eff. Jan. 1, 2026.

§21-1268.3. Conspiracy - Penalty.

A. Conspiracy to commit terrorism is a Class A3 felony offense.

B. A person convicted of conspiracy to commit terrorism shall be punished by imprisonment in the State Penitentiary for a term not exceeding life.

Added by Laws 2002, c. 477, § 4, emerg. eff. June 6, 2002. Amended by Laws 2025, c. 486, § 39, eff. Jan. 1, 2026.

§21-1268.4. Hoax - Penalty.

A. Terrorism hoax is a felony.

B. A person convicted of terrorism hoax shall be guilty of a Class B4 felony offense and shall be punished by imprisonment in the State Penitentiary for a term of not more than ten (10) years. In addition to any punishment imposed for the act of terrorism hoax, the person shall be ordered to make restitution to the victim and to reimburse the cost of any emergency personnel, equipment, supplies, and other expenses incurred by the state and any political subdivision as a result of responding to such act.

Added by Laws 2002, c. 477, § 5, emerg. eff. June 6, 2002. Amended by Laws 2025, c. 486, § 126, eff. Jan. 1, 2026.

§21-1268.5. Biochemical assault - Penalties.

A. Every person who, without justifiable or excusable cause, willfully commits biochemical assault against another person shall be punished as provided in this section.

B. Every act of biochemical assault is a misdemeanor punishable by imprisonment in the county jail for a term of not more than one (1) year, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment when the person knows the substance or material used to commit biochemical assault is not toxic, noxious, or lethal to humans. In addition to any term of imprisonment imposed for biochemical assault, the person shall be ordered to make restitution to the victim and to reimburse the cost of any emergency personnel, equipment, supplies, and other expenses incurred by the state and any political subdivision as a result of responding to such act.

C. Every act of biochemical assault is a Class B1 felony offense punishable by imprisonment in the State Penitentiary for a

term of not more than ten (10) years when the person knows the substance or material used to commit biochemical assault is toxic, noxious, or lethal to humans. In addition to any term of imprisonment imposed for biochemical assault, the person shall be ordered to make restitution to the victim and to reimburse the cost of any emergency personnel, equipment, supplies, and other expenses incurred by the state and any political subdivision as a result of responding to such act.

Added by Laws 2002, c. 477, § 6, emerg. eff. June 6, 2002. Amended by Laws 2025, c. 486, § 58, eff. Jan. 1, 2026.

§21-1268.6. Manufacture, delivery or possession of toxic materials intended for terrorist activity - Penalties.

A. It shall be unlawful for any person to manufacture, send, deliver or possess any toxic, noxious, or lethal substance, chemical, biological or nuclear material with the intent of engaging in terrorist activity.

B. A person convicted of a violation of this section shall be guilty of a Class B4 felony offense punishable by imprisonment in the State Penitentiary for a term of not more than eight (8) years. In addition to any term of imprisonment imposed for a violation of this section, the person shall be ordered to make restitution to victims and to reimburse the cost of any emergency personnel, equipment, supplies, and other expenses incurred by the state and any political subdivision as a result of responding to the crime. Added by Laws 2002, c. 477, § 7, emerg. eff. June 6, 2002. Amended by Laws 2025, c. 486, § 127, eff. Jan. 1, 2026.

§21-1268.7. Unlawful acts - Conduct financial transaction or transport, transmit, or transfer monetary instrument.

A. No person, knowing that property is the proceeds of an act of terrorism or a monetary instrument given, received, or intended to be used in support of an act of terrorism, shall conduct or attempt to conduct any financial transaction involving that property or transport, transmit or transfer that monetary instrument with the intent to do any of the following:

1. Commit or further the commission of an act of terrorism;
2. Conceal or disguise the nature, location, source, ownership, or control of either the proceeds of an act of terrorism or a monetary instrument given, received, or intended to be used to support an act of terrorism; or
3. Conceal or disguise the intent to avoid a financial transaction reporting requirement as provided in 31 U.S.C., Section 5311 et seq., 31 C.F.R., Part 103, Title 6 of the Oklahoma Statutes, or other federal monetary reporting requirements under law.

B. Any person convicted of violating any provision of subsection A of this section shall be guilty of a Class B4 felony

offense punishable by imprisonment in the custody of the Department of Corrections for a term of not less than two (2) years nor more than ten (10) years, or by a fine of not more than Fifty Thousand Dollars (\$50,000.00) or an amount equal to twice the dollar amount of each transaction, whichever is greater, or by both such fine and imprisonment.

Added by Laws 2010, c. 456, § 2, eff. Nov. 1, 2010. Amended by Laws 2025, c. 486, § 128, eff. Jan. 1, 2026.

§21-1268.8. Oklahoma Antiterrorism Act - Using money services business or electronic funds transfer network.

Any person who knowingly or intentionally uses a money services business, as defined by the Oklahoma Financial Transaction Reporting Act, or an electronic funds transfer network for any purpose in violation of the Oklahoma Antiterrorism Act, or with intent to facilitate any violation of the Oklahoma Antiterrorism Act shall, upon conviction, be guilty of a Class B4 felony offense punishable by imprisonment in the custody of the Department of Corrections for a term of not less than two (2) years nor more than ten (10) years, or by a fine of not more than Fifty Thousand Dollars (\$50,000.00) or an amount equal to twice the dollar amount of each transaction, whichever is greater, or by both such fine and imprisonment.

Added by Laws 2010, c. 456, § 3, eff. Nov. 1, 2010. Amended by Laws 2025, c. 486, § 129, eff. Jan. 1, 2026.

§21-1271.1. Detention or arrest of person under 18 years - Confiscation and forfeiture of prohibited weapons and firearms - Disposition of forfeited weapons and firearms.

A. Whenever a person under eighteen (18) years of age is detained or arrested by a law enforcement officer and is carrying any weapon or firearm prohibited by Section 1272 of this title, each such prohibited weapon and firearm may be confiscated and forfeited to the State of Oklahoma by the law enforcement authority. Such confiscation and forfeiture shall not require that criminal charges be filed against the minor.

B. However, when a weapon or firearm confiscated pursuant to the provisions of this section has been taken by a minor without the permission of the owner, the weapon or firearm shall be returned to the owner pursuant to the procedures provided in Section 1321 of Title 22 of the Oklahoma Statutes, provided the possession of such weapon or firearm by the owner is not otherwise prohibited by law.

C. Any weapon or firearm confiscated and forfeited by any law enforcement authority may be sold at public auction, or when no longer needed as evidence in the criminal proceeding the confiscating authority may lease any firearm confiscated and forfeited by law pursuant to this section to any law enforcement agency for a period of one (1) year. Such lease may be renewed each

year thereafter at the discretion of such authority to assist in the enforcement of the laws of this state or its political subdivisions. Any weapon or firearm deemed by the confiscating authority to be inappropriate for lease or sale shall be destroyed.

D. For purposes of this section, the term "confiscate" shall not be construed to prohibit any parent, guardian or other adult person from removing or otherwise seizing from any minor any weapon or firearm in the minor's possession. Provided however, no school authority shall return any weapon or firearm removed or otherwise seized from any minor to any person, and shall immediately deliver such weapon or firearm to a law enforcement authority for prosecution and forfeiture.

Added by Laws 1993, c. 309, § 3, emerg. eff. June 7, 1993. Amended by Laws 1994, c. 290, § 51, eff. July 1, 1994.

§21-1272. Unlawful carry.

UNLAWFUL CARRY

A. Notwithstanding any other provision of law, it shall be unlawful for any person to carry upon or about his or her person, or in a purse or other container belonging to the person, any pistol, revolver, shotgun or rifle whether loaded or unloaded or any blackjack, loaded cane, hand chain, metal knuckles, or any other offensive weapon, whether such weapon be concealed or unconcealed, except this section shall not prohibit:

1. The proper use of guns and knives for self-defense, hunting, fishing, educational or recreational purposes;

2. The carrying or use of weapons in a manner otherwise permitted by statute or authorized by the Oklahoma Self-Defense Act;

3. The carrying, possession and use of any weapon by a peace officer or other person authorized by law to carry a weapon in the performance of official duties and in compliance with the rules of the employing agency;

4. The carrying or use of weapons in a courthouse by a district judge, associate district judge or special district judge within this state, who is in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and whose name appears on a list maintained by the Administrative Director of the Courts;

5. The carrying and use of firearms and other weapons provided in this subsection when used for the purpose of living history reenactment. For purposes of this paragraph, "living history reenactment" means depiction of historical characters, scenes, historical life or events for entertainment, education, or historical documentation through the wearing or use of period, historical, antique or vintage clothing, accessories, firearms, weapons, and other implements of the historical period; or

6. The transporting by vehicle on a public roadway or the carrying of a firearm, concealed or unconcealed, loaded or unloaded, by a person who is twenty-one (21) years of age or older or by a person who is eighteen (18) years of age but not yet twenty-one (21) years of age and the person is a member or veteran of the United States Armed Forces, Reserves or National Guard or was discharged under honorable conditions from the United States Armed Forces, Reserves or National Guard, and the person is otherwise not disqualified from the possession or purchase of a firearm under state or federal law and is not carrying the firearm in furtherance of a crime.

Except as provided in subsection B of Section 1283 of this title, a person who has been convicted of any one of the following offenses in this state or a violation of the equivalent law of another state:

- a. assault and battery pursuant to the provisions of Section 644 of this title which caused serious physical injury to the victim,
- b. aggravated assault and battery pursuant to the provisions of Section 646 of this title,
- c. assault and battery that qualifies as domestic abuse as defined in Section 644 of this title,
- d. stalking pursuant to the provisions of Section 1173 of this title,
- e. a violation of an order issued under the Protection from Domestic Abuse Act or a domestic abuse protection order issued by another state, or
- f. a violation relating to illegal drug use or possession under the provisions of the Uniform Controlled Dangerous Substances Act,

shall be prohibited from carrying a firearm under the provisions of this paragraph. Any person who carries a firearm in the manner provided for in this paragraph shall be prohibited from carrying the firearm into any of the places prohibited in subsection A of Section 1277 of this title or any other place currently prohibited by law. Nothing in this section shall modify or otherwise change where a person may legally carry a firearm.

B. Any person convicted of violating the foregoing provision shall be guilty of a misdemeanor punishable as provided in Section 1276 of this title.

R.L. 1910, § 2546. Amended by Laws 1957, p. 163, § 1; Laws 1969, c. 311, § 1, emerg. eff. April 28, 1969; Laws 1993, c. 309, § 1, emerg. eff. June 7, 1993; Laws 1995, c. 272, § 26, eff. Sept. 1, 1995; Laws 1996, c. 191, § 2, emerg. eff. May 16, 1996; Laws 2003, c. 465, § 1, eff. July 1, 2003; Laws 2007, c. 128, § 1, eff. Nov. 1, 2007; Laws 2012, c. 259, § 1, eff. Nov. 1, 2012; Laws 2013, c. 102, § 1, eff. Nov. 1, 2013; Laws 2015, c. 197, § 1, eff. Nov. 1, 2015; Laws 2016,

c. 217, § 1, eff. Nov. 1, 2016; Laws 2018, c. 68, § 1, eff. Nov. 1, 2018; Laws 2019, c. 1, § 1, eff. Nov. 1, 2019; Laws 2021, c. 292, § 1, eff. Nov. 1, 2021.

NOTE: Laws 1993, c. 264, § 1 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994.

§21-1272.1. Carrying firearms where liquor is consumed.

CARRYING FIREARMS WHERE LIQUOR IS CONSUMED

A. It shall be unlawful for a person to carry or possess any weapon designated in Section 1272 of this title in any establishment where the sale of alcoholic beverages, as defined by Section 1-103 of Title 37A of the Oklahoma Statutes, constitutes the primary purpose of the business. This provision shall not apply to:

1. A peace officer, as defined in Section 99 of this title, or private investigator or armed security guard with a firearms authorization when acting in the scope and course of employment;

2. An owner or proprietor of the establishment; or

3. An employee of the establishment who has permission from the owner or proprietor of the establishment to carry or possess a weapon while in the scope and course of employment.

B. It shall be lawful for a person to carry or possess any weapon designated in Section 1272 of this title into any restaurant or other establishment licensed to dispense alcoholic beverages where the sale of alcoholic beverages does not constitute the primary purpose of the business.

C. Nothing in this section shall be interpreted to authorize any peace officer in actual physical possession of a weapon to consume alcoholic beverages, except in the authorized line of duty as an undercover officer.

D. Nothing in this section shall be interpreted to authorize any person, employee, private investigator or armed security guard with or without a firearms authorization in actual physical possession of a weapon to consume alcoholic beverages in any establishment where alcoholic beverages are consumed.

E. Any person violating the provisions of this section shall upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00).

F. Any person who intentionally or knowingly carries or possesses any weapon in violation of the provisions of this section and refuses to leave the establishment or the property of the establishment shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00).

G. As used in this section, "consume" means the act of drinking or ingesting alcoholic beverages or eating a product containing alcohol.

Added by Laws 1975, c. 248, § 1, emerg. eff. June 2, 1975. Amended by Laws 1976, c. 179, § 1, emerg. eff. June 1, 1976; Laws 1986, c. 240, § 2, eff. Nov. 1, 1986; Laws 1995, c. 272, § 27, eff. Sept. 1, 1995; Laws 1996, c. 191, § 3, emerg. eff. May 16, 1996; Laws 2001, c. 396, § 1, eff. July 1, 2001; Laws 2012, c. 259, § 2, eff. Nov. 1, 2012; Laws 2021, c. 291, § 1, eff. Nov. 1, 2021.

§21-1272.2. Repealed by Laws 2021, c. 291, § 3, eff. Nov. 1, 2021.

§21-1272.3. Unlawful discharge of stun gun or deleterious agent - Penalties.

It is unlawful for any person to knowingly discharge, or cause to be discharged, any electrical stun gun, tear gas weapon, mace, tear gas, pepper mace or any similar deleterious agent against another person knowing the other person to be a peace officer, corrections officer, probation or parole officer, firefighter, or an emergency medical technician or paramedic who is acting in the course of official duty. Any person violating the provisions of this section, upon conviction, shall be guilty of a Class D2 felony offense punishable by imprisonment in the custody of the Department of Corrections for a term of not exceeding ten (10) years, or by imprisonment in the county jail for a term of not exceeding one (1) year.

Added by Laws 2008, c. 381, § 1, eff. July 1, 2008. Amended by Laws 2025, c. 486, § 597, eff. Jan. 1, 2026.

§21-1273. Allowing minors to possess firearms.

ALLOWING MINORS TO POSSESS FIREARMS

A. It shall be unlawful for any person within this state to sell or give to any child any of the arms or weapons designated in Section 1272 of this title; provided, the provisions of this section shall not prohibit a parent of a child or legal guardian of a child, or a person acting with the permission of the parent of the child or legal guardian of the child, from giving the child a firearm for participation in hunting animals or fowl, hunter safety classes, education and training in the safe use and handling of firearms, target shooting, skeet, trap or other sporting events or competitions, except as provided in subsection B of this section.

B. It shall be unlawful for any parent or guardian to intentionally, knowingly, or recklessly permit his or her child to possess any of the arms or weapons designated in Section 1272 of this title, including any firearm, if such parent is aware of a substantial risk that the child will use the weapon to commit a criminal offense or if the child has either been adjudicated a delinquent or has been convicted as an adult for any criminal offense that contains as an element the threat or use of physical force against the person of another.

C. It shall be unlawful for any child to possess any of the arms or weapons designated in Section 1272 of this title, except firearms used for participation in hunting animals or fowl, hunter safety classes, education and training in the safe use and handling of firearms, target shooting, skeet, trap or other sporting events or competitions. Provided, this section shall not authorize the possession of such weapons by any person who is subject to the provisions of Section 1283 of this title.

D. Any person violating the provisions of this section shall, upon conviction, be punished as provided in Section 1276 of this title, and, any child violating the provisions of this section shall be subject to adjudication as a delinquent. In addition, any person violating the provisions of subsection A or B of this section shall be liable for civil damages for any injury or death to any person and for any damage to property, as provided in Section 10 of Title 23 of the Oklahoma Statutes, resulting from any discharge of a firearm by the child or use of any other weapon that the person had given to the child or permitted the child to possess. Any person convicted of violating the provisions of this section after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act may be liable for an administrative violation as provided in Section 1276 of this title.

E. As used in this section, "child" means a person under eighteen (18) years of age.

R.L.1910, § 2547. Amended by Laws 1993, c. 309, § 2, emerg. eff. June 7, 1993; Laws 1994, c. 290, § 52, eff. July 1, 1994; Laws 1995, c. 272, § 29, eff. Sept. 1, 1995; Laws 2000, c. 382, § 13, eff. July 1, 2000; Laws 2012, c. 259, § 4, eff. Nov. 1, 2012; Laws 2014, c. 193, § 1.

NOTE: Laws 1993, c. 264, § 2 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994.

§21-1276. Penalty for 1272 and 1273.

PENALTY FOR 1272 AND 1273

Any person violating the provisions of Section 1272 or 1273 of this title shall, upon a first conviction, be adjudged guilty of a misdemeanor and the party offending shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days or both such fine and imprisonment. On the second and every subsequent violation, the party offending shall, upon conviction, be punished by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period not less than thirty (30) days nor more than three (3) months, or by both such fine and imprisonment.

Any person convicted of violating the provisions of Section 1272 or 1273 of this title after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act shall have the license suspended for a period of six (6) months and shall be liable for an administrative fine of Fifty Dollars (\$50.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

R.L.1910, § 2550. Amended by Laws 1995, c. 272, § 30, eff. Sept. 1, 1995; Laws 2012, c. 259, § 5, eff. Nov. 1, 2012.

§21-1277. See the following versions:

OS 21-1277v1 (SB 742, Laws 2025, c. 70, § 1)

OS 21-1277v2 (HB 1095, Laws 2025, c. 251, § 2)

§21-1277v1. Unlawful carry in certain places.

UNLAWFUL CARRY IN CERTAIN PLACES

A. It shall be unlawful for any person, including a person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry any concealed or unconcealed firearm into any of the following places:

1. Any structure, building, or office space which is owned or leased by a city, town, county, state, or federal governmental authority for the purpose of conducting business with the public;

2. Any courthouse, courtroom, prison, jail, detention facility, or any facility used to process, hold, or house arrested persons, prisoners, or persons alleged delinquent or adjudicated delinquent, except as provided in Section 21 of Title 57 of the Oklahoma Statutes;

3. Any public or private elementary or public or private secondary school, except as provided in subsections C and D of this section;

4. Any publicly owned or operated sports arena or venue during a professional sporting event, unless allowed by the event holder;

5. Any place where gambling is authorized by law, unless allowed by the property owner;

6. Any other place specifically prohibited by law; and

7. Any property set aside by a county, city, town, public trust with a county, city, or town as a beneficiary, or state governmental authority for an event that is secured with minimum security provisions. For purposes of this paragraph, a minimum security provision consists of a location that is secured utilizing the following:

- a. a metallic-style security fence that is at least eight (8) feet in height that encompasses the property and is secured in such a way as to deter unauthorized entry,

- b. controlled access points staffed by a uniformed, commissioned peace officer, and
- c. a metal detector whereby persons walk or otherwise travel with their property through or by the metal detector.

B. It shall be lawful for a person to carry a concealed or unconcealed firearm on the following properties:

1. Any property set aside for the use or parking of any vehicle, whether attended or unattended, by a city, town, county, state, or federal governmental authority;

2. Any property set aside for the use or parking of any vehicle, whether attended or unattended, which is open to the public, or by any entity engaged in gambling authorized by law;

3. Any property adjacent to a structure, building, or office space in which concealed or unconcealed weapons are prohibited by the provisions of this section;

4. Any property designated by a city, town, county, or state governmental authority as a park, recreational area, wildlife refuge, wildlife management area, or fairgrounds; provided, nothing in this paragraph shall be construed to authorize any entry by a person in possession of a concealed or unconcealed firearm into any structure, building, office space or event which is specifically prohibited by the provisions of subsection A of this section;

5. Any property set aside by a public or private elementary or secondary school for the use or parking of any vehicle, whether attended or unattended; provided, however, the firearm shall be stored and hidden from view in a locked motor vehicle when the motor vehicle is left unattended on school property; and

6. Any public property set aside temporarily by a county, city, town, public trust with a county, city, or town as a beneficiary, or state governmental authority for the holder of an event permit that is without minimum security provisions, as such term is defined in paragraph 7 of subsection A of this section; provided, the carry of firearms within the permitted event area shall be limited to concealed carry of a handgun unless otherwise authorized by the holder of the event permit.

Nothing contained in any provision of this subsection or subsection C of this section shall be construed to authorize or allow any person in control of any place described in subsection A of this section to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a handgun license or otherwise in lawful possession of a firearm from carrying or possessing the firearm on the property described in this subsection.

C. A concealed or unconcealed weapon may be carried onto private school property or in any school bus or vehicle used by any private school for transportation of students or teachers by a person who is licensed pursuant to the Oklahoma Self-Defense Act,

provided a policy has been adopted by the governing entity of the private school that authorizes the carrying and possession of a weapon on private school property or in any school bus or vehicle used by a private school. Except for acts of gross negligence or willful or wanton misconduct, a governing entity of a private school that adopts a policy which authorizes the possession of a weapon on private school property, a school bus, or a vehicle used by the private school shall not be subject to liability for any injuries arising from the adoption of the policy. The provisions of this subsection shall not apply to claims pursuant to the Administrative Workers' Compensation Act.

D. A board of education of a school district may adopt a policy pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to authorize the carrying of a handgun onto school property by school personnel specifically designated by the board of education, provided such personnel either:

1. Possess a valid armed security guard license as provided for in the Oklahoma Security Guard and Private Investigator Act; or
 2. Hold a valid reserve peace officer certification as provided for in Section 3311 of Title 70 of the Oklahoma Statutes.
- Nothing in this subsection shall be construed to restrict authority granted elsewhere in law to carry firearms.

E. Notwithstanding the provisions of subsection A of this section, on any property designated as a municipal zoo or park of any size that is owned, leased, operated, or managed by:

1. A public trust created pursuant to the provisions of Section 176 of Title 60 of the Oklahoma Statutes; or
 2. A nonprofit entity,
- an individual shall be allowed to carry a concealed handgun but not openly carry a handgun on the property.

F. Any person violating the provisions of paragraph 2 or 3 of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00). A person violating any other provision of subsection A of this section may be denied entrance onto the property or removed from the property. If the person refuses to leave the property and a peace officer is summoned, the person may be issued a citation for an amount not to exceed Two Hundred Fifty Dollars (\$250.00).

G. No person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act or who is carrying or in possession of a firearm as otherwise permitted by law or who is carrying or in possession of a machete, blackjack, loaded cane, hand chain, or metal knuckles shall be authorized to carry the firearm, machete, blackjack, loaded cane, hand chain, or metal knuckles into or upon any college, university, or technology center school property, except as provided in this subsection. For

purposes of this subsection, the following property shall not be construed to be college, university, or technology center school property:

1. Any property set aside for the use or parking of any motor vehicle, whether attended or unattended, provided the firearm, machete, blackjack, loaded cane, hand chain, or metal knuckles are carried or stored as required by law and the firearm, machete, blackjack, loaded cane, hand chain, or metal knuckles are not removed from the motor vehicle without the prior consent of the college or university president or technology center school administrator while the vehicle is on any college, university, or technology center school property;

2. Any property authorized for possession or use of firearms, machetes, blackjacks, loaded canes, hand chains, or metal knuckles by college, university, or technology center school policy; and

3. Any property authorized by the written consent of the college or university president or technology center school administrator, provided the written consent is carried with the firearm, machete, blackjack, loaded cane, hand chain, or metal knuckles and the valid handgun license while on college, university, or technology center school property.

The college, university, or technology center school may notify the Oklahoma State Bureau of Investigation within ten (10) days of a violation of any provision of this subsection by a licensee. Upon receipt of a written notification of violation, the Bureau shall give a reasonable notice to the licensee and hold a hearing. At the hearing, upon a determination that the licensee has violated any provision of this subsection, the licensee may be subject to an administrative fine of Two Hundred Fifty Dollars (\$250.00) and may have the handgun license suspended for three (3) months.

Nothing contained in any provision of this subsection shall be construed to authorize or allow any college, university, or technology center school to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a handgun license or any person in lawful possession of a firearm, machete, blackjack, loaded cane, hand chain, or metal knuckles from possession of a firearm, machete, blackjack, loaded cane, hand chain, or metal knuckles in places described in paragraphs 1, 2, and 3 of this subsection. Nothing contained in any provision of this subsection shall be construed to limit the authority of any college, university, or technology center school in this state from taking administrative action against any student for any violation of any provision of this subsection.

H. The provisions of this section shall not apply to the following:

1. Any peace officer or any person authorized by law to carry a firearm in the course of employment;

2. District judges, associate district judges, special district judges, Judges of the Court of Civil Appeals, Judges of the Court of Criminal Appeals, or Justices of the Supreme Court who are in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and whose names appear on a list maintained by the Administrative Director of the Courts, when acting in the course and scope of employment within the courthouses of this state;

3. Private investigators with a firearms authorization when acting in the course and scope of employment;

4. An elected official of a county, who is in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, may carry a concealed handgun when acting in the performance of his or her duties within the courthouses of the county in which he or she was elected. The provisions of this paragraph shall not allow the elected county official to carry the handgun into a courtroom;

5. The sheriff of any county may authorize certain employees of the county, who possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry a concealed handgun when acting in the course and scope of employment within the courthouse in the county in which the person is employed. Nothing in the Oklahoma Self-Defense Act shall prohibit the sheriff from requiring additional instruction or training before granting authorization to carry a concealed handgun within the courthouse. The provisions of this paragraph and of paragraph 6 of this subsection shall not allow the county employee to carry the handgun into a courtroom, sheriff's office, adult or juvenile jail, or any other prisoner detention area; and

6. The board of county commissioners of any county may authorize certain employees of the county, who possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry a concealed handgun when acting in the course and scope of employment on county annex facilities or grounds surrounding the county courthouse.

I. For the purposes of this section, "motor vehicle" means any automobile, truck, minivan, sports utility vehicle, or motorcycle, as defined in Section 1-135 of Title 47 of the Oklahoma Statutes, equipped with a locked accessory container within or affixed to the motorcycle.

R.L. 1910, § 2551. Amended by Laws 1992, c. 170, § 1, emerg. eff. May 5, 1992; Laws 1993, c. 264, § 3, eff. Sept. 1, 1993; Laws 1995, c. 272, § 31, eff. Sept. 1, 1995; Laws 1996, c. 191, § 4, emerg. eff. May 16, 1996; Laws 2000, c. 382, § 2, eff. July 1, 2000; Laws 2001, c. 33, § 19, eff. July 1, 2001; Laws 2001, c. 396, § 2, eff. July 1, 2001; Laws 2007, c. 128, § 2, eff. Nov. 1, 2007; Laws 2011, c. 333, § 1, eff. Nov. 1, 2011; Laws 2012, c. 259, § 6, eff. Nov. 1,

2012; Laws 2013, c. 344, § 1, eff. Nov. 1, 2013; Laws 2014, c. 325, § 1, eff. Nov. 1, 2014; Laws 2015, c. 310, § 1, emerg. eff. May 12, 2015; Laws 2016, c. 210, § 3, emerg. eff. April 26, 2016; Laws 2017, c. 42, § 9; Laws 2017, c. 165, § 1, eff. Nov. 1, 2017; Laws 2018, c. 68, § 2, eff. Nov. 1, 2018; Laws 2018, c. 247, § 1, eff. Nov. 1, 2018; Laws 2019, c. 25, § 16, emerg. eff. April 4, 2019; Laws 2019, c. 235, § 1, eff. Nov. 1, 2019; Laws 2021, c. 480, § 1, emerg. eff. May 13, 2021; Laws 2025, c. 70, § 1, eff. Nov. 1, 2025.

NOTE: Laws 2015, c. 226, § 1 repealed by Laws 2016, c. 210, § 4, but without reference to Laws 2016, c. 18, § 1, which amended it. Laws 2016, c. 18, § 1 repealed by Laws 2017, c. 42, § 10. Laws 2017, c. 135, § 1 repealed by Laws 2018, c. 304, § 9, emerg. eff. May 10, 2018. Laws 2018, c. 304, § 8 repealed by Laws 2019, c. 25, § 17, emerg. eff. April 4, 2019. Laws 2019, c. 1, § 2 repealed by Laws 2020, c. 161, § 3, emerg. eff. May 21, 2020.

§21-1277v2. Unlawful carry in certain places.

UNLAWFUL CARRY IN CERTAIN PLACES

A. It shall be unlawful for any person, including a person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry any concealed or unconcealed firearm into any of the following places:

1. Any building or office space which is owned or leased by a city, town, county, or state governmental authority for the purpose of conducting business with the public. However, the governing body of a city or town may authorize the concealed carry of handguns into any building or office space that is owned or leased by a city or town, except those places listed in paragraph 2 of this subsection;

2. Any courthouse, courtroom, prison, jail, detention facility, or any facility used to process, hold, or house arrested persons, prisoners, or persons alleged delinquent or adjudicated delinquent, except as provided in Section 21 of Title 57 of the Oklahoma Statutes;

3. Any public or private elementary or public or private secondary school, except as provided in subsections C and D of this section;

4. Any publicly owned or operated sports arena or venue during a professional sporting event, unless allowed by the event holder;

5. Any place where gambling is authorized by law, unless allowed by the property owner;

6. Any other place specifically prohibited by law; and

7. Any property set aside by a county, city, town, public trust with a county, city, or town as a beneficiary, or state governmental authority for an event that is secured with minimum security provisions. For purposes of this paragraph, a minimum security provision consists of a location that is secured utilizing the following:

- a. a metallic-style security fence that is at least eight (8) feet in height that encompasses the property and is secured in such a way as to deter unauthorized entry,
- b. controlled access points staffed by a uniformed, commissioned peace officer, and
- c. a metal detector whereby persons walk or otherwise travel with their property through or by the metal detector.

B. It shall be lawful for a person to carry a concealed or unconcealed firearm on the following properties:

1. Any property set aside for the use or parking of any vehicle, whether attended or unattended, by a city, town, county, or state governmental authority;

2. Any property set aside for the use or parking of any vehicle, whether attended or unattended, which is open to the public, or by any entity engaged in gambling authorized by law;

3. Any property adjacent to a building or office space in which concealed or unconcealed weapons are prohibited by the provisions of this section;

4. Any property designated by a city, town, county, or state governmental authority as a park, recreational area, wildlife refuge, wildlife management area, or fairgrounds; provided, nothing in this paragraph shall be construed to authorize any entry by a person in possession of a concealed or unconcealed firearm into any building, office space, or event which is specifically prohibited by the provisions of subsection A of this section;

5. Any property set aside by a public or private elementary or secondary school for the use or parking of any vehicle, whether attended or unattended; provided, however, the firearm shall be stored and hidden from view in a locked motor vehicle when the motor vehicle is left unattended on school property; and

6. Any public property set aside temporarily by a county, city, town, public trust with a county, city, or town as a beneficiary, or state governmental authority for the holder of an event permit that is without minimum security provisions, as such term is defined in paragraph 7 of subsection A of this section; provided, the carry of firearms within the permitted event area shall be limited to concealed carry of a handgun unless otherwise authorized by the holder of the event permit.

Nothing contained in any provision of this subsection or subsection C of this section shall be construed to authorize or allow any person in control of any place described in subsection A of this section to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a handgun license or otherwise in lawful possession of a firearm from carrying or possessing the firearm on the property described in this subsection.

C. A concealed or unconcealed weapon may be carried onto private school property or in any school bus or vehicle used by any private school for transportation of students or teachers by a person who is licensed pursuant to the Oklahoma Self-Defense Act, provided a policy has been adopted by the governing entity of the private school that authorizes the carrying and possession of a weapon on private school property or in any school bus or vehicle used by a private school. Except for acts of gross negligence or willful or wanton misconduct, a governing entity of a private school that adopts a policy which authorizes the possession of a weapon on private school property, a school bus, or a vehicle used by the private school shall not be subject to liability for any injuries arising from the adoption of the policy. The provisions of this subsection shall not apply to claims pursuant to the Administrative Workers' Compensation Act.

D. Notwithstanding paragraph 3 of subsection A of this section, a board of education of a school district may adopt a policy pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to authorize the carrying of a handgun onto school property by school personnel specifically designated by the board of education, provided such personnel either:

1. Possess a valid armed security guard license as provided for in the Oklahoma Security Guard and Private Investigator Act; or
2. Hold a valid reserve peace officer certification as provided for in Section 3311 of Title 70 of the Oklahoma Statutes.

Nothing in this subsection shall be construed to restrict authority granted elsewhere in law to carry firearms.

E. Notwithstanding the provisions of subsection A of this section, on any property designated as a municipal zoo or park of any size that is owned, leased, operated, or managed by:

1. A public trust created pursuant to the provisions of Section 176 of Title 60 of the Oklahoma Statutes; or

2. A nonprofit entity,

an individual shall be allowed to carry a concealed handgun but not openly carry a handgun on the property.

F. Any person violating the provisions of paragraph 2 or 3 of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00). A person violating any other provision of subsection A of this section may be denied entrance onto the property or removed from the property. If the person refuses to leave the property and a peace officer is summoned, the person may be issued a citation for an amount not to exceed Two Hundred Fifty Dollars (\$250.00).

G. No person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act or who is carrying or in possession of a firearm as otherwise permitted by

law or who is carrying or in possession of a machete, blackjack, loaded cane, hand chain, or metal knuckles shall be authorized to carry the firearm, machete, blackjack, loaded cane, hand chain, or metal knuckles into or upon any college, university, or technology center school property, except as provided in this subsection. For purposes of this subsection, the following property shall not be construed to be college, university, or technology center school property:

1. Any property set aside for the use or parking of any motor vehicle, whether attended or unattended, provided the firearm, machete, blackjack, loaded cane, hand chain, or metal knuckles are carried or stored as required by law and the firearm, machete, blackjack, loaded cane, hand chain, or metal knuckles are not removed from the motor vehicle without the prior consent of the college or university president or technology center school administrator while the vehicle is on any college, university, or technology center school property;

2. Any property authorized for possession or use of firearms, machetes, blackjacks, loaded canes, hand chains, or metal knuckles by college, university, or technology center school policy; and

3. Any property authorized by the written consent of the college or university president or technology center school administrator, provided the written consent is carried with the firearm, machete, blackjack, loaded cane, hand chain, or metal knuckles and the valid handgun license while on college, university, or technology center school property.

The college, university, or technology center school may notify the Oklahoma State Bureau of Investigation within ten (10) days of a violation of any provision of this subsection by a licensee. Upon receipt of a written notification of violation, the Bureau shall give a reasonable notice to the licensee and hold a hearing. At the hearing, upon a determination that the licensee has violated any provision of this subsection, the licensee may be subject to an administrative fine of Two Hundred Fifty Dollars (\$250.00) and may have the handgun license suspended for three (3) months.

Nothing contained in any provision of this subsection shall be construed to authorize or allow any college, university, or technology center school to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a handgun license or any person in lawful possession of a firearm, machete, blackjack, loaded cane, hand chain, or metal knuckles from possession of a firearm, machete, blackjack, loaded cane, hand chain, or metal knuckles in places described in paragraphs 1, 2, and 3 of this subsection. Nothing contained in any provision of this subsection shall be construed to limit the authority of any college, university, or technology center school in this state from taking

administrative action against any student for any violation of any provision of this subsection.

H. The provisions of this section shall not apply to the following:

1. Any peace officer or any person authorized by law to carry a firearm in the course of employment;

2. Any district judge, associate district judge, or special district judge, who is in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and whose name appears on a list maintained by the Administrative Director of the Courts, when acting in the course and scope of employment within the courthouses of the county that falls within the jurisdiction of the district judge, associate district judge, or special district judge;

3. Any private investigator with a firearms authorization when acting in the course and scope of employment;

4. Any elected official of a county, who is in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, may carry a concealed handgun when acting in the performance of his or her duties within the courthouses of the county in which he or she was elected. The provisions of this paragraph shall not allow the elected county official to carry the handgun into a courtroom;

5. The sheriff of any county may authorize certain employees of the county, who possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry a concealed handgun when acting in the course and scope of employment within the courthouse in the county in which the person is employed. Nothing in the Oklahoma Self-Defense Act shall prohibit the sheriff from requiring additional instruction or training before granting authorization to carry a concealed handgun within the courthouse. The provisions of this paragraph and of paragraph 6 of this subsection shall not allow the county employee to carry the handgun into a courtroom, sheriff's office, adult or juvenile jail, or any other prisoner detention area;

6. The board of county commissioners of any county may authorize certain employees of the county, who possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry a concealed handgun when acting in the course and scope of employment on county annex facilities or grounds surrounding the county courthouse that fall within the jurisdiction of the county employees; and

7. Any municipal judge, who is in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, when acting in the course and scope of employment within the courthouses of the municipality that are within the jurisdiction of the municipal judge.

I. 1. Any elected official of a municipality or any municipal employee approved by the governing body of a municipality, who possesses a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, may carry a concealed handgun when acting in the performance of his or her official duties within municipal buildings that are within the jurisdiction of the elected official or municipal employee.

2. For purposes of this subsection, a firearm may not be present inside a firearm-prohibited location, which shall include:

- a. any building or office space on municipally owned or leased property designated as a firearm-prohibited location by the municipality, municipal trust, or municipal authority, and
- b. any police department, courthouse, courtroom, prison, jail, detention facility, or any facility used to process, hold, or house arrested persons, prisoners, or persons alleged delinquent or adjudicated delinquent.

3. Nothing in this subsection shall be construed to require an elected official or designated employee of the municipality to carry a firearm as a condition of employment or service with the municipality.

J. For the purposes of this section, "motor vehicle" means any automobile, truck, minivan, sport utility vehicle, or motorcycle, as defined in Section 1-135 of Title 47 of the Oklahoma Statutes, equipped with a locked accessory container within or affixed to the motorcycle.

R.L. 1910, § 2551. Amended by Laws 1992, c. 170, § 1, emerg. eff. May 5, 1992; Laws 1993, c. 264, § 3, eff. Sept. 1, 1993; Laws 1995, c. 272, § 31, eff. Sept. 1, 1995; Laws 1996, c. 191, § 4, emerg. eff. May 16, 1996; Laws 2000, c. 382, § 2, eff. July 1, 2000; Laws 2001, c. 33, § 19, eff. July 1, 2001; Laws 2001, c. 396, § 2, eff. July 1, 2001; Laws 2007, c. 128, § 2, eff. Nov. 1, 2007; Laws 2011, c. 333, § 1, eff. Nov. 1, 2011; Laws 2012, c. 259, § 6, eff. Nov. 1, 2012; Laws 2013, c. 344, § 1, eff. Nov. 1, 2013; Laws 2014, c. 325, § 1, eff. Nov. 1, 2014; Laws 2015, c. 310, § 1, emerg. eff. May 12, 2015; Laws 2016, c. 210, § 3, emerg. eff. April 26, 2016; Laws 2017, c. 42, § 9; Laws 2017, c. 165, § 1, eff. Nov. 1, 2017; Laws 2018, c. 68, § 2, eff. Nov. 1, 2018; Laws 2018, c. 247, § 1, eff. Nov. 1, 2018; Laws 2019, c. 25, § 16, emerg. eff. April 4, 2019; Laws 2019, c. 235, § 1, eff. Nov. 1, 2019; Laws 2021, c. 480, § 1, emerg. eff. May 13, 2021; Laws 2025, c. 251, § 2, eff. Nov. 1, 2025.

NOTE: Laws 2015, c. 226, § 1 repealed by Laws 2016, c. 210, § 4, but without reference to Laws 2016, c. 18, § 1, which amended it. Laws 2016, c. 18, § 1 repealed by Laws 2017, c. 42, § 10. Laws 2017, c. 135, § 1 repealed by Laws 2018, c. 304, § 9, emerg. eff. May 10, 2018. Laws 2018, c. 304, § 8 repealed by Laws 2019, c. 25,

§ 17, emerg. eff. April 4, 2019. Laws 2019, c. 1, § 2 repealed by Laws 2020, c. 161, § 3, emerg. eff. May 21, 2020.

§21-1278. Unlawful intent to carry.

UNLAWFUL INTENT TO CARRY

Any person in this state who carries or wears any deadly weapons or dangerous instrument whatsoever with the intent or for the avowed purpose of unlawfully injuring another person shall, upon conviction, be guilty of a Class D1 felony offense punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment as provided for in subsections B through F of Section 20N of this title, or by both such fine and imprisonment. The mere possession of such a weapon or dangerous instrument, without more, however, shall not be sufficient to establish intent as required by this section.

Any person convicted of violating the provisions of this section after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act shall have the license revoked and shall be liable for an administrative fine of One Thousand Dollars (\$1,000.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

R.L.1910, § 2552. Amended by Laws 1993, c. 264, § 4, eff. Sept. 1, 1993; Laws 1995, c. 272, § 32, eff. Sept. 1, 1995; Laws 1997, c. 133, § 324, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 219, eff. July 1, 1999; Laws 2012, c. 259, § 7, eff. Nov. 1, 2012; Laws 2021, c. 146, § 1, eff. Nov. 1, 2021; Laws 2021, c. 265, § 1, eff. Nov. 1, 2021; Laws 2025, c. 486, § 412, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 324 from July 1, 1998, to July 1, 1999.

NOTE: Laws 2021, c. 146, § 1 and Laws 2021, c. 265, § 1 made identical amendments.

§21-1279. Misdemeanor pointing a firearm.

MISDEMEANOR POINTING A FIREARM

It shall be unlawful for any person to point any firearm or any other deadly weapon whether loaded or not, at any other person or persons. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable as provided in Section 1280 of this title.

The provisions of this section shall not apply to persons acting in self-defense or to home or business owners in defense of their private property, whether or not they possess a valid handgun license pursuant to the provisions of the Oklahoma Self-Defense Act. R.L. 1910, § 2553. Amended by Laws 1995, c. 272, § 33, eff. Sept. 1, 1995; Laws 2013, c. 171, § 1, eff. Nov. 1, 2013; Laws 2025, c. 261, § 1, emerg. eff. May 14, 2025.

§21-1280. Penalty for 1279.

PENALTY FOR 1279

Any person violating the provisions of Section 1279 of this title shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) and shall be imprisoned in the county jail for a period of not more than twelve (12) months.

R.L. 1910, § 2554. Amended by Laws 1992, c. 170, § 2, emerg. eff. May 5, 1992; Laws 1993, c. 264, § 5, eff. Sept. 1, 1993; Laws 1995, c. 272, § 34, eff. Sept. 1, 1995; Laws 2021, c. 146, § 2, eff. Nov. 1, 2021; Laws 2021, c. 265, § 2, eff. Nov. 1, 2021; Laws 2025, c. 261, § 2, emerg. eff. May 14, 2025.

NOTE: Laws 2021, c. 146, § 2 and Laws 2021, c. 265, § 2 made identical amendments.

§21-1280.1. Possession of firearm on school property.

POSSESSION OF FIREARM ON SCHOOL PROPERTY

A. It shall be unlawful for any person to have in his or her possession on any public or private school property or while in any school bus or vehicle used by any school for transportation of students or teachers any firearm or weapon designated in Section 1272 of this title, except as provided in subsection C of this section or as otherwise authorized by law.

B. For purposes of this section:

1. "School property" means any publicly owned property held for purposes of elementary, secondary or vocational-technical education, and shall not include property owned by public school districts or where such property is leased or rented to an individual or corporation and used for purposes other than educational;

2. "Private school" means a school that offers a course of instruction for students in one or more grades from prekindergarten through grade twelve and is not operated by a governmental entity; and

3. "Motor vehicle" means any automobile, truck, minivan or sports utility vehicle.

C. Firearms and weapons are allowed on school property and deemed not in violation of subsection A of this section as follows:

1. A gun or knife designed for hunting or fishing purposes kept in a privately owned vehicle and properly displayed or stored as required by law, provided such vehicle containing said gun or knife is driven onto school property only to transport a student to and from school and such vehicle does not remain unattended on school property;

2. A gun or knife used for the purposes of participating in the Oklahoma Department of Wildlife Conservation certified hunter training education course or any other hunting, fishing, safety or

firearms training courses, or a recognized firearms sports event, team shooting program or competition, or living history reenactment, provided the course or event is approved by the principal or chief administrator of the school where the course or event is offered, and provided the weapon is properly displayed or stored as required by law pending participation in the course, event, program or competition;

3. Weapons in the possession of any peace officer or other person authorized by law to possess a weapon in the performance of his or her duties and responsibilities;

4. A concealed or unconcealed weapon carried onto private school property or in any school bus or vehicle used by any private school for transportation of students or teachers by a person who is licensed pursuant to the Oklahoma Self-Defense Act, provided a policy has been adopted by the governing entity of the private school that authorizes the possession of a weapon on private school property or in any school bus or vehicle used by a private school. Except for acts of gross negligence or willful or wanton misconduct, a governing entity of a private school that adopts a policy which authorizes the possession of a weapon on private school property, a school bus or vehicle used by the private school shall be immune from liability for any injuries arising from the adoption of the policy. The provisions of this paragraph shall not apply to claims pursuant to the Workers' Compensation Code;

5. A gun, knife, bayonet or other weapon in the possession of a member of a veterans group, the national guard, active military, the Reserve Officers' Training Corps (ROTC) or Junior ROTC, in order to participate in a ceremony, assembly or educational program approved by the principal or chief administrator of a school or school district where the ceremony, assembly or educational program is being held; provided, however, the gun or other weapon that uses projectiles is not loaded and is inoperable at all times while on school property;

6. A handgun carried in a motor vehicle pursuant to a valid handgun license authorized by the Oklahoma Self-Defense Act onto property set aside by a public or private elementary or secondary school for the use or parking of any vehicle; provided, however, said handgun shall be stored and hidden from view in a locked motor vehicle when the motor vehicle is left unattended on school property; and

7. A handgun carried onto public school property by school personnel who have been designated by the board of education, provided such personnel either:

- a. possess a valid armed security guard license as provided for in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes, or

- b. hold a valid reserve peace officer certification as provided for in Section 3311 of Title 70 of the Oklahoma Statutes,

if a policy has been adopted by the board of education of the school district that authorizes the carrying of a handgun onto public school property by such personnel. Nothing in this subsection shall be construed to restrict authority granted elsewhere in law to carry firearms.

D. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not to exceed Two Hundred Fifty Dollars (\$250.00).

Added by Laws 1992, c. 170, § 3, emerg. eff. May 5, 1992. Amended by Laws 1992, c. 286, § 2, emerg. eff. May 25, 1992; Laws 1995, c. 272, § 35, eff. Sept. 1, 1995; Laws 1996, c. 191, § 5, emerg. eff. May 16, 1996; Laws 1997, c. 133, § 325, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 220, eff. July 1, 1999; Laws 2003, c. 465, § 2, eff. July 1, 2003; Laws 2012, c. 259, § 8, eff. Nov. 1, 2012; Laws 2013, c. 344, § 2, eff. Nov. 1, 2013; Laws 2014, c. 10, § 1, eff. Nov. 1, 2014; Laws 2014, c. 325, § 2, eff. Nov. 1, 2014; Laws 2015, c. 310, § 2, emerg. eff. May 12, 2015.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 325 from July 1, 1998, to July 1, 1999.

§21-1281. Manufacturing slung-shot.

Any person who manufactures or causes to be manufactured, or sells or offers or keeps for sale or disposes of any instrument or weapon of the kind usually known as slung shot, or of any similar kind, is guilty of a misdemeanor.

R.L.1910, § 2555.

§21-1282. Felony use of a slung shot.

FELONY USE OF A SLUNG SHOT

Any person who carries upon his person, whether concealed or not, or uses or attempts to use against another, any instrument or weapon of the kind usually known as slung shot, or of any similar kind shall, upon conviction, be guilty of a Class D3 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title.

R.L. 1910, § 2556. Amended by Laws 1997, c. 133, § 326, eff. July 1, 1999; Laws 2025, c. 486, § 683, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 326 from July 1, 1998, to July 1, 1999.

§21-1283. Convicted felons and delinquents.

CONVICTED FELONS AND DELINQUENTS

A. Except as provided in subsection B of this section, it shall be unlawful for any person convicted of any felony in any court of

this state or of another state or of the United States to have in his or her possession or under his or her immediate control, or in any vehicle which the person is operating, or at the residence where the convicted person resides, any pistol, imitation or homemade pistol, altered air or toy pistol, machine gun, sawed-off shotgun or sawed-off rifle, or any other firearm. Any person who violates the provisions of this subsection shall, upon conviction, be guilty of a Class B4 felony offense.

B. Any person who has previously been convicted of a nonviolent felony in any court of this state or of another state or of the United States, and who has received a full and complete pardon from the proper authority and has not been convicted of any other felony offense which has not been pardoned, shall have restored the right to possess any firearm or other weapon prohibited by subsection A of this section, the right to apply for and carry a handgun, concealed or unconcealed, pursuant to the provisions of the Oklahoma Self-Defense Act or as otherwise permitted by law, and have the right to perform the duties of a peace officer, gunsmith, and for firearms repair.

C. It shall be unlawful for any person serving a term of probation for any felony in any court of this state or of another state or of the United States or under the jurisdiction of any alternative court program to have in his or her possession or under his or her immediate control, or at his or her residence, or in any passenger vehicle which the person is operating, any pistol, shotgun or rifle including any imitation or homemade pistol, altered air or toy pistol, toy shotgun or toy rifle, while such person is subject to supervision, probation, parole or inmate status. Any person who violates the provisions of this subsection shall, upon conviction, be guilty of a Class B4 felony offense.

D. It shall be unlawful for any person previously adjudicated as a delinquent child or a youthful offender for the commission of an offense, which would have constituted a felony offense if committed by an adult, to have in the possession of the person or under the immediate control of the person, or have in any vehicle which he or she is driving, or at the residence of the person, any pistol, imitation or homemade pistol, altered air or toy pistol, machine gun, sawed-off shotgun or sawed-off rifle, or any other dangerous or deadly firearm within ten (10) years after such adjudication; provided, that nothing in this subsection shall be construed to prohibit the placement of the person in a home with a full-time duly appointed peace officer who is certified by the Council on Law Enforcement Education and Training (CLEET) pursuant to the provisions of Section 3311 of Title 70 of the Oklahoma Statutes. Any person who violates the provisions of this subsection shall, upon conviction, be guilty of a Class B4 felony offense.

E. It shall be unlawful for any person who is an alien illegally or unlawfully in the United States to have in the possession of the person or under the immediate control of the person, or in any vehicle the person is operating, or at the residence where the person resides, any pistol, imitation or homemade pistol, altered air or toy pistol, shotgun, rifle or any other dangerous or deadly firearm; provided, that nothing in this subsection applies to prohibit the transport or detention of the person by law enforcement officers or federal immigration authorities. Any person who violates the provisions of this subsection shall, upon conviction, be guilty of a Class B4 felony offense punishable by a fine of Two Hundred Fifty Dollars (\$250.00).

F. Any person having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act and who knowingly or intentionally allows a convicted felon or adjudicated delinquent or a youthful offender as prohibited by the provisions of subsection A, C, or D of this section to possess or have control of any firearm authorized by the Oklahoma Self-Defense Act shall, upon conviction, be guilty of a Class B4 felony offense punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00). In addition, the person shall have the handgun license revoked by the Oklahoma State Bureau of Investigation after a hearing and determination that the person has violated the provisions of this section.

G. Any convicted or adjudicated person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable as provided in Section 1284 of this title.

H. For purposes of this section, "sawed-off shotgun" or "sawed-off rifle" shall mean any shotgun or rifle which the barrel or barrels have been illegally shortened in length.

I. For purposes of this section, "altered toy pistol" shall mean any toy weapon which has been altered from its original manufactured state to resemble a real weapon.

J. For purposes of this section, "altered air pistol" shall mean any air pistol manufactured to propel projectiles by air pressure which has been altered from its original manufactured state.

K. For purposes of this section, "alternative court program" shall mean any drug court, Anna McBride or mental health court, DUI court or veterans court.

Added by Laws 1959, p. 112, § 1. Amended by Laws 1961, p. 231, § 1, emerg. eff. April 10, 1961; Laws 1981, c. 155, § 1; Laws 1983, c. 160, § 1, emerg. eff. June 2, 1983; Laws 1989, c. 185, § 1, emerg. eff. May 8, 1989; Laws 1992, c. 151, § 3, eff. Sept. 1, 1992; Laws 1994, c. 169, § 1; Laws 1994, c. 290, § 53, eff. July 1, 1994; Laws 1995, c. 272, § 36, eff. Sept. 1, 1995; Laws 1997, c. 358, § 1, emerg. eff. June 9, 1997; Laws 2002, c. 136, § 1, emerg. eff. April 24, 2002; Laws 2005, c. 190, § 2, eff. Sept. 1, 2005; Laws 2007, c.

62, § 2, emerg. eff. April 30, 2007; Laws 2007, c. 162, § 1, eff. Nov. 1, 2007; Laws 2009, c. 13, § 1, eff. Nov. 1, 2009; Laws 2012, c. 259, § 9, eff. Nov. 1, 2012; Laws 2014, c. 179, § 1, eff. Nov. 1, 2014; Laws 2019, c. 1, § 3, eff. Nov. 1, 2019; Laws 2022, c. 299, § 1, eff. Nov. 1, 2022; Laws 2025, c. 486, § 130, eff. Jan. 1, 2026. NOTE: Laws 1997, c. 133, § 327 repealed by Laws 1999, 1st Ex. Sess., c. 5, § 452, eff. July 1, 1999.

§21-1284. Penalty for 1283.

PENALTY FOR 1283

Any previously convicted or adjudicated person who violates any provision of Section 1283 of this title shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in the State Penitentiary for a period not less than one (1) year nor more than ten (10) years.

Added by Laws 1959, p. 112, § 2. Amended by Laws 1995, c. 272, § 37, eff. Sept. 1, 1995; Laws 1997, c. 133, § 328, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 221, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 328 from July 1, 1998, to July 1, 1999.

§21-1286. Repealed by Laws 1995, c. 272, § 59, eff. Sept. 1, 1995.

§21-1287. Use of firearm while committing a felony.

USE OF FIREARM WHILE COMMITTING A FELONY

A. Any person who, while committing or attempting to commit a felony, possesses a pistol, shotgun or rifle or any other offensive weapon in such commission or attempt, whether the pistol, shotgun or rifle is loaded or not, or who possesses a blank or imitation pistol, altered air or toy pistol, shotgun or rifle capable of raising in the mind of one threatened with such device a fear that it is a real pistol, shotgun or rifle, or who possesses an air gun or carbon dioxide or other gas-filled weapon, electronic dart gun, conductive energy weapon, knife, dagger, dirk, switchblade knife, blackjack, ax, loaded cane, billy, hand chain or metal knuckles, in addition to the penalty provided by statute for the felony committed or attempted shall, upon conviction, be guilty of a Class B4 felony offense for possessing such weapon or device, which shall be a separate offense from the felony committed or attempted and shall be punishable by imprisonment in the custody of the Department of Corrections for a period of not less than two (2) years nor for more than ten (10) years for the first offense, and guilty of a Class B1 felony offense punishable for a period of not less than ten (10) years nor more than thirty (30) years for any second or subsequent offense.

B. Any person convicted of violating the provisions of this section after having been issued a handgun license pursuant to the

provisions of the Oklahoma Self-Defense Act shall have the license revoked and shall be liable for an administrative fine of One Thousand Dollars (\$1,000.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

C. As used in this section:

1. "Altered toy pistol" shall mean any toy weapon which has been altered from its original manufactured state to resemble a real weapon; and

2. "Altered air pistol" shall mean any air pistol manufactured to propel projectiles by air pressure which has been altered from its original manufactured state.

Added by Laws 1969, c. 220, § 1. Amended by Laws 1976, c. 111, § 1; Laws 1982, c. 173, § 3, emerg. eff. April 16, 1982; Laws 1995, c. 272, § 38, eff. Sept. 1, 1995; Laws 1997, c. 133, § 329, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 222, eff. July 1, 1999; Laws 2006, c. 62, § 2, emerg. eff. April 17, 2006; Laws 2007, c. 162, § 2, eff. Nov. 1, 2007; Laws 2012, c. 259, § 10, eff. Nov. 1, 2012; Laws 2021, c. 146, § 3, eff. Nov. 1, 2021; Laws 2021, c. 265, § 3, eff. Nov. 1, 2021; Laws 2025, c. 486, § 59, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 329 from July 1, 1998, to July 1, 1999.

NOTE: Laws 2021, c. 146, § 3 and Laws 2021, c. 265, § 3 made identical amendments.

§21-1287.1. Penalty enhancement for weapon possession.

PENALTY ENHANCEMENT FOR WEAPON POSSESSION

Any person who, while committing or attempting to commit a crime of violence, discharges a firearm, in addition to the penalty provided by statute for the crime of violence committed or attempted, upon conviction, may be charged, in the discretion of the district attorney, with an additional felony for possessing such weapon, which shall be a separate offense punishable, upon conviction, by not less than ten (10) years in the custody of the Department of Corrections which may be served concurrently with the sentence for the crime of violence. For purposes of this section, "crime of violence" means an offense that is a felony and has as an element of the offense, the use, attempted use, or threatened use of physical force against the person of another or that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense. For purposes of this section, "firearm" means a rifle, pistol or shotgun.

Added by Laws 1999, c. 318, § 2, eff. Nov. 1, 1999.

§21-1288. Purchases of firearms, ammunition and equipment from dealer licensed in another state - Purchases in Oklahoma by residents of other states.

A. Residents of the State of Oklahoma may purchase rifles, shotguns, ammunition, cartridge and shotgun shell handloading components and equipment from a dealer licensed in a state other than Oklahoma. This authorization is enacted in conformance with the provisions of Section 922(b) (3) of Title 18 of the United States Code and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Oklahoma and the state in which the purchase is made.

B. Residents of a state other than Oklahoma may purchase rifles, shotguns, ammunition, cartridge and shotgun shell handloading components and equipment from a dealer licensed in the State of Oklahoma. This authorization is enacted in conformance with the provisions of Section 922(b) (3) of Title 18 of the United States Code and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Oklahoma and in the state in which such persons reside.

Added by Laws 1969, c. 230, § 1, emerg. eff. April 21, 1969.

Amended by Laws 2009, c. 66, § 1, emerg. eff. April 20, 2009.

§21-1289.1. Oklahoma Firearms Act of 1971.

OKLAHOMA FIREARMS ACT OF 1971

Sections 1289.1 through 1289.17 of this title may be known and cited as the "Oklahoma Firearms Act of 1971".

Added by Laws 1971, c. 159, § 1, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 39, eff. Sept. 1, 1995.

§21-1289.2. Legislative findings for Firearms Act.

LEGISLATIVE FINDINGS FOR FIREARMS ACT

The Legislature finds as a matter of public policy and fact that it is necessary for the safe and lawful use of firearms to curb and prevent crime wherein weapons are used by enacting legislation having the purpose of controlling the use of firearms, and of prevention of their use, without unnecessarily denying their lawful use in defense of life, home and property, and their use by the United States or state military organizations and as may otherwise be provided by law, including their use and transportation for lawful purposes.

Added by Laws 1971, c. 159, § 2, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 40, eff. Sept. 1, 1995.

§21-1289.3. Definitions for Firearms Act and Self-Defense Act - Pistols or handguns.

DEFINITIONS FOR FIREARMS ACT

"Pistols" or "handguns" as used in the Oklahoma Firearms Act of 1971 and the Oklahoma Self-Defense Act shall mean any firearm capable of discharging single or multiple projectiles from a single round of ammunition composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels less than sixteen (16) inches in length, and using a combustible propellant charge, but not to include any firearm with an overall length of twenty-six (26) inches or more, flare guns, underwater fishing guns or blank pistols.

Added by Laws 1971, c. 159, § 3, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 41, eff. Sept. 1, 1995; Laws 2017, c. 13, § 1, eff. Nov. 1, 2017; Laws 2019, c. 63, § 1, eff. Nov. 1, 2019.

§21-1289.4. Definitions for Firearms Act - Rifles.

DEFINITIONS FOR FIREARMS ACT

"Rifles" as used in the Oklahoma Firearms Act of 1971, Sections 1289.1 through 1289.17 of this title, shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than sixteen (16) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include archery equipment, flare guns or underwater fishing guns.

In addition, any rifle capable of firing "shot" but primarily designed to fire single projectiles will be regarded as a "rifle".

Added by Laws 1971, c. 159, § 4, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 42, eff. Sept. 1, 1995.

§21-1289.5. Definitions for Firearms Act - Shotguns.

DEFINITIONS FOR FIREARMS ACT

"Shotguns" as used in the Oklahoma Firearms Act of 1971, shall mean any firearm capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than eighteen (18) inches in length, and using a combustible propellant charge, but not to include any weapon so designed with a barrel less than eighteen (18) inches in length unless the overall length of the firearm is twenty-six (26) inches or more. In addition, any "shotgun" capable of firing single projectiles but primarily designed to fire multiple projectiles such as "shot" will be regarded as a "shotgun".

Added by Laws 1971, c. 159, § 5, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 43, eff. Sept. 1, 1995; Laws 2019, c. 63, § 2, eff. Nov. 1, 2019.

§21-1289.6. Conditions under which firearms may be carried.

CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

A. A person shall be permitted to carry loaded and unloaded shotguns, rifles and pistols without a handgun license as authorized

by the Oklahoma Self-Defense Act pursuant to the following conditions:

1. When hunting animals or fowl;
2. During competition in or practicing in a safety or hunter safety class, target shooting, skeet, trap or other recognized sporting events;
3. During participation in or in preparation for a military function of the state military forces to be defined as the Oklahoma Army or Air National Guard, federal military reserve and active military forces. It is further provided that Oklahoma Army or Air National Guard personnel with proper authorization and performing a military function may carry loaded or unloaded and concealed weapons on Oklahoma Military Department facilities in accordance with rules promulgated by the Adjutant General;
4. During participation in or in preparation for a recognized police function of either a municipal, county or state government as functioning police officials;
5. During a practice for or a performance for entertainment purposes;
6. As provided for in subsection A of Section 1272 of this title; or
7. For lawful self-defense and self-protection or any other legitimate purpose not in violation of any legislative enactment regarding the use, carrying, ownership and control of firearms.

B. A person shall be permitted to carry unloaded shotguns, rifles and pistols without a handgun license as authorized by the Oklahoma Self-Defense Act and when going to or from the person's private residence or vehicle.

C. The provisions of this section shall not be construed to prohibit educational or recreational activities, exhibitions, displays or shows involving the use or display of rifles, shotguns or pistols or other weapons if the activity is approved by the property owner and sponsor of the activity.

Added by Laws 1971, c. 159, § 6, emerg. eff. May 24, 1971. Amended by Laws 1993, c. 264, § 6, eff. Sept. 1, 1993; Laws 1995, c. 272, § 44, eff. Sept. 1, 1995; Laws 2012, c. 259, § 11, eff. Nov. 1, 2012; Laws 2016, c. 268, § 1, eff. Nov. 1, 2016; Laws 2019, c. 1, § 4, eff. Nov. 1, 2019.

§21-1289.7. Firearms in vehicles.

FIREARMS IN VEHICLES

A. Any person who is not otherwise prohibited by law from possessing or purchasing a firearm and is not carrying or transporting a firearm in the furtherance of a crime may transport in or on a vehicle a firearm, loaded or unloaded, at any time.

B. Any person, eighteen (18) to twenty (20) years of age, who is not otherwise prohibited by law from possessing or purchasing a

firearm and is not carrying or transporting a firearm in the furtherance of a crime may transport in or on a vehicle, open or concealed, an unloaded firearm at any time.

C. It shall be unlawful for any person transporting a firearm in or on a vehicle to fail or refuse to identify that the person is in actual possession of a firearm when demanded by a law enforcement officer of this state during any arrest, detainment or routine traffic stop. Any person who violates the provisions of this subsection may be issued a citation for an amount not to exceed One Hundred Dollars (\$100.00).

Added by Laws 1971, c. 159, § 7, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 45, eff. Sept. 1, 1995; Laws 1996, c. 190, § 1, emerg. eff. May 16, 1996; Laws 2012, c. 259, § 12, eff. Nov. 1, 2012; Laws 2019, c. 1, § 5, eff. Nov. 1, 2019; Laws 2021, c. 292, § 2, eff. Nov. 1, 2021.

§21-1289.7a. Transporting or storing firearms or ammunition - Prohibition proscribed - Liability - Enforcement.

A. No person, property owner, tenant, employer, or business entity shall maintain, establish, or enforce any policy or rule that has the effect of prohibiting any person, except a convicted felon, from transporting and storing firearms or ammunition in a locked motor vehicle, or from transporting and storing firearms or ammunition locked in or locked to a motor vehicle on any property set aside for any motor vehicle.

B. No person, property owner, tenant, employer, or business entity shall be liable in any civil action for occurrences which result from the storing of firearms or ammunition in a locked motor vehicle on any property set aside for any motor vehicle, unless the person, property owner, tenant, employer, or owner of the business entity commits a criminal act involving the use of the firearms or ammunition. The provisions of this subsection shall not apply to claims pursuant to the Workers' Compensation Act.

C. An individual may bring a civil action to enforce this section. If a plaintiff prevails in a civil action related to the personnel manual against a person, property owner, tenant, employer or business for a violation of this section, the court shall award actual damages, enjoin further violations of this section, and award court costs and attorney fees to the prevailing plaintiff.

D. As used in this section, "motor vehicle" means any automobile, truck, minivan, sports utility vehicle, motorcycle, motor scooter, and any other vehicle required to be registered under the Oklahoma Vehicle License and Registration Act.

Added by Laws 2004, c. 39, § 1, eff. Nov. 1, 2004. Amended by Laws 2005, c. 448, § 1, eff. Nov. 1, 2005; Laws 2012, c. 259, § 13, eff. Nov. 1, 2012.

§21-1289.8. Carrying weapon.

CARRYING WEAPON

A. Any fire marshal inspector who is retired, state, county or municipal peace officer of this state who is retired, or any state, county or municipal peace officer classified as a reserve who is retired, or any federal law enforcement officer who is retired may retain their status as a peace officer, retired, in the State of Oklahoma, and as such may carry a firearm pursuant to the provisions of subsection B of this section. A retired state, county or municipal peace officer may in times of great emergency or danger serve to enforce the law, keep the peace or to protect the public in keeping with their availability and ability at the request of the Governor, the sheriff or the mayor of their retirement jurisdiction. If a retired fire marshal is activated for duty, the peace officer powers of the retired fire marshal are limited to the duties granted prior to retirement.

B. The Council on Law Enforcement Education and Training (CLEET) shall issue an identification card to eligible retired federal, state, county, and municipal peace officers which authorizes the retired peace officer to carry a firearm throughout the State of Oklahoma. The identification card shall bear the full name of the retired officer, the signature of the retired officer, the date of issuance, and such other information as may be deemed appropriate by CLEET. The card shall expire every ten (10) years and may be denied, suspended or revoked as provided by the rules promulgated by CLEET or upon the discovery of any preclusion prescribed in Section 1290.10 or 1290.11 of this title. In order to renew the permit, the Council on Law Enforcement Education and Training shall request, pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes, the Oklahoma State Bureau of Investigation to conduct a state and national criminal history records search on each retired peace officer authorized to carry a firearm pursuant to the provisions of this section; and unless a preclusion prescribed in Section 1290.10 or 1290.11 of this title is found to exist, no action shall be necessary. A retired peace officer requesting a renewal of his or her permit shall submit to the Council a nonrefundable fee for a national criminal history record with fingerprint analysis, as provided in Section 150.9 of Title 74 of the Oklahoma Statutes. When a preclusion is discovered, the Council shall notify the retired peace officer and shall hold a hearing before taking any action to suspend or revoke the authority to carry a firearm.

C. The retired peace officer shall be required to submit the following information to the Council on Law Enforcement Education and Training (CLEET) and any other information requested by CLEET:

1. A statement from the appropriate law enforcement agency verifying the status of the person as a retired peace officer of that jurisdiction; and

2. A notarized statement, signed by the retired peace officer, stating that the officer:

- a. has not been convicted of and is currently not subject to any pending criminal prosecution for any preclusion prescribed in Section 1290.10 or 1290.11 of this title,
- b. has not been forced into retirement due to any mental disorder, and
- c. has not suffered any injury or any physical or mental impairment which would render the person unsafe to carry a firearm.

D. A retired peace officer, who has made application for the CLEET identification card authorized in subsection B of this section, shall be authorized to carry a firearm as an off-duty peace officer, pursuant to Section 1289.23 of this title, until the authority to carry a firearm as a retired officer is finally approved or denied by CLEET.

E. The Council on Law Enforcement Education and Training shall promulgate rules and procedures necessary to implement the provisions of this section.

F. Any peace officer, retired, who carries any firearm in violation of the provisions of this section shall be deemed to be in violation of Section 1272 of this title and may be prosecuted as provided by law for a violation of that section.

Added by Laws 1971, c. 159, § 8, emerg. eff. May 24, 1971. Amended by Laws 1993, c. 264, § 7, eff. Sept. 1, 1993; Laws 1994, c. 2, § 8, emerg. eff. March 2, 1994; Laws 1994, c. 169, § 2; Laws 1995, c. 272, § 46, eff. April 1, 1996; Laws 1996, c. 191, § 6, emerg. eff. May 16, 1996; Laws 1998, c. 103, § 1, eff. Nov. 1, 1998; Laws 1998, c. 286, § 1, eff. July 1, 1998; Laws 2003, c. 54, § 1, eff. Nov. 1, 2003; Laws 2005, c. 169, § 2, eff. Nov. 1, 2005; Laws 2015, c. 144, § 2, eff. Nov. 1, 2015; Laws 2016, c. 256, § 1, eff. Nov. 1, 2016; Laws 2018, c. 75, § 1, eff. Nov. 1, 2018.

NOTE: Laws 1993, c. 162, § 1 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994.

§21-1289.9. Carrying weapons under influence of alcohol.

CARRYING WEAPONS UNDER INFLUENCE OF ALCOHOL

It shall be unlawful for any person to carry or use shotguns, rifles or pistols in any circumstances while under the influence of beer, intoxicating liquors or any hallucinogenic, or any unlawful or unprescribed drug, and it shall be unlawful for any person to carry or use shotguns, rifles or pistols when under the influence of any drug prescribed by a licensed physician if the aftereffects of such

consumption affect mental, emotional or physical processes to a degree that would result in abnormal behavior. Any person convicted of a violation of the provisions of this section shall be punished as provided in Section 1289.15 of this title.

Any person convicted of a violation of the provisions of this section after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act shall have the license suspended for a term of six (6) months and shall be subject to an administrative fine of Fifty Dollars (\$50.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

Added by Laws 1971, c. 159, § 9, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 47, eff. Sept. 1, 1995; Laws 2001, c. 396, § 3, eff. July 1, 2001; Laws 2012, c. 259, § 14, eff. Nov. 1, 2012.

§21-1289.10. Furnishing firearms to incompetent persons.

FURNISHING FIREARMS TO INCOMPETENT PERSONS

It shall be unlawful for any person to knowingly transmit, transfer, sell, lend or furnish any shotgun, rifle or pistol to any person who is under an adjudication of mental incompetency, or to any person who is mentally deficient or of unsound mind. Any person convicted of a violation of the provisions of this section shall be punished as provided in Section 1289.15 of this title.

Any person convicted of a violation of the provisions of this section after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act shall have the license suspended for a term of six (6) months and shall be subject to an administrative fine of Fifty Dollars (\$50.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

Added by Laws 1971, c. 159, § 10, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 48, eff. Sept. 1, 1995; Laws 1996, c. 191, § 7, emerg. eff. May 16, 1996; Laws 2012, c. 259, § 15, eff. Nov. 1, 2012.

§21-1289.11. Reckless conduct.

RECKLESS CONDUCT

It shall be unlawful for any person to engage in reckless conduct while having in his or her possession any shotgun, rifle or pistol, such actions consisting of creating a situation of unreasonable risk and probability of death or great bodily harm to another, and demonstrating a conscious disregard for the safety of another person. Any person convicted of violating the provisions of this section shall be punished as provided in Section 1289.15 of this title.

Any person convicted of a violation of the provisions of this section after having been issued a handgun license pursuant to the

Oklahoma Self-Defense Act shall have the license revoked and shall be subject to an administrative fine of One Thousand Dollars (\$1,000.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

Added by Laws 1971, c. 159, § 11, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 49, eff. Sept. 1, 1995; Laws 2012, c. 259, § 16, eff. Nov. 1, 2012.

§21-1289.12. Giving firearms to convicted persons.

GIVING FIREARMS TO CONVICTED PERSONS

It shall be unlawful for any person within this state to knowingly sell, trade, give, transmit or otherwise cause the transfer of rifles, shotguns or pistols to any convicted felon or an adjudicated delinquent, and it shall be unlawful for any person within this state to knowingly sell, trade, give, transmit or otherwise cause the transfer of any shotgun, rifle or pistol to any individual who is under the influence of alcohol or drugs or is mentally or emotionally unbalanced or disturbed. All persons who engage in selling, trading or otherwise transferring firearms will display this section prominently in full view at or near the point of normal firearms sale, trade or transfer. Any person convicted of violating the provisions of this section shall be punished as provided in Section 1289.15 of this title.

Any person convicted of a violation of this section after having been issued a handgun license pursuant to the Oklahoma Self-Defense Act shall have the license suspended for six (6) months and shall be liable for an administrative fine of Fifty Dollars (\$50.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

Added by Laws 1971, c. 159, § 12, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 50, eff. Sept. 1, 1995; Laws 2012, c. 259, § 17, eff. Nov. 1, 2012.

§21-1289.13. Repealed by Laws 2021, c. 292, § 4, eff. Nov. 1, 2021.

§21-1289.13A. Improper transportation of firearms.

IMPROPER TRANSPORTATION OF FIREARMS

A. Any person stopped pursuant to a moving traffic violation who is transporting a firearm in or on the vehicle in violation of any law related to the carrying or transporting of firearms in the vehicle, may be issued a traffic citation in the amount of Seventy Dollars (\$70.00), plus court costs for transporting a firearm improperly. In addition to the traffic citation provided in this section, the person may also be arrested for any other violation of law.

B. Any firearm lawfully carried or transported as permitted pursuant to state law shall not be confiscated, unless:

1. The person is arrested for violating another provision of law other than a violation of subsection A of this section; provided, however, if the person is never charged with an offense pursuant to this paragraph or if the charges are dismissed or the person is acquitted, the weapon and ammunition shall be returned to the person; or

2. The officer has probable cause to believe the weapon is:

a. contraband, or

b. a firearm used in the commission of a crime other than a violation of subsection A of this section.

C. Nothing in this section shall be construed to require confiscation of any firearm.

Added by Laws 2003, c. 465, § 4, eff. July 1, 2003. Amended by Laws 2004, c. 549, § 2, eff. July 1, 2004; Laws 2012, c. 259, § 19, eff. Nov. 1, 2012; Laws 2019, c. 1, § 7, eff. Nov. 1, 2019; Laws 2021, c. 292, § 3, eff. Nov. 1, 2021; Laws 2022, c. 53, § 1, eff. Nov. 1, 2022.

§21-1289.14. Repealed by Laws 1992, c. 284, § 58, eff. Jan. 1, 1993.

§21-1289.15. Penalty for Firearms Act of 1971.

PENALTY FOR FIREARMS ACT OF 1971

Any person adjudged guilty of violating any provision of Section 1289.9, 1289.10, 1289.11, 1289.12 or 1289.13 of this title shall, upon conviction, be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or imprisonment in the county jail for not less than ten (10) days nor more than six (6) months, or by both such fine and imprisonment.

Added by Laws 1971, c. 159, § 15, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 52, eff. Sept. 1, 1995.

§21-1289.16. See the following versions:

OS 21-1289.16v1 (HB 2818, Laws 2025, c. 261, § 3)

OS 21-1289.16v2 (HB 2104, Laws 2025, c. 486, § 131)

§21-1289.16v1. Felony pointing firearms or other deadly weapons.

FELONY POINTING FIREARMS

A. It shall be lawful to point a firearm, knife, or any other deadly weapon at another person or persons by:

1. A person who can legally own or possess a weapon pursuant to the provisions of Section 1272 of this title:

a. during an act of self-defense, or

b. in defense of real or private property, whether owned, leased, or occupied by permission of the property

owner and whether or not the person possesses a valid handgun license issued pursuant to the Oklahoma Self-Defense Act;

2. A person in the defensive display of a firearm or other deadly weapon, as provided for in Section 1289.25 of this title;

3. Law enforcement authorities in the performance of their duties;

4. Armed security guards licensed by the Council on Law Enforcement Education and Training pursuant to the Oklahoma Security Guard and Private Investigator Act in the performance of their duties;

5. Members of the state military forces in the performance of their duties;

6. Members of the federal military reserve and active military components in the performance of their duties;

7. Any federal government law enforcement officer in the performance of any duty; or

8. Any person during the performance of a play on stage, while participating in a rodeo, or when participating in a television program or film project.

B. It shall be unlawful for any person to willfully and without lawful cause point a firearm, knife, or any other deadly weapon, whether loaded or not, at any person or persons for the purpose of threatening or with the intention of discharging the firearm or with any malice or for any purpose of injuring, either through physical injury or mental or emotional intimidation, or for purposes of whimsy, humor, or prank, or in anger or otherwise.

C. Any person convicted of a violation of the provisions of this section shall be punished as provided in Section 1289.17 of this title.

Added by Laws 1971, c. 159, § 16, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 53, eff. Sept. 1, 1995; Laws 2012, c. 259, § 20, eff. Nov. 1, 2012; Laws 2017, c. 266, § 1, eff. Nov. 1, 2017; Laws 2025, c. 261, § 3, emerg. eff. May 14, 2025.

§21-1289.16v2. Felony pointing firearms.

FELONY POINTING FIREARMS

Except for an act of self-defense, it shall be unlawful for any person to willfully or without lawful cause point a shotgun, rifle or pistol, or any deadly weapon, whether loaded or not, at any person or persons for the purpose of threatening or with the intention of discharging the firearm or with any malice or for any purpose of injuring, either through physical injury or mental or emotional intimidation or for purposes of whimsy, humor or prank, or in anger or otherwise, but not to include the pointing of shotguns, rifles or pistols by law enforcement authorities in the performance of their duties, armed security guards licensed by the Council on

Law Enforcement Education and Training pursuant to the Oklahoma Security Guard and Private Investigator Act in the performance of their duties, members of the state military forces in the performance of their duties, members of the federal military reserve and active military components in the performance of their duties, or any federal government law enforcement officer in the performance of any duty, or in the performance of a play on stage, rodeo, television or on film, or in defense of any person, one's home or property. Any person convicted of a violation of the provisions of this section shall be guilty of a Class B4 felony offense and shall be punished as provided in Section 1289.17 of this title.

Any person convicted of a violation of the provisions of this section after having been issued a handgun license pursuant to the Oklahoma Self-Defense Act shall have the license revoked and shall be subject to an administrative fine of One Thousand Dollars (\$1,000.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

Added by Laws 1971, c. 159, § 16, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 53, eff. Sept. 1, 1995; Laws 2012, c. 259, § 20, eff. Nov. 1, 2012; Laws 2017, c. 266, § 1, eff. Nov. 1, 2017; Laws 2025, c. 486, § 131, eff. Jan. 1, 2026.

§21-1289.17. Penalties for 1289.16.

PENALTIES FOR 1289.16

Any violation of Section 1289.16 of this title shall constitute a Class B4 felony offense, for which a person convicted thereof shall be sentenced to imprisonment in the State Penitentiary for not less than one (1) year nor more than ten (10) years.

Added by Laws 1971, c. 159, § 17, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 54, eff. Sept. 1, 1995; Laws 1997, c. 133, § 330, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 223, eff. July 1, 1999; Laws 2025, c. 486, § 132, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 330 from July 1, 1998, to July 1, 1999.

§21-1289.17A. Felony discharging firearms.

FELONY DISCHARGING FIREARMS

It shall be unlawful for any person to willfully or intentionally discharge any firearm or other deadly weapon at or into any dwelling, or at or into any building used for public or business purposes. Any violation of the provisions of this section shall be a Class B1 felony offense punishable by imprisonment in the custody of the Department of Corrections for a term not less than two (2) years nor more than twenty (20) years. The provisions of this section shall not apply to any law enforcement officer in the performance of any lawful duty.

Added by Laws 1997, c. 324, § 2, eff. July 1, 1997. Amended by Laws 1999, 1st Ex.Sess., c. 5, § 224, eff. July 1, 1999; Laws 2025, c. 486, § 60, eff. Jan. 1, 2026.

§21-1289.18. Definitions.

DEFINITIONS

A. "Sawed-off shotgun" shall mean any firearm capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels less than eighteen (18) inches in length, and using a combustible propellant charge, but does not include any weapon so designed with a barrel less than eighteen (18) inches in length, provided it has an overall length of twenty-six (26) inches or more.

B. "Sawed-off rifle" shall mean any rifle having a barrel or barrels of less than sixteen (16) inches in length or any weapon made from a rifle (whether by alteration, modification, or otherwise) if such a weapon as modified has an overall length of less than twenty-six (26) inches in length, including the stock portion.

C. Every person who knowingly has in his possession or under his immediate control a sawed-off shotgun or a sawed-off rifle, whether concealed or not, shall upon conviction be guilty of a Class D2 felony offense for the possession of such device, and shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), or imprisonment as provided for in subsections B through F of Section 200 of this title, or both such fine and imprisonment.

D. This section shall not apply to any firearm that is lawfully possessed under federal law or that is otherwise not regulated as a "firearm" pursuant to the National Firearms Act.

E. The term "firearm" as used in this section and in the Oklahoma Firearms Act of 1971, shall not include an "antique firearm" as defined in 18 U.S.C., Section 921 (2006).

Added by Laws 1981, c. 155, § 2. Amended by Laws 1986, c. 240, § 3, eff. Nov. 1, 1986; Laws 1997, c. 133, § 331, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 225, eff. July 1, 1999; Laws 2019, c. 63, § 3, eff. Nov. 1, 2019; Laws 2025, c. 486, § 598, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 331 from July 1, 1998, to July 1, 1999.

§21-1289.19. Restricted bullet and body armor defined.

As used in Sections 1289.20 through 1289.22 of this title and Section 2 of this act:

1. "Restricted bullet" means a round or elongated missile with a core of less than sixty percent (60%) lead and having a

fluorocarbon coating, which is designed to travel at a high velocity and is capable of penetrating body armor; and

2. "Body armor" means a vest or shirt of ten (10) plies or more of bullet resistant material as defined by the Office of Development, Testing and Dissemination, a division of the United States Department of Justice.

Added by Laws 1982, c. 193, § 1, emerg. eff. April 22, 1982.

Amended by Laws 1992, c. 216, § 1, eff. Sept. 1, 1992.

§21-1289.20. Manufacture of restricted bullets.

MANUFACTURE OF RESTRICTED BULLETS

A. Except for the purpose of public safety or national security, it shall be unlawful to manufacture, cause to be manufactured, import, advertise for sale or sell within this state any restricted bullet as defined in Section 1289.19 of this title.

B. Any person convicted of violating subsection A of this section shall be guilty of a Class B4 felony offense and shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Ten Thousand Dollars (\$10,000.00), or by imprisonment in the State Penitentiary for not more than ten (10) years, or by both such fine and imprisonment.

Added by Laws 1982, c. 193, § 2, emerg. eff. April 22, 1982.

Amended by Laws 1997, c. 133, § 332, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 226, eff. July 1, 1999; Laws 2025, c. 486, § 133, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 332 from July 1, 1998, to July 1, 1999.

§21-1289.21. Possession or use of restricted bullets.

POSSESSION OR USE OF RESTRICTED BULLETS

A. It shall be unlawful for any person to possess, carry upon his person, use or attempt to use against another person any restricted bullet as defined in Section 1289.19 of this title.

B. Any person convicted of violating subsection A of this section shall be guilty of a Class B4 felony offense and shall be punished by imprisonment in the State Penitentiary for not less than two (2) years nor more than ten (10) years. The sentence so imposed shall not be suspended.

Added by Laws 1982, c. 193, § 3, emerg. eff. April 22, 1982.

Amended by Laws 1997, c. 133, § 333, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 227, eff. July 1, 1999; Laws 2025, c. 486, § 134, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 333 from July 1, 1998, to July 1, 1999.

§21-1289.22. Exemptions.

The prohibition of possessing or using a restricted bullet shall not apply to law enforcement agencies when such bullet is used for testing, training or demonstration.
Added by Laws 1982, c. 193, § 4, emerg. eff. April 22, 1982.

§21-1289.23. Concealed firearm for off-duty police officer.

CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

A. Notwithstanding any provision of law to the contrary, a full-time duly appointed peace officer who is certified by the Council on Law Enforcement Education and Training (CLEET), pursuant to the provisions of Section 3311 of Title 70 of the Oklahoma Statutes, is hereby authorized to carry a weapon approved by the employing agency anywhere in the state of Oklahoma, both while on active duty and during periods when the officer is not on active duty as provided by the provisions of subsection B of this section.

B. When a full-time duly appointed officer carries an approved weapon, the officer shall be wearing the law enforcement uniform prescribed by the employing agency or plainclothes. When not wearing the prescribed law enforcement uniform, the officer shall be required:

1. To have the official peace officers badge, Commission Card and CLEET Certification Card on his or her person at all times when carrying a weapon approved by the employing agency; and

2. To keep the approved weapon on his or her person at all times, except when the weapon is used within the guidelines established by the employing agency.

C. Nothing in this section shall be construed to alter or amend the provisions of Section 1272.1 of this title or expand the duties, authority or jurisdiction of any peace officer.

D. A reserve peace officer who has satisfactorily completed a basic police course of not less than one hundred twenty (120) hours of accredited instruction for reserve police officers and reserve deputies from the Council on Law Enforcement Education and Training or a course of study approved by CLEET may carry an approved weapon when such officer is off duty as provided by subsection E of this section, provided:

1. The officer has been granted written authorization signed by the director of the employing agency; and

2. The employing agency shall maintain a current list of any officers authorized to carry an approved weapon while the officers are off duty, and shall provide a copy of such list to the Council on Law Enforcement Education and Training. Any change to the list shall be made in writing and mailed to the Council on Law Enforcement Education and Training within five (5) days.

E. When an off-duty reserve peace officer carries an approved weapon, the officer shall be wearing the law enforcement uniform

prescribed by the employing agency or when not wearing the prescribed law enforcement uniform, the officer shall be required:

1. To have his or her official peace officer's badge, Commission Card, CLEET Certification Card; and
2. To keep the approved weapon on his or her person at all times, except when the weapon is used within the guidelines established by the employing agency.

F. Nothing in subsection D of this section shall be construed to alter or amend the provisions of Section 1750.2 of Title 59 of the Oklahoma Statutes or expand the duties, jurisdiction or authority of any reserve peace officer.

G. Nothing in this section shall be construed to limit or restrict any peace officer or reserve peace officer from carrying a handgun, concealed or unconcealed, as allowed by the Oklahoma Self-Defense Act after issuance of a valid license. An off-duty, full-time peace officer or reserve peace officer shall be deemed to have elected to carry a handgun under the authority of the Oklahoma Self-Defense Act when the officer:

1. Has been issued a valid handgun license and is carrying a handgun not authorized by the employing agency; or
2. Is carrying a handgun in a manner or in a place not specifically authorized for off-duty carry by the employing agency.

H. Any off-duty peace officer who carries any weapon in violation of the provisions of this section shall be deemed to be in violation of Section 1272 of this title and may be prosecuted as provided by law for a violation of that section.

I. On or after November 1, 2004, a reserve or full-time commissioned peace officer may apply to carry a weapon pursuant to the Oklahoma Self-Defense Act as follows:

1. The officer shall apply in writing to the Council on Law Enforcement Education and Training (CLEET) stating that the officer desires to have a handgun license pursuant to the Oklahoma Self-Defense Act and certifying that he or she has no preclusions to having such handgun license. The officer shall submit with the application:

- a. an official letter from his or her employing agency confirming the officer's employment and status as a full-time commissioned peace officer or an active reserve peace officer,
- b. a fee of Twenty-five Dollars (\$25.00) for the handgun license, and
- c. two passport-size photographs of the peace officer applicant;

2. Upon receiving the required information, CLEET shall determine whether the peace officer is in good standing, has CLEET certification and training, and is otherwise eligible for a handgun license. Upon verification of the officer's eligibility, CLEET

shall send the information to the Oklahoma State Bureau of Investigation (OSBI) and OSBI shall issue a handgun license in the same or similar form as other handgun licenses. All other requirements in Section 1290.12 of this title concerning application for a handgun license shall be waived for active duty peace officers except as provided in this subsection including, but not limited to, training, fingerprints and criminal history records checks unless the officer does not have fingerprints on file or a criminal history records background check conducted prior to employment as a peace officer. The OSBI shall conduct a check of the National Instant Criminal Background Check System (NICS) prior to the issuance of a handgun license. The OSBI shall not be required to conduct any further investigation into the eligibility of the peace officer applicant and shall not deny a handgun license except when preclusions are found to exist;

3. The term of the handgun license for an active duty reserve or full-time commissioned peace officer pursuant to this section shall be as provided in Section 1290.5 of this title, renewable in the same manner provided in this subsection for an original application by a peace officer. The handgun license shall be valid when the peace officer is in possession of a valid driver license and law enforcement commission card;

4. If the commission card of a law enforcement officer is terminated, revoked or suspended, the handgun license shall be immediately returned to CLEET. When a peace officer in possession of a handgun license pursuant to this subsection changes employment, the person must notify CLEET within ninety (90) days and send a new letter verifying employment and status as a full-time commissioned or reserve peace officer;

5. There shall be no refund of any fee for any unexpired term of any handgun license that is suspended, revoked or voluntarily returned to CLEET, or that is denied, suspended or revoked by the OSBI;

6. CLEET may promulgate any rules, forms or procedures necessary to implement the provisions of this section; and

7. Nothing in this subsection shall be construed to change or amend the application process, eligibility, effective date or fees of any handgun license pending issuance on November 1, 2004, or previously issued to any peace officer prior to November 1, 2004. Added by Laws 1983, c. 297, § 1, emerg. eff. June 23, 1983. Amended by Laws 1987, c. 224, § 8, eff. Nov. 1, 1987; Laws 1989, c. 256, § 1, emerg. eff. May 19, 1989; Laws 1994, c. 307, § 1, eff. Sept. 1, 1994; Laws 1995, c. 272, § 55, eff. Sept. 1, 1995; Laws 1996, c. 191, § 8, emerg. eff. May 16, 1996; Laws 2000, c. 382, § 3, eff. July 1, 2000; Laws 2004, c. 538, § 1, eff. Nov. 1, 2004; Laws 2012, c. 259, § 21, eff. Nov. 1, 2012; Laws 2013, c. 366, § 1, eff. Nov. 1, 2013; Laws 2015, c. 144, § 1, eff. Nov. 1, 2015; Laws 2016, c.

210, § 5, emerg. eff. April 26, 2016; Laws 2019, c. 406, § 1, eff. Nov. 1, 2019.

NOTE: Laws 2015, c. 216, § 1 repealed by Laws 2016, c. 210, § 6, emerg. eff. April 26, 2016.

§21-1289.24. Firearm regulation - State preemption.

FIREARM REGULATION - STATE PREEMPTION

A. 1. The State Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way firearms, air powered pistols, air powered rifles, knives, components, ammunition and supplies to the complete exclusion of any order, ordinance or regulation by any municipality or other political subdivision of this state. Any existing or future orders, ordinances or regulations in this field, except as provided for in paragraph 2 of this subsection and subsection C of this section, are null and void.

2. A municipality may adopt any ordinance:

- a. relating to the discharge of firearms within the jurisdiction of the municipality,
- b. allowing the municipality to issue a traffic citation for transporting a firearm improperly as provided for in Section 1289.13A of this title, provided, however, that penalties contained for violation of any ordinance enacted pursuant to the provisions of this subparagraph shall not exceed the penalties established in the Oklahoma Self-Defense Act, and
- c. allowing the municipality to issue a citation to an individual or the parent or guardian of a minor who discharges an air powered pistol or air powered rifle in an intentional or negligent manner which causes the projectile to leave the intended premises.

3. As provided in the preemption provisions of this section, the otherwise lawful carrying or possession of a firearm under the provisions of Chapter 53 of this title shall not be punishable by any municipality or other political subdivision of this state as disorderly conduct, disturbing the peace or similar offense against public order.

4. A public or private school may create a policy regulating the possession of knives on school property or in any school bus or vehicle used by the school for purposes of transportation.

B. No municipality or other political subdivision of this state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, carrying, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes or other controls on firearms, knives, components, ammunition and supplies.

C. Except as hereinafter provided, this section shall not prohibit any order, ordinance or regulation by any municipality concerning the confiscation of property used in violation of the ordinances of the municipality as provided for in Section 28-121 of Title 11 of the Oklahoma Statutes. Provided, however, no municipal ordinance relating to transporting a firearm or knife improperly may include a provision for confiscation of property.

D. When a person's rights pursuant to the protection of the preemption provisions of this section have been violated, the person shall have the right to bring a civil action against the persons, municipality, and political subdivision jointly and severally for injunctive relief or monetary damages or both.

E. As used in this section, air powered pistol or air powered rifle is any pistol or rifle that uses compressed air or other compressed gas to project plastic BB-like or pellet-like projectiles at a speed not exceeding 400 feet per second.

Added by Laws 1985, c. 28, § 2, eff. Nov. 1, 1985. Amended by Laws 1985, c. 223, § 1, eff. Nov. 1, 1985; Laws 1995, c. 272, § 56, eff. Sept. 1, 1995; Laws 1996, c. 191, § 9, emerg. eff. May 16, 1996; Laws 2003, c. 465, § 5, eff. July 1, 2003; Laws 2004, c. 220, § 1, eff. Nov. 1, 2004; Laws 2012, c. 259, § 22, eff. Nov. 1, 2012; Laws 2015, c. 241, § 1, eff. Nov. 1, 2015; Laws 2019, c. 1, § 8, eff. Nov. 1, 2019; Laws 2021, c. 310, § 1, eff. Nov. 1, 2021.

§21-1289.24a. Lawsuits against gun manufacturers.

1. The State Legislature declares that the lawful design, marketing, manufacturing, or sale of firearms or ammunition to the public is not unreasonably dangerous activity and does not constitute a nuisance.

2. The authority to bring suit and right to recover against any firearms or ammunition manufacturer, trade association, or dealer by or on behalf of any governmental unit created by or pursuant to an act of the Legislature or the Constitution, or any department, agency, or authority thereof, for damages, abatement, or injunctive relief resulting from or relating to the lawful design, manufacturing, marketing, or sale of firearms or ammunition to the public shall be reserved exclusively to the state. This paragraph shall not prohibit a political subdivision or local government authority from bringing an action against a firearms or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by the political subdivision or local government authority. This bill shall not be construed to prohibit an individual from bringing a cause of action based upon an existing recognized theory of law.

Added by Laws 1999, c. 415, § 7, eff. July 1, 1999.

§21-1289.24b. Short title - Anti-Red Flag Act.

This act shall be known and may be cited as the "Anti-Red Flag Act".

Added by Laws 2020, c. 63, § 1, emerg. eff. May 19, 2020.

§21-1289.24c. Preemption - Extreme risk protection orders.

A. The State Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way extreme risk protection orders against or upon a citizen of this state to the complete exclusion of any order, ordinance or regulation by any municipality or other political subdivision of this state.

B. Any agency of this state or any political subdivision in this state shall be prohibited from accepting any grants or funding to implement any statute, rule or executive order, judicial order or judicial findings that would have the effect of forcing an extreme risk protection order against or upon a citizen of this state.

C. For purposes of this section, "extreme risk protection order" means an executive order, written order or warrant issued by a court or signed by a magistrate or comparable officer of the court, for which the primary purpose is to reduce the risk of firearm-related death or injury by doing one or more of the following:

1. Prohibiting a named individual from having under the custody or control of the individual, owning, possessing or receiving a firearm; or

2. Having a firearm removed or requiring the surrender of firearms from a named individual.

Added by Laws 2020, c. 63, § 2, emerg. eff. May 19, 2020.

§21-1289.24d. Short title - Second Amendment Sanctuary State Act.

This act shall be known and may be cited as the "Second Amendment Sanctuary State Act".

Added by Laws 2021, c. 236, § 1, emerg. eff. April 26, 2021.

§21-1289.24e. Right to keep and bear arms - Preemption by Legislature.

A. The State Legislature hereby occupies and preempts the entire field of legislation by any agency of this state or any political subdivision in this state to infringe upon the rights of a citizen of the State of Oklahoma, the unalienable right to keep and bear arms as guaranteed to them by the Second Amendment of the United States Constitution.

B. Any federal, state, county or municipal act, law, executive order, administrative order, court order, rule, policy or regulation ordering the buy-back, confiscation or surrender of firearms, firearm accessories or ammunition from law-abiding citizens of this state shall be considered an infringement on the rights of citizens

to keep and bear arms as guaranteed by the Second Amendment of the Constitution of the United States and Article II, Section 26 of the Constitution of Oklahoma.

C. It shall be the duty of the courts and law enforcement agencies of this state to protect the rights of law-abiding citizens to keep and to bear arms within the borders of this state and to protect these rights from the infringement provided under the provisions of this act.

D. The preemption provided in this act shall include:

1. Any regulation of arms and ammunition, pursuant to the National Firearms Act of 1934, prohibited or regulated on or after the effective date of this act; and

2. Any regulations or provision of the Gun Control Act of 1968, prohibited or regulated on or after the effective date of this act.

E. For purposes of this section:

1. "Arms" is defined as any firearm, firearm part, accessory or ammunition required to render that firearm operable and effective;

2. "Infringement" shall mean any law that reduces, represses, diminishes or subverts the right to keep and bear arms, ammunition, parts and accessories in any amount that is legal as of the effective date of this act of any citizen in this state; and

3. "Law-abiding citizen" means a person who is not otherwise precluded under state law from possessing a firearm and shall not be construed to include anyone who is not legally present in the United States or this state.

Added by Laws 2021, c. 236, § 2, emerg. eff. April 26, 2021.

§21-1289.25. Physical or deadly force.

PHYSICAL OR DEADLY FORCE

A. The Legislature hereby recognizes that the citizens of the State of Oklahoma have a right to expect absolute safety within their own homes, places of business, occupied premises, or places of worship and have the right to establish policies regarding the possession of weapons on property pursuant to the provisions of Section 1290.22 of this title.

B. A person, regardless of official capacity or lack of official capacity, within a place of worship or a person, an owner, manager or employee of a business is presumed to have held a reasonable fear of imminent peril of death or great bodily harm to himself or herself or another when using defensive force that is intended or likely to cause death or great bodily harm to another if:

1. a. The person against whom the defensive force was used was in the process of unlawfully and forcefully entering, or had unlawfully and forcibly entered, a dwelling, residence, occupied vehicle, place of business, occupied premises, or place of worship, or

if that person had removed or was attempting to remove another against the will of that person from the dwelling, residence, occupied vehicle, place of business, occupied premises, or place of worship.

- b. The person who uses defensive force knew or had reason to believe that an unlawful and forcible entry or unlawful and forcible act on the occupied premises was occurring or had occurred; or

2. The person who uses defensive force knew or had a reasonable belief that the person against whom the defensive force was used entered or was attempting to enter into a dwelling, residence, occupied vehicle, place of business, occupied premises, or place of worship for the purpose of committing a forcible felony, as defined in Section 733 of this title, and that the defensive force was necessary to prevent the commission of the forcible felony.

C. The presumption set forth in subsection B of this section does not apply if:

1. The person against whom the defensive force is used has the right to be in or is a lawful resident of the dwelling, residence, or vehicle, such as an owner, lessee, or titleholder, and there is not a protective order from domestic violence in effect or a written pretrial supervision order of no contact against that person;

2. The person or persons sought to be removed are children or grandchildren, or are otherwise in the lawful custody or under the lawful guardianship of, the person against whom the defensive force is used; or

3. The person who uses defensive force is engaged in an unlawful activity or is using the dwelling, residence, occupied vehicle, place of business or place of worship to further an unlawful activity.

D. A person who is not engaged in an unlawful activity and who is attacked in any other place where he or she has a right to be has no duty to retreat and has the right to stand his or her ground and meet force with force, including deadly force, if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a forcible felony.

E. A person who unlawfully and by force enters or attempts to enter the dwelling, residence, occupied vehicle of another person, place of business, occupied premises, or place of worship is presumed to be doing so with the intent to commit an unlawful act involving force or violence.

F. A person who uses defensive force, as permitted pursuant to the provisions of subsections A, B, D and E of this section, is justified in using such defensive force and is immune from and shall not be subject to criminal prosecution and civil action for the use of such defensive force. As used in this subsection, the term

"criminal prosecution" includes charging or prosecuting the defendant.

G. A law enforcement agency may use standard procedures for investigating the use of defensive force, but the law enforcement agency may not arrest the person for using defensive force unless it determines that there is probable cause that the defensive force that was used was unlawful.

H. The court shall award reasonable attorney fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of any civil action brought by a plaintiff if the court finds that the defendant is immune from and not subject to prosecution as provided in subsection F of this section.

I. The provisions of this section and the provisions of the Oklahoma Self-Defense Act shall not be construed to require any person using a weapon pursuant to the provisions of this section to be licensed in any manner.

J. A person pointing a weapon at a perpetrator in self-defense or in order to thwart, stop or deter a forcible felony or attempted forcible felony shall not be deemed guilty of committing a criminal act.

K. 1. The defensive display of a firearm or other deadly weapon by a person is justified when and to the extent a reasonable person believes that physical force is immediately necessary to protect himself, herself, or another person against the use or attempted use of unlawful physical or deadly force by a person, premises owner or controller in self-defense, or in defense of real or private property, located on any premises, owned, rented, leased, or occupied by permission of the premises owner or controller, whether or not a person is in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, and shall not be deemed a criminal act.

2. The provisions of this subsection shall not apply to a person who:

- a. intentionally provokes another person to use or attempt to use unlawful physical or deadly force, or
- b. uses a firearm during the commission of an unlawful act involving force or violence.

3. The provisions of this subsection do not require the defensive display of a firearm or any other deadly weapon before the use of defensive force or the threat of defensive force by a person who is justified in the use or threatened use of defensive force.

4. For purposes of this subsection, "defensive display of a firearm" includes, but is not limited to:

- a. verbally informing another person that the person possesses or has available a firearm or any other deadly weapon,

- b. exposing or displaying a firearm or any other deadly weapon in a manner that a reasonable person would understand was meant to protect the person against the use or attempted use by another of unlawful physical or deadly force, or
- c. placing the hand of the person on a firearm or any other deadly weapon while the firearm is contained in a pocket, purse, holster, sling scabbard, case or other means of containment or transport.

L. As used in this section:

1. "Defensive force" includes, but shall not be limited to, pointing a weapon at a perpetrator in self-defense or in order to thwart, stop or deter a forcible felony or attempted forcible felony;

2. "Dwelling" means a building or conveyance of any kind, including any attached porch, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed to be occupied by people;

3. "Occupied premises" means any premises occupied by an owner, tenant, lessee, business, place of worship, liquor store, guest or authorized user of the premises, including their agents;

4. "Place of worship" means:

- a. any permanent building, structure, facility or office space owned, leased, rented or borrowed, on a full-time basis, when used for worship services, activities and business of the congregation, which may include, but not be limited to, churches, temples, synagogues and mosques, and
- b. any permanent building, structure, facility or office space owned, leased, rented or borrowed for use on a temporary basis, when used for worship services, activities and business of the congregation including, but not limited to, churches, temples, synagogues and mosques;

5. "Residence" means a dwelling in which a person resides either temporarily or permanently or is visiting as an invited guest; and

6. "Vehicle" means a conveyance of any kind, whether or not motorized, which is designed to transport people or property.

Added by Laws 1987, c. 54, § 2, eff. Nov. 1, 1987. Amended by Laws 1995, c. 272, § 57, eff. Sept. 1, 1995; Laws 2006, c. 145, § 2, eff. Nov. 1, 2006; Laws 2011, c. 106, § 1, eff. Nov. 1, 2011; Laws 2017, c. 266, § 2, eff. Nov. 1, 2017; Laws 2018, c. 218, § 1, eff. Nov. 1, 2018; Laws 2025, c. 261, § 4, emerg. eff. May 14, 2025.

§21-1289.26. Use of body armor.

USE OF BODY ARMOR

Any person who commits or attempts to commit a felony while wearing body armor as defined in Section 1289.19 of this title, in addition to the penalty provided by statute for the felony committed or attempted, upon conviction shall be guilty of a Class B4 felony offense for wearing such body armor, which shall be a separate offense from the felony committed or attempted, and shall be punishable by imprisonment in the State Penitentiary for a period of not more than ten (10) years for the first offense, and shall be guilty of a Class B3 felony offense punishable by imprisonment for a period of not more than twenty (20) years for any second or subsequent offense.

Added by Laws 1992, c. 216, § 2, eff. Sept. 1, 1992. Amended by Laws 1997, c. 133, § 334, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 228, eff. July 1, 1999; Laws 2025, c. 486, § 84, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 334 from July 1, 1998, to July 1, 1999.

§21-1289.27. Prohibiting firearm inquiry by employer.

PROHIBITING FIREARM INQUIRY BY EMPLOYER

A. It shall be unlawful for any private employer doing business in this state to ask any applicant for employment information about whether the applicant owns or possesses a firearm. Any private employer who violates the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars (\$1,000.00).

B. All public employers and public officials within this state shall be prohibited from asking any applicant for employment information about whether the applicant owns or possesses a firearm. Any public employer or public official who violates the provisions of this subsection shall be deemed to be acting outside the scope of their employment and shall be barred from seeking statutory immunity from any exemption or provision of The Governmental Tort Claims Act.

C. As used in this section:

1. "Private employer" means any individual, partnership, firm, association, corporation or nonprofit organization that employs or offers to employ one or more persons in this state;

2. "Public employer" means the State of Oklahoma or any political subdivision thereof, including any department, agency, board, commission, institution, authority, public trust, municipality, county, district or instrumentalities thereof; and

3. "Public official" means any elected or appointed official in the executive, legislative or judicial branch of a political subdivision of the state.

Added by Laws 2009, c. 242, § 1, emerg. eff. May 22, 2009.

§21-1289.28. Definitions - Illegal transfer of a firearm.

A. For purposes of this section:

1. "Licensed dealer" means a person who is licensed pursuant to 18 U.S.C., Section 923 and pursuant to any laws of this state and engages in the business of dealing in firearms;

2. "Private seller" means a person who sells or offers for sale any firearm, as defined by the laws of this state, or ammunition;

3. "Ammunition" means any cartridge, shell, or projectile designed for use in a firearm; and

4. "Materially false information" means information that portrays an illegal transaction as legal or a legal transaction as illegal.

B. Any person, who knowingly solicits, persuades, encourages or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate the laws of this state or the United States is guilty of a felony.

C. Any person who provides to a licensed dealer or private seller of firearms or ammunition what the person knows to be materially false information with intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition is guilty of a felony.

D. Any person who willfully procures another to engage in conduct prohibited by this section shall be held accountable as a principal.

E. This section does not apply to a law enforcement officer acting in his or her official capacity or to a person acting at the direction of such law enforcement officer.

F. A violation of this section is punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), a term of imprisonment in the custody of the Department of Corrections not to exceed five (5) years, or by both fine and imprisonment.

Added by Laws 2011, c. 30, § 1, eff. Nov. 1, 2011.

§21-1289.29. United States Attorney or Assistant United States Attorney - Carrying of firearm.

Any United States Attorney or Assistant United States Attorney may carry a firearm on his or her person anywhere in the State of Oklahoma if the person has successfully completed a handgun qualification course for court officials developed by the Council on Law Enforcement Education and Training. The Council on Law Enforcement Education and Training may provide for an identification card to be issued to the United States Attorney or Assistant United States Attorney and may provide application forms. If the person issued an identification card is no longer eligible, that person shall immediately return the identification card to the Council on Law Enforcement Education and Training.

Added by Laws 2011, c. 77, § 1, eff. Nov. 1, 2011. Amended by Laws 2014, c. 368, § 3, eff. Nov. 1, 2014.

NOTE: Editorially renumbered from § 1289.28 of this title to avoid duplication in numbering.

§21-1289.30. Requests for certification for the transfer or making of a firearm - Court review of certification decisions.

A. When certification by a chief law enforcement officer is required by federal law or regulation for the transfer or making of a firearm, the chief law enforcement officer shall, within fifteen (15) days of receipt of a request for certification, provide such certification if the applicant is not prohibited by law from receiving the firearm or the applicant is not the subject of a proceeding that could result in the applicant being prohibited by law from receiving the firearm. If the applicant is prohibited by law from receiving the firearm or the applicant is the subject of a proceeding that could result in such prohibition, the chief law enforcement officer shall provide written notification to the applicant that certification has been denied and state the reasons for such findings.

B. An applicant whose request for certification is denied may appeal the decision of the chief law enforcement officer to the district court that is located in the county in which the applicant resides. The court shall review the decision of the chief law enforcement officer to deny the certification de novo. If the court finds that the applicant is not prohibited by law from receiving the firearm or the applicant is not the subject of a proceeding that could result in such prohibition, the court shall order the chief law enforcement officer to issue the certification and shall award court costs and reasonable attorney fees to the applicant.

C. For purposes of this section:

1. "Certification" means the participation and assent of the chief law enforcement officer necessary under federal law for the approval of the application to transfer or make a firearm;

2. "Chief law enforcement officer" means any official that the Bureau of Alcohol, Tobacco, Firearms and Explosives, or any successor agency, identifies by regulation or otherwise as eligible to provide any required certification for applications to transfer or make a firearm; and

3. "Firearm" shall have the same meaning as provided for in the National Firearms Act, subsection a of Section 5845 of Title 26 of the United States Code.

Added by Laws 2014, c. 237, § 1, eff. Nov. 1, 2014.

NOTE: Vetoed by Governor on April 29, 2014. Governor's veto was overridden on May 8, 2014.

§21-1289.31. Prohibition on government contracts with companies that discriminate against firearm entities or associations.

A. As used in this section:

1. "Ammunition" means a loaded cartridge or shot shell, case, primer, projectile, wadding, or propellant powder;

2. "Company" means a for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or an affiliate of those entities or associations that exists to make a profit. The term does not include a sole proprietorship;

3. "Discriminate against a firearm entity or firearm trade association" means, with respect to the entity or association, to:

- a. refuse to engage in the trade of any goods or services with the entity or association based solely on its status as a firearm entity or firearm trade association which includes the lawful products and services provided by and lawful practices of firearm entities and firearm trade associations,
- b. refrain from continuing an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association which includes the lawful products and services provided by and lawful practices of firearm entities and firearm trade associations, or
- c. terminate an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association which includes the lawful products and services provided by and lawful practices of firearm entities and firearm trade associations.

The term does not include the policies of a vendor, merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories. The term also does not include a company's refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship to comply with federal, state, or local laws, policies, or regulations or a directive by a regulatory agency, or for any traditional business reason that is specific to the customer or potential customer and not based solely on the status of an entity or association as a firearm entity or firearm trade association which includes the lawful products and services provided by and lawful practices of firearm entities and firearm trade associations;

4. "Firearm" means a weapon that expels a projectile by the action of explosive or expanding gases;

5. "Firearm accessory" means a device specifically designed or adapted to enable an individual to wear, carry, store, or mount a firearm on the individual or on a conveyance and an item used in conjunction with or mounted on a firearm that is not essential to the basic function of the firearm. The term includes a detachable firearm magazine;

6. "Firearm entity" means:

- a. a firearm, firearm accessory, or ammunition manufacturer, distributor, wholesaler, supplier, or retailer, and
- b. a gun range;

7. "Firearm trade association" means any person, corporation, unincorporated association, federation, business league, or business organization that:

- a. is not organized or operated for profit and for which none of its net earning inures to the benefit of any private shareholder or individual,
- b. has two or more firearm entities as members, and
- c. is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as amended, as an organization described by Section 501(c) of that code;

8. "Governmental entity" means any branch, department, agency, or instrumentality of state government, or any official or other person acting under color of state law, or any political subdivision of this state;

9. "Sole-source provider" means a supplier who provides goods or services of a unique nature or goods or services that are solely available through the supplier and the supplier is the only practicable source to provide such goods or services; and

10. "Contract" means a promise or set of promises constituting an agreement between the parties that gives each a legal duty to the other and the right to seek a remedy for the breach of those duties but does not include an agreement related to investment services.

B. A governmental entity may not enter into a contract with a company for the purchase of goods or services unless the contract contains a written verification from the company that it:

1. Does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and

2. Will not discriminate against a firearm entity or firearm trade association during the term of the contract.

C. The provisions of subsection B of this section shall not apply to a governmental entity that:

1. Contracts with a sole-source provider; or

2. Does not receive a bid from a company that is able to provide the written verification required by subsection B of this section.

D. The provisions of this section shall apply only to a contract that:

1. Is between a governmental entity and a company with at least ten full-time employees; and

2. Has a value of at least One Hundred Thousand Dollars (\$100,000.00) that is paid wholly or partly from public funds of the governmental entity.

E. The Purchasing Division of the Office of Management and Enterprise Services shall have the authority and responsibility of reviewing state governmental contracts to confirm that the requirements of subsection B of this section have been satisfied. Added by Laws 2025, c. 37, § 1, eff. Nov. 1, 2025.

§21-1290.1. Short title - Oklahoma Self-Defense Act.

SHORT TITLE

Sections 1290.1 through 1290.27 of this title shall be known and may be cited as the "Oklahoma Self-Defense Act".

Added by Laws 1995, c. 272, § 1, eff. Sept. 1, 1995. Amended by Laws 2019, c. 1, § 9, eff. Nov. 1, 2019 and Laws 2019, c. 406, § 2, eff. Nov. 1, 2019.

NOTE: Laws 2019, c. 1, § 9 and Laws 2019, c. 406, § 2 made identical amendments to this section.

§21-1290.2. Definitions.

DEFINITIONS

A. As used in the Oklahoma Self-Defense Act:

1. "Completed application" means all fields are completed, all questions are answered and the required signatures are present on the application for a handgun license, and the required documents are attached to the application, including legible fingerprints, if applicable;

2. "Concealed firearm" means a loaded or unloaded firearm not openly visible to the ordinary observation of a reasonable person;

3. "Unconcealed firearm" or "open carry" means a loaded or unloaded firearm that is carried upon the person where the firearm is visible, or carried upon the person using a holster, scabbard, sling or case;

4. "Pistol" or "handgun" shall have the same definition as provided in Section 1289.3 of this title;

5. "Rifle" shall have the same definition as provided in Section 1289.4 of this title; and

6. "Shotgun" shall have the same definition as provided in Section 1289.5 of this title.

B. The definition of pistol or handgun for purposes of the Oklahoma Self-Defense Act shall not apply to imitation pistols, flare guns, underwater fishing guns or blank pistols.

C. Pistols, handguns, rifles, shotguns, and all other lawful firearms mentioned in the Oklahoma Self-Defense Act may collectively be referred to as "firearms".

Added by Laws 1995, c. 272, § 2, eff. Sept. 1, 1995. Amended by Laws 2012, c. 259, § 23, eff. Nov. 1, 2012; Laws 2013, c. 366, § 2, eff. Nov. 1, 2013; Laws 2017, c. 13, § 2, eff. Nov. 1, 2017; Laws 2019, c. 63, § 4, eff. Nov. 1, 2019; Laws 2021, c. 146, § 4, eff. Nov. 1, 2021; Laws 2021, c. 265, § 4, eff. Nov. 1, 2021; Laws 2023, c. 160, § 1, eff. Nov. 1, 2023.

NOTE: Laws 2021, c. 146, § 4 and Laws 2021, c. 265, § 4 made identical amendments.

§21-1290.3. Authority to issue license.

AUTHORITY TO ISSUE LICENSE

The Oklahoma State Bureau of Investigation is hereby authorized to license an eligible person to carry a concealed or unconcealed handgun as provided by the provisions of the Oklahoma Self-Defense Act. The authority of the Bureau shall be limited to the provisions specifically provided in the Oklahoma Self-Defense Act. The Bureau shall promulgate rules, forms and procedures necessary to implement the provisions of the Oklahoma Self-Defense Act.

Added by Laws 1995, c. 272, § 3, eff. Sept. 1, 1995. Amended by Laws 2012, c. 259, § 24, eff. Nov. 1, 2012.

§21-1290.4. Unlawful carry.

UNLAWFUL CARRY

Except as provided by Section 1272 of this title, it shall be lawful for a citizen or lawful permanent resident, who can lawfully purchase or possess a firearm under state law, to carry or transport a concealed or unconcealed firearm in this state, as hereby authorized by the provisions of the Oklahoma Self-Defense Act or as may otherwise be provided by law.

Added by Laws 1995, c. 272, § 4, eff. Sept. 1, 1995. Amended by Laws 2012, c. 259, § 25, eff. Nov. 1, 2012; Laws 2023, c. 160, § 2, eff. Nov. 1, 2023.

§21-1290.5. See the following versions:

OS 21-1290.5v1 (HB 1630, Laws 2021, c. 146, § 5).

OS 21-1290.5v2 (SB 1291, Laws 2024, c. 28, § 1).

§21-1290.5v1. Term of license and renewal.

TERM OF LICENSE AND RENEWAL

A. A handgun license when issued shall authorize the person to whom the license is issued to carry a loaded or unloaded handgun,

concealed or unconcealed, as authorized by the provisions of the Oklahoma Self-Defense Act, and any future modifications thereto. The license shall be valid in this state for a period of five (5) or ten (10) years, unless subsequently surrendered, suspended or revoked as provided by law. The person shall have no authority to continue to carry a concealed or unconcealed handgun in this state pursuant to the Oklahoma Self-Defense Act when a license is expired or when a license has been voluntarily surrendered or suspended or revoked for any reason.

B. A license may be renewed any time within ninety (90) days prior to the expiration date as provided in this subsection. The Bureau may notify each eligible licensee at the email address on file at least ninety (90) days prior to the expiration of the license. However, any applicant shall have three (3) years from the expiration of the license to comply with the renewal requirements of this section. Renewal applications shall be denied by the Oklahoma State Bureau of Investigation if a current license is subject to being suspended or revoked or if the license has previously been suspended or revoked by the Bureau.

1. To renew a handgun license, the licensee must first obtain a renewal form from the Oklahoma State Bureau of Investigation.

2. The applicant must complete the renewal form, attach two current passport-size photographs of the applicant, and submit a renewal fee in the amount of Eighty-five Dollars (\$85.00) to the Bureau. The renewal fee may be paid with a nationally recognized credit card as provided in subparagraph b of paragraph 4 of subsection A of Section 1290.12 of this title, by electronic funds transfer, or by a cashier's check or money order made payable to the Oklahoma State Bureau of Investigation.

3. Upon receipt of the renewal application, photographs and fee, the Bureau will conduct a background check and investigation pursuant to Section 1290.12 of this title, excluding the requirements of a state fingerprint search and Federal Bureau of Investigation fingerprint search.

C. Beginning November 1, 2007, any person making application for a handgun license or any licensee seeking to renew a handgun license shall have the option to request that the license be valid for a period of ten (10) years. The fee for any handgun license issued for a period of ten (10) years shall be double the amount of the fee provided for in paragraph 4 of subsection A of Section 1290.12 of this title. The renewal fee for a handgun license issued for a period of ten (10) years shall be double the amount of the fee provided for in paragraph 2 of subsection B of this section.

Added by Laws 1995, c. 272, § 5, eff. Sept. 1, 1995. Amended by Laws 1999, c. 415, § 1, eff. July 1, 1999; Laws 2001, c. 396, § 4, eff. July 1, 2001; Laws 2003, c. 122, § 1, eff. Nov. 1, 2003; Laws 2007, c. 92, § 1, eff. Nov. 1, 2007; Laws 2008, c. 3, § 16, emerg.

eff. Feb. 28, 2008; Laws 2009, c. 225, § 1, eff. Nov. 1, 2009; Laws 2012, c. 259, § 26, eff. Nov. 1, 2012; Laws 2014, c. 11, § 1, eff. Nov. 1, 2014; Laws 2014, c. 122, § 1, eff. Nov. 1, 2014; Laws 2019, c. 406, § 3, eff. Nov. 1, 2019; Laws 2021, c. 146, § 5, eff. Nov. 1, 2021.

NOTE: Laws 2007, c. 128, § 3 repealed by Laws 2008, c. 3, § 17, emerg. eff. Feb. 28, 2008.

§21-1290.5v2. Term of license and renewal.

TERM OF LICENSE AND RENEWAL

A. A handgun license when issued shall authorize the person to whom the license is issued to carry a loaded or unloaded handgun, concealed or unconcealed, as authorized by the provisions of the Oklahoma Self-Defense Act, and any future modifications thereto. The license shall be valid in this state for a period of five (5) or ten (10) years, unless subsequently surrendered, suspended, or revoked as provided by law. The person shall have no authority to continue to carry a concealed or unconcealed handgun in this state pursuant to the Oklahoma Self-Defense Act when a license is expired or when a license has been voluntarily surrendered or suspended or revoked for any reason.

B. A license may be renewed any time within ninety (90) days prior to the expiration date as provided in this subsection. The Oklahoma State Bureau of Investigation may notify each eligible licensee at the email address on file at least ninety (90) days prior to the expiration of the license. However, any applicant shall have thirty (30) days from the expiration of the license to comply with the renewal requirements of this section. Renewal applications shall be denied by the Bureau if a current license is subject to being or currently is suspended or revoked by the Bureau.

1. To renew a handgun license, the licensee may either complete a written renewal form provided by the Bureau or a digital renewal form provided by the Bureau online.

2. If the applicant completes the digital renewal form online, the applicant must submit a passport-sized photograph with the application. If the applicant completes a written renewal application, the applicant must submit two current passport-sized photographs of the applicant with the application.

3. A renewal fee in the amount of Eighty-five Dollars (\$85.00) must be submitted to the Bureau with an application. The renewal fee may be paid with a nationally recognized credit card as provided in subparagraph b of paragraph 4 of subsection A of Section 1290.12 of this title, by electronic funds transfer, or by a cashier's check or money order made payable to the Oklahoma State Bureau of Investigation.

4. Upon receipt of the renewal application, photographs, and fee, the Bureau will conduct a background check and investigation

pursuant to Section 1290.12 of this title, excluding the requirements of a state fingerprint search and Federal Bureau of Investigation fingerprint search.

C. Any person submitting an application for a handgun license or any licensee seeking to renew a handgun license shall have the option to request that the license be valid for a period of ten (10) years. The fee for any handgun license issued for a period of ten (10) years shall be double the amount of the fee provided for in paragraph 4 of subsection A of Section 1290.12 of this title. The renewal fee for a handgun license issued for a period of ten (10) years shall be double the amount of the fee provided for in paragraph 3 of subsection B of this section.

Added by Laws 1995, c. 272, § 5, eff. Sept. 1, 1995. Amended by Laws 1999, c. 415, § 1, eff. July 1, 1999; Laws 2001, c. 396, § 4, eff. July 1, 2001; Laws 2003, c. 122, § 1, eff. Nov. 1, 2003; Laws 2007, c. 92, § 1, eff. Nov. 1, 2007; Laws 2008, c. 3, § 16, emerg. eff. Feb. 28, 2008; Laws 2009, c. 225, § 1, eff. Nov. 1, 2009; Laws 2012, c. 259, § 26, eff. Nov. 1, 2012; Laws 2014, c. 11, § 1, eff. Nov. 1, 2014; Laws 2014, c. 122, § 1, eff. Nov. 1, 2014; Laws 2019, c. 406, § 3, eff. Nov. 1, 2019; Laws 2021, c. 265, § 5, eff. Nov. 1, 2021; Laws 2024, c. 28, § 1, eff. Nov. 1, 2024.

NOTE: Laws 2007, c. 128, § 3 repealed by Laws 2008, c. 3, § 17, emerg. eff. Feb. 28, 2008.

§21-1290.6. Prohibited ammunition.

PROHIBITED AMMUNITION

Any concealed or unconcealed handgun when carried in a manner authorized by the provisions of the Oklahoma Self-Defense Act and when loaded with any ammunition which is either a restricted bullet as defined by Section 1289.19 of this title or is larger than .45 caliber or is otherwise prohibited by law shall be deemed a prohibited weapon for purposes of the Oklahoma Self-Defense Act.

Any person violating the provisions of this section shall be punished for a criminal offense as provided by Section 1272 of this title or any other applicable provision of law. In addition to any criminal prosecution for a violation of the provisions of this section, the licensee shall be subject to an administrative fine of Five Hundred Dollars (\$500.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

Added by Laws 1995, c. 272, § 6, eff. Sept. 1, 1995. Amended by Laws 2012, c. 259, § 27, eff. Nov. 1, 2012.

§21-1290.7. Construing authority of license.

CONSTRUING AUTHORITY OF LICENSE

A. The authority to carry a concealed or unconcealed firearm as authorized by the provisions of the Oklahoma Self-Defense Act shall not be construed to authorize any person to:

1. Carry or possess any weapon other than an authorized firearm as defined by the provisions of Section 1289.3, 1289.4 or 1289.5 of this title;

2. Carry or possess any firearm in any manner or in any place otherwise prohibited by law;

3. Carry or possess any prohibited ammunition or any illegal firearm in violation of state law;

4. Carry or possess any firearm when the person is prohibited by state law from carrying or possessing any firearm; or

5. Point, discharge or use the firearm in any manner not otherwise authorized by law.

B. The ability to carry a firearm pursuant to the provisions of the Oklahoma Self-Defense Act shall not be construed to prohibit the lawful transport or carrying of a firearm in a vehicle or on or about the person, whether concealed or unconcealed, loaded or unloaded, as permitted by law.

Added by Laws 1995, c. 272, § 7, eff. Sept. 1, 1995. Amended by Laws 2012, c. 259, § 28, eff. Nov. 1, 2012; Laws 2013, c. 366, § 3, eff. Nov. 1, 2013; Laws 2019, c. 1, § 10, eff. Nov. 1, 2019; Laws 2023, c. 160, § 3, eff. Nov. 1, 2023.

§21-1290.8. Possession of license required - Notification to police of gun.

POSSESSION OF LICENSE REQUIRED

NOTIFICATION TO POLICE OF GUN

A. Except as otherwise prohibited by law, an eligible person shall have authority to carry a concealed or unconcealed firearm in this state when:

1. The person is in compliance with the provisions of the Oklahoma Self-Defense Act; or

2. The person is authorized pursuant to the provisions of Section 1272 of this title.

B. A person in possession of a valid state photo identification card, driver license, or valid handgun license or who presents a valid military identification card and is in compliance with the provisions of the Oklahoma Self-Defense Act shall be authorized to carry such concealed or unconcealed firearm while scouting as it relates to hunting or fishing or while hunting or fishing.

C. The person shall be required to have possession of his or her valid handgun license, valid military identification card, valid driver license, or state photo identification card at all times when in possession of a firearm. The person shall display either a valid handgun license, valid military identification card, valid driver license, or valid state photo identification card as provided for

qualified persons in this section on demand of a law enforcement officer; provided, however, that in the absence of reasonable and articulable suspicion of other criminal activity, an individual carrying an unconcealed or concealed firearm shall not be disarmed or physically restrained unless the individual fails to display one of the following:

1. A valid handgun license;
2. A valid military identification card;
3. A valid driver license; or
4. A valid state photo identification card,

as provided for qualified persons in this section in response to that demand. Any violation of the provisions of this subsection may be punishable as a criminal offense as authorized by Section 1272 of this title or pursuant to any other applicable provision of law.

Upon the arrest of any person for a violation of the provisions of this subsection, the person may show proof to the court that a valid handgun license, a valid military identification card, a valid driver license, or a valid state photo identification card has been issued to such person and the person may state any reason why the valid handgun license, valid military identification card, valid driver license, or valid state photo identification card as provided for qualified persons in this section was not carried by the person as required by the Oklahoma Self-Defense Act. The court shall dismiss an alleged violation of Section 1272 of this title upon payment of court costs, if proof of a valid handgun license, a valid military identification card, a valid driver license, or valid state photo identification card is shown to the court within ten (10) days of the arrest of the person.

D. It shall be unlawful for any person to fail or refuse to identify the fact that the person is in actual possession of a concealed or unconcealed firearm pursuant to the authority of the Oklahoma Self-Defense Act during the course of any arrest, detainment, or routine traffic stop. Said identification shall be required upon demand by the law enforcement officer. No person shall be required to identify himself or herself as lawfully in possession of any other firearm if the law enforcement officer does not demand the information. No person shall be required to identify himself or herself as being in possession of a firearm when no firearm is in the possession of the person or in any vehicle in which the person is driving or is a passenger. Any violator of the provisions of this subsection may be issued a citation for an amount not exceeding One Hundred Dollars (\$100.00).

E. Any law enforcement officer coming in contact with a person whose handgun license is suspended or revoked, or who is in possession of a handgun license which has not been lawfully issued to that person, shall confiscate the license and return it to the Oklahoma State Bureau of Investigation for appropriate

administrative proceedings against the licensee when the license is no longer needed as evidence in any criminal proceeding.

F. Nothing in this section shall be construed to authorize a law enforcement officer to inspect any weapon properly concealed or unconcealed without probable cause that a crime has been committed. Added by Laws 1995, c. 272, § 8, eff. Sept. 1, 1995. Amended by Laws 1996, c. 191, § 10, emerg. eff. May 16, 1996; Laws 1998, c. 286, § 2, eff. July 1, 1998; Laws 2001, c. 396, § 5, eff. July 1, 2001; Laws 2003, c. 465, § 6, eff. July 1, 2003; Laws 2012, c. 259, § 29, eff. Nov. 1, 2012; Laws 2013, c. 366, § 4, eff. Nov. 1, 2013; Laws 2017, c. 298, § 1, eff. Nov. 1, 2017; Laws 2018, c. 68, § 3, eff. Nov. 1, 2018; Laws 2019, c. 1, § 11, eff. Nov. 1, 2019; Laws 2019, c. 406, § 4, eff. Nov. 1, 2019; Laws 2023, c. 160, § 4, eff. Nov. 1, 2023.

§21-1290.9. Eligibility.

ELIGIBILITY

The following requirements shall apply to any person making application to the Oklahoma State Bureau of Investigation for a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act. The person must:

1. Be a citizen of the United States with established residency in the State of Oklahoma; or
2. Be a lawful permanent resident in the United States and have established residency in the State of Oklahoma.

For purposes of the Oklahoma Self-Defense Act:

- a. the term "residency" shall apply to any person who either possesses a valid Oklahoma driver license or state photo identification card, and physically maintains a residence in this state or to any person, including the spouse of such person, who has permanent military orders within this state and possesses a valid driver license from another state where such person and spouse of such person claim residency, and
- b. the term "lawful permanent resident" shall mean a noncitizen who is lawfully authorized to live permanently within the United States;
3. Be at least:
 - a. twenty-one (21) years of age, or
 - b. eighteen (18) years of age but not yet twenty-one (21) years of age and the person is a member or veteran of the United States Armed Forces, the Reserves or National Guard, or the person was discharged under honorable conditions from the United States Armed Forces, Reserves or National Guard;
4. Complete a firearms safety and training course and demonstrate competence and qualifications with the type of pistol to

be carried by the person as provided in Section 1290.14 of this title, and submit proof of training and qualification or an exemption for training and qualification as authorized by Section 1290.14 of this title;

5. Submit the required fee and complete the application process as provided in Section 1290.12 of this title; and

6. Comply in good faith with the provisions of the Oklahoma Self-Defense Act.

Added by Laws 1995, c. 272, § 9, eff. Sept. 1, 1995. Amended by Laws 1996, c. 191, § 11, emerg. eff. May 16, 1996; Laws 1998, c. 286, § 3, eff. July 1, 1998; Laws 2003, c. 465, § 7, eff. July 1, 2003; Laws 2012, c. 259, § 30, eff. Nov. 1, 2012; Laws 2014, c. 85, § 1, eff. Nov. 1, 2014; Laws 2017, c. 4, § 2, eff. Nov. 1, 2017; Laws 2019, c. 423, § 1, eff. Nov. 1, 2019.

§21-1290.10. Mandatory preclusions.

MANDATORY PRECLUSIONS

In addition to the requirements stated in Section 1290.9 of this title, the conditions stated in this section shall preclude a person from eligibility for a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act. The occurrence of any one of the following conditions shall deny the person the right to have a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act. Prohibited conditions are:

1. Ineligible to possess a pistol due to any felony conviction or adjudication as a delinquent as provided by Section 1283 of this title, except as provided in subsection B of Section 1283 of this title;

2. Any felony conviction pursuant to any law of another state, a felony conviction pursuant to any provision of the United States Code, or any conviction pursuant to the laws of any foreign country, provided such foreign conviction would constitute a felony offense in this state if the offense had been committed in this state, except as provided in subsection B of Section 1283 of this title;

3. Adjudication as a mentally incompetent person pursuant to the provisions of the Oklahoma Mental Health Law, or an adjudication of incompetency entered in another state pursuant to any provision of law of that state, unless the person has been granted relief from the disqualifying disability pursuant to Section 1290.27 of this title;

4. Any false or misleading statement on the application for a handgun license as provided by paragraph 5 of subsection A of Section 1290.12 of this title;

5. Conviction of any one of the following misdemeanor offenses in this state or in any other state:

- a. any assault and battery which caused serious physical injury to the victim, or any second or subsequent assault and battery conviction,
- b. any aggravated assault and battery,
- c. any stalking pursuant to Section 1173 of this title, or a similar law of another state,
- d. a violation relating to the Protection from Domestic Abuse Act or any violation of a victim protection order of another state,
- e. any conviction relating to illegal drug use or possession, or
- f. an act of domestic abuse as defined by Section 644 of this title or an act of domestic assault and battery or any comparable acts under the laws of another state.

The preclusive period for a misdemeanor conviction related to illegal drug use or possession shall be ten (10) years from the date of completion of a sentence. For purposes of this subsection, "date of completion of a sentence" shall mean the day an offender completes all incarceration, probation, and parole pertaining to such sentence;

6. An attempted suicide or other condition relating to or indicating mental instability or an unsound mind which occurred within the preceding ten-year period from the date of the application for a license to carry a concealed firearm or that occurs during the period of licensure;

7. Currently undergoing treatment for a mental illness, condition, or disorder. For purposes of this paragraph, "currently undergoing treatment for a mental illness, condition, or disorder" means the person has been diagnosed by a licensed physician as being afflicted with a substantial disorder of thought, mood, perception, psychological orientation, or memory that significantly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life;

8. Significant character defects of the applicant as evidenced by a criminal record indicating habitual criminal activity;

9. Ineligible to possess a pistol due to any provision of law of this state or the United States Code, except as provided in subsection B of Section 1283 of this title;

10. Failure to pay an assessed fine or surrender the handgun license as required by a decision by the administrative hearing examiner pursuant to authority of the Oklahoma Self-Defense Act;

11. Being subject to an outstanding felony warrant issued in this state or another state or the United States; or

12. Adjudication as a delinquent as provided by Section 1283 of this title, except as provided in subsection B of Section 1283 of this title.

Added by Laws 1995, c. 272, § 10, eff. Sept. 1, 1995. Amended by Laws 1996, c. 191, § 12, emerg. eff. May 16, 1996; Laws 1997, c. 358, § 2, emerg. eff. June 9, 1997; Laws 2000, c. 382, § 4, eff. July 1, 2000; Laws 2001, c. 396, § 6, eff. July 1, 2001; Laws 2014, c. 259, § 1, eff. July 1, 2015; Laws 2015, c. 86, § 1, eff. Nov. 1, 2015; Laws 2019, c. 406, § 5, eff. Nov. 1, 2019.

§21-1290.11. Other preclusions.

OTHER PRECLUSIONS

A. The following conditions shall preclude a person from being eligible for a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act for a period of time as prescribed in each of the following paragraphs:

1. An arrest for an alleged commission of a felony offense or a felony charge pending in this state, another state or pursuant to the United States Code. The preclusive period shall be until the final determination of the matter;

2. The person is subject to the provisions of a deferred sentence or deferred prosecution in this state or another state or pursuant to federal authority for the commission of a felony offense. The preclusive period shall be three (3) years and shall begin upon the final determination of the matter;

3. Any involuntary commitment for a mental illness, condition, or disorder pursuant to the provisions of Section 5-410 of Title 43A of the Oklahoma Statutes or any involuntary commitment in another state pursuant to any provisions of law of that state. The preclusive period shall be permanent as provided by Title 18 of the United States Code Section 922(g)(4) unless the person has been granted relief from the disqualifying disability pursuant to Section 1290.27 of this title;

4. The person has previously undergone treatment for a mental illness, condition, or disorder which required medication or supervision as defined by paragraph 7 of Section 1290.10 of this title. The preclusive period shall be three (3) years from the last date of treatment or upon presentation of a certified statement from a licensed physician stating that the person is either no longer disabled by any mental or psychiatric illness, condition, or disorder or that the person has been stabilized on medication for ten (10) years or more;

5. Inpatient treatment for substance abuse. The preclusive period shall be three (3) years from the last date of treatment or upon presentation of a certified statement from a licensed physician stating that the person has been free from substance use for twelve (12) months or more preceding the filing of an application for a handgun license;

6. Two or more convictions of public intoxication pursuant to subsection D of Section 6-101 of Title 37A of the Oklahoma Statutes,

or a similar law of another state. The preclusive period shall be three (3) years from the date of the completion of the last sentence or shall require a certified statement from a licensed physician stating that the person is not in need of substance abuse treatment;

7. Two or more misdemeanor convictions relating to intoxication or driving under the influence of an intoxicating substance or alcohol. The preclusive period shall be three (3) years from the date of the completion of the last sentence or shall require a certified statement from a licensed physician stating that the person is not in need of substance abuse treatment;

8. A court order for a final Victim Protection Order against the applicant, as authorized by the Protection from Domestic Abuse Act, or any court order granting a final victim protection order against the applicant from another state. The preclusive period shall be sixty (60) days from the date an order was vacated, canceled, withdrawn or is otherwise no longer in effect;

9. An adjudicated delinquent or convicted felon residing in the residence of the applicant which may be a violation of Section 1283 of this title. The preclusive period shall be thirty (30) days from the date the person no longer resides in the same residence as the applicant;

10. An arrest for an alleged commission of, a charge pending for, or the person is subject to the provisions of a deferred prosecution for any one or more of the following misdemeanor offenses in this state or another state:

- a. any assault and battery which caused serious physical injury to the victim or any second or subsequent assault and battery,
- b. any aggravated assault and battery,
- c. any stalking pursuant to Section 1173 of this title, or a similar law of another state,
- d. any violation of the Protection from Domestic Abuse Act or any violation of a victim protection order of another state,
- e. any violation relating to illegal drug use or possession, or
- f. an act of domestic abuse as defined by Section 644 of this title or an act of domestic assault and battery or any comparable acts under the law of another state.

The preclusive period shall be until the final determination of the matter. The preclusive period for a person subject to the provisions of a deferred sentence for the offenses mentioned in this paragraph shall be three (3) years and shall begin upon the final determination of the matter; or

11. A previously issued handgun license has been revoked. The preclusive period shall be five (5) years from the date of revocation and shall require the person to submit a new application

for a handgun license pursuant to the provisions of Section 1290.12 of this title.

B. Nothing in this section shall be construed to require a full investigation of the applicant by the Oklahoma State Bureau of Investigation.

Added by Laws 1995, c. 272, § 11, eff. Sept. 1, 1995. Amended by Laws 1996, c. 191, § 13, emerg. eff. May 16, 1996; Laws 1997, c. 358, § 3, emerg. eff. June 9, 1997; Laws 1999, c. 97, § 4, eff. Nov. 1, 1999; Laws 1999, c. 415, § 2, eff. July 1, 1999; Laws 2000, c. 382, § 5, eff. July 1, 2000; Laws 2001, c. 396, § 7, eff. July 1, 2001; Laws 2006, c. 62, § 3, emerg. eff. April 17, 2006; Laws 2012, c. 259, § 31, eff. Nov. 1, 2012; Laws 2013, c. 171, § 2, eff. Nov. 1, 2013; Laws 2014, c. 259, § 2, eff. July 1, 2015; Laws 2019, c. 406, § 6, eff. Nov. 1, 2019; Laws 2021, c. 146, § 6, eff. Nov. 1, 2021; Laws 2021, c. 265, § 6, eff. Nov. 1, 2021.

NOTE: Laws 2021, c. 146, § 6 and Laws 2021, c. 265, § 6 made identical amendments.

§21-1290.12. Procedure for application.

PROCEDURE FOR APPLICATION

A. Except as provided in paragraph 11 of this subsection, the procedure for applying for a handgun license and processing the application shall be as follows:

1. An eligible person may request an application packet for a handgun license from the Oklahoma State Bureau of Investigation or the county sheriff's office either in person or by mail. The Bureau may provide application packets to each sheriff not exceeding two hundred packets per request. The Bureau shall provide the following information in the application packet:

- a. an application form,
- b. procedures to follow to process the application form, and
- c. if available, a copy of the Oklahoma Self-Defense Act with any modifications thereto;

2. The person shall be required to successfully complete a firearms safety and training course from a firearms instructor who is approved and registered in this state as provided in Section 1290.14 of this title or from an interactive online firearms safety and training course available electronically via the Internet which has been approved as to curriculum by the Council on Law Enforcement Education and Training, and the person shall be required to demonstrate competency and qualification with a pistol authorized for concealed or unconcealed carry by the Oklahoma Self-Defense Act. The original certificate of successful completion of a firearms safety and training course and an original certificate of successful demonstration of competency and qualification to carry and handle a pistol or exemption from training certificate shall be submitted

with the application for a handgun license. No duplicate, copy, facsimile or other reproduction of the certificate of training, certificate of competency and qualification or exemption from training certificate shall be acceptable as proof of training as required by the provisions of the Oklahoma Self-Defense Act;

3. The application form shall be completed and delivered by the applicant, in person, to the sheriff of the county wherein the applicant resides;

4. The person shall deliver to the sheriff at the time of delivery of the completed application form a fee of One Hundred Dollars (\$100.00) for processing the application through the Oklahoma State Bureau of Investigation and processing the required fingerprints through the Federal Bureau of Investigation. The processing fee shall be in the form of:

- a. a money order or a cashier's check made payable to the Oklahoma State Bureau of Investigation,
- b. a nationally recognized credit card issued to the applicant. For purposes of this paragraph, "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate, or by any other name, issued with or without fee by the issuer for the use of the cardholder in obtaining goods, services, or anything else of value on credit which is accepted by over one thousand merchants in the state. The Oklahoma State Bureau of Investigation shall determine which nationally recognized credit cards will be accepted by the Bureau, or
- c. electronic funds transfer.

Any person paying application fees to the Oklahoma State Bureau of Investigation by means of a nationally recognized credit card or by means of an electronic funds transfer shall be required to complete and submit his or her application through the online application process of the Bureau.

The processing fee shall not be refundable in the event of a denial of a handgun license or any suspension or revocation subsequent to the issuance of a license. Persons making application for a firearms instructor shall not be required to pay the application fee as provided in this section, but shall be required to pay the costs provided in paragraphs 6 and 8 of this subsection;

5. The completed application form shall be signed by the applicant in person before the sheriff. The signature shall be given voluntarily upon a sworn oath that the person knows the contents of the application and that the information contained in the application is true and correct. Any person making any false or misleading statement on an application for a handgun license shall, upon conviction, be guilty of perjury as defined by Section 491 of

this title. Any conviction shall be punished as provided in Section 500 of this title. In addition to a criminal conviction, the person shall be denied the right to have a handgun license pursuant to the provisions of Section 1290.10 of this title and the Oklahoma State Bureau of Investigation shall revoke the handgun license, if issued;

6. Two passport-size photographs of the applicant shall be submitted with the completed application. The cost of the photographs shall be the responsibility of the applicant. The sheriff is authorized to take the photograph of the applicant for purposes of the Oklahoma Self-Defense Act and, if such photographs are taken by the sheriff, the cost of the photographs shall not exceed Ten Dollars (\$10.00) for the two photos. All money received by the sheriff from photographing applicants pursuant to the provisions of this paragraph shall be retained by the sheriff and deposited into the Sheriff's Service Fee Account;

7. The sheriff shall witness the signature of the applicant and review or take the photographs of the applicant and shall verify that the person making application for a handgun license is the same person in the photographs submitted and the same person who signed the application form. Proof of a valid Oklahoma driver license with a photograph of the applicant or an Oklahoma state photo identification for the applicant shall be required to be presented by the applicant to the sheriff for verification of the person's identity;

8. Upon verification of the identity of the applicant, the sheriff shall take two complete sets of fingerprints of the applicant. Both sets of fingerprints shall be submitted by the sheriff with the completed application, certificate of training, certificate of competency and qualification or an exemption from training certificate, photographs and processing fee to the Oklahoma State Bureau of Investigation within fourteen (14) days of taking the fingerprints. The cost of the fingerprints shall be paid by the applicant. The sheriff may charge a fee of up to Twenty-five Dollars (\$25.00) for the two sets of fingerprints. All fees collected by the sheriff from taking fingerprints pursuant to the provisions of this paragraph shall be retained by the sheriff and deposited into the Sheriff's Service Fee Account;

9. The sheriff shall submit to the Oklahoma State Bureau of Investigation within the fourteen-day period, together with the completed application, including the certificate of training, certificate of competency and qualification, exemption from training certificate, photographs, processing fee and legible fingerprints meeting the Oklahoma State Bureau of Investigation's Automated Fingerprint Identification System (AFIS) submission standards, and a report of information deemed pertinent to an investigation of the applicant for a handgun license. The sheriff shall make a preliminary investigation of pertinent information about the

applicant and the court clerk shall assist the sheriff in locating pertinent information in court records for this purpose. If no pertinent information is found to exist either for or against the applicant, the sheriff shall so indicate in the report;

10. The Oklahoma State Bureau of Investigation, upon receipt of the application and required information from the sheriff, shall forward one full set of fingerprints of the applicant to the Federal Bureau of Investigation for a national criminal history records search. The cost of processing the fingerprints nationally shall be paid from the processing fee collected by the Oklahoma State Bureau of Investigation;

11. Notwithstanding the provisions of the Oklahoma Self-Defense Act, or any other provisions of law, any person who has been granted a permanent victim protective order by the court, as provided for in the Protection from Domestic Abuse Act, may be issued a temporary handgun license for a period not to exceed six (6) months. A temporary handgun license may be issued if the person has successfully passed the required weapons course, completed the application process for the handgun license, passed the preliminary investigation by the sheriff and court clerk, and provided the sheriff proof of a certified permanent victim protective order and a valid Oklahoma state photo identification card or driver license. The sheriff shall issue a temporary handgun license on a form approved by the Oklahoma State Bureau of Investigation, at no cost. Any person who has been issued a temporary license shall carry the temporary handgun license and a valid Oklahoma state photo identification on his or her person at all times, and shall be subject to all the requirements of the Oklahoma Self-Defense Act when carrying a handgun. The person may proceed with the handgun licensing process. In the event the victim protective order is no longer enforceable, the temporary handgun license shall cease to be valid;

12. The Oklahoma State Bureau of Investigation shall make a reasonable effort to investigate the information submitted by the applicant and the sheriff to ascertain whether or not the issuance of a handgun license would be in violation of the provisions of the Oklahoma Self-Defense Act. The investigation by the Bureau of an applicant shall include, but shall not be limited to: a statewide criminal history records search, a national criminal history records search, a Federal Bureau of Investigation fingerprint search, a check of the National Instant Criminal Background Check System (NICS), an Immigration Alien Query (IAQ) for non-United-States citizens and, if applicable, an investigation of medical records or other records or information deemed by the Bureau to be relevant to the application.

- a. In the course of the investigation by the Bureau, it shall present the name of the applicant along with any

known aliases, the address of the applicant and the Social Security number of the applicant to the Department of Mental Health and Substance Abuse Services. The Department of Mental Health and Substance Abuse Services shall respond within ten (10) days of receiving such information to the Bureau as follows:

- (1) with a "Yes" answer, if the records of the Department indicate that the person was involuntarily committed to a mental institution in Oklahoma,
 - (2) with a "No" answer, if there are no records indicating the name of the person as a person involuntarily committed to a mental institution in Oklahoma, or
 - (3) with an "Inconclusive" answer if the records of the Department suggest the applicant may be a formerly committed person. In the case of an inconclusive answer, the Bureau shall ask the applicant whether he or she was involuntarily committed. If the applicant states under penalty of perjury that he or she has not been involuntarily committed, the Bureau shall continue processing the application for a license.
- b. In the course of the investigation by the Bureau, it shall check the name of any applicant who is twenty-eight (28) years of age or younger along with any known aliases, the address of the applicant and the Social Security number of the applicant against the records in the Juvenile Online Tracking System (JOLTS) of the Office of Juvenile Affairs. The Office of Juvenile Affairs shall provide the Bureau direct access to check the applicant against the records available on JOLTS:
- (1) if the Bureau finds a record on JOLTS that indicates the person was adjudicated a delinquent for an offense that would constitute a felony offense if committed by an adult within the last ten (10) years, the Bureau shall deny the license,
 - (2) if the Bureau finds no record on JOLTS indicating the named person was adjudicated delinquent for an offense that would constitute a felony offense if committed by an adult within the last ten (10) years, the Bureau shall continue processing the application for a license, or

- (3) if the records suggest the applicant may have been adjudicated delinquent for an offense that would constitute a felony offense if committed by an adult but such record is inconclusive, the Bureau shall ask the applicant whether he or she was adjudicated a delinquent for an offense that would constitute a felony offense if committed by an adult within the last ten (10) years. If the applicant states under penalty of perjury that he or she was not adjudicated a delinquent within ten (10) years, the Bureau shall continue processing the application for a license; and

13. If the background check set forth in paragraph 12 of this subsection reveals no records pertaining to the applicant, the Oklahoma State Bureau of Investigation shall either issue a handgun license or deny the application within sixty (60) days of the date of receipt of the applicant's completed application and the required information from the sheriff. In all other cases, the Oklahoma State Bureau of Investigation shall either issue a handgun license or deny the application within ninety (90) days of the date of the receipt of the applicant's completed application and the required information from the sheriff. The Bureau shall deny a license when the applicant fails to properly complete the application form or application process or, based on the background check set forth in paragraph 12 of this subsection, is determined not to be eligible as specified by the provisions of Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall approve an application in all other cases. If an application is denied, the Bureau shall notify the applicant in writing of its decision. The notification shall state the grounds for the denial and inform the applicant of the right to an appeal as may be provided by the provisions of the Administrative Procedures Act. All notices of denial shall be mailed by first-class mail to the address of the applicant listed in the application. Within sixty (60) calendar days from the date of mailing a denial of application to an applicant, the applicant shall notify the Bureau in writing of the intent to appeal the decision of denial or the right of the applicant to appeal shall be deemed waived. Any administrative hearing on a denial which may be provided shall be conducted by a hearing examiner appointed by the Bureau. The decision of the hearing examiner shall be a final decision appealable to a district court in accordance with the Administrative Procedures Act. When an application is approved, the Bureau shall issue the license and shall mail the license by first-class mail to the address of the applicant listed in the application.

B. Nothing contained in any provision of the Oklahoma Self-Defense Act shall be construed to require or authorize the

registration, documentation or providing of serial numbers with regard to any firearm. For purposes of the Oklahoma Self-Defense Act, the sheriff may designate a person to receive, fingerprint, photograph or otherwise process applications for handgun licenses. Added by Laws 1995, c. 272, § 12, eff. Sept. 1, 1995. Amended by Laws 1996, c. 191, § 14, emerg. eff. May 16, 1996; Laws 1998, c. 286, § 4, eff. July 1, 1998; Laws 1999, c. 415, § 3, eff. July 1, 1999; Laws 2000, c. 382, § 6, eff. July 1, 2000; Laws 2001, c. 396, § 8, eff. July 1, 2001; Laws 2004, c. 549, § 3, eff. July 1, 2004; Laws 2010, c. 162, § 1, eff. Nov. 1, 2010; Laws 2012, c. 259, § 32, eff. Nov. 1, 2012; Laws 2013, c. 366, § 5, eff. Nov. 1, 2013; Laws 2014, c. 11, § 2, eff. Nov. 1, 2014; Laws 2015, c. 207, § 1, emerg. eff. May 1, 2015; Laws 2016, c. 210, § 7, emerg. eff. April 26, 2016; Laws 2016, c. 256, § 2, eff. Nov. 1, 2016; Laws 2017, c. 298, § 2, eff. Nov. 1, 2017; Laws 2018, c. 152, § 1, eff. Nov. 1, 2018; Laws 2019, c. 406, § 7, eff. Nov. 1, 2019; Laws 2021, c. 146, § 7, eff. Nov. 1, 2021; Laws 2021, c. 265, § 7, eff. Nov. 1, 2021. NOTE: Laws 2015, c. 72, § 1 repealed by Laws 2016, c. 210, § 8, emerg. eff. April 26, 2016. NOTE: Laws 2021, c. 146, § 7 and Laws 2021, c. 265, § 7 made identical amendments.

§21-1290.13. Automatic listing of licenses.

AUTOMATIC LISTING OF LICENSES

The Oklahoma State Bureau of Investigation shall maintain an automated listing of all persons issued a handgun license in this state pursuant to the provisions of the Oklahoma Self-Defense Act and all subsequent suspended or revoked licenses. Information from the automated listing shall only be available to a law enforcement officer or law enforcement agency upon request for law enforcement purposes. The Bureau shall also maintain for each applicant the original application or a copy of the original application form and any subsequent renewal application forms together with the photographs, fingerprints and other pertinent information on the applicant which shall be confidential, except to law enforcement officers or law enforcement agencies in the performance of their duties. The Bureau may release a copy of fingerprints of a deceased applicant maintained by the Bureau due to an application for a handgun license pursuant to the Oklahoma Self-Defense Act. Provided, however, the Bureau may release a copy of fingerprints of a deceased applicant only to an immediate family member upon written request. Such request shall be accompanied by a payment of Fifteen Dollars (\$15.00), which shall be deposited into the OSBI Revolving Fund. For purposes of this section, "immediate family member" shall mean the spouse, a child by birth or adoption, a stepchild, a parent by birth or adoption, a stepparent, a grandparent, a grandchild, a sibling, a stepsibling or the spouse of any immediate family member.

To facilitate the Bureau's administration of the Oklahoma Self-Defense Act, all licensees shall maintain a current mailing address where the licensee may receive certified mail. The licensee shall within thirty (30) days of a change of name or address inform the Bureau of such change.

Added by Laws 1995, c. 272, § 13, eff. Sept. 1, 1995. Amended by Laws 1996, c. 191, § 15, emerg. eff. May 16, 1996; Laws 2001, c. 396, § 9, eff. July 1, 2001; Laws 2012, c. 259, § 33, eff. Nov. 1, 2012; Laws 2014, c. 161, § 1, eff. Nov. 1, 2014.

§21-1290.14. Safety and training course.

SAFETY AND TRAINING COURSE

A. Each applicant for a license to carry a concealed or unconcealed handgun pursuant to the Oklahoma Self-Defense Act must successfully complete a firearms safety and training course in this state conducted by a registered and approved firearms instructor as provided by the provisions of this section or from an interactive online firearms safety and training course available electronically via the Internet approved and certified by the Council on Law Enforcement Education and Training. The applicant must further demonstrate competence and qualification with an authorized pistol to carry as a concealed or unconcealed handgun pursuant to the provisions of the Oklahoma Self-Defense Act, except certain persons may be exempt from such training requirement as provided by the provisions of Section 1290.15 of this title.

B. The Council on Law Enforcement Education and Training (CLEET) shall establish criteria for approving firearms instructors and interactive online firearms safety and training courses available electronically via the Internet for purposes of training and qualifying individuals for a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act. Prior to submitting an application for CLEET approval as a firearms instructor, applicants shall attend a firearms instructor school, meeting the following minimum requirements:

1. Firearms instructor training conducted by one of the following entities:
 - a. Council on Law Enforcement Education and Training,
 - b. National Rifle Association,
 - c. Oklahoma Rifle Association,
 - d. federal law enforcement agencies, or
 - e. other professionally recognized organizations;
2. The course shall be at least sixteen (16) hours in length;
3. Upon completion of the course, the applicant shall be qualified to provide instruction on pistols; and
4. Receive a course completion certificate.

All firearms instructors shall be required to meet the eligibility requirements for a handgun license as provided in

Sections 1290.9, 1290.10, and 1290.11 of this title and the application shall be processed as provided for applicants in Section 1290.12 of this title, including the state and national criminal history records search and fingerprint search. A firearms instructor shall be required to pay a fee of One Hundred Dollars (\$100.00) to the Council on Law Enforcement Education and Training (CLEET) each time the person makes application for CLEET approval as a firearms instructor pursuant to the provisions of the Oklahoma Self-Defense Act. The fee shall be retained by CLEET and shall be deposited into the Firearms Instructors Revolving Fund. CLEET shall promulgate the rules, forms and procedures necessary to implement the approval of firearms instructors as authorized by the provisions of this subsection. CLEET shall periodically review each approved instructor during a training and qualification course to assure compliance with the rules and course contents. Any violation of the rules may result in the revocation or suspension of CLEET and Oklahoma State Bureau of Investigation approval. Unless the approval has been revoked or suspended, a firearms instructor's CLEET approval shall be for a term of five (5) years. CLEET shall be responsible for notifying all approved firearms instructors of statutory and policy changes related to the Oklahoma Self-Defense Act. A firearms instructor shall not be required to submit his or her fingerprints for a fingerprint search when renewing a firearms instructor's CLEET approval.

C. 1. All firearms instructors approved by CLEET to train and qualify individuals for a handgun license shall be required to apply for registration with the Oklahoma State Bureau of Investigation after receiving CLEET approval. All firearms instructors teaching the approved course for a handgun license must display their registration certificate during each training and qualification course. Each approved firearms instructor shall complete a registration form provided by the Bureau and shall have the option to pay a registration fee of either One Hundred Dollars (\$100.00) for a five-year registration certificate or Two Hundred Dollars (\$200.00) for a ten-year registration certificate to the Bureau at the time of each application for registration, except as provided in paragraph 2 of this subsection. Registration certificates issued by the Bureau shall be valid for a period of five (5) years or ten (10) years from the date of issuance. The Bureau shall issue a five-year or ten-year handgun license to an approved firearms instructor at the time of issuance of a registration certificate and no additional fee shall be required or charged. The Bureau shall maintain a current listing of all registered firearms instructors in this state. Nothing in this paragraph shall be construed to eliminate the requirement for registration and training with CLEET as provided in subsection B of this section. Failure to register or be trained

as required shall result in a revocation or suspension of the instructor certificate by the Bureau.

2. Registered instructors listed in subparagraphs a and b of this paragraph shall not be required to renew the firearms instructor registration certificate with the Oklahoma State Bureau of Investigation at the expiration of the registration term, provided the instructor is not subject to any suspension or revocation of the firearms instructor certificate. The firearms instructor registration with the Oklahoma State Bureau of Investigation shall automatically renew together with the handgun license authorized in paragraph 1 of this subsection for an additional five-year term and no additional cost or fee may be charged for the following individuals:

- a. an active duty law enforcement officer of this state or any of its political subdivisions or of the federal government who has a valid CLEET approval as a firearms instructor pursuant to the Oklahoma Self-Defense Act, and
- b. a retired law enforcement officer authorized to carry a firearm pursuant to Section 1289.8 of this title who has a valid CLEET approval as a firearms instructor pursuant to the Oklahoma Self-Defense Act.

D. The Oklahoma State Bureau of Investigation shall approve registration for a firearms instructor applicant who is in full compliance with CLEET rules regarding firearms instructors and the provisions of subsection B of this section, if completion of the federal fingerprint search is the only reason for delay of registration of that firearms instructor applicant. Upon receipt of the federal fingerprint search information, if the Bureau receives information which precludes the person from having a handgun license, the Bureau shall revoke both the registration and the handgun license previously issued to the firearms instructor.

E. The required firearms safety and training course and the actual demonstration of competency and qualification required of the applicant shall be designed and conducted in such a manner that the course can be reasonably completed by the applicant within an eight-hour period. CLEET shall establish the course content and promulgate rules, procedures and forms necessary to implement the provisions of this subsection. For the training and qualification course, an applicant may be charged a fee which shall be determined by the instructor or entity that is conducting the course. The maximum class size shall be determined by the instructor conducting the course; provided, however, practice shooting sessions shall not have more than ten participating students at one time. CLEET may establish criteria for assistant instructors and any other requirements deemed necessary to conduct a safe and effective training and qualification course. The course content shall include

a safety inspection of the firearm to be used by the applicant in the training course; instruction on pistol handling, safety and storage; dynamics of ammunition and firing; methods or positions for firing a pistol; information about the criminal provisions of the Oklahoma law relating to firearms; the requirements of the Oklahoma Self-Defense Act as it relates to the applicant; self-defense and the use of appropriate force; a practice shooting session; and a familiarization course. The firearms instructor shall refuse to train or qualify any person when the pistol to be used or carried by the person is either deemed unsafe or unfit for firing or is a weapon not authorized by the Oklahoma Self-Defense Act. The course shall provide an opportunity for the applicant to qualify himself or herself with a pistol; provided, no pistol shall be capable of firing larger than .45 caliber ammunition. Any applicant who successfully trains and qualifies himself or herself with a pistol shall be approved by the firearms instructor on the training certificate. Upon successful completion of the training and qualification course, a certificate of training and a certificate of competency and qualification shall be issued to each applicant who successfully completes the course. The certificate of training and certificate of competency and qualification shall comply with the forms established by CLEET and shall be submitted with an application for a handgun license pursuant to the provisions of paragraph 2 of subsection A of Section 1290.12 of this title. The certificate of training and certificate of competency and qualification issued to an applicant shall be valid for a period of three (3) years.

F. There is hereby created a revolving fund for the Council on Law Enforcement Education and Training (CLEET), to be designated the "Firearms Instructors Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all funds received for approval of firearms instructors for purposes of the Oklahoma Self-Defense Act. All funds received shall be deposited to the fund. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Council on Law Enforcement Education and Training, for implementation of the training and qualification course contents, approval of firearms instructors and any other CLEET requirement pursuant to the provisions of the Oklahoma Self-Defense Act or as may otherwise be deemed appropriate by CLEET. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

G. Firearms instructors shall keep on file for a period of not less than three (3) years a roster of each training class, the safety test score of each individual, the caliber and the weapon

each individual used when qualifying and whether or not each individual successfully completed the training course. Firearms instructors shall be authorized to destroy all training documents and records upon expiration of the three-year time period.

Added by Laws 1995, c. 272, § 14, eff. Sept. 1, 1995. Amended by Laws 1996, c. 1, § 1, emerg. eff. Feb. 22, 1996; Laws 1996, c. 191, § 16, emerg. eff. May 16, 1996; Laws 1998, c. 286, § 5, eff. July 1, 1998; Laws 2000, c. 382, § 1, eff. July 1, 2000; Laws 2003, c. 465, § 8, eff. July 1, 2003; Laws 2004, c. 549, § 4, eff. July 1, 2004; Laws 2005, c. 455, § 1, eff. Nov. 1, 2005; Laws 2012, c. 259, § 34, eff. Nov. 1, 2012; Laws 2013, c. 15, § 16, emerg. eff. April 8, 2013; Laws 2013, c. 86, § 1, eff. Nov. 1, 2013; Laws 2014, c. 4, § 3, emerg. eff. April 2, 2014; Laws 2014, c. 123, § 1, eff. Nov. 1, 2014; Laws 2015, c. 207, § 2, emerg. eff. May 1, 2015; Laws 2024, c. 156, § 1, eff. Nov. 1, 2024.

NOTE: Laws 2012, c. 304, § 91 repealed by Laws 2013, c. 15, § 17, emerg. eff. April 8, 2013. Laws 2013, c. 139, § 1 repealed by Laws 2014, c. 4, § 4, emerg. eff. April 2, 2014.

§21-1290.15. Persons exempt from training course.

PERSONS EXEMPT FROM TRAINING COURSE

A. The following individuals may be exempt from all or part of the required training and qualification course established pursuant to the provisions of Section 1290.14 of this title:

1. A firearms instructor registered with the Oklahoma State Bureau of Investigation for purposes of the Oklahoma Self-Defense Act;

2. An active duty or reserve duty law enforcement officer of this state or any of its political subdivisions or of the federal government;

3. A retired law enforcement officer authorized by this state pursuant to Section 1289.8 of this title to carry a firearm;

4. A Council on Law Enforcement Education and Training (CLEET) certified armed security officer, armed guard, correctional officer, or any other person having a CLEET certification to carry a firearm in the course of their employment;

5. A person on active military duty, National Guard duty or regular military reserve duty who is a legal resident of this state and who is trained and qualified in the use of handguns;

6. A person honorably discharged from active military duty, National Guard duty or military reserves who is a legal resident of this state;

7. A person retired as a peace officer in good standing from a law enforcement agency located in another state, who is a legal resident of this state, and who has received training equivalent to the training required for CLEET certification in this state; and

8. Any person who is otherwise deemed qualified for a training exemption by CLEET.

B. Nothing contained in any provision of the Oklahoma Self-Defense Act shall be construed to alter, amend, or modify the authority of any active duty law enforcement officer, or any person certified by the Council on Law Enforcement Education and Training to carry a pistol during the course of their employment, to carry any pistol in any manner authorized by law or authorized by the employing agency.

Added by Laws 1995, c. 272, § 15, eff. Sept. 1, 1995. Amended by Laws 1996, c. 191, § 17, emerg. eff. May 16, 1996; Laws 1999, c. 415, § 4, eff. July 1, 1999; Laws 2012, c. 259, § 35, eff. Nov. 1, 2012; Laws 2013, c. 86, § 2, eff. Nov. 1, 2013; Laws 2017, c. 298, § 3, eff. Nov. 1, 2017; Laws 2024, c. 156, § 2, eff. Nov. 1, 2024.

§21-1290.16. Statistical report.

STATISTICAL REPORT

By January 15, 1997, and by January 15 of each year thereafter, the Bureau shall submit a statistical report for the preceding calendar year to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives, including, but not limited to, data on the numbers of handgun licenses approved and issued and the numbers of licenses suspended, revoked or denied in the following categories: age, sex, race, county and any other category deemed relevant by the Bureau.

Added by Laws 1995, c. 272, § 16, eff. Sept. 1, 1995.

§21-1290.17. Suspension and revocation of license.

SUSPENSION AND REVOCATION OF LICENSE

A. The Oklahoma State Bureau of Investigation shall have authority pursuant to the provisions of the Oklahoma Self-Defense Act and any other provision of law to suspend or revoke any handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act. A person whose license has been suspended or revoked or against whom a fine has been assessed shall be entitled to an appeal through a hearing in accordance with the Administrative Procedures Act. Any administrative hearing on suspensions, revocations or fines shall be conducted by a hearing examiner appointed by the Bureau. The hearing examiner's decision shall be a final decision appealable to a district court in accordance with the Administrative Procedures Act. After a handgun license has been issued, the discovery of or the occurrence of any condition which directly affects a person's eligibility for a handgun license as provided by the provisions of Section 1290.9 or 1290.10 of this title shall require a revocation of the license by the Bureau. The discovery of or the occurrence of any condition pursuant to Section 1290.11 of this title, after a license has been issued, shall cause

a suspension of the handgun license for a period of time as prescribed for the condition. Any provision of law that requires a revocation of a handgun license upon a conviction shall cause the Bureau to suspend the handgun license upon the discovery of the arrest of the person for such offense until a determination of the criminal case at which time the Bureau shall proceed with the appropriate administrative action. A licensee may voluntarily surrender a license to the Oklahoma State Bureau of Investigation at any time. Such surrender of a handgun license will render the license invalid. Nothing in this section may be interpreted to prevent a subsequent new application for a license. The licensee shall be informed and acknowledge in writing as follows:

1. The licensee understands that the voluntary surrender of the license will not be deemed a suspension or revocation by the Bureau;

2. A voluntary surrender of a license will not be reviewable by a hearing examiner or subject to judicial review under the Administrative Procedures Act; and

3. By surrendering the license, the licensee shall forfeit all fees paid to date.

B. Any handgun license which is subsequently suspended or revoked shall be immediately returned to the Oklahoma State Bureau of Investigation upon notification. Any person refusing or failing to return a license after notification of its suspension or revocation shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not exceeding Five Hundred Dollars (\$500.00), by imprisonment in the county jail for not exceeding six (6) months, or by both such fine and imprisonment. In addition, the person shall be subject to an administrative fine of Five Hundred Dollars (\$500.00), upon a hearing and determination by the Bureau that the person is in violation of the provisions of this subsection.

C. Any law enforcement officer of this state shall confiscate a handgun license in the possession of any person and return it to the Oklahoma State Bureau of Investigation for appropriate administrative proceedings against the licensee when the license is no longer needed as evidence in any criminal proceeding, as follows:

1. Upon the arrest of the person for any felony offense;

2. Upon the arrest of the person for any misdemeanor offense enumerated as a preclusion to a handgun license;

3. For any violation of the provisions of the Oklahoma Self-Defense Act;

4. When the officer has been called to assist or is investigating any situation which would be a preclusion to having a handgun license; or

5. As provided in subsection D of Section 1290.8 of this title.

D. Any administrative fine assessed in accordance with the provisions of the Oklahoma Self-Defense Act shall be paid in full

within thirty (30) days of assessment. The Oklahoma State Bureau of Investigation shall, without a hearing, suspend the handgun license of any person who fails to pay in full any administrative fine assessed against the person in accordance with the provisions of this subsection. The suspension of any handgun license shall be automatic and shall begin thirty (30) days from the date of the assessment of the administrative fine. The suspension shall be removed and the handgun license returned to its prior standing upon payment of the administrative fine being paid in full to the Bureau.

E. Whenever a handgun license has been suspended in accordance with the provisions of this act or the administrative rules of the Bureau promulgated for purposes of this act, the license shall remain under suspension and shall not be reinstated until:

1. The person whose license has been suspended applies for reinstatement in accordance with the administrative rules of the Bureau. The Bureau shall not charge any fee in conjunction with an application for a license reinstatement. The person whose license has been suspended must demonstrate that the condition or preclusion which was the basis for the suspension has lapsed and is no longer in effect; and

2. Any and all administrative fines assessed against the person have been paid in full.

In the event a handgun license expires during the term of the suspension, the person shall be required to apply for renewal of the license in accordance with Section 1290.5 of this title.

Added by Laws 1995, c. 272, § 17, eff. Sept. 1, 1995. Amended by Laws 1996, c. 191, § 18, emerg. eff. May 16, 1996; Laws 1997, c. 358, § 4, emerg. eff. June 9, 1997; Laws 1998, c. 286, § 6, eff. July 1, 1998; Laws 1999, c. 415, § 5, eff. July 1, 1999; Laws 2012, c. 259, § 36, eff. Nov. 1, 2012.

§21-1290.18. Application form contents.

APPLICATION FORM CONTENTS

The application for a handgun license shall be completed upon the sworn oath of the applicant as provided in paragraph 5 of Section 1290.12 of this title. The application form shall be provided by the Oklahoma State Bureau of Investigation and shall contain the following information in addition to any other information deemed relevant by the Bureau:

1. Applicant's full legal name;
2. Applicant's birth name, alias names or nicknames;
3. Applicant's maiden name, if applicable;
4. County of residence;
5. Length of residency at the current address;
6. Previous addresses for the preceding three (3) years;
7. Place of birth;
8. Date of birth;

9. Declaration of citizenship or alien or admission number for a non-United-States citizen;

10. Race;

11. Weight;

12. Height;

13. Sex;

14. Color of eyes;

15. Current driver license number;

16. Military service number, if applicable;

17. Law enforcement identification numbers, if applicable;

18. Current occupation;

19. Authorized type or types of pistol for which the applicant qualified as stated on the certificate of training or exemption of training which shall be stated as either derringer, revolver, semiautomatic pistol, or some combination of derringer, revolver and semiautomatic pistol and the maximum ammunition capacity of the firearm shall be .45 caliber;

20. An acknowledgment that the applicant desires a handgun license as a means of lawful self-defense and self-protection and for no other intent or purpose;

21. A statement that the applicant has never been convicted of any felony offense in this state, another state or pursuant to any federal offense;

22. A statement that the applicant has none of the conditions which would preclude the issuing of a handgun license pursuant to any of the provisions of Sections 1290.10 and 1290.11 of this title and that the applicant further meets all of the eligibility criteria required by Section 1290.9 of this title;

23. An authorization for the Oklahoma State Bureau of Investigation to investigate the applicant and any or all records relating to the applicant for purposes of approving or denying a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act;

24. An acknowledgment that the applicant has reviewed the Federal Bureau of Investigation Privacy Act Statement and the Oklahoma Self-Defense Act and is knowledgeable about its provisions;

25. A statement that the applicant is the identical person who completed the firearms training course for which the original training certificate is submitted as part of the application or a statement that the applicant is the identical person who is exempt from firearms training for which the original exemption certificate is submitted as part of the application, whichever is applicable to the applicant;

26. A conspicuous warning that the application is executed upon the sworn oath of the applicant and that any false or misleading answer to any question or the submission of any false information or

documentation by the applicant is punishable by criminal penalty as provided in paragraph 5 of Section 1290.12 of this title;

27. A signed verification that the contents of the application are known to the applicant and are true and correct;

28. Two separate places for the original signature of the applicant;

29. A place for attachment of a passport-sized photograph of the applicant; and

30. A place for the signature and verification of the identity of the applicant by the sheriff or the sheriff's designee.

Information provided by the person on an application for a handgun license shall be confidential except to law enforcement officers or law enforcement agencies.

Added by Laws 1995, c. 272, § 18, eff. Sept. 1, 1995. Amended by Laws 2012, c. 259, § 37, eff. Nov. 1, 2012; Laws 2015, c. 200, § 1, eff. Nov. 1, 2015; Laws 2021, c. 265, § 8, eff. Nov. 1, 2021.

NOTE: Laws 2021, c. 146, § 8 repealed by Laws 2022, c. 228, § 9, emerg. eff. May 5, 2022.

§21-1290.19. License form.

LICENSE FORM

The handgun license shall be on a form prescribed by the Oklahoma State Bureau of Investigation and shall contain the following information in addition to any other information deemed relevant by the Bureau:

1. The full name of the person;
2. Current address;
3. County of residence;
4. Date of birth;
5. Weight;
6. Height;
7. Sex;
8. Race;
9. Color of eyes;
10. Handgun license identification number;
11. Expiration date of the handgun license;
12. Date of issuance of the handgun license; and
13. Authorized pistol to be either: (D) derringer, (R)

revolver, (S) semiautomatic pistol, or some combination of derringer, revolver and semiautomatic pistol as may be authorized by the Oklahoma Self-Defense Act for which the person demonstrated qualification pursuant to the certificate of training or an exemption certificate.

Added by Laws 1995, c. 272, § 19, eff. Sept. 1, 1995. Amended by Laws 2012, c. 259, § 38, eff. Nov. 1, 2012; Laws 2021, c. 146, § 9, eff. Nov. 1, 2021; Laws 2021, c. 265, § 9, eff. Nov. 1, 2021.

NOTE: Laws 2021, c. 146, § 9 and Laws 2021, c. 265, § 9 made identical amendments.

§21-1290.20. Penalty for refusal to submit or falsification.

PENALTY FOR REFUSAL TO SUBMIT OR FALSIFICATION

It shall be unlawful for any sheriff or designee to fail or refuse to accept an application for a handgun license as authorized by the provisions of the Oklahoma Self-Defense Act or to fail or refuse to process or submit the completed application to the Oklahoma State Bureau of Investigation within the time prescribed by paragraph 8 of Section 1290.12 of this title, or to falsify or knowingly allow any person to falsify any information, documentation, fingerprint or photograph submitted with a handgun application. Any violation shall, upon conviction, be a misdemeanor. There is a presumption that the sheriff has acted in good faith to comply with the provisions of the Oklahoma Self-Defense Act and any alleged violation of the provisions of this section shall require proof beyond a reasonable doubt.

Added by Laws 1995, c. 272, § 20, eff. Sept. 1, 1995. Amended by Laws 2012, c. 259, § 39, eff. Nov. 1, 2012.

§21-1290.21. Replacement license.

REPLACEMENT LICENSE

A. In the event a handgun license becomes missing, lost, stolen or destroyed, the license shall be invalid, and the person to whom the license was issued shall notify the Oklahoma State Bureau of Investigation within thirty (30) days of the discovery of the fact that the license is not in the possession of the licensee. The person may obtain a substitute license upon furnishing a notarized statement to the Bureau that the license is missing, lost, stolen or destroyed and paying a fifteen-dollar replacement fee. During any period when a license is missing, lost, stolen or destroyed, the person shall have no authority to carry a concealed or unconcealed handgun pursuant to the provisions of the Oklahoma Self-Defense Act. The Bureau shall, upon receipt of the notarized statement and fee from the licensee, issue a substitute license with the same expiration date within ten (10) days of the receipt of the notarized statement and fee.

B. Any person who knowingly or intentionally carries a concealed or unconcealed handgun pursuant to a handgun license authorized and issued pursuant to the provisions of the Oklahoma Self-Defense Act which is stolen shall, upon conviction, be guilty of a Class B4 felony offense punishable by a fine of Five Thousand Dollars (\$5,000.00).

C. Any person having a valid handgun license pursuant to the Oklahoma Self-Defense Act may carry any make or model of an authorized pistol listed on the license, provided the type of pistol

shall not be other than the type or types listed on the license. A person may complete additional firearms training for an additional type of pistol during any license period and upon successful completion of the training may request the additional type of pistol be included on the license. The person shall submit to the Bureau a fifteen-dollar replacement fee, the original certificate of training and qualification for the additional type of firearm, and a statement requesting the license be updated to include the additional type of pistol. The Bureau shall issue an updated license with the same expiration date within ten (10) days of the receipt of the request. The person shall have no authority to carry any additional type of pistol pursuant to the provisions of the Oklahoma Self-Defense Act until the updated license has been received by the licensee. The original license shall be destroyed upon receipt of an updated handgun license.

D. A person may request during any license period an update for a change of address or change of name by submitting to the Bureau a fifteen-dollar replacement fee, and a notarized statement that the address or name of the licensee has changed. The Bureau shall issue an updated license with the same expiration date within ten (10) days of receipt of the request. The original license shall be destroyed upon the receipt of the updated handgun license.

Added by Laws 1995, c. 272, § 21, eff. Sept. 1, 1995. Amended by Laws 1997, c. 133, § 335, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 229, eff. July 1, 1999; Laws 2012, c. 259, § 40, eff. Nov. 1, 2012; Laws 2013, c. 366, § 6, eff. Nov. 1, 2013; Laws 2025, c. 486, § 135, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 335 from July 1, 1998, to July 1, 1999.

§21-1290.22. Business owner's rights.

BUSINESS OWNER'S RIGHTS

A. Except as provided in subsections B, C and D of this section, nothing contained in any provision of the Oklahoma Self-Defense Act shall be construed to limit, restrict or prohibit in any manner the existing rights of any person, property owner, tenant, employer, liquor store, place of worship or business entity to control the possession of weapons on any property owned or controlled by the person or business entity.

B. No person, property owner, tenant, employer, liquor store, holder of an event permit, place of worship or business entity shall be permitted to establish any policy or rule that has the effect of prohibiting any person, except a convicted felon, from transporting and storing firearms in a locked vehicle on any property set aside for any vehicle.

C. A property owner, tenant, employer, liquor store, place of worship or business entity may prohibit any person from carrying a

concealed or unconcealed firearm on the property. If the building or property is open to the public, the property owner, tenant, employer, liquor store, place of worship or business entity shall post signs on or about the property stating such prohibition.

D. No person, property owner, tenant, employer, liquor store, holder of an event permit, place of worship or business entity shall be permitted to establish any policy or rule that has the effect of prohibiting any person from carrying a concealed or unconcealed firearm on property within the specific exclusion provided for in paragraph 4 of subsection B of Section 1277 of this title; provided that carrying a concealed or unconcealed firearm may be prohibited in the following places:

1. The portion of a public property structure or building during an event authorized by the city, town, county, state or federal governmental authority owning or controlling such building or structure;

2. Any public property sports field including any adjacent seating or adjacent area set aside for viewing a sporting event, where an elementary or secondary school, collegiate, or professional sporting event or an International Olympic Committee or organization or any committee subordinate to the International Olympic Committee event is being held;

3. The fairgrounds during the Oklahoma State Fair or the Tulsa State Fair; and

4. The portion of a public property structure or building that is leased or under contract to a business or not-for-profit entity or group for offices.

E. The otherwise lawful carrying of a concealed or unconcealed firearm by a person on property that has signs prohibiting the carrying of firearms shall subject the person to being denied entrance onto the property or removed from the property. If the person:

1. Has been informed by the property owner, business entity or manager of the business that the person is in violation of a policy that prohibits firearms on the property; and

2. Refuses to leave the property and a peace officer is summoned, the person shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00).

F. A person, property owner, tenant, employer, liquor store, holder of an event permit, place of worship or business entity that does or does not prohibit any individual, except a convicted felon, from carrying a loaded or unloaded, concealed or unconcealed weapon on property that the person, property owner, tenant, employer, liquor store, holder of an event permit, place of worship or business entity owns, or has legal control of, is immune from any liability arising from that decision. Except for acts of gross

negligence or willful or wanton misconduct, an employer who does or does not prohibit his or her employees from carrying a concealed or unconcealed weapon is immune from any liability arising from that decision. A person, property owner, tenant, employer, liquor store, holder of an event permit, place of worship or business entity that does not prohibit persons from carrying a concealed or unconcealed weapon pursuant to subsection D of this section shall be immune from any liability arising from the carrying of a concealed or unconcealed weapon, while in the scope of employment, on the property or in or about a business entity vehicle. The provisions of this subsection shall not apply to claims pursuant to the Administrative Workers' Compensation Act.

G. It shall not be considered part of an employee's job description or within the employee's scope of employment if an employee is allowed to carry or discharge a weapon pursuant to this section.

H. Nothing in subsections F and G of this section shall prevent an employer, employee or person who has suffered loss resulting from the discharge of a weapon to seek redress or damages of the person who discharged the weapon or used the weapon outside the provisions of the Oklahoma Self-Defense Act.

Added by Laws 1995, c. 272, § 22, eff. Sept. 1, 1995. Amended by Laws 1996, c. 191, § 19, emerg. eff. May 16, 1996; Laws 2004, c. 39, § 2, eff. Nov. 1, 2004; Laws 2013, c. 366, § 7, eff. Nov. 1, 2013; Laws 2016, c. 18, § 2, eff. Nov. 1, 2016; Laws 2017, c. 358, § 1, eff. Nov. 1, 2017; Laws 2019, c. 1, § 12, eff. Nov. 1, 2019; Laws 2021, c. 291, § 2, eff. Nov. 1, 2021.

§21-1290.23. Deposit of fees by OSBI.

DEPOSIT OF FEES BY OSBI

All money submitted by the sheriffs to the Oklahoma State Bureau of Investigation as processing fees for applications submitted for handgun licenses shall be deposited in the General Revenue Fund of the State Treasury.

Added by Laws 1995, c. 272, § 23, eff. Sept. 1, 1995. Amended by Laws 2012, c. 259, § 41, eff. Nov. 1, 2012; Laws 2021, c. 505, § 1, eff. July 1, 2022.

§21-1290.24. Immunity.

IMMUNITY

A. The state or any political subdivision of the state, as defined in Section 152 of Title 51 of the Oklahoma Statutes, and its officers, agents and employees shall be immune from and not subject to liability resulting or arising from:

1. Failure to prevent the licensing of an individual for whom the receipt of the license is unlawful pursuant to the provisions of

the Oklahoma Self-Defense Act or any other provision of law of this state;

2. Any action or misconduct with a firearm committed by a person pursuant to the provisions of the Oklahoma Self-Defense Act or by any person who obtains a firearm;

3. Any injury to any person during a firearm training course conducted by a firearms instructor certified by the Council on Law Enforcement Education and Training to conduct training under the Oklahoma Self-Defense Act, or injury from any misfire or malfunction of any firearm on a training course firing range supervised by a certified firearms instructor under the provisions of the Oklahoma Self-Defense Act, or any injury resulting from carrying a concealed or unconcealed firearm pursuant to any firearms training; and

4. Any action or finding pursuant to a hearing conducted in accordance with the Administrative Procedures Act as required in the Oklahoma Self-Defense Act.

B. Firearms instructors certified by the Council on Law Enforcement Education and Training to conduct training for the Oklahoma Self-Defense Act shall be immune from and not subject to liability to third persons resulting or arising from any claim based on an act or omission of a trainee.

C. The provisions of this subsection shall not apply to claims pursuant to the Administrative Workers' Compensation Act.

Added by Laws 1995, c. 272, § 24, eff. Sept. 1, 1995. Amended by Laws 1999, c. 415, § 6, eff. July 1, 1999; Laws 2000, c. 382, § 7, eff. July 1, 2000; Laws 2012, c. 259, § 42, eff. Nov. 1, 2012; Laws 2016, c. 18, § 3, eff. Nov. 1, 2016; Laws 2019, c. 1, § 13, eff. Nov. 1, 2019; Laws 2023, c. 160, § 5, eff. Nov. 1, 2023.

§21-1290.25. Legislative intent.

LEGISLATIVE INTENT

The Legislature finds as a matter of public policy and fact that it is necessary to provide statewide uniform standards for carrying concealed or unconcealed firearms for lawful self-defense and self-protection, and further finds it necessary to occupy the field of regulation of the bearing of concealed or unconcealed firearms to ensure that no honest, law-abiding citizen who qualifies pursuant to the provisions of the Oklahoma Self-Defense Act is subjectively or arbitrarily denied his or her rights. The Legislature does not delegate to the Oklahoma State Bureau of Investigation any authority to regulate or restrict the issuing of handgun licenses except as provided by the provisions of the Oklahoma Self-Defense Act. Subjective or arbitrary actions or rules which encumber the issuing process by placing burdens on the applicant beyond those requirements detailed in the provisions of the Oklahoma Self-Defense Act or which create restrictions beyond those specified in the Oklahoma Self-Defense Act are deemed to be in conflict with the

intent of the Oklahoma Self-Defense Act and are hereby prohibited. The Oklahoma Self-Defense Act shall be liberally construed to carry out the constitutional right to bear arms for self-defense and self-protection. The provisions of the Oklahoma Self-Defense Act are cumulative to existing rights to bear arms and nothing in the Oklahoma Self-Defense Act shall impair or diminish those rights.

However, the conditions that mandate the administrative actions of license denial, suspension, revocation or an administrative fine are intended to protect the health, safety and public welfare of the citizens of this state. The restricting conditions specified in the Oklahoma Self-Defense Act generally involve the criminal history, mental state, alcohol or substance abuse of the applicant or licensee, a hazard of domestic violence, a danger to police officers, or the ability of the Oklahoma State Bureau of Investigation to properly administer the Oklahoma Self-Defense Act. The restricting conditions that establish a risk of injury or harm to the public are tailored to reduce the risks to the benefit of the citizens of this state.

Added by Laws 1995, c. 272, § 25, eff. Sept. 1, 1995. Amended by Laws 2000, c. 382, § 8, eff. July 1, 2000; Laws 2012, c. 259, § 43, eff. Nov. 1, 2012; Laws 2023, c. 160, § 6, eff. Nov. 1, 2023.

§21-1290.26. Reciprocal agreement authority.

RECIPROCAL AGREEMENT AUTHORITY

A. The State of Oklahoma shall hereby recognize any valid concealed or unconcealed carry weapons permit, valid military identification card as provided for qualified persons in Section 1290.8 of this title or license issued by another state, or if the state is a nonpermitting carry state, this state shall reciprocate under the permitting law of that state.

B. Any person entering this state in possession of a firearm authorized for concealed or unconcealed carry upon the authority and license of another state, a valid military identification card, a valid driver license, or a valid state photo identification card, as provided for qualified persons in Section 1290.8 of this title, is authorized to continue to carry a concealed or unconcealed firearm and license in this state; provided the license from the other state, a valid military identification card, a valid driver license, or a valid state photo identification card, as provided for qualified persons in Section 1290.8 of this title, remains valid. The firearm must either be carried unconcealed or concealed, and upon coming in contact with any peace officer of this state, the person must disclose the fact that he or she is in possession of a concealed or unconcealed firearm pursuant to a valid concealed or unconcealed carry weapons permit, license or a valid military identification card as provided for qualified persons in Section 1290.8 of this title issued in another state.

C. Any person who enters this state in possession of a firearm authorized for carry upon the authority of a state that is a nonpermitted carry state and the person is in compliance with the Oklahoma Self-Defense Act shall be authorized to carry a concealed or unconcealed firearm in this state. The firearm must be carried fully concealed or unconcealed in compliance with the laws of this state. When coming in contact with any law enforcement officer of this state and upon instruction from the law enforcement officer, the person must disclose the fact that he or she is in possession of a firearm.

D. Any person who is twenty-one (21) years of age or older having a valid firearm license from another state may apply for a handgun license in this state immediately upon establishing a residency in this state.

Added by Laws 1996, c. 191, § 20, emerg. eff. May 16, 1996. Amended by Laws 1998, c. 286, § 7, eff. July 1, 1998; Laws 2003, c. 465, § 9, eff. July 1, 2003; Laws 2012, c. 195, § 1, eff. Nov. 1, 2012; Laws 2013, c. 15, § 18, emerg. eff. April 8, 2013; Laws 2017, c. 298, § 4, eff. Nov. 1, 2017; Laws 2023, c. 160, § 7, eff. Nov. 1, 2023.

NOTE: Laws 2012, c. 259, § 44 repealed by Laws 2013, c. 15, § 19, emerg. eff. April 8, 2013.

§21-1290.27. Notice to Federal Bureau of Investigation and Oklahoma State Bureau of Investigation - Petition to remove disability - Hearing - Scope of relief.

A. When a court adjudicates a person mentally incompetent or orders the involuntary commitment of a person due to a mental illness, condition or disorder under the laws of this state by which a person becomes subject to the provisions of Section 922(d)(4) and (g)(4) of Title 18 of the United States Code, the clerk of the court shall forward a certified copy of the order or adjudication to the Federal Bureau of Investigation or its successor agency for the sole purpose of inclusion in the National Instant Criminal Background Check System database and to the Oklahoma State Bureau of Investigation. The clerk of the court shall also notify the person of the prohibitions contained within the provisions of Section 922(d)(4) and (g)(4) of Title 18 of the United States Code, paragraph 3 of Section 1290.10 or paragraph 3 of subsection A of Section 1290.11 of Title 21 of the Oklahoma Statutes.

B. When a court adjudicates a person mentally incompetent or orders the involuntary commitment of a person due to a mental illness, condition or disorder under the laws of this state by which a person becomes subject to the provisions of Section 922(d)(4) and (g)(4) of Title 18 of the United States Code, paragraph 3 of Section 1290.10 or paragraph 3 of subsection A of Section 1290.11 of Title 21 of the Oklahoma Statutes, or when a person is otherwise

disqualified from eligibility for a handgun license under paragraph 6 or 7 of Section 1290.10 of Title 21 of the Oklahoma Statutes or paragraph 4 of subsection A of Section 1290.11 of Title 21 of the Oklahoma Statutes, the person may petition the court in which the adjudication or commitment proceedings occurred or the district court of the county in which the person currently resides to remove the disability.

C. On filing of the petition, the court shall set a hearing. Not less than thirty (30) days prior to a hearing on the matter, a copy of the petition for relief shall be served upon the district attorney for that county. The court shall receive and consider evidence in a closed hearing.

D. The court shall receive evidence on and consider the following before granting or denying the petition:

1. Psychological or psychiatric evidence from the petitioner and in support of the petition;
2. The circumstances that resulted in the firearm disabilities;
3. The petitioner's criminal history records provided by the state, if any;
4. The petitioner's mental health records;
5. The reputation of the petitioner based on character witness statements, testimony or other character evidence;
6. Whether the petitioner is a danger to self or others;
7. Changes in the condition or circumstances of the petitioner since the original adjudication of mental incompetency or involuntary commitment for a mental illness, condition or disorder relevant to the relief sought; and
8. Any other evidence deemed admissible by the court.

E. The court shall grant the relief requested if the petitioner proves by clear and convincing evidence that:

1. The petitioner is not likely to act in a manner that is dangerous to the public safety; and
2. Granting the relief requested is not contrary to the public interest.

F. At the conclusion of the hearing, the court shall issue findings of fact and conclusions of law. A record shall be kept of the proceedings, but shall remain confidential and be disclosed only to a court or the parties. No records of the proceedings pursuant to this subsection shall be open to public inspection except by order of the court or to a person's attorney of record. The petitioner may appeal a denial of the requested relief, and review on appeal shall be de novo.

G. If the court grants the petition for relief, the original adjudication of mental incompetency or order of involuntary commitment due to a mental illness, condition or disorder of the petitioner is deemed not to have occurred for purposes of applying Section 922(d)(4) and (g)(4) of Title 18 of the United States Code,

paragraph 3, 6 or 7 of Section 1290.10, or paragraph 3 or 4 of subsection A of Section 1290.11 of Title 21 of the Oklahoma Statutes.

H. The clerk of the court shall promptly forward to the Federal Bureau of Investigation or its successor agency for the sole purpose of inclusion in the National Instant Criminal Background Check System database and the Department of Mental Health and Substance Abuse Services and the Oklahoma State Bureau of Investigation, a certified copy of the order granting relief under this section. The Department of Mental Health and Substance Abuse Services and the Oklahoma State Bureau of Investigation shall as soon thereafter as is practicable, but in no case later than ten (10) business days, update, correct, modify, or remove the record of the person in any databases that these agencies use or refer to for the purposes of handgun licensing, or make available to the National Instant Criminal Background Check System and notify the United States Attorney that the basis for such record being made available no longer applies.

I. In lieu of sending a certified copy of a court order or document, the court clerk may transmit the information required by this section by using an electronic method or data exchange which is authorized by the Federal Bureau of Investigation, the Department of Mental Health and Substance Abuse Services and the Oklahoma State Bureau of Investigation.

Added by Laws 2014, c. 259, § 3, eff. July 1, 2015. Amended by Laws 2019, c. 26, § 1, eff. Nov. 1, 2019.

§21-1301. Masks and hoods - Unlawful wearing of - Exceptions.

It shall be unlawful for any person in this state to wear a mask, hood or covering, which conceals the identity of the wearer during the commission of a crime or for the purpose of coercion, intimidation or harassment; provided, the provisions of Section 1301 et seq. of this title shall not apply to the pranks of children on Halloween, to those going to, or from, or participating in masquerade parties, to those participating in any public parade or exhibition of an educational, religious or historical character, to those participating in any meeting of any organization within any building or enclosure wholly within and under the control of said organization, and to those participating in the parades or exhibitions of minstrel troupes, circuses or other amusements or dramatic shows. Any person, or persons, violating the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period of not exceeding one (1) year, or by both such fine and imprisonment.

Added by Laws 1923-24, c. 2, p. 2, § 1. Amended by Laws 2007, c. 344, § 1, eff. July 1, 2007.

§21-1302. Trespass - Masked person demanding admission to premises.

Any person, masked or in disguise, who shall enter upon the premises of another or demand admission into the house or enclosure of another with intent to inflict bodily injury, or injury to property shall be deemed guilty of assault with intent to commit a felony and such entrance or demand for admission shall be prima facie evidence of such intent, and upon conviction thereof, such person shall be guilty of a Class B5 felony offense and shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), and by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than five (5) years.

Added by Laws 1923-24, c. 2, p. 2, § 2. Amended by Laws 1997, c. 133, § 336, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 230, eff. July 1, 1999; Laws 2025, c. 486, § 161, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 336 from July 1, 1998, to July 1, 1999.

§21-1303. Assaults while masked or disguised.

Any person, while masked or in disguise, who shall assault another with a dangerous weapon, or other instrument of punishment, shall be deemed guilty of a Class B5 felony offense, and upon conviction thereof shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), and by imprisonment in the State Penitentiary for a term of not less than five (5) years nor more than twenty (20) years.

Added by Laws 1923-24, c. 2, p. 2, § 3. Amended by Laws 1997, c. 133, § 337, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 231, eff. July 1, 1999; Laws 2025, c. 486, § 162, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 337 from July 1, 1998, to July 1, 1999.

§21-1304. Letters - Mailing threatening or intimidating letters.

Any person who shall send, deliver, mail or otherwise transmit to any person, or persons, in this state any letter, document or other written or printed matter, anonymous or otherwise, designed to threaten or intimidate such person or persons, or designed to put him or them in fear of life, bodily harm or the destruction of his or their property, shall be deemed guilty of committing a Class D2 felony offense, and upon conviction thereof shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), and by imprisonment as provided for in subsections B through F of Section 200 of this title.

Added by Laws 1923-24, c. 2, p. 3, § 4. Amended by Laws 1997, c. 133, § 338, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 232, eff. July 1, 1999; Laws 2025, c. 486, § 599, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 338 from July 1, 1998, to July 1, 1999.

§21-1305. County Attorney - Sheriff - Duties under act.

It is hereby made the duty of the district attorney and sheriff and peace officers of each county of this state to diligently prosecute any violations of this act; and failure or neglect to diligently prosecute any violations of this act shall be a cause for removal from office, and shall disqualify such officer from holding any office of profit or trust within the State of Oklahoma, and it shall be the duty of the Attorney General to file information and complaint against any peace officer, district attorney or sheriff who shall fail or neglect to diligently prosecute all violations of this act.

Laws 1923-24, c. 2, p. 3, § 5.

§21-1306. Organizations - Oaths.

No society, association or corporation which, as a part of its constitution, bylaws, ritual or regulations, requires its members to take an oath or obligation in conflict with or repugnant to the provisions of the Constitution of the State of Oklahoma, or the Constitution of the United States, or requires its members to hold their allegiance to some other government, power, person or influence, shall be organized or permitted to exist or function within the State of Oklahoma, and no person who belongs to any such society, association or corporation, and who owes allegiance to any government, king, potentate, power or person other than the Government of the United States, shall be inducted into or hold a public office within the State of Oklahoma. Any society, association, corporation or individual, violating any of the provisions of this section shall be subject to a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00).

Laws 1923-24, c. 2, p. 3, § 6.

§21-1311. Riot defined.

Any use of force or violence, or any threat to use force or violence if accompanied by immediate power of execution, by three or more persons acting together and without authority of law, is riot. R.L.1910, § 2558.

§21-1312. Punishment for riot.

Every person guilty of participating in any riot is punishable as follows:

1. If any murder, maiming, robbery, rape or arson was committed in the course of such riot, such person is guilty of a Class A1 felony offense punishable in the same manner as a principal in such crime;

2. If the purpose of the riotous assembly was to resist the execution of any statute of this state or of the United States, or to obstruct any public officer of this state or of the United States, in the performance of any legal duty, or in serving or executing any legal process, such person shall, upon conviction, be guilty of a Class B3 felony offense punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding ten (10) years and not less than two (2) years;

3. If such person carried at the time of such riot any species of firearms, or other deadly or dangerous weapon, or was disguised, such person shall, upon conviction, be guilty of a Class B3 felony offense punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding ten (10) years and not less than two (2) years;

4. If such person directed, advised, encouraged or solicited other persons, who participated in the riot to acts of force or violence, such person shall, upon conviction, be guilty of a Class B1 felony offense punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding twenty (20) years and not less than two (2) years; or

5. Every person who shall unlawfully obstruct the normal use of any public street, highway or road within this state by impeding, hindering or restraining motor vehicle traffic or passage thereon, by standing or approaching motor vehicles thereon, or by endangering the safe movement of motor vehicles or pedestrians traveling thereon shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for a term not exceeding one (1) year, or by a fine of not less than One Hundred Dollars (\$100.00) and not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. In addition, the person shall be liable for all damages to person or property by reason of the same. As used in this paragraph, "obstruct" means to render impassable or to render passage unreasonably inconvenient or hazardous.

In all other cases such person is punishable as for a misdemeanor.

R.L. 1910, § 2559. Amended by Laws 1997, c. 133, § 339, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 233, eff. July 1, 1999; Laws 2021, c. 106, § 1, eff. Nov. 1, 2021; Laws 2025, c. 486, § 10, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 339 from July 1, 1998, to July 1, 1999.

§21-1313. Rout defined.

Whenever three or more persons, acting together, make any attempt to do any act toward the commission of an act which would be riot if actually committed, such assembly is a rout.
R.L.1910, § 2560.

§21-1314. Unlawful assembly defined.

Wherever three or more persons assemble with intent or with means and preparations to do an unlawful act which would be riot if actually committed, but do not act toward the commission thereof, or whenever such persons assemble without authority of law, and in such a manner as is adapted to disturb the public peace, or excite public alarm, such assembly is an unlawful assembly.
R.L.1910, § 2561.

§21-1315. Punishment for rout or unlawful assembly.

Every person who participates in any rout or unlawful assembly is guilty of a misdemeanor.
R.L.1910, § 2562.

§21-1316. Warning to disperse, remaining after.

Every person remaining present at the place of any riot, rout or unlawful assembly after the same has been lawfully warned to disperse, except public officers and persons assisting them in attempting to disperse the same, is guilty of a misdemeanor.
R.L.1910, § 2563.

§21-1317. Presence after unlawful purpose becomes known.

Where three or more persons assemble for a lawful purpose and afterwards proceed to commit an act that would amount to riot if it had been the original purpose of the meeting, every person who does not retire when the change of purpose is made known, except public officers and persons assisting them in attempting to disperse the same, is guilty of a misdemeanor.
R.L.1910, § 2564.

§21-1318. One refusing to aid in arrest deemed rioter.

Every person present at any riot, and lawfully commanded to aid the magistrate or officers in arresting any rioter, who neglects or refuses to obey such command, is deemed one of the rioters, and punishable accordingly.
R.L.1910, § 2565.

§21-1319. Resisting execution of legal process.

Every person who:

1. Resists the execution of any legal process;
2. Enters into a combination with any other person to resist the execution of any legal process; or

3. In retaliation for serving process, releases or fails to control an animal at the time legal process is being executed, is, upon conviction, punishable by imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine. R.L. 1910, § 2566. Amended by Laws 2021, c. 373, § 3, eff. Nov. 1, 2021.

§21-1320.1. Riot.

For the purposes of this Act, "riot" means that crime defined in 21 Oklahoma Statutes, Section 1311. Laws 1969, c. 89, § 1, emerg. eff. March 25, 1969.

§21-1320.2. Incitement to riot.

It shall be unlawful and shall constitute incitement to riot, a Class B4 felony offense, for a person or persons, intending to cause, aid, or abet the institution or maintenance of a riot, to do an act or engage in conduct that urges other persons to commit acts of unlawful force or violence, or the unlawful burning or destroying of property, or the unlawful interference with a police officer, peace officer, fireman or a member of the Oklahoma National Guard or any unit of the armed services officially assigned to riot duty in the lawful performance of his duty.

Added by Laws 1969, c. 89, § 2, emerg. eff. March 25, 1969. Amended by Laws 2025, c. 486, § 136, eff. Jan. 1, 2026.

§21-1320.3. Unlawful assembly.

It shall be unlawful and shall constitute an unlawful assembly, a Class B5 felony offense, for a person to assemble or act in concert with four (4) or more persons for the purpose of engaging in conduct constituting the crime of riot, or to remain at the scene of a riot after being instructed to disperse by law authorities.

Added by Laws 1969, c. 89, § 3, emerg. eff. March 25, 1969. Amended by Laws 2025, c. 486, § 163, eff. Jan. 1, 2026.

§21-1320.4. Penalty for riot or incitement to riot.

Any person guilty of the crime, as set forth in Section 1320.2 of this title, shall be deemed guilty of a Class B4 felony offense, punishable by not more than ten (10) years in prison, or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.

Added by Laws 1969, c. 89, § 4, emerg. eff. March 25, 1969. Amended by Laws 1997, c. 133, § 340, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 234, eff. July 1, 1999; Laws 2025, c. 486, § 137, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 340 from July 1, 1998, to July 1, 1999.

§21-1320.5. Penalty for unlawful assembly.

Any person guilty of the crime, as set forth in Section 1320.3 of this title, shall be deemed guilty of a Class B5 felony offense, punishable by not more than five (5) years in prison, or a fine of not more than Five Thousand Dollars (\$5,000.00), or both.

Added by Laws 1969, c. 89, § 5, emerg. eff. March 25, 1969. Amended by Laws 1997, c. 133, § 341, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 235, eff. July 1, 1999; Laws 2025, c. 486, § 164, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 341 from July 1, 1998, to July 1, 1999.

§21-1320.6. Labor disputes.

The provisions of this act shall not apply to employer-employee disputes in any manner or to employees engaged in a labor dispute. Laws 1969, c. 89, § 6, emerg. eff. March 25, 1969.

§21-1320.7. Insurance policies.

The provisions of this act shall not, in any way, be construed to have any bearing on any insurance policy now in effect, or those to be issued in the future.

Laws 1969, c. 89, § 7, emerg. eff. March 25, 1969.

§21-1320.8. Severability.

The provisions of this act are severable and if any part or provisions hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.

Added by Laws 1969, c. 89, § 8, emerg. eff. March 25, 1969.

§21-1320.9. Act as cumulative.

This act shall not supersede any other act or acts, but shall be cumulative thereto.

Laws 1969, c. 89, § 9, emerg. eff. March 25, 1969.

§21-1320.10. Teaching, demonstrating or training in the use of firearms, explosives or incendiary devices in furtherance of riot or civil disorder.

No person, except those specifically authorized by the state or federal government, shall:

1. Teach or demonstrate to any group of persons the use, application or making of any firearm, explosive or incendiary device or application of physical force capable of causing injury or death to a person knowing or intending that such firearm, explosive or incendiary device or application of physical force will be employed for use in, or in furtherance of, a riot or civil disorder; or

2. Assemble with one or more persons for the purpose of training with, practicing with or being instructed in the use of any firearm, explosive or incendiary device or application of physical force capable of causing injury or death to a person, intending to employ such firearm, explosive or incendiary device or application of physical force for use in, or in furtherance of, a riot or civil disorder. Any violation of this section shall be a Class D1 felony offense and shall be punishable by imprisonment as provided for in subsections B through F of Section 20N of this title.

Added by Laws 1982, c. 103, § 1, eff. Jan. 1, 1983. Amended by Laws 1997, c. 133, § 342, eff. July 1, 1999; Laws 2025, c. 486, § 413, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 342 from July 1, 1998, to July 1, 1999.

§21-1320.11. Liability of motor vehicle operator fleeing from a riot.

A motor vehicle operator who unintentionally causes injury or death to an individual shall not be criminally or civilly liable for the injury or death, if:

1. The injury or death of the individual occurred while the motor vehicle operator was fleeing from a riot, as defined in Section 1311 of Title 21 of the Oklahoma Statutes, under a reasonable belief that fleeing was necessary to protect the motor vehicle operator from serious injury or death; and

2. The motor vehicle operator exercised due care at the time of the death or injury.

Added by Laws 2021, c. 106, § 2, eff. Nov. 1, 2021.

§21-1320.12. Liability of organizations found to be conspirators.

If an organization is found to be a conspirator with persons who are found to have committed any of the crimes described in Sections 1311 through 1320.5 and 1320.10 of Title 21 of the Oklahoma Statutes, the conspiring organization shall be punished by a fine that is ten times the amount of said fine authorized by the appropriate provision.

Added by Laws 2021, c. 106, § 3, eff. Nov. 1, 2021.

§21-1321.1. Citation.

This act shall be known and referred to as the Oklahoma Riot Control and Prevention Act.

Laws 1968, c. 125, § 1, emerg. eff. April 4, 1968.

§21-1321.2. Definitions.

As used in this Act:

"State of emergency" means an emergency proclaimed as such by the Governor pursuant to Section 3 of the act.

"Governor" means the Governor of this state or, in case of his removal, death, resignation or inability to discharge the powers and duties of his office, then the person who may exercise the powers of Governor pursuant to the Constitution and laws of this state relating to succession in office.

Laws 1968, c. 125, § 2, emerg. eff. April 4, 1968.

§21-1321.3. Proclamation of state of emergency - Notice - Termination.

(a) The Governor, after finding that a public disorder, disaster or riot exists within this state or any part thereof which affects life, health, property or the public peace, may proclaim a state of emergency in the area affected.

(b) The proclamation of a state of emergency and other proclamations issued pursuant to this act shall be in writing and shall be signed by the Governor. They shall then be filed with the Secretary of State.

(c) The Governor shall give as much public notice as practical through the news media of the issuance of proclamations pursuant to this act.

(d) The state of emergency shall cease to exist upon the issuance of a proclamation of the Governor declaring its termination; provided that the Governor must terminate said proclamation when order has been restored in the area affected.

Laws 1968, c. 125, § 3, emerg. eff. April 4, 1968.

§21-1321.4. Acts which may be proclaimed prohibited - Actions at law or in equity.

A. The Governor during the existence of a state of emergency, by proclamation, may, in the area described by the proclamation, which proclamation shall not cover any part or portion of the state not affected by public disorder, disaster, or riot at the time the proclamation is issued, prohibit:

1. Any person being on the public streets, or in the public parks or at any other public place during the hours declared by the Governor to be a period of curfew;

2. A designated number of persons, as designated by the Governor, from assembling or gathering on the public streets, parks, or other open areas of this state, either public or private;

3. The manufacture, transfer, use, possession or transportation of a molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;

4. The transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;

5. The sale, purchase or dispensing of alcoholic beverages;
6. The sale, purchase or dispensing of other commodities or goods, as the Governor reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace;
7. The use of certain streets, highways or public ways by the public; and
8. Such other activities as the Governor reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace.

B. Notwithstanding this section or any other law of this state, neither the Governor nor any official of a municipal or state entity shall prohibit or suspend the sale, ownership, possession, transportation, carrying, transfer and storage of firearms, ammunition and ammunition accessories during a declared state of emergency, that are otherwise legal under state law.

C. In imposing the restrictions provided for by the Oklahoma Riot Control and Prevention Act, the Governor may impose them for such times, upon such conditions, with such exceptions and in such areas of this state the Governor from time to time deems necessary.

D. Any individual aggrieved by a violation of subsection B of this section may seek relief in an action at law or in equity for redress against any person who subjects such individual or causes such individual to be subjected to an action prohibited by subsection B of this section. In addition to any other remedy at law or in equity, an individual aggrieved by the seizure or confiscation of a firearm or ammunition in violation of subsection B of this section may bring an action for the return of such firearm or ammunition in the district court of the county in which that individual resides or in which such firearm or ammunition is located. In any action or proceeding to enforce the provisions of this section, the court shall award the prevailing plaintiff costs and reasonable attorney fees.

Added by Laws 1968, c. 125, § 4, emerg. eff. April 4, 1968. Amended by Laws 2006, c. 70, § 1, emerg. eff. April 20, 2006; Laws 2012, c. 271, § 1, eff. Nov. 1, 2012.

§21-1321.5. Law governing.

(a) Whenever the restrictions imposed pursuant to this act are more restrictive than are required by any other statute, local ordinance or regulations, the provisions of the restrictions imposed pursuant to this act shall govern.

(b) Whenever the restrictions of any other statute, local ordinance or regulations are more restrictive than the restrictions imposed pursuant to this act, the provisions of such statute, local ordinance or regulations shall govern.

Laws 1968, c. 125, § 5, emerg. eff. April 4, 1968.

§21-1321.6. General penalty.

Except wherein specific penalties are prescribed in this act, whoever violates any provision of this act or any provision of a proclamation issued pursuant to this act shall be deemed guilty of a misdemeanor.

Laws 1968, c. 125, § 6, emerg. eff. April 4, 1968.

§21-1321.7. Offenses and penalties.

A. During a state of emergency, any person who maliciously destroys or damages any real or personal property or maliciously injures another shall be guilty of a Class B4 felony offense.

B. Any person guilty of violating this section shall, upon conviction thereof, be imprisoned for not less than two (2) years, nor more than ten (10) years.

C. Any person sixteen (16) years of age or over who violates the provisions of this section shall be prosecuted as an adult.

D. A person is guilty of an offense under this section committed by another person when:

1. Acting with the state of mind that is sufficient for commission of the offense, he causes an innocent or irresponsible person to engage in conduct constituting the offense; or

2. Intending to promote or facilitate the commission of the offense he:

- a. solicits, requests, commands, importunes, or otherwise attempts to cause the other person to commit it,
- b. aids, counsels, or agrees or attempts to aid the other person in planning or committing it, or
- c. having a legal duty to prevent the commission of the offense, fails to make a proper effort to do so.

E. In any prosecution for an offense under this section in which the criminal liability of the accused is based upon the conduct of another person pursuant to this section, it is no defense that:

1. The other person is not guilty of the offense in question because of irresponsibility or other legal incapacity or exemption, or because of unawareness of the criminal nature of the conduct in question or of the accused's criminal purpose, or because of other factors precluding the mental state required for the commission of the offense; or

2. The other person has not been prosecuted for or convicted of any offense based on the conduct in question, or has previously been acquitted thereof, or has been convicted of a different offense or in a different degree, or has legal immunity from prosecution for the conduct in question.

Added by Laws 1968, c. 125, § 7, emerg. eff. April 4, 1968. Amended by Laws 1997, c. 133, § 343, eff. July 1, 1999; Laws 1999, 1st

Ex.Sess., c. 5, § 236, eff. July 1, 1999; Laws 2025, c. 486, § 138, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 343 from July 1, 1998, to July 1, 1999.

§21-1321.8. Provisions applicable during state of emergency.

The following provisions shall apply during a state of emergency.

A. A person is guilty of riot when he participates with two or more persons in a course of disorderly conduct:

1. With intent to commit or facilitate the commission of a felony or misdemeanor;
2. With intent to prevent or coerce official action; or
3. When the accused or any other participant to the knowledge of the accused uses or plans to use a firearm or other deadly weapon.

B. Any person upon any public way within the described area who is directed by the authorities to leave the public way but refuses to do so shall be guilty of a misdemeanor.

C. Any person who violates the provisions of this section, except subsection B of this section, shall be guilty of a Class B4 felony offense, and upon conviction thereof shall be imprisoned for not less than two (2) years nor more than ten (10) years.

D. Any person sixteen (16) years of age or over who violates the provisions of this section shall be prosecuted as an adult.

E. A person is guilty of a Class B4 felony offense under this section committed by another person when:

1. Acting with the state of mind that is sufficient for commission of the offense, he causes an innocent or irresponsible person to engage in conduct constituting the offense;

2. Intending to promote or facilitate the commission of the offense he:

- a. solicits, requests, commands, importunes, or otherwise attempts to cause the other person to commit it,
- b. aids, counsels, or agrees or attempts to aid the other person in planning or committing it, or
- c. having a legal duty to prevent the commission of the offense, fails to make a proper effort to do so; or

3. The person's conduct is expressly declared by a statute of this state to establish the person's complicity.

F. In any prosecution for an offense under this section in which the criminal liability of the accused is based upon the conduct of another person pursuant to this section, it is no defense that:

1. The other person is not guilty of the offense in question because of irresponsibility or other legal incapacity or exemption, or because of unawareness of the criminal nature of the conduct in

question or of the accused's criminal purpose, or because of other factors precluding the mental state required for the commission of the offense; or

2. The other person has not been prosecuted for or convicted of any offense based on the conduct in question, or has previously been acquitted thereof, or has been convicted of a different offense or in a different degree, or has legal immunity from prosecution for the conduct in question.

G. "Disorderly conduct" as used in this section means a course of conduct by a person who:

1. Causes public inconvenience, annoyance, or alarm, or recklessly creates a risk thereof, by:

- a. engaging in fighting or in violent, tumultuous, or threatening behavior,
- b. making an unreasonable noise or an offensively coarse utterance, gesture, or display, or addressing abusive language to any person present,
- c. dispersing any lawful procession or meeting of persons, not being a peace officer of this state and without lawful authority, or
- d. creating a hazardous or physically offensive condition which serves no legitimate purpose; or

2. Engages with at least one other person in a course of disorderly conduct as defined in paragraph 1 of this subsection which is likely to cause substantial harm or serious inconvenience, annoyance, or alarm, and refuses or knowingly fails to obey an order to disperse, made by a peace officer to the participants.

Added by Laws 1968, c. 125, § 8, emerg. eff. April 4, 1968. Amended by Laws 1997, c. 133, § 344, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 237, eff. July 1, 1999; Laws 2025, c. 486, § 139, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 344 from July 1, 1998, to July 1, 1999.

§21-1321.9. Municipal ordinances.

Cities and towns are hereby authorized to enact ordinances in general conformity with the provisions of this act.

Laws 1968, c. 125, § 9, emerg. eff. April 4, 1968.

§21-1321.10. Provisions cumulative.

The provisions of this act shall be cumulative to and shall not operate to repeal any other laws.

Laws 1968, c. 125, § 10, emerg. eff. April 4, 1968.

§21-1326. Legislative recognition.

The legislature of the State of Oklahoma recognizes that the boards of regents of all institutions of higher learning in the

State of Oklahoma and the boards of education of all the school districts in Oklahoma have the present constitutional power to issue rules, regulations and directives as regards who will, or will not, and under what format and conditions, be allowed to make use of the facilities under their constitutional or statutory jurisdiction. Laws 1968, c. 398, § 1, emerg. eff. May 17, 1968.

§21-1327. Advocating of unlawfulness, criminal syndicalism, sabotage, sedition or treason upon public school grounds prohibited - Penalties.

A. The Legislature recognizes that special circumstances exist as regards college campuses and public school facilities, including the fact that a large number of people are confined to a small area, and certain acts committed in such places would have a more detrimental effect as regards the health and safety of those involved than if the same act were committed at some other place, and, in keeping with these facts, any person on the campuses or school grounds of any public state-supported institutions of higher learning or public school facilities who, by word of mouth or writings, advocates, affirmatively suggests or teaches the duty, necessity, propriety or expediency of crime, criminal syndicalism, or sabotage, or who shall advocate, affirmatively suggest or teach the duty, necessity, propriety or expediency of doing any act of violence, the destruction of or damage to any property, the bodily injury to any person or persons, or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change, or revolution, or for profit; or who prints, publishes, edits, issues, or knowingly circulates, sells, distributes, or publicly displays any books, pamphlets, paper, handbill, poster, document, or written or printed matter in any form whatsoever, containing matter advocating, advising, affirmatively suggesting, or teaching crime, criminal syndicalism, sabotage, the doing of any act of physical violence, the destruction of or damage to any property, the injury to any person, or the commission of any crime or unlawful act as a means of accomplishing, effecting or bringing about any industrial or political ends, or change, or as a means of accomplishing, effecting or bringing about any industrial or political revolution, or for profit; or who shall openly or at all attempt to justify by word of mouth or writing the commission or the attempt to commit sabotage, any act of physical violence, the destruction of or damage to any property, the injury to any person or the commission of any crime or unlawful act, with the intent to exemplify, spread or teach or affirmatively suggest criminal syndicalism, or who organizes, or helps to organize or becomes a member of or voluntarily assembles with any society or assemblage of persons which teaches, advocates, or affirmatively suggests the doctrine of criminal syndicalism, sabotage, or the necessity,

propriety or expediency of doing any act of physical violence or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change or revolution, or for profit; shall be guilty of a Class C2 felony offense, and upon conviction thereof shall be punished by imprisonment as provided for in subsections B through F of Section 20M of Title 21 of the Oklahoma Statutes, or by a fine of not less than Five Thousand Dollars (\$5,000.00), nor more than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment. Provided, that none of the provisions of this section shall be construed to modify or affect Section 166 of Title 40 of the Oklahoma Statutes.

B. Any person on the campuses or school grounds of any public state-supported institutions of higher learning or public school facilities above the age of eighteen (18) years who advocates revolution, teaches or justifies a program of sabotage, force and violation, sedition or treason against the government of the United States or of this state, or who directly or indirectly advocates or teaches by any means the overthrow of the government of the United States or of this state by force or any unlawful means shall be guilty of a Class A3 felony offense, and upon conviction shall be punished by imprisonment in the State Penitentiary from ten (10) years to life.

Added by Laws 1968, c. 398, § 2, emerg. eff. May 17, 1968. Amended by Laws 1997, c. 133, § 345, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 238, eff. July 1, 1999; Laws 2025, c. 486, § 40, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 345 from July 1, 1998, to July 1, 1999.

§21-1328. Prosecutions.

Pursuant to the provisions of 74 Oklahoma Statutes, Section 18b, in event the district attorney within a district fails or refuses to prosecute, on a sworn complaint, against any person accused of violating the provisions of this act, then in that event, the State Attorney General, upon sworn complaint laid before him, is hereby empowered to prosecute a person or persons accused of committing acts covered by this act, if said acts were committed upon the grounds of the facilities hereinabove set out.

Laws 1968, c. 398, § 3, emerg. eff. May 17, 1968.

§21-1351. Forcible entry and detainer.

Every person guilty of using or procuring, encouraging or assisting another to use any force, or violence in entering upon or detaining any lands or other possessions of another except in the cases and manner allowed by law, is guilty of a misdemeanor.

R.L.1910, § 2574. d

§21-1352. Returning to possession after lawful removal.

Every person who has been removed from any lands by process of law, or who has removed from any lands pursuant to the lawful adjudication or direction of any court, tribunal or officer, and who afterward, without authority by law, returns to settle or reside upon such lands, is guilty of a misdemeanor.

R.L.1910, § 2575. de

§21-1353. Unlawful intrusion upon lands.

Every person who intrudes or squats upon any lot or piece of land within the bounds of any incorporated city or town without license or authority from the owner thereof, or who erects or occupies thereon any hut, hovel, shanty, or other structure whatever without such license or authority; and every person who places, erects or occupies within the bounds of any street or avenue of such city or town, any hut, hovel, shanty or other structure whatever, is guilty of a misdemeanor.

R.L.1910, § 2576. d

§21-1354. Request removal of persons unlawfully occupying real property – Complaint – Wrongful removal.

A. A property owner or his or her authorized agent may request from the sheriff of the county in which the property is located the immediate removal of a person or persons unlawfully occupying real property pursuant to this section if all of the following conditions are met:

1. The requesting person is the property owner or authorized agent of the property owner;

2. An unauthorized person or persons have unlawfully entered and remain or continue to reside on the property owner's property;

3. The real property was not open to members of the public at the time the unauthorized person or persons entered;

4. The property owner or their agent has directed the unauthorized persons to leave the property;

5. The unauthorized person or persons are not current or former tenants pursuant to a written or oral rental agreement authorized by the property owner;

6. The unauthorized person cannot produce documentation, correspondence, or identification cards sent or issued by a government agency, including, but not limited to, Service Oklahoma or the Election Board, which show that the person used the property address as an address of record with the agency within the previous twelve (12) months;

7. The unauthorized person cannot produce a lease signed by the property owner or their agent;

8. The unauthorized person or persons are not immediate family members of the property owner; and

9. There is no pending litigation related to the real property between the property owner and any known unauthorized person.

B. To request the immediate removal of an unlawful occupant of a residential dwelling, the property owner or his or her authorized agent must submit a complaint by presenting a completed and verified Complaint to Remove Persons Unlawfully Occupying Residential Real Property form to the sheriff of the county in which the real property is located. The submitted complaint must be in substantially the following form:

COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING
REAL PROPERTY

I, the owner or authorized agent of the owner of the real property located at _____, declare under the penalty of perjury that (initial each box):

1. _____ I am the owner of the real property or the authorized agent of the owner of the real property.

2. _____ I purchased the property on _____.

3. _____ An unauthorized person or persons have unlawfully entered and are remaining or residing unlawfully on the real property.

4. _____ The real property was not open to members of the public at the time the unauthorized person or persons entered.

5. _____ I have directed the unauthorized person or persons to leave the real property, but they have not done so.

6. _____ The person or persons are not current or former tenants pursuant to any valid lease authorized by the property owner, and any lease that may be produced by an occupant is fraudulent.

7. _____ The unauthorized person or persons sought to be removed are not an owner or a co-owner of the property and have not been listed on the title to the property unless the person or persons have engaged in title fraud.

8. _____ The unauthorized person or persons are not immediate family members of the property owner.

9. _____ There is no litigation related to the real property pending between the property owner and any person sought to be removed.

10. _____ I understand that a person or persons removed from the property pursuant to this procedure may bring a cause of action against me for any false statements made in this complaint, or for wrongfully using this procedure, and that as a result of such action I may be held liable for actual damages, penalties, costs, and reasonable attorney fees.

11. _____ I am requesting the sheriff to immediately remove the unauthorized person or persons from the property.

12. _____ A copy of my valid government-issued identification is attached, or I am an agent of the property owner, and documents

evidencing my authority to act on the property owner's behalf are attached.

I ACKNOWLEDGE AND UNDERSTAND THAT MAKING OR CAUSING TO BE MADE A FALSE STATEMENT IN THIS AFFIDAVIT MAY SUBJECT ME TO CRIMINAL PROSECUTION FOR PERJURY AND/OR BEING LIABLE FOR ACTUAL DAMAGES SUFFERED OR INCURRED BY ANY PERSON OR OTHER ENTITY AS A RESULT OR CONSEQUENCE OF THE MAKING OF OR RELIANCE UPON SUCH FALSE STATEMENT.

(Signature of Property Owner or Agent of Owner)

C. Upon receipt of the complaint, the sheriff shall verify that the person submitting the complaint is the record owner of the real property or the authorized agent of the owner and appears otherwise entitled to relief under this section. If verified, the sheriff must, without unnecessary delay, serve a notice to immediately vacate on all the unlawful occupants and shall put the owner in possession of the real property. Service may be accomplished by hand delivery of the notice to an occupant or by posting the notice on the front door or at a conspicuous location on the property. The sheriff shall also attempt to verify the identities of all persons occupying the property and note the identities on the return of service. If appropriate, the sheriff may arrest any person found on the property for trespass, outstanding warrants, or any other legal cause.

D. The sheriff is entitled to the same fee for service of the notice to immediately vacate as if the sheriff were serving a writ of execution under Section 1148.10 of Title 12 of the Oklahoma Statutes. After the sheriff serves the notice to immediately vacate, the property owner or authorized agent may request that the sheriff stand by to keep the peace while the property owner or agent of the owner changes the locks and removes the personal property of the unlawful occupants from the premises. When such a request is made, the sheriff may charge a reasonable hourly rate, and the person requesting the sheriff to stand by and keep the peace is responsible for paying the reasonable hourly rate set by the sheriff. The sheriff is not liable to the unlawful occupant or any other party for loss, destruction, or damage of property. The property owner or his or her authorized agent is not liable to an unlawful occupant or any other party for the loss, destruction, or damage to the personal property unless the removal was wrongful.

E. A person may bring a civil cause of action for wrongful removal against the person who requested such removal under this section. A person harmed by a wrongful removal under this section may be restored to possession of the real property and may recover actual costs and damages incurred, statutory damages equal to triple the fair market rent of the dwelling, court costs, and reasonable attorney fees.

F. This section does not limit the rights of a property owner or limit the authority of a law enforcement officer to arrest an unlawful occupant for trespassing, vandalism, theft, or other crimes.

Added by Laws 2024, c. 378, § 1, emerg. eff. June 5, 2024.

§21-1355. Penalties for damage caused by unlawful occupier or trespasser.

A person who unlawfully detains or occupies or trespasses upon a property and who intentionally damages the dwelling causing One Thousand Dollars (\$1,000.00) or more and is removed from the property pursuant to this act shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding three (3) years or by a fine not exceeding Ten Thousand Dollars (\$10,000.00), or both such fine and imprisonment.

Added by Laws 2024, c. 378, § 2, emerg. eff. June 5, 2024.

§21-1356. Penalties for false documents purporting real property rights.

Any person who, with the intent to detain or remain upon real property, knowingly and willfully presents to another person a false document purporting to be a valid lease agreement, deed, or other instrument conveying real property rights upon conviction is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one (1) year or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both such fine and imprisonment.

Added by Laws 2024, c. 378, § 3, emerg. eff. June 5, 2024.

§21-1357. Construction with landlord tenant rights or laws.

This act shall not be used to circumvent any rights or laws governing the landlord tenant relationship as provided in Title 41 of the Oklahoma Statutes.

Added by Laws 2024, c. 378, § 4, emerg. eff. June 5, 2024.

§21-1361. Disturbing lawful meeting.

Every person who without authority of law willfully disturbs or breaks up any assembly or meeting, not unlawful in its character, other than a religious meeting, public meeting of electors, or funeral, is guilty of a misdemeanor.

R.L.1910, § 2557.

§21-1362. Disturbance by loud or unusual noise or abusive, violent, obscene, profane or threatening language.

If any person shall willfully or maliciously disturb, either by day or night, the peace and quiet of any city of the first class, town, village, neighborhood, family or person by loud or unusual

noise, or by abusive, violent, obscene or profane language, whether addressed to the party so disturbed or some other person, or by threatening to kill, do bodily harm or injury, destroy property, fight, or by quarreling or challenging to fight, or fighting, or shooting off any firearms, or brandishing the same, or by running any horse at unusual speed along any street, alley, highway or public road, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not to exceed One Hundred Dollars (\$100.00), or by imprisonment in the county jail not to exceed thirty (30) days, or by both such fine and imprisonment, at the discretion of the court or jury trying the same.
Laws 1910-11, c. 58, p. 135, § 1; Laws 1968, c. 83, § 1, emerg. eff. April 1, 1968.

§21-1363. Use of language calculated to arouse anger or cause breach of peace.

If any person shall make use of any profane, violent, abusive or insulting language toward or about another person, in the presence or hearing, which language, in its common acceptation, is calculated to arouse to anger the person about or to whom it is spoken or addressed, or to cause a breach of the peace or an assault, every such person shall be deemed guilty of a breach of the peace, and, upon conviction thereof, shall be punished by a fine in any sum not to exceed One Hundred Dollars (\$100.00), or by imprisonment in the county jail not to exceed thirty (30) days, or by both such fine and imprisonment, at the discretion of the court or jury trying the same.

Laws 1910-11, c. 58, p. 136, § 2.

§21-1364. Discharging firearm.

DISCHARGING FIREARM

Every person who willfully discharges any pistol, rifle, shotgun, airgun or other weapon, or throws any other missile in any public place, or in any place where there is any person to be endangered thereby, although no injury to any person shall ensue, is guilty of a misdemeanor. Any person convicted of a violation of the provisions of this section after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act shall have the license suspended for a period of six (6) months and shall be subject to an administrative fine of Fifty Dollars (\$50.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

R.L.1910, § 2577. Amended by Laws 1995, c. 272, § 58, eff. Sept. 1, 1995; Laws 2012, c. 259, § 45, eff. Nov. 1, 2012.

§21-1365. Trespassing on railway trains a misdemeanor.

Any person, other than a railway employee in the discharge of his duty, who, without authority from the conductor of the train, rides, or attempts to ride, on top of any car, coach, engine or tender, on any railroad in this state, or on the drawheads between the cars, or under cars or trussrods or trucks, or in any freight car, or on the platform of any baggage car, express car, or mail car, or any train in this state, shall be guilty of a misdemeanor. R.L.1910, § 2578.

§21-1366. Offenders - Where tried.

Any person charged with a violation of the preceding section may be tried in any county in this state in which such violation may have occurred, or may be discovered. R.L.1910, § 2579.

§21-1367. Privilege of witness.

No person shall be excused from giving evidence upon any investigation or prosecution for any of the offenses specified in this article, upon the grounds that such testimony or evidence might tend to convict him of a crime. But such answer or evidence shall not be received against him upon any criminal proceeding or prosecution, except in a prosecution against him for perjury committed in giving such testimony. R.L.1910, § 2580.

§21-1368. Possession of explosives by convicted felons - Penalty.

A. Any person who has been convicted of a felony under the laws of this or any other state or the laws of the United States who, with an unlawful intent, is in possession of any explosives, upon conviction, shall be guilty of a Class B4 felony offense and shall be punished by a fine of not to exceed Five Thousand Dollars (\$5,000.00), or by imprisonment in the State Penitentiary for a term not to exceed ten (10) years, or by both such fine and imprisonment.

B. For purposes of this section, the term "explosive" shall have the same definition as the term "explosive" as defined by Chapter 8 of Title 63 of the Oklahoma Statutes.

Added by Laws 1959, p. 113, § 1, emerg. eff. May 19, 1959. Amended by Laws 1995, c. 344, § 29, eff. Nov. 1, 1995; Laws 1997, c. 133, § 346, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 239, eff. July 1, 1999; Laws 2025, c. 486, § 140, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 346 from July 1, 1998, to July 1, 1999.

§21-1369. Repealed by Laws 1995, c. 344, § 38, eff. Nov. 1, 1995.

§21-1370. Renumbered as § 9.1 of Title 45 by Laws 1995, c. 344, § 35, eff. Nov. 1, 1995.

§21-1371. Penalty.

Any person violating Section 1370 of this title shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not less than thirty (30) days nor more than one (1) year, or by both such fine and imprisonment. Each day of operation in violation of Section 1370 of this title shall constitute a separate offense.

Amended by Laws 1982, c. 127, § 2, operative Oct. 1, 1982; Laws 1982, c. 181, § 2, emerg. eff. April 20, 1982.

§21-1372. Injunctive relief.

In addition to the penalties provided in Section 1371 of this title for a violation of Section 1370 of this title, a cause of action shall exist in favor of any citizen, or in favor of the State of Oklahoma on the relation of the district attorney of any county wherein the offense is committed, to apply to the district court of such county for an injunction restraining such violation.

Amended by Laws 1982, c. 127, § 3, operative Oct. 1, 1982; Laws 1982, c. 181, § 3, emerg. eff. April 20, 1982.

§21-1375. Terms defined.

When used in this act the following words and phrases shall have the following meanings, except to the extent that any such word or phrase is qualified by its context:

1. "Chief administrative officer" shall mean the president, superintendent, principal or other person in charge of the management, administration or control of any university, college, elementary or secondary school or other private or public institution of learning subject to the Oklahoma Higher Education Code or the school laws of Oklahoma.

2. "Institution of learning" shall mean any university, college, elementary or secondary school or other private or public institution of learning subject to the Oklahoma Higher Education Code or the school laws of Oklahoma, and includes the area or property under the jurisdiction of such institution.

Laws 1971, c. 78, § 1, emerg. eff. April 16, 1971.

§21-1376. Orders to leave institutions of learning - Grounds - Penalty - Definition - Grievance and appeals procedures.

A. The chief administrative officer or anyone designated by the chief administrative officer or the governing board of the institution of learning to maintain order at an institution of learning shall have the authority and power to direct any person to

leave the institution of learning who is not a student, officer or employee thereof, and who:

1. Interferes with the peaceful conduct of activities at an institution of learning;

2. Commits an act which interferes with the peaceful conduct of activities at an institution of learning; or

3. Enters the institution of learning for the purpose of committing an act which may interfere with the peaceful conduct of activities at an institution of learning.

B. Any person to whom this section applies, who fails to leave the institution of learning as directed or returns within six (6) months thereafter, without first obtaining written permission from the chief administrative officer or anyone designated by the chief administrative officer or the governing board of the institution of learning, shall be guilty of a misdemeanor.

C. "Interferes with the peaceful conduct" includes actions that directly interfere with classes, study, student or faculty safety, housing or parking areas, or extracurricular activities; threatening or stalking any person; damaging or causing waste to any property belonging to another person or the institution of learning; or direct interference with administration, maintenance or security of property belonging to the institution of learning.

D. The governing board of each institution of learning shall establish a grievance or appeals procedure and an opportunity for hearing for persons who have been required to leave the institution pursuant to this section. Any person removed from the institution pursuant to this section shall be given written notice of the procedure for requesting a hearing and filing a grievance or appeal. Added by Laws 1971, c. 78, § 2, emerg. eff. April 16, 1971. Amended by Laws 2001, c. 222, § 1, emerg. eff. May 21, 2001.

§21-1377. Projecting object at public event.

It shall be unlawful for any person in attendance at an athletic or other public entertainment event to project in any manner an object which could cause bodily harm to another person.

Any person violating the provisions of this section shall be subject to ejection from the event by the officials supervising the event.

A violation of this section shall be a misdemeanor punishable by a fine not exceeding One Hundred Dollars (\$100.00).

The provisions of this section shall not apply to the participants in the athletic or other public entertainment event. Added by Laws 1978, c. 154, § 1, eff. Oct. 1, 1978.

§21-1378. Attempting, conspiring or endeavoring to perform act of violence involving serious bodily harm or death - Threats - Devising

plan, scheme or program of action to cause serious bodily harm or death.

A. Any person who shall attempt, conspire or endeavor to perform an act of violence involving or intended to involve serious bodily harm or death of another person shall be guilty of a Class B4 felony offense, punishable upon conviction thereof by imprisonment for a period of not more than ten (10) years.

B. Any person who shall threaten to perform an act of violence involving or intended to involve serious bodily harm or death of another person shall be guilty of a misdemeanor, punishable upon conviction thereof by imprisonment in the county jail for a period of not more than six (6) months.

C. Any person who shall devise any plan, scheme or program of action to cause serious bodily harm or death of another person with intent to perform such malicious act of violence, whether alone or by conspiring with others, shall be guilty of a Class B4 felony offense, punishable upon conviction thereof by imprisonment for a period of not more than ten (10) years.

Added by Laws 2001, c. 437, § 14, eff. July 1, 2001. Amended by Laws 2004, c. 271, § 1, emerg. eff. May 10, 2004; Laws 2025, c. 486, § 141, eff. Jan. 1, 2026.

§21-1379. Willful bypass of or going around security checkpoint - Notice - Aid or assistance - Penalty.

A. No person shall, without authorization, willfully bypass or go around a security checkpoint when entering any facility requiring persons to pass through a security checkpoint used for inspecting or screening persons or their belongings.

B. Every facility requiring persons to pass through a security checkpoint and submit to inspection or screening of their person or belongings shall post notice stating such requirement. All security checkpoints used for persons or their belongings shall be clearly identified as such, and notice shall be posted informing persons that they and their belongings are subject to search.

C. No person shall, without authorization, aid or assist any person or persons in bypassing a security checkpoint by opening, holding open, or propping open any secured door, portal, or entryway.

D. No person shall, without authorization, aid or assist any person or persons in bypassing or avoiding a security checkpoint by passing items or belongings, or receiving items or belongings through a secured door, entryway, window, loading dock, or any other avenue of entry.

E. All persons approaching a security checkpoint shall obey the lawful requests and orders of security staff present at the checkpoint.

F. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and punished by imprisonment in the county jail for not more than one (1) year, by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

Added by Laws 2004, c. 520, § 4, eff. Nov. 1, 2004. Amended by Laws 2007, c. 62, § 3, emerg. eff. April 30, 2007.

§21-1379.1. Obstruction of passages in or entrances or exits to state facilities - Exemption - Penalty.

A. It is unlawful for any person, acting alone or in concert with others, to obstruct, or to impede in any way, passage through or within any state-owned or -leased building, office or facility.

B. It is unlawful for any person, acting alone or in concert with others, to obstruct entrances and exits to any state-owned or -leased building, office or facility.

C. The provisions of subsections A and B of this section shall not apply to commissioned peace officers and security officers of the Department of Public Safety, security officers of the Oklahoma House of Representatives and the Oklahoma State Senate, the Office of Management and Enterprise Services, or contractors thereof in the performance of their duties.

D. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

Added by Laws 2007, c. 62, § 4, emerg. eff. April 30, 2007. Amended by Laws 2012, c. 304, § 92.

§21-1380. Oklahoma Funeral Picketing Act - Findings - Purposes - Definitions - Penalties - Damages.

A. This section shall be known and may be cited as the "Oklahoma Funeral Picketing Act".

1. The Legislature finds that:

- a. it is generally recognized that families have a substantial interest in organizing and attending funerals for deceased relatives,
- b. the interests of families in privately and peacefully mourning the loss of deceased relatives are violated when funerals are targeted for picketing and other public demonstrations,
- c. picketing of funerals causes emotional disturbance and distress to grieving families who participate in funerals, and
- d. full opportunity exists under the terms and provisions of this section for the exercise of freedom of speech

and other constitutional rights at times other than the period from two (2) hours before the scheduled commencement of funeral services until two (2) hours after the actual completion of the funeral services.

B. The purposes of this section are to:

1. Protect the privacy of grieving families during the period from two (2) hours before the scheduled commencement of the funeral services until two (2) hours after the actual completion of the funeral services; and

2. Preserve the peaceful character of cemeteries, mortuaries and churches from two (2) hours before the scheduled commencement of funerals services until two (2) hours after the actual completion of the funeral services.

C. As used in this section:

1. "Funeral" means the ceremonies, processions and memorial services held in connection with the burial or cremation of the dead; and

2. "Picketing" means protest activities engaged in by a person or persons within one thousand (1,000) feet of the property line of a cemetery, mortuary, church or other place where any portion of a funeral service is held during the period from two (2) hours before the scheduled commencement of funeral services until two (2) hours after the actual completion of the funeral services.

D. It is unlawful for any person to engage in picketing within one thousand (1,000) feet of the property line of any cemetery, church, mortuary or other place where any portion of a funeral service is held during the period from two (2) hours before the scheduled commencement of funeral services until two (2) hours after the actual completion of the funeral services.

E. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail of not more than thirty (30) days, or by both such fine and imprisonment.

F. Notwithstanding the penalties provided in subsection E, any district court may enjoin conduct proscribed by this section and may in any such proceeding award damages, including punitive damages attorney fees or other appropriate relief against the persons found guilty of actions made unlawful by this section.

Added by Laws 2006, c. 4, § 1, emerg. eff. March 3, 2006. Amended by Laws 2006, c. 244, § 1, emerg. eff. June 6, 2006; Laws 2010, c. 451, § 2, eff. Nov. 1, 2010; Laws 2011, c. 74, § 1, eff. Nov. 1, 2011.

§21-1401. Arson in the first degree.

A. Any person who willfully and maliciously sets fire to or burns, or by the use of any explosive device, accelerant, ignition

device, heat-producing device or substance, destroys in whole or in part, or causes to be burned or destroyed, or aids, counsels or procures the burning or destruction of any building or structure or contents thereof, inhabited or occupied by one or more persons, whether the property of that person or another, or who willfully and maliciously sets fire to or burns, or by the use of any explosive device, accelerant, ignition device, heat-producing device or substance causes a person to be burned, or aids, counsels or procures the burning of a person shall, upon conviction, be guilty of arson in the first degree, which is a Class A3 felony offense, and shall be punished by a fine not to exceed Twenty-five Thousand Dollars (\$25,000.00), or by imprisonment in the custody of the Department of Corrections for not more than thirty-five (35) years, or by both such fine and imprisonment.

B. Any person who, while manufacturing, attempting to manufacture or endeavoring to manufacture a controlled dangerous substance in violation of subsection G of Section 2-401 of Title 63 of the Oklahoma Statutes, destroys in whole or in part, or causes to be burned or destroyed, or aids, counsels or procures the burning or destruction of any building or contents thereof, inhabited or occupied by one or more persons whether the property of that person or another, or who while manufacturing or attempting to manufacture a controlled dangerous substance in violation of subsection G of Section 2-401 of Title 63 of the Oklahoma Statutes causes a person to be burned, or aids, counsels or procures the burning of a person shall, upon conviction, be guilty of arson in the first degree, which is a Class A3 felony offense, and shall be punished by a fine not to exceed Twenty-five Thousand Dollars (\$25,000.00) and by imprisonment in the custody of the Department of Corrections for not more than thirty-five (35) years.

Added by Laws 1967, c. 115, § 1, emerg. eff. April 25, 1967.

Amended by Laws 1979, c. 165, § 1, emerg. eff. May 15, 1979; Laws 1996, c. 145, § 1, eff. Nov. 1, 1996; Laws 1997, c. 133, § 347, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 240, eff. July 1, 1999; Laws 2001, c. 28, § 1, eff. Nov. 1, 2001; Laws 2013, c. 136, § 1, eff. Nov. 1, 2013; Laws 2025, c. 486, § 41, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 347 from July 1, 1998, to July 1, 1999.

§21-1402. Arson in the second degree.

Any person who willfully and maliciously sets fire to or burns or by the use of any explosive device or substance or while manufacturing or attempting to manufacture a controlled dangerous substance in violation of subsection G of Section 2-401 of Title 63 of the Oklahoma Statutes destroys in whole or in part, or causes to be burned or destroyed, or aids, counsels or procures the burning or destruction of any uninhabited or unoccupied building or structure

or contents thereof, whether the property of himself or another, shall be guilty of arson in the second degree, which is a Class B2 felony offense, and upon conviction thereof shall be punished by a fine not to exceed Twenty Thousand Dollars (\$20,000.00) or be confined in the State Penitentiary for not more than twenty-five (25) years or both.

Added by Laws 1967, c. 115, § 2, emerg. eff. April 25, 1967.

Amended by Laws 1979, c. 165, § 2, emerg. eff. May 15, 1979; Laws 1997, c. 133, § 348, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 241, eff. July 1, 1999; Laws 2001, c. 28, § 2, eff. Nov. 1, 2001; Laws 2025, c. 486, § 76, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 348 from July 1, 1998, to July 1, 1999.

§21-1403. Arson in the third degree.

A. Any person who willfully and maliciously sets fire to or burns or by the use of any explosive device or substance destroys in whole or in part, or causes to be burned or destroyed, or aids, counsels or procures the burning of any property whatsoever, including automobiles, trucks, trailers, motorcycles, boats, standing farm crops, pasture lands, forest lands, or any other property not herein specifically named, such property being worth not less than Fifty Dollars (\$50.00), whether the property of himself or another, shall be guilty of arson in the third degree, a Class C1 felony offense, and upon conviction thereof shall be punished by a fine not to exceed Ten Thousand Dollars (\$10,000.00), or be confined as provided for in subsections B through E of Section 20L of Title 21 of the Oklahoma Statutes.

B. Any person who willfully and maliciously, and with intent to injure or defraud the insurer, sets fire to or burns or by use of any explosive device or substance destroys in whole or in part, or causes to be burned or destroyed, or aids, counsels, or procures the burning or destruction of any building, property, or other chattels, whether the property of himself or another, which shall at the time be insured against loss or damage by fire or explosion, shall be guilty of arson in the third degree, a Class B3 felony offense, and upon conviction thereof shall be punished by a fine not to exceed Ten Thousand Dollars (\$10,000.00) or be confined in the State Penitentiary for not more than fifteen (15) years or both.

Added by Laws 1967, c. 115, § 3, emerg. eff. April 25, 1967.

Amended by Laws 1979, c. 165, § 3, emerg. eff. May 15, 1979; Laws 1997, c. 133, § 349, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 242, eff. July 1, 1999; Laws 2025, c. 486, § 85, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 349 from July 1, 1998, to July 1, 1999.

§21-1404. Arson in the fourth degree.

A. Any person who willfully and maliciously attempts to set fire to or burn or attempts by use of any explosive device or substance to destroy in whole or in part, or causes to be burned or destroyed, or attempts to counsel or procure the burning or destruction of any building or property mentioned in Sections 1401, 1402 or 1403 of this title shall be guilty of arson in the fourth degree, a Class C2 felony offense, and upon conviction thereof shall be punished by a fine not to exceed Five Thousand Dollars (\$5,000.00), or be confined as provided for in subsections B through F of Section 20M of this title, or both.

B. The placing or distributing of any flammable, explosive or combustible material or substance or any device in any building or property mentioned in Sections 1401, 1402 or 1403 of this title, in an arrangement or preparation with intent to eventually willfully and maliciously set fire to or burn or to procure the setting fire to or burning of same, shall for the purposes of this section constitute an attempt to burn such building or property, and shall be guilty of arson in the fourth degree, a Class C1 felony offense, and upon conviction thereof shall be punished by a fine not to exceed Five Thousand Dollars (\$5,000.00), or be confined as provided for in subsections B through E of Section 20L of this title, or both.

Added by Laws 1967, c. 115, § 4, emerg. eff. April 25, 1967.

Amended by Laws 1979, c. 165, § 4, emerg. eff. May 15, 1979; Laws 1997, c. 133, § 350, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 243, eff. July 1, 1999; Laws 2025, c. 486, § 195, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 350 from July 1, 1998, to July 1, 1999.

§21-1405. Endangering or causing personal injury to human life during commission of arson.

Any person violating any of the provisions of Sections 1401, 1402, 1403 or 1404 of this title who during such violation endangers any human life, including all emergency service personnel, shall be guilty of a Class B4 felony offense and upon conviction shall be punished by imprisonment in the State Penitentiary for not less than three (3) years nor more than ten (10) years, or by a fine not to exceed Ten Thousand Dollars (\$10,000.00), or both. If personal injury results, the person shall be guilty of a Class A3 felony offense and shall be punished by imprisonment in the State Penitentiary for not less than seven (7) years.

Added by Laws 1996, c. 145, § 2, eff. Nov. 1, 1996. Amended by Laws 1997, c. 133, § 351, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 244, eff. July 1, 1999; Laws 2025, c. 486, § 42, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 351 from July 1, 1998, to July 1, 1999.

§21-1406. Prohibition on working as firefighter.

A. Any person convicted of violating any of the provisions of Section 1401, 1402, 1403 or 1404 of Title 21 of the Oklahoma Statutes shall be prohibited from working or volunteering as a firefighter in this state.

B. For the purposes of this section:

1. "Convicted" includes a plea of guilty or nolo contendere or the imposition of deferred adjudication; and

2. "Firefighter" includes any person serving with or without compensation as a firefighter as provided for in Titles 11, 18 and 19 of the Oklahoma Statutes.

Added by Laws 2012, c. 163, § 1, eff. Nov. 1, 2012.

§21-1411. Fraudulent bill of lading.

Any person being the master, owner or agent of any vessel, or officer or agent of any railroad, express or transportation company, or otherwise being or representing any carrier who delivers any bill of lading, receipt or other voucher, or by which it appears that any merchandise of any description has been shipped on board of any vessel, or delivered to any railroad, express or transportation company or other carrier, unless the same has been so shipped or delivered, and is at the time actually under the control of such carrier, or the master, owner or agent of such vessel, or some officer or agent of such company, to be forwarded as expressed in such bill of lading, receipt or voucher, shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both.

R.L. 1910, § 2710. Amended by Laws 1997, c. 133, § 352, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 245, eff. July 1, 1999; Laws 2025, c. 486, § 414, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 352 from July 1, 1998, to July 1, 1999.

§21-1412. Fraudulent warehouse receipts.

Any person carrying on the business of a warehouseman, wharfinger or other depositary of property, who issues any receipt, bill of lading or other voucher for any merchandise of any description which has not been actually received upon the premises of such person, and is not under his actual control at the time of issuing such instrument, whether such instrument is issued to a person as being the owner of such merchandise, or as security for any indebtedness, shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through

F of Section 20N of this title, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both.

R.L. 1910, § 2711. Amended by Laws 1997, c. 133, § 353, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 246, eff. July 1, 1999; Laws 2025, c. 486, § 415, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 353 from July 1, 1998, to July 1, 1999.

§21-1413. Correspondence between instrument and merchandise received.

No person can be convicted of any offense under the last two sections by reason that the contents of any barrel, box, case, cask or other vessel or package mentioned in the bill of lading, receipt or other voucher, did not correspond with the description given in such instrument of the merchandise received, if such description corresponded substantially with the marks, labels or brands upon the outside of such vessel or package, unless it appears that the accused knew that such marks, labels or brands were untrue.

R.L.1910, § 2712.

§21-1414. Duplicate receipts or vouchers.

Any person mentioned in Section 1411 or 1412 of this title, who issued any second or duplicate receipt or voucher of a kind specified in those two sections, at a time while any former receipt or voucher for the merchandise specified in the second receipt is outstanding and uncanceled, without writing across the face of the same the word "Duplicate," in a plain and legible manner, shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both.

R.L. 1910, § 2713. Amended by Laws 1997, c. 133, § 354, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 247, eff. July 1, 1999; Laws 2025, c. 486, § 416, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 354 from July 1, 1998, to July 1, 1999.

§21-1415. Selling goods without consent of holder of bill of lading.

Any person mentioned in Section 1411 or 1412 of this title, who sells, hypothecates or pledges any merchandise for which any bill of lading, receipt or voucher has been issued by him without the consent in writing thereto of the person holding such bill, receipt or voucher, shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both.

R.L. 1910, § 2714. Amended by Laws 1997, c. 133, § 355, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 248, eff. July 1, 1999; Laws 2025, c. 486, § 417, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 355 from July 1, 1998, to July 1, 1999.

§21-1416. Unlawful delivery of goods.

Any person mentioned in Section 1412 of this title, who delivers to another any merchandise for which any bill of lading, receipt or voucher has been issued, unless such receipt or voucher bore upon its face the words "Not negotiable", plainly written or stamped, or unless such receipt is surrendered to be canceled at the time of delivery or unless, in the case of partial delivery, a memorandum thereof is endorsed upon such receipt or voucher, shall be punishable as follows:

1. If the value of the property is less than One Thousand Dollars (\$1,000.00), the person shall be guilty of a misdemeanor punishable by imprisonment in the county jail not to exceed one (1) year, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine;

2. If the value of the property is One Thousand Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars (\$2,500.00), the person shall be guilty of a Class D3 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20P of this title, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine;

3. If the value of the property is Two Thousand Five Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars (\$15,000.00), the person shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine; and

4. If the value of the property is Fifteen Thousand Dollars (\$15,000.00) or more, the person shall be guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine.

R.L. 1910, § 2715. Amended by Laws 1997, c. 133, § 356, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 249, eff. July 1, 1999; Laws 2018, c. 116, § 1, eff. Nov. 1, 2018; Laws 2025, c. 486, § 232, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 356 from July 1, 1998, to July 1, 1999.

§21-1417. When law does not apply.

The last two sections do not apply where property is demanded by virtue of process of law.
R.L.1910, § 2716.

§21-1431. Burglary in first degree.

Every person who breaks into and enters the dwelling house of another, in which there is at the time some human being, with intent to commit some crime therein, either:

1. By forcibly bursting or breaking the wall, or an outer door, window, or shutter of a window of such house or the lock or bolts of such door, or the fastening of such window or shutter; or

2. By breaking in any other manner, being armed with a dangerous weapon or being assisted or aided by one or more confederates then actually present; or

3. By unlocking an outer door by means of false keys or by picking the lock thereof, or by lifting a latch or opening a window, is guilty of burglary in the first degree, a Class B1 felony offense.

R.L.1910, § 2611. Amended by Laws 1979, c. 43, § 1, eff. Oct. 1, 1979; Laws 2025, c. 486, § 61, eff. Jan. 1, 2026.

§21-1435. Burglary in second and third degree - Acts constituting.

A. Every person who breaks and enters the dwelling house of another, in which there is at the time no human being present, or any commercial building or any part of any building, room, booth, tent, railroad car or other structure or erection in which any property is kept or breaks into or forcibly opens, any coin-operated or vending machine or device with intent to steal any property therein or to commit any felony, is guilty of burglary in the second degree, a Class C1 felony offense, punishable by imprisonment as provided for in subsections B through E of Section 20L of this title.

B. Every person who breaks and enters, climbs under, or uses any jack stands or any other item to raise any automobile, truck, trailer or vessel of another, in which any property is kept, with intent to:

1. Steal any property therein;

2. Steal any property attached thereto; or

3. Commit any felony,

is guilty of burglary in the third degree, a Class D1 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20N of this title.

C. As used in subsection B of this section, the term "property attached thereto" includes, but is not limited to, tires, wheels, and catalytic converters.

R.L. 1910, § 2615. Amended by Laws 1941, p. 87, § 1; Laws 1961, p. 232, § 1; Laws 2018, c. 129, § 1, eff. Nov. 1, 2018; Laws 2022, c.

245, § 1, eff. Nov. 1, 2022; Laws 2025, c. 486, § 196, eff. Jan. 1, 2026.

§21-1436. Burglary - Sentences.

Burglary is a felony punishable by imprisonment in the custody of the Department of Corrections as follows:

1. Burglary in the first degree for any term not less than seven (7) years nor more than twenty (20) years;
2. Burglary in the second degree not exceeding seven (7) years; and
3. Burglary in the third degree not exceeding five (5) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

R.L. 1910, § 2616. Amended by Laws 1997, c. 133, § 357, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 250, eff. July 1, 1999; Laws 2018, c. 129, § 2, eff. Nov. 1, 2018; Laws 2022, c. 245, § 2, eff. Nov. 1, 2022.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 357 from July 1, 1998, to July 1, 1999.

§21-1437. Possession of burglar's implements.

Every person who, under circumstances not amounting to a felony has in his possession any dangerous offensive weapon or instrument whatever, or any pick-lock, crow, key, bit, jack, jimmy, nippers, pick, betty or other implement of burglary, with intent to break and enter any building or part of any building, booth, tent, railroad car, vessel or other structure or erection and to commit any felony therein, is guilty of a misdemeanor.

R.L.1910, § 2617.

§21-1438. Entering building or other structure with intent to commit felony, larceny or malicious mischief - Breaking and entering dwelling without permission.

A. Every person who, under circumstances not amounting to any burglary, enters any building or part of any building, booth, tent, warehouse, railroad car, vessel, or other structure or erection with intent to commit any felony, larceny, or malicious mischief, is guilty of a misdemeanor.

B. Every person who, without the intention to commit any crime therein, shall willfully and intentionally break and enter into any building, trailer, vessel or other premises used as a dwelling without the permission of the owner or occupant thereof, except in the cases and manner allowed by law, shall be guilty of a misdemeanor.

C. Every person who, with the intent to commit a crime, enters an area of a commercial business that is:

1. Commonly reserved for personnel of the commercial business where money or other property is kept; or

2. Clearly marked with a sign or signs that indicates to the public that entry is forbidden, shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for a term of not more than one (1) year, or a fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment. Any second or subsequent conviction under the provisions of this subsection shall be a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not more than two (2) years, or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

R.L. 1910, § 2618. Amended by Laws 1991, c. 92, § 1, emerg. eff. April 23, 1991; Laws 2024, c. 340, § 1, eff. Nov. 1, 2024.

§21-1439. Dwelling and dwelling house defined.

A. The term "dwelling house" as used in Section 1431 et seq. of this title, includes every house or edifice, any part of which has usually been occupied by any person lodging therein at night, and any structure joined to and immediately connected with such a house or edifice.

B. The term "dwelling" as used in Section 1438 of this title includes every house, trailer, vessel, apartment or other premises, any part of which has usually been occupied by a person lodging therein at night and any structure joined to and immediately connected with such house, trailer or apartment.

R.L.1910, § 2619; Laws 1991, c. 92, § 2, emerg. eff. April 23, 1991.

§21-1440. Night time defined.

The words "night time" in this article include the period between sunset and sunrise.

R.L.1910, § 2620.

§21-1441. Burglary with explosives.

Any person who enters any building, railway car, vehicle, or structure and there opens or attempts to open any vault, safe, or receptacle used or kept for the secure keeping of money, securities, books of accounts, or other valuable property, papers or documents, without the consent of the owner, by the use of or aid of dynamite, nitroglycerine, gunpowder, or other explosives, or who enters any such building, railway car, vehicle, or structure in which is kept any vault, safe or other receptacle for the safe keeping of money or other valuable property, papers, books or documents, with intent and without the consent of the owner, to open or crack such vault, safe or receptacle by the aid or use of any explosive, upon conviction, shall be deemed guilty of a Class A1 felony offense, and upon

conviction shall be punished by imprisonment in the State Penitentiary for a term of not less than twenty (20) years nor more than fifty (50) years.

Added by Laws 1913, c. 7, p. 7, § 1. Amended by Laws 1997, c. 133, § 358, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 251, eff. July 1, 1999; Laws 2025, c. 486, § 11, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 358 from July 1, 1998, to July 1, 1999.

§21-1442. Possession of certain tools by persons previously convicted of burglary.

Any person who has been previously convicted of the crime of burglary who has in his possession, custody or concealed about his person, or transports or causes to be transported, any combination of three (3) or more of the following tools: Sledge hammer, pry bar, punches, chisel, bolt cutters, with the intent to use or employ, or allow the same to be used or employed, in the commission of a crime, or knowing that the tools are to be used in the commission of a crime shall, upon conviction, be guilty of a Class D3 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title.

Added by Laws 1959, p. 113, § 1. Amended by Laws 1997, c. 133, § 359, eff. July 1, 1999; Laws 2025, c. 486, § 684, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 359 from July 1, 1998, to July 1, 1999.

§21-1451. See the following versions:

OS 21-1451v1 (HB 2751, Laws 2016, c. 221, § 1)

OS 21-1451v2 (HB 2104, Laws 2025, c. 486, § 233)

§21-1451v1. Embezzlement defined - Penalties.

A. Embezzlement is the fraudulent appropriation of property of any person or legal entity, legally obtained, to any use or purpose not intended or authorized by its owner, or the secretion of the property with the fraudulent intent to appropriate it to such use or purpose, under any of the following circumstances:

1. Where the property was obtained by being entrusted to that person for a specific purpose, use, or disposition and shall include, but not be limited to, any funds "held in trust" for any purpose;

2. Where the property was obtained by virtue of a power of attorney being granted for the sale or transfer of the property;

3. Where the property is possessed or controlled for the use of another person;

4. Where the property is to be used for a public or benevolent purpose;

5. Where any person diverts any money appropriated by law from the purpose and object of the appropriation;

6. Where any person fails or refuses to pay over to the state, or appropriate authority, any tax or other monies collected in accordance with state law, and who appropriates the tax or monies to the use of that person, or to the use of any other person not entitled to the tax or monies;

7. Where the property is possessed for the purpose of transportation, without regard to whether packages containing the property have been broken;

8. Where any person removes crops from any leased or rented premises with the intent to deprive the owner or landlord interested in the land of any of the rent due from that land, or who fraudulently appropriates the rent to that person or any other person; or

9. Where the property is possessed or controlled by virtue of a lease or rental agreement, and the property is willfully or intentionally not returned within ten (10) days after the expiration of the agreement.

Embezzlement does not require a distinct act of taking, but only a fraudulent appropriation, conversion or use of property.

B. Except as provided in subsection C of this section, embezzlement shall be punished as follows:

1. If the value of the property embezzled is less than Five Hundred Dollars (\$500.00), any person convicted shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a term not more than one (1) year, or by both such fine and imprisonment;

2. If the value of the property embezzled is Five Hundred Dollars (\$500.00), or more but less than One Thousand Dollars (\$1,000.00), any person convicted shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than one (1) year or by imprisonment in the county jail for one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the discretion of the court, and shall be subject to a fine not exceeding Five Thousand Dollars (\$5,000.00), and ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes;

3. If the value of the property embezzled is One Thousand Dollars (\$1,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), any person convicted shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term of not more than five (5) years, and a fine of not exceeding Five Thousand Dollars (\$5,000.00), and ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes; or

4. If the value of the property embezzled is Twenty-five Thousand Dollars (\$25,000.00) or more, any person convicted shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term of not more than ten (10) years, and a fine not exceeding Ten Thousand Dollars (\$10,000.00), and ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes.

For purposes of this subsection, a series of offenses may be aggregated into one offense when they are the result of the formulation of a plan or scheme or the setting up of a mechanism which, when put into operation, results in the taking or diversion of money or property on a recurring basis. When all acts result from a continuing course of conduct, they may be aggregated into one crime. Acts forming an integral part of the first taking which facilitate subsequent takings, or acts taken in preparation of several takings which facilitate subsequent takings, are relevant to determine the party's intent to commit a continuing crime.

C. Any county or state officer, deputy or employee of such officer, who shall divert any money appropriated by law from the purpose and object of the appropriation, shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not less than one (1) year nor more than ten (10) years, and a fine equal to triple the amount of money so embezzled and ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes. The fine shall operate as a judgment lien at law on all estate of the party so convicted and sentenced, and shall be enforced by execution or other process for the use of the person whose money or other funds or property were embezzled. In all cases the fine, so operating as a judgment lien, shall be released or entered as satisfied only by the person in interest.

D. Any executor, administrator, trustee, beneficiary or other person benefiting from, acting in a fiduciary capacity for, or otherwise administering a probate, intestate, or trust estate, whether the trust is inter vivos or testamentary, upon conviction of embezzlement from the estate shall not receive any portion, share, gift or otherwise benefit from the estate.

R.L. 1910, § 2670. Amended by Laws 2002, c. 460, § 12, eff. Nov. 1, 2002; Laws 2004, c. 275, § 7, eff. July 1, 2004; Laws 2011, c. 280, § 1, eff. Nov. 1, 2011; Laws 2012, c. 235, § 1, eff. July 1, 2012; Laws 2016, c. 221, § 1, eff. Nov. 1, 2016.

§21-1451v2. Embezzlement defined - Penalties.

A. Embezzlement is the fraudulent appropriation of property of any person or legal entity, legally obtained, to any use or purpose not intended or authorized by its owner, or the secretion of the

property with the fraudulent intent to appropriate it to such use or purpose, under any of the following circumstances:

1. Where the property was obtained by being entrusted to that person for a specific purpose, use, or disposition and shall include, but not be limited to, any funds "held in trust" for any purpose;

2. Where the property was obtained by virtue of a power of attorney being granted for the sale or transfer of the property;

3. Where the property is possessed or controlled for the use of another person;

4. Where the property is to be used for a public or benevolent purpose;

5. Where any person diverts any money appropriated by law from the purpose and object of the appropriation;

6. Where any person fails or refuses to pay over to the state, or appropriate authority, any tax or other monies collected in accordance with state law, and who appropriates the tax or monies to the use of that person, or to the use of any other person not entitled to the tax or monies;

7. Where the property is possessed for the purpose of transportation, without regard to whether packages containing the property have been broken;

8. Where any person removes crops from any leased or rented premises with the intent to deprive the owner or landlord interested in the land of any of the rent due from that land, or who fraudulently appropriates the rent to that person or any other person; or

9. Where the property is possessed or controlled by virtue of a lease or rental agreement, and the property is willfully or intentionally not returned within five (5) days after the expiration of the agreement or forty-eight (48) hours for heavy equipment.

Embezzlement does not require a distinct act of taking, but only a fraudulent appropriation, conversion or use of property.

B. Except as provided in subsection C of this section, embezzlement shall be punished as follows:

1. If the value of the property embezzled is less than One Thousand Dollars (\$1,000.00), any person convicted shall be guilty of a misdemeanor punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), by imprisonment in the county jail for a term not to exceed one (1) year or, at the discretion of the court, by imprisonment in the county jail for one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, or by both such fine and imprisonment;

2. If the value of the property embezzled is One Thousand Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars (\$2,500.00), any person convicted shall be guilty of a Class D3 felony offense punishable by imprisonment as provided for in

subsections B through F of Section 20P of this title, shall be subject to a fine not exceeding Five Thousand Dollars (\$5,000.00), and ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes;

3. If the value of the property embezzled is Two Thousand Five Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars (\$15,000.00), any person convicted shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, shall be subject to a fine not exceeding Five Thousand Dollars (\$5,000.00), and ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes; or

4. If the value of the property embezzled is Fifteen Thousand Dollars (\$15,000.00) or more, any person convicted shall be guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title, subject to a fine not exceeding Ten Thousand Dollars (\$10,000.00), and ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes.

For purposes of this subsection, a series of offenses may be aggregated into one offense when they are the result of the formulation of a plan or scheme or the setting up of a mechanism which, when put into operation, results in the taking or diversion of money or property on a recurring basis. When all acts result from a continuing course of conduct, they may be aggregated into one crime. Acts forming an integral part of the first taking which facilitate subsequent takings, or acts taken in preparation of several takings which facilitate subsequent takings, are relevant to determine the intent of the party to commit a continuing crime.

C. Any county or state officer, deputy or employee of such officer, who shall divert any money appropriated by law from the purpose and object of the appropriation shall, upon conviction, be guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title, and a fine equal to triple the amount of money so embezzled and ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes. The fine shall operate as a judgment lien at law on all estate of the party so convicted and sentenced, and shall be enforced by execution or other process for the use of the person whose money or other funds or property were embezzled. In all cases the fine, so operating as a judgment lien, shall be released or entered as satisfied only by the person in interest.

D. Any executor, administrator, trustee, beneficiary or other person benefiting from, acting in a fiduciary capacity for, or otherwise administering a probate, intestate, or trust estate, whether the trust is inter vivos or testamentary, upon conviction of

embezzlement from the estate shall not receive any portion, share, gift or otherwise benefit from the estate.

R.L. 1910, § 2670. Amended by Laws 2002, c. 460, § 12, eff. Nov. 1, 2002; Laws 2004, c. 275, § 7, eff. July 1, 2004; Laws 2011, c. 280, § 1, eff. Nov. 1, 2011; Laws 2012, c. 235, § 1, eff. July 1, 2012; State Question No. 780, Initiative Petition No. 404, § 10, adopted at election held on November 8, 2016, eff. July 1, 2017; Laws 2018, c. 116, § 2, eff. Nov. 1, 2018; Laws 2024, c. 63, § 1, eff. Nov. 1, 2024; Laws 2025, c. 486, § 233, eff. Jan. 1, 2026.

§21-1452. Repealed by Laws 2002, c. 460, § 44, eff. Nov. 1, 2002.

§21-1453. Repealed by Laws 2002, c. 460, § 44, eff. Nov. 1, 2002.

§21-1454. Repealed by Laws 2002, c. 460, § 44, eff. Nov. 1, 2002.

§21-1455. Repealed by Laws 2002, c. 460, § 44, eff. Nov. 1, 2002.

§21-1456. Repealed by Laws 2002, c. 460, § 44, eff. Nov. 1, 2002.

§21-1457. Repealed by Laws 2002, c. 460, § 44, eff. Nov. 1, 2002.

§21-1458. Evidence of debt subject of embezzlement.

Any evidence of debt, negotiable by delivery only, and actually executed, is equally the subject of embezzlement whether it has been delivered or issued as a valid instrument or not.

R.L.1910, § 2677.

§21-1459. Property taken under claim of title.

Upon any prosecution for embezzlement it is a sufficient defense that the property was appropriated openly and avowedly, and under a claim of title preferred in good faith even though such claim is untenable. But this provision shall not excuse the retention of the property of another, to offset or pay demand held against him.

R.L.1910, § 2678.

§21-1460. Intent to restore no defense.

The fact that the accused intended to restore the property embezzled is no ground of defense, or of mitigation of punishment, if it has not been restored before an information has been laid before a magistrate, charging the commission of the offense.

R.L.1910, § 2679.

§21-1461. Mitigation of punishment.

Whenever it is made to appear that prior to any information laid before a magistrate charging the commission of embezzlement, the person accused voluntarily and actually restored or tendered

restoration of the property alleged to have been embezzled, or any part thereof, such is not a ground of defense to the indictment, but it authorizes the court to mitigate punishment in its discretion. R.L.1910, § 2680.

§21-1462. Repealed by Laws 2002, c. 460, § 44, eff. Nov. 1, 2002.

§21-1463. Repealed by Laws 2002, c. 460, § 44, eff. Nov. 1, 2002.

§21-1464. Repealed by Laws 2002, c. 460, § 44, eff. Nov. 1, 2002.

§21-1465. Property or goods under control of carrier or other person for purpose of interstate transportation - Abandonment without notice to owner.

A. No carrier or other person having property or goods under its control for the purpose of interstate transportation for hire shall abandon the property or goods contained therein without notice to the owner of the property or goods.

B. Any person convicted of violating the provisions of subsection A of this section may be guilty of a misdemeanor and punished by imprisonment in the county jail for not more than one (1) year, or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

Added by Laws 2004, c. 49, § 1, eff. Nov. 1, 2004.

§21-1740.1. Dimensional stone product - Stealing or removing.

A. It shall be unlawful for any person to enter upon any premises with intent to steal or remove without the consent of the owner, or with intent to aid or assist in stealing or removing any dimensional stone product. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a fine of not less than One Thousand Dollars (\$1,000.00) but not more than Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

B. As used in this section, "dimensional stone product" means any natural rock material quarried for the purpose of obtaining blocks or slabs that meet specifications as to size and shape. Varieties of dimensional stone shall include, but not be limited to, granite, limestone, marble, sandstone or slate.

Added by Laws 2009, c. 54, § 1, eff. Nov. 1, 2009.

§21-1481. Extortion defined.

Extortion is the obtaining of property from another with his consent, induced by a wrongful use of force or fear, or under color of official right.

R.L.1910, § 2682.

§21-1482. Threats constituting extortion.

Fear such as will constitute extortion, may be induced by a threat, either:

1st. To do an unlawful injury to the person or property of the individual threatened, or to any relative of his or member of his family; or,

2nd. To accuse him, or any relative of his or member of his family, of any crime; or,

3rd. To expose, or impute to him, or them, any deformity or disgrace; or,

4th. To expose any secret affecting him or them.

R.L.1910, § 2683.

§21-1483. Extortion or attempted extortion.

Every person who extorts or attempts to extort any money or other property from another, under circumstances not amounting to robbery, by means of force or any threat such as is mentioned in Section 1482 of this title, upon conviction, shall be guilty of a Class D1 felony offense. A conviction for extortion is punishable by imprisonment as provided for in subsections B through F of Section 20N of this title. A conviction for attempted extortion is a Class D3 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20P of this title.

R.L. 1910, § 2684. Amended by Laws 1991, c. 226, § 2, emerg. eff. May 23, 1991; Laws 1997, c. 133, § 362, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 254, eff. July 1, 1999; Laws 2025, c. 486, § 418, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 362 from July 1, 1998, to July 1, 1999.

§21-1484. Extortion under color of official right.

Every person who commits any extortion under color of official right, in cases for which a different punishment is not prescribed by this code, or by some of the statutes, which it specifies as continuing in force, is guilty of a misdemeanor.

R.L.1910, § 2685.

§21-1485. Obtaining signature by extortion.

Every person, who by any extortionate means, obtains from another his signature to any paper or instrument, whereby, if such signature were freely given, any property would be transferred, or any debt, demand, charge or right of action created, is, upon conviction, guilty of a Class D1 felony offense punishable as provided for in subsections B through F of Section 20N of this title.

R.L.1910, § 2686. Amended by Laws 2025, c. 486, § 419, eff. Jan. 1, 2026.

§21-1486. Letters, threatening.

Every person who, with intent to extort any money or other property from another, sends to any person any letter or other writing, whether subscribed or not, expressing or implying, or adapted to imply, any threat, such as is specified in the second section of this article, is, upon conviction, guilty of a Class D1 felony offense punishable as provided for in subsections B through F of Section 20N of this title.

R.L.1910, § 2687. Amended by Laws 2025, c. 486, § 420, eff. Jan. 1, 2026.

§21-1487. Repealed by Laws 1991, c. 226, § 4, emerg. eff. May 23, 1991.

§21-1488. Blackmail.

Blackmail is verbally or by written or printed communication and with intent to extort or gain any thing of value from another or to compel another to do an act against his or her will:

1. Accusing or threatening to accuse any person of a crime or conduct which would tend to degrade and disgrace the person accused;

2. Exposing or threatening to expose any fact, report or information concerning any person which would in any way subject such person to the ridicule or contempt of society; or

3. Threatening to report a person as being illegally present in the United States, and is coupled with the threat that such accusation or exposure will be communicated to a third person or persons unless the person threatened or some other person pays or delivers to the accuser or some other person some thing of value or does some act against his or her will. Blackmail is a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or a fine not to exceed Ten Thousand Dollars (\$10,000.00), or by both such imprisonment and fine.

Added by Laws 1974, c. 142, § 1, emerg. eff. May 3, 1974. Amended by Laws 1997, c. 133, § 363, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 255, eff. July 1, 1999; Laws 2010, c. 409, § 4, eff. Nov. 1, 2010; Laws 2025, c. 486, § 421, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 363 from July 1, 1998, to July 1, 1999.

§21-1500. Real property loans - Securing by false instrument - Penalty.

(a) It shall be unlawful for any person willfully, knowingly, or fraudulently to make, issue, deliver, use or submit, or to

participate in making, issuing, delivering, using or submitting any fictitious, false or fraudulent offer, agreement, contract or other instrument concerning any real property or improvements thereon for the purpose either of inducing or attempting to induce any lender, prospective lender or government agency to make any loan, advance or commitment or of securing any guaranty or insurance in connection therewith.

(b) Any person violating the provisions of this act shall be deemed to be guilty of a misdemeanor and upon conviction shall be fined not more than One Thousand Dollars (\$1,000.00) or shall be imprisoned for not more than one (1) year, or both.
Laws 1968, c. 181, § 1, emerg. eff. April 15, 1968.

§21-1501. Securing credit fraudulently - Penalty.

Any person who shall:

1. Knowingly make or cause to be made, either directly or indirectly, or through any agency whatsoever, any false statement in writing, with intent that it shall be relied upon, respecting the financial condition, or means or ability to pay of such person, or any other person, firm or corporation, in whom the person is interested, or for whom the person is acting, for the purpose of procuring in any form whatsoever, either the delivery of personal property, the payment of cash, the making of a loan or credit, the extension of a credit, the discount of an account receivable, or the making, acceptance, discount, sale or endorsement of a bill of exchange or promissory note, for the benefit of either such person or any other person, firm or corporation;

2. With knowledge that a false statement in writing has been made, respecting the financial condition or means or ability to pay, of such person, or any other person, firm or corporation in which the person is interested, or for whom the person is acting, procures, upon the faith thereof, for the benefit of either such person, or any other person, firm or corporation, either or any of the things of benefit mentioned in paragraph 1 of this section;

3. With knowledge that a statement in writing has been made, respecting the financial condition or means or ability to pay of such person, or any other person, firm or corporation, in which the person is interested, or for whom the person is acting, represents on a later date in writing, that the statement theretofore made, if then again made on said day, would be then true, when in fact, the statement if then made would be false, and procures upon the faith thereof, for the benefit of either such person or any other person, firm or corporation, either or any of the things of benefit mentioned in paragraph 1 of this section; or

4. Knowingly with intent to defraud, make any false statement or report or willfully falsify the value of any land, property or security for the purpose of influencing in any way the action taken

or decision made on any application, advance, discount, purchase, purchase agreement, repurchase agreement, commitment or loan, or any change or extension of any of the same, by renewal, deferment of action or otherwise, or the acceptance, release or substitution of security;

shall be, upon conviction, guilty of a misdemeanor punishable by imprisonment in the county jail for not more than six (6) months or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

Laws 1915, c. 180, § 1. Amended by Laws 2004, c. 298, § 2, emerg. eff. May 12, 2004.

§21-1502. Fraudulent advertising prohibited - Punishment.

Any person, firm, corporation or association who, with intent to sell or in anywise dispose of merchandise, securities, service or anything offered by such person, firm, corporation or association, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, makes, publishes, disseminates, circulates or places before the public, or causes directly or indirectly to be made, published, disseminated, circulated or placed before the public in this state, in a newspaper or publication or in form of a book, notice, handbill, poster, bill, circular, pamphlet or letter, or in any other way, an advertisement of any sort regarding merchandise, securities, service or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than Fifty (\$50.00) or by imprisonment in the county jail not exceeding twenty (20) days, or both such fine and imprisonment.

Laws 1919, c. 56, p. 91, § 1.

§21-1503. Defrauding hotels, restaurants, etc.

Any person who shall obtain food, lodging, services or other accommodations at any hotel, inn, restaurant, boarding house, rooming house, motel or auto camp, with intent to defraud the owner or keeper thereof, if the value of such food, lodging, services or other accommodations is less than One Thousand Dollars (\$1,000.00), shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding Five Hundred Dollars (\$500.00), or be imprisoned in the county jail not exceeding three (3) months, or punished by both such fine and imprisonment, and if the value of such food, lodging, services or accommodations is valued at One Thousand Dollars (\$1,000.00) or more, any person convicted hereunder

shall be deemed guilty of a Class D3 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title. Any person who shall obtain shelter, lodging, or any other services at any apartment house, apartment, rental unit, rental house, or trailer camp, with intent to defraud the owner or keeper thereof, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding One Hundred Dollars (\$100.00), or be imprisoned in the county jail not exceeding three (3) months, or be punished by both fine and imprisonment.

Proof that such lodging, food, services or other accommodations were obtained by false pretense or by false or fictitious show or pretense of any baggage or other property, or that he gave a check on which payment was refused, or that he left the hotel, inn, restaurant, boarding house, rooming house, motel, apartment house, apartment, rental unit or rental house, trailer camp or auto camp, without payment or offering to pay for such food, lodging, services or other accommodation, or that he surreptitiously removed or attempted to remove his baggage, or that he registered under a fictitious name, shall be prima facie proof of the intent to defraud mentioned in this section; but this section shall not apply where there has been an agreement in writing for delay in payment.

Added by Laws 1915, c. 178, § 1. Amended by Laws 1963, c. 127, § 1, emerg. eff. June 3, 1963; Laws 1968, c. 205, § 1, emerg. eff. April 22, 1968; Laws 1993, c. 147, § 2, eff. Sept. 1, 1993; Laws 1997, c. 133, § 364, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 256, eff. July 1, 1999; Laws 2001, c. 437, § 6, eff. July 1, 2001; State Question No. 780, Initiative Petition No. 404, § 11, adopted at General Election held on November 8, 2016, eff. July 1, 2017; Laws 2025, c. 486, § 685, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 364 from July 1, 1998, to July 1, 1999.

§21-1505. False increase of weight.

Every person who puts or conceals in any bag, bale, box, barrel or other package of goods usually sold by weight any other thing whatever for the purpose of increasing the weight of such package shall be punished by a fine of Twenty-five Dollars (\$25.00) for each offense.

R.L.1910, § 2693.

§21-1506. Mock auction.

Any person who obtains any money or property from another, or obtains the signature of another to any written instrument, the false making of which would be forgery, by means of any false or fraudulent sale of property or pretended property by auction, or by any of the practices known as mock auctions shall, upon conviction, be guilty of a Class D3 felony offense punishable by imprisonment as

provided for in subsections B through F of Section 20P of this title, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment; and, in addition, the person forfeits any license he may hold to act as an auctioneer, and is forever disqualified from receiving a license to act as auctioneer within this state.

R.L. 1910, § 2698. Amended by Laws 1997, c. 133, § 365, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 257, eff. July 1, 1999; Laws 2025, c. 486, § 686, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 365 from July 1, 1998, to July 1, 1999.

§21-1507. Fraud by auctioneer.

Every person carrying on, or employed about the business of selling property or goods by auction, who sells any goods or property in a damaged condition which he offers as sound or in a good condition, is guilty of a misdemeanor.

R.L.1910, § 2699.

§21-1508. Fictitious copartnership.

Every person transacting business in the name of a person as a partner who is not interested in his firm, or transacting business under a firm name in which the designation "and company" or "& Co." is used without representing an actual partner except in the cases in which the continued use of a copartnership name is authorized by law, is guilty of a misdemeanor.

R.L.1910, § 2700. d

§21-1509. Animals, false pedigree of.

Every person who by any false pretense shall obtain from any club, association, society or company, for improving the breed of cattle, horses, sheep, swine, or other domestic animals, the registration of any animal in the herd register of any such club, association, society, or company, or a transfer of any such registration, and every person who shall knowingly give a false pedigree of any animal, shall be deemed guilty of a misdemeanor.

R.L.1910, § 2701.

§21-1510. Destroying evidence of ownership of wrecked property.

Every person who defaces or obliterates the marks upon wrecked property, or in any manner disguises the appearance thereof with intent to prevent the owner from discovering its identity, or who destroys or suppresses any invoice, bill of lading or other document tending to show the ownership, is guilty of a misdemeanor.

R.L. 1910, § 2702.

§21-1512. Misrepresentations in sale of nursery stock.

It shall be unlawful for any person, firm or corporation, acting either as principal or agent to sell to any person, firm or corporation any fruit tree or fruit trees, plants or shrubs representing same to be thrifty or of a certain kind, variety or description and thereafter to deliver to such purchaser in filling such order and in completing such sale any fruit trees, plants or shrubs of a different kind, variety or description than the kind, variety or description of such fruit trees, plants or shrubs so ordered and sold.

R.L.1910, § 2706. der

§21-1513. Penalty - Time for prosecution.

Any person, firm, or corporation, acting either as principal or agent, violating any provisions of the preceding section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not less than twenty (20) days nor more than six (6) months, or by both fine and imprisonment: Provided, that prosecutions under said section may be commenced at any time within seven (7) years from the time of the delivery to the purchaser of the fruit trees, plants or shrubs therein mentioned.

R.L.1910, § 2707. d

§21-1514. Insignia, badge or pin calculated to deceive, wearing of - Name of society, order or organization calculated to deceive, using - Punishment.

Any person who shall wear the badge, pin, or insignia, or shall use the name of any society, order or organization of ten (10) years' standing or existence in this State, either in the identical form or in any such near resemblance thereto as might be calculated to deceive, or shall use the same to obtain aid or assistance within this state, unless entitled to use or wear the same under the constitution and bylaws, rules and regulations of such order or society, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not less than Twenty-five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00), and in addition thereto, may be imprisoned in the county jail for a period of time not exceeding thirty (30) days.

Laws 1939, p. 361, § 1.

§21-1515. Telecommunication services - Unlawful procurement - Penalty.

Any individual, corporation, or other person, who, with intent to defraud or to aid and abet another to defraud any individual, corporation, or other person, of the lawful charge, in whole or in part, for any telecommunications service, shall avoid or attempt to

avoid or shall cause or assist another to avoid or attempt to avoid any such charge for such service:

(a) by charging such service to an existing account, or using such services from an existing account, telephone number or credit card number without the authority of the subscriber thereto or the legitimate holder thereof; or

(b) by charging such service to a nonexistent, false, fictitious, or counterfeit account, telephone number or credit card number or to a suspended, terminated, expired, cancelled or revoked telephone number or credit card number; or

(c) by use of a code, prearranged scheme, or other similar stratagem or device whereby said person in effect sends or receives information; or

(d) by rearranging, tampering with or making connection with any facilities or equipment of a telephone or other communications company, whether physically, inductively, acoustically, or electrically, or by utilizing such service, having reason to believe that such rearrangement, connection, or tampering existed or occurred;

shall be guilty of a misdemeanor, and shall, upon conviction thereof, be imprisoned not exceeding one (1) year or fined not exceeding One Thousand Dollars (\$1,000.00), or both, in the discretion of the court.

Laws 1965, c. 137, § 1, emerg. eff. May 24, 1965; Laws 1991, c. 10, § 1, eff. July 1, 1991.

§21-1516. Devices or plans to procure services - Making, possessing, etc., prohibited - Penalty.

Any individual, corporation or other person who:

(a) makes or possesses any instrument, apparatus, equipment, or device designed, adapted or which can be used

(1) to fraudulently avoid the lawful charge for any telecommunication service in violation of Section 1 of this act; or

(2) to conceal, or to assist another to conceal, from any supplier of telecommunication service or from any lawful authority the existence or place of origin or of destination of any telecommunication; or

(b) sells, gives or otherwise transfers to another, or offers or advertises to sell, give or otherwise transfer, any instrument, apparatus, equipment, or device, described in (a) above, or plans or instructions for making or assembling the same; under circumstances evidencing an intent to use or employ such instrument, apparatus, equipment, or device, or to allow the same to be used or employed, for a purpose described in (a) (1) or (a) (2), above, or knowing or having reason to believe that the same is intended to be so used, or that the aforesaid plans or instructions are intended to be used for making or assembling such instrument, apparatus, equipment, or

device; shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be imprisoned not exceeding one (1) year or fined not exceeding One Thousand Dollars (\$1,000.00), or both, in the discretion of the court.

Laws 1965, c. 137, § 2, emerg. eff. May 24, 1965.

§21-1517. Amateur radio operators exempt.

Nothing herein shall apply to public service and emergency communications performed by holders of valid Federal Communications Commission radio amateur licenses without charge on the part of such licensees; provided that nothing herein shall excuse any person from compliance with lawful tariffs of any telecommunications company.

Laws 1965, c. 137, § 3, emerg. eff. May 24, 1965.

§21-1518. Misrepresentation of age by false document.

It shall be unlawful for any person, for the purpose of violating any Statutes of Oklahoma, to willfully and knowingly misrepresent his age by presenting a false document purporting to state his true age.

Laws 1965, c. 481, § 1, emerg. eff. July 14, 1965.

§21-1519. Penalties.

Any person violating the provisions of Section 1 of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed One Hundred Dollars (\$100.00), or shall be confined to the county jail for a period of not to exceed thirty (30) days, or by both such fine and confinement.

Laws 1965, c. 481, § 2, emerg. eff. July 14, 1965.

§21-1520. Provisions as cumulative.

The provisions of this act shall be cumulative to existing laws.

Laws 1965, c. 481, § 3, emerg. eff. July 14, 1965.

§21-1521. See the following versions:

OS 21-1521v1 (HB 2751, Laws 2016, c. 221, § 2)

OS 21-1521v2 (HB 2104, Laws 2025, c. 486, § 422)

§21-1521v1. Motor vehicle lease or rental - Payment by false or bogus check.

Every person who shall lease or rent, for any period of time whatsoever, any motor vehicle and, with intent to cheat and defraud, who pays the fees for such lease or rental by means of a false, bogus or worthless check written for the sum of Twenty Dollars (\$20.00) or less shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months,

or both such fine and imprisonment. If the value of the false, bogus or worthless check shall exceed the sum of Twenty Dollars (\$20.00) but is less than One Thousand Dollars (\$1,000.00), any person convicted pursuant to this section shall be guilty of a misdemeanor and shall be punished by incarceration in the county jail for not to exceed one (1) year or incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes. If the value of the worthless check is One Thousand Dollars (\$1,000.00) or more, any person convicted hereunder shall be deemed guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term not exceeding seven (7) years or by a fine not to exceed Five Hundred Dollars (\$500.00), or both such fine and imprisonment.

Added by Laws 1970, c. 84, § 1, emerg. eff. March 27, 1970. Amended by Laws 1973, c. 36, § 1, emerg. eff. April 24, 1973; Laws 1993, c. 147, § 3, eff. Sept. 1, 1993; Laws 1997, c. 133, § 366, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 258, eff. July 1, 1999; Laws 2016, c. 221, § 2, eff. Nov. 1, 2016.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 366 from July 1, 1998, to July 1, 1999.

§21-1521v2. Motor vehicle lease or rental - Payment by false, bogus or worthless check.

Every person who shall lease or rent, for any period of time whatsoever, any motor vehicle and, with intent to cheat and defraud, who pays the fees for such lease or rental by means of a false, bogus or worthless check written for the sum of less than One Thousand Dollars (\$1,000.00) shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or both such fine and imprisonment. If the value of the worthless check is One Thousand Dollars (\$1,000.00) or more, any person convicted hereunder shall be deemed guilty of a Class D1 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not to exceed Five Hundred Dollars (\$500.00), or both such fine and imprisonment.

Added by Laws 1970, c. 84, § 1, emerg. eff. March 27, 1970. Amended by Laws 1973, c. 36, § 1, emerg. eff. April 24, 1973; Laws 1993, c. 147, § 3, eff. Sept. 1, 1993; Laws 1997, c. 133, § 366, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 258, eff. July 1, 1999; State Question No. 780, Initiative Petition No. 404, § 12, adopted

at General Election held on November 8, 2016, eff. July 1, 2017;
Laws 2025, c. 486, § 422, eff. Jan. 1, 2026.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective
date of Laws 1997, c. 133, § 366 from July 1, 1998, to July 1, 1999.

§21-1522. Publication of telephone credit card information for
fraudulent purposes.

Any person who publishes or causes to be published the number or
code of an existing, cancelled, revoked, expired or nonexistent
telephone credit card, or the numbering or coding system which is
employed in the issuance of telephone credit cards, with the intent
that it be used to fraudulently avoid the payment of any lawful toll
charge, is guilty of a misdemeanor.

As used in this section, "published" means the communication of
information to any one or more persons, either orally, in person or
by telephone, radio or television, or in a writing of any kind,
including without limitation a letter or memorandum, circular or
handbill, newspaper or magazine article or book.
Laws 1973, c. 140, § 1, emerg. eff. May 10, 1973.

§21-1523. Penalties - Civil action for damages.

Any person convicted of violating a prohibition contained in
this act shall be imprisoned for a term not exceeding one (1) year
or fined not more than One Thousand Dollars (\$1,000.00), or both.
Such person also shall be liable for the amount of the damages, loss
and expense, including attorney fees and expenses of investigation
incurred by any transmission company by reason of or resulting from
the unlawful publication, directly or indirectly, such damages to be
recovered in a civil action.
Laws 1973, c. 140, § 2, emerg. eff. May 10, 1973.

§21-1524. Falsely holding out as notary or performing notarial act
- Penalty.

A. No person in this state shall hold himself out as a notary
public, attach his signature as a notary public, use a notary public
seal, or perform any notarial act unless he is authorized pursuant
to the provisions of Section 114 of Title 49 of the Oklahoma
Statutes to perform such acts.

B. Any person convicted of knowingly and willfully violating
any of the provisions of this section shall be guilty of a
misdemeanor.
Added by Laws 1986, c. 21, § 1, eff. Nov. 1, 1986.

§21-1531. False personation - Marriage - Becoming bail or surety -
Execution of instrument - Creating liability or benefit.

Any person who falsely personates another, and in such assumed
character:

1. Marries or pretends to marry, or to sustain the marriage relation toward another, with or without the connivance of such other person; or

2. Becomes bail or surety for any party, in any proceeding whatever, before any court or officer authorized to take such bail or surety; or

3. Subscribes, verifies, publishes, acknowledges or proves, in the name of another person, any written instrument, with intent that the same may be delivered or used as true; or

4. Does any other act whereby, if it were done by the person falsely personated, he might in any event become liable to any suit or prosecution, or to pay any sum of money, or to incur any charge, forfeiture or penalty, or whereby any benefit might accrue to the party personating, or to any other person, shall be guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title.

R.L. 1910, § 2689. Amended by Laws 1997, c. 133, § 367, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 259, eff. July 1, 1999; Laws 2025, c. 486, § 234, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 367 from July 1, 1998, to July 1, 1999.

§21-1532. Receiving money or property intended for individual personated.

Any person who falsely personates another, and in such assumed character receives any money or property, that knowing it is intended to be delivered to the individual so personated, with intent to convert the same to his own use, or to that of another person who is not entitled thereto, shall be punishable as follows:

1. If the value of the money or property is less than One Thousand Dollars (\$1,000.00), the person shall be guilty of a misdemeanor punishable by imprisonment in the county jail not to exceed one (1) year, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine;

2. If the value of the money or property is One Thousand Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars (\$2,500.00), the person shall be guilty of a Class D3 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20P of this title, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine;

3. If the value of the money or property is Two Thousand Five Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars (\$15,000.00), the person shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine

not to exceed Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine; and

4. If the value of the money or property is Fifteen Thousand Dollars (\$15,000.00) or more, the person shall be guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine not to exceed Ten Thousand Dollars (\$10,000.00), or by both such imprisonment and fine.

R.L. 1910, § 2690. Amended by Laws 1997, c. 133, § 368, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 260, eff. July 1, 1999; Laws 2018, c. 116, § 3, eff. Nov. 1, 2018; Laws 2025, c. 486, § 235, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 368 from July 1, 1998, to July 1, 1999.

§21-1533. Penalties - Definitions - Certain defenses excluded.

A. Except as provided in subsection B of this section, every person who falsely personates any public officer, civil or military, any firefighter, any law enforcement officer, any emergency medical technician or other emergency medical care provider, or any private individual having special authority by law to perform any act affecting the rights or interests of another, or who assumes, without authority, any uniform or badge by which such officers or persons are usually distinguished, and in such assumed character does any act whereby another person is injured, defrauded, harassed, vexed or annoyed, upon conviction, is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

B. Every person who falsely personates any public officer or any law enforcement officer in connection with or relating to any sham legal process shall, upon conviction, be guilty of a Class D3 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20P of this title, or a fine not exceeding Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

C. Every person who falsely asserts authority of law not provided for by federal or state law in connection with any sham legal process shall, upon conviction, be guilty of a Class D3 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20P of this title, or a fine not exceeding Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

D. Every person who, while acting falsely in asserting authority of law, attempts to intimidate or hinder a public official or law enforcement officer in the discharge of official duties by means of threats, harassment, physical abuse, or use of sham legal process shall, upon conviction, be guilty of a Class D3 felony

offense punishable by imprisonment as provided for in subsections B through F of Section 20P of this title, or a fine not exceeding Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

E. Any person who, without authority under federal or state law, acts as a supreme court justice, a district court judge, an associate district judge, a special judge, a magistrate, a clerk of the court or deputy, a notary public, a juror or other official holding authority to determine a controversy or adjudicate the rights or interests of others, or signs a document in such capacity, shall, upon conviction, be guilty of a Class D3 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20P of this title, or a fine not exceeding Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

F. Every person who uses any motor vehicle or motor-driven cycle usually distinguished as a law enforcement vehicle or equips any motor vehicle or motor-driven cycle with any spot lamps, audible sirens, or flashing lights, in violation of Section 12-217, 12-218 or 12-227 of Title 47 of the Oklahoma Statutes, or in any other manner uses any motor vehicle or motor-driven cycle:

1. Which, by markings that conform to or imitate the markings required or authorized in subsection B of Section 151 of Title 47 of the Oklahoma Statutes and used by the Oklahoma Highway Patrol Division of the Department of Public Safety, conveys to any person the impression or appearance that it is a vehicle of the Oklahoma Highway Patrol shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a fine not exceeding Five Hundred Dollars (\$500.00), or both fine and imprisonment; provided, nothing in this paragraph shall be construed to prohibit the use of such a vehicle for exhibitions, club activities, parades, and other functions of public interest and which is not used on the public roads, streets, and highways for regular transportation; or

2. For the purpose of falsely personating a law enforcement officer and who in such assumed character commits any act whereby another person is injured, defrauded, harassed, vexed or annoyed shall, upon conviction, be guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine not exceeding Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

G. 1. Any person who displays or causes to be displayed the words "State Police" alone or in conjunction with any other word or words on any motor vehicle, badge, clothing, identification card, or any other object or document with the intent to communicate peace officer or investigating authority shall, upon conviction, be guilty of a misdemeanor punishable by a fine not exceeding One Thousand

Dollars (\$1,000.00). This paragraph shall not apply to any officer with statewide investigatory or law enforcement authority.

2. Any person who displays or causes to display such words as provided in this subsection for the purpose of falsely personating a law enforcement officer and as such commits any act whereby another person is injured, defrauded, harassed, vexed or annoyed shall, upon conviction, be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not exceeding Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

H. As used in this section:

1. "Sham legal process" means the issuance, display, delivery, distribution, reliance on as lawful authority, or other use of an instrument that is not lawfully issued, whether or not the instrument is produced for inspection or actually exists, and purports to do any of the following:

- a. to be a summons, subpoena, judgment, arrest warrant, search warrant, or other order of a court recognized by the laws of this state, a law enforcement officer commissioned pursuant to state or federal law or the law of a federally recognized Indian tribe, or a legislative, executive, or administrative agency established by state or federal law or the law of a federally recognized Indian tribe,
- b. to assert jurisdiction or authority over or determine or adjudicate the legal or equitable status, rights, duties, powers, or privileges of any person or property, or
- c. to require or authorize the search, seizure, indictment, arrest, trial, or sentencing of any person or property; and

2. "Lawfully issued" means adopted, issued, or rendered in accordance with the applicable statutes, rules, regulations, and ordinances of the United States, a state, or a political subdivision of a state.

I. It shall not be a defense to a prosecution under subsection B, C, D or E of this section that:

1. The recipient of the sham legal process did not accept or believe in the authority falsely asserted in the sham legal process;

2. The person violating subsection B, C, D or E of this section does not believe in the jurisdiction or authority of this state or of the United States government; or

3. The office the person violating subsection B, C, D or E of this section purports to hold does not exist or is not an official office recognized by state or federal law.

R.L. 1910, § 2691. Amended by Laws 1990, c. 320, § 4, emerg. eff. May 30, 1990; Laws 1993, c. 13, § 1, emerg. eff. March 24, 1993;

Laws 1997, c. 405, § 1, emerg. eff. June 13, 1997; Laws 1998, 1st Ex. Sess., c. 2, § 8, emerg. eff. June 19, 1998; Laws 1999, c. 24, § 4, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 261, eff. July 1, 1999; Laws 2003, c. 199, § 2, eff. Nov. 1, 2003; Laws 2003, c. 474, § 2, eff. Nov. 1, 2003; Laws 2012, c. 125, § 1, eff. Nov. 1, 2012; Laws 2025, c. 486, § 236, eff. Jan. 1, 2026.

§21-1533.1. Identity theft - Penalties - Civil action.

A. It is unlawful for any person to willfully and with fraudulent intent obtain the name, address, Social Security number, date of birth, place of business or employment, debit, credit or account numbers, driver license number or any other personal identifying information of another person, living or dead, with intent to use, sell or allow any other person to use or sell such personal identifying information to obtain or attempt to obtain money, credit, goods, property or service in the name of the other person without the consent of that person.

B. It is unlawful for any person to use with fraudulent intent the personal identity of another person, living or dead, or any information relating to the personal identity of another person, living or dead, to obtain or attempt to obtain credit or anything of value.

C. It is unlawful for any person with fraudulent intent to lend, sell, or otherwise offer the use of such person's own name, address, Social Security number, date of birth or any other personal identifying information or document to any other person with the intent to allow such other person to use the personal identifying information or document to obtain or attempt to obtain any identifying document in the name of such other person.

D. It is unlawful for any person to willfully create, modify, alter or change any personal identifying information of another person with fraudulent intent to obtain any money, credit, goods, property, service or any benefit or thing of value, or to control, use, waste, hinder or encumber another person's credit, accounts, goods, property, title, interests, benefits or entitlements without the consent of that person.

E. Any person convicted of violating any provision of this section shall be guilty of identity theft. Any person who violates the provisions of subsection A, B or D of this section shall, upon conviction, be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or a fine not to exceed One Hundred Thousand Dollars (\$100,000.00), or by both such fine and imprisonment. Any person who violates the provisions of subsection A, B or D of this section, and the victim is an individual who is less than eighteen (18) years of age, shall, upon conviction, be guilty of a Class D1 felony offense punishable by imprisonment as provided for in

subsections B through F of Section 20N of this title, or a fine not to exceed One Hundred Thousand Dollars (\$100,000.00), or by both such fine and imprisonment. Any person who violates the provisions of subsection C of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for a term not to exceed one (1) year, or a fine not to exceed One Hundred Thousand Dollars (\$100,000.00), or by both such fine and imprisonment. Restitution to the victim may be ordered in addition to any criminal penalty imposed by the court. The victim of identity theft may bring a civil action for damages against any person participating in furthering the crime or attempted crime of identity theft.

Added by Laws 1999, c. 144, § 1, emerg. eff. May 3, 1999. Amended by Laws 2000, c. 277, § 10, eff. Nov. 1, 2000; Laws 2001, c. 5, § 5, emerg. eff. March 21, 2001; Laws 2004, c. 279, § 1, emerg. eff. May 10, 2004; Laws 2007, c. 167, § 1, eff. Nov. 1, 2007; Laws 2016, c. 221, § 3, eff. Nov. 1, 2016; Laws 2021, c. 275, § 1, eff. Nov. 1, 2021; Laws 2025, c. 486, § 423, eff. Jan. 1, 2026.

NOTE: Laws 2000, c. 174, § 1 repealed by Laws 2001, c. 5, § 6, emerg. eff. March 21, 2001.

§21-1533.2. Fraudulently obtaining another person's information of financial institution - Presenting false or fraudulent information to officer, employee, agent or another customer of financial institution.

A. It is unlawful for any person to willfully and knowingly obtain, or attempt to obtain, another person's personal, financial or other information of a financial institution by means of any false or fraudulent statement made to any officer, employee, agent or customer of such financial institution.

B. It is unlawful for any person to willfully and knowingly present any false or fraudulent document or information, or any document or information obtained or used without lawful consent or authority, to any officer, employee, agent or another customer of such financial institution to obtain, or attempt to obtain, another person's personal, financial or other information from a financial institution or to commit any crime.

C. Any person violating any provision of this section shall, upon conviction, be guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title. In addition, the court may order restitution to be paid by the defendant to every customer whose information was obtained or otherwise utilized in violation of this provision.

Added by Laws 2004, c. 298, § 3, emerg. eff. May 12, 2004. Amended by Laws 2025, c. 486, § 237, eff. Jan. 1, 2026.

§21-1533.3. Identity theft incident report - Preparation and filing by local law enforcement - Reports not considered open cases.

A. Notwithstanding that jurisdiction may lie elsewhere for investigation and prosecution of a crime of identity theft, victims of identity theft have the right to contact the local law enforcement agency where the victim is domiciled and have an incident report about the identity theft prepared and filed. The local law enforcement agency that prepares and files the incident report shall, upon request, provide the victim with a copy of the incident report. The law enforcement agency may share the incident report with law enforcement agencies located in other jurisdictions. For purposes of this section, "incident report" means a loss or other similar report prepared and filed by a local law enforcement agency.

B. Nothing in this section shall interfere with the discretion of a local law enforcement agency to allocate resources for investigations of crimes. An incident report prepared and filed pursuant to this section shall not be an open case for purposes of compiling open case statistics.

Added by Laws 2007, c. 10, § 1, eff. Nov. 1, 2007.

§21-1534. Title theft - Penalties.

A. A person commits title theft when he or she:

1. Intentionally alters, falsifies, forges, or misrepresents a document pertaining to real property, with the intent to deceive, defraud, or unlawfully transfer or encumber the ownership rights of the owner of the real property;

2. With intent to defraud, misrepresents himself or herself as the owner or authorized representative of the owner of real property to induce another person to rely on such false information to obtain ownership or possession of such real property; or

3. With intent to defraud, takes, obtains, steals, encumbers, or transfers title or an interest in real property by fraud, forgery, larceny, or any other fraudulent or deceptive practice.

B. A person who procures, files, or causes to be filed of public record any document pertaining to an interest in real property with intent to deceive another person as to the veracity of the document recorded shall be, upon conviction, guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed three (3) years, a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine. Additionally, the court shall order restitution to be paid to the aggrieved party as authorized by Section 991f of Title 22 of the Oklahoma Statutes.

C. A person who knowingly and willfully procures, files, or causes to be filed of public record a document pertaining to real property in this state with intent to defraud the owner of the real

property or the owner of an interest in the real property shall be, upon conviction, guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed ten (10) years, a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine. Additionally, the court shall order restitution to be paid to the aggrieved party as authorized by Section 991f of Title 22 of the Oklahoma Statutes.

D. A county clerk shall post a sign, in letters at least one (1) inch in height, that is clearly visible to the general public in or near the county clerk's office stating that it is a crime to knowingly file a fraudulent document pertaining to real property with the county clerk.

Added by Laws 2025, c. 109, § 2, eff. Nov. 1, 2025.

§21-1541.1. Obtaining or attempting to obtain property by trick or deception - False statements or pretenses - Confidence game - Penalty.

Every person who, with intent to cheat and defraud, shall obtain or attempt to obtain from any person, firm or corporation any money, property or valuable thing, of a value less than One Thousand Dollars (\$1,000.00), by means or by use of any trick or deception, or false or fraudulent representation or statement or pretense, or by any other means or instruments or device commonly called the "confidence game", or by means or use of any false or bogus checks, or by any other written or printed or engraved instrument or spurious coin, shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment.

Added by Laws 1967, c. 94, § 1, emerg. eff. April 20, 1967. Amended by Laws 1982, c. 277, § 1, operative Oct. 1, 1982; Laws 2001, 1st Ex. Sess., c. 2, § 1, emerg. eff. Oct. 8, 2001; State Question No. 780, Initiative Petition No. 404, § 13, adopted at General Election held on November 8, 2016, eff. July 1, 2017; Laws 2021, c. 101, § 1, emerg. eff. April 20, 2021.

NOTE: Laws 2016, c. 221, § 4 repealed by Laws 2021, c. 101, § 2, emerg. eff. April 20, 2021.

§21-1541.2. See the following versions:

OS 21-1541.2v1 (HB 2751, Laws 2016, c. 221, § 5)

OS 21-1541.2v2 (HB 2104, Laws 2025, c. 486, § 238)

§21-1541.2v1. Value of money, property or valuable thing - Penalty.

If the value of the money, property or valuable thing referred to in Section 1541.1 of this title is One Thousand Dollars (\$1,000.00) or more, any person convicted pursuant to this section shall be guilty of a felony and shall be punished by imprisonment in

the custody of the Department of Corrections for a term not more than ten (10) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment, and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes.

Added by Laws 1967, c. 94, § 2, emerg. eff. April 20, 1967. Amended by Laws 1982, c. 277, § 2, operative Oct. 1, 1982; Laws 1993, c. 147, § 4, eff. Sept. 1, 1993; Laws 1997, c. 133, § 369, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 262, eff. July 1, 1999; Laws 2001, c. 437, § 7, eff. July 1, 2001; Laws 2016, c. 221, § 5, eff. Nov. 1, 2016.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 369 from July 1, 1998, to July 1, 1999.

§21-1541.2v2. Obtaining or attempting to obtain property by trick or deception - False statements or pretenses - Confidence game - Penalty.

A. If the value of the money, property or valuable thing referred to in Section 1541.1 of this title is:

1. One Thousand Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars (\$2,500.00), the person shall be guilty of a Class D3 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20P of this title, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment;

2. Two Thousand Five Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars (\$15,000.00), the person shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine; or

3. Fifteen Thousand Dollars (\$15,000.00) or more, the person shall be guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine.

B. Any person convicted pursuant to this section shall also be ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes.

Added by Laws 1967, c. 94, § 2, emerg. eff. April 20, 1967. Amended by Laws 1982, c. 277, § 2, operative Oct. 1, 1982; Laws 1993, c. 147, § 4, eff. Sept. 1, 1993; Laws 1997, c. 133, § 369, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 262, eff. July 1, 1999; Laws 2001, c. 437, § 7, eff. July 1, 2001; State Question No. 780, Initiative Petition No. 404, § 14, adopted at election held on November 8, 2016, eff. July 1, 2017; Laws 2018, c. 116, § 4, eff. Nov. 1, 2018; Laws 2025, c. 486, § 238, eff. Jan. 1, 2026.

§21-1541.3. See the following versions:

OS 21-1541.3v1 (HB 2751, Laws 2016, c. 221, § 6)

OS 21-1541.3v2 (HB 2104, Laws 2025, c. 486, § 239)

§21-1541.3v1. Value of bogus checks, drafts or orders - Penalty.

Any person making, drawing, uttering or delivering two or more false or bogus checks, drafts or orders, as defined by Section 1541.4 of this title, the total sum of which is Two Thousand Dollars (\$2,000.00) or more, even though each separate instrument is written for less than One Thousand Dollars (\$1,000.00), all in pursuance of a common scheme or plan to cheat and defraud, shall be deemed guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term not more than ten (10) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. If the total sum of two or more false or bogus checks, drafts or orders is Five Hundred Dollars (\$500.00) or more, but less than Two Thousand Dollars (\$2,000.00), the person shall, upon conviction, be guilty of a misdemeanor and shall be punished by incarceration in the county jail for not more than one (1) year or by incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes.

Added by Laws 1967, c. 94, § 3, emerg. eff. April 20, 1967. Amended by Laws 1982, c. 277, § 3, operative Oct. 1, 1982; Laws 1993, c. 147, § 5, eff. Sept. 1, 1993; Laws 1993, c. 288, § 2, eff. Sept. 1, 1993; Laws 1997, c. 133, § 370, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 263, eff. July 1, 1999; Laws 2001, c. 437, § 8, eff. July 1, 2001; Laws 2016, c. 221, § 6, eff. Nov. 1, 2016.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 370 from July 1, 1998, to July 1, 1999.

§21-1541.3v2. Value of bogus checks, drafts or orders - Penalty.

A. Any person making, drawing, uttering or delivering two or more false or bogus checks, drafts or orders, as defined by Section 1541.4 of this title, the total sum of which is Two Thousand Dollars (\$2,000.00) or more, even though each separate instrument is written for less than One Thousand Dollars (\$1,000.00), all in pursuance of a common scheme or plan to cheat and defraud shall be deemed guilty of a felony and shall be punished as follows:

1. If the total sum of two or more false or bogus checks, drafts or orders is Two Thousand Dollars (\$2,000.00) or more but less than Two Thousand Five Hundred Dollars (\$2,500.00), the person shall be guilty of a Class D3 felony offense and shall be punished

by imprisonment as provided for in subsections B through F of Section 20P of this title, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment;

2. If the total sum of two or more false or bogus checks, drafts or orders is Two Thousand Five Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars (\$15,000.00), the person shall be guilty of a Class D1 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment; or

3. If the total sum of two or more false or bogus checks, drafts or orders is Fifteen Thousand Dollars (\$15,000.00) or more, the person shall be guilty of a Class C2 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

B. If the total sum of two or more false or bogus checks, drafts or orders is Five Hundred Dollars (\$500.00) or more but less than Two Thousand Dollars (\$2,000.00), the person shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for a term not to exceed one (1) year or, at the discretion of the court, by imprisonment in the county jail for one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00), and ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes.

Added by Laws 1967, c. 94, § 3, emerg. eff. April 20, 1967. Amended by Laws 1982, c. 277, § 3, operative Oct. 1, 1982; Laws 1993, c. 147, § 5, eff. Sept. 1, 1993; Laws 1993, c. 288, § 2, eff. Sept. 1, 1993; Laws 1997, c. 133, § 370, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 263, eff. July 1, 1999; Laws 2001, c. 437, § 8, eff. July 1, 2001; State Question No. 780, Initiative Petition No. 404, § 15, adopted at election held on November 8, 2016, eff. July 1, 2017; Laws 2018, c. 116, § 5, eff. Nov. 1, 2018; Laws 2025, c. 486, § 239, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 370 from July 1, 1998, to July 1, 1999.

§21-1541.4. False or bogus check or checks defined; prima facie evidence of intent to defraud and knowledge of insufficient funds or credit; effect of refusal by drawee of check offered for purchase of goods or livestock.

A. The term "false or bogus check or checks" shall include checks or orders, including those converted to electronic fund transfer, which are not honored on account of insufficient funds of the maker to pay same or because the check or order was drawn on a

closed account or on a nonexistent account when such checks or orders are given:

1. In exchange for money or property;
2. In exchange for any benefit or thing of value;
3. As a down payment for the purchase of any item of which the purchaser is taking immediate possession, as against the maker or drawer thereof; or
4. As payment made to a landlord under a lease or rental agreement.

B. The making, drawing, uttering, or delivering of a check, draft, or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in, or credit with, such bank or other depository; provided, such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with the protest fees, within five (5) days from the date the same is presented for payment; and provided, further, that the check or order is presented for payment within thirty (30) days after same is delivered and accepted.

C. A check offered for the purchase of goods or livestock that is refused by a drawee shall not be considered to be an extension of credit by the seller of goods or livestock to the maker or drawer of the check.

D. A check or order offered to a merchant in payment on an open account of the maker with the merchant shall mean "a check or order given in exchange for a benefit or thing of value", notwithstanding that the merchant may debit the account of the maker or impose other charges pursuant to applicable law in the event the check or order is not honored.

Added by Laws 1967, c. 94, § 4, emerg. eff. April 20, 1967. Amended by Laws 1975, c. 124, § 1, emerg. eff. May 13, 1975; Laws 2002, c. 116, § 1, eff. Nov. 1, 2002; Laws 2009, c. 428, § 1, eff. Nov. 1, 2009; Laws 2013, c. 127, § 1, eff. Nov. 1, 2013; Laws 2014, c. 224, § 1, eff. Nov. 1, 2014.

§21-1541.5. Credit defined.

The word "credit," as used in Section 1541.1 through 1541.4 of this title, shall be construed to mean an arrangement or understanding with the bank, depository, or seller of goods or livestock for the payment of such check, draft, or order.

Added by Laws 1967, c. 94, § 5, emerg. eff. April 20, 1967. Amended by Laws 2009, c. 428, § 2, eff. Nov. 1, 2009.

§21-1541.6. Refund fraud - Penalties.

A. No person shall give a false or fictitious name or address as his own, or give the name or address of any other person without the knowledge and consent of that person, for the purpose of

obtaining or attempting to obtain a refund for merchandise from a business establishment.

B. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor punishable by the imposition of a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not more than one (1) year, or by both said fine and imprisonment.
Added by Laws 1984, c. 44, § 1, eff. Nov. 1, 1984. de

§21-1542. Obtaining property or signature under false pretenses - Use of retail sales receipt or Universal Price Code Label to cheat or defraud.

A. Every person who, with intent to cheat or defraud another, designedly, by color or aid of any false token or writing, or other false pretense, obtains the signature of any person to any written instrument, or obtains from any person any money or property is, upon conviction, guilty of a Class D3 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20P of this title if the value is One Thousand Dollars (\$1,000.00) or more, or by a fine not exceeding three times the value of the money or property so obtained, or by both such fine and imprisonment. If the value is less than One Thousand Dollars (\$1,000.00), the person is, upon conviction, guilty of a misdemeanor punishable by imprisonment in the county jail for a term not exceeding one (1) year, or by a fine not exceeding three times the value of the money or property so obtained, or by both such fine and imprisonment.

B. Every person who, with intent to cheat or defraud another, possesses, uses, utters, transfers, makes, manufactures, counterfeits, or reproduces a retail sales receipt or a Universal Price Code Label is, upon conviction, guilty of a Class D3 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20P of this title if the value is One Thousand Dollars (\$1,000.00) or more, or by a fine not exceeding three times the value represented on the retail sales receipt or the Universal Price Code Label, or by both such fine and imprisonment. If the value is less than One Thousand Dollars (\$1,000.00), the person is, upon conviction, guilty of a misdemeanor punishable by imprisonment in the county jail for a term not exceeding one (1) year, or by a fine not exceeding three times the value represented on the retail sales receipt or the Universal Price Code Label, or by both such fine and imprisonment. For purposes of this subsection, a series of offenses may be aggregated into one offense when they are the result of the formulation of a plan or scheme or the setting up of a mechanism which, when put into operation, results in the taking or diversion of money or property on a recurring basis. When all acts result from a continuing course of conduct, they may be aggregated

into one crime. Acts forming an integral part of the first taking which facilitate subsequent takings, or acts taken in preparation of several takings which facilitate subsequent takings, are relevant to determine the intent of the party to commit a continuing crime.

R.L. 1910, § 2694. Amended by Laws 1997, c. 139, § 2, eff. Nov. 1, 1997; Laws 2016, c. 221, § 7, eff. Nov. 1, 2016; Laws 2025, c. 486, § 687, eff. Jan. 1, 2026.

NOTE: Laws 1997, c. 133, § 371 repealed by Laws 1999, 1st Ex. Sess., c. 5, § 452, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 371 from July 1, 1998, to July 1, 1999.

§21-1543. Obtaining signature or property for charitable purposes by false pretenses.

Any person who designedly, by color or aid of any false token or writing, or other false pretense, obtains the signature of any person to any written instrument, or obtains from any person any money or property for any alleged charitable or benevolent purpose whatever shall, upon conviction, be guilty of a Class D3 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20P of this title, or by a fine not exceeding the value of the money or property so obtained, or by both such fine and imprisonment.

R.L. 1910, § 2695. Amended by Laws 1997, c. 133, § 372, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 264, eff. July 1, 1999; Laws 2025, c. 486, § 688, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 372 from July 1, 1998, to July 1, 1999.

§21-1544. False negotiable paper.

If the false token by which any money or property is obtained in violation of the first and second preceding sections of this article, is a promissory note or negotiable evidence of debt purporting to be issued by or under the authority of any banking company or corporation not in existence, the person guilty of such cheat shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, instead of by punishment prescribed by those sections.

R.L. 1910, § 2696. Amended by Laws 1997, c. 133, § 373, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 265, eff. July 1, 1999; Laws 2025, c. 486, § 424, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 373 from July 1, 1998, to July 1, 1999.

§21-1545. Using false check - False token.

The use of a matured check or other order for the payment of money, as a means of obtaining any signature, money or property, such as is specified in the last two sections, by a person who knows that a drawer thereof is not entitled to draw for the sum specified therein, upon the drawee, is the use of a false token within the meaning of those sections although no representation is made in respect thereto.

R.L.1910, § 2697. de

§21-1546. Removing, defacing, altering or obliterating - Subsequent sale.

Any person, firm or corporation who removes, defaces, alters, changes, destroys, covers, obliterates or makes a substitution of any trademark, distinguishing or identification number, serial number or mark, on or from any machine or electrical or mechanical device or apparatus, and thereafter sells or resells or offers for sale or resale the same in such condition, is guilty of a misdemeanor.

Laws 1953, p. 97, § 1.

§21-1547. Person acquiring machine or device with mark removed, altered, etc.

Any person, firm or corporation who acquires, for the purpose of sale or resale and possesses any machine or electrical or mechanical device or apparatus, or any of the parts thereof, from or on which any trademark, distinguishing or identification number, serial number or mark has been removed, covered, altered, changed, defaced, destroyed, obliterated or substituted for, is guilty of a misdemeanor, unless within ten (10) days after such machine or electrical or mechanical device or apparatus, or any such part thereof, shall have come into his or its possession, said person, firm or corporation files with the chief law enforcement officer of the municipality in which the machine or electrical or mechanical device or apparatus or any such part thereof is located, or to the county sheriff of the county wherein said property is located if not within a municipality, a verified statement showing: The source of his or its title, identification or distinguishing number or serial number or mark, if known, and, if known, the manner of and reason for such mutilation, change, alteration, concealment, defacement or substitution, the length of time such machine or electrical or mechanical device or apparatus or part has been held, and the price paid therefor, and provided further, that any and all such verified statements shall be available for inspection by any interested person.

Laws 1953, p. 97, § 2.

§21-1548. Vehicles excepted.

The provisions of this act shall not apply to motor vehicles and other vehicles as defined in Section 1102 of Title 47 of the Oklahoma Statutes.

Added by Laws 1953, p. 97, § 3. Amended by Laws 2001, c. 131, § 12, eff. July 1, 2001.

§21-1549. Changes of serial numbers by original manufacturer.

The provisions of this act shall not apply to changes of serial numbers authorized and made by the original manufacturer.

Laws 1953, p. 97, § 4.

§21-1550. Person committing felony in possession or control of firearm with removed, defaced, etc. serial number.

A. Any person who, while in the commission or attempted commission of a felony, has in his possession or under his control a firearm, the factory serial number or identification number of which has been removed, defaced, altered, obliterated or mutilated in any manner, upon conviction, shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

B. Any person who removes, defaces, alters, obliterates or mutilates in any manner the factory serial number or identification number of a firearm, or in any manner participates therein, upon conviction, shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not to exceed one (1) year, or by a fine of not to exceed One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

C. 1. Upon a conviction of a violation of this section, the court clerk, sheriff, peace officer or other person having custody of the firearm shall immediately deliver the firearm to the Commissioner of Public Safety, who shall preserve the firearm pending an order of the court.

2. At the conclusion of a trial or proceeding for a violation of this section, if a finding is made that the factory serial number or identification number of the firearm has been removed, defaced, altered, obliterated or mutilated, the court shall issue a written order to the Commissioner of Public Safety for destruction of the firearm, unless the defendant files a timely motion to preserve the firearm pending appeal. At the conclusion of the appeal, if a finding is made that the factory serial number or identification number of the firearm has been removed, defaced, altered, obliterated or mutilated, the Court of Criminal Appeals or the trial court shall issue a written order to the Commissioner for destruction of the firearm.

Added by Laws 1988, c. 212, § 1, eff. Nov. 1, 1988. Amended by Laws 1997, c. 133, § 374, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 266, eff. July 1, 1999; Laws 2025, c. 486, § 429, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 374 from July 1, 1998, to July 1, 1999.

§21-1550.1. Definitions.

1. The term "credit card" means an identification card or device issued to a person, firm or corporation by a business organization which permits such person, firm or corporation to purchase or obtain goods, property or services on the credit of such organization.

2. "Debit card" means an identification card or device issued to a person, firm or corporation by a business organization which permits such person, firm or corporation to obtain access to or activate a consumer banking electronic facility.

Laws 1961, p. 233, § 1; Laws 1981, c. 86, § 1, emerg. eff. April 20, 1981.

§21-1550.2. Value of Five Hundred Dollars or less - Value of more than Five Hundred Dollars.

Any person who knowingly uses or attempts to use in person, by telephone or by the Internet, for the purpose of obtaining credit, or for the purchase of goods, property or services, or for the purpose of obtaining cash advances in lieu of these items, or to deposit, obtain or transfer funds, either a credit card or a debit card which has not been issued to such person or which is not used with the consent of the person to whom issued or a credit card or a debit card which has been revoked or cancelled by the issuer of such card and actual notice thereof has been given to such person, or a credit card or a debit card which is false, counterfeit or nonexistent is guilty of a misdemeanor and punishable by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment if the amount of the credit or purchase or funds deposited, obtained or transferred by such use does not exceed Five Hundred Dollars (\$500.00); or, by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment if the amount of the credit or purchase or funds deposited, obtained or transferred by such use exceeds Five Hundred Dollars (\$500.00).

Added by Laws 1961, p. 233, § 2. Amended by Laws 1981, c. 86, § 2, emerg. eff. April 20, 1981; Laws 2001, c. 437, § 9, eff. July 1, 2001; Laws 2008, c. 128, § 1, eff. Nov. 1, 2008.

§21-1550.3. Actual notice.

The words "actual notice" as used herein shall be construed to include either notice given to the purchaser in person or notice given to him in writing. Such actual notice in writing shall be presumed to have been given when deposited as registered or certified mail, in the United States mail, addressed to such person at his last known address.

Laws 1961, p. 233, § 3.

§21-1550.21. Definitions.

As used in this act:

1. "Cardholder" means the person or organization named on the face of a credit card or a debit card to whom or for whose benefit the credit card or debit card is issued;

2. "Credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value on credit and all such credit cards lawfully issued shall be considered the property of the cardholder or the issuer for all purposes;

3. "Debit card" means any instrument or device, whether known as a debit card or by any other name, issued with or without fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds from a consumer banking electronic facility;

4. "Issuer" means any person, firm, corporation, financial institution or its duly authorized agent which issues a credit card or a debit card;

5. "Receives" or "receiving" means acquiring possession or control or accepting as security for a loan;

6. "Reencoder" means an electronic device that places encoded information from the computer chip, magnetic strip or stripe or other storage mechanism of a credit card or debit card onto the computer chip, magnetic strip or stripe or other storage mechanism of a different card;

7. "Revoked card" means a credit card or a debit card which is no longer valid because permission to use it has been suspended or terminated by the issuer;

8. "Scanning device" means a scanner, reader or any other electronic device that may be used to access, read, scan, obtain, memorize or store, temporarily or permanently, information encoded on the computer chip, magnetic strip or stripe or other storage mechanism of a credit card or debit card or from another device that directly reads the information from a credit card or debit card; and

9. "Skimming device" means a self-contained device that:

- a. is designed to read and store in the internal memory of the device information encoded on the computer

chip, magnetic strip or stripe or other storage mechanism of a credit card or debit card or from another device that directly reads the information from a credit card or debit card, and

- b. is incapable of processing the credit card or debit card information for the purpose of obtaining, purchasing or receiving goods, services, money or anything else of value from a person or organization.

Added by Laws 1970, c. 258, § 1, emerg. eff. April 22, 1970.

Amended by Laws 1971, c. 307, § 1, emerg. eff. June 19, 1971; Laws 1981, c. 86, § 3, emerg. eff. April 20, 1981; Laws 2019, c. 347, § 1, eff. Nov. 1, 2019.

§21-1550.22. Taking credit or debit card - Receiving taken credit or debit card.

(a) A person who takes a credit card or debit card from the person, possession, custody or control of another without the cardholder's consent, or who, with knowledge that it has been so taken, receives the credit card or debit card with intent to use it or to sell it, or to transfer it to a person other than the issuer or the cardholder, is guilty of card theft and is subject to the penalties set forth in Section 1550.33(a) of this title.

(b) Taking a credit card or a debit card without consent includes obtaining it by the crime of larceny, larceny by trick, larceny by the bailee, embezzlement or obtaining property by false pretense, false promise, extortion or in any manner taking without the consent of the cardholder or issuer.

(c) A person who has in his possession or under his control any credit card or debit card obtained under subsection (b) of this section is presumed to have violated this section.

Laws 1970, c. 258, § 2; Laws 1971, c. 307, § 2, emerg. eff. June 19, 1971; Laws 1981, c. 86, § 4, emerg. eff. April 20, 1981.

§21-1550.23. Receiving, holding or concealing lost or mislaid card.

A person who receives, holds or conceals a credit card or a debit card which has been lost or mislaid under circumstances which give him knowledge or cause to inquire as to the true owner and appropriates it to his use or the use of another not entitled thereto is subject to the penalties set forth in Section 1550.33(a) of Title 21 of the Oklahoma Statutes.

Laws 1970, c. 258, § 3; Laws 1971, c. 307, § 3, emerg. eff. June 19, 1971; Laws 1981, c. 86, § 5, emerg. eff. April 20, 1981.

§21-1550.24. Selling or buying credit or debit card.

A person other than the issuer who sells a credit card or debit card or a person who buys a credit card or a debit card from a person

other than the issuer is guilty of theft and is subject to the penalties set forth in Section 1550.33(a) of this title.

Laws 1970, c. 258, § 4, emerg. eff. April 22, 1970; Laws 1981, c. 86, § 6, emerg. eff. April 20, 1981.

§21-1550.25. Controlling credit or debit card as security for debt.

A person with intent to defraud (a) the issuer, (b) a person or organization providing money, goods, services or anything else of value, or (c) any other person, who obtains control over a credit card or debit card as security for debt is guilty of theft and is subject to the penalties set forth in Section 1550.33(a) of this title.

Laws 1970, c. 258, § 5, emerg. eff. April 22, 1970; Laws 1981, c. 86, § 7, emerg. eff. April 20, 1981. d

§21-1550.26. Receiving taken or retained card upon giving consideration.

A person, other than the issuer, who receives, on giving of any consideration, credit cards or debit cards issued to any other person, which he has reason to know were taken or retained under circumstances which constitute card theft, is guilty of card theft and is subject to the penalties set forth in Section 1550.33(a) of Title 21 of the Oklahoma Statutes.

Laws 1970, c. 258, § 6; Laws 1971, c. 307, § 4, emerg. eff. June 19, 1971; Laws 1981, c. 86, § 8, emerg. eff. April 20, 1981.

§21-1550.27. Falsely manufactured or altered credit and debit cards – Penalties.

A. A person, with intent to defraud:

1. A purported issuer;

2. A person or organization providing money, goods, services or anything else of value; or

3. Any other person,

who falsely makes, clones, or alters a purported credit, debit, or similar card containing a magnetic stripe capable of storing data, in any form, either physically or digitally, from what the original issuer placed on the card or utters such a card is guilty of a felony.

B. 1. A person other than the purported issuer who possesses any credit, debit, or similar card containing a magnetic stripe capable of storing data, which is falsely made, cloned, or altered in any form, either physically or digitally from what the issuer routinely incorporates, is presumed to have violated this section.

2. The possession of three or more credit, debit, or similar cards containing magnetic stripes capable of storing data containing cloned or altered data simultaneously shall create a rebuttable

presumption that the person is possessing such cards with the intent to defraud, for purposes of this section.

C. A person "falsely makes" a credit, debit, or similar card containing a magnetic stripe capable of storing data when the person marks, alters, or stores information in whole or in part, in a physical or digital format, on a device or instrument which can function as a credit, debit, or similar card of an issuer but which is not such a card because the issuer did not authorize the marks, alterations, or stored information, or when the person alters a credit, debit, or similar card containing a magnetic stripe capable of storing data which was originally authorized and issued, including, but not limited to, when a person manipulates information included on an electronic magnetic stripe or chip contained on a card.

D. A person in violation of the provisions of this section, while in possession of:

1. Five or fewer falsely made cards shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than two (2) years and not more than five (5) years, and by a fine not to exceed Five Thousand Dollars (\$5,000.00);

2. Six or more but less than twenty (20) falsely made cards shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than five (5) years and not more than ten (10) years, and by a fine not to exceed Ten Thousand Dollars (\$10,000.00); and

3. Twenty or more falsely made cards shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than ten (10) years and not more than twenty (20) years, and by a fine not to exceed One Hundred Thousand Dollars (\$100,000.00).

Added by Laws 1970, c. 258, § 7, emerg. eff. April 22, 1970.

Amended by Laws 1971, c. 307, § 5, emerg. eff. June 19, 1971; Laws 1981, c. 86, § 9, emerg. eff. April 20, 1981; Laws 2016, c. 221, § 8, eff. Nov. 1, 2016; Laws 2024, c. 248, § 1, eff. Nov. 1, 2024.

§21-1550.28. Signing of card - Possession of signed or unsigned card.

A. A person other than the cardholder or a person authorized by him who, with intent to defraud (1) the issuer, (2) a person or organization providing money, goods, services or anything else of value, or (3) any other person, signs a credit card or debit card violates this subsection and , upon conviction, is guilty of a Class D1 felony offense and subject to the penalties set forth in subsection A of Section 1550.33 of this title.

B. When a person, other than the cardholder or a person authorized by him, possesses any credit card or debit card which is signed or not signed, such possession shall be a Class D1 felony offense and subject to the penalties set forth in Section 1550.33 of this title.

Added by Laws 1970, c. 258, § 8, emerg. eff. April 22, 1970.

Amended by Laws 1971, c. 307, § 6, emerg. eff. June 19, 1971; Laws 1981, c. 86, § 10, emerg. eff. April 20, 1981; Laws 2025, c. 486, § 425, eff. Jan. 1, 2026.

§21-1550.29. Forged or revoked card.

A person who, with intent to defraud (a) the issuer, (b) a person or organization providing money, goods, services or anything else of value, or (c) any other person, uses for the purpose of obtaining money, goods, services or anything else of value a credit card or debit card obtained or retained in violation of any provision of Sections 1550.22 through 1550.28 of this title or a credit card or debit card which he knows is forged or revoked, or obtains money, goods, services or anything else of value by representing, without the consent of the cardholder, that he is the holder of a specified card or by representing that he is the holder of a card and such card has in fact not been issued, has violated this subsection and is guilty of an offense and is subject to the penalties set forth in Section 1550.33(a) of this title. Knowledge of revocation shall be presumed to have been received by a cardholder fourteen (14) days after it has been mailed to him at the address in this state set forth on the credit card application or at his last-known address by registered or certified mail, return receipt requested.

Laws 1970, c. 258, § 9, emerg. eff. April 22, 1970; Laws 1981, c. 86, § 11, emerg. eff. April 20, 1981.

§21-1550.30. Failure to furnish money, goods or services represented to have been furnished.

A person who is authorized by an issuer to furnish money, goods, services or anything else of value upon presentation of a credit card or debit card by the cardholder, or any agent or employee of such person, who, with intent to defraud the issuer or cardholder, fails to furnish money, goods, services or anything else of value which he represents in writing to the issuer that he has furnished violates this subsection and is subject to the penalties set forth in Section 1550.33(a) of this title.

Laws 1970, c. 258, § 10, emerg. eff. April 22, 1970; Laws 1981, c. 86, § 12, emerg. eff. April 20, 1981. d

§21-1550.31. Possessing incomplete cards.

A. A person other than the cardholder possessing one or more incomplete credit cards or debit cards, with intent to complete them without the consent of the issuer, or a person possessing, with knowledge of its character, machinery, plates or any other contrivance designed to reproduce instruments purporting to be the credit cards or debit cards of an issuer who has not consented to the preparation of such credit cards or debit cards is, upon conviction, guilty of a Class D1 felony offense and is subject to the penalties set forth in subsection B of Section 1550.33 of this title.

B. A credit card or debit card is "incomplete" if part of the matter, other than the signature of the cardholder, which an issuer requires to appear on the credit card or debit card before it can be used by a cardholder has not yet been stamped, embossed, imprinted or written on it.

Laws 1970, c. 258, § 11, emerg. eff. April 22, 1970; Laws 1981, c. 86, § 13, emerg. eff. April 20, 1981; Laws 2025, c. 486, § 426, eff. Jan. 1, 2026.

§21-1550.32. Receiving of money, goods or services in violation of Section 1550.29.

A person who receives money, goods, services or anything else of value obtained in violation of Section 1550.29 of this title with the knowledge or belief that it was so obtained is, upon conviction, guilty of a Class D3 felony offense and is subject to the penalties set forth in subsection C of Section 1550.33 of this title.

Added by Laws 1970, c. 258, § 12, emerg. eff. April 22, 1970.

Amended by Laws 2016, c. 221, § 9, eff. Nov. 1, 2016; Laws 2025, c. 486, § 689, eff. Jan. 1, 2026.

§21-1550.33. Penalties.

A. A person who is subject to the penalties of this subsection shall be guilty of a Class D1 felony offense and fined not more than One Thousand Dollars (\$1,000.00), or imprisoned as provided for in subsections B through F of Section 20N of this title, or both fined and imprisoned.

B. A person who is subject to the penalties of this subsection shall be guilty of a Class D1 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20N of this title.

C. A person subject to the penalties of this subsection who received goods or services or any other item which has a value of One Thousand Dollars (\$1,000.00) or more shall be guilty of a Class D3 felony offense and fined not more than Three Thousand Dollars (\$3,000.00), or imprisoned as provided for in subsections B through F of Section 20P of this title, or both fined and imprisoned. If the value is less than One Thousand Dollars (\$1,000.00), the person

shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00), imprisoned in the county jail for not more than one (1) year, or both fined and imprisoned. For purposes of this subsection, a series of offenses may be aggregated into one offense when they are the result of the formulation of a plan or scheme or the setting up of a mechanism which, when put into operation, results in the taking or diversion of money or property on a recurring basis. When all acts result from a continuing course of conduct, they may be aggregated into one crime. Acts forming an integral part of the first taking which facilitate subsequent takings, or acts taken in preparation of several takings which facilitate subsequent takings, are relevant to determine the intent of the party to commit a continuing crime.

Added by Laws 1970, c. 258, § 13, emerg. eff. April 22, 1970.

Amended by Laws 1971, c. 307, § 7, emerg. eff. June 19, 1971; Laws 1997, c. 133, § 375, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 267, eff. July 1, 1999; Laws 2016, c. 221, § 10, eff. Nov. 1, 2016; Laws 2025, c. 486, § 427, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 375 from July 1, 1998, to July 1, 1999.

§21-1550.34. Other criminal law not precluded - Exception.

This act shall not be construed to preclude the applicability of any other provision of the criminal law of this state which presently applies or may in the future apply to any transaction which violates this act, unless such provision is inconsistent with the terms of this act.

Laws 1970, c. 258, § 14, emerg. eff. April 22, 1970.

§21-1550.36. Provisions cumulative.

The provisions of this act shall be cumulative to any existing laws.

Added by Laws 1970, c. 258, § 16, emerg. eff. April 22, 1970.

§21-1550.37. Short title.

This act shall be known and may be cited as the "Oklahoma Credit Card Crime Act of 1970."

Laws 1970, c. 258, § 17, emerg. eff. April 22, 1970.

§21-1550.38. Emergency.

The Legislature of the State of Oklahoma finds the theft, abuse and misuse of credit cards has damaged the economic security of the people of the state and such activity must be controlled immediately to prevent further harm and that the immediate passage of this act is necessary to establish uniform and effective methods for protection against the danger so as to discourage practices contrary to this act. Therefore, an emergency is hereby declared to exist

and this act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

Laws 1970, c. 258, § 18, emerg. eff. April 22, 1970.

§21-1550.39. Use of scanning or skimming device on credit or debit cards - Use of reencoder on credit or debit cards - Possession of skimming device.

A. Every person who:

1. Uses a scanning device or skimming device to access, read, obtain, memorize or store, temporarily or permanently, information encoded on the computer chip, magnetic strip or stripe or other storage mechanism of a credit card or debit card without the permission of the authorized user of the credit card or debit card and with the intent to defraud the authorized user or the issuer of the credit card or debit card or a person or organization providing money, goods, services or anything else of value;

2. Uses a reencoder to place information encoded on the computer chip, magnetic strip or stripe or other storage mechanism of a credit card or debit card onto the computer chip, magnetic strip or stripe or other storage mechanism of a different card without the permission of the authorized user of the credit card or debit card from which the information is being reencoded and with the intent to defraud the authorized user or the issuer of the credit card or debit card or a person or organization providing money, goods, services or anything else of value; or

3. Possesses with the intent to sell, deliver or use a skimming device,
is, upon conviction, guilty of an offense and is subject to the penalties set forth in subsection B of Section 1550.33 of Title 21 of the Oklahoma Statutes.

B. The provisions of paragraph 3 of subsection A of this section shall not apply to the following individuals while acting within the scope of their official duties:

1. An employee, officer or agent of:

- a. a law enforcement agency or criminal prosecuting authority for the state or federal government,
- b. the state court system or federal court system, or
- c. an executive branch agency in this state; or

2. A financial or retail security investigator employed by a person or organization providing money, goods, services or anything else of value.

Added by Laws 2019, c. 347, § 2, eff. Nov. 1, 2019.

§21-1550.41. Definitions - Offenses - Penalties.

A. As used in this section and Section 1550.42 of this title, "identification document", "identification card", or "identification certificate" means any printed form which contains:

1. The name and photograph of a person;
2. The name and any physical description of a person;
3. The name and social security number of a person; or
4. Any combination of information provided for in paragraphs 1 through 3 of this subsection; and

which by its format, is capable of leading a person to believe said document, card, or certificate has been issued for the purpose of identifying the person named thereon, but shall not include any printed form which, on its face, conspicuously bears the term "NOT FOR IDENTIFICATION" in not less than six-point type.

B. It is a misdemeanor for any person:

1. To purchase an identification document, identification card, or identification certificate which bears altered or fictitious information concerning the date of birth, sex, height, eye color, weight, a fictitious or forged name or signature or a photograph of any person, other than the person named thereon;

2. To display or cause or permit to be displayed or to knowingly possess an identification document, identification card or identification certificate which bears altered or fictitious information concerning the date of birth, sex, height, eye color, weight, or fictitious or forged name or signature or a photograph of any person, other than the person named thereon;

3. To display or cause or permit to be displayed or to knowingly possess any counterfeit or fictitious identification document, identification card, or identification certificate; or

4. To use the "Great Seal of the State of Oklahoma" or facsimile thereof, on any identification document, identification card, or identification certificate which is not issued by an entity of this state or political subdivision thereof, or by the United States. Provided, nothing in this paragraph shall be construed to prohibit the use of the "Great Seal of the State of Oklahoma" for authorized advertising, including, but not limited to, business cards, calling cards and stationery.

C. It is a Class D1 felony offense for any person:

1. To create, publish or otherwise manufacture an identification document, identification card or identification certificate or facsimile thereof, or to create, manufacture or possess an engraved plate or other such device for the printing of an identification document, identification card or identification certificate or facsimile thereof, which purports to identify the bearer of such document, card, or certificate whether or not intended for use as identification, and includes, but is not limited to, documents, cards, and certificates purporting to be driver licenses, nondriver identification cards, birth certificates, social

security cards, and employee identification cards, except as authorized by state or federal law;

2. To sell or offer for sale an identification document, identification card, or identification certificate or facsimile thereof, which purports to identify the bearer of such document, card, or certificate whether or not intended for use as identification, and includes, but is not limited to, documents, cards, and certificates purporting to be driver licenses, nondriver identification cards, birth certificates, social security cards, and employee identification cards, except as authorized by state or federal law; or

3. To display or present an identification document, identification card or identification certificate which bears altered, false or fictitious information for the purpose of:

- a. committing or aiding in the commission of a felony in any commercial or financial transaction,
- b. misleading a peace officer in the performance of duties, or
- c. avoiding prosecution.

D. 1. The violation of any of the provisions of subsection B of this section shall constitute a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00).

2. The violation of any of the provisions of subsection C of this section shall constitute a Class D1 felony offense and, upon conviction thereof, shall be punishable by a fine not exceeding Ten Thousand Dollars (\$10,000.00), or a term of imprisonment as provided for in subsections B through F of Section 20N of this title, or by both such fine and imprisonment.

E. Notwithstanding any provision of this section, the chief administrator of a federal or state law enforcement, military, or intelligence agency may request the Commissioner of the Department of Public Safety or State Commissioner of Health to authorize the issuance of an identification document, identification card, or identification certificate within the scope of their authority which would otherwise be a violation of this section, to identify a law enforcement officer or agent as another person for the sole purpose of aiding in a criminal investigation or a military or intelligence operation. A person displaying or possessing such identification shall not be prosecuted for a violation of this section. Upon termination of the investigation or operation, the person to whom such identification document, identification card or identification certificate was issued shall return such identification to the Department of Public Safety or State Department of Health, as appropriate.

Added by Laws 1987, c. 224, § 9, eff. Nov. 1, 1987. Amended by Laws 1992, c. 116, § 1, eff. Sept. 1, 1992; Laws 1997, c. 133, § 376,

eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 268, eff. July 1, 1999; Laws 2002, c. 86, § 1, emerg. eff. April 17, 2002; Laws 2008, c. 128, § 2, eff. Nov. 1, 2008; Laws 2019, c. 184, § 1, eff. Nov. 1, 2019; Laws 2025, c. 486, § 428, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 376 from July 1, 1998, to July 1, 1999.

§21-1550.42. Entities authorized to print identification documents, cards and certificates - Issuance of certain documents limited to citizens, nationals and legal permanent resident aliens.

A. The following entities may create, publish or otherwise manufacture an identification document, identification card, or identification certificate and may possess an engraved plate or other such device for the printing of such identification; provided, the name of the issuing entity shall be clearly printed upon the face of the identification:

1. Businesses, companies, corporations, service organizations and federal, state and local governmental agencies for employee identification which is designed to identify the bearer as an employee;

2. Businesses, companies, corporations and service organizations for customer identification which is designed to identify the bearer as a customer or member;

3. Federal, state and local government agencies for purposes authorized or required by law or any legitimate purpose consistent with the duties of such an agency, including, but not limited to, voter identification cards, driver licenses, nondriver identification cards, passports, birth certificates and social security cards;

4. Any public school or state or private educational institution, as defined by Sections 1-106, 21-101 or 3102 of Title 70 of the Oklahoma Statutes, to identify the bearer as an administrator, faculty member, student or employee;

5. Any professional organization or labor union to identify the bearer as a member of the professional organization or labor union; and

6. Businesses, companies or corporations which manufacture medical-alert identification for the wearer thereof.

B. All identification documents as provided for in paragraph 3 or 4 of subsection A of this section shall be issued only to United States citizens, nationals and legal permanent resident aliens.

C. The provisions of subsection B of this section shall not apply when an applicant presents, in person, valid documentary evidence of:

1. A valid, unexpired immigrant or nonimmigrant visa status for admission into the United States;

2. A pending or approved application for asylum in the United States;

3. Admission into the United States in refugee status;

4. A pending or approved application for temporary protected status in the United States;

5. Approved deferred action status; or

6. A pending application for adjustment of status to legal permanent residence status or conditional resident status.

Upon approval, the applicant may be issued an identification document provided for in paragraph 3 or 4 of subsection A of this section. Such identification document shall be valid only during the period of time of the authorized stay of the applicant in the United States or, if there is no definite end to the period of authorized stay, a period of one (1) year. Any identification document issued pursuant to the provisions of this subsection shall clearly indicate that it is temporary and shall state the date that the identification document expires. Such identification document may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the identification document has been extended by the United States Citizenship and Immigration Services or other authorized agency of the United States Department of Homeland Security.

D. The provisions of subsection B of this section shall not apply to an identification document described in paragraph 4 of subsection A of this section that is only valid for use on the campus or facility of that educational institution and includes a statement of such restricted validity clearly and conspicuously printed upon the face of the identification document.

E. Any driver license issued to a person who is not a United States citizen, national or legal permanent resident alien for which an application has been made for renewal, duplication or reissuance shall be presumed to have been issued in accordance with the provisions of subsection C of this section; provided that, at the time the application is made, the driver license has not expired, or been cancelled, suspended or revoked. The requirements of subsection C of this section shall apply, however, to a renewal, duplication or reissuance if the Department of Public Safety is notified by a local, state or federal government agency of information in the possession of the agency indicating a reasonable suspicion that the individual seeking such renewal, duplication or reissuance is present in the United States in violation of law. The provisions of this subsection shall not apply to United States citizens, nationals or legal permanent resident aliens.

Added by Laws 1987, c. 224, § 10, eff. Nov. 1, 1987. Amended by Laws 2007, c. 112, § 4, eff. Nov. 1, 2007.

§21-1550.43. False or fraudulent identification cards, etc. - Seizure and forfeiture of cards and equipment - Service of notice - Hearing - Claim for equipment - Liability - Expenses - Proceeds - Definitions.

A. Any false or fraudulent identification document, card or certification in violation of Section 1550.41 of Title 21 of the Oklahoma Statutes or any driver license or identification card in violation of Section 6-301 of Title 47 of the Oklahoma Statutes that is possessed, transferred, sold or offered for sale in violation of law shall be seized and summarily forfeited when no longer needed as evidence.

B. Any peace officer of this state is authorized to seize any equipment which is used, or intended for use in the preparing, photographing, printing, selling, exhibiting, publishing, distributing, displaying, advertising, filming, copying, recording, or mailing of any identification document, card, or certificate in violation of Section 1550.41 of Title 21 of the Oklahoma Statutes or of any driver license or identification card in violation of Section 6-301 of Title 47 of the Oklahoma Statutes. Said equipment may be held as evidence until a forfeiture has been declared or a release ordered. Forfeiture actions under this section may be brought by the district attorney in the proper county of venue as petitioner; provided, in the event the district attorney elects not to file such an action, or fails to file such action within ninety (90) days of the date of the seizure of such equipment, a forfeiture action may be brought by the entity seizing such equipment as petitioner.

C. Notice of seizure and intended forfeiture proceeding shall be given all owners and parties in interest by the party seeking forfeiture as follows:

1. Upon each owner or party in interest whose name and address is known, by mailing a copy of the notice by registered mail to the last-known address; and

2. Upon all other owners or parties in interest, whose addresses are unknown, by one publication in a newspaper of general circulation in the county where the seizure was made.

D. Within sixty (60) days after the mailing or publication of the notice, the owner of the equipment and any other party in interest may file a verified answer and claim to the equipment described in the notice of seizure and of the intended forfeiture proceeding.

E. If at the end of sixty (60) days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of the unlawful use and may order the equipment forfeited to the state, if such fact is proven.

F. If a verified answer is filed, the forfeiture proceeding shall be set for hearing.

G. At the hearing the party seeking the forfeiture shall prove by clear and convincing evidence that the equipment was used in the preparing, photographing, printing, selling, exhibiting, publishing, distributing, displaying, advertising, filming, copying, recording, or mailing of any identification document, card, or certificate in violation of Section 1550.41 of Title 21 of the Oklahoma Statutes or of any driver license or identification card in violation of Section 6-301 of Title 47 of the Oklahoma Statutes with knowledge by the owner of the equipment.

H. The owner or party in interest may prove that the right or interest in the equipment was created without any knowledge or reason to believe that the equipment was being, or was to be, used for the purpose charged.

I. In the event of such proof, the court may order the equipment released to the bona fide or innocent owner or party in interest if the amount due the person is equal to, or in excess of, the value of the equipment as of the date of the seizure.

J. If the amount due to such person is less than the value of the equipment, or if no bona fide claim is established, the equipment shall be forfeited to the state and shall be sold pursuant to the judgment of the court.

K. Equipment taken or detained pursuant to this section shall not be replevable, but shall be deemed to be in the custody of the office of the district attorney of the county where the equipment was seized or in the custody of the party seeking the forfeiture. The district attorney or the party seeking the equipment may release said equipment to the owner of the equipment if it is determined that the owner had no knowledge of the illegal use of the equipment or if there is insufficient evidence to sustain the burden of showing illegal use of the equipment. Equipment which has not been released by the district attorney or the party seizing the equipment shall be subject to the orders and decrees of the court or the official having jurisdiction thereof.

L. The district attorney or the party seizing such equipment shall not be held civilly liable for having custody of the seized equipment or proceeding with a forfeiture action as provided for in this section.

M. The proceeds of the sale of any equipment not taken or detained by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections, or the Office of the Attorney General shall be distributed as follows, in the order indicated:

1. To the bona fide or innocent purchaser or conditional sales vendor of the equipment, if any, up to the amount of the person's

interest in the equipment, when the court declaring the forfeiture orders a distribution to such person;

2. To the payment of the actual expenses of preserving the equipment; and

3. The balance to a revolving fund in the office of the county treasurer of the county where the equipment was seized, such fund to be used and maintained as a revolving fund for any purpose by the department that made the seizure with a yearly accounting to the board of county commissioners in whose county the fund is established. Monies from the fund may be used to pay costs for the storage of such equipment if such equipment is ordered released to a bona fide or innocent owner, purchaser, or conditional sales vendor and if such monies are available in the fund.

N. The proceeds of the sale of any equipment seized, taken or detained by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections or the Office of the Attorney General shall be distributed as follows, in the order indicated:

1. To the bona fide or innocent purchaser or conditional sales vendor of the equipment, if any, up to the amount of the person's interest in the equipment, when the court declaring the forfeiture orders a distribution to such person;

2. To the payment of the actual expenses of preserving the equipment; and

3. The balance to a revolving fund of the agency seizing such equipment to be used and maintained as a revolving fund for law enforcement purposes by the agency seizing the equipment. Monies from such fund may be used to pay costs for the storage of such equipment if the equipment is ordered released to a bona fide or innocent owner, purchaser, or conditional sales vendor.

O. When any equipment is forfeited pursuant to this section, the district court of jurisdiction may order that the equipment seized may be retained by the state, county, or municipal law enforcement agency which seized the equipment for its official use.

P. If the court finds that the equipment was not used in the preparing, photographing, printing, selling, exhibiting, publishing, distributing, displaying, advertising, filming, copying, recording, or mailing of any identification document, card, or certificate in violation of Section 1550.41 of Title 21 of the Oklahoma Statutes or of any driver license or identification card in violation of Section 6-301 of Title 47 of the Oklahoma Statutes, the court shall order the equipment released to the owner.

Q. No equipment shall be forfeited pursuant to the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the

knowledge or consent of such owner, or by any person other than such owner while such equipment was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any state.

R. For the purposes of this section, the term "equipment" shall include computers, printers, copy machines, other machines, furniture, supplies, books, records, files, data, currency, or negotiable instruments including, but not limited to, money orders or cashier's checks but shall not include vehicles or real property. Added by Laws 2001, c. 216, § 3, eff. Nov. 1, 2001.

§21-1551. Use of false weights and measures.

If any person with intent to defraud, use a false balance, weight or measure, in the weighting or measuring of anything whatever that is purchased, sold, bartered, shipped or delivered, for sale or barter, or that is pledged, or given in payment, he shall be punished by a fine not exceeding One Hundred Dollars (\$100.00) nor less than Five Dollars (\$5.00), or by imprisonment in the county jail not more than thirty (30) days, or by both such fine and imprisonment, and shall be liable to the injured party in double the amount of damages.

R.L.1910, § 2736.

§21-1552. Retaining same knowingly.

Every person who retains in his possession any weight or measure, knowing it to be false, unless it appears beyond a reasonable doubt that it was so retained without intent to use it, or permit it to be used in violation of the last section, shall be punished as therein provided.

R.L.1910, § 2737.

§21-1553. False weights and measures may be seized.

Every person who is authorized or enjoined by law to arrest another person for violation of the first two sections of this article, is equally authorized and enjoined to seize any false weights or measures found in the possession of the person so arrested, and to deliver the same to the magistrate before whom the person so arrested is required to be taken.

R.L.1910, § 2738.

§21-1554. Testing seized weights and measures - Disposition.

The magistrate to whom any weight or measure is delivered, pursuant to the last section, shall, upon the examination of the accused, or if the examination is delayed or prevented, without awaiting such examination, cause the same to be tested by comparison with standards conformable to law; and if he finds it to be false, he shall cause it to be destroyed, or to be delivered to the

district attorney of the county in which the accused is liable to indictment or trial, as the interests of justice in his judgment require.

R.L.1910, § 2739.

§21-1555. Destruction of false weights or measures after conviction.

Upon the conviction of the accused, such district attorney shall cause any weight or measure in respect whereof the accused stands convicted, and which remains in the possession or under the control of such district attorney, to be destroyed.

R.L.1910, § 2740.

§21-1556. Marking false weight or false tare.

Every person who knowingly marks or stamps false or short weight, or false tare on any cask or package or knowingly sells or offers for sale any cask or package so marked is guilty of a misdemeanor.

R.L.1910, § 2741.

§21-1561. Wills, deeds and certain other instruments, forgery of.

Every person who, with intent to defraud, forges, counterfeits or falsely alters:

1st. Any will or codicil of real or personal property, or any deed or other instrument being or purporting to be the act of another, by which any right or interest in real property is, or purports to be, transferred, conveyed or in any way changed or affected; or,

2nd. Any certificate or endorsement of the acknowledgment by any person of any deed or other instrument which by law may be recorded or given in evidence, made or purporting to have been made by any officer duly authorized to make such certificate or endorsement; or,

3rd. Any certificate of the proof of any deed, will, codicil or other instrument which by law may be recorded or given in evidence, made or purporting to have been made by any court or officer duly authorized to make such certificate, is guilty of forgery in the first degree, a Class B3 felony offense. R.L.1910, § 2621. Amended by Laws 2025, c. 486, § 86, eff. Jan. 1, 2026.

§21-1562. Forgery of public securities.

Every person who, with intent to defraud, forges, counterfeits, or falsely alters:

1st. Any certificate or other public security, issued or purporting to have been issued under the authority of this state, by virtue of any law thereof, by which certificate or other public

security, the payment of any money absolutely or upon any contingency is promised, or the receipt of any money or property acknowledged; or

2nd. Any certificate of any share, right or interest in any public stock created by virtue of any law of this state, issued or purporting to have been issued by any public officer, or any other evidence of any debt or liability, of the people of this State, either absolute or contingent, issued or purporting to have been issued by any public officer; or,

3rd. Any endorsement or other instrument transferring or purporting to transfer the right or interest of any holder of any such certificate, public security, certificate of stock, evidence of debt or liability, or of any person entitled to such right or interest;

is guilty of forgery in the first degree, a Class B3 felony offense. R.L.1910, § 2621. Amended by Laws 2025, c. 486, § 87, eff. Jan. 1, 2026.

§21-1571. Public and corporate seals, forgery of.

Every person who, with intent to defraud, forges, or counterfeits the great or privy seal of this state, the seal of any public office authorized by law, the seal of any court of record, including judge of county seals, or the seal of any corporation created by the laws of this state, or of any other state, government or country, or any other public seal authorized or recognized by the laws of this state, or of any other state, government or country, or who falsely makes, forges or counterfeits any impression purporting to be the impression of any such seal, is guilty of forgery in the second degree, a Class D1 felony offense.

R.L.1910, § 2623. Amended by Laws 2025, c. 486, § 430, eff. Jan. 1, 2026.

§21-1572. Records, forgery of.

Every person who, with intent to defraud, falsely alters, destroys, corrupts or falsifies:

1. Any record of any will, codicil, conveyance or other instrument, the record of which is, by law, evidence; or,

2. Any record of any judgment in a court of record, or any enrollment of any decree of a court of equity; or,

3. The return of any officer, court or tribunal to any process of any court,
is guilty of forgery in the second degree, a Class D1 felony offense.

R.L.1910, § 2624. Amended by Laws 2025, c. 486, § 431, eff. Jan. 1, 2026.

§21-1573. Making false entries in record.

Every person who, with intent to defraud, falsely makes, forges or alters, any entry in any book of records, or any instrument purporting to be any record or return specified in the last section; and any abstracter, his officer, agent or employee, who, with intent to defraud, falsely makes or alters any abstract entry or copy thereof in any material matter, is guilty of forgery in the second degree, a Class D1 felony offense.

R.L.1910, § 2625. Amended by Laws 2025, c. 486, § 432, eff. Jan. 1, 2026.

§21-1574. Making false certificate of acknowledgment.

If any officer authorized to take the acknowledgment or proof of any conveyance of real property, or of any other instrument which by law may be recorded, knowingly and falsely certifies that any such conveyance or instrument was acknowledged by any party thereto, or was proved by any subscribing witness, when in truth such conveyance or instrument was not acknowledged or proved as certified, he is guilty of forgery in the second degree, a Class D1 felony offense.

R.L.1910, § 2626. Amended by Laws 2025, c. 486, § 433, eff. Jan. 1, 2026.

§21-1575. False bank note plates.

Every person who, makes or engraves, or causes or procures to be made or engraved, any plate in the form or similitude of any promissory note, bill of exchange, draft, check, certificate of deposit or other evidence of debt issued by any banking corporation or association, or individual banker, incorporated or carrying on business under the laws of this state, or of any other state, government or country, without the authority of such bank, or has or keeps in his custody or possession any such plate, without the authority of such bank, with intent to use or permit the same to be used for the purpose of taking therefrom any impression, to be passed, sold or altered, or has or keeps in his custody or possession, without the authority of such bank, any impression taken from any such plate, with intent to have the same filled up and completed for the purpose of being passed, sold or altered; or makes or causes to be made, or has in his custody or possession, any plate upon which are engraved any figures, or words, which may be used for the purpose of falsely altering any evidence of debt issued by any such bank, with intent to use the same, or to permit them to be used for such purpose, is guilty of forgery in the second degree.

R.L.1910, § 2627.

§21-1576. Imitation of genuine bank note defined.

Every plate specified in the last section shall be deemed to be in the form and similitude of the genuine instrument imitated, in either of the following cases:

1. When the engraving on such plate resembles and conforms to such parts of the genuine instrument as are engraved; or,

2. When such plate is partly finished, and the part so finished resembles and conforms to similar parts of the genuine instrument.
R.L.1910, § 2628.

§21-1577. See the following versions:

OS 21-1577v1 (HB 2751, Laws 2016, c. 221, § 11)

OS 21-1577v2 (HB 2104, Laws 2025, c. 486, § 240)

§21-1577v1. Notes, checks, bills, drafts - Sale, exchange or delivery.

Every person who sells, exchanges or delivers for any consideration any forged or counterfeited promissory note, check, bill, draft or other evidence of debt, or engagement for the payment of money absolutely, or upon any contingency, knowing the same to be forged or counterfeited, with intent to have the same uttered or passed, or who offers any such note or other instrument for sale, exchange or delivery for any consideration, with the like knowledge and intent, or who receives any such note or other instrument upon a sale, exchange or delivery for any consideration with the like knowledge and intent, is guilty of forgery in the second degree if the value of the instrument is One Thousand Dollars (\$1,000.00) or more and forgery in the third degree if the value of the instrument is less than One Thousand Dollars (\$1,000.00).

For purposes of this section, a series of offenses may be aggregated into one offense when they are the result of the formulation of a plan or scheme or the setting up of a mechanism which, when put into operation, results in the taking or diversion of money or property on a recurring basis. When all acts result from a continuing course of conduct, they may be aggregated into one crime. Acts forming an integral part of the first taking which facilitate subsequent takings, or acts taken in preparation of several takings which facilitate subsequent takings, are relevant to determine the intent of the party to commit a continuing crime.
R.L. 1910, § 2629. Amended by Laws 2016, c. 221, § 11, eff. Nov. 1, 2016.

§21-1577v2. Notes, checks, bills, drafts - Sale, exchange or delivery.

A. Every person who sells, exchanges or delivers for any consideration any forged or counterfeited promissory note, check, bill, draft, or other evidence of debt, or engagement for the payment of money absolutely, or upon any contingency, knowing the same to be forged or counterfeited, with intent to have the same uttered or passed, or who offers any such note or other instrument for sale, exchange or delivery for any consideration, with the like

knowledge and intent, or who receives any such note or other instrument upon a sale, exchange or delivery for any consideration with the like knowledge and intent, is punishable as follows:

1. If the value of the instrument is less than One Thousand Dollars (\$1,000.00), the person shall be guilty of misdemeanor forgery punishable by imprisonment in the county jail for a term not to exceed one (1) year, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine;

2. If the value of the instrument is One Thousand Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars (\$2,500.00), the person shall be guilty of felony forgery, a Class D3 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20P of this title, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine;

3. If the value of the instrument is Two Thousand Five Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars (\$15,000.00), the person shall be guilty of felony forgery, a Class D1 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine; or

4. If the value of the instrument is Fifteen Thousand Dollars (\$15,000.00) or more, the person shall be guilty of felony forgery, a Class C2 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine.

B. For purposes of this section, a series of offenses may be aggregated into one offense when they are the result of the formulation of a plan or scheme or the setting up of a mechanism which, when put into operation, results in the taking or diversion of money or property on a recurring basis. When all acts result from a continuing course of conduct, they may be aggregated into one crime. Acts forming an integral part of the first taking which facilitate subsequent takings, or acts taken in preparation of several takings which facilitate subsequent takings, are relevant to determine the intent of the party to commit a continuing crime.

R.L.1910, § 2629. Amended by State Question No. 780, Initiative Petition No. 404, § 17, adopted at election held on November 8, 2016, eff. July 1, 2017; Laws 2018, c. 116, § 6, eff. Nov. 1, 2018; Laws 2025, c. 486, § 240, eff. Jan. 1, 2026.

§21-1578. See the following versions:

OS 21-1578v1 (HB 2751, Laws 2016, c. 221, § 12)

OS 21-1578v2 (HB 2104, Laws 2025, c. 486, § 241)

§21-1578v1. Possession of forged evidences of debt.

Every person who, with intent to defraud, has in his or her possession any forged, altered or counterfeit negotiable note, bill, draft or other evidence of debt issued or purporting to have been issued by any corporation or company duly authorized for that purpose by the laws of this state or of any other state, government or country, the forgery of which is hereinbefore declared to be punishable, knowing the same to be forged, altered or counterfeited, with intent to utter the same as true or as false, or to cause the same to be so uttered, is guilty of forgery in the second degree if the value of the instrument is One Thousand Dollars (\$1,000.00) or more and forgery in the third degree if the value of the instrument is less than One Thousand Dollars (\$1,000.00).

For purposes of this section, a series of offenses may be aggregated into one offense when they are the result of the formulation of a plan or scheme or the setting up of a mechanism which, when put into operation, results in the taking or diversion of money or property on a recurring basis. When all acts result from a continuing course of conduct, they may be aggregated into one crime. Acts forming an integral part of the first taking which facilitate subsequent takings, or acts taken in preparation of several takings which facilitate subsequent takings, are relevant to determine the intent of the party to commit a continuing crime.

R.L. 1910, § 2630. Amended by Laws 2016, c. 221, § 12, eff. Nov. 1, 2016.

§21-1578v2. Possession of forged evidences of debt.

A. Every person who, with intent to defraud, has in his or her possession any forged, altered or counterfeit negotiable note, bill, draft or other evidence of debt issued or purporting to have been issued by any corporation or company duly authorized for that purpose by the laws of this state or of any other state, government or country, the forgery of which is hereinbefore declared to be punishable, knowing the same to be forged, altered or counterfeited, with intent to utter the same as true or as false, or to cause the same to be so uttered, is punishable as follows:

1. If the value of the instrument is less than One Thousand Dollars (\$1,000.00), the person shall be guilty of misdemeanor forgery punishable by imprisonment in the county jail for a term not to exceed one (1) year, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine;

2. If the value of the instrument is One Thousand Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars (\$2,500.00), the person shall be guilty of felony forgery, a Class D3 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20P of this title, or by a fine

not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine;

3. If the value of the instrument is Two Thousand Five Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars (\$15,000.00), the person shall be guilty of felony forgery, a Class D1 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine; or

4. If the value of the instrument is Fifteen Thousand Dollars (\$15,000.00) or more, the person shall be guilty of felony forgery, a Class C2 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine.

B. For purposes of this section, a series of offenses may be aggregated into one offense when they are the result of the formulation of a plan or scheme or the setting up of a mechanism which, when put into operation, results in the taking or diversion of money or property on a recurring basis. When all acts result from a continuing course of conduct, they may be aggregated into one crime. Acts forming an integral part of the first taking which facilitate subsequent takings, or acts taken in preparation of several takings which facilitate subsequent takings, are relevant to determine the intent of the party to commit a continuing crime. R.L. 1910, § 2630. Amended by State Question No. 780, Initiative Petition No. 404, § 18, adopted at election held on November 8, 2016, eff. July 1, 2017; Laws 2018, c. 116, § 7, eff. Nov. 1, 2018; Laws 2025, c. 486, § 241, eff. Jan. 1, 2026.

§21-1579. See the following versions:

OS 21-1579v1 (HB 2751, Laws 2016, c. 221, § 13)

OS 21-1579v2 (HB 2104, Laws 2025, c. 486, § 242)

§21-1579v1. Possession of other forged instruments.

Every person who has in his or her possession any forged or counterfeited instrument, the forgery of which has previously been declared to be punishable, other than such as are enumerated in Section 1578 of this title, knowing the same to be forged, counterfeited or falsely altered with intent to injure or defraud by uttering the same to be true, or as false, or by causing the same to be uttered, is guilty of forgery in the second degree if the value of the instrument is One Thousand Dollars (\$1,000.00) or more and forgery in the third degree if the value of the instrument is less than One Thousand Dollars (\$1,000.00).

For purposes of this section, a series of offenses may be aggregated into one offense when they are the result of the

formulation of a plan or scheme or the setting up of a mechanism which, when put into operation, results in the taking or diversion of money or property on a recurring basis. When all acts result from a continuing course of conduct, they may be aggregated into one crime. Acts forming an integral part of the first taking which facilitate subsequent takings, or acts taken in preparation of several takings which facilitate subsequent takings, are relevant to determine the intent of the party to commit a continuing crime. R.L. 1910, § 2631. Amended by Laws 2016, c. 221, § 13, eff. Nov. 1, 2016.

§21-1579v2. Possession of other forged instruments.

A. Every person who has in his or her possession any forged or counterfeited instrument, the forgery of which is hereinbefore declared to be punishable, other than such as are enumerated in the last section, knowing the same to be forged, counterfeited or falsely altered with intent to injure or defraud by uttering the same to be true, or as false, or by causing the same to be uttered, is punishable as follows:

1. If the value of the instrument is less than One Thousand Dollars (\$1,000.00), the person shall be guilty of misdemeanor forgery punishable by imprisonment in the county jail for a term not to exceed one (1) year, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine;

2. If the value of the instrument is One Thousand Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars (\$2,500.00), the person shall be guilty of felony forgery, a Class D3 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20P of this title, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine;

3. If the value of the instrument is Two Thousand Five Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars (\$15,000.00), the person shall be guilty of felony forgery, a Class D1 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine; or

4. If the value of the instrument is Fifteen Thousand Dollars (\$15,000.00) or more, the person shall be guilty of felony forgery, a Class C2 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine.

B. For purposes of this section, a series of offenses may be aggregated into one offense when they are the result of the formulation of a plan or scheme or the setting up of a mechanism

which, when put into operation, results in the taking or diversion of money or property on a recurring basis. When all acts result from a continuing course of conduct, they may be aggregated into one crime. Acts forming an integral part of the first taking which facilitate subsequent takings, or acts taken in preparation of several takings which facilitate subsequent takings, are relevant to determine the intent of the party to commit a continuing crime. R.L. 1910, § 2631. Amended by State Question No. 780, Initiative Petition No. 404, § 19, adopted at election held on November 8, 2016, eff. July 1, 2017; Laws 2018, c. 116, § 8, eff. Nov. 1, 2018; Laws 2025, c. 486, § 242, eff. Jan. 1, 2026.

§21-1580. Issuing spurious certificates of stock.

Any officer or agent of any corporation or joint stock association formed or existing under or by virtue of the laws of this state, or of any other state, government or country, who, within this state, willfully signs or procures to be signed, with intent to issue, sell or pledge, or to cause to be issued, sold or pledged, or who willfully issues, sells or pledges, or causes to be issued, sold or pledged, any false or fraudulent certificate or other evidence of the ownership or transfer of any share or shares of the capital stock of such corporation or association, whether of full paid shares or otherwise, or of any interest in its property or profits, or of any certificate or other evidence of such ownership, transfer or interest, or any instrument purporting to be a certificate or other evidence of such ownership, transfer or interest, the signing, issuing, selling or pledging of which has not been duly authorized by the board of directors or other managing body of such corporation or association having authority to issue the same, is guilty of forgery in the second degree, a Class D1 felony offense.

R.L.1910, § 2632. Amended by Laws 2025, c. 486, § 434, eff. Jan. 1, 2026.

§21-1581. Reissuing canceled certificates of stock.

Any officer or agent of any corporation or joint stock association formed or existing under or by virtue of the laws of this state, or of any other state, government or country, who, within this state, willfully reissues, sells or pledges, or causes to be reissued, sold or pledged, any surrendered or canceled certificate, or other evidence of the ownership or transfer of any share or shares of the capital stock of such corporation or association, or of an interest in its property or profits, with intent to defraud, is guilty of forgery in the second degree, a Class D1 felony offense.

R.L.1910, § 2633. Amended by Laws 2025, c. 486, § 435, eff. Jan. 1, 2026.

§21-1582. False evidences of debt.

Any officer or agent of any corporation, municipal or otherwise, of any joint stock association formed or existing under or by virtue of the laws of this state, or of any other state, government or country, who, within this state, willfully signs or procures to be signed with intent to issue, sell or pledge, or cause to be issued, sold or pledged, or who willfully issues, sells or pledges, or causes to be issued, sold or pledged, any false or fraudulent bond or other evidence of debt against such corporation or association of any instrument purporting to be a bond or other evidence of debt against such corporation or association, the signing, issuing, selling or pledging of which has not been duly authorized by the board of directors or common council or other managing body of officers of such corporation having authority to issue the same, is guilty of forgery in the second degree, a Class D1 felony offense. R.L.1910, § 2634. Amended by Laws 2025, c. 486, § 436, eff. Jan. 1, 2026.

§21-1583. Counterfeiting coin.

Every person who counterfeits any gold or silver coin, whether of the United States or any foreign government or country, with intent to sell, utter, use or circulate the same as genuine, within this state, is guilty of forgery in the second degree, a Class D1 felony offense. R.L.1910, § 2635. Amended by Laws 2025, c. 486, § 437, eff. Jan. 1, 2026.

§21-1584. Counterfeiting coin for exportation.

Every person who counterfeits any gold or silver coin, whether of the United States or of any foreign country or government, with intent to export the same, or permit them to be exported to injure or defraud any foreign government, or the subjects thereof, is guilty of forgery in the second degree, a Class D1 felony offense. R.L.1910, § 2636. Amended by Laws 2025, c. 486, § 438, eff. Jan. 1, 2026.

§21-1585. Forging process of court or title to property, etc.

Every person who, with intent to defraud, falsely marks, alters, forges or counterfeits:

1. Any instrument in writing, being or purporting to be any process issued by any competent court, magistrate, or officer of being or purporting to be any pleading, proceeding, bond or undertaking filed or entered in any court, or being or purporting to be any license or authority authorized by any statute; or,
2. Any instrument of writing, being or purporting to be the act of another by which any pecuniary demand or obligation is, or

purports to be created, increased, discharged or diminished, or by which any rights or property whatever, are, or purport to be, transferred, conveyed, discharged, diminished, or in any manner affected, the punishment of which is not hereinbefore prescribed, by which false marking, altering, forging or counterfeiting, any person may be affected, bound or in any way injured in his person or property, is guilty of a forgery in the second degree, a Class D1 felony offense.

R.L.1910, § 2637. Amended by Laws 2025, c. 486, § 439, eff. Jan. 1, 2026.

§21-1586. Making false entries in public book.

Every person who, with intent to defraud, makes any false entry or falsely alters any entry made in any book of accounts kept in the office of the State Auditor and Inspector, or in the office of the Treasurer of this state or of any county treasurer, by which any demand or obligation, claim, right or interest either against or in favor of the people of this state, or any county or town, or any individual, is or purports to be discharged, diminished, increased, created, or in any manner affected, is guilty of forgery in the second degree, a Class D1 felony offense.

R.L.1910, § 2638. Amended by Laws 1979, c. 30, § 9, emerg. eff. April 6, 1979; Laws 2025, c. 486, § 440, eff. Jan. 1, 2026.

§21-1587. Forging tickets or passage.

Every person who, with intent to defraud, forges, counterfeits, or falsely alters any ticket, check or other paper or writing to entitle the holder or proprietor thereof to a passage upon any railroad, or in any vessel or other public conveyance; and every person who, with like intent, sells, exchanges or delivers, or keeps or offers for sale, exchange or delivery, or receives upon any purchase, exchange or delivery any such ticket, knowing the same to have been forged, counterfeited or falsely altered is guilty of forgery in the second degree, a Class D1 felony offense.

R.L.1910, § 2639. Amended by Laws 2025, c. 486, § 441, eff. Jan. 1, 2026.

§21-1588. Postage stamps, forging.

Every person who forges, counterfeits or alters any postage or revenue stamp of the United States, or who sells or offers to keep for sale, as genuine or as forged, any such stamp, knowing it to be forged, counterfeited or falsely altered, is guilty of forgery in the second degree, a Class D1 felony offense.

R.L.1910, § 2640. Amended by Laws 2025, c. 486, § 442, eff. Jan. 1, 2026.

§21-1589. False entries in corporation books.

Every person who, with intent to defraud, makes any false entry, or falsely alters any entry made in any book of accounts kept by any corporation within this state, or in any book of accounts kept by any such corporation or its officers, and delivered or intended to be delivered to any person dealing with such corporation, by which any pecuniary obligation, claim or credit is, or purports to be, discharged, diminished, increased, created or in any manner affected, is guilty of forgery in the second degree, a Class D1 felony offense.

R.L.1910, § 2641. Amended by Laws 2025, c. 486, § 443, eff. Jan. 1, 2026.

§21-1590. Officer or employee of corporation making false entries.

Every person who being a member or officer or in the employment of any corporation, association or partnership, falsifies, alters, erases, obliterates or destroys any account or book of accounts or records belonging to such corporation, association or partnership, or appertaining to their business or makes any false entries in such account or book or keeps any false account in such business with intent to defraud his employers, or to conceal any embezzlement of their money, or property, or any defalcation or other misconduct, committed by any person in the management of their business, is guilty of forgery in the second degree, a Class D1 felony offense.

R.L.1910, § 2642. Amended by Laws 2025, c. 486, § 444, eff. Jan. 1, 2026.

§21-1591. Possession of counterfeit coin.

Every person who has in his possession any counterfeit of any gold or silver coin, whether of the United States or any foreign country or government, knowing the same to be counterfeit, with intent to sell or to use, circulate or export the same, as true or as false, or by causing the same to be uttered or passed, is guilty of forgery in the second degree, a Class D1 felony offense.

R.L.1910, § 2643. Amended by Laws 2025, c. 486, § 445, eff. Jan. 1, 2026.

§21-1592. Uttering forged instruments or coin.

A. Every person who, with intent to defraud, utters or publishes as true any forged, altered or counterfeited instrument or any counterfeit gold or silver coin, the forging, altering or counterfeiting of which has previously been declared to be punishable, knowing such instrument or coin to be forged, altered or counterfeited, is punishable as follows:

1. If the value of the instrument is less than One Thousand Dollars (\$1,000.00), the person shall be guilty of forgery as a misdemeanor punishable by imprisonment in the county jail not to

exceed one (1) year, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine;

2. If the value of the instrument is One Thousand Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars (\$2,500.00), the person shall be guilty of forgery, a Class D3 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20P of this title, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine;

3. If the value of the instrument is Two Thousand Five Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars (\$15,000.00), the person shall be guilty of forgery, a Class D1 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine; and

4. If the value of the instrument is Fifteen Thousand Dollars (\$15,000.00) or more, the person shall be guilty of forgery, a Class C2 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine.

B. For purposes of this section, a series of offenses may be aggregated into one offense when they are the result of the formulation of a plan or scheme or the setting up of a mechanism which, when put into operation, results in the taking or diversion of money or property on a recurring basis. When all acts result from a continuing course of conduct, they may be aggregated into one crime. Acts forming an integral part of the first taking which facilitate subsequent takings, or acts taken in preparation of several takings which facilitate subsequent takings, are relevant to determine the intent of the party to commit a continuing crime. R.L. 1910, § 2645. Amended by Laws 2016, c. 221, § 14, eff. Nov. 1, 2016; Laws 2018, c. 116, § 9, eff. Nov. 1, 2018; Laws 2025, c. 486, § 243, eff. Jan. 1, 2026.

§21-1593. Falsely obtaining signature.

Every person who, by any false representation, artifice or deceit, procures from another his signature to any instrument, the false making of which would be forgery, and which the party signing would not have executed had he known the facts and effect of the instrument, is guilty of forgery in the second degree, a Class D1 felony offense.

R.L.1910, § 2646. Amended by Laws 2025, c. 486, § 446, eff. Jan. 1, 2026.

§21-1621. See the following versions:

OS 21-1621v1 (HB 2751, Laws 2016, c. 221, § 15)
OS 21-1621v2 (HB 2104, Laws 2025, c. 486, § 447)

§21-1621v1. First-, second- and third-degree forgery - Penalties.

A. Forgery in the first degree is a felony punishable by imprisonment in the custody of the Department of Corrections for not less than seven (7) years nor more than twenty (20) years.

B. Forgery in the second degree is a felony punishable by imprisonment in the custody of the Department of Corrections for not more than seven (7) years.

C. Forgery in the third degree is a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year and a fine of One Thousand Dollars (\$1,000.00).

R.L. 1910, § 2644. Amended by Laws 1997, c. 133, § 377, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 269, eff. July 1, 1999; Laws 2016, c. 221, § 15, eff. Nov. 1, 2016.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 377 from July 1, 1998, to July 1, 1999.

§21-1621v2. Forgery a felony.

Forgery is punishable as follows:

1. Forgery in the first degree is a Class B3 felony offense punishable by imprisonment not less than seven (7) years nor more than twenty (20) years; and

2. Forgery in the second degree is a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title.

3. Forgery in the third degree is:

- a. If the value of the forgery is less than One Thousand Dollars (\$1,000.00), a misdemeanor punishable by confinement for not more than one (1) year and by a fine not exceeding One Thousand Dollars (\$1,000.00).
- b. If the value of the forgery is One Thousand Dollars (\$1,000.00) or more, a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title.
- c. If the total or aggregate value of the forgery is Two Thousand Dollars (\$2,000.00) or more, a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title.

R.L. 1910, § 2644. Amended by Laws 1997, c. 133, § 377, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 269, eff. July 1, 1999; State Question No. 780, Initiative Petition No. 404, § 20, adopted at General Election held on November 8, 2016, eff. July 1, 2017; Laws 2025, c. 486, § 447, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 377 from July 1, 1998, to July 1, 1999.

§21-1622. Fraudulently uttering one's signature as that of another of same name.

Every person who, with intent to defraud, makes or subscribes any instrument in his own name, intended to create, increase, discharge, defeat or diminish any pecuniary obligation, right or interest, or to transfer or affect any property whatever, and utters or passes such instrument, under the pretense that it is the act of another who bears the same name, is guilty of forgery, a Class B3 felony offense, in the same degree as if he had forged the instrument of a person bearing a different name from his own. R.L.1910, § 2647. Added by Laws 2025, c. 486, § 88, eff. Jan. 1, 2026.

§21-1623. Fraudulently uttering one's indorsement as another's.

Every person who, with intent to defraud, endorses any negotiable instrument in his own name, and utters or passes such instrument, under the fraudulent pretense that it is endorsed by another person who bears the same name, is guilty of forgery, a Class B3 felony offense, in the same degree as if he had forged the endorsement of a person bearing a different name from his own. R.L.1910, § 2648. Amended by Laws 2025, c. 486, § 89, eff. Jan. 1, 2026.

§21-1624. Erasure and obliterations.

The total or partial erasure or obliteration of any instrument or writing, with intent to defraud, by which any pecuniary obligation, or any right, interest or claim to property is or is intended to be created, increased, discharged, diminished or in any manner affected, is forgery, a Class B3 felony offense, in the same degree as the false alteration of any part of such instrument or writing.

R.L.1910, § 2649. Amended by Laws 2025, c. 486, § 90, eff. Jan. 1, 2026.

§21-1625. Writing and written defined.

Every instrument partly printed and partly written, or wholly printed with a written signature thereto, and every signature of an individual, firm or corporation, or of any officer of such body, and every writing purporting to be such signature, is a writing or a written instrument, within the meaning of the provisions of this article.

R.L.1910, § 2650.

§21-1626. Signing fictitious names as officers of corporations.

The false making or forging of an evidence of debt purporting to have been issued by any corporation and bearing the pretended signature of any person as an agent or officer of such corporation, is forgery, a Class B3 felony offense, in the same degree as if such person was at the time an officer or agent of such corporation; notwithstanding such person may never have been an officer or agent of such corporation, or notwithstanding there never was any such person in existence.

R.L.1910, § 2651. Amended by Laws 2025, c. 486, § 91, eff. Jan. 1, 2026.

§21-1627. False or bogus order directing payment of money.

Every person who, with intent to cheat or defraud, shall obtain or attempt to obtain from any person any labor or personal services, or the postponement of actual payment due for labor or personal services theretofore performed, by means or use of any false or bogus written, printed or engraved order directing the payment of money, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

The term "false or bogus written, printed or engraved order directing the payment of money," in addition to its common meaning, also shall include any check, draft or order on any bank or trust company which is not honored on presentation on account of insufficient funds to the credit of the maker or drawer thereof with which to pay same. The word "credit," as used herein, shall mean any arrangement or understanding with a bank or trust company for the payment by it of any check, draft or money payment order.

As against the maker or drawer of any false or bogus written, printed or engraved order directing the payment of money, and as against any officer or employee of the maker or drawer thereof, who shall authorize or direct the making, drawing, uttering or delivering, or who shall make, draw, utter or deliver any such false or bogus written, printed or engraved order directing the payment of money, to obtain or to attempt to obtain from any person any labor or personal services, or the postponement of actual payment due for labor or personal services, the fact of dishonor or refusal to pay the amount of money specified in said false or bogus order shall be prima facie evidence of intent to cheat or defraud, and of knowledge of insufficient funds to the credit of the maker or drawer, with the drawer specified therein, to pay the same; provided, said fact shall not constitute prima facie evidence as above set forth if the maker or drawer shall pay the amount of such false or bogus order, together with protest fees, within five (5) days from the date the same shall have been presented to the drawer for payment; and provided further, that said fact shall not constitute prima facie

evidence as above set forth unless the said false or bogus order be presented to the drawer within thirty (30) days after the same shall have been uttered or delivered.
Laws 1955, p. 192, § 1.

§21-1627.1. False or bogus orders as payment for labor - Penalties.

In addition to the criminal penalties imposed pursuant to the provisions of Section 1627 of Title 21 of the Oklahoma Statutes, any person who obtains or attempts to obtain from any person, with the intent to cheat or defraud, any labor or personal services, or the postponement of actual payment due for labor or personal services performed, by means or use of any false or bogus written, printed or engraved order directing the payment of money, shall also be liable to the payee, in addition to the amount owing upon such order, for damages of double the amount so owing, but in no case shall the amount of damages awarded be less than Two Hundred Dollars (\$200.00), plus reasonable attorney fees and court costs. Said damages shall be recoverable in a civil action.
Added by Laws 1985, c. 130, § 1, eff. Nov. 1, 1985.

§21-1628. Fraudulently altering, forging, reproducing abstractor's certificate or signature.

Any person who, with intent to defraud, alters, forges, falsely makes, photographs, or by any method reproduces any certificate of authority provided for in Title 1 of the Oklahoma Statutes, or other instrument, document, paper or abstract of title entry signed or executed by any abstractor to whom a certificate of authority has been lawfully issued, shall be guilty of the commission of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00) for each reproduction thereof.
Laws 1971, c. 169, § 1.

§21-1631. Fraud in subscription for stock.

Any person who signs the name of a fictitious person to any subscription for, or agreement to take stock in any corporation, existing or proposed; and every person who signs, to any subscription or agreement, the name of any person, knowing that such person has not means or does not intend in good faith to comply with all the terms thereof, or under any understanding or agreement that the terms of such subscription or agreement are not to be complied with or enforced, is guilty of a misdemeanor.
R.L.1910, § 2721.

§21-1632. Fraud in procuring organization of stock company.

Any officer, agent or clerk of any corporation, or of any persons proposing to organize a corporation or to increase the

capital stock of any corporation, who knowingly exhibits any false, forged or altered book, paper, voucher, security or other instrument of evidence to any public officer or board authorized by law to examine the organization of such corporation, or to investigate its affairs, or to allow an increase of its capital with intent to deceive such officer or board in respect thereto, shall be guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title.

R.L. 1910, § 2722. Amended by Laws 1997, c. 133, § 378, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 270, eff. July 1, 1999; Laws 2025, c. 486, § 244, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 378 from July 1, 1998, to July 1, 1999.

§21-1633. Unauthorized use of names.

Any person who, without being authorized so to do, subscribes the name of another to, or inserts the name of another in any prospectus, circular, or other advertisement or announcement of any corporation or joint stock association existing or intended to be formed, with intent to permit the same to be published, and thereby to lead persons to believe that the person whose name is so subscribed is an officer, agent, member or promoter of such corporation or association, is guilty of a misdemeanor.

R.L.1910, § 2723.

§21-1634. Omitting to enter receipt.

Any director, officer or agent of any corporation or joint stock association, who knowingly receives or possesses himself of any property of such corporation or association, otherwise than in payment of a just demand, and who, with intent to defraud, omits to make, or to cause or direct to be made, a full and true entry thereof in the books or accounts of such corporation or association, is guilty of a misdemeanor.

R.L.1910, § 2724.

§21-1635. Destroying or falsifying books.

Any director, officer, agent or member of any corporation or joint stock association, who, with intent to defraud, destroys, alters, mutilates or falsifies any of the books, papers, writings or securities belonging to such corporation or association, or makes or concurs in making any false entry, or omits or concurs in omitting to make any material entry in any book of accounts, or other record or document kept by such corporation or association, shall be guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

R.L. 1910, § 2725. Amended by Laws 1997, c. 133, § 379, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 271, eff. July 1, 1999; Laws 2025, c. 486, § 245, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 379 from July 1, 1998, to July 1, 1999.

§21-1636. False reports of corporation - Refusal to make report.

Any director, officer or agent of any corporation or joint stock association, who knowingly concurs in the making, or publishes any written report, exhibit or statement of its affairs or pecuniary condition, containing any material statement which is false, other than as are mentioned in Sections 2722 and 2723, or willfully refuses or neglects to make or deliver any written report, exhibit or statement required by law, is guilty of a misdemeanor.

R.L.1910, § 2726. d

§21-1637. Inspection of corporate books, refusing to permit.

Any officer or agent of any corporation having or keeping an office within this state, who has in his custody, or control, any book, paper or document of such corporation, and who refuses to give to a stockholder or member of such corporation, lawfully demanding, during office hours, to inspect or take a copy of the same, or any part thereof, a reasonable opportunity so to do, is guilty of a misdemeanor.

R.L.1910, § 2727.

§21-1638. Insolvencies deemed fraudulent.

Every insolvency of a moneyed corporation is deemed fraudulent unless its affairs appear, upon investigation, to have been administered fairly and legally, and generally with the same care and diligence that agents receiving a compensation for their services are bound by law to observe.

R.L.1910, § 2728.

§21-1639. Fraudulent insolvency - Penalties.

A. In every case of a fraudulent insolvency of a moneyed corporation not licensed to conduct insurance business in the State of Oklahoma, every director thereof who participated in such fraud is guilty of a misdemeanor.

B. In every case of a fraudulent insolvency of a moneyed corporation licensed to conduct the business of insurance in the State of Oklahoma, every director thereof who participated in such fraud is guilty of a Class D1 felony offense punishable as provided for in subsections B through F of Section 20N of this title and a fine of up to Fifty Thousand Dollars (\$50,000.00).

R.L.1910, § 2729. Amended by Laws 2012, c. 235, § 2, eff. July 1, 2012; Laws 2025, c. 486, § 448, eff. Jan. 1, 2026.

§21-1640. Violation of duty by officer of corporation.

Any director of any moneyed corporation who willfully does any act, as such director, which is expressly forbidden by law, or willfully omits to perform any duty expressly imposed upon him as such director, by law, the punishment for which act or omission is not otherwise prescribed by this article, or by some of the acts which it specifies as continuing in force, is guilty of a misdemeanor.

R.L.1910, § 2730.

§21-1641. Director presumed to have knowledge.

Any director of a corporation or joint stock association is deemed to possess such a knowledge of the affairs of his corporation, as to enable him to determine whether any act, proceeding or omission of its directors, is a violation of this article.

R.L.1910, § 2731.

§21-1642. Director presumed to have assented, when.

Any director of a corporation or joint stock association, who is present at a meeting of the directors at which any act, proceeding or omission of such directors, in violation of this article occurs, is deemed to have concurred therein, unless he at the time causes, or in writing requires, his dissent therefrom to be entered in the minutes of the directors.

R.L.1910, § 2732.

§21-1643. Presumption of assent when director was absent from meeting.

Any director of a corporation or joint stock association, although not present at the meeting of the directors at which any act, proceeding or omission of such directors, in violation of this article, occurs, is deemed to have concurred therein, if the facts constituting such violation appear on the record or minutes of the proceedings of the board of directors, and he remains a director of the same company for six (6) months thereafter, and does not, within that time, cause or in writing require his dissent from such illegality to be entered in the minutes of the directors.

R.L.1910, § 2733.

§21-1644. Foreign corporation no defense.

It is no defense to a prosecution for a violation of the provisions of this article, that the corporation was one created by the laws of another state, government or country, if it was one carrying on business, or keeping an officer thereof, within this state.

R.L. 1910 Sec. 2734.

§21-1645. Director defined.

The term director, as used in this article, embraces any of the persons having by law the direction or management of the affairs of a corporation by whatever name such persons are described in its charter, or known by law.

R.L.1910, § 2735.

§21-1662. False claim or proof of loss in insurance.

Any person who presents or causes to be presented any false or fraudulent claim, or any proof in support of any such claim, upon any contract of insurance, for the payment of any loss, or who prepares, makes or subscribes any account, certificate, survey affidavit, proof of loss, or other book, paper or writing, with intent to present or use the same, or to allow it to be presented or used in support of any such claim shall, upon conviction, be guilty of a Class D3 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20P of this title, or by a fine not exceeding twice the amount of the aggregated loss sum, or both.

R.L.1910, § 2709. Amended by Laws 1997, c. 133, § 380, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 272, eff. July 1, 1999; Laws 2012, c. 235, § 3, eff. July 1, 2012; Laws 2025, c. 486, § 690, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 380 from July 1, 1998, to July 1, 1999.

§21-1663. Workers' compensation fraud - Punishment.

A. Any person who commits workers' compensation fraud, upon conviction, shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not exceeding Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment. Any person who commits workers' compensation fraud and who has a prior felony conviction of workers' compensation fraud shall receive a two-year penalty enhancement for each prior conviction in addition to the sentence provided above.

B. For the purposes of this section, workers' compensation fraud shall include, but not be limited to, any act or omission prohibited by subsection C of this section and committed by a person with the intent to injure, defraud or deceive another with respect to any of the following:

1. A claim for payment or other benefit pursuant to a contract of insurance;

2. An application for the issuance of a contract of insurance;

3. The rating of a contract of insurance or any risk associated with the contract;

4. Premiums paid on any contract of insurance whether or not the contract was actually issued;

5. Payments made in accordance with the terms of a contract of insurance;

6. An application for any license which is required by the Oklahoma Insurance Code, Title 36 of the Oklahoma Statutes;

7. An application for a license which is required for the organization, operation or maintenance of a health maintenance organization pursuant to Section 2501 et seq. of Title 63 of the Oklahoma Statutes;

8. A request for any approval, license, permit or permission required by the Workers' Compensation Act, by the rules of the Workers' Compensation Court or by the rules of the Workers' Compensation Court Administrator necessary to secure compensation as required by Section 61 of Title 85 of the Oklahoma Statutes;

9. The financial condition of an insurer or purported insurer;

10. The acquisition of any insurer; or

11. A contract of insurance or a Certification of Non-Coverage Under the Workers' Compensation Act.

C. A person is guilty of workers' compensation fraud who:

1. Presents, causes to be presented or intends to present to another, any statement as part of or in support of any of the purposes described in subsection B of this section knowing that such statement contains any false, fraudulent, incomplete or misleading information concerning any fact or thing material to the purpose for the statement;

2. Assists, abets, solicits or conspires with another to prepare or make any statement that is intended to be presented to, used by or relied upon by another in connection with or in support of any of the purposes described in subsection B of this section knowing that such statement contains any false, fraudulent, incomplete or misleading information concerning any fact or thing material to the purpose of the statement;

3. Conceals, attempts to conceal or conspires to conceal any information concerning any fact material to any of the purposes described in subsection B of this section;

4. Solicits, accepts or conspires to solicit or accept new or renewal insurance risks by or for an insolvent insurer;

5. Removes, attempts to remove or conspires to remove the assets or records of the insurer or a material part thereof, from the place of business of the insurer or from a place of safekeeping of the insurer;

6. Conceals, attempts to conceal or conspires to conceal the assets or records of the insurer or a material part thereof;

7. Diverts, attempts to divert, or conspires to divert funds of an insurer or other person in connection with:

- a. a contract of insurance,
- b. the business of an insurer, or
- c. the formation, acquisition or dissolution of an insurer;

8. Solicits, accepts or conspires to solicit or accept any benefit in exchange for violating any provision of this section;

9. Conceals, attempts to conceal, conspires to conceal or fails to disclose any change in any material fact, circumstance or thing for which there is a duty to disclose to another; or

10. Alters, falsifies, forges, distorts, counterfeits or otherwise changes any material statement, form, document, contract, application, certificate, or other writing with the intent to defraud, deceive, or mislead another.

D. It shall not be a defense to an allegation of a violation of this section that the person accused did not have a contractual relationship with the insurer.

E. For the purposes of this section:

1. "Contract of insurance" includes, but is not limited to, workers' compensation insurance or any other means of securing compensation permitted by the Workers' Compensation Act or reinsurance for such insurance or other means of securing compensation;

2. "Insurer" includes, but is not limited to, any person who is engaged in the business of making contracts of insurance;

3. "Person" means any individual or entity, whether incorporated or not, and in the case of an entity, includes those persons directly responsible for the fraudulent actions of the entity;

4. "Statement" includes, but is not limited to, any oral, written, computer-generated or otherwise produced notice, proof of loss, bill of lading, receipt for payment, invoice, account, certificate, survey affidavit, book, paper, writing, estimate of property damage, bill for services, diagnosis, prescription, medical record, x-ray, test result or other evidence of loss, injury or expense; and

5. "Work" does not include activities that result in nominal economic gain.

Added by Laws 1993, c. 349, § 29, eff. Sept. 1, 1993. Amended by Laws 1994, 2nd Ex. Sess., c. 1, § 1, emerg. eff. Nov. 4, 1994; Laws 1997, c. 133, § 381, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 273, eff. July 1, 1999; Laws 2005, 1st Ex.Sess., c. 1, § 1, eff. July 1, 2005; Laws 2025, c. 486, § 449, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 381 from July 1, 1998, to July 1, 1999.

§21-1671. Fraudulent conveyance.

Every person who being a party to any conveyance or assignment of any real or personal property, or of any interest therein, made or created with intent to defraud prior or subsequent purchasers, or to hinder, delay or defraud creditors or other persons, and every person being privy to or knowing of such conveyance, assignment or charge, who willfully puts the same in use as having been made in good faith, is guilty of a misdemeanor.

R.L.1910, § 2717.

§21-1672. Fraudulent removal of property.

Every person who removes any of his property out of any county, with intent to prevent the same from being levied upon by any execution or attachment, or who secretes, assigns, conveys or otherwise disposes of any of his property, with intent to defraud any creditor, or to prevent such property being made liable for the payment of his debts, and every person who receives any such property with such intent, is guilty of a misdemeanor.

R.L.1910, § 2718.

§21-1673. Assignment to creditor with preference.

Every person who, knowing that his property is insufficient for the payment of all his lawful debts, assigns, transfers or delivers any property for the benefit of any creditor or creditors, upon any trusts or condition, that any creditor shall receive a preference or priority over any other, except in the cases in which such preference is expressly allowed to be given by law, or with intent to create such preference of priority, is guilty of a misdemeanor.

R.L.1910, § 2719.

§21-1674. Frauds by insolvent debtor.

Every person who, upon making or prosecuting any application for a discharge as an insolvent debtor, under the provision of any law now in force, or that may hereafter be enacted, either:

1. Fraudulently presents, or authorizes to be presented on his behalf such application, in a case in which it is not authorized by law; or,

2. Makes or presents to any court or office, in support of such application, any petition, schedule, book, account, voucher or other paper or document, knowing the same to contain any false statement; or,

3. Fraudulently makes or exhibits, or alters, obliterates or destroys any account or voucher relating to the condition of his affairs, or any entry or statement in such account or voucher; or,

4. Practices any fraud upon any creditor, with intent to induce him to petition for, or consent to such discharge; or,

5. Conspires with or induces any person fraudulently to unite as a creditor in any petition for such discharge, or to practice any fraud in aid thereof,
is guilty of a misdemeanor.
R.L.1910, § 2720.

§21-1680. Short title.

This act shall be known and may be cited as the "Animal Facilities Protection Act".

Added by Laws 1991, c. 115, § 1, emerg. eff. April 25, 1991.

§21-1680.1. Definitions.

As used in this act:

1. "Animal" means any mammal, bird, fish, reptile or invertebrate, including wild and domesticated species, other than a human being;

2. "Animal facility" means any vehicle, building, structure, farm, ranch or other premises where an animal is kept, handled, transported, housed, exhibited, bred, offered for sale or used in any lawful scientific test, experiment, investigation or educational training;

3. "Person" means any individual, state agency, corporation, association, nonprofit corporation, joint stock company, firm, trust, partnership, two or more persons having a common interest, or other legal entity;

4. "Owner" means a person who has title to the property, possession of the property, or a greater right to the possession of the animal or property than another person;

5. "Possession" means actual care, custody, control or management; and

6. "Effective consent" means consent by the owner or a person legally authorized to act for the owner. Consent is not effective if induced or given by force or fear; by a person the offender knows is not legally authorized to act for the owner; or by a person who by reason of youth, mental disease or defect, or influence of drug or alcohol is known by the offender to be unable to make reasonable decisions.

Added by Laws 1991, c. 115, § 2, emerg. eff. April 25, 1991.

§21-1680.2. Prohibited acts with regard to certain animal facilities - Penalties - Exempted acts.

A. No person shall, without the effective consent of the owner and with intent to damage the enterprise conducted at the animal facility:

1. Damage, destroy or remove an animal facility or any property or animal in or on an animal facility;

2. Acquire or otherwise exercise control over an animal facility, an animal or other property from an animal facility, with the intent to deprive the owner of such facility, animal or property;

3. Enter an animal facility, not open to the public, with intent to commit an act prohibited by this section;

4. Enter an animal facility and commit or attempt to commit an act prohibited by this section;

5. Remain concealed in an animal facility, with intent to commit or attempt to commit an act prohibited by this section;

6. Enter or remain on an animal facility when the person has notice that entry is forbidden by any of the following:

- a. written or oral communication with the owner or a person with apparent authority to act for the owner,
- b. fencing or other enclosure obviously designed to exclude intruders or contain animals, or
- c. a sign or signs posted on the property or at the entrance to the building, indicating that unauthorized entry is forbidden; and

7. Release any animal or animals, with intent to deprive the owner of such animal or animal facility.

B. A violation of any of the provisions in paragraphs 1 through 7 of subsection A of this section shall be a misdemeanor, upon conviction, punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), with full restitution to be paid for any damage to the property, for replacement of any animals released, and for out-of-pocket expenses incurred as a result of any violation, or by imprisonment in the county jail for a term not to exceed one (1) year, or by both such fine and imprisonment.

C. The provisions of this section shall not apply to lawful activities of any governmental agency or employees or agents thereof carrying out their respective duties under the law or be construed to conflict with any provision of Section 391 et seq. of Title 4 of the Oklahoma Statutes.

Added by Laws 1991, c. 115, § 3, emerg. eff. April 25, 1991.

Amended by Laws 1997, c. 133, § 382, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 274, eff. July 1, 1999; Laws 2003, c. 23, § 1, eff. July 1, 2003.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 382 from July 1, 1998, to July 1, 1999.

§21-1680.3. Veterinarian required to report suspected animal abuse - Immunity from civil liability.

A. A veterinarian shall report suspected cases of animal abuse to a local law enforcement agency in the county where the veterinarian is practicing within twenty-four (24) hours of any examination or treatment administered to any animal which the

veterinarian reasonably suspects and believes has been abused. The report shall contain the breed and description of the animal together with the name and address of the owner.

B. A veterinarian who files a report as provided in this section shall be immune from civil liability with respect to any report made in good faith.

Added by Laws 2006, c. 188, § 1, eff. Nov. 1, 2006.

§21-1680.4. Protective custody of abused or neglected animals - Bond hearing.

A. The purpose of this section is to provide a means by which any abused or neglected animal, as described in Section 1685 of Title 21 of the Oklahoma Statutes, may:

1. Be removed from its present custody; or
2. Be made the subject of an order issued to the owner by the appropriate court to provide care to the animal by the owner of the animal or by another person at a location approved by the court, with the order setting forth the conditions under which the animal will be housed and cared for, and given protection and a humane disposition.

B. Any peace officer or animal control officer may:

1. Specify terms and conditions by which the owner or keeper may maintain custody of the animal at the expense of the owner to provide care for the animal. The specifications shall be countersigned by the owner or keeper of the animal. Provided, however, that violation of the custody agreement of the animal may result in the impoundment of the animal; or
2. Obtain a court order to take custody of any animal found neglected or cruelly treated by removing the animal from its present location.

C. 1. After an animal has been seized and prior to any charges being filed, the agency that took custody of the animal shall, within seven (7) days from the date of seizure, petition the district court in the county in which the animal was seized for a bond hearing to determine the cost and care for the animal. The bond hearing shall be held as soon as practicable and not more than ten (10) business days from the date of application for the bond hearing. If the court finds that probable cause exists that an animal has been abused, the court may order immediate forfeiture of the animal to the agency that took custody of the animal. Provided, however, within seventy-two (72) hours of the order of forfeiture, the person owning or having charge or custody of the animal may post a security bond in an amount determined by the court that is sufficient to reimburse all reasonable and anticipated costs incurred by the agency caring for the animal from the date of seizure. Reasonable costs include, but are not limited to, medical care and boarding of the animal.

2. The bond shall be placed with the agency that took custody of the animal. The agency shall provide an accounting of expenses to the court when the animal is no longer in the custody of the agency or upon request by the court. The agency may petition the court for a subsequent bond hearing at any time. The bond hearing shall be held as soon as practicable and not more than ten (10) business days from the date of application for the bond hearing. When all expenses covered by the bond are exhausted and a subsequent bond has not been posted, the animal shall be forfeited to the agency.

3. If the animal is returned to the person who previously owned or had charge or custody of the animal, funds not used for the care of the animal shall be returned.

4. Nothing in this section shall prevent the euthanasia of a seized animal at any time as determined necessary by a licensed veterinarian of the state.

Added by Laws 2006, c. 188, § 2, eff. Nov. 1, 2006.

§21-1681. Poisoning animals.

Any person who willfully administers poison to any animal, the property of another, and every person who maliciously exposes any poisonous substance with intent that the same shall be taken by any such animal, shall be guilty of a Class D1 felony offense and shall be punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or by both such fine and imprisonment.

R.L. 1910, § 2742. Amended by Laws 1997, c. 133, § 383, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 275, eff. July 1, 1999; Laws 2025, c. 486, § 450, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 383 from July 1, 1998, to July 1, 1999.

§21-1682. Instigating fights between animals.

Every person who maliciously, or for any bet, stake or reward, instigates or encourages any fight between animals with the exception of dogs, or instigates or encourages any animal with the exception of dogs to attack, bite, wound or worry another, upon conviction, is guilty of a misdemeanor.

Amended by Laws 1982, c. 184, § 10, emerg. eff. April 20, 1982.

§21-1683. Keeping places for fighting animals.

Every person who keeps any house, pit or other place, to be used in permitting any fight between animals with the exception of dogs or in any other violation of Section 1682 of this title, upon conviction, is guilty of a misdemeanor.

Amended by Laws 1982, c. 184, § 11, emerg. eff. April 20, 1982.
Amended by Laws 1982, c. 184, § 11, emerg. eff. April 20, 1982. d

§21-1684. Wounding or trapping birds in cemetery.

Every person who, within any public cemetery or burying ground, wounds or traps any birds or destroys any bird's nest, or removes any eggs or young birds from any nest; and every person who buys or sells, offers or keeps for sale, any bird which has been killed or trapped in violation of this section, is punishable by a fine of Five Dollars (\$5.00) for each offense, recoverable by a civil action in any justice's court within the county where the offense is committed, brought in the name of any person making a complaint.

R.L. 1910 Sec. 2745.

R.L.1910, § 2745.

§21-1685. Cruelty to animals.

Any person who shall willfully or maliciously torture, destroy or kill, or cruelly beat or injure, maim or mutilate any animal in subjugation or captivity, whether wild or tame, and whether belonging to the person or to another, or deprive any such animal of necessary food, drink, shelter, or veterinary care to prevent suffering; or who shall cause, procure or permit any such animal to be so tortured, destroyed or killed, or cruelly beaten or injured, maimed or mutilated, or deprived of necessary food, drink, shelter, or veterinary care to prevent suffering; or who shall willfully set on foot, instigate, engage in, or in any way further any act of cruelty to any animal, or any act tending to produce such cruelty, shall be guilty of a Class B5 felony offense and shall be punished by imprisonment in the State Penitentiary not exceeding five (5) years, or by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00). Any animal so maltreated or abused shall be considered an abused or neglected animal.

R.L. 1910, § 2746. Amended by Laws 1997, c. 133, § 384, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 276, eff. July 1, 1999; Laws 2003, c. 363, § 1, eff. July 1, 2003; Laws 2006, c. 188, § 3, eff. Nov. 1, 2006; Laws 2025, c. 486, § 165, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 384 from July 1, 1998, to July 1, 1999.

§21-1685.1. Greyhounds - Using live animal as lure in training - Penalties.

A. No person may knowingly use any live animal as a lure or bait in training a greyhound for entry in any race.

B. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250.00).

C. The provisions of subsection B of this section shall be the exclusive remedy for any violation of the provisions of subsection A of this section.

Added by Laws 1991, c. 23, § 1, eff. July 1, 1991.

§21-1686. Abandoned animals - Euthanasia - Custody of animal following arrest.

A. Any person owning or having charge or custody of a maimed, diseased, disabled, or infirm animal who abandons the animal or who allows the animal to lie in a public street, road, or public place one (1) hour after the person receives notice by a duly constituted authority that the animal is disabled or dead, upon conviction, shall be guilty of a misdemeanor.

B. Any peace officer or animal control officer may humanely destroy or cause to be humanely destroyed any animal found abandoned and for which no proper care has been given.

C. When any person who is arrested is, at the time of the arrest, in charge of any animal or of any vehicle drawn by or containing any animal, any peace officer, or animal control officer may take custody of the animal or of the vehicle and its contents, or deliver the animal or the vehicle and its contents into the possession of the police or sheriff of the county or place where the arrest was made, who shall assume the custody thereof. All necessary expenses incurred in taking custody of the animal or of the vehicle and its contents shall be a lien on such property.

D. For the purpose of the provisions of this section and Section 1691 of this title, the term "abandon" means the voluntary relinquishment of an animal and shall include but shall not be limited to vacating a premises and leaving the animal in or at the premises, or failing to feed the animal or allowing it to stray or wander onto private or public property with the intention of surrendering ownership or custody over the animal.

R.L. 1910, § 2747. Amended by Laws 1984, c. 104, § 1, operative July 1, 1984; Laws 2006, c. 188, § 4, eff. Nov. 1, 2006.

§21-1688. Animals in transit.

Any person who carries or causes to be carried in or upon any vessel or vehicle, or otherwise, any animal in a cruel or inhuman manner, or so as to produce torture is guilty of a misdemeanor.

R.L.1910, § 2749.

§21-1689. Poisonous drugs, unjustifiable administration of.

Any person who unjustifiably administers any poisonous or noxious drug or substance to any animal, or unjustifiably exposes any such drug or substance with intent that the same shall be taken by an animal, whether such animal be the property of himself or another, is guilty of a misdemeanor.

R.L.1910, § 2750.

§21-1691. Abandoning of domestic animals along streets or highways or in any public place prohibited.

Any person who deposits any live dog, cat, or other domestic animal along any private or public roadway, or in any other private or public place with the intention of abandoning the domestic animal upon conviction, shall be guilty of a misdemeanor.

Amended by Laws 1984, c. 104, § 2, operative July 1, 1984.

§21-1692. Penalty.

Any person found guilty of violating any of the provisions of Sections 1686, 1688, 1689 and 1691 of this title shall be punished by a fine in an amount not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than one (1) year, or by both said fine and imprisonment.

Amended by Laws 1984, c. 104, § 3, operative July 1, 1984.

§21-1692.1. Definitions.

As used in this act:

A. "Cockfight" or "cockfighting" is a fight between birds, whether or not fitted with spurs, knives, or gaffs, and whether or not bets or wagers are made on the outcome of the fight, and includes any training fight in which birds are intended or encouraged to attack or fight with one another.

B. "Equipment used for training or handling a fighting bird" includes knives or gaffs, cages, pens, feeding apparatuses, training pens and other related devices and equipment, and is hereby declared contraband and subject to seizure.

Added by State Question No. 687, Initiative Petition No. 365, Provision No. 1, adopted at General Election held on November 5, 2002.

§21-1692.2. Instigating or encouraging cockfight.

Every person who willfully instigates or encourages any cockfight, upon conviction, shall be guilty of a Class B5 felony offense. The penalty for a violation of this section shall be as provided in Section 8 of this act.

Added by State Question No. 687, Initiative Petition No. 365, Provision No. 2, adopted at General Election held on November 5, 2002. Amended by Laws 2025, c. 486, § 166, eff. Jan. 1, 2026.

§21-1692.3. Keeping place, equipment or facilities for cockfighting.

Every person who keeps any pit or other place, or knowingly provides any equipment or facilities to be used in permitting any

cockfight, upon conviction, shall be guilty of a Class B5 felony offense. The penalty for a violation of this section shall be as provided in Section 8 of this act.

Added by State Question No. 687, Initiative Petition No. 365, Provision No. 3, adopted at General Election held on November 5, 2002. Amended by Laws 2025, c. 486, § 167, eff. Jan. 1, 2026.

§21-1692.4. Servicing or facilitating cockfight.

Every person who does any act or performs any service in the furtherance of or to facilitate any cockfight, upon conviction, shall be guilty of a Class B5 felony offense. Such activities and services specifically prohibited by this section include, but are not limited to: promoting or refereeing of birds at a cockfight, advertising a cockfight, or serving as a stakes holder of any money wagered on any cockfight. The penalty for a violation of this section shall be as provided in Section 8 of this act.

Added by State Question No. 687, Initiative Petition No. 365, Provision No. 4, adopted at General Election held on November 5, 2002. Amended by Laws 2025, c. 486, § 168, eff. Jan. 1, 2026.

§21-1692.5. Owning, possessing, keeping or training bird for fighting.

Every person who owns, possesses, keeps, or trains any bird with the intent that such bird shall be engaged in a cockfight, upon conviction, shall be guilty of a Class B5 felony offense. The penalty for a violation of this section shall be as provided in Section 8 of this act.

Added by State Question No. 687, Initiative Petition No. 365, Provision No. 5, adopted at General Election held on November 5, 2002. Amended by Laws 2025, c. 486, § 169, eff. Jan. 1, 2026.

§21-1692.6. Spectators.

Every person who is knowingly present as a spectator at any place, building, or other site where preparations are being made for a cockfight with the intent to be present at such preparation or cockfight, or is knowingly present at such cockfight, upon conviction shall be guilty of a misdemeanor.

Added by State Question No. 687, Initiative Petition No. 365, Provision No. 6, adopted at General Election held on November 5, 2002.

§21-1692.7. Seizure, destruction, or forfeiture of cockfighting equipment or facilities.

Following the conviction of a person for Sections 2, 3, 4, or 5 of this act, the court entering the judgment shall order that the birds and knives or gaffs used in violation of this act be forfeited

to the state, and may order that any and all equipment described in Section 1 used in violation of this act be forfeited to the state. Added by State Question No. 687, Initiative Petition No. 365, Provision No. 7, adopted at General Election held on November 5, 2002.

§21-1692.8. Punishment.

A. Every person who is guilty of a felony under any of the provisions of Sections 2, 3, 4, or 5 of this act shall be guilty of a Class B5 felony offense and shall be punished by imprisonment in the state penitentiary for not less than one (1) year nor more than ten (10) years, or shall be fined not less than Two Thousand Dollars (\$2,000.00) nor more than Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.

B. Every person who upon conviction is guilty of any of the provisions of Section 6 of this act shall be punished by imprisonment in the county jail for not more than one (1) year, or shall be fined not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

Added by State Question No. 687, Initiative Petition No. 365, Provision No. 8, adopted at General Election held on November 5, 2002. Amended by Laws 2025, c. 486, § 170, eff. Jan. 1, 2026.

§21-1692.9. Exemption.

Nothing in this act shall prohibit any of the following:

A. Hunting birds or fowl in accordance with Oklahoma regulation or statute, including but not limited to the sport of hunting game with trained raptors.

B. Agricultural production of fowl for human consumption.

Added by State Question No. 687, Initiative Petition No. 365, Provision No. 9, adopted at General Election held on November 5, 2002.

§21-1693. Definitions.

As used in this act:

1. "Equipment used for training or handling a fighting dog" includes harnesses, treadmills, cages, decoys, pens, houses, feeding apparatuses, training pens and other related devices and equipment;

2. "Equipment used for transporting a fighting dog" includes any automobile, or other vehicle, and its appurtenances which are intended to be used as a vehicle for transporting a fighting dog to a fight;

3. "Concession equipment" includes any stands, equipment or devices intended to be used to sell or otherwise to dispense food, drinks, liquor, souvenirs or spectator comforts;

4. "Equipment used to promote or advertise a dogfight" includes any printing presses or similar equipment, any paper, ink,

photography equipment, and related items and equipment intended to be used to transport same;

5. "Equipment used to stage a dogfight" includes, but is not limited to, dogfighting arenas, bleachers, or spectators' stands or other seating, tents, canopies, buildings, fences, cages, speakers, public address systems, portable toilet facilities and related equipment; and

6. "Fighting dog" includes any dog trained, being trained, intended to be used for training, or intended to be used to attack, bite, wound or worry another dog.

Added by Laws 1982, c. 184, § 1, emerg. eff. April 20, 1982.

§21-1694. Instigating or encouraging dogfight - Felony - Penalty.

Every person who willfully or for any bet, stake or reward, instigates or encourages any fight between dogs, or instigates or encourages any dog to attack, bite, wound or worry another dog, except in the course of protection of life and property, upon conviction, shall be guilty of a Class B5 felony offense, punishable as provided in Section 1699.1 of this title.

Added by Laws 1982, c. 184, § 2, emerg. eff. April 20, 1982.

Amended by Laws 1997, c. 133, § 385, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 277, eff. July 1, 1999; Laws 2025, c. 486, § 171, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 385 from July 1, 1998, to July 1, 1999.

§21-1695. Keeping place, equipment or facilities for dogfighting - Felony - Penalty.

Every person who keeps any house, pit or other place, or provides any equipment or facilities to be used in permitting any fight between dogs or in furtherance of any activity described in Section 1693 of this title, upon conviction, shall be guilty of a Class B5 felony offense, punishable as provided in Section 1699.1 of this title.

Added by Laws 1982, c. 184, § 3, emerg. eff. April 20, 1982.

Amended by Laws 1997, c. 133, § 386, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 278, eff. July 1, 1999; Laws 2025, c. 486, § 172, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 386 from July 1, 1998, to July 1, 1999.

§21-1696. Servicing or facilitating dogfight - Felony - Penalty.

Every person who does any act or performs any service in the furtherance of or to facilitate any dogfight, upon conviction, shall be guilty of a Class B5 felony offense. Such activities and services specifically prohibited by this section include, but are not limited to: Promotion, refereeing, handling of dogs at a fight,

transportation of spectators to or from a dogfight, providing concessions at a dogfight, advertising a dogfight, or serving as a stakes holder of any money wagered on any dogfight, punishable as provided in Section 1699.1 of this title.

Added by Laws 1982, c. 184, § 4, emerg. eff. April 20, 1982.

Amended by Laws 1997, c. 133, § 387, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 279, eff. July 1, 1999; Laws 2025, c. 486, § 173, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 387 from July 1, 1998, to July 1, 1999.

§21-1697. Owning, possessing, keeping or training dog for fighting - Felony - Penalty.

Every person who owns, possesses, keeps or trains any dog with the intent that such dog shall be engaged in an exhibition of fighting with another dog, upon conviction, shall be guilty of a Class B5 felony offense, punishable as provided in Section 1699.1 of this title.

Added by Laws 1982, c. 184, § 5, emerg. eff. April 20, 1982.

Amended by Laws 1997, c. 133, § 388, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 280, eff. July 1, 1999; Laws 2025, c. 486, § 174, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 388 from July 1, 1998, to July 1, 1999.

§21-1698. Spectators.

Every person who is knowingly present as a spectator at any place, building or other site where preparations are being made for an exhibition of dogfighting with the intent to be present at such preparation or fight, or is knowingly present at such exhibition, upon conviction, shall be guilty of a misdemeanor.

Added by Laws 1982, c. 184, § 6, emerg. eff. April 20, 1982.

§21-1699. Seizure, destruction or forfeiture of dogfighting equipment and facilities.

Following the conviction of a person for the offense of keeping a place for fighting dogs, providing facilities for fighting dogs, performing services in the furtherance of dogfighting, training, owning, possessing, handling fighting dogs, the court entering the judgment shall order that the machine, device, gambling equipment, training or handling instruments or equipment, transportation equipment, concession equipment, dogfighting equipment and instruments, and fighting dogs used in violation of this act be destroyed or forfeited to the state.

Added by Laws 1982, c. 184, § 7, emerg. eff. April 20, 1982.

§21-1699.1. Punishment.

A. Every person who is guilty of a Class B5 felony offense under any of the provisions of Sections 1694, 1695, 1696 and 1697 of this title shall be punished by imprisonment in the State Penitentiary for not less than one (1) year nor more than ten (10) years, or a fine not less than Two Thousand Dollars (\$2,000.00) nor more than Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.

B. Every person who upon conviction is guilty of any of the provisions of Section 1698 of this title shall be punished by imprisonment in the county jail for not more than one (1) year, or shall be fined not more than Five Hundred Dollars (\$500.00).

Added by Laws 1982, c. 184, § 8, emerg. eff. April 20, 1982.

Amended by Laws 1997, c. 133, § 389, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 281, eff. July 1, 1999; Laws 2025, c. 486, § 175, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 389 from July 1, 1998, to July 1, 1999.

§21-1699.2. Exemptions.

Nothing in this act shall prohibit any of the following:

1. The use of dogs in hunting as permitted by the Game and Fish Code and by the rules and regulations adopted by the Oklahoma Wildlife Conservation Commission;

2. The use of dogs in the management of livestock by the owner of such livestock or his employees or agents or other persons in lawful custody thereof;

3. The training of dogs or the use of equipment in the training of dogs for any purpose not prohibited by law; or

4. The raising, breeding, keeping or training of dogs or the use of equipment for the raising, breeding, keeping or training of dogs for sale or show purposes.

Added by Laws 1982, c. 184, § 9, emerg. eff. April 20, 1982.

§21-1700. Bear wrestling - Horse tripping.

A. It is unlawful for any person to:

1. Promote, engage in, or be employed at a bear wrestling exhibition or horse tripping event;

2. Receive money for the admission of another person to any place where bear wrestling or horse tripping will occur;

3. Sell, purchase, possess, or offer a horse for any horse tripping event;

4. Sell, purchase, possess, or train a bear for any bear wrestling exhibition;

5. Subject a bear to alteration in any form for purposes of bear wrestling including, but not limited to, removal of claws or teeth, or severing tendons; or

6. Give any substance to a bear, inject any substance into a bear, or cause a bear to ingest or inhale any substance for the purposes of bear wrestling.

B. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one (1) year, or by a fine of not more than Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment. In addition, the court may require the violator to make restitution and reimbursements to the state, any of its political subdivisions, or to any society which is incorporated for the prevention of cruelty to animals for housing, feeding, or providing medical treatment to any animals used or intended for use in violation of this section.

C. Upon the arrest of any person pursuant to any provision of this section, the arresting law enforcement agency or animal control office shall have authority to seize and take custody of all animals in the possession of the arrested person which are the basis of an arrest pursuant to the provisions of this section. Upon conviction, the court shall have authority to order the forfeiture of all animals seized which are the basis of the conviction pursuant to the provisions of this section. Any animals ordered forfeited may be placed in the custody of a society which is incorporated for the prevention of cruelty to animals.

D. As used in this section, "horse tripping" means to cause an animal of the equine species to fall or lose its balance with the use of a wire, pole, stick, rope or other object. The term does not include the lawful laying down of a horse for medical purposes or for the purposes of identification.

Added by Laws 1996, c. 197, § 1, emerg. eff. May 20, 1996.

§21-1701. Larceny defined.

Larceny is the taking of personal property accomplished by fraud or stealth, and with intent to deprive another thereof.

R.L.1910, § 2652.

§21-1702. Larceny of lost property.

One who finds lost property under circumstances which gives him knowledge or means of inquiry as to the true owner, and who appropriates such property to his own use, or to the use of another person who is not entitled thereto, without having first made such effort to find the owner and restore the property to him as the circumstances render reasonable and just, is guilty of larceny punishable as follows:

1. If the value of the property is less than One Thousand Dollars (\$ 1,000.00), the person shall be guilty of a misdemeanor punishable by imprisonment in the county jail not to exceed one (1)

year, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine;

2. If the value of the property is One Thousand Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars (\$2,500.00), the person shall be guilty of a Class D3 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20P of this title, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine;

3. If the value of the property is Two Thousand Five Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars (\$15,000.00), the person shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine; and

4. If the value of the property is Fifteen Thousand Dollars (\$15,000.00) or more, the person shall be guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine.

R.L. 1910, § 2653. Amended by Laws 2018, c. 116, § 10, eff. Nov. 1, 2018; Laws 2025, c. 486, § 246, eff. Jan. 1, 2026.

§21-1703. Degrees of larceny.

Larceny is divided into two degrees; the first of which is termed grand larceny, the second petit larceny.

R.L.1910, § 2654.

§21-1704. See the following versions:

OS 21-1704v1 (HB 2751, Laws 2016, c. 221, § 16).

OS 21-1704v2 (HB 2281, Laws 2018, c. 116, § 11).

§21-1704v1. Grand and petit larceny defined.

Grand larceny is larceny committed in either of the following cases:

1. When the property taken is of value exceeding One Thousand Dollars (\$1,000.00); or

2. When such property, although not of value exceeding One Thousand Dollars (\$1,000.00), is taken from the person of another.

Larceny in other cases is petit larceny.

R.L. 1910, § 2655. Amended by Laws 1982, c. 277, § 4, operative Oct. 1, 1982; Laws 2001, c. 437, § 10, eff. July 1, 2001; Laws 2016, c. 221, § 16, eff. Nov. 1, 2016.

§21-1704v2. Grand and petit larceny defined.

Grand larceny is larceny committed in either of the following cases:

1. When the property taken is of a value of One Thousand Dollars (\$1,000.00) or greater; or
2. When such property, although not of a value of One Thousand Dollars (\$1,000.00) or greater, is taken from the person of another.

Larceny in other cases is petit larceny.

R.L. 1910, § 2655. Amended by Laws 1982, c. 277, § 4, operative Oct. 1, 1982; Laws 2001, c. 437, § 10, eff. July 1, 2001; State Question No. 780, Initiative Petition No. 404, § 4, adopted at election held on November 8, 2016, eff. July 1, 2017; Laws 2018, c. 116, § 11, eff. Nov. 1, 2018.

§21-1705. See the following versions:

OS 21-1705v1 (HB 2751, Laws 2016, c. 221, § 17)

OS 21-1705v2 (HB 2104, Laws 2025, c. 486, § 247)

§21-1705v1. Grand larceny a felony.

Grand larceny is a felony punishable by imprisonment in the custody of the Department of Corrections not exceeding five (5) years, a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment if the value of the property is One Thousand Dollars (\$1,000.00) or more and if the value of the property is less than One Thousand Dollars (\$1,000.00) punishable by incarceration in the county jail for not more than one (1) year or by incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. The defendant shall also be ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes.

R.L. 1910, § 2656. Amended by Laws 1993, c. 147, § 6, eff. Sept. 1, 1993; Laws 1997, c. 133, § 390, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 282, eff. July 1, 1999; Laws 2016, c. 221, § 17, eff. Nov. 1, 2016.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 390 from July 1, 1998, to July 1, 1999.

§21-1705v2. Grand larceny a felony.

A. Grand larceny is a felony punishable as follows:

1. If the value of the property is less than One Thousand Dollars (\$1,000.00), the person shall be punished by imprisonment in the county jail for a term not to exceed one (1) year or by incarceration in the county jail for one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine;

2. If the property is one or more firearms, the property is taken from the person of another, or the value of the property is One Thousand Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars (\$2,500.00), the person shall be guilty of a Class D3 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title, or by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500.00), or by both such imprisonment and fine;

3. In the event the value of the property is Two Thousand Five Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars (\$15,000.00), the person shall be guilty of a Class D1 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine; or

4. If the value of the property is Fifteen Thousand Dollars (\$15,000.00) or more, the person shall be guilty of a Class C2 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine.

B. The person shall also be ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes.

R.L. 1910, § 2656. Amended by Laws 1993, c. 147, § 6, eff. Sept. 1, 1993; Laws 1997, c. 133, § 390, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 282, eff. July 1, 1999; State Question No. 780, Initiative Petition No. 404, § 5, adopted at election held on November 8, 2016, eff. July 1, 2017; Laws 2018, c. 116, § 12, eff. Nov. 1, 2018; Laws 2024, c. 158, § 1, eff. Nov. 1, 2024; Laws 2025, c. 486, § 247, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 390 from July 1, 1998, to July 1, 1999.

§21-1706. Punishment for petit larceny.

Petit larceny shall be punishable by a fine of not less than Ten Dollars (\$10.00) or more than Five Hundred Dollars (\$500.00), or imprisonment in the county jail not to six (6) months, or by both such fine and imprisonment, at the discretion of the court.

R.L. 1910, § 2657; Laws 1993, c. 288, § 1, eff. Sept. 1, 1993.

§21-1707. Grand larceny in house or vessel a felony.

When it appears upon a trial for grand larceny that the larceny alleged was committed in any dwelling house or vessel, the offender shall be guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title.

R.L. 1910, § 2658. Amended by Laws 1997, c. 133, § 391, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 283, eff. July 1, 1999; Laws 2025, c. 486, § 248, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 391 from July 1, 1998, to July 1, 1999.

§21-1708. Grand larceny in night time from person a felony.

When it appears upon such trial, that such larceny was committed by stealing in the night time, from the person of another, the offender shall be guilty of a Class C1 felony offense punishable by imprisonment as provided for in subsections B through E of Section 20L of this title.

R.L. 1910, § 2659. Amended by Laws 1997, c. 133, § 392, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 284, eff. July 1, 1999; Laws 2025, c. 486, § 197, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 392 from July 1, 1998, to July 1, 1999.

§21-1709. Larceny of written instrument - Value.

If the thing stolen consists of any evidence of debt or other written instrument, the amount of money due thereon or secured to be paid thereby and remaining unsatisfied, or which in any contingency might be collected thereon, or the value of the property the title to which is shown thereby, or the sum of which might be recovered in the absence thereof, as the case may be, shall be deemed the value of the thing stolen.

R.L.1910, § 2660.

§21-1710. Larceny of passage ticket - Value.

If the thing stolen is any ticket, or other paper or writing entitling or purporting to entitle the holder or proprietor thereof to a passage upon any railroad, or in any vessel or other public conveyance, the price at which tickets entitling a person to a like passage are usually sold by the proprietors of such conveyance shall be deemed the value of such ticket.

R.L.1910, § 2661.

§21-1711. Securities not yet issued or delivered, larceny of.

All the provisions of this article shall apply where the property taken is an instrument for the payment of money, evidence of debt, public security or passage ticket, completed and ready to be issued or delivered, though the same has never been issued or delivered by the makers thereof to any person as a purchaser or owner.

R.L. 1910, § 2662.

§21-1712. Severed fixture, larceny of.

Any fixture or part of realty, the instant it is severed from the realty becomes personal property, and the subject of larceny within the meaning of this article.
R.L.1910, § 2663.

§21-1713. See the following versions:

OS 21-1713v1 (HB 2751, Laws 2016, c. 221, § 18)

OS 21-1713v2 (HB 2104, Laws 2025, c. 486, § 249)

§21-1713.1. Purchase or receipt of stolen, etc., construction or farm equipment.

Every person who buys or receives, in any manner, upon any consideration, any construction equipment or farm equipment of any value whatsoever that has been stolen, embezzled, obtained by false pretense or robbery, knowing or having reasonable cause to believe the same to have been stolen, embezzled, obtained by false pretense, or robbery, or who conceals, withholds, or aids in concealing or withholding such construction equipment or farm equipment from the owner, shall be guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine in an amount that is equal to three times the value of the property that was stolen but not more than Five Hundred Thousand Dollars (\$500,000.00), or by both such fine and imprisonment and may be ordered to pay restitution pursuant to Section 991f of Title 22 of the Oklahoma Statutes.

Added by Laws 2002, c. 186, § 2, eff. Nov. 1, 2002. Amended by Laws 2025, c. 486, § 250, eff. Jan. 1, 2026.

§21-1713v1. Receiving stolen property - Presumption.

A. Every person who buys or receives, in any manner, upon any consideration, personal property of a value of One Thousand Dollars (\$1,000.00) or more that has been stolen, embezzled, obtained by false pretense or robbery, knowing or having reasonable cause to believe the same to have been stolen, embezzled, obtained by false pretense, or robbery, or who conceals, withholds, or aids in concealing or withholding such property from the owner shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections not to exceed five (5) years, or in the county jail not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such fine and imprisonment. If the personal property that has been stolen, embezzled, obtained by false pretense or robbery has a value of less than One Thousand Dollars (\$1,000.00), the person shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not to exceed one (1) year.

B. Every person who, without making reasonable inquiry, buys, receives, conceals, withholds, or aids in concealing or withholding

any property which has been stolen, embezzled, obtained by false pretense or robbery, or otherwise feloniously obtained, under such circumstances as should cause such person to make reasonable inquiry to ascertain that the person from whom such property was bought or received had the legal right to sell or deliver it shall be presumed to have bought or received such property knowing it to have been so stolen or wrongfully obtained. This presumption may, however, be rebutted by proof.

R.L. 1910, § 2664. Amended by Laws 1961, p. 234, § 1, emerg. eff. July 18, 1961; Laws 1997, c. 133, § 393, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 285, eff. July 1, 1999; Laws 2016, c. 221, § 18, eff. Nov. 1, 2016.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 393 from July 1, 1998, to July 1, 1999.

§21-1713v2. Receiving stolen property - Presumption.

A. Every person who buys or receives, in any manner, upon any consideration, personal property of a value of One Thousand Dollars (\$1,000.00) or more that has been stolen, embezzled, obtained by false pretense or robbery, knowing or having reasonable cause to believe the same to have been stolen, embezzled, obtained by false pretense, or robbery, or who conceals, withholds, or aids in concealing or withholding such property from the owner shall, upon conviction, be guilty of a felony punishable as follows:

1. If the value of the personal property is One Thousand Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars (\$2,500.00), the person shall be guilty of a Class D3 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such fine and imprisonment;

2. If the value of the personal property is Two Thousand Five Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars (\$15,000.00), the person shall be guilty of a Class D1 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such fine and imprisonment; or

3. If the value of the personal property is Fifteen Thousand Dollars (\$15,000.00) or more, the person shall be guilty of a Class C2 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20M of this title, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine.

B. If the personal property that has been stolen, embezzled, obtained by false pretense or robbery has a value of less than One Thousand Dollars (\$1,000.00), the person shall, upon conviction, be

guilty of a misdemeanor punishable by imprisonment in the county jail for a term not to exceed six (6) months.

C. Every person who, without making reasonable inquiry, buys, receives, conceals, withholds, or aids in concealing or withholding any property which has been stolen, embezzled, obtained by false pretense or robbery, or otherwise feloniously obtained, under such circumstances as should cause such person to make reasonable inquiry to ascertain that the person from whom such property was bought or received had the legal right to sell or deliver it shall be presumed to have bought or received such property knowing it to have been so stolen or wrongfully obtained. This presumption may, however, be rebutted by proof.

R.L. 1910, § 2664. Amended by Laws 1961, p. 234, § 1, emerg. eff. July 18, 1961; Laws 1997, c. 133, § 393, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 285, eff. July 1, 1999; State Question No. 780, Initiative Petition No. 404, § 6, adopted at election held on November 8, 2016, eff. July 1, 2017; Laws 2018, c. 116, § 13, eff. Nov. 1, 2018; Laws 2025, c. 486, § 249, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 393 from July 1, 1998, to July 1, 1999.

§21-1714. Fraudulent consumption of gas.

Every person who, with intent to defraud, makes or causes to be made, any pipe or other instrument or contrivance, and connects the same, or causes it to be connected, with any pipe laid for conducting illuminating gas, so as to conduct gas to a point where the same may be consumed without its passing through the meter providing for registering the quantity consumed, or in any other manner so as to evade paying therefor, and every person who with like intent injures or alters any gas meter, or obstructs its action, is guilty of a misdemeanor.

R.L.1910, § 2665.

§21-1715. Bringing stolen property into the State.

Every person who steals the property of another in any other state or country, and brings the same into this state may be convicted and punished in the same manner as if such larceny had been committed in this state; and such larceny may be charged to have been committed in any town or city into or through which such stolen property has been brought.

R.L.1910, § 2666.

§21-1716. Theft of domestic animals or implements of husbandry.

A. Any person in this state who shall steal any horse, jackass, jennet, mule, cow, hog or implement of husbandry as defined in Section 1-125 of Title 47 of the Oklahoma Statutes shall, upon conviction, be guilty of a Class C2 felony offense punishable by

imprisonment in the custody of the Department of Corrections for a term of not less than three (3) years nor more than ten (10) years, or by a fine in an amount that is equal to three times the value of animals and machinery that were stolen but not more than Five Hundred Thousand Dollars (\$500,000.00), or by both such fine and imprisonment. Each head of cattle stolen may constitute a separate offense and may be punishable as a separate violation.

B. Any person in this state who shall steal any dog, sheep or goat shall, upon conviction, be guilty of a Class D3 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20P of this title, or by a fine in an amount that is equal to three times the value of the animals that were stolen but not more than Five Hundred Thousand Dollars (\$500,000.00), or by both such fine and imprisonment.

C. The word "horse" as used in this section includes all animals of the equine species, and the word "cow" includes all animals of the bovine species.

D. Persons convicted of violating the provisions of subsection A of this section shall be registered by the Oklahoma Department of Agriculture, Food, and Forestry in the Livestock Offender Registry created in Section 2-16.1 of Title 2 of the Oklahoma Statutes.

E. The county in which the offender is convicted shall submit a certified copy of the judgment and sentence confirming the conviction for entry in the Livestock Offender Registry to the Oklahoma Department of Agriculture, Food, and Forestry or, if designated by the Department, to a statewide livestock organization. In lieu of sending a paper copy of the judgment and sentence required by this subsection, the county may transmit the conviction information by using an electronic method authorized by the Oklahoma Department of Agriculture, Food, and Forestry.

R.L. 1910, § 2667. Amended by Laws 1910-11, c. 92, p. 202, § 1; Laws 1939, p. 13, § 1; Laws 1997, c. 133, § 394, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 286, eff. July 1, 1999; Laws 2002, c. 324, § 1, eff. Nov. 1, 2002; Laws 2016, c. 89, § 1, eff. Nov. 1, 2016; Laws 2021, c. 141, § 2, eff. Nov. 1, 2021; Laws 2022, c. 32, § 1, eff. Nov. 1, 2022; Laws 2025, c. 486, § 251, eff. Jan. 1, 2026. NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 394 from July 1, 1998, to July 1, 1999.

§21-1717. Dog as personal property.

All animals of the dog kind, whether male or female, shall be considered the personal property of the owner thereof, for all purposes.

R.L. 1910, § 2668; Laws 1968, c. 261, § 1, emerg. eff. April 29, 1968.

§21-1718. Larceny of dogs.

The taking of personal property of the kind defined in Section 1717 of this title, accomplished by fraud or stealth, and with the intent to deprive another thereof, is hereby defined as larceny and punishable in the same manner and to the same degree as in larceny of other descriptions of personal property.

R.L.1910, § 2669; Laws 1971, c. 123, § 1, emerg. eff. May 4, 1971.

§21-1719. Larceny of domestic fowls - Receiving stolen fowls.

Every person who shall take, steal and carry away any domestic fowl, or fowls, and any person purchasing or receiving such domestic fowl, or fowls, knowing them to have been stolen, shall be guilty of grand larceny, a Class D1 felony offense, regardless of the value thereof, and upon conviction shall be punished by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not exceeding Two Hundred Dollars (\$200.00), or by both such fine and imprisonment.

Added by Laws 1915, c. 55, § 1. Amended by Laws 1929, c. 20, p. 17, § 1; Laws 1997, c. 133, § 395, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 287, eff. July 1, 1999; Laws 2025, c. 486, § 451, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 395 from July 1, 1998, to July 1, 1999.

§21-1719.1. Larceny of certain fish and game.

A. For the purpose of this section:

1. "Domesticated fish or game" means all birds, mammals, fish and other aquatic forms and all other animals, regardless of classifications, whether resident, migratory or imported, protected or unprotected, dead or alive, and shall extend to and include every part of any individual species when such domesticated fish or game are not in the wild and are in the possession of a person currently licensed to possess such fish or game; and

2. "Taking" means the pursuing, killing, capturing, trapping, snaring and netting of domesticated fish or game or placing, setting, drawing or using any net, trap or other device for taking domesticated fish or game and includes specifically every attempt to take such domesticated fish or game.

B. Any domesticated fish or game shall be considered the personal property of the owner.

C. Any person who shall take any domesticated fish or game, with the intent to deprive the owner of said fish or game, and any person purchasing or receiving such domesticated fish or game knowing them to have been stolen, shall:

1. Upon conviction, if the current market value of said domesticated fish or game is less than One Thousand Dollars (\$1,000.00), be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by

imprisonment in the county jail for a term not to exceed sixty (60) days, or by both such fine and imprisonment; or

2. Upon conviction, if the current market value of said domesticated fish or game is One Thousand Dollars (\$1,000.00) or more, be guilty of a Class D1 felony offense and shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment as provided for in subsections B through F of Section 20N of this title, or by both such fine and imprisonment.

Added by Laws 1987, c. 160, § 1, emerg. eff. June 25, 1987. Amended by Laws 1993, c. 147, § 7, eff. Sept. 1, 1993; Laws 1993, c. 288, § 3, eff. Sept. 1, 1993; Laws 1997, c. 133, § 396, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 288, eff. July 1, 1999; Laws 2001, c. 437, § 11, eff. July 1, 2001; State Question No. 780, Initiative Petition No. 404, § 7, adopted at General Election held on November 8, 2016, eff. July 1, 2017; Laws 2025, c. 486, § 452, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 396 from July 1, 1998, to July 1, 1999.

§21-1719.2. Taking, stealing or carrying away exotic livestock - Penalties - Definition.

A. Any person who shall take, steal or carry away any exotic livestock, any person purchasing or receiving such exotic livestock, knowing them to have been stolen, shall be deemed guilty of grand larceny, a Class C2 felony offense, regardless of the value thereof, and upon conviction thereof shall be punished by imprisonment in the State Penitentiary not exceeding ten (10) years, or by a fine not exceeding Twenty Thousand Dollars (\$20,000.00), or by both such fine and imprisonment.

B. For purposes of this section the term "exotic livestock" means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group.

Added by Laws 1993, c. 36, § 6, eff. July 1, 1993. Amended by Laws 1997, c. 133, § 397, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 289, eff. July 1, 1999; Laws 2025, c. 486, § 252, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 397 from July 1, 1998, to July 1, 1999.

§21-1720. Aircraft, automobile or other automotive driven vehicle, construction equipment or farm equipment.

Any person in this state who shall steal an aircraft, automobile or other automotive driven vehicle, construction equipment or farm equipment shall be guilty of a Class D1 felony offense and, upon conviction, shall be punished by imprisonment as provided for in

subsections B through F of Section 20N of this title if the value of the vehicle is less than Fifty Thousand Dollars (\$50,000.00), or shall be guilty of a Class C2 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20M of this title if the value of the vehicle is Fifty Thousand Dollars (\$50,000.00) or greater, or by a fine in an amount that is equal to three times the value of the property that was stolen but not more than Five Hundred Thousand Dollars (\$500,000.00), or by both such fine and imprisonment . In addition, the person shall be ordered to pay restitution pursuant to Section 991f of Title 22 of the Oklahoma Statutes.

Added by Laws 1919, c. 102, p. 155, § 1. Amended by Laws 1945, p. 96, § 1; Laws 1997, c. 133, § 398, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 290, eff. July 1, 1999; Laws 2002, c. 186, § 1, eff. Nov. 1, 2002; Laws 2018, c. 116, § 14, eff. Nov. 1, 2018; Laws 2025, c. 486, § 253, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 398 from July 1, 1998, to July 1, 1999.

§21-1721. Tapping pipeline.

Any person who shall unlawfully make or cause to be made any connection with or in any way tap or cause to be tapped, or drill or cause to be drilled a hole in any pipe or pipeline or tank laid or used for the conduct or storage of crude oil, naphtha, gas or casinghead gas, or any of the manufactured or natural products thereof, with intent to deprive the owner thereof of any of said crude oil, naphtha, gas, casinghead gas or any of the manufactured or natural products thereof, shall be guilty of a Class C2 felony offense, and upon conviction the person shall be punished by forfeiture of the instrumentality of the crime and by a fine of not less than One Hundred Dollars (\$100.00), and not more than Fifty Thousand Dollars (\$50,000.00), or confinement in the State Penitentiary for a term of not less than one (1) year nor more than ten (10) years, or by both such fine and imprisonment.

Added by Laws 1925, c. 105, p. 153, § 1. Amended by Laws 1982, c. 219, § 1, emerg. eff. April 29, 1982; Laws 1997, c. 133, § 399, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 291, eff. July 1, 1999; Laws 2025, c. 486, § 254, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 399 from July 1, 1998, to July 1, 1999.

§21-1722. Taking oil, gas, gasoline or any product thereof - When misdemeanor or felony.

Any person who shall unlawfully take any crude oil or gasoline, or any product thereof, from any pipe, pipeline, tank, tank car, or other receptacle or container and any person who shall unlawfully take or cause to be taken any machinery, drilling mud, equipment or

other materials necessary for the drilling or production of oil or gas wells, with intent to deprive the owner or lessee thereof of said crude oil, gas, gasoline, or any product thereof, machinery, drilling mud, equipment or other materials necessary for the drilling or production of oil or gas wells shall:

1. Be guilty of a misdemeanor if the value of said product so taken is less than One Thousand Dollars (\$1,000.00), and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a term not to exceed sixty (60) days, or by both such fine and imprisonment;

2. Be guilty of a Class C2 felony offense if the value of such product so taken is One Thousand Dollars (\$1,000.00) or more and upon conviction thereof, shall be punished by forfeiture of the instrumentality of the crime and by a fine of not less than One Hundred Dollars (\$100.00), and not more than Fifty Thousand Dollars (\$50,000.00), or by imprisonment in the State Penitentiary for a term in the range of one (1) year to ten (10) years, or by both such fine and imprisonment.

Added by Laws 1925, c. 105, p. 153, § 2. Amended by Laws 1937, p. 14, § 1; Laws 1982, c. 219, § 2, emerg. eff. April 29, 1982; Laws 1982, c. 277, § 5, operative Oct. 1, 1982; Laws 1993, c. 147, § 8, eff. Sept. 1, 1993; Laws 1993, c. 288, § 4, eff. Sept. 1, 1993; Laws 1997, c. 133, § 400, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 292, eff. July 1, 1999; Laws 2001, c. 437, § 12, eff. July 1, 2001; State Question No. 780, Initiative Petition No. 404, § 8, adopted at General Election held on November 8, 2016, eff. July 1, 2017; Laws 2025, c. 486, § 255, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 400 from July 1, 1998, to July 1, 1999.

§21-1723. Larceny from the house.

Any person entering and stealing any money or other thing of value from any house, railroad car, tent, booth or temporary building shall be guilty of larceny from the house. Larceny from the house is a Class D1 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20N of this title.

Added by Laws 1937, p. 14, § 1. Amended by Laws 1997, c. 133, § 401, eff. July 1, 1999; Laws 2025, c. 486, § 453, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 401 from July 1, 1998, to July 1, 1999.

§21-1724. Larceny from the house a felony.

Any person convicted of larceny from the house shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a period of time not to exceed five (5) years.

Added by Laws 1937, p. 14, § 2. Amended by Laws 1997, c. 133, § 402, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 293, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 402 from July 1, 1998, to July 1, 1999.

§21-1726. Mercury - Possession of more than one pound without written evidence of title - Penalty - Defenses.

A. Any person who may be found in this state with more than one (1) pound of mercury in his possession, and who does not have valid written evidence of his title to such mercury, shall be guilty of a Class D1 felony offense and upon conviction thereof shall be punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

B. It shall be a defense to any charge under this section that the person so charged (1) is a bona fide miner or processor of mercury or (2) that the mercury possessed by such person is, while in his possession, an integral part of a tool, instrument, or device used for a beneficial purpose. In any complaint, information, or indictment brought under this section, it shall not be necessary to negative any exception, excuse, exemption, or defense provided in this section, and the burden of proof of any such exception, excuse, exemption or defense shall be upon the defendant.

Added by Laws 1963, c. 80, § 1, emerg. eff. May 21, 1963. Amended by Laws 1997, c. 133, § 403, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 294, eff. July 1, 1999; Laws 2025, c. 486, § 454, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 403 from July 1, 1998, to July 1, 1999.

§21-1727. Copper - Stealing or removing - Penalties.

Any person who shall enter upon any premises, easement, or right-of-way with intent to steal or remove without the consent of the owner, or with intent to aid or assist in stealing or removing any copper wire, copper cable, or copper tubing from and off of any appurtenance on such premises, easement, or right-of-way shall be guilty of a Class D1 felony offense and upon conviction shall be punished by confinement as provided for in subsections B through F of Section 20N of this title, or shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

Added by Laws 1967, c. 105, § 1, emerg. eff. April 24, 1967.

Amended by Laws 1997, c. 133, § 404, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 295, eff. July 1, 1999; Laws 2025, c. 486, § 455, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 404 from July 1, 1998, to July 1, 1999.

§21-1728. Possessing, receiving or transporting stolen copper - Penalty.

Any person who shall receive, transport, or possess in this state stolen copper wire, copper cable, or copper tubing under such circumstances that he knew or should have known that the same was stolen shall upon conviction thereof be guilty of a Class D1 felony offense and shall be confined as provided for in subsections B through F of Section 20N of this title, or shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or both such fine and imprisonment.

Added by Laws 1967, c. 105, § 2, emerg. eff. April 24, 1967.

Amended by Laws 1997, c. 133, § 405, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 296, eff. July 1, 1999; Laws 2025, c. 486, § 456, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 405 from July 1, 1998, to July 1, 1999.

§21-1730. Act as cumulative - Definitions.

This act shall be cumulative of all laws of the state and any violation hereof may be prosecuted, irrespective of whether or not the acts complained of constitute any or some of the essential elements of other or different offenses against the penal laws of this state; and for the purposes of this act the word "stolen" or "steal" shall mean larceny as defined by 21 O.S. 1961, Sec. 1701, and the word "stolen" or "steal" need not be defined in any indictment, complaint, or information for the prosecution of any offense hereunder.

Laws 1967, c. 105, § 4, emerg. eff. April 24, 1967.

§21-1731. See the following versions:

OS 21-1731v1 (HB 2751, Laws 2016, c. 221, § 19)

OS 21-1731v2 (HB 2104, Laws 2025, c. 486, § 256)

§21-1731.1. Shoplifting - Civil liabilities - Public service in lieu of damages - Limitations - Jurisdiction.

A. As used in this section:

1. "Merchant" means an owner or operator of any mercantile establishment, and includes the merchant's employees, servants, security agents or other agents;

2. "Mercantile establishment" means any place where merchandise is displayed, held or offered for sale, either at retail or wholesale;

3. "Unemancipated minor" means any unmarried person under eighteen (18) years of age under direct supervision and care of the parent or legal guardian of the minor; and

4. "Emancipated minor" means any person under eighteen (18) who is married and/or not under direct supervision and care of the parent or legal guardian of the minor.

B. An adult or emancipated minor who takes possession of any goods, wares, or merchandise displayed or offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the owner, seller, or merchant and with the intention of converting such goods, wares, or merchandise to his own use without having paid the purchase price thereof, shall be liable in a civil action for the retail price of the merchandise if it is unsalable or the percentage of the diminished value of the merchandise due to the conversion together with attorney fees and court costs.

C. The parent or legal guardian having custody of an unemancipated minor who takes possession of any goods, wares, or merchandise displayed or offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the owner, seller, or merchant, and with the intention of converting such goods, wares, or merchandise to his own use without having paid the purchase price thereof shall be liable in a civil action for the retail price of the merchandise if it is unsalable or the percentage of the diminished value of the merchandise due to the conversion together with attorney fees and court costs.

D. An adult, emancipated minor or unemancipated minor against whom judgment is rendered for taking possession of any goods, wares or merchandise displayed or offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the owner, seller or merchant and with the intention of converting such goods, wares or merchandise to his or her own use without having paid the purchase price thereof, may also be required to pay exemplary damages.

E. In lieu of the exemplary damages prescribed by subsection D of this section, any adult, emancipated minor or unemancipated minor against whom a judgment for exemplary damages has been rendered hereunder may be required to perform public services designated by the court; provided, that in no event shall any such person be required to perform less than the number of hours of such public service necessary to satisfy the damages assessed by the court at the federal minimum wage prevailing in the state at the time of judgment, but in no case less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

F. The provisions of this section are in addition to criminal penalties and other civil remedies and shall not limit merchants or

other persons from electing to pursue criminal penalties and other civil remedies, so long as a double recovery does not result.

G. For the purpose of this section, liability shall not be imposed upon any governmental entity, private agency, or foster parent assigned responsibility for the minor child pursuant to court order or action of the Department of Human Services.

H. Notwithstanding any other provision of law, a civil action or proceeding pursuant to this section may be commenced at any time within two (2) years after the conduct in violation of a provision of this section terminates or the cause of action accrues. If a criminal prosecution is brought by the state or by the United States to punish, prevent, or restrain any criminal action contained or described in this section, the running of the period of limitations prescribed by this section shall be suspended during the pendency of such prosecution, action, or proceeding and for one (1) year following its termination or conclusion.

I. An action for recovery of damages, pursuant to this section, may be brought in the small claims division of the district court where the damages sought are within the jurisdictional limits of the court, or in any other appropriate court.

Added by Laws 1990, c. 161, § 1, eff. Nov. 1, 1990.

§21-1731.2. Organized retail crime – Penalties.

A. Actions relating to theft, retail theft, or larceny shall be sufficient to constitute organized retail crime when two or more of the following circumstances occur:

1. The property taken is intended for resale;
2. Such property is taken by two or more persons acting jointly;
3. The persons taking the property do so while possessing tools of theft including, but not limited to, tag cutters, foil-lined bags, weapons, or other means of evading detection;
4. The persons taking the property attempt to exit through fire escapes, employee exits, or other non-public means of entry or exit;
5. The persons taking such property remove, destroy, deactivate, or knowingly evade any component of an anti-shoplifting or inventory control device to prevent the activation of that device or to facilitate another person in committing retail crime;
6. A person receives, purchases, or possesses retail merchandise for sale or resale knowing or believing the retail merchandise was stolen from a retail merchant;
7. The persons use a getaway driver or the motor vehicle of another person or a rented or stolen motor vehicle when committing retail crime; or
8. The persons use a paper, fraudulent, altered, or obstructed license plate, use a license plate meant for a different vehicle, or do not have any license plate.

B. Any person found to be in violation of this section shall be punished as follows:

1. In the event the value of the property is less than Fifteen Thousand Dollars (\$15,000.00), the person shall be punished by imprisonment in the custody of the Department of Corrections for a term not to exceed five (5) years or in the county jail for a term not to exceed one (1) year, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine; or

2. If the value of the property is Fifteen Thousand Dollars (\$15,000.00) or more, the person shall be punished by imprisonment in the custody of the Department of Corrections for a term not to exceed eight (8) years, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine.

C. The person shall also be ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes.

Added by Laws 2025, c. 329, § 1, eff. Nov. 1, 2025.

§21-1731v1. Larceny of merchandise from retailer or wholesaler - Punishment - Recidivists.

Larceny of merchandise held for sale in retail or wholesale establishments shall be punishable as follows:

1. For the first conviction, in the event the value of the goods, edible meat or other corporeal property which has been taken is less than One Thousand Dollars (\$1,000.00), the defendant shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a term not exceeding thirty (30) days, and by a fine not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00); provided, for the first conviction, in the event more than one item of goods, edible meat or other corporeal property has been taken, punishment shall be by imprisonment in the county jail for a term not to exceed thirty (30) days, and by a fine not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00);

2. If it be shown, in the trial of a case in which the value of the goods, edible meat or other corporeal property is less than One Thousand Dollars (\$1,000.00), that the defendant has been once before convicted of the same offense, the defendant shall, on a second conviction, be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a term of not less than thirty (30) days nor more than one (1) year, and by a fine not exceeding One Thousand Dollars (\$1,000.00);

3. If it be shown, upon the trial of a case where the value of the goods, edible meat or other corporeal personal property is less than One Thousand Dollars (\$1,000.00), that the defendant has two or more times before been convicted of the same offense, regardless of the value of the goods, edible meat or other corporeal personal

property involved in the first two convictions, upon the third or any subsequent conviction, the defendant shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term of not less than two (2) nor more than five (5) years; and

4. In the event the value of the goods, edible meat or other corporeal property is One Thousand Dollars (\$1,000.00) or more, the defendant shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term of not less than two (2) years nor more than five (5) years. The defendant shall also be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes.

Added by Laws 1967, c. 255, § 1, emerg. eff. May 8, 1967. Amended by Laws 1968, c. 268, § 1, emerg. eff. April 30, 1968; Laws 1982, c. 277, § 6, operative Oct. 1, 1982; Laws 1993, c. 147, § 9, eff. Sept. 1, 1993; Laws 1997, c. 133, § 406, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 297, eff. July 1, 1999; Laws 2001, c. 437, § 13, eff. July 1, 2001; Laws 2016, c. 221, § 19, eff. Nov. 1, 2016.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 406 from July 1, 1998, to July 1, 1999.

§21-1731v2. Larceny of merchandise from retailer or wholesaler - Punishment - Recidivists.

A. Larceny of merchandise held for sale in retail or wholesale establishments shall be punishable as follows:

1. For the first or second conviction, in the event the value of the goods, edible meat, or other corporeal property which has been taken is less than One Thousand Dollars (\$1,000.00), the person shall be guilty of a misdemeanor punishable by imprisonment in the county jail for a term not exceeding thirty (30) days, and by a fine not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00); provided, for the first or second conviction, in the event more than one item of goods, edible meat, or other corporeal property has been taken, punishment shall be by imprisonment in the county jail for a term not to exceed thirty (30) days, and by a fine not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00);

2. For a third or subsequent conviction, in the event the value of the goods, edible meat, or other corporeal property which has been taken is less than One Thousand Dollars (\$1,000.00), the person shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a term not to exceed one (1) year, and by a fine not exceeding One Thousand Dollars (\$1,000.00);

3. In the event the value of the goods, edible meat, or other corporeal property is One Thousand Dollars (\$1,000.00) or more but

less than Two Thousand Five Hundred Dollars (\$2,500.00), the person shall be guilty of a Class D3 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title, and by a fine not to exceed One Thousand Dollars (\$1,000.00);

4. In the event the value of the goods, edible meat, or other corporeal property is Two Thousand Five Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars (\$15,000.00), the person shall be guilty of a Class D1 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20N of this title, and by a fine not to exceed One Thousand Dollars (\$1,000.00); or

5. In the event the value of the goods, edible meat, or other corporeal property is Fifteen Thousand Dollars (\$15,000.00) or more, the person shall be guilty of a Class C2 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20M of this title, and by a fine not to exceed One Thousand Dollars (\$1,000.00).

B. When three or more separate offenses under this section are committed within a one-hundred-eighty-day period, the value of the goods, edible meat, or other corporeal property involved in each larceny offense may be aggregated to determine the total value for purposes of determining the appropriate punishment under this section.

C. In the event any person engages in conduct that is a violation of this section in concert with at least one other individual, such person shall be liable for the aggregate value of all items taken by all individuals. Such person may also be subject to the penalties set forth in Section 421 of this title, which shall be in addition to any other penalties provided for by law.

D. Any person convicted pursuant to the provisions of this section shall also be ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes. Added by Laws 1967, c. 255, § 1, emerg. eff. May 8, 1967. Amended by Laws 1968, c. 268, § 1, emerg. eff. April 30, 1968; Laws 1982, c. 277, § 6, operative Oct. 1, 1982; Laws 1993, c. 147, § 9, eff. Sept. 1, 1993; Laws 1997, c. 133, § 406, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 297, eff. July 1, 1999; Laws 2001, c. 437, § 13, eff. July 1, 2001; State Question No. 780, Initiative Petition No. 404, § 9, adopted at election held on November 8, 2016, eff. July 1, 2017; Laws 2018, c. 116, § 15, eff. Nov. 1, 2018; Laws 2024, c. 176, § 1, eff. Nov. 1, 2024; Laws 2025, c. 486, § 256, eff. Jan. 1, 2026. NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 406 from July 1, 1998, to July 1, 1999.

§21-1732. Larceny of trade secrets - Applicability of section.

A. Any person who, with intent to deprive or withhold from the owner thereof the control of a trade secret, or with an intent to appropriate a trade secret to his or her own use or to the use of another:

1. Steals or embezzles an article representing a trade secret; or

2. Without authority makes or causes to be made a copy of an article representing a trade secret, shall be guilty of larceny under Section 1704 of this title and shall be subject to punishment as provided for in Section 1705 of this title. For purposes of determining whether such larceny is grand larceny or petit larceny under this section, the value of the trade secret and not the value of the article shall be controlling.

B. 1. The word "article" means any object, material, device, customer list, business records, or substance or copy thereof, including any writing, record, recording, drawing, sample, specimen, prototype, model, photograph, microorganism, blueprint, information stored in any computer-related format, or map.

2. The word "representing" means describing, depleting, containing, constituting, reflecting or recording.

3. The term "trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, customer list, business records or process, that:

a. derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, and

b. is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

4. The word "copy" means any facsimile, replica, photograph or other reproduction of an article, including copying, transferring and e-mailing of computer data, and any note, drawing or sketch made of or from an article.

C. In a prosecution for a violation of this act, it shall be no defense that the person so charged returned or intended to return the article so stolen, embezzled or copied.

D. The provisions of this section shall not apply if the person acted in accordance with a written agreement with the person's employer that specified the manner in which disputes involving clients are to be resolved upon termination of the employer-employee relationship.

Added by Laws 1968, c. 110, §§ 1 to 3, emerg. eff. April 1, 1968.

Amended by Laws 1986, c. 85, § 12, eff. Nov. 1, 1986; Laws 2009, c. 287, § 1, eff. Nov. 1, 2009; Laws 2025, c. 486, § 257, eff. Jan. 1, 2026.

§21-1737. Larceny of cable, information, or telecommunications services.

A. Any person who:

1. Shall knowingly obtain or attempt to obtain cable, information, or telecommunications service of any type or kind including but not limited to cable television, telephony, internet, and data transmission service from another by means, artifice, trick, deception, or device without the payment to the operator of said service of all lawful compensation for each type of service obtained; or

2. Shall knowingly assist or instruct any other person in obtaining or attempting to obtain cable, information, or telecommunications service of any type or kind including but not limited to cable television, telephony, internet, and data transmission service without the payment to the operator of all lawful compensations; or

3. Shall knowingly tamper or otherwise interfere with or connect to by any means, whether mechanical, electrical, acoustical, or other means, any cables, wires, or other devices used for the distribution of cable, information, or telecommunications service of any type or kind including but not limited to cable television, telephony, internet, and data transmission service without authority from the operator of said service; or

4. Shall knowingly manufacture, import into this state, distribute, sell, offer for sale, rental, or use, possess for sale, rental, or use, or advertise for sale, rental, or use any device of any description, or any plan, or kit for a device, designed in whole or in part to facilitate the doing of any of the acts specified in paragraphs 1, 2 and 3 of this subsection; shall be guilty, upon conviction, of the misdemeanor of larceny of cable television, cable, information, or telecommunications service or tampering with cable television, cable, information, or telecommunications service, which offenses are punishable by imprisonment in the county jail for not more than six (6) months or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both said fine and imprisonment.

B. In any prosecution as set forth in subsection A of this section, the existence on the property and in the actual possession of the accused, of (1) any connection, wire, conductor, or any device whatsoever, which is connected in such a manner as would appear to permit the use of cable, information, or telecommunications service of any type or kind including but not limited to cable television, telephony, internet, and data transmission service without the same being reported for payment to and specifically authorized by the operator of the cable, information, or telecommunications service of any type or kind including but not limited to cable television, telephony, internet,

and data transmission service or (2) the existence on the property and in the actual possession of the accused, in quantities or volumes suggesting possession for resale, of any device designed in whole or in part to facilitate the performance of any of the illegal acts mentioned in subsection A of this section shall be prima facie evidence of intent to violate and of the violation of the provisions of subsection A of this section by the accused.

C. Any person who violates the provisions of this section shall be liable to the franchised or otherwise duly licensed cable television system, information service provider, or other telecommunications service or equipment provider for the greater of the following amounts:

1. Two Thousand Five Hundred Dollars (\$2,500.00); or
2. Three times the amount of actual damages, if any, sustained by the plaintiff, plus reasonable attorneys fees.

D. Any franchised or otherwise duly licensed cable television system, information service provider, or other telecommunications service or equipment provider may bring an action to enjoin and restrain any violation of the provisions of this section or an action of conversion, or both, and may in the same action seek damages as provided for in subsection C of this section.

E. It is not a necessary prerequisite to an action pursuant to this section that the plaintiff has suffered, or be threatened with, actual damages.

F. The provisions of this section shall not be construed or otherwise interpreted to prohibit an individual from owning or operating a device commonly known as a "satellite receiving dish" for the purpose of receiving and utilizing satellite-relayed television signals for his own use.

Added by Laws 1978, c. 147, § 1. Amended by Laws 1983, c. 133, § 1, operative Oct. 1, 1983; Laws 2000, c. 128, § 1, eff. Nov. 1, 2000.

§21-1738. Seizure and forfeiture proceedings - Vehicles, airplanes, vessels, etc. used in attempt or commission of certain crimes.

A. 1. Any commissioned peace officer of this state is authorized to seize any equipment, vehicle, airplane, vessel or any other conveyance that is used in the commission of any armed robbery offense defined in Section 801 of this title, used to facilitate the intentional discharge of any kind of firearm in violation of Section 652 of this title, used in violation of the Trademark Anti-Counterfeiting Act, used in the attempt or commission of any act of burglary in the first or second degree, motor vehicle theft, unauthorized use of a vehicle, obliteration of distinguishing numbers on vehicles or criminal possession of vehicles with altered, removed or obliterated numbers as defined by Sections 1431, 1435, 1716, 1719 and 1720 of this title or Sections 4-104 and 4-107 of Title 47 of the Oklahoma Statutes, used in the commission of any

arson offense defined in Section 1401, 1402, 1403, 1404 or 1405 of this title, used in any manner to facilitate or participate in the commission of any human trafficking offense in violation of Section 748 of this title, or used by any defendant when such vehicle or other conveyance is used in any manner by a prostitute, pimp or panderer to facilitate or participate in the commission of any prostitution offense in violation of Sections 1028, 1029 or 1030 of this title; provided, however, that the vehicle or conveyance of a customer or anyone merely procuring the services of a prostitute shall not be included.

2. No conveyance used by a person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such conveyance was a consenting party or privy to the unlawful use of the conveyance in violation of this section.

3. No conveyance shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the knowledge or consent of such owner, and if the act is committed by any person other than such owner, the owner shall establish further that the conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any state.

B. In addition to the property described in subsection A of this section, the following property is also subject to forfeiture pursuant to this section:

1. Property used in the commission of theft of livestock or in any manner to facilitate the theft of livestock;

2. The proceeds gained from the commission of theft of livestock;

3. Personal property acquired with proceeds gained from the commission of theft of livestock;

4. All conveyances, including aircraft, vehicles or vessels, and horses or dogs which are used to transport or in any manner to facilitate the transportation for the purpose of the commission of theft of livestock;

5. Any items having a counterfeit mark and all property that is owned by or registered to the defendant that is employed or used in connection with any violation of the Trademark Anti-Counterfeiting Act;

6. Any weapon possessed, used or available for use in any manner during the commission of a felony within the State of Oklahoma, or any firearm that is possessed by a convicted felon;

7. Any police scanner used in violation of Section 1214 of this title;

8. Any computer and its components and peripherals, including but not limited to the central processing unit, monitor, keyboard, printers, scanners, software, and hardware, when it is used in the commission of any crime in this state;

9. All property used in the commission of, or in any manner to facilitate, a violation of Section 1040.12a of this title;

10. All conveyances, including aircraft, vehicles or vessels, monies, coins and currency, or other instrumentality used or intended to be used, in any manner or part, to commit a violation of paragraph 1 of subsection A of Section 1021 of this title, where the victim of the crime is a minor child, subsection B of Section 1021 of this title, Section 1021.2 of this title, paragraph 1 of subsection A of Section 1111 of this title, or paragraphs 2 and 3 of subsection A of Section 1123 of this title;

11. All conveyances, including aircraft, vehicles or vessels, monies, coins and currency, or other instrumentality used in any manner or part, to commit any violation of the provisions set forth in Section 748 of this title;

12. Any and all property used in any manner or part to facilitate, participate or further the commission of a human trafficking offense in violation of Section 748 of this title, and all property, including monies, real estate, or any other tangible assets or property of or derived from or used by a prostitute, pimp or panderer in any manner or part to facilitate, participate or further the commission of any prostitution offense in violation of Sections 1028, 1029 or 1030 of this title; provided, however, any monies, real estate or any other tangible asset or property of a customer or anyone merely procuring the services of a prostitute shall not be included;

13. Any vehicle, airplane, vessel, or parts of a vehicle whose numbers have been removed, altered or obliterated so as to prevent determination of the true identity or ownership of said property and parts of vehicles which probable cause indicates are stolen but whose true ownership cannot be determined;

14. Any and all equipment or instrumentality used in any manner or part to commit any act of catalytic converter theft in violation of subsection B of Section 1435 of this title and any monies, coins, currency, or financial instruments used, derived from or traceable as proceeds from a violation of subsection B of Section 1435 of this title;

15. Any and all equipment or instrumentality used in any manner or part to commit any act of copper theft in violation of Section 1727 of this title, and any monies, coins, currency, or financial instruments used, derived from or traceable as proceeds from a violation of Section 1727 of this title; and

16. Any and all equipment or instrumentality used in any manner or part to commit any violation of the Oklahoma Scrap Metal Dealers

Act, and any monies, coins, currency, or financial instruments used or traceable as proceeds from a violation of the Oklahoma Scrap Metal Dealers Act.

C. Property described in subsection A or B of this section may be held as evidence until a forfeiture has been declared or a release ordered. Forfeiture actions under this section may be brought by the district attorney in the proper county of venue as petitioner; provided, in the event the district attorney elects not to file such action, or fails to file such action within ninety (90) days of the date of the seizure of such equipment, the property shall be returned to the owner.

D. Notice of seizure and intended forfeiture proceeding shall be filed in the office of the clerk of the district court for the county wherein such property is seized and shall be given all owners and parties in interest.

E. Notice shall be given according to one of the following methods:

1. Upon each owner or party in interest whose right, title, or interest is of record in the Oklahoma Tax Commission or with the county clerk for filings under the Uniform Commercial Code, served in the manner of service of process in civil cases prescribed by Section 2004 of Title 12 of the Oklahoma Statutes;

2. Upon each owner or party in interest whose name and address is known, served in the manner of service of process in civil cases prescribed by Section 2004 of Title 12 of the Oklahoma Statutes; or

3. Upon all other owners, whose addresses are unknown, but who are believed to have an interest in the property by one publication in a newspaper of general circulation in the county where the seizure was made.

F. Within sixty (60) days after the mailing or publication of the notice, the owner of the property and any other party in interest or claimant may file a verified answer and claim to the property described in the notice of seizure and of the intended forfeiture proceeding.

G. If at the end of sixty (60) days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of the unlawful use and may order the property forfeited to the state, if such fact is proven.

H. If a verified answer is filed, the forfeiture proceeding shall be set for hearing.

I. At the hearing the petitioner shall prove by clear and convincing evidence that property was used in the attempt or commission of an act specified in subsection A of this section or is property described in subsection B of this section with knowledge by the owner of the property.

J. The claimant of any right, title, or interest in the property may prove the lien, mortgage, or conditional sales contract

to be bona fide and that the right, title, or interest created by the document was created without any knowledge or reason to believe that the property was being, or was to be, used for the purpose charged.

K. In the event of such proof, the court may order the property released to the bona fide or innocent owner, lien holder, mortgagee, or vendor if the amount due such person is equal to, or in excess of, the value of the property as of the date of the seizure, it being the intention of this section to forfeit only the right, title, or interest of the purchaser, except for items bearing a counterfeit mark or used exclusively to manufacture a counterfeit mark.

L. If the amount due to such person is less than the value of the property, or if no bona fide claim is established, the property may be forfeited to the state and may be sold pursuant to judgment of the court, as on sale upon execution, and as provided in Section 2-508 of Title 63 of the Oklahoma Statutes, except as otherwise provided for by law and for property bearing a counterfeit mark which shall be destroyed.

M. Property taken or detained pursuant to this section shall not be replevable, but shall be deemed to be in the custody of the petitioner or in the custody of the law enforcement agency as provided in the Trademark Anti-Counterfeiting Act. Except for property required to be destroyed pursuant to the Trademark Anti-Counterfeiting Act, the petitioner shall release said property to the owner of the property if it is determined that the owner had no knowledge of the illegal use of the property or if there is insufficient evidence to sustain the burden of showing illegal use of such property. If the owner of the property stipulates to the forfeiture and waives the hearing, the petitioner may determine if the value of the property is equal to or less than the outstanding lien. If such lien exceeds the value of the property, the property may be released to the lien holder. Property which has not been released by the petitioner shall be subject to the orders and decrees of the court or the official having jurisdiction thereof.

N. The petitioner, or the law enforcement agency holding property pursuant to the Trademark Anti-Counterfeiting Act, shall not be held civilly liable for having custody of the seized property or proceeding with a forfeiture action as provided for in this section.

O. Attorney fees shall not be assessed against the state or the petitioner for any actions or proceeding pursuant to Section 1701 et seq. of this title.

P. The proceeds of the sale of any property shall be distributed as follows, in the order indicated:

1. To the bona fide or innocent purchaser, conditional sales vendor, or mortgagee of the property, if any, up to the amount of

such person's interest in the property, when the court declaring the forfeiture orders a distribution to such person;

2. To the payment of the actual reasonable expenses of preserving the property;

3. To the victim of the crime to compensate said victim for any loss incurred as a result of the act for which such property was forfeited; and

4. The balance to a revolving fund in the office of the county treasurer of the county wherein the property was seized, to be distributed as follows: one-third (1/3) to the investigating law enforcement agency; one-third (1/3) of said fund to be used and maintained as a revolving fund by the district attorney to be used to defray any lawful expenses of the office of the district attorney; and one-third (1/3) to go to the jail maintenance fund, with a yearly accounting to the board of county commissioners in whose county the fund is established. If the petitioner is not the district attorney, then the one-third (1/3) which would have been designated to that office shall be distributed to the petitioner. Monies distributed to the jail maintenance fund shall be used to pay costs for the storage of such property if such property is ordered released to a bona fide or innocent owner, lien holder, mortgagee, or vendor and if such funds are available in said fund.

Q. If the court finds that the property was not used in the attempt or commission of an act specified in subsection A of this section and was not property subject to forfeiture pursuant to subsection B of this section and is not property bearing a counterfeit mark, the court shall order the property released to the owner as the right, title, or interest appears on record in the Tax Commission as of the seizure.

R. No vehicle, airplane, or vessel used by a person as a common carrier in the transaction of business as a common carrier shall be forfeited pursuant to the provisions of this section unless it shall be proven that the owner or other person in charge of such conveyance was a consenting party or privy to the attempt or commission of an act specified in subsection A or B of this section. No property shall be forfeited pursuant to the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the knowledge or consent of such owner, and by any person other than such owner while such property was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any state.

S. Whenever any property is forfeited pursuant to this section, the district court having jurisdiction of the proceeding may order that the forfeited property may be retained for its official use by the state, county, or municipal law enforcement agency which seized the property.

Added by Laws 1987, c. 55, § 1, emerg. eff. April 30, 1987. Amended by Laws 1991, c. 50, § 1, eff. Sept. 1, 1991; Laws 1992, c. 64, § 3, eff. Sept. 1, 1992; Laws 1992, c. 382, § 2, emerg. eff. June 9, 1992; Laws 1993, c. 65, § 1, eff. Sept. 1, 1993; Laws 1999, c. 54, § 4, eff. July 1, 1999; Laws 2000, c. 137, § 1, eff. Nov. 1, 2000; Laws 2001, c. 386, § 4, eff. July 1, 2001; Laws 2002, c. 460, § 13, eff. Nov. 1, 2002; Laws 2008, c. 438, § 4, eff. July 1, 2008; Laws 2009, c. 2, § 5, emerg. eff. March 12, 2009; Laws 2010, c. 325, § 3, emerg. eff. June 5, 2010; Laws 2011, c. 132, § 1, eff. Nov. 1, 2011; Laws 2023, c. 133, § 1, eff. Nov. 1, 2023.
NOTE: Laws 2008, c. 134, § 3 repealed by Laws 2009, c. 2, § 6, emerg. eff. March 12, 2009.

§21-1739. Library theft.

A. As used in this section:

1. "Library facility" means any:
 - a. public library; or
 - b. library of an educational, historical or eleemosynary institution, organization, or society; or
 - c. museum; or
 - d. repository of public or institutional records.
2. "Library material" means any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, catalog cards or catalog records, electronic data processing records, computer software, artifacts, or other documentary, written or printed materials regardless of physical form or characteristics, belonging or on loan to, or otherwise in the custody of a library facility.
3. "Demand" means either actual notice to the possessor of any library materials or the mailing of written notice to the possessor at the last address of record which the library facility has for said person, demanding the return of designated library materials. If demand is made by mail it shall be deemed to have been given as of the date the notice is mailed by the library facility.

B. Any person shall be guilty, upon conviction, of library theft who willfully:

1. Removes or attempts to remove any library material from the premises of a library facility without authority; or

2. Mutilates, destroys, alters or otherwise damages, in whole or in part, any library materials; or

3. Fails to return any library materials which have been lent to said person by the library facility, within seven (7) days after demand has been made for the return of the library materials.

C. A person convicted of library theft shall be guilty of a misdemeanor and shall be subject to the fine and restitution

provisions of this subsection but shall not be subject to imprisonment. The punishment for conviction of library theft shall be:

1. If the aggregate value of the library material is Five Hundred Dollars (\$500.00) or less, by fine not exceeding One Thousand Dollars (\$1,000.00), or the offender shall make restitution to the library facility, including payment of all related expenses incurred by the library facility as a result of the actions of the offender, or both such fine and restitution; or

2. If the aggregate value of the library material is greater than Five Hundred Dollars (\$500.00), by fine not exceeding Ten Thousand Dollars (\$10,000.00), or the offender shall make restitution to the library facility, including payment of all expenses incurred by the library facility as a result of the actions of the offender, or both such fine and restitution.

D. Copies of the provisions of this section shall be posted on the premises of each library facility.

Added by Laws 1988, c. 112, § 1, eff. Nov. 1, 1988.

§21-1740. Pump Pirates Act.

Any person who pumps gasoline into the gasoline tank of a vehicle and leaves the premises where the gasoline was pumped without making payment for the gasoline shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or confinement in the county jail for a period of not more than sixty (60) days, or by both such fine and imprisonment.

Added by Laws 1997, c. 148, § 2, eff. Nov. 1, 1997. Amended by Laws 2005, c. 21, § 1, eff. Nov. 1, 2005.

§21-1740.1. Dimensional stone product - Stealing or removing.

A. It shall be unlawful for any person to enter upon any premises with intent to steal or remove without the consent of the owner, or with intent to aid or assist in stealing or removing any dimensional stone product. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a fine of not less than One Thousand Dollars (\$1,000.00) but not more than Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

B. As used in this section, "dimensional stone product" means any natural rock material quarried for the purpose of obtaining blocks or slabs that meet specifications as to size and shape. Varieties of dimensional stone shall include, but not be limited to, granite, limestone, marble, sandstone or slate.

Added by Laws 2009, c. 54, § 1, eff. Nov. 1, 2009.

§21-1740.2. Holding, concealing, destroying or taking mail from another person.

A. As used in this section:

1. "Mail" means a letter, postal card, package, bag or any other article or thing contained therein, or other sealed article addressed to a person, that:

a. is delivered by a common carrier or delivery service and not yet received by the addressee, or

b. has been left to be collected for delivery by a common carrier or delivery service; and

2. "Person" means an individual, partnership, corporation, limited liability company, association or other legal entity.

B. It shall be unlawful for any person to hold, conceal, destroy or take mail from the mailbox or premises of another person or from a delivery vehicle at any point throughout the delivery route without the effective consent of the addressee and with the intent to deprive the addressee of the mail.

C. Any person who violates the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for a term not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

D. When three or more separate offenses under this section are committed within a sixty-day period, the person shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than two (2) years nor more than five (5) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

E. Any person convicted pursuant to the provisions of this section shall also be ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes.

Added by Laws 2020, c. 26, § 2, eff. Nov. 1, 2020.

§21-1741. Title of act - Definitions - Violations - Penalties - Liability - Exclusions - Other laws.

A. This act shall be known as and may be cited as the "Unlawful Use of a Recording Device Act".

B. As used in the Unlawful Use of a Recording Device Act:

1. "Audiovisual recording function" means the capability of a device to record or transmit a motion picture or any part thereof by means of any technology now known or later developed; and

2. "Facility" does not include a personal residence.

C. Any person, where a motion picture is being exhibited, who knowingly operates an audiovisual recording function of a device without the consent of the owner or lessee of the facility and of the licensor of the motion picture being exhibited shall be guilty of unlawful use of a recording device and shall be punished by

imprisonment in the county jail for a term not to exceed one (1) year, by a fine not more than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

D. The owner or lessee of a facility where a motion picture is being exhibited, or the authorized agent or employee of said owner or lessee, or the licensor of the motion picture being exhibited or the licensor's agent or employee, who alerts law enforcement authorities of an alleged violation of this section shall not be liable in any civil action arising out of measures taken in good faith by said owner, lessee, licensor, agent or employee to detain, identify, or collect evidence from a person believed to have violated this section while awaiting the arrival of law enforcement authorities, unless the plaintiff can show by clear and convincing evidence that the measures were manifestly unreasonable or the period of detention was unreasonably long.

E. This act shall not prevent any lawfully authorized investigative, law enforcement protective, or intelligence gathering employee or agent, of the state or federal government, from operating any audiovisual recording device in any facility where a motion picture is being exhibited, as part of lawfully authorized investigative, protective, law enforcement, or intelligence gathering activities.

F. This act shall not apply to a person who operates an audiovisual recording function of a device in a retail establishment solely to demonstrate the use of that device for sales purposes.

G. Nothing in this section shall be construed to prevent prosecution for any act of recording or transmitting under any other provision of law providing for greater penalty.

Added by Laws 2004, c. 122, § 1, eff. July 1, 2004.

§21-1742.1. Definitions.

As used in this act:

1. "Telephone record" means information retained by a telephone company that relates to the telephone number dialed by the customer or any other person using the telephone of the customer with the permission of the customer, or the incoming number of a call directed to a customer or any other person using the telephone of the customer with the permission of the customer, or other data related to such calls typically contained on a customer telephone bill such as the time the call started and ended, the duration of the call, the time of day the call was made, and any charges applied. For purposes of this act, any information collected and retained by or on behalf of a customer utilizing a Caller I.D. or equivalent service, or other similar technology, does not constitute a telephone record;

2. "Telephone company" means any person that provides commercial telephone services to a customer, irrespective of the

communications technology used to provide such service including, but not limited to, traditional wireline or cable telephone service; cellular, broadband PCS, or other wireless telephone service; microwave, satellite, or other terrestrial telephone service; and voice over Internet telephone service;

3. "Telephone" means any device used by a person for voice communications, in connection with the services of a telephone company, whether such voice communications are transmitted in analog, data, or any other form;

4. "Customer" means the person who subscribes to telephone service from a telephone company or in whose name such telephone service is listed;

5. "Person" means any individual, partnership, corporation, limited liability company, trust, estate, cooperative association, or other entity; and

6. "Procure" in regard to such a telephone record means to obtain by any means, whether electronically, in writing, or in oral form, with or without consideration.

Added by Laws 2006, c. 147, § 1, eff. Nov. 1, 2006.

§21-1742.2. Unauthorized or fraudulent procurement, sale or receipt of telephone records.

A. Whoever:

1. Knowingly procures, attempts to procure, solicits, or conspires with another to procure a telephone record of any resident of this state without the authorization of the customer to whom the record pertains or by fraudulent, deceptive, or false means;

2. Knowingly sells or attempts to sell a telephone record of any resident of this state without the authorization of the customer to whom the record pertains; or

3. Receives a telephone record of any resident of this state knowing that the record has been obtained without the authorization of the customer to whom the record pertains or by fraudulent, deceptive, or false means, shall be punished in accordance with the provisions of subsection B of this section and shall be liable for restitution in accordance with subsection C of this section.

B. An offense under subsection A of this section shall be deemed a:

1. Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of Title 21 of the Oklahoma Statutes if the violation of subsection A of this section involves a single telephone record;

2. Class C2 felony offense punishable by imprisonment for not more than ten (10) years if the violation of subsection A of this section involves two to ten telephone records of a resident of this state;

3. Class B3 felony offense punishable by imprisonment for not more than twenty (20) years if the violation of subsection A of this section involves more than ten telephone records of a resident of this state; and

4. In all cases, forfeiture of any personal property used or intended to be used to commit the offense.

C. A person found guilty of an offense under subsection A of this section, in addition to any other punishment, shall be ordered to make restitution for any financial loss sustained by the customer or any other person who suffered financial loss as the direct result of the offense.

D. In a prosecution brought pursuant to subsection A of this section, the act of unauthorized or fraudulent procurement, sale, or receipt of telephone records shall be considered to have been committed in the county:

1. Where the customer whose telephone record is the subject of the prosecution resided at the time of the offense; or

2. In which any part of the offense took place, regardless of whether the defendant was ever actually present in the county.

E. A prosecution pursuant to subsection A of this section shall not prevent prosecution pursuant to any other provision of law when the conduct also constitutes a violation of some other provision of law.

F. Subsection A of this section shall not apply to any person acting pursuant to a valid court order, warrant, or subpoena.

G. Each violation of subsection A of this section shall be an unlawful practice pursuant to the provisions of the Oklahoma Consumer Protection Act.

Added by Laws 2006, c. 147, § 2, eff. Nov. 1, 2006. Amended by Laws 2025, c. 486, § 92, eff. Jan. 1, 2026.

§21-1742.3. Limitation on applicability of act.

No provision of this act shall be construed:

1. So as to prevent any action by a law enforcement agency, or any officer, employee, or agent of a law enforcement agency, to obtain telephone records in connection with the performance of the official duties of the agency;

2. To prohibit a telephone company from obtaining, using, disclosing, or permitting access to any telephone record, either directly or indirectly, through its agents:

- a. as otherwise authorized by law,
- b. with the lawful consent of the customer or subscriber,
- c. as may be reasonably incident to the rendition of the service or to the protection of the rights or property of the telephone company, or to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to such services,

- d. to a governmental entity, if the telephone company reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information, or
- e. to the National Center for Missing and Exploited Children, in connection with a report submitted thereto under Section 227 of the Victims of Child Abuse Act of 1990;

3. To apply to or expand upon the obligations and duties of any telephone company to protect telephone records beyond those otherwise established by federal and state law or as set forth in Section 4 of this act; or

4. To create a cause of action against a telephone company, its agents and/or representatives, who reasonably and in good faith act pursuant to this act, notwithstanding any later determination that such action was not in fact authorized.

Added by Laws 2006, c. 147, § 3, eff. Nov. 1, 2006.

§21-1742.4. Reasonable procedures to protect telephone records required.

A. Telephony companies that maintain telephone records of a resident of this state shall establish reasonable procedures to protect against unauthorized or fraudulent disclosure of the records which could result in substantial harm or inconvenience to any customer. For purposes of this act, a telephone company's actions and procedures shall be deemed reasonable if the telephone company makes a good faith effort to comply with the provisions governing Customer Proprietary Network Information in 47 U.S.C., Section 222, and with regulations promulgated pursuant to that section by the Federal Communications Commission.

B. No private right of action is authorized under this act.

Added by Laws 2006, c. 147, § 4, eff. Nov. 1, 2006.

§21-1743. Unlawful use of drones.

A. No person using an unmanned aircraft system (UAS) or drone, as defined by the Federal Aviation Administration, shall, except as authorized by law:

1. Trespass onto private property or into airspace within four hundred (400) feet above ground level with the intent to subject anyone to eavesdropping or other surveillance;

2. Install on private property, without the consent of the owner or lessee, any device for observing, photographing, recording, amplifying, or broadcasting sounds or events on such property, or use any such unauthorized installation;

3. Intentionally use a drone to photograph, record, or otherwise observe another person in any place where the person has a reasonable expectation of privacy; or

4. Intentionally land a drone on the lands or waters that are the private property of another without the consent of the owner or lessee.

B. A person who violates this act is guilty of a misdemeanor. Paragraph 3 of subsection A of this section shall not apply to a drone operator operating a drone for a bona fide business or bona fide government purpose who unintentionally or incidentally photographs, records, or otherwise observes another person in a private place, nor shall it apply to a designated emergency management worker or government employee or contractor operating a drone within the scope of his or her lawful duties of employment. Paragraph 4 of subsection A of this section shall not apply to the landing of a drone required in the interest of safety or otherwise in an emergency such as to avoid collision with a person or property.

Added by Laws 2022, c. 258, § 1, eff. Nov. 1, 2022.

§21-1751. Railroads, injuries to.

Any person who maliciously, wantonly or negligently either:

1. Removes, displaces, injures or destroys any part of any railroad, or railroad equipment, whether for steam or horse cars, or any track of any railroad, or of any branch or branchway, switch, turnout, bridge, viaduct, culvert, embankment, station house, or other structure or fixture, or any part thereof, attached to or connected with any railroad; or

2. Places any obstruction upon the rails or tracks of any railroad, or any branch, branchway, or turnout connected with any railroad,

shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title.

R.L. 1910, § 2756. Amended by Laws 1997, c. 133, § 407, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 298, eff. July 1, 1999; Laws 2025, c. 486, § 457, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 407 from July 1, 1998, to July 1, 1999.

§21-1752. Death from displacing of railroad equipment.

Whenever any offense specified in Section 1751 of this title results in the death of any human being, the offender shall be guilty of a Class A2 felony offense punishable by imprisonment in the State Penitentiary for not less than four (4) years.

R.L. 1910, § 2757. Amended by Laws 1997, c. 133, § 408, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 299, eff. July 1, 1999; Laws 2025, c. 486, § 31, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 408 from July 1, 1998, to July 1, 1999.

§21-1752.1. Trespass upon or interference with railroad property.

A. Any person shall be guilty of a misdemeanor if the person:

1. Without consent of the owner or the owner's agent, enters or remains on railroad property, knowing that it is railroad property;

2. Throws an object at a train, or rail-mounted work equipment;

or

3. Maliciously or wantonly causes in any manner the derailment of a train, railroad car or rail-mounted work equipment.

B. Any person shall be guilty of a Class D1 felony offense if the person commits an offense specified in subsection A of this section which results in a demonstrable monetary loss, damage or destruction of railroad property when said loss is valued at more than One Thousand Five Hundred Dollars (\$1,500.00) or results in bodily injury to a person. Any person shall be guilty of a Class D1 felony offense if the person discharges a firearm or weapon at a train, or rail-mounted work equipment.

C. Any person violating the misdemeanor provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail not exceeding one (1) year or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both such fine and imprisonment. Any person violating the felony provisions of this section shall be deemed guilty of a Class D1 felony offense, and upon conviction shall be punished by imprisonment as provided for in subsections B through F of Section 20N of this title.

D. Subsection A of this section shall not be construed to interfere with the lawful use of a public or private crossing.

E. Nothing in this section shall be construed as limiting a representative of a labor organization which represents or is seeking to represent the employees of the railroad, from conducting such business as provided under the Railway Labor Act, 45 U.S.C., Section 151 et seq.

F. As used in this section "railroad property" includes, but is not limited to, any train, locomotive, railroad car, caboose, rail-mounted work equipment, rolling stock, work equipment, safety device, switch, electronic signal, microwave communication equipment, connection, railroad track, rail, bridge, trestle, right-of-way or other property that is owned, leased, operated or possessed by a railroad.

Added by Laws 1995, c. 139, § 1, emerg. eff. May 2, 1995. Amended by Laws 1997, c. 133, § 409, eff. July 1, 1999; Laws 1999, 1st

Ex.Sess., c. 5, § 300, eff. July 1, 1999; Laws 2025, c. 486, § 458, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 409 from July 1, 1998, to July 1, 1999.

§21-1753. Highways, injuries to.

Any person who maliciously digs up, removes, displaces, breaks, or otherwise injures or destroys any public highway or bridge, or any private way laid out by authority of law, or bridge upon such way, shall, upon conviction, be guilty of a Class D3 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title.

R.L. 1910, § 2758. Amended by Laws 1997, c. 133, § 410, eff. July 1, 1999; Laws 2025, c. 486, § 691, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 410 from July 1, 1998, to July 1, 1999.

§21-1753.3. Throwing, dropping, depositing or otherwise placing litter upon highways, roads or public property - Penalties.

A. The operator of a vehicle, unless any other person in the vehicle admits to or is identified as having committed the act, shall be liable pursuant to subsection B of this section for any act of throwing, dropping, depositing, or otherwise placing any litter from a vehicle upon highways, roads, or public property.

B. Any person convicted of violating the provisions of subsection A of this section shall be subject to a state traffic offense punishable by a fine of not more than One Thousand Dollars (\$1,000.00) and upon conviction shall be sentenced to perform not less than five (5) nor more than twenty (20) hours of community service in a litter abatement work program as approved by the court, or the violator may be subject to criminal prosecution as provided by the provisions of Section 1761.1 of this title. The penalties collected from the payment of the citations shall, after deduction of court costs, be paid into the reward fund created pursuant to Section 1334 of Title 22 of the Oklahoma Statutes.

C. Any person convicted of violating the provisions of subsection A of this section with any flaming or glowing substances except those which by law may be placed upon highway rights-of-way, or any substance which may cause a fire shall be subject to a state traffic offense punishable by a fine of not more than Two Thousand Dollars (\$2,000.00) and, upon conviction, shall be sentenced to perform not less than ten (10) nor more than forty (40) hours of community service in a litter abatement work program as approved by the court, or the violator may be subject to criminal prosecution as provided by the provisions of Section 1761.1 of this title. The penalties collected from the payment of the citations shall, after

deduction of court costs, be paid to the fire department of the district in which the flaming or glowing substance was discarded.

D. During a declared burn ban by the Governor, any person convicted of violating the provisions of subsection A of this section with any flaming or glowing substances except those which by law may be placed upon highway rights-of-way, or any substance which may cause a fire shall be subject to a state traffic offense punishable by a fine of not more than Four Thousand Dollars (\$4,000.00) and, upon conviction, shall be sentenced to perform not less than twenty (20) nor more than eighty (80) hours of community service in a litter abatement work program as approved by the court, or the violator may be subject to criminal prosecution as provided by the provisions of Section 1761.1 of this title. The penalties collected from the payment of the citations shall, after deduction of court costs, be paid to the fire department of the district in which the flaming or glowing substance was discarded.

E. As used in this section, "litter" means any flaming or glowing substances except those which by law may be placed upon highway rights-of-way, any substance which may cause a fire, any bottles, cans, trash, garbage, or debris of any kind. As used in this section, "litter" shall not include trash, garbage, or debris placed beside a public road for collection by a garbage or collection agency, or deposited upon or within public property designated by the state or by any of its agencies or political subdivisions as an appropriate place for such deposits if the person making the deposit is authorized to use the property for such purpose.

Added by Laws 1957, p. 165, § 1. Amended by Laws 1983, c. 54, § 1, operative Nov. 1, 1983; Laws 1988, c. 115, § 4, eff. Nov. 1, 1988; Laws 1994, c. 338, § 1, emerg. eff. June 8, 1994; Laws 1996, c. 299, § 1, emerg. eff. June 10, 1996; Laws 1999, c. 364, § 1, eff. July 1, 1999; Laws 2006, c. 268, § 2, eff. Nov. 1, 2006.

§21-1753.4. Erection of signs and markers along state and federal highways.

The State Highway Department is hereby authorized and directed to cause to be erected upon the property of or rights-of-way of state and Federal highways, at locations most appropriate for carrying out the purposes and intent of this act, signs or markers for each prohibited act enumerated herein, of a size not less than thirty (30) inches square with plainly visible wording to inform users of said highways that the acts enumerated herein do constitute a crime and the maximum penalty for violations, and such additional wording as the State Highway Department deems desirable to assist in carrying out the purposes and intent of this act. Any sign or marker so erected or placed shall be placed at a right angle to the roadbed. The location of signs or markers upon the right-of-way

shall in no manner interfere with the signs or markers used to designate route numbers or traffic control markers, signs, signals or devices.

Laws 1957, p. 165, § 2.

§21-1753.5. Erection of signs and markers along county roads.

The boards of county commissioners are hereby authorized to erect signs or markers, as provided herein, upon the property of or right-of-way of county roads within their respective jurisdictions. Laws 1957, p. 166, § 3.

§21-1753.8. Defacing, stealing or possessing road signs or markers - Violation resulting in personal injury or death - Penalties.

A. Any person who defaces, steals or possesses any road sign or marker posted by any city, state or county shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than One Hundred Dollars (\$100.00), or restitution which shall be paid to the city, state or county, or by not more than twenty (20) days of community service, or by imprisonment in the county jail for a term of not more than thirty (30) days, or by such fine, imprisonment, community service, or restitution, as the Court may order.

B. If a violation of subsection A of this section results in personal injury to or death of any person, the person committing the violation shall, upon conviction, be guilty of a Class D3 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20P of this title, or by a fine of not more than One Thousand Dollars (\$1,000.00). In addition, the person may be ordered to pay restitution, which shall be paid to the city, state or county, or to perform not less than forty (40) days of community service, or to such combination of fine, imprisonment, community service, and/or restitution, as the Court may order.

Added by Laws 1985, c. 316, § 1, emerg. eff. July 25, 1985. Amended by Laws 1993, c. 127, § 1, emerg. eff. May 4, 1993; Laws 1996, c. 77, § 1, eff. Nov. 1, 1996; Laws 1997, c. 133, § 411, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 301, eff. July 1, 1999; Laws 2025, c. 486, § 692, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 411 from July 1, 1998, to July 1, 1999.

§21-1753.9. Return of road signs or markers without penalty - Time period.

A. Within the first ninety (90) days after the effective date of this act, every person possessing any city, state or county road sign or marker may return it to the county sheriff of the residency of the person without penalty of law, provided the provisions of this subsection shall not apply to any person who removed the sign

or marker if the removal of the sign or marker resulted in death or personal injury.

B. The sheriff shall hold any returned city, state or county road sign or marker and shall notify the Department of Transportation that such signs or markers have been returned. The Department shall have the authority to promulgate any necessary rules and regulations concerning the disposition of the returned signs or markers, which shall include written permission to keep old and nonuseable signs.

Added by Laws 1985, c. 316, § 2, emerg. eff. July 25, 1985. Amended by Laws 1993, c. 127, § 2, emerg. eff. May 4, 1993.

§21-1754. Obstructing highways - Punishment - Damages.

Every person who shall knowingly and willfully obstruct or plow up, or cause to be obstructed or plowed up, any public highway or public street of any town, except by order of the road supervisors for the purpose of working the same, or injure any bridge on the public highway, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding One Hundred Dollars (\$100.00), and shall be liable for all damages to person or property by reason of the same. R.L. 1910 Sec. 2759.

R.L.1910, § 2759.

§21-1755. Toll house or gate, injuries to.

Any person who maliciously injures or destroys any toll house or turnpike gate shall, upon conviction, be guilty of a Class D3 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title.

R.L. 1910, § 2760. Amended by Laws 1997, c. 133, § 412, eff. July 1, 1999; Laws 2025, c. 486, § 693, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 412 from July 1, 1998, to July 1, 1999.

§21-1758. Irrigation ditches, canals, water lines or conduits - Interference with.

It shall be unlawful for any person to divert any of the waters from any irrigation ditch, canal, waterline or conduit, in this state, or to interfere in any manner whatever with any irrigation ditch, canal, waterline or conduit, without first having obtained the permission of the owner of such ditch, canal, waterline or conduit, or of the person or persons lawfully in charge thereof.

R.L.1910, § 2763; Laws 1972, c. 91, § 1, emerg. eff. March 28, 1972.

§21-1759. Penalty.

Any person violating any of the provisions of Section 1758 of this title shall be deemed guilty of a misdemeanor.

R.L.1910, § 2764; Laws 1972, c. 91, § 2, emerg. eff. March 28, 1972.

§21-1760. Malicious injury or destruction of property generally - Punishment - Damages.

A. Every person who maliciously injures, defaces or destroys any real or personal property not his or her own, in cases other than such as are specified in Section 1761 et seq. of this title, is guilty of:

1. A misdemeanor, if the damage, defacement or destruction causes a loss which has an aggregate value of less than One Thousand Dollars (\$1,000.00);

2. A Class D3 felony offense, if the damage, defacement or destruction causes a loss which has an aggregate value of One Thousand Dollars (\$1,000.00) or more, punishable by imprisonment as provided for in subsections B through F of Section 20P of this title; or

3. A Class D3 felony offense, if the defendant has two or more prior convictions for an offense under this section, notwithstanding the value of loss caused by the damage, defacement or destruction.

B. In addition to any other punishment prescribed by law for violations of subsection A of this section, he or she is liable in treble damages for the injury done, to be recovered in a civil action by the owner of such property or public officer having charge thereof.

R.L.1910, § 2765. Amended by Laws 1989, c. 155, § 1, eff. Nov. 1, 1989; Laws 1997, c. 133, § 413, eff. July 1, 1999; Laws 2008, c. 55, § 1, eff. Nov. 1, 2008; Laws 2025, c. 486, § 694, eff. Jan. 1, 2026. NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 413 from July 1, 1998, to July 1, 1999.

§21-1761. Following sections not restrictive of Section 1760.

The specification of the acts enumerated in the following sections of this article is not intended to restrict or qualify the interpretation of the last section.

R.L.1910, § 2766.

§21-1761.1. Dumping of trash on public or private property prohibited - Penalties.

A. Any person who deliberately places, throws, drops, dumps, deposits, or discards any garbage, trash, waste, rubbish, refuse, debris, or other deleterious substance on any public property, on any private property of another without consent of the property owner or on his or her own private property in violation of any county or state zoning or public health regulations shall, upon conviction, be deemed guilty of a misdemeanor.

B. Any person convicted of violating the provisions of subsection A of this section shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand

Dollars (\$5,000.00) or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

C. Any person convicted of violating the provisions of subsection A of this section with any flaming or glowing substance, or any substance which may cause a fire shall be punished by a fine of not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00) or by imprisonment in the county jail for not more than sixty (60) days, or by both such fine and imprisonment. The penalties collected from the payment of the citations shall, after deduction of court costs, be paid to the fire department of the district in which the flaming or glowing substance was discarded. Any person violating the provisions of this subsection shall be liable for all damages caused by the violation. Damages shall be recoverable in any court of competent jurisdiction.

D. During a burn ban declared by the Governor, any person convicted of violating the provisions of subsection A of this section with any flaming or glowing substances, or any substance which may cause a fire shall be punished by a fine of not less than Four Thousand Dollars (\$4,000.00) nor more than Ten Thousand Dollars (\$10,000.00) or by imprisonment in the county jail for not more than one hundred twenty (120) days, or by both such fine and imprisonment. The penalties collected from the payment of the citations shall, after deduction of court costs, be paid to the fire department of the district in which the flaming or glowing substance was discarded. Any person violating the provisions of this subsection shall be liable for all damages caused by the violation. Damages shall be recoverable in any court of competent jurisdiction.

E. Any person convicted of violating the provisions of subsection A of this section with any item of furniture, or item that exceeds fifty (50) pounds, shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Six Thousand Five Hundred Dollars (\$6,500.00) or by imprisonment in the county jail for not more than sixty (60) days, or by both such fine and imprisonment.

F. In addition to the penalty prescribed by subsection B of this section, the court shall direct the person to make restitution to the property owner affected; to remove and properly dispose of the garbage, trash, waste, rubbish, refuse, or debris from the property; to pick up, remove, and properly dispose of garbage, trash, waste, rubbish, refuse, debris, and other nonhazardous deleterious substances from public property; or perform community service or any combination of the foregoing which the court, in its discretion, deems appropriate. The dates, times, and locations of such activities shall be scheduled by the sheriff pursuant to the order of the court in such a manner as not to interfere with the employment or family responsibilities of the person.

G. In addition to the penalty prescribed in subsection B of this section and the restitution prescribed in subsection F of this section, the court may order the defendant to pay into the reward fund as prescribed in Section 1334 of Title 22 of the Oklahoma Statutes an amount not to exceed Two Thousand Dollars (\$2,000.00).

H. The discovery of two or more items which have been dropped, dumped, deposited, discarded, placed, or thrown at one location and which bear a common address in a form which tends to identify the latest owner of the items shall create a rebuttable presumption that any competent person residing at such address committed the unlawful act. The discovery or use of such evidence shall not be sufficient to qualify for the reward provided in Section 1334 of Title 22 of the Oklahoma Statutes.

I. Any person may report a violation of this section, if committed in his or her presence, to an officer of the State Highway Patrol, a county sheriff or deputy, a municipal law enforcement officer or any other peace officer in this state. The peace officer shall then conduct an investigation into the allegations, if warranted. If a violation of this section has in fact been committed, and the peace officer has reasonable cause to believe a particular person or persons have committed the violation, a report shall be filed with the district attorney for prosecution.

J. Notwithstanding the provisions of subsection I of this section, any peace officer of this state or of any political subdivision of this state may issue a state traffic citation to any person committing a violation of subsection A of this section. Such state traffic citation shall be in an amount of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00). The penalties collected from the payment of such citations shall not include court costs and shall be divided as follows:

1. One-half (1/2) shall be paid into the reward fund created pursuant to Section 1334 of Title 22 of the Oklahoma Statutes; provided that if the citation is issued by a peace officer of a county of this state, the funds allocated by this paragraph shall be transferred to the general fund of the county of the law enforcement officer issuing the citation; and

2. One-half (1/2) shall be paid into the sheriff's service fee account for that county to be used for enforcing provisions of this section.

K. The amount of bail for littering offenses specified in Section 1753.3 of this title and for trash dumping offenses specified in this section shall be the amount of fine specified in each statute plus costs including any penalty assessment, as well as costs incurred in Section 1313.3 of Title 20 of the Oklahoma Statutes.

Added by Laws 1988, c. 115, § 1, eff. Nov. 1, 1988. Amended by Laws 1990, c. 128, § 1, emerg. eff. April 25, 1990; Laws 1994, c. 338, § 2, emerg. eff. June 8, 1994; Laws 1996, c. 299, § 2, emerg. eff. June 10, 1996; Laws 1998, c. 228, § 1, eff. Nov. 1, 1998; Laws 2000, c. 176, § 1, eff. Nov. 1, 2000; Laws 2001, c. 258, § 5, eff. July 1, 2001; Laws 2006, c. 268, § 3, eff. Nov. 1, 2006; Laws 2013, c. 255, § 1, eff. July 1, 2013; Laws 2018, c. 119, § 1, eff. Nov. 1, 2018; Laws 2019, c. 40, § 3, eff. Nov. 1, 2019.

§21-1762. Mining claims - Unlawful to tear down legal notice or deface any record.

Any person who shall willfully or maliciously tear down or deface any legal notice posted on any mining claim, or take up or destroy any stakes or monument used for marking such mining claims, or who shall willfully or maliciously throw or place any dirt, water, brush, stones or other foreign substance into any mining shaft or tunnel belonging to or claimed by another, or who shall wilfully or maliciously alter, erase, deface or destroy any record kept by any legally elected mining recorder shall be deemed guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or by imprisonment for not less than ten (10) days nor more than six (6) months or by both such fine and imprisonment.

R.L.1910, § 2767. d

§21-1763. Repealed by Laws 2013, c. 89, § 1, eff. Nov. 1, 2013.

§21-1765. House of worship or contents, injuring.

Any person who willfully breaks, defaces, or otherwise injures any house of worship, or any part thereof, or any appurtenance thereto, or any book, furniture, ornament, musical instrument, article of silver or plated ware, or other chattel kept therein for use in connection with religious worship shall, upon conviction, be guilty of a Class D3 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title.

R.L. 1910, § 2770. Amended by Laws 1997, c. 133, § 414, eff. July 1, 1999; Laws 2025, c. 486, § 695, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 414 from July 1, 1998, to July 1, 1999.

§21-1767.1. Use or threat to use explosive, incendiary device, or simulated bomb to damage or injure persons or property.

A. Any person who shall willfully or maliciously commit any of the following acts shall be deemed guilty of a Class D1 felony offense:

1. Place in, upon, under, against or near to any building, car, truck, aircraft, motor or other vehicle, vessel, railroad, railway car, or locomotive or structure, any explosive or incendiary device with unlawful intent to destroy, throw down, or injure, in whole or in part, such property, or conspire, aid, counsel or procure the destruction of any building, public or private, or any car, truck, aircraft, motor or other vehicle, vessel, railroad, railway car, or locomotive or structure; or

2. Place in, upon, under, against or near to any building, car, truck, aircraft, motor or other vehicle, vessel, railroad, railway car, or locomotive or structure, any explosive or incendiary device with intent to destroy, throw down, or injure in whole or in part, under circumstances that, if such intent were accomplished, human life or safety would be endangered thereby; or

3. By the explosion of any explosive or the igniting of any incendiary device destroy, throw down, or injure any property of another person, or cause injury to another person; or

4. Manufacture, sell, transport, or possess any explosive, the component parts of an explosive, an incendiary device, or simulated bomb with knowledge or intent that it or they will be used to unlawfully kill, injure or intimidate any person, or unlawfully damage any real or personal property; or

5. Place in, upon, under, against or near to any building, car, truck, aircraft, motor or other vehicle, vessel, railroad, railway car, or locomotive or structure, any foul, poisonous, offensive or injurious substance or compound, explosive, incendiary device, or simulated bomb with intent to wrongfully injure, molest or coerce another person or to injure or damage the property of another person; or

6. Injure, damage or attempt to damage by an explosive or incendiary device any person, persons, or property, whether real or personal; or

7. Make any threat or convey information known to be false, concerning an attempt or alleged attempt to kill, injure or intimidate any person or unlawfully damage any real or personal property by means of an explosive, incendiary device, or simulated bomb; or

8. Manufacture, sell, deliver, mail or send an explosive, incendiary device, or simulated bomb to another person; or

9. While committing or attempting to commit any felony, possess, display, or threaten to use any explosive, incendiary device, or simulated bomb.

B. Nothing contained herein shall be construed to apply to, or repeal any laws pertaining to, the acts of mischief of juveniles involving no injurious firecrackers or devices commonly called "stink bombs".

Added by Laws 1951, p. 61, § 1. Amended by Laws 1971, c. 121, § 1, emerg. eff. May 4, 1971; Laws 1991, c. 54, § 1, emerg. eff. April 10, 1991; Laws 1997, c. 133, § 415, eff. July 1, 1999; Laws 2003, c. 168, § 1, eff. July 1, 2003; Laws 2004, c. 275, § 8, eff. July 1, 2004; Laws 2005, c. 1, § 14, emerg. eff. March 15, 2005; Laws 2025, c. 486, § 459, eff. Jan. 1, 2026.

NOTE: Laws 2004, c. 130, § 2 repealed by Laws 2005, c. 1, § 15, emerg. eff. March 15, 2005.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 415 from July 1, 1998, to July 1, 1999.

§21-1767.2. Violations of preceding section.

Any person violating any of the provisions of Section 1767.1 of this title shall be deemed guilty of a Class D1 felony offense, and upon conviction shall be punished by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not to exceed Ten Thousand Dollars (\$10,000.00), or by both. If personal injury results, such person shall be guilty of a Class A1 felony offense and shall be punished by imprisonment in the State Penitentiary for not less than seven (7) years or life imprisonment.

Added by Laws 1951, p. 62, § 2. Amended by Laws 1971, c. 121, § 2, emerg. eff. May 4, 1971; Laws 1997, c. 133, § 416, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 302, eff. July 1, 1999; Laws 2025, c. 486, § 12, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 416 from July 1, 1998, to July 1, 1999.

§21-1767.3. Definitions.

As used in Section 1767.1 of this title:

1. "Explosive" or "explosives" means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion or which, although not its primary or common purpose, has been modified, manipulated, altered, enhanced, or otherwise caused to function by explosion (that is, with substantial instantaneous release of gas, heat, debris, or concussive pressure or force, or any combination of such actions), unless such compound, mixture or device is otherwise specifically classified by the United States Department of Transportation. The term "explosive" or "explosives" shall include but not be limited to gunpowder, dynamite, any bomb, all materials as defined in paragraphs 1 and 2 of Section 121.1 of Title 63 of the Oklahoma Statutes, and all material which is classified as explosives by the United States Department of Transportation;

2. "Person" means any individual or individuals, firm, copartnership, corporation, company, association, joint stock association, and includes any trustee, receiver, assignee or personal representative thereof;

3. "Incendiary device" means any chemical compound, mixture or device, the primary purpose of which is to ignite on impact or as a result of chemical reaction such as a "Molotov cocktail" or "firebomb" which is ignited on impact, causing a mechanical reaction of the container's breaking and permitting the inflammable matter to spread or splatter and is ignited from the burning wick or hypergolic reaction of chemicals;

4. "Component parts" means separate parts which if assembled would form an explosive device. Component parts of an "incendiary device" shall consist of an inflammable material, a breakable container and a source of ignition; and

5. "Simulated bomb" means any device or object that by its design, construction, content, or characteristics appears to be, or to contain, an incendiary device, explosive, or explosives, as defined in this section, but is, in fact, an inoperative facsimile or imitation of such a device or explosive.

Added by Laws 1971, c. 121, § 3, emerg. eff. May 4, 1971. Amended by Laws 1991, c. 54, § 2, emerg. eff. April 10, 1991; Laws 1992, c. 192, § 4, emerg. eff. May 11, 1992; Laws 2003, c. 168, § 2, eff. July 1, 2003; Laws 2004, c. 130, § 3, emerg. eff. April 20, 2004.

§21-1767.4. Tracing of telephone calls - Immunity.

Any telephone company, its officers, agents or employees, when acting upon any request by the state or any governing body of a political subdivision thereof, which shall expressly include school districts, shall make reasonable effort to identify the telephone from which any telephone communication claimed to be prohibited by this act is being or has been made. If identification of such telephone is made, the telephone company, its officers, agents or employees shall provide to state law enforcement officials the location of such telephone. Any telephone company, its officers, agents or employees, in acting pursuant to this section of this act, shall be immune from any civil or criminal action or liability under this or any other state or local act, rule, regulation or ordinance. Added by Laws 1971, c. 121, § 4, emerg. eff. May 4, 1971.

§21-1767.5. Possession, manufacture, storage, or use of explosive without permit.

A. Any person who shall possess, manufacture, store, or use any explosive, as defined in Section 121.1 of Title 63 of the Oklahoma Statutes, without having in the possession of the person a permit, or a copy thereof, issued pursuant to the Oklahoma Explosives and Blasting Regulation Act, shall be deemed guilty of a misdemeanor.

B. This section shall not be construed to:

1. Apply to any person or activity expressly exempted from the Oklahoma Explosives and Blasting Regulation Act;

2. Apply to, or repeal any laws pertaining to, the acts of mischief of juveniles involving noninjurious firecrackers or devices commonly called "stink bombs";

3. Apply to explosives while in transit in, into, or through this state, if the operator of the vehicle transporting the explosives carries in the vehicle the shipping papers required by 49 C.F.R., Section 172.200 et seq., and displays such papers to any law enforcement officer upon request;

4. Apply to any person who may possess, store or use gunpowder in a quantity reasonably calculated to be necessary for hunting or shooting purposes; or

5. Apply to any certified bomb technician employed by a federally accredited bomb squad of an agency of the federal government, this state, or any political subdivision of this state. Added by Laws 2003, c. 168, § 3, eff. July 1, 2003. Amended by Laws 2004, c. 130, § 4, emerg. eff. April 20, 2004.

§21-1768. Malicious injury to freehold - Carrying away earth, soil or stone.

Every person who willfully commits any trespass by either:

1. Cutting down or destroying any kind of wood or timber, standing or growing upon the lands of another; or, driving or riding through, into, or across any cultivated hedge or tree row, or any grove of ornamental trees or orchard of fruit trees growing upon the land of another, or in any other manner injuring the same; or,

2. Carrying away any kind of wood or timber that has been cut down, and is lying on such lands; or,

3. Maliciously severing from the freehold any produce thereof, or anything attached thereto; or,

4. Digging, taking, or carrying away from any lot situated within the bounds of any incorporated city, without the license of the owner, or legal occupant thereof, any earth, soil or stone, being a part of the freehold, or severed therefrom at some previous time, under such circumstances as would render the trespass a larceny, if the thing so severed or carried away were personal property; or,

5. Digging, taking, or carrying away from any land in any incorporated city or town of this state, laid down on the map or plan of said city or town as a street or avenue, or otherwise established or recognized as a street or avenue, without the license of the mayor and common council or other governing body of such city or town, or owner of the fee thereof, any earth, soil or stone under such circumstances as would render the trespass a larceny, if the thing so severed or carried away were personal property;

is guilty of a misdemeanor.

R.L.1910, § 2773.

§21-1770. Standing crops, injuring.

Every person who maliciously injures or destroys any standing crops, grain, cultivated fruits, or vegetables, the property of another, in any case for which a punishment is not otherwise prescribed by this chapter or by some other statute, is guilty of a misdemeanor.

R.L.1910, § 2775.

§21-1771. Injuring fruit, melons or flowers in the day time.

Every person who maliciously or mischievously enters in the day time, the enclosure, or goes upon the premises of another, with the intent to knock off, pick, destroy, or carry away, or having lawfully entered or gone upon does afterward wrongfully knock off, pick, destroy, or carry away any apples, peaches, pears, plums, grapes, or other fruit, melons, or flowers of any tree, shrub, bush, or vine, shall be punished by a fine not exceeding One Hundred Dollars (\$100.00) and not less than Five Dollars (\$5.00), or by imprisonment in the county jail not exceeding thirty (30) days.

R.L.1910, § 2776.

§21-1772. Injuring fruit, melons or flowers in the night time.

Every person who shall maliciously or mischievously enter the enclosure, or go upon the premises of another in the night time, and knock off, pick, destroy, or carry away, any apples, peaches, pears, plums, grapes, or other fruit, melons, or flowers of any tree, shrub, bush, or vine, or having entered the enclosure or gone upon the premises of another, in the night time, with the intent to knock off, pick, destroy, or carry away any fruit or flowers, as aforesaid, be actually found thereon, shall, on conviction thereof, be punished by fine not exceeding One Hundred Dollars (\$100.00) and not less than Ten Dollars (\$10.00), or by imprisonment in the county jail not exceeding thirty (30) days.

R.L.1910, § 2777.

§21-1773. Injuring fruit or ornamental trees.

Every person who shall maliciously or mischievously, bruise, break or pull up, cut down, carry away, destroy, or in anywise injure any fruit or ornamental tree, shrub, vine or material for hedge, being, growing, or standing on the land of another, shall be punished by fine not exceeding One Hundred and not less than Ten Dollars (\$10.00), or by imprisonment in the county jail not exceeding thirty (30) days.

R.L.1910, § 2778.

§21-1774. Removing or altering landmarks.

Every person who either:

1. Maliciously removes any monuments of stone, wood, or other material, erected for the purpose of designating any point in the boundary of any lot or tract of land; or,

2. Maliciously defaces or alters the marks upon any tree, post or other monument, made for the purpose of designating any point, course, or line in any such boundary; or,

3. Maliciously cuts down or removes any tree upon which any such marks have been made for such purpose, with intent to destroy such marks;

Is guilty of a misdemeanor.

R.L.1910, § 2779.

§21-1775. Piers or dams, interfering with.

Every person who, without authority of law, interferes with any pier, booms or dams, lawfully erected or maintained upon any waters within this state, or hoists any gate in or about said dams, is guilty of a misdemeanor.

R.L.1910, § 2780.

§21-1776. Destroying dam.

Every person who maliciously destroys any dam or structure erected to create hydraulic power, or any embankment necessary for the support thereof, or maliciously makes, or causes to be made, any aperture in such dam or embankment, with intent to destroy the same, is guilty of a misdemeanor.

R.L.1910, § 2781.

§21-1777. Piles, removing or injuring.

Any person who maliciously draws up or removes or cuts or otherwise injures any piles fixed in the ground and used for securing any bank or dam of any river, canal, drain, aqueduct, marsh, reservoir, pool, port, dock, quay, jetty or lock, shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

R.L. 1910, § 2782. Amended by Laws 1997, c. 133, § 417, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 303, eff. July 1, 1999; Laws 2025, c. 486, § 460, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 417 from July 1, 1998, to July 1, 1999.

§21-1778. Train signal light, removing or masking - False light or signal.

Any person who unlawfully masks, alters or removes any light or signal, or willfully exhibits any false light or signal, with intent to bring any locomotive or any railway car or train of cars into

danger, shall be guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of this title.

R.L. 1910, § 2783. Amended by Laws 1997, c. 133, § 418, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 304, eff. July 1, 1999; Laws 2025, c. 486, § 258, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 418 from July 1, 1998, to July 1, 1999.

§21-1779. Injuring written instruments the false making of which would be forgery.

Every person who maliciously mutilates, tears, defaces, obliterates, or destroys any written instrument being the property of another, the false making of which would be forgery, is punishable in the same manner as the forgery of such instrument is made punishable.

1. If the value of the property is Fifteen Thousand Dollars (\$15,000.00) or more, the person shall, upon conviction, be guilty of a Class C2 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20M of this title.

2. If the value of the property is Two Thousand Five Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars (\$15,000.00), the person shall, upon conviction, be guilty of a Class D1 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20N of this title.

3. If the value of the property is One Thousand Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars (\$2,500.00), the person shall, upon conviction, be guilty of a Class D3 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20P of this title.

R.L.1910, § 2784. Amended by Laws 2025, c. 486, § 259, eff. Jan. 1, 2026.

§21-1781. Letters, opening and reading - Publishing letters.

Every person who willfully opens or reads, or causes to be read, any sealed letter not addressed to himself, without being authorized so to do, either by the writer of such letter or by the person to whom it is addressed, and every person who without like authority publishes any letter, knowing it to have been opened in violation of this section or any part thereof, is guilty of a misdemeanor.

R.L.1910, § 2786.

§21-1782. Messages - Disclosing contents of.

Any person who shall disclose the contents of any telegraphic dispatch or telephone message or communication, or any part thereof,

addressed to or which he knows to be intended for another person without the permission of such person, except upon the lawful order of a court, or the judge thereof, with intent to cause injury, damage or disgrace to such other person, or which does in fact cause injury, damage or disgrace to such other person, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Fifty Dollars (\$50.00), nor more than Five Hundred Dollars(\$500.00), or by imprisonment in the county jail not less than thirty (30) days, nor more than one (1) year, or by both such imprisonment and fine. Provided, that nothing herein shall apply to public officers in the discharge of their duties.
R.L.1910, § 2787; Laws 1923, c. 46, p. 58, § 2.

§21-1783. Secreting telegraphic dispatches.

Every person who, having in his possession any telegraphic dispatch addressed to another, maliciously secretes, conceals or suppresses the same, is guilty of a misdemeanor.
R.L.1910, § 2788.

§21-1784. Works of art or ornamental improvements, injuring.

Every person who willfully injures, disfigures or destroys, not being the owner thereof, any monument work of art, or useful or ornamental improvement, within the limits of any town or city, or any shade tree or ornamental plant, growing therein, whether situated upon private ground, or on any street, sidewalk or public park or place, is guilty of a misdemeanor.
R.L.1910, § 2789.

§21-1785. Works of literature or art in public place, injuring.

Any person who maliciously cuts, tears, disfigures, soils, obliterates, breaks or destroys any book, map, chart, picture, engraving, statue, coin, model, apparatus, specimen or other work of literature or art, or object of curiosity deposited in any public library, gallery, museum, collection, fair or exhibition shall, upon conviction, be guilty of a Class D3 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20P of this title.

R.L. 1910, § 2790. Amended by Laws 1997, c. 133, § 419, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 305, eff. July 1, 1999; Laws 2025, c. 486, § 696, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 419 from July 1, 1998, to July 1, 1999.

§21-1786. Injuries to pipes and wires.

Any person who willfully breaks, digs up or obstructs any pipes or mains for conducting gas or water, or any works erected for supplying buildings with gas or water, or any appurtenances or

appendages therewith connected, or injures, cuts, breaks down or destroys any electric light wires, poles or appurtenances, or any telephone or telegraph wires, cable or appurtenances shall, upon conviction, be guilty of a Class D3 felony offense punishable by imprisonment in the State Penitentiary not exceeding three (3) years, or in the county jail not exceeding one (1) year, and by a fine of not more than Five Hundred Dollars (\$500.00).

R.L. 1910, § 2791. Amended by Laws 1997, c. 133, § 420, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 306, eff. July 1, 1999; Laws 2025, c. 486, § 697, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 420 from July 1, 1998, to July 1, 1999.

§21-1787. Automobile or motor vehicle, loitering in, injuring or molesting.

From and after the passage of this act, it shall be unlawful for any person or persons to loiter in or upon any automobile or motor vehicle, or to deface or injure such automobile or motor vehicle, or to "molest, drive, or attempt to drive any automobile, for joyriding or any other purpose, or" to manipulate or meddle with any machinery or appliances thereof without the consent of the owner of such automobile or motor vehicle.

Laws 1917, c. 149, p. 239, § 1.

§21-1788. Penalty.

Any person violating Section 1787 of this title, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment.

Amended by Laws 1985, c. 93, § 1, eff. Nov. 1, 1985.

§21-1789. Caves or caverns, injuring.

A. It shall be unlawful for any person to willfully or knowingly break, break off, crack, carve upon, write or otherwise mark upon, or in any manner destroy, mutilate, deface, mar or harm any natural material found in any cave or cavern located on any public lands or other lands owned by the United States, the State of Oklahoma, or any county, municipality, school district or other instrumentality of government, or on private property without the prior written consent of the owner; to kill, harm or disturb any plant or animal life found in any cave or cavern, and, whether inside or outside a cave, any fish of the genera chologaster, typhlichthys or amblyopsis (commonly known as cavefish, springfish or blindfish), any salamander of the genus typhlotriton (commonly known as the Ozark blind, grotto or spring grotto salamander), or the

species eurycea lucifuga (commonly known as cave salamander); provided, nothing in this act shall be construed as prohibiting the commercial mining of bat guano or the destruction of any predatory terrestrial mammal or poisonous snake seeking shelter within a cave if such destruction is not otherwise unlawful.

B. Any person who deliberately places, throws, drops, deposits or discards any garbage, trash, waste, rubbish, refuse, debris or other deleterious substance in or near any cave, cavern or natural subterranean drainage system shall be subject to the provisions of Section 1 of this act.

Amended by Laws 1988, c. 115, § 5, eff. Nov. 1, 1988.

§21-1791. Damage to fence - Punishment - Exceptions.

A. Any person who, without good cause, maliciously and knowingly cuts or damages a fence used for the production or containment of cattle, bison, horses, sheep, swine, goats, domestic fowl, exotic livestock, exotic poultry or any game animals or domesticated game such that there is a loss or damage to the property is guilty of a misdemeanor. Any person convicted of a second or subsequent offense pursuant to this section shall be guilty of a Class D3 felony offense punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment as provided for in subsections B through F of Section 20P of this title, or by both such fine and imprisonment.

B. The provisions of subsection A of this section shall not apply to any activities:

1. Performed pursuant to the Seismic Exploration Regulation Act;
 2. Performed pursuant to Sections 318.2 through 318.9 of Title 52 of the Oklahoma Statutes; or
 3. That are subject to the regulation of the Oklahoma Corporation Commission or the Federal Energy Regulatory Commission.
- Added by Laws 2013, c. 284, § 1, eff. July 1, 2013. Amended by Laws 2025, c. 486, § 698, eff. Jan. 1, 2026.

§21-1792. Critical infrastructure facility - Trespass - Damage - Penalties.

A. Any person who shall willfully trespass or enter property containing a critical infrastructure facility without permission by the owner of the property or lawful occupant thereof shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not less than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a term of six (6) months, or by both such fine and imprisonment. If it is determined the intent of the trespasser is to willfully damage, destroy, vandalize, deface, tamper with equipment, or impede or inhibit operations of the facility, the person shall, upon conviction, be guilty of a Class D3 felony

offense punishable by a fine of not less than Ten Thousand Dollars (\$10,000.00), or by imprisonment as provided for in subsections B through F of Section 20P of this title, or by both such fine and imprisonment.

B. Any person who shall willfully damage, destroy, vandalize, deface or tamper with equipment in a critical infrastructure facility shall, upon conviction, be guilty of a Class D3 felony offense punishable by a fine of One Hundred Thousand Dollars (\$100,000.00), or by imprisonment in the custody of the Department of Corrections for a term of not more than ten (10) years, or by both such fine and imprisonment.

C. If an organization is found to be a conspirator with persons who are found to have committed any of the crimes described in subsection A or B of this section, the conspiring organization shall be punished by a fine that is ten times the amount of said fine authorized by the appropriate provision of this section.

D. As used in this section, "critical infrastructure facility" means:

1. One of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property that are reasonably likely to come to the attention of intruders and indicate that entry is forbidden without site authorization:

- a. a petroleum or alumina refinery,
- b. an electrical power generating facility, substation, switching station, electrical control center or electric power lines and associated equipment infrastructure,
- c. a chemical, polymer or rubber manufacturing facility,
- d. a water intake structure, water treatment facility, wastewater treatment plant or pump station,
- e. a natural gas compressor station,
- f. a liquid natural gas terminal or storage facility,
- g. a telecommunications central switching office,
- h. wireless telecommunications infrastructure, including cell towers, telephone poles and lines, including fiber optic lines,
- i. a port, railroad switching yard, railroad tracks, trucking terminal or other freight transportation facility,
- j. a gas processing plant, including a plant used in the processing, treatment or fractionation of natural gas or natural gas liquids,
- k. a transmission facility used by a federally licensed radio or television station,

- l. a steelmaking facility that uses an electric arc furnace to make steel,
- m. a facility identified and regulated by the United States Department of Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS) program,
- n. a dam that is regulated by the state or federal government,
- o. a natural gas distribution utility facility including, but not limited to, pipeline interconnections, a city gate or town border station, metering station, aboveground piping, a regulator station and a natural gas storage facility, or
- p. a crude oil or refined products storage and distribution facility including, but not limited to, valve sites, pipeline interconnections, pump station, metering station, below or aboveground pipeline or piping and truck loading or offloading facility; or

2. Any aboveground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, railroad facility or other storage facility that is enclosed by a fence, other physical barrier or is clearly marked with signs prohibiting trespassing, that are obviously designed to exclude intruders.

Added by Laws 2017, c. 190, § 1, emerg. eff. May 3, 2017. Amended by Laws 2025, c. 486, § 699, eff. Jan. 1, 2026.

§21-1795. Impermissible occupation.

A. As used in this section, the term "alien" means any person not a citizen or national of the United States.

B. A person commits an impermissible occupation if the person is an alien and willfully and without permission enters and remains in the State of Oklahoma without having first obtained legal authorization to enter the United States.

C. 1. Any person found to have committed an impermissible occupation pursuant to the provisions of subsection B of this section and who enters this state without having obtained the legal authorization to enter the United States shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for a term of not more than one (1) year, or by a fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment. In addition, the person shall be required to leave the state within seventy-two (72) hours following his or her conviction or release from custody, whichever comes later.

2. Any second or subsequent offense for an impermissible occupation pursuant to the provisions of subsection B of this section, or any such offense committed during the commission of any other crime shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for

a term of not more than two (2) years, or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. In addition, the person shall be required to leave the state within seventy-two (72) hours following his or her conviction or release from custody, whichever comes later.

D. Any alien who has been denied admission, excluded, deported, or removed, or has departed the United States while an order of exclusion, deportation, or removal is outstanding, and thereafter enters, attempts to enter, or is at any time found in Oklahoma shall, upon conviction, be guilty of a felony and shall be punished in accordance with the provisions set forth in paragraph 2 of subsection C of this section, unless:

1. Prior to reembarkation of the alien at a place outside the United States or application by the alien for admission from a foreign contiguous territory, the United States Attorney General has expressly consented to such alien's reapplying for admission; or

2. With respect to an alien previously denied admission and removed, such alien established that he or she was not required to obtain such advance consent under this section or any prior statute.

E. The arresting law enforcement agency shall collect all available identifying information of the person including all fingerprints and any other applicable photographic and biometric data to identify the person. Once obtained, the law enforcement agency shall cross-reference the collected information with:

1. All relevant local, state, and federal criminal databases; and

2. Federal lists or classifications used to identify a person as a threat or potential threat to national security.

The Oklahoma State Bureau of Investigation shall have the authority to collect and maintain the identifying information collected by law enforcement agencies pursuant to the provisions of this subsection.

F. It shall be an affirmative defense to prosecution under the provisions of paragraphs 1 and 2 of subsection C of this section that:

1. The federal government has granted the defendant:

- a. lawful presence in the United States, or
- b. asylum under Section 1158 of Title 8 of the United States Code; or

2. The defendant was approved for benefits under the federal Deferred Action for Childhood Arrivals program between June 15, 2012, and July 16, 2021.

G. Any person convicted of an offense pursuant to the provisions of this section shall not be eligible for probation or delayed sentencing.

H. The Legislature finds that the presence of persons who are unauthorized to be present within the State of Oklahoma is a matter

of statewide concern. Therefore, the Legislature hereby occupies and preempts the entire field of legislation in this state regarding the presence of persons who have entered and remained in this state without first having obtained the legal authorization to do so. Any municipality or other political subdivision of this state shall be prohibited from adopting any ordinance, regulation, resolution, rule, or policy that conflicts with the provisions of this act. Added by Laws 2024, c. 224, § 2, eff. July 1, 2024.

§21-1831. Taking or injuring saw logs.

Any person who shall willfully and without authority take any saw logs that may be on any river or on the land adjoining or near a river, which may have floated down said river, or onto said land, and shall remove or attempt to remove the same, or who shall cut or split such logs or otherwise destroy or injure them, shall be deemed guilty of a misdemeanor, and upon conviction, where the value of the logs exceeds One Hundred Dollars (\$100.00), be punished by imprisonment not more than one (1) year nor less than three (3) months, and by fine not to exceed One Hundred and not less than Ten Dollars (\$10.00); and where the value of the logs is One Hundred Dollars (\$100.00) or less, the punishment shall be by fine not exceeding Eighty and not less than Twenty Dollars (\$20.00). R.L. 1910 Sec. 2752.
R.L.1910, § 2752.

§21-1832. Receiving or injuring stolen logs.

Any person who shall purchase, receive or secrete saw logs so taken or removed, or who shall cut or otherwise injure logs so taken or removed, knowing them to have been so taken or removed, shall be punished as prescribed in the preceding section.
R.L.1910, § 2753.

§21-1834. Chattels encumbered by mortgage, conditional sales contract or security agreement - Removal or destruction.

Any mortgagor, conditional sales contract vendee, pledgor or debtor under a security agreement of personal property, or his or her legal representative, who, while such mortgage, security agreement or conditional sales contract remains in force and unsatisfied, conceals, sells or in any manner disposes of such property, or any part thereof, or removes such property, or any part thereof, beyond the limits of the county, or materially injures or willfully destroys such property, or any part thereof, without the written consent of the holder of such mortgage or conditional sales contract, secured party or pledgee under a security agreement shall, upon conviction, be guilty of a Class D3 felony offense if the value of the property is One Thousand Dollars (\$1,000.00) or more and shall be punished by imprisonment as provided for in subsections B

through F of Section 20P of this title, or by a fine of not to exceed Five Hundred Dollars (\$500.00). If the value of the property is less than One Thousand Dollars (\$1,000.00), the person shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding Five Hundred Dollars (\$500.00). Provided, however, the writing containing the consent of the holder of the mortgage or conditional sales contract, secured party or pledgee under a security agreement, as before specified, shall be the only competent evidence of such consent, unless it appears that such writing has been lost or destroyed.

R.L. 1910, § 2755. Amended by Laws 1957, p. 166, § 1; Laws 1965, c. 105, § 1; Laws 1997, c. 133, § 421, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 307, eff. July 1, 1999; Laws 2016, c. 221, § 20, eff. Nov. 1, 2016; Laws 2025, c. 486, § 700, eff. Jan. 1, 2026. NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 421 from July 1, 1998, to July 1, 1999.

§21-1834.1. Sale of secured personal property - Debtor as trustee of funds received.

Every debtor owning personal property in this state in which a creditor has a security interest who, with the consent of the secured party or his assignee, shall sell such collateral, or any part thereof, while the security agreement remains in force and unsatisfied, shall be deemed and conclusively held to be the trustee of the funds received upon the sale thereof, for the benefit of such secured party, or assignee, to the extent of the indebtedness secured thereby or any balance due thereof.

Laws 1967, c. 155, § 1, emerg. eff. May 1, 1967.

§21-1834.2. Repealed by Laws 2002, c. 460, § 44, eff. Nov. 1, 2002.

§21-1835. Trespass on posted property after being forbidden or without permission - Penalties - Exceptions.

A. Whoever shall willfully or maliciously enter the garden, yard, pasture or field of another after being expressly forbidden to do so or without permission by the owner or lawful occupant thereof, or a person failing to leave lodging establishment premises pursuant to Section 508 of Title 15 of the Oklahoma Statutes, shall be deemed guilty of trespass and upon conviction shall be punished by a fine of not more than Two Hundred Fifty Dollars (\$250.00); provided, that this provision shall not apply to registered land surveyors and registered professional engineers for the purpose of land surveying in the performance of their professional services; and, provided further, that anyone who willfully or maliciously enters any such garden, yard, pasture or field, and therein commits or attempts to commit waste, theft or damage shall be deemed guilty of a

misdemeanor and upon conviction shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by confinement in the county jail for not less than thirty (30) days nor more than six (6) months, or both such fine and imprisonment.

1. This provision shall not apply to:

- a. peace officers as defined in Section 99 of this title,
- b. federal, state or local government employees engaged in the performance of their duties,
- c. firefighters, emergency medical personnel or public utility employees engaged in addressing an emergency that presents an imminent danger to health, safety or the environment in the performance of their duties, or
- d. parties engaged in oil and gas operations, which shall include, without limitation, exploration, drilling, production and sales activities, under authority of mineral ownership, an oil and gas lease, seismic agreement or permit, gas gathering, purchase, transportation or treating contracts, Corporation Commission or other lawful authority from persons entitled to give the same;

2. The provisions of this section shall not prohibit:

- a. railroad employees and emergency equipment from entering such land to restore rail service following an accident, derailment or natural disaster,
- b. the entrance of utility employees or contractors while acting in the scope of their employment, or
- c. employees or contractors of valid easement or license holders while acting in the scope of their employment;

3. The following persons may enter such land of another unless forbidden to do so, either orally or in writing, by the owner or lawful occupier thereof:

- a. registered land surveyors and registered professional engineers for the purpose of land surveying in the performance of their professional services,
- b. persons making a delivery, selling a product or service, conducting a survey or poll, working on behalf of a candidate for political office, or
- c. persons who have a legitimate reason for entering and who, immediately upon entering, seek to conduct business.

B. Anyone who willfully or maliciously enters any such land of another and commits or attempts to commit waste, theft or damage shall be deemed guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a term of not less than thirty (30) days nor more than six (6) months, by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

C. No provisions of this section shall be construed to conflict with Section 5-202 or 6-304 of Title 29 of the Oklahoma Statutes.

D. Whoever shall willfully enter the pecan grove of another without the prior consent of the owner or occupant thereof to so do shall be deemed guilty of trespass and upon conviction shall be punished by a fine of not more than Twenty-five Dollars (\$25.00); provided, that anyone who willfully enters any such pecan grove and therein commits or attempts to commit waste, theft or damage shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

E. Whoever shall willfully or maliciously enter upon property owned or managed by the Grand River Dam Authority without permission shall be deemed guilty of misdemeanor trespass and upon conviction shall be punished by a fine of not more than Two Hundred Fifty Dollars (\$250.00); provided, that this provision shall not apply to registered land surveyors and registered professional engineers for the purpose of land surveying in the performance of their professional services; and, provided further, that anyone who willfully or maliciously enters upon property owned or managed by the Grand River Dam Authority without permission and therein commits or attempts to commit waste, theft or damage shall be deemed guilty of misdemeanor trespass and upon conviction shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

F. Any person who shall willfully or maliciously enter the grounds of the Governor's Mansion within the State Capitol Park, as defined in Section 1811.4 of Title 74 of the Oklahoma Statutes, except at a place where entry to the property is normally expected, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Added by Laws 1913, c. 51, p. 89, § 1. Amended by Laws 1923, c. 215, p. 377, § 1; Laws 1961, p. 234, § 1, emerg. eff. July 24, 1961; Laws 1969, c. 229, § 1, emerg. eff. April 21, 1969; Laws 1983, c. 296, § 1, eff. Nov. 1, 1983; Laws 1999, c. 53, § 1, emerg. eff. April 5, 1999; Laws 2011, c. 251, § 1, eff. Nov. 1, 2011; Laws 2021, c. 442, § 1, eff. Nov. 1, 2021; Laws 2023, c. 159, § 2, eff. Nov. 1, 2023.

§21-1835.1. Entry or presence upon premises of place of business of persons convicted of certain crimes.

A. Every person, partnership, corporation or other legal entity engaged in any public business, trade, or profession of any kind wherein merchandise, goods or services are offered for sale may forbid the entry or presence of any person upon the premises of the place of business, if the person has been convicted of a crime involving entry onto or criminal acts occurring upon any real property owned, leased, or under the control of such person, partnership, corporation or other legal entity. Such crimes shall include, but are not limited to, shoplifting, vandalism, and disturbing the peace while upon the premises of any place of business of the person, partnership, corporation, or other legal entity.

B. In order to exercise the authority conferred by subsection A of this section, the owner or an agent of the owner of a public business, trade, or profession must notify the person whom the owner or agent desires to prohibit from such owner's place of business.

C. No person shall willfully enter or remain upon the premises after being expressly forbidden to do so in the manner provided for in this section. Any person convicted of violating the provisions of this section, upon conviction, shall be guilty of trespass and shall be punished by a fine of not more than Two Hundred Fifty Dollars (\$250.00) or by confinement in the county jail for a term of not more than thirty (30) days, or by both such fine and imprisonment.

D. The provisions of this act shall not preclude any other remedy allowed by law.

Laws 1989, c. 246, § 1, eff. Nov. 1, 1989.

§21-1835.2. Trespass upon private land primarily devoted to farming, ranching or forestry - Exceptions - Affirmative defense.

A. Notwithstanding the provisions of Section 1835 of this title, the following provisions apply to private land that is primarily devoted to farming, ranching, or forestry purposes:

1. Except as provided in this section, whoever willfully enters private land of another that is primarily devoted to farming, ranching, or forestry purposes without permission by the surface owner, surface lessee, hunting lessee, or lawful occupant thereof shall be deemed guilty of trespass and, upon conviction thereof, shall be fined in any sum not less than Seven Hundred Fifty Dollars (\$750.00) nor more than Two Thousand Dollars (\$2,000.00), and in addition, the court shall order restitution for actual damages incurred. Persons convicted of a second or subsequent offense under this paragraph shall be guilty of a misdemeanor and shall be punished by a fine in any sum not less than One Thousand Five Hundred Dollars (\$1,500.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00), or by confinement in the county jail for not less than thirty (30) days nor more than six (6) months, or by both

such fine and imprisonment, and in addition, the court shall order restitution for actual damages incurred;

2. The provisions of paragraph 1 of this subsection shall not apply to peace officers as defined in Section 99 of this title or any federal, state, or local government employees engaged in the performance of their duties, or to any firefighters, emergency medical personnel, or public utility employees engaged in addressing an emergency that presents an imminent danger to health, safety, or the environment in the performance of their duties, or to parties engaged in oil and gas operations, which shall include, without limitation, exploration, drilling, production and sales activities, under authority of mineral ownership, an oil and gas lease, seismic agreement or permit, gas gathering, purchase, transportation, or treating contracts, Corporation Commission order, or other lawful authority from persons entitled to give the same. The provisions of paragraph 1 of this subsection shall not prohibit railroad employees and emergency equipment from entering such land to restore rail service following an accident, derailment or natural disaster; nor the entrance of utility employees or contractors while acting in the scope of their employment; nor employees or contractors of valid easement or license holders while acting in the scope of their employment;

3. The following persons may enter such land of another unless forbidden to do so, either orally or in writing, by the owner or lawful occupier thereof: registered land surveyors and registered professional engineers for the purpose of land surveying in the performance of their professional services, persons making a delivery, selling a product or service, conducting a survey or poll, working on behalf of a candidate for political office, or who otherwise have a legitimate reason for entering and who, immediately upon entering, seek to conduct such business; and

4. Anyone who willfully or maliciously enters any such land of another and therein commits or attempts to commit waste, theft, or damage shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than One Thousand Dollars (\$1,000.00), or by confinement in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment, and in addition, the court shall order restitution for actual damages incurred. Persons convicted of a second or subsequent offense under this paragraph shall be guilty of a misdemeanor and shall be punished by a fine of not less than Two Thousand Five Hundred Dollars (\$2,500.00), or by confinement in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment, and in addition, the court shall order restitution for actual damages.

B. This section shall not be construed to prohibit acts that are permitted pursuant to Section 5-202 or 6-304 of Title 29 of the Oklahoma Statutes.

C. 1. It shall be an affirmative defense to prosecution under paragraph 1 of subsection A of this section that the accused had express or implied permission or legal authority to be on the property.

2. If an accused reasonably believed he or she was upon property for which they had permission to be upon, it shall be an affirmative defense to prosecution under paragraph 1 of subsection A of this section that the accused had with him or her, on his or her person, written permission from the surface owner, surface lessee, hunting lessee, or lawful occupant to be upon such person's land while the accused was upon any adjoining property. This defense shall not be available to the accused if:

- a. the accused has previously pled guilty, nolo contendere, or has been convicted of any act of trespass or has been found civilly liable of any act of trespass, or
- b. the accused, while the accused was upon the adjoining property, does not have with him or her, on his or her person, the written permission specified in this paragraph.

Added by Laws 2006, c. 268, § 4, eff. Nov. 1, 2006. Amended by Laws 2008, c. 85, § 1, eff. Nov. 1, 2008; Laws 2009, c. 458, § 2, emerg. eff. June 2, 2009; Laws 2011, c. 142, § 1, eff. Nov. 1, 2011; Laws 2012, c. 11, § 3, emerg. eff. April 4, 2012; Laws 2018, c. 185, § 1, eff. Nov. 1, 2018.

NOTE: Laws 2011, c. 39, § 1 repealed by Laws 2012, c. 11, § 4, emerg. eff. April 4, 2012.

§21-1835.3. Short title.

Sections 1 through 8 of this act shall be known and may be cited as the "Oklahoma Private Lands and Public Recreation Act".

Added by Laws 2011, c. 234, § 1.

§21-1835.4. Definitions.

As used in the Oklahoma Private Lands and Public Recreation Act:

1. "Land" means all private land that is primarily devoted to farming, ranching, or forestry purposes including real property, land and water, and all structures, fixtures, equipment, and machinery thereon;

2. "Owner" means any individual, legal entity, or governmental agency that has any ownership or security interest, or lease or right of possession in land;

3. "Recreational use" means any activity undertaken for exercise, education, relaxation, or pleasure on land owned by another; and

4. "Recreational trespass" means remaining on land for a recreational use after being asked to leave by the owner, or the entry on land for a recreational use without the express or implied consent of the owner.

Added by Laws 2011, c. 234, § 2.

§21-1835.5. Trespass - Prima facie evidence.

It shall be prima facie evidence that a person is on land for a recreational use if the person is on the land of another without other explanation.

1. The absence of posting shall not by itself be sufficient to imply consent.

2. Consent shall not be implied if the land is posted.

3. It shall be the obligation of the recreational user to establish implied consent as an affirmative defense.

Added by Laws 2011, c. 234, § 3.

§21-1835.6. Prohibited acts.

The following acts are prohibited:

1. Recreational trespass;

2. Any activity in which a vehicle is used to engage in mud bogging. Mud bogging includes, without limitation, traveling across terrain:

a. that has not been improved or designed to facilitate conventional vehicles, or

b. that is chosen for such travel because of its wet or muddy characteristics;

3. The destruction or removal of any property of the owner or vandalism of any sort while engaged in recreational use of the land of another;

4. Littering while engaged in recreational use of the land of another; and

5. Failure to leave any gates, doors, fences, road blocks and obstacles or signs in the condition in which they were found, while engaged in the recreational use of the land of another.

Added by Laws 2011, c. 234, § 4.

§21-1835.7. Penalties.

Any person convicted of a trespass violation pursuant to Section 4 of this act shall be punished by a fine of Two Hundred Fifty Dollars (\$250.00) or imprisonment for not more than ten (10) days; for a second conviction within one (1) year after the first conviction, a fine of Five Hundred Dollars (\$500.00) or by imprisonment for not more than twenty (20) days; and upon a third or

subsequent conviction within one (1) year after the first conviction, a fine of Two Thousand Five Hundred Dollars (\$2,500.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. A violation of each paragraph of Section 4 of this act shall not be a separate offense.
Added by Laws 2011, c. 234, § 5.

§21-1835.8. Citations - Content - Payment.

A. Any local, county, or state law enforcement officer may issue a citation to a person believed with probable cause to have violated Section 4 of this act. The citation shall include the following information:

1. The name, address, and hunting or fishing license, driver license, or other recreational activity license number, if any, and the date of birth of the alleged violator;
2. The name of the issuing law enforcement officer and the name and address of the department;
3. The violations alleged to have been committed by the defendant, with specific reference to the paragraphs of Section 4 of this act involved and a brief description of the activities alleged to be in violation;
4. The amount of the penalty or forfeiture payable under Section 5 of this act, together with the costs that may be applicable;
5. A date, time, and place for the defendant to appear in court and notice to appear;
6. Provisions for a payment of the citation and stipulation by the defendant in lieu of a court appearance;
7. Notice that if the defendant neither pays the citation nor appears in court at the time fixed in the citation, the court may issue a summons or an arrest warrant; and
8. Any other pertinent information.

B. If a person is cited, the person may pay the amount specified in the citation any time, up to the date specified in the citation for court appearance, by:

1. Mailing the amount and a copy of the citation to the court clerk in the county where the offense occurred; or
2. Going to the court clerk in the county where the offense occurred.

C. The citation shall serve as the initial pleading and, notwithstanding any other provision of law, shall be deemed adequate process to give the appropriate court jurisdiction over the defendant upon filing of the citation with the court.

Added by Laws 2011, c. 234, § 6.

§21-1835.9. Aggravated violations.

A. A violation of paragraph 1 of Section 4 of this act shall be aggravated where in the course of the violation there occurs the driving of any automobile, motorcycle, trail bicycle, or any other motorized vehicle in a way as to endanger others or to cause damage to the land.

B. The penalty for a violation of this section shall consist of a fine of Five Hundred Dollars (\$500.00) or imprisonment for not more than ten (10) days; for a second conviction within one (1) year after the first conviction, by imprisonment for not more than twenty (20) days; and upon a third or subsequent conviction within one (1) year after the first conviction, by imprisonment for not more than six (6) months, or by both such fine and imprisonment. A person may not be charged for the same offense under this section and paragraph 1 of Section 4 of this act.

Added by Laws 2011, c. 234, § 7.

§21-1835.10. Revocation of license.

Under certification by a court that a conviction or a guilty or no contest plea respecting any violation of the Oklahoma Private Lands and Public Recreation Act has been recorded, any governmental entity which has issued a hunting, fishing, or other license for recreational activity may revoke the license and deny permission to reapply for a replacement license for a period of up to one (1) year from the date of the violation.

Added by Laws 2011, c. 234, § 8.

§21-1836. Filing purported conveyance without color of title - Instruments clouding title to restricted Indian lands.

Any person, firm or officer, representative, or agent of any firm or corporation, who shall execute and deliver, or who shall file for record or cause to be recorded in the office of any county clerk of any county in this state, any deed or other instrument in writing purporting to convey any right, title, or interest, or right to possession in and to any real estate situated in such county, to which the grantor, or grantors, therein did not have and hold a bona fide color of title, and any such person who shall file or cause to be filed for record in such office any such deed or other instrument which clouds the title of any real estate allotted to any member of one of the Five Civilized Tribes, or to the Osage Tribe of Indians, as a homestead, prior to the removal of the restrictions thereon by operation of law, or otherwise, knowing the land conveyed to be restricted homestead lands, shall be deemed guilty of a misdemeanor, and, upon conviction shall be punished by fine not to exceed One Hundred Dollars (\$100.00), and by imprisonment in the county jail for a period not to exceed thirty (30) days.

Laws 1913, c. 78, p. 124, § 1; Laws 1945, p. 96, § 1.

§21-1836.1. Deed or conveyance removing cloud to be executed by violator.

Any person, firm, or officer, representative, or agent of any firm or corporation, who has at any time violated the provisions of the above section shall, upon the written request of any person who has and holds any right, title, or interest in such real estate, immediately execute and deliver such deed or conveyance as may be requisite to remove from the record the cloud on the right, title, and interest of such owner to the title and possession of said real estate.

Laws 1945, p. 96, § 2.

§21-1836.2. Failure to comply with demand a tort.

Any person, firm, or officer, representative, or agent of any firm or corporation, together with such firm or corporation, failing to comply with such demand to remove the said cloud upon the right to title and possession, shall be deemed to be guilty of a tort, and shall be held to respond in damages to the owner of any right, title, interest or right to possession of the real estate involved in a suit to quiet the title to said real estate in the amount of the cost, reasonable attorney's fees, and other damage suffered on account of the said tort.

Laws 1945, p. 97, § 3. d

§21-1837. Hard or solid substances in grain - Inflammable or explosive substances in cotton.

Any person who shall designedly place any hard or solid substance or article in any stack, shock, sheaf or load of unthreshed grain, or in any bin, bag, sack or load of unthreshed grain, or seed, or shall designedly place any matches or other inflammable, combustible or explosive substance in any unginned cotton with the intent to injure or destroy any such grain, seed, or cotton, or any machinery which may be used for threshing or grinding such grain or seed or ginning such cotton, shall be deemed guilty of a Class D1 felony offense, and upon conviction shall be punished by confinement as provided for in subsections B through F of Section 20N of this title.

Added by Laws 1915, c. 5, § 1. Amended by Laws 1997, c. 133, § 423, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 309, eff. July 1, 1999; Laws 2025, c. 486, § 461, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 423 from July 1, 1998, to July 1, 1999.

§21-1838. Attaching unauthorized objects upon utility poles prohibited.

It is unlawful to attach or insert any object with nails or tacks upon poles erected for the support of electric, telephone,

utility or power lines; provided, however, the provisions of this act shall not interfere with the inherent rights of the owner.
Laws 1963, c. 356, § 1.

§21-1839. Penalties.

Any violation of the provisions of Section 1 of this act shall constitute a misdemeanor and upon conviction thereof shall be punishable by imprisonment in the county jail not to exceed thirty (30) days or by payment of a fine not to exceed One Hundred Dollars (\$100.00) or by both such fine and imprisonment.
Laws 1963, c. 356, § 2.

§21-1840. Repealed by Laws 2014, c. 378, § 1, eff. Dec. 31, 2014.

§21-1841. Destruction, removal, altering, covering or defacing.

No person, firm, association or corporation shall destroy, remove, alter, cover or deface the manufacturer's serial number from any tractor, combine, corn picker, corn sheller or hay baler, or any other piece of farm machinery having a retail value of more than Twenty-five Dollars (\$25.00) upon which the manufacturer has placed a serial number; nor shall any person, firm, corporation or association, sell, offer for sale, or lease, or otherwise dispose of any such equipment on which the serial numbers have been destroyed, removed, altered, covered or defaced.
Laws 1953, p. 96, § 1.

§21-1842. Exception to application of Act.

The provisions of this act shall not apply to any machine or part thereof now owned and used by a bona fide farmer who has had such equipment in his possession prior to the effective date of this act.
Laws 1953, p. 96, § 2.

§21-1843. Violations - Punishment.

Any person violating the provisions of Section 1 of this act, shall, upon conviction thereof, be fined not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00), or imprisoned for not less than thirty (30) days nor more than one (1) year, or both, for each offense.
Laws 1953, p. 96, § 3.

§21-1844. Repealed by Laws 2016, c. 85, § 1, eff. Nov. 1, 2016.

§21-1845. Repealed by Laws 2016, c. 85, § 1, eff. Nov. 1, 2016.

§21-1846. Repealed by Laws 2016, c. 85, § 1, eff. Nov. 1, 2016.

§21-1847. Repealed by Laws 2016, c. 85, § 1, eff. Nov. 1, 2016.

§21-1847a. Using or allowing use of automatic dial announcing device - Exceptions - Penalties.

A. Except as provided by this subsection, no person shall use or knowingly allow the use of an automatic dial announcing device.

An automatic dial announcing device shall be used only when:

1. The device disconnects from the called person's line not later than twenty (20) seconds after the called person hangs up; and

2. For calls terminating in this state, the device is not used to make a call:

a. before 9 a.m. or after 9 p.m., or

b. at any hour that collection calls would be prohibited under the federal Fair Debt Collection Practices Act, 15 U.S.C., Section 1692(c), when the device is used for collection purposes; and

3. One of the following occur:

a. the calls are made or messages given solely in response to calls initiated by the person to whom the automatic calls or recorded messages are directed or who has made a written request to be called,

b. the calls made concern goods or services that have been previously ordered or purchased,

c. the calls are made by creditors or their assignees, or

d. the calls are initiated by a live operator who gives the caller the option to disconnect prior to the playing of a prerecorded or synthesized voice message.

B. A person who violates any provision of this section is guilty of a misdemeanor.

C. The Attorney General may seek injunctive relief to enforce this section pursuant to the Oklahoma Consumer Protection Act.

D. In the event that a civil action is filed pursuant to this subsection, the prevailing party shall be entitled to a reasonable attorney's fee.

E. A contract or agreement to purchase any goods or services for sale executed in violation of the provisions of this section shall be voidable at the option of the person who has subscribed to telephone services from a telephone company.

F. For purposes of this section, "automatic dial announcing device" means automatic equipment that:

1. Stores telephone numbers to be called, or has a random or sequential number generator capable of producing numbers to be called;

2. Conveys a prerecorded or synthesized voice message to the number called; and

3. Is used for the purpose of offering any goods or services for sale or conveying information regarding such goods or services.

Added by Laws 1991, c. 279, § 1, eff. July 1, 1991. Amended by Laws 1992, c. 317, § 4, eff. July 1, 1992.

§21-1848. Definitions.

Definitions:

(1) The term "coin-operated machine" as used herein shall include any parking meter, vending machine, service meter, coin box telephone or other receptacle designed to receive or be operated by lawful coin of the United States of America.

(2) The term "spurious coin" as used herein, shall include any token, disk, blank, slug, washer, sweated, mutilated, false or counterfeited coin or other device, whether solid or otherwise used in substitution for lawful coin of the United States of America in the operation, use or enjoyment of any coin-operated machine.
Laws 1955, p. 197, § 1.

§21-1849. Operation of machines by spurious coins - Penalty.

Whoever by means of any spurious coin or by any other means, method, trick or device whatsoever not lawfully authorized by the owner, lessee, or licensee of any coin-operated machine operated in furtherance of or connection with the sale, use or enjoyment of any service, facility or privilege, knowingly shall operate or cause to be operated, or shall attempt to operate any such coin-operated machine or whoever shall take, obtain, accept or receive from or by means of any such coin-operated machine any article of value or service or the use or enjoyment of any service, facility or privilege by use of any spurious coin shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than One Hundred Dollars (\$100.00), or imprisoned not more than thirty (30) days, or both.

Laws 1955, p. 197, § 2.

§21-1850. Manufacture or sale of spurious coins for unlawful use - Penalty.

Every person who, with intent to cheat or defraud another of the use, enjoyment and benefit of property, service, facility or privilege, or whoever, knowingly or having cause to believe that same is intended for fraudulent or unlawful use on the part of the purchaser, donee or user thereof, shall manufacture, sell, offer to sell, advertise for sale, give away or possess any spurious coin as herein defined, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of One Hundred Dollars (\$100.00), or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment. The manufacture, sale, offering for sale, advertising for sale, distribution or possession of any such spurious coin, as herein

defined, shall be prima facie evidence of intent to cheat or defraud within the meaning of this act.

Laws 1955, p. 198, § 3.

§21-1851. False reporting.

It shall be unlawful for any person to report, or cause to be reported, directly or indirectly, the existence of a fire to a fire department, fire station or other agency charged with the responsibility of extinguishing fires, unless such person knows or reasonably believes that such fire is in existence.

Laws 1957, p. 166, § 1.

§21-1852. Repealed by Laws 2025, c. 62, § 1, eff. Nov. 1, 2025.

§21-1853. Penalty.

Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Laws 1957, p. 166, § 3.

§21-1861. Information to be furnished by solicitor - Calls exempt - Penalties.

A. The name and organizational or business affiliation of every person who by telephone engages in the solicitation or sale of any item, tangible or intangible, shall, by such person, be given to the person answering such telephone call. Such information shall be given immediately and prior to any solicitation or sales presentation. The telephone number of the person placing the call must be given upon request of the party being called. The person in whose name the telephone is registered is responsible for his agents and employees conforming with the provisions of this section. This section does not apply to calls between persons known to each other and to religious groups, or nonprofit organizations within their own membership, and political activities.

B. No person may solicit contributions by telephone for a charitable nonprofit organization unless that organization has complied with the provisions of the Oklahoma Solicitation of Charitable Contributions Act, Sections 552.1 et seq. of Title 18 of the Oklahoma Statutes. Such person may charge a reasonable fee for his services, which shall not exceed ten percent (10%) of the net receipts of the solicitation; provided, however, that in the event the fee charged is based upon a predetermined flat fee, then this provision shall not apply. Provided, further, that all sums shall be paid directly to the nonprofit organization.

C. Violation of this section by a person, business or organization shall constitute a misdemeanor. A third and subsequent conviction under this section shall constitute a Class D3 felony

offense punishable by imprisonment as provided for in subsections B through F of Section 20P of this title.

Added by Laws 1967, c. 187, § 1, emerg. eff. May 1, 1967. Amended by Laws 1976, c. 199, § 1, emerg. eff. June 4, 1976; Laws 1997, c. 133, § 424, eff. July 1, 1999; Laws 2025, c. 486, § 701, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 424 from July 1, 1998, to July 1, 1999.

§21-1862. Commercial solicitation by facsimile device - Definitions.

As used in this act:

"Facsimile device" means a machine capable of receiving and reproducing facsimiles of text or images transmitted electronically or telephonically through telecommunication lines connecting to the machine; and

"Commercial solicitation" means an unsolicited electronic or telephonic transmission to a facsimile device to encourage the purchase of goods, realty, services or to advertise availability of such goods, realty or services. Commercial solicitation shall not include an electronic or telephonic transmission to a facsimile device:

- a. made in the course of prior negotiations,
- b. made to a party with whom there was a prior business relationship or an existing relationship,
- c. made in the course of a follow up to a sales call, sales lead or other business-related contact; or
- d. made after normal business hours and two pages or less in length.

Added by Laws 1990, c. 169, § 1, emerg. eff. May 2, 1990.

§21-1863. Commercial solicitation by facsimile device - Penalties.

A. A person shall not intentionally make an electronic or telephonic transmission to a facsimile device located in this state by means of any connection with a telephone network for the purpose of transmitting a commercial solicitation, as defined by Section 1 of this act. Each commercial solicitation prohibited by this act shall be a separate violation.

B. Any person violating the provisions of this act shall upon conviction be guilty of a misdemeanor punishable by a fine of not less than Five Hundred Dollars (\$500.00) or more than One Thousand Dollars (\$1,000.00) for each separate violation.

C. A person violating the provisions of this act shall be deemed to have committed the violation either at the place where the electronic or telephonic transmission is made or at the place where the transmission is received.

Added by Laws 1990, c. 169, § 2, emerg. eff. May 2, 1990.

§21-1865. Repealed by Laws 1991, c. 82, § 8, emerg. eff. April 18, 1991.

§21-1866. Repealed by Laws 1991, c. 82, § 8, emerg. eff. April 18, 1991.

§21-1867. Repealed by Laws 1991, c. 82, § 8, emerg. eff. April 18, 1991.

§21-1868. Repealed by Laws 1991, c. 82, § 8, emerg. eff. April 18, 1991.

§21-1869. Repealed by Laws 1991, c. 82, § 8, emerg. eff. April 18, 1991.

§21-1870. Definitions.

As used in this act:

1. "Access device" means any telecommunication device including the telephone calling card number, electronic serial number, account number, mobile identification number, or personal identification number that can be used to obtain telephone services;

2. "Clone cellular telephone" or "counterfeit cellular telephone" means a cellular telephone whose electronic serial number has been altered from the electronic serial number that was programmed in the telephone by the manufacturer by someone other than the manufacturer;

3. "Cloning paraphernalia" means materials that, when possessed in combination, could be used to create a cloned cellular telephone. These materials include scanners to intercept the electronic serial number and mobile identification number, cellular telephones, cables, EPROM chips, EPROM burners, software for programming the cloned telephone with a false electronic serial number and mobile identification number combination, a computer containing such software, and lists of electronic serial number and mobile identification number combinations;

4. "Electronic serial number" means the unique number that:

- a. was programmed into a cellular telephone by its manufacturer,
- b. is transmitted by the cellular telephone, and
- c. is used by cellular telephone providers to validate radio transmissions to the system as having been made by an authorized device;

5. "EPROM" or "Erasable programmable read-only memory" means an integrated circuit memory that can be programmed from an external source and erased, for reprogramming, by exposure to ultraviolet light;

6. "Intercept" means to electronically capture, record, reveal, or otherwise access the signals emitted or received during the operation of a cellular telephone without the consent of the sender or receiver, by means of any instrument, device or equipment;

7. "Manufacture of an unlawful telecommunication device" means to produce or assemble an unlawful telecommunication device, or to modify, alter, program, or reprogram a telecommunication device to be capable of acquiring or facilitating the acquisition of telecommunication service without the consent of the telecommunication service provider;

8. "Mobile identification number" means the cellular telephone number assigned to the cellular telephone by the cellular telephone carrier;

9. "Possess" means to have a physical possession or otherwise to exercise control over tangible property;

10. "Sell" means to offer to, agree to offer to, or to sell, exchange, give, or dispose of an unlawful telecommunications device to another;

11. "Telecommunication device" means:

- a. any type of instrument, device, machine, or equipment which is capable of transmitting or receiving telephonic, electronic, or radio communications, or
- b. any part of an instrument, device, machine, equipment, or other computer circuit, computer chip, electronic mechanism, or other component, which is capable of facilitating the transmission or reception of telephonic or electronic communications within the radio spectrum allocated to cellular radio telephone;

12. "Telecommunication service" means any service provided for a charge or compensation to facilitate the origination, transmission, emission, or receipt of signs, signals, writings, images, and sounds or intelligence of any nature by telephone, including cellular telephones, wire, radio, television option or other electromagnetic system;

13. "Telecommunication service provider" means any person or entity providing telecommunication service including a cellular telephone or paging company or other person or entity which, for a fee, supplies the facility, cell site, mobile telephone switching officer, or other equipment or telecommunication service; and

14. "Unlawful telecommunication device" means any telecommunication device that is capable of, or has been altered, modified, programmed, or reprogrammed, along or in conjunction with another access device, so as to be capable of acquiring or facilitating the acquisition of a telecommunication service without the consent of the telecommunication service provider. Unlawful devices include tumbler phones, counterfeit phones, tumbler microchips, counterfeit microchips, and other instruments capable of

disguising their identity or location or of gaining access to a communications system operated by a telecommunication service provider.

Added by Laws 1998, c. 97, § 1, eff. July 1, 1998.

§21-1871. Use with intent to avoid payment of service charges.

A. Any person who uses a telecommunication device with the intent to avoid the payment of any lawful charge for telecommunication service or with the knowledge that it was to avoid the payment of any lawful charge for telecommunication service and the value of the telecommunication service is not more than One Thousand Dollars (\$1,000.00) or such value cannot be ascertained shall, upon conviction, be guilty of a misdemeanor.

B. Any person who uses a telecommunication device with the intent to avoid the payment of any lawful charge for telecommunication service or with the knowledge that it was to avoid the payment of any lawful charge for telecommunication service and the value of the telecommunication service exceeds One Thousand Dollars (\$1,000.00) shall, upon conviction, be guilty of a Class D3 felony offense punishable by incarceration as provided for in subsections B through F of Section 20P of this title.

C. If the cloned cellular telephone used in violation of this section was used to facilitate the commission of a felony the person, upon conviction, shall be guilty of a Class D3 felony offense punishable by incarceration as provided for in subsections B through F of Section 20P of this title.

D. Any person who has been convicted previously of an offense under this section shall be guilty of a Schedule E felony upon a second and any subsequent conviction, if the offense occurs on or after the effective date of Section 20.1 of this title. If the offense occurs before the effective date of Section 20.1 of this title the crime shall be punishable by incarceration in the custody of the Department of Corrections for a term not to exceed five (5) years.

Added by Laws 1998, c. 97, § 2, eff. July 1, 1998. Amended by Laws 1998, 1st Ex.Sess., c. 2, § 9, emerg. eff. June 19, 1998; Laws 2025, c. 486, § 702, eff. Jan. 1, 2026.

§21-1872. Possession of unlawful telecommunication or cloning devices.

A. Any person who knowingly possesses an unlawful telecommunication device shall, upon conviction, be guilty of a misdemeanor.

B. Any person who knowingly possesses five or more unlawful telecommunication devices at the same time shall, upon conviction, be guilty of a Class D3 felony offense punishable by incarceration

as provided for in subsections B through F of Section 20P of this title.

C. Any person who:

1. Knowingly possesses an instrument capable of intercepting electronic serial number and mobile identification number combinations under circumstances evidencing an intent to clone; or

2. Knowingly possesses cloning paraphernalia under circumstances evidencing an intent to clone, shall, upon conviction, be guilty of a Class D3 felony offense punishable by incarceration as provided for in subsections B through F of Section 20P of this title.

Added by Laws 1998, c. 97, § 3, eff. July 1, 1998. Amended by Laws 1998, 1st Ex.Sess., c. 2, § 10, emerg. eff. June 19, 1998; Laws 2025, c. 486, § 703, eff. Jan. 1, 2026.

§21-1873. Sale of unlawful telecommunication devices or material.

A. Any person who intentionally sells an unlawful telecommunication device or material, including hardware, data, computer software, or other information or equipment, knowing that the purchaser or a third person intends to use such material in the manufacture of an unlawful telecommunication device shall, upon conviction, be guilty of a Class D3 felony offense punishable by incarceration as provided for in subsections B through F of Section 20P of this title.

B. If the offense under this section involves the intentional sale of five or more unlawful telecommunication devices within a six-month period, the person committing the offense, upon conviction, shall be guilty of a Class D1 felony offense punishable by incarceration as provided for in subsections B through F of Section 20N of this title.

Added by Laws 1998, c. 97, § 4, eff. July 1, 1998. Amended by Laws 1998, 1st Ex.Sess., c. 2, § 11, emerg. eff. June 19, 1998; Laws 2025, c. 486, § 462, eff. Jan. 1, 2026.

§21-1874. Manufacture of unlawful telecommunication devices.

A. Any person who intentionally manufactures an unlawful telecommunication device shall, upon conviction, be guilty of a Class D3 felony offense punishable by incarceration as provided for in subsections B through F of Section 20P of this title.

B. If the offense under this section involves the intentional manufacture of five or more unlawful telecommunication devices within a six-month period, the person committing the offense shall, upon conviction, be guilty of a Class D1 felony offense punishable by incarceration as provided for in subsections B through F of Section 20N of this title.

Added by Laws 1998, c. 97, § 5, eff. July 1, 1998. Amended by Laws 1998, 1st Ex.Sess., c. 2, § 12, emerg. eff. June 19, 1998; Laws 2025, c. 486, § 463, eff. Jan. 1, 2026.

§21-1901. Short title.

This act may be cited as the "Bus Passenger Safety Act".
Laws 1980, c. 244, § 1, eff. Oct. 1, 1980.

§21-1902. Definitions.

As used in the Bus Passenger Safety Act:

1. "Bus" means a vehicle designed to carry passengers that is part of a network of passenger vehicles for use by the public, running on a regular schedule of routes, times, and fares;

2. "Bus transportation company" or "company" means any person or governmental entity providing for-hire transport to passengers or cargo by rolling stock transit vehicles upon the roads, streets, highways, public or dedicated rights-of-way, and turnpikes of this state;

3. "Deadly or dangerous weapon" includes all weapons listed in Section 1287 of this title, and any other weapon capable of inflicting serious bodily injury, except for a weapon carried for lawful self-defense in compliance under the Oklahoma Self-Defense Act;

4. "Passenger" means any person served by the bus transportation company;

5. "Rolling stock transit vehicles" include buses, vans, cars, railcars, locomotives, trolley cars, ferry boats, and vehicles used for transporting the public; and

6. "Terminal" means a bus station, stop, platform, or depot or any facility operated or leased by or operated on behalf of a bus transportation company. This term shall include a reasonable area immediately adjacent to any designated stop along the route traveled by any rolling stock transit vehicle operated by a bus transportation company and parking lots or parking areas adjacent to a terminal.

Added by Laws 1980, c. 244, § 2, eff. Oct. 1, 1980. Amended by Laws 2017, c. 314, § 1, eff. Nov. 1, 2017; Laws 2025, c. 405, § 1, emerg. eff. May 26, 2025.

§21-1903. See the following versions:

OS 21-1903v1 (SB 562, Laws 2025, c. 405, § 2)

OS 21-1903v2 (HB 2104, Laws 2025, c. 486, § 62)

§21-1903v1. Seizure of rolling stock transit vehicle – Assault or battery – Dangerous or deadly weapon – Discharge of firearm.

A. No person shall by force or violence, or threat of force or violence, seize or exercise control of any rolling stock transit

vehicle. Any person violating this subsection shall be guilty of a felony and shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not more than twenty (20) years, or by a fine not more than Twenty Thousand Dollars (\$20,000.00), or by both such fine and imprisonment.

B. No person shall intimidate, threaten, assault, or batter any driver, attendant, guard, or passenger of any rolling stock transit vehicle or cause disruption to the provided service or cause harm to any person. Any person violating this subsection shall be guilty of a felony and shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not more than ten (10) years, by a fine not more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

C. Any person violating subsection A or B of this section using a dangerous or deadly weapon shall be guilty of a felony, and shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not more than twenty (20) years, by a fine not more than Twenty Thousand Dollars (\$20,000.00), or by both such fine and imprisonment.

D. It shall be unlawful for any person to discharge any firearm into or within any rolling stock transit vehicle, terminal, or other transportation facility, unless such action is determined to have been in defensive force resulting from reasonable fear of imminent peril of death or great bodily harm to himself or herself or another. Such person shall, upon conviction, be guilty of a felony punishable by a fine not more than Five Thousand Dollars (\$5,000.00), by imprisonment in the custody of the Department of Corrections for not more than five (5) years, or by both such fine and imprisonment.

Added by Laws 1980, c. 244, § 3, eff. Oct. 1, 1980. Amended by Laws 1997, c. 133, § 425, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 310, eff. July 1, 1999; Laws 2017, c. 314, § 2, eff. Nov. 1, 2017; Laws 2025, c. 405, § 2, emerg. eff. May 26, 2025.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 425 from July 1, 1998, to July 1, 1999.

§21-1903v2. Seizure of bus - Assault or battery - Dangerous or deadly weapons - Discharge of a firearm.

A. No person shall by force or violence, or threat of force or violence, seize or exercise control of any bus. Any person violating this subsection shall be guilty of a Class B1 felony offense and shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not more than twenty (20) years, or by a fine of not more than Twenty Thousand Dollars (\$20,000.00), or by both such fine and imprisonment.

B. In addition, no person shall intimidate, threaten, assault or batter any driver, attendant, guard or passenger of any bus with

intent to violate subsection A of this section. Any person violating this subsection shall be guilty of a Class B4 felony offense and shall, upon conviction, be punished by imprisonment in the custody of the Department for not more than ten (10) years, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

C. In addition, any person violating subsection A or B of this section using a dangerous or deadly weapon shall be guilty of a Class B1 felony offense, and shall, upon conviction, be punished by imprisonment in the custody of the Department for not more than twenty (20) years, or by a fine of not more than Twenty Thousand Dollars (\$20,000.00), or by both such fine and imprisonment.

D. It shall be unlawful for any person to discharge any firearm into or within any bus, terminal or other transportation facility, unless such action is determined to have been in defensive force resulting from reasonable fear of imminent peril of death or great bodily harm to himself or herself or another. Such person shall, upon conviction, be guilty of a Class B4 felony offense punishable by a fine of not more than Five Thousand Dollars (\$5,000.00), or by imprisonment for not more than five (5) years, or both.

Added by Laws 1980, c. 244, § 3, eff. Oct. 1, 1980. Amended by Laws 1997, c. 133, § 425, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 310, eff. July 1, 1999; Laws 2017, c. 314, § 2, eff. Nov. 1, 2017; Laws 2025, c. 486, § 62, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 425 from July 1, 1998, to July 1, 1999.

§21-1904. Unauthorized removal of baggage, cargo or other item.

It shall be unlawful to remove any baggage, cargo or other item transported upon a bus or stored in a terminal without consent of the owner of such property or the company, or its duly authorized representative. Any person violating this section shall be guilty of a Class D1 felony offense and, upon conviction, shall be punished by a fine of not more than Ten Thousand Dollars (\$10,000.00), or by imprisonment as provided for in subsections B through F of Section 20N of this title, or by both such fine and imprisonment.

The actual value of an item removed in violation of this section shall not be material to the crime herein defined.

Added by Laws 1980, c. 244, § 4, eff. Oct. 1, 1980. Amended by Laws 1997, c. 133, § 426, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 311, eff. July 1, 1999; Laws 2017, c. 314, § 3, eff. Nov. 1, 2017; Laws 2025, c. 486, § 464, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 426 from July 1, 1998, to July 1, 1999.

§21-1951. Short title.

This act shall be known and may be cited as the "Oklahoma Computer Crimes Act".

Added by Laws 1984, c. 70, § 1, emerg. eff. March 29, 1984.

§21-1952. Definitions.

As used in the Oklahoma Computer Crimes Act:

1. "Access" means to approach, gain entry to, instruct, communicate with, store data in, retrieve data from or otherwise use the logical, arithmetical, memory or other resources of a computer, computer system or computer network;

2. "Computer" means an electronic device which performs work using programmed instruction having one or more of the capabilities of storage, logic, arithmetic or communication. The term includes input, output, processing, storage, software and communication facilities which are connected or related to a device in a system or network;

3. "Computer network" means the wired or wireless physical or logical interconnection of one or more computers or computer systems to each other, or to other computer networks, for the purpose of transmitting or receiving computer programs, computer software or data;

4. "Computer program" means a set or series of instructions or statements and related data which when executed in actual or modified form directs or is intended to direct the functioning of a computer system in a manner designed to perform certain operations;

5. "Computer software" means one or more computer programs, procedures and associated documentation used in the operation of a computer system;

6. "Computer system" means a set of related, connected or unconnected, computer equipment, devices including support devices, one or more of which contain computer programs, electronic instructions, input data, and output data, that performs functions including, but not limited to, logic, arithmetic, data storage and retrieval, communication, and control and software. The term does not include calculators which are not programmable and are not capable of being connected to or used to access other computers, computer networks, computer systems or support devices;

7. "Data" means a representation of information, knowledge, facts, concepts, computer software, computer programs or instructions. Data may be in any form, in storage media, or as stored in the memory of the computer or in transit or presented on a display device;

8. "Malicious computer program" means any computer program that is created, executed, modified or distributed with the intent to disrupt, destroy, deny access to, redirect, defraud, deceive, exceed or gain unauthorized access to any computer, computer system, computer network or data. Malicious computer program includes, but

is not limited to, viruses, Trojan horses, spyware, worms, rootkits, backdoors, ransomware and other malicious computer instructions, whether part of or independent of broader computer software or computer systems;

9. "Property" means any tangible or intangible item of value and includes, but is not limited to, financial instruments, geophysical data or the interpretation of that data, information, computer software, computer programs, electronically-produced data and computer-produced or stored data, supporting documentation, computer software in either machine or human readable form, electronic impulses, confidential, copyrighted or proprietary information, private identification codes or numbers which permit access to a computer by authorized computer users or generate billings to consumers for purchase of goods and services including, but not limited to, credit card transactions and telecommunications services or permit electronic fund transfers and any other tangible or intangible item of value;

10. "Services" includes, but is not limited to, computer time, data processing and storage functions and other uses of a computer, computer system or computer network to perform useful work;

11. "Supporting documentation" includes, but is not limited to, all documentation in any form used in the construction, design, classification, implementation, use or modification of computer software, computer programs or data; and

12. "Victim expenditure" means any expenditure reasonably and necessarily incurred by the owner or lessee to verify that a computer system, computer network, computer program or data was or was not altered, deleted, disrupted, damaged or destroyed by the access.

Added by Laws 1984, c. 70, § 2, emerg. eff. March 29, 1984. Amended by Laws 1989, c. 151, § 1, eff. Nov. 1, 1989; Laws 2021, c. 545, § 1, eff. Nov. 1, 2021.

§21-1953. Prohibited acts.

A. It shall be unlawful to:

1. Willfully, and without authorization, gain or attempt to gain access to and damage, modify, alter, delete, destroy, copy, make use of, use malicious computer programs on, disclose or take possession of a computer, computer system, computer network, data or any other property;

2. Use a computer, computer system, computer network or any other property as hereinbefore defined for the purpose of devising or executing a scheme or artifice with the intent to defraud, deceive, extort or for the purpose of controlling or obtaining money, property, data, services or other thing of value by means of a false or fraudulent pretense or representation;

3. Willfully exceed the limits of authorization and damage, modify, alter, destroy, copy, delete, disclose or take possession of a computer, computer system, computer network, data or any other property;

4. Willfully and without authorization, gain or attempt to gain access to a computer, computer system, computer network, data or any other property;

5. Willfully and without authorization use or cause to be used computer services;

6. Willfully and without authorization disrupt or cause the disruption of computer services or deny or cause the denial of access or other computer services to an authorized user of a computer, computer system or computer network, other than an authorized entity acting for a legitimate business purpose with the effective consent of the owner;

7. Willfully and without authorization provide or assist in providing a means of accessing a computer, computer system, data or computer network in violation of this section;

8. Willfully use a computer, computer system, or computer network to annoy, abuse, threaten, or harass another person;

9. Willfully use a computer, computer system, or computer network to put another person in fear of physical harm or death; and

10. Willfully solicit another, regardless of any financial consideration or exchange of property, of any acts described in paragraphs 1 through 9 of this subsection.

B. Any person convicted of violating paragraph 1, 2, 3, 6, 7, 9 or 10 of subsection A of this section shall be guilty of a Class C2 felony offense punishable as provided in Section 1955 of this title.

C. Any person convicted of violating paragraph 4, 5 or 8 of subsection A of this section shall be guilty of a misdemeanor.

D. Nothing in the Oklahoma Computer Crimes Act shall be construed to prohibit the monitoring of computer usage of, or the denial of computer or Internet access to, a child by a parent, legal guardian, legal custodian, or foster parent. As used in this subsection, "child" shall mean any person less than eighteen (18) years of age.

E. Nothing in the Oklahoma Computer Crimes Act shall be construed to prohibit testing by an authorized entity, the purpose of which is to provide to the owner or operator of the computer, computer system or computer network an evaluation of the security of the computer, computer system or computer network against real or imagined threats or harms.

Added by Laws 1984, c. 70, § 3, emerg. eff. March 29, 1984. Amended by Laws 1989, c. 151, § 2, eff. Nov. 1, 1989; Laws 1997, c. 133, § 427, eff. July 1, 1999; Laws 2000, c. 105, § 1, eff. Nov. 1, 2000; Laws 2002, c. 97, § 2, emerg. eff. April 17, 2002; Laws 2013, c. 66,

§ 1, eff. Nov. 1, 2013; Laws 2021, c. 545, § 2, eff. Nov. 1, 2021; Laws 2025, c. 486, § 260, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 427 from July 1, 1998, to July 1, 1999.

§21-1954. Certain acts as prima facie evidence of violation of act.

Proof that any person has accessed, damaged, disrupted, deleted, modified, altered, destroyed, caused to be accessed, copied, disclosed or taken possession of a computer, computer system, computer network or any other property, or has attempted to perform any of these enumerated acts without authorization or exceeding the limits of authorization, shall be prima facie evidence of the willful violation of the Oklahoma Computer Crimes Act.

Added by Laws 1984, c. 70, § 4, emerg. eff. March 29, 1984. Amended by Laws 1989, c. 151, § 3, eff. Nov. 1, 1989.

§21-1955. Penalties - Civil actions.

A. Upon conviction of a felony under the provisions of the Oklahoma Computer Crimes Act, the person shall be guilty of a Class C2 felony offense and shall be punished by a fine of not less than Five Thousand Dollars (\$5,000.00) and not more than One Hundred Thousand Dollars (\$100,000.00), or by confinement as provided for in subsections B through F of Section 20M of this title, or by both such fine and imprisonment.

B. Upon conviction of a misdemeanor under the provisions of the Oklahoma Computer Crimes Act, punishment shall be by a fine of not more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the county jail not to exceed thirty (30) days, or by both such fine and imprisonment.

C. In addition to any other civil remedy available, the owner or lessee of the computer, computer system, computer network, computer program or data may bring a civil action against any person convicted of a violation of the Oklahoma Computer Crimes Act for compensatory damages, including any victim expenditure reasonably and necessarily incurred by the owner or lessee to verify that a computer system, computer network, computer program or data was or was not altered, damaged, deleted, disrupted or destroyed by the access. In any action brought pursuant to this subsection the court may award reasonable attorneys fees to the prevailing party.

Added by Laws 1984, c. 70, § 5, emerg. eff. March 29, 1984. Amended by Laws 1989, c. 151, § 4, eff. Nov. 1, 1989; Laws 1997, c. 133, § 428, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 312, eff. July 1, 1999; Laws 2025, c. 486, § 261, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 428 from July 1, 1998, to July 1, 1999.

§21-1957. Access of computer, computer system or computer network in one jurisdiction from another jurisdiction - Bringing of action.

For purposes of bringing a civil or a criminal action pursuant to the Oklahoma Computer Crimes Act, a person who causes, by any means, the access of a computer, computer system or computer network in one jurisdiction from another jurisdiction is deemed to have personally accessed the computer, computer system or computer network in each jurisdiction.

Added by Laws 1989, c. 151, § 5, eff. Nov. 1, 1989. Amended by Laws 2002, c. 97, § 3, emerg. eff. April 17, 2002.

§21-1958. Access to computers, computer systems and computer networks prohibited for certain purposes - Penalty.

No person shall communicate with, store data in, or retrieve data from a computer system or computer network for the purpose of using such access to violate any of the provisions of the Oklahoma Statutes.

Any person convicted of violating the provisions of this section shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine.

Added by Laws 1986, c. 26, § 1, eff. Nov. 1, 1986. Renumbered from § 1124 of this title by Laws 1989, c. 151, § 6, eff. Nov. 1, 1989. Amended by Laws 1997, c. 133, § 429, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 313, eff. July 1, 1999; Laws 2025, c. 486, § 465, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 429 from July 1, 1998, to July 1, 1999.

§21-1959. Subpoenas prior to commencement of proceedings - Noncompliance - Misdemeanor.

A. When any person has engaged in, is engaged in, or is attempting or conspiring to engage in any conduct constituting a violation of any of the provisions of Section 1953 of Title 21 of the Oklahoma Statutes, the Oklahoma Attorney General or any district attorney in Oklahoma may conduct an investigation of the activity. On approval of the district judge, the Attorney General or district attorney, in accordance with the provisions of Section 258 of Title 22 of the Oklahoma Statutes and pursuant to the provisions of the Oklahoma Computer Crimes Act, is authorized before the commencement of any civil or criminal proceeding to subpoena witnesses, compel their attendance, examine them under oath, or require the production of any business papers or records by subpoena duces tecum. Evidence collected pursuant to this section shall not be admissible in any civil proceeding.

B. Any business papers and records subpoenaed by the Attorney General or district attorney shall be available for examination by the person who produced the material or by any duly authorized representative of the person. Transcripts of oral testimony shall be available for examination by the person who produced such testimony and their counsel.

Except as otherwise provided for in this section, no business papers, records, or transcripts or oral testimony, or copies of it, subpoenaed by the Attorney General or district attorney shall be available for examination by an individual other than another law enforcement official without the consent of the person who produced the business papers, records or transcript.

C. All persons served with a subpoena by the Attorney General or district attorney pursuant to the provisions of the Oklahoma Computer Crimes Act shall be paid the same fees and mileage as paid witnesses in the courts of this state.

D. No person shall, with intent to avoid, evade, prevent, or obstruct compliance in whole or in part by any person with any duly served subpoena of the Attorney General or district attorney pursuant to the provisions of this section, knowingly remove from any place, conceal, withhold, destroy, mutilate, alter, or by any other means falsify any business papers or records that are the subject of the subpoena duces tecum.

E. Any person violating the provisions of this section shall be guilty, upon conviction, of a misdemeanor.

Added by Laws 2003, c. 98, § 1, eff. Nov. 1, 2003.

§21-1975. Definitions.

A. As used in this act:

1. "Sound recording" and "article" means a phonograph record, disc, tape, film, audio or video cassette, compact video disc, or other material now known or later developed on which sounds or images are or can be recorded or otherwise stored;

2. "Owner" means the owner of the master sound recording and, with respect to Section 4 of this act, shall mean the owner of the rights to record or authorize the recording of any performance not yet fixed in a tangible medium of expression;

3. "Manufacturer" means the entity authorizing the duplication of the specific recording in question, but shall not include the manufacturer of the cartridge or casing which encloses the recording or the manufacturer of the recording medium;

4. "Counterfeit label" means an identifying label, markings serving the purpose of a label, or container that appears to be genuine but is not genuine;

5. "Audiovisual work" means a series of related images intended to be shown through the use of mechanical or electronic devices, together with accompanying sounds, if any; and

6. "Motion picture" means an audiovisual work consisting of a series of images which, when shown in succession, impart an impression of motion together with accompanying sounds, if any.

B. This act shall not apply to player piano tapes or rolls or the sound occasioned by the use thereof on player pianos, nor shall this act apply to any person engaged in radio, cable television, or television broadcasting who transfers, or causes to be transferred, any such sounds, other than from the sound track of a motion picture, intended for, or in connection with broadcast or telecast transmission or related uses, or for archival purposes.

Added by Laws 1991, c. 82, § 1, emerg. eff. April 18, 1991.

§21-1976. Unlawful reproduction for sale of sound recording or audiovisual work - Exemptions - Penalties.

A. It shall be unlawful for any person to knowingly reproduce for sale any sound recording produced without the written consent of the owner of the original recording, provided, however, that this section shall only apply to sound recordings initially fixed prior to February 15, 1972, and shall not apply to motion pictures or other audiovisual works.

B. A violation of this section involving less than one hundred articles shall constitute a misdemeanor, and shall, upon conviction, be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00).

C. A violation of this section involving one hundred or more articles shall constitute a Class D1 felony offense, and shall, upon conviction, be punishable by a fine not to exceed Fifty Thousand Dollars (\$50,000.00), or by imprisonment as provided for in subsections B through F of Section 20N of this title, or both such fine and imprisonment.

D. A second or subsequent conviction for a violation of this section shall constitute a Class D1 felony offense and shall, upon conviction, be punishable by a fine not to exceed One Hundred Thousand Dollars (\$100,000.00), or by imprisonment as provided for in subsections B through F of Section 20N of this title, or both such fine and imprisonment.

Added by Laws 1991, c. 82, § 2, emerg. eff. April 18, 1991. Amended by Laws 1997, c. 133, § 430, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 314, eff. July 1, 1999; Laws 2025, c. 486, § 466, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 430 from July 1, 1998, to July 1, 1999.

§21-1977. Unlawful sale or offer for sale of sound recording - Penalties.

A. It shall be unlawful for any person to knowingly sell or offer for sale any sound recording that has been produced or

reproduced in violation of the provisions of Sections 1975 through 1981 of this title, knowing, or having reasonable grounds to know, that the sounds or images thereon have been produced or reproduced without the consent of the owner.

B. A violation of this section involving less than one hundred articles shall constitute a misdemeanor, and shall, upon conviction, be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00).

C. A violation of this section involving one hundred or more articles shall constitute a Class D1 felony offense, and shall, upon conviction, be punishable by a fine not to exceed Fifty Thousand Dollars (\$50,000.00), or by imprisonment as provided for in subsections B through F of Section 20N of this title, or both such fine and imprisonment.

D. A second or subsequent conviction for a violation of this section shall constitute a Class D1 felony offense, and shall, upon conviction, be punishable by a fine not to exceed One Hundred Thousand Dollars (\$100,000.00), or by imprisonment as provided for in subsections B through F of Section 20N of this title, or both such fine and imprisonment.

Added by Laws 1991, c. 82, § 3, emerg. eff. April 18, 1991. Amended by Laws 1997, c. 133, § 431, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 315, eff. July 1, 1999; Laws 2025, c. 486, § 467, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 431 from July 1, 1998, to July 1, 1999.

§21-1978. Unlawful transfer of article or sound recording or performance for unauthorized sale - Penalties.

A. It shall be unlawful for any person to knowingly and without the written consent of the owner, transfer or cause to be transferred to any article or sound recording or otherwise reproduce for sale, any performance, whether live before an audience or transmitted by wire or through the air by radio or television, with the intent to sell or cause to be sold for profit or used to promote the sale of any article or product.

B. A violation of this section involving less than one hundred articles shall constitute a misdemeanor, and shall, upon conviction, be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00).

C. A violation of this section involving one hundred or more articles shall constitute a Class D1 felony offense, and shall, upon conviction, be punishable by a fine not to exceed Fifty Thousand Dollars (\$50,000.00), or by imprisonment as provided for in subsections B through F of Section 20N of this title, or both such fine and imprisonment.

D. A second or subsequent conviction for a violation of this section shall constitute a Class D1 felony offense, and shall, upon conviction, be punishable by a fine not to exceed One Hundred Thousand Dollars (\$100,000.00) or by imprisonment as provided for in subsections B through F of Section 20N of this title, or both such fine and imprisonment.

Added by Laws 1991, c. 82, § 4, emerg. eff. April 18, 1991. Amended by Laws 1997, c. 133, § 432, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 316, eff. July 1, 1999; Laws 2025, c. 486, § 468, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 432 from July 1, 1998, to July 1, 1999.

§21-1979. Advertisement, rental, sale, resale, distribution or circulation of article without actual true name and address of manufacturer - Penalties.

A. It shall be unlawful for any person to advertise, or offer for rental, sale, resale, distribution or circulation, or rent, sell, resell, distribute or circulate, or cause to be sold, resold, distributed or circulated, or possess for such purposes any article, which does not clearly and conspicuously display thereon in clearly readable print the actual true name and address of the manufacturer thereof.

B. A violation of this section involving less than seven articles upon which motion pictures or other audiovisual works are recorded or less than one hundred other articles or sound recordings, shall constitute a misdemeanor, and shall, upon conviction, be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00).

C. A violation of this section involving seven or more articles upon which motion pictures or other audiovisual works are recorded or one hundred or more other articles or sound recordings, shall constitute a Class D1 felony offense, and shall, upon conviction, be punishable by a fine not to exceed Fifty Thousand Dollars (\$50,000.00), or by imprisonment as provided for in subsections B through F of Section 20N of this title, or both such fine and imprisonment.

D. A second or subsequent conviction for a violation of this section shall constitute a Class D1 felony offense, and shall, upon conviction, be punishable by a fine not to exceed One Hundred Thousand Dollars (\$100,000.00) or by imprisonment as provided for in subsections B through F of Section 20N of this title, or both such fine and imprisonment.

Added by Laws 1991, c. 82, § 5, emerg. eff. April 18, 1991. Amended by Laws 1997, c. 133, § 433, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 317, eff. July 1, 1999; Laws 2007, c. 4, § 1, eff. Nov. 1, 2007; Laws 2025, c. 486, § 469, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 433 from July 1, 1998, to July 1, 1999.

§21-1980. Counterfeit labels - Penalties.

A. It shall be unlawful for any person to make, manufacture, sell, distribute, offer for sale, issue or place in circulation or knowingly have in his possession for purposes of commercial advantage or private financial gain, a counterfeit label affixed or designed to be affixed to a phonorecord, a copy of a motion picture or other audiovisual work, recording or article.

B. A violation of this section involving less than seven articles upon which motion pictures or other audiovisual works are recorded or less than one hundred other articles or sound recordings, shall constitute a misdemeanor, and shall, upon conviction, be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00).

C. A violation of this section involving seven or more articles upon which motion pictures or other audiovisual works are recorded or one hundred or more other articles or sound recordings, shall constitute a Class D1 felony offense, and shall, upon conviction, be punishable by a fine not to exceed Fifty Thousand Dollars (\$50,000.00), or by imprisonment as provided for in subsections B through F of Section 20N of this title, or both such fine and imprisonment.

D. A second or subsequent conviction for a violation of this section shall constitute a Class D1 felony offense, and shall, upon conviction, be punishable by a fine not to exceed One Hundred Thousand Dollars (\$100,000.00), or by imprisonment as provided for in subsections B through F of Section 20N of this title, or both such fine and imprisonment.

Added by Laws 1991, c. 82, § 6, emerg. eff. April 18, 1991. Amended by Laws 1997, c. 133, § 434, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 318, eff. July 1, 1999; Laws 2025, c. 486, § 470, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 434 from July 1, 1998, to July 1, 1999.

§21-1981. Confiscation, preservation and disposition of sound recording or article and implements, devices and equipment used in unauthorized manufacture.

A. If a person is convicted of any violation of this act, the court in its judgment of conviction shall order the forfeiture and destruction or other disposition of any sound recording or article which does not conform to the requirements of this act and all implements, devices and equipment used or intended to be used in the manufacture of such sound recordings or articles. The court may

enter an order preserving any such articles or items for use in other cases or pending the final determination of an appeal.

B. It shall be the duty of all law enforcement officers, upon discovery, to confiscate all recordings and articles that do not conform to the requirements of this act. The nonconforming recordings and articles shall be delivered to the district attorney of the county in which the confiscation was made, who shall, by court order, destroy or otherwise dispose of such recordings and articles. This section shall apply to any nonconforming recording or article, regardless of the knowledge or intent of the person in possession.

C. The penalties provided in this act are not exclusive and are in addition to any other penalties provided by law.

Added by Laws 1991, c. 82, § 7, emerg. eff. April 18, 1991.

§21-1990. Short title.

This act shall be known and may be cited as the "Trademark Anti-Counterfeiting Act".

Added by Laws 1999, c. 54, § 1, eff. July 1, 1999.

§21-1990.1. Definitions.

For the purposes of this act:

1. "Counterfeit mark" means:

- a. any unauthorized reproduction or copy of intellectual property, and
- b. intellectual property that is affixed to any item that is knowingly sold, offered for sale, manufactured or distributed or to any identifying services offered or rendered without the authority of the intellectual property owner;

2. "Intellectual property" means any trademark, service mark, trade name, label, term, device, design or word that is adopted or used by a person to identify that person's goods or services; and

3. "Retail value" means:

- a. for items that bear a counterfeit mark and that are components of a finished product, the counterfeiter's regular selling price of the finished product on or in which the component would be utilized, or
- b. for all other items that bear a counterfeit mark or services that are identified by a counterfeit mark, the counterfeiter's regular selling price for those items or services.

Added by Laws 1999, c. 54, § 2, eff. July 1, 1999.

§21-1990.2. Use, possession, distribution, manufacture, etc. of item bearing counterfeit mark - Penalties - Seizure and forfeiture - Civil actions - Damages and attorney fees.

A. Except as provided in subsections B and C of this section, a person who knowingly and with intent to sell or distribute, uses, displays, advertises, distributes, offers for sale, sells or possesses any item that bears a counterfeit mark or any service that is identified by a counterfeit mark shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

B. Any person who commits any prohibited act proscribed in subsection A of this section shall, upon conviction, be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine of not more than the retail value of such items or services, or both such fine and imprisonment, if either:

1. The person has one previous conviction under any provision of this section; or

2. At least one of the following exists:

- a. the violation involves more than one hundred but fewer than one thousand items that bear the counterfeit mark, or
- b. the total retail value of all of the items or services that bear or are identified by the counterfeit mark is more than One Thousand Dollars (\$1,000.00) but less than Ten Thousand Dollars (\$10,000.00).

C. Any person who knowingly manufactures or produces with intent to sell or distribute any item that bears a counterfeit mark or any service that is identified by a counterfeit mark shall, upon conviction, be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not exceeding three times the retail value of such items or services, or by both such fine and imprisonment.

D. Any person who commits any prohibited act proscribed by subsection A of this section shall, upon conviction, be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine not exceeding three times the retail value of such items or services, or by both such fine and imprisonment if either:

1. The person has two or more previous convictions under this section; or

2. At least one of the following exists:

- a. the violation involves at least one thousand items that bear the counterfeit mark, or
- b. the total retail value of all of the items or services that bear or are identified by the counterfeit mark is at least Ten Thousand Dollars (\$10,000.00).

E. For purposes of this section, any person who knowingly has possession, custody or control of at least twenty-six items that bear a counterfeit mark is presumed to possess the items with intent to sell or distribute the items.

F. In any criminal proceeding in which a person is convicted of a violation of any provision of this section, the court may order the convicted person to pay restitution to the intellectual property owner in addition to any other provision allowed by law.

G. The investigating law enforcement officer may seize any item that bears a counterfeit mark and all other personal property that is employed or used in connection with a violation of this section, including any items, objects, tools, machines, equipment, instrumentalities or vehicles. All personal property seized pursuant to this section shall be subject to forfeiture according to Section 1738 of this title.

H. After a forfeiture has been ordered by the district court, a law enforcement officer shall destroy all seized items that bear a counterfeit mark; however, if the counterfeit mark is removed from the seized items, the intellectual property owner may recommend to the court that the seized items be donated to a charitable organization.

I. Any certificate of registration of any intellectual property pursuant to state or federal law is prima facie evidence of the facts stated in the certificate of registration and may be used at trial.

J. In addition to other remedies allowed by law, an intellectual property owner who sustains a loss as a result of any violation of this section may file a civil action against the defendant for recovery of up to treble damages and the costs of the suit including reasonable attorney fees.

K. The remedies provided in this section are cumulative to all other civil and criminal remedies provided by law.

L. For the purposes of this section, the quantity or retail value of items or services includes the aggregate quantity or retail value of all items that the defendant manufactures, uses, displays, advertises, distributes, offers for sale, sells or possesses and that bear a counterfeit mark or that are identified by a counterfeit mark.

Added by Laws 1999, c. 54, § 3, eff. July 1, 1999. Amended by Laws 2025, c. 486, § 471, eff. Jan. 1, 2026.

§21-1992. Short title - Penalties - Definitions.

A. This section shall be known and may be cited as the "Laser Safety Act".

B. Any person who knowingly and maliciously projects a laser, as defined in this section, on or at a law enforcement officer without the consent of the officer while the officer is acting

within the scope of the official duties of the officer shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than One Hundred Dollars (\$100.00). Any person who commits a second or subsequent violation of this section shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00), a term of imprisonment in the county jail for a period of not more than six (6) months, or by both such fine and imprisonment.

C. Anyone who knowingly aims the beam of a laser pointer at an aircraft in flight or at the flight path of an aircraft shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than One Hundred Dollars (\$100.00). Any person who commits a second or subsequent violation of this section shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00), a term of imprisonment in the county jail for a period of not more than six (6) months, or by both such fine and imprisonment.

D. This section does not prohibit aiming a beam of a laser pointer at an aircraft, or the flight path of such an aircraft by:

1. An authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct research and development or flight test operations;

2. Members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing or training; or

3. By an individual using a laser emergency signaling device to send an emergency distress signal.

E. As used in this section:

1. "Laser" or "laser pointer" means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark or identify a specific position, place, item or object; and

2. "Law enforcement officer" means any police officer, peace officer, sheriff, deputy sheriff, correctional officer, probation or parole officer, emergency management employee, judge, magistrate, or any employee of a governmental agency who is authorized by law to engage in the investigation, arrest, prosecution, or supervision of the incarceration of any person for any violation of law and has statutory powers of arrest.

Added by Laws 2000, c. 32, § 1, eff. Nov. 1, 2000. Amended by Laws 2015, c. 18, § 1, eff. Nov. 1, 2015.

§21-1993. Tampering with or disabling security or surveillance camera or security system.

A. It shall be unlawful for any unauthorized person to refocus, reposition, cover, manipulate, disconnect, or otherwise tamper with or disable a security or surveillance camera or security system. Any person violating the provisions of this subsection shall be guilty, upon conviction, of a misdemeanor punishable by a fine of not more than Five Thousand Dollars (\$5,000.00).

B. It shall be unlawful for any person to use, refocus, reposition, cover, manipulate, disconnect, or otherwise tamper with or disable a security or surveillance camera or security system for the purpose of avoiding detection when committing, attempting to commit, or aiding another person to commit or attempt to commit any misdemeanor. Any person violating the provisions of this section shall be guilty, upon conviction, of a misdemeanor punishable by imprisonment for not more than one year in the county jail, or a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine.

C. It shall be unlawful for any person to use, refocus, reposition, cover, manipulate, disconnect, or otherwise tamper with or disable a security or surveillance camera or security system for the purpose of avoiding detection when committing, attempting to commit, or aiding another person to commit or attempt to commit any felony. Any person violating the provisions of this section shall be guilty, upon conviction, of a Class D1 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20N of this title, or a fine of not more than Ten Thousand Dollars (\$10,000.00), or by both such imprisonment and fine. Added by Laws 2002, c. 234, § 1, eff. July 1, 2002. Amended by Laws 2003, c. 99, § 1, eff. Nov. 1, 2003; Laws 2025, c. 486, § 472, eff. Jan. 1, 2026.

§21-2001. Unlawful proceeds - Transactions with counsel - Bank transactions - Criminal and civil penalties.

A. It is unlawful for any person knowingly or intentionally to receive or acquire proceeds and to conceal such proceeds, or engage in transactions involving such proceeds, known to be derived from a specified unlawful activity, as defined in subsection F of this section. This subsection does not apply to any transaction between an individual and the counsel of the individual necessary to preserve the right to representation of the individual, as guaranteed by the Oklahoma Constitution and by the Sixth Amendment of the United States Constitution. However, this exception does not create any presumption against or prohibition of the right of the state to seek and obtain forfeiture of any proceeds derived from a violation of the Oklahoma Statutes.

B. It is unlawful for any person knowingly or intentionally to give, sell, transfer, trade, invest, conceal, transport, or maintain an interest in or otherwise make available anything of value which that person knows is intended to be used for the purpose of committing or furthering the commission of a specified unlawful activity, as defined in subsection F of this section.

C. It is unlawful for any person knowingly or intentionally to direct, plan, organize, initiate, finance, manage, supervise, or facilitate the transportation or transfer of proceeds known to be derived from a specified unlawful activity, as defined in subsection F of this section.

D. It is unlawful for any person knowingly or intentionally to conduct a financial transaction involving proceeds derived from a specified unlawful activity, as defined in subsection F of this section, when the transaction is designed in whole or in part to conceal or disguise the nature, location, source, ownership, or control of the proceeds known to be derived from a violation of the Oklahoma Statutes, or to avoid a transaction reporting requirement under state or federal law.

E. Notwithstanding any other provision of this section, it shall be lawful for an organization engaged in the business of banking to receive deposits and payments, to pay checks and other withdrawals, and to process any other financial transaction for its customers in the ordinary course of business if it has no actual knowledge of any violation of the Oklahoma Statutes by that customer. If an organization engaged in the business of banking, acting in good faith and without actual knowledge of any violation of the Oklahoma Statutes by its customer, acquires a security interest or statutory lien with respect to a customer's funds, that customer's funds which are subject to the security interest or lien shall not be subject to forfeiture action, to the extent of the amount of that customer's indebtedness to the banking organization.

F. For purposes of this section, "specified unlawful activity" means an act or omission, including any initiatory, preparatory, or completed offense or omission that is punishable as a misdemeanor or felony under the laws of Oklahoma, or if the act occurred outside Oklahoma would be punishable as a misdemeanor or felony under the laws of the state in which it occurred and under the laws of Oklahoma.

G. Any person convicted of violating any of the provisions of this section is guilty of:

1. A misdemeanor, if the violation involves Two Thousand Five Hundred Dollars (\$2,500.00) or less;

2. A Class D3 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20P of this title if the violation involves more than Two Thousand Five Hundred

Dollars (\$2,500.00), but not more than Ten Thousand Dollars (\$10,000.00);

3. A Class C1 felony offense, punishable by imprisonment as provided for in subsections B through E of Section 20L of this title if the violation involves more than Ten Thousand Dollars (\$10,000.00), but not more than Fifty Thousand Dollars (\$50,000.00); or

4. A Class B1 felony offense, punishable by imprisonment for not less than five (5) years and not more than twenty (20) years if the violation involves more than Fifty Thousand Dollars (\$50,000.00).

H. In addition to any criminal penalty, a person who violates any provision of this section shall be subject to a civil penalty of three (3) times the value of the property involved in the transaction. The civil penalty provided in this subsection shall be split evenly between the prosecuting agency and the investigating law enforcement agency.

Added by Laws 2002, c. 381, § 2, eff. July 1, 2002. Amended by Laws 2014, c. 409, § 1; Laws 2025, c. 486, § 63, eff. Jan. 1, 2026.

§21-2002. Seizures - Forfeiture or release - Hearing - Bona fide claims - Liens - Attorney fees - Proceeds of sale - Common carriers.

A. Any commissioned peace officer of this state is authorized to seize any currency, negotiable instrument, monetary instrument, equipment or property used or involved in, used to facilitate, delivered from or traceable to a violation of Section 2001 of this title. The seized item may be held as evidence until a forfeiture has been declared or a release ordered. Forfeiture actions under this section may be brought by the district attorney or Attorney General in the proper county of venue as petitioner; provided, in the event the district attorney or Attorney General elects not to file such action, or fails to file such action within ninety (90) days of the date of the seizure of the item, the item shall be returned to the owner.

B. Notice of seizure and intended forfeiture proceeding shall be filed in the office of the clerk of the district court for the county wherein the item is seized and shall be given all owners and parties in interest.

C. Notice shall be given according to one of the following methods:

1. Upon each owner, lienholder, or party in interest whose name and address is known, served in the manner of service of process in civil cases prescribed by Section 2004 of Title 12 of the Oklahoma Statutes; or

2. Upon all other owners, whose addresses are unknown, but who are believed to have an interest in the property by one publication

in a newspaper of general circulation in the county where the seizure was made.

D. Within sixty (60) days after the mailing or publication of the notice, the owner of the property and any other party in interest or claimant may file a verified answer and claim to the item described in the notice of seizure and of the intended forfeiture proceeding.

E. If at the end of sixty (60) days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of the unlawful use and may order the item forfeited to the state, if such fact is proven.

F. If a verified answer is filed, the forfeiture proceeding shall be set for hearing.

G. Proceedings under this section shall be special proceedings.

H. At the hearing the petitioner shall prove by a preponderance of the evidence that property was used in the attempt or commission of an act specified in subsection A of this section with knowledge by the owner of the item.

I. The claimant of any right, title, or interest in the item may prove the lien, mortgage, or conditional sales contract to be bona fide and that the right, title, or interest created by the item was created without any knowledge or reason to believe that the item was being, or was to be, used for the purpose charged.

J. In the event of such proof, the court may order the item released to the bona fide or innocent owner, lienholder, mortgagee, or vendor if the amount due such person is equal to, or in excess of, the value of the item as of the date of the seizure, it being the intention of this section to forfeit only the right, title, or interest of the purchaser.

K. If the amount due to such person is less than the value of the item, or if no bona fide claim is established, the item may be forfeited to the state and may be sold pursuant to judgment of the court, as on sale upon execution, and as provided in Section 2-508 of Title 63 of the Oklahoma Statutes, except as otherwise provided for by law.

L. A seized item taken or detained pursuant to this section shall not be repleviable, but shall be deemed to be in the custody of the petitioner or in the custody of the law enforcement agency. The petitioner shall release the seized item to the owner of the item if it is determined that the owner had no knowledge of the illegal use of the item or if there is insufficient evidence to sustain the burden of showing illegal use of the item. If the owner of the property stipulates to the forfeiture and waives the hearing, the petitioner may determine if the value of the item is equal to or less than the outstanding lien. If such lien exceeds the value of the item, the item may be released to the lienholder. A seized item which has not been released by the petitioner shall be subject to

the orders and decrees of the court or the official having jurisdiction thereof.

M. Attorney fees shall not be assessed against the state or the petitioner for any actions or proceeding pursuant to this section.

N. The proceeds of the sale of any property shall be distributed as follows, in the order indicated:

1. To the bona fide or innocent purchaser, conditional sales vendor, or mortgagee of the item, if any, up to the amount of the interest of that person in the property, when the court declaring the forfeiture orders a distribution to such person;

2. To the payment of the actual reasonable expenses of preserving the item;

3. To the victim of the crime to compensate the victim for any loss incurred as a result of the act for which the item was forfeited; and

4. The balance to a revolving fund in the office of the county treasurer of the county wherein the property was seized, to be distributed as follows: one-half (1/2) to the investigating law enforcement agency and one-half (1/2) to the district attorney to be used to defray any lawful expenses of the office of the district attorney. If the petitioner is not the district attorney, then the one-half (1/2) which would have been designated to that office shall be distributed to the petitioner.

O. If the court finds that the item was not used in the attempt or commission of an act specified in subsection A of this section and was not an item subject to forfeiture pursuant to subsection B of this section, the court shall order the item released to the owner as the right, title, or interest as determined by the court.

P. No vehicle, airplane, or vessel used by a person as a common carrier in the transaction of business as a common carrier shall be forfeited pursuant to the provisions of this section unless it shall be proven that the owner or other person in charge of such conveyance was a consenting party or privy to the attempt or commission of an act specified in subsection A or B of this section. No item shall be forfeited pursuant to the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the knowledge or consent of such owner, and by any person other than such owner while the item was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any state.

Q. Whenever any item is forfeited pursuant to this section, the district court having jurisdiction of the proceeding may order that the forfeited item may be retained for its official use by the state, county, or municipal law enforcement agency which seized the item.

Added by Laws 2002, c. 381, § 3, eff. July 1, 2002. Amended by Laws 2011, c. 132, § 2, eff. Nov. 1, 2011; Laws 2014, c. 409, § 2.

§21-2100. Definitions.

A. For purposes of this act:

1. "Ice cream" means any frozen dairy or water-based food product;

2. "Ice cream truck" means any motor vehicle used for selling, displaying or offering to sell ice cream or any other frozen dairy or frozen water-based food product; and

3. "Ice cream truck vending" means the selling, displaying or offering to sell ice cream, water-based food product or any other prepackaged food product from an ice cream truck.

Added by Laws 2009, c. 457, § 5, eff. July 1, 2009.

§21-2100.1. Registered sex offender ice cream truck vending.

Any sex offender required to be registered pursuant to the Oklahoma Sex Offenders Registration Act who engages in ice cream truck vending, whether or not licensed in this state as a mobile food unit shall, upon conviction, be guilty of a Class D1 felony offense and shall be punished by imprisonment as provided for in subsections B through F of Section 20N of this title, or by a fine in an amount not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. A sheriff or police officer may arrest without a warrant any person who the officer has probable cause to believe has violated the provisions of this section.

Added by Laws 2009, c. 457, § 6, eff. July 1, 2009. Amended by Laws 2025, c. 486, § 473, eff. Jan. 1, 2026.

§21-2100.2. Ice cream truck vending businesses - Annual Oklahoma Sex Offender Registry name search - Sole proprietors notarized statement.

A. Any company engaged in the business of ice cream truck vending shall conduct an annual name search against the Oklahoma Sex Offender Registry for each ice cream truck operator prior to allowing such person to engage in the business of ice cream truck vending in this state. Each business shall maintain records or other proof that a name search was conducted on each ice cream truck operator, and each person searched has no requirement to register as a sex offender. Any business entity discovering that a person has operated, or has attempted to operate, an ice cream truck shall report such information to the district attorney. Any person who fails to report information of violations or to comply with records or name search requirements shall be guilty, upon conviction, of a misdemeanor.

B. Individuals engaged in the business of ice cream truck vending who are sole proprietors shall be required to sign, and have

in the person's possession while operating an ice cream truck, a notarized statement signed under oath stating that the person is not required to register as a sex offender. The statement shall be renewed annually. Any person who fails to comply with the requirement to have a signed and notarized statement in the person's possession while operating an ice cream truck shall be guilty, upon conviction, of a misdemeanor.

Added by Laws 2009, c. 457, § 7, eff. July 1, 2009.

§21-2200. Oklahoma Organized Retail Crime Task Force.

A. There is hereby re-created, to continue until June 1, 2026, the Oklahoma Organized Retail Crime Task Force. The purpose of the task force shall be to provide the Legislature and the Governor with information on organized retail crime and the advantages and drawbacks of instituting various countermeasures to counter losses from retail theft in the state.

B. The task force shall consist of fifteen (15) members as follows:

1. Three members, appointed by the Governor, one of whom shall be an individual who represents state or local law enforcement;

2. Two members appointed by the President Pro Tempore of the Oklahoma State Senate;

3. Two members appointed by the Speaker of the Oklahoma House of Representatives;

4. One member appointed by the District Attorneys Council;

5. One member appointed by the Oklahoma Retail Merchants Association;

6. One member appointed by the State Chamber;

7. One member appointed by the Oklahoma Sheriffs' Association;

8. One member appointed by the Oklahoma Association of Chiefs of Police;

9. One member appointed by the Attorney General;

10. One member from the Convenience Distributors of Oklahoma; and

11. One member from the Oklahoma Grocers Association.

C. Quorum for official business of the task force shall be eight members. A chairperson and a vice chairperson shall be elected by a majority vote of the members of the task force.

D. Members who were serving on the task force as of December 31, 2024, shall automatically be on the Oklahoma Organized Retail Crime Task Force. Appointed members shall, to the greatest extent practicable, have by education or experience, knowledge of organized retail theft. The chair shall hold the first meeting of the task force no later than ninety (90) days after June 6, 2023. Any vacancies in the membership of the task force shall be filled in the same manner provided for in the initial appointment.

E. The members of the task force shall receive no compensation but shall receive travel reimbursement for necessary travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act. The task force shall be staffed by the Office of the Attorney General.

F. The task force may consult with any organization, government entity, or person in the development of its report required pursuant to the provisions of subsection G of this section.

G. On or before December 31, 2025, the task force shall electronically submit to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the chairs of the House and Senate committees that oversee public safety, a report containing, but not limited to, the following information based on available data:

1. A review of laws and regulations on organized retail crime used by other states, the federal government, and foreign countries to regulate the marketplace;

2. The use of organized retail theft's impact on state and local tax receipts;

3. The need for interagency coordination of public education and outreach and prevention programs for business owners; and

4. Legislative and regulatory recommendations, if any, to increase transparency and security, enhance consumer protections, prevent organized retail theft, and to address the long-term economic impact related to the prevalence of organized retail crime.

H. The Office of the Attorney General may employ, either directly or through memorandums of understanding or cross-deputization agreements, persons to serve as Oklahoma Organized Retail Crime Task Force officers whose primary responsibility shall be to prevent, respond to, investigate, and prosecute criminal violations related to organized retail crime.

Added by Laws 2023, c. 333, § 1, emerg. eff. June 6, 2023. Amended by Laws 2025, c. 329, § 4, eff. Nov. 1, 2025.

§21-540Av1. Eluding peace officer.

A. Any operator of a motor vehicle who has received a visual and audible signal, a flashing red light, flashing red and blue lights, flashing blue and white lights, or any other combination of flashing red, blue, and white lights, and a siren from a peace officer driving a motor vehicle showing the same to be an official police, sheriff, highway patrol or state game ranger vehicle directing the operator to bring the vehicle to a stop and who willfully increases the speed or extinguishes the lights of the vehicle in an attempt to elude such peace officer, or willfully attempts in any other manner to elude the peace officer, or who does elude such peace officer, is guilty of a misdemeanor. The peace officer, while attempting to stop a violator of this section, may

communicate a request for the assistance of other peace officers from any office, department or agency. Any peace officer within this state having knowledge of such request is authorized to render such assistance in stopping the violator and may effect an arrest under this section upon probable cause. Violation of this subsection shall constitute a misdemeanor and shall be punishable by not more than one (1) year imprisonment in the county jail, or by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment. A second or subsequent violation of this subsection shall be punishable by not more than one (1) year in the county jail, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

B. Any person who violates the provisions of subsection A of this section in such manner as to endanger any other person shall be deemed guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than one (1) year nor more than five (5) years, or by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

C. 1. Any person who causes an accident, while eluding or attempting to elude an officer, resulting in great bodily injury to any other person while driving or operating a motor vehicle within this state and who is in violation of the provisions of subsection A of this section may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not less than one (1) year and not more than five (5) years, and a fine of not more than Five Thousand Dollars (\$5,000.00).

2. As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

Added by Laws 1965, c. 52, § 1, emerg. eff. March 26, 1965. Amended by Laws 1980, c. 115, § 1, eff. Oct. 1, 1980; Laws 1981, c. 104, § 1, eff. Oct. 1, 1981; Laws 1991, c. 81, § 1, emerg. eff. April 18, 1991; Laws 1991, c. 182, § 63, eff. Sept. 1, 1991; Laws 1996, c. 110, § 1, eff. Nov. 1, 1996; Laws 1997, c. 133, § 210, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 118, eff. July 1, 1999; Laws 2000, c. 185, § 1, eff. July 1, 2000; Laws 2025, c. 224, § 1, eff. Nov. 1, 2025.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 210 from July 1, 1998, to July 1, 1999.

§21-540Av2. Eluding peace officer.

A. Any operator of a motor vehicle who has received a visual and audible signal, a red light and a siren from a peace officer driving a motor vehicle showing the same to be an official police, sheriff, highway patrol or state game ranger vehicle directing the operator to bring the vehicle to a stop and who willfully increases the speed or extinguishes the lights of the vehicle in an attempt to elude such peace officer, or willfully attempts in any other manner to elude the peace officer, or who does elude such peace officer, is guilty of a misdemeanor. The peace officer, while attempting to stop a violator of this section, may communicate a request for the assistance of other peace officers from any office, department or agency. Any peace officer within this state having knowledge of such request is authorized to render such assistance in stopping the violator and may effect an arrest under this section upon probable cause. Violation of this subsection shall constitute a misdemeanor and shall be punishable by not more than one (1) year imprisonment in the county jail or by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00) or by both such fine and imprisonment. A second or subsequent violation of this subsection shall be punishable by not more than one (1) year in the county jail or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) or both such fine and imprisonment.

B. Any person who violates the provisions of subsection A of this section in such manner as to endanger any other person shall be deemed guilty of a Class C1 felony offense punishable by imprisonment as provided for in subsections B through E of Section 20L of this title, or by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

C. 1. Any person who causes an accident, while eluding or attempting to elude an officer, resulting in great bodily injury to any other person while driving or operating a motor vehicle within this state and who is in violation of the provisions of subsection A of this section may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a Class C1 felony offense punishable by imprisonment as provided for in subsections B through E of Section 20L of this title, and a fine of not more than Five Thousand Dollars (\$5,000.00).

2. As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

Added by Laws 1965, c. 52, § 1, emerg. eff. March 26, 1965. Amended by Laws 1980, c. 115, § 1, eff. Oct. 1, 1980; Laws 1981, c. 104, §

1, eff. Oct. 1, 1981; Laws 1991, c. 81, § 1, emerg. eff. April 18, 1991; Laws 1991, c. 182, § 63, eff. Sept. 1, 1991; Laws 1996, c. 110, § 1, eff. Nov. 1, 1996; Laws 1997, c. 133, § 210, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 118, eff. July 1, 1999; Laws 2000, c. 185, § 1, eff. July 1, 2000; Laws 2025, c. 486, § 192, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 210 from July 1, 1998, to July 1, 1999.

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§22-1. Title of code.

This chapter shall be known as the code of criminal procedure of the State of Oklahoma.

R.L.1910, § 5535.

§22-2. Indictment or information necessary, except when.

Every public offense must be prosecuted by indictment, or information except;

1. Where proceedings are had for the removal of civil officers of this state.

2. Offenses arising in the militia, when in actual service, and in the land and naval forces in time of war, or which the state may keep, with the consent of Congress in time of peace.

3. Offenses tried in justices' and police courts in cases concerning which lawful jurisdiction, without the intervention of a grand jury, is or may be conferred upon said courts.

R.L.1910, § 5536.

§22-3. Code not retroactive.

No part of this code is retroactive unless expressly so declared.

R.L.1910, § 5537.

§22-4. Construction of words.

Unless when otherwise provided, words used in this code in the present tense include the future as well as the present. Words used in the masculine comprehend as well the feminine and neuter. The singular number includes the plural, and the plural the singular. And the word person includes a corporation as well as a natural person.

R.L.1910, § 5538.

§22-4A. "Court", "courts of the state", "courts in the state" and "court clerk" defined.

As used in Title 22 of the Oklahoma Statutes, the term "court" or "courts of the state" or "courts in the state" shall mean the district court of the State of Oklahoma as defined in Section 91.1 of Title 20 of the Oklahoma Statutes, and the term "court clerk" shall mean the clerk of the district court, except where a contrary intention plainly appears.

Added by Laws 1991, c. 238, § 33, eff. July 1, 1991.

§22-5. Writing includes printing.

The term writing includes printing.

R.L.1910, § 5539.

§22-6. Oath includes affirmation.

The term oath includes an affirmation.

R.L.1910, § 5540.

§22-7. Signature.

The term "signature" includes a mark when the person cannot write, the name being written near it, and the mark being witnessed by a person who writes their name as a witness, except to an affidavit or deposition, or a paper executed before a judicial officer, in which case the attestation of the officer is sufficient. The term "signature" also includes a digital or electronic signature, as defined in Section 15-102 of Title 12A of the Oklahoma Statutes.

R.L. 1910, § 5541. Amended by Laws 2008, c. 179, § 2, eff. Nov. 1, 2008; Laws 2021, c. 14, § 1, eff. Nov. 1, 2021.

§22-8. Application of statutes.

This chapter applies to criminal actions and to all other proceedings in criminal cases which are herein provided for.

R.L.1910, § 5542.

§22-9. Common law prevails, when.

The procedure, practice and pleadings in the courts of record of this state, in criminal actions or in matters of criminal nature, not specifically provided for in this code, shall be in accordance with the procedure, practice and pleadings of the common law.

R.L.1910, § 5543.

§22-10. Criminal action defined.

The proceeding by which a party charged with a public offense is accused and brought to trial and punishment, is known as a criminal action.

R.L.1910, § 5544.

§22-11. Prosecution is by state against person charged.

A criminal action is prosecuted in the name of the State of Oklahoma as a party, against the person charged with the offense.
R.L.1910, § 5545.

§22-12. Party defendant.

The party prosecuted in a criminal action is designated in this chapter as the defendant.
R.L.1910, § 5546.

§22-13. Right to speedy trial, counsel and witnesses.

In a criminal action the defendant is entitled:

1. To a speedy and public trial.
 2. To be allowed counsel, as in civil actions, or to appear and defend in person and with counsel; and,
 3. To produce witnesses on his behalf, and to be confronted with the witnesses against him in the presence of the court.
- R.L.1910, § 5547.

§22-14. Former jeopardy.

No person can be subjected to a second prosecution for a public offense for which he has once been prosecuted and duly convicted or acquitted, except as hereinafter provided for new trials.
R.L.1910, § 5548.

§22-15. Testimony against one's self - Restraint during trial and prior to conviction.

No person can be compelled in a criminal action to be witness against himself; nor can a person charged with a public offense be subjected before conviction to any more restraint than is necessary for his detention to answer the charge, and in no event shall he be tried before a jury while in chains or shackles.
R.L.1910, § 5549; Laws 1953, p. 97, § 1.

§22-16. Repealed by Laws 2019, c. 227, § 2, eff. Nov. 1, 2019.

§22-17. Custody and distribution of proceeds from sale of rights arising from criminal act.

A. Every person who has been charged, convicted, has pled guilty or has pled nolo contendere to any crime, hereinafter referred to as the defendant, or any other person with the cooperation of the defendant, who contracts to receive, or have any other person or entity receive, any proceeds or profits from any source, as a direct or indirect result of the crime or sentence, or the notoriety which the crime or sentence has conferred upon the defendant, shall forfeit the proceeds or profits as provided in this

section; provided, however, proceeds or profits from a contract relating to the depiction or discussion of the defendant's crime shall not be subject to forfeiture unless an integral part of the work is a depiction or discussion of the defendant's crime or an impression of the defendant's thoughts, opinions, or emotions regarding the crime. All parties to a contract described in this section are required to pay to the district court wherein the criminal charges were filed any proceeds or thing of value which pursuant to the contract is to be paid to the defendant or to another person or entity. The district court shall make deposit of proceeds received pursuant to this section and direct the county treasurer to make the deposit of those funds in an escrow account for the benefit of and payable to victims of the crime or the legal representative of any victim of the crime committed by the defendant or to repay a public defender office for legal representation during a criminal proceeding. There is hereby created a lien upon any sum of money or other thing of value payable to anyone pursuant to any contract described in this section, for the purpose of enforcing the forfeiture obligation established herein, which lien may be foreclosed in the same manner as statutory tax liens created by Oklahoma law. Any person who contracts without fully providing for such forfeiture in compliance with the provisions of this section shall be guilty of a Class C2 felony offense and, upon conviction, shall be punished by a fine of not less than Ten Thousand Dollars (\$10,000.00) and not to exceed three times the value of the proceeds of the contract, or by imprisonment as provided for in subsections B through F of Section 20M of Title 21 of the Oklahoma Statutes, or both such fine and imprisonment.

B. Payments from the escrow account shall be used, in the following order of priority, to satisfy any judgment rendered in favor of a victim or a victim's legal representative, to pay restitution, fines, court costs, and other payments, reparations or reimbursements ordered by the court at the time of sentencing including repayments to a public defender office for legal representation of the defendant and to pay every cost and expense of incarceration and treatment authorized by law as a cost of the defendant.

C. A victim or the legal representative of a victim must file a civil action, in a court of competent jurisdiction, to recover money against the defendant or the defendant's legal representative within seven (7) years of the filing of the criminal charges against the defendant. The victims and the legal representative of a victim of the crime shall have a priority interest in any proceeds or profits received pursuant to the provisions of this section. If no victim or legal representative of a victim has filed a civil suit within seven (7) years from the filing of the criminal charges against the

defendant, any money in the escrow account shall be paid over in the following order of priority:

1. For restitution;
2. For any fine and court costs;
3. For other payments ordered in the sentence;
4. For the costs and expenses of incarceration; and

any remaining money to the Victims' Compensation Revolving Fund.

Upon disposition of charges favorable to the defendant, any money in the escrow account shall be paid over to the defendant.

D. The district court wherein the criminal charges were filed shall, once every six (6) months for seven (7) years from the date any money is deposited with the court, publish a notice in at least one (1) newspaper of general circulation in each county of the state in accordance with the provisions on publication of notices found in Sections 101 et seq. of Title 25 of the Oklahoma Statutes, notifying any eligible victim or legal representative of an eligible victim that monies are available to satisfy judgments pursuant to this section.

Added by Laws 1981, c. 49, § 1. Amended by Laws 1995, c. 201, § 1, emerg. eff. May 19, 1995; Laws 1997, c. 133, § 435, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 319, eff. July 1, 1999; Laws 2025, c. 486, § 262, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 435 from July 1, 1998, to July 1, 1999.

§22-18. See the following versions:

OS 22-18v1 (SB 2038, Laws 2024, c. 452, § 12).

OS 22-18v2 (SB 1770, Laws 2024, c. 259, § 1).

§22-18a. Petition to Expunge Records and Order to Expunge Records.

The following statutory forms of Petition to Expunge Records Pursuant to Title 22 O.S. Sections 18 and 19 and Order to Expunge Records Pursuant to Title 22 O.S. Sections 18 and 19, as authorized by Section 1 of this act, may be utilized for persons seeking an expungement of records under the provisions of paragraph 15 of subsection A of Section 18 of Title 22 of the Oklahoma Statutes:

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

_____ ,	)	
	)	
Petitioner,	)	
	)	
	)	
	)	
vs.	)	Case No. _____
	)	
_____)	)	

THE STATE OF OKLAHOMA,

Respondent.

PETITION TO EXPUNGE RECORDS

PURSUANT TO TITLE 22 O.S. SECTIONS 18 AND 19

COMES NOW, the Petitioner and respectfully moves this Court to expunge the criminal history records of the Petitioner pursuant to paragraph 15 of subsection A of Section 18 and Section 19 of Title 22 of the Oklahoma Statutes.

PETITIONER INFORMATION:

(Last name) (First name) (Middle name)

(Address)

(Phone Number)

(Date of Birth)

(Social Security Number)

CRIMINAL CASE INFORMATION:

Name and Address of Arresting Agency: _____ Date of Arrest: _____

Name and Address of Other Agency:

(List any state or local government agency that has a record of your case.)

Case Number to be Expunged: _____

Charge to be Expunged: _____

* Information on your criminal case may be found at www.oscn.net.

I, the above-named Petitioner, hereby petition this Court for an expungement of criminal records pursuant to paragraph 15 of subsection A of Section 18 of Title 22 of the Oklahoma Statutes and certify as follows:

1. In this court of the county named above, I was charged and convicted of a nonviolent felony offense not listed in Section 571 of Title 57 of the Oklahoma Statutes;

2. That the nonviolent felony offense I was charged and convicted of has been reclassified as a misdemeanor offense under Oklahoma law;

3. That I am not currently serving a sentence for a crime in this state or another state;

4. At least thirty (30) days have passed since either the completion of my sentence or the commutation of my sentence for the crime that was reclassified as a misdemeanor;

5. That all restitution (if any) ordered by the court to be paid by me in this case has been satisfied in full;

6. That I have successfully completed any and all treatment program(s) ordered by the court, successfully completed an accelerated or revoked sentence or successfully completed a treatment program at a later date; and

7. That the harm to the Petitioner's privacy or danger of unwarranted adverse consequences outweighs the public's interest in retaining said records.

I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information and belief.

_____	_____
Date	Signature of Petitioner
	Name (Print): _____
IN THE DISTRICT COURT OF _____	COUNTY
STATE OF OKLAHOMA	
_____,	)
	)
Petitioner,	)
	)
	)
	)
vs.	) Case No. _____
	)
_____)	
	)
	)
	)
THE STATE OF OKLAHOMA,	)
	)
	)
	)
Respondent.	)

ORDER TO EXPUNGE RECORDS

PURSUANT TO TITLE 22 O.S. SECTIONS 18 AND 19

NOW on this _____ day of _____,
20_____, after consideration of the Petition to Expunge Records
Pursuant to Title 22 O.S. Sections 18 and 19, presented by
_____, it is so ORDERED that:

[] The Petition is hereby GRANTED. The Petitioner qualifies
for an expungement of records pursuant to paragraph 15 of

subsection A of Section 18 of Title 22 of the Oklahoma Statutes. The Court finds that the harm to the Petitioner's privacy or danger of unwarranted adverse consequences outweighs the public's interest in retaining said records. The Court further finds that the law enforcement agencies listed in the Petition to Expunge Records shall seal all of the court, arrest and criminal history records of the Petitioner pursuant to the provisions of Section 19 of Title 22 of the Oklahoma Statutes. Upon the entry of this order to seal the records, or any part thereof, the subject official actions shall be deemed never to have occurred, and the person in interest and all criminal justice agencies may properly reply, upon any inquiry in the matter, that no such action ever occurred and that no such record exists with respect to such person. Inspection of the records included in the order may thereafter be permitted by the court only upon petition by the person in interest who is the subject of such records, the Attorney General, or by the district attorney and only to those persons and for such purposes named in such petition. Employers, educational institutions, state and local government agencies, officials, and employees shall not, in any application or interview or otherwise, require an applicant to disclose any information contained in sealed records. An applicant need not, in answer to any question concerning arrest and criminal records, provide information that has been sealed, including any reference to or information concerning such sealed information, and may state that no such action has ever occurred. Such an application may not be denied solely because of the applicant's refusal to disclose arrest and criminal records information that has been sealed.

[] The Petition is hereby DENIED.
IT IS SO ORDERED.

JUDGE OF THE DISTRICT COURT

Added by Laws 2019, c. 459, § 2, eff. Nov. 1, 2019.

§22-18v1. Expungement of records - Persons authorized.

A. Persons authorized to file a motion for expungement, as provided herein, must be within one of the following categories:

1. The person has been acquitted;
2. The conviction was reversed with instructions to dismiss by an appellate court of competent jurisdiction, or an appellate court of competent jurisdiction reversed the conviction and the prosecuting agency subsequently dismissed the charge;
3. The factual innocence of the person was established by the use of deoxyribonucleic acid (DNA) evidence subsequent to

conviction, including a person who has been released from prison at the time innocence was established;

4. The person has received a full pardon by the Governor for the crime for which the person was sentenced;

5. The person was arrested and no charges of any type, including charges for an offense different than that for which the person was originally arrested, are filed and the statute of limitations has expired or the prosecuting agency has declined to file charges;

6. The person was under eighteen (18) years of age at the time the offense was committed and the person has received a full pardon for the offense;

7. The person was charged with one or more misdemeanor or felony crimes, all charges have been dismissed, the person has never been convicted of a felony, no misdemeanor or felony charges are pending against the person and the statute of limitations for refiling the charge or charges has expired or the prosecuting agency confirms that the charge or charges will not be refiled; provided, however, this category shall not apply to charges that have been dismissed following the completion of a deferred judgment or delayed sentence;

8. The person was charged with a misdemeanor, the charge was dismissed following the successful completion of a deferred judgment or delayed sentence, the person has never been convicted of a felony, no misdemeanor or felony charges are pending against the person and at least one (1) year has passed since the charge was dismissed;

9. The person was charged with a nonviolent felony offense not listed in Section 571 of Title 57 of the Oklahoma Statutes, the charge was dismissed following the successful completion of a deferred judgment or delayed sentence, the person has never been convicted of a felony, no misdemeanor or felony charges are pending against the person and at least five (5) years have passed since the charge was dismissed;

10. The person was convicted of a misdemeanor offense, the person was sentenced to a fine of less than Five Hundred One Dollars (\$501.00) without a term of imprisonment or a suspended sentence, the fine has been paid or satisfied by time served in lieu of the fine, the person has not been convicted of a felony and no felony or misdemeanor charges are pending against the person;

11. The person was convicted of a misdemeanor offense, the person was sentenced to a term of imprisonment, a suspended sentence or a fine in an amount greater than Five Hundred Dollars (\$500.00), the person has not been convicted of a felony, no felony or misdemeanor charges are pending against the person and at least five (5) years have passed since the end of the last misdemeanor sentence;

12. The person was convicted of a nonviolent felony offense not listed in Section 571 of Title 57 of the Oklahoma Statutes, the person has not been convicted of any other felony, the person has not been convicted of a separate misdemeanor in the last seven (7) years, no felony or misdemeanor charges are pending against the person and at least five (5) years have passed since the completion of the sentence for the felony conviction;

13. The person was convicted of not more than two felony offenses, none of which is a felony offense listed in Section 13.1 of Title 21 of the Oklahoma Statutes or any offense that would require the person to register pursuant to the provisions of the Sex Offenders Registration Act, no felony or misdemeanor charges are pending against the person, and at least ten (10) years have passed since the completion of the sentence for the felony conviction;

14. The person was charged with not more than two felony offenses and the charges were dismissed following the successful completion of a deferred judgment or delayed sentence, none of which were felony offenses listed in Section 13.1 of Title 21 of the Oklahoma Statutes or would require the person to register pursuant to the provisions of the Sex Offenders Registration Act, no felony or misdemeanor charges are pending against the person, and at least ten (10) years have passed since the charges were dismissed;

15. The person has been charged or arrested or is the subject of an arrest warrant for a crime that was committed by another person who has appropriated or used the person's name or other identification without the person's consent or authorization; or

16. The person was convicted of a nonviolent felony offense not listed in Section 571 of Title 57 of the Oklahoma Statutes which was subsequently reclassified as a misdemeanor under Oklahoma law, the person is not currently serving a sentence for a crime in this state or another state, at least thirty (30) days have passed since the completion or commutation of the sentence for the crime that was reclassified as a misdemeanor, any restitution ordered by the court to be paid by the person has been satisfied in full, and any treatment program ordered by the court has been successfully completed by the person, including any person who failed a treatment program which resulted in an accelerated or revoked sentence that has since been successfully completed by the person or the person can show successful completion of a treatment program at a later date. Persons seeking an expungement of records under the provisions of this paragraph may utilize the expungement forms provided in Section 18a of this title.

B. For purposes of Section 18 et seq. of this title, "expungement" shall mean the sealing of criminal records, as well as any public civil record, involving actions brought by and against the State of Oklahoma arising from the same arrest, transaction or occurrence.

C. Beginning three (3) years after the effective date of this act and subject to the availability of funds, individuals with clean slate eligible cases shall be eligible to have their criminal records sealed automatically. For purposes of Section 18 et seq. of this title, "clean slate eligible case" shall mean a case where each charge within the case is pursuant to paragraph 1, 2, 3, 5, 6, 7, 8, 10, 11, 15, or 16 of subsection A of this section.

D. For purposes of seeking an expungement under the provisions of paragraph 10, 11, 12 or 13 of subsection A of this section, offenses arising out of the same transaction or occurrence shall be treated as one conviction and offense.

E. Records expunged pursuant to paragraphs 4, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of subsection A of this section shall be sealed to the public but not to law enforcement agencies for law enforcement purposes. Records expunged pursuant to paragraphs 8, 9, 10, 11, 12, 13 and 14 of subsection A of this section shall be admissible in any subsequent criminal prosecution to prove the existence of a prior conviction or prior deferred judgment without the necessity of a court order requesting the unsealing of the records. Records expunged pursuant to paragraph 4 or 6 of subsection A of this section may also include the sealing of Pardon and Parole Board records related to an application for a pardon. Such records shall be sealed to the public but not to the Pardon and Parole Board.

Added by Laws 1987, c. 87, § 1, emerg. eff. May 14, 1987. Amended by Laws 1992, c. 151, § 1, eff. Sept. 1, 1992; Laws 1997, c. 397, § 1, emerg. eff. June 10, 1997; Laws 2000, c. 382, § 9, eff. July 1, 2000; Laws 2002, c. 475, § 1; Laws 2003, c. 3, § 17, emerg. eff. March 19, 2003; Laws 2004, c. 272, § 1, eff. Nov. 1, 2004; Laws 2004, c. 406, § 1, eff. July 1, 2004; Laws 2008, c. 46, § 1, eff. Nov. 1, 2008; Laws 2009, c. 2, § 7, emerg. eff. March 12, 2009; Laws 2012, c. 183, § 2, eff. Nov. 1, 2012; Laws 2014, c. 374, § 1, eff. Nov. 1, 2014; Laws 2015, c. 397, § 2, eff. Nov. 1, 2015; Laws 2016, c. 348, § 1, eff. Nov. 1, 2016; Laws 2018, c. 127, § 1, eff. Nov. 1, 2018; Laws 2019, c. 379, § 1, eff. Nov. 1, 2019; Laws 2019, c. 459, § 1, eff. Nov. 1, 2019; Laws 2022, c. 50, § 1, eff. Nov. 1, 2022; Laws 2024, c. 452, § 12, emerg. eff. June 14, 2024.

NOTE: Laws 2002, c. 460, § 14 repealed by Laws 2003, c. 3, § 18, emerg. eff. March 19, 2003. Laws 2008, c. 75, § 1 repealed by Laws 2009, c. 2, § 8, emerg. eff. March 12, 2009.

§22-18v2. Expungement of records - Persons authorized.

A. Persons authorized to file a motion for expungement, as provided herein, must be within one of the following categories:

1. The person has been acquitted;
2. The conviction was reversed with instructions to dismiss by an appellate court of competent jurisdiction, or an appellate court

of competent jurisdiction reversed the conviction and the prosecuting agency subsequently dismissed the charge;

3. The factual innocence of the person was established by the use of deoxyribonucleic acid (DNA) evidence subsequent to conviction, including a person who has been released from prison at the time innocence was established;

4. The person has received a full pardon by the Governor for the crime for which the person was sentenced;

5. The person was arrested and no charges of any type, including charges for an offense different than that for which the person was originally arrested, are filed and the statute of limitations has expired or the prosecuting agency has declined to file charges;

6. The person was under eighteen (18) years of age at the time the offense was committed and the person has received a full pardon for the offense;

7. The person was charged with one or more misdemeanor or felony crimes, all charges have been dismissed, the person has never been convicted of a felony, no misdemeanor or felony charges are pending against the person and the statute of limitations for refileing the charge or charges has expired or the prosecuting agency confirms that the charge or charges will not be refiled; provided, however, this category shall not apply to charges that have been dismissed following the completion of a deferred judgment or delayed sentence;

8. The person was charged with a misdemeanor, the charge was dismissed following the successful completion of a deferred judgment or delayed sentence, the person has never been convicted of a felony, no misdemeanor or felony charges are pending against the person and at least one (1) year has passed since the charge was dismissed;

9. The person was charged with a nonviolent felony offense not listed in Section 571 of Title 57 of the Oklahoma Statutes, the charge was dismissed following the successful completion of a deferred judgment or delayed sentence, the person has never been convicted of a felony, no misdemeanor or felony charges are pending against the person and at least five (5) years have passed since the charge was dismissed;

10. The person was convicted of a misdemeanor offense, the person was sentenced to a fine less than Five Hundred One Dollars (\$501.00) without a term of imprisonment or a suspended sentence, the fine has been paid or satisfied by time served in lieu of the fine, the person has not been convicted of a felony and no felony or misdemeanor charges are pending against the person;

11. The person was convicted of a misdemeanor offense, the person was sentenced to a term of imprisonment, a suspended sentence or a fine in an amount greater than Five Hundred Dollars (\$500.00),

the person has not been convicted of a felony, no felony or misdemeanor charges are pending against the person and at least five (5) years have passed since the end of the last misdemeanor sentence;

12. The person was convicted of a nonviolent felony offense not listed in Section 571 of Title 57 of the Oklahoma Statutes, the person has not been convicted of any other felony, the person has not been convicted of a separate misdemeanor in the last seven (7) years, no felony or misdemeanor charges are pending against the person and at least five (5) years have passed since the completion of the sentence for the felony conviction;

13. The person was convicted of not more than two felony offenses, none of which is a felony offense listed in Section 13.1 of Title 21 of the Oklahoma Statutes or any offense that would require the person to register pursuant to the provisions of the Sex Offenders Registration Act, no felony or misdemeanor charges are pending against the person, and at least ten (10) years have passed since the completion of the sentence for the felony conviction;

14. The person has been charged or arrested or is the subject of an arrest warrant for a crime that was committed by another person who has appropriated or used the person's name or other identification without the person's consent or authorization; or

15. The person was convicted of a nonviolent felony offense not listed in Section 571 of Title 57 of the Oklahoma Statutes which was subsequently reclassified as a misdemeanor under Oklahoma law, the person is not currently serving a sentence for a crime in this state or another state, at least thirty (30) days have passed since the completion or commutation of the sentence for the crime that was reclassified as a misdemeanor, any restitution ordered by the court to be paid by the person has been satisfied in full, and any treatment program ordered by the court has been successfully completed by the person, including any person who failed a treatment program which resulted in an accelerated or revoked sentence that has since been successfully completed by the person or the person can show successful completion of a treatment program at a later date. Persons seeking an expungement of records under the provisions of this paragraph may utilize the expungement forms provided in Section 18a of this title.

B. For purposes of Section 18 et seq. of this title:

1. "Expungement" means the sealing of criminal records, as well as any public civil record, involving actions brought by and against the State of Oklahoma arising from the same arrest, transaction or occurrence. A fully sealed expunged record shall not be available to the public or to law enforcement. Such records may be retained in the state criminal history repository but shall only be accessible to designated employees of the Oklahoma State Bureau of Investigation for research and statistical purposes. A partially

sealed expunged record shall not be available to the public but shall be available to law enforcement agencies for law enforcement purposes; and

2. "Single-source record" means a criminal history record from this state that consists of an Oklahoma arrest record only. A single-source record shall not contain any arrest from another state, a federal arrest, or an entry into the National Sex Offender Registry or a National Crime Information Center (NCIC) wanted/warrant entry.

C. Beginning three (3) years after November 1, 2022, and subject to the availability of funds, individuals with clean slate eligible arrest records shall be eligible to have their arrest records sealed automatically. For purposes of Section 18 et seq. of this title, "clean slate eligible arrest record" shall mean an arrest record where each charge within the record meets one of the following criteria:

1. Records described in paragraph 1, 2, 3, 4, 5, 6, 14 or 15 of subsection A of this section;

2. Records described in paragraph 7 of subsection A of this section where the prosecuting agency has declined to file charges and the record is an Oklahoma single-source record; or

3. Records described in paragraph 8, 10, or 11 of subsection A of this section where the record is an Oklahoma single-source record.

D. For purposes of seeking an expungement under the provisions of paragraph 10, 11, 12 or 13 of subsection A of this section, offenses arising out of the same transaction or occurrence shall be treated as one conviction and offense.

E. Records expunged pursuant to paragraphs 4, 8, 9, 10, 11, 12, 13, 14 and 15 of subsection A of this section shall be partially sealed so that such records are not available to the public but remain available to law enforcement agencies for law enforcement purposes. Records expunged pursuant to paragraphs 8, 9, 10, 11, 12 and 13 of subsection A of this section shall be admissible in any subsequent criminal prosecution to prove the existence of a prior conviction or prior deferred judgment without the necessity of a court order requesting the unsealing of the records. Records expunged pursuant to paragraph 4, 6, 12 or 13 of subsection A of this section may also include the sealing of Pardon and Parole Board records related to an application for a pardon. Such records shall be sealed to the public but not to the Pardon and Parole Board.

Added by Laws 1987, c. 87, § 1, emerg. eff. May 14, 1987. Amended by Laws 1992, c. 151, § 1, eff. Sept. 1, 1992; Laws 1997, c. 397, § 1, emerg. eff. June 10, 1997; Laws 2000, c. 382, § 9, eff. July 1, 2000; Laws 2002, c. 475, § 1; Laws 2003, c. 3, § 17, emerg. eff. March 19, 2003; Laws 2004, c. 272, § 1, eff. Nov. 1, 2004; Laws 2004, c. 406, § 1, eff. July 1, 2004; Laws 2008, c. 46, § 1, eff.

Nov. 1, 2008; Laws 2009, c. 2, § 7, emerg. eff. March 12, 2009; Laws 2012, c. 183, § 2, eff. Nov. 1, 2012; Laws 2014, c. 374, § 1, eff. Nov. 1, 2014; Laws 2015, c. 397, § 2, eff. Nov. 1, 2015; Laws 2016, c. 348, § 1, eff. Nov. 1, 2016; Laws 2018, c. 127, § 1, eff. Nov. 1, 2018; Laws 2019, c. 379, § 1, eff. Nov. 1, 2019; Laws 2019, c. 459, § 1, eff. Nov. 1, 2019; Laws 2022, c. 143, § 1, eff. Nov. 1, 2022; Laws 2024, c. 259, § 1, eff. Nov. 1, 2024.

NOTE: Laws 2002, c. 460, § 14 repealed by Laws 2003, c. 3, § 18, emerg. eff. March 19, 2003. Laws 2008, c. 75, § 1 repealed by Laws 2009, c. 2, § 8, emerg. eff. March 12, 2009.

NOTE: Laws 2022, c. 143, § 1 was purportedly repealed by Laws 2024, c. 452, § 13 but without reference to Laws 2024, c. 259, § 1, which amended it.

§22-19. Sealing and unsealing of records - Procedure.

A. Any person qualified under Section 18 of this title may petition the district court of the district in which the arrest information pertaining to the person is located for the sealing of all or any part of the record, except basic identification information.

B. The process for the automatic expungement of a clean slate eligible arrest record as defined in subsection C of Section 18 of this title is as follows:

1. On a monthly basis, the Oklahoma State Bureau of Investigation shall identify arrest records which are clean slate eligible by conducting a search of the criminal history repository records of the Bureau;

2. The Bureau shall, on a monthly basis, provide a list of clean slate eligible arrest records to the prosecuting agency and the arresting agency;

3. The prosecuting agency, arresting agency, and the Bureau may, no later than forty-five (45) days from the day on which the notice described in paragraph 2 of this subsection is transmitted, object to an automatic expungement and such objection shall be transmitted to all parties. An objection may be made for any of the following reasons:

- a. after reviewing the agency record, the agency believes the arrest record does not meet the definition of a clean slate eligible arrest record,
- b. the individual has not paid court-ordered restitution to the victim, or
- c. the agency has a reasonable belief, grounded in supporting facts, that an individual with a clean slate eligible arrest record is continuing to engage in criminal activity, whether charged or not charged, within or outside the state;

4. If an agency identified in paragraph 3 of this subsection objects for a reason described in paragraph 3 of this subsection within forty-five (45) days of the day on which the notice described in paragraph 2 of this subsection is transmitted, the record shall not be expunged. Once a year, the Bureau shall electronically submit a report to the Legislature with a list of all cases where a record was not expunged pursuant to this paragraph; and

5. After forty-five (45) days pass from the day on which the notice described in paragraph 2 of this subsection is sent, the Bureau shall provide to the courts a list of all cases where responses from all parties were received and no parties objected. The court shall review this list and provide to all agencies that have criminal history records a signed expungement order for all cases approved. Upon receipt of a signed expungement order, each agency shall seal the relevant records.

The Bureau and the Supreme Court may promulgate rules to govern the process for automatic expungement of records for a clean slate eligible arrest record in accordance with this subsection.

C. 1. Nothing in this section precludes an individual from filing a petition for expungement of records that are eligible for automatic expungement under subsection C of Section 18 of this title if an automatic expungement has not occurred pursuant to subsection B of this section.

2. An individual does not have a cause of action for damages as a result of the failure of the Bureau to identify an arrest record as eligible for automatic expungement.

D. An automatic expungement granted under subsection B of this section does not preclude an individual from requesting the unsealing of records in accordance with subsection P of this section.

E. Upon the filing of a petition or entering of a court order as prescribed in subsection A of this section, the court shall set a date for a hearing and shall provide thirty (30) days of notice of the hearing to the prosecuting agency, the arresting agency, the Oklahoma State Bureau of Investigation, and any other person or agency whom the court has reason to believe may have relevant information related to the sealing of such record.

F. If a petitioner requests expungement for multiple offenses in one county, each of which would qualify for expungement if processed sequentially, the expungements may be considered under a single petition. The petitioner shall not be required to submit multiple petitions to accomplish the sequential sealing of multiple offenses in a single county.

G. Upon a finding that the harm to privacy of the person in interest or dangers of unwarranted adverse consequences outweigh the public interest in retaining the records, the court may order such records, or any part thereof except basic identification

information, to be sealed. If the court finds that neither sealing of the records nor maintaining of the records unsealed by the agency would serve the ends of justice, the court may enter an appropriate order limiting access to such records.

Any order entered under this subsection shall specify those agencies to which such order shall apply. Any order entered pursuant to this subsection may be appealed by the petitioner, the prosecuting agency, the arresting agency, or the Oklahoma State Bureau of Investigation to the Supreme Court in accordance with the rules of the Supreme Court. In all such appeals, the Oklahoma State Bureau of Investigation is a necessary party and must be given notice of the appellate proceedings.

H. Upon the entry of an order to seal the records, or any part thereof, or upon an automatic expungement described in subsection B of this section, the subject official actions shall be deemed never to have occurred, and the person in interest and all criminal justice agencies may properly reply, upon any inquiry in the matter, that no such action ever occurred and that no such record exists with respect to such person.

I. Inspection of the records included in the order may thereafter be permitted by the court only upon petition by the person in interest who is the subject of such records, the Attorney General, or by the prosecuting agency and only to those persons and for such purposes named in such petition.

J. Employers, educational institutions, state and local government agencies, officials, and employees shall not, in any application or interview or otherwise, require an applicant to disclose any information contained in sealed records. An applicant need not, in answer to any question concerning arrest and criminal records, provide information that has been sealed, including any reference to or information concerning such sealed information and may state that no such action has ever occurred. Such an application may not be denied solely because of the refusal of the applicant to disclose arrest and criminal records information that has been sealed.

K. All arrest and criminal records information existing prior to May 14, 1987, except basic identification information, is also subject to sealing in accordance with subsection G of this section.

L. Nothing in this section shall be construed to authorize the physical destruction of any criminal justice records.

M. For the purposes of this section, sealed materials which are recorded in the same document as unsealed material may be recorded in a separate document, and sealed, then obliterated in the original document.

N. For the purposes of this section, district court index reference of sealed material shall be destroyed, removed or obliterated.

O. Any record ordered to be sealed pursuant to this section, if not unsealed within ten (10) years of the expungement order, may be obliterated or destroyed at the end of the ten-year period.

P. Subsequent to records being sealed as provided herein, the prosecuting agency, the arresting agency, the Oklahoma State Bureau of Investigation, or other interested person or agency may petition the court for an order unsealing such records. Upon filing of a petition, the court shall set a date for hearing, which hearing may be closed at the discretion of the court, and shall provide thirty (30) days of notice to all interested parties. If, upon hearing, the court determines there has been a change of conditions or that there is a compelling reason to unseal the records, the court may order all or a portion of the records unsealed.

Q. Nothing herein shall prohibit the introduction of evidence regarding actions sealed pursuant to the provisions of this section at any hearing or trial for purposes of impeaching the credibility of a witness or as evidence of character testimony pursuant to Section 2608 of Title 12 of the Oklahoma Statutes.

R. If a person qualifies for an expungement under the provisions of paragraph 3 of subsection A of Section 18 of this title and the petition for expungement is granted by the court, the court shall order the reimbursement of all filing fees and court costs incurred by the petitioner as a result of filing the expungement request.

S. If a person qualifies for an expungement under the provisions of paragraph 3 or 4 of subsection A of Section 18 of this title, the person may request a hearing be set within thirty (30) days after the date of filing the petition for expungement. The court shall grant the request for the hearing and shall provide a notice of no less than ten (10) days for said hearing to the prosecuting agency, the arresting agency, the Oklahoma State Bureau of Investigation, and any other person or agency whom the court has reason to believe may have relevant information related to the sealing of such record. Any order entered pursuant to the provisions of this subsection shall be subject to the provisions of subsections F through P of this section.

T. Any offense that has been expunged shall not be treated as a prior offense in determining whether another offense qualifies for an expungement under Section 18 of this title.

Added by Laws 1987, c. 87, § 2, emerg. eff. May 14, 1987. Amended by Laws 1999, c. 234, § 1, eff. Nov. 1, 1999; Laws 2002, c. 475, § 2; Laws 2015, c. 178, § 1, eff. Nov. 1, 2015; Laws 2016, c. 348, § 2, eff. Nov. 1, 2016; Laws 2022, c. 143, § 2, eff. Nov. 1, 2022; Laws 2024, c. 259, § 2, eff. Nov. 1, 2024; Laws 2025, c. 292, § 1.

§22-19a. Arrest or charge as result of identity theft - Expungement on motion of court, district attorney or defendant.

Notwithstanding any provision of Section 18 or 19 of Title 22 of the Oklahoma Statutes, when a charge is dismissed because the court finds that the defendant has been arrested or charged as a result of the defendant's name or other identification having been appropriated or used without the defendant's consent or authorization by another person, the court dismissing the charge may, upon motion of the district attorney or the defendant or upon the court's own motion, enter an order for expungement of law enforcement and court records relating to the charge. The order shall contain a statement that the dismissal and expungement are ordered pursuant to this section. An order entered pursuant to this section shall be subject to the provisions of subsections D through M of Section 19 of Title 22 of the Oklahoma Statutes.
Added by Laws 2004, c. 406, § 2, eff. July 1, 2004.

§22-19b. Oklahoma Identity Theft Passport Program.

A. For purposes of protecting persons who are the victims of identity theft, there is hereby created the "Oklahoma Identity Theft Passport Program". The Oklahoma State Bureau of Investigation (OSBI) shall administer the Oklahoma Identity Theft Passport Program, prescribe procedures and policies for issuing the identity theft passport consistent with this act, and provide information to law enforcement agencies explaining the program.

B. A person shall be eligible for an Oklahoma identity theft passport if:

1. The person has obtained:

- a. an order for expungement and sealing of records pursuant to Sections 18 and 19 of Title 22 of the Oklahoma Statutes on grounds that the person has been charged or arrested or is the subject of an arrest warrant for a crime that was committed by another person who has appropriated or used the person's name or other identification without the person's consent or authorization, or
- b. an order for expungement and sealing of records pursuant to Section 2 of this act from a court that dismissed a charge against the person on such grounds; or

2. The person has filed an identity theft report with a federal, state, or local law enforcement agency and has submitted a copy of the identity theft report and an identity theft affidavit with supporting documentation to one or more consumer reporting agencies. For purposes of this act, "identity theft report", "identity theft affidavit", and "consumer reporting agency" shall be defined as provided in The Fair Credit Report Act, 15 United States Code, Section 1681 et seq.

C. To apply for an identity theft passport the person shall submit to the OSBI a certified copy of a court order for expungement and sealing of records or copies of an identity theft report and identity theft affidavit that have been filed and submitted to a consumer reporting agency. The OSBI may prescribe other application requirements as deemed necessary.

D. The OSBI shall issue the identity theft passport unless the OSBI finds reasonable cause not to issue the identity theft passport. The identity theft passport shall state whether the identity theft passport is issued on the basis of an order for expungement or an identity theft report and affidavit having been submitted to the OSBI.

E. Upon issuance of an identity theft passport, the OSBI shall notify the Department of Public Safety. The identity theft passport shall be attached to any records maintained by the OSBI or the Department of Public Safety, including criminal history records for purposes of criminal background checks and law enforcement telecommunications checks. The record of an identity theft passport shall be sealed except to law enforcement authorities.

F. The OSBI shall maintain records of identity theft passport requests and issuances and may provide such information to law enforcement agencies upon request of an agency or officer. Such records in the possession of the OSBI or other law enforcement agencies and officers shall not be public records and shall not be subject to the Oklahoma Open Records Act.

G. The OSBI may prescribe a reasonable fee for processing applications for identify theft passports by administrative rule.

H. The OSBI shall design the identity theft passport, which may include picture identification.

I. An identity theft passport shall be used only for law enforcement purposes, including criminal background checks and similar public safety purposes. Financial institutions and other private entities are not required to honor an identity theft passport as proof of identity or proof of identity theft.

Added by Laws 2004, c. 406, § 3, eff. July 1, 2004.

§22-19c. Arrest or charge as result of human trafficking -
Expungement on motion of court or defendant.

The court, upon its own motion or upon petition by the defendant and for good cause shown, may enter an order for expungement of law enforcement and court records relating to a charge or conviction for a prostitution-related offense committed as a result of the defendant having been a victim of human trafficking. The order shall contain a statement that the expungement is ordered pursuant to this section. An order entered pursuant to this section shall be subject to the notice requirements and provisions of subsections B through M of Section 19 of Title 22 of the Oklahoma Statutes.

Records expunged pursuant to this section shall be sealed to the public but not to law enforcement agencies for law enforcement purposes.

Added by Laws 2013, c. 57, § 1, eff. Nov. 1, 2013.

§22-20. Incarceration of single custodial parents - Child placement.

When any person is convicted of an offense against the laws of this state and is sentenced to imprisonment to be served in a county jail or a state correctional institution, the judge of the district court shall inquire whether such person is a single custodial parent of any minor child. If such person is a single custodial parent, the judge shall inquire into the arrangements that have been made for the care and custody of the child during the period of incarceration of the custodial parent. If the judge finds that no arrangements have been made or such arrangements pose a safety threat to the child, the court shall make a referral to the Department of Human Services by contacting the statewide child abuse and neglect hotline and shall complete a form, which shall be provided by the Department and approved by the Administrative Director of the Courts, indicating that the defendant has been sentenced to incarceration and that the defendant has sole custody of a minor child or children and has not made appropriate arrangements for the care of the child or children during the period of incarceration.

Added by Laws 1994, c. 215, § 1, eff. Sept. 1, 1994. Amended by Laws 2009, c. 234, § 126, emerg. eff. May 21, 2009; Laws 2010, c. 278, § 19, eff. Nov. 1, 2010.

§22-21. Eyewitness identification procedures.

As used in this section:

1. "Blind administration" means the lack of knowledge of the administrator of an eyewitness identification procedure as to the identity of the suspect;

2. "Blinded administration" means the administrator of an eyewitness identification procedure may know the identity of the suspect but not the position in which the suspect is placed in the photo array when it is viewed by the eyewitness;

3. "Eyewitness" means a person who observed another person at or near the scene of an offense;

4. "Filler" means either a person or a photograph of a person included in an identification procedure who is not suspected of the offense in question;

5. "Folder shuffle method" means a blinded procedure in which:

- a. the suspect photo and filler photos are each placed in separate folders for a total of six photographs and then shuffled,

- b. four blank folders are placed behind the six folders that contain photographs, and
- c. each folder is then presented to an eyewitness such that the administrator cannot see which photos are being presented to the eyewitness until after the procedure is completed;

6. "Live lineup" means an eyewitness identification procedure in which a group of persons, including the suspected perpetrator of an offense and other persons who are not suspected of the offense, is displayed to an eyewitness for the purpose of determining whether the eyewitness identifies the suspect as the perpetrator;

7. "Photo array" means an identification procedure in which an array of photographs, including a photograph of the suspected perpetrator of an offense and additional photographs of other persons who are not suspected of the offense, is displayed to an eyewitness either in hard copy form or via electronic means for the purpose of determining whether the eyewitness identifies the suspect as the perpetrator; and

8. "Show-up" means an identification procedure in which an eyewitness is presented with a single suspect in person for the purpose of determining whether the eyewitness identifies the individual as the perpetrator.

B. All law enforcement agencies in this state that conduct eyewitness identification procedures shall adopt a detailed, written policy that shall include, but not be limited to, the following requirements:

1. All photo arrays and live lineups shall be conducted using a blind administrator or a technique of blinded administration, such as the folder shuffle method;

2. The eyewitness shall be informed before the identification procedure that the person who committed the offense may or may not be present in the procedure;

3. Fillers shall be selected who match the description of the perpetrator provided by the eyewitness and do not make the suspect noticeably stand out;

4. After the eyewitness makes an identification, the eyewitness shall be asked to state in his or her own words the level of certainty in the selection, and the statement shall be documented;

5. A protocol guiding the use of show-ups procedures, including that show-ups should only be used when a suspect is detained within a reasonably short time frame following the offense; and

6. A protocol for documenting eyewitness identification procedures.

Added by Laws 2019, c. 223, § 1, eff. Nov. 1, 2019.

§22-22. Policy requiring electronic recording of custodial interrogation of homicide or felony sex offense suspects.

A. As used in this section:

1. "Custodial interrogation" means questioning of a person to whom warnings given pursuant to *Miranda v. Arizona*, 384 U.S. 436 (1966), are required to be given;

2. "Electronic recording" means audio or audiovisual recording; provided, an audiovisual recording shall be used when feasible; and

3. "Place of detention" means a fixed location under the control of a law enforcement agency of this state where individuals are questioned about alleged crimes.

B. All law enforcement agencies of this state, in collaboration with the county or district attorney in the appropriate jurisdiction, shall adopt a detailed written policy requiring electronic recording of a custodial interrogation of an individual suspected of homicide or a felony sex offense that is conducted at a place of detention. A policy adopted pursuant to this section shall be made available to all officers of the law enforcement agency and shall be available for public inspection during normal business hours. A policy adopted pursuant to this section shall include the following:

1. A requirement that an electronic recording shall be made of an entire custodial interrogation of an individual suspected of homicide or a felony sex offense that is conducted at a place of detention;

2. A requirement that if the defendant elects to make or sign a written statement during the course of a custodial interrogation concerning a homicide or a felony sex offense, the making and signing of the statement shall be electronically recorded;

3. Requirements pertaining to the retention and storage of the electronic recording; and

4. A statement of exceptions to the requirement for electronically recording custodial interrogations under this section, including, but not limited to:

- a. an equipment malfunction preventing electronic recording of the interrogation in its entirety, and replacement equipment is not immediately available,
- b. the officer, in good faith, fails to record the interrogation because the officer inadvertently fails to operate the recording equipment properly, or without the officer's knowledge the recording equipment malfunctions or stops recording,
- c. the suspect affirmatively asserts the desire to speak with officers without being recorded,
- d. multiple interrogations are taking place simultaneously, exceeding the available electronic recording capacity,
- e. the statement is made spontaneously and not in response to an interrogation question,

- f. the statement is made during questioning that is routinely asked during the processing of an arrest of a suspect,
- g. the statement is made at a time when the officer is unaware of the suspect's involvement in an offense covered by the policy,
- h. exigent circumstances make recording impractical,
- i. at the time of the interrogation, the officer, in good faith, is unaware of the type of offense involved, and
- j. the recording is damaged or destroyed, without bad faith on the part of any person or entity in control of the recording.

Added by Laws 2019, c. 333, § 1, eff. Nov. 1, 2019.

§22-31. Who may resist.

Lawful resistance to the commission of a public offense may be made:

- 1. By the party about to be injured.
- 2. By other parties.

R.L.1910, § 5556.

§22-32. Resistance by party to be injured.

Resistance sufficient to prevent the offense may be made by the party about to be injured:

- 1. To prevent an offense against his person or his family, or some member thereof.
- 2. To prevent an illegal attempt, by force, to take or injure property in his lawful possession.

R.L.1910, § 5557.

§22-33. Resistance by other person.

Any other person, in aid or defense of the person about to be injured, may make resistance sufficient to prevent the offense.

R.L.1910, § 5558.

§22-34. Intervention by officers.

Public offenses may be prevented by the intervention of the officers of justice:

- 1. By requiring security to keep the peace.
- 2. By forming a police in cities and towns, and by requiring their attendance in exposed places.
- 3. By suppressing riots.

R.L.1910, § 5559.

§22-34.1. Excessive force by peace officers - Definition.

A. Any peace officer, as defined in Section 648 of Title 21 of the Oklahoma Statutes, who uses excessive force in pursuance of such

officer's law enforcement duties shall be subject to the criminal laws of this state to the same degree as any other citizen, if excessive force is established as an element of any alleged violation under the criminal laws of this state. As used in this section and Section 34.2 of this title, "law enforcement duties" means duties carried out while acting as a peace officer pursuant to Section 99a of Title 21 of the Oklahoma Statutes.

B. As used in this section and Section 34.2 of this title, "excessive force" means physical force which exceeds the degree of physical force reasonably permitted by law. The use of excessive force shall be presumed when a peace officer continues to apply physical force in excess of the force permitted by law to a person who has been rendered incapable of resisting arrest.

Added by Laws 1992, c. 146, § 1, eff. July 1, 1992. Amended by Laws 2023, c. 59, § 1, eff. Nov. 1, 2023.

§22-34.2. Policies or guidelines on use of force to be adopted – Reporting incidents of excessive force – Contents of report – Failure to report or making materially false statements.

A. Each law enforcement entity which employs any peace officer shall adopt policies or guidelines concerning the use of force by peace officers employed by the entity.

B. Any peace officer, except a newly employed officer during such officer's probationary period, who, in pursuance of such officer's law enforcement duties, witnesses another peace officer, in pursuance of such other peace officer's law enforcement duties in carrying out an arrest of any person, placing any person under detention, taking any person into custody, booking any person, or in the process of crowd control or riot control, use physical force which exceeds the degree of physical force permitted by law or by the policies and guidelines of the law enforcement entity, shall report such use of excessive force to such officer's immediate supervisor.

C. At a minimum, the report required by this section shall include:

1. The date, time, and place of the occurrence;
2. The identity, if known, and description of the participants;
3. A description of the events and the force used.

D. A copy of an arrest report or other similar report required as a part of a peace officer's duties can be substituted for the report required by this section, as long as it includes the information specified in subsection C of this section. The report shall be made in writing within ten (10) days of the occurrence of the use of such force.

E. Any peace officer who fails to report such use of excessive force in the manner prescribed in this section, or who knowingly makes a materially false statement which the officer does not

believe to be true in any report made pursuant to this section, upon conviction, shall be guilty of a misdemeanor.

Added by Laws 1992, c. 146, § 2, eff. July 1, 1992. Amended by Laws 2023, c. 59, § 2, eff. Nov. 1, 2023.

§22-34.3. Racial profiling prohibited.

A. For the purposes of this section, "racial profiling" means the detention, interdiction or other disparate treatment of an individual solely on the basis of the racial or ethnic status of such individual.

B. No officer of any municipal, county or state law enforcement agency shall engage in racial profiling.

C. The race or ethnicity of an individual shall not be the sole factor in determining the existence of probable cause to take into custody or to arrest an individual or in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.

D. A violation of this section shall be a misdemeanor.

E. Every municipal, county, and state law enforcement agency shall adopt a detailed written policy that clearly defines the elements constituting racial profiling. Each agency's policy shall prohibit racial profiling based solely on an individual's race or ethnicity. The policy shall be available for public inspection during normal business hours.

F. If the investigation of a complaint of racial profiling reveals the officer was in direct violation of the law enforcement agency's written policy regarding racial profiling, the employing law enforcement agency shall take appropriate action consistent with applicable laws, rules, ordinances or policy.

Added by Laws 2000, c. 325, § 1, eff. July 1, 2000.

§22-34.4. Stop or arrest resulting from racial profiling.

Whenever a person who is stopped or arrested believes the stop or arrest was in violation of Section 34.3 of this title, that person may file a complaint with the Attorney General's Office of Civil Rights Enforcement and may also file a complaint with the district attorney for the county in which the stop or arrest occurred. A copy of the complaint shall be forwarded to the arresting officer's employer by the Attorney General's Office of Civil Rights Enforcement. The employer shall investigate the complaint for purposes of disciplinary action and/or criminal prosecution.

Added by Laws 2000, c. 325, § 2, eff. July 1, 2000. Amended by Laws 2013, c. 214, § 1, emerg. eff. May 7, 2013.

§22-34.5. Attorney General's Office of Civil Rights Enforcement to establish procedures for filing racial profiling complaint - Annual report of complaints.

A. The Attorney General's Office of Civil Rights Enforcement shall promulgate rules establishing procedures for filing a racial profiling complaint with the Attorney General's Office of Civil Rights Enforcement and the district attorney and the process for delivering a copy of the complaint by the Attorney General to the employing agency. The Attorney General's Office of Civil Rights Enforcement, in consultation with the Governor's Cabinet Secretary for Safety and Security, shall promulgate forms for complaints of racial profiling.

B. The Attorney General shall compile an annual report of all complaints received for racial profiling and submit the report on or before January 31 of each year to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives; provided, the names of the complainants shall be redacted and shall not be forwarded with the report.

Added by Laws 2000, c. 325, § 3, eff. July 1, 2000. Amended by Laws 2013, c. 214, § 2, emerg. eff. May 7, 2013; Laws 2017, c. 306, § 1, eff. Nov. 1, 2017.

§22-35. Persons assisting officers.

When the officers of justice are authorized to act in the prevention of public offenses, other persons, who, by their command, act in their aid, are justified in so doing.

R.L.1910, § 5560.

§22-36. Civil and criminal immunity for private citizens aiding police officers - Federal law enforcement officers.

Private citizens aiding a peace officer, or other officers of the law in the performance of their duties as peace officers or officers of the law, shall have the same civil and criminal immunity as a peace officer, as a result of any act or commission for aiding or attempting to aid a peace officer or other officer of the law, when such officer is in imminent danger of loss of life or grave bodily injury or when such officer requests such assistance and when such action was taken under emergency conditions and in good faith.

Every federal law enforcement officer, as defined in Section 99 of Title 21 of the Oklahoma Statutes, while engaged in the performance of official duties as a federal law enforcement officer or when serving as a peace officer for the State of Oklahoma shall have the same immunity from civil and criminal actions as any other peace officer performing official duties within this state. The State of Oklahoma or any of its political subdivisions shall not assume the liability for or provide the legal representation for any

federal law enforcement officer serving as peace officers of the State of Oklahoma.

Added by Laws 1968, c. 362, § 1, emerg. eff. May 9, 1968. Amended by Laws 1995, c. 240, § 4, emerg. eff. May 24, 1995; Laws 1997, c. 43, § 4, emerg. eff. April 7, 1997.

§22-36.1. Police dog handlers - Civil liability.

Any dog handler as defined by Section 648 of Title 21 of the Oklahoma Statutes who uses a police dog in the line of duty in accordance with the policies or standards established by the law enforcement agency for which he is employed shall not be civilly liable for any damages arising from the use of said dog, except as provided for in the Governmental Tort Claims Act.

Added by Laws 1986, c. 54, § 4, eff. July 1, 1986.

§22-36.2. National Park Service rangers - Arrest authority and immunity from suit.

A National Park Service ranger who, in the official capacity as park ranger, is authorized by law to make arrests shall, when making an arrest in this state for a nonfederal offense, have the same legal status and immunity from suit as a state or local law enforcement officer if the arrest is made under the following circumstances:

1. The Park Service ranger reasonably believes that the person arrested has committed a felony in the presence of the ranger or is committing a felony in the presence of the ranger;

2. The Park Service ranger reasonably believes the person arrested has committed a misdemeanor that amounts to a breach of the peace in the presence of the ranger or is committing a misdemeanor that amounts to a breach of the peace in the presence of the ranger; or

3. The Park Service ranger is rendering assistance to a law enforcement officer of this state in an emergency or at the request of such officer or pursuant to a memorandum of understanding between the state or a political subdivision of the state and the United States Department of the Interior National Park Service.

Added by Laws 1996, c. 41, § 1, emerg. eff. April 8, 1996.

§22-37. Distinctive uniforms for police officers - Exceptions.

The governing bodies of the state, county, city or town, as the case may be, may furnish distinctive uniforms for all sheriffs, deputy sheriffs, policemen, town marshals, peace officers and other officers, whose duty is to preserve and enforce public peace. When uniforms are furnished the sheriffs, deputy sheriffs, policemen, town marshals, peace officers, as the case might be, they are required to wear the same while on duty. This act shall not apply to detectives and other officers required to wear street apparel.

Laws 1969, c. 188, § 1, emerg. eff. April 17, 1969.

§22-37.1. Off-duty law enforcement officers - Powers and duties-Liability.

An "off-duty" law enforcement officer in official uniform in attendance at a public function, event or assemblage of people shall have the same powers and obligations as when he is "on-duty".

Nothing herein shall impose liability upon the governmental entity, by whom the law enforcement officer is employed, for actions of the said officer in the course of his employment by a nongovernmental entity.

Laws 1980, c. 279, § 1, emerg. eff. June 13, 1980.

§22-38. Representation of law enforcement officers by district attorney in civil actions resulting from riot activity.

A law enforcement officer who has no criminal action taken, pending or contemplated against him for the identical acts as hereinafter set forth shall be entitled to representation by the district attorney of his district or where the action is filed in a civil action brought against him for actions alleged to have been wrongfully committed by him while performing his official duty of endeavoring to quell a riot or to control civil disorder, whether or not a state of emergency was declared by the Governor at the time. Representation of a law enforcement officer against whom a civil action is instituted on account of alleged wrongful acts by the officer while performing riot quelling or civil disorder controlling functions shall not authorize a district attorney to receive other compensation for legal services than the salary provided by law for his office.

Laws 1970, c. 291, § 1, emerg. eff. April 28, 1970.

§22-39. Benefits for citizens who aid.

Any citizen who shall be aiding in the maintaining of law and order shall likewise be entitled to the benefits of this act.

Laws 1970, c. 291, § 2, emerg. eff. April 28, 1970.

§22-40. See the following versions:

OS 22-40v1 (HB 3936, Laws 2024, c. 59, § 34).

OS 22-40v2 (HB 3450, Laws 2024, c. 151, § 8).

§22-40.1. Repealed by Laws 2010, c. 135, § 16, eff. Nov. 1, 2010.

§22-40.2. Victim protection order - Victims not to be discouraged from pressing charges.

A. A victim protection order for any victim of rape, forcible sodomy, a sex offense, kidnapping or assault and battery with a deadly weapon shall be substantially similar to a protective order

in domestic abuse cases pursuant to the Protection from Domestic Abuse Act.

B. A member of the immediate family of a victim of first-degree murder may seek a victim protection order against the following persons:

1. The person who was charged and subsequently convicted as the principal in the crime of murder in the first degree; or

2. The person who was charged and subsequently convicted of being an accessory to the crime of murder in the first degree.

A victim protection order for a member of the immediate family of a victim of first-degree murder shall be substantially similar to a protective order in domestic abuse cases pursuant to the Protection from Domestic Abuse Act.

C. No peace officer shall discourage a victim of rape, forcible sodomy, a sex offense, kidnapping or assault and battery with a deadly weapon from pressing charges against any assailant of the victim.

Added by Laws 1982, c. 220, § 3. Amended by Laws 1993, c. 325, § 13, eff. Sept. 1, 1993; Laws 2002, c. 466, § 3, emerg. eff. June 5, 2002; Laws 2015, c. 206, § 3, eff. Nov. 1, 2015; Laws 2016, c. 183, § 3, eff. Nov. 1, 2016.

§22-40.3. Emergency temporary order of protection.

A. When the court is not open for business, the victim of domestic violence, stalking, harassment, rape, forcible sodomy, a sex offense, kidnapping or assault and battery with a deadly weapon or member of the immediate family of a victim of first-degree murder may request a petition for an emergency temporary order of protection. The peace officer making the preliminary investigation shall:

1. Provide the victim or member of the immediate family of a victim of first-degree murder with a petition for an emergency temporary order of protection and, if necessary, assist the victim or member of the immediate family of a victim of first-degree murder in completing the petition form. The petition shall be in substantially the same form as provided by Section 60.2 of this title for a petition for protective order in domestic abuse cases;

2. Immediately notify, by telephone or otherwise, a judge of the district court of the request for an emergency temporary order of protection and describe the circumstances. The judge shall inform the peace officer of the decision to approve or disapprove the emergency temporary order;

3. Inform the victim or member of the immediate family of a victim of first-degree murder whether the judge has approved or disapproved the emergency temporary order. If an emergency temporary order has been approved, the peace officer shall provide the victim, or a responsible adult if the victim is a minor child or

an incompetent person or member of the immediate family of a victim of first-degree murder, with a copy of the petition and a written statement signed by the peace officer attesting that the judge has approved the emergency temporary order of protection;

4. Notify the person subject to the emergency temporary protection order of the issuance and conditions of the order, if known. Notification pursuant to this paragraph may be made personally by the peace officer upon arrest or, upon identification of the assailant, notice shall be given by any law enforcement officer. A copy of the petition and the statement of the peace officer attesting to the order of the judge shall be made available to the person; and

5. Make every attempt to serve the subject of the order and complete a return of service when filing the petition with the district court. If the peace officer is unable to obtain service, the petition shall be filed by a peace officer with the district court the next business day. The court clerk shall receive the petition upon delivery by the peace officer and document the hearing date and time assigned to the case as documented by the peace officer. If the court clerk observes that service has not been obtained, the petition shall still be filed by the court clerk and issued to the appropriate office of the county sheriff to obtain service with priority.

B. The forms utilized by law enforcement agencies in carrying out the provisions of this section may be substantially similar to those used under Section 60.2 of this title.

Added by Laws 1982, c. 220, § 4. Amended by Laws 1986, c. 197, § 5, eff. Nov. 1, 1986; Laws 1993, c. 325, § 14, eff. Sept. 1, 1993; Laws 1997, c. 368, § 1, eff. Nov. 1, 1997; Laws 2000, c. 370, § 3, eff. July 1, 2000; Laws 2002, c. 466, § 4, emerg. eff. June 5, 2002; Laws 2010, c. 116, § 1, eff. Nov. 1, 2010; Laws 2015, c. 206, § 4, eff. Nov. 1, 2015; Laws 2016, c. 183, § 4, eff. Nov. 1, 2016; Laws 2025, c. 167, § 1, eff. July 1, 2025.

§22-40.3A. Reporting of rape, sodomy, or sexual assault incidents - Referral of victim to services programs - Production of records to law enforcement officers.

A. Any physician, surgeon, resident, intern, physician assistant, registered nurse, or any other health care professional examining, attending, or treating the victim of what appears to be or is reported by the victim to be rape, rape by instrumentation or forcible sodomy, as defined in Section 1111, 1111.1 or 888 of Title 21 of the Oklahoma Statutes or any form of sexual assault, shall not be required to report any incident of what appears to be or is reported to be such crimes if:

1. Committed upon a person who is over the age of eighteen (18) years; and

2. The person is not an incapacitated adult.

B. Any physician, surgeon, resident, intern, physician assistant, registered nurse, or any other health care professional examining, attending, or treating a victim shall be required to report any incident of what appears to be or is reported to be rape, rape by instrumentation, forcible sodomy or any form of sexual assault, if requested to do so either orally or in writing by the victim and shall be required to inform the victim of the victim's right to have a report made. A requested report of any incident shall be promptly made orally or by telephone to the nearest law enforcement agency in the county wherein the sexual assault occurred or, if the location where the sexual assault occurred is unknown, the report shall be made to the law enforcement agency nearest to the location where the injury is treated.

C. In all cases of what appears to be or is reported to be rape, rape by instrumentation, forcible sodomy or any form of sexual assault, the physician, surgeon, resident, intern, physician assistant, registered nurse, or any other health care professional examining, attending, or treating the victim of what appears to be such crimes, shall clearly and legibly document the incident and injuries observed and reported, as well as any treatment provided or prescribed.

D. In all cases of what appears to be or is reported to be rape, rape by instrumentation, forcible sodomy or any form of sexual assault, the physician, surgeon, resident, intern, physician assistant, registered nurse, or any other health care professional examining, attending, or treating the victim of what appears to be rape, rape by instrumentation, forcible sodomy or any form of sexual assault, shall refer the victim to sexual assault and victim services programs, including providing the victim with twenty-four-hour statewide telephone communication service established by Section 18p-5 of Title 74 of the Oklahoma Statutes.

E. Every physician, surgeon, resident, intern, physician assistant, registered nurse, or any other health care professional making a report of rape, rape by instrumentation, forcible sodomy or any form of sexual assault pursuant to this section or examining such victims to determine the likelihood of such crimes, and every hospital or related institution in which the victims were examined or treated shall, upon the request of a law enforcement officer conducting a criminal investigation into the case, provide to the officer copies of the results of the examination or copies of the examination on which the report was based, and any other clinical notes, X-rays, photographs, and other previous or current records relevant to the case.

Added by Laws 2009, c. 71, § 2, eff. Nov. 1, 2009. Amended by Laws 2009, c. 233, § 109, emerg. eff. May 21, 2009.

§22-40.5. Short Title.

Sections 2 through 4 of this act shall be known and may be cited as the "Domestic Abuse Reporting Act".

Added by Laws 1986, c. 197, § 2, eff. Nov. 1, 1986.

§22-40.6. Record of reported incidents of domestic abuse - Reports.

A. It shall be the duty of every law enforcement agency to keep a record of each reported incident of domestic abuse as provided in subsection B of this section and to submit a monthly report of such incidents as provided in subsection C of this section to the Director of the Oklahoma State Bureau of Investigation.

B. The record of each reported incident of domestic abuse shall:

1. Show the type of crime involved in the domestic abuse;
2. Show the day of the week the incident occurred;
3. Show the time of day the incident occurred; and
4. Contain other information requested by the Oklahoma State

Bureau of Investigation.

C. A monthly report of the recorded incidents of domestic abuse shall be submitted to the Director of the Oklahoma State Bureau of Investigation on forms provided by the Oklahoma State Bureau of Investigation for such purpose and in accordance with the guidelines established pursuant to Section 150.12B of Title 74 of the Oklahoma Statutes.

Added by Laws 1986, c. 197, § 3, eff. Nov. 1, 1986. Amended by Laws 2000, c. 370, § 4, eff. July 1, 2000.

§22-40.7. Expert testimony - Admissibility.

In an action in a court of this state, if a party offers evidence of domestic abuse, testimony of an expert witness including, but not limited to, the effects of such domestic abuse on the beliefs, behavior and perception of the person being abused shall be admissible as evidence.

Added by Laws 1992, c. 145, § 1, eff. Sept. 1, 1992. Amended by Laws 2019, c. 292, § 1, eff. Nov. 1, 2019.

§22-40v1. Definitions.

As used in Sections 40 through 40.3 of this title:

1. "Assault and battery with a deadly weapon" means assault and battery with a deadly weapon or other means likely to produce death or great bodily harm as provided in Section 652 of Title 21 of the Oklahoma Statutes;

2. "Forcible sodomy" means the act of forcing another person to engage in the detestable and abominable crime against nature pursuant to Sections 886 and 887 of Title 21 of the Oklahoma Statutes that is punishable under Section 888 of Title 21 of the Oklahoma Statutes;

3. "Kidnapping" means kidnapping or kidnapping for purposes of extortion as provided in Sections 741 and 745 of Title 21 of the Oklahoma Statutes;

4. "Member of the immediate family" means the spouse, a child by birth or adoption, a stepchild, a parent by birth or adoption, a stepparent, a grandparent, a grandchild, a sibling or a stepsibling of a victim of first-degree murder;

5. "Rape" means an act of sexual intercourse accomplished with a person pursuant to Sections 1111, 1111.1 and 1114 of Title 21 of the Oklahoma Statutes; and

6. "Sex offense" means the following crimes:

- a. sexual assault as provided in Section 681 of Title 21 of the Oklahoma Statutes,
- b. human trafficking for commercial sex as provided in Section 748 of Title 21 of the Oklahoma Statutes,
- c. sexual abuse or sexual exploitation by a caretaker as provided in Section 843.1 of Title 21 of the Oklahoma Statutes,
- d. child sexual abuse or child sexual exploitation as provided in Section 843.5 of Title 21 of the Oklahoma Statutes,
- e. permitting sexual abuse of a child as provided in Section 852.1 of Title 21 of the Oklahoma Statutes,
- f. incest as provided in Section 885 of Title 21 of the Oklahoma Statutes,
- g. forcible sodomy as provided in Section 888 of Title 21 of the Oklahoma Statutes,
- h. child stealing for purposes of sexual abuse or sexual exploitation as provided in Section 891 of Title 21 of the Oklahoma Statutes,
- i. indecent exposure or solicitation of minors as provided in Section 1021 of Title 21 of the Oklahoma Statutes,
- j. procuring, producing, distributing or possessing child sexual abuse material as provided in Sections 1021.2 and 1024.2 of Title 21 of the Oklahoma Statutes,
- k. parental consent to child sexual abuse material as provided in Section 1021.3 of Title 21 of the Oklahoma Statutes,
- l. aggravated possession of child sexual abuse material as provided in Section 1040.12a of Title 21 of the Oklahoma Statutes,
- m. distributing obscene material or child sexual abuse material as provided in Section 1040.13 of Title 21 of the Oklahoma Statutes,

- n. offering or soliciting sexual conduct with a child as provided in Section 1040.13a of Title 21 of the Oklahoma Statutes,
- o. procuring a child for prostitution or other lewd acts as provided in Section 1087 of Title 21 of the Oklahoma Statutes,
- p. inducing a child to engage in prostitution as provided in Section 1088 of Title 21 of the Oklahoma Statutes, and
- q. lewd or indecent proposals or acts to a child or sexual battery as provided in Section 1123 of Title 21 of the Oklahoma Statutes.

Added by Laws 1982, c. 220, § 1. Amended by Laws 1991, c. 112, § 1, eff. Sept. 1, 1991; Laws 2000, c. 370, § 1, eff. July 1, 2000; Laws 2002, c. 466, § 1, emerg. eff. June 5, 2002; Laws 2015, c. 206, § 2, eff. Nov. 1, 2015; Laws 2016, c. 183, § 2, eff. Nov. 1, 2016; Laws 2024, c. 59, § 34, eff. Nov. 1, 2024.

§22-40v2. Definitions.

As used in Sections 40 through 40.3 of this title:

1. "Assault and battery with a deadly weapon" means assault and battery with a deadly weapon or other means likely to produce death or great bodily harm as provided in Section 652 of Title 21 of the Oklahoma Statutes;
2. "Forcible sodomy" means the act of forcing another person to engage in the detestable and abominable crime against nature pursuant to Sections 886 and 887 of Title 21 of the Oklahoma Statutes that is punishable under Section 888 of Title 21 of the Oklahoma Statutes;
3. "Kidnapping" means kidnapping or kidnapping for purposes of extortion as provided in Sections 741 and 745 of Title 21 of the Oklahoma Statutes;
4. "Member of the immediate family" means the spouse, a child by birth or adoption, a stepchild, a parent by birth or adoption, a stepparent, a grandparent, a grandchild, a sibling or a stepsibling of a victim of first-degree murder;
5. "Rape" means an act of sexual intercourse accomplished with a person pursuant to Sections 1111, 1111.1 and 1114 of Title 21 of the Oklahoma Statutes; and
6. "Sex offense" means the following crimes:
 - a. sexual assault as provided in Section 681 of Title 21 of the Oklahoma Statutes,
 - b. human trafficking for commercial sex as provided in Section 748 of Title 21 of the Oklahoma Statutes,
 - c. sexual abuse or sexual exploitation by a caretaker as provided in Section 843.1 of Title 21 of the Oklahoma Statutes,

- d. child sexual abuse or child sexual exploitation as provided in Section 843.5 of Title 21 of the Oklahoma Statutes,
- e. permitting sexual abuse of a child as provided in Section 852.1 of Title 21 of the Oklahoma Statutes,
- f. incest as provided in Section 885 of Title 21 of the Oklahoma Statutes,
- g. forcible sodomy as provided in Section 888 of Title 21 of the Oklahoma Statutes,
- h. child stealing for purposes of sexual abuse or sexual exploitation as provided in Section 891 of Title 21 of the Oklahoma Statutes,
- i. indecent exposure or solicitation of minors as provided in Section 1021 of Title 21 of the Oklahoma Statutes,
- j. procuring, producing, distributing or possessing child pornography as provided in Sections 1021.2 and 1024.2 of Title 21 of the Oklahoma Statutes,
- k. parental consent to child pornography as provided in Section 1021.3 of Title 21 of the Oklahoma Statutes,
- l. aggravated possession of child pornography as provided in Section 1040.12a of Title 21 of the Oklahoma Statutes,
- m. distributing obscene material or child pornography as provided in Section 1040.13 of Title 21 of the Oklahoma Statutes,
- n. offering or soliciting sexual conduct with a child as provided in Section 1040.13a of Title 21 of the Oklahoma Statutes,
- o. procuring a child for child sex trafficking or other lewd acts as provided in Section 1087 of Title 21 of the Oklahoma Statutes,
- p. inducing a child to engage in child sex trafficking as provided in Section 1088 of Title 21 of the Oklahoma Statutes, and
- q. lewd or indecent proposals or acts to a child or sexual battery as provided in Section 1123 of Title 21 of the Oklahoma Statutes.

Added by Laws 1982, c. 220, § 1. Amended by Laws 1991, c. 112, § 1, eff. Sept. 1, 1991; Laws 2000, c. 370, § 1, eff. July 1, 2000; Laws 2002, c. 466, § 1, emerg. eff. June 5, 2002; Laws 2015, c. 206, § 2, eff. Nov. 1, 2015; Laws 2016, c. 183, § 2, eff. Nov. 1, 2016; Laws 2024, c. 151, § 8, eff. Nov. 1, 2024.

§22-41. Information of threat.

An information, verified by the oath of the complainant, may be laid before any magistrate, that a person has threatened to commit an offense against the person or property of another.
R.L.1910, § 5561.

§22-42. Magistrate must issue warrant.

If it appear from the information that there is just reason to fear the commission of the offenses threatened, by the person complained of, the magistrate must issue a warrant, directed generally to the sheriff of the county, or any constable, or marshal, or policeman of the city or town, reciting the substance of the information, and commanding the officer forthwith to arrest the person complained of, and bring him before the magistrate of the county.

R.L. 1910, Sec. 5562.

§22-43. Proceedings when charge is controverted.

When the person complained of is brought before the magistrate, if the charge be controverted, the magistrate must take testimony in relation thereto. The evidence must, on demand of the defendant, be reduced to writing, and subscribed by the witnesses.

R.L.1910, § 5563. d

§22-44. Discharge, when.

Unless it appear that there is just reason to fear the commission of the offense alleged to have been threatened, the person complained of must be discharged.

R.L.1910, § 5564.

§22-45. Bond required, when.

If, however, there be just reason to fear the commission of the offense the person complained of may be required to enter into an undertaking in such sum, not exceeding One Thousand Dollars (\$1,000.00), as the magistrate may direct, with one or more sufficient sureties, to abide the order of the next district court of the county, and in the meantime to keep the peace toward the people of this state, and particularly toward the complainant.

R.L.1910, § 5565.

§22-46. When bond is or is not given.

If the undertaking required by the last section be given the party complained of must be discharged. If he do not give it the magistrate must commit him to prison, specifying in the warrant the requirement to give security, the amount thereof, and the omission to give the same.

R.L.1910, § 5566.

§22-47. Discharge on giving bond.

If the person complained of be committed for not giving security he may be discharged by any justice of the peace of the county, or police or special justice of the city, upon giving the same.

R.L.1910, § 5567.

§22-48. Undertaking sent to district court.

The undertaking must be transmitted by the magistrate to the next district court of the county.

R.L.1910, § 5568.

§22-49. Assault or threat in presence of magistrate.

A person who, in the presence of a court or magistrate, assaults or threatens to assault another, or commit an offense against his person or property, or who contends with another with angry words, may be ordered by the court or magistrate to give security, as provided in Section 5565, or if he refuses to do so, he may be committed as provided in Section 5566.

R.L.1910, § 5569.

§22-50. Person must appear in district court.

A person who has entered into an undertaking to keep the peace must appear on the first day of the next term of the district court of the county. If he do not, the court may forfeit his undertaking, and order it to be prosecuted unless his default be excused.

R.L.1910, § 5570.

§22-51. Discharge when complainant fails to appear.

If the complainant do not appear, the person complained of may be discharged, unless good cause to the contrary be shown.

R.L.1910, § 5571.

§22-52. Proceedings when parties appear.

If both parties appear, the court may hear their proofs and allegations, and may either discharge the undertaking or require a new one for a time not exceeding one (1) year.

R.L.1910, § 5572.

§22-53. Breach of bond, what constitutes.

An undertaking to keep the peace is broken on the failure of a person complained of to appear at the district court as provided in Section 5570, or upon his being convicted of a breach of the peace.

R.L.1910, § 5573.

§22-54. Prosecution on breach.

Upon the county attorney producing evidence of such conviction to the district court to which the undertaking is returned, that

court must order the undertaking to be prosecuted, and the county attorney must thereupon commence an action upon it in the name of this State.

R.L.1910, § 5574.

§22-55. Allegation and proof.

In the action the offense stated in the record of conviction must be alleged as the breach of the undertaking, and such record is conclusive evidence thereof.

R.L.1910, § 5575. d

§22-56. Limitation.

Security to keep the peace or to be of good behavior cannot be required, except as prescribed in this article.

R.L.1910, § 5576.

§22-57. Costs.

In all cases of security to keep the peace under this chapter, the court in addition to the orders mentioned in said chapter shall tax the costs against the complainant or defendant, or both, as justice may require, and enter judgment therefor, which may be enforced as judgments for costs in criminal cases, and execution may issue therefor.

R.L.1910, § 5577.

§22-58. Mandatory reporting of domestic abuse - Exceptions.

A. Criminally injurious conduct, as defined by the Oklahoma Crime Victims Compensation Act, which appears to be or is reported by the victim to be domestic abuse, as defined in Section 60.1 of this title, or domestic abuse by strangulation, domestic abuse resulting in great bodily harm, or domestic abuse in the presence of a child, as defined in Section 644 of Title 21 of the Oklahoma Statutes, shall be reported according to the standards for reporting as set forth in subsection B of this section.

B. Any physician, surgeon, resident, intern, physician assistant, registered nurse, or any other health care professional examining, attending, or treating the victim of what appears to be domestic abuse or is reported by the victim to be domestic abuse, as defined in Section 60.1 of this title, or domestic abuse by strangulation, domestic abuse resulting in great bodily harm, or domestic abuse in the presence of a child, as defined in Section 644 of Title 21 of the Oklahoma Statutes, shall not be required to report any incident of what appears to be or is reported to be domestic abuse, domestic abuse by strangulation, domestic abuse resulting in great bodily harm, or domestic abuse in the presence of a child if:

1. Committed upon the person of an adult who is over the age of eighteen (18) years; and

2. The person is not an incapacitated adult.

C. Any physician, surgeon, resident, intern, physician assistant, registered nurse, or any other health care professional examining, attending, or treating a victim shall be required to report any incident of what appears to be or is reported to be domestic abuse, domestic abuse by strangulation, domestic abuse resulting in great bodily harm, or domestic abuse in the presence of a child, if requested to do so either orally or in writing by the victim. A report of any incident shall be promptly made orally or by telephone to the nearest law enforcement agency in the county wherein the domestic abuse occurred or, if the location where the conduct occurred is unknown, the report shall be made to the law enforcement agency nearest to the location where the injury is treated.

D. In all cases of what appears to be or is reported to be domestic abuse, the physician, surgeon, resident, intern, physician assistant, registered nurse, or any other health care professional examining, attending, or treating the victim of what appears to be domestic abuse shall clearly and legibly document the incident and injuries observed and reported, as well as any treatment provided or prescribed.

E. In all cases of what appears to be or is reported to be domestic abuse, the physician, surgeon, resident, intern, physician assistant, registered nurse, or any other health care professional examining, attending or treating the victim of what appears to be domestic abuse shall refer the victim to domestic violence and victim services programs, including providing the victim with the twenty-four-hour statewide telephone communication service established by Section 18p-5 of Title 74 of the Oklahoma Statutes.

F. Every physician, surgeon, resident, intern, physician assistant, registered nurse, or any other health care professional making a report of domestic abuse pursuant to this section or examining a victim of domestic abuse to determine the likelihood of domestic abuse, and every hospital or related institution in which the victim of domestic abuse was examined or treated shall, upon the request of a law enforcement officer conducting a criminal investigation into the case, provide copies of the results of the examination or copies of the examination on which the report was based, and any other clinical notes, x-rays, photographs, and other previous or current records relevant to the case to the investigating law enforcement officer.

Added by Laws 2005, c. 53, § 3, eff. Nov. 1, 2005. Amended by Laws 2007, c. 156, § 4, eff. Nov. 1, 2007; Laws 2009, c. 234, § 127, emerg. eff. May 21, 2009.

§22-59. Immunity from liability - Presumption of good faith.

A. Any physician, surgeon, resident, intern, physician's assistant, registered nurse, or any other health care professional examining, attending, or treating the victim of what appears to be domestic abuse or is reported by the victim to be domestic abuse, participating in good faith and exercising due care in the making of a report pursuant to the provisions of the Domestic Abuse Reporting Act shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any participant shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

B. No physician, surgeon, resident, intern, physician's assistant, registered nurse, or any other health care professional examining, attending, or treating any victim who is over the age of eighteen (18) years and is not an incapacitated adult of what appears to be domestic abuse or is reported by the victim to be domestic abuse, shall not be required to make a report of the criminally injurious conduct unless requested by the victim to do so and shall have immunity from liability, civil or criminal, that might otherwise be incurred or imposed for not making the report. Any participant shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

C. For purposes of any proceeding, civil or criminal, the good faith of any physician, surgeon, intern, physician's assistant, registered nurse, or any other health care professional in making a report pursuant to the provisions of Section 3 of this act shall be presumed.

Added by Laws 2005, c. 53, § 4, eff. Nov. 1, 2005.

§22-60. Short title.

This act shall be known and may be cited as the "Protection from Domestic Abuse Act".

Added by Laws 1982, c. 255, § 1.

§22-60.1. Definitions.

As used in the Protection from Domestic Abuse Act and in the Domestic Abuse Reporting Act, Sections 40.5 through 40.7 of this title, and Section 150.12B of Title 74 of the Oklahoma Statutes:

1. "Dating relationship" means intimate association, primarily characterized by affectionate or sexual involvement. For purposes of this act, a casual acquaintance or ordinary fraternization between persons in a business or social context shall not constitute a dating relationship;

2. "Domestic abuse" means any act of physical harm or the threat of imminent physical harm which is committed by an adult, emancipated minor, or minor child thirteen (13) years of age or older against another adult, emancipated minor or minor child who is

currently or was previously an intimate partner or family or household member;

3. "Family or household members" means:

- a. parents, including grandparents, stepparents, adoptive parents and foster parents,
- b. children, including grandchildren, stepchildren, adopted children and foster children,
- c. persons otherwise related by blood or marriage living in the same household,
- d. persons otherwise related by blood or marriage, or
- e. persons not related by blood or marriage living in the same household;

4. "Foreign protective order" means any valid order of protection issued by a court of another state or a tribal court;

5. "Harassment" means a knowing and willful course or pattern of conduct by a family or household member or an individual who is or has been involved in a dating relationship with the person, directed at a specific person which seriously alarms or annoys the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress and must actually cause substantial distress to the person. "Harassment" shall include, but not be limited to, harassing or obscene telephone calls in violation of Section 1172 of Title 21 of the Oklahoma Statutes and fear of death or bodily injury;

6. "Intimate partner" means:

- a. current or former spouses,
- b. persons who are or were in a dating relationship,
- c. persons who are the biological parents of the same child, regardless of their marital status or whether they have lived together at any time, and
- d. persons who currently or formerly lived together in an intimate way, primarily characterized by affectionate or sexual involvement. A sexual relationship may be an indicator that a person is an intimate partner, but is never a necessary condition;

7. "Living in the same household" means:

- a. persons who regularly reside in the same single-dwelling unit,
- b. persons who resided in the same single-dwelling unit within the past year, or
- c. persons who have individual lease agreements whereby each person has his or her own private bedroom and shares the common areas;

8. "Mutual protective order" means a final protective order or orders issued to both a plaintiff who has filed a petition for a protective order and a defendant included as the defendant in the

plaintiff's petition restraining the parties from committing domestic violence, stalking, harassment or rape against each other. If both parties allege domestic abuse, violence, stalking, harassment or rape against each other, the parties shall do so by separate petition pursuant to Section 60.4 of this title;

9. "Rape" means rape and rape by instrumentation in violation of Sections 1111 and 1111.1 of Title 21 of the Oklahoma Statutes;

10. "Stalking" means the willful, malicious, and repeated following or harassment of a person by an adult, emancipated minor, or minor thirteen (13) years of age or older, in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested and actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed or molested. Stalking also means a course of conduct composed of a series of two or more separate acts over a period of time, however short, evidencing a continuity of purpose or unconsented contact with a person that is initiated or continued without the consent of the individual or in disregard of the expressed desire of the individual that the contact be avoided or discontinued. Unconsented contact or course of conduct includes, but is not limited to:

- a. maintaining a visual or physical proximity to the individual,
- b. approaching or confronting that individual in a public place or on private property,
- c. appearing at the workplace of the individual or contacting the employer or coworkers of the individual,
- d. appearing at the residence of the individual or contacting the neighbors of the individual,
- e. entering onto or remaining on property owned, leased or occupied by the individual,
- f. contacting the individual by telephone, text message, electronic message, electronic mail, or other means of electronic communication or causing the telephone or electronic device of the individual or the telephone or electronic device of any other person to ring or generate notifications repeatedly or continuously, regardless of whether a conversation ensues,
- g. photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the individual. This subparagraph applies regardless of where the act occurs,
- h. sending any physical or electronic material or contacting the individual by any means, including any message, comment, or other content posted on any Internet site or web application,

- i. sending to a family member or member of the household of the individual, or any current or former employer of the individual, or any current or former coworker of the individual, or any friend of the individual, any physical or electronic material or contacting such person by any means, including any message, comment, or other content posted on any Internet site or web application, for the purpose of obtaining information about, disseminating information about, or communicating with the individual,
- j. placing an object on, or delivering an object to, property owned, leased or occupied by the individual,
- k. delivering an object to a family member or member of the household of the individual, or an employer, coworker, or friend of the individual, or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the individual, or
- l. causing a person to engage in any of the acts described in subparagraphs a through k of this paragraph; and

11. "Victim support person" means a person affiliated with a domestic violence, sexual assault or adult human sex trafficking program, certified by the Attorney General or operating under a tribal government, who provides support and assistance for a person who files a petition under the Protection from Domestic Abuse Act. Added by Laws 1982, c. 255, § 2, eff. Oct. 1, 1982. Amended by Laws 1986, c. 197, § 1, eff. Nov. 1, 1986; Laws 1991, c. 112, § 2, eff. Sept. 1, 1991; Laws 1992, c. 42, § 1, eff. Sept. 1, 1992; Laws 1994, c. 290, § 54, eff. July 1, 1994; Laws 1995, c. 297, § 1, eff. Nov. 1, 1995; Laws 1996, c. 247, § 29, eff. July 1, 1996; Laws 2000, c. 85, § 1, eff. Nov. 1, 2000; Laws 2000, c. 370, § 5, eff. July 1, 2000; Laws 2001, c. 279, § 2, eff. Nov. 1, 2001; Laws 2003, c. 407, § 1, eff. Nov. 1, 2003; Laws 2005, c. 348, § 14, eff. July 1, 2005; Laws 2010, c. 116, § 2, eff. Nov. 1, 2010; Laws 2019, c. 200, § 2, eff. Nov. 1, 2019; Laws 2021, c. 245, § 1, eff. Nov. 1, 2021; Laws 2022, c. 318, § 5, eff. Nov. 1, 2022; Laws 2024, c. 452, § 14, emerg. eff. June 14, 2024.

§22-60.2. Protective order - Petition - Complaint requirement for certain stalking victims - Fees.

A. A victim of domestic abuse, a victim of stalking, a victim of harassment, a victim of rape, any adult or emancipated minor household member on behalf of any other family or household member who is a minor or incompetent, any minor age sixteen (16) or seventeen (17) years, or any adult victim of a crime may seek relief under the provisions of the Protection from Domestic Abuse Act.

1. The person seeking relief may file a petition for a protective order with the district court in the county in which the victim resides, the county in which the defendant resides, or the county in which the domestic violence occurred. If the person seeking relief is not a family or household member or an individual who is or has been in a dating relationship with the defendant, the person seeking relief must file a complaint against the defendant with the proper law enforcement agency before filing a petition for a protective order with the district court. The person seeking relief shall provide a copy of the complaint that was filed with the law enforcement agency at the full hearing if the complaint is not available from the law enforcement agency. Failure to provide a copy of the complaint filed with the law enforcement agency shall constitute a frivolous filing and the court may assess attorney fees and court costs against the plaintiff pursuant to paragraph 2 of subsection C of this section. The filing of a petition for a protective order shall not require jurisdiction or venue of the criminal offense if either the plaintiff or defendant resides in the county. If a petition has been filed in an action for divorce or separate maintenance and either party to the action files a petition for a protective order in the same county where the action for divorce or separate maintenance is filed, the petition for the protective order may be heard by the court hearing the divorce or separate maintenance action if:

- a. there is no established protective order docket in such court, or
- b. the court finds that, in the interest of judicial economy, both actions may be heard together; provided, however, the petition for a protective order, including, but not limited to, a petition in which children are named as petitioners, shall remain a separate action and a separate order shall be entered in the protective order action. Protective orders may be dismissed in favor of restraining orders in the divorce or separate maintenance action if the court specifically finds, upon hearing, that such dismissal is in the best interests of the parties and does not compromise the safety of any petitioner.

If the defendant is a minor child, the petition shall be filed with the court having jurisdiction over juvenile matters.

2. When the abuse occurs when the court is not open for business, such person may request an emergency temporary order of protection as authorized by Section 40.3 of this title.

B. The petition forms shall be provided by the clerk of the court. The Administrative Office of the Courts shall develop a standard form for the petition.

C. 1. Except as otherwise provided by this section, no filing fee, service of process fee, attorney fees or any other fee or costs shall be charged the plaintiff or victim at any time for filing a petition for a protective order whether a protective order is granted or not granted. The court may assess court costs, service of process fees, attorney fees, other fees and filing fees against the defendant at the hearing on the petition, if a protective order is granted against the defendant; provided, the court shall have authority to waive the costs and fees if the court finds that the party does not have the ability to pay the costs and fees.

2. If the court makes specific findings that a petition for a protective order has been filed frivolously and no victim exists, the court may assess attorney fees and court costs against the plaintiff.

D. The person seeking relief shall prepare the petition or, at the request of the plaintiff, the court clerk or the victim-witness coordinator, victim support person, and court case manager shall prepare or assist the plaintiff in preparing the petition.

E. The person seeking a protective order may further request the exclusive care, possession, or control of any animal owned, possessed, leased, kept, or held by either the petitioner, defendant or minor child residing in the residence of the petitioner or defendant. The court may order the defendant to make no contact with the animal and forbid the defendant from taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal.

F. A court may not require the victim to seek legal sanctions against the defendant including, but not limited to, divorce, separation, paternity or criminal proceedings prior to hearing a petition for protective order.

G. A victim of rape, forcible sodomy, a sex offense, kidnapping, assault and battery with a deadly weapon, child abuse, or member of the immediate family of a victim of first-degree murder, as such terms are defined in Section 40 of this title, may petition, or have a petition filed on the victim's behalf if the victim is a minor, for an emergency temporary order or emergency ex parte order regardless of any relationship or scenario pursuant to the provisions of this section. The Administrative Office of the Courts shall modify the petition forms as necessary to effectuate the provisions of this subsection.

Added by Laws 1982, c. 255, § 3, eff. Oct. 1, 1982. Amended by Laws 1983, c. 290, § 1, eff. Nov. 1, 1983; Laws 1991, c. 112, § 3, eff. Sept. 1, 1991; Laws 1992, c. 42, § 2, eff. Sept. 1, 1992; Laws 1993, c. 325, § 15, eff. Sept. 1, 1993; Laws 1994, c. 290, § 55, eff. July 1, 1994; Laws 1996, c. 247, § 30, eff. July 1, 1996; Laws 1997, c. 403, § 7, eff. Nov. 1, 1997; Laws 2000, c. 370, § 6, eff. July 1, 2000; Laws 2001, c. 279, § 3, eff. Nov. 1, 2001; Laws 2003, c. 407,

§ 2, eff. Nov. 1, 2003; Laws 2006, c. 302, § 1, eff. Nov. 1, 2006; Laws 2008, c. 189, § 1, eff. Nov. 1, 2008; Laws 2010, c. 116, § 3, eff. Nov. 1, 2010; Laws 2013, c. 198, § 1, eff. Nov. 1, 2013; Laws 2019, c. 113, § 1, eff. Nov. 1, 2019; Laws 2022, c. 318, § 6, eff. Nov. 1, 2022; Laws 2023, c. 305, § 1, eff. Nov. 1, 2023.

§22-60.3. Emergency ex parte order and hearing - Emergency temporary ex parte order of protection.

A. If a plaintiff requests an emergency ex parte order pursuant to Section 60.2 of this title, the court shall hold an ex parte hearing on the same day the petition is filed, if the court finds sufficient grounds within the scope of the Protection from Domestic Abuse Act stated in the petition to hold such a hearing. The court may, for good cause shown at the hearing, issue any emergency ex parte order that it finds necessary to protect the victim from immediate and present danger of domestic abuse, stalking, or harassment. The emergency ex parte order shall be in effect until after the full hearing is conducted. Provided, if the defendant, after having been served, does not appear at the hearing, the emergency ex parte order shall remain in effect until the defendant is served with the permanent order. If the terms of the permanent order are the same as those in the emergency order, or are less restrictive, then it is not necessary to serve the defendant with the permanent order. The Administrative Office of the Courts shall develop a standard form for emergency ex parte protective orders.

B. An emergency ex parte protective order authorized by this section shall include the name, sex, race, date of birth of the defendant, and the dates of issue and expiration of the protective order.

C. 1. If a plaintiff requests an emergency temporary ex parte order of protection as provided by Section 40.3 of this title, the judge who is notified of the request by a peace officer may issue such order verbally to the officer or in writing when there is reasonable cause to believe that the order is necessary to protect the victim from immediate and present danger of domestic abuse. When the order is issued verbally the judge shall direct the officer to complete and sign a statement attesting to the order. The emergency temporary ex parte order shall be in effect until the court date that was assigned by the court during the approval of the order. Emergency temporary ex parte orders shall be heard within fourteen (14) days after issuance. The court shall provide a list of available court dates for hearings.

2. The peace officer shall make every attempt to serve the subject of the order and complete a return of service when filing the petition with the district court. If the peace officer is unable to obtain service, the petition shall be filed by a peace officer with the district court the next business day. The court

clerk shall receive the petition upon delivery by the peace officer and document the hearing date and time assigned to the case as documented by the peace officer. If the court clerk observes that service has not been obtained, the petition shall still be filed by the court clerk and issued to the appropriate office of the county sheriff to obtain service with priority.

D. If an action for divorce, separate maintenance, guardianship, adoption or any other proceeding involving custody or visitation has been filed and is pending in a county different than the county in which the emergency ex parte order was issued, the hearing on the petition for a final protective order shall be transferred and held in the same county in which the action for divorce, separate maintenance, guardianship, adoption or any other proceeding involving custody or visitation is pending.

Added by Laws 1982, c. 255, § 4, eff. Oct. 1, 1982. Amended by Laws 1983, c. 290, § 2, eff. Nov. 1, 1983; Laws 1992, c. 42, § 3, eff. Sept. 1, 1992; Laws 1993, c. 325, § 16, eff. Sept. 1, 1993; Laws 1994, c. 290, § 56, eff. July 1, 1994; Laws 1996, c. 247, § 31, eff. July 1, 1996; Laws 1999, c. 34, § 1, eff. Nov. 1, 1999; Laws 2000, c. 370, § 7, eff. July 1, 2000; Laws 2001, c. 279, § 4, eff. Nov. 1, 2001; Laws 2003, c. 407, § 3, eff. Nov. 1, 2003; Laws 2016, c. 183, § 5, eff. Nov. 1, 2016; Laws 2019, c. 113, § 2, eff. Nov. 1, 2019; Laws 2025, c. 167, § 2, eff. July 1, 2025.

§22-60.4. See the following versions:

OS 22-60.4v1 (SB 623, Laws 2025, c. 40, § 1)

OS 22-60.4v2 (HB 2104, Laws 2025, c. 486, § 704)

§22-60.4v1. Service of emergency ex parte order or emergency temporary order, petition for protective order and notice of hearing - Full hearing - Final protective order.

A. 1. A copy of a petition for a protective order, any notice of hearing and a copy of any emergency temporary order or emergency ex parte order issued by the court shall be served upon the defendant in the same manner as a bench warrant. In addition, if the service is to be in another county, the court clerk may issue service to the sheriff by facsimile or other electronic transmission for service by the sheriff and receive the return of service from the sheriff in the same manner. Any fee for service of a petition for protective order, notice of hearing, and emergency ex parte order shall only be charged pursuant to subsection C of Section 60.2 of this title and, if charged, shall be the same as the sheriff's service fee plus mileage expenses.

2. Emergency temporary orders, emergency ex parte orders and notice of hearings shall be given priority for service and can be served twenty-four (24) hours a day when the location of the defendant is known, including service to the county jail if the

defendant is currently in custody. The initial attempt at service shall be made within twenty-four (24) hours of the issuance of the order. When service cannot be made upon the defendant by the sheriff, the sheriff may contact another law enforcement officer or a private investigator or private process server to serve the defendant.

3. An emergency temporary order, emergency ex parte order, a petition for protective order, and a notice of hearing shall have statewide validity and may be transferred to any law enforcement jurisdiction to effect service upon the defendant. The sheriff may transmit the document by electronic means.

4. The return of service shall be submitted to the sheriff's office or court clerk in the court where the petition, notice of hearing or order was issued.

5. When the defendant is a minor child who is ordered removed from the residence of the victim, in addition to those documents served upon the defendant, a copy of the petition, notice of hearing and a copy of any temporary order or ex parte order issued by the court shall be delivered with the child to the caretaker of the place where such child is taken pursuant to Section 2-2-101 of Title 10A of the Oklahoma Statutes.

B. 1. Within fourteen (14) days of the filing of the petition for a protective order, the court shall schedule a full hearing on the petition, if the court finds sufficient grounds within the scope of the Protection from Domestic Abuse Act stated in the petition to hold such a hearing, regardless of whether an emergency temporary order or ex parte order has been previously issued, requested or denied. Provided, however, when the defendant is a minor child who has been removed from the residence pursuant to Section 2-2-101 of Title 10A of the Oklahoma Statutes, the court shall schedule a full hearing on the petition within seventy-two (72) hours, regardless of whether an emergency temporary order or ex parte order has been previously issued, requested or denied.

2. The court may schedule a full hearing on the petition for a protective order within seventy-two (72) hours when the court issues an emergency temporary order or ex parte order suspending child visitation rights due to physical violence or threat of abuse.

3. If service has not been made on the defendant at the time of the hearing, the court shall, at the request of the petitioner, issue a new emergency order reflecting a new hearing date and direct service to issue.

4. A petition for a protective order shall, upon the request of the petitioner, renew every fourteen (14) days with a new hearing date assigned until the defendant is served. A petition for a protective order shall not expire unless the petitioner fails to appear at the hearing or fails to request a new order. A petitioner

may move to dismiss the petition and emergency or final order at any time; however, a protective order must be dismissed by court order.

5. Failure to serve the defendant shall not be grounds for dismissal of a petition or an ex parte order unless the victim requests dismissal or fails to appear for the hearing thereon.

6. A final protective order shall be granted or denied within six (6) months of service on the defendant unless all parties agree that a temporary protective order remain in effect; provided, a victim shall have the right to request a final protective order hearing at any time after the passage of six (6) months.

C. 1. At the hearing, the court may impose any terms and conditions in the protective order that the court reasonably believes are necessary to bring about the cessation of domestic abuse against the victim or stalking or harassment of the victim or the immediate family of the victim but shall not impose any term and condition that may compromise the safety of the victim including, but not limited to, mediation, couples counseling, family counseling, parenting classes or joint victim-offender counseling sessions. The court may order the defendant to obtain domestic abuse counseling or treatment in a program certified by the Attorney General at the expense of the defendant pursuant to Section 644 of Title 21 of the Oklahoma Statutes.

2. If the court grants a protective order and the defendant is a minor child, the court shall order a preliminary inquiry in a juvenile proceeding to determine whether further court action pursuant to the Oklahoma Juvenile Code should be taken against a juvenile defendant.

D. Final protective orders authorized by this section shall be on a standard form developed by the Administrative Office of the Courts.

E. 1. After notice and hearing, protective orders authorized by this section may require the defendant to undergo treatment or participate in the court-approved counseling services necessary to bring about cessation of domestic abuse against the victim pursuant to Section 644 of Title 21 of the Oklahoma Statutes but shall not order any treatment or counseling that may compromise the safety of the victim including, but not limited to, mediation, couples counseling, family counseling, parenting classes or joint victim-offender counseling sessions.

2. The defendant may be required to pay all or any part of the cost of such treatment or counseling services. The court shall not be responsible for such cost.

3. Should the plaintiff choose to undergo treatment or participate in court-approved counseling services for victims of domestic abuse, the court may order the defendant to pay all or any part of the cost of such treatment or counseling services if the court determines that payment by the defendant is appropriate.

F. When necessary to protect the victim and when authorized by the court, protective orders granted pursuant to the provisions of this section may be served upon the defendant by a peace officer, sheriff, constable, or policeman or other officer whose duty it is to preserve the peace, as defined by Section 99 of Title 21 of the Oklahoma Statutes.

G. 1. Any protective order issued on or after November 1, 2012, pursuant to subsection C of this section shall be:

- a. for a fixed period not to exceed a period of five (5) years unless extended, modified, vacated or rescinded upon motion by either party or if the court approves any consent agreement entered into by the plaintiff and defendant; provided, if the defendant is incarcerated, the protective order shall remain in full force and effect during the period of incarceration. The period of incarceration, in any jurisdiction, shall not be included in the calculation of the five-year time limitation, or
- b. continuous upon a specific finding by the court of one of the following:
 - (1) the person has a history of violating the orders of any court or governmental entity,
 - (2) the person has previously been convicted of a violent felony offense,
 - (3) the person has a previous felony conviction for stalking as provided in Section 1173 of Title 21 of the Oklahoma Statutes,
 - (4) a court order for a final Victim Protection Order has previously been issued against the person in this state or another state, or
 - (5) the victim provides proof that a continuous protective order is necessary for his or her protection.

Further, the court may take into consideration whether the person has a history of domestic violence or a history of other violent acts. The protective order shall remain in effect until modified, vacated or rescinded upon motion by either party or if the court approves any consent agreement entered into by the plaintiff and defendant. If the defendant is incarcerated, the protective order shall remain in full force and effect during the period of incarceration.

2. The court shall notify the parties at the time of the issuance of the protective order of the duration of the protective order.

3. Upon the filing of a motion by either party to modify, extend, or vacate a protective order, a hearing shall be scheduled

and notice given to the parties. At the hearing, the issuing court may take such action as is necessary under the circumstances.

4. If a child has been removed from the residence of a parent or custodial adult because of domestic abuse committed by the child, the parent or custodial adult may refuse the return of such child to the residence unless, upon further consideration by the court in a juvenile proceeding, it is determined that the child is no longer a threat and should be allowed to return to the residence.

H. 1. It shall be unlawful for any person to knowingly and willfully seek a protective order against a spouse or ex-spouse pursuant to the Protection from Domestic Abuse Act for purposes of harassment, undue advantage, intimidation, or limitation of child visitation rights in any divorce proceeding or separation action without justifiable cause.

2. The violator shall, upon conviction thereof, be guilty of a misdemeanor punishable by imprisonment in the county jail for a period not exceeding one (1) year or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

3. A second or subsequent conviction under this subsection shall be a felony punishable by imprisonment in the custody of the Department of Corrections for a period not to exceed two (2) years, or by a fine not to exceed Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

I. 1. A protective order issued under the Protection from Domestic Abuse Act shall not in any manner affect title to real property, purport to grant to the parties a divorce or otherwise purport to determine the issues between the parties as to child custody, visitation or visitation schedules, child support or division of property or any other like relief obtainable pursuant to Title 43 of the Oklahoma Statutes, except child visitation orders may be temporarily suspended or modified to protect from threats of abuse or physical violence by the defendant or a threat to violate a custody order. Orders not affecting title may be entered for good cause found to protect an animal owned by either of the parties or any child living in the household.

2. When granting any protective order for the protection of a minor child from violence or threats of abuse, the court shall allow visitation only under conditions that provide adequate supervision and protection to the child while maintaining the integrity of a divorce decree or temporary order.

J. 1. In order to ensure that a petitioner can maintain an existing wireless telephone number or household utility account, the court, after providing notice and a hearing, may issue an order directing a wireless service provider or public utility provider to transfer the billing responsibility for and rights to the wireless telephone number or numbers of any minor children in the care of the petitioning party or household utility account to the petitioner if

the petitioner is not the wireless service or public utility account holder.

2. The order transferring billing responsibility for and rights to the wireless telephone number or numbers or household utility account to the petitioner shall list the name and billing telephone number of the account holder, the name and contact information of the person to whom the telephone number or numbers or household utility account will be transferred and each telephone number or household utility to be transferred to that person. The court shall ensure that the contact information of the petitioner is not provided to the account holder in proceedings held under this subsection.

3. Upon issuance, a copy of the final order of protection shall be transmitted, either electronically or by certified mail, to the registered agent of the wireless service provider or public utility provider listed with the Secretary of State or Corporation Commission of Oklahoma or electronically to the email address provided by the wireless service provider or public utility provider. Such transmittal shall constitute adequate notice for the wireless service provider or public utility provider.

4. If the wireless service provider or public utility provider cannot operationally or technically effectuate the order due to certain circumstances, the wireless service provider or public utility provider shall notify the petitioner. Such circumstances shall include, but not be limited to, the following:

- a. the account holder has already terminated the account,
- b. the differences in network technology prevent the functionality of a mobile device on the network, or
- c. there are geographic or other limitations on network or service availability.

5. Upon transfer of billing responsibility for and rights to a wireless telephone number or numbers or household utility account to the petitioner under the provisions of this subsection by a wireless service provider or public utility provider, the petitioner shall assume all financial responsibility for the transferred wireless telephone number or numbers or household utility account, monthly service and utility billing costs and costs for any mobile device associated with the wireless telephone number or numbers. The wireless service provider or public utility provider shall have the right to pursue the original account holder for purposes of collecting any past due amounts owed to the wireless service provider or public utility provider.

6. The provisions of this subsection shall not preclude a wireless service provider or public utility provider from applying any routine and customary requirements for account establishment to the petitioner as part of this transfer of billing responsibility for a household utility account or for a wireless telephone number

or numbers and any mobile devices attached to that number including, but not limited to, identification, financial information and customer preferences.

7. The provisions of this subsection shall not affect the ability of the court to apportion the assets and debts of the parties as provided for in law or the ability to determine the temporary use, possession and control of personal property.

8. No cause of action shall lie against any wireless service provider or public utility provider, its officers, employees or agents for actions taken in accordance with the terms of a court order issued under the provisions of this subsection.

9. As used in this subsection:

- a. "wireless service provider" means a provider of commercial mobile service under Section 332(d) of the federal Telecommunications Act of 1996,
- b. "public utility provider" means every corporation organized or doing business in this state that owns, operates or manages any plant or equipment for the manufacture, production, transmission, transportation, delivery or furnishing of water, heat or light with gas or electric current for heat, light or power, for public use in this state, and
- c. "household utility account" shall include utility services for water, heat, light, power or gas that are provided by a public utility provider.

K. 1. A court shall not issue any mutual protective orders.

2. If both parties allege domestic abuse by the other party, the parties shall do so by separate petitions. The court shall review each petition separately in an individual or a consolidated hearing and grant or deny each petition on its individual merits. If the court finds cause to grant both motions, the court shall do so by separate orders and with specific findings justifying the issuance of each order.

3. The court may only consolidate a hearing if:

- a. the court makes specific findings that:
 - (1) sufficient evidence exists of domestic abuse, stalking, harassment or rape against each party, and
 - (2) each party acted primarily as aggressors,
- b. the defendant filed a petition with the court for a protective order no less than three (3) days, not including weekends or holidays, prior to the first scheduled full hearing on the petition filed by the plaintiff, and
- c. the defendant had no less than forty-eight (48) hours of notice prior to the full hearing on the petition filed by the plaintiff.

L. The court may allow a plaintiff or victim to be accompanied by a victim support person at court proceedings. A victim support person shall not make legal arguments; however, a victim support person who is not a licensed attorney may offer the plaintiff or victim comfort or support and may remain in close proximity to the plaintiff or victim.

Added by Laws 1982, c. 255, § 5, eff. Oct. 1, 1982. Amended by Laws 1983, c. 290, § 3, eff. Nov. 1, 1983; Laws 1987, c. 174, § 1, operative July 1, 1987; Laws 1992, c. 42, § 4, eff. Sept. 1, 1992; Laws 1992, c. 379, § 1, eff. Sept. 1, 1992; Laws 1994, c. 290, § 57, eff. July 1, 1994; Laws 1996, c. 247, § 32, eff. July 1, 1996; Laws 1999, c. 97, § 1, eff. Nov. 1, 1999; Laws 2000, c. 370, § 8, eff. July 1, 2000; Laws 2001, c. 279, § 5, eff. Nov. 1, 2001; Laws 2003, c. 407, § 4, eff. Nov. 1, 2003; Laws 2005, c. 348, § 15, eff. July 1, 2005; Laws 2006, c. 34, § 1, eff. Nov. 1, 2006; Laws 2009, c. 234, § 128, emerg. eff. May 21, 2009; Laws 2010, c. 116, § 4, eff. Nov. 1, 2010; Laws 2011, c. 102, § 1, eff. Nov. 1, 2011; Laws 2012, c. 313, § 1, eff. Nov. 1, 2012; Laws 2013, c. 198, § 2, eff. Nov. 1, 2013; Laws 2016, c. 281, § 1, eff. Nov. 1, 2016; Laws 2017, c. 173, § 1, eff. Nov. 1, 2017; Laws 2019, c. 113, § 3, eff. Nov. 1, 2019; Laws 2022, c. 318, § 7, eff. Nov. 1, 2022; Laws 2025, c. 40, § 1, emerg. eff. May 3, 2025.

§22-60.4v2. Service of emergency ex parte order or emergency temporary order, petition for protective order and notice of hearing - Full hearing - Final protective order.

A. 1. A copy of a petition for a protective order, any notice of hearing and a copy of any emergency temporary order or emergency ex parte order issued by the court shall be served upon the defendant in the same manner as a bench warrant. In addition, if the service is to be in another county, the court clerk may issue service to the sheriff by facsimile or other electronic transmission for service by the sheriff and receive the return of service from the sheriff in the same manner. Any fee for service of a petition for protective order, notice of hearing, and emergency ex parte order shall only be charged pursuant to subsection C of Section 60.2 of this title and, if charged, shall be the same as the sheriff's service fee plus mileage expenses.

2. Emergency temporary orders, emergency ex parte orders and notice of hearings shall be given priority for service and can be served twenty-four (24) hours a day when the location of the defendant is known. When service cannot be made upon the defendant by the sheriff, the sheriff may contact another law enforcement officer or a private investigator or private process server to serve the defendant.

3. An emergency temporary order, emergency ex parte order, a petition for protective order, and a notice of hearing shall have

statewide validity and may be transferred to any law enforcement jurisdiction to effect service upon the defendant. The sheriff may transmit the document by electronic means.

4. The return of service shall be submitted to the sheriff's office or court clerk in the court where the petition, notice of hearing or order was issued.

5. When the defendant is a minor child who is ordered removed from the residence of the victim, in addition to those documents served upon the defendant, a copy of the petition, notice of hearing and a copy of any temporary order or ex parte order issued by the court shall be delivered with the child to the caretaker of the place where such child is taken pursuant to Section 2-2-101 of Title 10A of the Oklahoma Statutes.

B. 1. Within fourteen (14) days of the filing of the petition for a protective order, the court shall schedule a full hearing on the petition, if the court finds sufficient grounds within the scope of the Protection from Domestic Abuse Act stated in the petition to hold such a hearing, regardless of whether an emergency temporary order or ex parte order has been previously issued, requested or denied. Provided, however, when the defendant is a minor child who has been removed from the residence pursuant to Section 2-2-101 of Title 10A of the Oklahoma Statutes, the court shall schedule a full hearing on the petition within seventy-two (72) hours, regardless of whether an emergency temporary order or ex parte order has been previously issued, requested or denied.

2. The court may schedule a full hearing on the petition for a protective order within seventy-two (72) hours when the court issues an emergency temporary order or ex parte order suspending child visitation rights due to physical violence or threat of abuse.

3. If service has not been made on the defendant at the time of the hearing, the court shall, at the request of the petitioner, issue a new emergency order reflecting a new hearing date and direct service to issue.

4. A petition for a protective order shall, upon the request of the petitioner, renew every fourteen (14) days with a new hearing date assigned until the defendant is served. A petition for a protective order shall not expire unless the petitioner fails to appear at the hearing or fails to request a new order. A petitioner may move to dismiss the petition and emergency or final order at any time; however, a protective order must be dismissed by court order.

5. Failure to serve the defendant shall not be grounds for dismissal of a petition or an ex parte order unless the victim requests dismissal or fails to appear for the hearing thereon.

6. A final protective order shall be granted or denied within six (6) months of service on the defendant unless all parties agree that a temporary protective order remain in effect; provided, a

victim shall have the right to request a final protective order hearing at any time after the passage of six (6) months.

C. 1. At the hearing, the court may impose any terms and conditions in the protective order that the court reasonably believes are necessary to bring about the cessation of domestic abuse against the victim or stalking or harassment of the victim or the immediate family of the victim but shall not impose any term and condition that may compromise the safety of the victim including, but not limited to, mediation, couples counseling, family counseling, parenting classes or joint victim-offender counseling sessions. The court may order the defendant to obtain domestic abuse counseling or treatment in a program certified by the Attorney General at the expense of the defendant pursuant to Section 644 of Title 21 of the Oklahoma Statutes.

2. If the court grants a protective order and the defendant is a minor child, the court shall order a preliminary inquiry in a juvenile proceeding to determine whether further court action pursuant to the Oklahoma Juvenile Code should be taken against a juvenile defendant.

D. Final protective orders authorized by this section shall be on a standard form developed by the Administrative Office of the Courts.

E. 1. After notice and hearing, protective orders authorized by this section may require the defendant to undergo treatment or participate in the court-approved counseling services necessary to bring about cessation of domestic abuse against the victim pursuant to Section 644 of Title 21 of the Oklahoma Statutes but shall not order any treatment or counseling that may compromise the safety of the victim including, but not limited to, mediation, couples counseling, family counseling, parenting classes or joint victim-offender counseling sessions.

2. The defendant may be required to pay all or any part of the cost of such treatment or counseling services. The court shall not be responsible for such cost.

3. Should the plaintiff choose to undergo treatment or participate in court-approved counseling services for victims of domestic abuse, the court may order the defendant to pay all or any part of the cost of such treatment or counseling services if the court determines that payment by the defendant is appropriate.

F. When necessary to protect the victim and when authorized by the court, protective orders granted pursuant to the provisions of this section may be served upon the defendant by a peace officer, sheriff, constable, or policeman or other officer whose duty it is to preserve the peace, as defined by Section 99 of Title 21 of the Oklahoma Statutes.

G. 1. Any protective order issued on or after November 1, 2012, pursuant to subsection C of this section shall be:

- a. for a fixed period not to exceed a period of five (5) years unless extended, modified, vacated or rescinded upon motion by either party or if the court approves any consent agreement entered into by the plaintiff and defendant; provided, if the defendant is incarcerated, the protective order shall remain in full force and effect during the period of incarceration. The period of incarceration, in any jurisdiction, shall not be included in the calculation of the five-year time limitation, or
- b. continuous upon a specific finding by the court of one of the following:
 - (1) the person has a history of violating the orders of any court or governmental entity,
 - (2) the person has previously been convicted of a violent felony offense,
 - (3) the person has a previous felony conviction for stalking as provided in Section 1173 of Title 21 of the Oklahoma Statutes,
 - (4) a court order for a final Victim Protection Order has previously been issued against the person in this state or another state, or
 - (5) the victim provides proof that a continuous protective order is necessary for his or her protection.

Further, the court may take into consideration whether the person has a history of domestic violence or a history of other violent acts. The protective order shall remain in effect until modified, vacated or rescinded upon motion by either party or if the court approves any consent agreement entered into by the plaintiff and defendant. If the defendant is incarcerated, the protective order shall remain in full force and effect during the period of incarceration.

2. The court shall notify the parties at the time of the issuance of the protective order of the duration of the protective order.

3. Upon the filing of a motion by either party to modify, extend, or vacate a protective order, a hearing shall be scheduled and notice given to the parties. At the hearing, the issuing court may take such action as is necessary under the circumstances.

4. If a child has been removed from the residence of a parent or custodial adult because of domestic abuse committed by the child, the parent or custodial adult may refuse the return of such child to the residence unless, upon further consideration by the court in a juvenile proceeding, it is determined that the child is no longer a threat and should be allowed to return to the residence.

H. 1. It shall be unlawful for any person to knowingly and willfully seek a protective order against a spouse or ex-spouse pursuant to the Protection from Domestic Abuse Act for purposes of harassment, undue advantage, intimidation, or limitation of child visitation rights in any divorce proceeding or separation action without justifiable cause.

2. The violator shall, upon conviction thereof, be guilty of a misdemeanor punishable by imprisonment in the county jail for a period not exceeding one (1) year or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

3. A second or subsequent conviction under this subsection shall be a Class D3 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20P of Title 21 of the Oklahoma Statutes, or by a fine not to exceed Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

I. 1. A protective order issued under the Protection from Domestic Abuse Act shall not in any manner affect title to real property, purport to grant to the parties a divorce or otherwise purport to determine the issues between the parties as to child custody, visitation or visitation schedules, child support or division of property or any other like relief obtainable pursuant to Title 43 of the Oklahoma Statutes, except child visitation orders may be temporarily suspended or modified to protect from threats of abuse or physical violence by the defendant or a threat to violate a custody order. Orders not affecting title may be entered for good cause found to protect an animal owned by either of the parties or any child living in the household.

2. When granting any protective order for the protection of a minor child from violence or threats of abuse, the court shall allow visitation only under conditions that provide adequate supervision and protection to the child while maintaining the integrity of a divorce decree or temporary order.

J. 1. In order to ensure that a petitioner can maintain an existing wireless telephone number or household utility account, the court, after providing notice and a hearing, may issue an order directing a wireless service provider or public utility provider to transfer the billing responsibility for and rights to the wireless telephone number or numbers of any minor children in the care of the petitioning party or household utility account to the petitioner if the petitioner is not the wireless service or public utility account holder.

2. The order transferring billing responsibility for and rights to the wireless telephone number or numbers or household utility account to the petitioner shall list the name and billing telephone number of the account holder, the name and contact information of the person to whom the telephone number or numbers or household utility account will be transferred and each telephone number or

household utility to be transferred to that person. The court shall ensure that the contact information of the petitioner is not provided to the account holder in proceedings held under this subsection.

3. Upon issuance, a copy of the final order of protection shall be transmitted, either electronically or by certified mail, to the registered agent of the wireless service provider or public utility provider listed with the Secretary of State or Corporation Commission of Oklahoma or electronically to the email address provided by the wireless service provider or public utility provider. Such transmittal shall constitute adequate notice for the wireless service provider or public utility provider.

4. If the wireless service provider or public utility provider cannot operationally or technically effectuate the order due to certain circumstances, the wireless service provider or public utility provider shall notify the petitioner. Such circumstances shall include, but not be limited to, the following:

- a. the account holder has already terminated the account,
- b. the differences in network technology prevent the functionality of a mobile device on the network, or
- c. there are geographic or other limitations on network or service availability.

5. Upon transfer of billing responsibility for and rights to a wireless telephone number or numbers or household utility account to the petitioner under the provisions of this subsection by a wireless service provider or public utility provider, the petitioner shall assume all financial responsibility for the transferred wireless telephone number or numbers or household utility account, monthly service and utility billing costs and costs for any mobile device associated with the wireless telephone number or numbers. The wireless service provider or public utility provider shall have the right to pursue the original account holder for purposes of collecting any past due amounts owed to the wireless service provider or public utility provider.

6. The provisions of this subsection shall not preclude a wireless service provider or public utility provider from applying any routine and customary requirements for account establishment to the petitioner as part of this transfer of billing responsibility for a household utility account or for a wireless telephone number or numbers and any mobile devices attached to that number including, but not limited to, identification, financial information and customer preferences.

7. The provisions of this subsection shall not affect the ability of the court to apportion the assets and debts of the parties as provided for in law or the ability to determine the temporary use, possession and control of personal property.

8. No cause of action shall lie against any wireless service provider or public utility provider, its officers, employees or agents for actions taken in accordance with the terms of a court order issued under the provisions of this subsection.

9. As used in this subsection:

- a. "wireless service provider" means a provider of commercial mobile service under Section 332(d) of the federal Telecommunications Act of 1996,
- b. "public utility provider" means every corporation organized or doing business in this state that owns, operates or manages any plant or equipment for the manufacture, production, transmission, transportation, delivery or furnishing of water, heat or light with gas or electric current for heat, light or power, for public use in this state, and
- c. "household utility account" shall include utility services for water, heat, light, power or gas that are provided by a public utility provider.

K. 1. A court shall not issue any mutual protective orders.

2. If both parties allege domestic abuse by the other party, the parties shall do so by separate petitions. The court shall review each petition separately in an individual or a consolidated hearing and grant or deny each petition on its individual merits. If the court finds cause to grant both motions, the court shall do so by separate orders and with specific findings justifying the issuance of each order.

3. The court may only consolidate a hearing if:

- a. the court makes specific findings that:
 - (1) sufficient evidence exists of domestic abuse, stalking, harassment or rape against each party, and
 - (2) each party acted primarily as aggressors,
- b. the defendant filed a petition with the court for a protective order no less than three (3) days, not including weekends or holidays, prior to the first scheduled full hearing on the petition filed by the plaintiff, and
- c. the defendant had no less than forty-eight (48) hours of notice prior to the full hearing on the petition filed by the plaintiff.

L. The court may allow a plaintiff or victim to be accompanied by a victim support person at court proceedings. A victim support person shall not make legal arguments; however, a victim support person who is not a licensed attorney may offer the plaintiff or victim comfort or support and may remain in close proximity to the plaintiff or victim.

Added by Laws 1982, c. 255, § 5, eff. Oct. 1, 1982. Amended by Laws 1983, c. 290, § 3, eff. Nov. 1, 1983; Laws 1987, c. 174, § 1, operative July 1, 1987; Laws 1992, c. 42, § 4, eff. Sept. 1, 1992; Laws 1992, c. 379, § 1, eff. Sept. 1, 1992; Laws 1994, c. 290, § 57, eff. July 1, 1994; Laws 1996, c. 247, § 32, eff. July 1, 1996; Laws 1999, c. 97, § 1, eff. Nov. 1, 1999; Laws 2000, c. 370, § 8, eff. July 1, 2000; Laws 2001, c. 279, § 5, eff. Nov. 1, 2001; Laws 2003, c. 407, § 4, eff. Nov. 1, 2003; Laws 2005, c. 348, § 15, eff. July 1, 2005; Laws 2006, c. 34, § 1, eff. Nov. 1, 2006; Laws 2009, c. 234, § 128, emerg. eff. May 21, 2009; Laws 2010, c. 116, § 4, eff. Nov. 1, 2010; Laws 2011, c. 102, § 1, eff. Nov. 1, 2011; Laws 2012, c. 313, § 1, eff. Nov. 1, 2012; Laws 2013, c. 198, § 2, eff. Nov. 1, 2013; Laws 2016, c. 281, § 1, eff. Nov. 1, 2016; Laws 2017, c. 173, § 1, eff. Nov. 1, 2017; Laws 2019, c. 113, § 3, eff. Nov. 1, 2019; Laws 2022, c. 318, § 7, eff. Nov. 1, 2022; Laws 2025, c. 486, § 704, eff. Jan. 1, 2026.

§22-60.5. Access to protective orders by law enforcement agencies.

A. Within twenty-four (24) hours of the return of service of any emergency temporary, ex parte or final protective order, the clerk of the issuing court shall send certified copies thereof to all appropriate law enforcement agencies designated by the plaintiff. A certified copy of any extension, modification, vacation, cancellation or consent agreement concerning a final protective order shall be sent within twenty-four (24) hours by the clerk of the issuing court to those law enforcement agencies receiving the original orders pursuant to this section and to any law enforcement agencies designated by the court.

B. Any law enforcement agency receiving copies of the documents listed in subsection A of this section shall be required to ensure that other law enforcement agencies have access twenty-four (24) hours a day to the information contained in the documents which may include entry of information about the emergency temporary, ex parte or final protective order in the National Crime Information Center database.

Added by Laws 1982, c. 255, § 6, eff. Oct. 1, 1982. Amended by Laws 1983, c. 290, § 4, eff. Nov. 1, 1983; Laws 1994, c. 290, § 58, eff. July 1, 1994; Laws 1997, c. 368, § 2, eff. Nov. 1, 1997; Laws 1999, c. 97, § 2, eff. Nov. 1, 1999; Laws 2000, c. 370, § 9, eff. July 1, 2000; Laws 2019, c. 113, § 4, eff. Nov. 1, 2019.

§22-60.6. See the following versions:

OS 22-60.6v1 (HB 1413, Laws 2025, c. 145, § 2)

OS 22-60.6v2 (HB 2104, Laws 2025, c. 486, § 474)

§22-60.6v1. Violation of emergency temporary, ex parte or final protective order - Penalties.

A. Except as otherwise provided by this section, any person who:

1. Has been served with an emergency temporary, ex parte or final protective order or foreign protective order and is in violation of such protective order, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by a term of imprisonment in the county jail of not more than one (1) year, or by both such fine and imprisonment; and

2. After a previous conviction of a violation of a protective order, is convicted of a second or subsequent offense pursuant to the provisions of this section shall, upon conviction, be guilty of a felony and shall be punished by a term of imprisonment in the custody of the Department of Corrections for not less than one (1) year nor more than three (3) years, or by a fine of not less than Two Thousand Dollars (\$2,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

B. 1. Any person who has been served with an emergency temporary, ex parte or final protective order or foreign protective order who violates the protective order and causes physical injury or physical impairment to the plaintiff or to any other person named in said protective order shall, upon conviction, be guilty of a misdemeanor and shall be punished by a term of imprisonment in the county jail for not less than twenty (20) days nor more than one (1) year. In addition to the term of imprisonment, the person may be punished by a fine not to exceed Five Thousand Dollars (\$5,000.00).

2. Any person who is convicted of a second or subsequent violation of a protective order which causes physical injury or physical impairment to a plaintiff or to any other person named in the protective order shall be guilty of a felony and shall be punished by a term of imprisonment in the custody of the Department of Corrections of not less than one (1) year nor more than five (5) years, or by a fine of not less than Three Thousand Dollars (\$3,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

3. In determining the term of imprisonment required by this section, the jury or sentencing judge shall consider the degree of physical injury or physical impairment to the victim.

4. The provisions of this subsection shall not affect the applicability of Sections 644, 645, 647 and 652 of Title 21 of the Oklahoma Statutes.

C. The minimum sentence of imprisonment issued pursuant to the provisions of paragraph 2 of subsection A and paragraph 2 of subsection B of this section shall not be subject to statutory provisions for suspended sentences, deferred sentences or probation, provided the court may subject any remaining penalty under the

jurisdiction of the court to the statutory provisions for suspended sentences, deferred sentences or probation.

D. In addition to any other penalty specified by this section, the court shall require a defendant to undergo the treatment or participate in the counseling services necessary to bring about the cessation of domestic abuse against the victim or to bring about the cessation of stalking or harassment of the victim. For every conviction of violation of a protective order:

1. The court shall specifically order as a condition of a suspended sentence or probation that a defendant participate in counseling or undergo treatment to bring about the cessation of domestic abuse as specified in paragraph 2 of this subsection;

2. a. The court shall require the defendant to participate in counseling or undergo treatment for domestic abuse by an individual licensed practitioner or a domestic abuse treatment program certified by the Attorney General. If the defendant is ordered to participate in a domestic abuse counseling or treatment program, the order shall require the defendant to attend the program for a minimum of fifty-two (52) weeks, complete the program, and be evaluated before and after attendance of the program by a program counselor or a private counselor.

b. A program for anger management, couples counseling, or family and marital counseling shall not solely qualify for the counseling or treatment requirement for domestic abuse pursuant to this subsection. The counseling may be ordered in addition to counseling specifically for the treatment of domestic abuse or per evaluation as set forth below. If, after sufficient evaluation and attendance at required counseling sessions, the domestic violence treatment program or licensed professional determines that the defendant does not evaluate as a perpetrator of domestic violence or does evaluate as a perpetrator of domestic violence and should complete other programs of treatment simultaneously or prior to domestic violence treatment, including but not limited to programs related to the mental health, apparent substance or alcohol abuse or inability or refusal to manage anger, the defendant shall be ordered to complete the counseling as per the recommendations of the domestic violence treatment program or licensed professional;

3. a. The court shall set a review hearing no more than one hundred twenty (120) days after the defendant is ordered to participate in a domestic abuse counseling

program or undergo treatment for domestic abuse to assure the attendance and compliance of the defendant with the provisions of this subsection and the domestic abuse counseling or treatment requirements.

- b. The court shall set a second review hearing after the completion of the counseling or treatment to assure the attendance and compliance of the defendant with the provisions of this subsection and the domestic abuse counseling or treatment requirements. The court may suspend sentencing of the defendant until the defendant has presented proof to the court of enrollment in a program of treatment for domestic abuse by an individual licensed practitioner or a domestic abuse treatment program certified by the Attorney General and attendance at weekly sessions of such program. Such proof shall be presented to the court by the defendant no later than one hundred twenty (120) days after the defendant is ordered to such counseling or treatment. At such time, the court may complete sentencing, beginning the period of the sentence from the date that proof of enrollment is presented to the court, and schedule reviews as required by subparagraphs a and b of this paragraph and paragraphs 4 and 5 of this subsection. The court shall retain continuing jurisdiction over the defendant during the course of ordered counseling through the final review hearing;

4. The court may set subsequent or other review hearings as the court determines necessary to assure the defendant attends and fully complies with the provisions of this subsection and the domestic abuse counseling or treatment requirements;

5. At any review hearing, if the defendant is not satisfactorily attending individual counseling or a domestic abuse counseling or treatment program or is not in compliance with any domestic abuse counseling or treatment requirements, the court may order the defendant to further or continue counseling, treatment, or other necessary services. The court may revoke all or any part of a suspended sentence, deferred sentence, or probation pursuant to Section 991b of this title and subject the defendant to any or all remaining portions of the original sentence;

6. At the first review hearing, the court shall require the defendant to appear in court. Thereafter, for any subsequent review hearings, the court may accept a report on the progress of the defendant from individual counseling, domestic abuse counseling, or the treatment program. There shall be no requirement for the victim to attend review hearings; and

7. If funding is available, a referee may be appointed and assigned by the presiding judge of the district court to hear designated cases set for review under this subsection. Reasonable compensation for the referees shall be fixed by the presiding judge. The referee shall meet the requirements and perform all duties in the same manner and procedure as set forth in Sections 1-8-103 and 2-2-702 of Title 10A of the Oklahoma Statutes pertaining to referees appointed in juvenile proceedings.

E. Emergency temporary, ex parte and final protective orders shall include notice of these penalties.

F. When a minor child violates the provisions of any protective order, the violation shall be heard in a juvenile proceeding and the court may order the child and the parent or parents of the child to participate in family counseling services necessary to bring about the cessation of domestic abuse against the victim and may order community service hours to be performed in lieu of any fine or imprisonment authorized by this section.

G. Any district court of this state and any judge thereof shall be immune from any liability or prosecution for issuing an order that requires a defendant to:

1. Attend a treatment program for domestic abusers certified by the Attorney General;

2. Attend counseling or treatment services ordered as part of any final protective order or for any violation of a protective order; and

3. Attend, complete, and be evaluated before and after attendance by a treatment program for domestic abusers certified by the Attorney General.

H. At no time, under any proceeding, may a person protected by a protective order be held to be in violation of that protective order. Only a defendant against whom a protective order has been issued may be held to have violated the order.

I. In addition to any other penalty specified by this section, the court may order a defendant to use an active, real-time, twenty-four-hour Global Positioning System (GPS) monitoring device as a condition of a sentence. The court may further order the defendant to pay costs and expenses related to the GPS device and monitoring.

J. Any pleas of guilty or nolo contendere or finding of guilt to a violation of any provision of this section shall constitute a conviction of the offense for the purpose of any subsection of this section under which the existence of a prior conviction is relevant for a period of ten (10) years following the completion of any sentence or court imposed probationary term.

Added by Laws 1982, c. 255, § 7. Amended by Laws 1983, c. 290, § 5, eff. Nov. 1, 1983; Laws 1988, c. 249, § 1, emerg. eff. June 27, 1988; Laws 1992, c. 42, § 5, eff. Sept. 1, 1992; Laws 1994, c. 290, § 59, eff. July 1, 1994; Laws 1995, c. 297, § 2, eff. Nov. 1, 1995;

Laws 1996, c. 247, § 33, eff. July 1, 1996; Laws 2000, c. 85, § 2, eff. Nov. 1, 2000; Laws 2004, c. 516, § 2, eff. July 1, 2005; Laws 2005, c. 348, § 16, eff. July 1, 2005; Laws 2006, c. 284, § 4, emerg. eff. June 7, 2006; Laws 2007, c. 156, § 5, eff. Nov. 1, 2007; Laws 2008, c. 114, § 1, eff. Nov. 1, 2008; Laws 2008, c. 403, § 2, eff. Nov. 1, 2008; Laws 2009, c. 234, § 129, emerg. eff. May 21, 2009; Laws 2019, c. 113, § 5, eff. Nov. 1, 2019; Laws 2025, c. 145, § 2, eff. Nov. 1, 2025.

§22-60.6v2. Violation of emergency temporary, ex parte or final protective order - Penalties.

A. Except as otherwise provided by this section, any person who:

1. Has been served with an emergency temporary, ex parte or final protective order or foreign protective order and is in violation of such protective order, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by a term of imprisonment in the county jail of not more than one (1) year, or by both such fine and imprisonment; and

2. After a previous conviction of a violation of a protective order, is convicted of a second or subsequent offense pursuant to the provisions of this section shall, upon conviction, be guilty of a Class D1 felony offense and shall be punished by a term of imprisonment as provided for in subsections B through F of Section 20N of Title 21 of the Oklahoma Statutes, or by a fine of not less than Two Thousand Dollars (\$2,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

B. 1. Any person who has been served with an emergency temporary, ex parte or final protective order or foreign protective order who violates the protective order and causes physical injury or physical impairment to the plaintiff or to any other person named in said protective order shall, upon conviction, be guilty of a misdemeanor and shall be punished by a term of imprisonment in the county jail for not less than twenty (20) days nor more than one (1) year. In addition to the term of imprisonment, the person may be punished by a fine not to exceed Five Thousand Dollars (\$5,000.00).

2. Any person who is convicted of a second or subsequent violation of a protective order which causes physical injury or physical impairment to a plaintiff or to any other person named in the protective order shall be guilty of a Class D1 felony offense and shall be punished by a term of imprisonment in the custody of the Department of Corrections of not less than one (1) year nor more than five (5) years, or by a fine of not less than Three Thousand Dollars (\$3,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

3. In determining the term of imprisonment required by this section, the jury or sentencing judge shall consider the degree of physical injury or physical impairment to the victim.

4. The provisions of this subsection shall not affect the applicability of Sections 644, 645, 647 and 652 of Title 21 of the Oklahoma Statutes.

C. The minimum sentence of imprisonment issued pursuant to the provisions of paragraph 2 of subsection A and paragraph 2 of subsection B of this section shall not be subject to statutory provisions for suspended sentences, deferred sentences or probation, provided the court may subject any remaining penalty under the jurisdiction of the court to the statutory provisions for suspended sentences, deferred sentences or probation.

D. In addition to any other penalty specified by this section, the court shall require a defendant to undergo the treatment or participate in the counseling services necessary to bring about the cessation of domestic abuse against the victim or to bring about the cessation of stalking or harassment of the victim. For every conviction of violation of a protective order:

1. The court shall specifically order as a condition of a suspended sentence or probation that a defendant participate in counseling or undergo treatment to bring about the cessation of domestic abuse as specified in paragraph 2 of this subsection;

2. a. The court shall require the defendant to participate in counseling or undergo treatment for domestic abuse by an individual licensed practitioner or a domestic abuse treatment program certified by the Attorney General. If the defendant is ordered to participate in a domestic abuse counseling or treatment program, the order shall require the defendant to attend the program for a minimum of fifty-two (52) weeks, complete the program, and be evaluated before and after attendance of the program by a program counselor or a private counselor.

b. A program for anger management, couples counseling, or family and marital counseling shall not solely qualify for the counseling or treatment requirement for domestic abuse pursuant to this subsection. The counseling may be ordered in addition to counseling specifically for the treatment of domestic abuse or per evaluation as set forth below. If, after sufficient evaluation and attendance at required counseling sessions, the domestic violence treatment program or licensed professional determines that the defendant does not evaluate as a perpetrator of domestic violence or does evaluate as a perpetrator of domestic violence and should complete other programs

of treatment simultaneously or prior to domestic violence treatment, including but not limited to programs related to the mental health, apparent substance or alcohol abuse or inability or refusal to manage anger, the defendant shall be ordered to complete the counseling as per the recommendations of the domestic violence treatment program or licensed professional;

3. a. The court shall set a review hearing no more than one hundred twenty (120) days after the defendant is ordered to participate in a domestic abuse counseling program or undergo treatment for domestic abuse to assure the attendance and compliance of the defendant with the provisions of this subsection and the domestic abuse counseling or treatment requirements.
- b. The court shall set a second review hearing after the completion of the counseling or treatment to assure the attendance and compliance of the defendant with the provisions of this subsection and the domestic abuse counseling or treatment requirements. The court may suspend sentencing of the defendant until the defendant has presented proof to the court of enrollment in a program of treatment for domestic abuse by an individual licensed practitioner or a domestic abuse treatment program certified by the Attorney General and attendance at weekly sessions of such program. Such proof shall be presented to the court by the defendant no later than one hundred twenty (120) days after the defendant is ordered to such counseling or treatment. At such time, the court may complete sentencing, beginning the period of the sentence from the date that proof of enrollment is presented to the court, and schedule reviews as required by subparagraphs a and b of this paragraph and paragraphs 4 and 5 of this subsection. The court shall retain continuing jurisdiction over the defendant during the course of ordered counseling through the final review hearing;

4. The court may set subsequent or other review hearings as the court determines necessary to assure the defendant attends and fully complies with the provisions of this subsection and the domestic abuse counseling or treatment requirements;

5. At any review hearing, if the defendant is not satisfactorily attending individual counseling or a domestic abuse counseling or treatment program or is not in compliance with any domestic abuse counseling or treatment requirements, the court may order the defendant to further or continue counseling, treatment, or

other necessary services. The court may revoke all or any part of a suspended sentence, deferred sentence, or probation pursuant to Section 991b of this title and subject the defendant to any or all remaining portions of the original sentence;

6. At the first review hearing, the court shall require the defendant to appear in court. Thereafter, for any subsequent review hearings, the court may accept a report on the progress of the defendant from individual counseling, domestic abuse counseling, or the treatment program. There shall be no requirement for the victim to attend review hearings; and

7. If funding is available, a referee may be appointed and assigned by the presiding judge of the district court to hear designated cases set for review under this subsection. Reasonable compensation for the referees shall be fixed by the presiding judge. The referee shall meet the requirements and perform all duties in the same manner and procedure as set forth in Sections 1-8-103 and 2-2-702 of Title 10A of the Oklahoma Statutes pertaining to referees appointed in juvenile proceedings.

E. Emergency temporary, ex parte and final protective orders shall include notice of these penalties.

F. When a minor child violates the provisions of any protective order, the violation shall be heard in a juvenile proceeding and the court may order the child and the parent or parents of the child to participate in family counseling services necessary to bring about the cessation of domestic abuse against the victim and may order community service hours to be performed in lieu of any fine or imprisonment authorized by this section.

G. Any district court of this state and any judge thereof shall be immune from any liability or prosecution for issuing an order that requires a defendant to:

1. Attend a treatment program for domestic abusers certified by the Attorney General;

2. Attend counseling or treatment services ordered as part of any final protective order or for any violation of a protective order; and

3. Attend, complete, and be evaluated before and after attendance by a treatment program for domestic abusers certified by the Attorney General.

H. At no time, under any proceeding, may a person protected by a protective order be held to be in violation of that protective order. Only a defendant against whom a protective order has been issued may be held to have violated the order.

I. In addition to any other penalty specified by this section, the court may order a defendant to use an active, real-time, twenty-four-hour Global Positioning System (GPS) monitoring device as a condition of a sentence. The court may further order the defendant to pay costs and expenses related to the GPS device and monitoring.

Added by Laws 1982, c. 255, § 7. Amended by Laws 1983, c. 290, § 5, eff. Nov. 1, 1983; Laws 1988, c. 249, § 1, emerg. eff. June 27, 1988; Laws 1992, c. 42, § 5, eff. Sept. 1, 1992; Laws 1994, c. 290, § 59, eff. July 1, 1994; Laws 1995, c. 297, § 2, eff. Nov. 1, 1995; Laws 1996, c. 247, § 33, eff. July 1, 1996; Laws 2000, c. 85, § 2, eff. Nov. 1, 2000; Laws 2004, c. 516, § 2, eff. July 1, 2005; Laws 2005, c. 348, § 16, eff. July 1, 2005; Laws 2006, c. 284, § 4, emerg. eff. June 7, 2006; Laws 2007, c. 156, § 5, eff. Nov. 1, 2007; Laws 2008, c. 114, § 1, eff. Nov. 1, 2008; Laws 2008, c. 403, § 2, eff. Nov. 1, 2008; Laws 2009, c. 234, § 129, emerg. eff. May 21, 2009; Laws 2019, c. 113, § 5, eff. Nov. 1, 2019; Laws 2025, c. 486, § 474, eff. Jan. 1, 2026.

§22-60.7. Statewide and nationwide validity of orders.

All orders issued pursuant to the provisions of the Protection from Domestic Abuse Act, Section 60 et seq. of this title, shall have statewide and nationwide validity, unless specifically modified or terminated by a judge of the district courts.

Added by Laws 1983, c. 290, § 6, eff. Nov. 1, 1983. Amended by Laws 1991, c. 112, § 4, eff. Sept. 1, 1991; Laws 2000, c. 85, § 3, eff. Nov. 1, 2000.

§22-60.8. Seizure and forfeiture of weapons used to commit act of domestic abuse.

A. Each peace officer of this state shall seize any weapon or instrument when such officer has probable cause to believe such weapon or instrument has been used to commit an act of domestic abuse as defined by Section 60.1 of this title, provided an arrest is made, if possible, at the same time.

B. After any such seizure, the District Attorney shall file a notice of seizure and forfeiture as provided in this section within ten (10) days of such seizure, or any weapon or instrument seized pursuant to this section shall be returned to the owner.

C. The seizure and forfeiture provisions of Section 991a-19 of this title shall be followed for any seizure and forfeiture of property pursuant to this section. No weapon or instrument seized pursuant to this section or monies from the sale of any such seized weapon or instrument shall be turned over to the person from whom such property was seized if a forfeiture action has been filed within the time required by subsection B of this section, unless authorized by this section. Provided further, the owner may prove at the forfeiture hearing that the conduct giving rise to the seizure was justified, and if the owner proves justification, the seized property shall be returned to the owner. Any proceeds gained from this seizure shall be placed in the Crime Victims Compensation Revolving Fund.

Added by Laws 1993, c. 235, § 1, eff. Sept. 1, 1993. Amended by Laws 2000, c. 370, § 10, eff. July 1, 2000; Laws 2002, c. 443, § 2, eff. July 1, 2002.

§22-60.9. Warrantless arrest.

A. Pursuant to paragraph 7 of Section 196 of this title, a peace officer, without a warrant, shall arrest and take into custody a person if the peace officer has reasonable cause to believe that:

1. An emergency ex parte or final protective order has been issued and served upon the person, pursuant to the Protection from Domestic Abuse Act;

2. A true copy and proof of service of the order has been filed with the law enforcement agency having jurisdiction of the area in which the plaintiff or any family or household member named in the order resides or a certified copy of the order and proof of service is presented to the peace officer as provided in subsection D of this section;

3. The person named in the order has received notice of the order and has had a reasonable time to comply with such order; and

4. The person named in the order has violated the order or is then acting in violation of the order.

B. A peace officer, without a warrant, shall arrest and take into custody a person if the following conditions have been met:

1. The peace officer has reasonable cause to believe that a foreign protective order has been issued, pursuant to the law of the state or tribal court where the foreign protective order was issued;

2. A certified copy of the foreign protective order has been presented to the peace officer that appears valid on its face; and

3. The peace officer has reasonable cause to believe the person named in the order has violated the order or is then acting in violation of the order.

C. A person arrested pursuant to this section shall be brought before the court within twenty-four (24) hours after arrest to answer to a charge for violation of the order pursuant to Section 60.8 of this title, at which time the court shall do each of the following:

1. Set a time certain for a hearing on the alleged violation of the order within seventy-two (72) hours after arrest, unless extended by the court on the motion of the arrested person;

2. Set a reasonable bond pending a hearing of the alleged violation of the order; and

3. Notify the party who has procured the order and direct the party to appear at the hearing and give evidence on the charge.

The court may also consider the safety of any and all alleged victims that are subject to the protection of the order prior to the court setting a reasonable bond pending a hearing of the alleged violation of the order.

D. A copy of a protective order shall be prima facie evidence that such order is valid in this state when such documentation is presented to a law enforcement officer by the plaintiff, defendant, or another person on behalf of a person named in the order. Any law enforcement officer may rely on such evidence to make an arrest for a violation of such order, if there is reason to believe the defendant has violated or is then acting in violation of the order without justifiable excuse. When a law enforcement officer relies upon the evidence specified in this subsection, such officer and the employing agency shall be immune from liability for the arrest of the defendant if it is later proved that the evidence was false.

E. Any person who knowingly and willfully presents any false or materially altered protective order to any law enforcement officer to effect an arrest of any person shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a period not to exceed two (2) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00) and shall, in addition, be liable for any civil damages to the defendant.

Added by Laws 1994, c. 316, § 1, emerg. eff. June 8, 1994. Amended by Laws 2000, c. 85, § 4, eff. Nov. 1, 2000; Laws 2000, c. 370, § 11, eff. July 1, 2000; Laws 2006, c. 284, § 5, emerg. eff. June 7, 2006; Laws 2013, c. 198, § 3, eff. Nov. 1, 2013.

§22-60.11. Protective order - Statement required - Validity.

In addition to any other provisions required by the Protection from Domestic Abuse Act, or otherwise required by law, each ex parte or final protective order issued pursuant to the Protection from Domestic Abuse Act shall have a statement printed in bold-faced type or in capital letters containing the following information:

1. The filing or nonfiling of criminal charges and the prosecution of the case shall not be determined by a person who is protected by the protective order, but shall be determined by the prosecutor;

2. No person, including a person who is protected by the order, may give permission to anyone to ignore or violate any provision of the order. During the time in which the order is valid, every provision of the order shall be in full force and effect unless a court changes the order;

3. The order shall be in effect for a fixed period of five (5) years unless extended, modified, vacated or rescinded by the court or shall be continuous upon a specific finding by the court as provided in subparagraph b of paragraph 1 of subsection G of Section 60.4 of this title unless modified, vacated or rescinded by the court;

4. The order shall be entered into the National Crime Information Center (NCIC) database;

5. A violation of the order is punishable by a fine of up to One Thousand Dollars (\$1,000.00) or imprisonment for up to one (1) year in the county jail, or by both such fine and imprisonment. A violation of the order which causes injury is punishable by imprisonment for twenty (20) days to one (1) year in the county jail or a fine of up to Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment;

6. Possession of a firearm or ammunition by a defendant while an order is in effect may subject the defendant to prosecution for a violation of federal law even if the order does not specifically prohibit the defendant from possession of a firearm or ammunition;

7. The defendant must avoid the residence of the petitioner or any premises temporarily occupied by the petitioner;

8. The defendant must avoid contact that harasses or intimidates the petitioner. Contact includes, but is not limited to, contact at the home, work, or school of the petitioner, public places, in person, by phone, in writing, by electronic communication or device, or in any other manner;

9. The defendant shall not impersonate or adopt the personification of the petitioner by pretending to be the petitioner, ordering items, posting information or making inquiries, or publishing photographs of the petitioner, by use of social media, or by use of computer, telephone, texting, emailing, or by use of any electronic means;

10. The defendant must refrain from removing, hiding, damaging, harming, mistreating, or disposing of a household pet;

11. The defendant must allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet;

12. The defendant must avoid contacting the petitioner or causing any person other than an attorney for the petitioner or law enforcement officer to contact the petitioner unless the petitioner consents in writing; and

13. The sheriff will accompany the petitioner and assist in placing the petitioner in physical possession of his or her residence, if requested.

Added by Laws 1995, c. 297, § 3, eff. Nov. 1, 1995. Amended by Laws 1999, c. 97, § 3, eff. Nov. 1, 1999; Laws 1999, c. 417, § 4, emerg. eff. June 10, 1999; Laws 2003, c. 407, § 5, eff. Nov. 1, 2003; Laws 2012, c. 313, § 2, eff. Nov. 1, 2012; Laws 2022, c. 318, § 8, eff. Nov. 1, 2022.

§22-60.12. Foreign protective orders - Presumption of validity - Peace officers immune from liability.

A. It is the intent of the Legislature that all foreign protective orders shall have the rebuttable presumption of validity, even if the foreign protective order contains provisions which could

not be contained in a protective order issued by an Oklahoma court. The validity of a foreign protective order shall only be determined by a court of competent jurisdiction. Until a foreign protective order is declared invalid by a court of competent jurisdiction it shall be given full faith and credit by all peace officers and courts in the State of Oklahoma.

B. A peace officer of this state shall be immune from liability for enforcing provisions of a foreign protective order.

Added by Laws 2000, c. 85, § 5, eff. Nov. 1, 2000.

§22-60.13. Repealed by Laws 2003, c. 407, § 7, eff. Nov. 1, 2003.

§22-60.14. Address confidentiality program.

A. The Legislature finds that persons attempting to escape from actual or threatened domestic violence, sexual assault, stalking, human trafficking, or child abduction, frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this section is to enable state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic abuse, sexual assault, stalking, human trafficking, or child abduction, to enable interagency cooperation with the Attorney General in providing address confidentiality for victims of domestic abuse, sexual assault, stalking, human trafficking, or child abduction, and to enable state and local agencies to accept an address designated by the Attorney General by a program participant as a substitute mailing address.

B. As used in this section:

1. "Address" means a residential street address, school address, or work address of an individual, as specified on the application of an individual to be a program participant under this section;

2. "Program participant" means a person certified as a program participant under this section;

3. "Domestic abuse" means an act as defined in Section 60.1 of this title and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers;

4. "Stalking" means an act as defined in Section 60.1 of this title regardless of whether the acts have been reported to law enforcement;

5. "Human trafficking" means human trafficking, human trafficking for labor, and human trafficking for commercial sex as defined in paragraphs 4 through 6 of subsection A of Section 748 of Title 21 of the Oklahoma Statutes; and

6. "Child abduction" means the abduction of a person pursuant to Section 1119 of Title 21 of the Oklahoma Statutes.

C. The Address Confidentiality Program shall be staffed by unclassified employees, who have been subjected to a criminal history records search.

D. 1. An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, as defined by Section 1-111 of Title 30 of the Oklahoma Statutes, may apply to the Attorney General to have an address designated by the Attorney General serve as the address of the person or the address of the minor or incapacitated person. The Attorney General shall approve an application if it is filed in the manner and on the form prescribed by the Attorney General and if it contains:

- a. a sworn statement by the applicant that the applicant has good reason to believe:
 - (1) that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic abuse, sexual assault, stalking, human trafficking, or child abduction, and
 - (2) that the applicant fears for the safety of self or children, or the safety of the minor or incapacitated person on whose behalf the application is made,
- b. a designation of the Attorney General as agent for purposes of service of process and for the purpose of receipt of mail,
- c. the mailing address where the applicant can be contacted by the Attorney General, and the phone number or numbers where the applicant can be called by the Attorney General,
- d. the new address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic abuse, sexual assault, stalking, human trafficking, or child abduction, and
- e. the signature of the applicant and application assistant who assisted in the preparation of the application, and the date on which the applicant signed the application.

2. An adult or minor child who resides with the applicant who also needs to be a program participant in order to ensure the safety of the applicant may apply. Each adult living in the household must complete a separate application. An adult may apply on behalf of a minor.

3. Applications shall be filed with the Office of the Attorney General.

4. Upon filing a properly completed application, the Attorney General shall certify the applicant as a program participant. Applicants shall be certified for four (4) years following the date of filing unless the certification is withdrawn or invalidated before that date. The Attorney General shall by rule establish a renewal procedure.

5. A person who falsely attests in an application that disclosure of the address of the applicant would endanger the safety of the applicant or the safety of the children of the applicant or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, may be found guilty of perjury under Sections 500 and 504 of Title 21 of the Oklahoma Statutes.

E. 1. If the program participant obtains a name change, the participant loses certification as a program participant.

2. The Attorney General may cancel the certification of a program participant if there is a change in the residential address, unless the program participant provides the Attorney General notice no later than seven (7) days after the change occurs.

3. The Attorney General may cancel certification of a program participant if mail forwarded by the Attorney General to the address of the program participant is returned as nondeliverable.

4. The Attorney General shall cancel certification of a program participant who applies using false information.

F. 1. A program participant may request that state and local agencies use the address designated by the Attorney General as the address of the participant. When creating a new public record, state and local agencies shall accept the address designated by the Attorney General as a substitute address for the program participant, unless the Attorney General has determined that:

- a. the agency has a bona fide statutory or administrative requirement for the use of the address which would otherwise be confidential under this section, and
- b. this address will be used only for those statutory and administrative purposes.

2. A program participant may use the address designated by the Attorney General as a work address.

3. The Office of the Attorney General shall forward all first class, certified and registered mail to the appropriate program participants for no charge. The Attorney General shall not be required to track or otherwise maintain records of any mail received on behalf of a participant unless the mail is certified or registered mail.

G. The Attorney General may not make any records in a file of a program participant available for inspection or copying, other than the address designated by the Attorney General, except under the following circumstances:

1. If directed by a court order, to a person identified in the order; or

2. To verify the participation of a specific program participant to a state or local agency, in which case the Attorney General may only confirm information supplied by the requester. No employee of a state or local agency shall knowingly and intentionally disclose a program participant's actual address unless disclosure is permitted by law.

H. The Attorney General shall designate state and local agencies, federal government, federally recognized tribes, and nonprofit agencies to assist persons in applying to be program participants. A volunteer or employee of a designated entity that provides counseling, referral, shelter, or other services to victims of domestic abuse, sexual assault, stalking, human trafficking, or child abduction, and has been trained by the Attorney General shall be known as an application assistant. Any assistance and counseling rendered by the Office of the Attorney General or an application assistant to applicants shall in no way be construed as legal advice.

I. The Attorney General may enter into agreements with the federal government and federally recognized tribes in this state or other entities for purposes of the implementation of the Address Confidentiality Program including the use and acceptance of the substitute address designated by the Attorney General.

J. Effective July 1, 2008, all administrative rules promulgated by the Office of the Secretary of State to implement this program shall be transferred to and become part of the administrative rules of the Office of the Attorney General. The Office of Administrative Rules in the Office of the Secretary of State shall provide adequate notice in "The Oklahoma Register" of the transfer of such rules, and shall place the transferred rules under the Administrative Code section of the Attorney General. Such rules shall continue in force and effect as rules of the Office of the Attorney General from and after July 1, 2008, and any amendment, repeal or addition to the transferred rules shall be under the jurisdiction of the Attorney General. The Attorney General shall adopt and promulgate rules to implement this program, as applicable.

K. Beginning July 1, 2008, the Director of the Address Confidentiality Program shall cease to be a position within the Office of the Secretary of State. All unexpended funds, property, records, personnel, and outstanding financial obligations and encumbrances related to the position and the Office of Address Confidentiality Program with the Office of the Secretary of State shall be transferred to the Office of the Attorney General. All personnel shall retain their employment position and status as unclassified employees, any leave, sick and annual time earned, and

any retirement and longevity benefits which have accrued during tenure with the Office of the Secretary of State.

Added by Laws 2002, c. 415, § 1, eff. Nov. 1, 2002. Amended by Laws 2008, c. 66, § 1, eff. July 1, 2008; Laws 2022, c. 134, § 2, eff. Nov. 1, 2022.

NOTE: Editorially renumbered from § 60.13 of this title to avoid a duplication in numbering.

§22-60.15. Repealed by Laws 2010, c. 135, § 17, eff. Nov. 1, 2010, without reference to amendment by Laws 2010, c. 116, § 5, eff. Nov. 1, 2010. That text would have read as follows:

Upon the preliminary investigation of any crime involving domestic abuse, rape, forcible sodomy or stalking, it shall be the duty of the first peace officer who interviews the victim of the domestic abuse, rape, forcible sodomy or stalking to inform the victim of the twenty-four-hour statewide telephone communication service established by Section 18p-5 of Title 74 of the Oklahoma Statutes and to give notice to the victim of certain rights. The notice shall consist of handing such victim the following statement:

"As a victim of domestic abuse, rape, forcible sodomy or stalking you have certain rights. These rights are as follows:

1. The right to request that charges be pressed against your assailant;
2. The right to request protection from any harm or threat of harm arising out of your cooperation with law enforcement and prosecution efforts as far as facilities are available and to be provided with information on the level of protection available;
3. The right to be informed of financial assistance and other social services available as a result of being a victim, including information on how to apply for the assistance and services; and
4. The right to file a petition for a protective order or, when the domestic abuse occurs when the court is not open for business, to request an emergency temporary protective order."

§22-60.16. Domestic abuse victims not to be discouraged from pressing charges - Warrantless arrests of certain persons - Emergency temporary order of protection.

A. A peace officer shall not discourage a victim of domestic abuse from pressing charges against the assailant of the victim.

B. 1. A peace officer may arrest without a warrant a person anywhere, including a place of residence, if the peace officer has probable cause to believe the person within the preceding seventy-two (72) hours has committed an act of domestic abuse as defined by Section 60.1 of this title, although the assault did not take place in the presence of the peace officer. A peace officer may not arrest a person pursuant to this section without first observing a recent physical injury to, or an impairment of the physical condition of, the alleged victim.

2. An arrest, when made pursuant to this section, shall be based on an investigation by the peace officer of the circumstances surrounding the incident, past history of violence between the parties, statements of any children present in the residence, and any other relevant factors. A determination by the peace officer shall be made pursuant to the investigation as to which party is the dominant aggressor in the situation. A peace officer may arrest the dominant aggressor.

C. When the court is not open for business, the victim of domestic abuse may request a petition for an emergency temporary order of protection. The peace officer making the preliminary investigation shall:

1. Provide the victim with a petition for an emergency temporary order of protection and, if necessary, assist the victim in completing the petition form. The petition shall be in substantially the same form as provided by Section 60.2 of this title for a petition for protective order;

2. Immediately notify, by telephone or otherwise, a judge of the district court of the request for an emergency temporary order of protection and describe the circumstances. The judge shall inform the peace officer of the decision to approve or disapprove the emergency temporary order;

3. Inform the victim whether the judge has approved or disapproved the emergency temporary order. If an emergency temporary order has been approved, the officer shall provide the victim, or a responsible adult if the victim is a minor child or an incompetent person, with a copy of the petition and a written statement signed by the officer attesting that the judge has approved the emergency temporary order of protection and notify the victim that the emergency temporary order shall be effective until the date of the hearing set by the judge. The peace officer requesting the order shall be notified by the judge of the date, time, and courtroom location in which the hearing will be held. The peace officer shall provide the victim and subject of the order with a copy of the completed order and return the original order to the district court;

4. Notify the person subject to the emergency temporary protection order of the issuance and conditions of the order. Notification pursuant to this paragraph may be made personally by the officer or in writing. A copy of the petition and the statement of the officer attesting to the order of the judge shall be made available to such person; and

5. File a copy of the petition and the statement of the peace officer with the district court of the county immediately upon the opening of the court on the next day the court is open for business. The peace officer shall make every attempt to serve the subject of the order and complete a return of service when filing the petition

with the district court. If the peace officer is unable to obtain service, the petition shall be filed by a peace officer with the district court on the next business day. The court clerk shall receive the petition upon delivery by the peace officer and document the hearing date and time assigned to the case as documented by the peace officer. If the court clerk observes that service has not been obtained, the petition shall still be filed by the court clerk and issued to the appropriate office of the county sheriff to obtain service with priority.

D. The forms utilized by law enforcement agencies in carrying out the provisions of this section may be substantially similar to those used under Section 60.2 of this title.

Added by Laws 2002, c. 466, § 6, emerg. eff. June 5, 2002. Amended by Laws 2004, c. 516, § 3, eff. July 1, 2005; Laws 2025, c. 167, § 3, eff. July 1, 2025.

NOTE: Editorially renumbered from § 60.14 of Title 22 to avoid a duplication in numbering.

§22-60.17. Consideration of certain victims' safety prior to release of defendant on bond - Emergency protective and restraining orders - GPS monitoring.

The court shall consider the safety of any and all alleged victims of domestic violence, stalking, harassment, sexual assault, or forcible sodomy where the defendant is alleged to have violated a protective order, committed domestic assault and battery, stalked, sexually assaulted, or forcibly sodomized the alleged victim or victims prior to the release of the alleged defendant from custody on bond. The court, after consideration and to ensure the safety of the alleged victim or victims, may issue an emergency protective order pursuant to the Protection from Domestic Abuse Act. The court may also issue to the alleged victim or victims an order restraining the alleged defendant from any activity or action from which they may be restrained under the Protection from Domestic Abuse Act. The court shall not consider a "no contact order as condition of bond" as a factor when determining whether the petitioner is eligible for relief. The protective order shall remain in effect until either a plea has been accepted, sentencing has occurred in the case, the case has been dismissed, or until further order of the court dismissing the protective order. In conjunction with any protective order or restraining order authorized by this section, the court may order the defendant to use an active, real-time, twenty-four-hour Global Positioning System (GPS) monitoring device for such term as the court deems appropriate. Upon application of the victim, the court may authorize the victim to monitor the location of the defendant. Such monitoring by the victim shall be limited to the ability of the victim to make computer or cellular inquiries to determine if the defendant is within a specified distance of

locations, excluding the residence or workplace of the defendant, or to receive a computer- or a cellular-generated signal if the defendant comes within a specified distance of the victim. The court shall conduct an annual review of the monitoring order to determine if such order to monitor the location of the defendant is still necessary. Before the court orders the use of a GPS device, the court shall find that the defendant has a history that demonstrates an intent to commit violence against the victim, including, but not limited to, prior conviction for an offense under the Protection from Domestic Abuse Act or any other violent offense, or any other evidence that shows by a preponderance of the evidence that the defendant is likely to commit violence against the victim. The court may further order the defendant to pay costs and expenses related to the GPS device and monitoring.

Added by Laws 2004, c. 516, § 4, eff. July 1, 2005. Amended by Laws 2008, c. 114, § 2, eff. Nov. 1, 2008; Laws 2010, c. 346, § 1, eff. Nov. 1, 2010; Laws 2019, c. 113, § 6, eff. Nov. 1, 2019.

§22-60.18. Expungement of victim protective orders.

A. Persons authorized to file a motion for expungement of victim protective orders (VPOs) issued pursuant to the Protection from Domestic Abuse Act in this state must be within one of the following categories:

1. An ex parte order was issued to the plaintiff but later terminated due to dismissal of the petition before the full hearing, or denial of the petition upon full hearing, or failure of the plaintiff to appear for full hearing, and at least ninety (90) days have passed since the date set for full hearing;

2. The plaintiff filed an application for a victim protective order and failed to appear for the full hearing and at least ninety (90) days have passed since the date last set by the court for the full hearing, including the last date set for any continuance, postponement or rescheduling of the hearing;

3. The plaintiff or defendant has had the order vacated and three (3) years have passed since the order to vacate was entered; or

4. The plaintiff or defendant is deceased.

B. For purposes of this section:

1. "Expungement" means the sealing of victim protective order (VPO) court records from public inspection, but not from law enforcement agencies, the court or the district attorney;

2. "Plaintiff" means the person or persons who sought the original victim protective order (VPO) for cause; and

3. "Defendant" means the person or persons to whom the victim protective order (VPO) was directed.

C. 1. Any person qualified under subsection A of this section may petition the district court of the district in which the

protective order pertaining to the person is located for the expungement and sealing of the court records from public inspection. The face of the petition shall state whether the defendant in the protective order has been convicted of any violation of the protective order and whether any prosecution or complaint is pending in this state or any other state for a violation or alleged violation of the protective order that is sought to be expunged. The petition shall further state the authority pursuant to subsection A of this section for eligibility for requesting the expungement. The other party to the protective order shall be mailed a copy of the petition by certified mail within ten (10) days of filing the petition. A written answer or objection may be filed within thirty (30) days of receiving the notice and petition.

2. Upon the filing of a petition, the court shall set a date for a hearing and shall provide at least a thirty-day notice of the hearing to all parties to the protective order, the district attorney, and any other person or agency whom the court has reason to believe may have relevant information related to the sealing of the victim protective order (VPO) court record.

3. Without objection from the other party to the victim protective order (VPO) or upon a finding that the harm to the privacy of the person in interest or dangers of unwarranted adverse consequences outweigh the public and safety interests of the parties to the protective order in retaining the records, the court may order the court record, or any part thereof, to be sealed from public inspection. Any order entered pursuant to this section shall not limit or restrict any law enforcement agency, the district attorney or the court from accessing said records without the necessity of a court order. Any order entered pursuant to this subsection may be appealed by any party to the protective order or by the district attorney to the Oklahoma Supreme Court in accordance with the rules of the Oklahoma Supreme Court.

4. Upon the entry of an order to expunge and seal from public inspection a victim protective order (VPO) court record, or any part thereof, the subject official actions shall be deemed never to have occurred, and the persons in interest and the public may properly reply, upon any inquiry in the matter, that no such action ever occurred and that no such record exists with respect to the persons.

5. Inspection of the protective order court records included in the expungement order issued pursuant to this section may thereafter be permitted only upon petition by the persons in interest who are the subjects of the records, or without petition by the district attorney or a law enforcement agency in the due course of investigation of a crime.

6. Employers, educational institutions, state and local government agencies, officials, and employees shall not require, in any application or interview or otherwise, an applicant to disclose

any information contained in sealed protective order court records. An applicant need not, in answer to any question concerning the records, provide information that has been sealed, including any reference to or information concerning the sealed information and may state that no such action has ever occurred. The application may not be denied solely because of the refusal of the applicant to disclose protective order court records information that has been sealed.

7. The provisions of this section shall apply to all protective order court records existing in the district courts of this state on, before and after the effective date of this section.

8. Nothing in this section shall be construed to authorize the physical destruction of any court records, except as otherwise provided by law for records no longer required to be maintained by the court.

9. For the purposes of this section, sealed materials which are recorded in the same document as unsealed material may be recorded in a separate document, and sealed, then obliterated in the original document.

10. For the purposes of this act, district court index reference of sealed material shall be destroyed, removed or obliterated.

11. Any record ordered to be sealed pursuant to this section may be obliterated or destroyed at the end of the ten-year period.

12. Nothing herein shall prohibit the introduction of evidence regarding actions sealed pursuant to the provisions of this section at any hearing or trial for purposes of impeaching the credibility of a witness or as evidence of character testimony pursuant to Section 2608 of Title 12 of the Oklahoma Statutes.

Added by Laws 2005, c. 113, § 1, eff. Nov. 1, 2005.

§22-60.19. Emergency protective order - Confidentiality.

In proceedings before the court pursuant to Title 10A of the Oklahoma Statutes in which a child is alleged to be deprived, the court, after consideration and to ensure the safety of any child brought into state custody, may issue against the alleged perpetrator of abuse an emergency protective order pursuant to the Protection from Domestic Abuse Act at the emergency custody hearing or after a petition has been filed alleging that a child has been physically or sexually abused. The protective order shall remain in effect until the case has been dismissed or until further order of the court. All emergency protective orders issued by the court pursuant to this section shall remain confidential and shall not be open to the general public; provided, however, copies of the emergency protective order shall be provided to any law enforcement agency designated by the court to effect service upon the defendant.

Added by Laws 2011, c. 102, § 2, eff. Nov. 1, 2011.

§22-60.20. Domestic violence, substance abuse, addiction and mental health training.

The Administrative Office of the Courts shall provide annual domestic violence, substance abuse, addiction and mental health educational training for members of the judiciary. Subject to available funding, curriculum for training required under this section shall include, but not be limited to:

1. Dynamics of domestic violence;
2. The impact of domestic violence on victims and their children including trauma and the neurobiology of trauma;
3. Identifying dominant aggressor;
4. Tactics and behavior of batterers;
5. Victim protection orders and full faith and credit under the Violence Against Women Act of 1994;
6. Rights of victims; and
7. Evidence-based practices regarding behavioral health and treatment of those with substance abuse or mental health needs.

Added by Laws 2013, c. 198, § 4, eff. Nov. 1, 2013. Amended by Laws 2017, c. 351, § 3, eff. Nov. 1, 2017.

§22-60.21. Short title.

This act shall be known and may be cited as the "Uniform Interstate Enforcement of Domestic Violence Protection Orders Act". Added by Laws 2008, c. 76, § 1, eff. Nov. 1, 2008.

§22-60.22. Definitions.

As used in the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act:

1. "Foreign protection order" means a protection order issued by a tribunal of another state;
2. "Issuing state" means the state whose tribunal issues a protection order;
3. "Mutual foreign protection order" means a foreign protection order that includes provisions in favor of both the protected individual seeking enforcement of the order and the respondent;
4. "Protected individual" means an individual protected by a protection order;
5. "Protection order" means an injunction or other order, issued by a tribunal under the domestic violence, family violence, or anti-stalking laws of the issuing state, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to, another individual;
6. "Respondent" means the individual against whom enforcement of a protection order is sought;

7. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band that has jurisdiction to issue protection orders; and

8. "Tribunal" means a court, agency, or other entity authorized by law to issue or modify a protection order.

Added by Laws 2008, c. 76, § 2, eff. Nov. 1, 2008.

§22-60.23. Judicial enforcement of foreign protection order.

A. A person authorized by the law of this state to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a tribunal of this state. The tribunal shall enforce the terms of the order, including terms that provide relief that a tribunal of this state would lack power to provide but for this section. The tribunal shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition, or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protection order, the tribunal shall follow the procedures of this state for the enforcement of protection orders.

B. A tribunal of this state may not enforce a foreign protection order issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order.

C. A tribunal of this state shall enforce the provisions of a valid foreign protection order which govern custody and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state.

D. A foreign protection order is valid if it:

1. Identifies the protected individual and the respondent;
2. Is currently in effect;
3. Was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state; and
4. Was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the rights of the respondent to due process.

E. A foreign protection order valid on its face is prima facie evidence of its validity.

F. Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.

G. A tribunal of this state may enforce provisions of a mutual foreign protection order which favor a respondent only if:

1. The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state; and

2. The tribunal of the issuing state made specific findings in favor of the respondent.

Added by Laws 2008, c. 76, § 3, eff. Nov. 1, 2008.

§22-60.24. Nonjudicial enforcement of foreign protection order.

A. A law enforcement officer of this state, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this state. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.

B. If a foreign protection order is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.

C. If a law enforcement officer of this state determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

D. Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order pursuant to this act.

Added by Laws 2008, c. 76, § 4, eff. Nov. 1, 2008.

§22-60.25. Registration of foreign orders - Certified copy - Inaccurate orders - Affidavits - Fee.

A. Any individual may register a foreign protection order in this state. To register a foreign protection order, an individual shall:

1. Present a certified copy of the order to the Secretary of State; or

2. Present a certified copy of the order to a law enforcement officer and request that the order be registered with the Secretary of State.

B. Upon receipt of a foreign protection order, the Secretary of State shall register the order in accordance with this section. After the order is registered, the Secretary of State shall furnish to the individual registering the order a certified copy of the registered order.

C. The Secretary of State shall register an order upon presentation of a copy of a protection order which has been certified by the issuing state. A registered foreign protection order that is inaccurate or is not currently in effect must be corrected or removed from the registry in accordance with the law of this state.

D. An individual registering a foreign protection order shall file an affidavit by the protected individual stating that, to the best of the protected individual's knowledge, the order is currently in effect.

E. A foreign protection order registered under this act may be entered in any existing state or federal registry of protection orders, in accordance with applicable law.

F. A fee may not be charged for the registration of a foreign protection order.

Added by Laws 2008, c. 76, § 5, eff. Nov. 1, 2008.

§22-60.26. Immunity from liability.

This state or a local governmental agency, or a law enforcement officer, prosecuting attorney, clerk of court, or any state or local governmental official acting in an official capacity, is immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the act or omission was done in good faith in an effort to comply with this act.

Added by Laws 2008, c. 76, § 6, eff. Nov. 1, 2008.

§22-60.27. Remedies.

A protected individual who pursues remedies under this act is not precluded from pursuing other legal or equitable remedies against the respondent.

Added by Laws 2008, c. 76, § 7, eff. Nov. 1, 2008.

§22-60.28. Uniformity of application and construction.

In applying and construing this act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Added by Laws 2008, c. 76, § 8, eff. Nov. 1, 2008.

§22-60.29. Application to orders issued before November 1, 2008.

This act applies to protection orders issued before November 1, 2008, and to continuing actions for enforcement of foreign protection orders commenced before November 1, 2008. A request for enforcement of a foreign protection order made on or after November 1, 2008, for violations of a foreign protection order occurring before November 1, 2008, is governed by this act.
Added by Laws 2008, c. 76, § 9, eff. Nov. 1, 2008.

§22-60.30. Integrated domestic violence docket pilot program.

Beginning on January 1, 2016, the Administrative Office of the Courts shall administer a five-year pilot program in any county with a population exceeding five hundred thousand (500,000), which may consist of implementation of an Integrated Domestic Violence Docket to combine, where appropriate, proceedings related to divorce, child custody, domestic violence, protective orders, and criminal and juvenile court cases.

Added by Laws 2015, c. 389, § 1, eff. Nov. 1, 2015.

§22-60.31. Family justice centers.

Beginning on January 1, 2016, any governmental entity in a county that receives sufficient funds to implement such program may establish a family justice center to assist victims of domestic violence, sexual assault, elder or dependent adult abuse and stalking to ensure that victims of abuse are able to access all needed services in one location in order to enhance victim safety and increase offender accountability. Family justice centers shall comply with all applicable laws and regulations of this state, and may include, but not be limited to, the participation of law enforcement, the prosecuting authority, and an Attorney General certified victim services agency.

Added by Laws 2015, c. 389, § 2, eff. Nov. 1, 2015.

§22-61. Domestic violence court program.

A. Subject to the availability of funds, any district or municipal court of record of this state may establish and maintain a domestic violence court program pursuant to the provisions of this section.

B. For purposes of this section, "domestic violence court" means a specialized judicial process for domestic matters both civil and criminal in nature that arise out of the same family or domestic circumstance.

C. The presiding judge of a district or municipal court of record may appoint an individual judge to preside over related criminal, family and matrimonial matters that arise in the context of domestic violence. Criminal domestic violence charges, protective orders and any actions for divorce, separate maintenance, guardianship, adoption or any other proceeding involving custody or

visitation between the same parties may be presented to the domestic violence court.

D. The Administrative Office of the Courts may promulgate rules, procedures and forms necessary to implement a domestic violence court to ensure statewide uniformity.

Added by Laws 2017, c. 257, § 2, eff. Nov. 1, 2017.

§22-70. Use of Force for the Protection of the Unborn Act.

This act may be known and shall be cited as the "Use of Force for the Protection of the Unborn Act".

Added by Laws 2009, c. 61, § 1, eff. Nov. 1, 2009.

§22-71. Legislative findings.

The Legislature finds that:

1. Violence and abuse are often higher during pregnancy than during any other time in a woman's lifetime;

2. Women are more likely to suffer increased abuse as a result of unintended pregnancies;

3. Younger women are at a higher risk for pregnancy-associated homicide;

4. A pregnant or recently pregnant woman is more likely to be a victim of homicide than to die of any other cause;

5. Homicide and other violent crimes are the leading causes of death for women of reproductive age;

6. Husbands, ex-husbands or boyfriends are often the perpetrators of pregnancy-associated homicide or violence;

7. Moreover, when husbands, ex-husbands or boyfriends are involved, the violence is often directed at the unborn child and/or intended to end or jeopardize the pregnancy; and

8. Violence against a pregnant woman puts the life and bodily integrity of both the pregnant woman and the unborn child at risk.

Added by Laws 2009, c. 61, § 2, eff. Nov. 1, 2009.

§22-72. Definitions.

As used in this section:

1. "Another" means a person other than the pregnant woman;

2. "Deadly force" means force which, under the circumstances in which it is used, is readily capable of causing death or serious physical harm;

3. "Force" means violence, compulsion, or constraint exerted upon or against another;

4. "Embryo" means a human embryo as defined in Section 1-728.1 of Title 63 of the Oklahoma Statutes;

5. "Pregnant" means the female reproductive condition of having an unborn child in the woman's body;

6. "Unborn child" means the offspring of human beings from conception until birth; and

7. "Unlawful force" means force which is employed without the consent of the pregnant woman and which constitutes an offense under the criminal laws of this state or an actionable tort.
Added by Laws 2009, c. 61, § 3, eff. Nov. 1, 2009.

§22-73. Deadly force to protect unborn justified - Circumstances.

A. A pregnant woman is justified in using force or deadly force against another to protect her unborn child if:

1. Under the circumstances as the pregnant woman reasonably believes them to be, she would be justified in using force or deadly force to protect herself against the unlawful force or unlawful deadly force she reasonably believes to be threatening her unborn child; and

2. She reasonably believes that her intervention and use of force or deadly force are immediately necessary to protect her unborn child.

B. This affirmative defense to criminal liability does not apply to:

1. Acts committed by anyone other than the pregnant woman;

2. Acts where the pregnant woman would be obligated to retreat, to surrender the possession of a thing, or to comply with a demand before using force in self-defense. However, the pregnant woman is not obligated to retreat before using force or deadly force to protect her unborn child, unless she knows that she can thereby secure the complete safety of her unborn child; or

3. The defense of human embryos existing outside of a woman's body.

Added by Laws 2009, c. 61, § 4, eff. Nov. 1, 2009.

§22-91. Officer may command assistance.

When a sheriff or other public officer authorized to execute process, finds, or has reason to apprehend that resistance will be made to the execution of the process, he may command as many male inhabitants of his county as he may think proper, and may in manner and form as provided by law, and not otherwise, call any military company or companies in the county, armed and equipped, to assist him in overcoming the resistance, and if necessary, in seizing, arresting and confining the resisters and their aiders and abettors, to be punished according to law.

R.L.1910, § 5580.

§22-92. Officer must report names of resisters.

The officer must certify to the court from which the process is issued, the names of the resisters and their aiders and abettors, to the end that they may be proceeded against for contempt.

R.L.1910, § 5581.

§22-93. Refusal to assist officer a misdemeanor.

Every person commanded by a public officer to assist him in the execution of a process, as provided in Section 5580, who, without lawful cause, refuses or neglects to obey the commands, is guilty of a misdemeanor.

R.L.1910, § 5582.

§22-94. Assistance from other counties.

If it appears to the Governor that the power of the county is not sufficient to enable the sheriff to execute process delivered to him, or to suppress riots and to preserve the peace, he must, on the application of the sheriff, or the judge, of any court of record of such county, order such a force from any other county or counties as is necessary, and all persons so ordered or summoned by the Governor or acting Governor, are required to attend and act; and any such persons who, without lawful cause, refuse or neglect to obey the command, are guilty of a misdemeanor.

R.L.1910, § 5583.

§22-95. Governor to furnish military force, when.

Under the facts and circumstances mentioned in the last section, and when the civil power of the county is not deemed sufficient, it shall be the duty of the Governor to furnish a military force sufficient to execute the laws and to prevent resistance thereto, to suppress riots, execute process and preserve the peace.

R.L.1910, § 5584.

§22-101. Unlawful assemblage.

Where any number of persons, whether armed or not, are unlawfully or riotously assembled, the sheriff and his deputies, the officials governing the city or town, or the justices of the peace and marshals and constables and police thereof, or any of them, must go among the persons assembled, or as near to them as possible, and command them in the name of the state, immediately to disperse.

R.L.1910, § 5585.

§22-102. Proceedings if assembly does not disperse - Commanding aid of others.

If the persons assembled do not immediately disperse, the magistrates and officers must arrest them or cause them to be arrested, that they may be punished according to law, and for that purpose may command the aid of all persons present or within the county.

R.L.1910, § 5586.

§22-103. Refusal to assist.

If a person so commanded to aid the magistrates or officers neglect to do so he is deemed one of the rioters and is punishable accordingly.
R.L.1910, § 5587.

§22-104. Neglect of officer respecting unlawful assembly a misdemeanor.

If a magistrate or officer having notice of an unlawful or riotous assembly mentioned in Section 5585 neglect to proceed to the place of the assembly, or as near thereto as he can with safety, and to exercise the authority with which he is invested for suppressing the same and arresting the offenders, he is guilty of a misdemeanor.
R.L.1910, § 5588.

§22-105. Officers may disperse assembly and arrest offenders - Commanding aid.

If the persons assembled and commanded to disperse do not immediately disperse, any two of the magistrates or officers mentioned in Section 5585, may command the aid of a sufficient number of persons, and may proceed in such manner as in their judgment is necessary, to disperse the assembly and arrest the offenders.
R.L.1910, § 5589.

§22-106. Precautions before endangering life.

Every endeavor must be used, both by the magistrate and civil officers, and by the officer commanding the troops, which can be made consistently with the preservation of life, to induce or force the rioters to disperse before an attack is made upon them by which their lives may be endangered.
R.L.1910, § 5590.

§22-107. Offenses during riot or insurrection.

A person who, after the publication of a proclamation by the Governor or acting Governor, or who, after lawful notice as aforesaid to disperse and retire, resists or aids in resisting the execution of process in a county declared to be in a state of riot or insurrection, or who aids or attempts the rescue or escape of another from lawful custody or confinement, or who resists or aids in resisting a force ordered out by the Governor or any civil officer as aforesaid, to quell or suppress an insurrection or riot, is guilty of a Class A2 felony offense, and is punishable by imprisonment in the state prison for not less than two (2) years.
R.L. 1910, § 5591. Amended by Laws 1997, c. 133, § 436, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 320, eff. July 1, 1999; Laws 2025, c. 486, § 32, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 436 from July 1, 1998, to July 1, 1999.

§22-111. Creation - Staff.

Each district attorney shall create within his office a Bogus Check Restitution Program and assign sufficient staff and resources for the efficient operation of said program.

Added by Laws 1982, c. 93, § 1, operative Oct. 1, 1982.

§22-112. Referral of complaints - Guidelines.

A. Referral of a bogus check complaint to the Bogus Check Restitution Program shall be at the discretion of the district attorney. This act shall not limit the power of the district attorney to prosecute bogus check complaints.

B. Upon receipt of a bogus check complaint, the district attorney shall determine if the complaint is one which is appropriate to be referred to the Bogus Check Restitution Program.

C. In determining whether to refer a case to the Bogus Check Restitution Program, the district attorney shall consider the following guidelines:

1. The amount of the bogus check;
2. If there is a prior criminal record of the defendant;
3. The number of bogus check complaints against the defendant previously received by the district attorney;
4. Whether or not there are other bogus check complaints currently pending against the defendant; and
5. The strength of the evidence of intent to defraud the victim.

Added by Laws 1982, c. 93, § 2, operative Oct. 1, 1982.

§22-113. Notice of complaint.

A. Upon referral of a complaint to the Bogus Check Restitution Program, a notice of the complaint shall be forwarded by mail to the defendant.

B. The notice shall contain:

1. The date and amount of the check;
2. The name of the payee;
3. The date before which the defendant must contact the office of the district attorney concerning the complaint; and
4. A statement of the penalty for obtaining money, merchandise or services by means of a false and bogus check.

Added by Laws 1982, c. 93, § 3, operative Oct. 1, 1982.

§22-114. Restitution agreements.

A. The district attorney may enter into a written restitution agreement with the defendant to defer prosecution on a false or bogus check for a period to be determined by the district attorney,

not to exceed three (3) years, pending restitution being made to the victim of the bogus check as provided in this section.

B. Each restitution agreement shall include a provision requiring the defendant to pay to the victim a Twenty-five Dollar (\$25.00) fee and to the district attorney a fee equal to the amount which would have been assessed as court costs upon filing of the case in district court plus Twenty-five Dollars (\$25.00) for each check covered by the restitution agreement; provided, every check in an amount of Fifty Dollars (\$50.00) or more shall require a separate fee to be paid to the district attorney in an amount equal to the amount which would be assessed as court costs for the filing of a felony case in district court plus Twenty-five Dollars (\$25.00). This money shall be deposited in a special fund with the county treasurer to be known as the "Bogus Check Restitution Program Fund". This fund shall be used by the district attorney to defray any lawful expense of the district attorney's office. The district attorney shall keep records of all monies deposited to and disbursed from this fund. The records of the fund shall be audited at the same time the records of county funds are audited.

C. Restitution paid by the defendant to the victim shall include the face amount of the check plus any charges the victim may have been required to pay to a bank as the result of having received the bogus check. If, instead of paying restitution directly to the victim, the defendant delivers restitution funds to the office of the district attorney, the district attorney shall deposit such funds in a depository account in the office of the county treasurer to be disbursed to the victim by a warrant signed by the district attorney or a member of the staff assigned to the Bogus Check Restitution Program. The district attorney shall keep full records of all restitution monies received and disbursed. These records shall be audited at the same time the county funds are audited.

D. Restitution paid by the defendant to the Oklahoma Tax Commission shall include the face amount of the check plus the administrative service fee authorized pursuant to Section 218 of Title 68 of the Oklahoma Statutes. If the defendant delivers such restitution funds to the office of the district attorney instead of paying restitution directly to the Tax Commission, the district attorney shall deposit such funds in a depository account in the office of the county treasurer to be disbursed to the Tax Commission by warrant signed by the district attorney or a member of the staff assigned to the Bogus Check Restitution Program or shall transmit the restitution funds directly to the Tax Commission.

E. If the defendant fails to comply with the restitution agreement, the district attorney may file an information and proceed with the prosecution of the defendant as provided by law.

F. The victim may authorize an administrative service fee to be paid by such victim to the district attorney or other third-party

vendor to facilitate electronic transfer of checks to the Bogus Check Restitution Program.

G. The district attorney is authorized to contract for a per-item fee with a third-party vendor to facilitate electronic transfer of checks into the Bogus Check Restitution Program.

Added by Laws 1982, c. 93, § 4, operative Oct. 1, 1982. Amended by Laws 1986, c. 218, § 1, emerg. eff. June 9, 1986; Laws 2001, c. 18, § 1, eff. July 1, 2001; Laws 2001, c. 437, § 15, eff. July 1, 2001; Laws 2006, c. 293, § 1, eff. July 1, 2006; Laws 2007, c. 358, § 3, eff. July 1, 2007.

NOTE: Laws 2007, c. 199, § 2 repealed by Laws 2008, c. 3, § 18, emerg. eff. Feb. 28, 2008.

§22-115. District attorney's staff to perform certain duties.

Members of the district attorney's staff shall perform duties in connection with the Bogus Check Restitution Program in addition to any other duties which are assigned by the district attorney.

Added by Laws 1982, c. 93, § 5, operative Oct. 1, 1982.

§22-116. Annual reports.

A. District attorneys shall prepare and submit an annual report to the District Attorneys Council showing total deposits and total expenditures in the Bogus Check Restitution Program.

B. By September 15 of each year, the District Attorneys Council shall publish an annual report for the previous fiscal year of the Bogus Check Restitution Program. A copy of the report shall be distributed to the President Pro Tempore of the Senate and the Speaker of the Oklahoma House of Representatives and the chairmen of the House and Senate Appropriations Committees. Each district attorney shall submit information requested by the District Attorneys Council regarding the Bogus Check Restitution Program. This report shall include the number of checks processed and the total dollar amount of such checks, the number of checks for which some restitution was made and the total amount of the restitution, the total amount of fees collected, the total cost of the program, and such other information as required by the District Attorneys Council. The report shall provide totals by county and district. Added by Laws 1988, c. 254, § 11, operative July 1, 1988. Amended by Laws 1994, c. 295, § 4, eff. July 1, 1994.

§22-121. Offenses commenced outside and consummated within the state.

When the commission of a public offense, commenced without this state, is consummated within its boundaries, the defendant is liable to punishment therefor in this state, though the defendant were out of this state at the time of the commission of the offense charged if the defendant consummated it in this state through the

intervention of an innocent or guilty agent, or by any other means proceeding directly from the defendant, including the use of any technology, telephone, computer, or cyberspace device or application; and in such case, the jurisdiction is in the county in which the offense is consummated.

R.L.1910, § 5609. Amended by Laws 2002, c. 97, § 1, emerg. eff. April 17, 2002.

§22-122. Jurisdiction in case of death from duel outside state.

When an inhabitant or resident of this state, by previous appointment or engagement, fights a duel, or is concerned as second therein, out of the jurisdiction of this state, and in the duel a wound is inflicted upon a person, whereof he dies in this state, the jurisdiction of the offense is in the county where the death happened.

R.L.1910, § 5610.

§22-123. Evasion of statutes relative to dueling and challenges, jurisdiction.

When an inhabitant of this state shall have left the same for the purpose of evading the operation of the provisions of the statutes relating to dueling and challenges to fight, with the intent or for the purpose of doing any of the acts prohibited therein, the jurisdiction is in the county of which the offender was an inhabitant when the offense was committed, or in any county in which, in the opinion of the Governor, the evidence can be most conveniently obtained and produced, to be designated by him by written appointment, filed in the office of the clerk of the court of that county.

R.L.1910, § 5611.

§22-124. Offense committed in two counties.

When a public offense is committed, partly in one county and partly in another county, or the acts or effects thereof, constituting or requisite to the offense, occur in two or more counties, the jurisdiction is in either county.

R.L.1910, § 5612.

§22-125. Offense committed near boundary of county.

When a public offense is committed on the boundary of two or more counties, or within five hundred (500) yards thereof, the jurisdiction is in either county.

R.L.1910, § 5613.

§22-125.1. Venue for enforcement of Section 425 of Title 21.

Venue for criminal actions to enforce the provisions of Section 2 of this act, including criminal actions with respect to each of

the alleged offenses included within a pattern of criminal offenses, as defined in Section 2 of this act, that have allegedly been committed, attempted or conspired to be committed by a person or persons, shall be in any county in which at least one alleged criminal offense has occurred that constitutes part of the alleged pattern of criminal offenses, it being the intent of this section that one district court may have jurisdiction over all the conduct, persons and property which are part of, or are directly related to, each and all of the alleged criminal offenses forming part of the alleged pattern of criminal offenses. It is discretionary, not mandatory, to bring all criminal actions in one county when an alleged pattern of criminal offenses involves two or more counties. Added by Laws 2004, c. 292, § 1, emerg. eff. May 11, 2004.

§22-126. Kidnapping, enticing away children and similar offenses, jurisdiction.

The jurisdiction of an indictment or information:

1. For forcibly and without lawful authority seizing and confining another, or inveigling or kidnapping the person, with intent, against his or her will, to cause the person to be secretly confined or imprisoned in this state, or to be sent out of the state, or from one county to another;

2. For decoying or taking or enticing away a child under the age of twelve (12) years, with intent to detain and conceal the child from his or her parents, guardian, or other person having lawful charge of the child;

3. For the inveigling, enticing, or taking away an unmarried female of previous chaste character, under the age of twenty-one (21) years, for the purpose of prostitution; or

4. For taking away any child under the age of eighteen (18) years from his or her father, mother, guardian or other person having the legal charge of his or her person for the purpose of child sex trafficking, is in any county in which the offense is committed or into or out of which the person upon whom the offense was committed, may, in the commission of the offense, have been brought or in which an act was done by the defendant in instigating, procuring, promoting, aiding or in being an accessory to the commission of the offense, or in abetting the parties concerned therein.

R.L.1910, § 5614. Amended by Laws 2024, c. 151, § 9, eff. Nov. 1, 2024.

§22-128. Stolen property moved, jurisdiction.

When property taken in one county, by burglary, robbery, larceny, or embezzlement, has been brought into another, the jurisdiction of the offense is in either county. But if, before the beginning of the trial of the defendant in the latter, he be

indicted or information be filed against him in the former county, the sheriff of the latter must, upon demand, deliver him to the sheriff of the former county, upon being served with a certified copy of the indictment or information, and upon a receipt indorsed thereon by the sheriff of the former county, of the delivery of the body of the defendant, and is, on filing the copy of the indictment and the receipt, exonerated from all liability in respect to the custody of the defendant.

R.L.1910, § 5616.

§22-129. Accessory, jurisdiction in case of.

In the case of an accessory in the commission of a public offense, the jurisdiction is in the county where the offense of the accessory was committed, notwithstanding the principal offense was committed in another county.

R.L.1910, § 5617.

§22-130. Conviction or acquittal outside state or county a bar.

When an act charged as a public offense is within the jurisdiction of another territory, county or state, as well as this state, a conviction or acquittal thereof in the former is a bar to a prosecution therefor in this state.

R.L.1910, § 5618.

§22-131. Conviction or acquittal in one county as bar to prosecution in another.

When an offense is in the jurisdiction of two or more counties, a conviction or acquittal thereof in one county is a bar to a prosecution thereof in another.

R.L.1910, § 5619.

§22-132. Escape, jurisdiction of prosecution for.

The jurisdiction of a prosecution for escaping from prison is in any county of the state.

R.L.1910, § 5620.

§22-133. Stealing property in another state - Receiving such stolen property.

The jurisdiction of a prosecution for stealing in any state or county, or other territory, the property of another, or receiving it, knowing it to have been stolen, and bringing the same into this state, is in any county into or through which such stolen property has been brought.

R.L.1910, § 6136.

§22-134. Murder or manslaughter, jurisdiction in certain cases.

The jurisdiction of a prosecution for murder or manslaughter, when the injury which caused the death was inflicted in one county, and the party injured dies in another county, or out of the state, is in the county where the injury was inflicted.
R.L.1910, § 5622.

§22-135. Principal not present, jurisdiction.

The jurisdiction of a prosecution against a principal in the commission of a public offense, when such principal is not present at the commission of the public offense, is in the same county as it would be under this article, if he were so present and aiding and abetting therein.
R.L.1910, § 5623.

§22-136. Acceptance of plea of guilty or nolo contendere upon waiver of venue and consent thereto - Judgments.

If, in any criminal proceeding, the accused enters a plea of guilty or nolo contendere and waives his venue rights by express written waiver, and upon consent of the prosecuting attorneys of both the disposition county and the originating venue county, any judge in any district court is authorized to accept such plea for an offense committed in any county charged by complaint, indictment, information or other equivalent pleading, and may dispose of the offense or offenses set out in such pleadings. An exemplified copy of the judgment shall constitute a judgment on the merits in the case in the court or courts of the originating venue county or counties.

Added by Laws 1985, c. 20, § 1, eff. Nov. 1, 1985.

§22-151. Limitations - Murder, first and second degree manslaughter.

A. There is no limitation of the time within which a prosecution for murder must be commenced. Such prosecution may be commenced at any time after the death of the person killed.

B. Prosecutions for the crimes of first degree manslaughter and second degree manslaughter shall be commenced within ten (10) years after the discovery of the crime. For purposes of this subsection, "discovery" means the date the crime is reported to a law enforcement agency.

R.L.1910, § 5624. Amended by Laws 1935, p. 20, § 1; Laws 1943, p. 84, § 1; Laws 2021, c. 354, § 1, eff. Nov. 1, 2021.

§22-152. See the following versions:

OS 22-152v1 (HB 3668, Laws 2024, c. 310, § 1)

OS 22-152v2 (HB 1935, Laws 2025, c. 115, § 1)

§22-152v1. Statute of limitations.

A. Prosecutions for the crimes of bribery, embezzlement of public money, bonds, securities, assets or property of the state or any county, school district, municipality or other subdivision thereof, or of any misappropriation of public money, bonds, securities, assets or property of the state or any county, school district, municipality or other subdivision thereof, falsification of public records of the state or any county, school district, municipality or other subdivision thereof, and conspiracy to defraud the State of Oklahoma or any county, school district, municipality or other subdivision thereof in any manner or for any purpose shall be commenced within seven (7) years after the discovery of the crime; provided, however, prosecutions for the crimes of embezzlement or misappropriation of public money, bonds, securities, assets or property of any school district, including those relating to student activity funds, or the crime of falsification of public records of any independent school district, the crime of criminal conspiracy, the crime of embezzlement pursuant to Sections 1451 through 1461 of Title 21 of the Oklahoma Statutes, the crime of False Personation or Identity Theft pursuant to Sections 1531 through 1533.3 of Title 21 of the Oklahoma Statutes, the financial exploitation of a vulnerable adult pursuant to Sections 843.1, 843.3 and 843.4 of Title 21 of the Oklahoma Statutes, or Medicaid fraud pursuant to Section 1005 of Title 56 of the Oklahoma Statutes, shall be commenced within five (5) years after the discovery of the crime.

B. Prosecutions for criminal violations of any state income tax laws shall be commenced within five (5) years after the commission of such violation.

C. 1. Prosecutions for sexual crimes against children, specifically rape or forcible sodomy, sodomy, lewd or indecent proposals or acts against children, involving minors in pornography pursuant to Section 886, 888, 1111, 1111.1, 1113, 1114, 1021.2, 1021.3, 1040.12a or 1123 of Title 21 of the Oklahoma Statutes, child abuse pursuant to Section 843.5 of Title 21 of the Oklahoma Statutes, and child trafficking pursuant to Section 866 of Title 21 of the Oklahoma Statutes shall be commenced by the forty-fifth birthday of the alleged victim. Prosecutions for such crimes committed against victims eighteen (18) years of age or older, and sexual abuse of a vulnerable adult pursuant to Section 843.1 of Title 21 of the Oklahoma Statutes shall be commenced within twelve (12) years after the discovery of the crime. As used in this paragraph, "discovery" means the date that a physical or sexually related crime involving a victim eighteen (18) years of age or older is reported to a law enforcement agency.

2. However, prosecutions for the crimes listed in paragraph 1 of this subsection may be commenced at any time after the commission of the offense if:

- a. physical evidence is collected and preserved that is capable of being tested to obtain a profile from deoxyribonucleic acid (DNA), and
- b. the identity of the offender is subsequently established through the use of a DNA profile using evidence listed in subparagraph a of this paragraph.

A prosecution under this exception must be commenced within three (3) years from the date on which the identity of the suspect is established by DNA testing.

3. No prosecution under this subsection shall be based upon the memory of the victim that has been recovered through psychotherapy unless there is some evidence independent of such repressed memory.

4. Any person who knowingly and willfully makes a false claim pursuant to this subsection or a claim that the person knows lacks factual foundation may be reported to local law enforcement for criminal investigation and, upon conviction, shall be guilty of a felony.

D. Prosecutions for criminal violations of any provision of the Oklahoma Wildlife Conservation Code shall be commenced within three (3) years after the commission of such offense.

E. Prosecutions for the crime of criminal fraud or workers' compensation fraud pursuant to Section 1541.1, 1541.2, 1662 or 1663 of Title 21 of the Oklahoma Statutes shall commence within three (3) years after the discovery of the crime, but in no event greater than seven (7) years after the commission of the crime.

F. Prosecution for the crime of false or bogus check pursuant to Section 1541.1, 1541.2, 1541.3 or 1541.4 of Title 21 of the Oklahoma Statutes shall be commenced within five (5) years after the commission of such offense.

G. Prosecution for the crime of solicitation for murder in the first degree pursuant to Section 701.16 of Title 21 of the Oklahoma Statutes shall be commenced within seven (7) years after the discovery of the crime. For purposes of this subsection, "discovery" means the date upon which the crime is made known to anyone other than a person involved in the solicitation.

H. In all other cases a prosecution for a public offense must be commenced within three (3) years after its commission.

I. Prosecution for the crime of accessory after the fact must be commenced within the same statute of limitations as that of the felony for which the person acted as an accessory.

J. Prosecution for the crime of arson pursuant to Section 1401, 1402, 1403, 1404 or 1405 of Title 21 of the Oklahoma Statutes shall be commenced within seven (7) years after the commission of the crime.

K. Prosecutions for criminal violations in which a deadly weapon is used to commit a felony or prosecutions for criminal violations in which a deadly weapon is used in an attempt to commit

a felony shall be commenced within seven (7) years after the commission of the crime.

L. Prosecutions for the crime of human trafficking pursuant to Section 748 of Title 21 of the Oklahoma Statutes shall be commenced within three (3) years after discovery of the crime. For purposes of this subsection, "discovery" means the date upon which the crime is reported to a law enforcement agency.

R.L. 1910, § 5625. Amended by Laws 1943, p. 84, § 2, emerg. eff. April 12, 1943; Laws 1945, p. 97, § 1, emerg. eff. Feb. 1, 1945; Laws 1965, c. 245, § 1, emerg. eff. June 16, 1965; Laws 1968, c. 218, § 1, emerg. eff. April 23, 1968; Laws 1983, c. 74, § 1, eff. Nov. 1, 1983; Laws 1985, c. 112, § 5, eff. Nov. 1, 1985; Laws 1986, c. 218, § 2, emerg. eff. June 9, 1986; Laws 1989, c. 348, § 14, eff. Nov. 1, 1989; Laws 1990, c. 308, § 1, emerg. eff. May 30, 1990; Laws 1991, c. 182, § 64, eff. Sept. 1, 1991; Laws 1994, 2nd Ex. Sess., c. 1, § 2, emerg. eff. Nov. 4, 1994; Laws 2000, c. 245, § 3, eff. Nov. 1, 2000; Laws 2001, c. 18, § 2, eff. July 1, 2001; Laws 2002, c. 475, § 3; Laws 2005, c. 101, § 1, eff. Nov. 1, 2005; Laws 2006, c. 126, § 1, eff. Nov. 1, 2006; Laws 2006, c. 215, § 2, eff. July 1, 2006; Laws 2007, c. 25, § 1, eff. Nov. 1, 2007; Laws 2007, c. 358, § 4, eff. July 1, 2007; Laws 2008, c. 434, § 1, eff. Nov. 1, 2008; Laws 2009, c. 51, § 1, eff. Nov. 1, 2009; Laws 2009, c. 234, § 130, emerg. eff. May 21, 2009; Laws 2010, c. 2, § 6, emerg. eff. March 3, 2010; Laws 2010, c. 96, § 1, eff. Nov. 1, 2010; Laws 2015, c. 290, § 2, eff. Nov. 1, 2015; Laws 2016, c. 19, § 1, eff. Nov. 1, 2016; Laws 2017, c. 134, § 2, eff. Nov. 1, 2017; Laws 2022, c. 174, § 1, eff. Nov. 1, 2022; Laws 2024, c. 310, § 1, eff. Nov. 1, 2024.

NOTE: Laws 2009, c. 93, § 1 repealed by Laws 2010, c. 2, § 7, emerg. eff. March 3, 2010.

§22-152v2. Statute of limitations.

A. Prosecutions for the crimes of bribery, embezzlement of public money, bonds, securities, assets or property of the state or any county, school district, municipality or other subdivision thereof, or of any misappropriation of public money, bonds, securities, assets or property of the state or any county, school district, municipality or other subdivision thereof, falsification of public records of the state or any county, school district, municipality or other subdivision thereof, and conspiracy to defraud the State of Oklahoma or any county, school district, municipality or other subdivision thereof in any manner or for any purpose shall be commenced within seven (7) years after the discovery of the crime; provided, however, prosecutions for the crimes of embezzlement or misappropriation of public money, bonds, securities, assets or property of any school district, including those relating to student activity funds, or the crime of falsification of public records of any independent school district, the crime of criminal

conspiracy, the crime of embezzlement pursuant to Sections 1451 through 1461 of Title 21 of the Oklahoma Statutes, the crime of False Personation or Identity Theft pursuant to Sections 1531 through 1533.3 of Title 21 of the Oklahoma Statutes, the financial exploitation of a vulnerable adult pursuant to Sections 843.1, 843.3 and 843.4 of Title 21 of the Oklahoma Statutes, or Medicaid fraud pursuant to Section 1005 of Title 56 of the Oklahoma Statutes, shall be commenced within five (5) years after the discovery of the crime.

B. Prosecutions for criminal violations of any state income tax laws shall be commenced within five (5) years after the commission of such violation.

C. 1. Prosecutions for sexual crimes against children, specifically rape or forcible sodomy, sodomy, lewd or indecent proposals or acts against children, involving minors in pornography pursuant to Section 886, 888, 1111, 1111.1, 1113, 1114, 1021.2, 1021.3, 1040.12a or 1123 of Title 21 of the Oklahoma Statutes, any offense prohibited by Section 843.5 of Title 21 of the Oklahoma Statutes, sexual abuse of a vulnerable adult pursuant to Section 843.1 of Title 21 of the Oklahoma Statutes, child trafficking pursuant to Section 866 of Title 21 of the Oklahoma Statutes, nonconsensual dissemination of private sexual images pursuant to Section 1040.13b of Title 21, and failure to report abuse or neglect pursuant to Section 1-2-101 of Title 10A of the Oklahoma Statutes shall be commenced by the forty-fifth birthday of the alleged victim. Prosecutions for such crimes committed against victims eighteen (18) years of age or older shall be commenced within twenty (20) years after the discovery of the crime. As used in this paragraph, "discovery" means the date that a physical or sexually related crime involving a victim eighteen (18) years of age or older is reported to a law enforcement agency. Any offense for which the prosecution is not time-barred upon the effective date of this act shall be retroactively subject to the provisions of this subsection.

2. However, prosecutions for the crimes listed in paragraph 1 of this subsection may be commenced at any time after the commission of the offense if:

- a. physical evidence is collected and preserved that is capable of being tested to obtain a profile from deoxyribonucleic acid (DNA), and
- b. probable cause as to the identity of the offender is subsequently established through the use of a DNA profile using evidence listed in subparagraph a of this paragraph, or
- c. the accused person has provided a confession or admission related to the crime.

3. No prosecution under this subsection shall be based upon the memory of the victim that has been recovered through psychotherapy unless there is some evidence independent of such repressed memory.

4. Any person who knowingly and willfully makes a false claim pursuant to this subsection or a claim that the person knows lacks factual foundation may be reported to local law enforcement for criminal investigation and, upon conviction, shall be guilty of a felony.

D. Prosecutions for criminal violations of any provision of the Oklahoma Wildlife Conservation Code shall be commenced within three (3) years after the commission of such offense.

E. Prosecutions for the crime of criminal fraud or workers' compensation fraud pursuant to Section 1541.1, 1541.2, 1662 or 1663 of Title 21 of the Oklahoma Statutes shall commence within three (3) years after the discovery of the crime, but in no event greater than seven (7) years after the commission of the crime.

F. Prosecution for the crime of false or bogus check pursuant to Section 1541.1, 1541.2, 1541.3 or 1541.4 of Title 21 of the Oklahoma Statutes shall be commenced within five (5) years after the commission of such offense.

G. Prosecution for the crime of solicitation for murder in the first degree pursuant to Section 701.16 of Title 21 of the Oklahoma Statutes shall be commenced within seven (7) years after the discovery of the crime. For purposes of this subsection, "discovery" means the date upon which the crime is made known to anyone other than a person involved in the solicitation.

H. In all other cases a prosecution for a public offense must be commenced within three (3) years after its commission.

I. Prosecution for the crime of accessory after the fact must be commenced within the same statute of limitations as that of the felony for which the person acted as an accessory.

J. Prosecution for the crime of arson pursuant to Section 1401, 1402, 1403, 1404 or 1405 of Title 21 of the Oklahoma Statutes shall be commenced within seven (7) years after the commission of the crime.

K. Prosecutions for criminal violations in which a deadly weapon is used to commit a felony or prosecutions for criminal violations in which a deadly weapon is used in an attempt to commit a felony shall be commenced within seven (7) years after the commission of the crime.

L. Prosecutions for the crime of human trafficking pursuant to Section 748 of Title 21 of the Oklahoma Statutes shall be commenced within three (3) years after discovery of the crime. For purposes of this subsection, "discovery" means the date upon which the crime is reported to a law enforcement agency.

R.L. 1910, § 5625. Amended by Laws 1943, p. 84, § 2, emerg. eff. April 12, 1943; Laws 1945, p. 97, § 1, emerg. eff. Feb. 1, 1945; Laws 1965, c. 245, § 1, emerg. eff. June 16, 1965; Laws 1968, c. 218, § 1, emerg. eff. April 23, 1968; Laws 1983, c. 74, § 1, eff. Nov. 1, 1983; Laws 1985, c. 112, § 5, eff. Nov. 1, 1985; Laws 1986,

c. 218, § 2, emerg. eff. June 9, 1986; Laws 1989, c. 348, § 14, eff. Nov. 1, 1989; Laws 1990, c. 308, § 1, emerg. eff. May 30, 1990; Laws 1991, c. 182, § 64, eff. Sept. 1, 1991; Laws 1994, 2nd Ex. Sess., c. 1, § 2, emerg. eff. Nov. 4, 1994; Laws 2000, c. 245, § 3, eff. Nov. 1, 2000; Laws 2001, c. 18, § 2, eff. July 1, 2001; Laws 2002, c. 475, § 3; Laws 2005, c. 101, § 1, eff. Nov. 1, 2005; Laws 2006, c. 126, § 1, eff. Nov. 1, 2006; Laws 2006, c. 215, § 2, eff. July 1, 2006; Laws 2007, c. 25, § 1, eff. Nov. 1, 2007; Laws 2007, c. 358, § 4, eff. July 1, 2007; Laws 2008, c. 434, § 1, eff. Nov. 1, 2008; Laws 2009, c. 51, § 1, eff. Nov. 1, 2009; Laws 2009, c. 234, § 130, emerg. eff. May 21, 2009; Laws 2010, c. 2, § 6, emerg. eff. March 3, 2010; Laws 2010, c. 96, § 1, eff. Nov. 1, 2010; Laws 2015, c. 290, § 2, eff. Nov. 1, 2015; Laws 2016, c. 19, § 1, eff. Nov. 1, 2016; Laws 2017, c. 134, § 2, eff. Nov. 1, 2017; Laws 2022, c. 174, § 1, eff. Nov. 1, 2022; Laws 2024, c. 338, § 1, eff. Nov. 1, 2024; Laws 2025, c. 115, § 1, eff. Nov. 1, 2025.

NOTE: Laws 2009, c. 93, § 1 repealed by Laws 2010, c. 2, § 7, emerg. eff. March 3, 2010.

§22-153. Absence from state, limitation does not run.

If when the offense is committed the defendant be out of the state, the prosecution may be commenced within the term herein limited after his coming within the state, and no time during which the defendant is not an inhabitant of or usually resident within the state, is part of the limitation.

R.L.1910, § 5626.

§22-161. Magistrate defined.

A magistrate is an officer having power to issue a warrant for the arrest of a person charged with a public offense.

R.L.1910, § 5627.

§22-162. Who are magistrates.

The following persons are magistrates:

First. Justices of the Supreme Court.

Second. Judges of the Court of Criminal Appeals.

Third. Judges of the Court of Appeals.

Fourth. Judges of the district court, including associate district judges and special judges.

R.L.1910, § 5628; Laws 1968, c. 162, § 7; Laws 1970, c. 247, § 16, emerg. eff. April 15, 1970.

§22-171. Complaint - Issuance of warrant of arrest.

When a complaint, verified by oath or affirmation, is laid before a magistrate, of the commission of a public offense, he must, if satisfied therefrom that the offense complained of has been

committed, and that there is reasonable ground to believe that the defendant has committed it, issue a warrant of arrest.

R.L.1910, § 5629. R.L.1910, § 5629.

§22-171.1. Arrest warrant for escaped prisoner.

A. Any warden, superintendent or district supervisor within the Department of Corrections may make application to a judge for an arrest warrant upon any prisoner escaping from custody or confinement in an institution or facility of the Department of Corrections or from house arrest or the Preparole Conditional Supervision Program. Said application shall be a statement verified by oath or affirmation alleging the occurrence of an escape.

B. If the judge is satisfied that an escape has occurred, the judge shall affix his signature to a warrant of arrest of the prisoner.

C. The person making application for the arrest warrant shall cause to be delivered as soon as possible, a copy of the issued warrant of arrest of the prisoner to the court clerk, the district attorney and the sheriff's office within the geographical area where the escape occurred.

D. Nothing in this section shall prohibit the filing of any criminal charges by the district attorney against the prisoner charged with escape.

Added by Laws 1992, c. 166, § 1, eff. Sept. 1, 1992.

§22-171.2. Determination of citizenship status of persons confined in jail - Verification of status - Presumption of flight risk.

A. When a person charged with a felony or with driving under the influence pursuant to Section 11-902 of Title 47 of the Oklahoma Statutes is confined, for any period, in the jail of the county, any municipality or a jail operated by a regional jail authority, a reasonable effort shall be made to determine the citizenship status of the person so confined.

B. If the prisoner is a foreign national, the keeper of the jail or other officer shall make a reasonable effort to verify that the prisoner has been lawfully admitted to the United States and, if lawfully admitted, that such lawful status has not expired. If verification of lawful status cannot be made from documents in the possession of the prisoner, verification shall be made within forty-eight (48) hours through a query to the Law Enforcement Support Center of the United States Department of Homeland Security or other office or agency designated for that purpose by the United States Department of Homeland Security. If the lawful immigration status of the prisoner cannot be verified, the keeper of the jail or other officer shall notify the United States Department of Homeland Security.

C. For the purpose of determining the grant of or issuance of bond, it shall be a rebuttable presumption that a person whose citizenship status has been verified pursuant to subsection B of this section to be a foreign national who has not been lawfully admitted to the United States is at risk of flight.
Added by Laws 2007, c. 112, § 5, eff. Nov. 1, 2007.

§22-171.3. Custody of persons subject to immigration detainer request.

A. A law enforcement agency that has custody of a person who is subject to an immigration detainer request issued by the United States Immigration and Customs Enforcement shall:

1. Comply with, honor and fulfill any request made in the immigration detainer request provided by the United States Immigration and Customs Enforcement; and
2. Inform the person identified in the immigration detainer request that he or she is being held pursuant to an immigration detainer request issued by the United States Immigration and Customs Enforcement.

B. A law enforcement agency shall not be required to perform a duty imposed by subsection A of this section with respect to a person who has provided proof that the person is a citizen of the United States. Such proof may include:

1. An Oklahoma driver license or identification card issued by Service Oklahoma on or after November 1, 2007; or
 2. State- or federal government-issued identification.
- C. As used in this section:

1. "Immigration detainer request" means a federal government request to a local entity to maintain temporary custody of an alien, including a United States Department of Homeland Security Form I-247 document or a similar successor form; and
2. "Law enforcement agency" means any state, county or municipal agency or department which maintains custody of persons accused of, charged with or convicted of any criminal offense. This term includes, but shall not be limited to, peace officers, sheriffs, deputy sheriffs, jailers, correctional officers, agents, employees or contractors of a law enforcement agency.

Added by Laws 2021, c. 255, § 2, eff. Nov. 1, 2021. Amended by Laws 2023, c. 310, § 1, eff. July 1, 2023.

§22-172. Form of warrant.

A warrant of arrest is an order in writing, in the name of the state, signed by a magistrate, commanding the arrest of the defendant, and may be substantially in the following form:

County of _____
The State of Oklahoma

To any sheriff, constable, marshal or policeman in this state (or in the county of _____ as the case may be):

Complaint upon oath having been this day made before me that the crime of (designating it) has been committed, and accusing C. D. thereof, you are therefore commanded forthwith to arrest the above named C. D. and bring him before me at (naming the place), or, in case of my absence or inability to act, before the nearest or most accessible magistrate in this county.

Dated at _____ this _____ day of _____ 191__.
E. F., Justice of the Peace (or as the case may be).
R.L.1910, § 5629. R.L.1910, § 5629.

§22-173. Requisites of warrant.

The warrant must specify the name of the defendant, or, if it is unknown to the magistrate, the defendant may be designated therein by any name. It must also state an offense in respect to which the magistrate has authority to issue the warrant, and the time of issuing it, and the county, city, or town where it is issued, and if the offense charged is bailable, shall fix the amount of bail and an endorsement shall be made on the warrant, to the following effect: "The defendant is to be admitted to bail in the sum of \$_____. " and be signed by the magistrate with his name of office.
Amended by Laws 1982, c. 149, § 1, operative Oct. 1, 1982.

§22-174. Warrant directed to whom.

The warrant must be directed to and executed by a peace officer.
R.L.1910, § 5632. R.L.1910, § 5632.

§22-175. County in which warrant may be served - Who may serve.

All warrants, except those issued for violation of city ordinances, may be served in any county in the state; and may be served by any peace officer to whom they may be directed or delivered.
R.L.1910, § 5633.

§22-176. Taking defendant before magistrate in felony cases - Use of closed circuit television.

If the offense charged in the warrant be a felony, the officer making the arrest must take the defendant before the magistrate who issued the warrants or some other magistrate in the county or the image of the defendant may be broadcast by closed circuit television to the magistrate. A closed circuit television system may not be used under this section and Section 177 of this title unless the system provides for a two-way communication of image and sound between the arrested person and the magistrate.
R.L.1910, § 5634; Amended by Laws 1991, c. 178, § 1, eff. Sept. 1, 1991.

§22-177. Verbal warning or arrest for misdemeanor charges in another county.

If the offense charged in the warrant be a misdemeanor and the defendant comes in contact with a law enforcement officer in another county, the law enforcement officer may:

1. Issue a verbal warning about the existence of the warrant and further advise the defendant to contact the clerk of the court for the purpose of resolving the outstanding warrant. All verbal warnings shall be documented by the law enforcement officer on a department-issued warning ticket; or

2. Arrest the defendant and take the defendant before a magistrate in that county, or the image of the defendant may be broadcast by closed circuit television to the magistrate, as provided in Section 176 of this title, who must admit the defendant to bail and take bail accordingly.

R.L.1910, § 5635. Amended by Laws 1991, c. 178, § 2, eff. Sept. 1, 1991; Laws 2023, c. 204, § 1, eff. Nov. 1, 2023.

§22-178. Proceedings when bail is taken.

On taking bail, the magistrate must certify that fact on the warrant, and deliver the warrant and undertaking of bail to the officer having charge of the defendant. The officer must then discharge the defendant from arrest, and must, without delay, deliver the warrant and undertaking to the clerk of the court at which the defendant is required to appear.

R.L.1910, § 5636.

§22-179. When bail is not given.

If, on the admission of the defendant to bail, bail be not forthwith given, the officer must take the defendant before the magistrate who issued the warrant, or some other magistrate in the same county, as provided in the next section.

R.L.1910, § 5637.

§22-180. Magistrate absent - Taking defendant before another.

When, by the preceding sections of this chapter, the defendant is required to be taken before the magistrate who issued the warrant, he may, if the magistrate be absent or unable to act, be taken before the nearest or most accessible magistrate in the same county. The officer must, at the same time, deliver to the magistrate the warrant, with the return endorsed and subscribed by him.

R.L.1910, § 5638.

§22-181. Delay in taking before magistrate not permitted.

The defendant must, in all cases, be taken before the magistrate without unnecessary delay.

R.L.1910, § 5639.

§22-182. Complaint when defendant taken before magistrate other than one issuing warrant.

If the defendant be taken before a magistrate other than the one who issued the warrant, the complaint on which the warrant was granted must be sent to that magistrate, or if it cannot be procured, a new complaint must be filed.

R.L.1910, § 5640. R.L.1910, § 5640.

§22-183. Offense triable in another county - Proceedings for arrest.

When a complaint is laid before a magistrate of the commission of a public offense triable in another county of the state, but showing that the defendant is in the county where the complaint is made, the same proceedings must be had as prescribed in this chapter, except that the warrant must require the defendant to be taken before the nearest and most accessible magistrate of the county in which the offense is triable, and the complaint of the informant, with the depositions, if any, of the witnesses who may have been produced, must be delivered by the magistrate to the officer to whom the warrant is delivered.

R.L.1910, § 5641.

§22-184. Offense triable in another county - Taking defendant before magistrate.

The officer who executes the warrant must take the defendant before the nearest or most accessible magistrate of the county in which the offense is triable with his return endorsed thereon, and the magistrate must then proceed in the same manner as upon a warrant issued by himself.

R.L.1910, § 5642.

§22-185. Verbal warning or taking before magistrate for misdemeanor charges.

If the offense charged in the warrant issued is a misdemeanor, the law enforcement officer may:

1. Issue a verbal warning about the existence of the warrant and further advise the defendant to contact the clerk of the court for the purpose of resolving the outstanding warrant. All verbal warnings shall be documented by the law enforcement officer on a department-issued warning ticket; or

2. Take the defendant before a magistrate of the county in which the warrant was issued, who must admit the defendant to bail, and immediately transmit the warrant, complaint, depositions, if

any, and undertaking, to the clerk of the court in which the defendant is required to appear.

R.L. 1910, § 5643. Amended by Laws 2023, c. 204, § 2, eff. Nov. 1, 2023.

§22-186. Arrest defined.

Arrest is the taking of a person into custody, that he may be held to answer for a public offense.

R.L.1910, § 5644. R.L.1910, § 5644. R.L.1910, § 5644.

§22-187. Arrest made by whom.

An arrest may be either:

1. By a peace officer, under warrant,
2. By a peace officer without a warrant; or,
3. By a private person.

R.L.1910, § 5645.

§22-188. Aid to officer.

Every person must aid an officer in the execution of a warrant, if the officer require his aid.

R.L.1910, § 5646.

§22-189. Arrest, when made.

If the offense charged is a felony, the arrest may be made on any day, and at any time of the day or night. If it is a misdemeanor, the arrest may be made only during the hours of six o'clock a.m. to ten o'clock p.m., inclusive, except as otherwise may be directed by the magistrate endorsed upon the warrant. Provided, an arrest on a warrant which charges a misdemeanor offense may be made at any time of the day or night if the defendant is in a public place or on a public roadway.

R.L. 1910, § 5647. R.L. 1910, § 5647. Amended by Laws 1990, c. 148, § 1, emerg. eff. May 1, 1990.

§22-190. Arrest, how made.

An arrest is made by an actual restraint of the person of the defendant, or by his submission to the custody of the officer.

R.L.1910, § 5648.

§22-190.1. Custody of person arrested without warrant for nonbailable offense.

The person, when arrested without warrant for an offense not bailable, shall be held in custody by the sheriff of the county in which the arrest was made. If the sheriff has contracted for the custody of prisoners in the county, the contractor shall be required to hold in custody any prisoner delivered to the contractor pursuant to this section.

Added by Laws 2003, c. 199, § 3, eff. Nov. 1, 2003.

§22-191. Restraint which is permissible.

The defendant is not to be subjected to any more restraint than is necessary for his arrest and detention.

R.L.1910, § 5649.

§22-192. Officer must show warrant.

The officer must inform the defendant that he acts under the authority of the warrant, and must also show the warrant within a reasonable time under the circumstances, if requested.

Amended by Laws 1983, c. 294, § 2, eff. Nov. 1, 1983.

§22-193. Resistance, means to overcome.

If, after notice of intention to arrest the defendant, he either flee or forcibly resist, the officer may use all necessary means to effect the arrest.

R.L.1910, § 5651.

§22-194. Officer may break open door or window, when.

The officer may break open an outer or inner door or window of a dwelling house, to execute the warrant, if, after notice of his authority and purpose, he be refused admittance.

R.L.1910, § 5652.

§22-195. Officer's breaking door or window to liberate himself or another arrestee.

An officer may break open an outer or inner door or window of a dwelling house for the purposes of liberating a person who, having entered for the purpose of making an arrest, is detained therein, or when necessary for his own liberation.

R.L.1910, § 5653. R.L.1910, § 5653.

§22-196. Arrest without warrant by officer.

A peace officer may, without a warrant, arrest a person:

1. For a public offense, committed or attempted in the officer's presence;
2. When the person arrested has committed a felony, although not in the officer's presence;
3. When a felony has in fact been committed, and the officer has reasonable cause to believe the person arrested to have committed it;
4. On a charge, made upon reasonable cause, of the commission of a felony by the party arrested;
5. When the officer has probable cause to believe that the party was driving or in actual physical control of a motor vehicle involved in an accident within this state, whether upon public

roads, highways, streets, turnpikes, other public places, or upon any private road, street, alley or lane which provides access to one or more single- or multi-family dwellings and was under the influence of alcohol or intoxicating liquor or who was under the influence of any substance included in the Uniform Controlled Dangerous Substances Act;

6. Anywhere, including a place of residence of the person, if the peace officer has probable cause to believe the person within the preceding seventy-two (72) hours has committed an act of domestic abuse as defined by Section 60.1 of this title, although the assault did not take place in the presence of the peace officer. A peace officer may not arrest a person pursuant to this section without first observing a recent physical injury to, or an impairment of the physical condition of, the alleged victim;

7. When a peace officer, in accordance with the provisions of Section 60.9 of this title, is acting on a violation of a protective order offense; or

8. When the officer has probable cause to believe that the person has threatened another person as defined in subsection B of Section 1378 of Title 21 of the Oklahoma Statutes.

R.L.1910, § 5654. Amended by Laws 1975, c. 228, § 1, eff. Oct. 1, 1975; Laws 1977, c. 27, § 1, eff. Oct. 1, 1977; Laws 1982, c. 269, § 1, eff. Oct. 1, 1982; Laws 1987, c. 174, § 2, operative July 1, 1987; Laws 1994, c. 316, § 2, emerg. eff. June 8, 1994; Laws 2000, c. 370, § 12, eff. July 1, 2000; Laws 2001, c. 437, § 16, eff. July 1, 2001; Laws 2014, c. 200, § 1.

§22-197. Arrest without warrant, breaking door or window.

To make an arrest, as provided in the last section, the officer may break open an outer or inner door or window of a dwelling house, if, after notice of his office and purpose, he be refused admittance.

R.L.1910, § 5655.

§22-198. Nighttime, arrest of suspected felon.

He may also at night, without a warrant, arrest any person whom he has reasonable cause for believing to have committed a felony, and is justified in making the arrest though it afterward appear that the felony had not been committed.

R.L.1910, § 5656.

§22-199. Authority must be stated on arrest without warrant, when.

When arresting a person without a warrant, the officer must inform him of his authority and the cause of the arrest, except when he is in actual commission of a public offense, or is pursued immediately after an escape.

R.L.1910, § 5657.

§22-200. Arrest by bystander - Officer may take defendant before magistrate.

He may take before a magistrate, a person, who being engaged in a breach of the peace, is arrested by a bystander and delivered to him.

R.L.1910, § 5658. R.L.1910, § 5658.

§22-201. Offense committed in presence of magistrate.

When a public offense is committed in the presence of a magistrate, he may, by a verbal or written order, command any person to arrest the offender, and may thereupon proceed as if the offender had been brought before him on a warrant of arrest.

R.L. 1910, Sec. 5659.

§22-202. Arrest by private person.

A private person may arrest another:

1. For a public offense committed or attempted in his presence.
2. When the person arrested has committed a felony although not in his presence.

3. When a felony has been in fact committed, and he has reasonable cause for believing the person arrested to have committed it.

R.L.1910, § 5659.

§22-203. Private person must inform person of cause of arrest.

He must, before making the arrest, inform the person to be arrested of the cause thereof, and require him to submit, except when he is in actual commission of the offense or when he is arrested on pursuit immediately after its commission.

R.L.1910, § 5661.

§22-204. Private person may break door or window.

If the person to be arrested has committed a felony, and a private person, after notice of the intention to make the arrest, be refused admittance, the private person may break open an outer or inner door or window of the dwelling house of the person to be arrested, for the purpose of making the arrest.

R.L.1910, § 5662. Amended by Laws 2002, c. 460, § 15, eff. Nov. 1, 2002.

§22-205. Private person making arrest must take defendant to magistrate or officer.

A private person who has arrested another for the commission of a public offense, must, without unnecessary delay, take him before a magistrate or deliver him to a peace officer.

R.L.1910, § 5663.

§22-206. Disarming person arrested.

Any person making an arrest must take from the person arrested all offensive weapons which he may have about his person, and must deliver them to the magistrate before whom he is taken.

R.L.1910, § 5664. R.L.1910, § 5664.

§22-207. Pursuit and arrest of escaped prisoner.

If a person arrested escape or be rescued, the person from whose custody he escaped or was rescued, may immediately pursue and retake him, at any time, and in any place in the state.

R.L.1910, § 5665.

§22-208. Breaking door or window to arrest person escaping.

To take the person escaping or rescued, the person pursuing may, after notice of his intention and refusal of admittance, break open an outer or inner door or window of a dwelling house.

R.L.1910, § 5666. R.L.1910, § 5666.

§22-209. Repealed by Laws 2023, c. 369, § 4, emerg. eff. June 7, 2023.

§22-210. Felony arrest - DNA testing required.

A. Subject to the availability of funds, a person eighteen (18) years of age or older who is arrested for the commission of a felony under the laws of this state or any other jurisdiction shall, upon being booked into a jail or detention facility, submit to deoxyribonucleic acid (DNA) sample collection for testing for DNA-identification-matching purposes in accordance with Section 150.27a of Title 74 of the Oklahoma Statutes and the rules promulgated by the Oklahoma State Bureau of Investigation (OSBI) for the OSBI Combined DNA Index System (CODIS) Database. DNA samples shall be collected by trained medical personnel, law enforcement, tribal police officers, or employees or medical contractors of those organizations as qualified pursuant to subsection B of this section.

B. Samples of blood or saliva for DNA testing or for DNA-identification-matching purposes required by subsection A of this section shall be taken by trained medical personnel, law enforcement, tribal police officers, or employees or medical contractors of those organizations. The individuals shall be properly trained to collect blood or saliva samples. Persons collecting blood or saliva for DNA testing or for DNA-identification-matching purposes pursuant to this section shall be immune from civil liabilities arising from this activity. All collectors of DNA samples shall ensure the collected samples are mailed or delivered to the OSBI within ten (10) days after the DNA sample is collected from the person using sample kits provided by

the OSBI and procedures promulgated by the OSBI, or if the jail, detention facility, booking facility of a federally recognized American Indian tribe in Oklahoma or other designated facility is using Rapid DNA technology, the collector shall use the provided collection instruments. Once the DNA-identification-matching process has concluded and a sample has been mailed or delivered to the OSBI, the collector shall discard the Rapid DNA sample taken in the jail, detention facility, booking facility of a federally recognized American Indian tribe in Oklahoma or other designated facility.

If a jail, detention facility, booking facility of a federally recognized American Indian tribe in Oklahoma or other designated facility is using Rapid DNA technology to take the DNA sample for DNA identification purposes, said sample shall not be retained, tested or stored after completion of the Rapid DNA identification process. Any person charged with the custody and dissemination of DNA samples and profiles shall not divulge or disclose any such information except to federal, state, county or municipal law enforcement or criminal justice agencies, nor shall the person tamper with the samples and profiles taken. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year.

C. A DNA sample shall not be analyzed and shall be destroyed unless one of the following conditions has been met:

1. The arrest was made upon a valid felony arrest or warrant;
2. The person has appeared before a judge or magistrate judge who made a finding that there was probable cause for the arrest;
3. The person posted bond or was released prior to appearing before a judge or magistrate judge and then failed to appear for a scheduled hearing; or
4. The DNA sample was provided as a condition of a plea agreement.

D. All DNA samples, records and identifiable information generated pursuant to the provisions of this section shall be automatically expunged from the OSBI Combined DNA Index System (CODIS) Database under the following circumstances:

1. The felony offense for which the person was arrested does not result in charges either by information or indictment and the statute of limitations has expired;
2. The state voluntarily dismissed the felony charge filed against the person; or
3. The court dismissed the felony charge filed against the person.

The Oklahoma State Bureau of Investigation shall promulgate rules establishing procedures relating to the automatic expungement of DNA samples, records and identifiable information collected under

the provisions of this section. Fees related to the expungement of DNA samples, records and identifiable information shall not be assessed for persons who qualify for an automatic expungement under the provisions of this subsection.

Added by Laws 2016, c. 181, § 1, eff. Nov. 1, 2016. Amended by Laws 2019, c. 374, § 1, eff. Nov. 1, 2019.

§22-211.1. DNA information inadmissible post-expungement date.

All deoxyribonucleic acid (DNA) samples, records and identifiable information generated pursuant to the provisions of Section 1 of Enrolled House Bill No. 2275 of the 2nd Session of the 55th Oklahoma Legislature that are required to be automatically expunged under the provisions of that section shall be inadmissible in any prosecution of that person for a crime committed after the date the DNA samples, records and identifiable information should have been automatically expunged.

Added by Laws 2016, c. 348, § 3, eff. Nov. 1, 2016.

§22-221. Authority of officers of another state.

Any member of a duly organized state, county, or municipal peace unit of another state of the United States who enters this state in fresh pursuit, and continues within this state in such fresh pursuit, of a person in order to arrest him on the ground that he is believed to have committed a felony in such other state, shall have the same authority to arrest and hold such person in custody, as has any member of any duly organized state, county or municipal peace unit of this state, to arrest and hold in custody a person on the ground that he is believed to have committed a felony in this state. Laws 1949, p. 212, § 1.

§22-222. Taking prisoner before magistrate.

If an arrest is made in this state by an officer of another state in accordance with the provisions of Section 1 of this act he shall without unnecessary delay take the person arrested before a magistrate of the county in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the magistrate determines that the arrest was lawful he shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the Governor of this state or admit him to bail for such purpose. If the magistrate determines that the arrest was unlawful he shall discharge the person arrested. Added by Laws 1949, p. 212, § 1, emerg. eff. May 31, 1949.

§22-223. Arrests otherwise lawful.

Section 1 of this act shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful. Added by Laws 1949, p. 212, § 3, emerg. eff. May 31, 1949.

§22-224. State includes District of Columbia.

For the purpose of this act the word "state" shall include the District of Columbia.

Laws 1949, p. 212, § 4.

§22-225. Fresh pursuit defined.

The term "fresh pursuit" as used in this act shall include fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony. It shall also include the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is a reasonable ground for believing that felony has been committed. Fresh pursuit as used herein shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

Laws 1949, p. 212, § 5.

§22-227. Partial invalidity.

If any part of this act is for any reason declared void, it is declared to be the intent of this act that such invalidity shall not affect the validity of the remaining portions of this act.

Added by Laws 1949, p. 213, § 7, emerg. eff. May 31, 1949.

§22-228. Short Title.

This act may be cited as the Uniform Act on Fresh Pursuit.

Laws 1949, p. 213, § 8.

§22-231. Misdemeanors - Warrant for arrest - Complaint submitted to district attorney - Cost bond.

In all misdemeanor cases, before a warrant shall issue for the arrest of the defendant the complaint must be submitted to the district attorney, or drawn by him and indorsed as follows: "I have examined the facts in this case and recommend that a warrant do issue", and then filed with the court. If the action be brought without such endorsement the complaining witness must file with the court a bond to be approved by the court in a sum not less than Fifty Dollars (\$50.00), conditioned to pay all costs, and the county shall in no event be liable for any costs incurred in that action, unless the complaint be first so endorsed by the district attorney. R.L.1910, § 6176.

§22-232. Form of cost bond.

The bond may be substantially in the following form:

State of Oklahoma, against (naming the defendant). I, (naming the principal) as principal and as surety bind ourselves

to pay all costs in this cause if the defendant is acquitted. Signed this day of, 19....

The surety must qualify before the bond is approved.

R.L.1910, § 6177.

§22-233. Judgment on bond.

In all cases where bonds have been given under the provisions of this chapter, and the maker thereof shall be liable thereon, by the conviction or acquittal of the defendant, the court shall, at the time of rendering judgment for or against the defendant, render such judgment as may be proper on the bond, and issue execution thereon, as in cases of a civil judgment.

R.L.1910, § 6178.

§22-234. Discretion to charge as misdemeanor.

When determining the appropriate charge for a person accused of committing a criminal offense, the district attorney shall have the discretion to file the charge as a misdemeanor offense rather than a felony offense after considering the following factors:

1. The criminal offense for which the person has been arrested is not listed as a criminal offense in Section 13.1 or subsection G of Section 1040.13b of Title 21 of the Oklahoma Statutes;

2. The nature of the criminal offense;

3. The age, background and criminal history of the person who committed the criminal offense;

4. The character and rehabilitation needs of the person who committed the criminal offense; and

5. Whether it is in the best interests of justice to file the charge as a misdemeanor offense rather than a felony offense.

Added by Laws 2016, c. 219, § 1, eff. Nov. 1, 2016. Amended by Laws 2020, c. 35, § 2, eff. Nov. 1, 2020.

§22-251. Magistrate must inform defendant of charge and rights.

When the defendant is brought before a magistrate upon an arrest, either with or without a warrant, on a charge of having committed a public offense, the magistrate must immediately inform him of the charge against him, and of his right to the aid of counsel in every stage of the proceedings, and also of his right to waive an examination before any further proceedings are had.

R.L.1910, § 5667.

§22-252. Defendant allowed counsel - Messages to counsel - Change of venue.

He must also allow to the defendant a reasonable time to send for counsel, and adjourn the examination for that purpose; and must, upon the request of the defendant, require a peace officer to take a message to such counsel in the county or city as the defendant may

name. The officer must, without delay, perform that duty, and shall receive fees therefor as upon a service of a subpoena: Provided, However, that at any time before the examination is begun, a change of venue may be had, for the same causes and in the same manner, and be transmitted to another justice, as in cases finally triable before a justice of the peace.

R.L.1910, § 5668.

§22-253. Defendant to be examined.

The magistrate must without a jury, immediately after the appearance of counsel, or if none appear and the defendant require the aid of counsel, after waiting a reasonable time therefor, proceed to examine the case. The defendant may be sworn and testify in his own behalf as in civil cases.

R.L.1910, § 5669.

§22-254. Adjournment of examination.

The examination must be completed at one session unless the magistrate for good cause adjourn it.

R.L.1910, § 5670.

§22-255. Disposition of defendant on adjournment.

If an adjournment be had for any cause, the magistrate must commit the defendant for examination, or discharge him from custody upon a sufficient bail, or upon the deposit of money as provided in this code, as security for his appearance at the time to which the examination is adjourned.

R.L.1910, § 5671.

§22-256. Commitment for examination.

The commitment for examination is by an indorsement signed by the magistrate, on the warrant of arrest, to the following effect:

The within named A B, having been brought before me under this warrant, and having failed to give bail for his appearance, is committed to the sheriff of the county of (or to the marshal of the city of , as the case may be), to await examination on the day of , 1 , at o'clock, at which time you will have his body before me at my office.

R.L.1910, § 5672.

§22-257. Duty of magistrate on examination - Subpoenas for witnesses.

At the examination the magistrate must, in the first place, read to the defendant the complaint on file before him. He must, also, after the commencement of the prosecution, issue subpoenas for any witnesses required by the prosecutor or the defendant.

R.L.1910, § 5673.

§22-258. Preliminary examinations and proceedings thereon.

First: The witnesses must be examined in the presence of the defendant, and may be cross-examined by the defendant. On the request of the district attorney, or the defendant, all the testimony must be reduced to writing in the form of questions and answers and signed by the witnesses, or the same may be taken in shorthand and transcribed without signing, and in both cases filed with the clerk of the district court, by the examining magistrate, and may be used as provided in Section 333 of this title. In no case shall the county be liable for the expense in reducing such testimony to writing, unless ordered by the judge of a court of record.

Second: The district attorney may, on approval of the county judge or the district judge, issue subpoenas in felony cases and call witnesses before the district attorney and have them sworn and their testimony reduced to writing and signed by the witnesses at the cost of the county. Such examination must be confined to some felony committed against the statutes of the state and triable in that county, and the evidence so taken shall not be receivable in any civil proceeding. A refusal to obey such subpoena or to be sworn or to testify may be punished as a contempt on complaint and showing to the county court, or district court, or the judges thereof that proper cause exists therefor.

Third: No preliminary information shall be filed without the consent or endorsement of the district attorney, unless the defendant be taken in the commission of a felony, or the offense be of such character that the accused is liable to escape before the district attorney can be consulted. If the defendant is discharged and the information is filed without authority from or endorsement of the district attorney, the costs must be taxed to the prosecuting witness, and the county shall not be liable therefor.

Fourth: The convening and session of a grand jury does not dispense with the right of the district attorney to file complaints and informations, conduct preliminary hearings and other routine matters, unless otherwise specifically ordered, by a written order of the court convening the grand jury; made on the court's own motion, or at the request of the grand jury.

Fifth: There shall be no preliminary examinations in misdemeanor cases.

Sixth: A preliminary magistrate shall have the authority to limit the evidence presented at the preliminary hearing to that which is relevant to the issues of: (1) whether the crime was committed, and (2) whether there is probable cause to believe the defendant committed the crime. Once a showing of probable cause is made the magistrate shall terminate the preliminary hearing and

enter a bindover order; provided, however, that the preliminary hearing shall be terminated only if the state made available for inspection law enforcement reports within the prosecuting attorney's knowledge or possession at the time to the defendant five (5) working days prior to the date of the preliminary hearing. The district attorney shall determine whether or not to make law enforcement reports available prior to the preliminary hearing. If reports are made available, the district attorney shall be required to provide those law enforcement reports that the district attorney knows to exist at the time of providing the reports, but this does not include any physical evidence which may exist in the case. This provision does not require the district attorney to provide copies for the defendant, but only to make them available for inspection by defense counsel. In the alternative, upon agreement of the state and the defendant, the court may terminate the preliminary hearing once a showing of probable cause is made.

Seventh: A preliminary magistrate shall accept into evidence as proof of prior convictions a noncertified copy of a Judgment and Sentence when the copy appears to the preliminary magistrate to be patently accurate. The district attorney shall make a noncertified copy of the Judgment and Sentence available to the defendant no fewer than five (5) days prior to the hearing. If such copy is not made available five (5) days prior to the hearing, the court shall continue the portion of the hearing to which the copy is relevant for such time as the defendant requests, not to exceed five (5) days subsequent to the receipt of the copy.

Eighth: The purpose of the preliminary hearing is to establish probable cause that a crime was committed and probable cause that the defendant committed the crime.

Ninth: The preliminary hearing must be set within nine (9) months from the initial appearance of the defendant. If commencement of the preliminary hearing is delayed past the nine-month time limit, a show cause hearing shall be scheduled by the court to show reason for the delay. If the court fails to find good cause for the delay, the court shall schedule a preliminary hearing as soon as practicable.

R.L.1910, § 5674. Amended by Laws 1913, c. 68, p. 106, § 1; Laws 1961, p. 235, § 1, eff. Oct. 27, 1961; Laws 1994, c. 292, § 3, eff. Sept. 1, 1994; Laws 2002, c. 460, § 16, eff. Nov. 1, 2002; Laws 2003, c. 337, § 1, eff. Nov. 1, 2003; Laws 2022, c. 269, § 2, eff. Nov. 1, 2022.

§22-259. Order of witnesses.

When the examination of the witnesses on the part of the state is closed, any witnesses the defendant may produce may be sworn and examined upon proper offer of proof made by defendant and if such

offer of proof shows that additional testimony is relevant to the issues of a preliminary examination.

R.L. 1910, § 5675. Amended by Laws 1994, c. 292, § 4, eff. Sept. 1, 1994.

§22-260. Magistrate to keep depositions - Inspection.

The magistrate or his clerk must keep the depositions taken on the examination, if any have been taken, and the statement of the defendant, if any, until they are returned to the proper court, and must not permit them to be inspected by any person except a judge of a court having jurisdiction of the offense, the district attorney, and the defendant and his counsel.

R.L.1910, § 5676.

§22-261. Depositions, violation of provisions regarding.

A violation of the provisions of the last section is punishable as a misdemeanor.

R.L.1910, § 5677.

§22-262. Discharge of defendant, when.

After hearing the proofs and the statement of the defendant, if he have one, or his testimony if he testifies if it appear either that a public offense has not been committed, or that a public offense has been committed, but there is not sufficient cause to believe the defendant guilty thereof, the magistrate must order the defendant to be discharged, by an endorsement on the complaint over his signature to the following effect:

There being no sufficient cause to believe the within named A. B. guilty of the offense within mentioned, I order him to be discharged.

R.L.1910, § 5678.

§22-263. Costs taxed against complainant, when.

If the defendant on a preliminary examination for a public offense be discharged as provided in the last section and if the magistrate find that the prosecution was malicious and without probable cause, he shall enter such judgment on his docket and tax the costs against the complaining witness which shall be enforced as judgments for costs in criminal cases, and execution may issue therefor.

R.L.1910, § 5679.

§22-264. Defendant held to answer.

If, however, it appear from the examination that any public offense has been committed, and that there is sufficient cause to believe the defendant guilty thereof, the magistrate must in like

manner endorse on the complaint an order signed by him to the following effect:

It appearing to me that the offense named in the within complaint mentioned (or any other offense, according to the fact, stating generally the nature thereof), has been committed, and that there is sufficient cause to believe the within named A. B. guilty thereof, I order that he be held to answer the same.

R.L.1910, § 5680.

§22-265. Commitment when offense is not bailable.

If the offense be not bailable, the following words or words to the same effect, must be added to the endorsement:

And that he is hereby committed to the sheriff of (or to the marshal of the city of , or as the case may be.)

R.L.1910, § 5681.

§22-266. When offense is bailable.

If the offense is bailable, and bail is taken by the magistrate, the following words, or words to the same effect, must be added to the endorsement mentioned in the second preceding section:

And I have admitted him to bail, to answer, by the undertaking hereto annexed.

R.L.1910, § 5682.

§22-267. If bail is not taken.

If the offense is bailable, and the defendant is admitted to bail, but the bail have not been taken, the following words, or words to the same effect, must be added to such endorsement:

And that he is admitted to bail in the sum of Dollars, and be committed to the sheriff of the county of (or marshal of the city of , or as the case may be), until said bail be given.

R.L.1910, § 5683. R.L.1910, § 5683.

§22-268. Commitment.

If the magistrate order the defendant to be committed as provided in the three preceding sections, he must make out a commitment, signed by him, with his name of office, and deliver it, with the defendant, to the officer, to whom he is committed, or if that officer be not present, to a peace officer, who must immediately deliver the defendant into the proper custody, together with the commitment.

R.L.1910, § 5684.

§22-269. Form of commitment.

The commitment must be to the following effect:

County of

The State of Oklahoma.

To the sheriff of the county of , (or the marshal of the city of , as the case may be):

An order having been this day made by me, that A B be held to answer upon a charge of (stating briefly the nature of the offense, with time and place as near as may be), you are commanded to receive him into your custody, and detain him until he is legally discharged.

Dated at , this day of , 191....

C..... ,D.....

Justice of the Peace (or as the case may be).

R.L.1910, § 5685.

§22-270. Witnesses to give undertaking.

On holding the defendant to answer the magistrate may take from each of the material witnesses examined before him on the part of the state, a written undertaking, without surety, to the effect that he will appear and testify at the court to which the complaint and deposition, if any are to be sent or that he will forfeit such sum as the magistrate may fix and determine.

R.L.1910, § 5686.

§22-271. Sureties may be required for witness.

When the magistrate is satisfied, by proof on oath, that there is reason to believe that any such witness will not appear and testify, unless security be required, he may order the witness to enter into a written undertaking, with such sureties and in such sum as he may deem proper, for his appearance, as specified in the last section.

R.L.1910, § 5687.

§22-273. Witness not giving undertaking committed, when.

If a witness, required to enter into an undertaking to appear and testify, either with or without sureties, refuse compliance with the order for that purpose, the magistrate must commit him to prison until he comply, or is legally discharged.

R.L.1910, § 5689.

§22-274. Subsequent security may be demanded - Arrest of witness.

When, however, any material witness on the part of the people has been discharged on his undertaking, without surety, if afterwards, on the sworn application of the district attorney or other person on behalf of the state, made to the magistrate or to any judge, it satisfactorily appears that the presence of such witness or any other person on the part of the people is material or necessary on the trial in court, such magistrate or judge may compel such witness, or any other material witness on the part of the

state, to give an undertaking with sureties, to appear on the said trial and give his testimony therein; and, for that purpose, the said magistrate or judge may issue a warrant against such person, under his hand, with or without seal, directed to a sheriff, marshal or other officer, to arrest such person and bring him before such magistrate or judge.

R.L.1910, § 5690.

§22-275. Arrested witness may be confined.

In case the person so arrested shall neglect or refuse to give said undertaking in the manner required by said magistrate or judge, he may issue a warrant of commitment against such person, which shall be delivered to said sheriff or other officer, whose duty it shall be to convey such person to the jail mentioned in said warrant, and the said person shall remain in confinement until he shall be removed to the grand jury and to the court, for the purpose of giving his testimony, or until he shall have given the undertaking required by said magistrate or judge.

R.L.1910, § 5691.

§22-276. Magistrate discharging or holding defendant must return papers and record to court.

When a magistrate has discharged a defendant, or has held him to answer, he must return immediately to the clerk of the district court of the county, the warrant, if any, the complaint, the depositions, if any have been taken, of all the witnesses examined before him, the statement of the defendant, if he have made one, and all undertakings of bail or for the appearance of witnesses, taken by him, together with a certified record of the proceedings as they appear on his docket.

R.L.1910, § 5692.

§22-301. Manner of prosecution of offenses.

Every felony must be prosecuted by indictment or information in the district or superior court. Misdemeanors must be prosecuted by information, except as otherwise provided by law: Provided, however, that the district court or the judge thereof, may, by order made, direct that any particular misdemeanor be presented to the grand jury, and when so ordered it may be prosecuted by indictment.

R.L.1910, § 5693.

§22-302. Indictment defined.

An indictment is an accusation in writing, presented by a grand jury to a competent court, charging a person with a public offense.

R.L.1910, § 5717.

§22-303. Subscription, endorsement and verification of information - Excusing endorsement.

A. The district attorney shall subscribe the district attorney's name to informations filed in the district court and endorse thereon the names and last-known addresses of all the witnesses known to the district attorney at the time of filing the same, if intended to be called by the district attorney at a preliminary examination or at trial. Thereafter, the district attorney shall also endorse thereon the names and last-known addresses of such other witnesses as may afterwards become known to the district attorney, if they are intended to be called as witnesses at a preliminary examination or at trial, at such time as the court may by rule prescribe.

Upon filing of an application by the district attorney, notice to defense counsel, and hearing establishing need for witness protection or preservation of the integrity of evidence, the district court may excuse witness endorsement, or some part thereof. Such proceedings shall be conducted in camera, and the record shall be sealed and filed in the office of the district court clerk, and shall not be opened except by order of the district court.

B. Notwithstanding other provisions of law, when a law enforcement officer issues a citation or ticket as the basis for a complaint or information, for a violation of law declared to be a misdemeanor, the citation or ticket shall be properly verified if:

1. The issuing officer subscribes the officer's signature on the citation, ticket or complaint to the following statement:

"I, the undersigned issuing officer, hereby certify and swear that I have read the foregoing information and know the facts and contents thereof and that the facts supporting the criminal charge stated therein are true."

Such a subscription by an issuing officer, in all respects, shall constitute a sworn statement, as if sworn to upon an oath administered by an official authorized by law to administer oaths; and

2. The citation or ticket states the specific facts supporting the criminal charge and the ordinance or statute alleged to be violated; or

3. A complainant verifies by oath, subscribed on the citation, ticket or complaint, that the complainant has read the information, knows the facts and contents thereof and that the facts supporting the criminal charge stated therein are true. For purpose of such an oath and subscription, any law enforcement officer of the state or of a county or municipality of the state issuing the citation, ticket or complaint shall be authorized to administer the oath to the complainant.

C. As used in this section, the term "signature" shall include a digital or electronic signature, as defined in Section 15-102 of Title 12A of the Oklahoma Statutes.

R.L. 1910, § 5694. Amended by Laws 1980, c. 136, § 1, emerg. eff. April 15, 1980; Laws 1991, c. 35, § 1, eff. Sept. 1, 1991; Laws 1992, c. 68, § 1, eff. Sept. 1, 1992; Laws 2004, c. 275, § 9, eff. July 1, 2004; Laws 2008, c. 179, § 3, eff. Nov. 1, 2008.

§22-304. Information may be amended.

An information may be amended in matter of substance or form at any time before the defendant pleads, without leave, and may be amended after plea on order of the court where the same can be done without material prejudice to the right of the defendant; no amendment shall cause any delay of the trial, unless for good cause shown by affidavit.

R.L. 1910, § 5695.

§22-305.1. Deferred prosecution programs - Guidelines - Factors considered.

Before the filing of an information against a person accused of committing a crime, the State of Oklahoma, through its district attorney, may agree with an accused to defer the filing of a criminal information for a period not to exceed three (3) years.

The State of Oklahoma may include any person in a deferred prosecution program if it is in the best interests of the accused and not contrary to the public interest. Each district attorney shall adopt and promulgate guidelines which shall indicate what factors shall be considered in including an accused in the deferred prosecution program. The guidelines shall insure that the State of Oklahoma considers in each case at least the following factors:

1. Whether the State of Oklahoma has sufficient evidence to achieve conviction;
2. The nature of the offense with priority given to first offenders and nonviolent crimes;
3. Any special characteristics of the accused;
4. Whether the accused will cooperate and benefit from a deferred prosecution program;
5. Whether available programs are appropriate to the accused person's needs;
6. Whether the services for the accused are more readily available from the community or from the corrections system;
7. Whether the accused constitutes a substantial danger to others;
8. The impact of the deferred prosecution on the community;
9. The recommendations of the law enforcement agency involved in the case;
10. The opinions of the victim; and

11. Any mitigating or aggravating circumstances.
Laws 1979, c. 226, § 1, eff. Oct. 1, 1979; Laws 2007, c. 358, § 5,
eff. July 1, 2007.

§22-305.2. District attorney deferred prosecution.

A. If an accused qualifies for the deferred prosecution program, the accused and the State of Oklahoma, through the district attorney, may execute an agreement whereby the accused agrees to waive any rights to a speedy accusation, a speedy trial, and any statute of limitations, and agrees to fulfill such conditions to which the accused and the State of Oklahoma may agree including, but not limited to, restitution and community services.

B. The accused, as consideration for entering into a deferred prosecution agreement, consents and agrees to a full and complete photographic record of property which was to be used as evidence. The photographic record shall be competent evidence of the property and admissible in any criminal action or proceeding as the best evidence.

C. Property shall be returned to its owner only after the photographic record is made subject to the following conditions:

1. Property, except that which is prohibited by law, shall be returned to its owner after proper verification of title;

2. The return of property to the owner shall be without prejudice to the state or to any person who may have a claim against the property; and

3. When property is returned, the recipient shall sign, under penalty of perjury, a declaration of ownership which shall be retained by the police department or sheriff's office.

D. As additional consideration for the agreement, the State of Oklahoma shall agree not to file an information if the accused satisfactorily completes the conditions of the agreement.

E. The agreement between the accused and the State of Oklahoma may include provisions whereby the accused agrees to be supervised in the community. If the accused is required to be supervised pursuant to the terms of the agreement, the person shall be required to pay a supervision fee to be established by the supervisory agency. The supervision fee shall be paid to the supervisory agency as required by the rules of the supervisory agency. The supervisory agency shall monitor the person for compliance with the conditions of the agreement. The supervisory agency shall report to the district attorney on the progress of the accused, and shall report immediately if the accused fails to report or participate as required by the agreement.

F. The agreement between the parties may require the accused to participate or consult with local service providers, including the Department of Human Services, the Department of Mental Health and Substance Abuse Services, the Employment Security Commission,

federal services agencies, other state or local agencies, colleges, universities, technology center schools, and private or charitable service organizations. When the accused is required to participate or consult with any service provider, a program fee may be required unless the fee would impose an unnecessary hardship on the person. The program fee shall be established by the service provider based upon a sliding scale. Any state agency called upon for assistance in a deferred prosecution program by any district attorney shall render services and assistance as available. Any supervision fee or program fee authorized by this section may be waived in whole or in part when the accused is indigent. No person who is otherwise qualified for a deferred prosecution program shall be denied services or supervision based solely on the person's inability to pay a fee or fees.

G. The agreement between the parties may require the accused to pay a victim compensation assessment pursuant to the provisions of Section 142.18 of Title 21 of the Oklahoma Statutes. The amount of the assessment shall be agreed to by the parties and shall be within the amounts specified in Section 142.18 of Title 21 of the Oklahoma Statutes for the offense charged.

H. Any deferred prosecution agreement including, but not limited to, any fee, sliding scale fee, compensation, contract, assessment, or other financial agreement charged or waived by the accused or the State of Oklahoma shall be a record open to the public.

I. 1. On or after the effective date of this act, each office of the district attorney shall, upon request and within a reasonable time, provide the name and other identifying information of an accused entering into a deferred prosecution agreement.

2. A deferred prosecution agreement entered into prior to the effective date of this act shall not be a record open to the public, unless confidentiality was waived as a condition of the agreement.

J. District attorneys shall be authorized to create restorative justice programs for nonviolent offenders who qualify for a deferred prosecution agreement pursuant to the provisions contained in Sections 305.1 through 305.6 of this title and Section 2 of this act.

Added by Laws 1979, c. 226, § 2, eff. Oct. 1, 1979. Amended by Laws 1984, c. 21, § 2, emerg. eff. March 20, 1984; Laws 1990, c. 51, § 15, emerg. eff. April 9, 1990; Laws 1996, c. 304, § 1, emerg. eff. June 10, 1996; Laws 1997, c. 133, § 72, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 23, eff. July 1, 1999; Laws 2000, c. 278, § 1, eff. July 1, 2000; Laws 2001, c. 33, § 20, eff. July 1, 2001; Laws 2021, c. 108, § 1, eff. Nov. 1, 2021.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 72 from July 1, 1998, to July 1, 1999.

§22-305.3. Termination of deferred prosecution agreement.

A. Both the State of Oklahoma and the accused may mutually terminate the deferred prosecution at any time, and the case shall proceed as if there had been no agreement. If the State of Oklahoma makes the termination decision unilaterally, it shall only do so in light of all the relevant circumstances of the case. Arrest of the accused for a subsequent offense shall not automatically terminate the agreement. If the State of Oklahoma should decide to terminate the agreement, it shall:

1. Send a written notice of termination to the accused and the attorney for the accused, if any, explaining the reasons for the termination;

2. Disclose to the accused or the attorney for the accused the evidence supporting the decision to terminate; and

3. Afford the accused the opportunity to be heard and present evidence, and cross-examine witnesses before a judge of the district court. The accused shall have ten (10) days from the date of mailing of the notice to file a written request with the court clerk for the county in which a charge is pending for the hearing, after which the right to a hearing shall be waived. The burden shall be upon the State of Oklahoma to prove that the accused did not fulfill the conditions of the agreement, and that an information should be filed.

B. On and after the effective date of this act, if an agreement is terminated by the State of Oklahoma for failure of the person to comply with the terms of the deferred prosecution agreement, the termination document and supporting documentation shall be open to the public.

C. If an agreement is terminated by the State of Oklahoma and the accused is subsequently tried before a jury, the court shall instruct the jury not to consider any delay in prosecution while the accused was participating in the deferred prosecution program.

Added by Laws 1979, c. 226, § 3, eff. Oct. 1, 1979. Amended by Laws 2000, c. 278, § 2, eff. July 1, 2000.

§22-305.4. Completion of program - Records.

If the accused completes the program agreed upon, the State of Oklahoma shall not file the charges against the accused. The records of the accused shall be sealed and not be released or viewed except on a limited basis by law enforcement or prosecution personnel for the purposes of determining if the accused has been diverted. The district attorney shall take all necessary measures to ensure that all of the records of the person remain confidential. Laws 1979, c. 226, § 4.

§22-305.5. Information - Release or disclosure - Confidentiality - Admissibility as evidence - Violations - Penalties.

A. Information received and collected by any service agency while the accused participates in a deferred prosecution program shall not be released to any agency or individual that will use the information for dissemination to the general public or be recorded in a computer system that has the potential for connection with national computer files, or be used by a law enforcement agency for the purposes of surveillance and investigation. The provisions of this subsection shall apply only with respect to information received and collected by any service agency pursuant to deferred prosecution agreements entered into by the parties relating to crimes committed prior to the effective date of this act, unless such information is otherwise deemed confidential by law.

B. Any information obtained in the course of investigating the suitability of the accused for inclusion in a deferred prosecution program shall remain confidential except for purposes of deferred prosecution programs and shall not be released by any individual or agency without permission from the accused, being advised by counsel. The provisions of this subsection shall apply only to agreements entered into by the parties relating to crimes committed prior to July 1, 2000, unless such information is otherwise deemed confidential by law.

C. If the deferred prosecution program is terminated before successful completion of the agreement, no information obtained as a result of the participation of the accused in the deferred prosecution program shall be admissible in any subsequent proceeding to the disadvantage of the accused, except if the information could have been routinely gathered in the police investigation of the crime of the accused.

D. 1. On and after the effective date of this act, any person releasing any information required by this section to be kept confidential shall be guilty of a misdemeanor, and shall, upon conviction, be fined not more than One Thousand Dollars (\$1,000.00) or be imprisoned for not more than six (6) months, or both.

2. Prior to the effective date of this act, any person releasing any information required by this section to be kept confidential shall be guilty of a misdemeanor, and shall, upon conviction, be fined not more than One Thousand Dollars (\$1,000.00) or be imprisoned for not more than six (6) months, or both.

E. The provisions of this subsection apply only to records within the care and custody of the district attorney.

Added by Laws 1979, c. 226, § 5, eff. Oct. 1, 1979. Amended by Laws 2000, c. 278, § 3, eff. July 1, 2000.

§22-305.6. District Attorneys Council - Duties.

The District Attorneys Council shall assist each district attorney in the development of the deferred prosecution program in

their jurisdictions, and shall prepare and promulgate model forms for the use of the various district attorneys of this state. Amended by Laws 1988, c. 109, § 24, eff. Nov. 1, 1988.

§22-305.7. Restorative justice pilot program.

A. Beginning November 1, 2021, the District Attorneys Council is hereby authorized to develop and administer a five-year restorative justice pilot program that shall utilize citizen-led mediation panels. The purpose of the program shall be to divert offenders from the traditional prosecution model through use of a deferred prosecution agreement, while utilizing evidence-based practices and techniques to create a community-based restorative justice program that focus on the rehabilitation of offenders through reconciliation with victims and the community at large.

B. For purposes of this section, the term "restorative justice program" is defined as an alternative means to the traditional criminal justice model for qualifying nonviolent offenses. The restorative justice program under the provisions of this section should seek to have offenders take responsibility for their actions, understand the harms they have committed and provide an opportunity for offenders to make amends with the victims, themselves and their communities.

C. The pilot program shall expire at the conclusion of five (5) years from the effective date of this act. Added by Laws 2021, c. 108, § 2, eff. Nov. 1, 2021.

§22-311. Grand jury defined.

A grand jury is a body of men consisting of twelve jurors impaneled and sworn to inquire into and true presentment make of all public offenses against the state committed or triable within the county for which the court is holden. R.L.1910, § 5696.

§22-311.1. Petition for convening grand jury - Warning.

Every petition for the convening of a grand jury shall contain on the outer page thereof the word "Warning" and underneath this in ten-point type the words, "It is a felony for anyone to sign a petition for the convening of a grand jury with any name other than his own, or knowingly to sign his name more than once for the convening of the grand jury, or to sign such petition when he is not a legal voter of the county."

Added by Laws 1989, c. 6, § 1, eff. Nov. 1, 1989. Amended by Laws 1989, c. 180, § 10, eff. Nov. 1, 1989.

§22-312. Challenge of grand jury.

The state, or a person held to answer a charge for a public offense, may challenge the panel of a grand jury, or an individual grand juror.

R.L.1910, § 5697.

§22-313. Grounds for challenge to panel.

A challenge to the panel may be interposed by either party for one or more of the following causes only:

1. That the requisite number of ballots was not drawn from the jury box of the county or subdivision.
2. That the drawing was not had in the presence of the officers designated by law, or in the manner prescribed by law.

R.L.1910, § 5698.

§22-314. Jury discharged if challenge allowed.

If a challenge to the panel be allowed, the grand jury must be discharged.

R.L.1910, § 5699.

§22-315. Grounds for challenge to juror.

A challenge to an individual grand juror may be interposed by either party, for one or more of the following causes only:

1. That he is a minor.
2. That he is not a qualified elector.
3. That he is otherwise disqualified under any of the provisions of law, in relation to the qualification of grand jurors.
4. That he is insane.
5. That he is a prosecutor upon a charge against the defendant.
6. That he is a witness on the part of the prosecution and has been served with process by an undertaking as such.
7. That a state of mind exists on his part in reference to the case, or to either party, which will prevent him from acting impartially and without prejudice to the substantial rights of the party challenging; but no person shall be disqualified as a grand juror, by reason of having formed and expressed an opinion upon the matter or cause to be submitted to such jury, founded upon public rumor, statements in public journals, or common notoriety, provided it satisfactorily appear to the court, upon his declaration, under oath, or otherwise, that he can and will, notwithstanding such opinion, act impartially and fairly upon the matters to be submitted to him.

R.L.1910, § 5700.

§22-316. Challenge may be oral or written - How tried.

Challenges may be oral or in writing, and must be tried by the court.

R.L.1910, § 5701.

§22-317. Ruling on challenge.

The court must allow or disallow the challenge and the clerk must enter its decision upon the minutes if demanded.

R.L.1910, § 5702.

§22-318. Effect of challenge allowed.

If a challenge to an individual grand juror is allowed, he cannot be present at, or take part in the consideration of the charge against the defendant who interposed the challenge, or the deliberations of the grand jury thereon.

R.L.1910, § 5703.

§22-319. Violation, where challenge allowed.

The grand jury must inform the court of a violation of the last section and it is punishable by the court as a contempt.

R.L.1910, § 5704.

§22-320. Challenge to be made before jury is sworn - Exception.

Neither the state, nor a person held to answer a charge for a public offense, can take advantage of any objection to the panel or to an individual grand juror unless it be by challenge, and before the grand jury is sworn, except that after the grand jury is sworn, and before the indictment is found, the court may, in its discretion, upon a good cause shown, receive and allow a challenge.

R.L.1910, § 5705.

§22-321. New grand jury in certain cases.

If the grand jury is discharged by the allowance of a challenge to the whole panel; or if from any cause, in the opinion of the court, another grand jury may become necessary, the court may in its discretion order that another grand jury be summoned.

R.L.1910, § 5706.

§22-322. Special grand jury.

A grand jury formed and impaneled as to and in a particular case after a challenge or challenges to individual grand jurors have been allowed, shall be sworn to act only in such particular case and as to all other cases at the same term of the court the grand jury shall be formed in the usual manner provided by law.

R.L.1910, § 5707.

§22-323. Court to appoint foreman.

From the persons summoned to serve as grand jurors, and appearing, the court must appoint a foreman. The court must also appoint a foreman when a person already appointed is discharged or excused before the grand jury are dismissed.

R.L.1910, § 5708.

§22-324. Oath to foreman.

The following oath must be administered to the foreman of the grand jury:

You, as foreman of this grand jury, shall diligently inquire into, and true presentment make, of all public offenses against this state, committed or triable within this county (or subdivisions), of which you shall have or can obtain legal evidence. You will keep your own counsel, and that of your fellows, and of the state, and will not, except when required in the due course of judicial proceedings, disclose the testimony of any witness examined before you, nor anything which you or any other grand juror may have said, nor the manner in which you or any other grand juror may have voted on any matter before you. You shall present no person through malice, hatred, or ill will, nor leave any unpresented through fear, favor or affection, or for any reward, or the promise or hope thereof; but in all your presentments, or indictments, you shall present the truth, the whole truth, and nothing but the truth, according to the best of your skill and understanding. So help you God.

R.L.1910, § 5709.

§22-325. Oath to other jurors.

The following oath must be immediately thereupon administered to the other grand jurors present:

The same oath which your foreman has now taken before you on his part, you and each of you shall well and truly observe on your part. So help you God.

R.L.1910, § 5710.

§22-326. Charge to grand jury.

The grand jury, being impaneled and sworn, must be charged by the court. In doing so the court must give them such information as it may deem proper as to the nature of their duties, and as to any charges for public offenses returned to the court, or likely to come before the grand jury.

R.L.1910, § 5711.

§22-327. Jury to retire.

The grand jury must then retire to a private room and inquire into the offenses cognizable by them.

R.L.1910, § 5712.

§22-328. Grand jury must appoint clerk.

The grand jury must appoint one of their number as clerk, who must preserve minutes of their proceedings, except of the votes of the individual members, and of the evidence given before them.
R.L.1910, § 5713.

§22-329. Discharge of grand juror.

A member of the grand jury may for ill health of himself or immediate family, or other cause rendering him unable to serve, be discharged before the term is ended or the labor of the grand jury completed; or, if the judge becomes satisfied that any grand juror is willfully refusing to discharge his duty, the court may order his discharge. In the event of the discharge or death of a grand juror, an alternate grand juror shall be appointed to fill the vacancy by the court. The appointment shall be made in the same order in which the alternate grand jurors were selected. If the number of grand jurors and alternates becomes so depleted as to prevent the grand jury from functioning, as many names as the court may order shall be drawn from the jury box in the same manner the original grand jurors and alternates were drawn, and from the names so drawn there shall be summoned as many grand jurors and alternates as can be found and are able to attend as necessary, and if found they shall be summoned in the order in which their names were drawn from the box. If the number be not thus obtained there shall be another drawing in the same manner. When a sufficient number so drawn appears to fill the panel, the grand jury shall in open court be reimpaneled, but subject to challenge and be charged and sworn in the same manner as when the grand jury was originally impaneled.

R.L.1910, § 5714; Laws 1977, c. 213, § 1, emerg. eff. June 14, 1977.

§22-330. Discharge of grand jury.

On the completion of the business before the grand jury, or completion of the statutory time limit for sessions of a grand jury, or whenever the court shall be of the opinion that the public interests will not be subserved by further continuance of the session, the grand jury must be discharged, but whether the business be completed or not they are discharged by the final adjournment of the court, or by the judge of the district holding court in some other county of the state, not within the judicial district in which the grand jury is called.

R.L.1910, § 5715; Laws 1961, p. 236, § 1.

§22-331. General powers and duties of grand jury.

The grand jury has power to inquire into all public offenses committed or triable in the county or subdivision, and to present them to the court, by indictment or accusation in writing.

R.L.1910, § 5716.

§22-332. Foreman to swear witness.

The foreman may administer an oath to any witness appearing before the grand jury.

R.L.1910, § 5718.

§22-333. Evidence before grand jury.

In the investigation of a charge for the purpose of presenting an indictment or accusation, the grand jury may receive the written testimony of the witnesses taken in a preliminary examination of the same charge, and also the sworn testimony prepared by the district attorney without bringing those witnesses before them, and may hear evidence given by witnesses produced and sworn before them, and may also receive legal documentary evidence. Each indictment or accusation shall be voted on separately by the grand jury.

R.L.1910, § 5719; Laws 1961, p. 236, § 1.

§22-335. Evidence for the accused - Procuring additional evidence.

The grand jurors, upon request of the accused, shall, and on their own motion may, hear the evidence for the accused. It is their duty to weigh all the evidence submitted to them and when they have reason to believe that there is other evidence, they may order such evidence to be produced, and for that purpose the State's Attorney shall cause process to issue for the witnesses.

R.L.1910, § 5721; Laws 1961, p. 236, § 1.

§22-336. Indictment to be found, when.

The grand jury ought to find an indictment when all the evidence before them, taken together, is such as in their judgment would, if unexplained or uncontradicted, warrant a conviction by the trial jury.

R.L.1910, § 5722.

§22-337. Members to give evidence.

If a member of the grand jury knows, or has reason to believe, that a public offense has been committed, which is triable in the county or subdivision, he must declare the same to his fellow jurors, who must thereupon investigate the same.

R.L.1910, § 5723.

§22-338. Subjects for inquiry by grand jury.

The grand jury must inquire:

1. Into the case of every person imprisoned in the jail of the county or subdivision, on a criminal charge, and not indicted.
2. Into the condition and management of the public prisons in the county or subdivision; and,
3. Into the willful and corrupt misconduct in office of public officers of every description in the county or subdivision.

R.L.1910, § 5724.

§22-339. Access to prisons and records.

They are also entitled to free access at all reasonable times, to public prisons, and to the examination, without charge, of all public records in the county.

R.L. 1910, § 5725.

§22-340. Advice of court or district attorney - Reproduction or disclosure of transcript - Who may be present.

A. The grand jury may at all reasonable times ask the advice of the court or of the district attorney. In no event shall the grand jury be advised as to the sufficiency or insufficiency of the evidence necessary to return a true bill, in a matter under investigation before them. The district attorney, with or without a regularly appointed assistant district attorney individually or collectively, or if the district attorney and all of his or her assistants are disqualified for any reason, a district attorney or assistant district attorney from another district, appointed by the Attorney General of Oklahoma pursuant to Sections 215.9 and 215.13 of Title 19 of the Oklahoma Statutes, and where proper, the Attorney General, or an assistant attorney general, may at all times appear before the grand jury for the purpose of giving information or advice relative to any matter cognizable before them and may interrogate witnesses before them whenever he or she thinks it necessary. A qualified court reporter shall be present and take the testimony of all witnesses.

B. Upon request, a grand jury transcript of the testimony or any portion thereof shall be made available to the attorney for the accused, the district attorney, assistant district attorney, the Attorney General, or an assistant attorney general, at the expense of the requesting party or officer. In the event of an indigent accused, the expense for the transcript shall be borne by the state in the same manner and from the same funds as indigent representation. Any attorney or other person who obtains a copy of a grand jury transcript shall be prohibited from disclosing its contents to any person other than his or her attorney in the criminal proceeding, related asset forfeiture proceeding, or removal proceeding. A transcript obtained pursuant to this subsection shall not be used for any purpose other than in proceedings relating to the grand jury testimony, civil asset forfeiture proceedings related to an indictment from the grand jury, or an accusation for removal of a public official from the grand jury, or in preparation for those proceedings, without good cause shown supported by clear and convincing evidence after written motion and hearing before the judge presiding over the grand jury.

The prosecutor serving as a legal advisor to the grand jury shall receive timely notice of the motion and hearing and be allowed an opportunity to object to any order of release of grand jury transcripts. The pleadings relating to a request for grand jury transcripts shall be sealed and any hearing held pursuant to a request for grand jury transcripts shall be closed to the public unless the presiding judge of the grand jury finds that the public interest in unsealing the pleadings or opening the hearing to the public outweighs the public interest in maintaining the secrecy of the grand jury investigation.

Except in a civil asset forfeiture proceeding related to a grand jury indictment, an attorney who obtains a copy of a grand jury transcript pursuant to this subsection shall be precluded from representing any party in a civil case related to the grand jury testimony or using the grand jury transcripts to the benefit or detriment of a party in a civil proceeding.

Nothing in this subsection shall prohibit the Attorney General or a district attorney from prosecuting an indictment or accusation for removal while his or her office is or has been engaged in related civil litigation, provided that the grand jury transcripts or their contents are not provided or disclosed to the staff of the Attorney General or district attorney involved in the civil litigation. Nor does this subsection prohibit the attorney for the accused, district attorney, assistant district attorney, the Attorney General, or an assistant attorney general from providing to a witness the transcribed grand jury testimony of that witness for the sole purpose of preparing the witness for his or her subsequent testimony at a trial or hearing arising out of a grand jury indictment, accusation for removal, or civil asset forfeiture action related to a grand jury indictment. The witness who is provided a transcript of his or her testimony shall be subject to the same restrictions on disclosure as any other person.

Violation of this subsection shall be a misdemeanor and may also be punishable as contempt.

C. No other person is permitted to be present during sessions of the grand jury except the members of the grand jury, the witness actually under examination, and one attorney representing such witness, except that an interpreter, when necessary, may be present during the interrogation of a witness; provided that, no person, except the members of the grand jury, shall be permitted to be present during the expression of juror opinions or the giving of votes upon any matter before the grand jury; provided further that neither the district attorney, nor an assistant district attorney, may be present or participate in an official capacity, as herein provided, during an investigation by the grand jury of the district attorney's office, or of any person officially associated with said office.

R.L. 1910, § 726. Amended by Laws 1961, p. 236, § 1; Laws 1965, c. 532, § 1; Laws 1967, c. 226, § 1, emerg. eff. May 2, 1967; Laws 1974, c. 60, § 1; Laws 1989, c. 179, § 3, eff. Nov. 1, 1989; Laws 1999, c. 147, § 1, emerg. eff. May 3, 1999; Laws 2025, c. 333, § 1, eff. Nov. 1, 2025.

§22-341. Proceedings kept secret.

Every member of the grand jury must keep secret whatever he himself or any other grand juror may have said or in what manner he or any other grand juror may have voted on a matter before them.
R.L.1910, § 5727.

§22-342. Juror may disclose proceedings, when.

A member of the grand jury may, however, be required by any court to disclose the testimony of a witness examined before the grand jury for the purpose of ascertaining whether it is consistent with that given by the witness before the court, or to disclose the testimony given before them by any person, upon a charge against him for perjury in giving his testimony or upon his trial therefor.
R.L.1910, § 5729.

§22-343. Privilege of grand juror.

A grand juror cannot be questioned for anything he may say, or any vote he may give in the grand jury, relative to a matter legally pending before the jury, except for a perjury of which he may have been guilty in making an accusation or giving testimony to his fellow jurors.
R.L.1910, § 5729.

§22-344. Interpreter - Appointment - Compensation.

That upon the request of either the district attorney, or the grand jurors, the district judge who has called a grand jury shall appoint, whenever necessary, an interpreter, and shall swear him to secrecy, not to disclose any testimony or the name of any witness which shall be presented to the grand jury except when testifying in a court of record.

The compensation for any interpreter thus appointed shall be fixed and allowed by the judge appointing him, and such fees, when earned, may be allowed and paid from time to time as they accrue, and shall be paid from the funds from which the grand jurors are paid.

Laws 1941, p. 88, § 1.

§22-345. Restrictions on sessions before and after elections.

No grand jury shall be convened or remain in session during a period beginning thirty (30) days before any Primary, Runoff Primary, or General Election, for state or county offices, and

ending ten (10) days after such Primary, Runoff Primary, or General Election. Any grand jury in session at the commencement of any such period shall be discharged forthwith. The provisions of this section shall not apply to a multicounty grand jury convened pursuant to the Multicounty Grand Jury Act, Section 350 et seq. of this title.

Amended by Laws 1990, c. 232, § 2, emerg. eff. May 18, 1990.

§22-346. Reports of investigations of public offices or institutions.

In addition to any indictments or accusations that may be returned, the grand jury, in their discretion, may make formal written reports as to the condition and operation of any public office or public institution investigated by them. No such report shall charge any public officer, or other person with willful misconduct or malfeasance, nor reflect on the management of any public office as being willful and corrupt misconduct. It being the intent of this section to preserve to every person the right to meet his accusers in a court of competent jurisdiction and be heard, in open court, in his defense.

Laws 1961, P. 237, Sec. 1.

§22-350. Multicounty Grand Jury Act - Conflicting provisions.

This act shall be known and may be cited as the "Multicounty Grand Jury Act". All matters not specifically governed by the provisions of the Multicounty Grand Jury Act shall be subject to the provisions governing grand juries. If the provisions of the Multicounty Grand Jury Act conflict with the provisions governing grand juries, the provisions of the Multicounty Grand Jury Act shall govern.

Added by Laws 1987, c. 99, § 1, eff. Nov. 1, 1987.

§22-351. Verified application - Order - Authority of district attorney.

A. 1. Whenever the Attorney General considers it to be in the public interest to convene a grand jury with jurisdiction extending beyond the boundaries of a single county, he or she shall file a verified application with the Chief Justice of the Supreme Court, or with such Justice of the Supreme Court as is designated by rule to receive such application.

2. The application shall:

- a. state that in the judgment of the Attorney General, the convening of a multicounty grand jury is necessary because of organized crime or public corruption, or both, involving more than one county of the state and that, in the judgment of the Attorney General, the

investigation cannot be adequately performed by a county grand jury, and

- b. specify those counties for which the multicounty grand jury is to be convened.

3. The Supreme Court, within fifteen (15) days, shall determine whether or not to issue an order convening the multicounty grand jury. If an order is issued convening said jury, the purpose or purposes shall be set forth in such order.

B. An order granting the convening of a multicounty grand jury issued under subsection A of this section shall:

1. Convene a multicounty grand jury having jurisdiction over any subject matter listed in Section 353 of this title which occurs in any single county or in multiple counties of this state approved by the Supreme Court and requested in the application by the Attorney General;

2. Designate a district court judge to be the presiding judge over such multicounty grand jury and provide that such judge shall, with respect to investigations, indictments, reports, and all other proper activities of said multicounty grand jury, have jurisdiction over all counties in the jurisdiction of said multicounty grand jury; and

3. Provide for such other incidental arrangements as may be necessary, including a determination of the share of costs attributable to the state.

C. The impaneling of a multicounty grand jury shall not be construed to diminish the responsibility or the authority of any district attorneys within their respective jurisdictions to investigate and prosecute organized crime or public corruption, or any other crime.

Added by Laws 1987, c. 99, § 2, eff. Nov. 1, 1987. Amended by Laws 2003, c. 388, § 1, eff. Nov. 1, 2003.

§22-352. Regular term - Extension.

A. The regular term of a multicounty grand jury shall be eighteen (18) months unless an order for discharge is entered earlier:

1. by the court after the multicounty grand jury determines by majority vote that its business is completed; or

2. by the court, on its own motion or on the motion of the Attorney General, upon a determination that termination is in the public interest.

B. The regular term of a multicounty grand jury may be extended by the presiding judge for a specified time period upon a verified petition by the Attorney General stating that an extension is necessary to conclude a grand jury inquiry begun prior to the expiration of the regular term. No jury so extended shall serve for

more than twenty-four (24) months, unless permission is granted by the Supreme Court.

Added by Laws 1987, c. 99, § 3, eff. Nov. 1, 1987.

§22-353. Jurisdiction.

A. The jurisdiction of a multicounty grand jury impaneled under the Multicounty Grand Jury Act shall extend throughout the state, including but not limited to, a single county as designated in the State Supreme Court's order convening the multicounty grand jury.

B. The subject matter jurisdiction of the multicounty grand jury shall be limited to:

1. Murder;
2. Rape;
3. Bribery;
4. Extortion;
5. Arson;
6. Perjury;
7. Fraud;
8. Embezzlement;

9. Manufacturing, distribution, dispensing, possession or possession with intent to manufacture, distribute or dispense, a controlled dangerous substance, or any other violation of Section 2-101 et seq. of Title 63 of the Oklahoma Statutes;

10. Organized crime, which for purposes of the Multicounty Grand Jury Act, means any unlawful activity of an association trafficking in illegal goods or services, including but not limited to, gambling; loan sharking; controlled dangerous substances; labor racketeering, or other unlawful activities; or any continuing criminal conspiracy or other unlawful practice which has as its objectives improper governmental influence or economic gain through fraudulent or coercive practices;

11. Public corruption, which for purposes of the Multicounty Grand Jury Act, means any unlawful activity under color of or in connection with any public office or employment of any law enforcement officer, public official, public employee, candidate for public office, or any agent thereof;

12. The registration or failure to register securities;

13. The offer or sale of securities;

14. The sale or purchase of goods or services by or for the state or any political subdivision thereof, or the misappropriation of funds belonging to or entrusted to the state or any political subdivision thereof; and

15. All character and grades of crime pursuant to Section 18 of Article II of the Oklahoma Constitution.

Added by Laws 1987, c. 99, § 4, eff. Nov. 1, 1987. Amended by Laws 1990, c. 232, § 3, eff. May 18, 1990; Laws 2003, c. 388, § 2, eff. Nov. 1, 2003.

§22-354. Powers - Document copies or reproductions.

A. The multicounty grand jury shall have the power to:

1. compel the attendance of witnesses;
2. compel the testimony of witnesses under oath;
3. take testimony of witnesses who have been granted immunity;
4. require the production of documents;
5. obtain the initiation of civil and criminal contempt

proceedings; and

6. exercise any investigative power of any grand jury of the state.

B. Any document produced before a multicounty grand jury may be copied or reproduced. Each statement, question, comment, or response of the presiding judge, the Attorney General or his designee, any witness, any grand juror or any other person which is made in the presence of the multicounty grand jury, except its deliberations and the vote of any juror, shall be stenographically recorded or transcribed, or both.

Added by Laws 1987, c. 99, § 5, eff. Nov. 1, 1987.

§22-355. Disclosures - Witness right to assistance of counsel.

A. Disclosure of matters occurring before the multicounty grand jury other than its deliberations and the vote of any juror may be used by the Attorney General in the performance of his duties. The Attorney General may disclose so much of the multicounty grand jury's proceedings to law enforcement agencies as he considers essential to the public interest and effective law enforcement. Otherwise, a grand juror, attorney, interpreter, stenographer, operator of any recording device, or any typist who transcribes recorded testimony may disclose matters occurring before the multicounty grand jury only when so directed by the court. All such persons shall be sworn to secrecy and shall be in contempt of court if they reveal any information which they are sworn to keep secret.

B. 1. A witness subpoenaed to appear and testify before a multicounty grand jury or to produce documents, records, or other evidence shall be entitled to the assistance of counsel, including assistance during such time as the witness is questioned in the presence of the multicounty grand jury.

2. If counsel desired by the witness is not available, the witness shall obtain other counsel within a reasonable time in order that the multicounty grand jury may proceed with its investigation.

3. Such counsel may be retained by the witness or shall be appointed in the case of any person unable to procure sufficient funds to obtain legal representation.

4. Such counsel shall be allowed to be present in the grand jury room during the questioning of the witness and shall be allowed to advise the witness but shall make no objections or arguments or otherwise address the multicounty grand jury or its legal advisor.

The presiding judge shall have the same power to remove such counsel from the grand jury room as a judge has with respect to an attorney in any court proceeding. Violation of this subsection shall be punishable as contempt.

C. No witness shall be prohibited from disclosing his testimony before the multicounty grand jury except for cause shown in a hearing before the presiding judge. In no event may a witness be prevented from disclosing his testimony to his attorney.

Added by Laws 1987, c. 99, § 6, eff. Nov. 1, 1987.

§22-356. Jurisdictional limits - Investigations.

Nothing in the Multicounty Grand Jury Act shall be construed to limit the jurisdiction of the county grand juries or district attorneys nor shall an investigation by a multicounty grand jury be preemptive of a previously instituted investigation by another grand jury or agency having jurisdiction under the same subject matter unless good cause is shown.

Added by Laws 1987, c. 99, § 7, eff. Nov. 1, 1987.

§22-357. Presentation of evidence - Power to prosecute.

The presentation of evidence to a multicounty grand jury shall be made by the Attorney General or his designee. When an indictment or accusation for removal is returned, the Attorney General, his designee, or the designated district attorney in whose district the case is filed, shall be empowered to prosecute such indictment or accusation for removal in the district court where venue is proper.

Added by Laws 1987, c. 99, § 8, eff. Nov. 1, 1987.

§22-358. Venue - Consolidation of indictment.

A. Any indictment or accusation for removal by a multicounty grand jury shall be returned to the presiding judge without designation of venue. Thereupon, the judge, by order, shall designate the county of venue for the purpose of trial. The judge, by order, may direct the consolidation of an indictment returned by a county grand jury with an indictment returned by a multicounty grand jury and fix venue for trial.

B. If a multicounty grand jury, pursuant to its investigation, learns of an offense for which it lacks jurisdiction to indict, the multicounty grand jury shall direct the Attorney General to inform the appropriate prosecutorial authority.

Added by Laws 1987, c. 99, § 9, eff. Nov. 1, 1987.

§22-359. Prospective juror list - Numbers and qualifications.

A. The Administrative Director of the Courts, upon receipt of the State Supreme Court order convening a multicounty grand jury, shall prepare a list of up to two hundred prospective jurors drawn

from the current grand jury lists of the several counties designated in the order.

B. A multicounty grand jury shall be comprised of the same number of members having the same qualifications as provided by law for a county grand jury; provided, however, not more than one-half (1/2) of the members of a multicounty grand jury shall be residents of any one county.

C. Where an electronic jury management system has been authorized for use in the courts pursuant to Section 13 of this act, the Administrative Director of the Courts is authorized to select and summon multicounty grand jurors utilizing the automated functionality provided in the jury management system.

D. The process of impaneling the multicounty grand jury shall be conducted under the supervision and control of the judge presiding over the multicounty grand jury and may be conducted in the same manner as is provided by law for impanelment of county grand and petit juries using the electronic jury management system.

E. Whenever the approved electronic jury management system is used to randomly select and sequentially order juror names during any step in the multicounty grand jury selection process, the laws relating to the use of a jury wheel, and laws requiring paper ballots drawn from a jury wheel or a shaken box, shall not apply, including but not limited to those requirements set forth in Sections 301 through 363 and Sections 591 through 693 of this title. Added by Laws 1987, c. 99, § 10, eff. Nov. 1, 1987. Amended by Laws 2004, c. 239, § 1, eff. July 1, 2004; Laws 2015, c. 242, § 1, emerg. eff. May 4, 2015.

§22-360. Summons for service.

A. The court clerk of the county in which a prospective member of a multicounty grand jury resides, upon receipt from the Administrative Director of the Courts of a list of prospective multicounty grand jurors residing in the county, shall cause such prospective jurors to be summoned for service.

B. Where an electronic jury management system has been authorized for use in the courts pursuant to Section 13 of this act, the Administrative Director of the Courts is authorized to issue and serve summons to the panel of prospective multicounty grand jurors utilizing the approved system. The Administrative Director of the Courts shall develop a standard summons form for multicounty grand jurors. The Administrative Director of the Courts is authorized to utilize the jury management system to prepare the summons and shall mail the summons by first-class mail to every person whose name is drawn for the multicounty grand jury, not less than ten (10) days prior to the day the person is to appear. Added by Laws 1987, c. 99, § 11, eff. Nov. 1, 1987. Amended by Laws 2015, c. 242, § 2, emerg. eff. May 4, 2015.

§22-361. Foreman.

From the persons selected to serve as multicounty grand jurors, the court shall appoint a foreman. The court shall also appoint a foreman when a person already appointed is discharged or excused before the multicounty grand jury is dismissed.

Added by Laws 1987, c. 99, § 12, eff. Nov. 1, 1987.

§22-362. Costs and expenses.

The costs and expenses incurred by any multicounty grand jury in the performance of its functions and duties shall be paid by the state out of funds appropriated to the Office of the Attorney General.

Added by Laws 1987, c. 99, § 13, eff. Nov. 1, 1987.

§22-363. Compensation and reimbursement.

Multicounty grand jurors shall be compensated as provided in Section 86 of Title 28 of the Oklahoma Statutes, and shall be reimbursed for necessary expenses on a per diem basis in the same manner and at the same rate as is prescribed by law for state employees.

Added by Laws 1987, c. 99, § 14, eff. Nov. 1, 1987.

§22-381. Indictment may be found by nine - Endorsement.

An indictment cannot be found without the concurrence of at least nine grand jurors. When so found it must be endorsed "A True Bill", and the endorsement must be signed by the foreman.

R.L.1910, § 5730.

§22-382. Charge dismissed, when.

If nine grand jurors do not concur in finding an indictment against a defendant who has been held to answer the original information or the certified record of the proceedings before the magistrate transmitted to them, must be returned to the court, with an endorsement thereon, signed by the foreman, to the effect that the charge is dismissed.

R.L.1910, § 5731.

§22-383. Resubmission of charge.

The dismissal of the charge does not, however, prevent its being again submitted to a grand jury as often as the court may so direct. But without such direction it cannot be again submitted.

R.L.1910, § 5732.

§22-384. Names of witnesses endorsed on indictment.

When an indictment is found, the names of the witnesses examined before the grand jury must be endorsed thereon before the same is

presented to the court, but a failure to so endorse the said names shall not be sufficient reason for setting aside the indictment if the district attorney or prosecuting officer will within a reasonable time, to be fixed by the court, endorse the names of the witnesses for the prosecution on the indictment. Provided that the names of witnesses examined before the grand jury on matters not concerning the indictment in question shall not be endorsed on the indictment relative to such case. The court or judge may, at any time, direct the names of additional witnesses for the prosecution to be endorsed on the indictment, and shall order that such names be furnished to the defendant or his counsel.

R.L.1910, § 5733; Laws 1967, c. 268, § 1, emerg. eff. May 8, 1967.

§22-385. Presentment and filing of indictment - Prohibition against disclosure.

An indictment, when found by the grand jury, must be presented by their foreman, in their presence, to the court, and must be filed with the clerk, and remain in the clerk's office as a public record. Upon the request of the grand jury's legal advisor, the presiding judge of the grand jury may order the indictment sealed until the defendant is arrested.

R.L.1910, § 5734. Amended by Laws 1961, p. 237, § 1; Laws 2012, c. 176, § 2, eff. Nov. 1, 2012.

§22-386. Proceedings where defendant at large.

When an indictment is found against a defendant who has not been previously arrested, and is not under bail, the same proceedings must be had as are prescribed against a defendant who fails to appear for arraignment.

R.L.1910, § 5735.

§22-387. Forms and rules of pleading.

All forms of pleading in criminal actions, and rules by which the sufficiency of pleadings is to be determined are those prescribed by this code.

R.L.1910, § 5736.

§22-388. Indictment or information is first pleading.

The first pleading on the part of the state is the indictment or information.

R.L.1910, § 5737.

§22-401. Requisites of indictment or information.

The indictment or information must contain:

1. The title of the action, specifying the name of the court to which the indictment or information is presented, and the names of the parties.

2. A statement of the acts constituting the offense, in ordinary and concise language, and in such manner as to enable a person of
R.L.1910, § 5738.

§22-402. Indictment or information must be certain and direct.

The indictment or information must be direct and certain as it regards:

1. The party charged.
2. The offense charged.

3. The particular circumstances of the offense charged, when they are necessary to constitute a complete offense.
R.L.1910, § 5739.

§22-403. Designation of defendant by fictitious name.

When a defendant is indicted or prosecuted by a fictitious or erroneous name, and in any stage of the proceedings his true name is discovered, it must be inserted in the subsequent proceedings, referring to the fact of his being charged by the name mentioned in the indictment or information.
R.L.1910, § 5740.

§22-404. Single offense to be charged - Different counts.

The indictment or information must charge but one offense, but where the same acts may constitute different offenses, or the proof may be uncertain as to which of two or more offenses the accused may be guilty of, the different offenses may be set forth in separate counts in the same indictment or information and the accused may be convicted of either offense, and the court or jury trying the cause may find all or either of the persons guilty of either of the offenses charged, and the same offense may be set forth in different forms or degrees under different counts; and where the offense may be committed by the use of different means, the means may be alleged in the alternative in the same count.
R.L.1910, § 5741.

§22-405. Allegation of time.

The precise time at which the offense was committed need not be stated in the indictment or information; but it may be alleged to have been committed at any time before the finding thereof, except where the time is a material ingredient in the offense.
R.L.1910, § 5742.

§22-406. Misdescription of person injured or intended to be injured.

When an offense involves the commission of, or an attempt to commit a private injury, and is described with sufficient certainty

in other respects to identify the act, an erroneous allegation as to the person injured, or intended to be injured, is not material.

R.L.1910, § 5743. d

§22-407. Words, how construed.

The words used in an indictment or information must be construed in their usual acceptation, in common language, except words and phrases defined by law, which are to be construed according to their legal meaning.

R.L.1910, § 5744.

§22-408. Statute not strictly pursued.

Words used in a statute to define a public offense, need not be strictly pursued in the indictment or information; but other words conveying the same meaning may be used.

R.L.1910, § 5745.

§22-409. Indictment or information, when sufficient.

The indictment or information is sufficient if it can be understood therefrom:

1. That it is entitled in a court having authority to receive it, though the name of the court be not stated.

2. That it was found by a grand jury or presented by the district attorney of the county in which the court was held.

3. That the defendant is named, or if his name cannot be discovered, that he is described by a fictitious name, with the statement that his true name is unknown.

4. That the offense was committed at some place within the jurisdiction of the court, except where the act, though done without the local jurisdiction of the county, is triable therein.

5. That the offense was committed at some time prior to the time of filing the indictment or information.

6. That the act or omission charged as the offense is clearly and distinctly set forth in ordinary and concise language, without repetition, and in such a manner as to enable a person of common understanding to know what is intended.

7. That the act or omission charged as the offense, is stated with such a degree of certainty, as to enable the court to pronounce judgment upon a conviction according to the right of the case.

R.L.1910, § 5746.

§22-411. Matters which need not be stated.

Neither presumptions of law, nor matters of which judicial notice is taken, need be stated in an indictment or information.

R.L.1910, § 5748.

§22-412. Pleading a judgment.

In pleading a judgment or other determination of, or proceeding before a court or officer of special jurisdiction it is not necessary to state the facts conferring jurisdiction; but the judgment or determination may be stated to have been duly given or made. The facts constituting jurisdiction, however, must be established on the trial.
R.L.1910, § 5749.

§22-413. Pleading private statute.

In pleading a private statute, or a right derived therefrom, it is sufficient to refer to the statute by its title and the day of its passage, and the court must thereupon take judicial notice thereof.

R.L. 1910, Sec. 5750.

§22-421. Arson - Omission or error in designating owner or occupant.

An omission to designate, or error in designating in indictment for arson, the owner or occupant of a building, shall not prejudice the proceedings thereupon, if it appears that upon the whole description given of the building, it is sufficiently identified to enable the prisoner to prepare his defense.
R.L.1910, § 2604.

§22-422. Libel, indictment or information for.

An indictment or information for libel need not set forth any extrinsic facts for the purpose of showing the application to the party libeled of the defamatory matter on which the indictment or information is founded, but it is sufficient to state generally that the same was published concerning him, and the fact that it was so published must be established on the trial.
R.L.1910, § 5751.

§22-423. Forgery, misdescription of forged instrument immaterial, when.

When an instrument, which is the subject of an indictment or information for forgery, has been destroyed or withheld by the act or procurement of the defendant, and the fact of the destruction or withholding is alleged in the indictment or information and established on the trial, the misdescription of the instrument is immaterial.
R.L.1910, § 5752.

§22-424. Perjury, indictment or information for.

In an indictment or information for perjury, or subornation of perjury, it is sufficient to set forth the substance of the controversy or matter in respect to which the offense was committed, and in what court or before whom the oath alleged to be false was taken; and that the court or person before whom it was taken had authority to administer it, with proper allegations of the falsity of the matter on which the perjury is assigned; but the indictment or information need not set forth the pleadings, record, or proceedings with which the oath is connected, nor the commission or authority of the court or person before whom the perjury was committed.

R.L.1910, § 5753.

§22-425. Larceny or embezzlement, indictment or information for.

In an indictment or information for the larceny or embezzlement of money, bank notes, certificates of stock or valuable securities, or for a conspiracy to cheat and defraud a person of any such property, it is sufficient to allege the larceny or embezzlement, or the conspiracy to cheat and defraud, to be of money, bank notes, certificates of stock or valuable securities, without specifying the coin, number, denomination or kind thereof.

R.L.1910, § 5754.

§22-426. Obscene literature, indictment or information for handling.

An indictment or information for exhibiting, publishing, passing, selling or offering to sell, or having in possession with such intent, any lewd or obscene book, pamphlet, picture, print, card, paper or writing, need not set forth any portion of the language used or figures shown upon such book, pamphlet, picture, print, card, paper or writing, but it is sufficient to state generally the fact of the lewdness or obscenity thereof.

R.L.1910, § 5755. d

§22-431. Several defendants.

Upon an indictment or information against several defendants, any one or more may be convicted or acquitted.

R.L.1910, § 5756.

§22-432. Accessories and principals in felony.

The distinction between an accessory before the fact and a principal, and between principals in the first and second degree, in cases of felony, is abrogated, and all persons concerned in the commission of a felony, whether they directly commit the act constituting the offense, or aid and abet in its commission, though not present, must be prosecuted, tried and punished as principals, and no additional facts need be alleged in any indictment or information against such an accessory than are required in an indictment or information against his principal.

R.L. 1910, Sec. 5757.

§22-433. Accessory tried independently of principal.

An accessory to the commission of a felony may be prosecuted, tried and punished, though the principal felon be neither prosecuted nor tried, and though the principal may have been acquitted.

R.L.1910, § 5758.

§22-434. Compounding a crime - Separate prosecution.

A person may be prosecuted for having, with the knowledge of the commission of a public offense, taken money or property of another, or a gratuity or reward, or an engagement or promise therefor, upon the agreement or understanding, express or implied, to compound or conceal the offense, or to abstain from a prosecution therefor, or to withhold any evidence thereof, though the person guilty of the original offense have not been indicted or tried.

R.L.1910, § 5759.

§22-436. Charging of two or more defendants in same indictment or information - Counts.

Two or more defendants may be charged in the same indictment or information if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses. Such defendants may be charged in one or more counts together or separately, provided that all of the defendants charged together in the same indictment or information are alleged to have participated in all of the same acts or transactions charged.

Laws 1968, c. 311, § 1.

§22-437. Singular to include the plural.

All laws in this chapter wherein the singular of words is used are hereby amended to include the plural of such words to give effect to the purpose of this act.
Laws 1968, c. 311, § 2.

§22-438. Trial of two or more indictments or informations.

The court may order two or more indictments or informations or both to be tried together if the offenses and the defendants, if there is more than one, could have been joined in a single indictment or information. The procedure shall be the same as if the prosecution was under such single indictment or information.
Laws 1968, c. 311, § 3.

§22-439. Relief from prejudicial joinder.

If it appears that a defendant or the state is prejudiced by joinder of offenses or of defendants in an indictment or information or by such joinder for trial together, the court shall order an election or separate trial of counts, grant a severance of defendants, or provide whatever other relief justice requires.
Laws 1968, c. 311, § 4.

§22-440. Repeal of conflicting laws.

All laws or parts of laws in conflict herewith are hereby repealed.
Laws 1968, c. 311, § 5.

§22-441. Indictments - When and where transferred.

The grand jury of each county in the state is hereby empowered and authorized to investigate all felonies and misdemeanors committed in their respective jurisdictions; and upon the filing of an indictment in the district court, which charges an offense over which such court has no jurisdiction, the judge of such court shall as soon as convenient, make an order transferring the same to such inferior court as may have jurisdiction to try the offense therein charged, stating in such order the cause transferred, and to what court transferred.
R.L.1910, § 5551.

§22-442. Records to be certified to proper court - Costs.

It shall be the duty of the clerk of the district court, without delay, to deliver the indictment in all cases transferred, together with all the papers relating to each case, to the proper court or justice of the peace, as directed in the order of transfer; and he shall accompany each case with a certified copy of all the proceedings taken therein in the district court, and also with a bill of the costs that have accrued therein in the district court, and the said costs shall be collected in the court in which said

cause is tried, in the same manner as other costs are collected in criminal cases.

R.L.1910, § 5552.

§22-443. Entry on docket - Process and trial.

All cases transferred from the district court shall be entered on the docket of the court to which they are transferred, and all process thereon shall be issued, and the defendant tried in the same manner as if the cause had originated in the court to which they have been transferred.

R.L.1910, § 5553.

§22-444. Retransfer in case of error.

When a cause has been improperly transferred to a court which has no jurisdiction of the same, the court to which it has been transferred shall order it to be retransferred to the proper court, and the same proceedings shall be had as in the case of original transfer. In such case the defendant and the witnesses shall be held bound to appear before the court to which the case has been retransferred, the same as they were bound to appear before the court so transferring the same.

R.L.1910, § 5554.

§22-445. Transfer to county of proper venue.

In all criminal cases pending in any county where the venue properly lies in another county, the court may, upon motion of the county attorney, or upon its own motion, transfer such cause to the county of proper venue; such transfer, in all respects, shall be made in the manner provided by law.

R.L.1910, § 5555.

§22-451. Arraignment.

When the indictment or information is filed, the defendant must be arraigned thereon before the court in which it is filed, if triable therein; if not, before the court to which it is removed or transmitted. If the defendant's physical presence is not possible because the defendant is in custody in another county, the arraignment shall take place by videoconference, if available, as authorized by Section 130 of Title 20 of the Oklahoma Statutes.

R.L.1910, § 5760. Amended by Laws 2024, c. 43, § 2, eff. Nov. 1, 2024.

§22-452. Defendant's presence required for felonies.

If the indictment or information is for a felony the defendant must be present, either in person or by videoconference, but if for a misdemeanor only, the personal appearance is unnecessary, and the defendant may appear upon the arraignment by counsel.

R.L.1910, § 5761. Amended by Laws 2024, c. 43, § 3, eff. Nov. 1, 2024.

§22-453. Officer to bring defendant before court.

When his personal appearance is necessary, if he be in custody, the court may direct the officer in whose custody he is to bring him R.L.1910, § 5762.

§22-454. Bench warrant to issue, when.

If the defendant has been discharged on bail, or have deposited money instead thereof, and does not appear to be arraigned, when his personal attendance is necessary, the court in addition to the forfeiture of the undertaking of bail or of the money deposited, may direct the clerk to issue a bench warrant for his arrest.

R.L.1910, § 5763.

§22-455. Bench warrant may issue into one or more counties.

The clerk, on the application of the district attorney, may, accordingly, at any time after the order, whether the court be sitting or not, issue a bench warrant in one or more counties.

R.L.1910, § 5764.

§22-456. Bench warrant, form of, in case of felony.

The bench warrant must, if the offense is a felony, be substantially in the following form:

County of.....

State of Oklahoma,

To any sheriff, constable, policeman or marshal in this state:

An indictment having been found (or information filed) on the day of , A. D., 19... , in the district court in and for the county of , charging C. D. with the crime of , (designating it generally) you are therefore commanded forthwith to arrest the above named C. D., and bring him before the court (or before the court to which the indictment or information may have been removed, naming it) to answer said indictment or information; or if the court have adjourned for the term, that you deliver him into the custody of the sheriff of the county of

Given under my hand, with the seal of said court affixed this day of A. D., 19.....

By order of the court.

(Seal)

E. F., Clerk.

R.L.1910, § 5765.

§22-456A. Bench warrant, fee for issuance of.

For the issuance of each bench warrant for a defendant's failure to pay court costs, fines, fees, or assessments in felony,

misdemeanor, or traffic cases, the court clerk shall charge and collect a fee of Five Dollars (\$5.00). The fee shall be included in the execution bond amount on the face of the bench warrant which is issued for the defendant's failure to pay and shall be in addition to the delinquent amount owed by the defendant. This fee shall be deposited in the court clerk's revolving fund pursuant to the provisions of Section 220 of Title 19 of the Oklahoma Statutes. Added by Laws 1995, c. 132, § 1, eff. Nov. 1, 1995.

§22-457. Bench warrant in case of misdemeanor or bailable felony.

If the offense is a misdemeanor or a bailable felony, the bench warrant must be in a similar form, adding to the body thereof a direction to the following effect:

Or if he requires it that you take him before any magistrate in that county or in county in which you arrest him, that he may give bail to answer the indictment or information.

R.L.1910, § 5766.

§22-458. Court to fix amount of bail - Endorsement.

If the offense charged is bailable the court, upon directing the bench warrant to issue, must fix the amount of bail and an endorsement must be made on the bench warrant and signed by the clerk, to the following effect:

The defendant is to be admitted to bail in the sum of Dollars.

R.L.1910, § 5767.

§22-459. Defendant held when offense not bailable.

The defendant, when arrested under a warrant for an offense not bailable, shall be held in custody by the sheriff of the county in which the indictment or information is filed. If the sheriff has contracted for the custody of prisoners in the county, such contractor shall be required to hold in custody any prisoner delivered to the contractor pursuant to this section.

R.L.1910, § 5768. Amended by Laws 2003, c. 199, § 4, eff. Nov. 1, 2003.

§22-460. Bench warrant served in any county.

The bench warrant may be served in any county in the same manner as a warrant of arrest, except that when served in another county it need not be endorsed by a magistrate of that county.

R.L.1910, § 5769.

§22-461. Taking bail in another county.

A. If the defendant is brought before a magistrate of another county for the purpose of giving bail, the magistrate must proceed in respect thereto, in the same manner as if the defendant had been

brought before the magistrate upon a warrant of arrest, and the same proceedings may be had thereon.

B. If a defendant is confined in a county jail, municipal jail, or a jail operated by a regional jail authority, and the defendant has a request to hold in custody from another jurisdiction within the state, the defendant may post a bond in the other jurisdiction to release the hold. Upon proof that a bond has been posted, the request to hold in custody from the other jurisdiction shall be released.

R.L.1910, § 5770. Amended by Laws 2025, c. 117, § 1, eff. Nov. 1, 2025.

§22-462. Defendant committed or bail increased after indictment or information.

When the indictment or information is for a felony, and the defendant, before the finding thereof, has given bail for his appearance to answer the charge, the court to which the indictment or information is presented, or sent or removed for trial, may order the defendant to be committed to actual custody, either without bail, or unless he give bail in an increased amount, to be specified in the order.

R.L.1910, § 5771. R.L.1910, § 5771.

§22-463. Commitment order, execution of.

If the defendant is present when the order is made he must be forthwith committed accordingly. If he is not present, a bench warrant must be issued and proceeded upon in the manner provided in this chapter.

R.L.1910, § 5772.

§22-464. Repealed by Laws 1991, c. 238, § 37, eff. July 1, 1991.

§22-465. Arraignment made, how.

The arraignment must be made by the court, or by the clerk or district attorney, under its direction, and consists in reading the indictment or information to the defendant, and asking him whether he pleads guilty or not guilty thereto.

R.L.1910, § 5774.

§22-466. Name of defendant.

When the defendant is arraigned he must be informed that if the name by which he is prosecuted be not his true name, he must then declare his true name or be proceeded against by the name in the indictment or information.

R.L.1910, § 5775.

§22-467. Proceedings when defendant gives no other name.

If he gives no other name, the court may proceed accordingly.
R.L.1910, § 5776.

§22-468. Proceedings where another name given.

If he alleges that another name is his true name, the court must direct an entry thereof in the minutes of the arraignment, and the subsequent proceedings on the indictment or information may be had against him by that name, referring also to the name by which he is indicted or informed against.

R.L.1910, § 5777.

§22-469. Necessity for filing information after preliminary examination.

It shall not be necessary to file an information after the preliminary examination where the complaint or preliminary information satisfies the requirements for an information.

Laws 1968, c. 175, § 3, eff. Jan. 13, 1969.

§22-470. Time for arraignment upon charge of felony.

The arraignment of the defendant shall be held within thirty (30) days after the defendant is ordered held for trial upon a preliminary information charging the commission of a felony; provided, for good cause, the court may set a later date.

Laws 1968, c. 175, § 4, eff. Jan. 13, 1969.

§22-471. Short title.

Sections 1 through 12 of this act shall be known and may be cited as the "Oklahoma Drug Court Act".

Added by Laws 1997, c. 359, § 1, eff. July 1, 1997.

§22-471.1. Authorization of drug court programs.

A. For purposes of the Oklahoma Drug Court Act, "drug court", "drug court program" or "program" means an immediate and highly structured judicial intervention process for substance abuse treatment of eligible offenders which expedites the criminal case and requires successful completion of the plea agreement.

B. Each district court of this state is authorized to establish a drug court program pursuant to the provisions of the Oklahoma Drug Court Act, subject to availability of funds.

C. Eligible offenses may be restricted by the rules of the specific drug court program. Nothing in the Oklahoma Drug Court Act shall be construed to require a drug court to consider every offender with a treatable condition or addiction even if the controlling offense is eligible for consideration in the program. Traditional prosecution shall be required where an offender is determined not appropriate for the drug court program. Juvenile

drug courts may be established based upon the provisions of the Oklahoma Drug Court Act; provided, however, a juvenile shall not be held, processed, or treated in any manner which violates any provision of Title 10A of the Oklahoma Statutes.

D. Drug court programs shall require a separate judicial processing system differing in practice and design from the traditional adversarial criminal prosecution and trial systems. Whenever possible, a drug court team shall be designated consisting of a judge to preside over the drug court judicial process and hold proceedings where participants are advanced through the program, a district attorney, a defense attorney, a drug court coordinator, and other persons designated by the drug court team who shall have appropriate understanding of the goals of the program and of the appropriate treatment methods for the various conditions. The assignment of any person to the drug court team shall not preclude the assigned person from performing other duties required in the course of their office or employment. The chief judge of the judicial district, or if the district has more than one chief judge then the presiding judge of the Administrative Judicial District, shall designate one or more judges to preside over cases assigned to the drug court program. The assignment of any judge to a drug court program or the designation of a drug court docket shall not mandate the assignment of all substance abuse-related cases to the drug court docket or the program; however, nothing in the Oklahoma Drug Court Act shall be construed to preclude the assignment of all criminal cases relating to substance abuse or drug possession as provided by the rules established for the specific drug court program. Judicial immunity shall extend to any duty required by law to be performed by a judge of a drug court.

E. When a drug court program is established, the arresting officer shall file the criminal case record for potentially eligible offenders with the district attorney within four (4) days of the arrest. The district attorney shall file an information in the case within twenty-four (24) hours of receipt of the criminal case record when the offender appears eligible for consideration for the program. The information may be amended as necessary when an offender is denied admittance into the drug court program or for other purposes as provided in Section 304 of this title. Any person arrested upon a warrant for his or her arrest shall not be eligible for the drug court program without the approval of the district attorney. Any criminal case which has been filed and processed in the traditional manner shall be cross-referenced to a drug court case file by the court clerk if the case is subsequently assigned to the drug court program. The originating criminal case file shall remain open to public inspection. The judge shall determine what information or pleadings are to be retained in the drug court case file, which shall be closed to public inspection.

F. The court may request assistance from the Department of Mental Health and Substance Abuse Services which shall be the primary agency to assist in developing and implementing a drug court program or from any state or local agency in obtaining the necessary treatment services which will assure maximum opportunity for successful treatment, education and rehabilitation for offenders admitted to the program. All participating state and local agencies are directed to coordinate with each other and cooperate in assisting the district court in establishing a drug court program.

G. Each drug court program shall apply recognized best practices including but not limited to:

1. Strong linkage between participating agencies;
2. Access by all participating parties of a case to information on the progress of the offender;
3. Vigilant supervision and monitoring procedures;
4. Random substance abuse testing;
5. Provisions for noncompliance, modification of the treatment plan and revocation proceedings;
6. Availability of residential treatment facilities and outpatient services;
7. Payment of court costs, treatment costs, supervision fees and program user fees by the offender;
8. Methods for measuring application of disciplinary sanctions including provisions for:
 - a. increased supervision,
 - b. urinalysis testing,
 - c. intensive treatment,
 - d. short-term confinement not to exceed five (5) days,
 - e. recycling the offender into the program after a disciplinary action for a minimum violation of the treatment plan,
 - f. reinstating the offender into the program after a disciplinary action for a major violation of the treatment plan, and
 - g. revocation from the program; and
9. Methods for measuring performance-based effectiveness of each individual treatment provider's services.

H. All drug court programs shall be required to keep reliable data on recidivism, relapse, restarts, sanctions imposed and incentives given.

I. All funds received by a drug court, in its capacity as a drug court program, shall be credited to and accounted for in the county treasurer's office in a special cash fund to be known as the "Drug Court Fund". Each drug court fund shall be a continuing fund, not subject to fiscal year limitations, and shall be dedicated to the operation of the drug court as authorized by law. The expenditures of any funds received by a drug court program and

deposited with the county treasurer shall be made only upon sworn itemized claims approved by the county clerk, filed with the county treasurer and paid by cash voucher drawn by the county treasurer from the funds.

J. Nothing in this section shall prohibit any county from establishing a drug court for misdemeanor offenses. Such misdemeanor drug courts shall follow the rules and regulations of felony drug courts except that the penalty for revocation shall not exceed one (1) year in the county jail or the maximum penalty for the misdemeanor allowed by statute, whichever is less. The Department of Mental Health and Substance Abuse Services shall provide technical assistance to the counties that establish misdemeanor drug courts.

Added by Laws 1997, c. 359, § 2, eff. July 1, 1997. Amended by Laws 2008, c. 37, § 1, eff. Nov. 1, 2008; Laws 2009, c. 234, § 131, emerg. eff. May 21, 2009; Laws 2016, c. 222, § 1, eff. Nov. 1, 2016; Laws 2021, c. 258, § 1, eff. July 1, 2021; Laws 2022, c. 277, § 1.

§22-471.2. Eligibility and request for drug court program.

A. The opportunity for review of an offender for a drug court program shall occur at any time prior to disposition of the case and sentencing of the offender including sentencing on a petition to revoke a suspended sentence or any probation violation.

B. When a drug court is established, the following information shall be initially reviewed by the sheriff or designee, if the offender is held in a county jail, or by the chief of police or designee, if the offender is held in a city jail:

1. The offender has no prior felony conviction in this state or another state for a domestic violence offense within the last ten (10) years, except as may be allowed in a domestic violence treatment program authorized by the drug court program. It shall be sufficient for this paragraph that a criminal history records name search was conducted and indicated no apparent domestic violence offense. An offender admitted to the drug court program for a crime which requires the offender to attend a batterers' intervention program certified by the Attorney General's office shall be required to undergo such treatment as a condition of drug court;

2. The offender's charge does not involve a violation of the Trafficking In Illegal Drugs Act;

3. The offender has committed a felony offense or a misdemeanor offense where a misdemeanor drug court is authorized; and

4. The offender:

- a. admits to having a substance abuse addiction,
- b. appears to have a substance abuse addiction,
- c. is known to have a substance abuse addiction,
- d. the arrest or charge is based upon an offense eligible for the drug court program, or

- e. is a person who has had an assessment authorized by Section 3-704 of Title 43A of the Oklahoma Statutes or drug court investigation and the assessment or investigation recommends the drug court program.

C. If it appears to the reviewing officer that the offender may be potentially eligible for the drug court program based upon a review of the information in subsection B of this section, the offender shall be given an eligibility form which may be voluntarily completed by the offender, and the reviewing officer shall file the criminal case record within the time prescribed in subsection E of Section 471.1 of this title. The offender may request consideration for the drug court program as provided in subsection D of this section. The eligibility form shall describe the drug court program for which the offender may be eligible including, but not limited to:

1. A full description of the drug court process and investigation;

2. A general explanation of the roles and authority of the supervising staff, the district attorney, the defense attorney, the treatment provider, the offender, and the judge presiding over the cases in the drug court program;

3. A clear statement that the drug court judge may decide after a hearing not to consider the offender for the drug court program and in that event the offender will be prosecuted in the traditional manner;

4. A clear statement that the offender is required, before consideration in the program, to enter a guilty plea as part of a written plea agreement;

5. A clear statement that the plea agreement will specify the offense to which the guilty plea will be entered and will state any penalty to be imposed for the offense, both in the event of a successful completion of the drug court program, and in the event of a failure to complete the program;

6. A clear statement that the offender must voluntarily agree to:

- a. waive the right to a speedy trial,
- b. waive the right to a preliminary hearing,
- c. the terms and conditions of a treatment plan, and
- d. sign a performance contract with the drug court;

7. A clear statement that the offender, if accepted into the drug court program, may not be incarcerated for the offense in a state correctional institution or jail upon successful completion of the program;

8. A clear statement that during participation in the drug court program should the offender fail to comply with the terms of the agreement, the offender may be sanctioned to serve a term of confinement of six (6) months in an intermediate revocation facility

operated by the Department of Corrections. An offender shall not be allowed to serve more than two separate terms of confinement in an intermediate revocation facility;

9. A clear statement that during participation in the drug court program should the offender:

- a. fail to comply with the terms of the agreements,
 - b. be convicted of a misdemeanor offense which reflects a propensity for violence,
 - c. be arrested for a violent felony offense, or
 - d. be convicted of any felony offense,
- the offender may be required, after a court hearing, to be revoked from the program and sentenced without trial pursuant to the punishment provisions of the negotiated plea agreement; and

10. An explanation of the criminal record retention and disposition resulting from participation in the drug court program following successful completion of the program.

D. 1. The offender may request consideration for the drug court program as follows:

- a. if the offender is incarcerated, the offender must sign and complete the eligibility form and return it to the sheriff, if the offender is held in the county jail; or to the chief of police, if the offender is held in a city jail. The sheriff or chief of police, upon receipt of the completed eligibility form, shall file the form with the drug court coordinator who shall forward the form to the district attorney and the judge assigned to the offender's case, or
- b. after release of the offender from incarceration, the offender must sign and complete the eligibility form and file it with the drug court coordinator or the court, prior to or at the time of either initial appearance or arraignment. The drug court coordinator shall forward the form to the district attorney and the judge assigned to the offender's case.

2. Any offender desiring legal consultation prior to signing or completing the form for consideration in a drug court program shall be referred to the defense attorney of the drug court team, or a public defender, if the offender is indigent, or allowed to consult with private legal counsel.

3. Nothing contained in the provisions of this subsection shall prohibit the drug court from considering any offender deemed eligible for the program at any time prior to sentencing whose case has been prosecuted in the traditional manner, or upon a violation of parole or probation conditions relating to substance abuse, upon recommendation of the district attorney as provided in Section 471.8 of this title.

E. When an offender has filed a request to be considered for a drug court program, an initial hearing shall be set before the drug court judge. The hearing shall be not less than three (3) work days nor more than five (5) work days after the date of the filing of the request form. Notice of the hearing shall be given to the drug court team, or in the event no drug court team is designated, to the offender, the district attorney, and to the public defender. The offender shall be required to notify any private legal counsel of the date and time of the hearing.

Added by Laws 1997, c. 359, § 3, eff. July 1, 1997. Amended by Laws 2009, c. 290, § 1, eff. Nov. 1, 2009; Laws 2012, c. 228, § 2, eff. Nov. 1, 2012; Laws 2016, c. 222, § 2, eff. Nov. 1, 2016; Laws 2018, c. 253, § 1, eff. Nov. 1, 2018; Laws 2022, c. 277, § 2.

§22-471.3. Initial hearing.

A. At the initial hearing for consideration of an offender for a drug court program, the district attorney shall determine whether:

1. The offender has approval to be considered for the drug court program; and
2. Any statutory preclusion, other prohibition, or program limitation exists and is applicable to considering the offender for the program.

The district attorney may object to the consideration of an offender for the drug court program at the initial hearing.

B. If the offender voluntarily consents to be considered for the drug court program and has signed and filed the required form requesting consideration, and no objection has been made by the district attorney, the court may refer the offender for a drug court investigation as provided in Section 471.4 of this title, and set a date for a hearing to determine final eligibility for admittance into the program.

C. Upon any objection of the district attorney for consideration of an offender for the program, the court shall deny consideration of the offender's request for participation in the drug court program. Upon denial for consideration in the drug court program at the initial hearing, the criminal case shall proceed in the traditional manner. A denial of consideration of the offender for the program shall not preclude any future consideration of the offender for the drug court program with the approval of the district attorney.

Added by Laws 1997, c. 359, § 4, eff. July 1, 1997. Amended by Laws 2018, c. 253, § 2, eff. Nov. 1, 2018; Laws 2022, c. 277, § 3.

§22-471.4. Eligibility criteria - Investigation.

A. Each drug court team shall develop agreed-upon, objective eligibility criteria to determine presumptive drug court eligibility for offenders. The objective criteria shall be in writing and

communicated to potential referral sources including but not limited to judges, law enforcement, defense attorneys, prosecutors, treatment professionals, and community supervision officers. The criteria shall target high-risk and high-need offenders who are addicted to illicit drugs or alcohol and who are at a substantial risk for reoffending or failing to complete a less intensive case disposition such as standard probation or pretrial supervision.

B. When the drug court judge, district attorney, defense attorney, drug court coordinator, treatment provider, or any other drug court team member determines that further investigation of the offender under consideration is appropriate, the supervising staff for the drug court program shall make an investigation to determine whether the offender is a person who:

1. Is presumptively eligible for the drug court program;
2. Would benefit from the drug court program; and
3. Is appropriate for the drug court program and there is not a more appropriate less restrictive treatment alternative based upon the risk and need levels of the offender.

C. The drug court investigation shall be conducted through a standardized screening test and personal interview. A more comprehensive assessment may take place at the time the offender enters the treatment portion of the program and may take place at any time after placement in the drug court program. The investigation shall determine the original treatment plan which the offender will be required to follow, if admitted to the program. Any subsequent assessments or evaluations by the treatment provider, if the offender is admitted to the program, may be used to determine modifications needed to the original treatment plan. The investigation shall include, but not be limited to, the following information:

1. The person's age and physical condition;
2. Employment and military service records;
3. Educational background and literacy level;
4. Community and family relations;
5. Prior and current drug and alcohol use;
6. Mental health and medical treatment history including substance abuse treatment history;
7. Demonstrable motivation; and
8. Other mitigating or aggravating factors.

D. The drug court investigation may be conducted before or after the initial hearing for consideration but shall occur before the hearing for final determination of eligibility for the drug court program. When an offender is appropriate for admittance to the program, the supervising staff shall make a recommendation for the treatment program or programs that are available in the jurisdiction and which would benefit the offender and accept the offender. The investigation findings and recommendations for

program placement shall be reported to the drug court judge, the district attorney, the offender, and the defense attorney prior to the next scheduled hearing.

E. The district attorney and the defense attorney for the offender shall independently review the findings and recommendations of the drug court investigation report. For an offender to remain eligible for consideration in the program, both the district attorney and the defense attorney shall negotiate the terms of the written plea agreement with all punishment provisions specified prior to the scheduled hearing date for determining final eligibility. Upon failure of the district attorney and defense attorney to negotiate the written plea agreement, the judge presiding over the case may order the criminal case to be withdrawn from the drug court program and processed in the traditional manner. The punishment provisions of the written plea agreement shall emphasize reparation to the victim, community, and state. If the crime for which the offender is seeking eligibility to drug court involves a victim, notification to the victim shall be in compliance with subsection A of Section 34 of Article II of the Oklahoma Constitution and the Oklahoma Victim's Rights Act, Section 142A et seq. of Title 21 of the Oklahoma Statutes, and shall include the right to provide victim's impact statements.

F. The hearing to determine final eligibility shall be set not less than three (3) work days nor more than seven (7) work days from the date of the initial hearing for consideration, unless extended by the court.

G. The drug court coordinator shall keep a record of all presumptively eligible offenders who are not placed in the drug court program. The record shall indicate the reason each offender was not placed in the program and information about the ultimate case disposition for each offender. The record shall be made available to all members of the drug court team.

H. For purposes of Section 471 et seq. of this title, "supervising staff" means a Department of Corrections employee assigned to monitor offenders in the drug court program, a state, county, or municipal governmental representative, a certified treatment provider participating in the program, or a CLEET-certified person designated by the drug court program to perform drug court investigations.

Added by Laws 1997, c. 359, § 5, eff. July 1, 1997. Amended by Laws 2018, c. 253, § 3, eff. Nov. 1, 2018; Laws 2022, c. 277, § 4.

§22-471.5. Admissibility of statements or evidence.

A. 1. Any statement, or any information procured therefrom, made by the offender to any supervising staff, which is made during the course of any drug court investigation conducted by the supervising staff pursuant to Section 5 of this act, and any report

of the supervising staff's findings and recommendations to the court, the district attorney, or the defense counsel shall not be admissible in the criminal case pending against the offender.

2. Any statement, or any information procured therefrom, with respect to the specific offense for which the offender was arrested or is charged, which is made to any supervising staff subsequent to the granting of admission of the offender to the drug court program, shall not be admissible in the pending criminal case nor shall such be grounds for the revocation of an offender from the program.

3. In the event that an offender is denied admission to the drug court program or is subsequently revoked from the program, any information gained from the drug court investigation, any statements or information divulged during the drug court investigation or any treatment session shall not be used in the sentencing of the offender for the original criminal offense.

4. The restrictions provided in this section shall not preclude the admissibility of statements or evidence obtained by the state from independent sources.

B. 1. The offender, as consideration for entering the drug court program, must consent to a full and complete photographic record of property which was to be used as evidence in the pending criminal case. The photographic record shall be competent evidence of such property and admissible in any criminal action or proceeding as the best evidence.

2. After the photographic record is made, the property shall be returned as follows:

- a. property, except that which is prohibited by law, shall be returned to its owner after proper verification of title,
- b. the return to the owner shall be without prejudice to the state or to any person who may have a claim against the property, and
- c. when a return is made to the owner, the owner shall sign, under penalty of perjury, a declaration of ownership, which shall be retained by the person in charge of the property at the police department or sheriff's office.

Added by Laws 1997, c. 359, § 6, eff. July 1, 1997.

§22-471.6. Final eligibility hearing - Acceptance into program - Duration of participation - Costs and fees - Driving privileges.

A. The drug court judge shall conduct a hearing as required by subsection F of Section 471.4 of this title to determine final eligibility by considering:

1. Whether the offender voluntarily consents to the program requirements;

2. Whether to accept the offender based upon the findings and recommendations of the drug court investigation authorized by Section 471.4 of this title;

3. Whether there is a written plea agreement, and if so, whether the terms and conditions of the written negotiated plea between the district attorney, the defense attorney and the offender are appropriate and consistent with the penalty provisions and conditions of other similar cases;

4. Whether there is an appropriate treatment program available to the offender and whether there is a recommended treatment plan; and

5. Any information relevant to determining eligibility; provided, however, an offender shall not be denied admittance to any drug court program based upon an inability to pay court costs or other costs or fees.

B. At the hearing to determine final eligibility for the drug court program, the judge shall not grant any admission of any offender to the program when:

1. The required treatment plan and plea agreement have not been completed;

2. The program funding or availability of treatment has been exhausted;

3. The treatment program or drug court team is unwilling to accept the offender;

4. The offender does not meet the presumptive eligibility criteria of the program; or

5. The offender is inappropriate for admission to the program, in the discretion of the judge.

C. At the final eligibility hearing, if evidence is presented that was not discovered by the drug court investigation, the district attorney or the defense attorney may make an objection and may ask the court to withdraw the plea agreement previously negotiated. The court shall determine whether to proceed and overrule the objection, to sustain the objection and transfer the case for traditional criminal prosecution or to require further negotiations of the plea or punishment provisions. The decision of the judge for or against eligibility and admission shall be final.

D. When the court accepts the treatment plan with the written plea agreement, the offender, upon entering the plea as agreed by the parties, shall be ordered and escorted immediately into the program. The offender must have voluntarily signed the necessary court documents before the offender may be admitted to treatment. The court documents shall include:

1. Waiver of the offender's rights to speedy trial;

2. A written plea agreement which sets forth the offense charged, the penalty to be imposed for the offense in the event of a breach of the agreement and the penalty to be imposed, if any, in

the event of a successful completion of the treatment program; provided, however, incarceration shall be prohibited when the offender completes the treatment program;

3. A written treatment plan which is subject to modification at any time during the program; and

4. A written performance contract requiring the offender to enter the treatment program as directed by the court and participate until completion, withdrawal or removal by the court.

E. If admission into the drug court program is denied, the criminal case shall be returned to the traditional criminal docket and shall proceed as provided for any other criminal case.

F. At the time an offender is admitted to the drug court program, any bail or undertaking on behalf of the offender shall be exonerated.

G. The period of time during which an offender may participate in the active treatment portion of the drug court program shall be not less than six (6) months nor more than twenty-four (24) months and may include a period of supervision not less than six (6) months nor more than one (1) year following the treatment portion of the program. The period of supervision may be extended by order of the court for not more than six (6) months. No treatment dollars shall be expended on the offender during the extended period of supervision. If the court orders that the period of supervision shall be extended, the drug court judge, district attorney, the attorney for the offender and the supervising staff for the drug court program shall evaluate the appropriateness of continued supervision on a quarterly basis. All participating treatment providers shall be certified by the Department of Mental Health and Substance Abuse Services and shall be selected and evaluated for performance-based effectiveness annually by the Department of Mental Health and Substance Abuse Services. Treatment programs shall be designed to be completed within twelve (12) months and shall have relapse prevention and evaluation components.

H. The drug court judge shall order the offender to pay court costs, treatment costs, drug testing costs, a program user fee not to exceed Twenty Dollars (\$20.00) per month and necessary supervision fees, unless the offender is indigent. The drug court judge shall establish a schedule for the payment of costs and fees. The cost for treatment, drug testing and supervision shall be set by the treatment and supervision providers respectively and made part of the court's order for payment. User fees shall be set by the drug court judge within the maximum amount authorized by this subsection and payable directly to the court clerk for the benefit and administration of the drug court program. Treatment, drug testing and supervision costs shall be paid to the respective providers. The court clerk shall collect all other costs and fees ordered and deposit such costs and fees with the county treasurer in

a drug court fund created and administered pursuant to subsection I of Section 471.1 of this title. The remaining user fees shall be remitted to the State Treasurer by the court clerk for deposit in the Department of Mental Health and Substance Abuse Services' Drug Abuse Education and Treatment Revolving Fund established pursuant to Section 2-503.2 of Title 63 of the Oklahoma Statutes. Court orders for costs and fees pursuant to this subsection shall not be limited for purposes of collection to the maximum term of imprisonment for which the offender could have been imprisoned for the offense, nor shall any court order for costs and fees be limited by any term of probation, parole, supervision, treatment or extension thereof. Court orders for costs and fees shall remain an obligation of the offender until fully paid; provided, however, once the offender has successfully completed the drug court program, the drug court judge shall have the discretion to expressly waive all or part of the costs and fees provided for in this subsection if, in the opinion of the drug court judge, continued payment of the costs and fees by the offender would create a financial hardship for the offender. Offenders who have not fully paid all costs and fees pursuant to court order but who have otherwise successfully completed the drug court program shall not be counted as an active drug court participant for purposes of drug court contracts or program participant numbers.

I. Notwithstanding any other provision of law, if the driving privileges of the offender have been suspended, revoked, canceled or denied by Service Oklahoma and if the drug court judge determines that no other means of transportation for the offender is available, the drug court judge may enter a written order requiring Service Oklahoma to stay any and all such actions against the Class D driving privileges of the offender; provided, the stay shall not be construed to grant driving privileges to an offender who has not been issued a driver license by Service Oklahoma or whose Oklahoma driver license has expired, in which case the offender shall be required to apply for and be found eligible for a driver license, pass all examinations, if applicable, and pay all statutory driver license issuance or renewal fees. The offender shall provide proof of insurance to the drug court judge prior to the judge ordering a stay of any driver license suspension, revocation, cancellation or denial. When a judge of a drug court enters a stay against an order by Service Oklahoma suspending or revoking the driving privileges of an offender, the time period set in the order by Service Oklahoma for the suspension or revocation shall continue to run during the stay. When an offender has successfully completed the drug court program, the drug court judge shall maintain jurisdiction over the offender's driving privileges for one (1) year after the date on which the offender graduates from the drug court program.

Added by Laws 1997, c. 359, § 7, eff. July 1, 1997. Amended by Laws 1998, c. 53, § 1, eff. July 1, 1998; Laws 2001, c. 258, § 6, eff. July 1, 2001; Laws 2006, c. 202, § 1, eff. Nov. 1, 2006; Laws 2009, c. 290, § 2, eff. Nov. 1, 2009; Laws 2010, c. 238, § 1, eff. Nov. 1, 2010; Laws 2011, c. 96, § 1, eff. Nov. 1, 2011; Laws 2016, c. 238, § 1, eff. Nov. 1, 2016; Laws 2016, c. 393, § 1, eff. Nov. 1, 2016; Laws 2021, c. 258, § 2, eff. July 1, 2021; Laws 2022, c. 277, § 5; Laws 2023, c. 310, § 2, eff. July 1, 2023.

§22-471.7. Monitoring of treatment progress.

A. The designated drug court judge shall make all judicial decisions concerning any case assigned to the drug court docket or program. The judge shall require progress reports and a periodic review of each offender during his or her period of participation in the drug court program or for purposes of collecting costs and fees after completion of the treatment portion of the program. Reports from the treatment providers and the supervising staff shall be presented to the drug court judge as specified by the treatment plan or as ordered by the court.

B. Upon the written or oral motion of the treatment provider, the district attorney, the defense attorney, the defendant, or the supervising staff, the drug court judge shall set a date for a hearing to review the offender, the treatment plan, and the provisions of the performance contract. Notice shall be given to the offender and the other parties participating in the drug court case three (3) days before the hearing may be held.

C. The judge may establish a regular schedule for progress hearings for any offender in the drug court program. The district attorney shall not be required to attend regular progress hearings, but shall be required to be present upon the motion of any party to a drug court case.

D. The treatment provider, the supervising staff, the district attorney, and the defense attorney shall be allowed access to all information in the offender's drug court case file and all information presented to the judge at any periodic review or progress hearing.

E. The drug court judge shall recognize relapses and restarts in the program which are considered to be part of the rehabilitation and recovery process. The judge shall accomplish monitoring and offender accountability by ordering progressively increasing sanctions or providing incentives, rather than removing the offender from the program when relapse occurs, except when the offender's conduct requires revocation from the program. Any revocation from the drug court program shall require notice to the offender and other participating parties in the case and a revocation hearing. At the revocation hearing, if the offender is found to have violated the conditions of the plea agreement or performance contract and

disciplinary sanctions have been insufficient to gain compliance, the offender shall be revoked from the program and sentenced for the offense as provided in the plea agreement.

F. Upon application of any participating party to a drug court case, the judge may modify a treatment plan at any hearing when it is determined that the treatment is not benefiting the offender. The primary objective of the judge in monitoring the progress of the offender and the treatment plan shall be to keep the offender in treatment for a sufficient time to change behaviors and attitudes. Modification of the treatment plan requires a consultation with the treatment provider, supervising staff, district attorney, and the defense attorney in open court.

G. The judge shall be prohibited from amending the written plea agreement after an offender has been admitted to the drug court program. Nothing in this provision shall be construed to limit the authority of the judge to remove an offender from the program and impose the required punishment stated in the plea agreement after application, notice, and hearing.

Added by Laws 1997, c. 359, § 8, eff. July 1, 1997.

§22-471.8. Use of program as disciplinary sanction.

The drug court program may be utilized as a disciplinary sanction for a violation of a condition of parole related to substance abuse for eligible offenses, or in a case where the offender has been tried for an eligible offense in the traditional manner, given either a deferred or suspended sentence, and has violated a condition of the sentence. The judge shall not order an offender into treatment within the scope of any drug court program without prior approval from both the district attorney and the defense attorney or offender. If both the district attorney and the defense attorney or offender agree, the case may be transferred to the drug court program with the approval of the presiding drug court judge. After a case has been transferred to the drug court docket, it shall continue with the designated drug court judge until the offender is revoked or released from the program. The offenders whose cases have been transferred from a traditional criminal case docket to the drug court docket shall be required to have a drug court investigation and complete the drug court process prior to placement in any treatment program authorized by Section 471 et seq. of this title.

Added by Laws 1997, c. 359, § 9, eff. July 1, 1997. Amended by Laws 2022, c. 277, § 6.

§22-471.9. Successful completion of program.

A. When an offender has successfully completed the drug court program, the criminal case against the offender shall be:

1. Dismissed or the sentence deferred for a period not to exceed two (2) years if the offense was a first felony offense; or

2. If the offender has a prior felony conviction, the disposition shall be as specified in the written plea agreement.

B. The final disposition order for a drug court case shall be filed with the judge assigned to the case, and shall indicate the sentence specified in the written plea agreement. A copy of the final disposition order for the drug court case shall also be filed in the original criminal case file under the control of the court clerk which is open to the public for inspection. Original criminal case files which are under the control of the court clerk and which are subsequently assigned to the drug court program shall be marked with a pending notation until a final disposition order is entered in the drug court case. After an offender completes the program, the drug court case file shall be sealed by the judge and may be destroyed after ten (10) years. The district attorney shall have access to sealed drug court case files without a court order.

C. A record pertaining to an offense resulting in a successful completion of a drug court program shall not, without the offender's consent in writing, be used in any way which could result in the denial of any employee benefit.

D. Successful completion of a drug court program shall not prohibit any administrative agency from taking disciplinary action against any licensee or from denying a license or privilege as may be required by law.

E. When the offender has successfully completed the drug court program, the drug court judge shall have the discretion to expressly waive all or part of the court costs and fees, driver license reinstatement fees, if applicable, and fines associated with the criminal case if, in the opinion of the drug court judge, continued payment of the court costs, fees and fines by the offender would create a financial hardship for the offender, including specifically the discretion to waive any requirement that fines and costs be satisfied by a person prior to that person being eligible for a provisional driver license pursuant to Section 6-212 of Title 47 of the Oklahoma Statutes.

Added by Laws 1997, c. 359, § 10, eff. July 1, 1997. Amended by Laws 2016, c. 393, § 2, eff. Nov. 1, 2016; Laws 2022, c. 256, § 1, eff. Nov. 1, 2022.

§22-471.10. Promulgation of rules.

All participating agencies shall promulgate rules as necessary to comply with the provisions of Section 471 et seq. of this title. Added by Laws 1997, c. 359, § 11, eff. July 1, 1997. Amended by Laws 2001, c. 33, § 21, eff. July 1, 2001; Laws 2022, c. 277, § 7.

§22-471.11. Deferred prosecution programs.

A. Nothing in this act shall preclude the establishment of substance abuse treatment programs in support of a deferred prosecution program authorized by Section 305.1 of Title 22 of the Oklahoma Statutes. Any such programs established after July 1, 1997, or in existence on July 1, 1997, may be known as a drug court program; provided, the program is not contrary to public interest or provision of law.

B. Any drug court program established and in existence prior to July 1, 1997, which is not limited to treatment programs in support of deferred prosecution programs shall be considered a drug court program, as defined in Section 471.1 of this title, for all purposes of the Oklahoma Drug Court Act.

Added by Laws 1997, c. 359, § 12, eff. July 1, 1997. Amended by Laws 1999, c. 348, § 5, eff. July 1, 1999.

§22-472. Anna McBride Act - Mental health courts.

A. This section shall be known and may be cited as the "Anna McBride Act".

B. Any district or municipal court of this state may establish a mental health court program pursuant to the provisions of this section, subject to the availability of funds.

C. The court may request assistance from the Department of Mental Health and Substance Abuse Services which shall be the primary agency to assist in developing and implementing a mental health court program.

D. For purposes of this section, "mental health court" means a judicial process that utilizes specially trained court personnel to expedite a case and explore alternatives to incarceration for an offender charged with criminal offenses other than a crime listed in paragraph 2 of Section 571 of Title 57 of the Oklahoma Statutes who has a mental illness or a developmental disability, or a co-occurring mental illness and substance abuse disorder. The district attorney's office may use discretion in the prosecution of an offender specified in this subsection subject to the restrictions provided in subsection E of this section.

E. The court shall have the authority to exclude from mental health court any offender arrested or charged with any violent offense or any offender who has a prior felony conviction in this state or another state for a violent offense. Eligibility and entry by an offender into the mental health court program is dependent upon prior approval of the district attorney. Eligible offenses may further be restricted by the rules of the specific mental health court program. The court shall have the authority to exclude persons from mental health court who have a propensity for violence.

F. The mental health court judge shall recognize relapses and restarts in the program which shall be considered as part of the rehabilitation and recovery process. The court shall accomplish

monitoring and offender accountability by ordering progressively increasing sanctions or providing incentives, rather than removing the offender from the program when a violation occurs, except when the conduct of the offender requires revocation from the program. Any revocation from the mental health court program shall require notice to the offender and other participating parties in the case and a revocation hearing. At the revocation hearing, if the offender is found to have violated the conditions of the plea agreement or performance contract and disciplinary sanctions have been insufficient to gain compliance, the offender shall be revoked from the program and sentenced for the offense as provided in the plea agreement.

G. Any criminal case which has been filed and processed in the traditional manner shall be cross-referenced to a mental health court case file by the court clerk if the case is subsequently assigned to a mental health court program. The originating criminal case file shall remain open to public inspection. The court shall determine what information or pleadings are to be retained in the mental health case court file, which shall be closed to public inspection.

Added by Laws 2002, c. 285, § 1. Amended by Laws 2003, c. 76, § 1, eff. Nov. 1, 2003; Laws 2014, c. 180, § 1, eff. Nov. 1, 2014; Laws 2021, c. 170, § 1, eff. Nov. 1, 2021.

§22-491. Time to answer indictment or information.

If, on the arraignment, the defendant require it, he must be allowed until the next day, or such further time may be allowed him as the court may deem reasonable, to answer the indictment or information.

R.L.1910, § 5778.

§22-492. Pleading to indictment or information.

If the defendant do not require time, as provided in the last section, or if he do, then on the next day, or at such further day as the court may have allowed him, he may, in answer to the arraignment, either move the court to set aside the indictment, or information or may demur or plead thereto.

R.L.1910, § 5779.

§22-493. Indictment or information set aside, when.

The indictment or information must be set aside by the court, in which the defendant is arraigned, and upon his motion in any of the following cases:

1. When it is not found, endorsed, presented or filed, as prescribed by the statutes or when the grand jury is not drawn and impaneled as provided by law, and that fact is known to the defendant at or before the time the jury is sworn to try the cause:

Provided, that the defendant shall be conclusively presumed to know matters of record.

2. When the names of the witnesses examined before the grand jury are not made to appear on some part of the indictment, as provided in this chapter.

3. When a person is permitted to be present during the session of a grand jury while the vote on the finding of the indictment is being taken, or when it is shown that after the grand jury was first impaneled any member or members thereof, were discharged and their places filled by persons not regularly drawn from the jury list, as provided by law, and that they were admitted into the grand jury or took part in their deliberations, or that the grand jury was not impaneled anew as a whole body in open court.

R.L.1910, § 5780.

§22-494. Hearing on motion to set aside indictment or information.

To enable the defendant to make proof of the matter set up as grounds for setting aside the indictment, or information, the defendant may file his application before any court of record in the county, setting out and alleging that he is being proceeded against in a certain court, naming it, and setting out a copy of his motion and alleging, all under oath, that he is acting in good faith, and praying for an order to examine witnesses in support thereof. The court shall thereupon issue subpoenas to compel any or all witnesses desired to appear before him at the time named, and shall compel the witnesses to testify fully in regard to the matter and reduce the examination to writing, and certify to the same, and it may be used to support the motion. The mover shall pay the costs of the proceeding. He shall notify the district attorney at least two clear days before he proceeds, of the time and place of taking such testimony, and the district attorney may be present and cross-examine the witnesses and if need be the case in the district court must be adjourned for that purpose.

R.L. 1910, § 5781.

§22-495. Witnesses on hearing to set aside indictment or information.

All witnesses, including grand jurors, shall be bound to answer fully, and shall not be answerable for the testimony so given in any way, except for the crime of perjury committed in giving such evidence. When a grand juror has been fully examined as to his qualifications to sit, and has answered under oath that he is qualified, and has been received by the court and permitted to act, his incompetency shall not thereafter be shown as a ground of objection to any indictment returned by that grand jury.

R.L.1910, § 5782.

§22-496. Objection to indictment or information waived, when.

If the motion to set aside the indictment or information be not made the defendant is precluded from afterwards taking the objections mentioned in the last section.

R.L.1910, § 5783.

§22-497. Motion to set aside indictment or information heard, when.

The motion must be heard at the time it is made unless for good cause the court postpone the hearing to another time.

R.L.1910, § 5784. R.L.1910, § 5784.

§22-498. Defendant to answer indictment, when.

If the motion be denied, the defendant must immediately answer to the indictment, either by demurring or pleading thereto.

R.L.1910, § 5785.

§22-499. Motion sustained - Defendant discharged, or bail exonerated, when.

If the motion be granted the court must order that the defendant, if in custody, be discharged therefrom, or if admitted to bail, that his bail be exonerated, or if he have deposited money instead of bail, that the money be refunded to him unless it direct that the case be resubmitted to the same or another grand jury.

R.L.1910, § 5786.

§22-500. Resubmission of case - Bail.

If the court direct that the case be resubmitted, the defendant, if already in custody, must so remain, unless he be admitted to bail; or if already admitted to bail, or money have been deposited instead thereof, the bail or money is answerable for the appearance of the defendant to answer a new indictment or information; and unless a new indictment or information is found before the next grand jury of the county is discharged, the court must, on the discharge of such grand jury, make the order prescribed in the preceding section.

R.L.1910, § 5787.

§22-501. Setting aside indictment or information not a bar.

An order to set aside an indictment or information as provided in this article is no bar to a further prosecution for the same offense.

R.L.1910, § 5788.

§22-502. Defendant's pleadings.

The only pleading on the part of the defendant is either a demurrer or a plea.

R.L.1910, § 5789.

§22-503. Defendant to plead in open court.

Both the demurrer and the plea must be put in open court, either at the time of the arraignment or at such other time as may be allowed to the defendant for that purpose.

R.L.1910, § 5790.

§22-504. Demurrer to indictment or information.

The defendant may demur to the indictment or information when it appears upon the face thereof either:

1. That the grand jury by which an indictment was found had no legal authority to inquire into the offense charged, by reason of its not being within the legal jurisdiction of the county.

2. That it does not substantially conform to the requirements of this chapter.

3. That more than one offense is charged in the indictment or information.

4. That the facts stated do not constitute a public offense.

5. That the indictment or information contains any matter which, if true, would constitute a legal justification or excuse of the offense charged, or other legal bar to the prosecution.

R.L.1910, § 5791.

§22-504.1. Motion to quash for insufficient evidence - Proof - Setting aside of indictment or information - Double jeopardy - Denial of motion.

A. In addition to a demurrer to the indictment or information, as provided in Section 504 of Title 22 of the Oklahoma Statutes, the defendant may file a motion to quash for insufficient evidence in felony cases after preliminary hearing. The defendant must establish beyond the face of the indictment or information that there is insufficient evidence to prove any one of the necessary elements of the offense for which the defendant is charged.

B. The motion to quash for insufficient evidence must be set for hearing on a day certain at the time it is made and notice shall be provided to all parties.

C. The indictment or information must be set aside by the court, in which the defendant is formally arraigned, if judgment for the defendant on a motion to quash for insufficient evidence beyond the face of the information is granted.

D. An order to set aside an indictment or information on judgment for the defendant on a motion to quash for insufficient evidence, as provided in this section, shall not be a bar to a further prosecution for the same offense. A denial of the motion to quash is not a final order from which a defendant may appeal.

Added by Laws 1990, c. 261, § 4, emerg. eff. May 24, 1990.

§22-505. Demurrer to indictment or information, requisites of.

The demurrer must be in writing, signed either by the defendant or his counsel, and filed. It must distinctly specify the grounds of the objection to the indictment or information, or it must be disregarded.

R.L.1910, § 5792.

§22-506. Hearing on demurrer.

Upon the demurrer being filed, the objections presented thereby must be heard, either immediately or at such time as the court may appoint.

R.L.1910, § 5793.

§22-507. Ruling on demurrer.

Upon considering the demurrer, the court must give judgment either sustaining or overruling it, and an order to that effect must be entered upon the minutes.

R.L.1910, § 5794.

§22-508. Demurrer sustained, effect of.

If the demurrer is sustained, the judgment is final upon the indictment or information demurred to, and is a bar to another prosecution for the same offense, unless the court, being of opinion that the objection on which the demurrer is sustained may be avoided in a new indictment or information, direct the case to be resubmitted to the same or another grand jury, or that a new information be filed.

R.L.1910, § 5795.

§22-509. Demurrer sustained - Defendant discharged or bail exonerated, when.

If the court do not direct the case to be further prosecuted, the defendant, if in custody, must be discharged, or if admitted to bail, his bail is exonerated, or if he have deposited money instead of bail, the money must be refunded to him.

R.L.1910, § 5796.

§22-510. Proceedings if case resubmitted.

If the court direct that the case be further prosecuted, the same proceedings must be had thereon as are prescribed in this article.

R.L.1910, § 5797.

§22-511. Demurrer overruled, defendant to plead.

If the demurrer be overruled, the court must permit the defendant, at his election, to plead, which he must do forthwith, or

at such time as the court may allow. If he does not plead, judgment may be pronounced against him.

R.L.1910, § 5798.

§22-512. Certain objections, how taken.

When the objections mentioned in Section 504 appear upon the face of the indictment or information, they can only be taken by demurrer, except that the objection to the jurisdiction of the court over the subject of the indictment or information, or that the facts stated do not constitute a public offense, may be taken after the arraignment of the defendant, or may be taken at the trial, under the plea of not guilty, and in arrest of judgment.

R.L.1910, § 5799; Laws 1968, c. 175, § 1, eff. Jan. 13, 1969.

§22-513. Pleas to indictment or information.

There are four kinds of pleas to an indictment or information. A plea of:

First, Guilty.

Second, Not guilty.

Third, Nolo contendere, subject to the approval of the court. The legal effect of such plea shall be the same as that of a plea of guilty, but the plea may not be used against the defendant as an admission in any civil suit based upon or growing out of the act upon which the criminal prosecution is based.

Fourth, A former judgment of conviction or acquittal of the offense charged, which must be specially pleaded, either with or without the plea of not guilty.

R.L.1910, § 5800; Laws 1976, c. 20, § 1, eff. Oct. 1, 1976.

§22-514. Pleas to be oral - Entry.

Every plea must be oral and must be entered upon the minutes of the court.

R.L.1910, § 5801.

§22-515. Form of plea.

The plea must be entered in substantially the following form:

1. If the defendant plead guilty:

The defendant pleads that he is guilty of the offense charged in this indictment or information.

2. If he plead not guilty:

The defendant pleads that he is not guilty of the offense charged in this indictment or information.

3. If he plead a former conviction or acquittal:

The defendant pleads that he has already been convicted (or acquitted, as the case may be), of the offense charged in this indictment or information, by the judgment of the court of

(naming it), rendered at (naming the place), on the day of

R.L.1910, § 5802.

§22-516. Plea of guilty.

A plea of guilty can in no case be put in, except by the defendant himself, in open court, unless upon an indictment or information against a corporation, in which case it can be put in by counsel.

R.L.1910, § 5803.

§22-517. Plea of guilty may be withdrawn.

The court may, at any time before judgment, upon a plea of guilty, permit it to be withdrawn, and a plea of not guilty substituted.

R.L.1910, § 5804.

§22-518. Plea of not guilty, issues on.

The plea of not guilty puts in issue every material allegation in the indictment or information.

R.L.1910, § 5805.

§22-519. Plea of not guilty, evidence under.

All matters of fact tending to establish a defense other than specified in third subdivision of Section 5710 may be given in evidence under the plea of not guilty.

R.L.1910, § 5806.

§22-520. Acquittal, what does not constitute.

If the defendant was formally acquitted on the ground of variance between the indictment or information and proof, or the indictment or information was dismissed upon an objection to its form or substance, or in order to hold the defendant for a higher offense, without a judgment of acquittal, it is not an acquittal of the same offense.

R.L.1910, § 5807.

§22-521. Acquittal, what constitutes.

When, however, he was acquitted on the merits, he is deemed acquitted of the same offense, notwithstanding a defect in form or substance in the indictment or information on which he was acquitted.

R.L.1910, § 5808.

§22-522. Former acquittal or conviction as bar.

When the defendant shall have been convicted or acquitted upon an indictment or information, the conviction or acquittal is a bar

to another indictment or information for the offense charged in the former, or for an attempt to commit the same, or for an offense necessarily included therein, of which he might have been convicted under that indictment or information.

R.L.1910, § 5809.

§22-523. Refusal to plead.

If the defendant refuse to answer the indictment or information by demurrer or plea, a plea of not guilty must be entered.

R.L.1910, § 5810.

§22-524. Preliminary hearing on felony indictment - Time for request - Witnesses - Dismissal.

Upon the return and filing of an indictment for a felony, the defendant so charged and arrested thereon, or the state, upon filing a request in writing, shall be entitled to have a copy of said indictment, certified by the court clerk, filed with a district, superior, common pleas or county judge, to be designated by the Judge presiding over the grand jury, and the defendant shall have a preliminary hearing thereon, before such designated judge, as a magistrate, as though said charge had been originally filed by verified information, with such magistrate, and under the law applying to the institution and conduct of prosecutions by information filed by the state. Any such request must be filed within ten (10) days after the filing of such indictment with the court clerk, or within ten (10) days after the defendant charged under said indictment has been arrested thereon, whichever is later. Upon such preliminary hearing, the members of the grand jury shall not be subpoenaed or called as a witness except upon an indictment charging the commission of the offense of perjury before the grand jury. The names of witnesses other than those endorsed on the indictment may be endorsed on the indictment prior to said preliminary hearing and such additional persons may be called as witnesses at such preliminary hearing; provided, that this section shall not apply to motion to quash or vacate the grand jury proceedings or indictment upon other grounds. Provided, grand jurors may be called as rebuttal witnesses.

Upon application of the defendant or the state, after the filing of the copy of the indictment with the magistrate, as hereinabove provided, the court may order the indictment filed with the court clerk dismissed and any bond made in the case exonerated.

Laws 1961, p. 237, § 1; Laws 1968, c. 258, § 1, emerg. eff. April 29, 1968.

§22-561. Change of venue - When granted - Application - Affidavits and evidence - Removal as to part of defendants.

Any criminal cause pending in the district court may, at any time before the trial is begun, on the application of the defendant be removed from the county in which it is pending to some other county in said judicial district, whenever it shall appear in the manner hereinafter provided, that the minds of the inhabitants of the county in which the cause is pending are so prejudiced against the defendant that a fair and impartial trial cannot be had therein. Such order of removal may be made on the application of the defendant by petition, setting forth the facts, verified by affidavit, if reasonable notice of the application be given to the district attorney and the truth of the allegations in such petition be supported by the affidavits of at least three credible persons, who reside in said county. The district attorney may introduce counter affidavits to show that the persons making affidavits in support of the application are not credible persons and that the change is not necessary, and may examine the witnesses in support of said application in open court in regard to the truth of said application; and if it be made to appear by the affidavits and examination of witnesses that a fair and impartial trial cannot be had in the county, a change shall be granted and the order made by the court. When there are several defendants in any indictment or criminal prosecution, and the cause of the removal thereof exists only as to one or more of them, the other defendants shall be tried and all proceedings had against them in the county, in which the case is pending, in all respects as if no order of removal had been made as to any defendant.

R.L.1910, § 5811.

§22-562. Change of venue - Proceedings - Costs and expenses.

A. The order of removal from the county must be entered upon the minutes and the court clerk must thereupon make out, and within ten (10) days transmit to the county to which the action is removed, a certified copy of the order of removal and the record, and shall transmit the pleadings including the undertaking for the appearance of the defendant, and of the witnesses, and the cause must be docketed and stand for trial within six (6) months from the date the cause was ordered removed.

B. If an order of removal is entered, all expenses incurred as a result of the action prior to the date of the order of removal shall be taxed as costs and shall remain payable to the court fund of the county from which the action was removed.

C. Except as otherwise provided by this section, the court fund of the county from which the action is removed shall be liable for the expense and charge of removing, delivering and keeping the prisoner, and the fees of jurors and witnesses in attendance during the trial, court reporter's fees, all fees and mileage of the sheriff, and the per diem of bailiffs during the time said cause is

on trial, and such other expenses as may be lawfully incurred incident to the trial, which costs and expenses shall be approved by the Court Administrator of the Supreme Court of the State of Oklahoma and certified by the clerk of the court to which the action was transferred to the court clerk of the county from which the cause was removed and shall show the name of each person and the amount due to him.

D. On receipt of such certificate, the clerk of the court from which the action was transferred shall draw his warrants on the court fund for the total amount of costs allowed by the transferee court, payable to the order of the court fund of the transferee court subject to the order of the person entitled thereto, and forward the same to the clerk of the court where the cause was tried, who shall deposit it in the court fund.

E. If the court fund of the county from which the action was removed does not contain sufficient revenue to make payment to the transferee court, the court clerk of the payor county shall notify the Administrative Director of the courts who shall make payment of any deficiency in the amount due and owing to the transferee court from the Supreme Court Revolving Fund.

F. All fees not claimed two (2) years after having been received by the clerk of the transferee court, shall by him be returned to the clerk of the transferor court to be held in the court fund for the benefit of the owner for a period of one (1) year, and, if not claimed within that time, such fees shall become the property of the court fund of the county.

R.L. 1910, § 5817. Amended by Laws 1971, c. 155, § 1, emerg. eff. May 22, 1971; Laws 1994, c. 225, § 13, eff. July 1, 1994.

§22-563. Disposition of defendant on change of venue.

If the defendant is in custody, the order must provide for the removal of the defendant, by the sheriff of the county where he is imprisoned, to the custody of the proper officer of the county to which the action is removed, and he must be removed according to the terms of such order.

R.L.1910, § 5818.

§22-564. Change of venue - Court may require bail.

When the court has ordered a removal of the action, it may require the accused, if the offense be then bailable, to enter into an undertaking with good and sufficient sureties to be approved by the court, in such sum as the court may direct conditioned for his appearance in the court to which the action has been removed, on the first day of the next term thereof, and to abide the order of such court; and in default of such undertaking, a warrant shall be issued to the sheriff or other proper officer commanding him safely to keep the prisoner and at the proper time to convey him to the jail of the

county where he is to be tried, there to be safely kept by the jailer thereof until discharged by due course of law.

R.L.1910, § 5819.

§22-565. Change of venue - Recognizance of witnesses.

When a removal of the action is allowed, the court may recognize the witnesses on the part of the state to appear before the court to which the defendant is to be tried.

R.L.1910, § 5820.

§22-566. Trial on change of venue - Records and papers.

The court to which the action is removed must proceed to trial and judgment therein the same in all respects as if the action had been commenced in such court. If it is necessary to have any of the original pleadings or other papers before such court, the court from which the action is removed must at any time upon the application of the district attorney or the defendant, order such papers or pleadings to be transmitted by the clerk, a certified copy thereof being retained.

R.L.1910, § 5821.

§22-576. Trial before judge other than one who conducted preliminary examination.

The judge who conducts the preliminary examination shall not try the case except with the consent of all parties.

Laws 1968, c. 175, § 2, eff. Jan. 13, 1969.

§22-581. Issue of fact arises, when.

An issue of fact arises,

1st, upon a plea of not guilty, or,

2nd, upon a plea of a former conviction or acquittal of the same offense.

R.L.1910, § 5822.

§22-582. Issue of fact, how tried.

Issues of fact must be tried by a jury.

R.L.1910, § 5823.

§22-583. Defendant must be present, when.

If the indictment or information is for a felony, the defendant must be personally present at the trial, but if for a misdemeanor not punishable by imprisonment, the trial may be had in the absence of the defendant; if, however, his presence is necessary for the purpose of identification, the court may, upon application of the district attorney, by an order or warrant, require the personal attendance of the defendant at the trial.

R.L.1910, § 5824.

§22-584. Postponement for cause.

When an indictment or information is called for trial, or at any time previous thereto, the court may, upon sufficient cause shown by either party, as in civil cases, direct the trial to be postponed to another day in the same or next term.

R.L.1910, § 5837.

§22-585. Postponement for investigation of claimed alibi.

Whenever testimony to establish an alibi on behalf of the defendant shall be offered in evidence in any criminal case in any court of record of the State of Oklahoma, and notice of the intention of the defendant to claim such alibi, which notice shall include specific information as to the place at which the defendant claims to have been at the time of the alleged offense, shall not have been served upon the district attorney at or before five (5) days prior to the trial of the case, upon motion of the district attorney, the court may grant a postponement for such time as it may deem necessary to make an investigation of the facts in relation to such evidence.

Laws 1935, p. 18, § 1.

§22-591. Same jurors in both civil and criminal actions.

The jurors duly drawn and summoned for the trial of civil actions may also be the jurors for the trial of criminal actions. In any district court where an electronic jury management system is implemented pursuant to Section 13 of this act, jurors may be selected and summoned utilizing the automated functionality provided in the jury management system. Whenever the court utilizes the approved jury management system to randomly select and sequentially order juror names during any step in the jury selection process, the laws relating to the use of a jury wheel, and laws requiring paper ballots drawn from a jury wheel or a shaken box, shall not apply, including but not limited to those requirements set forth in Sections 301 through 363 and Sections 591 through 693 of this title. R.L. 1910, § 5825. Amended by Laws 2015, c. 242, § 3, emerg. eff. May 4, 2015.

§22-592. Trial jury - How formed.

Trial juries for criminal actions may also be formed in the same manner as trial juries in civil actions.

R.L.1910, § 5826.

§22-593. Clerk to prepare and deposit ballots.

At the opening of the court the clerk must prepare separate ballots, containing the names of the persons returned as jurors,

which must be folded as nearly alike as possible, and so that the same cannot be seen, and must deposit them in a sufficient box.
R.L.1910, § 5827.

§22-594. Names of panel called, when - Attachment for absent jurors.

When the case is called for trial, and before drawing the jury, either party may require the names of all the jurors in the panel to be called, and the court in its discretion may order that an attachment issue against those who are absent; but the court may, in its discretion, wait or not for the return of the attachment.
R.L.1910, § 5828.

§22-595. Manner of drawing jury from box.

Before the name of any juror is drawn, the box must be closed and shaken, so as to intermingle the ballots therein. The clerk must then, without looking at the ballots, draw them from the box.
R.L.1910, § 5829.

§22-596. Disposition of ballots.

When the jury is completed, the ballots containing the names of the jurors sworn must be laid aside and kept apart from the ballots containing the names of the other jurors, until the jury so sworn is discharged.
R.L.1910, § 5830.

§22-597. Disposition of ballots - After jury discharged.

After the jury is so discharged, the ballots containing their names must be again folded and returned to the box, and so on, as often as a trial is had.
R.L.1910, § 5831.

§22-598. Disposition of ballot - When juror is absent or excused. If a juror be absent when his name is drawn or be set aside, or excused from serving on the trial, the ballot containing his name must be folded and returned to the box as soon as the jury is sworn.
R.L.1910, § 5832.

§22-599. Jurors summoned to complete jury - Treated as original panel.

The names of persons summoned to complete the jury as provided in the chapter on "Jurors", must be written on distinct pieces of paper, folded each as nearly alike as possible, and so that the name cannot be seen, and must be deposited in the box before mentioned.
R.L.1910, § 5833.

§22-600. Drawing the jury.

The clerk must thereupon, under the direction of the court, publicly draw out of the box so many of the ballots, one after another, as are sufficient to form the jury.

R.L.1910, § 5834. R.L.1910, § 5834.

§22-601. Number of jurors - Oaths - Fines not exceeding Five Hundred Dollars.

The jury consists of twelve persons except that in misdemeanors it shall consist of six persons, chosen as prescribed by law, and sworn or affirmed well and truly to try and true deliverance to make between the State of Oklahoma and the defendant whom they shall have in charge, and a true verdict to give according to the evidence. Criminal cases wherein the punishment for the offense charged is by a fine only not exceeding Five Hundred Dollars (\$500.00) shall be tried to the court without a jury.

R.L.1910, § 5835; Laws 1968, c. 371, § 1, eff. Jan. 13, 1969; Laws 1991, c. 15, § 3, eff. July 1, 1991.

§22-601a. Alternate jurors - Challenges - Oath or affirmation - Attendance upon trial.

Whenever in the opinion of the court the trial of a cause is likely to be a protracted one, the court may, immediately after the jury is impaneled and sworn, direct the calling of as many as two additional jurors to be known as "alternate juror". Such alternate jurors shall be drawn from the same source, and in the same manner, and have the same qualifications as regular jurors, and be subject to examination and challenge as such jurors, except that the state shall be allowed one peremptory challenge to each alternate juror, and all parties defendant shall together, or any one party defendant for and on behalf and by the consent of all parties defendant, be allowed one peremptory challenge to each alternate juror.

The alternate jurors shall be sworn (or affirmed) to well and truly try and true deliverance make of all issues finally submitted to them as jurors in said cause, if any such issue shall be so finally submitted to them, and shall be seated near the regular jurors with equal facilities for seeing and hearing the proceedings in the cause, shall attend at all times upon the trial of the cause in company with the regular jurors and shall obey all orders and admonitions of the court; and if the regular jurors are ordered to be kept in the custody of an officer during the trial of the cause, the alternate jurors shall also be kept with the other jurors, and, except as hereinafter provided, shall be discharged upon the final submission of the cause to the jury.

If, before the final submission of the cause to the jury, a regular juror, or two regular jurors, shall be discharged because of illness, or shall die, the court shall order one or both alternate jurors, as circumstances may require, to take their places in the

jury box. After an alternate juror is in the jury box, he shall be subject to the same regulations and requirements as other regular jurors.

Laws 1941, p. 88, § 2.

§22-601b. Protracted deliberations - Sequestration of alternate jurors.

If, upon final submission of the cause, the court is of the opinion that the deliberations may be protracted, the court may order the alternate juror or jurors to remain sequestered physically or by admonition not to discuss the case with any person or allow any person to discuss the case with a juror. In such event said alternate or alternates shall remain apart from the jury and not take part in its deliberations, but shall await the call of the court at some place designated by the court until such time as said alternate may be needed. In the event one or two of the twelve jurors shall, during the course of deliberations, be discharged because of illness, or die, the court shall order one or both alternate jurors to take their places in the jury room and deliberations shall then continue.

In the event the cause is a bifurcated, two-stage proceeding, the "final submission of the cause" shall occur when the jury retires to deliberate upon the sentence in the punishment or second stage of the proceedings. In such a trial the alternates shall not be excused prior to commencement of deliberations in the second stage.

Added by Laws 1988, c. 109, § 25, eff. Nov. 1, 1988.

§22-602. Affirmation.

Any juror who is conscientiously scrupulous of taking the oath above described, shall be allowed to make affirmation, substituting for the words "so help you God", at the end of the oath, the following: "This you do affirm under the pains and penalties of perjury".

R.L.1910, § 5836.

§22-621. Challenges classed.

A challenge is an objection made to the trial jurors, and is of two kinds:

1. To the panel.
2. To an individual juror.

R.L.1910, § 5838.

§22-622. Several defendants - Challenges.

When several defendants are tried together they cannot sever their challenges, but must join therein.

R.L.1910, § 5839.

§22-631. Panel defined.

The panel is a list of jurors returned by a sheriff, to serve at a particular court or for the trial of a particular action.

R.L.1910, § 5840.

§22-632. Challenge to panel.

A challenge to the panel is an objection made to all the trial jurors returned, and may be taken by either party.

R.L.1910, § 5841.

§22-633. Causes for challenge to panel.

A. A challenge to the panel can be founded only on a material departure from the forms prescribed by law, in respect to the drawing and return of the jury, or on the intentional omission of the sheriff to summon one or more of the jurors drawn from which the defendant has suffered material prejudice.

B. In any district court where an electronic jury management system is implemented pursuant to Section 13 of this act, jurors may be selected and summoned utilizing the automated functionality provided in the jury management system. Use of an electronic jury management system shall not be grounds for a challenge to a panel based on a material departure or irregularity. Whenever the court utilizes the approved jury management system to randomly select and sequentially order juror names during any step in the jury selection process, the laws relating to the use of a jury wheel, and laws requiring paper ballots drawn from a jury wheel or a shaken box, shall not apply, including but not limited to those requirements set forth in Sections 301 through 363 and Sections 591 through 693 of this title.

R.L. 1910, § 5842. Amended by Laws 2015, c. 242, § 4, emerg. eff. May 4, 2015.

§22-634. When taken - Form and requisites.

A challenge to the panel must be taken before a jury is sworn, and must be in writing, specifying plainly and distinctly the facts constituting the ground of challenge.

R.L.1910, § 5843.

§22-635. Issue on the challenge - Trying sufficiency.

If the sufficiency of the facts alleged as a ground of challenge be denied, the adverse party may except to the challenge. The exception need not be in writing, but must be entered upon the minutes of the court, and thereupon the court must proceed to try the sufficiency of the challenge, assuming the facts alleged therein to be true.

R.L.1910, § 5844.

§22-636. Challenge and exception may be amended or withdrawn.

If, on the exception, the court deem the challenge sufficient, it may, if justice require it, permit the party excepting to withdraw his exception, and to deny the facts alleged in the challenge. If the exception be allowed, the court may in like manner, permit an amendment of the challenge.
R.L.1910, § 5845.

§22-637. Denial of challenge - Trial of fact questions.

If the challenge is denied the denial may, in like manner, be oral and must be entered upon the minutes of the court, and the court must proceed to try the questions of fact.
R.L.1910, § 5846.

§22-638. Trial of challenge.

Upon the trial of the challenge, the officers, whether judicial or ministerial, whose irregularity is complained of, as well as any other persons, may be examined to prove or disprove the facts alleged as the ground of challenge.
R.L.1910, § 5847.

§22-639. Bias of officer, challenge for.

When the panel is formed from persons whose names are not drawn as jurors, a challenge may be taken to the panel on account of any bias of the officer who summoned them, which would be good ground of challenge to a juror. Such challenge must be made in the same form, and determined in the same manner as if made to a juror.
R.L.1910, § 5848.

§22-640. Procedure after decision of challenge.

If, upon an exception to the challenge, or a denial of the facts, the challenge be allowed, the court must discharge the jury, and another jury can be summoned for the same term forthwith from the body of the county or subdivision; or the judge may order a jury to be drawn and summoned in the regular manner. If it be disallowed, the court must direct the jury to be impaneled.
R.L.1910, § 5849.

§22-651. Defendant to be informed of right to challenge.

When twelve men are called as jurors, the defendant must be informed by the court or under its direction, of his right to challenge the jurors, and that he must do so before the jury is sworn to try the cause.
R.L.1910, § 5850.

§22-652. Classes of challenge to individual.

A challenge to an individual juror is either:

First, Peremptory; or,

Second, For cause.

R.L.1910, § 5851.

§22-653. When challenge taken.

It must be taken when the jury is full, and as soon as one person is removed by challenge, another must be put in his place, until the challenges are exhausted or waived. The court for good cause shown may permit a juror to be challenged after he is sworn to try the cause, but not after the testimony has been partially heard. R.L.1910, § 5852.

§22-654. Peremptory challenge defined.

A peremptory challenge may be taken by either party, and may be oral. It is an objection to a juror for which no reason need be given, but upon which the court must excuse him.

R.L.1910, § 5853.

§22-655. Peremptory challenges - Number allowed.

In all criminal cases the prosecution and the defendant are each entitled to the following peremptory challenges: Provided, that if two or more defendants are tried jointly they shall join in their challenges; provided, that when two or more defendants have inconsistent defenses they shall be granted separate challenges for each defendant as hereinafter set forth.

First. In prosecutions for first degree murder, nine jurors each.

Second. In other felonies, five jurors each.

Third. In all nonfelony prosecutions, three jurors each.

R.L.1910, § 5854. Amended by Laws 1975, c. 77, § 1, eff. Oct. 1, 1975.

§22-656. Challenge for cause.

A challenge for cause may be taken either by the state or the defendant.

R.L.1910, § 5855.

§22-657. Challenges for cause classified.

It is an objection to a particular juror and is either:

1. General, that the juror is disqualified from serving in any case on trial; or,

2. Particular, that he is disqualified from serving in the case on trial.

R.L.1910, § 5856.

§22-658. Causes for challenge, in general.

General causes of challenges are:

1. A conviction for felony.
 2. A want of any of the qualifications prescribed by law, to render a person a competent juror, including a want of knowledge of the English language as used in the courts.
 3. Unsoundness of mind, or such defect in the faculties of the mind or organs of the body as renders him incapable of performing the duties of a juror.
- R.L.1910, § 5857.

§22-659. Particular causes - Implied bias - Actual bias.

Particular causes of challenge are of two kinds:

1. For such a bias as when the existence of the facts is ascertained, in judgment of law disqualifies the juror, and which is known in this chapter as implied bias.
 2. For the existence of a state of mind on the part of the juror, in reference to the case, or to either party, which satisfies the court, in the exercise of a sound discretion, that he cannot try the issue impartially, without prejudice to the substantial rights of the party challenging, and which is known in this chapter as actual bias.
- R.L.1910, § 5858.

§22-660. Implied bias, challenge for.

A challenge for implied bias may be taken for all or any of the following cases, and for no other:

1. Consanguinity or affinity within the fourth degree, inclusive, to the person alleged to be injured by the offense charged or on whose complaint the prosecution was instituted, or to the defendant.
2. Standing in the relation of guardian and ward, attorney and client, master and servant, or landlord and tenant, or being a member of the family of the defendant, or of the person alleged to be injured by the offense charged, or on whose complaint the prosecution was instituted, or in his employment on wages.
3. Being a party adverse to the defendant in a civil action, or having complained against, or been accused by him in a criminal prosecution.
4. Having served on the grand jury which found the indictment, or on a coroner's jury which inquired into the death of a person whose death is the subject of the prosecution.
5. Having served on a trial jury which has tried another person for the offense charged in the indictment or information.
6. Having been one of the jury formerly sworn to try the indictment or information and whose verdict was set aside, or which was discharged without a verdict, after the cause was submitted to it.

7. Having served as a juror in a civil action brought against the defendant for the act charged as an offense.

8. If the offense charged be punishable with death, the entertaining of such conscientious opinions as would preclude his finding the defendant guilty of, in which case he shall neither be permitted nor compelled to serve as a juror.

R.L.1910, § 5859.

§22-661. Right of exemption from service not cause for challenge.

An exemption from service on a jury is not a cause of challenge, but the privilege of the person exempted.

R.L. 1910, § 5860.

§22-662. Cause for challenge must be stated - Form and entry of challenge - Juror not disqualified for having formed opinion, when.

In a challenge for implied bias, one or more of the causes stated in the second preceding section must be alleged. In a challenge for actual bias, the cause stated in the second subdivision of the third preceding section must be alleged; but no person shall be disqualified as a juror by reason of having formed or expressed an opinion upon the matter or cause to be submitted to such jury, founded upon rumor, statements in public journals, or common notoriety, provided it appears to the court, upon his declaration, under oath or otherwise, that he can and will, notwithstanding such opinion, act impartially and fairly upon the matters to be submitted to him. The challenge may be oral, but must be entered upon the minutes of the court.

R.L.1910, § 5861.

§22-663. Exception to the challenge.

The adverse party may except to the challenge in the same manner as to a challenge to the panel, and the same proceedings must be had thereon, except that if the exception be allowed the juror must be excluded. The adverse party may also orally deny the facts alleged as the grounds of challenge.

R.L.1910, § 5862.

§22-664. Trial of challenges.

All challenges, whether to the panel or to individual jurors shall be tried by the court, without the aid of triers.

R.L.1910, § 5863.

§22-665. Trial of challenge - Examining jurors.

Upon the trial of a challenge to an individual juror, the juror challenged may be examined as a witness to prove or disprove the challenge, and is bound to answer every question pertinent to the inquiry therein.

R.L.1910, § 5864.

§22-666. Other witnesses.

Other witnesses may also be examined on either side, and the rules of evidence applicable to the trial of other issues govern the admission or exclusion of testimony, on the trial of the challenges. R.L.1910, § 5865.

§22-667. Ruling on challenge.

On the trial of a challenge the court must either allow or disallow the challenge and direct an entry accordingly upon the minutes.

R.L.1910, § 5866.

§22-691. Challenges to individual jurors.

All challenges to individual jurors must be taken, first by the defendant and then by the state alternately.

R.L.1910, § 5867.

§22-692. Order of challenges for cause.

The challenges of either party for cause need not all be taken at once, but they must be taken separately, in the following order, including in each challenge all the causes of challenge belonging to the same class:

1. To the panel.
2. To an individual juror for a general disqualification.
3. To an individual juror for implied bias.
4. To an individual juror for actual bias.

R.L.1910, § 5868.

§22-693. Peremptory challenges.

If all challenges on both sides are disallowed, either party, first the state and then the defendant, may take a peremptory challenge, unless the peremptory challenges are exhausted.

R.L.1910, § 5869.

§22-701. Defendant a competent witness - Comment on failure to testify - Presumption.

In the trial of all indictments, informations, complaints and other proceedings against persons charged with the commission of a crime, offense or misdemeanor before any court or committing magistrate in this state, the person charged shall at his own request, but not otherwise, be a competent witness, and his failure to make such request shall not create any presumption against him nor be mentioned on the trial; if commented upon by counsel it shall be ground for a new trial.

R.L.1910, § 5881.

§22-703. Subpoena defined.

The process by which the attendance of a witness before a court or magistrate is required, is a subpoena.

R.L.1910, § 6009.

§22-704. Magistrate may issue subpoena.

A magistrate before whom complaint is laid, or to whom a presentment of a grand jury or information is sent, may issue subpoenas, subscribed by him, for witnesses within the state, either on behalf of the state or of the defendant.

R.L.1910, § 6010.

§22-705. District attorney to issue subpoenas for grand jury.

The district attorney may issue subpoena, subscribed by him, for witnesses within the state in support of the prosecution, or for such other witnesses as the grand jury may direct, to appear before the grand jury upon an investigation before them.

R.L.1910, § 6011.

§22-706. Issuing subpoenas for trial.

The district attorney may in like manner issue subpoena for witnesses within the state, in support of an indictment or information, to appear before the court at which it is to be tried.

R.L.1910, § 6012.

§22-707. Defendant's subpoenas.

The clerk of the court at which an indictment is to be tried, must, at all times, upon the application of the defendant, and without charge, issue as many blank subpoenas, under the seal of the court and subscribed by him as clerk, for witnesses within the state, as may be required by the defendant.

R.L.1910, § 6013.

§22-708. Form of subpoena.

A subpoena, authorized by the last four sections, must be substantially in the following form:

IN THE NAME OF THE STATE OF
OKLAHOMA.

To ,

Greeting: You are commanded to appear before C. D., a justice of the peace of at (or the grand jury of the county of or the district court of county, or as the case may be), on the (stating day and hour), and remain in attendance on and call of said from day to day and term to term until lawfully discharged, as a witness in a criminal action

prosecuted by the State of Oklahoma against E. F. (or to testify as the case may be).

R.L.1910, § 6014.

§22-709. Continuances, witness must take notice of.

Every witness summoned in a criminal action pending in a district, superior or county court shall take notice of the postponements and continuances and when once summoned in such action shall, without further notice or summons, be in attendance upon such action, as such witness, until discharged by the court.

R.L.1910, § 6015.

§22-710. Subpoena duces tecum.

A. If the books, papers or documents be required, a direction to the following effect must be continued in the subpoena:

And you are required also to bring with you the following:
(Describe intelligently the books, papers or documents required).

B. A subpoena duces tecum may be issued by a defendant to a business or commercial entity for production of books, papers, documents, or recordings to be provided to the defendant at a time and place certain.

C. The court clerk shall issue a subpoena duces tecum authorized by the provisions of subsection B of this section, signed and sealed but otherwise blank, to a party requesting it, who shall complete the subpoena before service. As an officer of the court, an attorney authorized to practice law in this state may also issue and sign a subpoena duces tecum authorized by the provisions of subsection B of this section on behalf of a court in this state.

D. A subpoena duces tecum, authorized by the provisions of this section, shall not be construed to allow a defendant to access information or recordings related to interviews of victims in connection with the particular case.

R.L.1910, § 6016. Amended by Laws 2025, c. 327, § 1, eff. Nov. 1, 2025.

§22-711. Service of subpoena by whom - Return.

A peace officer must serve in his county, city, town or village, as the case may be, any subpoena delivered to him for service, either on the part of the state or of the defendant, and must make a written return of the service, subscribed by him, stating the time and place of service without delay. A subpoena may, however, be served by any other person.

R.L.1910, § 6017.

§22-712. Service, manner of - Cost.

A. Service of subpoenas for witnesses in criminal actions in the district courts of this state shall be made in the same manner

as in civil actions pursuant to Section 2004.1 of Title 12 of the Oklahoma Statutes.

B. The cost of service of subpoenas shall be borne by the parties unless otherwise ordered by the court.

R.L. 1910, § 6018. Amended by Laws 1984, c. 164, § 30, eff. Nov. 1, 1984; Laws 1985, c. 112, § 6, eff. Nov. 1, 1985; Laws 1997, c. 400, § 8, eff. July 1, 1997.

§22-715. Witness residing outside county - Subpoena of court clerks.

A. No person is obliged to attend as a witness before a court or magistrate outside the county where the witness resides or is served with a subpoena, unless the judge of the court in which the offense is triable, upon an affidavit of the district attorney, or of the defendant or the defendant's counsel, stating that he or she believes that the evidence and attendance of the witness is material and necessary, shall endorse on the subpoena an order for the attendance of the witness.

B. The court clerks of this state shall not be subject to subpoena unless the court makes a specific finding that appearance and testimony are both material and necessary because of a written objection to the introduction of certified documents made by the defendant or other party prior to trial.

R.L.1910, § 6021; Laws 1999, c. 386, § 3, eff. Nov. 1, 1999.

§22-716. Disobedience to subpoena.

Disobedience to a subpoena, or a refusal to be sworn or to testify, may be punished by the court or magistrate, as for a criminal contempt, in the manner provided in civil procedure.

R.L.1910, § 6022.

§22-717. Disobeying defendant's subpoena - Forfeiture.

A witness disobeying a subpoena issued on the part of the defendant, also forfeits to the defendant the sum of Fifty Dollars (\$50.00), which may be recovered in a civil action.

R.L.1910, § 6023.

§22-718. Witnesses - Fees and mileage.

A witness who appears from another state to testify in this state in a criminal case or proceeding pursuant to a subpoena issued in accordance with the provisions of the Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings, Section 721 et seq. of this title, shall be reimbursed as prescribed by law for travel and expenses at rates not to exceed those prescribed by law for reimbursement of state employees traveling interstate. Such witnesses shall receive the same fees as witnesses who appear from this state, pursuant to Section 81 of

Title 28 of the Oklahoma Statutes. If the witness is under eighteen (18) years of age, or requires the assistance of a guardian due to age or infirmity, the travel expenses of one parent or guardian may be reimbursed also. The parent or guardian shall not be entitled to a witness fee. Upon conviction, such fees and mileage shall be taxed as costs, collected and deposited as other costs in the case. R.L.1910, § 6024. Amended by Laws 1973, c. 138, § 1, emerg. eff. May 10, 1973; Laws 1975, c. 227, § 2, eff. Oct. 1, 1975; Laws 1983, c. 126, § 1, operative July 1, 1983; Laws 1985, c. 112, § 7, eff. Nov. 1, 1985; Laws 1993, c. 227, § 5, eff. July 1, 1993; Laws 1994, c. 229, § 1, eff. Sept. 1, 1994; Laws 2002, c. 460, § 17, eff. Nov. 1, 2002.

§22-719. Persons held as material witnesses to be informed of constitutional rights - Fees.

Whenever any person shall be taken into custody by any law enforcement officer to be held as a material witness in any criminal investigation or proceeding, he shall, if not sooner released, be taken before a judge of the district court without unnecessary delay and said judge of the district court shall immediately inform him of his constitutional rights including the reason he is being held in custody, his right to the aid of counsel in every stage of the proceedings, and of his right to be released from custody upon entering into a written undertaking in the manner provided by law. A witness who is held in custody pursuant to the provisions hereof shall be kept separately and apart from any person, or persons, being held in custody because of being accused of committing a crime. A witness who desires aid of counsel and is unable to obtain aid of counsel by reason of poverty shall be by the court provided counsel at the expense of the court fund of the county. During the time a witness is in custody he shall receive the witness fee provided by law for witnesses in criminal cases. Laws 1970, c. 193, § 1, emerg. eff. April 13, 1970.

§22-720. Detainment of person as material witness.

A. If a law enforcement officer has probable cause to believe that a person is a necessary and material witness to a felony and that there is probable cause to believe that the person would be unwilling to accept service of a subpoena or may otherwise refuse to appear in any criminal proceeding, the officer may detain the person as a material witness with or without an arrest warrant; provided, no person may be detained as a material witness to a crime for more than forty-eight (48) hours without being taken before a judge as required by Section 719 of Title 22 of the Oklahoma Statutes; and provided further, no person may be detained as a material witness to a crime who is a victim of such crime.

B. At the time of the detainment, the law enforcement officer shall inform the person:

1. Of the identity of the officer as a law enforcement officer; and

2. That the person is being detained because the officer has probable cause to believe the person:

a. is a material witness to an identified felony, and

b. would be unwilling to accept service of a subpoena or may otherwise refuse to appear in any criminal proceeding.

C. If a material witness is taken into custody pursuant to this section, the provisions of Section 719 of Title 22 of the Oklahoma Statutes shall apply.

Added by Laws 2004, c. 275, § 10, eff. July 1, 2004.

§22-721. Definitions.

"Witness" as used in this act shall include a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution or proceeding.

The word "state" shall include any territory of the United States and the District of Columbia.

The word "summons" shall include a subpoena, order or other notice requiring the appearance of a witness.

Laws 1949, p. 205, § 1.

§22-722. Summoning witness in this state to testify in another state.

A. If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in this state certifies under the seal of such court that there is a criminal prosecution pending in such court, or that a grand jury investigation has commenced or is about to commence, that a person being within this state is a material witness in such prosecution, or grand jury investigation, and that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such person is, such judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing.

B. If at a hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other state, and that the laws of the state in which the prosecution is pending, or grand jury investigation has commenced or is about to commence, (and of any other state through which the witness may be required to pass by ordinary course of travel), will give to him protection from arrest

and the service of civil and criminal process, he shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending, or where a grand jury investigation has commenced or is about to commence at a time and place specified in the summons. In any such hearing the certificate shall be prima facie evidence of all the facts stated therein.

C. If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state, such judge may, in lieu of notification of the hearing, direct that such witness be forthwith brought before him for said hearing; and the judge at the hearing being satisfied of the desirability of such custody and delivery, for which determination the certificate shall be prima facie proof of such desirability may, in lieu of issuing subpoena or summons, order that said witness be forthwith taken into custody and delivered to an officer of the requesting state.

D. If the witness, who is summoned as above provided, after being paid or tendered by some properly authorized person the greater of the sum authorized by the law of the state to which the witness must travel or the sum of fifteen cents (\$0.15) a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending and Twelve Dollars (\$12.00) for each day, that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state.

Added by Laws 1949, p. 205, § 2. Amended by Laws 1994, c. 229, § 2, eff. Sept. 1, 1994.

§22-723. Witness from another state summoned to testify in this state.

A. If a person in any state, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence, in this state, is a material witness in a prosecution pending in a court of record in this state, or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. Said certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this state to assure his attendance in this state. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

B. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this state a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court. If such witness, after coming into this state, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state.

C. If the witness is summoned to attend and testify in this state he shall be tendered, at the time he is ordered to appear, travel and expenses pursuant to Section 718 of this title for each day he is required to travel and attend as a witness. A judge of a court of record in this state may approve travel and expenses pursuant to Section 718 of this title for witnesses who voluntarily appear and testify in a criminal prosecution or grand jury investigation upon proper affidavit and showing.

Laws 1949, p. 206, § 3; Laws 1975, c. 227, § 3, eff. Oct. 1, 1975; Laws 1980, c. 48, § 1, eff. July 1, 1980.

§22-724. Exemption from arrest and service of process.

If a person comes into this state in obedience to a summons directing him to attend and testify in this state he shall not while in this state pursuant to such summons be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

If a person passes through this state while going to another state in obedience to a summons to attend and testify in that state or while returning therefrom, he shall not while so passing through this state be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

Laws 1949, p. 206, § 4.

§22-725. Uniformity of interpretation.

This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it.

Laws 1949, p. 206, § 5.

§22-726. Short title.

This act may be cited as "Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings".

Laws 1949, p. 206, § 6.

§22-727. Constitutionality.

If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not

affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are declared to be severable. Laws 1949, p. 206, § 8.

§22-728. Short Title.

This act shall be known and may be cited as the "Oklahoma Uniform Act to Secure Rendition of Prisoners in Criminal Proceedings".

Added by Laws 1989, c. 100, § 1, eff. Nov. 1, 1989.

§22-729. Definitions.

As used in this act:

1. "Penal institution" means a jail, prison, penitentiary, house of correction, or other place of penal detention or place where the prisoner is required to reside or report in lieu of penal detention, including, but not limited to house arrest, half-way houses, community or treatment centers;

2. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory of the United States;

3. "Witness" means a person who is confined in a penal institution in a state and whose testimony is desired in another state by a grand jury or other criminal proceeding before a court. Added by Laws 1989, c. 100, § 2, eff. Nov. 1, 1989.

§22-730. Certificate from another state to compel witness to appear and testify - Notice, order and hearings.

A. A judge of a state court of record in another state, which by its laws has made provision for commanding persons confined in penal institutions within that state to attend and testify in this state, may certify as follows:

1. There is a criminal proceeding or investigation by a grand jury or other criminal proceeding pending in the court;

2. A person who is confined in a penal institution in this state may be a material witness in the proceeding; and

3. His presence will be required during a specified time.

B. Upon presentation of the certificate to any judge having jurisdiction over the person confined and on notice to the attorney general, the judge in this state shall:

1. Fix a time and place for a hearing; and

2. Enter an order directing the person having custody of the prisoner to produce the prisoner at the hearing.

Added by Laws 1989, c. 100, § 3, eff. Nov. 1, 1989.

§22-731. Transfer order - Determinations necessary - Copy of certificate attached - Directions and prescriptions - Responsibilities of requesting jurisdiction.

A. A judge may issue a transfer order if, at the hearing, the judge determines as follows:

1. The witness may be material and necessary to the proceeding;
2. His attendance and testimony are not adverse to the interest of this state or to the health or legal rights of the witness;
3. The laws of the state in which he is requested to testify will give him protection from arrest and the service of civil and criminal process due to any act committed prior to his arrival in the state under the order; and
4. The possibility is negligible that the witness may be subject to arrest or to the service of civil or criminal process in any state through which he will be required to pass.

B. If a judge issues an order under subsection A of this section, the judge shall attach to the order a copy of the certificate presented pursuant to Section 3 of this act. The order shall:

1. Direct the witness to attend and testify;
2. Except as provided by subsection C of this section, direct the person having custody of the witness to produce him in the court where the criminal proceeding is pending or where the grand jury is sitting at a time and place specified in the order; and
3. Prescribe such other conditions as the judge shall determine.

C. The judge, in lieu of directing the person having custody of the witness to produce him in the requesting jurisdiction's court, may direct and require in the order as follows: 1. An officer of the requesting jurisdiction to come to the Oklahoma penal institution in which the witness is confined to accept custody of the witness for physical transfer to the requesting jurisdiction;

2. The requesting jurisdiction provide proper safeguards for his custody while in transit;

3. The requesting jurisdiction be liable for and pay all expense incurred in producing and returning the witness, including but not limited to food, lodging, clothing, and medical care; and

4. The requesting jurisdiction promptly deliver the witness back to the same or another Oklahoma penal institution as specified by the Department of Corrections at the conclusion of his testimony. Added by Laws 1989, c. 100, § 4, eff. Nov. 1, 1989.

§22-732. Transfer order - Additional conditions - Expenses of return of witness - Effective date.

A. An order to a witness and to a person having custody of the witness shall provide for the return of the witness at the conclusion of his testimony, proper safeguards for his custody, and

reimbursement or prepayment by the requesting jurisdiction for all expenses incurred in the production and return of the witness.

B. The order may prescribe any other condition the judge determines to be proper or necessary.

C. The judge shall not require prepayment of expenses if the judge directs and requires the requesting jurisdiction to accept custody of the witness at the penal institution of this state in which the witness is confined and to deliver the witness back to the same or another penal institution of this state as specified by the Oklahoma Department of Corrections at the conclusion of his testimony.

D. An order does not become effective until the judge of the state requesting the witness enters an order directing compliance with the conditions prescribed.

Added by Laws 1989, c. 100, § 5, eff. Nov. 1, 1989.

§22-733. Act inapplicable to certain persons.

This act does not apply to a person in this state who is confined due to mental illness or who is under sentence of death. Added by Laws 1989, c. 100, § 6, eff. Nov. 1, 1989.

§22-734. Certificate from this state to another state to compel prisoner to appear and testify - Contents - Presentation - Notice to attorney general of other state.

A. If a person confined in a penal institution in any other state may be a material witness in a criminal proceeding pending in a court of record or in a grand jury investigation in this state, a judge of the court may certify as follows:

1. There is a grand jury or a criminal proceeding pending in this court;

2. A person who is confined in a penal institution in the other state may be a material witness in the proceeding or investigation; and

3. His presence will be required during a specified time.

B. The judge of the court in this state shall:

1. Present the certificate to a judge of a court of record in the other state having jurisdiction over the prisoner confined; and

2. Give notice to the attorney general of the state in which the prisoner is confined, that the prisoner's presence will be required.

Added by Laws 1989, c. 100, § 7, eff. Nov. 1, 1989.

§22-735. Order directing compliance with terms and conditions of order from another state.

A judge of the court in this state may enter an order directing compliance with the terms and conditions of an order specified in a

certificate pursuant to Section 3 of this act and entered by the judge of the state in which the witness is confined.

Added by Laws 1989, c. 100, § 8, eff. Nov. 1, 1989.

§22-736. Immunity from arrest and civil or criminal process.

If a witness from another state comes into or passes through this state under an order directing him to attend and testify in this or any other state, while in this state pursuant to the order, he shall not be subject to arrest or the service of civil or criminal process because of any act committed prior to his arrival in this state under the order.

Added by Laws 1989, c. 100, § 9, eff. Nov. 1, 1989.

§22-737. Construction of act.

This act shall be so construed as to effect its general purpose to make uniform the laws of those states which enact it.

Added by Laws 1989, c. 100, § 10, eff. Nov. 1, 1989.

§22-741. Overt act in conspiracy.

Upon a trial for conspiracy, in a case where an overt act is necessary to constitute the offense, the defendant cannot be convicted unless one or more overt acts be expressly alleged in the indictment or information, nor unless one or more of the acts alleged be proved; but any other overt act, not alleged in the indictment may be given in evidence.

R.L.1910, § 5883.

§22-742. Accomplice, testimony of.

A conviction cannot be had upon the testimony of an accomplice unless he be corroborated by such other evidence as tends to connect the defendant with the commission of the offense, and the corroboration is not sufficient if it merely show the commission of the offense or the circumstances thereof.

R.L.1910, § 5884.

§22-743. False pretenses, evidence of.

Upon a trial for having, with an intent to cheat or defraud another designedly, by any false pretense, obtained the signature of any person to a written instrument, or having obtained from any person any money, personal property or valuable thing, the defendant cannot be convicted if the false pretense was expressed in language unaccompanied by a false token or writing, unless the pretense, or some note or memorandum thereof, be in writing either subscribed by, or in the handwriting of the defendant, or unless the pretense be proven by the testimony of two witnesses, or that of one witness and corroborating circumstances. But this section does not apply to

prosecution for falsely representing or personating another, and in such assumed character, marrying or receiving money or property.
R.L.1910, § 5885.

§22-744. Seduction, corroboration of prosecutrix.

Upon a trial for inveigling, enticing or taking away an unmarried female of previous chaste character, under the age of twenty-five (25) years, for the purpose of prostitution, or aiding or assisting therein, or for having, under promise of marriage, seduced and had illicit connection with an unmarried female of previous chaste character, the defendant cannot be convicted upon testimony of the person injured unless she is corroborated by other evidence tending to connect the defendant with the commission of the offense.

R.L.1910, § 5886.

§22-745. Murder, burden of proof in mitigation of.

Upon a trial for murder, the commission of the homicide by the defendant being proven, the burden of proving circumstances of mitigation, or that justify or excuse it, devolves upon him, unless the proof on the part of the prosecution tends to show that the crime committed only amounts to manslaughter, or that the defendant was justifiable or excusable.

R.L.1910, § 5902.

§22-746. Bigamy, proof on trial for.

Upon a trial for bigamy, it is not necessary to prove either of the marriages by the register, certificate or other record evidence thereof, but the same may be proved by such evidence as is admissible to prove a marriage in other cases, and when the second marriage took place out of the state, proof of that fact accompanied with proof of cohabitation thereafter in this state, is sufficient to sustain the charge.

R.L.1910, § 5903.

§22-747. Forgery of bill or note of corporation or bank, proof on trial for.

Upon a trial for forgery any bill or note purporting to be a bill or note of an incorporated company or bank, or for passing or attempting to pass, or having in possession with intent to pass, any such forged bill or note, it is not necessary to prove the incorporation of such bank or company by the charter or act of incorporation, but it may be proved by general reputation, and persons of skill are competent witnesses to prove that such bill or note is forged or counterfeited.

R.L.1910, § 5904.

§22-748. Perjury in court, evidence as to.

In cases of perjury, where the perjury is charged to have been committed in a court, it shall be sufficient to show that the oath was administered by any officer of the court authorized so to do, or that the defendant testified and gave his testimony as under oath, or if the question be in doubt as to what particular officer administered the oath, it may be shown that it was administered by any officer authorized so to do.

R.L.1910, § 5909.

§22-749. Sworn statements taken by district attorney or peace officer of persons having knowledge of criminal offense - Use.

A. In the investigation of a criminal offense, the district attorney or any peace officer may take the sworn statement of any person having knowledge of such criminal offense. Any person charged with a crime shall be entitled to a copy of any such sworn statement upon the same being obtained.

B. If a witness in a criminal proceeding gives testimony upon a material issue of the case contradictory to his previous sworn statement, evidence may be introduced that such witness has previously made a statement under oath contradictory to such testimony.

Laws 1969, c. 224, § 1, emerg. eff. April 21, 1969.

§22-750. Renumbered as § 2412 of Title 12 by Laws 1992, c. 168, § 1, eff. Sept. 1, 1992.

§22-751. Admission of findings - Laboratory and medical examiner's reports - Release of controlled dangerous substances - Compelled attendance in court of report preparers.

A. At any hearing prior to trial or at a forfeiture hearing:

1. A report of the findings of the laboratory of the Oklahoma State Bureau of Investigation, the Federal Bureau of Investigation or the Drug Enforcement Administration;

2. The report of investigation or autopsy report of the medical examiner;

3. A laboratory report from a forensic laboratory operated by this state or any political subdivision thereof, or from a laboratory performing analysis at the request of a forensic laboratory operated by this state or any political subdivision thereof;

4. A report from the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or the electronic methamphetamine precursor tracking service provider as set forth in the Uniform Controlled Dangerous Substances Act as to the existence or status of any license or permit to sell, transfer, or possess precursor substances or any report containing data collected and required to be

transmitted by a registrant to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Central Repository pursuant to the provisions of the Anti-Drug Diversion Act as set forth under the Uniform Controlled Dangerous Substances Act; or

5. A report from the Department of Public Safety as to the handling and storage of evidence, which has been made available to the accused by the office of the district attorney at least five (5) days prior to the hearing, with reference to all or any part of the evidence submitted, when certified as correct by the persons making the report shall be received as evidence of the facts and findings stated, if relevant and otherwise admissible in evidence. If a report is deemed relevant by the state or the accused, the court shall admit the report without the testimony of the person making the report, unless the court, pursuant to subsection C of this section, orders the person making the report to appear. If the accused is not served with a report, by the district attorney, within five (5) days prior to a hearing, the accused may be allowed a continuance of the portion of the hearing to which the report is relevant, to allow at least five (5) days' preparation subsequent to the district attorney's furnishing of the report.

B. When any alleged controlled dangerous substance has been submitted to the laboratory of the Bureau for analysis, and such analysis shows that the submitted material is a controlled dangerous substance, the distribution of which constitutes a felony under the laws of this state, no portion of such substance shall be released to any other person or laboratory without an order of a district court. The defendant shall additionally be required to submit to the court a procedure for transfer and analysis of the subject material to ensure the integrity of the sample and to prevent the material from being used in any illegal manner.

C. For purposes of the medical examiner's report of investigation or autopsy report, or a laboratory report from a forensic laboratory operated by the State of Oklahoma or any political subdivision thereof or a report from the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control as to the existence or status of any license or permit to sell, transfer, or possess precursor substances:

1. The court, upon motion of the state or the accused, shall order the attendance of any person preparing a report submitted as evidence in any hearing prior to trial or forfeiture hearing, when it appears there is a substantial likelihood that material evidence not contained in such report may be produced by the testimony of the person having prepared the report;

2. The motion shall be filed and notice of the hearing on the motion to order the attendance of the Chief Medical Examiner, a medical examiner, consultant pathologist, or anyone under their supervision or control shall be given to the medical examiner's

office. The hearing shall be held and, if sustained, an order issued not less than five (5) days prior to the time when the testimony shall be required; and

3. If within five (5) days prior to the hearing or during a hearing a motion is made pursuant to this subsection requiring a person having prepared a report to testify, the court may hear a report or other evidence but shall continue the hearing until such time notice of the motion and hearing is given to the medical examiner's office, the motion is heard, and, if sustained, testimony ordered can be given.

Added by Laws 1976, c. 259, § 15, operative July 1, 1976. Amended by Laws 1988, c. 109, § 26, eff. Nov. 1, 1988; Laws 1991, c. 228, § 1, emerg. eff. May 23, 1991; Laws 1992, c. 355, § 3; Laws 1996, c. 199, § 2, eff. Nov. 1, 1996; Laws 1999, c. 55, § 1, emerg. eff. April 5, 1999; Laws 2001, c. 99, § 1, eff. July 1, 2001; Laws 2004, c. 130, § 5, emerg. eff. April 20, 2004; Laws 2009, c. 274, § 2, eff. Nov. 1, 2009; Laws 2010, c. 89, § 1, eff. Nov. 1, 2010; Laws 2013, c. 5, § 1, eff. Nov. 1, 2013; Laws 2019, c. 209, § 1, eff. Nov. 1, 2019.

§22-751.1. DNA profile - Use as evidence - Notification of defendant.

A. As used in this act:

1. "Deoxyribonucleic Acid (DNA)" means the molecules in all cellular forms that contain genetic information in a patterned chemical structure of each individual; and

2. "DNA Profile" means an analysis of DNA resulting in the identification of an individual's patterned chemical structure of genetic information.

B. 1. At any hearing prior to trial or at a forfeiture hearing, a report of the findings of a laboratory report from a forensic laboratory operated by this state or any political subdivision thereof, or from a laboratory performing analysis at the request of a forensic laboratory operated by this state or any political subdivision thereof, regarding DNA Profile, which has been made available to the accused by the office of the district attorney at least five (5) days prior to the hearing, when certified as correct by the persons making the report, shall be received as evidence of the facts and findings stated, if relevant and otherwise admissible in evidence. If a report is deemed relevant by the state or the accused, the court shall admit the report without the testimony of the person making the report, unless the court, pursuant to this section, orders the person making the report to appear. If the accused is not served with a report, by the district attorney, at least five (5) days prior to a hearing, the accused may be allowed a continuance of the portion of the hearing to which the

report is relevant, to allow at least five (5) days' preparation subsequent to the furnishing of the report by the district attorney.

2. The court, upon motion of the state or accused, shall order the attendance of any person preparing such a report submitted as evidence in any hearing prior to trial or forfeiture hearing, when it appears there is a substantial likelihood that material evidence not contained in the report may be produced by the testimony of the person having prepared the report. The motion shall be filed and notice given of the hearing on the motion to order the attendance of the person having prepared the report. A hearing shall be held and, if the motion is sustained, an order issued giving not less than five (5) days' prior notice to the time when the testimony shall be required. If, within five (5) days prior to the hearing or during a hearing, a motion is made pursuant to this subsection requiring a person having prepared a report to testify, the court may hear the report or other evidence but shall continue the hearing until such time notice of the motion and hearing is given to the person having prepared the report, the motion is heard, and, if sustained, testimony ordered can be given.

C. If the state decides to offer evidence of a DNA profile in any trial on the merits, the state shall, at least fifteen (15) days before the criminal proceeding, notify in writing the defendant or the defendant's attorney and mail, deliver, or make available to the defendant or the defendant's attorney a copy of any report or statement to be introduced that has not previously been made available to the defendant or the defendant's attorney pursuant to subsection B of this section.

Added by Laws 1991, c. 227, § 1, emerg. eff. May 23, 1991. Amended by Laws 2001, c. 88, § 1, eff. Nov. 1, 2001; Laws 2009, c. 274, § 1, eff. Nov. 1, 2009.

§22-752. Repealed by Laws 1993, c. 197, § 4, eff. Sept. 1, 1993.

§22-753. Repealed by Laws 2003, c. 405, § 11, eff. Nov. 1, 2003.

§22-761. Conditional examination of witnesses.

When a defendant has been held to answer a charge for a public offense, the defendant or the State of Oklahoma may either before or after indictment or information, have witnesses examined conditionally on his behalf as prescribed in this article, and not otherwise.

R.L. 1910, § 6025. Amended by Laws 1994, c. 292, § 5, eff. Sept. 1, 1994.

§22-762. Conditional examinations in certain cases.

When a material witness in any criminal case is about to leave the state, or is so sick or infirm as to afford reasonable grounds

for apprehending that he will be unable to attend the trial, the defendant or the State of Oklahoma may apply for an order that the witness be examined conditionally.

Amended by Laws 1983, c. 126, § 2, operative July 1, 1983.

§22-762.1. Order for conditional examination of witnesses.

Where the magistrate terminated the preliminary hearing pursuant to Section 258 of Title 21 of the Oklahoma Statutes and a witness subsequently refuses an interview with counsel for the opposing party, the defendant or the State of Oklahoma may apply for an order that the witness be examined conditionally.

Added by Laws 1994, c. 292, § 6, eff. Sept. 1, 1994.

§22-763. Affidavit on application for conditional examination.

The application must be made upon affidavit stating:

First. The nature of the offense charged.

Second. The state of the proceedings in the action.

Third. The name and residence of the witness, and that his testimony is material to the defense of the action.

Fourth. That the witness is about to leave the state, or is so sick or infirm as to afford reasonable grounds for apprehending that he will not be able to attend the trial, or that the magistrate terminated the preliminary hearing pursuant to Section 258 of this title and that the witness refuses to grant an interview to counsel regarding the material issues for trial.

R.L. 1910, § 6027. Amended by Laws 1994, c. 292, § 7, eff. Sept. 1, 1994.

§22-764. Application made to court or judge - Notice.

The application may be made to the court or to a judge thereof, and must be made upon five (5) days notice to the counsel for the opposing party, if any.

R.L. 1910, § 6028. Amended by Laws 1994, c. 292, § 8, eff. Sept. 1, 1994.

§22-765. Order for examination - Testimony by alternative method.

If the court or judge is satisfied that the examination of the witness is necessary an order must be made that the witness be examined conditionally at a specified time and place, and that a copy of the order be served on counsel for the opposing party within a specified time before that fixed for the examination. If the witness is a child as defined by Section 1-1-105 of Title 10A of the Oklahoma Statutes or a vulnerable adult as defined in Section 10-103 of Title 43A of the Oklahoma Statutes, the court can allow the witness to testify through an alternative method pursuant to the provisions of the Uniform Child Witness Testimony by Alternative Methods Act or Section 2611.2 of Title 12 of the Oklahoma Statutes.

R.L. 1910, § 6029. Amended by Laws 1994, c. 292, § 9, eff. Sept. 1, 1994; Laws 2004, c. 445, § 3, emerg. eff. June 4, 2004; Laws 2022, c. 104, § 6, eff. Nov. 1, 2022.

§22-766. Examination before magistrate or certified court reporter.

The order must direct that the examination be taken before a magistrate named therein or upon agreement of both the state and defendant before a certified court reporter. The defendant must be present for the examination to proceed, unless the presence of the defendant is waived by both parties.

R.L. 1910, § 6030. Amended by Laws 1994, c. 292, § 10, eff. Sept. 1, 1994.

§22-767. When examination shall not proceed.

If the district attorney or other counsel appear on behalf of the people, and it is shown to the satisfaction of the magistrate by affidavit or other proof, or on examination of the witness, that he is not about to leave the state, or is not sick or infirm, or that the application was made to avoid the examination of the witness on trial, or that the preliminary hearing was not terminated pursuant to Section 258 of this title and that the witness is not refusing to grant an interview to counsel, the examination cannot take place; otherwise, it must proceed.

R.L. 1910, § 6031. Amended by Laws 1994, c. 292, § 11, eff. Sept. 1, 1994.

§22-768. Attendance of witness enforced, how.

The attendance of the witness may be enforced by subpoena issued by the magistrate before whom the examination is to be taken, or from the court where the trial is to be had.

R.L. 1910, § 6032.

§22-769. Taking and authentication of testimony.

The testimony given by the witness must be reduced to writing. The magistrate before whom the examination is had may, in his discretion, order the testimony and proceedings to be taken down in shorthand, and for that purpose he may appoint a shorthand reporter. The deposition or testimony of the witness must be authenticated in the following form:

1. It must state the name of the witness, his place of residence and his business or profession.

2. It must contain the questions put to the witness and his answers thereto, each answer being distinctly read to him as it is taken down, and being corrected or added to until it conforms to what he declares is the truth; except in cases where the testimony is taken down in shorthand, the answer or answers of the witness need not be read to him.

3. If the witness declines answering a question, that fact with the ground on which the answer was declined must be stated.

4. The deposition must be signed by the witness, or if he refuse to sign it, his reason for refusing must be stated in writing as he gives it; except in cases where the deposition is taken down in shorthand, it must not be signed by the witness.

5. It must be signed and certified by the magistrate when reduced to writing by him or under his direction; and when taken down in shorthand, the manuscript of the reporter, appointed as aforesaid, when written out in longhand writing, and certified as being a correct statement of such testimony and proceedings in the case, shall be prima facie a correct statement of such testimony and proceedings. The reporter shall within five (5) days after the close of such examination transcribe into longhand writing his said shorthand notes, and certify and deliver the same to the magistrate, who shall also certify the same and transmit such testimony and proceedings, carefully sealed up, to the clerk of the court in which the action is pending or may come for trial.

R.L.1910, § 6033.

§22-770. Deposition read in evidence, when - Objections to questions therein.

The deposition or certified copy thereof may be read in evidence by either party on the trial upon its appearing that the witness is unable to attend by reason of his death, insanity, sickness, or infirmity, or of his continued absence from the state. Upon reading the depositions in evidence, the same objections may be taken to a question or answer contained therein as if the witness had been examined orally in court.

R.L.1910, § 6034.

§22-771. Prisoner, deposition of - Oath.

When a material witness for a defendant under a criminal charge is a prisoner in a state prison or in a county jail of a county other than that in which the defendant is to be tried, his deposition may be taken on behalf of the defendant in the manner provided for in the case of a witness who is sick; and the foregoing provisions of this article, so far as they are applicable, govern in the application for, and in the taking and use of such depositions, such deposition may be taken before any magistrate or notary public of the county in which the jail or prison is situated; or in case the witness is confined in a state prison, and the defendant is unable to pay for taking the deposition, before the warden or clerk of the board of control of the prison, whose duty it shall be to act without compensation. Every officer before whom testimony shall be taken by virtue hereof, shall have authority to administer, and

shall administer an oath to the witness, that his testimony shall be the truth, the whole truth and nothing but the truth.

R.L.1910, § 6035.

§22-781. Witness out of state.

When an issue of fact is joined upon an indictment or information the defendant may have any material witness residing out of the state examined in his behalf as prescribed in this article and not otherwise.

R.L.1910, § 6036.

§22-782. Nonresident witness - Application for commission to take testimony.

When a material witness for the defendant resides out of the state the defendant may apply for an order that the witness be examined on a commission to be issued under the seal of the court, and the signature of the clerk, directed to some party designated as commissioner, authorizing him to examine the witness upon oath or interrogatories annexed thereto, and to take and certify the deposition of the witness and return it according to the instructions given with the commission.

R.L.1910, § 6037.

§22-783. Affidavit on application.

Application must be made upon affidavit stating:

1. The nature of the offense charged.
2. The state of the proceedings in the action and that an issue of the fact has been joined therein.
3. The name of the witness and that his testimony is material to the defense of the action.
4. That the witness resides out of the state.

R.L.1910, § 6038.

§22-784. Notice of application.

The application may be made to the court or judge himself, and must be upon five (5) days' notice to the district attorney.

R.L.1910, § 6039.

§22-785. Issuance of commission - Continuance.

If the court or the judge to whom the application is made, is satisfied of the truth of the facts stated and that the examination of the witness is necessary to the attainment of justice, an order must be made that a commission be issued to take his testimony, and the court or judge may insert in the order a direction that the trial be stayed for a specified time reasonably sufficient for the execution of the commission and return thereof, or the case may be continued.

R.L.1910, § 6040.

§22-786. Interrogatories and cross-interrogatories.

When the commission is ordered, the defendant must serve upon the district attorney, without delay, a copy of the interrogatories to be annexed thereto, with three (3) days notice of the time at which they will be presented to the court or judge. The district attorney may in like manner serve upon the defendant or his counsel cross-interrogatories, to be annexed to the commission, with like notice. In the interrogatories, either party may insert any question pertinent to the issue. When the interrogatories and cross-interrogatories are presented to the court or judge, according to the notice, the court or judge must modify the questions, so as to conform them to the rules of evidence, and must endorse upon them his alterations, and annex them to the commission.

R.L.1910, § 6041.

§22-787. Manner of return.

Unless the parties otherwise consent by an endorsement upon the commission, the court or judge must endorse thereon the direction and manner in which it must be returned, and may in his discretion direct that it be returned by mail or otherwise, addressed to the clerk of the court in which the action is pending, designating his name, and the place where his office is kept.

R.L.1910, § 6042.

§22-788. Execution of commission.

The commissioner, unless otherwise specially directed, may execute the commission as follows:

1. He must administer an oath to the witness that his answers given to the interrogatories shall be the truth, the whole truth and nothing but the truth.

2. He must cause the examination of the witness to be reduced to writing and subscribed by him.

3. He must write the answers of the witness as nearly as possible in the language in which he gives them, and read to him each answer so taken down, and correct or add to it until it conforms to what he declares is the truth.

4. If the witness declines to answer a question, that fact, with the reason assigned by him for declining, must be stated.

5. If any papers or documents are produced before him, and proved by the witness, they, or copies of them, must be annexed to the deposition, subscribed by the witness, and certified by the commissioner.

6. The commissioner must subscribe his name to each sheet of the deposition, with the papers and documents proved by the witness,

or copies thereof, to the commissioner, and must close it up under seal and address it as directed by the endorsement thereon.

7. If there be direction on the commission to return it by mail, the commissioner must immediately deposit it in the nearest post office. If any other direction be made by the written consent of the parties, or by the court or judge, to the commissioner as to its return, the commissioner must comply with the directions. A copy of this section must be annexed to the commission.

R.L.1910, § 6043.

§22-789. Delivery of returned commission by agent.

If the commission and return be delivered by the commissioner to an agent, he must deliver the same to the clerk to whom it is directed, or to the judge of the court in which the action is pending, by whom it may be received and opened upon the agent making affidavit that he received it from the hands of the commissioner, and that it has not been opened or altered since he received it.

R.L.1910, § 6044.

§22-790. Delivery when agent is incapacitated.

If the agent is dead, or from sickness or other cause is unable personally to deliver the commission and return as prescribed in the last section, it may be received by the clerk or judge from any other person, upon his making an affidavit that he received it from the agent, that the agent is dead, or, from sickness or other casualty unable to deliver it, and it has not been opened or altered since the person making the affidavit received it, and that he believes it has not been opened or altered since it came from the hands of the commissioner.

R.L.1910, § 6045.

§22-791. Filing commission and return.

The clerk or judge receiving and opening the commission and return must immediately file it, with the affidavit mentioned in the last two sections, in the office of the clerk of the court in which the indictment or information is pending. If the commission and return is transmitted by mail, the clerk to whom it is addressed must receive it from the post office, and open and file it in his office, where it must remain unless otherwise directed by the court.

R.L.1910, § 6046.

§22-792. Commission and return open to inspection.

The commission and return must at all times be open to the inspection of all persons, who must be furnished a copy of the same, or any part thereof, on payment of his fees.

R.L.1910, § 6047.

§22-793. Reading deposition on trial.

Depositions taken under a commission may be read in evidence by either party on the trial upon it being shown that the witness is unable to attend from any cause whatever, and the same objections may be taken to a question in the interrogatories, or to the answers in the deposition, as if the witness had been examined orally in court.

R.L.1910, § 6048. R.L.1910, § 6048.

§22-811. Repealed by Laws 1999, 1st Ex.Sess., c. 6, § 3, eff. Nov. 1, 1999.

§22-812. Repealed by Laws 1999, 1st Ex.Sess., c. 6, § 3, eff. Nov. 1, 1999.

§22-812.1. Right to speedy trial - Time limits.

A. If any person charged with a crime and held in jail solely by reason thereof is not brought to trial within nine (9) months after the initial appearance by the person on the charge, the court shall set the case for immediate review as provided in Section 812.2 of this title, to determine if the right of the accused to a speedy trial, as provided in this section and in Section 812.2 of this title, is being protected.

B. If any person charged with a felony crime who is held to answer on an appearance bond is not brought to trial within eighteen (18) months after the initial appearance, the court shall set the case for immediate review as provided in Section 812.2 of this title to determine if the right of the accused to a speedy trial is being protected.

C. In the event a mistrial is declared or a conviction is reversed on appeal, the time limitations provided for in this section shall commence to run from the date the mistrial is declared or the date of the mandate of the Court of Criminal Appeals.

Added by Laws 1999, 1st Ex.Sess., c. 6, § 1, eff. Nov. 1, 1999.

Amended by Laws 2024, c. 336, § 1, eff. Nov. 1, 2024.

§22-812.2. Right to speedy trial - Review process.

A. Whenever the court finds that a case should be reviewed to determine if the right of an accused to a speedy trial is being protected, the court shall:

1. Issue notice to the district attorney, the accused, and the attorney for the accused that the case will be reviewed by the court at a date and time which is not less than ten (10) days nor more than twenty (20) days from the date of the notice. Each party shall have the opportunity to present evidence or legal authority in support of its position; and

2. Take evidence from both parties regarding the appropriateness of the cause for the delay. At the hearing, the court shall consider whether the delay has occurred for any of the following reasons:

- a. the extent to which the delay is the result of the application of the accused or an attorney on behalf of the accused,
- b. the extent to which the delay is the result of the fault of the accused or the attorney for the accused,
- c. the accused is incompetent to stand trial,
- d. a proceeding to determine the competency of the accused to stand trial is pending and a determination cannot be completed within the time limitations fixed for trial,
- e. there is material evidence or a material witness which is unavailable and that reasonable efforts have been made to procure such evidence or witness, and there are reasonable grounds to believe that such evidence or witness can be obtained and trial commenced within a reasonable time,
- f. the accused is charged as a codefendant or coconspirator and the court has determined that the codefendants or coconspirators must be tried before separate juries taken from separate jury panels,
- g. the court has other cases pending for trial that are for persons incarcerated prior to the case in question, and the court does not have sufficient time to commence the trial of the case within the time limitation fixed for trial; provided, the case shall be commenced as soon as practicable,
- h. the court, state, accused, or the attorney for the accused is incapable of proceeding to trial due to illness or other exigent reason and it is unreasonable to reassign the case,
- i. no court reporter is available for the trial of the case; provided, if the delay is pursuant to this subparagraph, a court reporter shall be assigned within sixty (60) days of the hearing, and
- j. due to other reasonable grounds the court does not have sufficient time to commence the trial of the case within the time limit fixed for trial; provided, the court shall commence the trial case as soon thereafter as practicable.

B. After hearing all the evidence and the legal arguments properly submitted, if the court finds by a preponderance of the evidence that none of the exceptions set out in paragraph 2 of subsection A of this section justify additional delay and the right of the accused to a speedy trial as provided in this section and

Section 812.1 of this title has been violated, the court shall dismiss the case.

C. If a preliminary hearing has been held, the case may be refiled upon a showing of newly discovered evidence which could not have been discovered prior to trial, unless the applicable statute of limitations has expired.

D. If a preliminary hearing has not been held, the case may be refiled upon good cause shown unless any applicable statute of limitations has expired.

E. After hearing all the evidence and the legal arguments properly submitted, if the court finds that the right of the accused to a speedy trial has not been violated, the court shall set the case for review within three (3) months. If the case is still pending after the three-month period, the court shall conduct another review. The review of pending cases shall be a continuing responsibility of the court until final disposition of the case.

Added by Laws 1999, 1st Ex.Sess., c. 6, § 2, eff. Nov. 1, 1999.

Amended by Laws 2024, c. 336, § 2, eff. Nov. 1, 2024.

§22-813. Repealed by Laws 1999, 1st Ex.Sess., c. 6, § 3, eff. Nov. 1, 1999.

§22-814. Effect of dismissing action.

If the court direct the action to be dismissed, the defendant must, if in custody, be discharged therefrom, or if admitted to bail, his bail is exonerated, or money deposited instead of bail must be refunded to him.

R.L.1910, § 6098.

§22-815. Dismissal by court or on district attorney's application.

A. The court may either of its own motion or upon the application of the district attorney, upon the furtherance of justice, order an action or indictment to be dismissed; but in that case the reasons of the dismissal must be set forth in the order, which must be entered upon the minutes.

B. The district attorney may dismiss an action or indictment by filing a notice of dismissal at any time prior to commencement of the preliminary hearing in the case of a felony or, in the case of a misdemeanor, prior to the matter being set for trial. Any subsequent request for dismissal of an action or indictment by the district attorney must be made pursuant to the provisions of subsection A of this section. A defendant named in such action or indictment shall not be required to pay the costs of that action unless the court exercises its discretion and the parties agree.

R.L. 1910, § 6099. Amended by Laws 2016, c. 204, § 1, eff. Nov. 1, 2016; Laws 2022, c. 29, § 1, eff. Nov. 1, 2022.

§22-816. Nolle prosequi abolished.

The entry of a nolle prosequi is abolished, and the district attorney cannot discontinue or abandon a prosecution for a public offense, except as provided in the last section.

R.L.1910, § 6100.

§22-817. Dismissal not a bar to another prosecution.

An order for the dismissal of the action, as provided in this article, is not a bar to any other prosecution for the same offense.

R.L.1910, § 6101. R.L.1910, § 6101.

§22-831. Order of trial proceedings.

The jury having been impaneled and sworn, the trial must proceed in the following order:

1. If the indictment or information is for a felony, the clerk or district attorney must read it, and state the plea of the defendant to the jury. In other cases this formality may be dispensed with.

2. The district attorney, or other counsel for the state, must open the case and offer the evidence in support of the indictment or information.

3. The defendant or defendant's counsel shall give an opening statement immediately after the opening statement of the district attorney unless the defendant affirmatively reserves the opening statement until the district attorney has rested the state's case. The defense may offer evidence after the close of the state's case.

4. The parties may then, respectively, offer rebutting testimony only, unless the court for good reason, in furtherance of justice, or to correct an evident oversight, permit them to offer evidence upon their original case.

5. When the evidence is concluded, the attorneys for the prosecution may submit to the court written instructions. If the questions of law involved in the instructions are to be argued, the court shall direct the jury to withdraw during the argument, and after the argument, must settle the instructions, and may give or refuse any instructions asked, or may modify the same as he deems the law to be. Instructions refused shall be marked in writing by the judge, if modified, modification shall be shown in the instruction. When the instructions are thus settled, the jury, if sent out, shall be recalled and the court shall thereupon read the instructions to the jury.

6. Thereupon, unless the case is submitted to the jury without argument, the counsel for the state shall commence, and the defendant or his counsel shall follow, then the counsel for the state shall conclude the argument to the jury. During the argument the attorneys shall be permitted to read and comment upon the instructions as applied to the evidence given, but shall not argue

to the jury the correctness or incorrectness of the propositions of law therein contained. The court may permit one or more counsel to address the jury on the same side, and may arrange the order in which they shall speak, but shall not without the consent of the attorneys limit the time of their arguments. When the arguments are concluded, if the court be of the opinion that the jury might be misled by the arguments of counsel, he may to prevent the same further instruct the jury. All instructions given shall be in writing unless waived by both parties, and shall be filed and become a part of the record in the case.

R.L.1910, § 5870. Amended by Laws 2000, c. 262, § 1, eff. July 1, 2000.

§22-832. Court to decide the law.

The court must decide all questions of law which arise in the course of the trial.

R.L.1910, § 5871.

§22-833. Province of jury in libel case.

On the trial of an indictment or information for libel, the jury shall determine the facts under the instructions of the court as in other cases.

R.L.1910, § 5872.

§22-834. Jury limited to questions of fact.

On the trial of an indictment or information, questions of law are to be decided by the court, and the questions of fact are to be decided by the jury; and, although the jury have the power to find a general verdict, which includes questions of law as well as of fact, they are bound, nevertheless, to receive the law which is laid down as such by the court.

R.L.1910, § 5873.

§22-835. Restriction of argument - Number of counsel.

If the indictment or information is for an offense punishable with death, three counsel on each side may argue the case to the jury. If it is for any other offense the court may, in its discretion, restrict the argument to one counsel on each side.

R.L.1910, § 5874.

§22-836. Defendant presumed innocent - Reasonable doubt of guilt requires acquittal.

A defendant in a criminal action is presumed to be innocent until the contrary is proved, and in case of a reasonable doubt as to whether his guilt is satisfactorily shown, he is entitled to be acquitted.

R.L.1910, § 5875.

§22-837. Doubt as to degree of guilt.

When it appears that a defendant has committed a public offense and there is reasonable ground of doubt in which of two or more degrees he is guilty, he can be convicted of the lowest of such degree only.

R.L.1910, § 5877.

§22-839. Discharge of defendant that he may testify for state.

When two or more persons are included in the same indictment or information, the court may, at any time before the defendants have gone into their defense, on the application of the district attorney, direct any defendant to be discharged from the indictment or information, that he may be compelled to be a witness for the state.

R.L.1910, § 5879.

§22-840. Discharge of defendant that he may testify for codefendant.

When two or more persons are included in the same indictment or information, and the court is of opinion that in regard to a particular defendant there is not sufficient evidence to put him on his defense, it must, before the evidence is closed, in order that he may be compelled to be a witness for his codefendant, submit its opinion to the jury, who, if they so find, may acquit the particular defendant for the purpose aforesaid.

R.L.1910, § 5880.

§22-841. Higher offense than charged, existence of - Jury discharged.

If it appear by the testimony that the facts proved constitute an offense of a higher nature than that charged in the indictment or information, the court may direct the jury to be discharged, and all proceedings on the indictment or information to be suspended, and may order the defendant to be committed or continued on, or admitted to bail, to answer any new indictment or information which may be filed against him for the higher offense.

R.L.1910, § 5887.

§22-842. Discharge of jury not a former acquittal.

If an indictment or information for the higher offense is filed within a year next thereafter, he must be tried thereon, and a plea of former acquittal to such last prosecution is not sustained by the fact of the discharge of the jury on the first indictment or information.

R.L.1910, § 5888.

§22-843. Trial on original indictment, when.

If a new indictment or information is not filed for a higher offense within a year, as aforesaid, the court shall again proceed to try the defendant on the original indictment or information.

R.L.1910, § 5889.

§22-844. Jury may be discharged, when.

The court may direct the jury to be discharged where it appears that it has not jurisdiction of the offense, or that the facts as charged in the indictment or information do not constitute an offense punishable by law.

R.L.1910, § 5890.

§22-845. Disposition of prisoner on discharge of jury.

If the jury is discharged because the court has not jurisdiction of the offense charged in the indictment or information, and it appears that it was committed out of the jurisdiction of this state, the court may order the defendant to be discharged, or to be detained for a reasonable time specified in the order, until a communication can be sent by the district attorney to the chief executive officer of the state, territory or district where the offense was committed.

R.L.1910, § 5891.

§22-846. Disposition of prisoner where jurisdiction in another county.

If the offense was committed within the exclusive jurisdiction of another county of this state, the court must direct the defendant to be committed for such time as it deems reasonable to await a warrant from the proper county for his arrest, or if the offense be a misdemeanor only, it may admit him to bail in an undertaking, with sufficient sureties, that he will, within such time as the court may appoint, render himself amenable to a warrant for his arrest from the proper county, and if not sooner arrested thereon, will attend at the office of the sheriff of the county where the trial was had, at a time particularly specified in the undertaking, to surrender himself upon the warrant, if issued, or that his bail will forfeit such sum as the court may fix, and to be mentioned in the undertaking; and the clerk must forthwith transmit a certified copy of the indictment or information, and all the papers in the action filed with him, to the district attorney of the proper county, the expense of which transmission is chargeable to the county.

R.L.1910, § 5892.

§22-847. Disposition of prisoner where defendant not arrested on warrant from proper county.

If the defendant is not arrested on a warrant from the proper county, he must be discharged from custody, or his bail in the action be exonerated, or money deposited instead of bail refunded, as the case may be, and the sureties in the undertaking as mentioned in the last section, must be discharged.
R.L.1910, § 5893.

§22-848. Disposition of prisoner - Proceedings if arrested.

If he is arrested, the same proceedings must be had thereon as upon the arrest of a defendant in another county, on a warrant of arrest issued by a magistrate.
R.L.1910, § 5894.

§22-849. Duty of court where no offense charged.

If the jury be discharged because the facts as charged do not constitute an offense punishable by law, the court must order that the defendant, if in custody, be discharged therefrom, or, if admitted to bail, that the bail be exonerated, or if he have deposited money instead of bail, that the money deposited be refunded to him unless in its opinion a new indictment or information can be framed, upon which the defendant can be legally convicted, in which case it may direct that the case be resubmitted to the same or another grand jury, or a new information filed.
R.L.1910, § 5895.

§22-850. Court may advise jury to acquit.

If, at any time after the evidence on either side is closed, the court deem it insufficient to warrant a conviction, it may advise the jury to acquit the defendant. But the jury are not bound by the advice, nor can the court, for any cause, prevent the jury from giving a verdict.
R.L.1910, § 5896. R.L.1910, § 5896.

§22-851. Jury may view place - Custody of sworn officer.

When, in the opinion of the court, it is proper that the jury should view the place in which the offense was charged to have been committed, or in which any other material fact occurred, it may order the jury to be conducted in a body, in the custody of proper officers, to the place, which must be shown to them by a person appointed by the court for that purpose, and the officers must be sworn to suffer no person to speak to or communicate with the jury, nor to do so themselves, on any subject connected with the trial, and to return them into court without unnecessary delay, or at a specified time.
R.L.1910, § 5897.

§22-852. Juror must declare knowledge of case.

If a juror have any personal knowledge respecting a fact in controversy in a cause he must declare it in open court during the trial. If, during the retirement of a jury, a juror declare a fact, which could be evidence in the cause, as of his own knowledge, the jury must return into court. In either of these cases, the juror making the statement must be sworn as a witness and examined in the presence of the parties.
R.L.1910, § 5898.

§22-853. Custody and conduct of jury before submission - Separation - Sworn officer.

The jurors sworn to try an indictment or information, may, at any time before the submission of the cause to the jury, in the discretion of the court, be permitted to separate, or to be kept in charge of proper officers. The officers must be sworn to keep the jurors together until the next meeting of the court, to suffer no person to speak to or communicate with them, nor to do so themselves, on any subject connected with the trial, and to return them into court at the next meeting thereof. Such officer or officers having once been duly sworn, it is not necessary that they be resworn at each recess or adjournment. An admonition to the officer and the jury shall be sufficient.
R.L.1910, § 5899. Amended by Laws 1945, p. 97, § 1.

§22-853.1. Jurors - Protective orders.

The court, for good cause shown, upon motion of either party or any affected person or upon its own initiative, may issue a protective order for a stated period regulating disclosure of the identity and the business or residential address of any prospective or sworn juror to any person or persons, other than to counsel for either party. Such good cause shall exist in civil or criminal proceedings where the court determines that there is a likelihood of bribery, jury tampering, or of physical injury or harassment of the juror.

Added by Laws 1991, c. 33, § 1, eff. Sept. 1, 1991.

§22-854. Court must admonish jury as to conduct.

The jury must also, at each adjournment of the court, whether permitted to separate or kept in charge of officers, be admonished by the court that it is their duty not to converse among themselves or with any one else on any subject connected with the trial, or to form or express any opinion thereon, until the case is finally submitted to them.

R.L.1910, § 5900.

§22-855. Sickness or death of juror - New juror sworn.

If, before the conclusion of a trial, a juror becomes sick, so as to be unable to perform his duty, the court may order him to be discharged. In that case or in the event of the death of a juror a new juror may be sworn, and the trial begin anew, or the jury may be discharged, and a new jury then or afterwards impaneled.
R.L.1910, § 5901. Amended by Laws 1941, p. 88, § 1.

§22-856. Requisites of charge of court - Presentation of written charge - Request to charge - Endorsement of disposition on charge presented - Partial refusal.

In charging the jury, the court must state to them all matters of law which it thinks necessary for their information in giving their verdict, and if it state the testimony of the case, it must in addition inform the jury that they are the exclusive judges of all questions of fact. Either party may present to the court any written charge and request that it be given. If the court thinks it correct and pertinent, it must be given; if not, it must be refused. Upon each charge presented and given or refused the court must endorse or sign its decision. If part of any written charge be given and part refused the court must distinguish, showing by the endorsement or answer what part of each charge was given and what part refused.
R.L. 1910, § 5905.

§22-857. Jury after the charge.

After hearing the charge, the jury may either decide in court, or may retire for deliberation. If they do not agree without retiring, one or more officers must be sworn to keep them together in some private and convenient place, and not to permit any person to speak to or communicate with them, nor do so themselves, unless it be by order of the court, or to ask them whether they have agreed upon a verdict, and to return them into court when they have so agreed, or when ordered by the court.

R.L. 1910, § 5906. Amended by Laws 1997, c. 133, § 17, eff. July 1, 1999; Laws 1998, 1st Ex.Sess., c. 2, § 13, emerg. eff. June 19, 1998; Laws 1999, 1st Ex.Sess., c. 5, § 8, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 17 from July 1, 1998, to July 1, 1999.

§22-858. Defendant admitted to bail may be committed during trial.

When a defendant who has given bail appears for trial, the court may, in its discretion, at any time after his appearance for trial order him to be committed to the custody of the proper officer of the county to abide the judgment or further order of the court, and he must be committed and held in custody accordingly.
R.L.1910, § 5907.

§22-859. Substitute for district attorney failing or unable to attend trial or disqualified.

If the district attorney fails, or is unable to attend at the trial or is disqualified, the court must appoint some attorney at law to perform the duties of the district attorney on such trial. R.L.1910, § 5908.

§22-860. Repealed by Laws 1998, c. 133, § 603, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 603 from July 1, 1998, to July 1, 1999.

§22-860.1. Second or subsequent offenses - Trial procedure.

In all cases in which the defendant is prosecuted for a second or subsequent offense, except in those cases in which former conviction is an element of the offense, the procedure shall be as follows:

1. The trial shall proceed initially as though the offense charged was the first offense; when the indictment or information is read all reference to prior offenses shall be omitted; during the trial of the case no reference shall be made nor evidence received of prior offenses except as permitted by the rules of evidence; the judge shall instruct the jury only on the offense charged; the jury shall be further instructed to determine only the guilt or innocence on the offense charged, and that punishment at this time shall not be determined by the jury; and

2. If the verdict be guilty of the offense charged, that portion of the indictment or information relating to prior offenses shall be read to the jury and evidence of prior offenses shall be received. The court shall then instruct the jury on the law relating to second and subsequent offenses, and the jury shall then retire to determine the fact of former conviction, and the punishment, as in other cases.

Added by Laws 1999, 1st Ex.Sess., c. 5, § 438, eff. July 1, 1999.

§22-861. Formal exceptions to rulings or orders unnecessary.

Formal exceptions to rulings or orders of the court in criminal proceedings shall not be necessary but for all purposes for which an exception has heretofore been necessary at the trial of a cause it shall be sufficient that a party, at the time the ruling or order of the court has been made or sought, makes known to the court the action which he desires the court to take or his objection to the action of the court with his general grounds therefor.

Laws 1971, c. 144, § 1, eff. Oct. 1, 1971.

§22-891. Jury room - Expenses of providing, a county charge.

A room must be provided by the board of commissioners of a county for the use of the jury, upon their retirement for

deliberation, with suitable furniture, fuel, lights and stationery. If the commissioners neglect, the court may order the sheriff to do so, and the expenses incurred by him in carrying the order into effect, when certified by the court, are a county charge.
R.L.1910; § 5910. R.L.1910, § 5912.

§22-893. Jury may have written instructions, forms of verdict and documents injury room - Copies of public or private documents.

On retiring for deliberation the jury may take with them the written instructions given by the court; the forms of verdict approved by the court, and all papers which have been received as evidence in the cause, except that they shall take copies of such parts of public records or private documents as ought not, in the opinion of the court, to be taken from the person having them in possession.
R.L.1910, § 5912.

§22-894. Jury brought into court for information - Presence of, or notice to, parties.

After the jury have retired for deliberation, if there be a disagreement between them as to any part of the testimony or if they desire to be informed on a point of law arising in the cause, they must require the officer to conduct them into court. Upon their being brought into court, the information required must be given in the presence of, or after notice to the district attorney and the defendant or his counsel, or after they have been called.
R.L.1910, § 5913.

§22-895. Illness of juror after retirement - Accident or cause preventing keeping together - Discharge.

If, after the retirement of the jury, one of them become so sick as to prevent the continuance of his duty, or any other accident or cause occur to prevent their being kept together for deliberation, the jury may be discharged.
R.L.1910, § 5914. R.L.1910, § 5914.

§22-896. Discharge after agreement on verdict or showing of inability to agree.

Except as provided in the last section, the jury cannot be discharged after the cause is submitted to them until they have agreed upon their verdict, and rendered it in open court, unless by the consent of both parties entered upon the minutes, or unless at the expiration of such time as the court deems proper, it satisfactorily appear that there is no reasonable probability that the jury can agree.
R.L.1910, § 5915.

§22-897. Retrial after discharge at same or other term.

In all cases where a jury are discharged or prevented from giving a verdict, by reason of an accident or other cause, except where the defendant is discharged from the indictment or information during the progress of the trial, or after the cause is submitted to them, the cause may be again tried at the same or another term, as the court may direct.

R.L.1910, § 5916.

§22-898. Court during jury's retirement - Sealed verdicts - Final adjournment for term discharges jury.

While the jury are absent the court may adjourn from time to time as to other business, but it is nevertheless deemed open for any purpose connected with the cause submitted to them until verdict is rendered or the jury discharged. If the jury agree on a verdict during a temporary adjournment or recess of the court, they may, upon the direction of the court, sign the verdict by their foreman, securely seal the same in an envelope, and deliver the same to the foreman, when they may separate until the next convening of the court, at which time they shall reassemble in the jury room and return their verdict in open court, when the same proceedings shall be had as in case of other verdicts. A final adjournment of the court for the term discharges the jury.

R.L.1910, § 5917.

§22-911. Return of jury into court upon agreement - Discharge on failure of some jurors to appear.

When the jury have agreed upon their verdict, they may be conducted into court by the officer having them in charge. Their names must then be called, and if all do not appear, the rest must be discharged without giving a verdict. In that case the cause must be again tried, at the same or another term.

R.L.1910, § 5918.

§22-912. Presence of defendant required in felony cases when verdict received - Discretionary in misdemeanor cases.

If the indictment or information is for a felony, the defendant must, before the verdict is received, appear in person. If it is for a misdemeanor, the verdict may, in the discretion of the court, be rendered in his absence.

R.L.1910, § 5919.

§22-913. Proceedings when jury appear.

When the jury appear, they must be asked, by the court or the clerk, whether they have agreed upon their verdict, and if the foreman answers in the affirmative, they must, on being required, declare the same.

R.L.1910, § 5920.

§22-914. Form of verdict.

A general verdict upon a plea of not guilty, is either "guilty", or "not guilty", which imports a conviction or acquittal of the offense charged. Upon a plea of a former conviction or acquittal of the same offense, it is either "for the state", or "for the defendant". When the defendant is acquitted on the ground that he was insane at the time of the commission of the act charged, the verdict must be "not guilty by reason of insanity". When the defendant is acquitted on the ground of variance between the charge and the proof, the verdict must be "not guilty by reason of variance between charge and proof".

R.L.1910, § 5921.

§22-915. Degree of crime must be found.

Whenever a crime is distinguished into degrees, the jury, if they convict the defendant, must find the degree of the crime of which he is guilty.

R.L.1910, § 5922.

§22-916. Included offense or attempt may be found.

The jury may find the defendant guilty of any offense, the commission of which is necessarily included in that with which he is charged, or of an attempt to commit the offense.

R.L.1910, § 5923.

§22-917. Several defendants - Verdict as to part - Retrial as to defendants not agreed on.

On an indictment or information against several, if the jury cannot agree upon a verdict as to all, they may render a verdict as to those in regard to whom they do agree, on which a judgment must be entered accordingly, and the case as to the rest may be tried by another jury.

R.L.1910, § 5924.

§22-918. Jury may reconsider verdict of conviction for mistake of law - Return of same verdict.

When there is a verdict of conviction in which it appears to the court that the jury have mistaken the law, the court may explain the reason for that opinion, and direct the jury to reconsider their verdict, and if, after the reconsideration, they return the same verdict, it must be entered. But when there is a verdict of acquittal, the court cannot require the jury to reconsider it.

R.L.1910, § 5925.

§22-919. Informal verdict to be reconsidered.

If the jury render a verdict not in form, the court may, with proper instructions as to the law, direct them to reconsider it, and it cannot be recorded until it be rendered in some form from which it can be clearly understood what is the intent of the jury.
R.L.1910, § 5926.

§22-920. Judgment when jury persist in informal verdict.

If the jury persist in finding an informal verdict, from which, however, it can be clearly understood that their intention is to find in favor of the defendant upon the issue, it must be entered in the terms in which it is found, and the court must give judgment of acquittal. But no judgment of conviction can be given unless the jury expressly find against the defendant, upon the issue, or judgment be given against him on a special verdict.
R.L.1910, § 5927.

§22-921. Polling jury.

When a verdict is rendered, and before it is recorded, the jury may be polled on the requirement of either party, in which case they must be severally asked whether it is their verdict, and if any one answer in the negative, the jury must be sent out for further deliberation.
R.L.1910, § 5928.

§22-922. Recording and reading verdict - Disagreement of jurors entered upon minutes - Discharge if no disagreement.

When the verdict is given, and is such as the court may receive, the clerk must immediately record it in full upon the minutes, and the judge or the clerk must read it to the jury and inquire of them whether it is their verdict. If any juror disagree, the fact must be entered upon the minutes, and the jury again sent out; but if no disagreement is expressed, the verdict is complete, and the jury must be discharged from the case.
Amended by Laws 1985, c. 119, § 1, eff. Nov. 1, 1985.

§22-923. Defendant discharged on acquittal - Variance resulting in acquittal may authorize new charges.

If a judgment of acquittal is given on a general verdict, and the defendant is not detained for any other legal cause, he must be discharged as soon as judgment is given, except that when the acquittal is for a variance between the proof and the indictment or information which may be obviated by a new indictment or information the court may order his detention to the end that a new indictment or information may be preferred in the same manner and with like effect as provided in cases where the jury is discharged.
R.L.1910, § 5930.

§22-924. Commitment upon conviction.

If a general verdict is rendered against the defendant he must be remanded if in custody, or if on bail he may be committed to the proper officer of the county to await the judgment of the court upon the verdict. When committed his bail is exonerated, or if money is deposited instead of bail it must be refunded to the defendant.

R.L.1910, § 5931.

§22-925. Claim of insanity - Duty of court and jury - Commitment to institution.

When it is contended on behalf of the defendant in any criminal prosecution that such defendant is at the time of the trial a person who is impaired by reason of mental retardation, a mentally ill person, an insane person, or a person of unsound mind, the court shall submit to the jury a proper form of verdict, and if the jury finds the defendant not guilty on account of such insanity, mental illness, or unsoundness of mind, they shall so state in their verdict, and the court shall thereupon order the defendant committed to the state hospital for the mentally ill, or other state institution provided for the care and treatment of cases such as the one before the court, until the sanity and soundness of mind of the defendant be judicially determined, and such person be discharged from the institution according to law.

R.L. 1910, § 5932. Amended by Laws 1998, c. 246, § 14, eff. Nov. 1, 1998.

§22-926. Repealed by Laws 1998, c. 133, § 603, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 603 from July 1, 1998, to July 1, 1999.

§22-926.1. Assessment of punishment by jury.

In all cases of a verdict of conviction for any offense against any of the laws of the State of Oklahoma, the jury may, and shall upon the request of the defendant assess and declare the punishment in their verdict within the limitations fixed by law, and the court shall render a judgment according to such verdict, except as hereinafter provided.

Added by Laws 1999, 1st Ex.Sess., c. 5, § 439, eff. July 1, 1999.

§22-927. Repealed by Laws 1998, c. 133, § 603, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 603 from July 1, 1998, to July 1, 1999.

§22-927.1. Punishment assessed by court.

Where the jury finds a verdict of guilty, and fails to agree on the punishment to be inflicted, or does not declare such punishment

by their verdict, the court shall assess and declare the punishment and render the judgment accordingly.

Added by Laws 1999, 1st Ex.Sess., c. 5, § 440, eff. July 1, 1999.

§22-928. Repealed by Laws 1998, c. 133, § 603, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 603 from July 1, 1998, to July 1, 1999.

§22-928.1. Excess punishment to be disregarded by court.

If the jury assesses a punishment, whether of imprisonment or fine, greater than the highest limit declared by law for the offense of which they convict the defendant, the court shall disregard the excess and pronounce sentence and render judgment according to the highest limit prescribed by law in the particular case.

Added by Laws 1999, 1st Ex.Sess., c. 5, § 441, eff. July 1, 1999.

§22-929. Remand for vacation of sentence - New sentencing proceeding - Construction of section.

A. Upon any appeal of a conviction by the defendant in a noncapital criminal case, the appellate court, if it finds prejudicial error in the sentencing proceeding only, may set aside the sentence rendered and remand the case to the trial court in the jurisdiction in which the defendant was originally sentenced for resentencing. No error in the sentencing proceeding shall result in the reversal of the conviction in a criminal case unless the error directly affected the determination of guilt.

B. When a criminal case is remanded for vacation of a sentence, the court shall:

1. Set the case for a nonjury sentencing proceeding; or

2. If the defendant was originally sentenced by a jury, impanel a new sentencing jury unless jury resentencing is waived by the defendant and the prosecutor.

C. The defendant may affirmatively waive resentencing before the appropriate trial court within ninety (90) days of the appellate court order remanding for resentencing; provided, however, the defendant may not waive resentencing after the commencement of the resentencing hearing or trial. The defendant may not waive resentencing on an appeal or petition for a writ of extraordinary relief sought by the prosecution or if the original sentence was unlawful. If the defendant affirmatively waives resentencing pursuant to this subsection, the original sentence shall be reinstated by the trial court. A sentence reinstated pursuant to this subsection shall not be appealable by the defendant.

D. All exhibits and a transcript of all testimony and other evidence properly admitted in the prior trial and sentencing shall be admissible in the new sentencing proceeding. The defendant may testify at his or her resentencing proceeding in accordance with the

requirements of the Oklahoma Evidence Code. Additional relevant evidence may be admitted including testimony of witnesses who testified at the previous trial.

E. This section shall not be construed to amend or be in conflict with the provisions of Section 701.10 or 701.10a of Title 21 of the Oklahoma Statutes relating to sentencing and resentencing in death penalty cases; Section 860.1 of this title relating to the trial procedure for defendants prosecuted for second or subsequent offense; or the provisions of Sections 926.1 and 927.1 of this title relating to assessment of punishment in the original trial proceedings.

Added by Laws 1990, c. 261, § 1, emerg. eff. May 24, 1990. Amended by Laws 1997, c. 133, § 18, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 9, eff. July 1, 1999; Laws 2023, c. 205, § 1, eff. Nov. 1, 2023.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 18 from July 1, 1998, to July 1, 1999.

§22-951. New trial defined - Proceedings on new trial - Former verdict no bar - Capital cases.

A. A new trial is a reexamination of the issue in the same court, before another jury, after a verdict has been given. The granting of a new trial places the parties in the same position as if no trial had been had. All the testimony must be produced anew except of witnesses who are absent from the state or dead, in which event the evidence of such witnesses on the former trial may be presented; and the former verdict cannot be used or referred to either in evidence or in argument, or be pleaded in bar of any conviction which might have been had under the indictment or information.

B. In capital cases, when an appeal has been taken and the cause has been remanded for a new trial, the court shall proceed as provided in subsection A of this section.

C. In capital cases, when an appeal has been taken and the cause has been remanded for resentencing, the prosecutor and court shall proceed as provided in Section 3 of this act.

R.L.1910, § 5936.

§22-952. Grounds for new trial - Affidavits and testimony.

A court in which a trial has been had upon an issue of fact has power to grant a new trial when a verdict has been rendered against a defendant by which his substantial rights have been prejudiced, upon his application in the following cases only:

First. When the trial has been in his absence, if the charge is for a felony.

Second. When the jury have received any evidence out of court, other than that resulting from a view of the premises.

Third. When the jury have separated without leave of the court, after retiring to deliberate on their verdict, and before delivering or sealing the same, if it be sealed, or have been guilty of any misconduct by which a fair and due consideration of the case has been prevented.

Fourth. When the verdict has been decided by lot, or by any means other than a fair expression of opinion on the part of the jury.

Fifth. When the court has misdirected the jury in a matter of law, or has erred in the decision of any question of law arising during the course of the trial.

Sixth. When the verdict is contrary to law or evidence.

Seventh. When new evidence is discovered, material to the defendant, and which he could not with reasonable diligence have discovered before the trial, or when it can be shown that the grand jury was not drawn summoned or impaneled as provided by law, and that the facts in relation thereto were unknown to the defendant or his attorney until after the trial jury in the case was sworn and were not of record. When a motion for a new trial is made on the ground of newly discovered evidence, the defendant must produce at the hearing in support thereof affidavits of witnesses, or he may take testimony in support thereof as provided in Section 5781, and if time is required by the defendant to procure such affidavits or testimony, the court may postpone the hearing of the motion for such length of time as under all the circumstances of the case may seem reasonable. The application for a new trial on the ground that the grand jury was not drawn summoned or impaneled as provided by law may be shown in like manner.

R.L.1910, § 5937.

§22-953. Time for applying for new trial - Limitations.

The application for a new trial must be made before judgment is entered; but the court or judge thereof may for good cause shown allow such application to be made at any time within thirty (30) days after the rendition of the judgment. A motion for a new trial on the ground of newly discovered evidence may be made within three (3) months after such evidence is discovered but no such motion may be filed more than one (1) year after judgment is rendered, and if on the ground that the grand jury was not properly drawn or impaneled then the motion must be made within thirty (30) days after the judgment is rendered.

R.L.1910, § 5938; Laws 1969, c. 117, § 1, emerg. eff. April 3, 1969.

§22-954. Motion in arrest of judgment - Definition - Grounds - Time for.

A motion in arrest of judgment is an application on the part of the defendant that no judgment be rendered on plea or verdict of

guilty, or on a verdict against the defendant on a plea of former conviction or acquittal. It may be founded on any of the defects in the indictment or information mentioned as grounds of demurrer unless such objection has been waived by a failure to demur, and must be before or at the time the defendant is called for judgment. R.L.1910, § 5939.

§22-955. Court may arrest on its own motion - Effect of allowing motion.

The court may also on its own view of any of these defects, arrest the judgment without motion. The effect of allowing a motion in arrest of judgment is to place the defendant in the same situation in which he was before the indictment or information was filed, and in no case of arrest of judgment is the verdict a bar to another prosecution. R.L.1910, § 5940.

§22-956. Proceedings after motion for arrest of judgment sustained.

If, from the evidence on the trial, there is reasonable ground to believe the defendant guilty, and a new indictment can be framed upon which he may be convicted, the court may order him to be recommitted to the officer of the proper county, or admitted to bail anew to answer the new indictment or information. If the evidence shows him guilty of another offense, he must be committed or held thereon; but if no evidence appears sufficient to charge him with any offense, he must, if in custody, be discharged, or, if admitted to bail, his bail is exonerated, or if money has been deposited instead of bail, it must be refunded to the defendant, and the arrest of judgment operates as an acquittal of the charge upon which the indictment or information was founded. R.L.1910, § 5941. R.L.1910, § 5941.

§22-961. Court appoints time for pronouncing judgment.

After a plea or verdict of guilty, or after a verdict against the defendant on a plea of a former conviction or acquittal, if the judgment is not arrested or a new trial granted, the court must appoint a time for pronouncing judgment. R.L.1910, § 5942.

§22-962. Time for pronouncing verdict specified.

The time appointed must be at least two (2) days after the verdict, if the court intend to remain in session so long; or, if not, at as remote a time as can reasonably be allowed. R.L.1910, § 5943.

§22-963. Defendant may be absent, when.

For the purpose of judgment, if the conviction is for misdemeanor judgment may be pronounced in the defendant's absence, unless such defendant is represented by an attorney of record, in which event, said attorney must be present unless said attorney waives appearance in writing or unless the said attorney has been notified of the time and date of imposition of judgment and fails to appear.

R.L.1910, § 5944; Laws 1968, c. 202, § 1, emerg. eff. April 19, 1968.

§22-964. Officer may be directed to produce prisoner.

When the defendant is in custody, the court may direct the officer in whose custody he is to bring him before it for judgment, and the officer must do so accordingly.

R.L.1910, § 5945.

§22-965. Warrant for defendant not appearing - Forfeiture of bond or bail money.

If the defendant has been discharged on bail, or has deposited money instead thereof, and does not appear for judgment when his personal attendance is necessary, the court, in addition to the forfeiture of the undertaking of bail or of money deposited, may direct the clerk to issue a bench warrant for his arrest.

R.L.1910, § 5946. 0

§22-966. Clerk to issue bench warrant - Several counties.

The clerk, on the application of the district attorney, may, accordingly, at any time after the order, whether the court be sitting or not, issue a bench warrant into one or more counties.

R.L.1910, § 5947.

§22-966A. Bench warrant, fee for issuance of.

For the issuance of each bench warrant for a defendant's failure to pay court costs, fines, fees, or assessments in felony, misdemeanor, or traffic cases, the court clerk shall charge and collect a fee of Five Dollars (\$5.00). The fee shall be included in the execution bond amount on the face of the bench warrant which is issued for the defendant's failure to pay and shall be in addition to the delinquent amount owed by the defendant. This fee shall be deposited in the court clerk's revolving fund pursuant to the provisions of Section 220 of Title 19 of the Oklahoma Statutes. Added by Laws 1995, c. 132, § 2, eff. Nov. 1, 1995.

§22-967. Form of bench warrant.

The bench warrant must be substantially in the following form:

County of

State of Oklahoma.

To any sheriff, constable, marshal or policeman in this state:

A B having been, on the day of A. D., 19...., duly convicted in the court of the county of of the crime of (designating it generally), you are therefore commanded forthwith to arrest the above-named A B and bring him before that court for judgment, or if the court has adjourned for the term, you are to deliver him into the custody of the sheriff of the county of (as the case may be).

Given under my hand, with the seal of said court affixed, this day of A. D., 19....

By order of the court.

(Seal).

E.F., Clerk.

R.L.1910, § 5948.

§22-968. Service of bench warrant, mode of.

The bench warrant may be served in any county, in the same manner as a warrant of arrest, except that when served in another county, it need not be endorsed by a magistrate of that county.

R.L.1910, § 5949.

§22-969. Defendant to be arrested.

Whether the bench warrant is served in the county in which it was issued or in another county, the officer must arrest the defendant and bring him before the court, or commit him to the officer mentioned in the warrant, according to the command thereof.

R.L.1910, § 5950.

§22-970. Defendant informed of proceedings.

When the defendant appears for judgment, he must be informed by the court, or by the clerk under its direction, of the nature of the indictment or information, and his plea and the verdict, if any thereon, and must be asked whether he has any legal cause to show why judgment should not be pronounced against him.

R.L.1910, § 5951.

§22-971. Defendant may show cause against judgment - Grounds - Proceedings.

The defendant may show for cause against the judgment:

1. That the defendant is insane; and if, in the opinion of the court, there is reasonable ground for believing the defendant to be insane, the question of the defendant's insanity must be tried as hereinafter in this chapter. If upon the trial of that question the jury finds that the defendant is sane, judgment must be pronounced. If the jury finds the defendant insane, the defendant may be committed to one of the state institutions or hospitals for the mentally ill, until the defendant becomes sane, or be otherwise committed according to law. When notice is given of that fact, as

hereinafter provided, the defendant must be brought before the court for judgment.

2. That the defendant has good cause to offer, either in arrest of judgment, or for a new trial, in which case the court may order the judgment to be deferred, and proceed to decide upon the motion in arrest of judgment, or for a new trial.

R.L. 1910, § 5932. Amended by Laws 1998, c. 246, § 15, eff. Nov. 1, 1998.

§22-972. Rendition of judgment where cause against it not shown.

If no sufficient cause be alleged or appear to the court why judgment should not be pronounced it must thereupon be rendered.

R.L.1910, § 5953.

§22-973. Court may hear further evidence, when.

After a plea or verdict of guilty in a case where the extent of the punishment is left with the court, the court, upon the suggestion of either party that there are circumstances which may be properly taken into view, either in aggravation or mitigation of the punishment, may in its discretion hear the same summarily at a specified time and upon such notice to the adverse party as it may direct.

R.L.1910, § 5954.

§22-973a. Mitigating factor for veterans - PTSD.

A. When making a sentencing decision concerning a person who is a veteran, the court may consider as a mitigating factor that the person has been diagnosed as suffering from posttraumatic stress disorder resulting from his or her military service.

B. The defendant shall provide to the court documentary evidence that the defendant:

1. Has served in the Armed Forces of the United States of America in a combat zone, as defined in Section 112 of the Federal Internal Revenue Code of 1986. Proof of such service shall consist of a certification by the Director of the Department of Veterans Affairs; and

2. Has been diagnosed with a posttraumatic stress disorder connected to his or her service in the Armed Forces of the United States of America.

C. As used in this section, "posttraumatic stress disorder" means the same as such term is defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5, 2013), and occurred as a result of events during the service of the defendant in one or more combat zones.

Added by Laws 2016, c. 197, § 1, eff. Nov. 1, 2016.

§22-974. Testimony - How presented - Deposition of sick or infirm witness.

The circumstances must be presented by the testimony of witnesses examined in open court, except that when a witness is so sick or infirm as to be unable to attend, his deposition may be taken by a magistrate of the county out of court, at a specified time and place, upon such notice to the adverse party as the court may direct.

R.L.1910, § 5955.

§22-975. Other evidence in aggravation or mitigation of punishment prohibited.

No affidavit or testimony, or representation of any kind, verbal or written, can be offered to or received by the court or member thereof in aggravation or mitigation of the punishment, except as provided in the last two sections.

R.L.1910, § 5956.

§22-976. Concurrent sentences.

If the defendant has been convicted of two or more offenses, before judgment on either, the judgment may be that the imprisonment upon any one may commence at the expiration of the imprisonment upon any other of the offenses. Provided, that the sentencing judge shall, at all times, have the discretion to enter a sentence concurrent with any other sentence.

R.L. 1910, § 5957. Amended by Laws 1985, c. 20, § 2, eff. Nov. 1, 1985; Laws 1997, c. 133, § 68, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 19, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 68 from July 1, 1998, to July 1, 1999.

§22-977. Entry of judgment of conviction - Papers to be filed by clerk - Obtaining date of birth and social security number of defendant.

A. When judgment upon a conviction is rendered, the clerk must enter the same upon the minutes, stating briefly the offense for which the conviction has been had, and must immediately annex together and file the following papers, which constitute a record of the action:

1. The indictment and a copy of the minutes of the plea or demurrer;

2. A copy of the minutes of the trial;

3. The charges given or refused, and the endorsements, if any, thereon; and

4. A copy of the judgment, which shall include a notation of the month and year of birth date of the defendant and the last four digits of the Social Security number of the defendant. The judgment

shall also contain the statutory reference, including any relevant subsections, to the felony crime the defendant was convicted of, the classification level of the felony crime the defendant was convicted of, the required amount of the minimum time to be served according to the sentencing court, and the date of the offense.

B. The court shall obtain the month and year of birth date of the defendant and the last four digits of the Social Security number of the defendant.

R.L. 1910, § 5960. Amended by Laws 1993, c. 202, § 1, eff. Sept. 1, 1993; Laws 2003, c. 294, § 1, eff. Nov. 1, 2003; Laws 2016, c. 348, § 4, eff. Nov. 1, 2016; Laws 2018, c. 173, § 1; Laws 2025, c. 187, § 8, eff. Jan. 1, 2026.

§22-978. Certified copy of judgment furnished to officer - Officer authorized to execute judgment except of death.

When a judgment, except of death, has been pronounced, a certified copy of the entry thereof, upon the minutes, must be forthwith furnished to the officer, whose duty it is to execute the judgment, and no other warrant or authority is necessary to justify or require its execution.

R.L.1910, § 5961.

§22-979. Execution of judgment by sheriff in certain cases - Delivery to proper officer in other cases.

When the judgment is imprisonment in a county jail, or a fine, and that the defendant be imprisoned until it be paid, the judgment must be executed by the sheriff of the county or subdivision. In all other cases when the sentence is imprisonment, the sheriff of the county must deliver the defendant to the proper officer, in execution of the judgment.

R.L.1910, § 5964.

§22-979a. Payment of jail costs by inmate.

A. The court shall require a person who is actually received into custody at a jail facility or who is confined in a city or county jail or holding facility, for any offense, to pay the jail facility or holding facility the costs of incarceration, both before and after conviction, upon conviction or receiving a deferred sentence. The costs of incarceration shall be collected by the clerk of the court as provided for collection of other costs and fines, which shall be subject to review under the procedures set forth in Section VIII of the Rules of the Oklahoma Court of Criminal Appeals, Chapter 18, Appendix of this title. Costs of incarceration shall include booking, receiving and processing out, housing, food, clothing, medical care, dental care, and psychiatric services. The costs for incarceration shall be an amount equal to the actual cost of the services and shall be determined by the chief of police for

city jails and holding facilities, by the county sheriff for county jails or by contract amount, if applicable. In the event a person requires emergency medical treatment for an injury or condition that threatens life or threatens the loss or use of a limb prior to being actually received into the custody of any jail facility, the provisions of Section 533 of Title 21 of the Oklahoma Statutes shall apply to taking custody, medical care and cost responsibility. The cost of incarceration shall be paid by the court clerk, when collected, to the municipality, holding facility, county or other public entity responsible for the operation of such facility where the person was held at any time. Except for medical costs, ten percent (10%) of any amount collected by the court clerk shall be paid to the municipal attorney's or district attorney's office, and the remaining amount shall be paid to the municipality, the sheriff's service fee account or, if the sheriff does not operate the jail facility, the remaining amount shall be deposited with the public entity responsible for the operation of the jail facility where the person was held at any time. The court shall order the defendant to reimburse all actual costs of incarceration, upon conviction or upon entry of a deferred judgment and sentence unless the defendant is a mentally ill person as defined by Section 1-103 of Title 43A of the Oklahoma Statutes. The sheriff shall give notice to the defendant of the actual costs owed before any court-ordered costs are collected. The defendant shall have an opportunity to object to the amount of costs solely on the grounds that the number of days served is incorrect. If no objection is made, the costs may be collected in the amount stated in the notice to the defendant. The sheriff, municipality or other public entity responsible for the operation of the jail may collect costs of incarceration ordered by the court from the jail account of the inmate. If the funds collected from the jail account of the inmate are insufficient to satisfy the actual incarceration costs ordered by the court, the sheriff, municipality or other public entity responsible for the operation of the jail is authorized to collect the remaining balance of the incarceration costs by civil action. When the sheriff, municipality or other public entity responsible for the operation of the jail collects any court-ordered incarceration costs from the jail account of the inmate or by criminal or civil action, the court clerk shall be notified of the amount collected.

B. Except as may otherwise be provided in Section 533 of Title 21 of the Oklahoma Statutes, any offender receiving routine or emergency medical services or medications or injured during the commission of a felony or misdemeanor offense and administered any medical care shall be required to reimburse the sheriff, municipality or other public entity responsible for the operation of the jail, the full amount paid by the sheriff, municipality or other

public entity responsible for the operation of the jail for any medical care or treatment administered to such offender during any period of incarceration or when the person was actually received into custody for any reason in that jail facility. The sheriff, municipality or other public entity responsible for the operation of the jail may deduct the costs of medical care and treatment as authorized by Section 531 of Title 19 of the Oklahoma Statutes. If the funds collected from the jail account of the inmate are insufficient to satisfy the actual medical costs paid, the sheriff, municipality or other public entity responsible for the operation of the jail shall be authorized to collect the remaining balance of the medical care and treatment by civil actions.

C. Costs of incarceration shall be a debt of the inmate owed to the municipality, county, or other public entity responsible for the operation of the jail and may be collected as provided by law for collection of any other civil debt or criminal penalty.

D. The court shall not waive the costs of incarceration in their entirety. However, if the court determines that a reduction in the fine, costs, and costs of incarceration is warranted, the court shall equally apply the same percentage reduction to the fine, costs, and costs of incarceration owed by the defendant.

Added by Laws 1990, c. 130, § 1, eff. Sept. 1, 1990. Amended by Laws 1990, c. 311, § 1, eff. Sept. 1, 1990; Laws 1996, c. 153, § 1, emerg. eff. May 7, 1996; Laws 1998, c. 290, § 3, eff. July 1, 1998; Laws 1999, c. 1, § 8, emerg. eff. Feb. 24, 1999; Laws 1999, c. 205, § 1, emerg. eff. May 25, 1999; Laws 2001, c. 258, § 7, eff. July 1, 2001; Laws 2003, c. 319, § 2; Laws 2004, c. 455, § 1; Laws 2005, c. 1, § 16, emerg. eff. March 15, 2005; Laws 2005, c. 470, § 2, emerg. eff. June 9, 2005; Laws 2008, c. 366, § 2, emerg. eff. June 3, 2008. NOTE: Laws 1998, c. 209, § 1 repealed by Laws 1999, c. 1, § 45, emerg. eff. Feb. 24, 1999. Laws 2004, c. 275, § 11 repealed by Laws 2005, c. 1, § 17, emerg. eff. March 15, 2005. Laws 2005, c. 111, § 2 repealed by Laws 2005, c. 470, § 3, emerg. eff. June 9, 2005.

§22-980. Duty of sheriff when defendant sentenced to state prison.

If the judgment is for imprisonment in a state prison, the sheriff of the county or subdivision must, upon receipt of a certified copy thereof or authorized notification thereof, take and deliver the defendant to the warden of the Lexington Assessment and Reception Center or to a place determined by the Director of the Department of Corrections. The sheriff must also deliver to the Department of Corrections:

1. A certified copy of the judgment and sentence, unless the judgment and sentence has previously been sent electronically by an authorized clerk of the court;

2. A copy of any medical, dental, or mental health records of the defendant for conditions reviewed or treated while in the custody of the sheriff;

3. Any medication or medical or dental device prescribed for the defendant while in the custody of the sheriff or for a pre-existing condition;

4. Any forms required to be filed pursuant to the rules of the Court of Criminal Appeals at the time of the formal sentencing; and

5. Any forms of identification of the defendant that were in the possession of the defendant at the time of sentencing.

Upon delivery of the defendant with the required judgment, records and medication or devices, the sheriff must take from the Department of Corrections a receipt for the defendant, and make return thereof to the court.

R.L. 1910, § 5965. Amended by Laws 1978, c. 13, § 1, emerg. eff. Feb. 14, 1978; Laws 1998, c. 89, § 2, eff. July 1, 1998; Laws 1999, c. 51, § 1, eff. July 1, 1999; Laws 2003, c. 294, § 2, eff. Nov. 1, 2003; Laws 2004, c. 239, § 2, eff. July 1, 2004.

§22-981. Authority of officer while conveying prisoner - Assistance of citizens - Penalty for refusing assistance.

The sheriff or his deputy while conveying the defendant to the proper prison in execution of a judgment of imprisonment has the same authority to require the assistance of any citizen of this state in securing the defendant and in retaking him if he escape, as if the sheriff were in his own county, and every person who refuses or neglects to assist the sheriff, when so required, is punishable as if the sheriff were in his own county.

R.L.1910, § 5966. Amended by Laws 1982, c. 25, § 1, operative Oct. 1, 1982.

§22-982. Presentence investigation.

A. Whenever a person is convicted of a violent felony offense whether the conviction is for a single offense or part of any combination of offenses, except when the death sentence is available as punishment for the offense, the court may, before imposing the sentence, require a presentence investigation be made of the offender by the Department of Corrections. The court shall order the defendant to pay a fee to the Department of Corrections of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the presentence investigation. In hardship cases, the court may reduce the amount of the fee and establish a payment schedule.

B. Whenever a person has a prior felony conviction and enters a plea of guilty or nolo contendere to a felony offense other than a violent felony offense, without an agreement by the district attorney regarding the sentence to be imposed, the court may order a

presentence investigation be made by the Department of Corrections. The fee provided in subsection A of this section shall apply to persons subject to this subsection.

C. Whenever a person has entered a plea of not guilty to a nonviolent felony offense and is found guilty by a court following a non-jury trial, the court may require a presentence investigation be made by the Department of Corrections. The fee provided in subsection A of this section shall apply to persons subject to this subsection.

D. When conducting a presentence investigation, the Department shall inquire into the circumstances of the offense and the characteristics of the offender. The information obtained from the investigation shall include, but not be limited to, a voluntary statement from each victim of the offense concerning the nature of the offense and the impact of the offense on the victim and the immediate family of the victim, the amount of the loss suffered or incurred by the victim as a result of the criminal conduct of the offender, and the age, marital status, living arrangements, financial obligations, income, family history and education, prior juvenile and criminal records, associations with other persons convicted of a felony offense, social history, indications of a predisposition to violence or substance abuse, remorse or guilt about the offense or the harm to the victim, job skills and employment history of the offender. The Department shall make a report of information from such investigation to the court, including a recommendation detailing the punishment which is deemed appropriate for both the offense and the offender, and specifically a recommendation for or against probation or suspended sentence. The report of the investigation shall be presented to the judge within a reasonable time, and upon failure to present the report, the judge may proceed with sentencing. Whenever, in the opinion of the court or the Department, it is desirable, the investigation shall include a physical and mental examination or either a physical or mental examination of the offender.

E. The district attorney may have a presentence investigation made by the Department on each person charged with a violent felony offense and entering a plea of guilty or a plea of nolo contendere as part of or in exchange for a plea agreement for a violent felony offense. The presentence investigation shall be completed before the terms of the plea agreement are finalized. The court shall not approve the terms of any plea agreement without reviewing the presentence investigation report to determine whether or not the terms of the sentence are appropriate for both the offender and the offense. The fee provided in subsection A of this section shall apply to persons subject to this subsection and shall be a condition of the plea agreement and sentence.

F. The presentence investigation reports specified in this section shall not be referred to, or be considered, in any appeal proceedings. Before imposing a sentence, the court shall advise the defendant, counsel for the defendant, and the district attorney of the factual contents and conclusions of the presentence investigation report. The court shall afford the offender a fair opportunity to controvert the findings and conclusions of the reports at the time of sentencing. If either the defendant or the district attorney desires, a hearing shall be set by the court to allow both parties an opportunity to offer evidence proving or disproving any finding contained in a report, which shall be a hearing in mitigation or aggravation of punishment.

G. The required presentence investigation and report may be waived upon written waiver by the district attorney and the defendant and upon approval by the Court.

H. As used in this section, "violent felony offense" means:

1. Arson in the first degree;
2. Assault with a dangerous weapon, battery with a dangerous weapon or assault and battery with a dangerous weapon;
3. Aggravated assault and battery on a police officer, sheriff, highway patrol officer, or any other officer of the law;
4. Assault with intent to kill, or shooting with intent to kill;
5. Assault with intent to commit a felony, or use of a firearm to commit a felony;
6. Assault while masked or disguised;
7. Burglary in the first degree or burglary with explosives;
8. Child beating or maiming;
9. Forcible sodomy;
10. Kidnapping, or kidnapping for extortion;
11. Lewd or indecent proposition or lewd or indecent acts with a child;
12. Manslaughter in the first or second degrees;
13. Murder in the first or second degrees;
14. Rape in the first or second degrees, or rape by instrumentation;
15. Robbery in the first or second degrees, or robbery by two or more persons, or robbery with a dangerous weapon; or
16. Any attempt, solicitation or conspiracy to commit any of the above enumerated offenses.

Added by Laws 1967, c. 277, § 1, emerg. eff. May 8, 1967. Amended by Laws 1975, c. 369, § 1, emerg. eff. June 18, 1975; Laws 1982, c. 25, § 1, operative Oct. 1, 1982; Laws 1992, c. 319, § 1, eff. Sept. 1, 1992; Laws 1997, c. 328, § 1; Laws 2002, c. 460, § 18, eff. Nov. 1, 2002; Laws 2017, c. 170, § 1, eff. Nov. 1, 2017; Laws 2019, c. 326, § 1, eff. Nov. 1, 2019.

NOTE: Laws 1997, c. 133, § 19 repealed by Laws 1999, 1st Ex. Sess., c. 5, § 452, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 19 from July 1, 1998, to July 1, 1999.

§22-982a. Judicial review.

A. 1. Any time within sixty (60) months after the initial sentence is imposed or within sixty (60) months after probation has been revoked, the court imposing sentence or revocation of probation may modify such sentence or revocation by directing that another sentence be imposed, if the court is satisfied that the best interests of the public will not be jeopardized; provided, however, the court shall not impose a deferred sentence. Any application for sentence modification that is filed and ruled upon beyond twelve (12) months of the initial sentence being imposed must be approved by the district attorney who shall provide written notice to any victims in the case which is being considered for modification.

2. The court imposing sentence may modify the sentence of any offender who was originally sentenced for a drug charge and ordered to complete the Drug Offender Work Camp at the Bill Johnson Correctional Facility and direct that another sentence be imposed, if the court is satisfied that the best interests of the public will not be jeopardized; provided, however, the court shall not impose a deferred sentence. An application for sentence modification pursuant to this paragraph may be filed and ruled upon beyond the initial sixty-month time period provided for in paragraph 1 of this subsection.

3. This section shall not apply to convicted felons who have been in confinement in any state or federal prison system for any previous felony conviction during the ten-year period preceding the date that the sentence this section applies to was imposed. Further, without the consent of the district attorney, this section shall not apply to sentences imposed pursuant to a plea agreement or jury verdict.

B. The court imposing the sentence may modify the sentence of any offender sentenced to life without parole for an offense other than a violent crime, as enumerated in Section 571 of Title 57 of the Oklahoma Statutes, who has served at least ten (10) years of the sentence in the custody of the Department of Corrections upon a finding that the best interests of the public will not be jeopardized. Provided; however, prior to granting a sentence modification under the provisions of this subsection, the court shall provide notice of the hearing to determine sentence modification to the victim or representative of the victim and shall allow the victim or representative of the victim the opportunity to provide testimony at the hearing. The court shall consider the

testimony of the victim or representative of the victim when rendering a decision to modify the sentence of an offender.

C. For purposes of judicial review, upon court order or written request from the sentencing judge, the Department of Corrections shall provide the court imposing sentence or revocation of probation with a report to include a summary of the assessed needs of the offender, any progress made by the offender in addressing his or her assessed needs, and any other information the Department can supply on the offender. The court shall consider such reports when modifying the sentence or revocation of probation. The court shall allow the Department of Corrections at least twenty (20) days after receipt of a request or order from the court to prepare the required reports.

D. If the court considers modification of the sentence or revocation of probation, a hearing shall be made in open court after receipt of the reports required in subsection C of this section. The clerk of the court imposing sentence or revocation of probation shall give notice of the judicial review hearing to the Department of Corrections, the offender, the legal counsel of the offender, and the district attorney of the county in which the offender was convicted upon receipt of the reports. Such notice shall be mailed at least twenty-one (21) days prior to the hearing date and shall include a copy of the report and any other written information to be considered at the judicial review hearing.

E. If an appeal is taken from the original sentence or from a revocation of probation which results in a modification of the sentence or modification to the revocation of probation of the offender, such sentence may be further modified in the manner described in paragraph 1 of subsection A of this section within sixty (60) months after the receipt by the clerk of the district court of the mandate from the Supreme Court or the Court of Criminal Appeals.

Added by Laws 1983, c. 37, § 1, eff. Nov. 1, 1983. Amended by Laws 1997, c. 133, § 69, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 20, eff. July 1, 1999; Laws 2007, c. 358, § 6, eff. July 1, 2007; Laws 2009, c. 240, § 1, emerg. eff. May 21, 2009; Laws 2010, c. 2, § 8, emerg. eff. March 3, 2010; Laws 2012, c. 228, § 3, eff. Nov. 1, 2012; Laws 2015, c. 127, § 1, eff. Nov. 1, 2015; Laws 2016, c. 160, § 1, eff. Nov. 1, 2016; Laws 2018, c. 128, § 1, eff. Nov. 1, 2018.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 69 from July 1, 1998, to July 1, 1999.

NOTE: Laws 2009, c. 275, § 1 repealed by Laws 2010, c. 2, § 9, emerg. eff. March 3, 2010.

§22-982b. Abeyance of sentence pending execution of federal sentence.

A. Upon motion of the district attorney of the county from which a sentence was imposed, the court may hold execution of a sentence of imprisonment in abeyance if the offender has a pending sentence of incarceration to be served in the custody of the United States Bureau of Prisons or successor federal agency.

B. Any offender whose sentence has been held in abeyance pending execution of a federal sentence pursuant to subsection A of this section shall be returned to the Department of Corrections to complete execution of his or her sentence upon release from federal custody, unless the remainder of the sentence of the offender has been discharged, vacated, paroled, or commuted while the offender was in federal custody.

C. In determining whether to hold the execution of a sentence in abeyance pending execution of a federal sentence, the court shall consider the safety of the public, personnel of the Department of Corrections, personnel of law enforcement agencies, other inmates, and the offender. The filing of a motion to hold the execution of a sentence in abeyance by the district attorney shall create a rebuttable presumption that it is in the public interest to hold the sentence in abeyance and that the motion shall be granted.

D. The Department of Corrections shall be responsible for transportation of the offender from federal custody to state custody upon the release of the offender from federal custody.

E. An offender whose sentence has been held in abeyance pending execution of a federal sentence shall not be released from the custody of the Department of Corrections until and unless federal authorities take custody of the offender. In no event shall an order holding execution of a state sentence in abeyance pursuant to this section result in the release of the offender from both state and federal custody simultaneously.

F. The provisions of this section shall not apply to any offender who has been sentenced to death and whose death sentence remains valid.

Added by Laws 2024, c. 154, § 1, eff. Nov. 1, 2024.

§22-983. See the following versions:

OS 22-983v1 (SB 689, Laws 2018, c. 128, § 2).

OS 22-983v2 (SB 623, Laws 2023, c. 310, § 3).

OS 22-983v3 (HB 3546, Laws 2024, c. 211, § 2).

§22-983a. Authority to waive fines, costs and fees.

A. On or after November 1, 2016, the court shall have the authority to waive all outstanding fines, court costs and fees in a criminal case for any person who:

1. Served a period of imprisonment in the custody of the Department of Corrections after conviction for a crime;

2. Has been released from the custody of the Department of Corrections;

3. Has complied with all probation or supervision requirements since being released from the custody of the Department of Corrections; and

4. Has made installment payments on outstanding fines, court costs, fees and restitution ordered by the court on a timely basis every month for the previous twenty-four (24) months following release from the custody of the Department of Corrections.

B. The provisions of this section shall not apply to amounts owed by the person for restitution to a victim pursuant to a court order or child support obligations pursuant to a court order.

Added by Laws 2016, c. 392, § 1, eff. Nov. 1, 2016.

§22-983b. Released persons - Hearing to determine ability to pay fines, fees and costs.

A. Any person released on parole or released without parole from a term of imprisonment with the Department of Corrections shall be required to report at a time not less than one hundred eighty (180) days after his or her release from the Department of Corrections to:

1. The district court of the county from which the judgment and sentence resulting in incarceration arose; and

2. All other district courts or municipal courts where the person owes fines, fees, costs and assessments, for the purpose of scheduling a hearing to determine the ability of the person to pay fines, fees, costs or assessments owed by the person in every felony or misdemeanor criminal case filed in a district court or criminal case filed in a municipal court of this state. Such hearing shall be held in accordance with the provisions of Section VIII of the Rules of the Court of Criminal Appeals, 22 O.S. 2011, Ch. 18, App. A court may for good cause shown or in its discretion continue such hearing for up to one hundred eighty (180) days.

B. In determining the ability of the person to satisfy fines, fees, costs or assessments owed to a district or municipal court, the court shall inquire of the person at the time of the hearing which counties and municipalities the person owes fines, fees, costs or assessments in every felony or misdemeanor criminal case filed against the person and shall consider all court-ordered debt, including restitution and child support, in determining the ability of the person to pay. In calculating and determining the ability of a person to pay his or her fines, fees, costs, or assessments under the provisions of this subsection, any monies received from a federal or state government need-based assistance program shall not be counted as personal income to pay for the legal and financial obligations owed to the court. The court may reduce a person's

finest, fees, costs, or assessments if it is determined by the court that the person does not have the ability to pay the fines, fees, costs, or assessments. However, if the court determines that a reduction in the fines, fees, costs, or assessments is warranted, the court shall equally apply the same percentage reduction to the fines, fees, costs, or assessments owed by the person. The person shall not be required to pay any outstanding fines, fees, costs or assessments prior to the expiration of the one-hundred-eighty-day period; provided, however, the person shall not be precluded from voluntarily making payment toward the satisfaction of any fines, fees, costs or assessments due and owing to a district or municipal court of this state.

C. The Court of Criminal Appeals shall promulgate rules governing the provisions of this section including, but not limited to:

1. Reporting, hearing and payment requirements as provided for in subsections A and B of this section;

2. Consolidating district and municipal court fines, fees, costs or assessments owed by a person into one order for payment; and

3. Accepting and distributing payments received for fines, fees, costs or assessments to various district and municipal courts when consolidated by the court into one order for payment.

Added by Laws 2016, c. 392, § 2, eff. Nov. 1, 2016. Amended by Laws 2022, c. 29, § 2, eff. Nov. 1, 2022.

§22-983v1. Imprisonment or recommendation of suspension of driving privileges for failure to pay fines, costs, fees, or assessments - Hearing - Installments.

A. Any defendant found guilty of an offense in any court of this state may be imprisoned for nonpayment of the fine, cost, fee, or assessment when the trial court finds after notice and hearing that the defendant is financially able but refuses or neglects to pay the fine, cost, fee, or assessment. A sentence to pay a fine, cost, fee, or assessment may be converted into a jail sentence only after a hearing and a judicial determination, memorialized of record, that the defendant is able to satisfy the fine, cost, fee, or assessment by payment, but refuses or neglects so to do.

B. After a judicial determination that the defendant is able to pay the fine, cost, fee, or assessment in installments, the court may order the fine, cost, fee, or assessment to be paid in installments and shall set the amount and date for each installment.

C. In addition, the district court or municipal court, within one hundred twenty (120) days from the date upon which the person was originally ordered to make payment, may send notice of nonpayment of any court ordered fine and costs for a moving traffic violation to the Department of Public Safety with a recommendation

of suspension of driving privileges of the defendant until the total amount of any fine and costs has been paid. Upon receipt of payment of the total amount of the fine and costs for the moving traffic violation, the court shall send notice thereof to the Department, if a nonpayment notice was sent as provided for in this subsection. Notices sent to the Department shall be on forms or by a method approved by the Department.

D. The Court of Criminal Appeals shall implement procedures and rules for methods of establishing payment plans of fines, costs, fees, and assessments by indigents, which procedures and rules shall be distributed to all district courts and municipal courts by the Administrative Office of the Courts.

Added by Laws 1971, c. 341, § 5, emerg. eff. June 24, 1971. Amended by Laws 1990, c. 259, § 3, eff. Sept. 1, 1990; Laws 1991, c. 238, § 34, eff. July 1, 1991; Laws 1999, c. 359, § 6, eff. Nov. 1, 1999; Laws 2000, c. 159, § 1, emerg. eff. April 28, 2000; Laws 2000, c. 323, § 2, emerg. eff. June 5, 2000; Laws 2018, c. 128, § 2, eff. Nov. 1, 2018.

NOTE: HB 3925, Laws 2022, c. 350, § 5, amending this section, was repealed by HB 2259, Laws 2023, c. 247, § 5 and SB 907, Laws 2023, c. 369, § 1. Repealer sections were included in both HB 2259 and SB 907 which referred to the applicable sections of Enrolled HB 3925 from the 2nd Regular Session of the 58th Oklahoma Legislature (2022). The text of the affected statutes as amended by HB 3925 in 2022 was contained in HB 2259 with additional amendatory language, but was not contained in SB 907.

§22-983v2. Imprisonment or recommendation of suspension of driving privileges for failure to pay fines, costs, fees or assessments - Hearing - Installments.

A. 1. Except in cases provided for in Section 983b of this title, when the judgment and sentence of a court, either in whole or in part, imposes fines, costs, fees, or assessments upon a defendant, the court at the time of sentencing shall require the defendant to complete under oath a form promulgated by the Court of Criminal Appeals that provides current information regarding the financial ability of the defendant to pay.

2. The information to be required on the form shall include, but not be limited to, the individual and household income and living expenses of the defendant, excluding child support and any monies received from a federal or state government need-based or disability assistance program, the number of dependents, a listing of assets, excluding assets exempt from bankruptcy, child support obligations, health, mental or behavioral health conditions that diminish the ability of the defendant to pay restitution, and additional court-related expenses to be paid by the defendant.

3. For purposes of this section, fines, costs, fees, and assessments shall include all financial obligations imposed by the court or required by law to be paid, excluding restitution or payments to be made other than to the court clerk, and shall be referred to as financial obligations.

B. 1. The court shall order the defendant to appear immediately after sentencing at the office of the court clerk who shall inform the defendant of the total amount of all financial obligations that have been ordered by the court. If the defendant states to the court clerk that he or she is unable to pay the financial obligations immediately, the court clerk, based on the verified information provided by the defendant, shall establish, subject to approval of the court, a monthly installment plan that will cause the financial obligations to be satisfied within no more than seventy-two (72) months, unless extended by the court.

2. The court clerk shall advise the defendant orally and by delivery of a form promulgated by the Court of Criminal Appeals, that:

- a. it is the obligation of the defendant to keep the court clerk informed of the contact information of the defendant until the financial obligations have been paid. Such information shall include the current mailing and physical addresses of the defendant, telephone or cellular phone number of the defendant, and the email address where the defendant may receive notice from the court,
- b. if the defendant is unable to pay the financial obligations ordered by the court immediately or in the installments recommended by the court clerk, the defendant may request a cost hearing for the court to determine the ability of the defendant to pay the amount due and to request modification of the installment plan, a reduction in the amount owed, or waiver of payment of the amount owed, and
- c. upon any subsequent change in circumstances affecting the ability of the defendant to pay, the defendant may contact the court clerk and request additional cost hearings before the court.

3. An order shall be filed in the case with the approval or disapproval by the court of the payment plan. If the court does not approve the payment plan recommended by the court clerk, the court shall enter its order establishing the payment plan. The defendant shall be notified by certified mail or personal service of the order entered by the court and shall be given the opportunity for a cost hearing.

4. The district court for each county and all municipal courts shall set a regular time and courtroom for cost hearings.

C. If the defendant requests a cost hearing, the court clerk shall set the hearing no later than sixty (60) days after sentencing. In determining the ability of the defendant to pay, the court shall rely on the verified information submitted by the defendant on the form promulgated by the Court of Criminal Appeals and any updates to the information. In addition, the court may make inquiry of the defendant and consider any other evidence or testimony concerning the ability of the defendant to pay.

D. 1. If at the initial cost hearing or any subsequent cost hearing, the court determines that the defendant is unable to immediately pay the financial obligations or the required installments, the court may reduce the amount of the installments, extend the payment plan beyond seventy-two (72) months, or waive payment of all or part of the amount owed. The court may include a financial incentive for accelerated payment. Additionally, the court may order community service in lieu of payment. The defendant shall receive credit for no less than two times the amount of the minimum wage specified pursuant to state law for each hour of community service.

2. If at any time due to a change in conditions the defendant is unable to pay the financial obligations ordered by the court or any installment, the defendant may request an additional cost hearing.

E. If the court determines that a waiver of any of the financial obligations is warranted, the court shall equally apply the same percentage reduction to all fines, costs, fees, and assessments, excluding restitution.

F. 1. If a defendant is delinquent in the payment of financial obligations or an installment by more than sixty (60) days, the court clerk shall notify the court which shall, within ten (10) days thereafter, set a cost hearing for the court to determine if the defendant is able to pay. The hearing shall be set on a date that will allow the court clerk to issue a summons fourteen (14) days prior to the cost hearing.

2. No less than fourteen (14) days prior to the cost hearing, the court clerk shall issue one summons to the defendant to be served by United States mail to the mailing address of the defendant on file in the case, substantially as follows:

SUMMONS

You are ORDERED to appear for a cost hearing at a specified time, place, and date to determine if you are financially able but willfully refuse or neglect to pay the fines, costs, fees, or assessments or an installment due in Case No. _____.

You must be present at the hearing.

At any time before the date of the cost hearing, you may contact the court clerk and pay the fines, costs, fees, or assessments or any installment due.

THIS IS NOT AN ARREST WARRANT. However, if you fail to appear for the cost hearing or to make the payment, the court will issue a WARRANT for "FAILURE TO APPEAR-COST HEARING" and refer the case to a court cost compliance liaison which will cause an additional thirty percent (30%) administrative fee to be added to the amount owed.

3. If the defendant fails to appear at the cost hearing or pay the amount due the court shall issue a warrant for FAILURE TO APPEAR-COST HEARING and refer the case to the court cost compliance program as provided in subsection K of this section.

4. Municipal courts, in lieu of mailing the summons provided for in this subsection, may give the defendant personal notice at the time of sentencing of a specific date, time, and place, not less than sixty (60) nor more than one hundred twenty (120) days from the date of sentencing to appear for a cost hearing if the fines, costs, fees, and assessments remain unpaid.

G. If a defendant is found by a law enforcement officer to have an outstanding warrant for FAILURE TO APPEAR-COST HEARING, the law enforcement officer shall release the defendant and issue a citation to appear pursuant to Section 209 of this title. If the defendant fails to appear at the time and place cited by the law enforcement officer, the court may issue a summons or warrant as provided in Section 209 of this title. The provisions of this subsection shall not apply to a municipal court if the municipal court has previously provided personal service to the defendant of an opportunity for a cost hearing.

H. In determining whether the defendant is able to pay delinquent financial obligations or any installments due, the court shall consider the criteria provided in subsection C of this section.

I. Any defendant found guilty of an offense in any court of this state may be imprisoned for nonpayment of his or her financial obligations when the court finds after notice and hearing that the defendant is financially able but willfully refuses or neglects to pay the financial obligations owed. A sentence to pay a fine, cost, fee, or assessment may be converted into a jail sentence only after a hearing and a judicial determination, memorialized of record, that the defendant is able to satisfy the fine, cost, fee, or assessment by payment, but refuses or neglects so to do.

J. In addition, the district court or municipal court, within one hundred twenty (120) days from the date upon which the person was originally ordered to make payment, and if the court finds and memorializes into the record that the defendant is financially able but willfully refuses to or neglects to pay the fines, costs, fees, or assessments, or an installment due, may send notice of nonpayment of any court ordered fine and costs for a moving traffic violation to Service Oklahoma with a recommendation of suspension of driving privileges of the defendant until the total amount of any fine and

costs has been paid. Upon receipt of payment of the total amount of the fine and costs for the moving traffic violation, the court shall send notice thereof to Service Oklahoma, if a nonpayment notice was sent as provided for in this subsection. Notices sent to Service Oklahoma shall be on forms or by a method approved by Service Oklahoma.

K. All counties of the state shall fully utilize and participate in the court cost compliance program. Cases shall be referred to the court cost compliance program not less than thirty (30) days nor more than sixty (60) days after the defendant fails to appear for a cost hearing unless the defendant pays the amount owed on the financial obligation, or an installment due. When the court refers the case, the updated contact information on file shall be forwarded to a court cost compliance liaison for collection purposes.

L. The Court of Criminal Appeals shall implement procedures, forms, and rules consistent with the provisions of this section for methods of establishing payment plans of fines, costs, fees, and assessments by indigents, which procedures, forms, and rules shall be distributed to all district courts and municipal courts by the Administrative Office of the Courts.

Added by Laws 1971, c. 341, § 5, emerg. eff. June 24, 1971. Amended by Laws 1990, c. 259, § 3, eff. Sept. 1, 1990; Laws 1991, c. 238, § 34, eff. July 1, 1991; Laws 1999, c. 359, § 6, eff. Nov. 1, 1999; Laws 2000, c. 159, § 1, emerg. eff. April 28, 2000; Laws 2000, c. 323, § 2, emerg. eff. June 5, 2000; Laws 2018, c. 128, § 2, eff. Nov. 1, 2018; Laws 2022, c. 350, § 5, eff. July 1, 2023; Laws 2023, c. 310, § 3, eff. July 1, 2023.

NOTE: SB 623, Laws 2023, c. 310, § 3 amended this section, as amended by HB 3925, Laws 2022, c. 350, § 5. However, HB 3925, Laws 2022, c. 350, § 5, amending this section, was repealed by HB 2259, Laws 2023, c. 247, § 5 and SB 907, Laws 2023, c. 369, § 1. Repealer sections were included in both HB 2259 and SB 907 which referred to the applicable sections of Enrolled HB 3925 from the 2nd Regular Session of the 58th Oklahoma Legislature (2022). The text of the affected statutes as amended by HB 3925 in 2022 was contained in HB 2259 with additional amendatory language, but was not contained in SB 907.

§22-983v3. Ability of defendant to pay court financial obligations — Factors — Hardship waiver — Cost hearings — Delinquency — Warrants — Court cost compliance program.

A. As used in this section, unless the context otherwise requires:

1. "Cost arrest warrant" means a warrant authorizing arrest that is issued by a court under the following circumstances:

- a. failure to comply with the terms of a court financial obligations payment plan,
- b. failure to appear at a cost hearing or willfulness hearing, or
- c. failure to appear at the office of the court clerk of the county in which the court financial obligation is owed within ten (10) days of being cited by a law enforcement officer to appear;

2. "Cost cite and release warrant" means a warrant issued by a court authorizing citation and release under the following circumstances:

- a. failure to comply with terms of a court financial obligations payment plan, or
- b. failure to appear at a cost hearing or willfulness hearing;

3. "Cost hearing" means a hearing in which the court determines the ability of a defendant to pay court financial obligations. Once a cost hearing date has been set, all court financial obligations shall be suspended until the cost hearing has been held;

4. "Court financial obligation" means all financial obligations including fines, costs, fees, and assessments, imposed by the court or required by law to be paid, excluding restitution or payments to be made other than to the court clerk;

5. "Payment-in-full" means a court financial payment term that requires the defendant to pay the full amount of court financial obligations owed within ninety (90) days of a plea or sentence in the district court or within thirty (30) days of a plea or sentence in the municipal court;

6. "Payment-in-installments" means payment terms for court financial obligations that require the defendant to make monthly payments in any amount until the amount owed is fully paid; and

7. "Willfulness hearing" means a hearing in which the court determines whether a defendant who has previously been found to have the ability to pay court financial obligations has willfully failed to pay the debt.

B. 1. Except in cases provided for in Section 983b of this title, when the judgment and sentence of a court, either in whole or in part, imposes court financial obligations upon a defendant, the court at the time of sentencing may immediately, or at any point thereafter until the debt is either paid or waived, determine the ability of a defendant to pay the court financial obligations. The court may make such determinations at a cost hearing or upon written motion or affidavit by the defendant. The ability of a defendant to pay court financial obligations may not impact the sentence imposed.

2. Defendants with court financial obligations who are found by the court to be unable to pay, in whole or in part, shall be

relieved of the debt by the court through a hardship waiver of the court financial obligations, either in whole or in part.

3. In determining the ability of a defendant to pay, the court shall consider the following factors:

- a. individual and household income,
- b. household living expenses,
- c. number of dependents,
- d. assets,
- e. child support obligations,
- f. physical or mental health conditions that diminish the ability to generate income or manage resources,
- g. additional case-related expenses to be paid by the defendant, and
- h. any other factors relevant to the ability of the defendant to pay.

4. In determining the ability of a defendant to pay, the following shall not be considered as income or assets:

- a. child support income,
- b. any monies received from a federal, state, or tribal government need-based or disability assistance program, or
- c. assets exempt from bankruptcy.

5. Defendants in the following circumstances are presumed unable to pay and eligible for relief under paragraph 2 of this subsection:

- a. designated as totally disabled by any federal, state, or tribal disability services program including but not limited to military disability, Social Security Disability Insurance, Supplemental Security Income, or tribal disability benefits,
- b. receives support from the Temporary Assistance for Needy Families program, Supplemental Nutrition Assistance Program, the Special Supplemental Nutrition Program for Women, Infants, and Children nutrition education and supplemental food program, or any other federal need-based financial support,
- c. receives subsidized housing support through the Housing Choice Voucher program, the United States Department of Housing and Urban Development, or other state, local, or federal government housing subsidy program, or
- d. total income is below one hundred fifty percent (150%) of the federal poverty level.

C. 1. At the time of a plea or sentencing, the court shall inform the defendant of the total court financial obligations owed, the consequences of failing to pay the court financial obligations, and that the defendant may request a cost hearing if at any time he

or she is unable to pay the court financial obligations, at which point the court may waive all or part of the debt owed. If the total amount of court financial obligations owed is not available at the time of the plea or sentencing, the court shall inform the defendant that court financial obligations have been incurred and the time and location where the defendant may learn of the total amount owed.

2. The court shall order the defendant to appear immediately after sentencing at the office of the court clerk to provide current contact information and to either select payment terms or request a cost hearing. Failure to immediately report to the court clerk shall result in the full amount of court financial obligations to be due thirty (30) days from the date of the plea or sentencing in district courts or thirty (30) days from the date of the plea or sentencing in municipal courts.

3. Payment of court financial obligations may be made under the following terms:

- a. payment in full, or
- b. payment in installments.

Upon any change in circumstances affecting the ability of a defendant to pay, a defendant may request a cost hearing before the court by contacting the court clerk.

4. The district court for each county and all municipal courts shall provide a cost hearing for any defendant upon request, either by establishing a dedicated docket or on an as-requested basis. A defendant who requests a cost hearing will receive a summons by personal service or by United States mail to appear in court as required by subsection G of this section. If a defendant fails to appear for a requested cost hearing, the court may issue either a cost cite and release warrant or a cost arrest warrant. No fees shall be assessed or collected from the defendant as a consequence of either requesting a cost hearing or the issuing of a cost cite and release warrant.

D. In determining the ability of the defendant to pay court financial obligations, the court may rely on testimony, relevant documents, and any information provided by the defendant using a cost hearing affidavit promulgated by the Court of Criminal Appeals. In addition, the court may make inquiry of the defendant and consider any other evidence or testimony concerning the ability of the defendant to pay.

E. 1. If at the initial cost hearing or any subsequent cost hearing, the court determines that the defendant is able to pay some or all of the court financial obligations, the court may order any of the following conditions for payment:

- a. payment in full,
- b. payment in installments,

- c. financial incentive under a set of conditions determined by the court, or
- d. community service in lieu of payment; provided, the defendant shall receive credit for no less than two times the amount of the minimum wage specified pursuant to state law for each hour of community service.

2. Any defendant who fails to comply with the terms of the payment plan ordered by the court shall be considered delinquent and the court may issue either a cost cite and release warrant or a cost arrest warrant.

F. If the court determines that a waiver of any of the court financial obligations is warranted, the court shall apply the same percentage reduction equally to all fines, costs, fees, and assessments, excluding restitution.

G. 1. A defendant is considered delinquent in the payment of court financial obligations under the following circumstances:

- a. when the total amount due has not been paid by the due date, or
- b. when no installment payments have been received in the most recent ninety-day period.

2. The court clerk shall periodically review cases for delinquency at least once every six (6) months and, upon identifying a delinquent defendant, notify the court which shall, within ten (10) days thereafter, set a cost hearing for the court to determine if the defendant is able to pay. The cost hearing shall be set within forty-five (45) days of the issuance of the summons. The hearing shall be set on a date that shall allow the court clerk to issue a summons fourteen (14) days prior to the cost hearing. Defendants shall incur no additional fees associated with the issuance of the summons.

3. At least fourteen (14) days prior to the cost hearing, the court clerk shall issue one summons to the defendant to be served by United States mail to the mailing address of the defendant on file in the case, substantially as follows:

SUMMONS

You are ORDERED to appear for a COST HEARING at a specified time, place, and date to determine if you are financially able to pay the fines, costs, fees, or assessments or an installment due in Case No. _____.

YOU MUST BE PRESENT AT THE HEARING.

At any time before the date of the cost hearing, you may contact the court clerk and pay the amount due or request in writing or in person prior to the court date, that the hearing be rescheduled for no later than thirty (30) days after the scheduled time.

THIS IS NOT AN ARREST WARRANT. However, if you fail to appear for the cost hearing or pay the amount due, the court may issue a

WARRANT and may refer the case to a court cost compliance liaison which will cause an additional administrative fee of up to thirty-five percent (35%) to be added to the amount owed and may include additional costs imposed by the court.

4. Referrals to the court cost compliance program as provided in subsection L of this section shall be made as follows:

- a. courts shall refer a case to the court cost compliance program upon the issuance of a cost arrest warrant,
- b. courts may refer a case to the court cost compliance program upon the issuance of a cost cite and release warrant, or
- c. courts may refer a case to the court cost compliance program without the issuance of a warrant; provided, the defendant is delinquent and has had sufficient notice and opportunity to have a cost hearing.

5. A municipal court, in lieu of mailing the summons provided for in this subsection, may give the summons to the defendant in person at the time of sentencing or subsequent appearance of a specific date, time, and place, not fewer than thirty (30) days nor more than one hundred twenty (120) days from the date of sentencing to appear for a cost hearing if the court financial obligations remain unpaid.

H. 1. If a defendant is found by a law enforcement officer to have an outstanding cost cite and release warrant, the law enforcement officer shall issue a Warning/Notice to appear within ten (10) days of release from detention on the warrant to the court clerk of the court in which the court financial obligations are owed. If the officer has the necessary equipment, the officer shall immediately transmit the Warning/Notice electronically to the court clerk of the court in which the court financial obligations are owed. The law enforcement officer shall not take the defendant into custody on the cite and release warrant. If the law enforcement officer is unable to transmit the Warning/Notice electronically to the court clerk, the officer shall inform the appropriate department staff member within the agency of the law enforcement officer of the Warning/Notice within five (5) days. The department staff member shall then promptly notify the law enforcement agency in the jurisdiction that issued the warrant electronically who shall promptly notify the court clerk. The electronic communication shall be treated as a duplicate original for all purposes in any subsequent hearings before the appropriate court.

2. If the defendant reports to the office of the court clerk within the ten (10) days, the court clerk shall:

- a. inform the court of the Warning/Notice to the defendant and contact,
- b. schedule a cost hearing pursuant to applicable local court rule, and

- c. submit the warrant to the court for recall pending the cost hearing.

3. If the defendant fails to report to the office of the court clerk within the ten (10) days, the court may issue a cost arrest warrant for the arrest of the defendant.

4. Following an arrest on a cost arrest warrant, the defendant must be released after seventy-two (72) hours in custody. The defendant may be released prior to seventy-two (72) hours if:

- a. the custodian is presented with proof of payment in the amount of One Hundred Dollars (\$100.00) to each jurisdiction where the court financial obligations are owed and the new cost hearing date is provided,
- b. the court releases the defendant on the defendant's own recognizance and a new cost hearing date is provided, or
- c. the court conducts a cost or willfulness hearing, as appropriate, pursuant to the provisions of this section and determines the defendant should be released.

5. The provisions for issuing a separate summons described in subsection G of this section shall not apply to a municipal court if the municipal court has previously provided actual personal notice to the defendant of an opportunity for a cost hearing. If such notice was given and the defendant fails to appear, the municipal court may issue either a cost cite and release warrant or a cost arrest warrant.

6. All warrants for failure to appear at a cost hearing or for failure to pay court financial obligations which have been issued prior to the effective date of this act and which remain unserved, shall be treated as cost cite and release warrants. All warrant fees assessed for warrants for failure to appear at a cost hearing or for failure to pay court financial obligations issued prior to the effective date of this act shall remain in effect unless waived by the court.

I. Supporting documents in a motion or affidavit for relief from court financial obligation debt or any documents taken into evidence during a cost hearing or willfulness hearing shall not be viewable by the public on a court-controlled website.

J. 1. After a cost hearing where a defendant is found able to pay a court financial obligation, either in whole or in part, and then becomes delinquent in that payment, a court may conduct a willfulness hearing at any time beginning immediately after a cost hearing has been held and a decision rendered on the court financial obligations. Findings of a defendant's prior ability to pay may be considered as evidence of ability to pay or willfulness at the hearing. The requirements of this paragraph shall not be construed

to prohibit the court from holding subsequent cost hearings on the same court financial obligations.

2. At a willfulness hearing, the court shall evaluate the following:

- a. whether a cost hearing has been held previously where evidence relating to ability to pay was presented and the court found the defendant was able to pay the court financial obligations, either in whole or in part,
- b. whether there is any new evidence of ability to pay not previously considered or a change in circumstances since the cost hearing,
- c. whether the defendant was afforded sufficient time and opportunity to fulfill the obligation to pay the court financial obligations,
- d. whether the defendant made any efforts to satisfy the court financial obligations, and
- e. whether there are any other relevant facts or circumstances.

3. After a finding of willful failure to pay court financial obligations, the court may impose a jail sentence pursuant to Section 101 of Title 28 of the Oklahoma Statutes. A jail sentence may be imposed only under the following circumstances:

- a. the hearing is conducted on the record pursuant to the rules promulgated by the Court of Criminal Appeals, and
- b. the defendant is represented by counsel or expressly waives his or her right to counsel.

4. If a jail sentence is imposed, the court may grant credit for any time already served. At any time after incarceration, the jail sentence may be satisfied upon payment in full of the outstanding balance with credit for any time already served.

K. The district court or municipal court, within one hundred twenty (120) days from the date upon which the person fails to comply with the financial obligation as ordered by the court or fails to appear for the offered cost or willfulness hearing, may, if the defendant has previously been notified of the possibility of a suspension, send notice of nonpayment of any court-ordered financial obligation for a moving traffic violation to Service Oklahoma with a recommendation of suspension of driving privileges of the defendant until the total amount of any court financial obligation has been paid or waived by the court. Upon receipt of payment of the total amount of the court financial obligations for the moving traffic violation, the court shall send notice thereof to Service Oklahoma, if a nonpayment notice was sent as provided for in this subsection. Notices sent to Service Oklahoma shall be on forms or by a method approved by Service Oklahoma.

L. Every county and district court of this state shall fully utilize and participate in the court cost compliance program. Cases shall be referred to the court cost compliance program no more than sixty (60) days after the court has ordered the referral pursuant to paragraph 4 of subsection G of this section, unless the defendant pays the amount owed on the court financial obligation or an installment due. When the court refers a case, the updated contact information on file shall be forwarded to a court cost compliance liaison for collection purposes.

M. The Court of Criminal Appeals shall implement procedures and rules for implementation of the requirements of this section. Such procedures, rules, and any supplemental forms may be made available by the Administrative Office of the Courts.

Added by Laws 1971, c. 341, § 5, emerg. eff. June 24, 1971. Amended by Laws 1990, c. 259, § 3, eff. Sept. 1, 1990; Laws 1991, c. 238, § 34, eff. July 1, 1991; Laws 1999, c. 359, § 6, eff. Nov. 1, 1999; Laws 2000, c. 159, § 1, emerg. eff. April 28, 2000; Laws 2000, c. 323, § 2, emerg. eff. June 5, 2000; Laws 2018, c. 128, § 2, eff. Nov. 1, 2018; Laws 2023, c. 247, § 3, eff. Nov. 1, 2023; Laws 2024, c. 211, § 2, eff. Nov. 1, 2024.

NOTE: HB 3925, Laws 2022, c. 350, § 5, amending this section, was repealed by HB 2259, Laws 2023, c. 247, § 5 and SB 907, Laws 2023, c. 369, § 1. Repealer sections were included in both HB 2259 and SB 907 which referred to the applicable sections of Enrolled HB 3925 from the 2nd Regular Session of the 58th Oklahoma Legislature (2022). The text of the affected statutes as amended by HB 3925 in 2022 was contained in HB 2259 with additional amendatory language, but was not contained in SB 907.

§22-984. Repealed by Laws 2010, c. 135, § 18, eff. Nov. 1, 2010.

§22-984.1. Renumbered as § 142A-8 of Title 21 by Laws 2010, c. 135, § 19, eff. Nov. 1, 2010.

§22-984.2. Renumbered as § 142A-9 of Title 21 by Laws 2010, c. 135, § 20, eff. Nov. 1, 2010.

§22-984.3. Renumbered as § 142A-10 of Title 21 by Laws 2010, c. 135, § 21, eff. Nov. 1, 2010.

§22-984.4. Repealed by Laws 2010, c. 135, § 18, eff. Nov. 1, 2010.

§22-985. Short title - Justice Safety Valve Act.

Sections 2 and 3 of this act shall be known and may be cited as the "Justice Safety Valve Act".

Added by Laws 2015, c. 243, § 1, eff. Nov. 1, 2015.

§22-985.1. Departure from mandatory minimum sentencing -
Requirements - Exceptions.

A. When sentencing a person convicted of a criminal offense for which there is a mandatory minimum sentence of imprisonment, the court may depart from the applicable sentence if the court finds substantial and compelling reasons on the record, after giving due regard to the nature of the crime, history, and character of the defendant and his or her chances of successful rehabilitation, that:

1. The mandatory minimum sentence of imprisonment is not necessary for the protection of the public; or
2. Imposition of the mandatory minimum sentence of imprisonment would result in substantial injustice to the defendant; or
3. The mandatory minimum sentence of imprisonment is not necessary for the protection of the public and the defendant, based on a risk and needs assessment, is eligible for an alternative court, a diversion program or community sentencing, without regard to exclusions because of previous convictions, and has been accepted to the same, pending sentencing.

B. The court shall not have the discretion to depart from the applicable mandatory minimum sentence of imprisonment on convictions for criminal offenses under the following circumstances:

1. The offense for which the defendant was convicted is among those crimes listed in Section 571 of Title 57 of the Oklahoma Statutes as excepted from the definition of "nonviolent offense";
2. The offense for which the defendant was convicted was a sex offense and will require the defendant to register as a sex offender pursuant to the provisions of the Sex Offenders Registration Act;
3. The offense for which the defendant was convicted involved the use of a firearm;
4. The offense for which the defendant was convicted is a crime listed in Section 13.1 of Title 21 of the Oklahoma Statutes requiring the defendant to serve not less than eighty-five percent (85%) of any sentence of imprisonment imposed by the judicial system prior to becoming eligible for consideration for parole;
5. The offense for which the defendant was convicted is a violation of the Trafficking in Illegal Drugs Act as provided in Sections 2-414 through 2-420 of Title 63 of the Oklahoma Statutes;
6. The defendant was the leader, manager or supervisor of others in a continuing criminal enterprise; or
7. The offense for which the defendant was convicted is a violation of the Oklahoma Antiterrorism Act as provided in Sections 1268 through 1268.8 of Title 21 of the Oklahoma Statutes.

C. Any departure from the mandatory minimum sentence as authorized in this section shall not reduce the sentence to less than twenty-five percent (25%) of the mandatory term.
Added by Laws 2015, c. 243, § 2, eff. Nov. 1, 2015. Amended by Laws 2018, c. 128, § 3, eff. Nov. 1, 2018.

§22-985.2. Departures report.

The district court clerk of each county shall submit a report of the departures in sentencing to the Clerk of the Court of Criminal Appeals on or before the first day of February of each year. On or before the first day of March of each year the Clerk of the Court of Criminal Appeals shall make available, in digital electronic format and on the website of the Oklahoma Court of Criminal Appeals, a report as to the number of departures from mandatory minimum sentences made by each judge in the state during the previous calendar year.

Added by Laws 2015, c. 243, § 3, eff. Nov. 1, 2015.

§22-987.1. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-987.2. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-987.3. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-987.4. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-987.5. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-987.6. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-987.7. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-987.8. Repealed by Laws 2000, c. 39, § 4, emerg. eff. April 10, 2000.

§22-987.9. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-987.10. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-987.11. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-987.12. Repealed by Laws 2000, c. 39, § 4, emerg. eff. April 10, 2000.

§22-987.13. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-987.14. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-987.15. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-987.16. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-987.17. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-987.18. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-987.19. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-987.20. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-987.21. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-987.22. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-987.23. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-987.26. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-988.1. Short title.

Sections 1 through 25 of this act shall be known and may be cited as the "Oklahoma Community Sentencing Act".

Added by Laws 1999, 1st Ex.Sess., c. 4, § 1, eff. July 1, 1999.

§22-988.2. Definitions.

A. For purposes of the Oklahoma Community Sentencing Act:

1. "Local community sentencing system" means the use of public and private entities to deliver services to the sentencing court for punishment of eligible offenders under the authority of a community sentence;

2. "Community sentence" or "community punishment" means a punishment imposed by the court as a condition of a deferred or suspended sentence for an eligible offender;

3. "Continuum of sanctions" means a variety of coercive measures ranked by degrees of public safety, punitive effect, and cost benefit which are available to the sentencing judge as punishment for criminal conduct;

4. "Community sentencing system planning council" or "planning council" means a group of citizens and elected officials specified by law or appointed by the Chief Judge of the Judicial District which plans the local community sentencing system and with the assistance of the Community Sentencing Division of the Department of Corrections locates treatment providers and resources to support the local community sentencing system;

5. "Incentive" means a court-ordered reduction in the terms or conditions of a community sentence which is given for exceptional performance or progress by the offender;

6. "Disciplinary sanction" means a court-ordered punishment in response to a technical or noncompliance violation of a community sentence which increases in intensity or duration with each successive violation;

7. "Division" means the Community Sentencing Division within the Department of Corrections which is the state administration agency for the Oklahoma Community Sentencing Act, the statewide community sentencing system, and all local community sentencing systems;

8. "Eligible offender" means an offender who has been convicted of or who has entered a plea other than not guilty to a crime and who upon completion of a risk and needs assessment has been found to be in a range other than the low range and who is not otherwise prohibited by law, or is a person who has had an assessment authorized by Section 3-704 of Title 43A of the Oklahoma Statutes and the assessment recommends community sentencing. Provided, however, that no person who has been convicted of or who has entered a plea other than not guilty to an offense enumerated in paragraph 2 of Section 571 of Title 57 of the Oklahoma Statutes, as an exception to the definition of "nonviolent offense", shall be eligible for a community sentence or community punishment unless the district attorney or an assistant district attorney for the district in which the offender's conviction was obtained consents thereto. The district attorney may consent to eligibility for an offender who has a mental illness or a developmental disability or a co-occurring mental illness and substance abuse disorder and who scores in the

low range on the risk and needs assessment authorized by Section 3-704 of Title 43A of the Oklahoma Statutes or another assessment instrument if the offender is not otherwise prohibited by law. Any consent by a district attorney shall be made a part of the record of the case; and

9. "Statewide community sentencing system" means a network of all counties through their respective local community sentencing systems serving the state judicial system and offering support services to each other through reciprocal and interlocal agreements and interagency cooperation.

B. For the purposes of the Oklahoma Community Sentencing Act, if a judicial district does not have a Chief Judge or if a judicial district has more than one Chief Judge, the duties of the Chief Judge provided for in the Oklahoma Community Sentencing Act shall be performed by the Presiding Judge of the Judicial Administrative District.

Added by Laws 1999, 1st Ex. Sess., c. 4, § 2, eff. July 1, 1999.

Amended by Laws 2004, c. 251, § 1, eff. July 1, 2004; Laws 2011, c. 218, § 1, eff. Nov. 1, 2011; Laws 2015, c. 331, § 1, eff. Nov. 1, 2015; Laws 2016, c. 222, § 3, eff. Nov. 1, 2016; Laws 2017, c. 42, § 11; Laws 2018, c. 128, § 4, eff. Nov. 1, 2018; Laws 2022, c. 55, § 1, eff. Nov. 1, 2022; Laws 2023, c. 79, § 1, eff. Nov. 1, 2023.

NOTE: Laws 2015, c. 397, § 3 repealed by Laws 2016, c. 210, § 10, emerg. eff. April 26, 2016. Laws 2016, c. 210, § 9 repealed by Laws 2017, c. 42, § 12.

§22-988.3. Purpose of act.

The purposes of the Oklahoma Community Sentencing Act are to:

1. Protect the public;
2. Establish a statewide community sentencing system;
3. Adequately supervise offenders punished under a court-ordered community sentence;
4. Provide a series of sanctions to the court for eligible offenders sentenced to a community sentence within the community sentencing system;
5. Increase the availability of punishment and treatment programs to eligible offenders;
6. Improve the criminal justice system within this state through public/private partnerships, reciprocal and interlocal governmental agreements, and interagency cooperation and collaboration; and
7. Operate effectively within the allocation of state and local resources for the criminal justice system.

Added by Laws 1999, 1st Ex.Sess., c. 4, § 3, eff. July 1, 1999.

Amended by Laws 2003, c. 341, § 2, eff. Nov. 1, 2003; Laws 2023, c. 79, § 2, eff. Nov. 1, 2023.

§22-988.4. Mandatory local system.

In jurisdictions where a community sentencing system has not been established prior to the effective date of this act, the Chief Judge of the Judicial District shall establish the geographic boundaries of a community sentencing system which shall be the boundaries of each county, unless the Chief Judge establishes one or more multicounty community sentencing systems consisting of two or more contiguous counties within the judicial district; provided, however, the consent of the sheriff of each affected county and each district attorney operating within each of the subject counties must be obtained before a county may join a proposed multicounty community sentencing system. Multicounty community sentencing systems may be established by the Chief Judge of a Judicial District with the consent of each local council affected in such manner as provided by rules promulgated by the Community Sentencing Division within the Department of Corrections.

Added by Laws 1999, 1st Ex.Sess., c. 4, § 4, eff. July 1, 1999.

§22-988.5. Community sentencing system planning councils.

A. A community sentencing system planning council shall be established for each jurisdiction defined by the judge as provided in Section 4 of this act.

B. Single county planning councils shall have membership as follows:

1. The Chief Judge of the Judicial District or a judge having duties within the county appointed by the Chief Judge of the Judicial District;

2. The district attorney for the county or an assistant district attorney appointed by the district attorney;

3. The county sheriff or a deputy sheriff appointed by the sheriff;

4. A county commissioner appointed by the board of county commissioners for the county; and

5. Three or more citizens elected by the other designated members.

C. Multicounty planning councils shall have membership consisting of at least the following:

1. The Chief Judge of the Judicial District, or a judge having duties within the jurisdiction appointed by the Chief Judge of the Judicial District;

2. A district attorney or an assistant district attorney appointed by a majority vote of all district attorneys participating in the multicounty system;

3. A county sheriff or a deputy sheriff appointed by a majority vote of all sheriffs participating in the multicounty system;

4. A county commissioner appointed by a majority vote of all county commissioners of the counties participating in the multicounty system; and

5. Three or more citizens from each of the counties participating in the multicounty system elected by the other designated members.

Nothing in this subsection shall preclude a multicounty system from adding members from each of the participating offices of the sheriff, district attorney, and board of county commissioners, provided the number of citizen members equals or is greater than the number of sheriffs, district attorneys, and county commissioners serving on the multicounty planning council.

D. In the event the required planning council has not been established as provided by subsection A of this section for any county or as provided in Section 4 of this act or should a council cease to actively function as determined by the Community Sentencing Division of the Department of Corrections, the Chief Judge of the Judicial District upon notification by the Division shall appoint five or more persons to serve as the planning council in addition to a designated judge. All membership appointments required by this subsection shall be made on or before the first day of October of each year. Every planning council shall have a judge who shall be either the Chief Judge of the Judicial District or a judge having duties within the jurisdiction appointed by the Chief Judge. The Chief Judge making the appointments of a planning council pursuant to the provisions of this subsection shall decide whether the planning council shall be a single county planning council or a multicounty planning council. If a Chief Judge of a Judicial District will not serve as a member of a planning council or make any of the required appointments, the Chief Justice of the Supreme Court shall direct another judge of the jurisdiction to make the appointments or serve as the designated judge.

E. Once a planning council has been established, it shall notify the Community Sentencing Division within the Department of Corrections of its membership, and thereafter the jurisdiction shall be eligible to receive technical assistance from the state in establishing the required local community sentencing system.

F. Each member of a planning council shall reside in or have employment duties in the jurisdiction to be served by the council. Members serving on a planning council who are elected officials shall have a term of office on the planning council concurrent with the term of the elected office, except when the person resigns or is otherwise removed as provided by the rules promulgated for the council or as authorized by law. All other members of the planning council shall have staggered terms of office not exceeding a three-year term. Planning council members may be reappointed upon the expiration of their terms. The Chief Judge of the Judicial District

shall have the authority to remove any planning council member within the jurisdiction of the court district at any time for violation of the rules governing the local planning council.

G. Each planning council member shall have one vote, and a majority of voting members shall constitute a quorum. No vacancy shall impair the right of the remaining members to exercise all the duties of the planning council. Any vacancy occurring in the membership of a planning council shall be filled for the unexpired term of office in the same manner as the original selection.

H. The designated judge shall convene the initial meeting of the planning council within fifteen (15) days following the establishment of the council. At the initial meeting of the planning council, the membership shall elect a chair from its members who shall preside at all meetings of the council and perform such other duties as may be required by law. The planning council may elect another member as vice-chair who shall perform duties of the chair during any period of absence or upon the refusal or inability of the chair to act, a secretary who shall keep minutes of all meetings, and other officers as necessary.

I. Each planning council shall adopt written rules concerning meeting times, places, dates, conduct for disclosing and handling conflicts of interest, procedures for recommending service providers, procedures for removal and replacement of members for failure to attend a required number of meetings, procedures and timing for election of officers and any other provision necessary to implement the planning of a local system pursuant to the provisions of the Oklahoma Community Sentencing Act. The written rules promulgated by a planning council shall not be subject to the Administrative Procedures Act; provided, however, the rules shall be filed with the clerk of the district court or courts of the jurisdiction to be served by the community sentencing system. The rules may be amended by a majority vote of the planning council members after a thirty-day written notice detailing the change or addition has been filed with the court clerk where the original rules are filed.

J. Each planning council shall be subject to the provisions of the Oklahoma Open Meeting Act and the Oklahoma Open Records Act. Added by Laws 1999, 1st Ex.Sess., c. 4, § 5, eff. July 1, 1999.

§22-988.6. Planning council duties.

A. Each community sentencing planning council shall:

1. Plan the local community sentencing system within allocated funds and other available resources according to the provisions of the law and with the assistance of the Community Sentencing Division of the Department of Corrections;

2. Promulgate rules for functioning of the planning council which are consistent with the provisions of this act;

3. Prepare a detailed plan within the provisions of law and rule each fiscal year with an accompanying budget for the local community sentencing system;

4. Identify local resources by type, cost and location which are available to serve the court for eligible offenders sentenced to the community;

5. Identify qualified service providers to deliver services to the court for eligible offenders sentenced to the community;

6. Assist in monitoring the sentencing practices of the court to ensure the local community sentencing system functions within the allocation of resources and according to the provisions of this act;

7. Assist in preparing information necessary for qualified services to support the local community sentencing system plan as provided in Section 988.7 of this title;

8. Identify and advocate the use of interlocal governmental agreements for qualified services where services are not available within the jurisdiction or where services may be delivered in a more cost-effective manner by another jurisdiction;

9. Form multicounty systems as may be necessary to conserve state or local resources or to implement an appropriate range of services to the court;

10. Review and recommend services for cost-effectiveness and performance-based evaluation;

11. Identify various sources of funding and resources for the local community sentencing system including a variety of free services available to the court;

12. Assist in developing public/private partnerships in the local jurisdiction, reciprocal agreements, and interagency cooperation and collaboration to provide appropriate services and support to the system; and

13. Assist in promoting local involvement and support for the provisions of the Oklahoma Community Sentencing Act.

B. Each community sentencing planning council may employ a local director and other personnel to perform the duties of the local community sentencing system, subject to the availability of funds. Such council may contract with a county to provide benefits and payroll services to such personnel.

Added by Laws 1999, 1st Ex. Sess., c. 4, § 6, eff. July 1, 1999.

Amended by Laws 2015, c. 331, § 2, eff. Nov. 1, 2015; Laws 2023, c. 79, § 3, eff. Nov. 1, 2023.

§22-988.7. Local system plan.

A. A detailed plan for each local community sentencing system seeking state funds shall be submitted each fiscal year to the Community Sentencing Division within the Department of Corrections pursuant to the rules promulgated for such purpose. The designated judge of the planning council shall review the range of services

proposed in the plan and declare in writing whether the proposed services meet the needs of the court for purposes of sentencing pursuant to the authority of the Oklahoma Community Sentencing Act. The judge shall forward the plan to the Division for state review and appropriate funding. A plan that conforms with the purposes and goals of the Oklahoma Community Sentencing Act shall not be modified or disapproved except when the plan requires more funding than is available to the local system. Each local community sentencing system plan shall include, but not be limited to, the following goals:

1. Identification of existing resources, including cash, professional services, in-kind resources, property, or other sources of resources;

2. Identification of additional resources needed, identified by type and amount;

3. Projected number of offenders to be served by each provider and the projected total number of offenders to be served by the local system;

4. Types and priority groups of offenders to be served for purposes of budgeting and targeting specific use of selected service providers;

5. Identification of sentencing practices used for disciplinary sanctions for noncriminal conduct against participating offenders and applicable costs;

6. Identification of local policy statements;

7. Methods for allocating resources to support the services included in the plan;

8. Identification and evaluation of local record keeping and needs for audits or reviews;

9. Identification of any special administrative structure of the local system and list of specific service providers participating in the system, including detailed qualifications of staff and program administrators; and

10. Description and evaluation of the extent of community participation and support for the local system.

B. A community sentencing system shall be operational when the plan is accepted by the Community Sentencing Division or is receiving funding. The Division, upon receipt of a proposed local system plan for conformance with the purpose and goals of the Oklahoma Community Sentencing Act, shall have not more than forty-five (45) days to evaluate the plan and to notify the planning council of any recommended modification. The Division shall notify the chair of each local community sentencing system of its allocated budget by June 15. Based on the funding allocation, the local community sentencing system shall submit its budget to the Division prior to finalizing provider service agreements for the fiscal year. The Division shall not restrict by rule or practice the plan of any

local system or determine what constitutes treatment or necessary services if the treatment or services comply with the purposes and goals of the Oklahoma Community Sentencing Act, unless there is a demonstrated deficiency or poor program evaluation.

C. A local administrator as provided in Section 988.13 of this title shall assist the local planning council in gathering and keeping accurate information about the jurisdiction to support the planning process. For the previous two (2) years, the information pertaining to the jurisdiction may include, but not be limited to:

1. The number and rate of arrests, number of convictions, admissions to probation, number of offenders sentenced to post-imprisonment supervision, number of offenders sentenced to county jail, average length of sentence served in county jail, number of offenders sentenced to the custody of the Department of Corrections, and average length of sentence served in the custody of the Department of Corrections;

2. Current jail capacity, and jail population data by offender-type including, but not limited to, misdemeanor, felony, trusty, post-trial detainee, pretrial detainee, disciplinary sanction or juvenile;

3. A listing of services and programs available in the community, including costs, space availability, the number of offenders participating, the average length of participation and performance-based data;

4. Range of community punishments previously used by the courts for offenders within the jurisdiction, including methods and use of disciplinary sanctions for noncriminal behavior of offenders sentenced to community punishment and use of incentives;

5. A listing of educational, vocational-technical, health, mental health, substance abuse treatment, medical, and social services available to offenders or to be made available within a twelve-month period;

6. Restrictive residential facilities or other restrictive housing options available or to be made available within a twelve-month period; and

7. Approved local system plans and budgets.

Added by Laws 1999, 1st Ex.Sess., c. 4, § 7, eff. July 1, 1999.

Amended by Laws 2002, c. 165, § 1, eff. July 1, 2002; Laws 2023, c. 79, § 4, eff. Nov. 1, 2023.

§22-988.8. Community services and sentencing options.

A. A community sentencing system established pursuant to the provisions of the Oklahoma Community Sentencing Act shall include those community punishments and programs and services enumerated and funded in the annual plan submitted to the Community Sentencing Division within the Department of Corrections and any other services or punishments subsequently added and funded during a plan year.

The options may not be utilized for offenders not meeting the eligibility criteria of programs and score requirements for the risk and needs assessment. Each local system shall strive to have available to the court all of the following services for eligible offenders:

1. Community service with or without compensation to the offender;
2. Substance abuse treatment and availability for periodic drug testing of offenders following treatment;
3. Varying levels of supervision by the Department of Corrections probation officers or another qualified supervision source, including specialized supervision for repeat offenders, offenders with convictions for sex crimes, offenders with conviction for domestic violence offenses and offenders with diagnosed mental health needs;
4. Education and literacy provided by the State Department of Education, the county library system, the local school board, or another qualified source;
5. Employment opportunities and job skills training provided by the Oklahoma Department of Career and Technology Education or another qualified source;
6. Cognitive behavioral treatment and any other programming or treatment needs as identified based on the results of the risk and needs assessment administered under this section;
7. Enforced collections provided by the local court clerk, or another state agency; and
8. The availability of county jail or another restrictive housing facility for limited disciplinary sanctions.

B. The court may order as a community punishment for an eligible offender any condition listed as a condition available for a suspended sentence.

C. In all cases in which an offender is sentenced to a community punishment, the offender shall be ordered as part of the terms and conditions of the sentence to pay for the court ordered sanction, based upon ability to pay. Payments may be as provided by court order or pursuant to periodic payment schedules established by the service provider. If the offender does not have the financial ability to pay for the court ordered sanction, payment shall be made from funds budgeted for the local community sentencing system.

Added by Laws 1999, 1st Ex. Sess., c. 4, § 8, eff. July 1, 1999. Amended by Laws 2001, c. 33, § 22, eff. July 1, 2001; Laws 2002, c. 165, § 2, eff. July 1, 2002; Laws 2018, c. 128, § 5, eff. Nov. 1, 2018.

§22-988.9. Fees and costs.

A. Any offender sentenced to a community sentence pursuant to the Oklahoma Community Sentencing Act which requires supervision

shall be required to pay a supervision fee. The supervising agency shall establish the fee amount, not to exceed Forty Dollars (\$40.00) per month, based upon the offender's ability to pay. In hardship cases the supervising agency may expressly waive all or part of the fee. No supervising agency participating in a local community sentencing system shall deny any offender supervision services for the sole reason that the offender is indigent. Fees collected for supervision services performed by the Department of Corrections shall be paid directly to the Department to be deposited in the Department of Corrections Revolving Fund. Supervision services performed by contracted providers other than the Department shall be paid directly to that contracted provider.

B. In addition to any supervision fee, eligible offenders participating in a local community sentencing system under a court-ordered community punishment shall be required to pay an administrative fee to support the local system which shall not exceed Twenty Dollars (\$20.00) per month to be set by the court. Administrative fees when collected shall be deposited with the Community Sentencing Division within the Department of Corrections and credited to the local community sentencing system for support and expansion of the local community corrections system. In the event the court fails to order the amount of the administrative fee, the fee shall be Twenty Dollars (\$20.00) per month.

C. In addition to any supervision fee and administrative fee authorized by this section, the court shall assess court costs, and may assess program reimbursement costs, restitution, and fines to be paid by the offender. With the exception of supervision fees, other fees, costs, fines, restitution, or monetary obligations ordered to be paid by the offender shall not cease with the termination of active supervision and such obligations shall continue until fully paid and may be collected in the same manner as court costs. Added by Laws 1999, 1st Ex. Sess., c. 4, § 9, eff. July 1, 1999. Amended by Laws 2002, c. 165, § 3, eff. July 1, 2002; Laws 2011, c. 218, § 2, eff. Nov. 1, 2011; Laws 2019, c. 134, § 1, eff. Nov. 1, 2019.

§22-988.10. Resource-limited system.

A. It is the responsibility of the planning council, the sentencing judge, and the local administrator to ensure that the expenditure of funds within the local community sentencing system is appropriately made only for eligible offenders within the range of services offered to the court. It is further the responsibility of the local system, the prosecutor, the defense attorney, and sentencing court to keep an awareness of the local correctional resources and to utilize those resources in the most efficient manner when punishing eligible offenders with community punishments.

B. The sentencing judge when imposing any punishment pursuant to the provisions of the Oklahoma Community Sentencing Act shall consider the most cost-effective treatment specifically targeted for the offender's needs as determined by the Level of Services Inventory (LSI) report or assessment instrument.

C. The statewide system and each local system is required to monitor sentencing practices and eligibility requirements, prioritize expenditures, and operate within available resources for eligible offenders.

D. The Community Sentencing Division within the Department of Corrections shall not fund any community sentencing system beyond the accepted budget amounts in any fiscal year.

Added by Laws 1999, 1st Ex. Sess., c. 4, § 10, eff. July 1, 1999.

Amended by Laws 2019, c. 134, § 2, eff. Nov. 1, 2019.

§22-988.11. Performance-based evaluations.

Each service provider contracting with the state pursuant to the Oklahoma Community Sentencing Act shall be required to have a performance-based evaluation within two (2) years of participating in a local community sentencing system. The initial performance-based evaluation of a program or service shall be made two (2) years from the date a program or service is first designated in the local system plan and funded, provided the program or service continues to be included in the local system plan during a second or subsequent plan year. After an initial evaluation, the program or service shall be reviewed annually when the program or service continues to be designated as part of the local system plan. The Community Sentencing Division within the Department of Corrections may establish other criteria for evaluating programs and services, and shall establish procedures by rule for review of the evaluations prior to any renewal of service provider agreements or selection of new service providers. Evaluations shall apply to state agencies offering services pursuant to the provisions of the Oklahoma Community Sentencing Act.

Added by Laws 1999, 1st Ex.Sess., c. 4, § 11, eff. July 1, 1999.

§22-988.12. Custody of offenders - Medical expenditures.

A. Any person sentenced to a community punishment pursuant to the provisions of the Oklahoma Community Sentencing Act shall not be deemed an inmate, nor shall the person be considered to be in the custody of the Department of Corrections, nor shall the person require processing through the Lexington Reception and Assessment Center. Persons sentenced to community punishment pursuant to the Oklahoma Community Sentencing Act shall be in community custody within the county.

B. Except as otherwise specifically provided by law, persons sentenced to a community punishment which does not include

incarceration shall not have medical or dental expenses paid by the Department of Corrections or reimbursed by the Community Sentencing Division.

Added by Laws 1999, 1st Ex. Sess., c. 4, § 12, eff. July 1, 1999.

Amended by Laws 2002, c. 165, § 4, eff. July 1, 2002; Laws 2008, c. 366, § 3, emerg. eff. June 3, 2008.

§22-988.13. Local administrator.

A. Each local community sentencing system shall collaborate with a local administrator who shall be employed by the Community Sentencing Division within the Department of Corrections. The local administrator shall have the duty to:

1. Assist in administering the day-to-day operation of the local community sentencing system within the approved budget and plan and according to the provisions of the Oklahoma Community Sentencing Act and any rules promulgated by the Division;

2. Assist the planning council in the jurisdiction in identifying resources, collecting data on sentencing practices, and preparing the annual plan and supporting budget;

3. Provide the court with a listing of available services within the local community sentencing system for purposes of imposing a community sentence;

4. Carry out court orders pursuant to the provisions of the Oklahoma Community Sentencing Act as provided in the offender's judgment and sentence;

5. Assist offenders in locating service providers who are participating in the local system according to the terms of the community sentence;

6. Report to the judge all completions and violations of court orders for community sentences or community punishments;

7. Keep accurate records for the local system and coordinate those records for monitoring by the Community Sentencing Division;

8. Monitor the local service providers to assure appropriate delivery of services to both the offender and the local system;

9. Coordinate support for the planning council and the sentencing court;

10. Ensure that restitution, reimbursements, fines, costs, and other payments and fees are paid to and deposited with the appropriate entity;

11. Report to the Community Sentencing Division within the Department of Corrections any complaints or service delivery problems;

12. Ensure criminal disposition reports on community sentences are made to appropriate state and federal agencies; and

13. Perform other functions as specified by the Community Sentencing Division within the Department of Corrections for

purposes of implementing the provisions of the Oklahoma Community Sentencing Act.

B. The local administrator shall collaborate with and assist all existing county employees when a county has a preexisting community program operated at county expense. In the event state funding is to be provided for continuing an existing program, the Division shall promulgate rules for continuing an existing program.

C. When a service provider is selected to be part of the local community sentencing system, the employees of that service provider shall not become employees of the county, the local community sentencing system, or the state by virtue of any contractual agreement or payments from the state.

Added by Laws 1999, 1st Ex.Sess., c. 4, § 13, eff. July 1, 1999.

§22-988.14. State agency - Creation.

A. There is hereby created within the Department of Corrections the "Community Sentencing Division". The purpose of the Division shall be to implement and administer the Oklahoma Community Sentencing Act and any provisions of law relating to the operation and management of a statewide community sentencing system.

B. The Community Sentencing Division shall employ an executive management staff consisting of a deputy director and such other employees as authorized by the Legislature and subject to appropriations, who shall be unclassified state employees. In addition to the executive management staff, there shall be an appropriate number of local community sentencing system administrators as authorized by the Legislature and subject to appropriations, who shall be unclassified state employees of the Division. The deputy director of the Division shall report directly to the Director of the Department of Corrections or designee. The Legislature shall provide the Department of Corrections sufficient funds for administrative support to the Division, and the Division shall have a separate legislative appropriation for the implementation and operation of the statewide community sentencing system pursuant to the provisions of the Oklahoma Community Sentencing Act. The Director of the Department of Corrections or designee shall hire and set the salary of the executive management staff. The deputy director of the Division shall hire the local administrators.

Added by Laws 1999, 1st Ex. Sess., c. 4, § 14, eff. July 1, 1999.

Amended by Laws 2019, c. 134, § 3, eff. Nov. 1, 2019.

§22-988.15. Duties of state agency.

The Community Sentencing Division within the Department of Corrections shall have the duty to:

1. Administer a statewide community sentencing system pursuant to the provisions of the Oklahoma Community Sentencing Act and other provisions of law;
2. Establish goals and standards for the statewide community sentencing system and the local community sentencing systems;
3. Promulgate rules pursuant to the Administrative Procedures Act for the implementation and operation of the Oklahoma Community Sentencing Act;
4. Provide technical assistance and administrative support to each local community sentencing system. The technical assistance shall include, but not be limited to, information on:
 - a. corrections system design,
 - b. administration,
 - c. development, monitoring, and evaluating of programs and services,
 - d. program identification and specifications,
 - e. offender risk management,
 - f. supervision of offenders,
 - g. planning and budgeting,
 - h. grant applications, and
 - i. preparation and submission of documents, data, budgets, and system plans;
5. Coordinate and collaborate with other state agencies for services and technical assistance to each local community sentencing system;
6. Apply for and accept money and other assets to be utilized for support of a statewide community sentencing system and to allocate and disburse appropriated funds to local community sentencing systems through an appropriate funding method;
7. Review, analyze and fund local system plans within budgetary limitations;
8. Contract with local service providers and state agencies for services to the local system;
9. Identify and solicit other funding sources and resources to support the statewide community sentencing system;
10. Request post-audits of state funds;
11. Monitor and coordinate local systems;
12. Provide performance-based evaluations for all service providers of the statewide system;
13. Report annually by January 15 to the Legislature and Governor on the statewide system. The report shall provide an evaluation of the effectiveness of the Oklahoma Community Sentencing Act in terms of public safety, appropriate range of community punishments, cost-effectiveness, performance-based effectiveness in reducing recidivism, utilization by the judiciary, resource allocation, reduced state and local institutional receptions, if any, and statistical data, including, but not limited to, community

sentencing participation by county, total number of qualifying and nonqualifying community sentences per month for each local community sentencing system, total number of community sentences ordered per month, program participation and the annual average cost per offender. A copy of the report shall also be submitted to the Oklahoma Statistical Analysis Center, a unit of the Oklahoma State Bureau of Investigation, which shall publish the annual report on the website of the Bureau; and

14. Disseminate information to local administrators and community sentencing systems concerning corrections issues including, but not limited to:

- a. punishment options,
- b. disciplinary sanctions,
- c. resource allocation,
- d. administration,
- e. legal issues,
- f. supervision and risk management,
- g. treatment methodology and services,
- h. education and vocational services,
- i. service and program monitoring and evaluation methods,
- j. grants and funding assistance,
- k. data and record keeping, and
- l. offender characteristics.

Added by Laws 1999, 1st Ex.Sess., c. 4, § 15, eff. July 1, 1999.

Amended by Laws 2021, c. 214, § 1, eff. Nov. 1, 2021; Laws 2023, c. 14, § 1, eff. Nov. 1, 2023.

§22-988.16. Community sentencing system budgeting.

A. Each fiscal year the Division, in collaboration with the local planning councils, shall provide goals and funding priorities for community punishments as provided by law. The statewide community sentencing system shall be composed of local community sentencing system plans as approved by the Division. The Division shall promulgate rules for local community sentencing systems based upon objective criteria for allocation of state-appropriated funds to local systems for day-to-day operation during a fiscal year which may include identification of:

1. Fiscally responsible allocations of services and funds;
2. Innovative or effective programs of the local system; and
3. Appropriate targeting of offenders for services.

The Division and each of the local community sentencing systems are required to operate within the appropriated funds. The state shall require each local community sentencing system to identify resources other than state funds as part of the funding formula. The Division shall establish procedures for disbursement of state funds to service providers, and shall disburse state funds in a timely manner.

B. For a local community sentencing system to remain eligible for state funding, a local community sentencing system shall:

1. Demonstrate fiscal responsibility by operating the local system within the plan and budget allocation;

2. Require performance-based selection of service providers participating in the annual system plan;

3. Submit a plan which offers a continuum of sanctions for eligible offenders sentenced to the local community sentencing system and appropriately assign offenders for services; and

4. Comply with the rules promulgated by the Community Sentencing Division within the Department of Corrections and the provisions of the Oklahoma Community Sentencing Act.

C. When state funding is required to implement a local community sentencing system plan, the Community Sentencing Division shall approve the plan only to the extent that the jurisdiction's share of the total state appropriations will support the implementation of the local system plan. Modification to a local plan shall be for budgetary purposes, as provided in Section 988.7 of this title, and for compliance with law and rule.

D. State funds from the Community Sentencing Division disbursed to community sentencing systems shall be used for operation and administrative expenses and shall not be used to construct, renovate, remodel, expand or improve any jail, residential treatment facility, restrictive housing facility, or any other structure, nor shall these funds be used to replace funding or other resources from the federal, state, county or city government committed in support of the detailed system plan during the plan year.

E. Any funds accruing to the benefit of a community sentencing system shall be deposited in the Oklahoma Community Sentencing Revolving Fund created as provided in Section 557.1 of Title 57 of the Oklahoma Statutes, and shall be credited to the local jurisdiction making such deposit. The Community Sentencing Division within the Department of Corrections and every local planning council are authorized to apply for and accept grants, gifts, bequests and other lawful money from nonprofit private organizations, for-profit organizations, political subdivisions of this state, the United States, and private citizens to support or expand the community sentencing system.

Added by Laws 1999, 1st Ex.Sess., c. 4, § 16, eff. July 1, 1999.

Amended by Laws 2000, c. 39, § 1, emerg. eff. April 10, 2000; Laws 2002, c. 165, § 5, eff. July 1, 2002.

§22-988.17. Development and use of community sentence assessment and evaluation tests.

A. The Department of Corrections shall utilize the Level of Services Inventory (LSI) assessment instrument, or another assessment that evaluates criminal risk to recidivate, to evaluate

all eligible offenders sentenced to community punishments under the Oklahoma Community Sentencing Act. This assessment shall not be waived and is required for eligibility determination.

B. The Administrative Office of the Courts shall assist in promulgating instructions and forms necessary for the courts' use of the required assessment. In collaboration with the Department of Corrections, all state agencies shall provide technical assistance necessary to implement and monitor the Oklahoma Community Sentencing Act in the areas of their expertise and experience, and shall offer services to local community sentencing systems.

C. All participating state agencies and local planning councils are directed to promulgate rules necessary to implement the provisions of the Oklahoma Community Sentencing Act. When promulgating the rules, participating state agencies and local planning councils shall collaborate with the Division so their rules enhance the effectiveness of the statewide community sentencing system and statewide goals established for the criminal justice system.

Added by Laws 1999, 1st Ex.Sess., c. 4, § 17, eff. July 1, 1999.

§22-988.18. Assessment and evaluation of defendants.

A. On and after March 1, 2000, for each offender considered for any community punishment pursuant to the Oklahoma Community Sentencing Act, the judge shall, prior to sentencing, order an assessment and evaluation of the defendant as required by law. The judge may determine that no additional assessment is required if one was completed within the last six (6) months.

B. The risk and needs assessment and evaluation instrument designed to predict risk to recidivate approved by the Department of Corrections, shall be required to determine eligibility for any offender sentenced pursuant to the Oklahoma Community Sentencing Act. The completed assessment accompanied by a written supervision plan shall be presented to and reviewed by the court prior to determining any punishment for the offense. The purpose of the assessment shall be to identify the extent of the deficiencies and pro-social needs of the defendant, the potential risk to commit additional offenses that threaten public safety, and the appropriateness of various community punishments.

C. Upon order of the court, the defendant shall be required to submit to the risk and needs assessment which shall be administered and scored by an appropriately trained person pursuant to a service agreement with the local community sentencing system. Any defendant lacking sufficient skills to comprehend or otherwise participate in the assessment and evaluation shall have appropriate assistance. If it is determined that the offender cannot be adequately evaluated using the risk and needs assessment, the offender shall be deemed ineligible for any community services pursuant to the Oklahoma

Community Sentencing Act, and shall be sentenced as prescribed by law for the offense.

D. The willful failure or refusal of the defendant to be assessed and evaluated by using the risk and needs assessment shall preclude the defendant from eligibility for any community punishment.

E. The completed risk and needs assessment, shall include a written supervision plan and identify an appropriate community punishment, if any, when the offender is considered eligible for community punishments based upon the completed risk/need score from the risk and needs assessment of the offender. Unless otherwise prohibited by law, only eligible offenders, as defined in Section 988.2 of this title, shall be eligible for any state-funded community punishments.

F. The court is not required to sentence any offender to a community punishment regardless of an eligible score on the risk and needs assessment. Any offender scoring in the low risk/need levels on the risk and needs assessment may be sentenced to a suspended sentence with minimal, if any, conditions of the sentence to be paid by the offender. If the risk and needs assessment has been conducted, the evaluation report shall accompany the judgment and sentence, provided the risk and needs assessment indicates the offender is in need of this level of supervision and treatment.

Added by Laws 1999, 1st Ex. Sess., c. 4, § 18, eff. July 1, 1999. Amended by Laws 2002, c. 165, § 6, eff. July 1, 2002; Laws 2011, c. 218, § 3, eff. Nov. 1, 2011; Laws 2018, c. 128, § 6, eff. Nov. 1, 2018; Laws 2019, c. 25, § 18, emerg. eff. April 4, 2019; Laws 2023, c. 79, § 5, eff. Nov. 1, 2023.

NOTE: Laws 2018, c. 85, § 1 repealed by Laws 2019, c. 25, § 19, emerg. eff. April 4, 2019.

§22-988.19. Sentencing.

A. When ordering a community sentence or community punishment, the court shall first impose a deferred or suspended sentence for the offense as prescribed by law, and shall then order the appropriate community punishment as a condition of that deferred or suspended sentence. The design of the community punishment shall be based upon the supervision and intervention report from the risk and needs assessment. The local community sentencing system administrator shall have authority for all offender placements within the local community sentencing system pursuant to the court-ordered community sentence.

B. Persons convicted of or pleading guilty or nolo contendere to a combination of misdemeanor and felony offenses may receive services from a local community sentencing system when the county agrees in writing to pay the Community Sentencing Division within the Department of Corrections for the actual costs of services used

for misdemeanor cases. No state funds shall be used to pay for misdemeanor offenses.

C. Any time during the term of a community sentence, the court imposing the sentence may modify any previous provision as provided in this section.

D. Upon consideration of a properly filed motion to modify a community sentence pursuant to the provisions of this section, the staff of the community sentencing system in which the offender is ordered to participate, the sheriff, the district attorney, the service provider, or any agency or person providing supervision of the offender shall provide the court with any reports and other information available and relating to the offender, and to the reason for the motion to modify the sentence. The court shall consider any reports and information submitted prior to modifying the sentence.

E. If the court considers a motion to modify a community sentence, a hearing shall be held in open court. The notice of the hearing shall be given to the offender, the offender's legal counsel, and the district attorney of the county in which the offender was convicted not less than ten (10) days prior to the hearing. A copy of any reports to be presented to the court shall accompany the notice of hearing.

F. Following the hearing, the court shall enter the appropriate order authorized by law. The court may modify any community sentence by imposing any other punishment allowed by law for the offense and appropriate for the circumstances as determined by the discretion of the judge; provided, however, no punishment shall be imposed which is greater than the maximum punishment allowed by law for the original offense. The court shall give the offender day-for-day credit on any modified sentence for any term of incarceration imposed. The court may impose either a disciplinary sanction or an incentive as provided in Section 988.20 of this title in lieu of or together with any modification authorized by this section.

G. The court shall not be limited on the number of modifications a sentence may have within the term of the community sentence.

H. Any offender who files a meritless or frivolous motion to modify a community sentence shall pay the costs of the proceeding and may be sanctioned as deemed appropriate by the court.

I. The court may revoke or accelerate a community punishment to the original sentence imposed during the term of the sentence. When a community sentence is revoked to state imprisonment, the court shall give a day-for-day credit for any term of incarceration actually served as community punishment.

Added by Laws 1999, 1st Ex. Sess., c. 4, § 19, eff. July 1, 1999.
Amended by Laws 2018, c. 128, § 7, eff. Nov. 1, 2018.

§22-988.20. Disciplinary sanctions or incentives.

A. Upon proper motion to the court to modify a community sentence as provided in Section 988.19 of this title, the court shall have authority to impose disciplinary sanctions or incentives. An order for a disciplinary sanction shall not modify the terms of the original sentence and shall be imposed only to gain compliance with the terms of the court-ordered community punishment. The court may order any community punishment available and funded in the jurisdiction that is deemed appropriate by the court for the circumstance including but not limited to a term of imprisonment specified in Section 991b of this title per motion for modification in either:

1. The county jail;
2. A residential treatment facility;
3. A restrictive housing facility; or
4. A halfway house.

When the offender is to be confined, the sheriff shall, upon order of the court, deliver the offender to the designated place of confinement, provided the place of confinement has an agreement for confinement services with the local community sentencing system or is the county jail. The sheriff shall be reimbursed by the local community sentencing system for transporting offenders pursuant to this subsection. The offender shall be given day-for-day credit for any terms of incarceration served in the county jail or other restrictive facility when the sentence is modified.

B. The court may, through a standing court order, provide for specific sanctions and incentives which may be utilized by the local administrator upon notification to the court.

C. When a motion for modification has been filed pursuant to Section 988.19 of this title, the court shall have authority to offer incentives to offenders to encourage proper conduct in the community and for compliance with the community punishments. The court shall use its discretion in ordering appropriate incentives. Incentives shall be considered a reduction and modification to the community punishment and may be ordered after the motion to modify has been heard.

D. Notwithstanding any other provision of law, if the driving privileges of the offender have been suspended, revoked, canceled, or denied by Service Oklahoma for any reason other than a conviction for reckless driving or driving under the influence pursuant to Section 11-901, 11-902, or 11.906.4 of Title 47 of the Oklahoma Statutes, and if the court determines that no other means of transportation for the offender participating in the community sentencing program is available, the court may enter a written order requiring Service Oklahoma to stay any and all such actions against the Class D driving privileges of the offender. Such stay shall not

be construed to grant driving privileges to an offender who has not been issued a driver license by Service Oklahoma or whose Oklahoma driver license has expired, in which case the offender shall be required to apply for and be found eligible for a driver license, pass all examinations, if applicable, and pay all statutory driver license issuance or renewal fees. The offender shall provide proof of insurance to the court prior to an order for a stay of any driver license suspension, revocation, cancellation, or denial. When a court enters a stay against an order by Service Oklahoma suspending or revoking the driving privileges of an offender who is participating in the community sentencing program, the time period set in the order by Service Oklahoma for the suspension or revocation shall continue to run during the stay. When an offender has successfully completed the community sentencing program, the court shall determine if he or she will maintain jurisdiction over the offender's driving privileges for one (1) year after the date on which the offender graduates from the program.

E. When any offender is disciplined by the court as authorized by this section and is to be imprisoned in the county jail or other restrictive facility, the sheriff or facility administrator shall receive compensation as provided by their agreement with the local community sentencing system, or the sheriff or facility administrator shall be paid directly for the services by the offender when ordered to pay for the confinement as part of the disciplinary sanction. In no event shall any compensation for disciplinary confinement exceed the maximum amount provided for county jail confinement in Section 38.1 of Title 57 of the Oklahoma Statutes.

F. The Department of Corrections is prohibited from accepting offenders into any state penitentiary for disciplinary sanctions. Added by Laws 1999, 1st Ex. Sess., c. 4, § 20, eff. July 1, 1999. Amended by Laws 2000, c. 39, § 2, emerg. eff. April 10, 2000; Laws 2018, c. 128, § 8, eff. Nov. 1, 2018; Laws 2024, c. 172, § 1, eff. Nov. 1, 2024.

§22-988.21. Earned credits.

Any law directing earned credits during periods of imprisonment or otherwise, including Sections 20, 58.3, 138, 138.1 and 224 of Title 57 of the Oklahoma Statutes and Section 615 of Title 69 of the Oklahoma Statutes, shall not be applicable to persons sentenced to a community sentence pursuant to the provisions of the Oklahoma Community Sentencing Act. Day-for-day credits for any term of incarceration served as part of a community punishment shall be given to offenders who have community sentences revoked to county jail or state prison and also shall be given when a community sentence is modified.

Added by Laws 1999, 1st Ex.Sess., c. 4, § 21, eff. July 1, 1999.

§22-988.22. Completion of community sentence.

A. Any offender ordered to participate in the local community sentencing system shall be advised of the conditions of the specific program or service to which he or she is assigned.

B. Upon completion of any court-ordered provision, pursuant to the Oklahoma Community Sentencing Act, the supervising agency or contracted provider shall file a statement with the court defining the provision which has been successfully completed. When all court-ordered provisions have been successfully completed the defendant shall be deemed to have completed the community punishment.

C. The provisions of the Oklahoma Community Sentencing Act shall not confer any rights upon the defendant to avoid a term of imprisonment prescribed by law for the offense, nor grant any additional rights to appeal for failure to be offered any specific punishment or treatment option available to the court.

D. A community sentence pursuant to the Oklahoma Community Sentencing Act shall not require active supervision, programs or services for more than three (3) years, but may continue beyond the three-year limitation for the purpose of completing court-ordered restitution payments.

Added by Laws 1999, 1st Ex. Sess., c. 4, § 22, eff. July 1, 1999.
Amended by Laws 2002, c. 165, § 7, eff. July 1, 2002; Laws 2018, c. 128, § 9, eff. Nov. 1, 2018; Laws 2021, c. 369, § 1, eff. Nov. 1, 2021.

§22-988.23. Immunity from liability.

All state and local government agencies and their officers and employees, citizens serving as members of a community sentencing planning council, community service agencies, nonprofit organizations, educational or vocational-technical entities, and other providers participating in a community sentencing system or contracting to provide services to the system pursuant to the provisions of the Oklahoma Community Sentencing Act are hereby granted immunity from liability for acts of any offender participating in a community sentencing system pursuant to the provisions of the Administrative Workers' Compensation Act and for torts committed by or against any offender participating in a community sentencing system to the extent specified in Sections 227 and 228 of Title 57 of the Oklahoma Statutes or as provided in the Governmental Tort Claims Act.

Added by Laws 1999, 1st Ex. Sess., c. 4, § 23, eff. July 1, 1999.
Amended by Laws 2015, c. 331, § 3, eff. Nov. 1, 2015.

§22-988.24. Community sentencing program pilot projects for persons whose suspended sentences have been revoked.

The Department of Corrections may establish pilot projects that allow a person whose suspended sentence has been revoked by the court to participate in the community sentencing program, subject to the availability of funds.

Added by Laws 2002, c. 91, § 1, eff. July 1, 2002.

§22-988.25. Impermissible occupation – Ineligibility for community sentencing.

Notwithstanding any other provision of the Oklahoma Community Sentencing Act, a defendant is not eligible for community sentencing if the defendant is charged with or convicted of an offense under Section 2 of this act.

Added by Laws 2024, c. 224, § 3, eff. July 1, 2024.

§22-990. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-990.1. Uniform supervision form - Requisites.

A. The Administrative Office of the Courts in collaboration with the Department of Corrections through both the Community Corrections/Probation and Parole Division and the Community Sentencing Division shall establish a uniform supervision form to be distributed to and used by the district courts of this state for felony offenders sentenced to supervision under a sentence of probation, a suspended sentence, a split sentence, a delayed sentence, and a community sentence. The form shall comply with the provisions of Section 990 of Title 22 of the Oklahoma Statutes and any other statutory authority for supervision of court orders. The form shall provide sufficient space for the sentencing judge to write orders for specific conditions of the sentence as provided in paragraph B of Section 987.8 of Title 22 of the Oklahoma Statutes and for orders enumerating amounts, schedules, and designation of payments for restitution, reimbursements, repayments, costs, fees, court costs, and statutory fines. The form shall be completed and implemented by July 1, 1998.

B. The Administrative Office of the Courts shall promulgate rules necessary to carry out the implementation of the provisions of this section by the judiciary. The Department of Corrections through both the Community Corrections/Probation and Parole Division and the Community Sentencing Division shall promulgate rules necessary to carry out the implementation of the provisions of this section by persons under their authority.

Added by Laws 1998, c. 191, § 1.

§22-990a-1. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-990a-1.1. Sentencing procedures.

When sentencing an eligible offender on or after March 1, 2000, to a community punishment, the sentencing court shall impose a deferred or suspended sentence and then proceed to determine at the sentencing hearing the terms and conditions of the community punishment which shall be ordered as conditions of the deferred or suspended sentence.

Added by Laws 1999, 1st Ex.Sess., c. 4, § 24, eff. July 1, 1999.

§22-991a. See the following versions:

OS 22-991av1 (SB 1068, Laws 2019, c. 453, § 1)

OS 22-991av2 (HB 1460, Laws 2025, c. 305, § 2)

OS 22-991av3 (HB 1462, Laws 2025, c. 306, § 1)

§22-991a-2. Nonviolent felony offenders - County jail imprisonment - Fines and costs.

A. Any person who has been convicted of a nonviolent felony offense in this state may be sentenced, at the discretion of the judge, to incarceration in the county jail for a period of one or more nights or weekends with the remaining portion of each week being spent under supervision. County jail imprisonment pursuant to the provisions of this section for felony offenders shall be:

1. Prescribed by law for the particular felony; or
2. A condition of a suspended sentence.

B. In addition to incarceration, the court may impose any fine, cost assessment, or other punishment provision allowed by law; provided, however, the punishment when taken in its entirety with the jail term shall not impose a greater punishment than allowed by law for the offense.

C. Any person incarcerated in the county jail pursuant to the provisions of this section may be assigned work duties as ordered or approved by the judge. The sentencing court may require a person incarcerated pursuant to the provisions of this section to pay the county, for food and maintenance for each day of incarceration, an amount equal to the maximum amount prescribed by law to be paid by the county to the sheriff for such expenses. If the judge does not so order, the Department of Corrections shall reimburse the county for the cost of feeding and care of the person during such periods of incarceration.

D. Any person incarcerated pursuant to the provisions of this section shall not be considered to be in the custody of the Department of Corrections or an inmate of the Department. The person shall be deemed to be in the custody of the county.

E. When the court sentences a person to incarceration pursuant to the provisions of this section in conjunction with a suspended sentence, the court shall have the authority to revoke any unserved portion of the suspended sentence as provided by law.

F. For the purposes of subsection A of this section, weekend incarceration shall commence at 6 p.m. on Friday and continue until 8 a.m. on the following Monday, and incarceration overnight shall commence at 6 p.m. on one day and continue until 8 a.m. of the next day. Provided, that the sentencing judge may modify the incarceration times if the circumstances of the particular case require such action. Persons who have been sentenced to incarceration in the county jail under the provisions of this section will not have to be processed through the Lexington Assessment and Reception Center prior to incarceration.

Added by Laws 1983, c. 130, § 1, emerg. eff. May 19, 1983. Amended by Laws 1997, c. 133, § 66, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 17, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 4, § 26, eff. July 1, 1999; Laws 2008, c. 366, § 4, emerg. eff. June 3, 2008.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 66 from July 1, 1998, to July 1, 1999.

§22-991a-3. Restitution of buyer of property unlawfully obtained.

A. Upon a verdict or plea of guilty or upon a plea of nolo contendere for an offense in which any property is unlawfully obtained and the property is sold, traded, bartered, pledged or pawned, the court may order the defendant to provide restitution to the buyer, recipient or pledgee of the property for the value of any consideration paid, loaned or given for the property unless the buyer, recipient or pledgee has violated the provisions of Section 1092, 1093 or 1713 of Title 21 of the Oklahoma Statutes. Such restitution shall be in addition to any restitution to the victim and shall be in addition to any other penalties provided by law. Restitution to the buyer, recipient or pledgee shall be ordered pursuant to the provisions of subparagraph a of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes.

B. The buyer of any property which has been unlawfully obtained and which is lawfully returned to its rightful owner shall have the right to bring a civil action against the person who sold, traded, bartered, pledged or pawned the property for the value of any consideration paid, loaned or given for the property unless the buyer has violated the provisions of Section 1092, 1093 or 1713 of Title 21 of the Oklahoma Statutes.

Added by Laws 1987, c. 152, § 1, eff. Nov. 1, 1987.

§22-991a-4. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-991a-4.1. Community Service Sentencing Program.

A. There is hereby re-created the "Community Service Sentencing Program". This program is a continuation of the program established

in 1988 by Section 991a-4 of Title 22 of the Oklahoma Statutes. The purpose of the program shall be to provide an alternative to incarceration for nonviolent felony offenders who would normally be sentenced to incarceration in a state institution.

B. Any eligible offender may be sentenced, at the discretion of the judge, to a Community Service Sentencing Program pursuant to the provisions of this section. For purposes of this section, "eligible offender" shall mean any person who:

1. Is not participating in the Delayed Sentencing Program for Young Adults pursuant to the provisions of Sections 996 through 996.3 of Title 22 of the Oklahoma Statutes;

2. Has not previously been convicted of two or more felonies;

3. Has been convicted of a nonviolent felony offense which shall be defined as any felony offense except assault and battery with a dangerous weapon, aggravated assault and battery on a law officer, poisoning with intent to kill, shooting with intent to kill, assault with intent to kill, assault with intent to commit a felony, murder in the first degree, murder in the second degree, manslaughter in the first degree, manslaughter in the second degree, kidnapping, burglary in the first degree, kidnapping for extortion, maiming, robbery, child beating, wiring any equipment, vehicle, or structure with explosives, forcible sodomy, rape in the first degree or rape by instrumentation, lewd or indecent proposition or lewd or indecent act with a child under sixteen (16) years of age, use of a firearm or offensive weapon to commit or attempt to commit a felony, pointing firearms, rioting or arson in the first degree;

4. Has properly completed and executed all necessary documents; and

5. Is not otherwise ineligible by law or court rule.

C. The Department of Corrections shall administer the Program, except in counties with a population of five hundred fifty thousand (550,000) or more persons that operate an existing program. The Department shall conduct a presentence investigation pursuant to the provisions of Section 982 of Title 22 of the Oklahoma Statutes if the court determines the offender is to be assigned to the Program. As part of such presentence investigation, the Department shall interview the offender and advise the offender of the requirements and conditions of the Program. The Department shall recommend an assignment of the offender to any one or combination of the following areas:

1. Community service, with or without compensation;

2. Education, vocational-technical education or literacy programs;

3. Substance abuse treatment programs;

4. Periodic testing for the presence of controlled substances;

5. Psychological counseling or psychiatric treatment;

6. Medical treatment;

7. Restitution, to be paid either to the victim of the offense or to the Crime Victims Compensation Revolving Fund created pursuant to the provisions of Section 142.17 of Title 21 of the Oklahoma Statutes;

8. Confinement in a county jail for a period not to exceed one (1) year, night or weekend incarceration pursuant to the provisions of Section 991a-2 of Title 22 of the Oklahoma Statutes or incarceration by the Department of Corrections; provided, the Department of Corrections shall reimburse a county which does not receive payments from any other source for the cost of the necessary expenses of such persons during periods of such incarceration in an amount not to exceed Twenty Dollars (\$20.00) per day and any county receiving such payments in an amount not to exceed Ten Dollars (\$10.00) per day. The Department shall reimburse the county for the actual cost paid for any emergency medical care for physical injury or illness of such persons if the county is required by law to provide such care for inmates in the jail. The reimbursements provided by this section shall not exceed the cost that would have accrued to the state for the feeding, care or medical care of the persons had they been incarcerated with the Department. Except as otherwise provided by law, all provisions of the Oklahoma Corrections Act of 1967, Section 501 et seq. of Title 57 of the Oklahoma Statutes, shall apply to such persons, including but not limited to any provisions requiring payment by such persons of the costs of incarceration; or

9. Probation or conditional probation.

D. In counties with a population of five hundred fifty thousand (550,000) or more persons that operate an existing program, the Department of Corrections is hereby authorized to reimburse the county sheriff, pursuant to paragraph 8 of subsection C of this section, the cost of necessary expenses for confinement in the county jail for any eligible offender as defined in subsection B of this section. Such reimbursement shall be subject to appropriation by the Legislature. The Department may promulgate rules and procedures for submitting claims for reimbursements.

E. The judge shall consider the criminal history of the offender, the nature of the offender's criminal conduct, the employment and family history of the offender and any other factors the judge deems relevant when sentencing persons to the Program. Following the presentence investigations and recommendation, the judge shall impose sentence. The judge may accept the recommendation, with or without modifications thereto, or may reject the recommendation and impose any sentence allowed by law.

F. The provisions of Sections 20, 58.3, 138, 138.1 and 224 of Title 57 of the Oklahoma Statutes and Section 615 of Title 69 of the Oklahoma Statutes and any other provisions of law relating to earned credits for certain acts or service shall not apply to persons

participating in the Program. The judge may establish a schedule of earned credits as part of the sentence.

G. The Department shall establish a list of federal, state and local government agencies, community service agencies, nonprofit organizations, educational programs and other treatment programs willing to participate in the program to which offenders may be referred. The Department shall periodically contact agencies, organizations and programs to which offenders are assigned to determine if offenders have reported and performed satisfactorily. Any such agency or program shall immediately notify the Department if an offender fails to fulfill any requirement of the Program. The Department or the sentencing judge may require additional documentation of the offender's work performance.

H. The Department shall ensure that the sentencing judge and prosecuting attorney are notified in writing when an offender has successfully completed the assigned community service hours or other requirements of the Program or has failed to complete the requirements and provide any other relevant information required by the sentencing judge or prosecuting attorney.

I. All state and local government agencies, community service agencies, nonprofit organizations, educational programs and other treatment programs participating in the Program are hereby immune from liability for any offender participating in the Program under the Workers' Compensation Act, Section 1 et seq. of Title 85 of the Oklahoma Statutes, and for torts committed by or against any offender participating in the Program to the extent specified in Sections 227 and 228 of Title 57 of the Oklahoma Statutes.

J. Any offender participating in the Program shall be advised of the provisions of this section and shall, in writing, acknowledge that the offender has been advised of and understands the provisions of the Program.

Added by Laws 1999, 1st Ex.Sess., c. 5, § 18, eff. July 1, 1999.

§22-991a-4.2. Early evaluation hearing for persons with split or suspended sentence.

A. 1. Any person who receives a suspended sentence that exceeds five (5) years pursuant to the provisions of Section 991a of this title for an offense not listed in Section 13.1 or subsection C, D, E, F, G, or J of Section 644 of Title 21 of the Oklahoma Statutes or Section 571 or 582 of Title 57 of the Oklahoma Statutes shall, upon request, receive an early evaluation hearing after five (5) years to determine whether the length of the suspended sentence should be modified.

2. Any person who receives a split sentence pursuant to the provisions of Section 991a of this title for an offense not listed in Section 13.1 or subsection C, D, E, F, G, or J of Section 644 of Title 21 of the Oklahoma Statutes or Section 571 or 582 of Title 57

of the Oklahoma Statutes and the suspended portion of the sentence exceeds five (5) years shall, upon request, receive an early evaluation hearing after five (5) years of serving the suspended portion of the split sentence to determine whether the length of the split sentence should be modified.

B. Upon an early evaluation hearing conducted pursuant to subsection A of this section, the court may modify the length of the suspended sentence or split sentence when:

1. The person has completed all requirements of his or her probation, including treatment and rehabilitative programming;
2. The person had no criminal violations during the term of probation;
3. The person has no pending revocation hearings; and
4. The district attorney does not object on behalf of the state or the victim or victims of the offense. Any such objection shall be made in writing, specify on behalf of whom the objection is made, and include the specific reason or reasons for the objection.

C. A person may request an early evaluation hearing one (1) year earlier than prescribed in subsection A of this section and the court may modify the length of the suspended sentence or split sentence when:

1. The person received a high school or high school equivalency diploma, any college-level degree, or a vocational, technical, or career training certification or degree while serving his or her sentence, or when the person has maintained consistent employment throughout his or her probation period;
2. The person has completed all requirements of his or her probation, including treatment and rehabilitative programming;
3. The person had no criminal violations during the term of probation;
4. The person has no pending revocation hearings; and
5. The district attorney does not object on behalf of the state or the victim or victims of the offense. Any such objection shall be made in writing, specify on behalf of whom the objection is made, and include the specific reason or reasons for the objection.

D. Written notice shall be made to the appropriate district attorney within fifteen (15) days of the filing of a request pursuant to subsection A or subsection C of this section. The district attorney shall have forty-five (45) days from the date the notice was received to object or otherwise respond. The Court may, upon request of the district attorney, grant a single fifteen-day extension to object or otherwise respond.

E. An offender may only request one early evaluation hearing in a case pursuant to subsection A of this section without prior approval from the district attorney.

F. No person shall be prohibited from an early evaluation hearing as a condition of a plea agreement or imposed sentence if otherwise qualified pursuant to subsection A of this section.

G. On or before November 30, 2025, and every odd year thereafter, the District Attorneys Council shall provide a list of early termination applications made and copies of any objections or other responses to such applications during the prior fiscal year to the President Pro Tempore of the Oklahoma State Senate, the Speaker of the Oklahoma House of Representatives, and the Governor.
Added by Laws 2023, c. 248, § 1, eff. July 1, 2024. Amended by Laws 2025, c. 124, § 1, eff. Nov. 1, 2025.

§22-991a-5. Repealed by Laws 1998, c. 133, § 603, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 603 from July 1, 1998, to July 1, 1999.

§22-991a-6. Repealed by Laws 1998, c. 133, § 603, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 603 from July 1, 1998, to July 1, 1999.

§22-991a-7. Repealed by Laws 1998, c. 133, § 603, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 603 from July 1, 1998, to July 1, 1999.

§22-991a-8. Repealed by Laws 1998, c. 133, § 603, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 603 from July 1, 1998, to July 1, 1999.

§22-991a-9. Repealed by Laws 1998, c. 133, § 603, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 603 from July 1, 1998, to July 1, 1999.

§22-991a-10. Repealed by Laws 1998, c. 133, § 603, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 603 from July 1, 1998, to July 1, 1999.

§22-991a-11. Repealed by Laws 1998, c. 133, § 603, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 603 from July 1, 1998, to July 1, 1999.

§22-991a-12. Repealed by Laws 1998, c. 133, § 603, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 603 from July 1, 1998, to July 1, 1999.

§22-991a-13. Short title.

Sections 442 through 449 of this act shall be known and may be cited as the "Elderly and Incapacitated Victim's Protection Program".

Added by Laws 1999, 1st Ex.Sess., c. 5, § 442, eff. July 1, 1999.

§22-991a-14. Purpose.

The purpose and intent of the Elderly and Incapacitated Victim's Protection Program is to provide enhanced sentencing for persons committing certain offenses against elderly or incapacitated persons.

Added by Laws 1999, 1st Ex.Sess., c. 5, § 443, eff. July 1, 1999.

§22-991a-15. Definitions.

As used in the Elderly and Incapacitated Victim's Protection Act:

1. "Elderly person" means any person sixty-two (62) years of age or older; and
2. "Incapacitated person" means any person who is disabled by reason of mental or physical illness or disability to such extent the person lacks the ability to effectively protect self or property.

Added by Laws 1999, 1st Ex.Sess., c. 5, § 444, eff. July 1, 1999.

Amended by Laws 2008, c. 314, § 3, eff. July 1, 2008.

§22-991a-16. Offenses to which program applies.

The provisions of the Elderly and Incapacitated Victim's Protection Act shall apply to any person convicted of one or more of the following offenses where the victim is an elderly or incapacitated person as defined in Section 991a-15 of this title:

1. Assault, battery, or assault and battery with a dangerous weapon;
2. Aggravated assault and battery;
3. Burglary in the second degree;
4. Use of a firearm or offensive weapon to commit or attempt to commit a felony, or pointing a firearm;
5. Grand larceny;
6. Extortion, or obtaining a signature by extortion;
7. Fraud, or obtaining or attempting to obtain property by trick or deception;
8. Embezzlement; or
9. Caretaker abuse, neglect or exploitation.

Added by Laws 1999, 1st Ex.Sess., c. 5, § 445, eff. July 1, 1999.
Amended by Laws 2008, c. 314, § 4, eff. July 1, 2008.

§22-991a-17. Enhancement of sentence.

Whenever a person is convicted of an offense enumerated in Section 445 of this act in which the victim is elderly or incapacitated, the court shall upon conviction:

1. Commit the defendant for confinement as provided by law; provided, the first thirty (30) days of the sentence shall not be subject to probation, suspension or deferral; provided further, this mandatory minimum period of confinement shall be served in the county jail as a condition of a suspended or deferred sentence, pursuant to Section 991a of Title 22 of the Oklahoma Statutes and may be served by night or weekend incarceration pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes; and

2. a. Require restitution be paid to the victim for out-of-pocket expenses, loss or damage to property and medical expenses for injury proximately caused by the conduct of the defendant pursuant to Section 447 of this act, or

b. Assign the offender to perform a required term of community service, according to a schedule consistent with the employment and family responsibility of the person convicted, or

c. Require restitution as provided in subparagraph a of this paragraph and community service as provided in subparagraph b of this paragraph; and

3. The court may further impose a fine or any other penalty otherwise provided by law.

Added by Laws 1999, 1st Ex.Sess., c. 5, § 446, eff. July 1, 1999.

§22-991a-18. Restitution to victim - Modification or revocation of sentence.

A. The court shall at the time of sentencing:

1. Determine whether the property may be restored in kind to the owner or the person entitled to possession thereof;

2. Determine whether defendant is possessed of sufficient skill to repair and restore property damaged;

3. Provide restitution to the victim according to a schedule of payments established by the sentencing court, together with interest upon any pecuniary sum at the rate of twelve percent (12%) per annum, if the defendant agrees to pay such restitution or, in the opinion of the court, the defendant is able to pay such restitution without imposing manifest hardship on the defendant or the immediate family of the defendant; and

4. Determine the extent of the out-of-pocket expenses, loss or damage to property and injury to the victim proximately caused by the conduct of the defendant.

B. The court shall allow credit for property returned in kind, for property damages ordered to be repaired by the defendant, and for property ordered to be restored by the defendant and after granting such credit, the court shall assess the actual out-of-pocket expenses, losses, damages and injuries suffered by the victim.

C. In no event shall a victim be entitled to recover restitution in excess of the actual out-of-pocket expenses, losses, damages and injuries, proximately caused by the conduct of the defendant and restitution shall not be ordered to be paid on account of pain or suffering, provided however, that nothing in this section shall abridge or preclude any victim from the civil right to recover damages by separate civil cause of action brought against the defendant.

D. If the defendant fails to pay restitution in the manner or within the time period specified by the court, the court may enter an order directing the sheriff to seize any real or personal property of the defendant to the extent necessary to satisfy the order of restitution and dispose of such property by public sale. All property seized for the purposes of satisfying restitution shall be seized under the procedures established in Section 448 of this act.

E. A sentence including provisions of restitution may be modified or revoked by the court if the offender commits another offense, or the offender fails to make restitution as ordered by the court, but no sentencing provision to make restitution shall be modified if the court finds that the offender has had the financial ability to make restitution, and the offender has willfully refused to do so. If the court shall find that the defendant has failed to make restitution and that the failure is not willful, the court may impose an additional period of time within which to make restitution. The length of said additional period shall not be more than two (2) years. The court shall retain all of the incidents of the original sentence, including the authority to revoke or further modify the sentence if the conditions of payment are violated during such additional period.

Added by Laws 1999, 1st Ex.Sess., c. 5, § 447, eff. July 1, 1999.

§22-991a-19. Seizure of property - Forfeiture for sale - Notice and hearing - Petition for return - Release of property.

A. Any peace officer of this state shall seize any property, except property exempt under Section 1 of Title 31 of the Oklahoma Statutes, to be held until a forfeiture for sale has been declared or release ordered.

B. Within ten (10) days from the time the property is seized, notice of seizure and intended forfeiture proceeding shall be filed in the office of the clerk of the district court for the county in which the property is seized and shall be given all owners and parties in interest.

C. Notice shall be given by the party seeking forfeiture and sale according to the following methods:

1. Upon each owner or party in interest whose right, title or interest is of record at the Tax Commission, by mailing a copy of the notice by certified mail to the address shown upon the records of the Tax Commission;

2. Upon each owner or party in interest whose name and address is known to the attorney or the party seeking the action to recover unpaid restitution, by mailing a copy of the notice by registered mail to the last-known address; and

3. Upon all other owners or interested parties, whose addresses are unknown, but who are believed to have an interest in the property, by one publication in a newspaper of general circulation in the county where the seizure was made.

D. Within sixty (60) days after the mailing and publication of the notice, the owner of the property and any other party in interest or claimant may file a verified answer and claim to the property described in the notice.

E. If at the end of sixty (60) days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of exemption under Section 1 of Title 31 of the Oklahoma Statutes and shall order the property forfeited and sold to pay restitution, if such property is not proved exempt.

F. If a verified answer is filed, the forfeiture for sale proceeding shall be set for hearing not less than ten (10) days nor more than sixty (60) days after the filing of the answer.

G. At a hearing on the forfeiture, the evidence of ownership and exemption under Section 1 of Title 31 of the Oklahoma Statutes shall be satisfied by a preponderance of the evidence.

H. The claimant of any right, title or interest in the property may prove a lien, mortgage or conditional sales contract to be a bona fide ownership interest by a preponderance of the evidence.

I. In the event of such proof, the court shall order the property released to the bona fide owner, lienholder, mortgagee or vendor if the amount due such party is equal to, or in excess of, the value of the property as of the date of the seizure, it being the intention of this section to forfeit only the right, title or interest of the offender.

J. If the amount due to such person is less than the value of the property, or if no bona fide claim is established, the property

shall be forfeited and sold under judgment of the court, as on sale upon execution.

K. Property taken or detained under this section shall not be repleviable, but shall be deemed to be in the custody of the office of the district attorney of the county in which the property was seized, subject only to the orders and decrees of the court having jurisdiction thereof.

L. The proceeds of the sale of any property shall be distributed as follows, in the order indicated:

1. To the bona fide purchaser, conditional sales vendor or mortgagee of the property, if any, up to the amount of such party's interest in the property, when the court declaring the forfeiture orders a distribution to such person;

2. To the payment of the actual expenses of storing the property;

3. To the payment of court costs and costs of the sheriff in conducting the sale;

4. To the payment of restitution to the victim; and

5. The balance of the proceeds of such sale shall be paid to the defendant.

M. If the court finds that the party seeking the forfeiture failed to satisfy the requirements provided for in subsection G of this section, the court shall order the property released to the owner or owners.

N. Upon failure to give the notice of seizure and intended forfeiture as provided in subsections B and C of this section, any owner or party in interest may petition the court for return of the property. The court shall schedule a hearing within ten (10) days of the filing of the petition for return of the property. The petitioner shall be required to prove ownership interest or other claim to the property, and the court shall return the property if the claim is proved by a preponderance of the evidence and the property is not otherwise required as evidence in a criminal prosecution. Failure to give the notice of seizure and intended forfeiture shall not be construed to prohibit, deny, void or dismiss any criminal prosecution or serve as grounds for any motion to suppress evidence.

O. In addition to other provisions of this section, seized property shall be released upon the following conditions:

1. Dismissal of a forfeiture proceeding;

2. Failure to file criminal charges within ninety (90) days from the date of seizure, provided the property is held as evidence and not forfeited to the state or returned to an owner or party in interest as provided in subsection N of this section. Provided, however, the district attorney may request the court to grant an extension beyond the ninety-day limitation for filing charges if a criminal investigation may result in charges being filed after that

time. If an extension to file criminal charges is granted, the seized property may be held until the court orders the property released; or

3. Dismissal or acquittal of criminal charges, provided the property is held as evidence and not forfeited to the state or returned to an owner or party in interest as provided in subsection N of this section.

Added by Laws 1999, 1st Ex.Sess., c. 5, § 448, eff. July 1, 1999.

§22-991a-20. Second and subsequent offenses.

A. Every person who, having been convicted of any offense against an elderly or incapacitated person, as enumerated in Section 445 of this act, commits any crime against an elderly or incapacitated person after such conviction is punishable as follows:

1. If the offense of which such person is subsequently convicted is such that upon a first conviction an offender would be punishable by imprisonment in the State Penitentiary for any term exceeding five (5) years, such person is punishable by imprisonment in the State Penitentiary for a term not less than ten (10) years; or

2. If such subsequent offense is such that upon a first conviction the offender would be punishable by imprisonment in the State Penitentiary for five (5) years or less, then the person convicted of such subsequent offense is punishable by imprisonment in the State Penitentiary for a term not exceeding fifteen (15) years.

B. Every person who, having been twice convicted of felony offenses against an elderly or incapacitated person, commits a third felony offense against an elderly or incapacitated person within ten (10) years of the date following the completion of the execution of the first sentence, shall be punishable by imprisonment in the State Penitentiary for a term of not less than twenty (20) years.

C. All felony offenses arising out of the same transaction or occurrence or series of events closely related in time and location shall be considered as one offense for the purposes of this section.

D. Nothing in this section shall affect the punishment by death or life imprisonment without parole in all crimes now or hereafter made punishable by death or life imprisonment without parole.

Added by Laws 1999, 1st Ex.Sess., c. 5, § 449, eff. July 1, 1999.

§22-991a-21. Repealed by Laws 2021, c. 447, § 1, eff. Nov. 1, 2021.

§22-991b. Revocation of suspended sentence - Intermediate sanction process - Technical violations.

A. Whenever a sentence has been suspended by the court after conviction of a person for any crime, the suspended sentence of the person may not be revoked, in whole or part, for any cause unless a

petition setting forth the grounds for such revocation is filed by the district attorney with the clerk of the sentencing court and competent evidence justifying the revocation of the suspended sentence is presented to the court at a hearing to be held for that purpose within twenty (20) days after the entry of the plea of not guilty to the petition, unless waived by both the state and the defendant. The State of Oklahoma may dismiss the petition without prejudice one time upon good cause shown to the court, provided that any successor petition must be filed within forty-five (45) days of the date of the dismissal of the petition.

B. Whenever a sentence has been suspended by the court after conviction of a person for any crime, the suspended sentence of the person may not be revoked in whole for a technical violation unless a petition setting forth the grounds for such revocation is filed by the district attorney with the clerk of the sentencing court and competent evidence justifying the revocation of the suspended sentence is presented to the court at a hearing to be held for that purpose within twenty (20) days after the entry of the plea of not guilty to the petition, unless waived by both the state and the defendant. The State of Oklahoma may dismiss the petition without prejudice one time upon good cause shown to the court; provided, that any successor petition must be filed within forty-five (45) days of the date of the dismissal of the petition. Any revocation of a suspended sentence based on a technical violation shall not exceed six (6) months for a first revocation and five (5) years for a second or subsequent revocation.

C. "Technical violation" as used in this section means a violation of the court-imposed rules and conditions of probation, other than:

1. Committing or being arrested for a new crime;
2. Attempting to falsify a drug screen, or three or more failed drug or alcohol screens within a three-month period;
3. Failing to pay restitution;
4. Tampering with an electronic monitoring device;
5. Failing to initially report or missing assigned reporting requirements for an excess of sixty (60) days;
6. Unlawfully contacting a victim, codefendant or criminal associates;
7. Five or more separate and distinct technical violations within a ninety-day period; or
8. Any violation of the Specialized Sex Offender Rules.

D. 1. The Department of Corrections shall develop a matrix of technical violations and sanctions to address violations committed by persons who are being supervised by the Department. The Department shall be authorized to use a violation response and intermediate sanction process based on the sanction matrix to apply to any technical violations of probationers. Within four (4)

working days of the discovery of the violation, the probation officer shall initiate the violation response and intermediate sanction process. The sentencing judge may authorize any recommended sanctions, which may include, but are not limited to: short-term jail or lockup, day treatment, program attendance, community service, outpatient or inpatient treatment, monetary fines, curfews, ignition interlock devices on vehicles, or a one-time referral to a term of confinement of six (6) months in an intermediate revocation facility operated by the Department of Corrections; provided, upon approval of the district attorney, a person may be sanctioned to serve additional terms of confinement in an intermediate revocation facility. The probation officer shall complete a sanction form, which shall specify the technical violation, sanction, and the action plan to correct the noncompliant behavior resulting in the technical violation. The probation officer shall refer to the sanctioning matrix to determine the supervision, treatment, and sanctions appropriate to address the noncompliant behavior. The probation officer shall refer the violation information and recommended response with a sanction plan to the Department of Corrections to be heard by a hearing officer. The Department of Corrections shall develop a sanction matrix, forms, policies and procedures necessary to implement this provision. The Department of Corrections shall establish procedures to hear responses to technical violations and review sanction plans including the following:

- a. hearing officers shall report through a chain of command separate from that of the supervising probation officers,
- b. the Department shall provide the offender written notice of the violation, the evidence relied upon, and the reason the sanction was imposed,
- c. the hearing shall be held unless the offender waives the right to the hearing,
- d. hearings shall be electronically recorded, and
- e. the Department shall provide to judges and district attorneys a record of all violations and actions taken pursuant to this subsection.

2. The hearing officer shall determine based on a preponderance of the evidence whether a technical violation occurred. Upon a finding that a technical violation occurred, the hearing officer may order the offender to participate in the recommended sanction plan or may modify the plan. Offenders who accept the sanction plan shall sign a violation response sanction form, and the hearing officer shall then impose the sanction. Failure of the offender to comply with the imposed sanction plan shall constitute a violation of the rules and conditions of supervision that may result in a revocation proceeding. If an offender does not voluntarily accept

the recommended sanction plan, the Department shall either impose the sanction and allow the offender to appeal to the district court, or request a revocation proceeding as provided by law. Every administrative hearing and sanction imposed by the Department shall be appealable to the district court.

3. Absent a finding of willful nonpayment by the offender, the failure of an offender to pay fines and costs may not serve as a basis for revocation, excluding restitution.

E. 1. Where one of the grounds for revocation is the failure of the defendant to make restitution as ordered, the Department of Corrections shall forward to the district attorney all information pertaining to the failure of the defendant to make timely restitution as ordered by the court, and the district attorney shall file a petition setting forth the grounds for revocation.

2. The defendant ordered to make restitution can petition the court at any time for remission or a change in the terms of the order of restitution if the defendant undergoes a change of condition which materially affects the ability of the defendant to comply with the order of the court.

3. At the hearing, if one of the grounds for the petition for revocation is the failure of the defendant to make timely restitution as ordered by the court, the court will hear evidence and if it appears to the satisfaction of the court from such evidence that the terms of the order of restitution create a manifest hardship on the defendant or the immediate family of the defendant, the court may cancel all or any part of the amount still due, or modify the terms or method of payment; provided, however, the court shall continue to prioritize an order for payments of restitution to the victim. Provided, if the court determines that a reduction in the restitution still due is warranted, the court shall equally apply the same percentage reduction to any court-ordered monetary obligation owed by the defendant including, but not limited to, fines, court costs and costs of incarceration.

F. The court may revoke a portion of the sentence and leave the remaining part not revoked, but suspended for the remainder of the term of the sentence, and under the provisions applying to it. The person whose suspended sentence is being considered for revocation at the hearing shall have the right to be represented by counsel, to present competent evidence in his or her own behalf and to be confronted by the witnesses against the defendant. Any order of the court revoking the suspended sentence, in whole or in part, shall be subject to review on appeal, as in other appeals of criminal cases. Provided, however, that if the crime for which the suspended sentence is given was a felony, the defendant may be allowed bail pending appeal. If the reason for revocation be that the defendant committed a felony, the defendant shall not be allowed bail pending appeal.

G. Notwithstanding the provisions of subsections A and B of this section, when the suspended sentence of a person is being considered for revocation for an offense where the penalty has subsequently been lowered to a misdemeanor, the sentence shall be modified to a term that does not exceed the current maximum sentence.

Added by Laws 1969, c. 57, § 1. Amended by Laws 1972, c. 132, § 1, emerg. eff. April 7, 1972; Laws 1976, c. 160, § 2, eff. Oct. 1, 1976; Laws 1978, c. 128, § 1, eff. Oct. 1, 1978; Laws 1994, c. 320, § 2, eff. Sept. 1, 1994; Laws 1997, c. 133, § 71, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 22, eff. July 1, 1999; Laws 2002, c. 460, § 19, eff. Nov. 1, 2002; Laws 2005, c. 374, § 1, eff. Nov. 1, 2005; Laws 2012, c. 228, § 5, eff. Nov. 1, 2012; Laws 2016, c. 33, § 1, eff. Nov. 1, 2016; Laws 2018, c. 128, § 11, eff. Nov. 1, 2018; Laws 2019, c. 459, § 3, eff. Nov. 1, 2019; Laws 2025, c. 306, § 2, eff. Nov. 1, 2025.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 71 from July 1, 1998, to July 1, 1999.

§22-991c. Deferred sentence.

A. Upon a verdict or plea of guilty or upon a plea of nolo contendere, but before a judgment of guilt, the court may, without entering a judgment of guilt and with the consent of the defendant, defer further proceedings upon the specific conditions prescribed by the court not to exceed a seven-year period, except as authorized under subsection B of this section. The court shall first consider restitution among the various conditions it may prescribe. The court may also consider ordering the defendant to:

1. Pay court costs;
2. Pay an assessment in lieu of any fine authorized by law for the offense;
3. Pay any other assessment or cost authorized by law;
4. Engage in a term of community service without compensation, according to a schedule consistent with the employment and family responsibilities of the defendant;
5. County jail confinement for a period not to exceed ninety (90) days or the maximum amount of jail time provided for the offense, if it is less than ninety (90) days;
6. Pay an amount as reimbursement for reasonable attorney fees, to be paid into the court fund, if a court-appointed attorney has been provided to the defendant;
7. Be supervised in the community for a period not to exceed eighteen (18) months, unless a petition alleging violation of any condition of deferred judgment is filed during the period of supervision. As a condition of any supervision, the defendant shall be required to pay a supervision fee of Forty Dollars (\$40.00) per month. The supervision fee shall be waived in whole or part by the

supervisory agency when the accused is indigent. Any fees collected by the district attorney pursuant to this paragraph shall be deposited in the General Revenue Fund of the State Treasury. No person shall be denied supervision based solely on the inability of the person to pay a fee;

8. Pay into the court fund a monthly amount not exceeding Forty Dollars (\$40.00) per month during any period during which the proceedings are deferred when the defendant is not to be supervised in the community. The total amount to be paid into the court fund shall be established by the court and shall not exceed the amount of the maximum fine authorized by law for the offense;

9. Make other reparations to the community or victim as required and deemed appropriate by the court;

10. Order any conditions which can be imposed for a suspended sentence pursuant to paragraph 1 of subsection A of Section 991a of this title; or

11. Any combination of the provisions in paragraphs 1 through 10 of this subsection.

However, unless under the supervision of the district attorney, the offender shall be required to pay Forty Dollars (\$40.00) per month to the district attorney during the first two (2) years of probation to compensate the district attorney for the costs incurred during the prosecution of the offender and for the additional work of verifying the compliance of the offender with the rules and conditions of his or her probation. The district attorney may waive any part of this requirement in the best interests of justice. The court may waive the costs of prosecution in the same manner as the court waives financial obligations pursuant to Section 983 of this title. Any unpaid costs of prosecution shall be waived if the deferred sentence of an offender expires without being accelerated. Any fees collected by the district attorney pursuant to this paragraph shall be deposited in the General Revenue Fund of the State Treasury.

B. When the court has ordered restitution as a condition of supervision as provided for in subsection A of this section and that condition has not been satisfied, the court may, at any time prior to the termination or expiration of the supervision period, order an extension of supervision for a period not to exceed three (3) years.

C. In addition to any conditions of supervision provided for in subsection A of this section, the court shall, in the case of a person before the court for the offense of operating or being in control of a motor vehicle while the person was under the influence of alcohol, other intoxicating substance, or a combination of alcohol and another intoxicating substance, or who is before the court for the offense of operating a motor vehicle while the ability of the person to operate such vehicle was impaired due to the consumption of alcohol, require the person to participate in an

alcohol and drug substance abuse evaluation program offered by a facility or qualified practitioner certified by the Department of Mental Health and Substance Abuse Services for the purpose of evaluating the receptivity to treatment and prognosis of the person. The court shall order the person to reimburse the facility or qualified practitioner for the evaluation. The Department of Mental Health and Substance Abuse Services shall establish a fee schedule, based upon the ability of a person to pay, provided the fee for an evaluation shall not exceed Seventy-five Dollars (\$75.00). The evaluation shall be conducted at a certified facility, the office of a qualified practitioner or at another location as ordered by the court. The facility or qualified practitioner shall, within seventy-two (72) hours from the time the person is assessed, submit a written report to the court for the purpose of assisting the court in its determination of conditions for deferred sentence. No person, agency or facility operating an alcohol and drug substance abuse evaluation program certified by the Department of Mental Health and Substance Abuse Services shall solicit or refer any person evaluated pursuant to this subsection for any treatment program or alcohol and drug substance abuse service in which the person, agency or facility has a vested interest; however, this provision shall not be construed to prohibit the court from ordering participation in or any person from voluntarily utilizing a treatment program or alcohol and drug substance abuse service offered by such person, agency or facility. Any evaluation report submitted to the court pursuant to this subsection shall be handled in a manner which will keep the report confidential from review by the general public. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence in the event the defendant fails or refuses to comply with an order of the court to obtain the evaluation required by this subsection. As used in this subsection, "qualified practitioner" means a person with at least a bachelor's degree in substance abuse treatment, mental health or a related health care field and at least two (2) years of experience in providing alcohol abuse treatment, other drug abuse treatment, or both alcohol and other drug abuse treatment who is certified each year by the Department of Mental Health and Substance Abuse Services to provide these assessments. However, any person who does not meet the requirements for a qualified practitioner as defined herein, but who has been previously certified by the Department of Mental Health and Substance Abuse Services to provide alcohol or drug treatment or assessments, shall be considered a qualified practitioner provided all education, experience and certification requirements stated herein are met by September 1, 1995. The court may also require the person to participate in one or both of the following:

1. An alcohol and drug substance abuse course, pursuant to Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes; and

2. A victims impact panel program, as defined in subsection H of Section 991a of this title, if such a program is offered in the county where the judgment is rendered. The defendant shall be required to pay a fee of Seventy-five Dollars (\$75.00) as set by the governing authority of the program and approved by the court to the victims impact panel program to offset the cost of participation by the defendant, if in the opinion of the court the defendant has the ability to pay such fee.

D. Upon completion of the conditions of the deferred judgment, and upon a finding by the court that the conditions have been met and all fines, fees, and monetary assessments have been paid as ordered, the defendant shall be discharged without a court judgment of guilt, and the court shall order the verdict or plea of guilty or plea of nolo contendere to be expunged from the record and the charge shall be dismissed with prejudice to any further action. The procedure to expunge the record of the defendant shall be as follows:

1. All references to the name of the defendant shall be deleted from the docket sheet;

2. The public index of the filing of the charge shall be expunged by deletion, mark-out or obliteration;

3. Upon expungement, the court clerk shall keep a separate confidential index of case numbers and names of defendants which have been obliterated pursuant to the provisions of this section;

4. No information concerning the confidential file shall be revealed or released, except upon written order of a judge of the district court or upon written request by the named defendant to the court clerk for the purpose of updating the criminal history record of the defendant with the Oklahoma State Bureau of Investigation; and

5. Defendants qualifying under Section 18 of this title may petition the court to have the filing of the indictment and the dismissal expunged from the public index and docket sheet. This section shall not be mutually exclusive of Section 18 of this title.

Records expunged pursuant to this subsection shall be sealed to the public but not to law enforcement agencies for law enforcement purposes. Records expunged pursuant to this subsection shall be admissible in any subsequent criminal prosecution to prove the existence of a prior conviction or prior deferred judgment without the necessity of a court order requesting the unsealing of such records.

E. The provisions of subsection D of this section shall be retroactive.

F. Whenever a judgment has been deferred by the court according to the provisions of this section, deferred judgment may not be

accelerated for any technical violation unless a petition setting forth the grounds for such acceleration is filed by the district attorney with the clerk of the sentencing court and competent evidence justifying the acceleration of the judgment is presented to the court at a hearing to be held for that purpose. The hearing shall be held not more than twenty (20) days after the entry of the plea of not guilty to the petition, unless waived by both the state and the defendant. Any acceleration of a deferred sentence based on a technical violation shall not exceed ninety (90) days for a first acceleration or five (5) years for a second or subsequent acceleration.

G. Upon any violation of the deferred judgment, other than a technical violation, the court may enter a judgment of guilt and proceed as provided in Section 991a of this title or may modify any condition imposed. Provided, however, if the deferred judgment is for a felony offense, and the defendant commits another felony offense, the defendant shall not be allowed bail pending appeal.

H. The deferred judgment procedure described in this section shall apply only to defendants who have not been previously convicted of a felony offense and have not received more than one deferred judgment for a felony offense within the ten (10) years previous to the commission of the pending offense.

Provided, the court may waive this prohibition upon written application of the district attorney. Both the application and the waiver shall be made a part of the record of the case.

I. The deferred judgment procedure described in this section shall not apply to defendants found guilty or who plead guilty or nolo contendere to a sex offense required by law to register pursuant to the Sex Offenders Registration Act.

J. All defendants who are supervised pursuant to this section shall be subject to the sanction process as established in subsection D of Section 991b of this title.

K. Notwithstanding the provisions of subsections F and G of this section, a person who is being considered for an acceleration of a deferred judgment for an offense where the penalty has subsequently been lowered to a misdemeanor shall only be subject to a judgment and sentence that would have been applicable had he or she committed the offense after July 1, 2017.

Added by Laws 1970, c. 312, § 2. Amended by Laws 1976, c. 160, § 3, eff. Oct. 1, 1976; Laws 1979, c. 66, § 2, emerg. eff. April 16, 1979; Laws 1981, c. 15, § 1, eff. Oct. 1, 1981; Laws 1982, c. 8, § 2, emerg. eff. March 15, 1982; Laws 1984, c. 10, § 1, eff. Nov. 1, 1984; Laws 1985, c. 112, § 8, eff. Nov. 1, 1985; Laws 1988, c. 109, § 27, eff. Nov. 1, 1988; Laws 1990, c. 152, § 2, eff. Sept. 1, 1990; Laws 1992, c. 151, § 2, eff. Sept. 1, 1992; Laws 1992, c. 357, § 5, eff. July 1, 1992; Laws 1993, c. 166, § 2, eff. Sept. 1, 1993; Laws 1993, c. 360, § 3, eff. Sept. 1, 1993; Laws 1994, c. 2, § 10, emerg.

eff. March 2, 1994; Laws 1994, c. 308, § 2, emerg. eff. June 7, 1994; Laws 1995, c. 193, § 3, eff. July 1, 1995; Laws 1995, c. 286, § 6, eff. July 1, 1995; Laws 1996, c. 304, § 2, emerg. eff. June 10, 1996; Laws 1997, c. 133, § 70, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 21, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 4, § 27, eff. July 1, 1999; Laws 2000, c. 6, § 5, emerg. eff. March 20, 2000; Laws 2000, c. 349, § 6, eff. Nov. 1, 2000; Laws 2001, c. 437, § 18, eff. July 1, 2001; Laws 2002, c. 460, § 20, eff. Nov. 1, 2002; Laws 2004, c. 275, § 12, eff. July 1, 2004; Laws 2005, c. 1, § 18, emerg. eff. March 15, 2005; Laws 2005, c. 374, § 2, eff. Nov. 1, 2005; Laws 2010, c. 113, § 2; Laws 2013, c. 80, § 2; Laws 2013, c. 175, § 2, eff. Nov. 1, 2013; Laws 2014, c. 219, § 1, eff. Nov. 1, 2014; Laws 2015, c. 209, § 1, eff. Nov. 1, 2015; Laws 2018, c. 128, § 12, eff. Nov. 1, 2018; Laws 2019, c. 459, § 4, eff. Nov. 1, 2019; Laws 2020, c. 46, § 2, eff. Sept. 1, 2020; Laws 2021, c. 101, § 3, emerg. eff. April 20, 2021; Laws 2025, c. 305, § 3, eff. Nov. 1, 2025.

NOTE: Laws 1993, c. 81, § 4 repealed by Laws 1993, c. 339, § 4, eff. Sept. 1, 1993 and by Laws 1993, c. 360, § 17, eff. Sept. 1, 1993. Laws 1993, c. 339, § 2 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994. Laws 1995, c. 75, § 1 repealed by Laws 1995, c. 286, § 17, eff. July 1, 1995. Laws 1999, c. 359, § 1 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000. Laws 2004, c. 145, § 1 repealed by Laws 2005, c. 1, § 19, emerg. eff. March 15, 2005. Laws 2020, c. 161, § 4 repealed by Laws 2021, c. 101, § 4, emerg. eff. April 20, 2021.

§22-991c-1. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§22-991d. Supervision fee.

A. 1. When the court orders supervision by the Department of Corrections, or the district attorney requires the Department to supervise any person pursuant to a deferred prosecution agreement, the person shall be required to pay a supervision fee of Forty Dollars (\$40.00) per month during the supervision period, unless the fee would impose an unnecessary hardship on the person. In hardship cases, the Department shall expressly waive all or part of the fee. The court shall make payment of the fee a condition of the sentence which shall be imposed whether the supervision is incident to the suspending of execution of a sentence, incident to the suspending of imposition of a sentence, or incident to the deferral of proceedings after a verdict or plea of guilty. The Department shall determine methods for payment of supervision fee, and may charge a reasonable user fee for collection of supervision fees electronically. The Department is required to report to the sentencing court any failure

of the person to pay supervision fees and to report immediately if the person violates any condition of the sentence.

2. When the court imposes a suspended or deferred sentence for any offense and does not order supervision by the Department of Corrections, the offender shall be required to pay to the district attorney a supervision fee of Forty Dollars (\$40.00) per month as a fee to compensate the district attorney for the actual act of supervising the offender during the applicable period of supervision. In hardship cases, the district attorney shall expressly waive all or part of the fee. Any fees collected by the district attorney pursuant to this paragraph shall be deposited in the General Revenue Fund of the State Treasury.

3. If restitution is ordered by the court in conjunction with supervision, the supervision fee will be paid in addition to the restitution ordered. In addition to the restitution payment and supervision fee, a reasonable user fee may be charged by the Department of Corrections to cover the expenses of administration of the restitution, except no user fee shall be collected by the Department when restitution payment is collected and disbursed to the victim by the office of the district attorney as provided in Section 991f of this title or Section 991f-1.1 of this title.

B. The Pardon and Parole Board shall require a supervision fee to be paid by the parolee as a condition of parole which shall be paid to the Department of Corrections. The Department shall determine the amount of the fee as provided for other persons under supervision by the Department.

C. Upon acceptance of an offender by the Department of Corrections whose probation or parole supervision was transferred to Oklahoma through the Interstate Compact Agreement, or upon the assignment of an inmate to any community placement, a fee shall be required to be paid by the offender to the Department of Corrections as provided for other persons under supervision of the Department.

D. Except as provided in subsection A and this subsection, all fees collected pursuant to this section shall be deposited in the Department of Corrections Revolving Fund created pursuant to Section 557 of Title 57 of the Oklahoma Statutes. For the fiscal year ending June 30, 1996, fifty percent (50%) of all collections received from offenders placed on supervision after July 1, 1995, shall be transferred to the credit of the General Revenue Fund of the State Treasury until such time as total transfers equal Three Million Three Hundred Thousand Dollars (\$3,300,000.00).

Added by Laws 1972, c. 121, § 1, emerg. eff. March 31, 1972.

Amended by Laws 1976, c. 160, § 4, eff. Oct. 1, 1976; Laws 1978, c. 273, § 16, emerg. eff. May 10, 1978; Laws 1981, c. 58, § 1, operative July 1, 1981; Laws 1988, c. 310, § 7, operative July 1, 1988; Laws 1995, c. 286, § 7, eff. July 1, 1995; Laws 1996, c. 304, § 3, emerg. eff. June 10, 1996; Laws 2001, c. 437, § 19, eff. July

1, 2001; Laws 2003, c. 474, § 4, eff. Nov. 1, 2003; Laws 2005, c. 374, § 3, eff. Nov. 1, 2005; Laws 2006, c. 159, § 1, eff. July 1, 2006; Laws 2008, c. 345, § 1, eff. July 1, 2008; Laws 2009, c. 138, § 1, eff. July 1, 2009; Laws 2014, c. 414, § 1, eff. Nov. 1, 2014; Laws 2019, c. 453, § 3, eff. July 1, 2019.

§22-991e. Repealed by Laws 1995, c. 286, § 16, eff. July 1, 1995.

§22-991f. Definitions.

A. For the purposes of any provision of Title 22 of the Oklahoma Statutes relating to criminal sentencing and restitution orders and for the Restitution and Diversion Program:

1. "Restitution" means the sum to be paid by the defendant to the victim of the criminal act to compensate that victim for up to three times the amount of the economic loss suffered as a direct result of the criminal act of the defendant;

2. "Victim" means any person, partnership, corporation or legal entity that suffers an economic loss as a direct result of the criminal act of another person;

3. "Economic loss" means actual financial detriment suffered by the victim consisting of medical expenses actually incurred, damage to or loss of real and personal property and any other out-of-pocket expenses, including loss of earnings, reasonably incurred as the direct result of the criminal act of the defendant. No other elements of damage shall be included as an economic loss for purposes of this section.

B. In all criminal prosecutions and juvenile proceedings in this state, the court shall prioritize an order for payments of restitution to the victim. When the court enters an order directing the offender to pay restitution to any victim for economic loss or to pay to the state any fines, fees or assessments, the order, for purposes of validity and collection, shall not be limited to the maximum term of imprisonment for which the offender could have been sentenced, nor limited to any term of probation, parole, or extension thereof, nor expire until fully satisfied. The court order for restitution, fines, fees or assessments shall remain a continuing obligation of the offender until fully satisfied, and the obligation shall not be considered a debt, nor shall the obligation be dischargeable in any bankruptcy proceeding. The court order shall continue in full force and effect with the supervision of the state until fully satisfied, and the state shall use all methods of collection authorized by law. Before acceptance of a payment toward fines, fees, or assessments, the court clerk shall inquire of the offender whether restitution is owed on the case. If the court has ordered restitution, the court clerk shall inform the offender that payment of such restitution shall be prioritized over payment of fines, fees, or assessments.

C. 1. Upon conviction for any crime wherein property has been stolen, converted or otherwise unlawfully obtained, or its value substantially decreased as a direct result of the crime, or wherein the crime victim suffered injury, loss of income, or out-of-pocket loss, the individuals criminally responsible shall be sentenced to make restitution. Restitution may be ordered in addition to the punishments prescribed by law.

2. The court shall order full restitution based upon the following considerations:

- a. the nature and amount of restitution shall be sufficient to restore the crime victim to the equivalent economic status existing prior to the losses sustained as a direct result of the crime, and may allow the crime victim to receive payment in excess of the losses sustained; provided, the excess amount of restitution shall not be more than treble the actual economic loss incurred, and
- b. the amount of restitution shall be established regardless of the financial resources of the offender.

3. The court:

- a. may direct the return of property to be made as soon as practicable and make an award of restitution in the amount of the loss of value to the property itself as a direct result of the crime, including out-of-pocket expenses and loss of earnings incurred as a result of damage to or loss of use of the property, the cost to return the property to the victim or to restore the property to its pre-crime condition whichever may be appropriate under the circumstances,
- b. may order restitution in a lump sum or by such schedules as may be established and thereafter adjusted by agreement consistent with the order of the court,
- c. shall have the authority to amend or alter any order of restitution made pursuant to this section providing that the court shall state its reasons and conclusions as a matter of record for any change or amendment to any previous order,
- d. may order interest upon any ordered restitution sum to accrue at the rate of twelve percent (12%) per annum until the restitution is paid in full. The court may further order such interest to be paid to the victims of the crime or proportion the interest payment between the victims and the court fund, and/or the Restitution and Diversion Program, in the discretion of the court, and

- e. shall consider any pre-existing orders imposed on the defendant, including, but not limited to, orders imposed under civil and criminal proceedings.

D. If restitution to more than one person, agency or entity is set at the same time, the court shall establish the following priorities of payment:

- 1. The crime victim or victims; and
- 2. Any other government agency which has provided reimbursement to the victim as a result of the offender's criminal conduct.

E. 1. The district attorney's office shall present the crime victim's restitution claim to the court at the time of the conviction of the offender or the restitution provisions shall be included in the written plea agreement presented to the court, in which case, the restitution claim shall be reviewed by the judge prior to acceptance of the plea agreement.

2. At the initiation of the prosecution of the defendant, the district attorney's office shall provide all identifiable crime victims with written and oral information explaining their rights and responsibilities to receive restitution established under this section.

3. The district attorney's office shall provide all crime victims, regardless of whether the crime victim makes a specific request, with an official request for restitution form to be completed and signed by the crime victim, and to include all invoices, bills, receipts, and other evidence of injury, loss of earnings and out-of-pocket loss. This form shall be filed with any victim impact statement to be included in the judgment and sentence. Every crime victim receiving the restitution claim form shall be provided assistance and direction to properly complete the form.

4. The official restitution request form shall be presented in all cases regardless of whether the case is brought to trial. In a plea bargain, the district attorney in every case where the victim has suffered economic loss, shall, as a part of the plea bargain, require that the offender pay restitution to the crime victim. The district attorney shall be authorized to act as a clearing house for collection and disbursement of restitution payments made pursuant to this section, and shall assess a fee of One Dollar (\$1.00) per payment received from the defendant, except when the defendant is sentenced to incarceration in the Department of Corrections.

F. The crime victim shall provide all documentation and evidence of compensation or reimbursement from insurance companies or agencies of this state, any other state, or the federal government received as a direct result of the crime for injury, loss of earnings or out-of-pocket loss.

G. The court shall, upon motion by the crime victim, redact from the submitted documentation all personal information relating to the crime victim that does not directly and necessarily establish

the authenticity of any document or substantiate the asserted amount of the restitution claim.

H. The unexcused failure or refusal of the crime victim to provide all or part of the requisite information prior to the sentencing, unless disclosure is deferred by the court, shall constitute a waiver of any grounds to appeal or seek future amendment or alteration of the restitution order predicated on the undisclosed available information. The court shall order the offender to submit either as part of the pre-sentence investigation or assessment and evaluation required for a community sentence or, if no pre-sentence investigation is conducted, in advance of the sentencing proceeding such information as the court may direct and finds necessary to be disclosed for the purpose of ascertaining the type and manner of restitution to be ordered.

I. The willful failure or refusal of the offender to provide all or part of the requisite information prior to the sentencing, unless disclosure is deferred by the court shall not deprive the court of the authority to set restitution or set the schedule of payment. The willful failure or refusal of the offender to provide all or part of the requisite information prior to the sentencing, unless disclosure is deferred by the court, shall constitute a waiver of any grounds to appeal or seek future amendment or alteration of the restitution order predicated on the undisclosed information. The willful failure or refusal of the offender to provide all or part of the requisite information prior to sentencing, unless disclosure is deferred by the court, shall constitute an act of contempt.

J. The court shall conduct such hearings or proceedings as it deems necessary to set restitution and payment schedules at the time of sentencing or may bifurcate the sentencing and defer the hearing or proceedings relating to the imposition of restitution as justice may require. Amendments or alterations to the restitution order may be made upon the court's own motion, petition by the crime victim or petition by the offender.

K. An offender who files a meritless or frivolous petition for amendment or alteration to the restitution order shall pay the costs of the proceeding on the petition and shall have added to the existing restitution order the additional loss of earnings and out-of-pocket loss incurred by the crime victim in responding to the petition.

L. The restitution request form shall be promulgated by the District Attorneys Council and provided to all district attorney offices.

M. If a defendant who is financially able refuses or neglects to pay restitution as ordered by this section, payment may be enforced:

1. By contempt of court as provided in subsection A of Section 566 of Title 21 of the Oklahoma Statutes with imprisonment or fine or both;

2. In the same manner as prescribed in subsection N of this section for a defendant who is without means to make such restitution payment; or

3. Revocation of the criminal sentence if the sentence imposed was a suspended or deferred sentence or a community sentence.

N. If the defendant is without means to pay the restitution, the judge may direct the total amount due, or any portion thereof, to be entered upon the court minutes and to be certified in the district court of the county where it shall then be entered upon the district court judgment docket and shall have the full force and effect of a district court judgment in a civil case. Thereupon the same remedies shall be available for the enforcement of the judgment as are available to enforce other judgments; provided, however, the judgment herein prescribed shall not be considered a debt nor dischargeable in any bankruptcy proceeding.

O. Whenever a person has been ordered to pay restitution as provided in this section or any section of the Oklahoma Statutes for a criminal penalty, the judge may order the defendant to a term of community service, with or without compensation, to be credited at a rate of Five Dollars (\$5.00) per day against the total amount due for restitution. If the defendant fails to perform the required community service authorized by this subsection or if the conditions of community service are violated, the judge may impose a term of imprisonment not to exceed five (5) days in the county jail for each failure to comply.

P. Nothing in subsections M through O of this section shall be construed to be additions to the original criminal penalty, but shall be used by the court as sanctions and means of collection for criminal restitution orders and restitution orders that have been reduced to judgment.

Added by Laws 1976, c. 160, § 5, eff. Oct. 1, 1976. Amended by Laws 1997, c. 357, § 6, emerg. eff. June 9, 1997; Laws 1998, c. 410, § 1, eff. July 1, 1998; Laws 2001, c. 437, § 20, eff. July 1, 2001; Laws 2025, c. 306, § 3, eff. Nov. 1, 2025.

§22-991f-1.0. Restitution and Diversion Program - Short title.

This section and Section 22 of this act shall be known and may be cited as the "Restitution and Diversion Program".

Added by Laws 2001, c. 437, § 21, eff. July 1, 2001.

§22-991f-1.1. Restitution and Diversion Program - Evaluation of criminal complaints for deferred prosecution - Restitution agreement - Definitions.

A. Each district attorney shall create within the district attorney's office a Restitution and Diversion Program and assign sufficient staff and resources for the efficient operation of such program. The purpose of the Restitution and Diversion Program is to allow the district attorney the discretion to divert criminal complaints involving property crimes from criminal court and to monitor restitution payments. At the discretion of the district attorney, the program may be administered by the Bogus Check Restitution Program operated by the county.

B. 1. Referral of a criminal complaint to the Restitution and Diversion Program shall be at the discretion of the district attorney. This act shall not limit the power of the district attorney to prosecute criminal complaints.

2. Upon receipt of a criminal complaint involving property, the district attorney shall determine if the complaint is one which is appropriate for deferred prosecution.

3. In determining whether to defer prosecution and refer a case to the Restitution and Diversion Program, the district attorney shall consider the following factors:

- a. whether the criminal complaint alleges an offense involving property,
- b. whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner,
- c. the prospects for adequate protection of the public if the accused person is processed through deferred prosecution in the Restitution and Diversion Program,
- d. the number of criminal complaints against the defendant previously received by the district attorney,
- e. whether or not there are other criminal complaints currently pending against the defendant,
- f. the strength of the evidence of the particular criminal complaint, and
- g. the wishes of the victim.

C. Upon referral of a complaint to the Restitution and Diversion Program, a notice of the complaint shall be forwarded by mail to the accused person. The notice shall contain:

1. The date the act which is the subject of the complaint occurred;
2. The name of the victim;
3. The date before which the accused person must contact the office of the district attorney concerning the complaint; and
4. A statement of the penalty for the crime which is the subject of the complaint.

D. The district attorney may enter into a written agreement with the accused person to defer prosecution on the criminal complaint for a period to be determined by the district attorney,

not to exceed three (3) years pending restitution being made to the victim of the complaint and payment of necessary fees.

E. Each restitution agreement shall include a provision requiring the accused person to pay to the district attorneys office a fee equal to the amount which would have been assessed as court costs upon the filing of the case in district court plus Twenty-five Dollars (\$25.00) for each criminal complaint covered by the agreement. This fee may be deposited in a special fund with the county treasurer to be known as the "Restitution and Diversion Program Fund" or in the Bogus Check Restitution Fund. The monies deposited in the Restitution and Diversion Program Fund shall be used by the district attorney to make any lawful expenditure associated with the district attorney's office. The district attorney shall keep records of all monies deposited to and disbursed from these funds. The records of these funds shall be audited at the same time the records of county funds are audited.

F. 1. Restitution to be paid by the accused person to the victim shall include out-of-pocket expenses the victim incurred as a direct result of the crime having been committed. A restitution agreement may include provisions for restitution in an amount up to treble the amount of property involved except such restitution shall not apply to false or bogus checks. If, instead of paying restitution directly to the victim, the accused person delivers restitution funds to the office of the district attorney, the district attorney shall deposit such funds in a depository account in the office of the county treasurer to be disbursed to the victim by a warrant signed by the district attorney or a member of the district attorney's staff assigned to the Restitution and Diversion Program. The district attorney shall keep full records of all restitution monies received and disbursed. These records shall be audited at the same time the county funds are audited;

2. If the accused person fails to comply with the provisions of the Restitution and Diversion Program agreement, the district attorney may file an information and proceed with the prosecution of the accused person as provided by law.

G. Members of the district attorney's staff shall perform duties in connection with the Restitution and Diversion Program in addition to any other duties which may be assigned by the district attorney.

H. 1. District attorneys shall prepare and submit an annual report to the District Attorneys Council showing total deposits and total expenditures in the Restitution and Diversion Program.

2. By September 15 of each year, the District Attorneys Council shall publish an annual report for the previous fiscal year of the Restitution and Diversion Program. A copy of the report shall be distributed to the President Pro Tempore of the Senate and the Speaker of the House of Representatives and the chairs of the House

and Senate Appropriations Committees. Each district attorney shall submit information requested by the District Attorneys Council regarding the Restitution and Diversion Program. This report shall include the number of cases processed, the total dollar amount for which restitution was made, the total amount of the restitution collected, the total amount of fees collected, the total cost of the program, and such other information as required by the District Attorneys Council.

I. For the purposes of the Restitution and Diversion Program, the following definitions shall apply:

1. "Property Crime" shall include, but not be limited to the following:

- a. embezzlement offenses,
- b. larceny offenses,
- c. theft offenses,
- d. malicious injury to property, and
- e. any offense which results in economic loss, but does not result in physical injury to another human being, and which is not enumerated in Section 571 of Title 57 of the Oklahoma Statutes;

2. "Victim" is defined by Section 991f of this title;

3. "Restitution" is defined by Section 991f of this title; and

4. "Economic loss" is defined by Section 991f of this title.

J. The victim shall promptly provide to the Restitution and Diversion Program all documentation and evidence of compensation or reimbursement from insurance companies or agencies of this state, any other state, or the federal government received as a direct result of the crime for injury, loss of earnings or out-of-pocket loss.

Added by Laws 2001, c. 437, § 22, eff. July 1, 2001. Amended by Laws 2009, c. 93, § 2, eff. Nov. 1, 2009.

§22-991g. Local crimestoppers programs - Qualification for repayment of rewards - Audits - Certification - Use of funds.

A. The Office of the Attorney General, at the request of the court, shall determine whether a local crimestoppers program is qualified to receive repayments of rewards pursuant to Section 1 of this act. The Office of the Attorney General shall approve the local crimestoppers program to receive those repayments if, considering the organization, continuity, leadership, community support, audit pursuant to subsection B of this section and general conduct of the program, the Office of the Attorney General determines that the repayments will be spent to further the crime prevention purposes of the program.

B. Prior to certification by the Office of the Attorney General for a local crimestoppers program to receive repayments pursuant to Section 1 of this act, each program is subject to an audit by an

independent accounting firm which must be submitted to the Office of the Attorney General for review. In order to maintain certification, the program shall be so audited each year and the audit submitted prior to July 1 of each year.

C. The Office of the Attorney General may certify a local crimestoppers program for purposes of Section 1 of this act even if a judge has not requested a determination for that program and may maintain a current list of approved local crimestoppers programs.

D. A local crimestoppers program certified by the Office of the Attorney General to receive repayments pursuant to Section 1 of this act shall use that money for the sole purpose of rewards to persons who report information on criminal activity only if that information leads to a defendant being indicted for or charged by information with a felony offense.

Added by Laws 1991, c. 17, § 2, eff. Sept. 1, 1991.

§22-991h. See the following versions:

OS 22-991hv1 (HB 3936, Laws 2024, c. 59, § 35).

OS 22-991hv2 (HB 3450, Laws 2024, c. 151, § 10).

§22-994. Suspension of judgment and sentence after appeal.

After appeal, when any criminal conviction is affirmed, either in whole or in part, the court in which the defendant was originally convicted may suspend the judgment and sentence as otherwise provided by law. Jurisdiction for such suspension shall be vested in said trial court by a request by the defendant within ten days of the final order of the Court of Criminal Appeals. Any order granting or denying suspension made under the provisions of this section is a nonappealable order.

Laws 1965, c. 160, § 1, emerg. eff. May 26, 1965.

§22-996. Short title - Regimented Inmate Discipline (RID) Program.

Sections 996 through 996.3 of this title shall be known and may be cited as the "Delayed Sentencing Program for Young Adults". This act is also recognized as the Regimented Inmate Discipline (RID) Program.

Added by Laws 1987, c. 119, § 1, eff. Nov. 1, 1987. Amended by Laws 2003, c. 323, § 1, eff. July 1, 2003.

§22-996.1. Definitions.

As used in the Delayed Sentencing Program for Young Adults:

"Offender" means any adult eighteen (18) through twenty-five (25) years of age as of the date of a verdict of guilty or a plea of guilty or nolo contendere for a nonviolent felony offense or a juvenile who has been certified to stand trial as an adult for a nonviolent felony offense, who has no charges pending for a violent

offense and who has not been sentenced, or adjudicated as a juvenile delinquent or youthful offender, of:

1. Assault, battery, or assault and battery with a dangerous or deadly weapon as defined by Sections 645 and subsection C of 652 of Title 21 of the Oklahoma Statutes, or Section 2-219 of Title 43A of the Oklahoma Statutes;

2. Aggravated assault and battery on a police officer, sheriff, highway patrolman, or any other officer of the law as defined by Sections 650, subsection C of 650.2, 650.5, subsection B of 650.6, or subsection C of 650.7 of Title 21 of the Oklahoma Statutes;

3. Poisoning with intent to kill as defined by Section 651 of Title 21 of the Oklahoma Statutes;

4. Shooting with intent to kill as defined by Section 652 of Title 21 of the Oklahoma Statutes;

5. Assault with intent to kill as defined by Section 653 of Title 21 of the Oklahoma Statutes;

6. Using a vehicle to facilitate the intentional discharge of any kind of firearm in violation of Section 652 of Title 21 of the Oklahoma Statutes;

7. Discharging any firearm or other deadly weapon at or into any dwelling as defined in Section 1289.17A of Title 21 of the Oklahoma Statutes;

8. Assault with intent to commit a felony as defined by Section 681 of Title 21 of the Oklahoma Statutes;

9. Assaults while masked or disguised as defined by Section 1303 of Title 21 of the Oklahoma Statutes;

10. Murder in the first degree as defined by Section 701.7 of Title 21 of the Oklahoma Statutes;

11. Murder in the second degree as defined by Section 701.8 of Title 21 of the Oklahoma Statutes;

12. Manslaughter in the first degree as defined by Sections 711 or 712 of Title 21 of the Oklahoma Statutes;

13. Manslaughter in the second degree as defined by Sections 716 or 717 of Title 21 of the Oklahoma Statutes;

14. Kidnapping as defined by Section 741 of Title 21 of the Oklahoma Statutes;

15. Burglary in the first degree as defined by Section 1431 of Title 21 of the Oklahoma Statutes;

16. Kidnapping for extortion as defined by Section 745 of Title 21 of the Oklahoma Statutes;

17. Maiming as defined by Section 751 of Title 21 of the Oklahoma Statutes;

18. Robbery as defined by Section 791 of Title 21 of the Oklahoma Statutes;

19. Robbery in the first degree as defined by Section 797 of Title 21 of the Oklahoma Statutes;

20. Robbery in the second degree as defined by Section 797 of Title 21 of the Oklahoma Statutes;

21. Armed robbery as defined by Section 801 of Title 21 of the Oklahoma Statutes;

22. Robbery by two (2) or more persons as defined by Section 800 of Title 21 of the Oklahoma Statutes;

23. Robbery with dangerous weapon or imitation firearm as defined by Section 801 of Title 21 of the Oklahoma Statutes;

24. Any crime against a child provided for in Section 843.5 of Title 21 of the Oklahoma Statutes;

25. Wiring equipment, vehicle or structure with explosives as defined by Section 849 of Title 21 of the Oklahoma Statutes;

26. Forcible sodomy as defined by Section 888 of Title 21 of the Oklahoma Statutes;

27. Rape in the first degree as defined by Sections 1111 and 1114 of Title 21 of the Oklahoma Statutes;

28. Rape by instrumentation as defined by Section 1111.1 of Title 21 of the Oklahoma Statutes;

29. Lewd or indecent proposition or lewd or indecent act with a child as defined by Section 1123 of Title 21 of the Oklahoma Statutes;

30. Use of a firearm or offensive weapon to commit or attempt to commit a felony as defined by Section 1287 of Title 21 of the Oklahoma Statutes;

31. Pointing firearms as defined by Section 1289.16 of Title 21 of the Oklahoma Statutes;

32. Rioting as defined by Sections 1311 or 1321.8 of Title 21 of the Oklahoma Statutes;

33. Inciting to riot as defined by Section 1320.2 of Title 21 of the Oklahoma Statutes;

34. Arson in the first degree as defined by Section 1401 of Title 21 of the Oklahoma Statutes;

35. Endangering human life during arson as defined by Section 1405 of Title 21 of the Oklahoma Statutes;

36. Procure, produce, distribute, or possess child sexual abuse material as defined by Section 1021.2 of Title 21 of the Oklahoma Statutes;

37. Parental consent to child sexual abuse material as defined by Section 1021.3 of Title 21 of the Oklahoma Statutes;

38. Distributing obscene material or child sexual abuse material as defined by Section 1040.13 of Title 21 of the Oklahoma Statutes;

39. Unlawful manufacturing, attempting to unlawfully manufacture or aggravated manufacturing of any controlled dangerous substance as defined by subsection G of Section 2-401 and paragraph 3 of subsection G of Section 2-401 of Title 63 of the Oklahoma Statutes; or

40. Any violation of the Trafficking in Illegal Drugs Act as defined by Section 2-415 of Title 63 of the Oklahoma Statutes. Added by Laws 1987, c. 119, § 2, eff. Nov. 1, 1987. Amended by Laws 1994, c. 314, § 1, eff. Sept. 1, 1994; Laws 2003, c. 323, § 2, eff. July 1, 2003; Laws 2005, c. 426, § 1, eff. July 1, 2005; Laws 2009, c. 275, § 2, eff. Nov. 1, 2009; Laws 2010, c. 226, § 6, eff. Nov. 1, 2010; Laws 2013, c. 338, § 1, eff. Nov. 1, 2013; Laws 2014, c. 98, § 1, eff. Nov. 1, 2014; Laws 2018, c. 157, § 1, emerg. eff. May 1, 2018; Laws 2021, c. 9, § 1, eff. Nov. 1, 2021; Laws 2024, c. 59, § 36, eff. Nov. 1, 2024.

§22-996.2. Implementation and scope of program.

The Department of Corrections shall establish and carry out the provisions of the Delayed Sentencing Program for Young Adults. The Program shall be not less than one hundred eighty (180) days nor more than one (1) year and shall provide a structured environment of intense confinement, supervision, treatment, discipline, and vocational or educational components designed specifically for the offender.

Added by Laws 1987, c. 119, § 3, eff. Nov. 1, 1987. Amended by Laws 2003, c. 323, § 3, eff. July 1, 2003.

§22-996.3. Powers of court - Specialized offender accountability plan - Objection and hearing - Effect of court order - Probation or confinement.

A. Upon a verdict of guilty or a plea of guilty or nolo contendere of an offender, the court shall delay sentencing for a period not less than one hundred eighty (180) days nor more than one (1) year after the plea of guilty or finding of guilt is entered and order the offender to the Delayed Sentencing Program for Young Adults under the custody of the Department of Corrections. For purposes of the Delayed Sentencing Program for Young Adults, the term "custody" shall include probation or confinement during the term of the Program. The court may initially commit the offender for either probation or confinement pending the completion of the Delayed Sentencing Program.

After the completion of the Program the court shall:

1. Defer judgment pursuant to the provisions of Section 991c of this title;

2. Sentence the offender to any sentence provided by law in the custody of the Department of Corrections;

3. Suspend the execution of sentence pursuant to Section 991a of this title. In addition to other conditions of probation allowed by statute, the court may include special conditions of probation as set forth in the plan provided to the court if sentencing is deferred or if all or part of the sentence is suspended;

4. Sentence the offender to community sentencing; or

5. Dismiss the criminal charges and proceedings.

B. Within ninety (90) days after the offender is committed to the Delayed Sentencing Program for Young Adults, the Department of Corrections shall prepare and file with the court clerk a specialized offender accountability plan for the offender which shall comply with and be in lieu of the presentence investigation provided for in Section 982 of this title. The plan shall include information, evaluations, and data directed by the sentencing court, and may include, but not be limited to, the investigation report of probation officers, an assessment of security risks and offender needs and a recommended specific course of action, including, where applicable, psychological counseling, psychiatric treatment, medical treatment, education or vocational training, work, restitution, and such other programs, which will offer the best opportunity for rehabilitation of the offender. If the plan recommends confinement, the plan shall state specifically the type of confinement that the Department of Corrections proposes to utilize and the amount of time the offender will spend in that confinement, including but not limited to boot camp, substance abuse treatment, and vocational or educational placement.

Upon filing the plan, copies shall be provided by the Department of Corrections to the district attorney, the offender, the offender's attorney, and the court. If the district attorney, the offender or the offender's attorney objects to the plan, the objecting party may file a written objection with the court within ten (10) days of the receipt of the plan. Upon the filing of any objection, the court shall conduct a hearing within ten (10) days of the filing of the objection and decide a plan of action for the offender under the Delayed Sentencing Program for Young Adults or sentence the offender as otherwise provided by law.

C. An order by the court placing an offender in the Delayed Sentencing Program for Young Adults shall be accepted by the Department of Corrections as a commitment to the custody of the Department pursuant to the provisions of Section 521 of Title 57 of the Oklahoma Statutes, for the sole purpose of committing an offender for assessment and evaluation and complying with the accountability plan.

D. If no objection has been made to the plan, the offender shall remain in the custody of the Department either under probation or confinement to comply with the terms and conditions of the plan. The offender may be housed either in a minimum or medium security facility, halfway house, community corrections facility, or any combination as needed to comply with the plan and meet offender criminogenic needs. Upon completion of the program, the Department shall notify the Sheriff of the county from where the order by the court placing an offender in the Delayed Sentencing Program for

Young Adults was filed and the Sheriff shall take custody of the offender.

E. Any offender previously admitted to the Delayed Sentencing Program for Young Adults shall be ineligible for the Delayed Sentencing Program for Young Adults for subsequent offenses. Added by Laws 1987, c. 119, § 4, eff. Nov. 1, 1987. Amended by Laws 2003, c. 323, § 4, eff. July 1, 2003; Laws 2005, c. 426, § 2, eff. July 1, 2005; Laws 2010, c. 226, § 7, eff. Nov. 1, 2010; Laws 2018, c. 157, § 2, emerg. eff. May 1, 2018.

§22-1001. Judgment of death - Warrant.

When judgment of death is rendered, the judge must sign and deliver to the sheriff of the county a warrant duly attested by the clerk, under the seal of the court, stating the conviction and judgment and appointing a day on which the judgment is to be executed, which must be not less than sixty (60) nor more than ninety (90) days from the time of the judgment and must direct the sheriff to deliver the defendant within ten (10) days from the time of judgment to the warden of the state prison at McAlester, in this state, for execution.

R.L.1910, § 5967; Laws 1913, c. 113, p. 206, § 2.

§22-1001.1. Execution of judgment - Time - Stay of execution.

A. The execution of the judgment in cases where sentence of death is imposed shall be ordered by the Court of Criminal Appeals to be carried out thirty (30) days after the defendant fails to meet any of the following time conditions:

1. If a defendant does not file a petition for writ of certiorari in the United States Supreme Court within ninety (90) days from the issuance of the mandate in the original state direct appeal unless a first application for post-conviction relief is pending;

2. If a defendant does not file an original application for post-conviction relief in the Court of Criminal Appeals within ninety (90) days from the filing of the appellee's brief on direct appeal or, if a reply brief is filed, ninety (90) days from the filing of that reply brief, or a petition in error to the Court of Criminal Appeals after remand within thirty (30) days from entry of judgment by the district court disposing of the application for post-conviction relief;

3. If a defendant does not file a writ of certiorari to the United States Supreme Court within ninety (90) days from a denial of state post-conviction relief by the Oklahoma Court of Criminal Appeals;

4. If a defendant does not file the first petition for a federal writ of habeas corpus within sixty (60) days from a denial

of the certiorari petition or from a decision by the United States Supreme Court from post-conviction relief;

5. If a defendant does not file an appeal in the United States Court of Appeals for the Tenth Circuit from a denial of a federal writ of habeas corpus within seventy (70) days; or

6. If a defendant does not file a petition for writ of certiorari with the United States Supreme Court from a denial of the appeal of the federal writ of habeas corpus within ninety (90) days.

B. The filing of a petition for rehearing in any federal court shall not serve to stay the execution dates or the time restraints set forth in the above section unless the defendant makes the showing set forth in subsection C of this section. The provisions of subsection A do not apply to second or subsequent petitions or appeals filed in any court. The filing of a second or subsequent petition or appeal in any court does not prevent the setting of an execution date.

C. When an action challenging the conviction or sentence of death is pending before it, the Court of Criminal Appeals may stay an execution date, or issue any order which effectively stays an execution date only upon a showing by the defendant that there exists a significant possibility of reversal of the defendant's conviction, or vacation of the defendant's sentence, and that irreparable harm will result if no stay is issued.

D. Should a stay of execution be issued by any state or federal court, a new execution date shall be set by operation of law sixty (60) days after the dissolution of the stay of execution. The new execution date shall be set by the Court of Criminal Appeals without necessity of application by the state, but the Attorney General, on behalf of the state, shall bring to the attention of the Court of Criminal Appeals the fact of the dissolution of a stay of execution and suggest the appropriateness of the setting of a new execution date.

E. After an execution date has been set pursuant to the provisions of this section, should a stay of execution be issued by any state or federal court, a new execution date shall be set by operation of law thirty (30) days after the dissolution of the stay of execution. The new execution date shall be set by the Court of Criminal Appeals without necessity of application by the state, but the Attorney General, on behalf of the state, shall bring to the attention of the Court of Criminal Appeals the fact of the dissolution of a stay of execution and suggest the appropriateness of setting a new execution date.

F. After an execution date has been set pursuant to the provisions of this section, should a stay of execution be issued by any state or federal court and then vacated by such court, the sentence of death shall be carried out as ordered prior to the issuance of such vacated stay of execution. If the prior execution

date has expired prior to the vacation of the stay of execution, a new execution date shall be set by operation of law thirty (30) days after the vacation of the stay of execution. The new execution date shall be set by the Court of Criminal Appeals without necessity of application by the state, but the Attorney General, on behalf of the state, shall bring to the attention of the Court of Criminal Appeals the fact of a vacation of the stay of execution and suggest the appropriateness of the setting of a new execution date.

G. After an execution date has been set pursuant to the provisions of this section, should the Governor of the State of Oklahoma issue a stay of execution pursuant to the powers articulated in Section 10 of Article VI of the Oklahoma Constitution, the Governor shall, simultaneous to the granting of the stay, set a new execution date. The sentence of death shall be carried out not more than thirty (30) days after the dissolution of the stay of execution; however, nothing shall prevent the Governor from ordering the new execution date to be on the first day immediately following dissolution of the stay.

Added by Laws 1987, c. 49, § 1. Amended by Laws 1992, c. 106, § 1, eff. Sept. 1, 1992; Laws 1995, c. 256, § 1, eff. Nov. 1, 1995; Laws 2002, c. 126, § 1, emerg. eff. April 22, 2002; Laws 2004, c. 164, § 1, eff. Nov. 1, 2004.

§22-1002. Governor to be informed of proceedings.

The judge of a court at which a conviction requiring a judgment of death is had, must, immediately after the conviction, transmit to the Governor, by mail or otherwise, a statement of the conviction and judgment, and of the testimony given at the trial.

R.L.1910, § 5968.

§22-1003. Governor may require opinion of appellate judges.

The governor may thereupon require the opinion of the judges of the criminal court of appeals, or any of them, upon the statement so furnished.

R.L.1910, § 5969.

§22-1004. Reprieve and suspension of execution - Authority of officers.

No judge, court or officer, other than the Governor, can reprieve or suspend the execution of the judgment of death, except the warden of the said state prison, to whom he is delivered for execution in the cases provided in the next seven sections, unless an appeal is taken.

R.L.1910, § 5970; Laws 1913, c. 113, p. 207, § 3.

§22-1005. Repealed by Laws 2022, c. 168, § 2, eff. Nov. 1, 2022.

§22-1005.1. Mentally incompetent to be executed - Motion - Hearing - Examination.

A. For purposes of this act, "mentally incompetent to be executed" means that because of a mental condition the person is presently unable to have a rational understanding:

1. Of the reason he or she is being executed; and
2. That he or she is to be executed and that execution is imminent.

B. There shall be a presumption that a person who has received a judgment of death is mentally competent to be executed.

C. If, after the Attorney General files a motion to set an execution date, the attorney for the person has good reason to believe that the person may be mentally incompetent to be executed, the attorney may file a motion in the Court of Criminal Appeals setting forth the facts giving rise to the belief that the person may be mentally incompetent to be executed and requesting the court to order that the person be examined for mental competency to be executed.

D. A motion alleging that a person is mentally incompetent to be executed shall be filed initially when filing a written response to the motion of the Attorney General to set an execution date. The person shall have seven (7) days from the filing of the motion of the Attorney General to file a response and raise the issue of mental incompetency.

E. A motion alleging that a person is mentally incompetent to be executed shall identify the proceeding in which the person was convicted and shall clearly set forth alleged facts in support of the assertion that the person is presently mentally incompetent to be executed. The person shall attach affidavits, records, or other evidence supporting such allegations or shall state a reason for which such items are not attached. The person shall identify any previous proceeding in which the person challenged his or her competency in relation to the conviction and judgment of death including any challenge to the competency of the person to be executed, competency to stand trial, or sanity at the time of the offense.

F. In the order of the Court of Criminal Appeals setting the execution date, the Court shall remand the issue of mental competency to be executed to the trial court where the person was originally tried and sentenced. Mental competency of a person to be executed shall not be considered unless and until an execution date has been scheduled.

G. In addition to the authority set forth in subsection C of Section 1001.1 of this title, the Court of Criminal Appeals may issue stays of execution as necessary to permit inquiry into the mental competency of the person to be executed.

H. On receipt of the remand, the trial court shall hold an evidentiary hearing to determine whether the person has raised a substantial doubt as to the competency of the person to be executed. Unless the Court of Criminal Appeals issues a stay of execution, the hearing shall be held and a decision shall be rendered before the scheduled execution date of the person. The Attorney General shall represent the state at the evidentiary hearing. If the trial court determines the person has failed to make a substantial showing that he or she is mentally incompetent to be executed, the court shall deny the motion and the execution shall proceed. If the trial court determines the person has made a substantial showing that he or she is mentally incompetent to be executed, the trial court shall order an examination of the person by the Department of Mental Health and Substance Abuse Services or by a qualified forensic examiner designated by the Department of Mental Health and Substance Abuse Services. By filing the motion, the person shall be deemed to consent to submit to an examination as required by this section for the purpose of assessment of mental competency to be executed. In addition, the person waives any claim of privilege with respect to, and consents to the release of, all mental health and medical records relevant to whether the person is mentally incompetent to be executed. If the person refuses to be examined by the expert of the state, the trial court shall not consider any expert evidence offered by the person concerning his or her competency.

I. The qualified forensic examiner or examiners shall receive instructions to examine the person to determine whether the person has a rational understanding:

1. Of the reason he or she is being executed; and
2. That he or she is to be executed and that execution is imminent.

J. Within a time ordered by the trial court not to exceed forty-five (45) days, the qualified forensic examiner or examiners shall provide copies of their reports to the attorney representing the state, the attorney representing the person, and the trial court.

K. After all examinations are complete, the trial court shall conduct a hearing within thirty (30) days to determine whether the person is mentally competent to be executed. The person shall overcome the presumption that he or she is competent to be executed by a preponderance of the evidence.

L. If the trial court finds that the person is competent to be executed, the warden shall proceed to execute the judgment as certified in the warrant. If the prior execution date has expired or the Court of Criminal Appeals has issued a stay, a new execution date shall be set as provided in subsection F of Section 1001.1 of this title.

M. If the trial court finds that the person is mentally incompetent to be executed, the following procedures shall be followed:

1. The trial court shall issue notice to the Court of Criminal Appeals of such findings at which time the Court of Criminal Appeals shall issue a stay of execution if one has not already been entered.

2. The trial court shall also order the Department of Mental Health and Substance Abuse Services to determine through consultation with the Department of Corrections, the place for the person to be held for safe confinement until his or her competency is restored.

3. The trial court shall further order the Department of Mental Health and Substance Abuse Services to provide treatment, therapy, or training for the person to achieve competency. The Department of Mental Health and Substance Abuse Services may designate an entity with qualified personnel to provide competency restoration services on behalf of the Department. Competency restoration services shall begin within no more than thirty (30) days after the order issued by the trial court.

4. The Department of Mental Health and Substance Abuse Services, or a qualified forensic examiner designated by the Department, shall reevaluate the mental competency of the person to be executed no more than four (4) months after competency restoration services have commenced. A copy of the report following reevaluation shall be provided to the attorney representing the state, the attorney representing the person, and the trial court. If the qualified forensic examiner finds the person to be mentally competent to be executed, the trial court shall hold a hearing to determine whether the person is mentally competent to be executed within forty-five (45) days after receipt of the report. The state must overcome by competent evidence a rebuttable presumption of continued incompetence.

5. After such hearing, if the person is found to be mentally competent to be executed, the trial court shall notify the Court of Criminal Appeals which shall vacate the stay of execution. The warden shall proceed to execute the judgment as certified in the warrant. If the prior execution date has expired, a new execution date shall be set as provided in subsection F of Section 1001.1 of this title.

6. If the trial court determines that the person remains mentally incompetent to be executed, the trial court shall enter an order directing the Department of Mental Health and Substance Abuse Services to continue to provide treatment, therapy, or training for the person to achieve competency. The Department may designate an entity with qualified personnel to provide competency restoration services on behalf of the Department.

7. The entity providing competency restoration services shall monitor the progress of the person and immediately provide written notification to the attorney representing the state, the attorney representing the person, and the trial court if it appears the person facing execution may have regained mental competency to be executed. Upon receipt of such notice, the trial court shall order the Department of Mental Health and Substance Abuse Services, or a qualified forensic examiner designated by the Department, to immediately reevaluate the mental competency of the person to be executed and submit a report within thirty (30) days of the order. The trial court shall then schedule an evidentiary hearing, to be held within thirty (30) days, to determine whether the person is mentally competent to be executed. The state must overcome by competent evidence a rebuttable presumption of continued incompetence.

8. After the hearing, if the person is found to be mentally competent to be executed, the trial court shall notify the Court of Criminal Appeals which shall vacate the stay of execution. The warden shall proceed to execute the judgment as certified in the warrant. If the prior execution date has expired, a new execution date shall be set as provided in subsection F of Section 1001.1 of this title.

9. If the person is found not mentally competent to be executed, restoration services shall continue as provided in paragraphs 3 and 4 of this subsection. The entity providing competency restoration services shall prepare periodic reports, every six (6) months, indicating what services are being provided and the response of the person, if any, to treatment. These reports shall be provided to the attorney representing the state, the attorney representing the person, and the trial court. The entity providing competency restoration services shall be under a continuing duty to comply with the provisions of paragraph 7 of this subsection.

N. The provisions of the Criminal Discovery Code, Section 2002 of this title, shall apply, as relevant, to evidentiary hearings conducted under the provisions of this section.

O. If any intervening change in the mental competency of the person to be executed occurs after the seven (7) day deadline to initiate proceedings required pursuant to subsection D of this section, the person may file a motion alleging he or she is mentally incompetent to be executed with the Court of Criminal Appeals. An intervening change shall be a condition that has not and could not have been presented in a timely motion because the factual basis for the claim was not ascertainable through the exercise of reasonable diligence. If the Court of Criminal Appeals determines that an intervening change has occurred, the procedures set forth in this section shall apply.

P. Any filing made pursuant to this section shall be made in good faith as provided in Rule 9.7(C), Rules of the Court of Criminal Appeals, of this title, Ch. 18, App.

Q. No portion of the record in proceedings under the provisions of this section shall be filed under seal.

R. Upon the effective date of this act, any amendments made to the provisions of this section shall be applied retroactively.
Added by Laws 2022, c. 168, § 1, eff. Nov. 1, 2022. Amended by Laws 2025, c. 93, § 1, eff. Nov. 1, 2025.

§22-1006. Repealed by Laws 2022, c. 168, § 2, eff. Nov. 1, 2022.

§22-1007. Repealed by Laws 2022, c. 168, § 2, eff. Nov. 1, 2022.

§22-1008. Repealed by Laws 2022, c. 168, § 2, eff. Nov. 1, 2022.

§22-1010. Pregnancy of prisoners - Judicial investigation.

If it is alleged that a female prisoner under judgment of death is pregnant, the warden must notify the district attorney of the county in which the prison is situated whose duty is to immediately file with the district court a petition stating such allegation. A hearing must be conducted by a judge of that district court to determine the validity of the allegation. Enforcement of the judgment is suspended upon the filing of the petition, pending the outcome of the hearing.

Upon filing of the petition a judge of the district court shall appoint a physician licensed under the laws of the State of Oklahoma to conduct a medical examination for pregnancy of the female prisoner. Such examination shall be conducted within thirty (30) days prior to the hearing. The report of the examining physician shall be submitted to the court as evidence. The court may also hear any other evidence that may be presented. The court shall make a written finding to be filed with the court clerk as a part of the permanent record.

R.L.1910, § 5976; Laws 1913, c. 113, p. 208, § 7; Laws 1973, c. 101, § 1, emerg. eff. May 2, 1973.

§22-1011. Execution of judgment - Suspension when defendant pregnant - Execution when pregnancy ceases.

If it is found that a female is not pregnant the warden must execute the judgment. If it is found that she is pregnant, the warden must suspend the execution of the judgment and transmit a certified copy of the findings and certificate to the Governor. When the Governor receives from the warden a certificate that the defendant is no longer pregnant, he must issue to the warden his warrant appointing a day for the execution of the judgment.

R.L.1910, § 5977; Laws 1913, c. 113, p. 209, § 8.

§22-1012. Repealed by Laws 1992, c. 106, § 3, eff. Sept. 1, 1992.

§22-1013. Repealed by Laws 1992, c. 106, § 3, eff. Sept. 1, 1992.

§22-1014. Manner of inflicting punishment of death.

A. The punishment of death shall be carried out by the administration of a lethal quantity of a drug or drugs until death is pronounced by a licensed physician according to accepted standards of medical practice. For purposes of this subsection, the Uniform Controlled Dangerous Substances Act shall not apply to the Department of Corrections or to any person who participates in the execution or administers one or more controlled dangerous substances.

B. If the execution of the sentence of death as provided in subsection A of this section is held unconstitutional by an appellate court of competent jurisdiction or is otherwise unavailable, then the sentence of death shall be carried out by nitrogen hypoxia.

C. If the execution of the sentence of death as provided in subsections A and B of this section is held unconstitutional by an appellate court of competent jurisdiction or is otherwise unavailable, then the sentence of death shall be carried out by electrocution.

D. If the execution of the sentence of death as provided in subsections A, B and C of this section is held unconstitutional by an appellate court of competent jurisdiction or is otherwise unavailable, then the sentence of death shall be carried out by firing squad.

R.L. 1910, § 5981. Amended by Laws 1913, c. 113, p. 206, § 1; Laws 1951, p. 63, § 1, emerg. eff. May 26, 1951; Laws 1977, c. 41, § 1; Laws 2011, c. 70, § 1, eff. Nov. 1, 2011; Laws 2015, c. 75, § 1, eff. Nov. 1, 2015; Laws 2017, c. 348, § 1, eff. Nov. 1, 2017.

§22-1015. Place of execution of judgment - Persons who may witness.

A. A judgment of death shall be executed at the Oklahoma State Penitentiary at McAlester, Oklahoma, such prison to be designated by the court by which judgment is to be rendered.

B. The judgment of execution shall take place under the authority of the Director of the Department of Corrections and the warden shall be present along with other necessary prison and corrections officials to carry out the execution. The warden shall invite the presence of a physician and the district attorney of the county in which the crime occurred or a designee, the judge who presided at the trial issuing the sentence of death, the chief of police of the municipality in which the crime occurred, if applicable, and lead law enforcement officials of any state, county

or local law enforcement agency who investigated the crime or testified in any court or clemency proceeding related to the crime, including but not limited to the sheriff of the county where the conviction occurred, to witness the execution; in addition, the Secretary of Public Safety shall be invited as well as any other personnel or correctional personnel deemed appropriate and approved by the Director. The warden shall, at the request of the defendant, permit the presence of such ministers chosen by the defendant, not exceeding two, and any persons, relatives, or friends, not to exceed five, as the defendant may name; provided, reporters from recognized members of the news media shall be admitted upon proper identification, application, and approval of the warden. The identity of all persons or entities who participate in or administer the execution process and persons or entities who produce or supply the drugs, medical supplies, or medical equipment for the execution shall be confidential and shall not be subject to discovery in any civil or criminal proceedings. The confidentiality requirement and discovery exemption required by this subsection shall be broadly construed and shall include but not be limited to any documents, records, photographs, or other information that the Director of the Department of Corrections determines may identify or reasonably lead directly or indirectly to the identification of any person or entity who participates in or administers the execution process or any person or entity who produces or supplies the drugs, medical supplies, or medical equipment for the execution. The confidentiality requirement and discovery exemption shall apply to records existing prior to, on, or after the effective date of this act. The purchase of drugs, medical supplies, or medical equipment and any other expenditures necessary to carry out the execution shall not be subject to the provisions of the Oklahoma Central Purchasing Act.

C. In the event the defendant has been sentenced to death in one or more criminal proceedings in this state, or has been sentenced to death in this state and by one or more courts of competent jurisdiction in another state or pursuant to federal authority, or any combination thereof, and this state has priority to execute the defendant, the warden shall invite the prosecuting attorney or his or her designee, the judge, and the chief law enforcement official from each jurisdiction where any death sentence has issued. The officials designated in this subsection shall be allowed to witness the execution or view the execution by closed circuit television as determined by the Director of the Department of Corrections.

D. A place shall be provided at the Oklahoma State Penitentiary at McAlester so that individuals who are eighteen (18) years of age or older and who are members of the immediate family of any deceased victim of the defendant may witness the execution. The immediate

family members shall be allowed to witness the execution from an area that is separate from the area to which other nonfamily member witnesses are admitted; provided, however, if there are multiple deceased victims, the Department shall not be required to provide separate areas for each family of each deceased victim. If facilities are not capable or sufficient to provide all immediate family members with a direct view of the execution, the Department of Corrections may broadcast the execution by means of a closed circuit television system to an area in which other immediate family members may be located.

Immediate family members may request individuals not directly related to the deceased victim but who serve a close supporting role or professional role to the deceased victim or an immediate family member including but not limited to a minister or licensed counselor. The warden in consultation with the Director shall approve or disapprove such requests. Provided further, the Department may set a limit on the number of witnesses or viewers within occupancy limits.

As used in this section, "members of the immediate family" means the spouse, a child by birth or adoption, a stepchild, a parent, a grandparent, a grandchild, a sibling of a deceased victim, or the spouse of any immediate family member specified in this subsection.

E. Any surviving victim of the defendant who is eighteen (18) years of age or older may view the execution by closed circuit television with the approval of both the Director of the Department of Corrections and the warden. The Director and warden shall prioritize persons to view the execution, including immediate family members, surviving victims, and supporting persons, and may set a limit on the number of viewers within occupancy limits. Any surviving victim approved to view the execution of the defendant may have an accompanying support person as provided for members of the immediate family of a deceased victim. As used in this subsection, "surviving victim" means any person who suffered serious harm or injury due to the criminal acts of the defendant of which the defendant has been convicted in a court of competent jurisdiction. R.L. 1910, § 5982. Amended by Laws 1913, c. 113, p. 209, § 9; Laws 1951, p. 64, § 1, emerg. eff. May 1, 1951; Laws 1992, c. 106, § 2, eff. Sept. 1, 1992; Laws 1996, c. 28, § 1, emerg. eff. April 8, 1996; Laws 1997, c. 173, § 1, emerg. eff. May 7, 1997; Laws 1997, c. 357, § 8, emerg. eff. June 9, 1997; Laws 2004, c. 118, § 1, eff. Nov. 1, 2004; Laws 2007, c. 358, § 7, eff. July 1, 2007; Laws 2009, c. 275, § 3, eff. Nov. 1, 2009; Laws 2011, c. 70, § 2, eff. Nov. 1, 2011; Laws 2024, c. 234, § 1, emerg. eff. April 30, 2024.

§22-1016. Warden's return upon death warrant.

After the execution, the warden must make a report upon the death warrant to the court by which the judgment was rendered, showing the time, mode and manner in which it was executed. R.L.1910, § 5984. Amended by Laws 1913, c. 113, p. 210, § 10.

§22-1051. Right of appeal - Review - Corrective jurisdiction - Procedure - Scope of review on certiorari.

A. An appeal to the Court of Criminal Appeals may be taken by the defendant, as a matter of right from any judgment against the defendant, which shall be taken as herein provided; and, upon the appeal, any decision of the court or intermediate order made in the progress of the case may be reviewed; provided further, all appeals taken from any conviction on a plea of guilty shall be taken by petition for writ of certiorari to the Court of Criminal Appeals, as provided in subsection B of this section; provided, the petition must be filed within ninety (90) days from the date of the conviction. The Court of Criminal Appeals may take jurisdiction of any case for the purpose of correcting the appeal records when the same do not disclose judgment and sentence; such jurisdiction shall be for the sole purpose of correcting the defect or defects.

B. The procedure for the filing of an appeal in the Court of Criminal Appeals shall be as provided in the Rules of the Court of Criminal Appeals; and the Court of Criminal Appeals shall provide by court rules, which will have the force of statute, and be in furtherance of this method of appeal:

1. The procedure to be followed by the trial courts in the preparation and authentication of transcripts and records in cases appealed under this act;

2. The procedure to be followed for the completion and submission of the appeal taken hereunder; and

3. The procedure to be followed for filing a petition for and the issuance of a writ of certiorari.

C. The scope of review to be afforded on certiorari shall be prescribed by the Court of Criminal Appeals.

D. The defendant may appeal to the Court of Criminal Appeals from the denial of a pretrial motion seeking immunity from prosecution pursuant to subsection F of Section 1289.25 of Title 21 of the Oklahoma Statutes within ten (10) days of the denial of the motion. Priority shall be given to appeals taken pursuant to this subsection and an order staying proceedings shall be entered pending the outcome of the appeal. If an appeal is not brought within ten (10) days of the denial, the defendant waives appellate review of his or her claim of immunity from prosecution and subsequent motions and appeals pursuant to this subsection shall be dismissed.

R.L. 1910, § 5988. Amended by Laws 1965, c. 113, § 1, emerg. eff. May 19, 1965; Laws 1970, c. 157, §§ 1, 2; Laws 2022, c. 209, § 1, eff. Nov. 1, 2022.

§22-1052. How governed.

An appeal from a judgment in a criminal action may be taken in the manner and in the cases prescribed in this article.

R.L.1910, § 5989.

§22-1053. Appeals taken by state or municipality - Allowable cases.

Appeals to the Court of Criminal Appeals may be taken by the state or a municipality in the following cases only:

1. Upon judgment for the defendant on quashing or setting aside an indictment or information;

2. Upon an order of the court arresting the judgment;

3. Upon a question reserved by the state or a municipality;

4. Upon judgment for the defendant on a motion to quash for insufficient evidence in a felony matter;

5. Upon a pretrial order, decision, or judgment suppressing or excluding evidence where appellate review of the issue would be in the best interests of justice;

6. Upon a pretrial order, decision or judgment suppressing or excluding evidence in cases alleging violation of any provisions of Section 13.1 of Title 21 of the Oklahoma Statutes; and

7. Upon an order, decision or judgment finding that a defendant is immune from or not subject to criminal prosecution.

Priority shall be given to appeals taken pursuant to paragraph 5, 6, or 7 of this section, and an order staying proceedings shall be entered pending the outcome of the appeal.

R.L. 1910, § 5990. Amended by Laws 1978, c. 248, § 2, eff. July 1, 1978; Laws 1990, c. 261, § 3, emerg. eff. May 24, 1990; Laws 2002, c. 460, § 21, eff. Nov. 1, 2002; Laws 2009, c. 274, § 3, eff. Nov. 1, 2009; Laws 2022, c. 209, § 2, eff. Nov. 1, 2022.

§22-1053.1. Automatic appeal of judgments holding statutes unconstitutional in criminal actions.

Any final judgment entered by a district court in a criminal action rendering an act of the State Legislature to be unconstitutional shall be automatically appealed to the Court of Criminal Appeals, unless said act has been previously declared unconstitutional by said Court of Criminal Appeals. Such appeals shall be by the district attorney upon a reserved question of law. Laws 1975, c. 270, § 1, eff. Oct. 1, 1975.

§22-1054. Time for perfecting appeal - Original record and transcript - Notice to transmit - Indigent defendants.

A. In misdemeanor and felony cases the appeal must be perfected within ninety (90) days from the date of the pronouncement of the judgment and sentence. A transcript in both felony and misdemeanor cases must be filed as hereinafter directed.

B. It shall be the duty of the clerk of the court from which notice of appeal has been given, and in which the original record and transcript are to be filed, to notify the clerk of the Court of Criminal Appeals when the original record and transcripts are assembled for transmission to the Court of Criminal Appeals, and the parties, or their counsel, have been advised to that effect. The clerk of the Court of Criminal Appeals shall, within ten (10) days after the receipt of the district court clerk's notice of the completion of the record, issue a notice to transmit the original and one certified copy of the appeal records to the clerk of the Court of Criminal Appeals and one certified copy of the original records and transcripts to either the Oklahoma Indigent Defense System, pursuant to Section 1362 of this title, or the retained or other appointed counsel of record on appeal.

C. When the Oklahoma Indigent Defense System or another attorney has been appointed to represent an indigent defendant in an application for post-conviction relief where the defendant has received one or more sentences of death, the notice to the district court clerk shall require a certified copy be sent to the Oklahoma Indigent Defense System or the other attorney in addition to the copy provided for direct appeal.

R.L. 1910, § 5991. Amended by Laws 1953, p. 98, § 1; Laws 1961, p. 238, § 1; Laws 1963, c. 107, § 1; Laws 1963, c. 355, § 1; Laws 1965, c. 113, § 2, emerg. eff. May 19, 1965; Laws 1993, c. 298, § 5, eff. July 1, 1993; Laws 1995, c. 256, § 2, eff. Nov. 1, 1995.

§22-1054.1. Perfecting appeal without filing motion for new trial.

The right of a party to perfect an appeal from a judgment, order or decree of the trial court to the Court of Criminal Appeals shall not be conditioned upon his having filed in the trial court a motion for a new trial, but in the event a motion for a new trial is filed in the trial court by a party adversely affected by the judgment, order or decree, no appeal to the Court of Criminal Appeals may be taken until subsequent to the ruling by the trial court on the motion for a new trial.

Added by Laws 1985, c. 99, § 1, emerg. eff. May 28, 1985.

§22-1056. Appeal by state not to suspend judgment.

An appeal taken by the state in no case stays or affects the operation of the judgment in favor of the defendant, until the judgment is reversed.

R.L.1910, § 5993.

§22-1058. Conditions of bond - Surrender by sureties - Stay of execution - Confinement of defendant when crime not bailable.

If an appeal is taken and the appeal bond given as provided in the preceding section, said bond shall be conditioned that the

defendant will appear, submit to and perform any judgment rendered by the Criminal Court of Appeals or the court in which the original judgment was rendered in the further progress of the cause, and will not depart without leave of the court. After the determination of the appeal in the Criminal Court of Appeals, or if the appeal is not perfected as provided by law, the defendant may be surrendered by the sureties to the proper authorities for the execution of the sentence. If the defendant be adjudged to be incarcerated in any penal institution and/or to pay a fine, said sureties shall be relieved of liability for such fine and costs upon surrender of the defendant to the proper authorities for incarceration pursuant to the judgment and prior to forfeiture of the bond. If no bond be given the appeal shall not stay execution of the judgment, except in capital cases or where otherwise specifically provided by law. If pending the appeal the bond be given, a further execution of the judgment shall be stayed and the defendant released pending the determination of the appeal. In all cases where the sentence is for a crime not bailable the defendant shall be confined in the penitentiary pending the appeal.

R.L. 1910, § 5995; Laws 1935, p. 20, § 1.

§22-1062. Exceptions.

The exceptions stated in the case shall have the same effect as if they had been reduced to writing, allowed and signed by the judge at the time they were taken.

R.L.1910, § 5999.

§22-1065. Defendants may appeal jointly or severally.

When several defendants are tried jointly, any one or more of them may take an appeal, but those who do not join in the appeal shall not be affected thereby.

R.L.1910, § 6002.

§22-1066. Power of appellate court - Return by clerk of lower court when new trial granted.

The appellate court may reverse, affirm or modify the judgment or sentence appealed from, and may, if necessary or proper, order a new trial or resentencing. In either case, the cause must be remanded to the court below, with proper instructions, and the opinion of the court, within the time, and in the manner, to be prescribed by rule of the court.

If the case is reversed for a new trial, the clerk of the court from which such cause was appealed is required to make return showing that said case was specifically called to the attention of the trial court at the time of the setting of the docket following receipt of mandate, and showing the court's action in placing said cause on the docket for trial, said return to be made immediately

after the trial and entry of judgment, or earlier disposal. Should the case not be retried and should it be dismissed by the court, return shall be made, giving the reasons stated by the court in his minutes justifying such dismissal.

Amended by Laws 1990, c. 261, § 2, emerg. eff. May 24, 1990.

§22-1067. Order when no offense committed - When indictment defective.

When a judgment against the defendant is reversed, and it appears that no offense whatever has been committed, the Criminal Court of Appeals must direct that the defendant be discharged; but if it appears that the defendant is guilty of an offense although defectively charged in the indictment, the Criminal Court of Appeals must direct the prisoner to be returned and delivered over to the jailer of the proper county, there to abide the order of the court in which he was convicted.

R.L.1910, § 6004.

§22-1069. Appeal not dismissed for informality.

An appeal shall not be dismissed for any informality or defect in the taking thereof. If the same be corrected in a reasonable time after an appeal has been dismissed, another appeal may be taken.

R.L.1910, § 6006.

§22-1070. Judgment to be executed on affirmance.

On a judgment of affirmance against the defendant, the original judgment must be carried into execution, as the appellate court may direct.

R.L.1910, § 6007.

§22-1071. Opinions to be recorded.

All opinions of the Criminal Court of Appeals must be given in writing and recorded in the journal.

R.L.1910, § 6008.

§22-1071.1. Court of Criminal Appeals - Online publication of opinions.

Opinions of the Oklahoma Court of Criminal Appeals designated for official publication shall be published on the Oklahoma State Courts Network website. The Oklahoma Court of Criminal Appeals is hereby requested to provide notice of release of its opinion to all subscribers of record who have requested copies of opinions not less than two (2) business days prior to publication of the opinion on the website. Notice to the parties shall be made via electronic mail or on the website of the Oklahoma State Courts Network.

Added by Laws 2017, c. 380, § 3, eff. Nov. 1, 2017.

§22-1072. Record and enforcement of mandate or order in lower court - Return by clerk of lower court to clerk of Criminal Court of Appeals.

It is hereby made the duty of the court clerk in all counties, upon receipt from the Clerk of the Criminal Court of Appeals of any mandate or order of the Criminal Court of Appeals, to immediately and without any order from the court, or judge thereof, to spread said mandate or order of record in the proper court, and to issue and place in the hands of the proper officer appropriate process for carrying out such mandate or order.

That it shall be the duty of any such court clerk to immediately upon return being made by the officer to whom process is delivered, to thereafter make return to the Clerk of the Criminal Court of Appeals, showing the date that mandate was received, date filed and recorded, the date process was issued to the officer, and the date the process was served and whether the convicted person was incarcerated. If incarceration of the prisoner is delayed by reason of flight, or for any other cause for a period of more than fifteen (15) days after receipt of mandate, the return, under any such circumstance causing delay, must be immediately made to the Clerk of the Criminal Court of Appeals; and upon later apprehension of prisoner and incarceration, a further return must be made to the Clerk of the Criminal Court of Appeals, reporting the facts, within ten (10) days after such incarceration.

Laws 1927, c. 28, p. 46, § 1; Laws 1953, p. 99, § 3.

§22-1076. Notice to defendant of his right to appeal - Stay of execution of judgment.

The court shall at the time of entering judgment and sentence notify the defendant of his right to appeal. An appeal from a judgment of conviction stays the execution of the judgment in all cases where sentence of death is imposed, but does not stay the execution of the judgment in any other case unless the trial or appellate court shall so order.

Laws 1969, c. 182, § 1, emerg. eff. April 17, 1969.

§22-1077. Bail allowable.

Bail on appeal shall be allowed on appeal from a judgment of conviction of a misdemeanor, or in felony cases where the punishment is a fine only, and when made and approved shall stay the execution of such judgment. Bail on appeal after April 17, 1969, shall not be allowed after conviction of any of the following offenses:

1. Murder in any degree;
2. Kidnapping for purpose of extortion;
3. Robbery with a dangerous weapon;
4. Rape in any degree;

5. Arson in the first degree;
6. Shooting with intent to kill;
7. Manslaughter in the first degree;
8. Forcible sodomy;
9. Any felony conviction for which the evidence shows that the defendant used or was in possession of a firearm or other dangerous or deadly weapon during the commission of the offense;
10. Trafficking in illegal drugs;
11. Manufacturing a controlled dangerous substance;
12. Abuse against an intimate partner as defined by Section 60.1 of this title;
13. Abuse of a child;
14. Sexual abuse of a child; or
15. Any other felony after former conviction of a felony.

The granting or refusal of bail after judgment of conviction in all other felony cases shall rest in the discretion of the court; provided, however, if bail is allowed, the trial court shall state the reason for granting bail.

Added by Laws 1969, c. 182, § 2, emerg. eff. April 17, 1969.

Amended by Laws 1981, c. 258, § 1; Laws 1987, c. 136, § 7, eff. Nov. 1, 1987; Laws 1988, c. 109, § 28, eff. Nov. 1, 1988; Laws 2001, c. 234, § 1, eff. Nov. 1, 2001; Laws 2025, c. 250, § 1, eff. Nov. 1, 2025.

NOTE: Laws 2001, c. 225, § 7 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002.

§22-1078. Amount of bond - Time to make appeal bond - Stay pending appeal - Additional bond.

When bail is allowed, the court shall fix the amount of the appeal bond and the time in which the bond shall be given in order to stay the execution of the judgment pending the filing of the appeal in the appellate court, and until such bond is made shall hold the defendant in custody. If the bond be given in the time fixed by the court, the execution of the judgment shall be stayed during the time fixed by law for the filing of the appeal in the appellate court. If the appeal is filed within the time provided by law, then the bond shall stay the execution of the sentence during the pendency of the appeal, subject to the power of the court to require a new or additional bond when the same is by the court deemed necessary. If the bond is not given within the time fixed, or if given and the appeal not be filed in the appellate court within the time provided by law, the judgment of the court shall immediately be carried into execution.

Laws 1969, c. 182, § 3, emerg. eff. April 17, 1969.

§22-1079. Denial of bail - Review by habeas corpus.

If bail on appeal be denied, or the amount fixed be excessive, the defendant shall be entitled to a review of the action of the trial court and its reasons for refusing bail, by habeas corpus proceedings before the appellate court, or if the court be not in session, then by some judge of said court.
Laws 1969, c. 182, § 4, emerg. eff. April 17, 1969.

§22-1080. Post-Conviction Procedure Act - Right to challenge conviction or sentence.

Any person who has been convicted of, or sentenced for, a crime and who claims:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this state;

2. That the court was without jurisdiction to impose sentence;

3. That the sentence exceeds the maximum authorized by law;

4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;

5. That the sentence has expired, the suspended sentence, probation, parole, or conditional release unlawfully revoked, or he or she is otherwise unlawfully held in custody or other restraint;
or

6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy,
may institute a proceeding under the Post-Conviction Procedure Act in the court in which the judgment and sentence on conviction was imposed to secure the appropriate relief. Excluding a timely appeal, the Post-Conviction Procedure Act encompasses and replaces all common law and statutory methods of challenging a conviction or sentence including, but not limited to, writs of habeas corpus.
Added by Laws 1970, c. 220, § 1, eff. July 1, 1970. Amended by Laws 2022, c. 144, § 1, eff. Nov. 1, 2022.

§22-1080.1. Limitation period.

A. A one-year period of limitation shall apply to the filing of any application for post-conviction relief, whether an original application or a subsequent application. The limitation period shall run from the latest of:

1. The date on which the judgment of conviction or revocation of suspended sentence became final by the conclusion of direct review by the Oklahoma Court of Criminal Appeals or the expiration of the time for seeking such review by the Oklahoma Court of Criminal Appeals;

2. The date on which the Governor revoked parole or conditional release, if the petitioner is challenging the lawfulness of said revocation;

3. The date on which any impediment to filing an application created by a state actor in violation of the Constitution of the United States or the Constitution of the State of Oklahoma, or laws of the State of Oklahoma, is removed, if the petitioner was prevented from filing by such action;

4. The date on which the constitutional right asserted was initially recognized by the United States Supreme Court, if the right has been newly recognized by the United States Supreme Court and made retroactively applicable to cases on collateral review; or

5. The date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

B. Subject to the exceptions provided for in this section, this limitation period shall apply irrespective of the nature of the claims raised in the application and shall include jurisdictional claims that the trial court lacked subject-matter jurisdiction.

C. The provisions of this section shall apply to any post-conviction application filed on or after the effective date of this act.

Added by Laws 2022, c. 144, § 2, eff. Nov. 1, 2022.

§22-1081. Commencement of proceeding.

A proceeding is commenced by filing a verified "application for post-conviction relief" with the clerk of the court imposing judgment if an appeal is not pending. When such a proceeding arises from the revocation of parole or conditional release, the proceeding shall be commenced by filing a verified "application for post-conviction relief" with the clerk of the district court in the county in which the parole or conditional release was revoked. Facts within the personal knowledge of the applicant and the authenticity of all documents and exhibits included in or attached to the application must be sworn to affirmatively as true and correct. The Court of Criminal Appeals may prescribe the form of the application and verification. The clerk shall docket the application upon its receipt and promptly bring it to the attention of the court and deliver a copy to the district attorney.

Laws 1970, c. 220, § 2, eff. July 1, 1970.

§22-1082. Court costs and expenses of representation.

If the applicant is unable to pay court costs and expenses of representation, he shall include an affidavit to that effect with the application, which shall then be filed without costs. Counsel necessary in representation shall be made available to the applicant after filing the application on a finding by the court that such

assistance is necessary to provide a fair determination of meritorious claims. If an attorney is appointed to represent such an applicant then the fees and expenses of such attorney shall be paid from the court fund.

Laws 1970, c. 220, § 3, eff. July 1, 1970.

§22-1083. Response by state - Disposition of application.

A. Within thirty (30) days after the docketing of the application, or within any further time the court may fix, the state shall respond by answer or by motion which may be supported by affidavits. When an applicant asserts a claim of ineffective assistance of counsel, the state shall have ninety (90) days after the docketing of the application to respond by answer or by motion. In considering the application, the court shall take account of substance, regardless of defects of form. If the application is not accompanied by the record of the proceedings challenged therein, the respondent shall file with its answer the record or portions thereof that are material to the questions raised in the application; or such records may be ordered by the court. The court may also allow depositions and affidavits for good cause shown.

B. When a court is satisfied, on the basis of the application, the answer or motion of respondent, and the record, that the applicant is not entitled to post-conviction relief and no purpose would be served by any further proceedings, it may order the application dismissed or grant leave to file an amended application. Disposition on the pleadings and record is not proper if there exists a material issue of fact. The judge assigned to the case should not dispose of it on the basis of information within his personal knowledge not made a part of the record.

C. The court may grant a motion by either party for summary disposition of the application when it appears from the response and pleadings that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. An order disposing of an application without a hearing shall state the court's findings and conclusions regarding the issues presented. Added by Laws 1970, c. 220, § 4, eff. July 1, 1970. Amended by Laws 2014, c. 216, § 1, eff. Nov. 1, 2014.

§22-1084. Evidentiary hearing - Findings of fact and conclusions of law.

If the application cannot be disposed of on the pleadings and record, or there exists a material issue of fact, the court shall conduct an evidentiary hearing at which time a record shall be made and preserved. The court may receive proof by affidavits, depositions, oral testimony, or other evidence and may order the applicant brought before it for the hearing. A judge should not preside at such a hearing if his testimony is material. The court

shall make specific findings of fact, and state expressly its conclusions of law, relating to each issue presented. This order is a final judgment.

Laws 1970, c. 220, § 5, eff. July 1, 1970.

§22-1085. Finding in favor of applicant.

If the court finds in favor of the applicant, it shall vacate and set aside the judgment and sentence and discharge or resentence him, or grant a new trial, or correct or modify the judgment and sentence as may appear appropriate. The court shall enter any supplementary orders as to rearraignment, retrial, custody, bail, discharge, or other matters that may be necessary and proper.

Laws 1970, c. 220, § 6, eff. July 1, 1970.

§22-1086. Subsequent application.

All grounds for relief available to an applicant under the Post-Conviction Procedure Act, including claims challenging the jurisdiction of the trial court, must be raised in his or her original, supplemental or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily and intelligently waived in the proceeding that resulted in the conviction or sentence or in any other proceeding the applicant has taken to secure relief may not be the basis for a subsequent application, unless the court finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately raised in the prior application.

Laws 1970, c. 220, § 7, eff. July 1, 1970. Amended by Laws 2022, c. 144, § 3, eff. Nov. 1, 2022.

§22-1087. Appeal to Court of Criminal Appeals.

A final judgment entered under this act may be appealed to the Court of Criminal Appeals on petition in error filed either by the applicant or the state within thirty (30) days from the entry of the judgment. Upon motion of either party on filing of notice of intent to appeal, within ten (10) days of entering the judgment, the district court may stay the execution of the judgment pending disposition on appeal; provided, the Court of Criminal Appeals may direct the vacation of the order staying the execution prior to final disposition of the appeal.

Laws 1970, c. 220, § 8, eff. July 1, 1970.

§22-1088. Short title.

This act may be cited as the "Post-Conviction Procedure Act".

Laws 1970, c. 220, § 9.

§22-1088.1. Post-conviction relief applications - Reasonable inquiry - Sanctions.

A. By presenting to the court, whether by signing, filing, submitting, or later advocating, a pleading, written motion or other papers regarding an application for post-conviction relief an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

1. It is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

2. The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and

3. The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

B. If, after notice and a reasonable opportunity to respond, the Court of Criminal Appeals determines that this section has been violated, the court may impose an appropriate sanction upon the attorneys, law firms, or parties that have violated this section. The Court of Criminal Appeals may adopt and publish rules to implement this section.

Added by Laws 1995, c. 256, § 3, eff. Nov. 1, 1995.

§22-1089. Capital cases - Post - conviction relief - Grounds for appeal.

A. The application for post-conviction relief of a defendant who is under the sentence of death in one or more counts and whose death sentence has been affirmed or is being reviewed by the Court of Criminal Appeals in accordance with the provisions of Section 701.13 of Title 21 of the Oklahoma Statutes shall be expedited as provided in this section. The provisions of this section also apply to noncapital sentences in a case in which the defendant has received one or more sentences of death.

B. The Oklahoma Indigent Defense System shall represent all indigent defendants in capital cases seeking post-conviction relief upon appointment by the appropriate district court after a hearing determining the indigency of any such defendant. When the Oklahoma Indigent Defense System or another attorney has been appointed to represent an indigent defendant in an application for post-conviction relief, the Clerk of the Court of Criminal Appeals shall include in its notice to the district court clerk, as required by Section 1054 of this title, that an additional certified copy of the appeal record is to be transmitted to the Oklahoma Indigent Defense System or the other attorney.

C. The only issues that may be raised in an application for post-conviction relief are those that:

1. Were not and could not have been raised in a direct appeal; and

2. Support a conclusion either that the outcome of the trial would have been different but for the errors or that the defendant is factually innocent.

The applicant shall state in the application specific facts explaining as to each claim why it was not or could not have been raised in a direct appeal and how it supports a conclusion that the outcome of the trial would have been different but for the errors or that the defendant is factually innocent.

D. 1. The application for post-conviction relief shall be filed in the Court of Criminal Appeals within ninety (90) days from the date the appellee's brief on direct appeal is filed or, if a reply brief is filed, ninety (90) days from the filing of that reply brief with the Court of Criminal Appeals on the direct appeal. Where the appellant's original brief on direct appeal has been filed prior to November 1, 1995, and no application for post-conviction relief has been filed, any application for post-conviction relief must be filed in the Court of Criminal Appeals within one hundred eighty (180) days of November 1, 1995. The Court of Criminal Appeals may issue orders establishing briefing schedules or enter any other orders necessary to extend the time limits under this section in cases where the original brief on direct appeal has been filed prior to November 1, 1995.

2. All grounds for relief that were available to the applicant before the last date on which an application could be timely filed not included in a timely application shall be deemed waived.

No application may be amended or supplemented after the time specified under this section. Any amended or supplemental application filed after the time specified under this section shall be treated by the Court of Criminal Appeals as a subsequent application.

3. Subject to the specific limitations of this section, the Court of Criminal Appeals may issue any orders as to discovery or any other orders necessary to facilitate post-conviction review.

4. a. The Court of Criminal Appeals shall review the application to determine:

- (1) whether controverted, previously unresolved factual issues material to the legality of the applicant's confinement exist,
- (2) whether the applicant's grounds were or could have been previously raised, and
- (3) whether relief may be granted under the Post-Conviction Procedure Act.

- b. For purposes of this subsection, a ground could not have been previously raised if:
 - (1) it is a claim of ineffective assistance of trial counsel involving a factual basis that was not ascertainable through the exercise of reasonable diligence on or before the time of the direct appeal, or
 - (2) it is a claim contained in an original timely application for post-conviction relief relating to ineffective assistance of appellate counsel.

All claims of ineffective assistance of counsel shall be governed by clearly established law as determined by the United States Supreme Court.

If the Court of Criminal Appeals determines that controverted, previously unresolved factual issues material to the legality of the applicant's confinement do not exist, or that the claims were or could have been previously raised, or that relief may not be granted under the Post-Conviction Procedure Act and enters an order to that effect, the Court shall make findings of fact and conclusions of law or may order the parties to file proposed findings of fact and conclusions of law for the Court to consider on or before a date set by the Court that is not later than thirty (30) days after the date the order is issued. The Court of Criminal Appeals shall make appropriate written findings of fact and conclusions of law not later than fifteen (15) days after the date the parties filed proposed findings.

5. If the Court of Criminal Appeals determines that controverted, previously unresolved factual issues material to the legality of the applicant's confinement do exist, and that the application meets the other requirements of paragraph 4 of this subsection, the Court shall enter an order to the district court that imposed the sentence designating the issues of fact to be resolved and the method by which the issues shall be resolved.

The district court shall not permit any amendments or supplements to the issues remanded by the Court of Criminal Appeals except upon motion to and order of the Court of Criminal Appeals subject to the limitations of this section.

The Court of Criminal Appeals shall retain jurisdiction of all cases remanded pursuant to the Post-Conviction Procedure Act.

6. The district attorney's office shall have twenty (20) days after the issues are remanded to the district court within which to file a response. The district court may grant one extension of twenty (20) days for good cause shown and may issue any orders necessary to facilitate post-conviction review pursuant to the remand order of the Court of Criminal Appeals. Any applications for extension beyond the twenty (20) days shall be presented to the Court of Criminal Appeals. If the district court determines that an

evidentiary hearing should be held, that hearing shall be held within thirty (30) days from the date that the state filed its response. The district court shall file its decision together with findings of fact and conclusions of law with the Court of Criminal Appeals within forty-five (45) days from the date that the state filed its response or within forty-five (45) days from the date of the conclusion of the evidentiary hearing.

7. Either party may seek review by the Court of Criminal Appeals of the district court's determination of the issues remanded by the Court of Criminal Appeals within ten (10) days from the entry of judgment. Such party shall file a notice of intent to seek review and a designation of record in the district court within ten (10) days from the entry of judgment. A copy of the notice of intent to seek review and the designation of the record shall be served on the court reporter, the petitioner, the district attorney, and the Attorney General, and shall be filed with the Court of Criminal Appeals. A petition in error shall be filed with the Court of Criminal Appeals by the party seeking review within thirty (30) days from the entry of judgment. If an evidentiary hearing was held, the court reporter shall prepare and file all transcripts necessary for the appeal within sixty (60) days from the date the notice and designation of record are filed. The petitioner's brief-in-chief shall be filed within forty-five (45) days from the date the transcript is filed in the Court of Criminal Appeals or, if no evidentiary hearing was held, within forty-five (45) days from the date of the filing of the notice. The respondent shall have twenty (20) days thereafter to file a response brief. The district court clerk shall file the records on appeal with the Court of Criminal Appeals on or before the date the petitioner's brief-in-chief is due. The Court of Criminal Appeals shall issue an opinion in the case within one hundred twenty (120) days of the filing of the response brief or at the time the direct appeal is decided. If no review is sought within the time specified in this section, the Court of Criminal Appeals may adopt the findings of the district court and enter an order within fifteen (15) days of the time specified for seeking review or may order additional briefing by the parties. In no event shall the Court of Criminal Appeals grant post-conviction relief before giving the state an opportunity to respond to any and all claims raised to the Court.

8. If an original application for post-conviction relief is untimely or if a subsequent application for post-conviction relief is filed after filing an original application, the Court of Criminal Appeals may not consider the merits of or grant relief based on the untimely original application, or a subsequent application, unless:

- a. the application contains claims and issues that have not been and could not have been presented previously in a timely original application or in a previously

considered application filed under this section,
because the legal basis for the claim was unavailable,
or

- b. (1) the application contains sufficient specific facts establishing that the current claims and issues have not and could not have been presented previously in a timely original application or in a previously considered application filed under this section, because the factual basis for the claim was unavailable as it was not ascertainable through the exercise of reasonable diligence on or before that date, and
- (2) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for the alleged error, no reasonable fact finder would have found the applicant guilty of the underlying offense or would have rendered the penalty of death.

The provisions of this paragraph shall apply irrespective of the nature of the claims raised in the application and shall include jurisdictional claims. The provisions of this paragraph shall also apply to any post-conviction application filed on or after the effective date of this act.

9. For purposes of the Post-Conviction Procedure Act, a legal basis of a claim is unavailable on or before a date described by this subsection if the legal basis:

- a. was not recognized by or could not have been reasonably formulated from a final decision of the United States Supreme Court, a court of appeals of the United States, or a court of appellate jurisdiction of this state on or before that date, or
- b. is a new rule of constitutional law that was given retroactive effect by the United States Supreme Court or a court of appellate jurisdiction of this state and had not been announced on or before that date.

E. All matters not specifically governed by the provisions of this section shall be subject to the provisions of the Post-Conviction Procedure Act. If the provisions of this section conflict with the provisions of the Post-Conviction Procedure Act, the provisions of this section shall govern.

Added by Laws 1987, c. 153, § 1, eff. Nov. 1, 1987. Amended by Laws 1995, c. 256, § 4, eff. Nov. 1, 1995; Laws 2004, c. 164, § 2, eff. Nov. 1, 2004; Laws 2006, c. 290, § 2, eff. July 1, 2006; Laws 2022, c. 144, § 4, eff. Nov. 1, 2022.

§22-1089.1. State may appeal certain adverse rulings or orders.

The State of Oklahoma, by and through the district attorney or Attorney General, shall have the right to appeal an adverse ruling or order of a magistrate sustaining a motion to suppress evidence, quashing an information, sustaining a plea to the jurisdiction of the court, failing to find prosecutive merit in a hearing pursuant to Section 2-2-403 of Title 10A of the Oklahoma Statutes, sustaining a demurrer to the information, binding the defendant over for trial on a charge other than the charge for the original offense, or discharging a defendant at the preliminary examination because of insufficiency of the evidence to establish either that a crime has been committed or that there is probable cause to believe that the accused has committed a felony. Such an appeal shall be taken in accordance with the procedures provided in this act.

Added by Laws 1987, c. 162, § 1, emerg. eff. June 25, 1987. Amended by Laws 1989, c. 348, § 15, eff. Nov. 1, 1989; Laws 2009, c. 234, § 133, emerg. eff. May 21, 2009.

§22-1089.2. Notice of intent to appeal - Application to appeal.

A. If in open court at the time the adverse ruling or order is made by the magistrate, the state shall give notice of its intention to appeal the decision. The magistrate shall then enter the notice in the proper court docket, continue the preliminary hearing and retain the accused on the present bond or if the person is in custody, return the accused to custody. The state shall file with the court clerk a written application to appeal from the adverse ruling or order of the magistrate within five (5) days from the date of the adverse ruling or order.

B. If not in open court at the time the adverse ruling or order is made by the magistrate, within five (5) days from the date of the adverse ruling or order, the state shall file with the court clerk a written application to appeal from the adverse ruling or order of the magistrate.

C. A copy of the application to appeal shall immediately be presented by the state to the Presiding Judge of the Judicial Administrative District. The Presiding Judge shall assign the application to another district judge or associate district judge within the same judicial administrative district, and shall order the assigned judge to set said matter for hearing and decision within twenty (20) days from the filing of the written application to appeal and shall provide at least three (3) days' notice to all parties of the time and place of the hearing. In the absence of the Presiding Judge of the Judicial Administrative District, the Acting Presiding Judge shall perform the duties of the Presiding Judge as set forth above. The identity of the Acting Presiding Judge, if not known locally, may be obtained from the Administrative Director of the Courts at his office in Oklahoma City.

Added by Laws 1987, c. 162, § 2, emerg. eff. June 25, 1987. Amended by Laws 2002, c. 460, § 22, eff. Nov. 1, 2002.

§22-1089.3. Waiver of right to appeal.

In the event the state does not file the application to appeal as provided in Section 2 of this act, the state shall have waived any right to appeal from the magistrate's adverse decision. The magistrate's order shall then be final.

Added by Laws 1987, c. 162, § 3, emerg. eff. June 25, 1987.

§22-1089.4. Review of record.

The judge assigned the state's application to appeal shall review all relevant portions of the record of the case before the magistrate, including, but not limited to, partial or complete transcripts of the preliminary hearing; affidavits for a search warrant; search warrants; electronic recording tapes, belts or discs; written stipulations of facts; or any evidence which was presented at the preliminary hearing.

Added by Laws 1987, c. 162, § 4, emerg. eff. June 25, 1987.

§22-1089.5. Preliminary hearing - Review of record in light most favorable to state.

In the event that the state appeals the ruling of the preliminary hearing magistrate ordering a defendant discharged based upon a finding of insufficiency of the evidence to establish that a felony has been committed or insufficiency of the evidence to show that there is probable cause to believe that the accused has committed a felony, the assigned judge shall determine, based upon the entire record developed before the magistrate, whether the evidence, taken in the light most favorable to the state, is sufficient to find that a felony crime has been committed and that the defendant probably committed said crime.

Added by Laws 1987, c. 162, § 5, emerg. eff. June 25, 1987.

§22-1089.6. Erroneous ruling or order - Remand.

In the event the assigned judge finds, based upon the record developed before the magistrate, that the magistrate's ruling or order was in error, the assigned judge shall enter an order finding that the ruling or order entered by the magistrate was erroneous and shall remand the cause to the magistrate with directions to enter a proper ruling or order.

Added by Laws 1987, c. 162, § 6, emerg. eff. June 25, 1987.

§22-1089.7. Appeal to Court of Criminal Appeals - Bail - Review.

In the event the state's application to appeal is denied and the assigned judge affirms the magistrate's ruling or order, that ruling or order shall be appealable to the Court of Criminal Appeals.

During the pendency of any such appeal, the assigned judge shall admit the defendant to bail upon his own recognizance. The Court of Criminal Appeals shall affirm, reverse or modify the magistrate's order and remand the cause for further proceedings consistent with its ruling.

Added by Laws 1987, c. 162, § 7, emerg. eff. June 25, 1987.

§22-1090.1. Short title — Oklahoma Survivor's Act.

This act shall be known and may be cited as the "Oklahoma Survivors' Act".

Added by Laws 2024, c. 331, § 1.

§22-1090.2. Definitions.

As used in this act:

1. "Domestic violence" means any act of physical harm or the threat of imminent physical harm which is committed by an adult, emancipated minor, or minor child thirteen (13) years of age or older against another adult, emancipated minor, or minor child who is currently or was previously an intimate partner or family or household member;

2. "Physical abuse" means any real or threatened physical injury or damage to the body that is not accidental;

3. "Post-traumatic stress disorder" means the same as such term is defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5, 2013), and occurred as a result of the victimization of a survivor related to the violence or abuse;

4. "Psychological abuse" means a pattern of real or threatened mental intimidation, threats, coercive control, economic or financial control, and humiliation that provokes fear of harm; and

5. "Sentencing hearing" means a postconviction hearing in which the defendant is brought before the court for imposition of a sentence.

Added by Laws 2024, c. 331, § 2.

§22-1090.3. Sentencing or accepting plea of a domestic abuse survivor — Mitigating factor — Departure.

A. During a hearing to:

1. Sentence a person; or

2. Accept a plea of guilty,

for a person who is a survivor of domestic violence and has been charged with a crime, the court shall consider as a mitigating factor that the person has been abused physically, sexually, or psychologically by the person's sexual partner, family member or member of the household, the trafficker of the person, or other individual who used the person for financial gain.

B. The defendant shall provide to the court evidence including but not limited to:

1. Documentary evidence corroborating that the defendant was, at the time of the offense, a victim of domestic violence; and

2. At least one piece of documentary evidence that is a court record, presentence report, social services record, hospital record, sworn statement from a witness to the domestic violence or abuse who is not the defendant, law enforcement record, domestic incident report, or protective order.

Other evidence may include, but not be limited to, local jail records or records of the Department of Corrections, documentation prepared at or near the time of the commission or prosecution of the offense tending to support the claims of the defendant, or verification of consultation with a licensed medical care provider or mental health care provider, employee of a court acting within the scope of his or her employment, member of the clergy, attorney, social worker, rape crisis counselor, or other advocate acting on behalf of an agency that assists victims of domestic violence or abuse. Expert testimony from a psychiatrist, psychologist, or mental health professional showing that the defendant has been diagnosed with post-traumatic stress disorder as a result of the violence or abuse at issue may also be submitted to the court as evidence.

C. If the court finds by clear and convincing evidence that at the time of the offense the defendant was a survivor of domestic violence or subjected to physical, sexual, or psychological abuse inflicted by a sexual partner, a family member or member of the household, the trafficker of the defendant, or any person who used the defendant for financial gain, and that the violence or abuse was related to and was a substantial contributing factor in causing the defendant to commit the offense or to the defendant's criminal behavior, the court shall depart from the applicable sentence to the ranges provided as follows:

1. Sentences of life without the possibility of parole shall be reduced to thirty (30) years or less;

2. Sentences of life with the possibility of parole shall be reduced to twenty-five (25) years or less;

3. Sentences of thirty (30) years or more shall be reduced to twenty (20) years or less;

4. Sentences of twenty (20) years or more shall be reduced to fifteen (15) years or less;

5. Sentences of fifteen (15) years or more shall be reduced to seven and one-half (7 1/2) years or less; and

6. Sentences of eight (8) years or more shall be reduced to five (5) years or less.

D. If the offense is one listed in Section 571 of Title 57 of the Oklahoma Statutes, the defendant must prove by clear and convincing evidence that either the victim was the perpetrator of the domestic violence, physical, sexual, or psychological abuse by a

sexual partner, a family or household member, the trafficker of the defendant, or a person who used the defendant for financial gain, or the offense was coerced by the perpetrator.

E. The provisions of this section shall not apply to a person convicted of:

1. An offense that would require the person to register as a sex offender;

2. An attempt or conspiracy to commit an offense that would require the person to register as a sex offender;

3. An offense specified in subsection A of Section 843.3 of Title 21 of the Oklahoma Statutes;

4. An offense specified in subsection A of Section 843.5 of Title 21 of the Oklahoma Statutes; or

5. An offense for which the person has received a sentence of death.

Added by Laws 2024, c. 331, § 3

§22-1090.4. Defendant serving sentence – Court imposed lessening of sentence.

Where a court has imposed a criminal judgment and sentence upon a defendant other than for an offense described in subsection E of Section 3 of this act and the defendant is serving the sentence in the custody of the Department of Corrections, the court shall impose a new, lesser sentence following a hearing if the court determines:

1. At the time of the offense for which the sentence is being served, the defendant was a victim of domestic violence or subjected to physical, sexual, or psychological abuse inflicted by a sexual partner, a family member or member of the household, the trafficker of the defendant, or any person who used the defendant for financial gain; and

2. Such violence or abuse was related to and was a substantial contributing factor in causing the defendant to commit the offense for which he or she is presently in custody or to the defendant's criminal behavior.

At the hearing to determine whether the defendant should be resentenced pursuant to this section, the court shall take testimony from witnesses offered by either party and consider oral and written arguments and any other relevant evidence to assist in making its determination. The court may determine that such violence or abuse was related to and was a substantial contributing factor to the offense regardless of whether the defendant raised an affirmative defense.

Added by Laws 2024, c. 331, § 4.

§22-1090.5. Request to apply for resentencing – Hearing – Evidence.

A. Any person who is:

1. Confined in an institution under the custody and control of the Department of Corrections;

2. Serving a sentence for an offense committed prior to the effective date of this act; and

3. Eligible for an alternative sentence pursuant to the provisions of Section 3 of this act, may, on or after the effective date of this act, submit to the judge who imposed the original sentence a request to apply for resentencing in accordance with the provisions of Section 3 of this act. The person shall include in the request documentation showing that he or she is confined in an institution under the custody and control of the Department of Corrections and is serving a sentence for an offense committed prior to the effective date of this act. The person shall also declare that he or she is eligible for an alternative sentence under the provisions of Section 3 of this act.

B. If the original sentencing judge is not serving on the court in which the original sentence was imposed at the time of the request to apply for resentencing, the request shall be randomly assigned to a judge of the original sentencing court.

C. 1. If the court finds that the person has met the requirements to apply for resentencing as provided in subsection A of this section, the court shall provide notice to the person that he or she may submit an application for resentencing. Upon such notification, the person may request the court appoint an attorney to assist the person in the preparation of and proceedings on the application for resentencing.

2. If the court finds that such person has not met the requirements to apply for resentencing as provided for in subsection A of this section, the court shall notify the person and deny his or her request without prejudice.

D. Upon the receipt of an application for resentencing, the court clerk shall promptly notify the appropriate district attorney and provide such district attorney with a copy of the application.

E. If the judge that receives the application is not the judge who originally sentenced the applicant, the application may be referred to the original sentencing judge if he or she is serving as a judge of a court of competent jurisdiction and the applicant and the district attorney agree that the application should be referred.

F. An application for resentencing pursuant to this section shall include evidence corroborating the claim of the applicant that he or she was a victim of domestic violence or subjected to physical, sexual, or psychological abuse inflicted by a sexual partner, a family member or member of the household, the trafficker of the applicant, or any person who used the applicant for financial gain. At least one piece of evidence shall be a court record, presentence report, social services record, hospital record, sworn statement from a witness to the domestic violence who is not the

applicant, law enforcement record, domestic incident report, or protective order. Other evidence may include but not be limited to local jail records or records of the Department of Corrections, documentation prepared at or near the time of the commission or prosecution of the offense tending to support the claims of the applicant, or verification of consultation with a licensed medical care provider or mental health care provider, employee of a court acting within the scope of his or her employment, member of the clergy, attorney, social worker, rape crisis counselor, or other advocate acting on behalf of an agency that assists victims of domestic violence or abuse. Expert testimony from a psychiatrist, psychologist, or mental health professional showing that the applicant has been diagnosed with post-traumatic stress disorder may also be submitted to the court.

G. 1. If the court finds that the applicant has not complied with the provisions of subsection F of this section, the court shall deny the application without prejudice.

2. If the court finds that the applicant has complied with the provisions of subsection F of this section, the court shall conduct a sentencing hearing to aid in making its determination of whether the applicant should be resentenced in accordance with Section 3 of this act. At the hearing, the court shall determine any controverted issues of fact relevant to the issue of sentencing. The court may consider any facts or circumstances relevant to the imposition of a new sentence submitted by the applicant or the district attorney and may consider the institutional record of confinement of such person; provided, however, the institutional record shall not be solely dispositive as to whether an applicant receives a reduced sentence. The court shall not order a new presentence investigation and report or entertain any matter challenging the underlying basis of the subject conviction. Consideration of the institutional record of confinement of an applicant by the court shall include, but not be limited to, the participation of the applicant in programming such as domestic violence, parenting, and substance abuse treatment while incarcerated and the disciplinary history of the applicant. The inability of the applicant to participate in treatment or other programming while incarcerated despite the willingness of the applicant to do so shall not be considered a negative factor when the court is making its determination.

H. If the court determines that the applicant should not be resentenced in accordance with Section 3 of this act, the court shall inform such applicant of its decision and shall enter an order to that effect. Any order issued by a court pursuant to this subsection shall include written findings of fact and the reasons for such order. If the applicant is denied on the merits of the application, the court shall deny the application with prejudice.

I. If the court determines that the applicant should be resentenced in accordance with Section 3 of this act, the court shall notify the applicant that, unless he or she withdraws the application for resentencing or appeals the order of the court, the court shall enter an order vacating the sentence originally imposed and shall impose a new sentence as set forth in Section 3 of this act. Any order issued by a court pursuant to this subsection shall include written findings of fact and the reasons for such order. Sentences modified pursuant to the provisions of this section shall be reduced as set forth in subsection C of Section 3 of this act.

J. An appeal to the Court of Criminal Appeals may be taken as of right in accordance with the applicable provisions provided for in Title 22 of the Oklahoma Statutes from:

1. An order denying resentencing; or

2. A new sentence imposed under the provisions of this section.

The applicant may request that the Court of Criminal Appeals assign an attorney to the applicant for the preparation of and proceedings for any appeal regarding the application for resentencing.

K. When calculating the new sentence to be served by the applicant pursuant to Section 3 of this act, the applicant shall be credited for any time served in the county jail and any period of incarceration served under the custody and control of the Department of Corrections toward the sentence originally imposed.

Added by Laws 2024, c. 331, § 5.

§22-1091. Short title.

This act may be cited as the "Interstate Compact for Adult Offender Supervision".

Added by Laws 2000, c. 281, § 1, eff. July 1, 2000.

§22-1092. Legislative findings, declarations, and intent.

It is hereby found and declared that:

1. The Interstate Compact for the Supervision of Parolees and Probationers, established in 1937, was the earliest corrections compact established among the states and has not been amended since its adoption over sixty-two (62) years ago;

2. The Interstate Compact for the Supervision of Parolees and Probationers is the only vehicle for the controlled movement of adult parolees and probationers across state lines, and it provides jurisdiction over more than a quarter of a million offenders;

3. The complexities of this compact have become more difficult to administer, and many jurisdictions have expanded supervision expectations to include unregulated practices such as victim input, victim notification requirements and sex offender registration;

4. After hearings, national surveys, and a detailed study by a task force appointed by the National Institute of Corrections, the overwhelming recommendation has been to enact a new compact to bring

about an effective management capacity that addresses public safety concerns and offender accountability; and

5. Upon the adoption of the Interstate Compact for Adult Offender Supervision, it is the intention of the legislature to repeal the Uniform Act for Out-of-State Parolee Supervision, Sections 347, et seq. of Title 57 of the Oklahoma Statutes. Added by Laws 2000, c. 281, § 2, eff. July 1, 2000.

§22-1093. Execution and form of Compact.

The Governor is hereby authorized and directed to execute a compact on behalf of this State with any other state or states legally joining therein in the form, substantially as follows:

INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

ARTICLE I. FINDINGS AND PURPOSES

A. The Compacting States to this Interstate Compact recognize:

1. That each state is responsible for the supervision of adult offenders in the community who are authorized pursuant to the Bylaws and Rules of this compact to travel across state lines both to and from each compacting state in such manner as to track the location of offenders, transfer supervision authority in an orderly and efficient manner, and when necessary return offenders to the originating jurisdictions; and

2. That Congress, by enacting the Crime Control Act, 4 U.S.C., Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime.

B. The purposes of this compact and the Interstate Commission created hereunder, through means of joint and cooperative action among the Compacting States, are to:

1. Provide the framework for the promotion of public safety and protect the rights of victims through the control and regulation of the interstate movement of offenders in the community;

2. Provide for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states; and

3. Equitably distribute the costs, benefits, and obligations of the compact among the Compacting States.

C. This compact will:

1. Create an interstate commission which will establish uniform procedures to manage the movement between states of adults placed under community supervision and released to the community under the jurisdiction of courts, paroling authorities, corrections or other criminal justice agencies which will promulgate rules to achieve the purpose of this compact;

2. Ensure an opportunity for input and timely notice to victims and to jurisdictions where defined offenders are authorized to travel or to relocate across state lines;

3. Establish a system of uniform data collection, access to information on active cases by authorized criminal justice officials, and regular reporting of compact activities to heads of state councils, state executive, judicial, and legislative branches and criminal justice administrators;

4. Monitor compliance with rules governing interstate movement of offenders and initiate interventions to address and correct non-compliance; and

5. Coordinate training and education regarding regulations of interstate movement of offenders for officials involved in such activity.

D. The compacting states recognize that there is no "right" of any offender to live in another state and that duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any offender under supervision subject to the provisions of this compact and Bylaws and Rules promulgated hereunder.

E. It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the formation of public policies and are therefore public business.

ARTICLE II. DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

1. "Adult" means individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law;

2. "Bylaws" means the bylaws established by the Interstate Commission for its governance, or for directing or controlling the Interstate Commission's actions or conduct;

3. "Compact Administrator" means the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact;

4. "Compacting state" means any state which has enacted the enabling legislation for this compact;

5. "Commissioner" means the voting representative of each compacting state appointed pursuant to Article III of this compact;

6. "Interstate Commission" means the Interstate Commission for Adult Offender Supervision established by this compact;

7. "Member" means the commissioner of a compacting state or designee who shall be a person officially connected with the commissioner;

8. "Noncompacting state" means any state which has not enacted the enabling legislation for this compact;

9. "Offender" means an adult placed under, or subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies;

10. "Person" means any individual, corporation, business enterprise, or other legal entity, public or private;

11. "Rules" means acts of the Interstate Commission, duly promulgated pursuant to Article VIII of this compact, substantially affecting interested parties in addition to the Interstate Commission, which shall have the force and effect of law in the Compacting States;

12. "State" means a state of the United States, the District of Columbia, and any other territorial possessions of the United States; and

13. "State Council" means the resident members of the State Council for Interstate Adult Offender Supervision created by each state under Article III of this compact.

ARTICLE III. THE COMPACT COMMISSION

A. The Compacting States hereby create the Interstate Commission for Adult Offender Supervision.

B. The Interstate Commission shall be a body corporate and joint agency of the Compacting States. The Interstate Commission shall have all the responsibilities, powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the Compacting States in accordance with the terms of this compact.

C. The Interstate Commission shall consist of Commissioners selected and appointed by resident members of a State Council for Interstate Adult Offender Supervision for each state. In addition to the Commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not Commissioners but who are members of interested organizations; such non-commissioner members must include a member of national organizations of governors, legislators, state chief justices, attorneys general, and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio, (nonvoting) members. The Interstate Commission may provide in its bylaws for such additional, ex-officio, nonvoting members as it deems necessary.

D. Each compacting state represented at any meeting of the Interstate Commission is entitled to one vote. A majority of the Compacting States shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission. The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional

meetings and, upon the request of twenty-seven or more Compacting States, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

E. The Interstate Commission shall establish an Executive Committee which shall include commission officers, members, and others as shall be determined by the bylaws. The Executive Committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the Compact. The Executive Committee oversees the day-to-day activities managed by the Executive Director and Interstate Commission staff, administers enforcement and compliance with the provisions of the compact, its bylaws and as directed by the Interstate Commission and performs other duties as directed by the Interstate Commission or set forth in the bylaws.

ARTICLE IV: THE STATE COUNCIL

Each member state shall create a State Council for Interstate Adult Offender Supervision which shall be responsible for the appointment of the commissioner who shall serve on the Interstate Commission from that state. Each state council shall appoint as its commissioner the Compact Administrator from that state to serve on the National Interstate Commission in such capacity under or pursuant to applicable law of the member state. While each member state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups and compact administrators. Each compacting state retains the right to determine the qualifications of the Compact Administrator who shall be appointed by the state council or by the Governor in consultation with the Legislature and the Judiciary. In addition to appointment of its commissioner to the National Interstate Commission, each state council shall exercise oversight and advocacy concerning its participation in Interstate Commission activities and other duties as may be determined by each member state, including, but not limited to, development of policy concerning operations and procedures of the compact within that state.

ARTICLE V. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

1. To adopt a seal and suitable bylaws governing the management and operation of the Interstate Commission;
2. To promulgate rules which shall have the force and effect of statutory law and shall be binding in the Compacting States to the extent and in the manner provided in this compact;
3. To oversee, supervise, and coordinate the interstate movement of offenders subject to the terms of this compact and any bylaws adopted and rules promulgated by the compact commission;

4. To enforce compliance with compact provisions, Interstate Commission rules, and bylaws, using all necessary and proper means, including, but not limited to, the use of judicial process;

5. To establish and maintain offices;

6. To purchase and maintain insurance and bonds;

7. To borrow, accept, or contract for services of personnel, including, but not limited to, members and their staffs;

8. To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions, including, but not limited to, an executive committee as required by Article III which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder;

9. To elect or appoint officers, attorneys, employees, agents, or consultants; to fix their compensation, define their duties, and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel;

10. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of same;

11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed;

12. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal, or mixed;

13. To establish a budget, make expenditures, and levy dues as provided in Article X of this compact;

14. To sue and be sued;

15. To provide for dispute resolution among Compacting States;

16. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact;

17. To report annually to the legislatures, governors, judiciary, and state councils of the Compacting States concerning the activities of the Interstate Commission during the preceding year. Such reports shall include any recommendations that may have been adopted by the Interstate Commission;

18. To coordinate education, training and public awareness regarding the interstate movement of offenders for officials involved in such activity; and

19. To establish uniform standards for the reporting, collecting, and exchanging of data.

ARTICLE VI.

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall, by a majority of the Members, within twelve (12) months of the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be

necessary or appropriate to carry out the purposes of the Compact, including, but not limited to:

1. Establishing the fiscal year of the Interstate Commission;
2. Establishing an executive committee and such other committees as may be necessary;
3. Providing reasonable standards and procedures for the establishment of committees and the general or specific delegation of any authority or function of the Interstate Commission;
4. Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;
5. Establishing the titles and responsibilities of the officers of the Interstate Commission;
6. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Interstate Commission; provided that notwithstanding any civil service or other similar laws of any compacting state, the Bylaws shall exclusively govern the personnel policies and programs of the Interstate Commission;
7. Providing a mechanism for winding up the operations of the Interstate Commission and the equitable return of any surplus funds that may exist upon the termination of the Compact after the payment and/or reserving of all of its debts and obligations;
8. Providing transition rules for start-up administration of the compact; and
9. Establishing standards and procedures for compliance and technical assistance in carrying out the compact.

B. 1. The Interstate Commission shall, by a majority of the Members, elect from among its Members a chairperson and a vice-chairperson, each of whom shall have such authorities and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson shall preside at all meetings of the Interstate Commission. The Officers so selected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.

2. The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, and hire and supervise such other staff as may be authorized by the Interstate Commission, but shall not be a member.

C. The Interstate Commission shall maintain its corporate books and records in accordance with the bylaws.

D. 1. The Members, officers, executive director, and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities; provided, that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

2. The Interstate Commission shall defend the commissioner of a compacting state, or the commissioner's representatives or employees, or the Interstate Commission's representatives or employees in any civil action seeking to impose liability, arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities. Provided, that the actual or alleged act, error, or omission did not result from intentional wrongdoing on the part of such person.

3. The Interstate Commission shall indemnify and hold the commissioner of a Compacting State, the appointed designees or employees, or the Interstate Commission's representatives or employees, harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such person had reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

ARTICLE VII.

ACTIVITIES OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall meet and take such actions as are consistent with the provisions of this Compact.

B. Except as otherwise provided in this compact and unless a greater percentage is required by the bylaws, in order to constitute an act of the Interstate Commission, each act shall have been taken at a meeting of the Interstate Commission and shall have received an affirmative vote of a majority of the members present.

C. Each member of the Interstate Commission shall have the right and power to cast a vote to which that Compacting State is

entitled and to participate in the business and affairs of the Interstate Commission. A Member shall vote in person on behalf of the state and shall not delegate a vote to another member state. However, a State Council shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the member state at a specified meeting. The bylaws may provide for Members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone or other means of telecommunication or electronic communication shall be subject to the same quorum requirements of meetings where members are present in person.

D. The Interstate Commission shall meet at least once during each calendar year. The chair of the Interstate Commission may call additional meetings at any time and, upon the request of a majority of the members, shall call additional meetings.

E. The Interstate Commission's bylaws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests. In promulgating such rules, the Interstate Commission may make available to law enforcement agencies records and information otherwise exempt from disclosure and may enter into agreements with law enforcement agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

F. Public notice shall be given of all meetings, and all meetings shall be open to the public except as set forth in the rules or as otherwise provided in the Compact. The Interstate Commission shall promulgate rules consistent with the principles contained in the Government in Sunshine Act, Section 552(b), of Title 5 of the United States Code. The Interstate Commission and any of its committees may close a meeting to the public where it determines by a two-thirds vote that an open meeting would be likely to:

1. Relate solely to the Interstate Commission's internal personnel practices and procedures;
2. Disclose matters specifically exempted from disclosure by statute;
3. Disclose trade secrets or commercial or financial information which is privileged or confidential;
4. Involve accusing any person of a crime or formally censuring any person;
5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

6. Disclose investigatory records compiled for law enforcement purposes;

7. Disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of, or for the use of, the Interstate Commission with respect to a regulated entity for the purpose of regulation or supervision of such entity;

8. Disclose information, the premature disclosure of which would significantly endanger the life of a person or the stability of a regulated entity;

9. Relate specifically to the Interstate Commission's issuance of a subpoena or its participation in a civil action or proceeding.

G. For every meeting closed pursuant to this provision, the Interstate Commission's chief legal officer shall publicly certify that, in the officer's opinion, the meeting may be closed to the public and shall reference each relevant exemptive provision.

H. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll-call vote (reflected in the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.

I. The Interstate Commission shall collect standardized data concerning the interstate movement of offenders as directed through its Bylaws and Rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements.

ARTICLE VIII.

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall promulgate rules in order to effectively and efficiently achieve the purposes of the compact including transition rules governing administration of the compact during the period in which it is being considered and enacted by the states.

B. Rulemaking shall occur pursuant to the criteria set forth in this Article and the Bylaws and Rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the federal Administrative Procedure Act, Section 551, et seq. of Title 5 of the United States Code, and the Federal Advisory Committee Act, App. 2, Section 1, et seq. of Title 5 of the United State Code, as may be amended (APA). All Rules and amendments shall become binding as of the date specified in each Rule or amendment.

C. If a majority of the legislatures of the Compacting States rejects a Rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such Rule shall have no further force and effect in any Compacting State.

D. When promulgating a rule, the Interstate Commission shall:

1. Publish the proposed rule stating with particularity the text of the rule which is proposed and the reason for the proposed rule;

2. Allow persons to submit written data, facts, opinions, and arguments which information shall be publicly available;

3. Provide an opportunity for an informal hearing; and

4. Promulgate a final rule and its effective date, if appropriate, based on the rulemaking record.

E. Not later than sixty (60) days after a Rule is promulgated, any interested person may file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such Rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence (as defined in the APA) in the rulemaking record, the court shall hold the Rule unlawful and set it aside.

F. Subjects to be addressed in rules within twelve (12) months after the first meeting must at a minimum include:

1. Notice to victims and opportunity to be heard;

2. Offender registration and compliance;

3. Violations/returns;

4. Transfer procedures and forms;

5. Eligibility for transfer;

6. Collection of restitution and fees from offenders;

7. Data collection and reporting;

8. Level of supervision to be provided by the receiving state;

9. Transition rules governing the operation of the compact and the Interstate Commission during all or part of the period between the effective date of the compact and the date on which the last eligible state adopts the compact;

10. Mediation, arbitration, and dispute resolution.

G. The existing rules governing the operation of the previous compact superceded by this act shall be null and void twelve (12) months after the first meeting of the Interstate Commission created hereunder.

H. Upon determination by the Interstate Commission that an emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption; provided, that the usual rulemaking procedures shall be retroactively applied to said rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule.

ARTICLE IX.

OVERSIGHT, ENFORCEMENT, AND

DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION

A. 1. The Interstate Commission shall oversee the interstate movement of adult offenders in the Compacting States and shall

monitor such activities being administered in Non-Compacting States which may significantly affect Compacting States.

2. The courts and executive agencies in each Compacting State shall enforce this Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes and intent. In any judicial or administrative proceeding in a Compacting State pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Interstate Commission, the Interstate Commission shall be entitled to receive all service of process in any such proceeding and shall have standing to intervene in the proceeding for all purposes.

B. 1. The Compacting States shall report to the Interstate Commission on issues or activities of concern to them and cooperate with and support the Interstate Commission in the discharge of its duties and responsibilities.

2. The Interstate Commission shall attempt to resolve any disputes or other issues which are subject to the Compact and which may arise among Compacting States and Non-Compacting States.

3. The Interstate Commission shall enact a Bylaw or promulgate a Rule providing for both mediation and binding dispute resolution for disputes among Compacting States.

C. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this Compact using any or all means set forth in Article XII, Section B, of this Compact.

ARTICLE X. FINANCE

A. The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

B. The Interstate Commission shall levy on and collect an annual assessment from each Compacting State to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of the state and the volume of interstate movement of offenders in each compacting state and shall promulgate a rule binding upon all Compacting States which governs said assessment.

C. The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same. Nor shall the Interstate Commission pledge the credit of any of the Compacting States except by and with the authority of the compacting state.

D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and

accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE XI.

COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT

A. Any state, as defined in Article II of this Compact, is eligible to become a Compacting State. The Compact shall become effective and binding upon legislative enactment of the Compact into law by no fewer than thirty-five of the States. The initial effective date shall be the later of July 1, 2001, or upon enactment into law by the thirty-fifth jurisdiction. Thereafter, it shall become effective and binding as to any other Compacting State upon enactment of the Compact into law by that State. The governors of Nonmember states or their designees will be invited to participate in Interstate Commission activities on a nonvoting basis prior to adoption of the compact by all states and territories of the United States.

B. Amendments to the Compact may be proposed by the Interstate Commission for enactment by the Compacting States. No amendment shall become effective and binding upon the Interstate Commission and the Compacting States unless and until it is enacted into law by unanimous consent of the Compacting States.

ARTICLE XII.

WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

A. 1. Once effective, the Compact shall continue in force and remain binding upon each Compacting State; provided that a Compacting State may withdraw from the compact ("Withdrawing State") by enacting a statute specifically repealing the statute which enacted the Compact into law. The effective date of withdrawal is the effective date of the repeal.

2. The Withdrawing State shall immediately notify the Chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this Compact in the Withdrawing State. The Interstate Commission shall notify the other Compacting States of the Withdrawing State's intent to withdraw within sixty (60) days of its receipt of the notice.

3. The Withdrawing State is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

4. Reinstatement following withdrawal of any Compacting State shall occur upon the reenactment of the Compact by the Withdrawing State or upon such later date as determined by the Interstate Commission.

B. If the Interstate Commission determines that any Compacting State has at any time defaulted ("Defaulting State") in the performance of any of its obligations or responsibilities under this Compact, the Bylaws or any duly promulgated Rules, the Interstate Commission may impose any or all of the following penalties:

- a. fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission,
- b. remedial training and technical assistance as directed by the Interstate Commission,
- c. suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the Bylaws and Rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the Governor, the Chief Justice or Chief Judicial Officer of the state, the majority and minority leaders of the defaulting state's legislature, and the State Council.

C. 1. The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this Compact, Interstate Commission Bylaws, or duly promulgated Rules. The Interstate Commission shall immediately notify the Defaulting State in writing of the penalty imposed by the Interstate Commission on the Defaulting State pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the Defaulting State must cure its default. If the Defaulting State fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the Defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Compacting States and all rights, privileges, and benefits conferred by this Compact shall be terminated from the effective date of suspension.

2. Within sixty (60) days of the effective date of termination of a Defaulting State, the Interstate Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer, and the Majority and Minority Leaders of the Defaulting State's Legislature and the State Council of such termination.

3. The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

4. The Interstate Commission shall not bear any costs relating to the Defaulting State unless otherwise mutually agreed upon between the Interstate Commission and the Defaulting State. Reinstatement following termination of any compacting state requires

both a reenactment of the Compact by the Defaulting State and the approval of the Interstate Commission pursuant to the Rules.

D. The Interstate Commission may, by a majority vote of the Members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the Federal District where the Interstate Commission has its offices to enforce compliance with the provisions of the Compact, its duly promulgated Rules and Bylaws against any Compacting State in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorney fees.

E. The Compact dissolves effective upon the date of the withdrawal or default of a Compacting State which reduces membership in the Compact to one Compacting State. Upon dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be wound up, and any surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XIII.

SEVERABILITY AND CONSTRUCTION

A. The provisions of this Compact shall be severable. If any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

B. The provisions of this Compact shall be liberally construed to effectuate its purposes.

ARTICLE XIV.

BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Nothing in this Compact prevents the enforcement of any other law of a Compacting State that is not inconsistent with this Compact. All Compacting States' laws conflicting with this Compact are superseded to the extent of the conflict.

B. 1. All lawful actions of the Interstate Commission, including all Rules and Bylaws promulgated by the Interstate Commission, are binding upon the Compacting States.

2. All agreements between the Interstate Commission and the Compacting States are binding in accordance with their terms.

3. Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the Compacting States, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation.

4. In the event any provision of this Compact exceeds the constitutional limits imposed on the legislature of any Compacting State, the obligations, duties, powers, or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective. Such obligations, duties, powers, or jurisdiction shall remain in the Compacting State and shall be exercised by the agency in the state to which such obligations, duties, powers, or

jurisdiction are delegated by law in effect at the time this compact becomes effective.

Added by Laws 2000, c. 281, § 3, eff. July 1, 2000.

§22-1094. Oklahoma State Council for Interstate Adult Offender Supervision.

A. There is hereby created the Oklahoma State Council for Interstate Adult Offender Supervision in accordance with Article IV of the Interstate Compact for Adult Offender Supervision. The State Council shall consist of the compact administrator who shall be a nonvoting member, the Executive Coordinator or designee of the District Attorneys Council, the Executive Director or designee of the Oklahoma Indigent Defense System and the Administrative Director of the Courts or designee, and five appointed members who, except for the initial appointments, shall be appointed for three-year terms. The members appointed to initial terms shall serve staggered terms as prescribed in this section. Terms of office shall expire on June 30. Members may be reappointed as deemed appropriate by the appointing authority. Members may be removed by the appointing authority for incompetence, willful neglect of duty, corruption in office, or malfeasance in office. Vacancies shall be filled in the same manner as the original appointment. The members of the Council shall not be subject to the dual office holding prohibitions set forth in Section 6 of Title 51 of the Oklahoma Statutes. The members shall be appointed as follows:

1. One member of the Senate, who shall serve an initial term of three (3) years, who shall be appointed by the President Pro Tempore;

2. One member of the House of Representatives, who shall serve an initial term of three (3) years, who shall be appointed by the Speaker of the House of Representatives;

3. One member of the judiciary who shall be a district judge with experience in criminal proceedings, who shall serve an initial term of two (2) years, to be appointed by the Presiding Judge of the Court of Criminal Appeals;

4. One member of the Pardon and Parole Board, who shall serve an initial term of two (2) years, who shall be appointed by the Governor with the advice and consent of the Senate; and

5. One member who represents a crime victims advocacy group, who shall serve an initial term of one (1) year, to be appointed by the Governor.

B. The members of the State Council shall elect from their membership a chair and vice chair to serve for one (1) year terms. A majority of the members shall constitute a quorum for the purpose of conducting the business of the Council. The Council shall meet at least annually and at the call of the chair.

C. The Council shall comply with the Oklahoma Open Meeting Act, the Oklahoma Open Records Act, and the Administrative Procedures Act.

D. Members of the Council, except the compact administrator, shall serve without compensation but shall be reimbursed by their appointing authorities for expenses incurred in the performance of their duties as provided in the State Travel Reimbursement Act until the Council is funded.

E. The Council shall oversee and administer this state's participation in the Compact. The Council may promulgate rules to implement operations and procedures necessary for administration of the compact.

F. Until the Compact becomes effective upon its adoption by thirty-five states, the Council may select a person who is employed by a state agency, subject to the assent of the administrative head of the agency, to serve as the compact administrator. The agency that employs the compact administrator shall pay the salary of the compact administrator and any expenses the compact administrator incurs in fulfilling duties related to the Compact. The Council and the administrative head of the agency shall determine what portion of the employee's time shall be devoted to Compact activities. The compact administrator shall serve as this state's commissioner on the Interstate Commission for Adult Offender Supervision. In the event the compact administrator cannot attend a meeting of the Interstate Commission, the Council shall appoint a Council member to represent this state at the meeting.

Added by Laws 2000, c. 281, § 4, eff. July 1, 2000. Amended by Laws 2008, c. 21, § 1, eff. Nov. 1, 2008; Laws 2024, c. 129, § 1, eff. Nov. 1, 2024.

§22-1095. Compact administrator.

Upon the effectiveness of the Interstate Compact for Interstate Adult Offender Supervision through adoption by thirty-five states, the Council shall employ a compact administrator to oversee the organization and activities of the Council and to administer this state's participation in the Compact, subject to the Council's direction. The compact administrator shall serve as this state's commissioner on the Interstate Commission for Adult Offender Supervision. In the event the compact administrator cannot attend a meeting of the Interstate Commission, the Council shall appoint a Council member to represent this state at the meeting. The salary of the compact administrator shall be set by law. The position of compact administrator shall be an unclassified position.

Added by Laws 2000, c. 281, § 5, eff. July 1, 2000.

NOTE: Laws 2000, c. 281, § 6 states that implementation of Laws 2000, c. 281, § 5 shall be delayed until the Compact becomes effective upon its adoption by thirty-five states.

§22-1101. Offenses bailable - Who may take bail.

A. Except as otherwise provided by law, bail, by sufficient sureties, shall be admitted upon all arrests in criminal cases where the offense is not punishable by death and in such cases it may be taken by any of the persons or courts authorized by law to arrest, to imprison offenders or to perform pretrial services, or by the clerk of the district court or his or her deputy, or by the judge of such courts.

B. In criminal cases where the defendant is currently an escaped prisoner from the Department of Corrections, the defendant must be processed back into the Department of Corrections prior to bail being set on new criminal charges.

C. All persons shall be bailable by sufficient sureties, except that bail may be denied for:

1. Capital offenses when the proof of guilt is evident, or the presumption thereof is great;
2. Violent offenses;
3. Offenses where the maximum sentence may be life imprisonment or life imprisonment without parole;
4. Felony offenses where the person charged with the offense has been convicted of two or more felony offenses arising out of different transactions;
5. Controlled dangerous substances offenses where the maximum sentence may be at least ten (10) years' imprisonment; and
6. Driving under the influence of alcohol or other intoxicating substance if such person has previously been convicted with two felonies for driving under the influence of alcohol or other intoxicating substance.

On all offenses specified in paragraphs 2 through 6 of this subsection, the proof of guilt must be evident, or the presumption must be great, and it must be on the grounds that no condition of release would assure the safety of the community or any person.

D. There shall be a rebuttable presumption that no condition of release would assure the safety of the community if the state shows by clear and convincing evidence that the person was arrested for a violation of Section 741 of Title 21 of the Oklahoma Statutes.

E. If the person was arrested for any crime provided for in the Protection from Domestic Abuse Act or a violent crime provided for in Section 571 of Title 57 of the Oklahoma Statutes, the court shall be responsible for assessing prior patterns of abuse and shall present written findings on the bail amount.

F. There shall be a rebuttable presumption that no conditions of release on bond would assure the safety of the community or any person therein if the state shows by clear and convincing evidence that:

1. The person was arrested for a violent offense and released on bond; and

2. While out on bond, the person was subsequently arrested and charged for a violent crime as set forth for in Section 571 of Title 57 of the Oklahoma Statutes.

R.L. 1910, § 6103. Amended by Laws 2003, c. 82, § 1, emerg. eff. April 15, 2003; Laws 2004, c. 58, § 1, eff. Nov. 1, 2004; Laws 2006, c. 130, § 2, emerg. eff. May 9, 2006; Laws 2022, c. 117, § 1, eff. Nov. 1, 2022; Laws 2024, c. 54, § 1, eff. Nov. 1, 2024; Laws 2025, c. 169, § 1, eff. Nov. 1, 2025.

§22-1101.1. Offenses relating to prostitution bailable.

Bail, by sufficient sureties, may be admitted upon all arrests for violations of Sections 1028, 1029, 1030, or 1081 of Title 21 of the Oklahoma Statutes and shall be in an amount of not less than Fifteen Thousand Dollars (\$15,000.00). Bail on personal recognizance bond for such offenses shall not be admitted.

Added by Laws 2002, c. 120, § 4, emerg. eff. April 19, 2002.

§22-1102. Bail when crime is punishable by death.

Bail, by sufficient sureties, may be admitted upon all arrests in criminal cases where the punishment may be death, unless the proof is evident or the presumption great; and in such cases it shall be taken only by the Criminal Court of Appeals or a district or superior court, or by a justice or judge thereof, who shall exercise their discretion therein, having regard to the nature and circumstances of the offense, and of the evidence and to the usages of law; but if the case has been tried by jury, and the jury have disagreed on their verdict, then the above presumption is removed, and the defendant shall thereupon be entitled to bail, unless it shall appear to the court or judge thereof, by due proof, that such disagreement was occasioned by the misconduct of the jury.

R.L.1910, § 6104.

§22-1104. Qualifications of bail - Justification.

The qualifications of bail are the same as those in civil cases, and the sureties must in all cases justify by affidavits taken before the magistrate, court or judge, or before the clerk of the district or superior court or his deputy, that they each possess those qualifications.

R.L.1910, § 6106.

§22-1105. Defendant discharged on giving bail - Exceptions.

A. Except as otherwise provided by this section, upon the allowance of bail and the execution of the requisite recognizance, bond, or undertaking to the state, the magistrate, judge, or court shall, if the defendant is in custody, make and sign an order for

discharge. The court, in its discretion, may prescribe by court rule the conditions under which the court clerk or deputy court clerk, or the sheriff or deputy sheriff, may prepare and execute an order of release on behalf of the court.

B. No police officer or sheriff may release a person arrested for a violation of an ex parte or final protective order as provided in Sections 60.2 and 60.3 of this title, or arrested for an act constituting domestic abuse as specified in Section 644 of Title 21 of the Oklahoma Statutes, or arrested for any act constituting domestic abuse, stalking or harassment as defined by Section 60.1 of this title, or arrested for an act constituting domestic assault and battery or domestic assault and battery with a deadly weapon pursuant to Section 644 of Title 21 of the Oklahoma Statutes, without the violator appearing before a magistrate, judge or court. To the extent that any of the following information is available to the court, the magistrate, judge or court shall consider, in addition to any other circumstances, before determining bond and other conditions of release as necessary for the protection of the alleged victim, the following:

1. Whether the person has a history of domestic violence or a history of other violent acts;
2. The mental health of the person;
3. Whether the person has a history of violating the orders of any court or governmental entity;
4. Whether the person is potentially a threat to any other person;
5. Whether the person has a history of abusing alcohol or any controlled substance;
6. Whether the person has access to deadly weapons or a history of using deadly weapons;
7. The severity of the alleged violence that is the basis of the alleged offense including, but not limited to:
 - a. the duration of the alleged violent incident,
 - b. whether the alleged violent incident involved serious physical injury,
 - c. whether the alleged violent incident involved sexual assault,
 - d. whether the alleged violent incident involved strangulation,
 - e. whether the alleged violent incident involved abuse during the pregnancy of the alleged victim,
 - f. whether the alleged violent incident involved the abuse of pets, or
 - g. whether the alleged violent incident involved forcible entry to gain access to the alleged victim;

8. Whether a separation of the person from the alleged victim or a termination of the relationship between the person and the alleged victim has recently occurred or is pending;

9. Whether the person has exhibited obsessive or controlling behaviors toward the alleged victim including, but not limited to, stalking, surveillance, or isolation of the alleged victim;

10. Whether the person has expressed suicidal or homicidal ideations; and

11. Any information contained in the complaint and any police reports, affidavits, or other documents accompanying the complaint.

C. A person arrested for:

1. A violation of an ex parte or final protective order as provided in Sections 60.2 and 60.3 of this title;

2. An act constituting domestic abuse, domestic assault and battery or domestic assault and battery with a deadly weapon as specified in Section 644 of Title 21 of the Oklahoma Statutes; or

3. An act constituting domestic abuse, stalking or harassment as defined by Section 60.1 of this title, shall not be eligible for a personal recognizance bond pursuant to Section 1108.1 of this title.

D. No police officer or sheriff may release a person arrested for any violation of subsection G of Section 2-401 of Title 63 of the Oklahoma Statutes, without the violator appearing before a magistrate, judge, or court. In determining bond and other conditions of release, the magistrate, judge, or court shall consider any evidence that the person is in any manner dependent upon a controlled dangerous substance or has a pattern of regular, illegal use of any controlled dangerous substance. A rebuttable presumption that no conditions of release on bond would assure the safety of the community or any person therein shall arise if the state shows by clear and convincing evidence:

1. The person was arrested for a violation of subsection G of Section 2-401 of Title 63 of the Oklahoma Statutes, relating to manufacturing or attempting to manufacture a controlled dangerous substance, or possessing any of the substances listed in subsection G of Section 2-401 of Title 63 of the Oklahoma Statutes with the intent to manufacture a controlled dangerous substance; and

2. The person is in any manner dependent upon a controlled dangerous substance or has a pattern of regular illegal use of a controlled dangerous substance, and the violation referred to in paragraph 1 of this subsection was committed or attempted in order to maintain or facilitate the dependence or pattern of illegal use in any manner.

E. No police officer or sheriff may release a person arrested for a second or subsequent violation of Section 11-902 of Title 47 of the Oklahoma Statutes, without the granting of bail by a magistrate, court, judge, or on-call judge, whether by telephone or

in person. In determining bond and other conditions of release, the magistrate, judge, on-call judge or court shall consider any evidence that the person is in any manner dependent upon alcohol or a controlled dangerous substance or has a pattern of regular abuse of alcohol or the illegal use of any controlled dangerous substance. If the person was arrested for any crime provided for in Section 11-902 of Title 47 of the Oklahoma Statutes, the court shall consider the threat the person poses to the public safety and shall present written findings on the bail amount.

R.L.1910, § 6107. Amended by Laws 1995, c. 297, § 4, eff. Nov. 1, 1995; Laws 1997, c. 2, § 25, emerg. eff. Feb. 26, 1997; Laws 1997, c. 368, § 4, eff. Nov. 1, 1997; Laws 2004, c. 59, § 2, emerg. eff. April 6, 2004; Laws 2005, c. 128, § 1, eff. Nov. 1, 2005; Laws 2010, c. 116, § 6, eff. Nov. 1, 2010; Laws 2011, c. 385, § 5, eff. Nov. 1, 2011; Laws 2021, c. 215, § 1, eff. Nov. 1, 2021; Laws 2025, c. 172, § 1, eff. Nov. 1, 2025.

NOTE: Laws 1995, c. 286, § 8 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997.

§22-1105.1. Pretrial Release Act - Short title.

This act shall be known and may be cited as the "Pretrial Release Act".

Added by Laws 2002, c. 125, § 1, eff. July 1, 2002.

§22-1105.2. Pretrial Release Act - Setting of bail - Schedule - Electronic monitoring.

A. Following an arrest for a misdemeanor or felony offense and before formal charges have been filed or an indictment made, the arrested person may have bail set by the court as provided in this act; provided there are no provisions of law to the contrary.

B. When formal charges or an indictment has been filed, bail shall be set according to law and the pretrial bond, if any, may be reaffirmed unless additional security is required. Every judicial district may, upon the order of the presiding judge for the district, establish a pretrial bail schedule for felony or misdemeanor offenses, except for traffic offenses included in subsections B, C and D of Section 1115.3 of Title 22 of the Oklahoma Statutes and those offenses specifically excluded herein. The bail schedule established pursuant to the authority of this act shall exclude any offense for which bail is not allowed by law. The bail schedule authorized by this act shall be set in accordance with guidelines relating to bail and shall be published and reviewed by March 1 of each year by the courts and district attorney of the judicial district.

C. The pretrial bail shall be set in a numerical dollar amount. If the person fails to appear in court as required the judge shall:

1. Rescind the bond and proceed to enter a judgment against the defendant for the dollar amount of the pretrial bail if no private bail was given at the time of release; provided, however, the court clerk shall follow the procedures as set forth in Section 1301 et seq. of Title 59 of the Oklahoma Statutes in collecting the forfeiture amount against the person who fails to appear in court; or

2. Rescind and forfeit the private bail if cash, property or surety bail was furnished at the time of release as set forth in Section 1301 et seq. of Title 59 of the Oklahoma Statutes.

D. When a pretrial program exists in the judicial district where the person is being held, the judge may utilize the services of the pretrial release program when ordering pretrial release, except when private bail has been furnished.

E. Upon an order for pretrial release or release on bond, the person shall be released from custody without undue delay.

F. The court may require the person to be placed on an electronic monitoring device as a condition of pretrial release.

G. In instances where an electronic monitoring device has been ordered, the court may impose payment of a supervision fee. Payment of the fee, in whole or according to a court-ordered installment schedule, shall be a condition of pretrial release. The court clerk shall collect the supervision fees.

Added by Laws 2002, c. 125, § 2, eff. July 1, 2002. Amended by Laws 2002, c. 390, § 13, emerg. eff. June 4, 2002; Laws 2005, c. 74, § 2, eff. Nov. 1, 2005; Laws 2016, c. 59, § 1, eff. Nov. 1, 2016.

§22-1105.3. Pretrial Release Act - Pretrial release programs - Persons eligible - Minimum criteria.

A. Any county pursuant to the provisions of the Pretrial Release Act may establish and fund a pretrial program to be utilized by the district court in that jurisdiction.

B. When a pretrial release program is established pursuant to the Pretrial Release Act and private bail has not been furnished, the judge may order a person to be evaluated through the pretrial program. After conducting an evaluation of the person applying for pretrial release, the pretrial program shall make a recommendation to the court. The recommendation shall indicate any special supervisory conditions for pretrial release. The judge shall consider the recommendations and may grant or deny pretrial release. The presiding judge of the judicial district may issue a standing order outlining criteria for cases that may automatically be evaluated for pretrial release by a pretrial program operating in the jurisdiction. The standing order may include amounts for bail and types of bonds deemed appropriate for certain offenses.

C. Except as otherwise authorized by the provisions of this subsection, persons accused of or detained for any of the following

offenses or conditions shall not be eligible for pretrial release by any pretrial program:

1. Aggravated driving under the influence of an intoxicating substance;
2. Any felony driving under the influence of an intoxicating substance;
3. Any offense prohibited by the Trafficking In Illegal Drugs Act;
4. Any person having a violent felony conviction within the past ten (10) years;
5. Appeal bond;
6. Arson in the first degree, including attempts to commit arson in the first degree;
7. Assault and battery on a police officer;
8. Bail jumping;
9. Bribery of a public official;
10. Burglary in the first or second degree;
11. Civil contempt proceedings;
12. Distribution of a controlled dangerous substance, including the sale or possession of a controlled dangerous substance with intent to distribute or conspiracy to distribute;
13. Domestic abuse, domestic assault or domestic assault and battery with a dangerous weapon, or domestic assault and battery with a deadly weapon;
14. Driving under the influence of intoxicating substance where property damage or personal injury occurs;
15. Felony discharging a firearm from a vehicle;
16. Felony sex offenses;
17. Fugitive bond or a governor's fugitive warrant;
18. Immigration charges;
19. Kidnapping;
20. Juvenile or youthful offender detention;
21. Manslaughter;
22. Manufacture of a controlled dangerous substance;
23. Murder in the first degree, including attempts or conspiracy to commit murder in the first degree;
24. Murder in the second degree, including attempts or conspiracy to commit murder in the second degree;
25. Negligent homicide;
26. Out-of-county holds;
27. Persons currently on pretrial release who are arrested on a new felony offense;
28. Possession, manufacture, use, sale or delivery of an explosive device;
29. Possession of a controlled dangerous substance on Schedule I or II of the Controlled Dangerous Substances Act;

30. Possession of a firearm or other offensive weapon during the commission of a felony;

31. Possession of a stolen vehicle;

32. Rape in the first degree, including attempts to commit rape in the first degree;

33. Rape in the second degree, including attempts to commit rape in the second degree;

34. Robbery by force or fear;

35. Robbery with a firearm or dangerous weapon, including attempts to commit robbery with a firearm or dangerous weapon;

36. Sexual assault or violent offenses against children;

37. Shooting with intent to kill;

38. Stalking or violation of a Victim Protection Order;

39. Two or more prior felony convictions; or

40. Unauthorized use of a motor vehicle.

D. Other than a person accused of or detained for an offense provided for in paragraph 13 or paragraph 38 of subsection C of this section, a person not eligible for pretrial release pursuant to the provisions of subsection C of this section may be released upon order of a district judge, associate district judge or special judge under conditions prescribed by the judge, which may include an order to require the defendant, as a condition of pretrial release, to use or participate in any monitoring or testing including, but not limited to, a Global Positioning System (GPS) monitoring device and urinalysis testing. The court may further order the defendant to pay costs and expenses related to any supervision, monitoring or testing.

E. Every pretrial services program operating pursuant to the provisions of the Pretrial Release Act shall meet the following minimum criteria:

1. The program shall establish a procedure for screening and evaluating persons who are detained or have been arrested for the alleged commission of a crime. The program shall obtain criminal history records on detained persons through the National Crime Information Center (NCIC). The information obtained from the screening and evaluation process must be submitted in a written report without unnecessary delay to the judge who is assigned to hear pretrial release applications when the person is eligible for pretrial release;

2. The program shall provide reliable information to the judge relating to the person applying for pretrial release so a reasonable decision can be made concerning the amount and type of bail appropriate for pretrial release. The information provided shall be based upon facts relating to the person's risk of danger to the community and the risk of failure to appear for court; and

3. The program shall make all reasonable attempts to provide the court with information appropriate to each person considered for pretrial release.

F. A pretrial program established pursuant to the Pretrial Release Act may provide different methods and levels of community-based supervision to meet any court-ordered conditions of release. The program may use existing supervision methods for persons who are released prior to trial. Pretrial programs which employ peace officers certified by the Council on Law Enforcement Education and Training (CLEET) are authorized to enforce court-ordered conditions of release.

G. Each pretrial program established pursuant to the Pretrial Release Act shall provide a quarterly report to the presiding judge of the judicial district of the jurisdiction in which it operates. A copy of the report shall be filed of record with the court clerk of the jurisdiction. Each report shall include, but is not limited to, the following information:

1. The total number of persons screened, evaluated or otherwise considered for pretrial release;
2. The total number and nature of recommendations made;
3. The number of persons admitted to pretrial release that failed to appear; and
4. Any other information deemed appropriate by the reporting judicial district or that the program desires to report.

H. Every pretrial release program established pursuant to this section shall utilize the services of local providers; provided, however, any program in continuous existence since July 1, 1999, shall be exempt from the provisions of this subsection.

Added by Laws 2002, c. 125, § 3, eff. July 1, 2002. Amended by Laws 2008, c. 114, § 3, eff. Nov. 1, 2008; Laws 2011, c. 385, § 6, eff. Nov. 1, 2011; Laws 2013, c. 77, § 1, eff. Nov. 1, 2013; Laws 2016, c. 59, § 2, eff. Nov. 1, 2016; Laws 2018, c. 2, § 1, emerg. eff. March 8, 2018; Laws 2021, c. 215, § 2, eff. Nov. 1, 2021.

§22-1106. Deposit for bail.

A deposit of the sum of money mentioned in the order admitting to bail is equivalent to bail and upon such deposit the defendant must be discharged from custody.

R.L.1910, § 6108.

§22-1107. Arrest of defendant by bail - Commitment of defendant and exoneration of bail.

Any party charged with a criminal offense and admitted to bail may be arrested by his bail at any time before they are finally discharged, and at any place within the state; or by a written authority indorsed on a certified copy of the recognizance, bond or undertaking, may empower any officer or person of suitable age and

discretion, to do so, and he may be surrendered and delivered to the proper sheriff or other officer, before any court, judge or magistrate having the proper jurisdiction in the case; and at the request of such bail the court, judge or magistrate shall recommit the party so arrested to the custody of the sheriff or other officer, and endorse on the cognizance, bond or undertaking, or certified copy thereof, after notice to the district attorney, and if no cause to the contrary appear, the discharge and exoneration of such bail; and the party so committed shall therefrom be held in custody until discharged by due course of law.

R.L.1910, § 6109.

§22-1108. Forfeiture of bail.

If the defendant neglects to appear according to the terms or conditions of the recognizance, bond or undertaking, either for hearing, arraignment, trial or judgment, or upon any other occasion when his presence in court or before the magistrate may be lawfully required, or to surrender himself in execution of the judgment, the court must direct the fact to be entered upon its minutes, and the recognizance, bond or undertaking of bail, or the money deposited instead of bail, as the case may be, is and shall be thereupon declared forfeited and forfeiture proceedings shall then proceed as prescribed in Section 1332 of Title 59 of the Oklahoma Statutes. If money deposited instead of bail be so forfeited, the clerk of the court or other officer with whom it is deposited, must, immediately after the final adjournment of the court, pay over the money deposited to the county treasurer.

Provided however, if a person charged with a traffic offense neglects to appear for arraignment after signing a written promise to appear as provided for by the State and Municipal Traffic Bail Bond Procedure Act, Section 1115 et seq. of this title and no other form of bail has been substituted therefor, then said recognizance shall not be forfeited as provided in this section and the court shall proceed in accordance with the provisions of Section 1115 et seq. of this title.

Amended by Laws 1988, c. 178, § 4, eff. Nov. 1, 1988; Laws 1989, c. 348, § 16, eff. Nov. 1, 1989.

§22-1108.1. Own recognizance bonds - Requirements for posting - Forfeiture action and collection of forfeiture.

A. Own recognizance bonds set in a penal amount shall be posted by executing an own recognizance indenture contract which shall be executed and maintained by the district court clerk. The indenture shall constitute an inchoate obligation to pay in the event forfeiture proceedings are commenced and result in a final order of forfeiture by the authorizing and issuing judge of the district court.

B. Setting aside of forfeitures shall be governed by the same rules and procedures applicable to cash, property or surety bonds; provided that, if the forfeiture is set aside, the district court shall exempt from forfeiture set aside all reasonable costs of recovery to return the defendant to custody, and an administrative fee to be retained by the court fund in a sum not to exceed ten percent (10%) of the total penal bond amount plus all costs incurred in processing the forfeiture proceeding to include costs of notices, warrants, service and execution.

C. The final judgment of forfeiture shall constitute a judgment enforceable through all procedures available for the collection of a civil judgment, provided that the judgment shall be considered a debt in the nature of defalcation as defined by the United States Bankruptcy Code, and shall not be subject to other forms of debtor relief. The judgment shall be subject to collection as costs in the underlying action regardless of final disposition or determination of guilt.

D. The district attorney or the Administrator of the District Court Cost Collection Division as determined by administration order in each judicial district shall initiate the forfeiture action and collection of forfeitures and shall receive one-third (1/3) of all sums collected from the ten-percent premium, not to include costs as defined in subsection B of this section, to offset the costs of administering the program.

E. This section does not apply to :

1. Traffic or wildlife cases;
2. Cases concerning violations of emergency ex parte or final protective orders, as provided in Sections 60.2 and 60.3 of this title;
3. Domestic abuse cases, as provided in Section 644 of Title 21 of the Oklahoma Statutes; and
4. Stalking or harassment cases, as provided in Section 1173 of Title 21 of the Oklahoma Statutes.

Added by Laws 2004, c. 148, § 1, eff. Nov. 1, 2004. Amended by Laws 2021, c. 215, § 3, eff. Nov. 1, 2021.

§22-1108.2. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§22-1109. Additional security may be required.

When proof is made to any court, judge or other magistrate having authority to commit on criminal charges, that a person previously admitted to bail on any such charge is about to abscond, or that his bail is insufficient, or has removed from the state, the judge or magistrate shall require such person to give better security, or for default thereof cause him to be committed to prison; and an order for his arrest may be endorsed on the former

commitment, or a new warrant therefor may be issued by such judge or magistrate, setting forth the cause thereof.
R.L.1910, § 6111.

§22-1110. Jumping bail - Penalties.

Whoever, having been admitted to bail or released on recognizance, bond, or undertaking for appearance before any magistrate or court of the State of Oklahoma, incurs a forfeiture of the bail or violates such undertaking or recognizance and willfully fails to surrender himself within five (5) days following the date of such forfeiture shall, if the bail was given or undertaking or recognizance extended in connection with a charge of felony or pending appeal or certiorari after conviction of any such offense, be guilty of a Class D3 felony offense and shall be fined not more than One Thousand Dollars (\$1,000.00), or imprisoned as provided for in subsections B through F of Section 20P of Title 21 of the Oklahoma Statutes, or both. Nothing in this section shall be construed to interfere with or prevent the exercise by any court of its power to punish for contempt.

Added by Laws 1965, c. 373, § 1, emerg. eff. June 28, 1965. Amended by Laws 1997, c. 133, § 437, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 321, eff. July 1, 1999; Laws 2025, c. 486, § 705, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 437 from July 1, 1998, to July 1, 1999.

§22-1111. Bail for violating water safety law, Wildlife Conservation Code or other bail laws - Deposit of operator's license in lieu of bail.

A. Any person arrested by a law enforcement officer for any violation of any statute relating to water safety or for any misdemeanor violation of the Oklahoma Wildlife Conservation Code, in addition to other provisions of law for posting bail, shall be admitted to bail as follows:

1. By posting cash bail, of an amount as prescribed by the schedule prepared pursuant to subsection E of Section 1115.3 of this title, in an envelope addressed to the court clerk of the district court of the appropriate jurisdiction. The defendant, in the presence of the arresting officer, shall deposit the envelope containing the citation, on which the date of the hearing has been indicated by the arresting officer, and the bail bond for the appearance at such time and place, in the United States mail. The arresting officer shall furnish a receipt to the person. For the purpose of this section, cashier's checks, postal money orders, instruments commonly known as traveler's checks, certified checks, and personal checks shall be considered as cash. Any person who does not post a cash bail shall deposit with the arresting officer a

valid license to operate a motor vehicle; provided that an out-of-state arrestee posting cash by personal check shall deposit with the arresting officer a valid license to operate a motor vehicle as provided in subsection B of this section, except the receipt shall cease to operate as a driver license if the personal check is not honored after the last presentment. The court clerk shall supply the office of the sheriff, the Department of Public Safety and the Oklahoma Department of Wildlife Conservation with postage paid preaddressed envelopes. The cost of the envelopes and postage shall be paid from the court fund; or

2. By depositing with the arresting officer a valid license to operate a motor vehicle, in exchange for an official receipt issued by the arresting officer. The driver license and citation shall be transmitted by the arresting officer to the clerk of the court having jurisdiction over the offense.

B. Application for a replacement driver license during the period when the original license is posted in lieu of cash bail shall be a misdemeanor and upon conviction shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not less than seven (7) days nor more than six (6) months, or by both such fine and imprisonment. Provided, that notice of the fine and punishment shall be printed on the receipt issued for deposit of a driver license in lieu of cash bail. The receipt for posting bail by depositing a valid driver license shall be on forms approved by the Commissioner of Public Safety. The receipt shall be recognized as a driver license and shall authorize the operation of a motor vehicle until the date of arraignment but not exceeding twenty (20) days.

Added by Laws 1968, c. 115, § 1, eff. Jan. 13, 1969. Amended by Laws 1970, c. 64, § 1, emerg. eff. March 16, 1970; Laws 1980, c. 248, § 1, eff. Oct. 1, 1980; Laws 2005, c. 190, § 3, eff. Sept. 1, 2005.

§22-1111.1. Return of operator's license.

The court clerk shall return an operator's license deposited in lieu of cash bail, as provided by Section 1111 of this title, to the defendant upon the following:

- (a) acceptance of the defendant's personal check for cash bail and collection of funds;
 - (b) appearance to answer the charge or to post bond; or
 - (c) election to enter a plea of guilty by transmitting to the court clerk the cash bail as provided by Section 1112 of this title.
- Laws 1980, c. 248, § 2, eff. Oct. 1, 1980.

§22-1111.2. Failure to appear for arraignment.

The arresting officer shall indicate on the citation the date of the arraignment, and the defendant shall appear in person or by

counsel at the stated time and place for arraignment. If the defendant fails to appear in court in person or by counsel for arraignment on the charge against him, or fails to arrange with the court within the time designated on the citation for a future appearance, the cash bail, if cash bail has been deposited by the defendant, shall be forfeited. If a license to operate a motor vehicle has been deposited under subsection (b) of Section 1111 of this title, the court clerk shall immediately forward to Service Oklahoma the operator's license attached to an official notification form furnished by Service Oklahoma, advising that the defendant failed to appear; in addition, on motion of the district attorney, the court shall issue a bench warrant for the arrest of the defendant. If a license has been deposited under subsection (a) of Section 1111 of this title and the out-of-state defendant's personal check is not honored, the court clerk shall immediately forward to Service Oklahoma the license stating that the check has not been honored. If bail has been forfeited, on motion of the district attorney, the court shall issue a bench warrant. Provided, however, that bail forfeiture shall not be construed as a plea of guilty or admission in any civil action that may thereafter arise by reason of said occurrence.

Added by Laws 1980, c. 248, § 3, eff. Oct. 1, 1980. Amended by Laws 2023, c. 310, § 5, eff. July 1, 2023.

§22-1112. Repealed by Laws 1990, c. 142, § 3, operative July 1, 1990.

§22-1113. Plea of guilty.

The person so charged who elects to plead guilty may indicate his plea of guilty on the ticket or warrant; and said bond deposit shall be used for payment of fine and costs, which fine and costs shall not exceed the amount of bond.

Laws 1968, c. 115, § 3; Laws 1970, c. 64, § 2, emerg. eff. March 16, 1970.

§22-1114.3. Traffic citation - Delivery of complaint information and abstract of court record - Citation as information.

A. Upon issuing a traffic citation required to be filed in district court, the arresting officer or the law enforcement agency employing the arresting officer shall deliver or forward the "Complaint Information" and "Abstract of Court Record" parts of the citation, in electronic or written format:

1. To the district court clerk without the endorsement of the district attorney or an assistant district attorney. It shall be the duty of the district court clerk to deliver the "Complaint Information" to the district attorney who shall endorse or decline

and file the "Complaint Information" with the district court clerk; or

2. If the officer has issued a citation which could result in the district attorney filing an information, to the district attorney who shall endorse or decline and file both parts of the citation with the district court clerk.

B. Upon receipt of a traffic citation by the district court clerk, the district court clerk shall deliver the original "Complaint Information" to the district attorney. The district court clerk's office shall maintain the "Abstract of Court Record" part of the citation until the final disposition of the case.

C. After final disposition of the case by the district attorney, including a case which is declined, the district court clerk shall clearly mark the "Abstract of Court Record" part of the citation with the disposition information of the case and forward the "Abstract of Court Record" to the Department of Public Safety, as provided in Section 18-101 of Title 47 of the Oklahoma Statutes. The "Abstract of Court Record" copy of the citation shall not be obscured by any official stamp of the district court or the district court clerk's office.

D. Forwarding of the "Abstract of Court Record" copy of a citation by electronic means to the Department of Public Safety shall be in a manner and format as approved by the Department, and shall include the information required by Section 18-101 of Title 47 of the Oklahoma Statutes.

E. A traffic citation that is certified by the arresting officer, the complainant, the district attorney, or the assistant district attorney shall constitute an information against the person arrested and served with the traffic citation.

F. For purposes of this section, "endorsement by the district attorney" and "filing with the court clerk" may be accomplished by electronic means using any method approved for electronic filing in the courts of this state. Both the "Complaint Information" and "Abstract of Court Record" parts of the citation may be forwarded to, and provided by, the district court clerk in an electronic form. Neither a paper copy of the citation, nor an original "wet ink" endorsement or signature shall be required from any party when using an approved electronic method.

Added by Laws 1968, c. 185, § 3, eff. Jan. 13, 1969. Amended by Laws 1968, c. 383, § 4, eff. Jan. 13, 1969; Laws 1969, c. 276, § 2, emerg. eff. April 25, 1969; Laws 1991, c. 238, § 35, eff. July 1, 1991; Laws 2000, c. 159, § 3, emerg. eff. April 28, 2000; Laws 2006, c. 204, § 1, eff. Nov. 1, 2006; Laws 2012, c. 278, § 4, eff. Nov. 1, 2012.

§22-1114.3A. Citations - Delivery of Complaint Information and Abstract of Court Record.

A. Upon issuing a citation other than a traffic citation as provided for in Section 1114.3 of this title, that is required to be filed in district court, the arresting Highway Patrol officer or the Department of Public Safety shall deliver or forward the "Complaint Information" or "Abstract of Court Record" of the citation, in electronic or written format:

1. To the district court clerk without the endorsement of the district attorney or an assistant district attorney. It shall be the duty of the district court clerk to deliver the "Complaint Information" to the district attorney who shall endorse or decline and file the "Complaint Information" with the district court clerk; or

2. To the district attorney, if the Highway Patrol officer has issued a citation which could result in the district attorney filing an information. The district attorney shall endorse or decline and file both parts of the citation with the district court clerk.

B. Upon receipt of a citation by the district court clerk, the district court clerk shall deliver the original "Complaint Information" to the district attorney. The district court clerk's office shall maintain the "Abstract of Court Record" part of the citation until the final disposition of the case.

C. After final disposition of the case by the district attorney, including a case which is declined, the district court clerk shall clearly mark the "Abstract of Court Record" part of the citation with the disposition information of the case and forward the "Abstract of Court Record" to the Department of Public Safety, in the same manner as for a traffic citation as prescribed in Section 18-101 of Title 47 of the Oklahoma Statutes. The "Abstract of Court Record" part of the citation shall not be obscured by any official stamp of the district court or the district court clerk's office.

D. Forwarding of the "Abstract of Court Record" part of a citation by electronic means to the Department of Public Safety shall be allowable in a manner and format approved by the Department.

E. A citation that is certified by the arresting Highway Patrol officer, the district attorney or an assistant district attorney shall constitute an information against the person arrested and served with a citation.

F. For purposes of this section, "endorsement by the district attorney" and "filing with the court clerk" may be accomplished by electronic means using any method approved for electronic filing in the courts of this state. Both the "Complaint Information" and "Abstract of Court Record" parts of the citation may be forwarded to, and provided by, the district court clerk in an electronic form. Neither a paper copy of the citation, nor an original "wet ink"

endorsement or signature shall be required from any party when using an approved electronic method.

Added by Laws 2003, c. 461, § 2, eff. July 1, 2003. Amended by Laws 2006, c. 204, § 2, eff. Nov. 1, 2006; Laws 2012, c. 278, § 5, eff. Nov. 1, 2012.

§22-1115. Short title - Application.

Sections 1115 through 1115.5 of this title shall be known and may be cited as the "State and Municipal Traffic, Water Safety, and Wildlife Bail Bond Procedure Act". The provisions of the State and Municipal Traffic, Water Safety, and Wildlife Bail Bond Procedure Act shall not apply to parking or standing traffic violations. Added by Laws 1986, c. 250, § 1, operative July 1, 1987. Amended by Laws 2005, c. 190, § 4, eff. Sept. 1, 2005.

§22-1115.1. Release on personal recognizance - Arraignment - Plea - Failure to plead or appear.

A. In addition to other provisions of law for posting bail, any person, whether a resident of this state or a nonresident, who is arrested by a law enforcement officer solely for a misdemeanor violation of a state traffic law or municipal traffic ordinance, shall be released by the arresting officer upon personal recognizance if:

1. The arrested person has been issued a valid license to operate a motor vehicle by this state, another state jurisdiction within the United States, which is a participant in the Nonresident Violator Compact or any party jurisdiction of the Nonresident Violator Compact;

2. The arresting officer is satisfied as to the identity of the arrested person;

3. The arrested person signs a written promise to appear as provided for on the citation, unless the person is unconscious or injured and requires immediate medical treatment as determined by a treating physician; and

4. The violation does not constitute:

- a. a felony, or
- b. negligent homicide, or
- c. driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances, unless the person is unconscious or injured and requires immediate medical treatment as determined by a treating physician, or
- d. eluding or attempting to elude a law enforcement officer, or
- e. operating a motor vehicle without having been issued a valid driver license, or while the driving privilege

- and driver license is under suspension, revocation, denial or cancellation, or
- f. an arrest based upon an outstanding warrant, or
- g. a traffic violation coupled with any offense stated in subparagraphs a through f of this paragraph.

B. If the arrested person is eligible for release on personal recognizance as provided for in subsection A of this section, then the arresting officer shall:

1. Designate the traffic charge;
2. Record information from the arrested person's driver license on the citation form, including the name, address, date of birth, personal description, type of driver license, driver license number, issuing state, and expiration date;
3. Record the motor vehicle make, model and tag information;
4. Record the date and time on the citation on which, or before which, the arrested person promises to contact, pay, or appear at the court, as applicable to the court; and
5. Permit the arrested person to sign a written promise to contact, pay, or appear at the court, as provided for in the citation.

The arresting officer shall then release the person upon personal recognizance based upon the signed promise to appear. The citation shall contain a written notice to the arrested person that release upon personal recognizance based upon a signed written promise to appear for arraignment is conditional and that failure to timely appear for arraignment shall result in the suspension of the arrested person's driving privilege and driver license in this state, or in the nonresident's home state pursuant to the Nonresident Violator Compact.

C. The court, or the court clerk as directed by the court, may continue or reschedule the date and time of arraignment upon request of the arrested person or the attorney for that person. If the arraignment is continued or rescheduled, the arrested person shall remain on personal recognizance and written promise to appear until such arraignment, in the same manner and with the same consequences as if the continued or rescheduled arraignment was entered on the citation by the arresting officer and signed by the defendant. An arraignment may be continued or rescheduled more than one time. Provided, however, the court shall require an arraignment to be had within a reasonable time. It shall remain the duty of the defendant to appear for arraignment unless the citation is satisfied as provided for in subsection D of this section.

D. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation charged at any time before the defendant is required to appear for arraignment by indicating such plea on the copy of the citation furnished to the defendant or on a legible copy thereof, together

with the date of the plea and signature. The defendant shall be responsible for assuring full payment of the fine and costs to the appropriate court clerk. Payment of the fine and costs may be made by personal, cashier's, traveler's, certified or guaranteed bank check, postal or commercial money order, or other form of payment approved by the court in an amount prescribed as bail for the offense. Provided, however, the defendant shall not use currency for payment by mail. If the defendant has entered a plea of guilty or nolo contendere as provided for in this subsection, such plea shall be accepted by the court and the amount of the fine and costs shall be:

1. As prescribed in Section 1115.3 of this title as bail for the violation; or
2. In case of a municipal violation, as prescribed by municipal ordinance for the violation charged; or
3. In the absence of such law or ordinance, then as prescribed by the court.

E. 1. If, pursuant to the provisions of subsection D of this section, the defendant does not timely elect to enter a plea of guilty or nolo contendere and fails to timely appear for arraignment, the court may issue a warrant for the arrest of the defendant and the municipal or district court clerk, within one hundred twenty (120) calendar days from the date the citation was issued by the arresting officer, shall notify Service Oklahoma that:

- a. the defendant was issued a traffic citation and released upon personal recognizance after signing a written promise to appear for arraignment as provided for in the citation,
- b. the defendant has failed to appear for arraignment without good cause shown,
- c. the defendant has not posted bail, paid a fine, or made any other arrangement with the court to satisfy the citation, and
- d. the citation has not been satisfied as provided by law.

Additionally, the court clerk shall request Service Oklahoma to either suspend the defendant's driving privilege and driver license to operate a motor vehicle in this state, or notify the defendant's home state and request suspension of the defendant's driving privilege and driver license in accordance with the provisions of the Nonresident Violator Compact. Such notice and request shall be on a form approved or furnished by Service Oklahoma.

2. The court clerk shall not process the notification and request provided for in paragraph 1 of this subsection if, with respect to such charges:

- a. the defendant was arraigned, posted bail, paid a fine, was jailed, or otherwise settled the case, or

- b. the defendant was not released upon personal recognizance upon a signed written promise to appear as provided for in this section or if released, was not permitted to remain on such personal recognizance for arraignment, or
- c. the violation relates to parking or standing, or
- d. a period of one hundred twenty (120) calendar days or more has elapsed from the date the citation was issued by the arresting officer.

F. Following receipt of the notice and request from the court clerk for driving privilege and driver license suspension as provided for in subsection E of this section, Service Oklahoma shall proceed as provided for in Section 1115.5 of this title.

G. The municipal or district court clerk shall maintain a record of each request for driving privilege and driver license suspension submitted to Service Oklahoma pursuant to the provisions of this section. When the court or court clerk receives appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closes the case, the court clerk shall furnish proof thereof to such defendant, if the defendant personally appears, or shall mail such proof by first class mail, postage prepaid, to the defendant at the address noted on the citation or at such other address as is furnished by the defendant. Additionally, the court or court clerk shall notify the home jurisdiction of the defendant as listed on the citation, if such jurisdiction is a member of the Nonresident Violator Compact, and shall, in all other cases, notify Service Oklahoma, of the resolution of the case. The form of proof and the procedures for notification shall be approved by Service Oklahoma. Provided, however, the court or court clerk's failure to furnish such proof or notice in the manner provided for in this subsection shall in no event create any civil liability upon the court, the court clerk, the State of Oklahoma or any political subdivision thereof, or any state department or agency or any employee thereof but duplicate proof shall be furnished to the person entitled thereto upon request.

Added by Laws 1986, c. 250, § 2, operative July 1, 1987. Amended by Laws 1990, c. 203, § 1, emerg. eff. May 10, 1990; Laws 1995, c. 193, § 4, eff. July 1, 1995; Laws 1995, c. 313, § 9, eff. July 1, 1995; Laws 1997, c. 193, § 4, eff. Nov. 1, 1997; Laws 2006, c. 204, § 3, eff. Nov. 1, 2006; Laws 2023, c. 310, § 6, eff. July 1, 2023.

§22-1115.1A. Release on personal recognizance for traffic violation - Arraignment - Plea - Failure to plead or appear.

A. In addition to other provisions of law for posting bail, any person, whether a resident of this state or a nonresident, who is arrested by a law enforcement officer solely for a misdemeanor

violation of a state traffic law or municipal traffic ordinance, shall be released by the arresting officer upon personal recognizance if:

1. The arrested person has been issued a valid license to operate a motor vehicle by this state, another state jurisdiction within the United States, which is a participant in the Nonresident Violator Compact or any party jurisdiction of the Nonresident Violator Compact;

2. The arresting officer is satisfied as to the identity of the arrested person and certifies the date and time and the location of the violation, as evidenced by the electronic signature of the officer;

3. The arrested person acknowledges, as evidenced by the electronic signature of the person, a written promise to appear as provided for on the citation, unless the person is unconscious or injured and requires immediate medical treatment as determined by a treating physician; and

4. The violation does not constitute:

- a. a felony,
- b. negligent homicide,
- c. driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances, unless the person is unconscious or injured and requires immediate medical treatment as determined by a treating physician,
- d. eluding or attempting to elude a law enforcement officer,
- e. operating a motor vehicle without having been issued a valid driver license or while the driving privilege and driver license is under suspension, revocation, denial or cancellation,
- f. an arrest based upon an outstanding warrant, or
- g. a traffic violation coupled with any offense stated in subparagraphs a through f of this paragraph.

B. If the arrested person is eligible for release on personal recognizance as provided for in subsection A of this section, then the arresting officer shall on the citation:

1. Designate the traffic charge;

2. Record information from the driver license of the arrested person on the citation form, including the name, address, date of birth, physical description, type of driver license, driver license number, issuing state, and expiration date;

3. Record the motor vehicle make, model and tag information;

4. Record the date and time on which, or before which, the arrested person promises, as evidenced by the electronic signature

of the person, to contact, pay, or appear at the court, as applicable to the court;

5. Record the electronic signature of the arrested person which shall serve as evidence and acknowledgment of a promise to contact, pay, or appear at the court, as provided for in the citation; and

6. Record the electronic signature of the arrested person which shall serve as evidence to certify the date and time and the location that the arrested person was served with a copy of the citation and notice to appear,

after which, the arresting officer shall then release the person upon personal recognizance based upon the acknowledged promise to appear. The citation shall contain a written notice to the arrested person that release upon personal recognizance based upon an acknowledged promise to appear, as evidenced by the electronic signature of the person, for arraignment is conditional and that failure to timely appear for arraignment shall result in the suspension of the driving privilege and driver license of the arrested person in this state, or in the home state of the nonresident pursuant to the Nonresident Violator Compact.

C. The court, or the court clerk as directed by the court, may continue or reschedule the date and time of arraignment at the discretion of the court or upon request of the arrested person or the attorney for that person. If the arraignment is continued or rescheduled, the arrested person shall remain on personal recognizance and acknowledged promise to appear until such arraignment, in the same manner and with the same consequences as if the continued or rescheduled arraignment was entered on the citation by the arresting officer and electronically signed by the defendant. An arraignment may be continued or rescheduled more than one time. Provided, however, the court shall require an arraignment to be had within a reasonable time. It shall remain the duty of the defendant to appear for arraignment unless the citation is satisfied as provided for in subsection D of this section.

D. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation charged at any time before the defendant is required to appear for arraignment by indicating such plea on the copy of the citation furnished to the defendant or on a legible copy, together with the date of the plea and signature of the defendant, or such plea may be entered by the defendant using an electronic method provided by the court for such purposes, either through the website of the court or otherwise. The defendant shall be responsible for assuring full payment of the fine and costs to the appropriate court clerk. Payment of the fine and costs may be made by personal, cashier's, traveler's, certified or guaranteed bank check, postal or commercial money order, or other form of payment approved by the court in an amount prescribed as bail for the offense. Provided, however, the

defendant shall not use currency for payment by mail. Payment of the fine and costs which is not accompanied by a written plea of guilty or nolo contendere shall constitute a plea of nolo contendere entered by the defendant as allowed by law, and shall function as a written, dated and signed citation form acceptable to the court. A plea of guilty or nolo contendere as provided for in this subsection shall be accepted by the court and the amount of the fine and costs shall be:

1. As prescribed in Section 1115.3 of this title as bail for the violation;
2. In case of a municipal violation, as prescribed by municipal ordinance for the violation charged; or
3. In the absence of such law or ordinance, then as prescribed by the court.

E. 1. If, pursuant to the provisions of subsection D of this section, the defendant does not timely elect to enter a plea of guilty or nolo contendere and fails to timely appear for arraignment, the court may issue a warrant for the arrest of the defendant. The municipal or district court clerk, within one (1) calendar year from the date the citation was issued by the arresting officer, shall notify Service Oklahoma that:

- a. the defendant was issued a traffic citation and released upon personal recognizance after acknowledging a written promise to appear for arraignment as provided for in the citation,
- b. the defendant has failed to appear for arraignment without good cause shown,
- c. the defendant has not posted bail, paid a fine, or made any other arrangement with the court to satisfy the citation, and
- d. the citation has not been satisfied as provided by law.

Additionally, the court clerk shall request Service Oklahoma to either suspend the driving privilege and driver license of the defendant to operate a motor vehicle in this state, or notify the home state of the defendant and request suspension of the driving privilege and driver license of the defendant in accordance with the provisions of the Nonresident Violator Compact. The notice and request shall be on a form approved or furnished by Service Oklahoma.

2. The court clerk shall not process the notification and request provided for in paragraph 1 of this subsection if, with respect to such charges:

- a. the defendant was arraigned, posted bail, paid a fine, was jailed, or otherwise settled the case,
- b. the defendant was not released upon personal recognizance upon an acknowledged written promise to

appear as provided for in this section or if released, was not permitted to remain on such personal recognizance for arraignment,

- c. the violation relates to parking or standing, or
- d. a period of one (1) calendar year or more has elapsed from the date the citation was issued by the arresting officer.

F. Following receipt of the notice and request from the court clerk for driving privilege and driver license suspension as provided for in subsection E of this section, Service Oklahoma shall proceed as provided for in Section 1115.5 of this title.

G. The municipal or district court clerk shall maintain a record of each request for driving privilege and driver license suspension submitted to Service Oklahoma pursuant to the provisions of this section. When the court or court clerk receives appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closes the case, the court clerk shall furnish proof thereof to the defendant, if the defendant personally appears, or shall mail such proof by first-class mail, postage prepaid, to the defendant at the address noted on the citation or at such other address as is furnished by the defendant or by email if the defendant has furnished an email address for such purposes. Additionally, the court or court clerk shall notify the home jurisdiction of the defendant as listed on the citation, if such jurisdiction is a member of the Nonresident Violator Compact, and shall, in all other cases, notify Service Oklahoma of the resolution of the case. The form of proof and the procedures for notification shall be approved by Service Oklahoma. Provided however, failure by the court or court clerk to furnish such proof or notice in the manner provided for in this subsection shall in no event create any civil liability upon the court, the court clerk, the State of Oklahoma or any political subdivision thereof, or any state department or agency or any employee thereof but duplicate proof shall be furnished to the person entitled to such proof or notice upon request.

H. For purposes of this section, "electronic signature" shall have the same meaning as defined in Section 15-102 of Title 12A of the Oklahoma Statutes.

Added by Laws 2009, c. 84, § 1, eff. Nov. 1, 2009. Amended by Laws 2013, c. 13, § 1, eff. Nov. 1, 2013; Laws 2013, c. 61, § 1, eff. Nov. 1, 2013; Laws 2021, c. 20, § 1, eff. Nov. 1, 2021; Laws 2023, c. 310, § 7, eff. July 1, 2023; Laws 2024, c. 57, § 1, eff. Nov. 1, 2024.

NOTE: Laws 2023, c. 310, was vetoed by the Governor on April 26, 2023. The veto was overridden by the Oklahoma Legislature on May 25, 2023, and filed with the Secretary of State on May 26, 2023.

§22-1115.2. Posting bail after release on personal recognizance for traffic violation - Failure to appear - Person ineligible for release on personal recognizance - Juveniles.

A. If a person arrested for a traffic violation is released upon personal recognizance as provided for in Section 1115.1 of this title, but subsequently posts bail and thereafter fails to timely appear as provided for by law, the court may issue a warrant for the person's arrest and the case shall be processed as follows:

1. If for a state traffic violation, as provided for in Section 1108 of this title; or

2. If for a violation filed in a municipal court not of record, as provided for in Section 27-118 of Title 11 of the Oklahoma Statutes; or

3. If for a violation filed in a municipal court of record, as provided for in Section 28-127 of Title 11 of the Oklahoma Statutes.

B. If the defendant is not eligible for release upon personal recognizance as provided for in Section 1115.1 of this title, or if eligible but refuses to sign a written promise to appear, the officer shall deliver the person to an appropriate magistrate for arraignment and the magistrate shall proceed as otherwise provided for by law. If no magistrate is available, the defendant shall be placed in the custody of the appropriate municipal or county jailor or custodian, to be held until a magistrate is available or bail is posted as provided for in Section 1115.3 of this title or as otherwise provided for by law or ordinance.

C. 1. Notwithstanding any other provision of law, a juvenile may be held in custody pursuant to the provisions of this section, but shall be incarcerated separately from any adult offender.

Provided however, the arresting officer shall not be required to:

- a. place a juvenile into custody as provided for in this section, or
- b. place any other traffic offender into custody:
 - (1) who is injured, disabled, or otherwise incapacitated, or
 - (2) if custodial arrest may require impoundment of a vehicle containing livestock, perishable cargo, or items requiring special maintenance or care, or
 - (3) if extraordinary circumstances exist, which, in the judgment of the arresting officer, custodial arrest should not be made.

In such cases, the arresting officer may designate the date and time on the citation by which, or on which, the person shall appear or contact the court, as applicable to the court, and release the person. If the person fails to appear without good cause shown, the court may issue a warrant for the person's arrest.

2. The provisions of this subsection shall not be construed to:

- a. create any duty on the part of the officer to release a person from custody, or
- b. create any duty on the part of the officer to make any inquiry or investigation relating to any condition which may justify release under this subsection, or
- c. create any liability upon any officer, or the state or any political subdivision thereof, arising from the decision to release or not to release such person from custody pursuant to the provisions of this subsection.

Added by Laws 1986, c. 250, § 3, operative July 1, 1987. Amended by Laws 2006, c. 204, § 4, eff. Nov. 1, 2006.

§22-1115.2B. Posting bail after release on personal recognizance for traffic violation - Failure to appear - Person ineligible for release on personal recognizance - Juveniles.

A. If a person arrested for a traffic violation is released upon personal recognizance as provided for in Section 1 of this act, but subsequently posts bail and thereafter fails to timely appear as provided for by law, the court may issue a warrant for the arrest of the person and the case shall be processed as follows:

1. If for a state traffic violation, as provided for in Section 1108 of Title 22 of the Oklahoma Statutes;

2. If for a violation filed in a municipal court not of record, as provided for in Section 27-118 of Title 11 of the Oklahoma Statutes; or

3. If for a violation filed in a municipal court of record, as provided for in Section 28-127 of Title 11 of the Oklahoma Statutes.

B. If the defendant is not eligible for release upon personal recognizance as provided for in Section 1 of this act, or if eligible but refuses to acknowledge a written promise to appear, as evidenced by the electronic signature of the person, the officer shall deliver the person to an appropriate magistrate for arraignment and the magistrate shall proceed as otherwise provided for by law. If no magistrate is available, the defendant shall be:

1. Placed in the custody of the appropriate municipal or county jailor or custodian, to be held until a magistrate is available or bail is posted as provided for in Section 1115.4 of Title 22 of the Oklahoma Statutes;

2. Released upon personal recognizance by the arresting officer as provided in subsection A of Section 1 of this act; or

3. Processed as otherwise provided for by law or ordinance.

C. 1. Notwithstanding any other provision of law, a juvenile may be held in custody pursuant to the provisions of this section, but shall be incarcerated separately from any adult offender.

Provided however, the arresting officer shall not be required to:

- a. place a juvenile into custody as provided for in this section,

- b. place any other traffic offender into custody:
 - (1) who is injured, disabled, or otherwise incapacitated,
 - (2) if custodial arrest may require impoundment of a vehicle containing livestock, perishable cargo, or items requiring special maintenance or care, or
 - (3) if extraordinary circumstances exist, which, in the judgment of the arresting officer, custodial arrest should not be made.

In such cases, the arresting officer may record the date and time on the citation by which, or on which, the person shall appear or contact the court, as applicable to the court, and release the person. If the person fails to appear without good cause shown, the court may issue a warrant for the arrest of the person.

2. The provisions of this subsection shall not be construed to:

- a. create any duty on the part of the officer to release a person from custody,
- b. create any duty on the part of the officer to make any inquiry or investigation relating to any condition which may justify release under this subsection, or
- c. create any liability upon any officer, or the state or any political subdivision thereof, arising from the decision to release or not to release such person from custody pursuant to the provisions of this subsection.

Added by Laws 2009, c. 84, § 2, eff. Nov. 1, 2009.

§22-1115.3. State traffic-related offenses - State wildlife-related or water safety-related offenses - Bail.

A. The court shall prescribe the amount of bail for the following state traffic-related offenses:

- 1. Any felony;
- 2. Negligent homicide;
- 3. Driving or being in actual physical control of a motor vehicle while impaired by or under the influence of alcohol or other intoxicating substances;
- 4. Eluding or attempting to elude a law enforcement officer;
- 5. Driving while license is under suspension, revocation, denial or cancellation;
- 6. Failure to stop or remain at the scene of an accident; and
- 7. Any other traffic violation for which a defendant is delivered to the judge of the court as magistrate pursuant to the provisions of Section 1115.2 of this title, or other law.

B. The amount of bail for an overweight offense shall be the amount of fine and costs, including any penalty assessment provided for in the Oklahoma Statutes and the fees provided for in Sections

1313.2, 1313.3, 1313.4 and 1313.5 of Title 20 of the Oklahoma Statutes.

C. The amount of bail for other state traffic-related offenses shall be the amount of fine and costs including any penalty assessments provided for in the Oklahoma Statutes and the fees provided for in Sections 1313.2, 1313.3, 1313.4 and 1313.5 of Title 20 of the Oklahoma Statutes.

D. The amount of bail for a state wildlife-related or water safety-related offense shall be the amount of fine and costs including any penalty assessment provided for in the Oklahoma Statutes and the fees provided for in Sections 1313.2, 1313.3, 1313.4 and 1313.5 of Title 20 of the Oklahoma Statutes.

E. On or before September 1 of each year, the Administrative Office of the Courts shall prepare a schedule of amounts to be received as bail for each offense pursuant to subsections A, B, C and D of this section and shall distribute the schedule to the Department of Public Safety, each district court clerk in this state and to other interested parties upon request.

F. The district court clerk, unless otherwise directed by the court, shall accept bail or the payment of a fine and costs in the form of currency or personal, cashier's, traveler's, certified or guaranteed bank check, or postal or commercial money order for the amount prescribed in this section for bail.

G. The district court clerk shall accept as bail a guaranteed arrest bond certificate issued by a surety company, an automobile club or trucking association, if:

1. The issuer is authorized to do business in this state by the State Insurance Commissioner;

2. The certificate is issued to and signed by the arrested person;

3. The certificate contains a printed statement that appearance of such person is guaranteed and the issuer, in the event of failure of such person to appear in court at the time of trial, will pay any fine or forfeiture imposed; and

4. The limit provided on the certificate equals or exceeds the amount of bail provided for in this section.

Added by Laws 1986, c. 250, § 4, operative July 1, 1987. Amended by Laws 1987, c. 181, § 8, eff. July 1, 1987; Laws 1989, c. 33, § 1, emerg. eff. April 4, 1989; Laws 1990, c. 142, § 2, operative July 1, 1990; Laws 1990, c. 282, § 2, operative July 1, 1990; Laws 2006, c. 204, § 5, eff. Nov. 1, 2006.

§22-1115.4. Court clerk not liable on dishonored check - Bench warrant and arrest of issuer.

A. In any case where a municipal court clerk or district court clerk accepts any personal check or other form of a negotiable instrument from the arrestee or from any person acting for or on his

behalf in payment of a fine or as bail for his appearance for arraignment, trial or a hearing, and said check or instrument proves to be on a closed account or is insufficient, false, bogus, a forgery, or otherwise dishonored for any reason, the court clerk shall not be civilly liable personally, or upon his official bond for the amount of such instrument or for the amount of the fine imposed in the case, or criminally liable therefor.

B. A personal check or other instrument tendered to a municipal court clerk or district court clerk for bail or for the payment of fine and costs, if dishonored and returned to said clerk for any reason other than the lack of proper endorsement, shall constitute nonpayment of bail or fine, as the case may be, and the court, in addition to any civil or criminal remedy otherwise provided for by law, may issue a bench warrant for the arrest of the person named on the citation to require his appearance on the charge specified. Added by Laws 1986, c. 250, § 5, operative July 1, 1987.

§22-1115.5. Department of Public Safety - Power and duties relative to suspension of driving privilege.

A. 1. Following receipt of notification and a request for driving privilege suspension from a municipal or district court clerk as provided for in Section 1115.1 of this title or Section 1 of this act, Service Oklahoma shall:

- a. suspend the privilege of the person to operate a motor vehicle in this state; or
- b. request suspension of the driving privilege of the person in the state which issued the license as provided by the Nonresident Violator Compact.

A person whose license is subject to suspension pursuant to this section may avoid the effective date of the suspension or, if suspended, shall be eligible for reinstatement, if otherwise eligible, upon meeting the requirements of subsection C of this section.

2. Service Oklahoma may decline to initiate such suspension action if the request is discovered to be improper or questionable.

3. Service Oklahoma shall not be required to issue more than one suspension of the driving privilege of a person in the event multiple requests for suspensions are received from a court clerk based upon the failure of the person to appear at a particular time and date on multiple charges.

B. Following receipt of a request from another jurisdiction for the suspension of the driving privilege of an Oklahoma resident as provided by the Nonresident Violator Compact, Service Oklahoma, if the request appears to be valid, shall initiate suspension of the privilege of the person to operate a motor vehicle in this state. If suspended, such suspension shall remain in effect until the person meets the requirements of subsection C of this section.

C. 1. A person whose license is subject to suspension in this state pursuant to the provisions of this section may avoid the effective date of suspension, or if suspended in this state, shall be eligible for reinstatement, if otherwise eligible, upon:

- a. making application therefore to Service Oklahoma, and
- b. showing proof from the court or court clerk that the person has entered an appearance in the case which was the basis for the suspension action and was released by the court as provided for by the Nonresident Violator Compact or consistent provisions, and
- c. submitting with the application the fees, as provided for in Section 6-212 of Title 47 of the Oklahoma Statutes. The fees shall be remitted to the State Treasurer to be credited to the General Revenue Fund of the State Treasury;

2. Upon reinstatement, Service Oklahoma may remove any record of the suspension and reinstatement as provided for in this section from the file of the individual licensee and maintain an internal record of the suspension and reinstatement for fiscal and other purposes.

D. Any person whose driving privilege is suspended or subject to suspension in this state pursuant to the provisions of this section, at any time, may informally present specific reasons or documentation to Service Oklahoma to show that such suspension may be unwarranted. Service Oklahoma may stay the suspension or suspension action pending receipt of further information or documentation from the person or from the jurisdiction requesting such suspension, or pending review of the record, or other inquiry. If Service Oklahoma determines the suspension is unwarranted, the suspension action shall be withdrawn or vacated without the requirement of a processing fee and a reinstatement fee and Service Oklahoma shall accordingly notify the jurisdiction which requested the suspension. If, however, the request for suspension appears valid, Service Oklahoma shall proceed with suspension of the driving privilege of the person and the person shall have the right to appeal as provided for by Section 6-211 of Title 47 of the Oklahoma Statutes. Provided, however, the court shall not consider modification, but shall either sustain or vacate the order of suspension of Service Oklahoma based upon the records on file with Service Oklahoma, the law and other relevant evidence.

Added by Laws 1986, c. 250, § 6, operative July 1, 1987. Amended by Laws 1987, c. 205, § 66, operative July 1, 1987; Laws 1994, c. 218, § 11, eff. April 1, 1995; Laws 2003, c. 392, § 1, eff. July 1, 2003; Laws 2009, c. 84, § 3, eff. Nov. 1, 2009; Laws 2023, c. 310, § 8, eff. July 1, 2023.

§22-1121. Rewards from fugitives of justice.

The Governor or his designee may offer a reward not exceeding One Thousand Dollars (\$1,000.00), payable out of the State Treasury, for the apprehension, or information leading to the apprehension:

1. Of any convict who has escaped from a state correctional institution; or

2. Of any person who has committed, or is charged with the commission of an offense, punishable with death.

R.L. 1910, § 6080. Amended by Laws 1986, c. 34, § 1, eff. Nov. 1, 1986.

§22-1122. Reward for arrest and conviction of person committing felony.

The Governor is hereby authorized in his discretion to offer a reward of not exceeding One Thousand Dollars (\$1,000.00) for the arrest and conviction of any person who commits or attempts to commit any felony. Such reward may be paid to any officer, agency or person who makes such arrest and conviction is secured. In case any person shall forcibly resist arrest, and shall be killed in the attempt to accomplish his arrest, the reward shall, in the discretion of the Governor, be paid the same as in the case of conviction.

Laws 1915, c. 13, § 1.

§22-1123. Extradition - Delivery of accused.

A person charged in any state or territory of the United States with treason, felony, or other crime, who shall flee from justice and be found in this State, must, on demand of the executive authority of the state or territory from which he fled be delivered up by the Governor of this state, to be removed to the state or territory having jurisdiction of the crime.

R.L.1910, § 6081.

§22-1134. Costs of returning fugitives.

A. 1. When the Governor shall demand from the executive authority of a state or territory of the United States or of a foreign government the surrender to the authorities of this state of a fugitive from justice, the accounts of the persons employed for that purpose shall be paid out of the State Treasury and shall be collected as costs in the case.

2. When extradition is demanded by the Governor upon the application of a district attorney of any county, for the return of a fugitive wanted in that county, the actual, necessary expenses of the person designated by the district attorney and appointed as the agent of the state to return the fugitive shall be paid by the county upon an itemized, verified claim with receipts attached which shall be collected as costs in the case.

B. 1. In all cases wherein any person shall be charged with the violation of the statutes of this state relating to desertion or abandonment of wife and child, or of child, and such person shall be a fugitive from justice and such person's whereabouts shall be known, it shall be the mandatory duty of the district attorney of the county wherein such charges are pending or of a designee, to request the Governor to issue a requisition for the return of such fugitive and to appoint an agent to effect such return.

2. The accounts of the person or persons employed by the Governor, to return such fugitive referred to in paragraph 1 above, may be paid by the state out of funds appropriated to the Governor's Contingency and Emergency Fund, not to exceed Twenty-five Thousand Dollars (\$25,000.00) for any one (1) year in excess of any amounts recovered from such fugitives.

3. The cost of returning the fugitive shall be added on to the court costs against the deserter and no such case shall be dismissed unless the costs are paid. Such amount shall be used to reimburse the Governor's Contingency and Emergency Fund for the amount disbursed therefrom.

C. Every fugitive from justice shall be required to reimburse the county sheriff's office for the actual costs required for apprehension and return, unless such costs are paid from the Governor's Contingency and Emergency Fund, and in such case the reimbursement may be paid to such fund.

R.L.1910, § 6092. Amended by Laws 1943, p. 84, § 1; Laws 1955, p. 199, § 1. Amended by Laws 1990, c. 309, § 9, eff. Sept. 1, 1990; Laws 1999, c. 408, § 1, eff. Nov. 1, 1999; Laws 2002, c. 117, § 1, emerg. eff. April 19, 2002.

§22-1135. Foreign arrests - Fees or rewards forbidden.

No compensation, fee, or reward of any kind can be paid to, or received by a public officer of this state for a service rendered or expense incurred in procuring from the Governor the demand mentioned in the last section, or the surrender of the fugitive, or for conveying him to this state, or detaining him herein, except as provided in the last section.

R.L.1910, § 6093.

§22-1136. Foreign arrests - Misdemeanors.

A violation hereof is a misdemeanor.

R.L.1910, § 6094.

§22-1141.1. Definitions.

Where appearing in this act, the term "Governor" includes any person performing the functions of Governor by authority of the law of this state. The term "executive authority" includes the Governor, and any person performing the functions of Governor in a

state other than this state, and the term "state", referring to a state other than this state, includes any other state or territory, organized or unorganized, of the United States of America.
Added by Laws 1949, p. 206, § 1, emerg. eff. March 25, 1949.

§22-1141.2. Duty of Governor.

Subject to the provisions of this act, the provisions of the Constitution of the United States controlling, and any and all Acts of Congress enacted in pursuance thereof, it is the duty of the Governor of this state to have arrested and delivered up to the executive authority of any other state of the United States any person charged in that state with treason, felony, or other crime, who has fled from justice and is found in this state.
Laws 1949, p. 207, § 2.

§22-1141.3. Requisites of demand - Accompanying papers.

No demand for the extradition of a person charged with crime in another state shall be recognized by the Governor unless in writing alleging, except in cases arising under Section 6, that the accused was present in the demanding state at the time of the commission of the alleged crime, and that thereafter he fled from the state, and accompanied by a copy of an indictment found or by information supported by affidavit in the state having jurisdiction of the crime, or by a copy of an affidavit made before a magistrate there, together with a copy of any warrant which was issued thereupon; or by a copy of a judgment of conviction or of a sentence imposed in execution thereof, together with a statement by the executive authority of the demanding state that the person claimed has escaped from confinement or has broken the terms of his bail, probation or parole. The indictment, information, or affidavit made before the magistrate must substantially charge the person demanded with having committed a crime under the law of that state; and the copy of indictment, information, affidavit, judgment of conviction or sentence must be authenticated by the executive authority making the demand.

Laws 1949, p. 207, § 3.

§22-1141.4. Investigation and report.

When a demand shall be made upon the Governor of this state by the executive authority of another state for the surrender of a person so charged with crime, the Governor may call upon the Attorney General or any prosecuting officer in this state to investigate or assist in investigating the demand, and to report to him the situation and circumstances of the person so demanded, and whether he ought to be surrendered.

Laws 1949, p. 207, § 4.

§22-1141.5. Agreement for return to other state - Surrender of person leaving state involuntarily.

When it is desired to have returned to this state a person charged in this state with a crime, and such person is imprisoned or is held under criminal proceedings then pending against him in another state, the Governor of this state may agree with the executive authority of such other state for the extradition of such person before the conclusion of such proceedings or his term of sentence in such other state, upon condition that such person be returned to such other state at the expense of this state as soon as the prosecution in this state is terminated.

The Governor of this state may also surrender on demand of the executive authority of any other state any person in this state who is charged in the manner provided in Section 23 of this act with having violated the laws of the state whose executive authority is making the demand, even though such person left the demanding state involuntarily.

Laws 1949, p. 207, § 5.

§22-1141.6. Surrender of persons not fleeing from demanding state.

The Governor of this state may also surrender, on demand of the executive authority of any other state, any person in this state charged in such other state in the manner provided in Section 3 with committing an act in this state, or in a third state, intentionally resulting in a crime in the state whose executive authority is making the demand, and the provisions of this act not otherwise inconsistent, shall apply to such cases, even though the accused was not in that state at the time of the commission of the crime, and has not fled therefrom.

Laws 1949, p. 207, § 6.

§22-1141.7. Warrant of arrest of Governor.

If the Governor decides that the demand should be complied with, he shall sign a warrant of arrest, which shall be sealed with the State Seal, and be directed to any peace officer or other person whom he may think fit to entrust with the execution thereof. The warrant must substantially recite the facts necessary to the validity of its issuance.

Laws 1949, p. 208, § 7.

§22-1141.8. Authority conferred by warrant.

Such warrant shall authorize the peace officer or other person to whom directed to arrest the accused at any time and any place where he may be found within the state and to command the aid of all peace officers or other persons in the execution of the warrant, and to deliver the accused, subject to the provisions of this act to the duly authorized agent of the demanding state.

Laws 1949, p. 208, § 8.

§22-1141.9. Authority to command assistance.

Every such peace officer or other person empowered to make the arrest, shall have the same authority, in arresting the accused, to command assistance therein, as peace officers have by law in the executive of any criminal process directed to them, with like penalties against those who refuse their assistance.

Laws 1949, p. 209, § 9.

§22-1141.10. Notice of demand to allege fugitive - Counsel - Habeas corpus.

Any person who is arrested within this state, by virtue of a warrant issued by the Governor of this state, upon a requisition of the Governor of any other state or territory, as a fugitive from justice under the laws of the United States, shall not be delivered to the agent of such state or territory until notified of the demand made for his surrender, and given twenty-four (24) hours to make demand for counsel; and should such demand be made for the purpose of suing out a writ of habeas corpus, the prisoner shall be forthwith taken to the nearest judge of the district court, and ample time given to sue out such writ, such time to be determined by the said judge of the district court.

Laws 1949, p. 209, § 10.

§22-1141.11. Disobedience of preceding section.

Any officer who shall deliver to the agent for extradition of the demanding state a person in his custody under the Governor's warrant, in willful disobedience to the last section, shall be guilty of a misdemeanor and, on conviction, shall be fined not more than Five Hundred Dollars (\$500.00) or be imprisoned not more than six (6) months, or both.

Laws 1949, p. 208, § 11.

§22-1141.12. Confinement of prisoner in jail.

The officer or persons executing the Governor's warrant of arrest, or the agent of the demanding state to whom the prisoner may have been delivered may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or person having charge of him is ready to proceed on his route, such officer or person being chargeable with the expense of keeping.

The officer or agent of a demanding state to whom a prisoner may have been delivered following extradition proceedings in another state, or to whom a prisoner may have been delivered after waiving extradition in such other state, and who is passing through this

state with such a prisoner for the purpose of immediately returning such prisoner to the demanding state may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or agent having charge of him is ready to proceed on his route, such officer or agent, however, being chargeable with the expense of keeping; provided, however, that such officer or agent shall produce and show to the keeper of such jail satisfactory written evidence of the fact that he is actually transporting such prisoner to the demanding state after a requisition by the executive authority of such demanding state. Such prisoner shall not be entitled to demand a new requisition while in this state.

Laws 1949, p. 208, § 12.

§22-1141.13. Issuance of warrant of arrest by judge or magistrate.

Whenever any person within this state shall be charged on the oath of any credible person before any judge or magistrate of this state with the commission of any crime in any other state and, except in cases arising under Section 6, with having fled from justice or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole, or whenever complaint shall have been made before any judge or magistrate in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state, and that the accused has been charged in such state with the commission of the crime, and, except in cases arising under Section 6, has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole and is believed to be in this state, the judge or magistrate shall issue a warrant directed to any peace officer commanding him to apprehend the person named therein, wherever he may be found in this state, and to bring him before the same or any other judge, magistrate or court who or which may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

Laws 1949, p. 209, § 13.

§22-1141.14. Arrest without warrant.

The arrest of a person may be lawfully made also by any peace officer or a private person, without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one (1) year, but when so arrested the accused must be

taken before a judge or magistrate with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in the preceding section; and thereafter his answer shall be heard as if he had been arrested on a warrant. Laws 1949, p. 209, § 14.

§22-1141.15. Commitment by judge or magistrate.

If from the examination before the judge or magistrate, it appears that the person held is the person charged with having committed the crime alleged and, except in cases arising under Section 6, that he has fled from justice, the judge or magistrate must, by a warrant reciting the accusation, commit him to the county jail for such a time not exceeding thirty (30) days and specified in the warrant, as will enable the arrest of the accused to be made under a warrant of the Governor on a requisition of the executive authority of the state having jurisdiction of the offense, unless the accused give bail as provided in the next section, or until he shall be legally discharged.

Laws 1949, p. 209, § 16.

§22-1141.16. Bail.

Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the state in which it was committed, a judge or magistrate in this state may admit the person arrested to bail by bond, with sufficient sureties, and in such sum as he deems proper, conditioned for his appearance before him at a time specified in such bond, and for his surrender, to be arrested upon the warrant of the Governor of this state.

Laws 1949, p. 209, § 16.

§22-1141.17. Discharge or recommitment.

If the accused is not arrested under warrant of the Governor by the expiration of the time specified in the warrant or bond, a judge or magistrate may discharge him or may recommit him for a further period not to exceed sixty (60) days, or a judge or magistrate may again take bail for his appearance and surrender, as provided in Section 16, but within a period not to exceed sixty (60) days after the date of such new bond.

Laws 1949, p. 209, § 17.

§22-1141.18. Forfeiture of bail.

If the prisoner is admitted to bail, and fails to appear and surrender himself according to the conditions of his bond, the judge, or magistrate by proper order, shall declare the bond forfeited and order his immediate arrest without warrant if he be within this state. Recovery may be had on such bond in the name of

the state as in the case of other bonds given by the accused in criminal proceedings within this state.
Laws 1949, p. 210, § 18.

§22-1141.19. Demand for person against whom prosecution pending.

If a criminal prosecution has been instituted against such person under the laws of this state and is still pending the Governor, in his discretion, either may surrender him on demand of the executive authority of another state or hold him until he has been tried and discharged or convicted and punished in this state.
Laws 1949, p. 210, § 19.

§22-1141.20. Inquiry into guilt or innocence.

The guilt or innocence of the accused as to the crime of which he is charged may not be inquired into by the Governor or in any proceedings after the demand for extradition accompanied by a charge of crime in legal form as above provided shall have been presented to the Governor, except as it may be involved in identifying the person held as the person charged with the crime.
Laws 1949, p. 210, § 20.

§22-1141.21. Recalling warrant - New warrant.

The Governor may recall his warrant of arrest or may issue another warrant whenever he deems proper.
Laws 1949, p. 210, § 21.

§22-1141.22. Warrant to agent to receive person demanded.

Whenever the Governor of this state shall demand a person charged with crime or with escaping from confinement or breaking the terms of his bail, probation or parole in this state, from the executive authority of any other state, or from the Chief Justice or an Associate Justice of the Supreme Court of the District of Columbia authorized to receive such demand under the laws of the United States, he shall issue a warrant under the seal of this state, to some agent, commanding him to receive the person so charged if delivered to him and convey him to the proper officer of the county in this state in which the offense was committed.
Laws 1949, p. 210, § 22.

§22-1141.23. Application to Governor by prosecuting attorney for requisition.

When the return to this state of a person charged with crime in this state is required, the prosecuting attorney shall present to the Governor his written application for a requisition for the return of the person charged, in which application shall be stated the name of the person so charged, the crime charged against him, the approximate time, place and circumstances of its commission, the

state in which he is believed to be, including the location of the accused therein at the time the application is made and certifying that, in the opinion of the said prosecuting attorney the ends of justice require the arrest and return of the accused to this state for trial and that the proceeding is not instituted to enforce a private claim.

II. When the return to this state is required of a person who has been convicted of a crime in this state and has escaped from confinement or broken the terms of his bail, probation or parole, the prosecuting attorney of the county in which the offense was committed, the parole board, or the warden of the institution or sheriff of the county, from which escape was made, shall present to the Governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which he was convicted, the circumstances of his escape from confinement or of the breach of the terms of his bail, probation or parole, the state in which he is believed to be, including the location of the person therein at the time application is made.

III. The application shall be verified by affidavit, shall be executed in duplicate and shall be accompanied by two certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the judge or magistrate, stating the offense with which the accused is charged, or of the judgment of conviction or of the sentence. The prosecuting officer, parole board, warden or sheriff may also attach such further affidavits and other documents in duplicate as he shall deem proper to be submitted with such application. One copy of the application, with the action of the Governor indicated by endorsement thereon, and one of the certified copies of the indictment, complaint, information, and affidavits, or of the judgment of conviction or of the sentence shall be filed in the office of the Secretary of State to remain of record in that office. The other copies of all papers shall be forwarded with the Governor's requisition.

Laws 1949, p. 210, § 23.

§22-1141.24. Immunity from civil process.

A person brought into this state by, or after waiver of, extradition based on a criminal charge shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceedings to answer which he is being or has been returned, until he has been convicted in the criminal proceeding, or, if acquitted, until he has had reasonable opportunity to return to the state from which he was extradited.

Laws 1949, p. 211, § 24.

§22-1141.25. Waiver of proceedings and consent to return to demanding state.

Any person arrested in this state charged with having committed any crime in another state or alleged to have escaped from confinement, or broken the terms of his bail, probation or parole may waive the issuance and service the warrant provided for in Section 7 and 8 and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge of any court of record within this state a writing which states that he consents to return to the demanding state; provided, however, that before such waiver shall be executed or subscribed by such person it shall be the duty of such judge to inform such person of his rights to the issuance and service of a warrant of extradition and to obtain a writ of habeas corpus as provided for in Section 10. If and when such consent has been duly executed it shall forthwith be forwarded to the office of the Governor of this state and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state, and shall deliver or cause to be delivered to such agent or agents a copy of such consent; provided, however, that nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights or duties of the officers of the demanding state or of this state.

Laws 1949, p. 211, § 25.

§22-1141.26. Rights of state not deemed waived.

Nothing in this act contained shall be deemed to constitute a waiver by this state of its right, power or privilege to try such demanded person for crime committed within this state, or of its right, power or privilege to regain custody of such person by extradition proceedings or otherwise for the purpose of trial, sentence or punishment for any crime committed within this state, nor shall any proceedings had under this act which result in, or fail to result in, extradition be deemed a waiver by this state of any of its rights, privileges or jurisdiction in any way whatsoever.

Laws 1949, p. 211, § 26.

§22-1141.27. Trial for other offenses than that specified.

After a person has been brought back to this state by, or after waiver of extradition proceedings, he may be tried in this state for other crimes which he may be charged with having committed here as well as that specified in the requisition for his extradition.

Laws 1949, p. 212, § 27.

§22-1141.28. Uniformity of construction.

The provisions of this act shall be so interpreted and construed as to effectuate its general purposes to make uniform the law of those states which enact it.

Laws 1949, p. 212, § 28.

§22-1141.29. Partial invalidity.

If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Laws 1949, p. 212, § 29.

§22-1141.30. Short title.

This act may be cited as the Uniform Criminal Extradition Act.

Laws 1949, p. 210, § 20.

§22-1145.1. Short title.

This act shall be known and cited as "The Uniform Disposition of Criminal Cases on the Merits Act".

Laws 1972, c. 222, § 1, eff. Jan. 1, 1973.

§22-1145.2. Purpose of act.

The purpose of this act is to allow the activities of an individual to be dealt with in one court at a time, no matter where the activities occurred, to the end that society may be afforded retribution for offenses against it and that the rehabilitative process can immediately begin.

Laws 1972, c. 222, § 2, eff. Jan. 1, 1973.

§22-1145.3. Definitions.

In this act, unless the context requires otherwise:

1. "Asylum state" means that state in which the defendant is located;

2. "Demanding state" means that state, other than Oklahoma, in which the accused is charged with committing criminal acts;

3. "Prosecuting attorney" means the attorney of the county, parish or district, state or federal, wherein charges are filed; and

4. "Jurisdiction" means geographic division or subdivision in which such prosecuting attorney has responsibility.

Laws 1972, c. 222, § 2, eff. Jan. 1, 1973.

§22-1145.4. Disposal of criminal charge at request of defendant.

On request of the defendant and consent of the prosecuting attorney in the demanding state and the prosecuting attorney in the asylum state, the trial court of general jurisdiction or such other

court having appropriate jurisdiction in the asylum state may dispose of the offense or offenses set out in the complaint, indictment or information or other equivalent pleading of the demanding state, and an exemplified copy of the judgment of the asylum state shall constitute a judgment on the merits when filed in the case in the courts of the demanding state.

Laws 1972, c. 222, § 4, eff. Jan. 1, 1973.

§22-1145.5. Relief available - Effect of judgment - Act as supplemental.

All relief available in the courts of the demanding state and in the courts of the asylum state shall be available to the court of the asylum state in rendering its judgment and satisfaction of the judgment of the asylum state shall constitute a complete satisfaction of the judgment of the demanding state and the judgment so rendered may be enforced in either state.

This act is supplemental to and not in substitution for the provisions of the agreement on detainers, including but not limited to sentencing, incarceration, probation, orders for restitution, suspension and enhancement of sentence.

Added by Laws 1972, c. 222, § 5, eff. Jan. 1, 1973.

§22-1145.6. Procedures, rules and regulations.

A. A defendant arrested or held in a state or district other than that in which the indictment or information is pending against him may state in writing that he wishes to plead guilty, to waive trial in the district in which the indictment or information is pending and to consent to disposition of the case in the jurisdiction or district in which he was arrested or is held, subject to the approval of the prosecuting attorney for each jurisdiction. Upon receipt of the defendant's statement and of the written approval of the prosecuting attorneys, the clerk of the court in which the indictment or information is pending shall transmit the papers in the proceeding or certified copies thereof to the clerk of the court for the jurisdiction in which the defendant is held and the prosecution shall continue in that jurisdiction.

B. A defendant arrested on a warrant issued upon a complaint in a jurisdiction other than the county, parish or district of arrest may state in writing that he wishes to plead guilty to waive trial in the jurisdiction in which the warrant was issued and to consent to disposition of the case in the jurisdiction in which he was arrested, subject to the approval of the prosecuting attorney for each jurisdiction. Upon receipt of the defendant's statement and of the written approval of the prosecuting attorneys, the court of limited jurisdiction shall certify and transmit the records in the case to the court of general jurisdiction, and, upon the filing of an information or the return of an indictment, the clerk of the

court for the jurisdiction or district in which the warrant was issued shall transmit the papers in the proceeding or certified copies thereof to the clerk of the court for the jurisdiction or district in which the defendant was arrested and the prosecution shall continue in that jurisdiction or district. When the defendant is brought before the court to plead to an information filed in the jurisdiction or district where the warrant was issued, he may at that time waive indictment and the prosecution may continue based upon the information originally filed.

C. A juvenile who is arrested or held in a jurisdiction or district other than that in which he is alleged to have committed an act in violation of a law of a state or of the United States not punishable by death or life imprisonment may, after he has been advised by counsel and with the approval of the court and the prosecuting attorney, consent to be proceeded against as a juvenile delinquent in the jurisdiction or district in which he is arrested or held. The consent shall be given in writing before the court but only after the court has apprised the juvenile of his rights, including the right to be returned to the jurisdiction or district in which he is alleged to have committed the act, and of the consequences of such consent.

D. For the purpose of initiating a transfer under this rule a person who appears in response to a summons shall be treated as if he had been arrested on a warrant in the jurisdiction or district of such appearance.

Laws 1972, c. 222, § 6, eff. Jan. 1, 1973.

§22-1151. Habeas corpus for person to testify or be surrendered on bail.

The Supreme Court, and Criminal Court of Appeals and district and superior courts within this state, or the judges thereof in vacation, shall have power to issue writs of habeas corpus, for the purpose of bringing the body of any person confined in any prison before them, to testify or be surrendered in discharge of bail. When a writ of habeas corpus shall be issued for the purpose of bringing into court any person to testify, or the principal, to be surrendered in discharge of bail, and such principal or witness, shall be confined in any prison in this state, out of the county in which such principal or witness is required to be surrendered, or to any county in this state, and there be executed and returned by any officer to whom it shall be directed, and the principal, after being surrendered, or his bail discharged, or a person testifying as aforesaid, shall by the officer executing such writ, be returned by virtue of an order of the court, for the purpose aforesaid, an attested copy of which, lodged with the custodian, shall exonerate such prison keeper from being liable for an escape. The party praying out such writ of habeas corpus shall pay to the officer

executing the same, such reasonable sum for his services as shall be adjudged by the courts respectively.

R.L.1910, § 6102.

§22-1161. Acts committed by persons in a state of mental illness or defect - Sentencing - Appeal - Examination - Treatment.

A. 1. An act committed by a person in a state of mental illness or mental defect shall be adjudicated as guilty with mental defect or as not guilty by reason of mental illness.

2. If a person is found guilty with mental defect or enters a plea of guilty with mental defect which is accepted by the court, the court at the time of sentencing shall impose any sentence that could be imposed by law upon a person who is convicted of the same offense, and the person shall serve the sentence in custody of a county jail or the Oklahoma Department of Corrections.

3. If a person who is found guilty with mental defect is placed on probation under the jurisdiction of the sentencing court as provided by law, the court shall immediately issue an order for the person to be examined by the Department of Mental Health and Substance Abuse Services. The time and place of such examination shall be determined by the Department. Within forty-five (45) days, the Department shall provide to the court a recommendation of treatment for the person, which shall be made a condition of probation. Reports as specified by the trial judge shall be filed with the probation officer and the sentencing court. Failure to continue treatment, except by agreement with the treating agency and the sentencing court, is grounds for revocation of probation. Treatment shall be provided by an agency of the Department or, with the approval of the sentencing court and at the expense of the person, by private agencies, private physicians or other mental health personnel. A psychiatric report shall be filed with the probation officer and the sentencing court every six (6) months during the period of probation.

4. When in any criminal action by indictment or information, the defense of mental illness is raised, but the defendant is not acquitted on the ground that the defendant was mentally ill at the time of the commission of the crime charged, an issue concerning such defense may be raised on appeal. If the appellate court finds relief is required, the appellate court shall not have authority to modify the judgment or sentence but will only have the authority to order a new trial or order resentencing without recommendations to sentencing.

5. When in any criminal action by indictment or information the defense of mental illness is interposed either singly or in conjunction with some other defense, the jury shall state in the verdict, if it is one of acquittal, whether or not the defendant is acquitted on the ground of mental illness. When the defendant is

acquitted on the ground that the defendant was mentally ill at the time of the commission of the crime charged, the person shall not be discharged from custody until the court has made a determination that the person is not dangerous to the public peace and safety and is a person requiring treatment.

B. 1. To assist the court in its determination, the court shall immediately issue an order for the person to be examined by the Department of Mental Health and Substance Abuse Services at a facility the Department has designated to examine and treat forensic individuals. Upon the issuance of the order, the sheriff shall deliver the person to the designated facility.

2. Within forty-five (45) days of the court entering such an order, a hearing shall be conducted by the court to ascertain whether the person is dangerous to the public peace or safety because the person is a person requiring treatment or, if not, is in need of continued supervision as a result of unresolved symptoms of mental illness or a history of treatment noncompliance. During the required period of hospitalization, the Department of Mental Health and Substance Abuse Services shall have the person examined by two qualified psychiatrists or one such psychiatrist and one qualified clinical psychologist whose training and experience enable the professional to form expert opinions regarding mental illness, competency, dangerousness and criminal responsibility.

C. 1. Each examiner shall, within thirty-five (35) days of hospitalization, individually prepare and submit to the court, the district attorney and the trial counsel of the person a report of the psychiatric examination findings of the person and an evaluation concerning whether the person is dangerous to the public peace or safety.

2. If the court is dissatisfied with the reports or if a disagreement on the issue of mental illness and dangerousness exists between the two examiners, the court may designate one or more additional examiners and have them submit their findings and evaluations as specified in paragraph 1 of this subsection.

3. a. Within ten (10) days after the reports are filed, the court must conduct a hearing to determine the present condition of the person as to the issue of whether:

- (1) the person is dangerous to the public peace or safety because the person is a person requiring treatment, or
- (2) if not believed to be dangerous to the public peace or safety, the person is in need of continued supervision as a result of unresolved symptoms of mental illness or a history of treatment noncompliance.

b. The district attorney must establish the foregoing by a preponderance of the evidence. At this hearing the

person shall have the assistance of counsel and may present independent evidence.

D. 1. If the court finds that the person is not dangerous to the public peace or safety because the person is a person requiring treatment and is not in need of continued supervision as a result of unresolved symptoms of mental illness or a history of treatment noncompliance, it shall immediately discharge the person from hospitalization.

2. If the court finds that the person is dangerous to the public peace and safety, it shall commit the person to the custody of the Department of Mental Health and Substance Abuse Services. The person shall then be subject to discharge pursuant to the procedure set forth in this section.

- a. During the period of hospitalization, the Department of Mental Health and Substance Abuse Services may administer or cause to be administered to the person such psychiatric, medical or other therapeutic treatment as in its judgment should be administered.
- b. The person shall be subject to discharge or conditional release pursuant to the procedures set forth in this section.

E. If at any time the court finds the person is not dangerous to the public peace or safety because the person is a person requiring treatment, but is in need of continued supervision as a result of unresolved symptoms of mental illness or a history of treatment noncompliance, the court may:

1. Discharge the person pursuant to the procedure set forth in this section;
2. Discharge the person, and upon the motion of the court or the district attorney commence civil involuntary commitment proceedings against the person pursuant to the provisions of Title 43A of the Oklahoma Statutes; or
3. Order conditional release, as set forth in subsection F of this section.

F. There is hereby created a Forensic Review Board to be composed of seven (7) members appointed by the Governor with the advice and consent of the Senate. The Board members shall serve for a term of five (5) years except that for members first appointed to the Board: one shall serve for a term ending December 31, 2008, two shall serve for a term ending December 31, 2009, two shall serve a term ending December 31, 2010, and two shall serve for a term ending December 31, 2011.

1. The Board shall be composed of:
 - a. four licensed mental health professionals with experience in treating mental illness, at least one of whom is licensed as a Doctor of Medicine, a Doctor of Osteopathy, or a licensed clinical psychologist and

shall be appointed from a list of seven names submitted to the Governor by the Department of Mental Health and Substance Abuse Services,

- b. one member who shall be an attorney licensed to practice in this state and shall be appointed from a list of not less than three names submitted to the Governor by the Board of Governors of the Oklahoma Bar Association,
- c. one member who shall be a retired judge licensed to practice in this state and shall be appointed from a list of not less than three names submitted to the Governor by the Judicial Nominating Committee, and
- d. one at-large member.

The attorney and retired judge members of the Board shall be prohibited from representing in the courts of this state persons charged with felony offenses while serving on the Board.

2. The Board shall meet as necessary to determine which individuals confined with the Department of Mental Health and Substance Abuse Services are eligible for therapeutic visits, conditional release or discharge and whether the Board wishes to make such a recommendation to the court of the county where the individual was found not guilty by reason of insanity or not guilty by reason of mental illness for those persons adjudicated as such upon or after November 1, 2016.

- a. Forensic Review Board meetings shall not be considered subject to the Oklahoma Open Meeting Act and are not open to the public. Other than the Forensic Review Board members, only the following individuals shall be permitted to attend Board meetings:
 - (1) the individual the Board is considering for therapeutic visits, conditional release or discharge, his or her treatment advocate, and members of his or her treatment team,
 - (2) the Commissioner of Mental Health and Substance Abuse Services or designee,
 - (3) the Advocate General for the Department of Mental Health and Substance Abuse Services or designee,
 - (4) the General Counsel for the Department of Mental Health and Substance Abuse Services or designee, and
 - (5) any other persons the Board and Commissioner of Mental Health and Substance Abuse Services wish to be present.
- b. The Department of Mental Health and Substance Abuse Services shall provide administrative staff to the Board to take minutes of meetings and prepare necessary documents and correspondence for the Board

to comply with its duties as set forth in this section. The Department of Mental Health and Substance Abuse Services shall also transport the individuals being reviewed to and from the Board meeting site.

- c. The Board shall provide notice to the district attorney of the county where the individual was found not guilty by reason of mental illness at least forty-five (45) days before meeting to determine eligibility for therapeutic visits, conditional release, or discharge.
- d. The Board shall promulgate rules concerning the granting and structure of therapeutic visits, conditional releases and discharge.
- e. For purposes of this subsection, "therapeutic visit" means a scheduled time period off campus which provides for progressive tests of the ability of the consumer to maintain and demonstrate coping skills.

3. The Forensic Review Board shall submit any recommendation for therapeutic visit, conditional release or discharge to the court and district attorney of the county where the person was found not guilty by reason of mental illness, the trial counsel of the person, the Department of Mental Health and Substance Abuse Services and the person at least fourteen (14) days prior to the scheduled visit.

- a. The district attorney may file an objection to a recommendation for a therapeutic visit within ten (10) days of receipt of the notice.
- b. If an objection is filed, the therapeutic visit is stayed until a hearing is held. The court shall hold a hearing not less than ten (10) days following an objection to determine whether the therapeutic visit is necessary for treatment, and if necessary, the nature and extent of the visit.

4. During the period of hospitalization, the Department of Mental Health and Substance Abuse Services shall submit an annual report on the status of the person to the court, the district attorney and the patient advocate general of the Department of Mental Health and Substance Abuse Services.

G. Upon motion by the district attorney or upon a recommendation for conditional release or discharge by the Forensic Review Board, the court shall conduct a hearing to ascertain if the person is dangerous and a person requiring treatment. This hearing shall be conducted under the same procedure as the first hearing and must occur not less than ten (10) days following the motion or request by the Forensic Review Board.

1. If the court determines that the person continues to be dangerous to the public peace and safety because the person is a

person requiring treatment, it shall order the return of the person to the hospital for additional treatment.

2. If the court determines that the person is not dangerous but subject to certain conditions, the court may conditionally release the person subject to the following:

- a. the Forensic Review Board has made a recommendation for conditional release, including a written plan for outpatient treatment and a list of recommendations for the court to place as conditions on the release,
- b. in its order of conditional release, the court shall specify conditions of release and shall direct the appropriate agencies or persons to submit annual reports regarding the compliance of the person with the conditions of release and progress in treatment,
- c. the person must agree, in writing, that during the period the person is granted conditional release and is subject to the provisions thereof, there shall be free transmission of all pertinent information, including clinical information regarding the person, among the Department of Mental Health and Substance Abuse Services, the appropriate community mental health centers and the appropriate district attorneys, law enforcement and court personnel,
- d. the order of the court placing the person on conditional release shall include notice that the conditional release of the person may be revoked upon good cause. The person placed on conditional release shall remain under the supervision of the Department of Mental Health and Substance Abuse Services until the committing court enters a final discharge order. The Department of Mental Health and Substance Abuse Services shall assess the person placed on conditional release annually and shall have the authority to recommend discharge of the person to the Board, and
- e. any agency or individual involved in providing treatment with regard to the conditional release plan of the person may prepare and file an affidavit under oath if the agency or individual believes that the person has failed to comply with the conditions of release or that such person has progressed to the point that inpatient care is appropriate.
 - (1) Any peace officer who receives such an affidavit shall take the person into protective custody and return the person to the forensic unit of the state hospital.
 - (2) A hearing shall be conducted within three (3) days, excluding holidays and weekends, after the

person is returned to the forensic unit of the state hospital to determine if the person has violated the conditions of release, or if full-time hospitalization is the least restrictive alternative consistent with the needs of the person and the need for public safety. Notice of the hearing shall be issued, at least twenty-four (24) hours before the hearing, to the hospital superintendent, the person, trial counsel for the person, and the patient advocate general of the Department of Mental Health and Substance Abuse Services. If the person requires hospitalization because of a violation of the conditions of release or because of progression to the point that inpatient care is appropriate, the court may then modify the conditions of release.

3. If the court determines that the person is not dangerous to the public peace or safety because the person is not a person requiring treatment, it shall order that the person be discharged from the custody of the Department of Mental Health and Substance Abuse Services.

H. As used in this section:

1. "Antisocial personality disorder" means antisocial personality disorder as defined by the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition (DSM-5), or subsequent editions;

2. "Court" or "sentencing court" means the court sitting in the county where the person has been found to be not guilty by reason of mental illness or guilty with mental defect;

3. "Dangerous" means a person who because of mental illness poses a substantial risk of physical harm in the near future to another person or persons. Dangerousness shall be determined by such factors as whether the person has placed another person or persons in a reasonable fear of violent behavior, and medication and treatment compliance;

4. "Guilty with mental defect" means the person committed the act and was either unable to understand the nature and consequences of his or her actions or was unable to differentiate right from wrong, and has been diagnosed with antisocial personality disorder which substantially contributed to the act for which the person has been charged;

5. "Mental defect" means the person has been diagnosed with antisocial personality disorder which substantially contributed to the act for which the person has been charged;

6. "Mental illness" means a substantial disorder of thought, mood, perception, psychological orientation or memory that

significantly impairs judgment, behavior, capacity to recognize reality or ability to meet the ordinary demands of life;

7. "Not guilty by reason of mental illness" means the person committed the act while mentally ill and was either unable to understand the nature and consequences of his or her actions or was unable to differentiate right from wrong, and has not been diagnosed with antisocial personality disorder which substantially contributed to the act for which the person has been charged; and

8. a. "Person requiring treatment" means a person who because of mental illness:

- (1) poses a substantial risk of physical harm to self as manifested by evidence or serious threats of or attempts at suicide or other significant self-inflicted bodily harm,
- (2) poses a substantial risk of physical harm to another person or persons as manifested by evidence of violent behavior directed toward another person or persons,
- (3) has placed another person or persons in reasonable fear of serious physical harm or violent behavior directed toward such person or persons as manifested by serious and immediate threats,
- (4) is in a condition of severe deterioration such that, without immediate intervention, there exists a substantial risk that severe impairment or injury will result to the person, or
- (5) poses a substantial risk of serious physical injury to self or death as manifested by evidence that the person is unable to provide for and is not providing for his or her basic physical needs.

b. The mental health or substance abuse history of the person may be used as part of the evidence to determine whether the person is a person requiring treatment. The mental health or substance abuse history of the person shall not be the sole basis for this determination.

c. Unless a person also meets the criteria established in subparagraph a of this paragraph, "person requiring treatment" shall not mean:

- (1) a person whose mental processes have been weakened or impaired by reason of advanced years, dementia or Alzheimer's disease,
- (2) a person with intellectual or developmental disability as defined in Title 10 of the Oklahoma Statutes,

- (3) a person with seizure disorder, or
- (4) a person with a traumatic brain injury.

I. Proceedings hereunder may be held in conformance with the provisions of Section 3006 of Title 20 of the Oklahoma Statutes for allowable use of videoconferencing.

R.L. 1910, § 6049. Amended by Laws 1935, p. 19, § 1, emerg. eff. May 8, 1935; Laws 1975, c. 92, § 1; Laws 1983, c. 94, § 1, eff. Nov. 1, 1983; Laws 1990, c. 51, § 16, emerg. eff. April 9, 1990; Laws 2000, c. 421, § 1, eff. Nov. 1, 2000; Laws 2004, c. 188, § 1, eff. Nov. 1, 2004; Laws 2007, c. 358, § 8, eff. July 1, 2007; Laws 2008, c. 39, § 1, eff. Nov. 1, 2008; Laws 2016, c. 279, § 1, eff. Nov. 1, 2016; Laws 2017, c. 375, § 1, eff. Nov. 1, 2017; Laws 2019, c. 475, § 20, eff. Nov. 1, 2019; Laws 2025, c. 68, § 1, eff. Nov. 1, 2025.

§22-1162. Jury to try sanity.

When an indictment or information is called for trial, or upon conviction the defendant is brought up for judgment, if a doubt arise as to the sanity of the defendant, the court must order a jury to be impaneled from the jurors summoned and returned for the term, or who may be summoned by direction of the court, to inquire into the fact.

R.L.1910, § 6050.

§22-1163. Sanity hearing - Criminal trial to be suspended.

The trial of the cause or the pronouncing the judgment, as the case may be, must be suspended until the question of insanity is determined by the verdict of the jury.

R.L.1910, § 6051.

§22-1164. Order of trial of sanity.

The trial of the question of insanity must proceed in the following order:

1. The counsel for the defendant must open the case and offer evidence in support of the allegation of insanity.

2. The counsel for the state may then open their case and offer evidence in support thereof.

3. The parties may then respectively offer rebutting testimony only, unless the court, for good reason, in furtherance of justice, permit them to offer evidence upon their original case.

4. When the evidence is concluded, unless the case be submitted to the jury on either side or on both sides, without argument, the counsel for the state must commence, and the defendant or his counsel may conclude the argument to the jury.

5. If the indictment be for an offense punishable with death two counsels on each side may argue the causes to the jury, in which case they must do so alternately. If it be for any other offense,

the court may, in its discretion, restrict the argument to one counsel on each side.

6. The court must then charge the jury before argument as in other cases.

R.L.1910, § 6052.

§22-1165. Rules governing sanity trial.

The provisions of the article on trials, in respect to the duty of the court upon questions of law, and of the jury upon questions of fact, and the provisions in respect to the charge of the court to the jury, upon the trial of an indictment or information, apply to the questions of insanity.

R.L.1910, § 6053.

§22-1166. Sanity hearing - Trial or judgment to proceed if defendant sane.

If the jury find the defendant sane, the trial of the indictment must proceed, or judgment may be pronounced as the case may be.

R.L.1910, § 6054.

§22-1167. Finding of insanity - Suspension of trial or judgment - Commitment to state hospital.

If the jury finds the defendant presently insane, the trial or judgment must be suspended until he becomes sane, and if the jury deem his discharge dangerous to the public peace or safety, the court shall order that the defendant be committed to one of the state hospitals for the mentally ill, and to be held therein and kept as a patient and inmate, until he be discharged and released as presently sane by the authority of the superintendent of said hospital. A release by the superintendent of said hospital shall be to the custody of the sheriff of the county in which the criminal case theretofore suspended is or was pending and from which he was committed. The court having jurisdiction thereof shall set the cause for trial.

R.L.1910 § 6055; Laws 1963, c. 279, § 1, emerg. eff. June 18, 1963.

§22-1168. Commitment in sanity hearing exonerates bail.

The commitment of the defendant as mentioned in the last section, exonerates his bail, or entitles the person authorized to receive the property of the defendant to the return of money he may have deposited instead of bail.

R.L.1910, § 6056.

§22-1169. Restoration to sanity.

When the defendant becomes sane the sheriff must thereupon, without delay, place him in the proper custody until he be brought to trial or judgment, as the case may be, or be legally discharged.

R.L.1910, § 6057.

§22-1170. Expense of keeping insane defendant.

The expenses of keeping the defendant are in the first instance chargeable to the county, but the county may recover them from the estate of the defendant, if he have any, or from a relative.

R.L.1910, § 6058.

§22-1175.1. Definitions.

As used in Sections 1175.1 through 1176 of this title:

1. "Competent" or "competency" means the present ability of a person arrested for or charged with a crime to understand the nature of the charges and proceedings brought against him or her and to effectively and rationally assist in his or her defense;

2. "Criminal proceeding" means every stage of a criminal prosecution after arrest and before judgment, including, but not limited to, interrogation, lineup, preliminary hearing, motion dockets, discovery, pretrial hearings and trial;

3. "Dangerous" means a person who is a person requiring treatment as defined in Section 1-103 of Title 43A of the Oklahoma Statutes;

4. "Incompetent" or "incompetency" means the present inability of a person arrested for or charged with a crime to understand the nature of the charges and proceedings brought against him or her and to effectively and rationally assist in his or her defense;

5. "Public guardian" means the Office of Public Guardian as established under the Oklahoma Public Guardianship Act in Section 6-101 et seq. of Title 30 of the Oklahoma Statutes;

6. "Qualified forensic examiner" means any:

- a. psychiatrist with forensic training and experience,
- b. psychologist with forensic training and experience, or
- c. a licensed mental health professional whose forensic training and experience enable him or her to form expert opinions regarding mental illness, competency and dangerousness and who has been approved to render such opinions by the court; provided, however, a licensed mental health professional shall not be qualified to issue expert opinions as to competency or dangerousness in cases in which a person is alleged to be incompetent due to intellectual disability; and

7. "Reasonable period of time" means a period not to exceed the lesser of:

- a. the maximum sentence specified for the most serious offense with which the defendant is charged, or
- b. a maximum period of two (2) years.

Any time period where the defendant refuses medication prescribed or ordered that is designed to restore the defendant to

competency shall not be used in the calculation of a reasonable period of time.

Added by Laws 1980, c. 336, § 1, emerg. eff. June 25, 1980. Amended by Laws 1992, c. 207, § 1, eff. Sept. 1, 1992; Laws 2000, c. 421, § 2, eff. Nov. 1, 2000; Laws 2004, c. 106, § 2, eff. April 1, 2005; Laws 2011, c. 294, § 3, eff. Nov. 1, 2011; Laws 2024, c. 73, § 1, eff. Nov. 1, 2024; Laws 2025, c. 364, § 1, eff. Nov. 1, 2025.

§22-1175.2. Application for determination of competency - Service - Notice - Suspension of criminal proceedings.

A. No person shall be subject to any criminal procedures after the person is determined to be incompetent except as provided in Sections 1175.1 through 1175.8 of this title. The question of the incompetency of a person may be raised by the person, the attorney for the person whose competency is in question, or the district attorney, by an application for determination of competency. The application for determination of competency shall allege that the person is incompetent to undergo further proceedings, and shall state facts sufficient to raise a doubt as to the competency of the person. The court, at any time, may initiate a competency determination on its own motion, without an application, if the court has a doubt as to the competency of the person.

If the court so initiates such an application, it may appoint the district attorney for the purpose of proceeding with the application. If the district attorney opposes the application of the court, and by reason of a conflict of interest could not represent the court as applicant, then the court shall appoint private counsel. Said private counsel shall be reasonably compensated by the court fund.

B. A copy of the application for determination of competency and a notice, as hereinafter described, shall be served personally at least one (1) day before the first hearing on the application for a competency determination. The notice shall contain the following information:

1. The definition provided by Section 1175.1 of this title of competency and incompetency;

2. That, upon request, the hearing on the application may be conducted as a jury trial as provided in Section 1175.4 of this title;

3. That the petitioner and any witnesses identified in the application may offer testimony under oath at the hearings on the petition and that the defendant may not be called to testify against the defendant's will, unless the application is initiated by the defendant;

4. That if the person whose competency is in question does not have an attorney, the court will appoint an attorney for the person who shall represent the person until final disposition of the case;

5. That if the person whose competency is in question is indigent or poor, the court will pay the attorney fees; and

6. That the person whose competency is in question shall be afforded such other rights as are guaranteed by state and federal law and that such rights include a trial by jury, if demanded. The notice shall be served upon the person whose competency is in question, upon the person's father, mother, husband, or wife or, in their absence, someone of the next of kin, of full age, if any said persons are known to be residing within the county, and upon any of said relatives residing outside of the county, and within the state, as may be ordered by the court, and also upon the person with whom the person whose competency is in question may reside, or at whose house the person may be. The person making such service shall make affidavit of the same and file such notice, with proof of service, with the district court. This notice may be served in any part of this state.

C. Any criminal proceedings against a person whose competency is in question shall be suspended pending the determination of the competency of the person.

Added by Laws 1980, c. 336, § 2, emerg. eff. June 25, 1980. Amended by Laws 1983, c. 104, § 1, eff. Nov. 1, 1983; Laws 2000, c. 421, § 3, eff. Nov. 1, 2000.

§22-1175.3. Hearing - Date - Evidence - Orders - Examination of accused - Instructions to physician.

A. Upon filing of an application for determination of competency, the court shall set a hearing date, which shall be as soon as practicable, but at least one (1) day after service of notice as provided by Section 1175.2 of this title.

B. The court shall hold a hearing on the date provided. At the hearing, the court shall examine the application for determination of competency to determine if it alleges facts sufficient to raise a doubt as to the competency of the person. Any additional evidence tending to create a doubt as to the competency of the person may be presented at this hearing.

C. If the court finds there is no doubt as to the competency of the person, it shall order the criminal proceedings to resume.

D. 1. a. If the court finds there is a doubt as to the competency of the person, it shall order the person to be examined by the Department of Mental Health and Substance Abuse Services or by a qualified forensic examiner designated by the Department to perform competency examinations.

b. In addition, the Developmental Disabilities Services Division and the Office of Public Guardian of the Department of Human Services shall receive written notice from the district attorney who filed the

criminal petition, and be authorized by order of the court to have a psychologist or other appropriate clinician participate with professionals assigned by any other public or private agency in any competency evaluation where developmental or intellectual disability may be involved. The psychologist or clinician employed, by contract or otherwise, by the Department of Human Services may issue a separate opinion and recommendation to the court. In such cases where intellectual disability may be involved, the Office of Public Guardian shall have standing to participate in any stage of the proceedings as deemed necessary by the Office.

2. The person shall be examined by a qualified forensic examiner on an outpatient basis prior to referral for any necessary inpatient evaluation, as ordered by the court. The outpatient examination may be conducted in the community, the jail or detention facility where the person is held.

3. If the court determines that the person whose competency is in question may be dangerous as defined in Section 1175.1 of this title, it shall order the person retained in a secure facility until the completion of the competency hearing provided in Section 1175.4 of this title. If the court determines the person may be dangerous as defined in Section 1175.1 of this title because the individual is a person requiring treatment as defined in Section 1-103 of Title 43A of the Oklahoma Statutes, it may commit the person to the custody of the Department of Mental Health and Substance Abuse Services or any other state agency or private facility for the examination required by this subsection. The person shall be required to undergo examination for a period of time sufficient for the qualified forensic examiner or examiners to reach a conclusion as to competency, and the court shall impose a reasonable time limitation for such period of examination.

E. The qualified forensic examiner or examiners shall receive instructions that they shall examine the patient to determine:

1. If the person is able to appreciate the nature of the charges made against such person;

2. If the person is able to consult with the lawyer and rationally assist in the preparation of the defense of such person;

3. If the person is unable to appreciate the nature of the charges or to consult and rationally assist in the preparation of the defense, whether the person can attain competency within a reasonable period of time as defined in Section 1175.1 of this title if provided with a course of treatment, therapy or training;

4. If the person is a person requiring treatment as defined by Section 1-103 of Title 43A of the Oklahoma Statutes;

5. If the person is incompetent because the person is intellectually disabled as defined in Section 1408 of Title 10 of the Oklahoma Statutes;

6. If the requirements of paragraphs 4 and 5 of this subsection are not established, the reasoning for which the defendant is otherwise incompetent; and

7. If the person were released, whether such person would presently be dangerous as defined in Section 1175.1 of this title.

F. Upon completion of the competency evaluation, the Department of Mental Health and Substance Abuse Services or qualified forensic examiner designated by the Department to perform competency examinations shall notify the court of its findings. If the person is in the custody of the Department of Mental Health and Substance Abuse Services, the person shall be returned to the court in the customary manner within five (5) business days. If the person is not returned within that time, the county in which the proceedings are to be held shall pay the costs of maintaining the person at the institution or facility for the period of time the person remains at the institution or facility in excess of the five-day period.

Added by Laws 1980, c. 336, § 3, emerg. eff. June 25, 1980. Amended by Laws 1990, c. 51, § 17, emerg. eff. April 9, 1990; Laws 1993, c. 323, § 1, emerg. eff. June 7, 1993; Laws 1997, c. 407, § 5, eff. Nov. 1, 1997; Laws 2000, c. 421, § 4, eff. Nov. 1, 2000; Laws 2004, c. 106, § 3, eff. April 1, 2005; Laws 2015, c. 300, § 1, emerg. eff. May 11, 2015; Laws 2019, c. 475, § 21, eff. Nov. 1, 2019; Laws 2024, c. 73, § 2, eff. Nov. 1, 2024.

§22-1175.4. Post-examination competency hearing - Evidence - Presumptions - Jury trial - Presence of accused - Witnesses - Instructions.

A. A hearing to determine the competency of the person whose competency is in question shall be held within thirty (30) days after the qualified forensic examiner or examiners have made the determination required in Section 1175.3 of this title. In such cases where intellectual disability may be involved, the Office of Public Guardian shall have standing to participate in any stage of the proceedings as deemed necessary by the Office.

B. The court, at the hearing, shall determine by a preponderance of the evidence if the person is incompetent. Such determination shall include consideration of all reports prepared by the qualified forensic examiner or examiners; provided, however, in any case where intellectual disability may be involved, the recommendations of examiners set forth in subparagraph b of paragraph 1 of subsection D of Section 1175.3 of this title shall be considered by the court. The person shall be presumed to be competent for the purposes of the allocation of the burden of proof and burden of going forward with the evidence. If the court deems

it necessary, or if the person alleged to be a person requiring treatment, or any relative, friend, or any person with whom he may reside, or at whose house the person may be, shall so demand, the court shall schedule the hearing on the application as a jury trial to be held within seventy-two (72) hours of the request, excluding weekends and legal holidays, or within as much additional time as is requested by the attorney of the person whose competency is in question, upon good cause shown. The jury shall be composed of six (6) persons having the qualifications required of jurors in courts of record, summoned to determine the questions of the person's competency and need for treatment. Whenever a jury is required, the court shall proceed to the selection of such jury in the manner as provided by law and such jury shall determine the questions of the competency and need for treatment of the person whose competency is in question. The jurors shall receive fees for attendance and mileage as are allowed by law.

C. The person whose competency is in question shall have the right to be present at the hearing on the petition unless it is made to appear to the court that the presence of the person makes it impossible to conduct the hearing in a reasonable manner. The court may not decide in advance of the hearing, solely on the basis of the certificate of the examining doctor or doctors, that the person whose competency is in question should not be allowed to appear. It shall be made to appear to the court based on clear and convincing evidence that alternatives to exclusion were attempted before the court renders the person's removal for that purpose or the person's appearance at such hearing improper and unsafe.

D. All witnesses shall be subject to cross-examination in the same manner as is provided by law. If so stipulated by counsel for a person whose competency is in question, the district attorney and the court, testimony may be given by telephone or other electronic transmitting device approved by the court. No statement, admission or confession made by the person whose competency is in question obtained during the examination for competency may be used for any purpose except for proceedings under Section 1175.1 et seq. of this title. No such statement, admission or confession may be used against such person in any criminal action whether pending at the time the hearing is held or filed against such person at any later time, directly, indirectly or in any manner or form.

E. If the question of competency is submitted to a jury, the court shall instruct the jury as to the law regarding competency, and the findings they are to make. If the trial of the question is to the court, the court shall make the required findings.

Added by Laws 1980, c. 336, § 4, emerg. eff. June 25, 1980. Amended by Laws 1985, c. 190, § 1, eff. Nov. 1, 1985; Laws 1991, c. 178, § 3, eff. Sept. 1, 1991; Laws 1996, c. 161, § 2, eff. Nov. 1, 1996;

Laws 2000, c. 421, § 5, eff. Nov. 1, 2000; Laws 2024, c. 73, § 3, eff. Nov. 1, 2024.

§22-1175.5. Questions to be answered in determining competency.

The jury or the court, as the case may be, shall answer the following questions in determining the disposition of the person whose competency is in question:

1. Is the person incompetent to undergo further criminal proceedings at this time? If the answer is no, criminal proceedings shall be resumed. If the answer is yes, the following questions shall be answered.

2. Can the incompetency of the person be corrected within a reasonable period of time, as defined by Section 1175.1 of this title, through treatment, therapy or training?

3. Is the person incompetent because the person is intellectually disabled as defined in Section 1408 of Title 10 of the Oklahoma Statutes?

4. Is the person incompetent because the person is a person requiring treatment as defined by Section 1-103 of Title 43A of the Oklahoma Statutes?

5. If the answers to questions 3 and 4 are no, why is the defendant incompetent?

6. Is the person presently dangerous as defined in Section 1175.1 of this title if released?

Added by Laws 1980, c. 336, § 5, emerg. eff. June 25, 1980. Amended by Laws 2000, c. 421, § 6, eff. Nov. 1, 2000; Laws 2004, c. 106, § 4, eff. April 1, 2005; Laws 2019, c. 475, § 22, eff. Nov. 1, 2019.

§22-1175.6. Disposition orders - Placement in secure ward.

Upon the finding by the jury or the court as provided by Section 1175.5 of this title, the court shall issue the appropriate order regarding the person as follows:

1. If the person is found to be competent, the criminal proceedings shall be resumed;

2. If the person is found to be incompetent because the person is a person requiring treatment as defined in Title 43A of the Oklahoma Statutes, the court shall issue the appropriate order as set forth in Section 1175.6a of this title;

3. If the person is found to be incompetent because the person is intellectually disabled as defined in Section 1408 of Title 10 of the Oklahoma Statutes, the court shall issue the appropriate order as set forth in Section 1175.6b of this title; and

4. If the person is found to be incompetent for reasons other than the person is a person requiring treatment as defined by Section 1-103 of Title 43A of the Oklahoma Statutes, or for reasons other than the person is intellectually disabled as defined in Section 1408 of Title 10 of the Oklahoma Statutes, the court shall

issue the appropriate order as set forth in Section 1175.6c of this title.

Added by Laws 1980, c. 336, § 6, emerg. eff. June 25, 1980. Amended by Laws 1983, c. 104, § 2, eff. Nov. 1, 1983; Laws 1989, c. 75, § 1, emerg. eff. April 17, 1989; Laws 1989, c. 348, § 17, eff. Nov. 1, 1989; Laws 1990, c. 51, § 18, emerg. eff. April 9, 1990; Laws 1997, c. 407, § 6, eff. Nov. 1, 1997; Laws 2000, c. 421, § 7, eff. Nov. 1, 2000; Laws 2004, c. 106, § 5, eff. April 1, 2005; Laws 2019, c. 475, § 23, eff. Nov. 1, 2019.

§22-1175.6a. Person capable of achieving competence within reasonable time - Suspension of criminal proceedings - Civil commitment.

A. If the person is found to be incompetent prior to conviction because he or she is a person requiring treatment as defined in Section 1-103 of Title 43A of the Oklahoma Statutes, but capable of achieving competence with treatment within a reasonable period of time as defined by Section 1175.1 of this title, the court shall suspend the criminal proceedings and order the Department of Mental Health and Substance Abuse Services to provide treatment, therapy or training which is calculated to allow the person to achieve competency. The Department may designate a willing entity to provide such competency restoration services on behalf of the Department, provided the entity has qualified personnel. The court shall further order the Department to take custody of the individual as soon as a forensic bed becomes available, unless both the Department and the county jail where the person is being held determine that it is in the best interests of the person to remain in the county jail. Such competency restoration services shall begin within a reasonable period of time after the court has determined that the person is not competent to stand trial.

The person shall remain in the custody of the county jail until such time as the Department has a bed available at the forensic facility unless competency restoration services are provided by a designee of the Department, in which case custody of the person shall be transferred to the Department.

B. The Department of Mental Health and Substance Abuse Services or designee shall make periodic reports to the court as to the competency of the defendant.

C. If the person is determined by the Department of Mental Health and Substance Abuse Services or designee to have regained competency, or is no longer incompetent because the person is a person requiring treatment as defined by Section 1-103 of Title 43A of the Oklahoma Statutes, a hearing shall be scheduled within twenty (20) days:

1. If found competent by the court or a jury after such rehearing, criminal proceedings shall be resumed;

2. If the person is found to continue to be incompetent because the person is a person requiring treatment as defined in Section 1-103 of Title 43A of the Oklahoma Statutes, the person shall be returned to the custody of the Department of Mental Health and Substance Abuse Services or designee;

3. If the person is found to be incompetent because the person is an individual with intellectual disability as defined by Section 1408 of Title 10 of the Oklahoma Statutes, the court shall issue the appropriate order as set forth in Section 1175.6b of this title;

4. If the person is found to be incompetent for reasons other than the person is a person requiring treatment as defined by Section 1-103 of Title 43A of the Oklahoma Statutes, and other than the person is an individual with intellectual disability as defined in Section 1408 of Title 10 of the Oklahoma Statutes, and is also found to be not dangerous as defined by Section 1175.1 of this title, the court shall issue the appropriate order as set forth in Section 1175.6b of this title; or

5. If the person is found to be incompetent for reasons other than the person is a person requiring treatment as defined by Section 1-103 of Title 43A of the Oklahoma Statutes, and other than the person is an individual with intellectual disability as defined in Section 1408 of Title 10 of the Oklahoma Statutes, but is also found to be dangerous as defined by Section 1175.1 of this title, the court shall issue the appropriate order as set forth in Section 1175.6c of this title.

D. If the person is found to be incompetent because the person is a person requiring treatment as defined by Section 1-103 of Title 43A of the Oklahoma Statutes, but not capable of achieving competence with treatment within a reasonable period of time as defined by Section 1175.1 of this title, the court shall commence civil commitment proceedings pursuant to Title 43A of the Oklahoma Statutes and shall dismiss without prejudice the criminal proceeding. If the person is subsequently committed to the Department of Mental Health and Substance Abuse Services pursuant to Title 43A of the Oklahoma Statutes, the statute of limitations for the criminal charges which were dismissed by the court shall be tolled until the person is discharged from the Department of Mental Health and Substance Abuse Services pursuant to Section 7-101 of Title 43A of the Oklahoma Statutes.

E. For a person undergoing competency restoration services, within thirty (30) days after the expiration of the reasonable period of time as defined by Section 1175.1 of this title, the court shall hold a hearing to determine whether the person has been restored to competency.

1. No less than fifteen (15) days prior to the hearing the Department of Mental Health and Substance Abuse Services shall submit a report to the court, the person's attorney, and the

prosecuting agency detailing the person's status and progress in being restored to competency including the person's historical and current compliance with medication and treatment and a plan for competency restoration if additional competency restoration services are ordered by the court.

2. If the court determines that the person has been restored to competency, the criminal proceedings shall resume.

3. If the court determines that the person has not been restored to competency, the court shall determine whether additional competency restoration services are likely to be beneficial in restoring the person to competency. If the court finds by a preponderance of the evidence that additional competency restoration services are:

- a. likely to be beneficial in restoring the person to competency, the court shall order the person to remain in or be transferred to the custody of the Department which shall continue to provide treatment, therapy, or training calculated to restore the person to competency for a period of time not to exceed the lesser of an additional two (2) years or the maximum sentence specified for the most serious offense with which the defendant is charged, or
- b. not likely to be beneficial in restoring the person to competency, the court shall commence civil commitment proceedings pursuant to Title 43A of the Oklahoma Statutes and shall dismiss without prejudice the criminal proceeding. If the person is subsequently committed to the Department pursuant to Title 43A of the Oklahoma Statutes, the statute of limitations for the criminal charges which were dismissed by the court shall be tolled until the person is discharged from the Department pursuant to Section 7-101 of Title 43A of the Oklahoma Statutes.

Added by Laws 2004, c. 106, § 6, eff. April 1, 2005. Amended by Laws 2015, c. 300, § 2, emerg. eff. May 11, 2015; Laws 2018, c. 290, § 2, emerg. eff. May 10, 2018; Laws 2019, c. 475, § 24, eff. Nov. 1, 2019; Laws 2025, c. 364, § 2, eff. Nov. 1, 2025.

§22-1175.6b. Incompetence due to intellectual disability -
Suspension of criminal proceedings - Placement - Conditional release.

A. If the person is found to be incompetent primarily because the person is intellectually disabled as defined in Section 1408 of Title 10 of the Oklahoma Statutes and is also found by the court to be dangerous as defined by Section 1175.1 of this title, the court shall suspend the criminal proceedings and place the person into the custody of the Office of Public Guardian. The Office of Public

Guardian shall act with all powers set forth in the Oklahoma Public Guardianship Act, and:

1. The Office of Public Guardian shall place any person placed in its custody under this title in a facility or residential setting, private or public, willing to accept the individual and that has a level of supervision and security that is appropriate to the needs of the person;

2. Such placements shall be within the sole discretion of the Office of Public Guardian;

3. All such placements made by the Office of Public Guardian shall be made within six (6) months of the date of the order awarding custody to the Office of Public Guardian;

4. The Office of Public Guardian shall report to the court at least every six (6) months as to the status of the person including, but not limited to, the type of placement, services provided, level of supervision, the medical and psychological health of the person, whether the person would be dangerous if conditionally released into a nonsecure environment, the assistance and services that would be required for such conditional release and whether the person has achieved competency;

5. If the person is determined by the Office of Public Guardian to have regained competency or that conditional release to a private guardian or other caretaker is appropriate, a hearing shall be scheduled within twenty (20) days. If found competent by the court or a jury after such rehearing, criminal proceedings shall be resumed. If the court finds conditional release to be appropriate, the court shall make an appropriate order for conditional release; and

6. The provisions of subsections C, H and I of Section 6-101 of Title 30 of the Oklahoma Statutes shall not apply to custody orders arising under this title.

B. If the person is found to be incompetent for reasons other than the person is a person requiring treatment as defined by Section 1-103 of Title 43A of the Oklahoma Statutes and is found to be not dangerous as defined by Section 1175.1 of this title, the court shall suspend the criminal proceedings and either refer the person to the Department of Human Services for consideration of voluntary assistance or conditionally release the person as set forth in this section.

1. For any person recommended for conditional release, a written plan for services shall be prepared by the Department of Human Services and filed with the court. In its order of conditional release, the court shall specify the conditions of release and shall direct the appropriate agencies or persons to submit annual reports regarding the person's compliance with the conditions of release and progress:

- a. to be eligible for conditional release, the person shall agree, in writing, that during the period the person is granted conditional release and is subject to the provisions thereof, there shall be free transmission of all pertinent information, including clinical information regarding the person, among the person's treatment providers, the appropriate district attorneys, law enforcement and court personnel. To effect this agreement, the person shall execute any releases required by law to allow for the dissemination of this information,
- b. the court's order placing the person on conditional release shall include notice that the person's conditional release may be revoked upon good cause,
- c. the district attorney, as well as any agency or individual involved in providing services with regard to the person's conditional release, may prepare and file an affidavit under oath if the district attorney, agency, or individual believes that the person has failed to comply with the conditions of release. The court shall then conduct a hearing to determine if the person has violated the conditions of release. Notice of the hearing shall be issued, at least twenty-four (24) hours before the hearing, to the Department of Human Services, the person, trial counsel for the person, and the client advocate general of the Department of Human Services. After reviewing the evidence concerning any alleged violation of the conditions of the release, the person's progress, treatment alternatives, and the need for public safety, the court may order no change to the conditions for the person's release or modify the conditions of release, and
- d. the person placed on conditional release shall remain in a conditional release status until the reviewing court issues a full release from all conditions.

2. If the person is determined by the Department of Human Services to have regained competency, a hearing shall be scheduled within twenty (20) days:

- a. if found competent by the court or a jury after such rehearing, criminal proceedings shall be resumed,
- b. if the person is found to continue to be incompetent, the person shall be returned to either conditional release or referred to the Department of Human Services for consideration of voluntary assistance.

C. The Office of Public Guardian shall have standing to participate in any proceeding held pursuant to this section as deemed necessary by the Office.

Added by Laws 2004, c. 106, § 7, eff. April 1, 2005. Amended by Laws 2019, c. 475, § 25, eff. Nov. 1, 2019; Laws 2024, c. 73, § 4, eff. Nov. 1, 2024.

§22-1175.6c. Person incompetent for reasons other than needed treatment or due to intellectual disability - Dangerous to self or others - Placement.

A. If the person is found to be incompetent for reasons other than the person is a person requiring treatment as defined by Title 43A of the Oklahoma Statutes, or the person is intellectually disabled as defined by Title 10 of the Oklahoma Statutes, but is also found to be dangerous as defined by Section 1175.1 of this title, the court shall suspend the criminal proceedings and refer the matter to the Department of Human Services and Department of Mental Health and Substance Abuse Services for determination of appropriate placement.

B. The Department of Human Services and the Department of Mental Health and Substance Abuse Services shall jointly establish procedures by April 1, 2005, to determine the appropriate placement of individuals who are found to be incompetent to stand trial for reasons other than the person is a person requiring treatment as defined by Title 43A of the Oklahoma Statutes, or the person is intellectually disabled as defined by Title 10 of the Oklahoma Statutes. Both agencies shall then submit their joint recommendation to the court for determination of appropriate placement.

Added by Laws 2004, c. 106, § 8, eff. April 1, 2005. Amended by Laws 2019, c. 475, § 26, eff. Nov. 1, 2019.

§22-1175.7. Persons incompetent but capable of achieving competency within reasonable time - Treatment order - Medical supervisor - Commitment - Private treatment - Involuntary commitment to Department of Human Services prohibited.

A. If the person is found incompetent, but capable of achieving competency within a reasonable period of time, as defined by the court, the court shall order such person to undergo such treatment, therapy or training which is calculated to allow the person to achieve competence.

B. If the person is not committed to the custody of the Department of Mental Health and Substance Abuse Services, the court shall appoint a medical supervisor for a course of treatment. The medical supervisor of treatment may be any person or agency that agrees to supervise the course of treatment. The proposed treatment may be either inpatient or outpatient care depending on the

facilities and resources available to the court and the type of disability sought to be corrected by the court's order. The court shall require the supervisor to provide periodic progress reports to the court and may pay for the services of the medical supervisor from court funds.

C. The court may not commit the incompetent person to the custody of the Department of Mental Health and Substance Abuse Services unless the person is a person requiring treatment as defined by Title 43A of the Oklahoma Statutes.

D. The court may allow the person to receive treatment from private facilities if such facilities are willing, and neither the state nor the court fund is required to directly pay for such care.

E. In no event shall an incompetent individual be involuntarily committed to the legal custody of the Department of Human Services or any of its facilities.

Added by Laws 1980, c. 336, § 7, emerg. eff. June 25, 1980. Amended by Laws 1990, c. 51, § 19, emerg. eff. April 9, 1990; Laws 1997, c. 407, § 7, eff. Nov. 1, 1997; Laws 2000, c. 421, § 8, eff. Nov. 1, 2000; Laws 2015, c. 300, § 3, emerg. eff. May 11, 2015.

§22-1175.8. Resumption of competency.

If the medical supervisor reports that the person appears to have achieved competency after a finding of incompetency, the court shall hold another competency hearing to determine if the person has achieved competency. If competency has been achieved, the criminal proceedings shall be resumed.

Laws 1980, c. 336, § 8, emerg. eff. June 25, 1980.

§22-1176. Raising issue of mental illness or insanity at time of offense.

A. If the defendant intends to raise the question of mental illness or insanity at the time of the offense, the defendant shall file notice with the court no later than thirty (30) days after formal arraignment. Additionally, if the defendant is financially unable to obtain the services of a qualified mental health professional, the defendant shall file an application with the court at the time of the filing of notice of insanity defense. The procedure to be followed for review of such an application will be the same as provided in Section 1175.3 of this title.

B. In cases not involving the appointment of the Oklahoma Indigent Defense System pursuant to Sections 1355 through 1370.1 of this title, if the court finds that the defendant's sanity at the time of the offense is to be a significant factor in his defense at trial and that the defendant is financially unable to obtain the services of a qualified mental health professional, the court shall provide the defendant with access to a qualified mental health professional by authorizing counsel to obtain the services of a

qualified mental health professional to conduct an appropriate examination and assist in evaluation, preparation and presentation of the defense. Compensation for such services shall be paid by the court fund, as authorized by Section 1304 of Title 20 of the Oklahoma Statutes.

C. As used in this section, "qualified mental health professional" means an individual certified or licensed in this state to practice psychiatry, psychology, professional counseling, or social work.

Added by Laws 1985, c. 232, § 2, emerg. eff. July 8, 1985. Amended by Laws 1991, c. 238, § 36, eff. July 1, 1991; Laws 2009, c. 239, § 1, eff. Nov. 1, 2009.

§22-1181. Causes for removal of officers.

Any officer not subject to impeachment elected or appointed to any state, county, township, city, town or other office under the laws of the state may, in addition to any other methods and causes provided by law, be removed from office for any of the following causes:

First. Habitual or willful neglect of duty which, for a state officer, shall include, but not be limited to, knowingly giving false testimony to a committee of either house of the Legislature, knowingly engaging in operations beyond the constitutional or statutory authority delegated to the agency that the officer is employed by or serves, or repeatedly refusing to provide information to a committee, either house or a member of the Legislature in a timely manner. For the purposes of this section, "timely manner" means no more than fifteen (15) business days from the date the request for information was received by the agency, unless extended by written agreement.

Second. Gross partiality in office.

Third. Oppression in office.

Fourth. Corruption in office, which shall include the use of public office or authority to procure or attempt to procure a personal benefit, profit, or perquisite.

Fifth. Extortion or willful overcharge of fees in office.

Sixth. Willful maladministration.

Seventh. Habitual drunkenness.

Eighth. Failure to produce and account for all public funds and property in his or her hands, at any settlement or inspection authorized or required by law.

R.L.1910, § 5592. Amended by Laws 2021, c. 289, § 1, eff. Nov. 1, 2021; Laws 2025, c. 336, § 3, eff. Nov. 1, 2025.

§22-1181.1. Removal for acts of commission, omission, neglect.

All elective or appointed officers in this state, including elective or appointed officers of the state and elective or

appointed officers in each county, city, town or school district of this state, but excluding any elective officers liable to impeachment, shall be subject to removal from office in such manner and for such causes as now provided by law, or as may be provided by law passed subsequent to this section and Section 1181.2 of this title, and any such officer or officers may be removed or ousted from office for any act or acts of commission or omission or neglect which may be committed, done or omitted during the term in which such ouster or removal proceedings may be filed, and any such officer or officers may be removed or ousted from office for any act or acts of commission, omission or neglect committed, done or omitted during a previous or preceding term in any office. Added by Laws 1955, p. 200, § 1. Amended by Laws 2025, c. 336, § 4, eff. Nov. 1, 2025.

§22-1181.2. Allegations or charges.

The complaint, petition, accusation or proceeding for removal or ouster from office may include allegations or charges of any act or acts of commission, omission or neglect which may be committed, done or omitted during the term of office in which such ouster or removal proceeding may be filed, and may also include allegations or charges as to any act or acts of commission, omission or neglect committed, done or omitted during a previous or preceding term in any office. Added by Laws 1955, p. 200, § 2. Amended by Laws 2025, c. 336, § 5, eff. Nov. 1, 2025.

§22-1182. Accusation by grand jury.

An accusation in writing, charging such officer with any of the causes for removal mentioned in the first preceding section may be presented by the grand jury to the district court of the county in or for which the officer is elected or appointed: Provided, that in the case of a state officer, such accusation may be presented by the grand jury of the county in which such officer resides, or in which he has his place of office for the usual transaction of official business.

R.L.1910, § 5593.

§22-1183. Requisites of accusation.

The accusation must state the offense charged, in ordinary and concise language, without repetition, and in such manner as to enable a person of common understanding to know what is intended.

R.L.1910, § 5594.

§22-1184. Proceedings on accusation.

After receiving the accusation, the judge to whom it is delivered must forthwith cause it to be transmitted to the district attorney of the county or subdivision, except when he is the officer

accused, who must cause a copy thereof to be served upon the defendant, and required by written notice of not less than five (5) days that he appear before the district court of the county or subdivision, and answer the accusation at a specified time. The original accusation must then be filed with the clerk of the court. R.L.1910, § 5595.

§22-1185. Defendant to appear.

The defendant must appear at the time appointed in the notice, and answer the accusation, unless, for sufficient cause, the court assigns another day for that purpose. If he do not appear, the court may proceed to hear and determine the accusation in his absence.

R.L.1910, § 5596.

§22-1186. Requisites of answer.

The defendant may answer the accusation either by objecting to the sufficiency thereof, or of any article therein, or by denying the truth of the same.

R.L.1910, § 5597.

§22-1187. Objection to accusation.

If he object to the legal sufficiency of the accusation the objection must be in writing but need not be in any specific form, it being sufficient if it present intelligibly the ground of the objections.

R.L.1910, § 5598.

§22-1188. Denial of accusation.

If he deny the truth of the accusation the denial may be oral and without oath and must be entered upon the minutes.

R.L.1910, § 5599.

§22-1189. Defendant to answer, when.

If an objection to the sufficiency of the accusation be not sustained the defendant must answer the accusation forthwith.

R.L.1910, § 5600.

§22-1190. Judgment of conviction or trial.

If the defendant plead guilty, or refuse to answer the accusation the court must render judgment of conviction against him. If he deny the matters charged, the court must proceed to try the accusation.

R.L.1910, § 5601.

§22-1191. Method of trial.

The trial must be by jury and conducted in all respects in the same manner as the trial of an indictment for a misdemeanor.
R.L.1910, § 5602.

§22-1192. Removal if convicted.

Upon a conviction, the court must pronounce judgment, that the defendant be removed from office. But to warrant a removal, the judgment must be entered upon the minutes, assigning therein the causes of removal.

R.L.1910, § 5603.

§22-1193. Accusation against district attorney.

In case an accusation is presented against the district attorney, the same shall be delivered by the judge to the clerk of his court, and by the clerk to such person as the judge shall appoint to act as prosecuting officer in the matter, and the person so appointed shall be authorized and required to conduct the proceedings.

R.L.1910, § 5604.

§22-1194. County commissioners or judge and treasurer may present accusation, when - Proceedings.

The board of county commissioners may, in the case of any county or township officer, present such accusation and bring an action in the name of the county for the removal of such officer, and the district court shall have exclusive jurisdiction thereof; but if any county commissioner is the party charged, then the county judge and county treasurer shall present such accusation and bring the action. The proceedings, in actions brought under the provisions of this section shall, except as provided in the two next succeeding sections, be as is provided in the preceding sections of this article.

R.L.1910, § 5605.

§22-1195. Suspension from office - Time for trial - Change of judge or venue - Continuances - Filling vacancy temporarily - Voluntary suspension of county officers.

(1) When the complaint for removal is filed, if, in addition to the matter charged as ground for removal, the complaint shall also pray that the officer charged be suspended from office pending the investigation, the judge of the court may, if sufficient cause appear from the charge or from the testimony, or affidavits then presented, order the suspension of the accused from the functions of his office until the determination of the matter. If the order of suspension be made and the court be then in session, the accused shall be entitled to a trial within ten (10) days, if he demands it. If the court be not in session, then the accused shall be entitled

to a trial on the first day of the next term. The accused shall have the right to change of judge, or to a change of venue, on application to the court, or to the judge if the court be not in session, on making the showing required to change the venue in a criminal case, and if the application be allowed the matter shall be sent for trial to the nearest adjoining county, and in which the objections stated as ground of change do not exist, and trial shall be there had at the earliest possible date. But one such change shall be allowed. The accused shall be entitled to continuance, as in other cases. If the accused be not suspended from his office, then the complainant may have a continuance, as in other criminal cases. If a suspension take place, the board of county commissioners may temporarily fill the office by appointment, but if the officer suspended be a county commissioner, then the vacancy shall be filled by temporary appointment made by the Governor.

(2) A county officer, other than a county commissioner, against whom a complaint for removal has been filed, may voluntarily suspend himself from office by filing an election of suspension at any time after such complaint has been filed with the board of county commissioners, which board shall temporarily fill the office by appointment. If the officer be a county commissioner, then such filing shall be made with the Governor of the State of Oklahoma, who shall temporarily fill the office by appointment. If upon trial such officer is found guilty, such temporary appointment shall remain in effect until a successor is duly qualified as provided by law, but if such officer is acquitted, such temporary appointment shall expire at that time, and the person so acquitted shall immediately resume his office.

R.L.1910 § 5606; Laws 1968, c. 129, § 1, emerg. eff. April 8, 1968.

§22-1196. Judgment of removal.

The question of fact shall be tried as in other actions, and if the accused is found guilty, the judgment shall be entered removing the officer from his office and declaring the latter vacant, or as provided for in the code of criminal procedure, and a copy thereof shall be certified to the board of county commissioners, and the county clerk shall enter the same upon the proper record.

R.L.1910, § 5607.

§22-1197. Members of legislature not affected.

This article shall not apply to the manner of removing members of the Legislature.

R.L.1910, § 5608.

§22-1221. Search warrant defined.

A. A search warrant is an order in writing, in the name of the state, signed by a magistrate, directed to a peace officer,

commanding the peace officer to search for personal property or to search for a person for whom an arrest warrant has been issued and bring the property or person before the magistrate.

B. For purposes of Sections 1221 through 1241 of this title:

1. "Arrest warrant" means an outstanding arrest warrant for any felony offense or a misdemeanor offense of domestic assault and battery as provided in subsection C of Section 644 of Title 21 of the Oklahoma Statutes. The term shall include arrest and bench warrants, but shall not include warrants issued solely for failure to pay court financial obligations, other than restitution, as defined in subsection A of Section 983 of this title; and

2. "Personal property" or "property" means items and information that can be analyzed, seen, weighed, measured, felt or touched or that are in any other manner perceptible to the senses. R.L. 1910, § 6059. Amended by Laws 2014, c. 75, § 1, eff. Nov. 1, 2014; Laws 2024, c. 39, § 1, eff. Nov. 1, 2024.

§22-1222. Grounds for issuance of search warrant - Seizure of property.

A. A search warrant may be issued and property seized upon any of the following grounds:

First: When the property was stolen or embezzled, in which case it may be taken on the warrant, from any house or other place in which it is concealed, or from the possession of the person by whom it was stolen or embezzled, or of any other person in whose possession it may be.

Second: When it was used as the means of committing a felony, in which case it may be taken on the warrant from any house or other place in which it is concealed, or from the possession of the person by whom it was used in the commission of the offense, or of any other person in whose possession it may be.

Third: When it is in the possession of any person, with the intent to use it as the means of committing a public offense, or in the possession of another to whom the person may have delivered it for the purpose of concealing it or preventing its being discovered, in which case it may be taken on the warrant from such person, or from a house or other place occupied by the person, or under the person's control, or from the possession of the person to whom the person may have so delivered it.

Fourth: When the property constitutes evidence that an offense was committed or that a particular person participated in the commission of an offense.

Fifth: When there is probable cause to believe that, at a future time, the property or items sought which are intended to be used to commit a public offense, will be located at a particular place. Under such circumstances, the magistrate shall insert a direction in the search warrant making execution of the warrant

contingent upon the happening of an event which evidences probable cause that the item to be seized is in the place to be searched.

Sixth: As authorized by any provision of the Security of Communications Act.

B. A search warrant may be issued to allow peace officers to enter, search for, and seize a person for whom an arrest warrant has been issued.

R.L.1910, § 6060. Amended by Laws 1969, c. 223, § 1, emerg. eff. April 21, 1969; Laws 2007, c. 358, § 9, eff. July 1, 2007; Laws 2024, c. 39, § 2, eff. Nov. 1, 2024.

§22-1223. Probable cause must be shown.

A search warrant shall not be issued except upon probable cause, supported by affidavit, naming or describing the person, and particularly describing the property and the place to be searched. R.L.1910, § 6061.

§22-1223.1. Electronically recorded oral statement - Transcription.

A magistrate may take an oral statement under oath which shall at that time be recorded electronically and thereafter transcribed by an official court reporter. The original recording and transcription thereof shall become a part of and kept with the official records of the case. The transcribed statement shall be deemed to be an affidavit for the purposes of this section and Section 1223 of Title 22 of the Oklahoma Statutes.

In such cases, the magistrate and the official court reporter shall sign the transcription of the recording of the sworn statement. Thereafter, the transcript shall be filed with the clerk of the district court along with the original recording. Added by Laws 1982, c. 224, § 1.

§22-1224.1. Oral testimony supplemental to affidavit.

Before issuing a search warrant the judge may take oral testimony, sworn to under oath, supplemental to any affidavits. Provided, however, that such oral testimony shall be recorded, such record transcribed forthwith, and filed with the affidavits to support the search warrant. Laws 1971, c. 120, § 1, emerg. eff. May 3, 1971.

§22-1224.2. Filing and indexing of documents.

In the event the search warrant is executed, then the search warrant, affidavit for search warrant, return of search warrant, if separate, and transcript of oral testimony, if any, shall be filed with the clerk of the district court, and shall be indexed by the clerk in alphabetical order. Upon a criminal prosecution being filed, the district attorney shall make application for a court order that the documents be transferred and filed in the case.

Added by Laws 1971, c. 120, § 4, emerg. eff. May 3, 1971. Amended by Laws 2001, c. 404, § 4, eff. Nov. 1, 2001.

§22-1225. Requisites of search warrant - Issuing magistrate.

A. If a magistrate is satisfied of the existence of grounds of the application, or that there is probable cause to believe their existence, the magistrate shall issue a search warrant, signed by the magistrate with the name of office, to a peace officer of this state, commanding the officer to search the person or place named, for the property or person specified, and to bring it before the magistrate, and also to arrest the person in whose possession the property may be found, to be dealt with according to law.

B. In addition to any other procedure authorized by law, a proposed search warrant, affidavit or both search warrant and affidavit may be communicated to the magistrate by telephone or by electronic mail or any similar electronic communication which delivers a complete printable image of the warrant or affidavit.

1. If the proposed search warrant is communicated telephonically, the affiant shall:

- a. recite information establishing probable cause to support issuance of the search warrant, and
- b. recite the proposed search warrant to the magistrate verbatim and obtain the oral permission of the magistrate to print the name of the magistrate on the search warrant along with the date and time of the signature.

The oral recorded authorization of the magistrate to print the name of the magistrate on the search warrant shall constitute issuance of the search warrant under this section. The conversation establishing probable cause, reciting the contents of the search warrant verbatim and any authorization to sign by the magistrate, shall be audio-recorded, transcribed and filed together with the warrant in accordance with Section 1223.1 of this title.

2. If communication of the proposed affidavit is made by electronic mail or other electronic communication, the affidavit may contain a notarized acknowledgement or the affiant may swear to the affidavit by telephone. A magistrate administering an oath telephonically shall endorse upon the face of the affidavit the date and time which the affiant undertook the oath by telephone.

- a. A warrant may be issued by the magistrate pursuant to this subsection by physically signing a printed copy of the affidavit and proposed warrant and transmitting such documents back to the affiant by electronic mail or other electronic communication. The printed copy received by the affiant shall constitute a search warrant and be executed as such. After execution, the search warrant shall be filed along with the printed

copy of the affidavit received by the affiant, as provided for in Section 1233 of this title.

- b. A magistrate may also issue a warrant pursuant to this paragraph without printing and signing a physical copy of the affidavit and warrant by return electronic communication to the affiant authorizing issuance of the warrant as submitted, or as modified by the magistrate, provided a copy of the modified document is included with the return electronic communication to the affiant.

C. A search warrant authorized by this section may be issued by any magistrate for a search of a person or property within the judicial district in which the magistrate presides or outside the judicial district if there was probable cause to believe the property was within the judicial district when the warrant was sought, but moved outside the judicial district before the warrant was executed.

R.L. 1910, § 6063. Amended by Laws 1982, c. 224, § 2; Laws 1990, c. 290, § 1, eff. Sept. 1, 1990; Laws 2014, c. 75, § 2, eff. Nov. 1, 2014; Laws 2024, c. 39, § 3, eff. Nov. 1, 2024.

§22-1226. Form of search warrant.

The warrant must be in substantially the following form:

County of _____

In the name of the State of Oklahoma. To any peace officer of this state.

Probable cause having been shown on this date before me, by (name every officer and person who has made affidavit or given oral testimony supplementing an affidavit) for believing the following property (describe the property) or person for whom an arrest warrant has been issued (describe the person and the court from which the arrest warrant has been issued) is located at (specify the location where the property is shown to be).

You are therefore commanded, in the daytime (or "at any time of the day or night," as the case may be, according to Section 1230, as amended, of Title 22 of the Oklahoma Statutes), to make immediate search on the person of C.D. (or "in the house situated," describing it, or any other place to be searched, with reasonable particularity, as the case may be), for the following property (describing it with reasonable particularity) or person for whom an arrest warrant has been issued (describe the person and the court from which the arrest warrant has been issued), and if you find the same, or any part thereof, to bring it forthwith before me, at (stating the place) or before a magistrate who presides in the judicial district in which the property or person was found and seized.

Dated at _____ the _____ day of _____,
20____.

(Signature of Judge)

(Judge's Official Designation)

R.L.1910, § 6064; Laws 1971, c. 120, § 2, emerg. eff. May 3, 1971.
Amended by Laws 1990, c. 290, § 2, eff. Sept. 1, 1990; Laws 2024, c.
39, § 4, eff. Nov. 1, 2024.

§22-1227. Service of search warrant.

A search warrant may in all cases be served by any of the officers mentioned in its direction, but by no other person except in aid of the officer, on his requiring it, he being present, and acting in its execution.

R.L. 1910, § 6065.

§22-1228. Execution of search warrant without warning or notice - Forced entry - Exigent circumstances.

A peace officer may break open an outer or inner door or window of a house, or any part of the house, or anything therein, to execute the warrant when:

1. The officer has been refused admittance after having first given notice of his authority and purpose; or

2. Pursuant to an instruction inserted in the search warrant by the magistrate that no warning or other notice of entry is necessary because there is reasonable cause to believe that exigent circumstances exist. Exigent circumstances include:

- a. such warning or other notice would pose a significant danger to human life,
- b. such warning or other notice would allow the possible destruction of evidence,
- c. such warning or other notice would give rise to the possibility of resistance or escape,
- d. such warning or other notice would otherwise inhibit the effective investigation of the crime, or
- e. such warning or other notice would be futile or a useless gesture.

R.L.1910, § 6066. Amended by Laws 1990, c. 290, § 3, eff. Sept. 1, 1990; Laws 1999, c. 128, § 1, eff. Nov. 1, 1999.

§22-1229. Execution of search warrant - Liberating person detained.

He may break open any outer or inner door or window of a house for the purpose of liberating a person who, having entered to aid him in the execution of the warrant, is detained therein, or when necessary for his own liberation.

R.L.1910, § 6067.

§22-1230. When search warrant may be served.

Search warrants for occupied dwellings shall be served between the hours of six o'clock a.m. and ten o'clock p.m., inclusive, unless the judge finds the existence of at least one of the following circumstances:

1. The evidence or person is located on the premises only between the hours of ten o'clock p.m. and six o'clock a.m.;
2. The search to be performed is a crime scene search;
3. The affidavits are positive that the property is on the person or in the place to be searched and the judge finds that there is likelihood that the property named in the search warrant will be destroyed, moved or concealed; or
4. The search to be performed is a search for evidence relating to the illegal manufacture of methamphetamine or other controlled dangerous substance.

If any of the above criteria are met the judge may insert a direction that the warrant be served at any time of the day or night. Search warrants for sites other than occupied dwellings may be served at any time of the day or night without a special direction.

R.L. 1910, § 6068. Amended by Laws 1971, c. 120, § 3, emerg. eff. May 3, 1971; Laws 1990, c. 148, § 2, emerg. eff. May 1, 1990; Laws 1996, c. 15, § 1, eff. Nov. 1, 1996; Laws 2005, c. 353, § 1, eff. Nov. 1, 2005; Laws 2024, c. 39, § 5, eff. Nov. 1, 2024.

NOTE: Laws 2005, c. 426, § 3 repealed by Laws 2006, c. 16, § 5, emerg. eff. March 29, 2006.

§22-1231. Search warrant void after ten days - Forensic, scientific, or digital analysis exception.

A search warrant must be executed and returned to the magistrate by whom it is issued within ten (10) days. After the expiration of these times respectively, the warrant, unless executed, is void. Provided, if the search warrant authorizes a forensic, scientific or digital analysis of items or samples already in the custody of law enforcement, the search shall be commenced within a reasonable time and the return shall be made within ten (10) days following the completion of said search.

R.L. 1910, § 6069. Amended by Laws 2014, c. 75, § 3, eff. Nov. 1, 2014.

§22-1232. Disposition of property recovered.

When the property is delivered to the magistrate, he must, if it was stolen or embezzled, deliver it to the owner on satisfactory proof of his title, and on his paying the necessary expenses incurred in its preservation, to be certified by the magistrate. If it were taken on a warrant issued on the grounds stated in the

second and third subdivisions of the second section of this article, he must retain it in his possession, subject to the order of the court to which he is required to return the proceedings before him, or of any other court in which the offense, in respect to which the property was taken, is triable.

R.L.1910, § 6070.

§22-1233. Return of search warrant.

A. Any peace officer who executes a search warrant must forthwith return the warrant to the magistrate who authorized the warrant or to a magistrate who presides in the judicial district in which the property was found and seized together with a written inventory of the property taken, which shall be made publicly, or in the presence of the person from whose possession it was taken and of the applicant for the warrant, if they are present, verified by the affidavit of the officer, and taken before the magistrate, to the following effect:

I, A. B., the officer by whom this warrant was executed, do swear that the above inventory contains a true and detailed account of all the property taken by me on the warrant.

B. Any peace officer who executes a search warrant to search a third-party residence for a person with an outstanding warrant must forthwith return the search warrant to the magistrate who authorized the warrant or to a magistrate who presides in the judicial district in which the person was found by filing an arrest and booking affidavit or by filing a separate return identifying the person and the location where the person was found, verified by the affidavit of the officer, and taken before the magistrate, to the following effect:

I, A. B., the officer by whom this warrant was executed, do swear that the above contains the true name and location of arrest for the person arrested by me pursuant to the warrant.

R.L.1910, § 6071. Amended by Laws 1990, c. 290, § 4, eff. Sept. 1, 1990; Laws 2024, c. 39, § 6, eff. Nov. 1, 2024.

§22-1234. Inventory to be furnished, when.

The magistrate must thereupon, if required, deliver a copy of the inventory to the person from whose possession the property was taken, and to the applicant for the warrant.

R.L.1910, § 6072.

§22-1235. Hearing on issuance of warrant.

If the grounds on which the warrant was issued be controverted, the magistrate must proceed to take testimony in relation thereto.

R.L.1910, § 6073.

§22-1236. Testimony on hearing for warrant.

The testimony given by each witness must be reduced to writing and authenticated in the manner as in preliminary examinations.
R.L.1910, § 6074.

§22-1237. Restoration of property to person searched.

If it appears that the property taken is not the same as that described in the warrant, or that there is no probable cause for believing the existence of the grounds on which the warrant was issued, the magistrate must cause it to be restored to the person from whom it was taken.

R.L.1910, § 6075.

§22-1238. Papers returned to district court.

The magistrate must annex together the depositions, the search warrant and return, and the inventory, and then return them to the next district court of the county having power to inquire into the offense in respect to which the search warrant was issued by the intervention of a grand jury at or before its opening on the first day.

R.L.1910, § 6076.

§22-1239. Procuring search warrant without cause.

A person who maliciously and without probable cause procures a search warrant to be issued and executed is guilty of a misdemeanor.

R.L.1910, § 6077.

§22-1240. Officer exceeding his authority.

A peace officer in executing a search warrant, who willfully exceeds his authority, or exercises it with unnecessary severity, is guilty of a misdemeanor.

R.L.1910, § 6078.

§22-1241. Search of defendant for weapons or evidence.

When a person charged with a felony is supposed by the magistrate before whom he is brought to have upon his person a dangerous weapon or anything which may be used as evidence of the commission of the offense, the magistrate may direct him to be searched in his presence, and the weapon or other thing to be retained, subject to his order or the order of the court in which the defendant may be tried.

R.L.1910, § 6079.

§22-1261. Seized property - Report and disposition.

In all cases where wines, whiskey, beer or other intoxicating liquors mentioned in the Constitution or laws of this state or any personal property used for the purpose of violating any of the prohibitory liquor laws or gambling laws of this state, shall be

seized by any officer or person with or without a search warrant, such officer or person is hereby required within five (5) days to make a written report under oath and file the same with the court clerk of the proper or respective county where the same shall be so seized, which report shall in detail state the name of the officer or person making the seizure, the place where seized and an inventory of the property, articles or intoxicating liquors so taken into possession until the same shall be destroyed pursuant to the orders of the court. Provided, that all liquors so seized shall be preserved for use as evidence in the trial of any action growing out of such seizure and all officers seizing any such liquors are hereby required to mark the bottles or containers for identification by writing thereon the date of the seizure and the name of the person from whom seized.

Added by Laws 1919, c. 19, p. 35, § 1, emerg. eff. March 15, 1919.
Amended by Laws 2011, c. 66, § 1, eff. Nov. 1, 2011; Laws 2023, c. 37, § 1, eff. Nov. 1, 2025.

§22-1262. Seized property - Officer guilty of penalty, when.

Any officer failing to comply with Section One of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than Twenty-five Dollars (\$25.00) or more than One Hundred Dollars (\$100.00), and imprisoned in the county jail not less than thirty (30) days or more than sixty (60) days for each offense.
Laws 1919, c. 19, p. 36, § 2.

§22-1263. Penalty for sale of seized liquor by officer.

Any officer who shall sell, barter, give away, or otherwise dispose of any whiskey or any intoxicating liquor, including beer, so seized by order of the court, shall be guilty of a Class D1 felony offense. A violation of any provision of this section shall be punished by a fine of not less than Fifty Dollars (\$50.00), nor more than Two Thousand Dollars (\$2,000.00), and imprisonment of not less than thirty (30) days in jail, nor more than five (5) years in the State Penitentiary.

Added by Laws 1919, c. 19, p. 36, § 3, emerg. eff. March 15, 1919.
Amended by Laws 1927, c. 14, p. 16, § 1; Laws 1997, c. 133, § 438, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 322, eff. July 1, 1999; Laws 2025, c. 486, § 475, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 438 from July 1, 1998, to July 1, 1999.

§22-1264. False affidavit by officer - Penalty.

Any officer willfully making a false affidavit, as provided in Section 1261 of this title, shall be guilty of the felony of perjury, a Class D1 felony offense, and, upon conviction therefor,

shall be imprisoned as provided for in subsections B through F of Section 20N of Title 21 of the Oklahoma Statutes.

Added by Laws 1919, c. 19, p. 36, § 4, emerg. eff. March 15, 1919. Amended by Laws 1997, c. 133, § 439, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 323, eff. July 1, 1999; Laws 2025, c. 486, § 476, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 439 from July 1, 1998, to July 1, 1999.

§22-1271. Repealed by Laws 1992, c. 303, § 31, eff. July 1, 1992.

§22-1272. Affidavits or depositions need not be entitled.

It is not necessary to entitle an affidavit, or deposition in the action, whether taken before or after indictment; but if made without a title, or with an erroneous title, it is as valid and effectual for every purpose as if it were duly entitled, if it intelligibly refer to the proceedings, in which it is made.

R.L.1910, § 6125.

§22-1273. Informalities or errors not fatal if not prejudicial.

Neither a departure from the form or mode prescribed in this chapter in respect to any pleadings or proceedings, nor an error or mistake therein, renders it invalid, unless it has actually prejudiced the defendant or tended to his prejudice, in respect to a substantial right.

R.L.1910, § 6126.

§22-1274. Informer to pay costs, when.

If any informer, under a penal statute, to whom the penalty, or any part thereof, if recovered, is given, shall dismiss his suit or prosecution, or fail in the same, he shall pay all costs accruing on such suit or prosecution, unless he be an officer whose duty it is to commence the same.

R.L.1910, § 6133.

§22-1275. Clerk to keep record of indictments, informations and bonds.

The clerk of the district court shall keep a record in which all indictments, informations and bonds shall be entered and certified as true and correct copies of all original indictments, informations and bonds filed in his office, and whenever any such original indictment, information or bond filed with the clerk becomes either lost, destroyed or stolen, or for any other reason cannot be produced at the trial, a certified copy of the aforesaid record of such original indictment, information or bond shall be competent evidence and shall have the same validity and effect as the original thereof.

R.L.1910, § 6134.

§22-1276. Record of indictments, informations and bonds not public.

The record provided for in the preceding section shall be kept by the clerk as a private record and to be made public only in case the original indictment, information or bond becomes lost, stolen or cannot be found.

R.L.1910, § 6135.

§22-1277. Prosecutions of offenses committed by inmates of penal institutions - Habeas corpus - Costs, expenses, fees.

A. The Department of Corrections shall pay a fee as provided in subsection D of this section for criminal prosecutions conducted in any county where a penal institution or community correction center is located in this state when the prosecution involves:

1. A violation of any criminal law committed by any prisoner housed in any penal institution or community correction center of this state; or

2. A crime committed in furtherance of an escape, flight or concealment as a fugitive from any penal institution or community correction center of this state.

B. The provisions of subsection A of this section shall apply whether the prisoner is confined or permitted to be at large as a trusty or otherwise. Provided, however, the provisions of subsection A of this section shall not apply to inmates incarcerated in any correctional facility which is not operated by or under contract with the Oklahoma Department of Corrections.

C. The cost of any habeas corpus proceedings instituted by any prisoner of any penal institution or community correction center which is operated by or under contract with this state shall be paid by the Department of Corrections out of any funds provided for the support and maintenance of the institution of which the person committing such crime, or instituting such habeas corpus proceedings, is a prisoner, upon the filing of a verified and itemized claim from the court clerk of the county where the proceedings were held.

D. The Department of Corrections shall pay a fee of Two Hundred Dollars (\$200.00) upon the filing of a criminal action pursuant to the provisions of paragraph 1 or 2 of subsection A of this section, and an additional fee of Three Hundred Dollars (\$300.00) upon acquittal or conviction of each such prisoner prosecuted, regardless of the number of charges or counts which arise out of the same incident. The fee shall be paid to the district court fund of the county where the action arose. The fee shall be in lieu of any expenses authorized by law for a criminal prosecution and chargeable against the Department of Corrections. The fee shall be paid at the conclusion of the prosecution and upon a proper invoice by the court

clerk to the Department. Failure to pay the cost shall not constitute grounds for dismissal of the criminal action.

E. Nothing in this section shall prohibit the court from ordering the costs and expenses of a criminal prosecution to be paid by the inmate or restrict the court clerk from collecting such costs and expenses from the inmate.

Added by Laws 1935, p. 20, § 1. Amended by Laws 1955, p. 201, § 1, emerg. eff. June 2, 1955; Laws 1957, p. 169, § 1, emerg. eff. May 28, 1957; Laws 1961, p. 238, § 1, emerg. eff. May 15, 1961; Laws 1986, c. 314, § 7, operative July 1, 1986; Laws 1992, c. 319, § 2, eff. Sept. 1, 1992; Laws 2002, c. 159, § 1, emerg. eff. April 29, 2002.

§22-1278. Interpreters for deaf mutes - Appointment - Oath - Compensation.

(a) In all criminal prosecutions, where the accused is a deaf mute, he shall have all of the proceedings of the trial interpreted to him in a language that he can understand by a qualified interpreter appointed by the court from a list of names submitted by the Oklahoma Association of the Deaf.

(b) In all cases where the mental condition of a person is being considered and where such person may be committed to a mental institution, and where such person is a deaf mute, all of the court proceedings, pertaining to him, shall be interpreted to him in a language that he understands by a qualified interpreter appointed by the court.

(c) Interpreters who shall be appointed under the terms of this act shall be required to take an oath that they will make a true interpretation to the person accused or being examined, which person is a deaf mute, of all the proceedings of his case in a language that he understands; and that he will repeat said deaf mute's answers to questions to council, court, or jury, in the English language, in his best skill and judgment.

(d) Interpreters appointed under the terms of this act shall be paid for their services a sum to be determined by the court.
Laws 1957, p. 169, § 1.

§22-1291. Repealed by Laws 2010, c. 226, § 9, eff. Nov. 1, 2010.

§22-1292. Repealed by Laws 2010, c. 226, § 9, eff. Nov. 1, 2010.

§22-1293. Repealed by Laws 2010, c. 226, § 9, eff. Nov. 1, 2010.

§22-1294. Repealed by Laws 2010, c. 226, § 9, eff. Nov. 1, 2010.

§22-1301. Information against corporation - Summons.

Upon an information against a corporation, the magistrate may issue a summons signed by him, with his name of office, requiring the corporation to appear before him at a specified time and place to answer the charge; the time to be not less than ten (10) days after the issuing of the summons.

R.L.1910, § 6117.

§22-1302. Form of summons.

The summons must be in substantially the following form:

County of

IN THE NAME OF THE STATE OF OKLAHOMA

To the (naming the corporation):

You are hereby summoned to appear before me at (naming the place), on (specifying the day and hour), to answer to the charge made against you, upon the information of A. B., or the presentment of the grand jury of the county of for (designating the offense generally.)

Dated at the city, or town, of , the day of 191.....

G..... H.....

Justice of the peace (as the case may be.)

R.L.1910, § 6118.

§22-1303. Service of summons.

The summons must be served at least five (5) days before the day of appearance fixed therein, by delivering a copy thereof and showing the original to the president, or other head of the corporation, or to the secretary, cashier or managing agent thereof.

R.L.1910, § 6119.

§22-1304. Examination of charge.

At the time appointed in the summons, the magistrate must investigate the charge in the same manner as in the case of a natural person brought before him, so far as those proceedings are applicable.

R.L.1910, § 6120.

§22-1305. Certificate of magistrate after hearing.

After hearing the proofs the magistrate must certify upon the depositions, either that there is or is not sufficient cause to believe the corporation guilty of the offense charged, and must return the depositions and certificate in the same manner prescribed in the last section of the article (Section 5692 on preliminary examinations).

R.L.1910, § 6121.

§22-1306. Certificate of sufficient cause - Proceedings by grand jury or district attorney.

If the magistrate return a certificate that there is sufficient cause to believe the corporation guilty of the offense charged, the grand jury or district attorney may proceed thereon, as in the case of a natural person held to answer.

R.L.1910, § 6122.

§22-1307. Appearance and plea by corporation.

If an indictment or information be filed, the corporation may appear by counsel to answer the same. If they do not thus appear, a plea of not guilty must be entered, and the same proceedings had thereon as in other cases.

R.L.1910, § 6123.

§22-1308. Conviction of corporation - Fine collected, how.

When a fine is imposed upon a corporation, on conviction it may be collected, by virtue of the order imposing it, by the sheriff of the county, out of their real and personal property, in the same manner as upon an execution.

R.L.1910, § 6124.

§22-1321. Custody and return of stolen or embezzled property.

A. It is the intent of the Legislature that any stolen or embezzled money or other property held in custody of a municipality, county or the state in any criminal investigation, action or proceeding be returned to the proper person or its lawful owner without unnecessary delay.

B. If the property coming into the custody of a municipal, county or state peace officer is not alleged to have been stolen or embezzled, the peace officer may return the property to the owner upon satisfactory proof of ownership. The notice and hearing provisions of this section shall not be required for return of the property specified in this section if there is no dispute concerning the ownership of the property. Within fifteen (15) days of the time the owner of the property is known, the peace officer shall notify the owner of the property that the property is in the custody of the peace officer. The property shall be returned to the owner upon request, unless the owner, by law, is not permitted to possess such property.

C. Except as otherwise provided for property that is pawned, when money or property alleged to have been stolen or embezzled, comes into the custody of a peace officer, the peace officer shall hold it subject to the order of the magistrate authorized by Section 1322 of this title to direct the disposal thereof. Within fifteen (15) days of the time the owner of the property is known, the peace officer shall notify the owner of the property that the property is

in the custody of the peace officer. The peace officer shall make a good-faith effort to locate and notify the owner of the property. If the peace officer has made a good-faith effort to locate and notify the owner of the property and has been unable to locate or notify the owner, the peace officer shall release the property to the last person in possession of the property within fifteen (15) days after the peace officer determines that an owner cannot be located or notified, unless there is evidence that the person who last had possession of the property is not a lawful possessor of the property. Such officer may provide a copy of a nonownership affidavit to the defendant to sign if the defendant is not claiming ownership of the money or property taken from the defendant and if the defendant has relinquished the right to remain silent. The affidavit is not admissible in any proceeding to ascertain the guilt or innocence of the defendant. A copy of this affidavit shall be provided to the defendant, and a copy may be filed by the peace officer with the court clerk. Upon request, a copy of this affidavit shall be provided to any person claiming ownership of such money or property. The owner of the property or designated representative of the owner may make application to the magistrate for the return of the property. The application shall be on a form provided by the Administrative Director of the Courts and made available through the court clerk or the victim-witness coordinator. The court may charge the applicant a reasonable fee to defray the cost of filing and docketing the application. Once an application has been made and notice provided, the magistrate shall docket the application for a hearing as provided in this section. Where notice by publication is appropriate, the publication notice form shall be provided free of charge to the applicant by the Administrative Director of the Courts through the court clerk or the victim-witness coordinator with instructions on how to obtain effective publication notice. The applicant shall notify the last person in possession of the property prior to the property being seized by the state of the hearing by mailing a copy of the notice by certified mail return receipt requested at the last-known address of the person, unless the person has signed a nonownership affidavit pursuant to this section disclaiming any ownership rights to the property. If the last person in possession of the property is unable to be served notice by certified mail, notice shall be provided by first-class mail and by one publication in a newspaper of general circulation in the county where the property is held in custody. The applicant shall notify the district attorney and the court when notice has been served to the last person in possession of the property or published pursuant to this section. The hearing shall be held not less than fifteen (15) days after the notice has been served or published. Proof of service or publication shall be filed with the court clerk before the hearing. For the sole purpose of conducting

a due process hearing to establish ownership of the property, "magistrate" as used in this section shall mean a judge of the district court, associate district judge, special judge or the judge of a municipal criminal court of record when established pursuant to Section 28-101 et seq. of Title 11 of the Oklahoma Statutes.

D. If the magistrate determines that the property is needed as evidence, the magistrate shall determine ownership or right of possession and determine the procedure and time frame for future release. The magistrate may order the release of property needed as evidence pursuant to Section 1327 of this title, provided however, the order may require the owner to present the property at trial. The property shall be made available to the owner within twenty (20) days of the court order for release. The magistrate may authorize ten (10) days additional time for the return of the exhibit if the district attorney shows cause that additional time is needed to photograph or mark the exhibit.

E. If the property is not needed as evidence, it may be released by the magistrate to the owner or designated representative of the owner upon satisfactory proof of ownership or to the person last in possession prior to seizure. The owner of the property or designated representative of the owner may make application to the magistrate for the return of the property. The owner shall provide satisfactory proof of title to the property or sign an affidavit of ownership if documents of title do not exist. If an affidavit of ownership or affidavit of right of possession is used to establish ownership or right of possession, the claimant may also be required to sign an agreement to indemnify and defend the custodians of the property in the event of an adverse claim to the property. The applicant shall notify the last person in possession of the property prior to such property being seized by the state of the hearing by mailing a copy of the notice by certified mail return receipt requested at the last-known address of the person, unless the person has signed a nonownership affidavit pursuant to this section disclaiming any ownership rights to the property. If the last person in possession of the property is unable to be served notice by certified mail, notice shall be provided by one publication in a newspaper of general circulation in the county where the property is held in custody. The applicant shall notify the district attorney and the court when notice has been served to the last person in possession of the property or published pursuant to this section. The hearing shall be held not less than fifteen (15) days after the notice has been served or published. An affidavit of service or publication shall be filed with the court prior to the hearing.

F. The notice and hearing provisions of subsections C and E of this section shall not be required for return of the property specified in said subsections if:

1. There is no dispute concerning the ownership of the property;

2. The property is readily identifiable by the owner; and

3. The defendant has entered a plea of guilty or nolo contendere to the criminal charge, has executed a nonownership affidavit as provided by subsection C of this section or has been personally notified that the property will be returned to the owner and has failed to file an objection to such return within eleven (11) days of being notified. The owner shall provide satisfactory proof of title to the property or sign an affidavit of ownership or right of possession to be provided by the peace officer. If an affidavit of ownership or affidavit of right of possession is used to establish ownership or right of possession, the claimant may also be required to sign an agreement to indemnify and defend the custodians of the property in the event of an adverse claim to the property. The affidavit is not admissible in any proceeding to ascertain the guilt or innocence of the defendant. A copy of this affidavit shall be filed by the officer with the court clerk. The property shall then be returned to the owner or person with right of possession.

G. When property alleged to have been stolen comes into the custody of a peace officer and the property is deemed to be perishable, the peace officer shall take such action as appropriate to temporarily preserve the property. However, within seventy-two (72) hours of the time the property was recovered, the receiving agency shall make application for a disposition hearing before a magistrate, and the receiving agency shall notify by first-class mail all persons known to have an interest in the property of the date, time and place of the hearing.

H. In any case, the magistrate may, for good cause shown, order any evidence or exhibit to be retained pending the outcome of any appeal or action for postconviction relief.

I. Any time property comes into the custody of a municipality, a county, or this state as a result of any contact with any peace officer, criminal investigation or other situation where the return of the property is prohibited by any municipal, state or federal law or when the property has disputed ownership or multiple claimants, the municipality, county or state shall advise the claimant to file an application with the appropriate district court. Upon filing an application for a hearing, the claimant shall provide notice by first-class mail to all interested persons including the government entity having custody of the property. The government entity having custody of the property may also seek a hearing regarding the disposition of the property. The hearing shall be scheduled not less than fifteen (15) days after the notice is mailed. Unless the property is being held in connection with a filed criminal charge, the proceeding shall be considered a civil matter and shall be filed

in the county where the property is being held. If a criminal charge has been filed, the matter shall be heard by the judge who has been assigned to the criminal case. At the hearing the court shall make a judicial determination as to the proper and lawful release or other disposition of the property. If the property at issue is a firearm or other weapon, the court may order the property destroyed if the court determines that the owner of the firearm or weapon is mentally or emotionally unstable or disturbed or cannot legally possess the firearm or weapon.

J. The application, notice and hearing provisions of subsection I of this section shall include, but are not limited to, all situations where the peace officer has reason to believe:

1. One of the persons asserting a right to the return of any firearm or other weapon is or was mentally or emotionally unstable or disturbed at the time the weapon was placed in custody or at the time of the request for the return of the weapon;

2. One of the persons asserting a right to the return of a firearm or other weapon is subject to a victim protection order that would preclude the return of any weapon as a matter of law;

3. One of the persons asserting a right to the return of any firearm or other weapon is under indictment or has been convicted of a felony;

4. One of the persons asserting a right to the return of any firearm or other weapon has a misdemeanor conviction for domestic abuse as defined by law;

5. The ownership of the property is unclear due to multiple claimants or disputes among heirs or next of kin for the property of the deceased; or

6. The return of the property could subject the municipality, the county, or this state to potential liability for its return.

R.L.1910, § 6127. Amended by Laws 1987, c. 174, § 3, operative July 1, 1987; Laws 1988, c. 178, § 1, eff. Nov. 1, 1988; Laws 1989, c. 348, § 18, eff. Nov. 1, 1989; Laws 1992, c. 83, § 1, eff. Sept. 1, 1992; Laws 1992, c. 280, § 1, eff. Sept. 1, 1992; Laws 1996, c. 161, § 3, eff. Nov. 1, 1996; Laws 2002, c. 443, § 1, eff. July 1, 2002; Laws 2021, c. 455, § 2, eff. Nov. 1, 2021.

§22-1322. Stolen property - Magistrate to order delivery, when.

On satisfactory proof of title to the property, the magistrate before whom the information is laid, or who examines the charge against the person accused of stealing or embezzling the property, may order it to be delivered to the owner on his or her paying the reasonable and necessary expenses incurred in its preservation, to be certified by the magistrate. The order entitles the owner to demand and receive the property. Such property shall be made available to the owner within twenty (20) days of the issuance of the order. The court, however, may keep the property as evidence or

on the issuance of an order, require the owner to present such property at trial.

R.L.1910, § 6128. Amended by Laws 1988, c. 178, § 2, eff. Nov. 1, 1988; Laws 2021, c. 455, § 3, eff. Nov. 1, 2021.

§22-1323. Magistrate to deliver stolen property, when.

If the property stolen or embezzled come into the custody of a magistrate, it must be delivered to the owner on satisfactory proof of his title, and on his paying the necessary expenses incurred in its preservation, to be certified by the magistrate.

R.L.1910, § 6129.

§22-1324. Trial court may deliver stolen property.

If property stolen or embezzled have not been delivered to the owner, the court before which a trial is had for stealing or embezzling it, may, on proof of his title, order it to be restored to the owner.

R.L.1910, § 6130.

§22-1325. Unclaimed property or money in possession of sheriff's office or campus police agency - Disposition - Procedure.

A. Any sheriff's office or campus police agency as authorized under the Oklahoma Campus Security Act is authorized to dispose of by public sale, destruction, donation, or transfer for use to a governmental subdivision personal property which has come into its possession, or deposit in a special fund, as hereafter provided, all money or legal tender of the United States which has come into its possession, whether the property or money be stolen, embezzled, lost, abandoned or otherwise, the owner of the property or money being unknown or not having claimed the same, and which the sheriff or campus police agency has held for at least six (6) months, and such property or money, or any part thereof, being no longer needed to be held as evidence or otherwise used in connection with any litigation.

B. Where personal property held under the circumstances provided in subsection A of this section is determined by the agency having custody to be unsuitable for disposition by public sale due to its condition or assessed by agency personnel as having limited or no resale value, it may be destroyed, discarded as solid waste or donated to a charitable organization designated by the U.S. Internal Revenue Service as a 501(c)(3) nonprofit organization. Where disposition by destruction, discard, or donation is made of personal property, a report describing the property by category and quantity, and indicating what disposition was made for each item or lot, shall be submitted to the presiding judge of the district court within ten (10) days following the disposition.

C. Where disposition by public sale is appropriate, the sheriff's office or campus police agency shall file an application in the district court of its county requesting the authority of the court to dispose of such personal property, and shall attach to the application a list describing the property, including all identifying numbers and marks, if any, the date the property came into the possession of the sheriff's office or campus police agency and the name and address of the owner, if known. The court shall set the application for hearing not less than ten (10) days nor more than twenty (20) days after filing.

D. Written notice shall be given by the sheriff's office or campus police agency of the hearing to each and every owner if known and as set forth in the application by first-class mail, postage prepaid, and directed to the last-known address of the owner at least ten (10) days prior to the date of the hearing, unless the personal property is held by the sheriff's office as inmate commissary and is less than Fifty Dollars (\$50.00) in which case notice by first-class mail shall not be required. The notice shall contain a brief description of the property of the owner and the place and date of the hearing. Notice of the hearing shall be posted in three public places in the county, one being the county courthouse at the regular place assigned for the posting of legal notices or shall be published in a newspaper authorized by law to publish legal notices in the county in which the property is located. If no newspaper authorized by law to publish legal notices is published in such county, the notice shall be published in a newspaper of general circulation which is published in an adjoining county. The notice shall state the name of the owner being notified by publication and shall be published at least ten (10) days prior to the date of the hearing.

E. At the hearing, if no owner appears and establishes ownership to the property, the court shall enter an order authorizing the sheriff's office or campus police agency to donate property having a value of less than Five Hundred Dollars (\$500.00) to a not-for-profit corporation as defined in Title 18 of the Oklahoma Statutes or to sell the personal property to the highest bidder for cash, after at least five (5) days of notice has been given by publication in one issue of a legal newspaper of the county. The sheriff's office or campus police agency shall make a return of the donation or sale and, when confirmed by the court, the order confirming the donation or sale shall vest in the recipient or purchaser title to the property so donated or purchased.

F. A sheriff's office having in its possession money or legal tender under the circumstances provided in subsection A of this section, prior to appropriating the same for deposit into a special fund, shall file an application in the district court of its county requesting the court to enter an order authorizing it to so

appropriate the money for deposit in the special fund. The application shall describe the money or legal tender, together with serial numbers, if any, the date the same came into the possession of the sheriff's office or campus police agency, and the name and address of the owner, if known. Upon filing, the application, which may be joined with an application as described in subsection C of this section, shall be set for hearing not less than ten (10) days nor more than twenty (20) days from the filing thereof, and notice of the hearing shall be given as provided in subsection D of this section. The notice shall state that, upon no one appearing to prove ownership to the money or legal tender, the same will be ordered by the court to be deposited in the special fund by the sheriff's office or campus police agency. The notice may be combined with a notice to sell personal property as set forth in subsection D of this section. At the hearing, if no one appears to claim and prove ownership to the money or legal tender, the court shall order the same to be deposited by the sheriff's office or campus police agency in the special fund, as provided in subsection H of this section.

G. Where a sheriff's office or campus police agency has in its possession under the circumstances provided in subsection A of this section, personal property deemed to have potential utility to that sheriff's office, campus police agency or another governmental subdivision, prior to appropriating the personal property for use, the sheriff's office or campus police agency shall file an application in the district court requesting the court to enter an order authorizing it to so appropriate or transfer the property for use. The application shall describe the property, together with serial numbers, if any, the date the property came into the possession of the sheriff's office or campus police agency and the name and address of the owner, if known. Upon filing, the application, which may be joined with an application as described in subsection C of this section, shall be set for hearing not less than ten (10) days nor more than twenty (20) days from the filing thereof. Notice of the hearing shall be given as provided in subsection D of this section. The notice shall state that, upon no one appearing to prove ownership to the personal property, the property will be ordered by the court to be delivered for use by the sheriff's office or campus police agency or its authorizing institution or transferred to another governmental subdivision for its use. The notice may be combined with a notice to sell personal property as set forth in subsection D of this section. At the hearing, if no one appears to claim and prove ownership to the personal property, the court shall order the property to be available for use by the sheriff's office or campus police agency or delivered to an appropriate person for use by the authorizing institution or another governmental subdivision.

H. The money received from the sale of personal property as above provided, after payment of the court costs and other expenses, if any, together with all money in possession of the sheriff's office or campus police agency, which has been ordered by the court to be deposited in the special fund, shall be deposited in such fund which shall be separately maintained by the sheriff's office in a special fund with the county treasurer or campus police agency to be expended upon the approval of the sheriff or head of the campus police agency for the purchase of equipment, materials or supplies that may be used in crime prevention, education, training or programming. The fund or any portion of it may be expended in paying the expenses of the sheriff or any duly authorized deputy or employee of the campus police agency to attend law enforcement or public safety training courses which are conducted by the Oklahoma Council on Law Enforcement Education and Training (CLEET) or other certified trainers, providers, or agencies.

I. The disposition of biological evidence, as defined by Section 1372 of this title, shall be governed by the provisions set forth in Section 1372 of this title.

R.L.1910, § 6131. Amended by Laws 1961, p. 239, § 1, emerg. eff. May 5, 1961; Laws 1969, c. 227, § 1, emerg. eff. April 21, 1969; Laws 1973, c. 64, § 1, emerg. eff. April 27, 1973; Laws 1979, c. 98, § 1, eff. Oct. 1, 1979; Laws 1995, c. 45, § 2, eff. Nov. 1, 1995; Laws 1996, c. 199, § 3, eff. Nov. 1, 1996; Laws 2001, c. 52, § 2, eff. July 1, 2001; Laws 2009, c. 269, § 1, eff. Nov. 1, 2009; Laws 2025, c. 243, § 1, eff. Nov. 1, 2025.

§22-1326. Receipts for property taken from defendant.

When money or other property is taken from a defendant arrested upon a charge of public offense, the officer taking it must at the time give duplicate receipts therefor, specifying particularly the amount of money or the kind of property taken. One of which receipts the officer must deliver to the defendant or to the detention officer holding the detainee's personal property, and the other of which the officer must file with the officer's chief law enforcement officer or designee.

R.L.1910, § 6132. Amended by Laws 2021, c. 455, § 4, eff. Nov. 1, 2021.

§22-1327. Disposition of exhibits.

A. All exhibits which have been introduced, filed, or held in custody of the state in any criminal action or proceeding may be disposed of as provided for in this section.

B. The court may, on application of the party entitled thereto, or an agent designated in writing by the owner, order all such exhibits, other than documentary exhibits, as may be released from the custody of the court or the state, without prejudice to the

state, delivered to such party at any time after the final determination of the action or proceedings; provided, however, where the action or proceeding has resulted in an order granting probation, such delivery may be made any time after the final determination of an appeal of such order, or after the time for such appeal has elapsed. Provided, further, if the owner of such exhibit is the victim of the offense for which such exhibit is held, said owner may make application to the court at any time prior to the final disposition of the action or proceeding for the return of the exhibit. The applicant shall notify the last person in possession of such exhibit prior to such exhibit being seized by the state of the hearing by mailing a copy of the notice by certified mail return receipt requested at the last-known address of such person, unless such person has signed a nonownership affidavit pursuant to Section 1321 of this title disclaiming any ownership rights to such exhibit. If the last person in possession of the property is unable to be served notice by said certified mail, notice shall be provided by one publication in a newspaper of general circulation in the county where the property is held in custody. The applicant shall notify the district attorney and the court when notice has been served to the last person in possession of such property or published pursuant to this section. The hearing shall be held not less than ten (10) days or more than twenty (20) days after the court has been notified that the notice has been served or published. In the event the court orders the release of said exhibit to the owner, the district attorney shall photograph or mark said exhibit with an identification number and return the exhibit to the owner within ten (10) days of the court order. The court may authorize ten (10) days additional time for the return of such exhibit if the district attorney shows cause that additional time is needed to photograph or mark such exhibit. Such photograph or marked exhibit may be presented as the exhibit in any further action or proceeding. If the party entitled to such exhibits is unknown, or fails to apply for the return of such exhibits, the procedure for their disposition shall be as follows:

1. After the expiration of six (6) months from the time the conviction becomes final, or if the action or proceeding has not resulted in a conviction, at any time after the judgment has become final, the court in which the case was tried shall make an order specifying what exhibits may be released from the custody of the court without prejudice to the state. Upon receipt of such an order, the property shall be transferred to the county sheriff or other proper governmental agency for sale to the public. At least ten (10) days prior to such sale, notice of the sale shall be sent by certified mail return receipt requested to the last person in possession of such exhibit prior to such exhibit being seized by the state at the last-known address of such person. Upon satisfactory

proof being provided to the county sheriff or other proper governmental agency holding the transferred exhibit that the last person in possession of such exhibit was a lawful possessor, the exhibit shall be released to the last person in possession of such exhibit;

2. At any time prior to the time fixed for the transfer, the owner or any person entitled to the possession of any of such exhibits may obtain from the court an order returning them to him;

3. Articles not returned to their owners or to persons entitled to their possession at or prior to the time set for the transfer shall be sold by the proper receiving agency for cash. The articles shall be sold singly or in combinations. The money received from such sales shall be placed in the appropriate fund of the governmental agency responsible for the sale;

4. Where the exhibit consists of money or currency and is unclaimed at the time of the transfer, it shall not be transferred but shall be immediately deposited in the appropriate fund of the governmental agency in possession of such property; and

5. If any property is transferred to the county sheriff or other governmental agency pursuant to this section it may be sold in the manner provided by law for the sale of surplus personal property. If the county sheriff or other proper governmental agency determines that any such property transferred to it for sale is needed for a public use, such property may be retained by the agency and need not be sold.

C. The court may, on application of the party entitled thereto, or an agent designated in writing by the owner, order such documentary exhibits as may be released from the custody of the court without prejudice to the state delivered to such party any time after the final determination of the action or proceeding; provided, however, where the action or proceeding has resulted in an order granting probation, such delivery may be made any time after the final determination of an appeal of such order, or after the time for such appeal has elapsed. Provided, further, if the owner of such exhibit is the victim of the offense for which such exhibit is held, said owner may make application to the court at any time prior to the final disposition of the action or proceeding for the return of the exhibit. The applicant shall notify the last person in possession of such exhibit prior to such exhibit being seized by the state of the hearing by mailing a copy of the notice by certified mail return receipt requested at the last-known address of such person, unless such person has signed a nonownership affidavit pursuant to Section 1321 of this title disclaiming any ownership rights to such exhibit. If the last person in possession of the property is unable to be served notice by said certified mail, notice shall be provided by one publication in a newspaper of general circulation in the county where the property is held in

custody. The applicant shall notify the district attorney and the court when notice has been served to the last person in possession of such property or published pursuant to this section. The hearing shall be held not less than ten (10) days or more than twenty (20) days after the court has been notified that the notice has been served or published. In the event the court orders the release of said exhibit to the owner, the district attorney shall photograph or mark said exhibit with an identification number and return the exhibit to the owner within ten (10) days of the court order. The court may authorize ten (10) days additional time for the return of such exhibit if the district attorney shows cause that additional time is needed to photograph or mark such exhibit. Such photograph or marked exhibit may be presented as the exhibit in any further action or proceeding. If the party entitled to such documentary exhibits is unknown, or fails to apply for the return of said exhibits, the procedure for their disposition shall be as follows:

1. After the expiration of six (6) months from the time the conviction becomes final, or if the action or proceeding has not resulted in a conviction, at any time after the judgment has become final, the court in which the case was tried shall make an order requiring such exhibits to be destroyed; provided, that no such order shall be made authorizing the destruction of any documentary exhibit if the destruction of such exhibit would prejudice the state;

2. No exhibit shall be destroyed or otherwise disposed of until sixty (60) days after the clerk of the court has posted a notice conspicuously in three public places in the county, referring to the order for the disposition, describing briefly the exhibit, and indicating the date after which the exhibit will be destroyed or otherwise disposed of.

D. The provisions of subsection B of this section shall not apply to any dangerous or deadly weapons, narcotic or poisonous drugs, explosives, or any property of any kind or character whatsoever the possession of which is prohibited by law. Any such property filed as an exhibit or held by the state shall be, by order of the trial court, destroyed or sold or otherwise disposed of under the conditions prescribed in such order. This act shall not be interpreted to authorize the return of any property, the possession of which is prohibited by law.

E. The disposition of biological evidence, as defined by Section 1 of this act, shall be governed by Section 1 of this act. Added by Laws 1976, c. 141, § 1, eff. Oct. 1, 1976. Amended by Laws 1983, c. 294, § 3, eff. Nov. 1, 1983; Laws 1985, c. 94, § 1, eff. Nov. 1, 1985; Laws 1988, c. 178, § 3, eff. Nov. 1, 1988; Laws 1992, c. 280, § 2, eff. Sept. 1, 1992; Laws 2001, c. 52, § 3, eff. July 1, 2001.

§22-1331. Reward for arrest of horse thief.

If any person shall arrest or directly and immediately cause the arrest of any person guilty of stealing a horse or mule within this state, and shall secure the indictment and conviction of such person in a court of competent jurisdiction, or shall deliver said person so arrested to a court having jurisdiction of said charge, and if the court, or any one to whom the person arrested shall be sent for trial, shall permit said person to give bond, with security, for his further appearance in court, and said bond shall be forfeited and collected, the person so securing the conviction or the delivery shall be entitled to a reward of Fifty Dollars (\$50.00) therefor.

R.L. 1910, Sec. 6136.

§22-1333. Clerk's fees.

The clerk furnishing such transcript shall be allowed the same fees for same as he is allowed by law for similar services, which shall be paid by the person entitled thereto.

R.L.1910, § 6138.

§22-1334. Littering upon highways or dumping trash on public or private property - Rewards - Claims.

A. The boards of county commissioners of counties and the governing bodies of municipalities may offer and pay a reward, from funds set aside for that purpose, in an amount not to exceed fifty percent (50%) of the fine imposed, for the arrest and conviction or for evidence leading to the arrest and conviction of any person who violates the provisions of Sections 1753.3 or 1761.1 of Title 21 of the Oklahoma Statutes.

B. The board of county commissioners or the governing body of the municipality may create and maintain a reward fund in the county or municipal treasury which shall be a revolving fund not subject to fiscal year limitations, from which to pay the rewards provided for in subsection A of this section, and to offset the cost of any special enforcement programs originated by any law enforcement agency responsible for the arrest or prosecution of any person who violates the provisions of Sections 1753.3 or 1761.1 of Title 21 of the Oklahoma Statutes. These costs may include, but not be limited to, the posting of signs along the state's highways advising motorists of the fines for littering or illegal dumping.

C. The board of county commissioners may provide for the publication, advertisement and countywide distribution to the public of information as to the reward program specified by this section.

D. Claims for rewards shall be on forms provided by the county or municipality and shall be submitted to the prosecuting attorney of the county or municipality no later than thirty (30) days after sentencing of the defendant. The prosecuting attorney shall

investigate the validity of the claim and make a nonbinding written recommendation to the board of county commissioners or governing body of the municipality.

E. All claims relating to a conviction shall be considered together at the next regular meeting of the board of county commissioners or governing body of the municipality following receipt of the prosecuting attorney's report.

F. In determining the amount of the reward, the board of county commissioners or the governing body of the municipality shall have sole discretion to honor or deny the claim, but shall consider:

1. The severity of the offense;
2. The size of the fine imposed;
3. The number of persons claiming a reward and the degree to which each claimant was responsible for the arrest or conviction;
4. The burden, if any, incurred by the claimant including cost to appear at trial; and
5. Other factors which the board or governing body deems appropriate.

G. No reward shall be authorized and no debt shall accrue to the county or municipality upon the depletion of the reward fund authorized by this section.

H. The reward authorized by this section shall be in lieu of any other county or municipal reward.

I. Full-time peace officers of this state or of any county or municipality within this state shall not be eligible for the reward provided by this section.

J. All courts assessing and receiving reward funds as required by Sections 1753.3 and 1761.1 of Title 21 of the Oklahoma Statutes shall provide appropriate transfer of the reward funds to the proper county or municipal reward fund as prescribed by the provisions of this section.

Added by Laws 1988, c. 115, § 2, eff. Nov. 1, 1988. Amended by Laws 1994, c. 338, § 3, emerg. eff. June 8, 1994; Laws 1996, c. 299, § 3, emerg. eff. June 10, 1996; Laws 1999, c. 364, § 2, eff. July 1, 1999.

§22-1341. Definitions.

As used in this section:

(1) "Merchant", means any corporation, partnership, association or person who is engaged in the business of selling goods, wares and merchandise in a mercantile establishment;

(2) "Mercantile establishment", means any mercantile place of business in, at, or from which goods, wares and merchandise are sold, offered for sale or delivered from and sold at retail or wholesale;

(3) "Merchandise", means all goods, wares and merchandise offered for sale or displayed by a merchant;

(4) "Wrongful taking", includes stealing of merchandise or money and any other wrongful appropriation of merchandise or money. Laws 1957, p. 165, § 1; Laws 1967, c. 223, § 1, emerg. eff. May 2, 1967.

§22-1342. Peace officers - Arrest without warrant.

Any peace officer may arrest without warrant any person he has probable cause for believing has committed larceny of merchandise held for sale in retail or wholesale establishments, when such arrest is made in a reasonable manner.

Laws 1957, p. 165, § 2.

§22-1343. Detention of suspect - Purposes.

Any merchant, his agent or employee, who has reasonable grounds or probable cause to believe that a person has committed or is committing a wrongful taking of merchandise or money from a mercantile establishment, may detain such person in a reasonable manner for a reasonable length of time for all or any of the following purposes:

(a) Conducting an investigation, including reasonable interrogation of the detained person, as to whether there has been a wrongful taking of such merchandise or money;

(b) Informing the police or other law enforcement officials of the facts relevant to such detention;

(c) Performing a reasonable search of the detained person and his belongings when it appears that the merchandise or money may otherwise be lost; and

(d) Recovering the merchandise or money believed to have been taken wrongfully. Any such reasonable detention shall not constitute an unlawful arrest or detention, nor shall it render the merchant, his agent or employee criminally or civilly liable to the person so detained.

Laws 1967, c. 223, § 2, emerg. eff. May 2, 1967.

§22-1344. Concealing unpurchased merchandise - Presumption.

Any person concealing unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment, shall be presumed to have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of Section 1341 of this title, and such concealment or the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be conclusive evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time, of such person by a merchant, his agent or employee, and any such reasonable detention shall not be deemed to be

unlawful, nor render such merchant, his agent or employee criminally or civilly liable.

Laws 1967, c. 223, § 3, emerg. eff. May 2, 1967.

§22-1345. Citation.

This act may be known and cited as the "Interstate Agreement on Detainers Act".

Laws 1977, c. 109, § 1, eff. Oct. 1, 1977.

§22-1346. Appropriate court - Definition.

As used in this act, "appropriate court", with respect to the United States, means the courts of the United States and, with respect to this state, the courts of Oklahoma in which indictments, informations or complaints for which disposition is sought are pending.

Laws 1977, c. 109, § 2, eff. Oct. 1, 1977.

§22-1347. Interstate Agreement on Detainers.

The Interstate Agreement on Detainers is hereby enacted into law and entered into by this state with all jurisdictions legally joining in substantially the following form:

"The contracting states solemnly agree that:

Article I

The party states find that charges outstanding against a prisoner, detainers based on untried indictments, informations or complaints and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations or complaints. The party states also find that proceedings with reference to such charges and detainers, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

Article II

As used in this agreement:

(a) "State" shall mean a state of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico.

(b) "Sending state" shall mean a state in which a prisoner is incarcerated at the time that he initiates a request for final disposition pursuant to Article III hereof or at the time that a request for custody or availability is initiated pursuant to Article IV hereof.

(c) "Receiving state" shall mean the state in which trial is to be had on an indictment, information or complaint pursuant to Article III or Article IV hereof.

Article III

(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within one hundred eighty (180) days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for final disposition to be made of the indictment, information or complaint; provided, that, for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner and any decision of the state parole agency relating to the prisoner.

(b) The written notice and request for final disposition referred to in paragraph (a) hereof shall be given or sent by the prisoner to the warden, commissioner of corrections or any other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

(c) The warden, commissioner of corrections or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information or complaint on which the detainer is based.

(d) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The warden, commissioner of corrections or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the

proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice, request and the certificate. If trial is not had on any indictment, information or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

(e) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of paragraph (d) hereof, and a waiver of extradition to the receiving state to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending state. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purposes of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with the provisions of this agreement. Nothing in this paragraph shall prevent the imposition of a concurrent sentence if otherwise permitted by law.

(f) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in paragraph (a) hereof shall void the request.

Article IV

(a) The appropriate officer of the jurisdiction in which an untried indictment, information or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party state made available in accordance with Article V (a) hereof upon presentation of a written request for temporary custody or availability to the appropriate authorities of the state in which the prisoner is incarcerated; provided, that the court having jurisdiction of such indictment, information or complaint shall have duly approved, recorded and transmitted the request; and provided further, that there shall be a period of thirty (30) days after receipt by the appropriate authorities before the request be honored, within which period the Governor of the sending state may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

(b) Upon request of the officer's written request as provided in paragraph (a) hereof, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole

eligibility of the prisoner and any decisions of the state parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who has lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.

(c) In respect of any proceeding made possible by this article, trial shall be commenced within one hundred twenty (120) days of the arrival of the prisoner in the receiving state, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(d) Nothing contained in this article shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in paragraph (a) hereof, but such delivery may not be opposed or denied on the ground that the executive authority of the sending state has not affirmatively consented to or ordered such delivery.

(e) If trial is not had on any indictment, information or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment pursuant to Article V (e) hereof, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

Article V

(a) In response to a request made under Article III or Article IV hereof, the appropriate authority in a sending state shall offer to deliver temporary custody of such prisoner to the appropriate authority in the state where such indictment, information or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in Article III of this agreement. In the case of a federal prisoner, the appropriate authority in the receiving state shall be entitled to temporary custody as provided by this agreement or to the prisoner's presence in federal custody at the place of trial, whichever custodial arrangement may be approved by the custodian.

(b) The officer or other representative of a state accepting an offer of temporary custody shall present the following upon demand:

(1) Proper identification and evidence of his authority to act for the state into whose temporary custody this prisoner is to be given.

(2) A duly certified copy of the indictment, information or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made.

(c) If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in Article III or Article IV hereof, the appropriate court of the jurisdiction where the indictment, information or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect.

(d) The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations or complaints which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

(e) At the earliest practicable time consonant with the purposes of this agreement, the prisoner shall be returned to the sending state.

(f) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow.

(g) For all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending state and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

(h) From the time that a party state receives custody of a prisoner pursuant to this agreement until such prisoner is returned to the territory and custody of the sending state, the state in which the one or more untried indictments, informations or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping and returning the prisoner. The provisions of this paragraph shall govern unless the states concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing herein contained shall be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a

party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

Article VI

(a) In determining the duration and expiration dates of the time periods provided in Articles III and IV of this agreement, the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter.

(b) No provision of this agreement, and no remedy made available by this agreement shall apply to any person who is adjudged to be mentally ill.

Article VII

Each state party to this agreement shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement, and who shall provide, within and without the state, information necessary to the effective operation of this agreement.

Article VIII

This agreement shall enter into full force and effect as to a party state when such state has enacted the same into law. A state party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any state shall not affect the status of any proceedings already initiated by inmates or by the state officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.

Article IX

This agreement shall be liberally construed so as to effectuate its purposes. The provisions of this agreement shall be severable and if any phrase, clause, sentence or provision of this agreement is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state party hereto, the agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters."

Added by Laws 1977, c. 109, § 3, eff. Oct. 1, 1977.

§22-1348. Enforcement of agreement.

All courts, departments, agencies, officers and employees of the United States and of the State of Oklahoma are hereby directed to enforce the agreement on detainers and to cooperate with one another

and with all party states in enforcing the agreement and effectuating its purpose.

Laws 1977, c. 109, § 4, eff. Oct. 1, 1977.

§22-1349. Central administrator and information agent.

The Governor shall designate an appropriate state officer or employee to serve as central administrator of and information agent for the agreement on detainers.

Laws 1977, c. 109, § 5, eff. Oct. 1, 1977.

§22-1355. Short title - Creation of System.

A. Sections 1355 through 1369 of this title shall be known and may be cited as the "Indigent Defense Act".

B. The Oklahoma Indigent Defense System is hereby created, to provide counsel in cases, as provided in the Indigent Defense Act, in which the defendant is indigent and unable to employ counsel.

C. Unless otherwise provided, the provisions of the Indigent Defense Act shall not be applicable in counties subject to the provisions of Section 138.1a of Title 19 of the Oklahoma Statutes. Added by Laws 1981, c. 207, § 1, emerg. eff. May 26, 1981. Amended by Laws 1988, c. 253, § 3, operative July 1, 1988; Laws 1991, c. 238, § 1, eff. July 1, 1991; Laws 1992, c. 303, § 1, eff. July 1, 1992; Laws 1996, c. 301, § 3, eff. July 1, 1996; Laws 2001, c. 210, § 1, eff. July 1, 2001.

§22-1355.1. Oklahoma Indigent Defense System Board.

There is hereby created the Oklahoma Indigent Defense System Board. The Board shall govern the Oklahoma Indigent Defense System. The Board shall be composed of five (5) members appointed for five-year terms by the Governor with the advice and consent of the Senate. At least three members shall be attorneys licensed to practice law in the State of Oklahoma who have experience through the practice of law in the defense of persons accused of crimes. The Governor shall designate one Board member to serve as chair. No congressional district shall be represented by more than one member on the Board. However, when congressional districts are redrawn each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member. No appointments may be made after July 1 of the year in which such modification becomes effective if such appointment would result in more than two members serving from the same modified

district. No county shall be represented by more than one member. The Board shall meet at least every other month upon the call of the chair. Board members shall serve without compensation, but shall be reimbursed for their necessary travel expenses as provided by the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. The terms of office for the initial appointees to the Board shall be as follows:

1. The term for Position One shall expire on July 1, 1989;
2. The term for Position Two shall expire on July 1, 1990;
3. The term for Position Three shall expire on July 1, 1991;
4. The term for Position Four shall expire on July 1, 1992; and
5. The term for Position Five shall expire on July 1, 1993.

A Board member shall be eligible for reappointment and shall continue in office until his successor has been appointed, qualified and confirmed by the Senate.

Added by Laws 1988, c. 253, § 4, operative July 1, 1988. Amended by Laws 1991, c. 238, § 2, eff. July 1, 1991; Laws 1992, c. 303, § 2, eff. July 1, 1992; Laws 1994, c. 328, § 1, eff. July 1, 1994; Laws 1998, c. 201, § 1, emerg. eff. May 11, 1998; Laws 2001, c. 210, § 2, eff. July 1, 2001; Laws 2002, c. 375, § 4, eff. Nov. 5, 2002.

§22-1355.2. Definitions.

A. As used in the Indigent Defense Act:

1. "Board" means the Oklahoma Indigent Defense System Board;
2. "Executive Director" means the chief executive officer of the Oklahoma Indigent Defense System; and
3. "System" means the Oklahoma Indigent Defense System.

B. As used in the Oklahoma Statutes, references to "public defender" shall mean a county indigent defender for a county subject to the provisions of Section 138.1a of Title 19 of the Oklahoma Statutes, an attorney who represents indigents pursuant to a contract with the System or who agrees to accept assignments of cases from the System to represent indigents, or an attorney employed by the System.

Added by Laws 1991, c. 238, § 3, eff. July 1, 1991. Amended by Laws 1992, c. 303, § 3, eff. July 1, 1992; Laws 2001, c. 210, § 3, eff. July 1, 2001.

§22-1355.3. Board - Powers and duties.

A. The Board shall have the following powers and duties:

1. To appoint the Executive Director and to set the salary of the Executive Director;
2. To adopt salary schedules for the System;
3. To establish policies for the System as provided by law;
4. To require reports from the Executive Director as the Board deems necessary;

5. To approve an annual budget for the System, prepared and administered by the Executive Director;

6. To authorize the acceptance of monies, gifts, grants, or services from any public or private source;

7. To review claims for expenditures of monies;

8. To authorize contracts with individuals, educational institutions, or state or federal agencies;

9. To allocate and distribute funds or gifts received from public or private sources for indigent defense; and

10. To consult with indigent defenders and defense lawyers who represent indigents pursuant to contract or who agree to accept indigent defense cases assigned by the System to discuss problems and hear recommendations concerning necessary research, minimum standards, educational needs, and other matters imperative to conducting Oklahoma criminal defense in a professional manner.

B. The Board shall make an annual report to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Oklahoma Supreme Court, and the Presiding Judge of the Oklahoma Court of Criminal Appeals regarding the efforts of the Board to implement the purposes of the Indigent Defense Act.

C. If there is a vacancy or extended absence in the office of Executive Director, the Board shall perform the duties or appoint an interim director to perform such duties until a new Executive Director is appointed.

Added by Laws 1991, c. 238, § 4, eff. July 1, 1991. Amended by Laws 1992, c. 303, § 4, eff. July 1, 1992; Laws 1994, c. 328, § 2, eff. July 1, 1994; Laws 2001, c. 210, § 4, eff. July 1, 2001.

§22-1355.4. Executive Director.

A. The chief executive officer of the Oklahoma Indigent Defense System shall be the Executive Director, who shall be appointed by the Board and serve at the pleasure of the Board. The Executive Director shall be an attorney who has practiced law for at least four (4) years preceding the appointment and who is licensed to practice law in this state or is eligible to become so licensed within one (1) year of the appointment. The Executive Director shall have experience in the representation of persons accused or convicted of crimes.

B. The Executive Director shall perform administrative functions which serve the Board.

C. The Executive Director shall have the following powers and duties:

1. To prepare and administer an annual budget approved by the Board and to process claims for the System;

2. To enter into contracts to provide counsel in cases in which the defendant is indigent and unable to employ counsel, to enter

into contracts with individuals, educational institutions, or state or federal agencies for other purposes, and to approve or disapprove the provisions of any such contract;

3. To review and approve or disapprove claims for expenditures of monies;

4. To take such actions as shall strengthen the criminal justice system in this state;

5. To promote the education and training of all attorneys representing indigent criminal defendants including, subject to available funding, nationally recognized defense seminars and evidence-based practices regarding behavioral health and treatment of defendants with substance abuse or mental health needs;

6. To maintain and improve effective representation for the indigent criminal defendant;

7. To employ personnel as necessary to carry out the duties imposed upon the System by law and to set the salaries of such personnel, subject to the salary schedules adopted by the Board;

8. To solicit and maintain a current list of attorneys licensed to practice law in this state who are willing to accept case assignments from the System and who meet any other qualifications as set by the Board;

9. To solicit and maintain a separate list of persons eligible for appointment to capital cases, who meet the qualifications set by the System;

10. To establish reasonable hourly rates of compensation for attorneys appointed in accordance with the Indigent Defense Act, subject to approval by the Board;

11. To establish maximum caseloads for attorneys employed by the System, subject to approval by the Board;

12. To reduce caseloads through reassignment of cases to private attorneys, as necessary;

13. To approve the sharing of office space, equipment, or personnel among the separate indigent defense programs within the System;

14. To prepare and submit to the Board an annual report for the preceding fiscal year regarding the efforts of the System to implement the purposes of the Indigent Defense Act, and to file that report with the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Oklahoma Supreme Court, and the Presiding Judge of the Oklahoma Court of Criminal Appeals;

15. To conduct regional or statewide conferences and training seminars for the purpose of implementing the provisions of the Indigent Defense Act;

16. To provide System personnel who serve in an advisory capacity to the indigent defenders and defense attorneys who

represent indigents pursuant to contract or who agree to accept cases assigned by the System to represent indigents of this state;

17. To gather and disseminate information to indigent defenders, including, but not limited to, changes in the law;

18. To recommend additional legislation necessary to upgrade the Oklahoma Indigent Defense System or to improve the justice system; and

19. To operate a cost-effective system by:

- a. implementing procedures to track System expenditures to show costs by case and client and to track time and expenses by attorney if the attorney is employed by the System,
- b. adopting written policies regarding when employees are to be in travel status and making efforts to reduce travel costs, and
- c. reviewing assignment of indigency status to identify clients who have available resources, and collecting costs of representation when feasible.

D. 1. The Executive Director is hereby authorized to develop, establish, and maintain lists of approved contractors who have agreed to provide expert services to the System. The lists shall include any expert who desires to furnish services to the System and who has filed a schedule of fees for services with, and on a form approved by, the Executive Director. Any deviation in excess of the published schedule of fees shall require the prior written approval of the Executive Director. Any attorney appointed or assigned cases in accordance with the Indigent Defense Act may request expert services from the list of experts maintained by the Executive Director. The Executive Director or designee may, in said person's sole discretion, approve requests for expert services; provided, however, that nothing contained in the Indigent Defense Act shall be construed to render the Executive Director a member of the defense team in any System client's case for strategic purposes.

2. Attorneys appointed or assigned cases in accordance with the Indigent Defense Act may request investigative or other nonexpert witness services from the Executive Director on a form provided by the Executive Director. The Executive Director or designee may, in said person's sole discretion, approve requests for such services at a reasonable hourly rate of compensation; provided, however, that nothing contained in the Indigent Defense Act shall be construed to render the Executive Director a member of the defense team in any System client's case for strategic purposes.

3. Services obtained under this section may be obtained as sole source contracts and are specifically exempt from the requirements of soliciting no less than three quotations found in paragraph 7 of subsection A of Section 85.45j of Title 74 of the Oklahoma Statutes.

E. Each individual performing the services provided for in subsection D of this section may, with the approval of the Executive Director, be reimbursed for necessary travel expenses up to the amount permitted by the State Travel Reimbursement Act.

F. Requests for expenses not included in subsections D and E of this section shall require preapproval by the Executive Director. Added by Laws 1991, c. 238, § 5, eff. July 1, 1991. Amended by Laws 1992, c. 303, § 5, eff. July 1, 1992; Laws 1994, c. 328, § 3, eff. July 1, 1994; Laws 1996, c. 301, § 4, eff. July 1, 1996; Laws 1997, c. 326, § 1, eff. Nov. 1, 1997; Laws 1999, c. 197, § 1, emerg. eff. May 24, 1999; Laws 2001, c. 210, § 5, eff. July 1, 2001; Laws 2017, c. 351, § 4, eff. Nov. 1, 2017.

§22-1355.5. Repealed by Laws 1992, c. 303, § 31, eff. July 1, 1992.

§22-1355.6. Responsibility of System to indigent defendant.

A. The Indigent Defense System shall have the responsibility of defending all indigents, as determined in accordance with the provisions of the Indigent Defense Act in all capital and felony cases and in all misdemeanor and traffic cases punishable by incarceration. In addition, the System shall have the responsibility of defending all indigent juveniles, as determined in accordance with the provisions of the Indigent Defense Act, in juvenile delinquency proceedings, adult certification proceedings, reverse certification proceedings, youthful offender proceedings, and any other cases pursuant to the Oklahoma Juvenile Code, other than mental health cases, in-need-of-supervision proceedings, and any other juvenile proceedings that are civil in nature.

B. Upon prior approval by the Executive Director, the System may also represent indigents in other state proceedings, if such representation is related to the case for which the original appointment of the System was made and if not otherwise prohibited by the Indigent Defense Act.

C. The Executive Director may select attorneys to handle indigent criminal cases from a list of attorneys who have agreed to accept assignments of such cases, who provide proof of professional liability insurance coverage, and who meet the qualifications established by the System for such assignments. Payment to such attorneys shall be made from the budget of the System.

D. The Board shall have the authority to provide for representation for indigent criminal defendants and others for whom representation is required by either the Constitution or laws of this state by attorneys employed by the System.

Added by Laws 1991, c. 238, § 7, eff. July 1, 1992. Amended by Laws 1992, c. 303, § 6, eff. July 1, 1992; Laws 1992, c. 357, § 7, eff. July 1, 1992; Laws 1993, c. 298, § 6, eff. July 1, 1993; Laws 1994, c. 229, § 3, eff. Sept. 1, 1994; Laws 1996, c. 301, § 5, eff. July

1, 1996; Laws 1997, c. 326, § 2, eff. Nov. 1, 1997; Laws 2001, c. 210, § 7, eff. July 1, 2001.

§22-1355.7. Conflicts of interest - Appointment of private attorney.

A. If the Executive Director determines that a conflict of interest exists at the trial level between a defendant and an attorney employed by the System, the case may be reassigned by the Executive Director to another attorney employed by the System, or to a private attorney with whom the System has a contract for indigent defense or who is included on a list of attorneys as provided in subsection C of this section.

B. If the Executive Director determines that a conflict of interest exists at the trial level between a defendant and an attorney who represents indigents either pursuant to a contract with the System or as assigned by the System, the case may be reassigned by the Executive Director to an attorney employed by the System, another attorney who represents indigents pursuant to a contract with the System, or another private attorney who has agreed to accept such assignments pursuant to subsection C of this section.

C. Assignment of a case by the System to a private attorney in all counties of this state served by the System shall be from a list of attorneys willing to accept such assignments and who meet the qualifications established by the System for such assignments.

D. Payment to such private attorneys shall be made by the System and shall be at rates approved by the System, subject to the statutory limits established in Sections 1355.8 and 1355.13 of this title for cases at the trial level.

Added by Laws 1991, c. 238, § 8, eff. July 1, 1992. Amended by Laws 1992, c. 303, § 7, eff. July 1, 1992; Laws 1994, c. 328, § 4, eff. July 1, 1994; Laws 1997, c. 326, § 3, eff. Nov. 1, 1997; Laws 2001, c. 210, § 8, eff. July 1, 2001.

§22-1355.8. Award of contracts - Compensation - Appointment of attorneys for indigents not entitled to representation by the System.

A. In addition to the methods of providing counsel set out in subsections C and D of Section 1355.6 of this title, the Board shall have the authority to award contracts to provide noncapital trial representation to indigent criminal defendants and indigent juveniles in cases for which the System must provide representation, including, but not limited to, renewing any existing contract or contracts for the next fiscal year or soliciting new offers to contract, whichever the Board determines to be in the best interests of the state, the System and the clients represented by the System. Any such contract shall be awarded at such time as the Board may deem necessary.

B. For those counties in which a prior fiscal year contract is not renewed for the succeeding fiscal year or in which the Board elects to solicit new offers to contract, the Executive Director shall cause notice to be published in the Oklahoma Bar Journal that offers to contract will be accepted to provide indigent noncapital trial services. The notice required by this subsection shall include the following:

1. The date, time and place where offers to contract will be opened;

2. The qualifications required of those desiring to make an offer to contract;

3. The period covered by the contract; and

4. A general description of the services required.

C. Only members in good standing of the Oklahoma Bar Association shall be eligible to submit offers to contract pursuant to this section. In addition, all offers to contract must be accompanied by a written statement of the manner in which representation shall be made available as needed.

D. 1. The Board shall accept the best offer or offers, as determined by the Board, from a qualified attorney or attorneys. In determining whether an offer is the best offer, the Board shall take into consideration, among other factors, the following:

- a. whether the attorney or attorneys submitting the offer maintain an office within that county,

- b. whether any such office is the attorney's primary office,

- c. whether the attorney or attorneys submitting the offer have been awarded a contract in another county,

- d. whether sufficient attorneys are included in the offer to competently address the number of cases to be covered under the contract, and

- e. the accessibility of the attorney or attorneys to the clients to be served if the Board awards a contract on the basis of the offer.

2. The System shall maintain an original of each offer to contract.

3. Every contract awarded pursuant to the provisions of this subsection which is signed by more than one attorney shall provide that every attorney signing such contract shall be jointly and severally liable for the full performance of all services to be delivered pursuant to such contract.

4. Every contract awarded pursuant to the provisions of this subsection shall provide that every attorney who will be performing services pursuant to the contract shall carry professional liability insurance in an amount satisfactory to the Board. No contract shall be effective until proof of such insurance is provided to the System.

5. In the event that only one qualified offer is received, the Board may accept the offer, make one or more counteroffers, readvertise or provide representation as otherwise authorized by the Indigent Defense Act. In the event that more than one qualified offer is received for a county or counties, the Board may accept one or more of the offers, make one or more counteroffers to one or more of the offers received, readvertise if the Board determines that awarding a contract or contracts on the offers received would not be in the best interest of the System or the clients represented by the System, or provide representation as otherwise authorized by the Indigent Defense Act. For purposes of discussing negotiating strategies in connection with making one or more counteroffers to one or more offers received, the Board may hold one or more executive sessions as necessary; provided, that any vote or action on offers received and counteroffers made, if any, shall be taken in public meeting with the vote of each member publicly cast and recorded.

6. In the event that no qualified offers to contract are received, the Board may readvertise or direct the Executive Director to assign cases from the relevant counties to private attorneys selected from a list of qualified attorneys who have agreed to accept assignments of such cases, who have provided proof of professional liability insurance coverage, and who meet the qualifications established by the System for such assignments. Compensation for such attorneys shall be as provided in subsection F of this section.

7. In the event that no qualified offers are received, and in lieu of assigning cases to private attorneys whose names are on a list of qualified attorneys pursuant to paragraph 6 of this subsection, the Board may, pursuant to subsection D of Section 1355.6 or Section 1355.9 of this title, provide for representation for indigent criminal defendants and indigent juveniles by attorneys employed by the System.

8. In no event shall an attorney, who has not voluntarily agreed to provide representation to indigent criminal defendants and indigent juveniles, be appointed to represent an indigent person.

E. If a fiscal year contract is terminated before the end of the fiscal year, the Executive Director shall not be required to solicit offers to contract, but may instead award one or more replacement contracts for the affected county or counties to a qualified attorney or attorneys to represent persons in cases for which the System is obligated to provide counsel, provided that such replacement contract or contracts shall not be renewable for the next fiscal year.

F. 1. Except as provided in paragraph 3 of this subsection, total compensation for a case which is not covered by a fiscal year noncapital trial contract awarded or renewed pursuant to subsection

A of this section shall not exceed Eight Hundred Dollars (\$800.00) in the following cases:

- a. juvenile delinquency proceedings, adult certification proceedings, reverse certification proceedings and appeals, youthful offender proceedings, and any other proceedings and appeals, pursuant to the Oklahoma Juvenile Code in which the System is required to provide representation pursuant to subsection A of Section 1355.6 of this title,
- b. traffic cases punishable by incarceration, and
- c. misdemeanor cases.

2. Except as provided in paragraph 3 of this subsection, total compensation for a case which is not covered by a fiscal year noncapital trial contract awarded pursuant to this section shall not exceed Three Thousand Five Hundred Dollars (\$3,500.00) in felony cases.

3. The maximum statutory fees established in this subsection may be exceeded only upon a determination made by the Executive Director and approved by the Board that the case is an exceptional one which requires an extraordinary amount of time to litigate, and that the request for extraordinary attorney fees is reasonable.

G. 1. Attorneys paid for indigent defense pursuant to a fiscal year noncapital trial contract awarded or renewed pursuant to this section shall be paid an annual fee in twelve monthly installments each equaling seven and one-half percent (7.5%) of the total value of the contract, or as otherwise provided by contract.

2. Attorneys paid for indigent defense pursuant to paragraph 1 of this subsection shall receive the balance of ten percent (10%) of the total value of the contract upon completion of all felony and misdemeanor matters covered by the contract. A matter is completed for purposes of this paragraph when no additional services are required under the contract. The Board, upon recommendation of the Executive Director, may, however, authorize partial payments on a quarterly basis of the amount retained as reasonable compensation for those matters which were completed during the prior quarter. The system may transfer the amount retained from the total value of the contract pursuant to this subsection to the Contract Retention Revolving Fund created by Section 1369 of this title.

H. To receive payment in a case assigned pursuant to subsection C of Section 1355.6 of this title, an attorney must submit a claim in accordance with the provisions of the Indigent Defense Act.

I. Attorneys providing services pursuant to a contract with the System, shall provide periodic status reports on all such cases, as often as deemed necessary by the System.

J. Any attorney providing services pursuant to a contract with the System shall continue to provide representation at the trial level in each case assigned to the attorney during the contract

period until the trial court ceases to retain jurisdiction; provided, the court shall allow an attorney to withdraw from a case only after the attorney has made proper application to withdraw from the case and the application has been approved by the Executive Director.

K. In all cases in which legal representation by the Oklahoma Indigent Defense System is not authorized by other provisions of the Indigent Defense Act and in which indigents are entitled to legal representation by the Constitution and laws of this state, the court shall appoint legal representation, from a list of qualified volunteer attorneys who provide proof of professional liability insurance coverage, and direct to be paid from the local court fund a reasonable and just compensation not to exceed Eight Hundred Dollars (\$800.00) to the attorney or attorneys for services as they may render. The compensation limit may be exceeded if the court finds that the case required an extraordinary amount of time to litigate.

Added by Laws 1991, c. 238, § 9, eff. July 1, 1992. Amended by Laws 1992, c. 303, § 8, eff. July 1, 1992; Laws 1992, c. 357, § 8, eff. July 1, 1992; Laws 1993, c. 298, § 7, eff. July 1, 1993; Laws 1994, c. 328, § 5, eff. July 1, 1994; Laws 1996, c. 301, § 6, eff. June 1, 1996; Laws 1997, c. 326, § 4, eff. Nov. 1, 1997; Laws 1998, c. 201, § 2, emerg. eff. May 11, 1998; Laws 2001, c. 210, § 9, eff. July 1, 2001.

§22-1355.9. Main office and satellite offices.

The Board shall establish one main office and as many satellite offices as necessary for the proper representation of the System's clients.

Added by Laws 1991, c. 238, § 10, eff. July 1, 1992. Amended by Laws 1992, c. 303, § 9, eff. July 1, 1992; Laws 2001, c. 210, § 10, eff. July 1, 2001.

§22-1355.10. Repealed by Laws 1992, c. 303, § 31, eff. July 1, 1992.

§22-1355.11. Repealed by Laws 1992, c. 303, § 31, eff. July 1, 1992.

§22-1355.12. Repealed by Laws 1992, c. 303, § 31, eff. July 1, 1992.

§22-1355.13. Death penalty cases - Compensation of court-appointed attorneys.

A. In every case in which the defendant is subject to the death penalty and an attorney or attorneys other than an attorney or

attorneys employed by the Indigent Defense System are assigned to the case by the System to provide representation, an attorney must submit a claim in accordance with the provisions of the Indigent Defense Act in such detail as required by the System. Except as provided in subsection B of this section, total compensation for non-System attorneys who serve as lead counsel in capital cases shall not exceed Twenty Thousand Dollars (\$20,000.00) per case. Total compensation for a non-System attorney who is co-counsel with a System or non-System attorney in a capital case shall not exceed Five Thousand Dollars (\$5,000.00) per case.

B. The maximum statutory fee established in this section may be exceeded only upon a determination made by the Executive Director and approved by the Board that the case is an exceptional one which requires an extraordinary amount of time to litigate, and that the request for extraordinary attorney fees is reasonable.

Added by Laws 1991, c. 238, § 14, eff. July 1, 1991. Amended by Laws 1992, c. 303, § 10, eff. July 1, 1992; Laws 1992, c. 357, § 6, eff. July 1, 1992; Laws 1998, c. 201, § 3, emerg. eff. May 11, 1998; Laws 2001, c. 210, § 11, eff. July 1, 2001.

§22-1355.13A. Death penalty cases - Compensation of attorneys appointed prior to July 1, 1991.

In any case wherein a defendant was subject to the death penalty and counsel was appointed and assigned, prior to July 1, 1991, to represent such defendant in the case because the defendant had no means and was unable to employ counsel, the court shall allow and direct to be paid from the Supreme Court Revolving Fund, unless otherwise provided by law, reasonable and just compensation to the counsel so assigned for such services as counsel may render, to include expert and investigative services, as approved by the Chief Justice of the Supreme Court. This section shall not apply to cases assigned for trial to the Indigent Defense System.

In any case subject to the provisions of this section, wherein the case is reversed and remanded for new trial on appeal, the case shall be assigned pursuant to the Indigent Defense Act, Section 1355.1 et seq. of Title 22 of the Oklahoma Statutes, or pursuant to Section 138.1 et seq. of Title 19 of the Oklahoma Statutes.

Added by Laws 1993, c. 245, § 20, eff. July 1, 1993. Amended by Laws 1994, c. 225, § 14, eff. July 1, 1994.

§22-1355.14. Payment of costs of representation - Fee schedule.

A. At the time of pronouncing the judgment and sentence or other final order, the court shall order any person represented by an attorney employed by the Oklahoma Indigent Defense System or a defense attorney who contracts or volunteers to represent indigents pursuant to the provisions of the Indigent Defense Act to pay the costs for representation in total or in installments and, in the

case of installment payments, set the amount and due date of each installment.

B. Costs assessed pursuant to this section shall be collected by the court clerk and when collected paid monthly to the Oklahoma Indigent Defense System for deposit to the Indigent Defense System Revolving Fund.

C. Costs of representation shall be a debt against the person represented until paid and shall be subject to any method provided by law for the collection of debts.

D. Any order directing the defendant to pay costs of representation shall be a lien against all real and personal property of the defendant and may be filed against such property and foreclosed as provided by law for civil liens.

E. The court shall assess the following fees as the cost of representation:

1. For any misdemeanor case in which a plea of guilty or stipulation to revocation or imposition of sentence has been entered.....\$150.00
2. For any felony case in which a plea of guilty or stipulation to revocation or imposition of sentence has been entered.....\$250.00
3. For any misdemeanor case tried to a jury.....\$500.00
4. For any felony case tried to a jury.....\$1,000.00
5. For any merit hearing on an application to revoke a suspended sentence or accelerate a deferred sentence in a misdemeanor case.....\$200.00
6. For any merit hearing on an application to revoke a suspended sentence or accelerate a deferred sentence in a felony case.....\$300.00

The fees shall be assessed unless ordered waived upon good cause shown by the indigent person, or unless another amount is specifically requested by counsel for the indigent person and is approved by the court. In cases or proceedings other than those set forth in paragraphs 1 through 6 of this subsection, the court shall assess the cost of representation not to exceed Two Hundred Fifty Dollars (\$250.00), except upon a showing by counsel of the actual costs or representation in excess of said amount.

Added by Laws 1991, c. 238, § 15, eff. July 1, 1991. Amended by Laws 1992, c. 303, § 11, eff. July 1, 1992; Laws 1994, c. 229, § 4, eff. Sept. 1, 1994; Laws 1996, c. 251, § 2, eff. July 1, 1996; Laws 1996, c. 301, § 7, eff. July 1, 1996; Laws 1999, c. 197, § 2, emerg. eff. May 24, 1999; Laws 2001, c. 258, § 8, eff. July 1, 2001; Laws 2004, c. 123, § 1, emerg. eff. April 19, 2004.

§22-1355.15. Contempt citations - Payment of reasonable court costs.

The System shall not approve payment of any claims for fines resulting from contempt citations issued to attorneys defending indigent clients. The Indigent Defense Board may, upon recommendation of the Executive Director, approve payment of reasonable court costs resulting from contempt citations issued to attorneys appointed in accordance with the Indigent Defense Act. Added by Laws 1994, c. 229, § 5, eff. Sept. 1, 1994. Amended by Laws 1996, c. 301, § 8, eff. July 1, 1996; Laws 2001, c. 210, § 12, eff. July 1, 2001.

§22-1355A. Application for representation by the System.

A. When an indigent requests representation by the Oklahoma Indigent Defense System, such person shall submit an appropriate application to the court clerk, which shall state that the application is signed under oath and under the penalty of perjury and that a false statement may be prosecuted as such. The application shall state whether or not the indigent has been released on bond. In addition, if the indigent has been released on bond, the application shall include a written statement from the applicant that the applicant has contacted three named attorneys, licensed to practice law in this state, and the applicant has been unable to obtain legal counsel.

B. 1. The Court of Criminal Appeals shall promulgate rules governing the determination of indigency pursuant to the provisions of Section 55 of Title 20 of the Oklahoma Statutes. The initial determination of indigency shall be made by the Chief Judge of the Judicial District or a designee thereof, based on the defendant's application and the rules provided herein.

2. Upon promulgation of the rules required by law, the determination of indigency shall be subject to review by the Presiding Judge of the Judicial Administrative District. Until such rules become effective, the determination of indigency shall be subject to review by the Court of Criminal Appeals.

C. Before the court appoints the System based on the application, the court shall advise the indigent or, if applicable, a parent or legal guardian, that the application is signed under oath and under the penalty of perjury and that a false statement may be prosecuted as such. A copy of the application shall be sent to the prosecuting attorney or the Office of the Attorney General, whichever is appropriate, for review. Upon request by any party including, but not limited to, the attorney appointed to represent the indigent, the court shall hold a hearing on the issue of eligibility for appointment of the System.

D. If the defendant is admitted to bail and the defendant or another person on behalf of the defendant posts a bond, other than

by personal recognizance, the court may consider such fact in determining the eligibility of the defendant for appointment of the System; provided, however, such consideration shall not be the sole factor in the determination of eligibility.

E. The System shall be prohibited from accepting an appointment unless a completed application for court-appointed counsel as provided by Form 13.3 of Section XIII of the Rules of the Court of Criminal Appeals, 22 O.S. 2001, Ch. 18, App., has been filed of record in the case.

Added by Laws 2001, c. 210, § 6, eff. July 1, 2001. Amended by Laws 2002, c. 193, § 1, emerg. eff. May 6, 2002; Laws 2018, c. 194, § 3, eff. Nov. 1, 2018; Laws 2025, c. 305, § 4, eff. Nov. 1, 2025.

§22-1356. Appeals and post-conviction proceedings.

A. The System shall perfect all direct appeals and capital post-conviction proceedings for all cases to which the System is appointed by Oklahoma district courts at the time the appeal is initiated, except as otherwise provided in this section and Section 1358 of this title. In counties subject to the provisions of Section 138.1a of Title 19 of the Oklahoma Statutes, the System shall perfect direct appeals for indigent defendants who were not represented at trial by the county indigent defender. The System shall not be appointed to perfect direct appeals for indigents represented at trial by the county indigent defender, unless a conflict of interest on appeal exists between defendants, in which case the System may be appointed to represent not more than one defendant.

B. Judges of the district courts shall appoint the System, at the time the appeal is initiated, in cases in which the defendant is subject to incarceration or the death penalty, and to perfect all indigent criminal appeals which are felony or misdemeanor appeals, appeals by petition for writ of certiorari, juvenile criminal appeals and youthful offender appeals pursuant to the Oklahoma Juvenile Code, appeals from revocation of a suspended sentence and appeals from acceleration of deferred judgments.

Added by Laws 1981, c. 207, § 2, emerg. eff. May 26, 1981. Amended by Laws 1988, c. 253, § 5, operative July 1, 1988; Laws 1991, c. 238, § 16, eff. July 1, 1991; Laws 1992, c. 303, § 12, eff. July 1, 1992; Laws 1993, c. 298, § 8, eff. July 1, 1993; Laws 1994, c. 328, § 6, eff. July 1, 1994; Laws 1996, c. 301, § 9, eff. July 1, 1996; Laws 2001, c. 210, § 13, eff. July 1, 2001.

§22-1357. Repealed by Laws 1992, c. 303, § 31, eff. July 1, 1992.

§22-1358. Reassignment of cases.

If the Executive Director determines that a conflict exists after evaluating a case assigned pursuant to Section 1356 of this

title, the Executive Director shall reassign the case in the same manner as is provided for conflicts at the trial level in Section 1355.7 of this title, unless the case is from a county subject to the provisions of Section 138.1a of Title 19 of the Oklahoma Statutes and the indigent defendant was not represented at trial by the county indigent defender. If the Executive Director determines a conflict exists in a case from a county subject to the provisions of Section 138.1a of Title 19 of the Oklahoma Statutes and the indigent defendant was not represented at trial by the county indigent defender, the county indigent defender shall be appointed to represent the indigent defendant. The appointment of the county indigent defender shall be made by the district court at the time the appeal is initiated or by the Court of Criminal Appeals after the appeal is initiated. If the district court, at the time the appeal is initiated, or the Court of Criminal Appeals, after the appeal has been initiated, determines that the county indigent defender also has a conflict of interest in the case, the district court, initially or on remand from the Court of Criminal Appeals, shall appoint counsel in the same manner as is provided for conflicts at the trial level in Section 138.7 of Title 19 of the Oklahoma Statutes, by reassigning the case to another county indigent defender, an attorney who represents indigents pursuant to contract, or a private attorney has agreed to accept such appointments.

Added by Laws 1981, c. 207, § 4, emerg. eff. May 26, 1981. Amended by Laws 1992, c. 303, § 13, eff. July 1, 1992; Laws 1994, c. 328, § 7, eff. July 1, 1994; Laws 1996, c. 301, § 10, eff. July 1, 1996; Laws 2001, c. 210, § 14, eff. July 1, 2001.

§22-1359. Renumbered as § 138.9 of Title 19 by Laws 1992, c. 303, § 32, eff. July 1, 1992.

§22-1360. Postconviction proceedings - Representation.

A. The System shall represent indigents in proceedings for postconviction relief in all capital cases.

B. In noncapital cases, the System shall not be appointed to represent indigents in proceedings for postconviction relief; provided, however, the System may represent indigents in postconviction proceedings if the representation is related to another pending case in which the System has been appointed, or the proceeding is necessary to obtain an appeal out of time on behalf of a System client in a case to which the System has been properly appointed.

C. No attorney employed by the System or providing legal services for the System pursuant to contract shall be required to appear in the district courts of this state on issues of appellate

counsel appointment and requests for exhibits, records and transcripts.

D. After a mandate has been issued by the Oklahoma Court of Criminal Appeals in any case on direct appeal, the System is prohibited from appealing that case in any further proceedings in either a state or federal court, except in capital cases and in cases provided for in subsection B of this section. In capital cases, the System shall perfect all petitions for writ of certiorari to the United States Supreme Court and represent such appellants or appellees, as the case may be, in any appearance before that Court. Added by Laws 1981, c. 207, § 6, emerg. eff. May 26, 1981. Amended by Laws 1987, c. 153, § 2, eff. Nov. 1, 1987; Laws 1991, c. 238, § 18, eff. July 1, 1991; Laws 1992, c. 303, § 14, eff. July 1, 1992; Laws 1996, c. 301, § 11, eff. July 1, 1996; Laws 1998, c. 201, § 4, emerg. eff. May 11, 1998; Laws 2001, c. 210, § 15, eff. July 1, 2001.

§22-1361. Repealed by Laws 1992, c. 303, § 31, eff. July 1, 1992.

§22-1362. Transmission of records.

The district court clerks for each county shall transmit one certified copy of the original record for each appeal authorized by the Indigent Defense Act directly to the Oklahoma Indigent Defense System as soon as possible after the filing of the notice of intent to appeal and the order appointing the System, unless additional copies are requested, not to exceed three copies. One certified copy of all transcripts, records and exhibits designated shall be transmitted for each authorized appeal by the district court clerk to the Oklahoma Indigent Defense System within the time limits as established by the Rules of the Court of Criminal Appeals and applicable statutes, unless additional copies are requested, not to exceed three copies. The System attorney is hereby authorized to supplement the designation of record as filed by the trial counsel by filing a written supplemental designation of record. When a written supplemental designation of record is filed by the System attorney, it shall be the duty of the court clerk or the court reporter, as appropriate, to include the supplementary materials as part of the record on appeal.

Added by Laws 1981, c. 207, § 8, emerg. eff. May 26, 1981. Amended by Laws 1986, c. 248, § 1, emerg. eff. June 13, 1986; Laws 1991, c. 238, § 19, eff. July 1, 1991; Laws 1992, c. 303, § 15, eff. July 1, 1992; Laws 1992, c. 357, § 9, eff. July 1, 1992; Laws 1996, c. 301, § 12, eff. July 1, 1996.

§22-1363. Filing of jurisdictional documents.

It shall be the responsibility of the trial counsel to file all jurisdictional documents required to be filed in the district court

and the Court of Criminal Appeals to initiate the appeal. The System shall be prohibited from accepting any appeal, unless trial counsel has timely filed all necessary documents or has pursued and been granted the authority for an appeal out of time on the defendant's behalf.

Added by Laws 1981, c. 207, § 9, emerg. eff. May 26, 1981. Amended by Laws 1986, c. 248, § 1, emerg. eff. June 13, 1986; Laws 1992, c. 303, § 16, eff. July 1, 1992; Laws 1996, c. 301, § 13, eff. July 1, 1996; Laws 1997, c. 326, § 5, eff. Nov. 1, 1997; Laws 2001, c. 210, § 16, eff. July 1, 2001.

§22-1364. Notice - Appointment to perfect appeal - Transfer of documents.

It shall be the responsibility of the appropriate judge of the district court to notify the Oklahoma Indigent Defense System of any appointment of the System to perfect an appeal pursuant to the Indigent Defense Act within three (3) days after such appointment. The appointment order shall state the nature of the appeal. The appropriate judge of the district court shall send all necessary documents to insure perfection of the appeal to the Oklahoma Indigent Defense System within the time prescribed in the Rules of the Court of Criminal Appeals or under applicable statutes.

Added by Laws 1981, c. 207, § 10, emerg. eff. May 26, 1981. Amended by Laws 1992, c. 303, § 17, eff. July 1, 1992; Laws 1994, c. 328, § 8, eff. July 1, 1994; Laws 1996, c. 301, § 14, eff. July 1, 1996.

§22-1365. Costs and fees.

All necessary transcript costs and court fees required for perfecting appeals for indigents pursuant to the Indigent Defense Act shall be paid by the defendant if the defendant is financially able to do so. Otherwise, the costs shall be paid from the court fund of the county in which the defendant was convicted.

Added by Laws 1981, c. 207, § 11, emerg. eff. May 26, 1981. Amended by Laws 2001, c. 210, § 17, eff. July 1, 2001.

§22-1366. Time period for appointment of counsel.

The appointment of counsel pursuant to the provisions of the Indigent Defense Act shall commence for indigent criminal defendants on or subsequent to July 1, 1992 for noncapital cases and on July 1, 1991 for capital cases.

Added by Laws 1981, c. 207, § 12, emerg. eff. May 26, 1981. Amended by Laws 1988, c. 253, § 7, operative July 1, 1988; Laws 1991, c. 238, § 20, eff. July 1, 1991; Laws 1992, c. 303, § 18, eff. July 1, 1992.

§22-1367. Volunteers - Liability for professional services.

Any member of the Oklahoma Bar Association who volunteers professional legal services without compensation for purposes of providing trial or appellate legal defense services to an indigent defendant shall not be subject to any liability for volunteered professional services that are performed in conjunction with the representation of said indigent defendant.

Added by Laws 1992, c. 303, § 19, eff. July 1, 1992.

§22-1368. Indigent Defense System Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma Indigent Defense System to be designated the "Indigent Defense System Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of federal funds, grants, gifts and such other funds as are provided by law. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Board to defray expenses relating to the performance of duties imposed upon the Oklahoma Indigent Defense System by law. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1988, c. 253, § 8, operative July 1, 1988. Amended by Laws 1991, c. 238, § 21, eff. July 1, 1991; Laws 2012, c. 304, § 93.

§22-1369. Contract Retention Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma Indigent Defense System, to be designated the "Contract Retention Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies retained by the Indigent Defense System, pursuant to the provisions of Section 1355.8 of this title. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Indigent Defense System for the purpose of making contract payments pursuant to paragraph 2 of subsection G of Section 1355.8 of this title. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1993, c. 298, § 9, eff. July 1, 1993. Amended by Laws 2001, c. 210, § 18, eff. July 1, 2001; Laws 2012, c. 304, § 94.

§22-1370. Repealed by Laws 2001, c. 210, § 19, eff. July 1, 2001.

§22-1370.1. Forensic Testing Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma Indigent Defense System, to be designated the

"Forensic Testing Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations and shall consist of all funds appropriated by the Legislature to the fund or monies received from any political subdivision of the State of Oklahoma as reimbursements or recovery for forensic testing. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Indigent Defense System for the purpose of providing forensic testing. Expenditures shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment. Added by Laws 2001, c. 418, § 1, emerg. eff. June 5, 2001. Amended by Laws 2012, c. 304, § 95.

§22-1371. Short title - Program duration.

A. Sections 1 through 3 of this act shall be known and may be cited as the "DNA Forensic Testing Act".

B. There is hereby created the Oklahoma Indigent Defense System DNA Forensic Testing Program to continue until July 1, 2005. Added by Laws 2000, c. 276, § 1, eff. July 1, 2000.

§22-1371.1. DNA Forensic Testing Program purpose - Authority of the Oklahoma Indigent Defense System - Claim priority.

A. A DNA Forensic Testing Program shall be created within the Oklahoma Indigent Defense System to investigate, screen, and present to the appropriate prosecutorial agency claims that scientific evidence will demonstrate indigent persons convicted of, and presently incarcerated on, any felony offense upon which the testing is sought are factually innocent. Factual innocence requires the defendant to establish by clear and convincing evidence that no reasonable jury would have found the defendant guilty beyond a reasonable doubt in light of the new evidence. The System's services shall be available only upon the submission of an affidavit of indigency to the System signed by an incarcerated person convicted of a felony and upon a preliminary determination by the System that the claim has a reasonable basis in fact. Determinations of indigency shall be made at the sole discretion of the System based on rules for determining indigency promulgated by the Court of Criminal Appeals pursuant to the Indigent Defense Act. Determinations of reasonableness and acceptance of cases for which DNA testing will be performed shall be within the sole discretion of the System and shall not be subject to judicial review.

B. The System shall employ such attorneys, investigators, and other employees as may be necessary to process and present claims of factual innocence to the appropriate prosecuting agency in an efficient manner.

C. The System shall give priority to claims based on certain factors, including but not limited to:

1. The opportunity for conclusive or near conclusive proof that the person is factually innocent by reason of scientific evidence; and

2. A lengthy sentence of imprisonment or a death sentence.

D. The System is authorized to investigate cases and arrange for the forensic testing of evidence to determine whether evidence of factual innocence exists. Samples must be of sufficient quantity to allow testing by both the prosecution and the defense. Neither the prosecution nor defense shall consume the entire sample in testing in the absence of a court order allowing the sample to be entirely consumed in testing. The System shall request the Oklahoma State Bureau of Investigation or the city in which the offense upon which the testing is sought was committed to perform the testing. The Bureau or the city may decline for any reason at their discretion in writing within thirty (30) days of receipt of the request. In those cases where the Bureau or city declines or fails to respond within thirty (30) days, or cannot perform the testing within a reasonable time, the System may request the professional services of experts under contract with the System as necessary for testing and presentation of such claims to the appropriate prosecuting agency.

E. All municipal, county and state forensic laboratories shall provide copies to the System of laboratory examination reports regarding cases accepted for investigation by the DNA Forensic Testing Program administered by the Oklahoma Indigent Defense System. The reports shall be confidential and not subject to the Oklahoma Open Records Act. The reports shall be used only for investigating, screening, and presenting claims pursuant to the provisions of the DNA Forensic Testing Act.

F. Nothing in the DNA Forensic Testing Act shall require any person other than an incarcerated to provide a sample from their body for purposes of testing.

Added by Laws 2000, c. 276, § 2, eff. July 1, 2000. Amended by Laws 2004, c. 123, § 2, emerg. eff. April 19, 2004.

§22-1371.2. Indigent person may request services of Oklahoma Indigent Defense System DNA Forensic Testing Program.

An indigent person convicted of, and presently incarcerated on, any felony offense upon which the testing is sought, who alleges a claim of entitlement to forensic testing for purposes of demonstrating factual innocence may request the services of the Oklahoma Indigent Defense System DNA Forensic Testing Program pursuant to the DNA Forensic Testing Act.

Added by Laws 2000, c. 276, § 3, eff. July 1, 2000.

§22-1372. Biological evidence preservation - Definitions.

A. A criminal justice agency having possession or custody of biological evidence from a violent felony offense, as defined by subsection F of Section 982 of Title 22 of the Oklahoma Statutes, shall retain and preserve that biological evidence for such period of time as any individual convicted of that crime remains incarcerated.

B. As used in this section:

1. "Biological evidence" means physical evidentiary material originating from the human body from which a nuclear DNA profile or mitochondrial DNA sequence can be obtained or representative or derivative samples of such physical evidentiary material collected by a forensic DNA laboratory; and

2. "DNA" means deoxyribonucleic acid.

C. The criminal justice agency in possession or custody of biological evidence may destroy or otherwise dispose of the biological evidence before the expiration of the period of time described in subsection A of this section only if:

1. The agency notifies any person who remains incarcerated in connection with the case, the Oklahoma Indigent Defense System DNA Forensic Testing Program if still applicable, and any counsel of record or public defender organization for the judicial district in which the judgment of conviction for such person was entered, of:

- a. the intention of the agency to destroy the evidence, and
- b. the provisions of the DNA Forensic Testing Act, if still applicable;

2. No person submits a written objection to the destruction of the biological evidence to the agency within ninety (90) days of receiving notice pursuant to paragraph 1 of this subsection; and

3. No other provision of law requires that such biological evidence be preserved.

Added by Laws 2001, c. 52, § 1, eff. July 1, 2001.

§22-1373. Short title - Postconviction DNA Act.

This act shall be known and may be cited as the "Postconviction DNA Act".

Added by Laws 2013, c. 317, § 1, eff. Nov. 1, 2013.

§22-1373.1. Definitions.

As used in the Postconviction DNA Act:

1. "Biological material" means the contents of a sexual assault evidence collection kit as well as any item that contains or includes blood, semen, hair, saliva, skin tissue, fingernail scrapings or parings, bone, bodily fluids or other identifiable biological material that was collected as part of the criminal investigation or may reasonably be used to incriminate or exculpate

any person for an offense and that may be suitable for forensic DNA testing. This definition applies whether the material was catalogued separately including, but not limited to, on a swab, a slide or on any other evidence;

2. "DNA" means deoxyribonucleic acid;

3. "Document" or "documents" means any tangible thing upon which any expression, communication or representation has been recorded by any means and includes any writing, electronic writing, recording, drawing, map, graph or chart, photograph and other data compilation in the actual or constructive possession, custody, care or control of the government which pertains directly or indirectly to any matter relevant to the issues in a criminal case; and

4. "Guardian of a convicted person" means a person who is the legal guardian of the convicted person, whether the legal relationship exists because of the age of the convicted person or because of the physical or mental incompetency of the convicted person.

Added by Laws 2013, c. 317, § 2, eff. Nov. 1, 2013.

§22-1373.2. Motion requesting testing.

A. Notwithstanding any other provision of law concerning postconviction relief, a person convicted of a violent felony crime or who has received a sentence of twenty-five (25) years or more and who asserts that he or she did not commit such crime may file a motion in the sentencing court requesting forensic DNA testing of any biological material secured in the investigation or prosecution attendant to the challenged conviction. Persons eligible for testing shall include any and all of the following:

1. Persons currently incarcerated, civilly committed, on parole or probation or subject to sex offender registration;

2. Persons convicted on a plea of not guilty, guilty or nolo contendere;

3. Persons deemed to have provided a confession or admission related to the crime, either before or after conviction of the crime; and

4. Persons who have discharged the sentence for which the person was convicted.

B. A convicted person may request forensic DNA testing of any biological material secured in the investigation or prosecution attendant to the conviction that:

1. Was not previously subjected to DNA testing; or

2. Although previously subjected to DNA testing, can be subjected to testing with newer testing techniques that provide a reasonable likelihood of results that are more accurate and probative than the results of the previous DNA test.

C. The motion requesting forensic DNA testing shall be accompanied by an affidavit sworn to by the convicted person containing statements of fact in support of the motion.

D. Upon receipt of the motion requesting forensic DNA testing, the sentencing court shall provide a copy of the motion to the attorney representing the state and require the attorney for the state to file a response within sixty (60) days of receipt of service or longer, upon good cause shown. The response shall include an inventory of all the evidence related to the case, including the custodian of such evidence.

E. A guardian of a convicted person may submit motions for the convicted person under the provisions of this act and shall be entitled to counsel as otherwise provided to a convicted person pursuant to this act.

Added by Laws 2013, c. 317, § 3, eff. Nov. 1, 2013.

§22-1373.3. Pro se referrals.

The sentencing court, in its discretion, may refer pro se requests for DNA testing to qualified parties willing to accept the referrals for further review without appointing the parties as counsel for the convicted person at that time. Such qualified parties may include, but shall not be limited to, indigent defense organizations or clinical legal education programs.

Added by Laws 2013, c. 317, § 4, eff. Nov. 1, 2013.

§22-1373.4. Hearing - Testing.

A. After the motion requesting forensic DNA testing and subsequent response have been filed, the sentencing court shall hold a hearing to determine whether DNA forensic testing will be ordered. A court shall order DNA testing only if the court finds:

1. A reasonable probability that the petitioner would not have been convicted if favorable results had been obtained through DNA testing at the time of the original prosecution;

2. The request for DNA testing is made to demonstrate the innocence of the convicted person and is not made to unreasonably delay the execution of the sentence or the administration of justice;

3. One or more of the items of evidence the convicted person seeks to have tested still exists;

4. The evidence to be tested was secured in relation to the challenged conviction and either was not previously subject to DNA testing or, if previously tested for DNA, the evidence can be subjected to additional DNA testing that will provide a reasonable likelihood of more probative results; and

5. The chain of custody of the evidence to be tested is sufficient to establish that the evidence has not been substituted, tampered with, replaced or altered in any material respect or, if

the chain of custody does not establish the integrity of the evidence, the testing itself has the potential to establish the integrity of the evidence. For purposes of this act, evidence that has been in the custody of law enforcement, other government officials or a public or private hospital shall be presumed to satisfy the chain-of-custody requirement of this subsection absent specific evidence of material tampering, replacement or alteration.

B. If at the close of the hearing the court orders DNA forensic testing to be conducted, the court by written order shall require the attorney representing the state to effect the transfer of the item or items of evidence to be tested along with any documents, logs or reports relating to the items of evidence collected in connection with the criminal case to the designated laboratory or laboratories within thirty (30) days of the order. In addition, the court shall require the attorney representing the state to assist the petitioner in locating any evidence the state contends was lost, destroyed or in the possession of any other governmental entity, public or private hospital, laboratory or other facility.

C. If the attorney representing the state or the petitioner previously conducted any DNA analysis or other biological-evidence testing without the knowledge of the other party, such testing shall be revealed in the motion requesting forensic DNA testing or response.

D. The court may order DNA testing to be performed by the Oklahoma State Bureau of Investigation (OSBI), an accredited laboratory operating under contract with the OSBI or another accredited laboratory, as defined in Section 150.37 of Title 74 of the Oklahoma Statutes. If the OSBI or an accredited laboratory under contract with the OSBI conducts the testing, the state shall bear the costs of the testing. If another laboratory conducts the testing because neither the OSBI nor an accredited laboratory under contract with the OSBI has the ability or the resources to conduct the type of DNA testing to be performed, or if an accredited laboratory that is neither the OSBI nor under contract with the OSBI is chosen for some other reason, then the court shall require the petitioner to pay for the testing.

E. The results of any postconviction DNA testing conducted under the provisions of this act, including any laboratory reports prepared in connection with the testing, the underlying data or other laboratory documents, shall be disclosed to the petitioner, the attorney for the state and the court.

F. If an accredited laboratory other than the OSBI or one under contract with the OSBI performs the DNA testing, the court shall impose reasonable conditions on the testing of the evidence to protect the interests of the parties in the integrity of the evidence and testing process and to preserve the evidence to the greatest extent possible.

Added by Laws 2013, c. 317, § 5, eff. Nov. 1, 2013.

§22-1373.5. Results - Relief.

A. If the results of the forensic DNA testing conducted under the provisions of the Postconviction DNA Act are favorable to the petitioner, the court shall schedule a hearing to determine the appropriate relief to be granted. Based on the results of the testing and any other evidence presented at the hearing, the court shall thereafter enter any order that serves the interests of justice including, but not limited to, any of the following:

1. An order setting aside or vacating the judgment of conviction, judgment of not guilty by reason of mental disease or defect or adjudication of delinquency;
2. An order granting the petitioner a new trial or fact-finding hearing;
3. An order granting the petitioner a new commitment hearing or dispositional hearing;
4. An order discharging the petitioner from custody;
5. An order specifying the disposition of any evidence that remains after the completion of the testing;
6. An order granting the petitioner additional discovery on matters related to the DNA test results on the conviction or sentence under scrutiny including, but not limited to, documents pertaining to the original criminal investigation or the identities of other suspects; or
7. An order directing the state to place any unidentified DNA profile or profiles obtained from postconviction DNA testing into Oklahoma or federal databases as allowed within applicable state and federal laws.

B. If the court issues an order setting aside or vacating the judgment of conviction and dismisses the case with prejudice, a copy of the order indicating the individual has been exonerated through DNA testing shall be submitted to the Oklahoma State Bureau of Investigation in accordance with the requirements of Section 150.12 of Title 74 of the Oklahoma Statutes.

C. If the results of the tests are not favorable to the petitioner, the court shall:

1. Dismiss the motion; and
2. Make such further orders as the court deems appropriate, including an order that:
 - a. requires the DNA test results be provided to the Pardon and Parole Board or Department of Corrections, or
 - b. requests the DNA profile of the petitioner be added to the convicted offender index database of the OSBI Combined DNA Index System (CODIS) Database as provided by law.

Added by Laws 2013, c. 317, § 6, eff. Nov. 1, 2013. Amended by Laws 2024, c. 259, § 3, eff. Nov. 1, 2024.

§22-1373.6. Agreement to conduct testing.

A. The filing of a motion for postconviction DNA testing shall not be required if both the state and the convicted person consent and agree to conduct postconviction DNA testing.

B. Notwithstanding any other provision of law governing postconviction relief, if DNA test results obtained under testing conducted upon consent of the parties are favorable to the convicted person, the convicted person may file and the court shall adjudicate an order pursuant to Section 6 of this act for postconviction relief based on the DNA test results.

Added by Laws 2013, c. 317, § 7, eff. Nov. 1, 2013.

§22-1373.7. Appeals.

An appeal under the provisions of the Postconviction DNA Act may be taken in the same manner as any other appeal.

Added by Laws 2013, c. 317, § 8, eff. Nov. 1, 2013.

§22-1381. District attorney motion to vacate or set aside judgment of conviction.

Notwithstanding any other provision of law concerning postconviction relief, a district attorney in the jurisdiction in which a person was convicted of an offense may file a motion in the district court to vacate or set aside a judgment of conviction at any time if clear and convincing evidence exists establishing that the defendant was convicted of an offense that the defendant did not commit. The district court shall have jurisdiction and authority to consider, hear, and decide the motion.

Added by Laws 2024, c. 331, § 6.

§22-1401. Short title.

Sections 1401 through 1419 of this title shall be known and may be cited as the "Oklahoma Racketeer-Influenced and Corrupt Organizations Act".

Added by Laws 1988, c. 131, § 1, eff. Nov. 1, 1988. Amended by Laws 2010, c. 456, § 4, eff. Nov. 1, 2010.

§22-1402. Definitions.

As used in the Oklahoma Racketeer-Influenced and Corrupt Organizations Act:

1. "Beneficial interest" includes:

- a. the interest of a person as a beneficiary pursuant to a trust, in which the trustee holds legal title to personal or real property, or

- b. the interest of a person as a beneficiary pursuant to any other arrangement under which any other person holds legal title to personal or real property for the benefit of such person.

The term beneficial interest does not include the interest of a stockholder in a corporation or the interest of a partner in either a general or limited partnership;

2. "Enterprise" includes any individual, sole proprietorship, partnership, corporation, trust, governmental entity, or other legal entity, or any union, association, unincorporated association or group of persons, associated in fact although not a legal entity, involved in any lawful or unlawful project or undertaking or any foreign organization that the United States Secretary of State has designated a foreign terrorist organization pursuant to Title 8 U.S.C.A., Section 1189;

3. "Innocent party" includes bona fide purchasers and victims;

4. "Lien notice" means the notice pursuant to the provisions of Section 1412 of this title;

5. "Pattern of racketeering activity" means two or more occasions of conduct:

- a. that include each of the following:

- (1) constitute racketeering activity,
- (2) are related to the affairs of the enterprise,
- (3) are not isolated, and
- (4) are not so closely related to each other and connected in point of time and place that they constitute a single event, and

- b. where each of the following is present:

- (1) at least one of the occasions of conduct occurred after November 1, 1988,
- (2) the last of the occasions of conduct occurred within three (3) years, excluding any period of imprisonment served by any person engaging in the conduct, of a prior occasion of conduct, and
- (3) for the purposes of Section 1403 of this title each of the occasions of conduct constituted a felony pursuant to the laws of this state;

6. "Pecuniary value" means:

- a. anything of value in the form of money, a negotiable instrument, or a commercial interest, or anything else, the primary significance of which is economic advantage, or
- b. any other property or service that has a value in excess of One Hundred Dollars (\$100.00);

7. "Person" means any individual or entity holding or capable of holding a legal or beneficial interest in property;

8. "Personal property" includes any personal property, or any interest in such personal property, or any right, including bank accounts, debts, corporate stocks, patents or copyrights. Personal property and beneficial interest in personal property shall be deemed to be located where the trustee, the personal property, or the instrument evidencing the right is located;

9. "Principal" means a person who engages in conduct constituting a violation of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act or who is legally accountable for the conduct of another who engages in a violation of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act;

10. "Racketeering activity" means engaging in, attempting to engage in, conspiring to engage in, or soliciting, coercing, or intimidating another person to engage in any conduct which is chargeable or indictable as constituting a felony violation of one or more of the following provisions of the Oklahoma Statutes, regardless of whether such act is in fact charged or indicted:

- a. relating to homicide pursuant to the provisions of Section 651, 652, 653, 701.7, 701.8, 701.16, 711 or 716 of Title 21 of the Oklahoma Statutes or relating to concealment of homicidal death pursuant to the provisions of Section 543 of Title 21 of the Oklahoma Statutes,
- b. relating to kidnapping pursuant to the provisions of Section 741, 745, 891 or 1119 of Title 21 of the Oklahoma Statutes,
- c. relating to sex offenses pursuant to the provisions of Section 886, 888, 1021, 1021.2, 1021.4, 1024.2, 1111, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes,
- d. relating to bodily harm pursuant to the provisions of Section 645, 650, 650.2, 1289.16, 1302, 1303 or 1767.1 of Title 21 of the Oklahoma Statutes,
- e. relating to theft, where the offense constitutes a felony, pursuant to the provisions of Section 1704, 1707, 1708, 1709, 1710, 1711, 1713, 1716, 1719, 1720, 1721, 1722, 1723 or 1731 of Title 21 of the Oklahoma Statutes,
- f. relating to forgery pursuant to the provisions of Section 1561, 1562, 1571, 1572, 1574, 1575, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591 or 1593 of Title 21 of the Oklahoma Statutes,
- g. relating to robbery pursuant to the provisions of Section 797, 800 or 801 of Title 21 of the Oklahoma Statutes,

- h. relating to burglary pursuant to the provisions of Section 1431, 1435 or 1437 of Title 21 of the Oklahoma Statutes,
- i. relating to arson pursuant to the provisions of Section 1368, 1401, 1402, 1403 or 1404 of Title 21 of the Oklahoma Statutes,
- j. relating to use or possession of a firearm or other offensive weapon while committing or attempting to commit a felony pursuant to the provisions of Section 1287, 1289.20 or 1289.21 of Title 21 of the Oklahoma Statutes,
- k. relating to gambling pursuant to the provisions of Section 941, 942, 944, 945, 946, 948, 954, 956, 957, 969, 970, 971, 981, 982, 983, 984, 985, 986, 987, or 991 of Title 21 of the Oklahoma Statutes,
- l. relating to bribery in contests pursuant to the provisions of Section 399 or 400 of Title 21 of the Oklahoma Statutes,
- m. relating to interference with public officers pursuant to the provisions of Section 434, 436, 437, 438, 439, 440, 441, 443, 444, 521, 522, 532, 540, 543, 545 or 546 of Title 21 of the Oklahoma Statutes,
- n. relating to interference with judicial procedure pursuant to the provisions of Section 388, 453, 455, 456, 491, 496 or 504 of Title 21 of the Oklahoma Statutes,
- o. relating to official misconduct pursuant to the provisions of Section 380, 381, 382, 383, 384, 385, 386, 389, 390, 950 or 976 of Title 21 of the Oklahoma Statutes, or Section 3404 of Title 74 of the Oklahoma Statutes,
- p. relating to the Uniform Controlled Dangerous Substances Act, where the offense constitutes a felony, pursuant to the provisions of Section 2-101 et seq. of Title 63 of the Oklahoma Statutes,
- q. relating to automobile theft pursuant to the provisions of Section 4-102, 4-103, 4-107, 4-108, 4-109 or 4-110 of Title 47 of the Oklahoma Statutes,
- r. relating to embezzlement pursuant to the provisions of Section 1412 of Title 6 of the Oklahoma Statutes, Section 641 of Title 19 of the Oklahoma Statutes, Section 341, 531 or 1451 of Title 21 of the Oklahoma Statutes, Section 5-135 of Title 37A of the Oklahoma Statutes, Section 1025 of Title 64 of the Oklahoma Statutes or Section 1361 of Title 68 of the Oklahoma Statutes,

- s. relating to extortion, where the offense constitutes a felony, pursuant to the provisions of Section 1304, 1481, 1482, 1485, 1486 or 1488 of Title 21 of the Oklahoma Statutes,
- t. relating to fraud, where the offense constitutes a felony, pursuant to the provisions of Section 208.6, 208.7 or 208.8 of Title 3A of the Oklahoma Statutes, Section 753 of Title 15 of the Oklahoma Statutes, Section 552.14a of Title 18 of the Oklahoma Statutes, Section 358, 1411, 1412, 1413, 1414, 1415, 1416, 1503, 1521, 1541.1, 1541.2, 1541.3, 1542, 1543, 1544, 1550.2, 1550.22, 1550.23, 1550.24, 1550.25, 1550.26, 1550.27, 1550.28, 1550.29, 1550.30, 1550.31, 1550.32, 1632, 1635 or 1662 of Title 21 of the Oklahoma Statutes, Section 243 of Title 56 of the Oklahoma Statutes, or Section 604 of Title 62 of the Oklahoma Statutes,
- u. relating to conspiracy, where the offense constitutes a felony, pursuant to the provisions of Section 421, 422 or 424 of Title 21 of the Oklahoma Statutes,
- v. relating to prostitution, pornography or obscenity pursuant to the provisions of Section 1021, 1040.52, 1081, 1085, 1086, 1087 or 1088 of Title 21 of the Oklahoma Statutes,
- w. relating to the Oklahoma Alcoholic Beverage Control Act, where the offense constitutes a felony, pursuant to the provisions of Section 1-101 et seq. of Title 37A of the Oklahoma Statutes,
- x. relating to the Oklahoma Uniform Securities Act of 2004, where the offense constitutes a felony, pursuant to the provisions of Sections 1-101 through 1-701 of Title 71 of the Oklahoma Statutes,
- y. relating to human trafficking or trafficking in children pursuant to the provisions of Section 748, 866 or 867 of Title 21 of the Oklahoma Statutes,
- z. relating to illegal aliens pursuant to the provisions of Section 446 of Title 21 of the Oklahoma Statutes,
- aa. relating to organized voter fraud pursuant to the provisions of Section 16-102, 16-102.1, 16-102.2, 16-103, 16-103.1, 16-104, 16-105, 16-106, 16-113, 16-120 or 16-123.1 of Title 26 of the Oklahoma Statutes,
- bb. relating to terrorism and terrorist activities pursuant to the provisions of the Sabotage Prevention Act or the Oklahoma Antiterrorism Act,
- cc. relating to the neglect, abuse, or exploitation of elderly persons or disabled adults pursuant to the

- provisions of Sections 843.1 and 843.4 of Title 21 of the Oklahoma Statutes,
- dd. relating to computer crimes pursuant to the provisions of Sections 1953 and 1958 of Title 21 of the Oklahoma Statutes,
 - ee. relating to unlawful proceeds pursuant to the provisions of Section 2001 of Title 21 of the Oklahoma Statutes,
 - ff. relating to insurance fraud pursuant to the provisions of Section 311.1 of Title 36 of the Oklahoma Statutes,
 - gg. relating to workers' compensation fraud pursuant to the provisions of Section 1663 of Title 21 of the Oklahoma Statutes,
 - hh. relating to unlawful assemblies pursuant to the provisions of Section 1320.3 of Title 21 of the Oklahoma Statutes, or
 - ii. relating to Medicaid fraud pursuant to the provisions of Sections 1005 and 1005.1 of Title 56 of the Oklahoma Statutes.

In addition, "racketeering activity" may be proven by proof of engaging in, attempting to engage in, conspiring to engage in, or soliciting, coercing, or intimidating another person to engage in any of the above described conduct within another state, regardless of whether said conduct is chargeable or indictable in that state;

11. "Real property" means any real property or any interest in real property, including any lease of, or mortgage upon real property. Real property and beneficial interest in real property shall be deemed to be located where the real property is located;

12. "Trustee" includes trustees, a corporate as well as a natural person and a successor or substitute trustee in accordance with the Oklahoma Trust Act; and

13. "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is unenforceable in the courts of Oklahoma, because the debt was incurred or contracted in violation of a law relating to the business of gambling activity or in violation of federal or state law but does not include any debt owed to a bank, savings and loan association, credit union or supervised lender licensed by the Oklahoma Administrator of Consumer Credit or to any debt referred or assigned to a debt collection agency, which referral or assignment is accepted in good faith by the debt collection agency as a debt collectible under the Uniform Commercial Code or other laws of this state and enforceable in the courts of this state.

Added by Laws 1988, c. 131, § 2, eff. Nov. 1, 1988. Amended by Laws 1989, c. 348, § 19, eff. Nov. 1, 1989; Laws 1993, c. 156, § 2, emerg. eff. May 7, 1993; Laws 2010, c. 456, § 5, eff. Nov. 1, 2010;

Laws 2013, c. 234, § 1, eff. Nov. 1, 2013; Laws 2021, c. 323, § 1, eff. Nov. 1, 2021; Laws 2024, c. 310, § 2, eff. Nov. 1, 2024.

§22-1403. Participation in pattern of racketeering activity or collection of unlawful debt prohibited - Investment of funds prohibited - Conspiracy to violate prohibition - Venue of actions.

A. No person employed by or associated with any enterprise shall conduct or participate in, directly or indirectly, the affairs of the enterprise through a pattern of racketeering activity or the collection of an unlawful debt.

B. No person, through a pattern of racketeering activity or through the collection of an unlawful debt, shall acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property.

C. No person who has received any proceeds derived, directly or indirectly, from a pattern of racketeering activity, or through the collection of any unlawful debt, in which the person participated as a principal, shall use or invest, directly or indirectly, any part of the proceeds or any proceeds derived from the investment or use of any of those proceeds in the acquisition of any right, title, or interest in real property or in the establishment or operation of any enterprise.

A purchase of securities on the open market with intent to make an investment, and without the intent of controlling or participating in the control of the issuer or of assisting another to do so, shall not be unlawful pursuant to the provisions of this section if the securities of the issuer held by the purchaser, the members of the immediate family of the purchaser, and accomplices of the purchaser or immediate family of the purchaser in any pattern of racketeering activity, or the collection of an unlawful debt after the purchase, do not amount in the aggregate to one percent (1%) of the outstanding securities of any one class and do not confer the power to elect one or more directors of the issuer.

D. No person shall attempt to violate or conspire with others to violate the provisions of subsection A, B or C of this section.

E. Venue for a civil or criminal action to enforce the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act shall be in any county in which at least one act of racketeering activity is alleged to have occurred in the petition or information or indictment, it being the intent of this act, that one district court have jurisdiction over all the conduct, persons and property subject to this act.

Added by Laws 1988, c. 131, § 3, eff. Nov. 1, 1988. Amended by Laws 2010, c. 456, § 6, eff. Nov. 1, 2010.

§22-1404. Penalties for violating Section 1403 - Persons authorized to institute proceedings.

A. Any person convicted of violating any provision of Section 1403 of this title shall be guilty of a Class B1 felony offense and shall be punished by a term of imprisonment in the custody of the Department of Corrections of not less than ten (10) years and shall not be eligible for a deferred sentence, probation, suspension, work furlough, or release from confinement on any other basis until the person has served one-half (1/2) of the sentence. A violation of each of the provisions of Section 1403 of this title shall be a separate offense.

B. In lieu of the fine authorized by the Oklahoma Racketeer-Influenced and Corrupt Organizations Act, any person convicted of violating any provision of Section 1403 of this title, through which the person derived pecuniary value, or by which the person caused personal injury, or property damage or other loss, may be sentenced to pay a fine that does not exceed three times the gross value gained or three times the gross loss caused, whichever is greater, plus court costs and the costs of investigation and prosecution reasonably incurred, less the value of any property ordered forfeited pursuant to the provisions of subsection A of Section 1405 of this title. The district court shall hold a separate hearing to determine the amount of the fine authorized by the provisions of this subsection.

C. No person shall institute any proceedings, civil or criminal, pursuant to the provisions of this act, except the Attorney General, any district attorney or any district attorney appointed under the provisions of Section 215.9 of Title 19 of the Oklahoma Statutes.

Added by Laws 1988, c. 131, § 4, eff. Nov. 1, 1988. Amended by Laws 1997, c. 133, § 440, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 324, eff. July 1, 1999; Laws 2010, c. 456, § 7, eff. Nov. 1, 2010; Laws 2025, c. 486, § 64, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 440 from July 1, 1998, to July 1, 1999.

§22-1405. Criminal forfeiture procedures.

A. Any person convicted of violating any of the provisions of Section 1403 of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act shall criminally forfeit to the state, according to the procedures established in subsection B of this section, any real or personal property used in the course of, intended for use in the course of, derived from, or realized through conduct in violation of Section 1403 of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act, including any property constituting an interest in or means of control or influence over the enterprise

involved in the conduct in violation of Section 1403 of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act, including:

1. Any compensation, right, or benefit derived from a position, office, appointment, tenure, commission, or employment contract that accrued to the person during the course of conduct in violation of Section 1403 of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act;

2. Any interest in, security of, claim against, or property or contractual right affording the person a source of influence or control over the affairs of an enterprise that the person exercised in violation of Section 1403 of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act; or

3. Any amount payable or paid pursuant to any contract for goods or services that was awarded or performed in violation of Section 1403 of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act.

B. The criminal forfeiture procedures are as follows:

1. A judgment of criminal forfeiture shall not be entered unless a special verdict containing a finding of property subject to forfeiture, specifying the extent of such property and describing with specificity such property and the circumstances by which the property is subject to forfeiture is returned; and

2. If any property included in a special verdict of criminal forfeiture:

- a. cannot be located,
- b. has been sold to a bona fide purchaser for value,
- c. has been placed beyond the jurisdiction of the court,
- d. has been substantially diminished in value by the conduct of the defendant,
- e. has been commingled with other property that cannot be divided without difficulty or undue injury to innocent parties,
- f. is otherwise unreachable without undue injury to innocent parties, or
- g. is subject to a valid security interest, to the extent of the security interest, held by a bank, savings and loan association, credit union or supervised lender licensed by the Oklahoma Administrator of Consumer Credit, acquired prior to the lien notice provided by Section 1412 of this title,

the district court shall order forfeiture of any other property of the defendant up to the value of the property that is unreachable. Added by Laws 1988, c. 131, § 5, eff. Nov. 1, 1988. Amended by Laws 2010, c. 456, § 8, eff. Nov. 1, 2010.

§22-1406. Action which may be taken by district court after filing of indictment of information and hearing.

After the filing of an indictment or information by the Attorney General or district attorney and after a hearing with respect to which any person who shall be affected has been given thirty (30) days' notice and opportunity to participate, the district court may, based on the indictment or information and the hearing:

1. Enter a restraining order or injunction;
2. Require the execution of satisfactory bond in the amount of ten percent (10%) of the property value; or
3. Take any other action, including the appointment of a receiver, that the Attorney General or district attorney shows by a preponderance of the evidence is necessary to preserve the property which may be subject to criminal forfeiture.

Added by Laws 1988, c. 131, § 6, eff. Nov. 1, 1988. Added by Laws 1988, c. 131, § 6, eff. Nov. 1, 1988.

§22-1407. Action which may be taken by district court after entry of judgment.

Following the entry of a judgment that includes a fine or an order of criminal forfeiture pursuant to the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act, or both, the district court may enter a restraining order or an injunction, require the execution of a satisfactory bond, or take any other action, including the appointment of a receiver, that the district court deems proper to protect the interests of the state.

An order of criminal forfeiture shall authorize the Attorney General or district attorney to seize the property declared forfeited upon such terms and conditions, relating to the time and manner of seizure, as the district court shall deem proper.

Added by Laws 1988, c. 131, § 7, eff. Nov. 1, 1988. Amended by Laws 2010, c. 456, § 9, eff. Nov. 1, 2010.

§22-1408. Criminal fines and penalties under act not exclusive.

Criminal penalties and fines pursuant to the Oklahoma Racketeer-Influenced and Corrupt Organizations Act are supplemental and not mutually exclusive, except when so designated, and shall not preclude the application of any other criminal or civil remedy pursuant to any other provision of the law.

Added by Laws 1988, c. 131, § 8, eff. Nov. 1, 1988. Amended by Laws 2010, c. 456, § 10, eff. Nov. 1, 2010.

§22-1409. Civil proceedings.

A. The Attorney General, any district attorney or any district attorney appointed under the provisions of Section 215.9 of Title 19

of the Oklahoma Statutes may institute civil proceedings against any person in an appropriate district court seeking relief from conduct constituting a violation of any provisions of Section 1403 of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act with the right to a trial by jury at the request of either party. If the plaintiff in such a proceeding proves the alleged violation by a preponderance of the evidence, the district court, after making due provisions for the rights of innocent parties, may grant relief by entering any appropriate order of judgment, including:

1. Ordering any defendant to divest himself of any interest in any enterprise or any real property;

2. Imposing reasonable restrictions upon the future activities or investments of any defendant, including prohibiting any defendant from engaging in the same type of endeavor as the enterprise in which the defendant was engaged in violation of Section 1403 of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act;

3. Ordering the dissolution or reorganization of any enterprise;

4. Ordering the suspension or revocation of a license, permit, or prior approval granted to any enterprise by an agency of the state; or

5. Ordering the surrender of the charter of a corporation organized pursuant to the laws of the state or the revocation of a certificate authorizing a foreign corporation to conduct business within the state.

In a proceeding initiated pursuant to the provisions of this section, injunctive relief shall be granted in conformity with the principles that govern the granting of relief from injury or threatened injury in other cases, but no showing of special or irreparable injury shall be required. Pending final determination of a proceeding initiated pursuant to the provisions of this section, a temporary restraining order or a preliminary injunction may be issued upon a showing of immediate danger of significant injury, including the possibility that any judgment for money damages might be difficult to execute, and, in a proceeding initiated by an aggrieved person, upon the execution of a bond in the amount of ten percent (10%) of the value of the property against injury for an injunction improvidently granted. If the district court issues an injunction or grants other relief pursuant to the provisions of this section, the plaintiff shall also recover costs, including reasonable attorney fees and costs of investigation and litigation reasonably incurred.

B. The civil penalty imposed pursuant to this section shall not exceed One Hundred Thousand Dollars (\$100,000.00), with no offset for the value of any property criminally forfeited or any fine imposed pursuant to the Oklahoma Racketeer-Influenced and Corrupt Organizations Act. This amount shall be applied to the costs and

expenses of investigation and prosecution, and the balance, if any, shall be paid pursuant to the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act.

C. Upon the filing of a civil action pursuant to the provisions of subsection A or B of this section, a district attorney shall immediately notify the Attorney General of its filing. Upon timely application, the Attorney General may intervene as a party in any civil action or proceeding brought pursuant to subsection A or B of this section if the Attorney General certifies that the action or proceeding is of general public importance.

D. A final judgment or decree rendered against the defendant in any civil or criminal proceeding pursuant to the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act, shall estop the defendant in any subsequent civil action or proceeding brought by any person as to all matters as to which the judgment or decree would be an estoppel as between the parties to a civil or criminal proceeding.

E. A civil action or proceeding pursuant to the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act may be commenced at any time within five (5) years after the conduct made unlawful pursuant to the provisions of Section 1403 of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act terminates or the cause of action accrues. If a criminal proceeding or civil action or other proceeding is brought by or intervention is granted to the state to punish, prevent, or restrain any activity made unlawful pursuant to the provisions of Section 1403 of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act, the running of the period of limitations prescribed by this section with respect to any cause of action of an aggrieved person, based in whole or in part upon any matter complained of in any such prosecution, action, or proceeding shall be suspended during the pendency of such prosecution, action, or proceeding and for two (2) years following its termination.

F. Service of process in an action pursuant to the provisions of this section may be made upon any person outside the state if the person was a principal in any conduct constituting a violation of the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act in this state. The person shall be deemed to have thereby submitted himself to the jurisdiction of the courts of this state for the purposes of this section.

G. The application of any civil remedy pursuant to the provisions of this section shall not preclude the application of any other civil or criminal remedy pursuant to the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act or any other provision of law. Civil remedies pursuant to the provisions of this section are supplemental and not mutually exclusive.

Added by Laws 1988, c. 131, § 9, eff. Nov. 1, 1988. Amended by Laws 2010, c. 456, § 11, eff. Nov. 1, 2010.

§22-1410. Disposal of forfeited property.

A. Upon approval of the district court, the Attorney General or district attorney shall dispose of all property ordered forfeited in any criminal proceeding pursuant to the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act as soon as feasible, making due provisions for the rights of innocent parties, by:

1. Public sale;
2. Transfer to a state, county or local governmental agency for official use;
3. Sale or transfer to an innocent party; or
4. Destruction, if the property is not needed for evidence in any pending criminal or civil proceeding.

B. Any property right not exercisable by, or transferable for value to the state shall not revert to the defendant. No defendant or any person acting in concert with the defendant or on behalf of the defendant shall be eligible to purchase forfeited property from the state.

C. With respect to property ordered forfeited in any criminal proceeding pursuant to the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act, the Attorney General, district attorney or other prosecutorial officer designated by the Attorney General is authorized to:

1. Compromise claims;
2. Award compensation to persons providing information resulting in a forfeiture pursuant to the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act; and
3. Petition the court to mitigate or remit a forfeiture or to restore forfeited property to victims of a violation of Section 1403 of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act.

D. The proceeds of any sale or other disposition of forfeited property imposed pursuant to the Oklahoma Racketeer-Influenced and Corrupt Organizations Act shall be applied as follows:

1. To a bona fide innocent purchaser, conditional sales vendor, or mortgagee of the forfeited property up to the amount of the interest held by the person in the forfeited property;
2. To the fees and costs of the forfeiture and sale, including expenses of seizure, maintenance, and custody of the property pending its disposition, advertising, and the court costs;
3. To all costs and expenses of investigation and prosecution, including costs of resources and personnel incurred in investigation and prosecution; and

4. The balance to the credit of the Attorney General, district attorney, or law enforcement agencies in such proportions as are represented by the costs and expenses of investigation and prosecution as provided in the Oklahoma Racketeer-Influenced and Corrupt Organizations Act.

Added by Laws 1988, c. 131, § 10, eff. Nov. 1, 1988. Amended by Laws 2010, c. 456, § 12, eff. Nov. 1, 2010.

§22-1411. Certain proceeds of forfeitures to be deposited with State Treasury to cover cost of investigation and prosecution - Expenditure.

A. The balance of the proceeds of all forfeitures ordered pursuant to the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act shall be transmitted to the State Treasury and deposited in such proportions as determined by the court as are represented by the costs and expenses of such investigation and prosecution as follows:

1. Any proceeds resulting from the investigation and prosecution by a county or municipal law enforcement agency or district attorney pursuant to the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act shall be deposited in a revolving fund in the office of the county treasurer of the county wherein the forfeiture was ordered to be maintained and expended by the district attorney in the discretion of the district attorney for the purposes specified in subsection B of this section with a yearly accounting to the board of county commissioners in whose county the fund is established and to the District Attorneys Council;

2. Any proceeds resulting from the investigation and prosecution by the Oklahoma State Bureau of Investigation or the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control pursuant to the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act shall be deposited in the agency special account established pursuant to the provisions of Section 7.2 of Title 62 of the Oklahoma Statutes for the Oklahoma State Bureau of Investigation or the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

3. Any proceeds resulting from the investigation and prosecution by the Attorney General pursuant to the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act shall be deposited in the Attorney General's Evidence Fund pursuant to the provisions of Section 19 of Title 74 of the Oklahoma Statutes; and

4. Any proceeds resulting from the investigation and prosecution by any other agency of this state pursuant to the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act shall be deposited in the appropriate revolving

fund, agency special account or other fund for that agency as determined by the State Treasurer.

B. Monies deposited in such funds and accounts pursuant to the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act shall be expended for the purpose of the costs and expenses of investigation and prosecution, whether criminally or civilly, of conduct made unlawful by the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act, including costs of resources and personnel.

Added by Laws 1988, c. 131, § 11, eff. Nov. 1, 1988. Amended by Laws 1990, c. 264, § 26, operative July 1, 1990; Laws 2010, c. 456, § 13, eff. Nov. 1, 2010.

§22-1412. Lien notice.

A. At any time after the institution of any civil proceeding or at any time after the filing of an indictment or information pursuant to the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act, the state may file a lien notice in the official records as may be required for perfecting a security interest for any given property. A filing fee in the amount as required by law for the filing of a mechanic's or materialmen's lien shall be required as a condition for filing the lien notice, and the county clerk, upon the presentation of such lien notice, shall immediately record it in the official records.

B. The lien notice shall be signed by the Attorney General or by a district attorney. The notice shall be in such form as the Attorney General prescribes and shall set forth the following information:

1. The name of the person against whom the proceeding has been brought or who has been charged or indicted for a violation of this act and any other names under which the person may be known. The Attorney General or district attorney may also name in the lien notice any enterprise that is either controlled by or entirely owned by the person;

2. If known to the Attorney General or district attorney, the present residence and business addresses of the persons named in the lien notice;

3. A reference to the criminal or civil proceeding stating that a proceeding pursuant to the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act has been brought against the person named in the lien notice or that the person has been charged or indicted for a violation of this act, the name of the county or counties where the proceeding has been brought or the conviction was made and any other lien notices filed, and, if known to the Attorney General or district attorney at the time of filing the lien notice, the case number of the proceeding;

4. A statement that the notice is being filed pursuant to the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act; and

5. The name and address of the Attorney General or the district attorney filing the lien notice.

A lien notice shall apply only to one person and, to the extent applicable, the names of enterprises, to the extent permitted in this section. A separate lien notice shall be filed for any other person against whom the Attorney General or district attorney desires to file a lien notice pursuant to the provisions of this section.

C. Within ten (10) days after filing of each lien notice, the Attorney General or district attorney shall furnish to the person named in the notice by certified mail, return receipt requested, to the last-known business or residential address, a copy of the recorded notice. In the event the person cannot be served by certified mail, service may be by publication pursuant to Section 2004 of Title 12 of the Oklahoma Statutes.

D. From the time of its filing, a lien notice creates a lien in favor of the state on the following property of the person named in the notice:

1. Any personal or real property owned by the person under any name set forth in the lien notice which is situated in the county where the notice is filed; and

2. Any beneficial interest of said property owned by the person under any name located in the county where the notice is filed.

The lien shall commence and attach as of the time of filing of the lien notice and shall continue thereafter until expiration, termination, or release of the lien. The lien created in favor of the state shall be superior and prior to the interest of any other person in the personal or real property or beneficial interest in said property, if the interest is acquired subsequent to the filing of the notice.

E. In conjunction with any civil proceeding:

1. The Attorney General or district attorney may file without prior court order in any county a lis pendens pursuant to the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act. In that event, any person acquiring an interest in the subject real property or beneficial interest in it after the filing of the lis pendens, shall take the interest subject to the civil proceeding and any subsequent judgment of forfeiture; and

2. If a lien notice has been filed, the Attorney General or district attorney may name as defendants, in addition to the person named in the notice, any person acquiring an interest in the personal or real property or beneficial interest in it subsequent to the filing of the notice. If a judgment of forfeiture is entered in the proceeding in favor of the state, the interest of any person in

the property that was acquired subsequent to the filing of the notice and judgment of forfeiture shall be subject to the notice and judgment of forfeiture.

F. Upon the entry of a final judgment of forfeiture in favor of the state, the title to the forfeited real property shall be transferred to the state and shall be recorded in the official records of the county where the real property or a beneficial interest in it is located.

In the case of personal property or a beneficial interest in it, the property shall be seized if not already in possession of the state and disposed of in accordance with the Oklahoma Racketeer-Influenced and Corrupt Organizations Act.

G. If personal or real property or a beneficial interest in it subject to forfeiture is conveyed, alienated, disposed of, or otherwise rendered unavailable for forfeiture after the filing of a lien notice, the state may treat it as a fraudulent and preferential conveyance and may institute an action in any district court against the person named in the lien notice, the defendant in the civil proceeding or the person convicted in the criminal proceeding; and the court shall enter final judgment against such person or any beneficial interest in it together with investigative costs and attorneys fees incurred by the state in the action. If a civil proceeding is pending, such action shall be filed only in the court where such civil proceeding is pending.

H. The filing of a lien notice shall not affect the use to which personal or real property or a beneficial interest in it owned by the person named in the racketeering lien may be entitled to or the right of the person to receive any avails, rents, or other proceeds resulting from the use and ownership of the property, except for the conveyance of said property, until a judgment of forfeiture is entered.

I. The term of a lien notice shall be for a period of six (6) years from the date of filing unless a renewal lien notice has been filed by the Attorney General or district attorney. In this event, the term of the renewal lien notice shall be for a period of six (6) years from the date of its filing. The Attorney General or district attorney shall be entitled to only one renewal of the lien notice.

J. The Attorney General or district attorney filing the lien notice may release in whole or in part any lien notice or may release any personal or real property or beneficial interest in it from the lien notice upon such terms and conditions as the Attorney General or district attorney may determine. Any release of a lien notice executed by the Attorney General or district attorney may be filed in the official records of any county. No charge or fee shall be imposed for the filing of any release of a lien notice.

K. If no civil proceeding has been instituted by the Attorney General or district attorney seeking a forfeiture of any property

owned by the person named in the lien notice, the acquittal in the criminal proceeding of the person named in the lien notice or the dismissal of the criminal proceeding, shall terminate the lien notice. If the civil proceeding has been instituted, in the event the criminal proceeding has been dismissed or the person named in the lien notice has been acquitted in the criminal proceeding, the lien notice shall continue for the duration of the civil proceeding.

L. If no civil proceeding or criminal proceeding is then pending against the person named in the lien notice, any person named in a lien notice may apply to the district court in the county where the notice has been filed for the release or extinguishment of the notice and the district court shall enter a judgment extinguishing the lien notice or releasing the personal or real property or beneficial interest in it from the lien notice.

M. In the event a civil proceeding is pending against a person named in a lien notice, the district court upon motion by the person may grant the relief provided for in this section at a hearing held for that purpose:

1. If a sale of the personal or real property or beneficial interest in it is pending and the filing of the notice prevents the sale of the property or interest, the district court shall immediately enter its order releasing from the lien notice any specific personal or real property or beneficial interest in it. The proceeds resulting from the sale of the personal or real property or beneficial interest in it shall be deposited with the clerk of the district court, subject to the further order of the district court; and

2. At the hearing, the district court may release from the lien notice any personal or real property or beneficial interest in it upon the posting by such person of such security as is equal to the value of the personal or real property or beneficial interest in it owned by such person.

Added by Laws 1988, c. 131, § 12, eff. Nov. 1, 1988. Amended by Laws 2010, c. 456, § 14, eff. Nov. 1, 2010.

§22-1413. Duties of trustee on filing of lien notice - Liability.

A. A trustee, who acquires actual knowledge that a lien notice or a civil proceeding or criminal proceeding has been filed against any person for whom the trustee holds legal or record title to personal or real property, shall immediately furnish to the Attorney General or district attorney the following:

1. The name and address of the person;
2. The name and address of all other persons for whose benefit the trustee holds title to the personal or real property; and
3. If requested by the Attorney General or district attorney, a copy of the trust agreement or other instrument pursuant to which

the trustee holds legal or record title to the personal or real property. Any trustee who fails to comply with the provisions of this section, upon conviction, is guilty of a felony.

B. Any trustee having notice of the filing of the lien notice, who transfers or conveys title to personal or real property on which said notice has been filed, shall not be liable to the state for the greater of:

1. The amount of proceeds received directly by the person named in the lien notice as a result of the transfer or conveyance;

2. The amount of proceeds received by the trustee as a result of the transfer or conveyance and distributed to the person named in the lien notice; or

3. The fair market value of the interest of the person named in the lien notice in the personal or real property transferred or conveyed; but if the trustee transfers or conveys the personal or real property for at least its fair market value and holds the proceeds that would otherwise be paid or distributed to the beneficiary or at the direction of the beneficiary or designee of the beneficiary, the liability of the trustee shall not exceed the amount of the proceeds held for so long as the proceeds are held by the trustee.

C. The filing of a lien notice shall not constitute a lien on the record title to personal or real property owned by the trustee except to the extent the trustee is named in the lien notice. The Attorney General or district attorney may bring a civil proceeding in any district court against the trustee to recover from the trustee the amounts set forth in the Oklahoma Racketeer-Influenced and Corrupt Organizations Act, and the state shall also be entitled to recover investigative costs and attorneys fees incurred by the Attorney General or district attorney.

D. The provisions of this section shall not apply to any transfer or conveyance by a trustee pursuant to a court order, unless the court order is entered in an action between the trustee and the beneficiary.

Added by Laws 1988, c. 131, § 13, eff. Nov. 1, 1988. Amended by Laws 2010, c. 456, § 15, eff. Nov. 1, 2010.

§22-1414. Foreign corporations - Applicability of act.

Each foreign corporation doing business in this state that fails to file a report or fails to comply with the provisions of Section 1130 of Title 18 of the Oklahoma Statutes shall be subject to the jurisdiction of the State of Oklahoma for purposes of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act.

Added by Laws 1988, c. 131, § 14, eff. Nov. 1, 1988. Amended by Laws 2010, c. 456, § 16, eff. Nov. 1, 2010.

§22-1415. Investigation of conduct constituting violation of Section 1403 of title.

A. When any person has engaged in, is engaged in, or is attempting or conspiring to engage in any conduct constituting a violation of any of the provisions of Section 1403 of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act, the Attorney General or district attorney may conduct an investigation of the conduct. On approval of the district judge, the Attorney General or district attorney in accordance with the provisions of Section 258 of Title 22 of the Oklahoma Statutes is authorized before the commencement of any civil or criminal proceeding pursuant to the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act to subpoena witnesses, compel their attendance, examine them under oath, or require the production of any business papers or records by subpoena duces tecum, except that such evidence taken shall not be receivable in any civil proceeding.

B. Any business papers and records subpoenaed by the Attorney General or district attorney shall be available for examination by the person who produced the material or by any duly authorized representative of the person. Transcripts of oral testimony shall be available for examination by the person who produced such testimony, or counsel of the person.

Except as otherwise provided for in this section, no business papers or records or transcripts or oral testimony, or copies of it, subpoenaed by the Attorney General or district attorney shall be available for examination by an individual other than another law enforcement official without the consent of the person who produced the business papers or records or transcript.

C. All persons served with a subpoena by the Attorney General or district attorney pursuant to the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act shall be paid the same fees and mileage as paid witnesses in the courts of this state.

D. No person shall, with intent to avoid, evade, prevent, or obstruct compliance in whole or in part by any person with any duly served subpoena of the Attorney General or district attorney pursuant to the provisions of this section, knowingly remove from any place, conceal, withhold, destroy, mutilate, alter, or by any other means falsify any business papers or records that are the subject of the subpoena ducus tecum. A violation of the provisions of this subsection, upon conviction, is a misdemeanor.

Added by Laws 1988, c. 131, § 15, eff. Nov. 1, 1988. Amended by Laws 2010, c. 456, § 17, eff. Nov. 1, 2010.

§22-1416. Civil action in federal court authorized.

The Attorney General or district attorney may bring an action on behalf of the state, counties, municipalities, and other political subdivisions organized pursuant to the authority of this state in federal court for civil relief pursuant to any comparable provision of federal law. No action brought by the Attorney General or district attorney pursuant to the provisions of this section shall impair the authority of any county, municipality, or political subdivision to bring the action on its own behalf or impair its authority to engage its own counsel in connection with the action. Added by Laws 1988, c. 131, § 16, eff. Nov. 1, 1988.

§22-1417. Judicial education and training.

Each judicial district shall select one or more of its district judges or associate district judges and if deemed necessary may also select one or more special judges to receive specialized education and training in applying the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act.

A program of judicial education and training shall be prepared and administered by the Administrative Office of the Courts. Such program and any materials shall be made available as needed to assist Oklahoma judges in applying the provisions of this act.

When available, the funds described in Section 1411 of this title may be used to help defray the expenses of such program. Added by Laws 1988, c. 131, § 17, eff. Nov. 1, 1988. Amended by Laws 2010, c. 456, § 18, eff. Nov. 1, 2010.

§22-1418. Audit of monies received by state or local government under act.

Any monies received by any office of state or local government under this act shall be subject to an annual audit by the State Auditor and Inspector.

Added by Laws 1988, c. 131, § 18, eff. Nov. 1, 1988.

§22-1419. Construction of act in conformity with federal law.

When the language of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act is the same or similar to the language of Title 18 U.S.C., Sections 1961 through 1968, the courts of this state in construing the Oklahoma Racketeer-Influenced and Corrupt Organizations Act may follow the construction given to federal law by the federal courts, provided that nothing in this section shall be deemed to provide for any private right of action or confer any civil remedy except as specifically set out in this act.

Added by Laws 1988, c. 131, § 19, eff. Nov. 1, 1988. Amended by Laws 2010, c. 456, § 19, eff. Nov. 1, 2010.

§22-1501. Repealed by Laws 2009, c. 178, § 14.

§22-1502. Repealed by Laws 2009, c. 178, § 14.

§22-1503. Repealed by Laws 2009, c. 178, § 14.

§22-1504. Repealed by Laws 2009, c. 178, § 14.

§22-1505. Repealed by Laws 1997, c. 254, § 4, emerg. eff. May 23, 1997.

§22-1506. Repealed by Laws 1997, c. 254, § 4, emerg. eff. May 23, 1997.

§22-1507. Repealed by Laws 2009, c. 178, § 14.

§22-1508. Repealed by Laws 2009, c. 178, § 14.

§22-1509. Repealed by Laws 2009, c. 178, § 14.

§22-1510. Repealed by Laws 2001, c. 377, § 7, eff. July 1, 2001.

§22-1511. Repealed by Laws 2001, c. 377, § 7, eff. July 1, 2001.

§22-1512. Repealed by Laws 2009, c. 178, § 14.

§22-1513. Repealed by Laws 1997, c. 133, § 604, emerg. eff. April 22, 1997.

§22-1514. Purposes and policies of the criminal justice and corrections systems.

The following purposes and policies of the criminal justice and corrections systems are hereby established:

1. Protection of the public. Incarceration should be viewed by the court both as punishment and as a means of protecting the public. Limitations on the freedom of the offender and the appropriate level of custody should be dictated in the first instance by the nature of the offense, the violent character of the offender, the proclivity of the offender to engage in criminal conduct as demonstrated by his criminal record, and the sound judgment of the sentencing court after taking into account all of the relevant aggravating and mitigating factors involved in the offender's record of criminal conduct.

2. Punishment of the offender. After the interests of public protection have been addressed, consideration should be given to restriction of the liberty of the offender in such manner and to such extent as is necessary to demonstrate clearly that the

offender's conduct is unacceptable to society and to discourage a repetition of such conduct. In determining the appropriate punishment, the court should consider a range of sanctions at the state or community level which may include incarceration, various degrees of restrictions on the offender's liberty including house arrest, electronic monitoring, various degrees of supervision, community penalties, community service, restitution, reparation, or fines.

3. Rehabilitation of the offender. Every sentencing plan should consider treatment and rehabilitative needs of the offender to the extent that it addresses the cause of the criminal behavior and, therefore, might assist in correcting such behavior. The offender should be enrolled in a program of rehabilitation over a definite minimal period of time. The program of rehabilitation should involve work and recreation and may involve education, psychological or psychiatric counseling, treatment for alcohol or drug abuse and sexual aggression either within or without the prison walls as the individual case may indicate. The court may recommend remedies for alcoholism, substance abuse, mental illness, education and employment deficiencies, and may order community-based offenders to pay for such treatment to the extent the offender is able. Public institutions should respond to the court order at no cost to the indigent offender. Where treatment is not available from public institutions, the state should purchase appropriate treatment from the private sector.

4. Restitution and reparation. When appropriate, the sentencing plan should provide for restitution or reparation to the victim or victims, whether they be individual citizens, corporations, or society as a whole, to be paid as soon as practicable. Such restitution or reparation should include repayment for any property stolen or damaged, medical costs and lost wages of the victims, court costs and reasonable costs to cover pretrial detention, and restitution to the community through community service. In those cases where the offender can be punished and rehabilitated outside of prison without jeopardizing the security of the society at large in their persons or property, it is appropriate and encouraged that the offender pay his debt to society through a range of punishments which are alternative to incarceration. The court should order such supervision or restrictions as deemed necessary for the offender to comply with the restitution orders. Failure to comply should result in stricter measures.

5. Work policy for offenders. It is the policy of this state that offenders should work when reasonably possible, either at jobs in the private sector to pay restitution and support their dependents, or at community service jobs that benefit the public, or at useful work while in prison or jail, or at educational or

treatment endeavors as a part of a rehabilitation program. Offenders should be offered the opportunity to reduce the duration of their sentences by earning "time" credit for work endeavors in achieving vocational or educational skill levels. Prisoners who are able and do not work or who refuse to participate in treatment programs should be prohibited from enjoying privileges which may be provided to inmates beyond those required by law.

6. Responsibility of Department of Corrections. It is the goal of the Department of Corrections to provide adequate prison space to ensure that those sentenced to prison will remain incarcerated until such time as they can be safely released, or until their active sentences are completed, and to provide community-based supervision for those offenders selected for supervised probation and parole by the courts and the Pardon and Parole Board.

It is the mission of the Department to provide housing, clothing, food and medical care to its inmates, to maintain a safe and secure prison system, to keep accurate records, to offer job training, education, counseling, work and treatment programs deemed appropriate to monitor and advance the rehabilitative progress of its inmates, to provide a fair and orderly progression through custody levels, and to make data and recommendations regarding parole available to the Pardon and Parole Board. As an inmate demonstrates that he is no longer a threat to society, that the punishment has been effective and that a program of rehabilitation is showing progress, the inmate's level of custody may be commensurately reduced in an orderly progression through custody levels to parole and release from supervision.

It is the mission of the Department of Corrections to receive convicted offenders selected by the courts and the Pardon and Parole Board and to protect society through a coordinated program of community supervision which provides realistic opportunities for probationers and parolees to develop skills necessary to adjust to free society. As a probationer or parolee demonstrates that the supervision has been effective and that a community treatment program is showing progress, the level of supervision may be commensurately reduced in an orderly progression to prepare for release from supervision.

Added by Laws 1994, c. 355, § 14, eff. July 1, 1994.

§22-1515. Repealed by Laws 1997, c. 133, § 604, emerg. eff. April 22, 1997.

§22-1516. Repealed by Laws 2009, c. 178, § 14.

§22-1517. Oklahoma State Bureau of Investigation - Duties.

A. The Oklahoma State Bureau of Investigation shall be the entity recognized by the Bureau of Justice Statistics as the Statistical Analysis Center.

B. In addition to other duties specified by law, the duties of the Oklahoma State Bureau of Investigation shall be to:

1. Provide a clearinghouse for criminal justice information;
2. Provide a central contact point for federal, state, and local criminal justice agencies;

3. Provide technical assistance for all criminal justice agencies of this state;

4. Provide consultation for criminal justice agencies of this state in preparing reports, gaining funding, or preparing information;

5. Obtain information from criminal justice agencies in this state for analyses of criminal justice issues;

6. Collect and analyze criminal justice data;

7. Produce reports for state and local criminal justice agencies;

8. Facilitate information networking between criminal justice agencies;

9. Attend meetings concerning criminal justice issues;

10. Represent this state at national meetings including, but not limited to, meetings or conferences of criminal justice statistics associations of other states;

11. Assist in developing resources for the criminal justice system;

12. Address pertinent issues related to prevention and intervention programs;

13. Provide assistance to the Oklahoma Crime Stoppers Association;

14. Create and publish by December 1 each year a uniform reporting standard for citing state criminal statutes to be used in reporting information to and from all criminal justice information systems within this state. The uniform reporting standard shall be developed in consultation with the Administrative Office of the Courts, the Department of Corrections, the District Attorneys Council, the Department of Public Safety through the Oklahoma Law Enforcement Telecommunications System Division, and the Office of Juvenile Affairs. The uniform reporting standard shall be used by all criminal justice information systems and shall be the standard for reporting arrests, criminal and juvenile delinquency charges, charge and case dispositions, custody records, and any other record purporting to identify a criminal history record or information relating to arrests, charges, custody, adjudication, conviction, and disposition of criminal or juvenile matters; and

15. Monitor all changes to state crime statutes within ninety (90) days of the Legislature's adjournment sine die for purposes of

including any changes in law or new offenses within the uniform reporting standard.

Added by Laws 1990, c. 147, § 1, operative July 1, 1990. Amended by Laws 1997, c. 254, § 1, emerg. eff. May 23, 1997; Laws 1998, c. 276, § 6, eff. July 1, 1998; Laws 2001, c. 122, § 1, eff. July 1, 2001; Laws 2001, c. 377, § 5, eff. July 1, 2001; Laws 2003, c. 340, § 2, emerg. eff. May 29, 2003. Renumbered from § 508.2 of Title 57 by Laws 2003, c. 340, § 3, emerg. eff. May 29, 2003. Amended by Laws 2009, c. 178, § 6; Laws 2010, c. 37, § 3, eff. Nov. 1, 2010; Laws 2011, c. 95, § 1, eff. Nov. 1, 2011.

§22-1518. Oklahoma Criminal Justice Resource Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma State Bureau of Investigation to be designated the "Oklahoma Criminal Justice Resource Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all grants, gifts, bequests and any other lawful monies received for the benefit of the Bureau. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Director of the Bureau for the operation of the Bureau in furtherance of its duties as set forth in Section 1517 of this title or other purposes authorized by law.

Added by Laws 1997, c. 333, § 25, eff. July 1, 1997. Amended by Laws 2001, c. 377, § 6, eff. July 1, 2001. Renumbered from § 508.2b of Title 57 by Laws 2003, c. 340, § 3, emerg. eff. May 29, 2003. Amended by Laws 2009, c. 178, § 7.

§22-1519. Criminal Justice Computer Assistance Act - Offender Data Information System.

A. This section shall be known and may be cited as the "Criminal Justice Computer Assistance Act".

B. The Oklahoma State Bureau of Investigation is directed to implement and administer a data information system called the "Offender Data Information System", subject to funding. The purpose of the System shall be to:

1. Provide software and support to interested criminal justice agencies to assist in record keeping and data reporting functions;

2. Provide a uniform method for sharing data and information from existing databases operated by participating agencies; and

3. Transmit data and other information from participating criminal justice agencies to other local, state and federal agencies upon request or as necessary.

C. The Bureau is directed to develop procedures for the administration, participation, operation and use of the Offender Data Information System.

D. Any criminal justice agency of this state may voluntarily participate in the Offender Data Information System. The Bureau may

charge a reasonable user fee for those criminal justice agencies that participate in the Offender Data Information System. All monies received from such fees shall be deposited in the OSBI Revolving Fund.

E. Nothing in this section shall be construed to compel participation of any state or local criminal justice agency in the Offender Data Information System.

Added by Laws 2004, c. 547, § 1, eff. July 1, 2004. Amended by Laws 2009, c. 178, § 8.

§22-1601. Creation - Powers and duties.

A. There is hereby created the Domestic Violence Fatality Review Board within the Office of the Attorney General. The Board shall have the power and duty to:

1. Coordinate and integrate state and local efforts to address fatal domestic violence and create a body of information to prevent domestic violence deaths;

2. Collect, analyze and interpret state and local data on domestic violence deaths;

3. Develop a state and local database on domestic violence deaths;

4. Improve the ability to provide protective services to victims of domestic violence who may be living in a dangerous environment;

5. Improve policies, procedures and practices within the agencies that serve victims of domestic violence; and

6. Enter into agreements with other state, local or private entities as necessary to carry out the duties of the Domestic Violence Fatality Review Board including, but not limited to, conducting joint reviews with the Child Death Review Board on domestic violence cases involving child death or child near-death incidents.

B. In carrying out its duties and responsibilities, the Board shall:

1. Promulgate rules establishing criteria for identifying cases involving a domestic violence death subject to specific, in-depth review by the Board;

2. Conduct a specific case review of those cases where the cause of death is or may be related to domestic violence;

3. Establish and maintain statistical information related to domestic violence deaths, including, but not limited to, demographic and medical diagnostic information;

4. Establish procedures for obtaining initial information regarding domestic violence deaths from law enforcement agencies;

5. Review the policies, practices, and procedures of the domestic violence protection and prevention system and make specific recommendations to the entities comprising the domestic violence

prevention and protection system for actions necessary for the improvement of the system;

6. Review the extent to which the state domestic violence prevention and protection system is coordinated with law enforcement and the court system and evaluate whether the state is efficiently discharging its domestic violence prevention and protection responsibilities;

7. Request and obtain a copy of all records and reports pertaining to a domestic violence death case of the victim, perpetrator or any other person cohabitating in the domicile at the time of the fatality that is under review, including, but not limited to:

- a. the report of the medical examiner,
- b. hospital records,
- c. school records,
- d. court records,
- e. prosecutorial records,
- f. local, state, and federal law enforcement records, including, but not limited to, the Oklahoma State Bureau of Investigation (OSBI),
- g. fire department records,
- h. State Department of Health records, including birth certificate records,
- i. medical and dental records,
- j. Department of Mental Health and Substance Abuse Services and other mental health records,
- k. emergency medical service records,
- l. files of the Department of Human Services,
- m. records of the Oklahoma Department of Corrections, and
- n. records in the possession of the Child Death Review Board when conducting a joint review pursuant to paragraph 6 of subsection A of this section.

Confidential information provided to the Board shall be maintained by the Board in a confidential manner as otherwise required by state and federal law. Any person damaged by disclosure of such confidential information by the Board or its members which is not authorized by law may maintain an action for damages, costs and attorney fees pursuant to The Oklahoma Governmental Tort Claims Act;

8. Maintain all confidential information, documents and records in possession of the Board as confidential and not subject to subpoena or discovery in any civil or criminal proceedings; provided, however, information, documents and records otherwise available from other sources shall not be exempt from subpoena or discovery through those sources solely because such information, documents and records were presented to or reviewed by the Board;

9. Conduct reviews of specific cases of domestic violence deaths and request the preparation of additional information and

reports as determined to be necessary by the Board including, but not limited to, clinical summaries from treating physicians, chronologies of contact, and second opinion autopsies;

10. Report, if recommended by a majority vote of the Board, to the President Pro Tempore of the Senate and the Speaker of the House of Representatives any gross neglect of duty by any state officer or state employee, or any problem within the domestic violence prevention and protection system discovered by the Board while performing its duties; and

11. Exercise all incidental powers necessary and proper for the implementation and administration of the Domestic Violence Fatality Review Board.

C. The review and discussion of individual cases of a domestic violence death shall be conducted in executive session. All other business shall be conducted in accordance with the provisions of the Oklahoma Open Meeting Act. All discussions of individual cases and any writings produced by or created for the Board in the course of determining a remedial measure to be recommended by the Board, as the result of a review of an individual case of a domestic violence death, shall be privileged and shall not be admissible in evidence in any proceeding. The Board shall periodically conduct meetings to discuss organization and business matters and any actions or recommendations aimed at improvement of the domestic violence prevention and protection system which shall be subject to the Oklahoma Open Meeting Act. Part of any meeting of the Board may be specifically designated as a business meeting of the Board subject to the Oklahoma Open Meeting Act.

D. The Board shall submit an annual statistical report on the incidence and causes of domestic violence deaths in this state for which the Board has completed its review during the past calendar year including its recommendations, if any, to the domestic violence prevention and protection system. The Board shall also prepare and make available to the public, on an annual basis, a report containing a summary of the activities of the Board relating to the review of domestic violence deaths, the extent to which the state domestic violence prevention and protection system is coordinated and an evaluation of whether the state is efficiently discharging its domestic violence prevention and protection responsibilities. The report shall be completed no later than February 1 of the subsequent year.

Added by Laws 2001, c. 284, § 1, eff. July 1, 2001. Amended by Laws 2007, c. 20, § 1; Laws 2008, c. 324, § 3, eff. July 1, 2008; Laws 2009, c. 178, § 9; Laws 2013, c. 309, § 1, eff. Nov. 1, 2013; Laws 2017, c. 14, § 1, eff. Nov. 1, 2017; Laws 2024, c. 51, § 1, eff. Nov. 1, 2024.

§22-1602. Domestic Violence Fatality Review Board - Administrative assistance from Office of the Attorney General.

A. The Domestic Violence Fatality Review Board shall be composed of twenty-one (21) members, or their designees, as follows:

1. Nine of the members shall be:

- a. the Chief Medical Examiner,
- b. a designee of the Attorney General. The designee shall be a person assigned to the Victims Services Unit of the Office of the Attorney General,
- c. the State Commissioner of Health,
- d. the Chief of Injury Prevention Services of the State Department of Health,
- e. the Director of the Department of Human Services,
- f. the Director of the Oklahoma State Bureau of Investigation,
- g. the Commissioner of the Department of Mental Health and Substance Abuse Services,
- h. the Executive Director of the Office of Juvenile Affairs, and
- i. a designee of the Director of the Department of Corrections. The designee shall be a person with a minimum of five (5) years of experience in corrections and who is currently assigned to the Community Outreach, Programs, or Population Units of the Department of Corrections; and

2. Twelve of the members shall be appointed by the Attorney General, shall serve for terms of two (2) years and shall be eligible for reappointment. The members shall be persons having training and experience in matters related to domestic violence. The appointed members shall include:

- a. a county sheriff selected from a list of three names submitted by the executive board of the Oklahoma Sheriffs' Association,
- b. a chief of a municipal police department selected from a list of three names submitted by the Oklahoma Association of Chiefs of Police,
- c. an attorney licensed in this state who is in private practice selected from a list of three names submitted by the Board of Governors of the Oklahoma Bar Association,
- d. a district attorney selected from a list of three names submitted by the District Attorneys Council,
- e. a physician selected from a list of three names submitted by the Oklahoma State Medical Association,
- f. a physician selected from a list of three names submitted by the Oklahoma Osteopathic Association,

- g. a nurse selected from a list of three names submitted by the Oklahoma Nurses Association,
- h. two individuals, at least one of whom shall be a survivor of domestic violence, selected from recommendations submitted by certified domestic violence programs in Oklahoma,
- i. a member of the Judiciary selected from a list of three names submitted by the Oklahoma Supreme Court, and
- j. two individuals, at least one of whom shall be an American Indian survivor of domestic violence, selected from a list of three names submitted by the Native Alliance Against Violence, Oklahoma's tribal coalition against domestic violence and sexual assault.

B. Every two (2) years the Board shall elect from among its membership a chair and a vice-chair. The Board shall meet at least quarterly and may meet more frequently as necessary as determined by the chair. Members shall serve without compensation but may be reimbursed for necessary travel out of funds available to the Office of the Attorney General pursuant to the State Travel Reimbursement Act; provided, that the reimbursement shall be paid in the case of state employee members by the agency employing the member.

C. With funds appropriated or otherwise available for that purpose, the Office of the Attorney General shall provide administrative assistance and services to the Domestic Violence Fatality Review Board.

Added by Laws 2001, c. 284, § 2, eff. July 1, 2001. Amended by Laws 2005, c. 348, § 17, eff. July 1, 2005; Laws 2006, c. 136, § 4, eff. Nov. 1, 2006; Laws 2009, c. 178, § 10; Laws 2009, c. 427, § 1, eff. Nov. 1, 2009; Laws 2019, c. 147, § 1, eff. Nov. 1, 2019; Laws 2024, c. 51, § 2, eff. Nov. 1, 2024.

§22-1603. Collection of data relating to victim protective orders.

A. If funds are available, the Office of the Attorney General annually shall collect data on the number of victim protective orders issued in each county and the number of violations of victim protective orders in each county.

B. The Office of the Attorney General shall provide this information to the Domestic Violence Fatality Review Board and the Administrative Office of the Courts.

Added by Laws 2003, c. 407, § 6, eff. Nov. 1, 2003. Amended by Laws 2009, c. 178, § 11.

§22-1701. Repealed by Laws 2022, c. 205, § 1, eff. Nov. 1, 2022.

§22-2001. Short title - Scope.

Sections 1 and 2 of this act shall be known and may be cited as the "Oklahoma Criminal Discovery Code". The Oklahoma Criminal Discovery Code shall govern the procedure for discovery in all criminal cases in all courts in this state.

Added by Laws 1994, c. 292, § 1, eff. Sept. 1, 1994.

§22-2002. Disclosure of evidence - Continuing duty to disclose - Time of discovery - Regulation of discovery - Reasonable cost of copying, duplicating, and videotaping.

A. Disclosure of Evidence by the State.

1. Upon request of the defense, the state shall disclose the following:

- a. the names and addresses of witnesses which the state intends to call at trial, together with their relevant, written or recorded statement, if any, or if none, significant summaries of any oral statement,
- b. law enforcement reports made in connection with the particular case,
- c. any written or recorded statements and the substance of any oral statements made by the accused or made by a codefendant,
- d. any reports or statements made by experts in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments, or comparisons,
- e. any books, papers, documents, photographs, tangible objects, buildings or places which the prosecuting attorney intends to use in the hearing or trial or which were obtained from or belong to the accused,
- f. any record of prior criminal convictions of the defendant, or of any codefendant, and
- g. Oklahoma State Bureau of Investigation (OSBI) rap sheet/records check on any witness listed by the state or the defense as a witness who will testify at trial, as well as any convictions of any witness revealed through additional record checks if the defense has furnished Social Security numbers or date of birth for their witnesses, except OSBI rap sheet/record checks shall not provide date of birth, Social Security number, home phone number or address.

2. The state shall provide the defendant any evidence favorable to the defendant if such evidence is material to either guilt or punishment.

3. The prosecuting attorney's obligations under this standard extend to:

- a. material and information in the possession or control of members of the prosecutor's staff,

- b. any information in the possession of law enforcement agencies that regularly report to the prosecutor of which the prosecutor should reasonably know, and
 - c. any information in the possession of law enforcement agencies who have reported to the prosecutor with reference to the particular case of which the prosecutor should reasonably know.
4. a. If the state intends to introduce testimony of a jailhouse informant, the state shall disclose at least ten (10) days prior to trial:
- (1) the complete criminal history of such informant, including any dismissed charges,
 - (2) any deal, promise, inducement or benefit that the state or law enforcement agency has made or may make in the future to the jailhouse informant in connection with the testimony of such informant,
 - (3) the specific statements or recordings made by the suspect or defendant and the time, place and manner of the disclosure to the jailhouse informant,
 - (4) all other filed cases in which the state intended to introduce the testimony of the jailhouse informant in connection with a deal, promise, inducement or benefit, the nature of the deal, promise, inducement or benefit, and whether the testimony was admitted in the case,
 - (5) whether at any time the jailhouse informant recanted the testimony or statement, and if so, a transcript or copy of such recantation, if any, and
 - (6) any other information relevant to the credibility of the informant.
- b. Each district attorney's office shall maintain a central record that tracks each case in which the state intended to introduce the testimony of the jailhouse informant against a suspect or defendant in connection with a deal, promise, inducement or benefit, the nature of the deal, promise, inducement or benefit and whether such testimony or statements were admitted in the case. Such record shall be sent to the District Attorneys Council which shall maintain a statewide record of such information. Records maintained pursuant to this paragraph shall only be accessible to prosecutors and shall not be subject to the Oklahoma Open Records Act. By September 15 of each year, the District Attorneys Council shall publish an annual report of aggregate, de-identified

data regarding the total number of cases tracked pursuant to this section, and the number of cases added during the previous fiscal year pursuant to this section by each district attorney's office. A copy of the report shall be distributed to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the chairs of the Senate and House Judiciary Committees.

- c. For purposes of this paragraph, "jailhouse informant" means a person who provides, or who the prosecutor intends to provide, testimony about admissions or other relevant information made to him or her by the suspect or defendant while both persons were detained or incarcerated in a penal institution.

B. Disclosure of Evidence by the Defendant.

1. Upon request of the state, the defense shall be required to disclose the following:

- a. the names and addresses of witnesses which the defense intends to call at trial, together with their relevant, written or recorded statement, if any, or if none, significant summaries of any oral statement,
- b. the name and address of any witness, other than the defendant, who will be called to show that the defendant was not present at the time and place specified in the information or indictment, together with the witness' statement to that fact,
- c. the names and addresses of any witness the defendant will call, other than himself, for testimony relating to any mental disease, mental defect, or other condition bearing upon his mental state at the time the offense was allegedly committed, together with the witness' statement of that fact, if the statement is redacted by the court to preclude disclosure of privileged communication.

2. A statement filed under subparagraph a, b or c of paragraph 1 of subsection A or B of this section is not admissible in evidence at trial. Information obtained as a result of a statement filed under subsection A or B of this section is not admissible in evidence at trial except to refute the testimony of a witness whose identity subsection A of this section requires to be disclosed.

3. Upon the prosecuting attorney's request after the time set by the court, the defendant shall allow him access at any reasonable times and in any reasonable manner to inspect, photograph, copy, or have reasonable tests made upon any book, paper, document, photograph, or tangible object which is within the defendant's possession or control and which:

- a. the defendant intends to offer in evidence, except to the extent that it contains any communication of the defendant, or
- b. is a report or statement as to a physical or mental examination or scientific test or experiment made in connection with the particular case prepared by and relating to the anticipated testimony of a person whom the defendant intends to call as a witness, provided the report or statement is redacted by the court to preclude disclosure of privileged communication.

C. Continuing Duty to Disclose.

If, prior to or during trial, a party discovers additional evidence or material previously requested or ordered, which is subject to discovery or inspection under the Oklahoma Criminal Discovery Code, such party shall promptly notify the other party, the attorney of the other party, or the court of the existence of the additional evidence or material.

D. Time of Discovery.

1. Motions for discovery may be made at the time of the district court arraignment or thereafter; provided that requests for police reports may be made subject to the provisions of Section 258 of this title. However, a request pursuant to Section 258 of this title shall be subject to the discretion of the district attorney. All issues relating to discovery, except as otherwise provided, will be completed at least ten (10) days prior to trial. The court may specify the time, place and manner of making the discovery and may prescribe such terms and conditions as are just.

2. Within thirty (30) days of the filing of an endorsed complaint, indictment, or information in a court of record, law enforcement shall provide to the prosecuting agency the following records, if such records exist:

- a. body camera videos at the time of arrest,
- b. vehicle-mounted camera videos at the time of arrest, and
- c. a recording of the administration of a sobriety test.

3. Within ninety (90) days of the filing of an endorsed complaint, indictment, or information, the prosecuting agency shall make available the records described in paragraph 2 of this subsection to the defendant or his or her representative.

4. Failure of a law enforcement agency to comply with the provisions of paragraph 2 of this subsection may be punished by contempt.

5. The following information may be redacted by the prosecuting agency from the records provided to a defendant or his or her representative as required by the provisions of paragraph 3 of this subsection; provided that, notice of such redactions are given to the defendant or to his or her representative:

- a. information that would violate any requirement to keep certain juvenile records confidential as provided for in Title 10A of the Oklahoma Statutes,
- b. information that would materially compromise an ongoing criminal investigation or ongoing criminal prosecution other than the case involving the defendant,
- c. information that would undermine the assertion of a privilege to keep the identity of an informant confidential as provided for in Section 2510 of Title 12 of the Oklahoma Statutes,
- d. information that would identify any person who provides information to law enforcement or the information provided by that person when that person requests anonymity or where disclosure of the identity of the person or the information provided could reasonably be expected to threaten or endanger the physical safety or property of the person or the physical safety or property of others, or
- e. require production of records or videos that fall outside the scope permitted under the provisions of paragraph 2 of this subsection.

E. Regulation of Discovery.

1. Protective and Modifying Orders. Upon motion of the state or defendant, the court may at any time order that specified disclosures be restricted, or make any other protective order. If the court enters an order restricting specified disclosures, the entire text of the material restricted shall be sealed and preserved in the records of the court to be made available to the appellate court in the event of an appeal.

2. Failure to Comply with a Request. If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with this rule, the court may order such party to permit the discovery or inspection, grant continuance, or prohibit the party from introducing evidence not disclosed, or it may enter such other order as it deems just under the circumstances.

3. The discovery order shall not include discovery of legal work product of either attorney which is deemed to include legal research or those portions of records, correspondence, reports, or memoranda which are only the opinions, theories, or conclusions of the attorney or the attorney's legal staff.

F. Reasonable cost of copying, duplicating, videotaping, developing or any other cost associated with this Code for items requested shall be paid by the party so requesting; however, any item which was obtained from the defendant by the state of which copies are requested by the defendant shall be paid by the state.

Provided, if the court determines the defendant is indigent and without funds to pay the cost of reproduction of the required items, the cost shall be paid by the Indigent Defender System, unless otherwise provided by law.

Added by Laws 1994, c. 292, § 2, eff. Sept. 1, 1994. Amended by Laws 1996, c. 304, § 4, emerg. eff. June 10, 1996; Laws 1998, c. 155, § 1, eff. Nov. 1, 1998; Laws 2002, c. 460, § 23, eff. Nov. 1, 2002; Laws 2020, c. 97, § 2, eff. Nov. 1, 2020; Laws 2025, c. 327, § 2, eff. Nov. 1, 2025.

§22-410. Immaterial informalities to be disregarded.

No indictment or information is insufficient, nor can the trial, judgment, or other proceedings thereon be affected, by reason of a defect or imperfection in the matter of form which does not tend to the prejudice of the substantial rights of the defendant upon the merits.

R.L.1910, § 5747.

§22-991av1. Sentencing powers of court - Alcohol and drug assessment and evaluation - Restitution, fines or incarceration - Victim impact statements - Probation and monitoring - DNA samples.

A. Except as otherwise provided in the Elderly and Incapacitated Victim's Protection Program, when a defendant is convicted of a crime and no death sentence is imposed, the court shall either:

1. Suspend the execution of sentence in whole or in part, with or without probation. The court, in addition, may order the convicted defendant at the time of sentencing or at any time during the suspended sentence to do one or more of the following:

- a. to provide restitution to the victim as provided by Section 991f et seq. of this title or according to a schedule of payments established by the sentencing court, together with interest upon any pecuniary sum at the rate of twelve percent (12%) per annum, if the defendant agrees to pay such restitution or, in the opinion of the court, if the defendant is able to pay such restitution without imposing manifest hardship on the defendant or the immediate family and if the extent of the damage to the victim is determinable with reasonable certainty,
- b. to reimburse any state agency for amounts paid by the state agency for hospital and medical expenses incurred by the victim or victims, as a result of the criminal act for which such person was convicted, which reimbursement shall be made directly to the state agency, with interest accruing thereon at the rate of twelve percent (12%) per annum,

- c. to engage in a term of community service without compensation, according to a schedule consistent with the employment and family responsibilities of the person convicted,
- d. to pay a reasonable sum into any trust fund, established pursuant to the provisions of Sections 176 through 180.4 of Title 60 of the Oklahoma Statutes, and which provides restitution payments by convicted defendants to victims of crimes committed within this state wherein such victim has incurred a financial loss,
- e. to confinement in the county jail for a period not to exceed six (6) months,
- f. to confinement as provided by law together with a term of post-imprisonment community supervision for not less than three (3) years of the total term allowed by law for imprisonment, with or without restitution; provided, however, the authority of this provision is limited to Section 843.5 of Title 21 of the Oklahoma Statutes when the offense involved sexual abuse or sexual exploitation; Sections 681, 741 and 843.1 of Title 21 of the Oklahoma Statutes when the offense involved sexual abuse or sexual exploitation; and Sections 865 et seq., 885, 886, 888, 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1115 and 1123 of Title 21 of the Oklahoma Statutes,
- g. to repay the reward or part of the reward paid by a local certified crime stoppers program and the Oklahoma Reward System. In determining whether the defendant shall repay the reward or part of the reward, the court shall consider the ability of the defendant to make the payment, the financial hardship on the defendant to make the required payment, and the importance of the information to the prosecution of the defendant as provided by the arresting officer or the district attorney with due regard for the confidentiality of the records of the local certified crime stoppers program and the Oklahoma Reward System. The court shall assess this repayment against the defendant as a cost of prosecution. The term "certified" means crime stoppers organizations that annually meet the certification standards for crime stoppers programs established by the Oklahoma Crime Stoppers Association to the extent those standards do not conflict with state statutes. The term "court" refers to all municipal and district courts within this state. The "Oklahoma Reward System" means the

- reward program established by Section 150.18 of Title 74 of the Oklahoma Statutes,
- h. to reimburse the Oklahoma State Bureau of Investigation for costs incurred by that agency during its investigation of the crime for which the defendant pleaded guilty, nolo contendere or was convicted, including compensation for laboratory, technical, or investigation services performed by the Bureau if, in the opinion of the court, the defendant is able to pay without imposing manifest hardship on the defendant, and if the costs incurred by the Bureau during the investigation of the defendant's case may be determined with reasonable certainty,
 - i. to reimburse the Oklahoma State Bureau of Investigation and any authorized law enforcement agency for all costs incurred by that agency for cleaning up an illegal drug laboratory site for which the defendant pleaded guilty, nolo contendere or was convicted. The court clerk shall collect the amount and may retain five percent (5%) of such monies to be deposited in the Court Clerk Revolving Fund to cover administrative costs and shall remit the remainder to the Oklahoma State Bureau of Investigation to be deposited in the OSBI Revolving Fund established by Section 150.19a of Title 74 of the Oklahoma Statutes or to the general fund wherein the other law enforcement agency is located,
 - j. to pay a reasonable sum to the Crime Victims Compensation Board, created by Section 142.2 et seq. of Title 21 of the Oklahoma Statutes, for the benefit of crime victims,
 - k. to reimburse the court fund for amounts paid to court-appointed attorneys for representing the defendant in the case in which the person is being sentenced,
 - l. to participate in an assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services pursuant to Section 3-460 of Title 43A of the Oklahoma Statutes and, as determined by the assessment, participate in an alcohol and drug substance abuse course or treatment program or both, pursuant to Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes, or as ordered by the court,
 - m. to be placed in a victims impact panel program, as defined in subsection H of this section, or victim/offender reconciliation program and payment of a fee to the program of not less than Fifteen Dollars

- (\$15.00) nor more than Sixty Dollars (\$60.00) as set by the governing authority of the program to offset the cost of participation by the defendant. Provided, each victim/offender reconciliation program shall be required to obtain a written consent form voluntarily signed by the victim and defendant that specifies the methods to be used to resolve the issues, the obligations and rights of each person, and the confidentiality of the proceedings. Volunteer mediators and employees of a victim/offender reconciliation program shall be immune from liability and have rights of confidentiality as provided in Section 1805 of Title 12 of the Oklahoma Statutes,
- n. to install, at the expense of the defendant, an ignition interlock device approved by the Board of Tests for Alcohol and Drug Influence. The device shall be installed upon every motor vehicle operated by the defendant, and the court shall require that a notation of this restriction be affixed to the defendant's driver license. The restriction shall remain on the driver license not exceeding two (2) years to be determined by the court. The restriction may be modified or removed only by order of the court and notice of any modification order shall be given to the Department of Public Safety. Upon the expiration of the period for the restriction, the Department of Public Safety shall remove the restriction without further court order. Failure to comply with the order to install an ignition interlock device or operating any vehicle without a device during the period of restriction shall be a violation of the sentence and may be punished as deemed proper by the sentencing court. As used in this paragraph, "ignition interlock device" means a device that, without tampering or intervention by another person, would prevent the defendant from operating a motor vehicle if the defendant has a blood or breath alcohol concentration of two-hundredths (0.02) or greater,
 - o. to be confined by electronic monitoring administered and supervised by the Department of Corrections or a community sentence provider, and payment of a monitoring fee to the supervising authority, not to exceed Three Hundred Dollars (\$300.00) per month. Any fees collected pursuant to this paragraph shall be deposited with the appropriate supervising authority. Any willful violation of an order of the court for the payment of the monitoring fee shall be a violation of

the sentence and may be punished as deemed proper by the sentencing court. As used in this paragraph, "electronic monitoring" means confinement of the defendant within a specified location or locations with supervision by means of an electronic device approved by the Department of Corrections which is designed to detect if the defendant is in the court-ordered location at the required times and which records violations for investigation by a qualified supervisory agency or person,

- p. to perform one or more courses of treatment, education or rehabilitation for any conditions, behaviors, deficiencies or disorders which may contribute to criminal conduct, including but not limited to alcohol and substance abuse, mental health, emotional health, physical health, propensity for violence, antisocial behavior, personality or attitudes, deviant sexual behavior, child development, parenting assistance, job skills, vocational-technical skills, domestic relations, literacy, education, or any other identifiable deficiency which may be treated appropriately in the community and for which a certified provider or a program recognized by the court as having significant positive impact exists in the community. Any treatment, education or rehabilitation provider required to be certified pursuant to law or rule shall be certified by the appropriate state agency or a national organization,
- q. to submit to periodic testing for alcohol, intoxicating substance, or controlled dangerous substances by a qualified laboratory,
- r. to pay a fee, costs for treatment, education, supervision, participation in a program, or any combination thereof as determined by the court, based upon the defendant's ability to pay the fees or costs,
- s. to be supervised by a Department of Corrections employee, a private supervision provider, or other person designated by the court,
- t. to obtain positive behavior modeling by a trained mentor,
- u. to serve a term of confinement in a restrictive housing facility available in the community,
- v. to serve a term of confinement in the county jail at night or during weekends pursuant to Section 991a-2 of this title or for work release,
- w. to obtain employment or participate in employment-related activities,

- x. to participate in mandatory day reporting to facilities or persons for services, payments, duties or person-to-person contacts as specified by the court,
- y. to pay day fines not to exceed fifty percent (50%) of the net wages earned. For purposes of this paragraph, "day fine" means the offender is ordered to pay an amount calculated as a percentage of net daily wages earned. The day fine shall be paid to the local community sentencing system as reparation to the community. Day fines shall be used to support the local system,
- z. to submit to blood or saliva testing as required by subsection I of this section,
- aa. to repair or restore property damaged by the defendant's conduct, if the court determines the defendant possesses sufficient skill to repair or restore the property and the victim consents to the repairing or restoring of the property,
- bb. to restore damaged property in kind or payment of out-of-pocket expenses to the victim, if the court is able to determine the actual out-of-pocket expenses suffered by the victim,
- cc. to attend a victim-offender reconciliation program if the victim agrees to participate and the offender is deemed appropriate for participation,
- dd. in the case of a person convicted of prostitution pursuant to Section 1029 of Title 21 of the Oklahoma Statutes, require such person to receive counseling for the behavior which may have caused such person to engage in prostitution activities. Such person may be required to receive counseling in areas including but not limited to alcohol and substance abuse, sexual behavior problems, or domestic abuse or child abuse problems,
- ee. in the case of a sex offender sentenced after November 1, 1989, and required by law to register pursuant to the Sex Offender Registration Act, the court shall require the person to comply with sex offender specific rules and conditions of supervision established by the Department of Corrections and require the person to participate in a treatment program designed for the treatment of sex offenders during the period of time while the offender is subject to supervision by the Department of Corrections. The treatment program shall include polygraph examinations specifically designed for use

with sex offenders for purposes of supervision and treatment compliance, and shall be administered not less than each six (6) months during the period of supervision. The examination shall be administered by a certified licensed polygraph examiner. The treatment program must be approved by the Department of Corrections or the Department of Mental Health and Substance Abuse Services. Such treatment shall be at the expense of the defendant based on the defendant's ability to pay,

- ff. in addition to other sentencing powers of the court, the court in the case of a defendant being sentenced for a felony conviction for a violation of Section 2-402 of Title 63 of the Oklahoma Statutes which involves marijuana may require the person to participate in a drug court program, if available. If a drug court program is not available, the defendant may be required to participate in a community sanctions program, if available,
- gg. in the case of a person convicted of any false or bogus check violation, as defined in Section 1541.4 of Title 21 of the Oklahoma Statutes, impose a fee of Twenty-five Dollars (\$25.00) to the victim for each check, and impose a bogus check fee to be paid to the district attorney. The bogus check fee paid to the district attorney shall be equal to the amount assessed as court costs plus Twenty-five Dollars (\$25.00) for each check upon filing of the case in district court. This money shall be deposited in the Bogus Check Restitution Program Fund as established in subsection B of Section 114 of this title. Additionally, the court may require the offender to pay restitution and bogus check fees on any other bogus check or checks that have been submitted to the District Attorney Bogus Check Restitution Program,
- hh. in the case of a person being sentenced for a conviction for a violation of Section 644 of Title 21 of the Oklahoma Statutes, require the person to receive an assessment for batterers, which shall be conducted through a certified treatment program for batterers, and
- ii. any other provision specifically ordered by the court.

However, any such order for restitution, community service, payment to a local certified crime stoppers program, payment to the Oklahoma Reward System, or confinement in the county jail, or a combination thereof, shall be made in conjunction with probation and shall be made a condition of the suspended sentence.

However, unless under the supervision of the district attorney, the offender shall be required to pay Forty Dollars (\$40.00) per month to the district attorney during the first two (2) years of probation to compensate the district attorney for the costs incurred during the prosecution of the offender and for the additional work of verifying the compliance of the offender with the rules and conditions of his or her probation. The district attorney may waive any part of this requirement in the best interests of justice. Any fees collected by the district attorney pursuant to this paragraph shall be deposited in the General Revenue Fund of the State Treasury. The court shall not waive, suspend, defer or dismiss the costs of prosecution in its entirety. However, if the court determines that a reduction in the fine, costs and costs of prosecution is warranted, the court shall equally apply the same percentage reduction to the fine, costs and costs of prosecution owed by the offender;

2. Impose a fine prescribed by law for the offense, with or without probation or commitment and with or without restitution or service as provided for in this section, Section 991a-4.1 of this title or Section 227 of Title 57 of the Oklahoma Statutes;

3. Commit such person for confinement provided for by law with or without restitution as provided for in this section;

4. Order the defendant to reimburse the Oklahoma State Bureau of Investigation for costs incurred by that agency during its investigation of the crime for which the defendant pleaded guilty, nolo contendere or was convicted, including compensation for laboratory, technical, or investigation services performed by the Bureau if, in the opinion of the court, the defendant is able to pay without imposing manifest hardship on the defendant, and if the costs incurred by the Bureau during the investigation of the defendant's case may be determined with reasonable certainty;

5. Order the defendant to reimburse the Oklahoma State Bureau of Investigation for all costs incurred by that agency for cleaning up an illegal drug laboratory site for which the defendant pleaded guilty, nolo contendere or was convicted. The court clerk shall collect the amount and may retain five percent (5%) of such monies to be deposited in the Court Clerk Revolving Fund to cover administrative costs and shall remit the remainder to the Oklahoma State Bureau of Investigation to be deposited in the OSBI Revolving Fund established by Section 150.19a of Title 74 of the Oklahoma Statutes;

6. In addition to the other sentencing powers of the court, in the case of a person convicted of operating or being in control of a motor vehicle while the person was under the influence of alcohol, other intoxicating substance, or a combination of alcohol or another intoxicating substance, or convicted of operating a motor vehicle

while the ability of the person to operate such vehicle was impaired due to the consumption of alcohol, require such person:

- a. to participate in an alcohol and drug assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services pursuant to Section 3-460 of Title 43A of the Oklahoma Statutes and, as determined by the assessment, participate in an alcohol and drug substance abuse course or treatment program or both, pursuant to Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes,
- b. to attend a victims impact panel program, as defined in subsection H of this section, if such a program is offered in the county where the judgment is rendered, and to pay a fee of not less than Fifteen Dollars (\$15.00) nor more than Sixty Dollars (\$60.00) as set by the governing authority of the program and approved by the court, to the program to offset the cost of participation by the defendant, if in the opinion of the court the defendant has the ability to pay such fee,
- c. to both participate in the alcohol and drug substance abuse course or treatment program, pursuant to subparagraph a of this paragraph and attend a victims impact panel program, pursuant to subparagraph b of this paragraph,
- d. to install, at the expense of the person, an ignition interlock device approved by the Board of Tests for Alcohol and Drug Influence, upon every motor vehicle operated by such person and to require that a notation of this restriction be affixed to the person's driver license at the time of reinstatement of the license. The restriction shall remain on the driver license for such period as the court shall determine. The restriction may be modified or removed by order of the court and notice of the order shall be given to the Department of Public Safety. Upon the expiration of the period for the restriction, the Department of Public Safety shall remove the restriction without further court order. Failure to comply with the order to install an ignition interlock device or operating any vehicle without such device during the period of restriction shall be a violation of the sentence and may be punished as deemed proper by the sentencing court, or
- e. beginning January 1, 1993, to submit to electronically monitored home detention administered and supervised

by the Department of Corrections, and to pay to the Department a monitoring fee, not to exceed Seventy-five Dollars (\$75.00) a month, to the Department of Corrections, if in the opinion of the court the defendant has the ability to pay such fee. Any fees collected pursuant to this subparagraph shall be deposited in the Department of Corrections Revolving Fund. Any order by the court for the payment of the monitoring fee, if willfully disobeyed, may be enforced as an indirect contempt of court;

7. In addition to the other sentencing powers of the court, in the case of a person convicted of prostitution pursuant to Section 1029 of Title 21 of the Oklahoma Statutes, require such person to receive counseling for the behavior which may have caused such person to engage in prostitution activities. Such person may be required to receive counseling in areas including but not limited to alcohol and substance abuse, sexual behavior problems, or domestic abuse or child abuse problems;

8. In addition to the other sentencing powers of the court, in the case of a person convicted of any crime related to domestic abuse, as defined in Section 60.1 of this title, the court may require the defendant to undergo the treatment or participate in an intervention program for batterers certified by the Office of the Attorney General, necessary to bring about the cessation of domestic abuse. In the instance where the defendant alleges that he or she is a victim of domestic abuse and the current conviction is a response to that abuse, the court may require the defendant to undergo an assessment by a domestic violence program certified by the Office of the Attorney General, and, if based upon the results of the assessment, the defendant is determined to be a victim of domestic violence, the defendant shall undergo treatment and participate in a certified program for domestic violence victims. The defendant may be required to pay all or part of the cost of the treatment or counseling services;

9. In addition to the other sentencing powers of the court, the court, in the case of a sex offender sentenced after November 1, 1989, and required by law to register pursuant to the Sex Offenders Registration Act, shall require the person to participate in a treatment program designed specifically for the treatment of sex offenders, if available. The treatment program will include polygraph examinations specifically designed for use with sex offenders for the purpose of supervision and treatment compliance, provided the examination is administered by a certified licensed polygraph examiner. The treatment program must be approved by the Department of Corrections or the Department of Mental Health and Substance Abuse Services. Such treatment shall be at the expense of the defendant based on the defendant's ability to pay;

10. In addition to the other sentencing powers of the court, the court, in the case of a person convicted of child abuse or neglect, as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, may require the person to undergo treatment or to participate in counseling services. The defendant may be required to pay all or part of the cost of the treatment or counseling services;

11. In addition to the other sentencing powers of the court, the court, in the case of a person convicted of cruelty to animals pursuant to Section 1685 of Title 21 of the Oklahoma Statutes, may require the person to pay restitution to animal facilities for medical care and any boarding costs of victimized animals;

12. In addition to the other sentencing powers of the court, a sex offender who is habitual or aggravated as defined by Section 584 of Title 57 of the Oklahoma Statutes and who is required to register as a sex offender pursuant to the Oklahoma Sex Offenders Registration Act shall be supervised by the Department of Corrections for the duration of the registration period and shall be assigned to a global position monitoring device by the Department of Corrections for the duration of the registration period. The cost of such monitoring device shall be reimbursed by the offender;

13. In addition to the other sentencing powers of the court, in the case of a sex offender who is required by law to register pursuant to the Sex Offenders Registration Act, the court may prohibit the person from accessing or using any Internet social networking web site that has the potential or likelihood of allowing the sex offender to have contact with any child who is under the age of eighteen (18) years; or

14. In addition to the other sentencing powers of the court, in the case of a sex offender who is required by law to register pursuant to the Sex Offenders Registration Act, the court shall require the person to register any electronic mail address information, instant message, chat or other Internet communication name or identity information that the person uses or intends to use while accessing the Internet or used for other purposes of social networking or other similar Internet communication.

B. Notwithstanding any other provision of law, any person who is found guilty of a violation of any provision of Section 761 or 11-902 of Title 47 of the Oklahoma Statutes or any person pleading guilty or nolo contendere for a violation of any provision of such sections shall be ordered to participate in, prior to sentencing, an alcohol and drug assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services for the purpose of evaluating the receptivity to treatment and prognosis of the person. The court shall order the person to reimburse the agency or assessor for the evaluation. The fee shall be the amount provided in subsection C of

Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation shall be conducted at a certified assessment agency, the office of a certified assessor or at another location as ordered by the court. The agency or assessor shall, within seventy-two (72) hours from the time the person is assessed, submit a written report to the court for the purpose of assisting the court in its final sentencing determination. No person, agency or facility operating an alcohol and drug substance abuse evaluation program certified by the Department of Mental Health and Substance Abuse Services shall solicit or refer any person evaluated pursuant to this subsection for any treatment program or alcohol and drug substance abuse service in which such person, agency or facility has a vested interest; however, this provision shall not be construed to prohibit the court from ordering participation in or any person from voluntarily utilizing a treatment program or alcohol and drug substance abuse service offered by such person, agency or facility. If a person is sentenced to the custody of the Department of Corrections and the court has received a written evaluation report pursuant to this subsection, the report shall be furnished to the Department of Corrections with the judgment and sentence. Any evaluation report submitted to the court pursuant to this subsection shall be handled in a manner which will keep such report confidential from the general public's review. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence in the event the defendant fails or refuses to comply with an order of the court to obtain the evaluation required by this subsection.

C. When sentencing a person convicted of a crime, the court shall first consider a program of restitution for the victim, as well as imposition of a fine or incarceration of the offender. The provisions of paragraph 1 of subsection A of this section shall not apply to a defendant being sentenced for:

1. A third or subsequent conviction of a violent crime enumerated in Section 571 of Title 57 of the Oklahoma Statutes;

2. A fourth or subsequent conviction for any other felony crime; or

3. Beginning January 1, 1993, a defendant being sentenced for a second or subsequent felony conviction for violation of Section 11-902 of Title 47 of the Oklahoma Statutes, except as otherwise provided in this subsection.

In the case of a person being sentenced for a second or subsequent felony conviction for violation of Section 11-902 of Title 47 of the Oklahoma Statutes, the court may sentence the person pursuant to the provisions of paragraph 1 of subsection A of this section if the court orders the person to submit to electronically monitored home detention administered and supervised by the Department of Corrections pursuant to subparagraph e of paragraph 7

of subsection A of this section. Provided, the court may waive these prohibitions upon written application of the district attorney. Both the application and the waiver shall be made part of the record of the case.

D. When sentencing a person convicted of a crime, the judge shall consider any victims impact statements if submitted to the jury, or the judge in the event a jury is waived.

E. Probation, for purposes of subsection A of this section, is a procedure by which a defendant found guilty of a crime, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, is released by the court subject to conditions imposed by the court and subject to supervision by the Department of Corrections, a private supervision provider or other person designated by the court. Such supervision shall be initiated upon an order of probation from the court, and shall not exceed two (2) years, unless a petition alleging a violation of any condition of deferred judgment or seeking revocation of the suspended sentence is filed during the supervision, or as otherwise provided by law. In the case of a person convicted of a sex offense, supervision shall begin immediately upon release from incarceration or if parole is granted and shall not be limited to two (2) years. Provided further, any supervision provided for in this section may be extended for a period not to exceed the expiration of the maximum term or terms of the sentence upon a determination by the court or the Division of Probation and Parole of the Department of Corrections that the best interests of the public and the release will be served by an extended period of supervision. Any supervision provided for under this section may not have the period of supervision extended for a failure to pay fines, fees and other costs, excluding restitution, except upon a finding of willful nonpayment.

F. The Department of Corrections, or such other agency as the court may designate, shall be responsible for the monitoring and administration of the restitution and service programs provided for by subparagraphs a, c, and d of paragraph 1 of subsection A of this section, and shall ensure that restitution payments are forwarded to the victim and that service assignments are properly performed.

G. 1. The Department of Corrections is hereby authorized, subject to funds available through appropriation by the Legislature, to contract with counties for the administration of county Community Service Sentencing Programs.

2. Any offender eligible to participate in the Program pursuant to Section 991a et seq. of this title shall be eligible to participate in a county Program; provided, participation in county-funded Programs shall not be limited to offenders who would otherwise be sentenced to confinement with the Department of Corrections.

3. The Department shall establish criteria and specifications for contracts with counties for such Programs. A county may apply to the Department for a contract for a county-funded Program for a specific period of time. The Department shall be responsible for ensuring that any contracting county complies in full with specifications and requirements of the contract. The contract shall set appropriate compensation to the county for services to the Department.

4. The Department is hereby authorized to provide technical assistance to any county in establishing a Program, regardless of whether the county enters into a contract pursuant to this subsection. Technical assistance shall include appropriate staffing, development of community resources, sponsorship, supervision and any other requirements.

5. The Department shall annually make a report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House on the number of such Programs, the number of participating offenders, the success rates of each Program according to criteria established by the Department and the costs of each Program.

H. As used in this section:

1. "Ignition interlock device" means a device that, without tampering or intervention by another person, would prevent the defendant from operating a motor vehicle if the defendant has a blood or breath alcohol concentration of two-hundredths (0.02) or greater;

2. "Electronically monitored home detention" means incarceration of the defendant within a specified location or locations with monitoring by means of a device approved by the Department of Corrections that detects if the person leaves the confines of any specified location; and

3. "Victims impact panel program" means a meeting with at least one live presenter who will share personal stories with participants about how alcohol, drug abuse and the illegal conduct of others has personally impacted the life of the presenter. A victims impact panel program shall be attended by persons who have committed the offense of driving, operating or being in actual physical control of a motor vehicle while under the influence of alcohol or other intoxicating substance. Persons attending a victims impact panel program shall be required to pay a fee of not less than Fifteen Dollars (\$15.00) nor more than Sixty Dollars (\$60.00) to the provider of the program. A certificate of completion shall be issued to the person upon satisfying the attendance and fee requirements of the victims impact panel program. A victims impact panel program shall not be provided by any certified assessment agency or certified assessor. The provider of the victims impact panel program shall carry general liability insurance and maintain

an accurate accounting of all business transactions and funds received in relation to the victims impact panel program.

I. A person convicted of a felony offense or receiving any form of probation for an offense in which registration is required pursuant to the Sex Offenders Registration Act, shall submit to deoxyribonucleic acid DNA testing for law enforcement identification purposes in accordance with Section 150.27 of Title 74 of the Oklahoma Statutes and the rules promulgated by the Oklahoma State Bureau of Investigation for the OSBI Combined DNA Index System (CODIS) Database. Subject to the availability of funds, any person convicted of a misdemeanor offense of assault and battery, domestic abuse, stalking, possession of a controlled substance prohibited under Schedule IV of the Uniform Controlled Dangerous Substances Act, outraging public decency, resisting arrest, escape or attempting to escape, eluding a police officer, Peeping Tom, pointing a firearm, unlawful carry of a firearm, illegal transport of a firearm, discharging of a firearm, threatening an act of violence, breaking and entering a dwelling place, destruction of property, negligent homicide, or causing a personal injury accident while driving under the influence of any intoxicating substance, or any alien unlawfully present under federal immigration law, upon arrest, shall submit to deoxyribonucleic acid DNA testing for law enforcement identification purposes in accordance with Section 150.27 of Title 74 of the Oklahoma Statutes and the rules promulgated by the Oklahoma State Bureau of Investigation for the OSBI Combined DNA Index System (CODIS) Database. Any defendant sentenced to probation shall be required to submit to testing within thirty (30) days of sentencing either to the Department of Corrections or to the county sheriff or other peace officer as directed by the court. Defendants who are sentenced to a term of incarceration shall submit to testing in accordance with Section 530.1 of Title 57 of the Oklahoma Statutes, for those defendants who enter the custody of the Department of Corrections or to the county sheriff, for those defendants sentenced to incarceration in a county jail. Convicted individuals who have previously submitted to DNA testing under this section and for whom a valid sample is on file in the OSBI Combined DNA Index System (CODIS) Database at the time of sentencing shall not be required to submit to additional testing. Except as required by the Sex Offenders Registration Act, a deferred judgment does not require submission to deoxyribonucleic acid testing.

Any person who is incarcerated in the custody of the Department of Corrections after July 1, 1996, and who has not been released before January 1, 2006, shall provide a blood or saliva sample prior to release. Every person subject to DNA testing after January 1, 2006, whose sentence does not include a term of confinement with the Department of Corrections, shall submit a blood or saliva sample.

Every person subject to DNA testing who is sentenced to unsupervised probation or otherwise not supervised by the Department of Corrections shall submit for blood or saliva testing to the sheriff of the sentencing county.

J. Samples of blood or saliva for DNA testing required by subsection I of this section shall be taken by employees or contractors of the Department of Corrections, peace officers, or the county sheriff or employees or contractors of the sheriff's office. The individuals shall be properly trained to collect blood or saliva samples. Persons collecting blood or saliva for DNA testing pursuant to this section shall be immune from civil liabilities arising from this activity. All collectors of DNA samples shall ensure the collection of samples are mailed to the Oklahoma State Bureau of Investigation within ten (10) days of the time the subject appears for testing or within ten (10) days of the date the subject comes into physical custody to serve a term of incarceration. All collectors of DNA samples shall use sample kits provided by the OSBI and procedures promulgated by the OSBI. Persons subject to DNA testing who are not received at the Lexington Assessment and Reception Center shall be required to pay a fee of Fifteen Dollars (\$15.00) to the agency collecting the sample for submission to the OSBI Combined DNA Index System (CODIS) Database. Any fees collected pursuant to this subsection shall be deposited in the revolving account or the service fee account of the collection agency or department.

K. When sentencing a person who has been convicted of a crime that would subject that person to the provisions of the Sex Offenders Registration Act, neither the court nor the district attorney shall be allowed to waive or exempt such person from the registration requirements of the Sex Offenders Registration Act. Added by Laws 1968, c. 204, § 1, emerg. eff. April 22, 1968. Amended by Laws 1970, c. 312, § 1; Laws 1971, c. 90, § 1, emerg. eff. April 16, 1971; Laws 1976, c. 160, § 1, eff. Oct. 1, 1976; Laws 1978, c. 223, § 1; Laws 1979, c. 66, § 1, emerg. eff. April 16, 1979; Laws 1981, c. 124, § 1; Laws 1982, c. 8, § 1, emerg. eff. March 15, 1982; Laws 1983, c. 23, § 1, eff. Nov. 1, 1983; Laws 1985, c. 59, § 1, eff. Nov. 1, 1985; Laws 1986, c. 240, § 4, eff. Nov. 1, 1986; Laws 1987, c. 224, § 11, eff. Nov. 1, 1987; Laws 1988, c. 150, § 2, eff. Nov. 1, 1988; Laws 1989, c. 197, § 11, eff. Nov. 1, 1989; Laws 1990, c. 152, § 1, eff. Sept. 1, 1990; Laws 1991, c. 200, § 3, eff. Sept. 1, 1991; Laws 1991, c. 335, § 8, emerg. eff. June 15, 1991; Laws 1992, c. 136, § 4, eff. July 1, 1992; Laws 1992, c. 382, § 3, emerg. eff. June 9, 1992; Laws 1993, c. 10, § 3, emerg. eff. March 21, 1993; Laws 1993, c. 166, § 1, eff. Sept. 1, 1993; Laws 1993, c. 339, § 1, eff. Sept. 1, 1993; Laws 1994, c. 2, § 9, emerg. eff. March 2, 1994; Laws 1994, c. 308, § 1, emerg. eff. June 7, 1994; Laws 1996, c. 153, § 4, emerg. eff. May 7, 1996; Laws 1997, c.

150, § 1, eff. Nov. 1, 1997; Laws 1997, c. 420, § 1, emerg. eff. June 13, 1997; Laws 1999, 1st Ex. Sess., c. 4, § 31, eff. July 1, 1999; Laws 2000, c. 112, § 1, emerg. eff. April 20, 2000; Laws 2000, c. 349, § 1, eff. Nov. 1, 2000; Laws 2001, c. 437, § 17, eff. July 1, 2001; Laws 2002, c. 22, § 10, emerg. eff. March 8, 2002; Laws 2002, c. 235, § 1, emerg. eff. May 9, 2002; Laws 2002, c. 464, § 1, emerg. eff. June 5, 2002; Laws 2003, c. 178, § 1, eff. July 1, 2003; Laws 2003, c. 474, § 3, eff. Nov. 1, 2003; Laws 2004, c. 5, § 11, emerg. eff. March 1, 2004; Laws 2004, c. 143, § 1, eff. Nov. 1, 2004; Laws 2004, c. 418, § 2, eff. July 1, 2004; Laws 2005, c. 188, § 2, emerg. eff. May 17, 2005; Laws 2005, c. 441, § 2, eff. Jan. 1, 2006; Laws 2006, c. 16, § 3, emerg. eff. March 29, 2006; Laws 2006, c. 294, § 1, eff. July 1, 2006; Laws 2007, c. 1, § 16, emerg. eff. Feb. 22, 2007; Laws 2007, c. 30, § 1, eff. Nov. 1, 2007; Laws 2007, c. 182, § 1, eff. Nov. 1, 2007; Laws 2008, c. 3, § 19, emerg. eff. Feb. 28, 2008; Laws 2009, c. 218, § 2, emerg. eff. May 19, 2009; Laws 2010, c. 2, § 10, emerg. eff. March 3, 2010; Laws 2010, c. 37, § 2, eff. Nov. 1, 2010; Laws 2010, c. 237, § 1, eff. Nov. 1, 2010; Laws 2013, c. 80, § 1; Laws 2013, c. 175, § 1, eff. Nov. 1, 2013; Laws 2014, c. 157, § 1, eff. Nov. 1, 2014; Laws 2017, c. 194, § 2, eff. Nov. 1, 2017; Laws 2018, c. 128, § 10, eff. Nov. 1, 2018; Laws 2019, c. 453, § 1, eff. July 1, 2019.

NOTE: Laws 1991, c. 17, § 1 repealed by Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991. Laws 1992, c. 379, § 2 repealed by Laws 1993, c. 10, § 16, emerg. eff. March 21, 1993. Laws 1993, c. 325, § 19 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994. Laws 1994, c. 40, § 1 and Laws 1994, c. 188, § 2 repealed by Laws 1997, c. 133, § 605, emerg. eff. April 22, 1997. Laws 1997, c. 9, § 2 repealed by Laws 1997, c. 260, § 12, eff. Nov. 1, 1997. Laws 1997, c. 133, § 65 and Laws 1997, c. 260, § 9 repealed by Laws 1999, 1st Ex. Sess., c. 5, § 452, eff. July 1, 1999. Laws 2000, c. 39, § 3 repealed by Laws 2000, c. 334, § 10, emerg. eff. June 5, 2000 and by Laws 2000, c. 349, § 7, eff. Nov. 1, 2000. Laws 2000, c. 334, § 2 repealed by Laws 2001, c. 5, § 7, emerg. eff. March 21, 2001. Laws 2001, c. 170, § 1 and Laws 2001, c. 225, § 2 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002. Laws 2003, c. 306, § 1 repealed by Laws 2004, c. 5, § 12, emerg. eff. March 1, 2004. Laws 2003, c. 363, § 2 repealed by Laws 2004, c. 5, § 13, emerg. eff. March 1, 2004. Laws 2005, c. 183, § 1 repealed by Laws 2006, c. 16, § 4, emerg. eff. March 29, 2006. Laws 2006, c. 284, § 6 repealed by Laws 2007, c. 1, § 17, emerg. eff. Feb. 22, 2007. Laws 2007, c. 261, § 21 repealed by Laws 2008, c. 3, § 20, emerg. eff. Feb. 28, 2008. Laws 2009, c. 234, § 132 repealed by Laws 2010, c. 2, § 11, emerg. eff. March 3, 2010.

NOTE: Laws 2017, c. 194, § 2 was purportedly repealed by Laws 2018, c. 304, § 11 but without reference to Laws 2018, c. 128, § 10, which amended it.

§22-991av2. Sentencing powers of court - Alcohol and drug assessment and evaluation - Restitution, fines, or incarceration - Victim impact statements - Probation and monitoring - DNA samples.

A. Except as otherwise provided in the Elderly and Incapacitated Victim's Protection Program, when a defendant is convicted of a crime and no death sentence is imposed, the court shall either:

1. Suspend the execution of sentence in whole or in part, with or without probation. The court, in addition, may order the convicted defendant at the time of sentencing or at any time during the suspended sentence to do one or more of the following:

- a. to provide restitution to the victim as provided by Section 991f et seq. of this title or according to a schedule of payments established by the sentencing court, together with interest upon any pecuniary sum at the rate of twelve percent (12%) per annum, if the defendant agrees to pay such restitution or, in the opinion of the court, if the defendant is able to pay such restitution without imposing manifest hardship on the defendant or the immediate family and if the extent of the damage to the victim is determinable with reasonable certainty,
- b. to reimburse any state agency for amounts paid by the state agency for hospital and medical expenses incurred by the victim or victims, as a result of the criminal act for which such person was convicted, which reimbursement shall be made directly to the state agency, with interest accruing thereon at the rate of twelve percent (12%) per annum,
- c. to engage in a term of community service without compensation, according to a schedule consistent with the employment and family responsibilities of the person convicted,
- d. to pay a reasonable sum into any trust fund established pursuant to the provisions of Sections 176 through 180.4 of Title 60 of the Oklahoma Statutes and which provides restitution payments by convicted defendants to victims of crimes committed within this state wherein such victim has incurred a financial loss,
- e. to confinement in the county jail for a period not to exceed six (6) months,
- f. to confinement as provided by law together with a term of post-imprisonment community supervision for not less than three (3) years of the total term allowed by law for imprisonment, with or without restitution;

provided, however, the authority of this provision is limited to Section 843.5 of Title 21 of the Oklahoma Statutes when the offense involved sexual abuse or sexual exploitation; Sections 681, 741 and 843.1 of Title 21 of the Oklahoma Statutes when the offense involved sexual abuse or sexual exploitation; and Sections 865 et seq., 885, 886, 888, 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1115 and 1123 of Title 21 of the Oklahoma Statutes,

- g. to repay the reward or part of the reward paid by a local certified crime stoppers program and the Oklahoma Reward System. In determining whether the defendant shall repay the reward or part of the reward, the court shall consider the ability of the defendant to make the payment, the financial hardship on the defendant to make the required payment and the importance of the information to the prosecution of the defendant as provided by the arresting officer or the district attorney with due regard for the confidentiality of the records of the local certified crime stoppers program and the Oklahoma Reward System. The court shall assess this repayment against the defendant as a cost of prosecution. The term "certified" means crime stoppers organizations that annually meet the certification standards for crime stoppers programs established by the Oklahoma Crime Stoppers Association to the extent those standards do not conflict with state statutes. The term "court" refers to all municipal and district courts within this state. The "Oklahoma Reward System" means the reward program established by Section 150.18 of Title 74 of the Oklahoma Statutes,
- h. to reimburse the Oklahoma State Bureau of Investigation for costs incurred by that agency during its investigation of the crime for which the defendant pleaded guilty, nolo contendere or was convicted including compensation for laboratory, technical or investigation services performed by the Bureau if, in the opinion of the court, the defendant is able to pay without imposing manifest hardship on the defendant, and if the costs incurred by the Bureau during the investigation of the defendant's case may be determined with reasonable certainty,
- i. to pay a reasonable sum to the Crime Victims Compensation Board, created by Section 142.2 et seq. of Title 21 of the Oklahoma Statutes, for the benefit of crime victims,

- j. to reimburse the court fund for amounts paid to court-appointed attorneys for representing the defendant in the case in which the person is being sentenced,
- k. to participate in an assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services pursuant to Section 3-460 of Title 43A of the Oklahoma Statutes and, as determined by the assessment, participate in an alcohol and drug substance abuse course or treatment program or both, pursuant to Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes, or as ordered by the court,
- l. to be placed in a victims impact panel program, as defined in subsection H of this section, or victim/offender reconciliation program and payment of a fee to the program of Seventy-five Dollars (\$75.00) as set by the governing authority of the program to offset the cost of participation by the defendant. Provided, each victim/offender reconciliation program shall be required to obtain a written consent form voluntarily signed by the victim and defendant that specifies the methods to be used to resolve the issues, the obligations and rights of each person and the confidentiality of the proceedings. Volunteer mediators and employees of a victim/offender reconciliation program shall be immune from liability and have rights of confidentiality as provided in Section 1805 of Title 12 of the Oklahoma Statutes,
- m. to install, at the expense of the defendant, an ignition interlock device approved by the Board of Tests for Alcohol and Drug Influence. The device shall be installed upon every motor vehicle operated by the defendant, and the court shall require that a notation of this restriction be affixed to the defendant's driver license. The restriction shall remain on the driver license not exceeding two (2) years to be determined by the court. The restriction may be modified or removed only by order of the court and notice of any modification order shall be given to Service Oklahoma. Upon the expiration of the period for the restriction, Service Oklahoma shall remove the restriction without further court order. Failure to comply with the order to install an ignition interlock device or operating any vehicle without a device during the period of restriction shall be a violation of the sentence and may be punished as deemed proper by the sentencing court. As used in this paragraph,

- "ignition interlock device" means a device that, without tampering or intervention by another person, would prevent the defendant from operating a motor vehicle if the defendant has a blood or breath alcohol concentration of two-hundredths (0.02) or greater,
- n. to be confined by electronic monitoring administered and supervised by the Department of Corrections or a community sentence provider. As used in this paragraph, "electronic monitoring" means confinement of the defendant within a specified location or locations with supervision by means of an electronic device approved by the Department of Corrections which is designed to detect if the defendant is in the court-ordered location at the required times and which records violations for investigation by a qualified supervisory agency or person,
 - o. to perform one or more courses of treatment, education or rehabilitation for any conditions, behaviors, deficiencies or disorders which may contribute to criminal conduct including but not limited to alcohol and substance abuse, mental health, emotional health, physical health, propensity for violence, antisocial behavior, personality or attitudes, deviant sexual behavior, child development, parenting assistance, job skills, vocational-technical skills, domestic relations, literacy, education or any other identifiable deficiency which may be treated appropriately in the community and for which a certified provider or a program recognized by the court as having significant positive impact exists in the community. Any treatment, education or rehabilitation provider required to be certified pursuant to law or rule shall be certified by the appropriate state agency or a national organization,
 - p. to submit to periodic testing for alcohol, intoxicating substance or controlled dangerous substances by a qualified laboratory,
 - q. to pay a fee or costs for treatment, education, supervision, participation in a program or any combination thereof as determined by the court, based upon the defendant's ability to pay the fees or costs,
 - r. to be supervised by a Department of Corrections employee, a private supervision provider or other person designated by the court,
 - s. to obtain positive behavior modeling by a trained mentor,

- t. to serve a term of confinement in a restrictive housing facility available in the community,
- u. to serve a term of confinement in the county jail at night or during weekends pursuant to Section 991a-2 of this title or for work release,
- v. to obtain employment or participate in employment-related activities,
- w. to participate in mandatory day reporting to facilities or persons for services, payments, duties or person-to-person contacts as specified by the court,
- x. to pay day fines not to exceed fifty percent (50%) of the net wages earned. For purposes of this paragraph, "day fine" means the offender is ordered to pay an amount calculated as a percentage of net daily wages earned. The day fine shall be paid to the local community sentencing system as reparation to the community. Day fines shall be used to support the local system,
- y. to submit to blood or saliva testing as required by subsection I of this section,
- z. to repair or restore property damaged by the defendant's conduct, if the court determines the defendant possesses sufficient skill to repair or restore the property and the victim consents to the repairing or restoring of the property,
- aa. to restore damaged property in kind or payment of out-of-pocket expenses to the victim, if the court is able to determine the actual out-of-pocket expenses suffered by the victim,
- bb. to attend a victim-offender reconciliation program if the victim agrees to participate and the offender is deemed appropriate for participation,
- cc. in the case of a person convicted of prostitution pursuant to Section 1029 of Title 21 of the Oklahoma Statutes, require such person to receive counseling for the behavior which may have caused such person to engage in prostitution activities. Such person may be required to receive counseling in areas including but not limited to alcohol and substance abuse, sexual behavior problems or domestic abuse or child abuse problems,
- dd. in the case of a sex offender sentenced after November 1, 1989, and required by law to register pursuant to the Sex Offender Registration Act, the court shall require the person to comply with sex offender specific rules and conditions of supervision

established by the Department of Corrections and require the person to participate in a treatment program designed for the treatment of sex offenders during the period of time while the offender is subject to supervision by the Department of Corrections. The treatment program shall include polygraph examinations specifically designed for use with sex offenders for purposes of supervision and treatment compliance, and shall be administered not less than each six (6) months during the period of supervision. The examination shall be administered by a certified licensed polygraph examiner. The treatment program must be approved by the Department of Corrections or the Department of Mental Health and Substance Abuse Services. Such treatment shall be at the expense of the defendant based on the defendant's ability to pay,

- ee. in addition to other sentencing powers of the court, the court in the case of a defendant being sentenced for a felony conviction for a violation of Section 2-402 of Title 63 of the Oklahoma Statutes which involves marijuana may require the person to participate in a drug court program, if available. If a drug court program is not available, the defendant may be required to participate in a community sanctions program, if available,
- ff. in the case of a person convicted of any false or bogus check violation, as defined in Section 1541.4 of Title 21 of the Oklahoma Statutes, impose a fee of Twenty-five Dollars (\$25.00) to the victim for each check, and impose a bogus check fee to be paid to the district attorney. The bogus check fee paid to the district attorney shall be equal to the amount assessed as court costs plus Twenty-five Dollars (\$25.00) for each check upon filing of the case in district court. This money shall be deposited in the Bogus Check Restitution Program Fund as established in subsection B of Section 114 of this title. Additionally, the court may require the offender to pay restitution and bogus check fees on any other bogus check or checks that have been submitted to the Bogus Check Restitution Program,
- gg. in the case of a person convicted of an offense under Section 644 of Title 21 of the Oklahoma Statutes, require the person to receive an assessment for batterers, which shall be conducted through a certified treatment program for batterers, and

hh. any other provision specifically ordered by the court.

However, any such order for restitution, community service, payment to a local certified crime stoppers program, payment to the Oklahoma Reward System or confinement in the county jail, or a combination thereof, shall be made in conjunction with probation and shall be made a condition of the suspended sentence.

However, unless under the supervision of the district attorney, the offender shall be required to pay Forty Dollars (\$40.00) per month to the district attorney during the first two (2) years of probation to compensate the district attorney for the costs incurred during the prosecution of the offender and for the additional work of verifying the compliance of the offender with the rules and conditions of his or her probation. The district attorney may waive any part of this requirement in the best interests of justice. The court may waive the costs of prosecution in the same manner as the court waives financial obligations pursuant to Section 983 of this title. Any unpaid costs of prosecution shall be waived if the suspended sentence of an offender expires without being revoked;

2. Impose a fine prescribed by law for the offense, with or without probation or commitment and with or without restitution or service as provided for in this section, Section 991a-4.1 of this title or Section 227 of Title 57 of the Oklahoma Statutes;

3. Commit such person for confinement provided for by law with or without restitution as provided for in this section;

4. Order the defendant to reimburse the Oklahoma State Bureau of Investigation for costs incurred by that agency during its investigation of the crime for which the defendant pleaded guilty, nolo contendere or was convicted including compensation for laboratory, technical or investigation services performed by the Bureau if, in the opinion of the court, the defendant is able to pay without imposing manifest hardship on the defendant, and if the costs incurred by the Bureau during the investigation of the defendant's case may be determined with reasonable certainty;

5. In the case of nonviolent felony offenses, sentence such person to the Community Service Sentencing Program;

6. In addition to the other sentencing powers of the court, in the case of a person convicted of operating or being in control of a motor vehicle while the person was under the influence of alcohol, other intoxicating substance or a combination of alcohol or another intoxicating substance, or convicted of operating a motor vehicle while the ability of the person to operate such vehicle was impaired due to the consumption of alcohol, require such person:

- a. to participate in an alcohol and drug assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services pursuant to Section 3-460 of Title 43A of the Oklahoma Statutes and, as

- determined by the assessment, participate in an alcohol and drug substance abuse course or treatment program or both, pursuant to Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes,
- b. to attend a victims impact panel program, as defined in subsection H of this section, and to pay a fee of Seventy-five Dollars (\$75.00) as set by the governing authority of the program and approved by the court, to the program to offset the cost of participation by the defendant, if in the opinion of the court the defendant has the ability to pay such fee,
 - c. to both participate in the alcohol and drug substance abuse course or treatment program, pursuant to subparagraph a of this paragraph and attend a victims impact panel program, pursuant to subparagraph b of this paragraph,
 - d. to install, at the expense of the person, an ignition interlock device approved by the Board of Tests for Alcohol and Drug Influence, upon every motor vehicle operated by such person and to require that a notation of this restriction be affixed to the person's driver license at the time of reinstatement of the license. The restriction shall remain on the driver license for such period as the court shall determine. The restriction may be modified or removed by order of the court and notice of the order shall be given to Service Oklahoma. Upon the expiration of the period for the restriction, Service Oklahoma shall remove the restriction without further court order. Failure to comply with the order to install an ignition interlock device or operating any vehicle without such device during the period of restriction shall be a violation of the sentence and may be punished as deemed proper by the sentencing court, or
 - e. beginning January 1, 1993, to submit to electronically monitored home detention administered and supervised by the Department of Corrections, and to pay to the Department a monitoring fee, not to exceed Seventy-five Dollars (\$75.00) a month, to the Department of Corrections, if in the opinion of the court the defendant has the ability to pay such fee. Any fees collected pursuant to this subparagraph shall be deposited in the Department of Corrections Revolving Fund. Any order by the court for the payment of the monitoring fee, if willfully disobeyed, may be enforced as an indirect contempt of court;

7. In addition to the other sentencing powers of the court, in the case of a person convicted of prostitution pursuant to Section 1029 of Title 21 of the Oklahoma Statutes, require such person to receive counseling for the behavior which may have caused such person to engage in prostitution activities. Such person may be required to receive counseling in areas including but not limited to alcohol and substance abuse, sexual behavior problems or domestic abuse or child abuse problems;

8. In addition to the other sentencing powers of the court, in the case of a person convicted of any crime related to domestic abuse, as defined in Section 60.1 of this title, the court may require the defendant to undergo the treatment or participate in the counseling services necessary to bring about the cessation of domestic abuse against the victim. The defendant may be required to pay all or part of the cost of the treatment or counseling services;

9. In addition to the other sentencing powers of the court, the court, in the case of a sex offender sentenced after November 1, 1989, and required by law to register pursuant to the Sex Offenders Registration Act, shall require the defendant to participate in a treatment program designed specifically for the treatment of sex offenders, if available. The treatment program will include polygraph examinations specifically designed for use with sex offenders for the purpose of supervision and treatment compliance, provided the examination is administered by a certified licensed polygraph examiner. The treatment program must be approved by the Department of Corrections or the Department of Mental Health and Substance Abuse Services. Such treatment shall be at the expense of the defendant based on the ability of the defendant to pay;

10. In addition to the other sentencing powers of the court, the court, in the case of a person convicted of abuse or neglect of a child, as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, may require the person to undergo treatment or to participate in counseling services. The defendant may be required to pay all or part of the cost of the treatment or counseling services;

11. In addition to the other sentencing powers of the court, the court, in the case of a person convicted of cruelty to animals pursuant to Section 1685 of Title 21 of the Oklahoma Statutes, may require the person to pay restitution to animal facilities for medical care and any boarding costs of victimized animals;

12. In addition to the other sentencing powers of the court, a sex offender who is habitual or aggravated as defined by Section 584 of Title 57 of the Oklahoma Statutes and who is required to register as a sex offender pursuant to the Sex Offenders Registration Act shall be supervised by the Department of Corrections for the duration of the registration period and shall be assigned to a global position monitoring device by the Department of Corrections

for the duration of the registration period. The cost of such monitoring device shall be reimbursed by the offender;

13. In addition to the other sentencing powers of the court, in the case of a sex offender who is required by law to register pursuant to the Sex Offenders Registration Act, the court may prohibit the person from accessing or using any Internet social networking website that has the potential or likelihood of allowing the sex offender to have contact with any child who is under the age of eighteen (18) years;

14. In addition to the other sentencing powers of the court, in the case of a sex offender who is required by law to register pursuant to the Sex Offenders Registration Act, the court shall require the person to register any electronic mail address information, instant message, chat or other Internet communication name or identity information that the person uses or intends to use while accessing the Internet or used for other purposes of social networking or other similar Internet communication; or

15. In addition to the other sentencing powers of the court, and pursuant to the terms and conditions of a written plea agreement, the court may prohibit the defendant from entering, visiting or residing within the judicial district in which the defendant was convicted until after completion of his or her sentence; provided, however, the court shall ensure that the defendant has access to those services or programs for which the defendant is required to participate as a condition of probation. When seeking to enter the prohibited judicial district for personal business not related to his or her criminal case, the defendant shall be required to obtain approval by the court.

B. Notwithstanding any other provision of law, any person who is found guilty of a violation of any provision of Section 761 or 11-902 of Title 47 of the Oklahoma Statutes or any person pleading guilty or nolo contendere for a violation of any provision of such sections shall be ordered to participate in, prior to sentencing, an alcohol and drug assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services for the purpose of evaluating the receptivity to treatment and prognosis of the person. The court shall order the person to reimburse the agency or assessor for the evaluation. The fee shall be the amount provided in subsection C of Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation shall be conducted at a certified assessment agency, the office of a certified assessor or at another location as ordered by the court. The agency or assessor shall, within seventy-two (72) hours from the time the person is assessed, submit a written report to the court for the purpose of assisting the court in its final sentencing determination. No person, agency or facility operating an alcohol and drug substance abuse evaluation program certified by the

Department of Mental Health and Substance Abuse Services shall solicit or refer any person evaluated pursuant to this subsection for any treatment program or alcohol and drug substance abuse service in which such person, agency or facility has a vested interest; however, this provision shall not be construed to prohibit the court from ordering participation in or any person from voluntarily utilizing a treatment program or alcohol and drug substance abuse service offered by such person, agency or facility. If a person is sentenced to the custody of the Department of Corrections and the court has received a written evaluation report pursuant to this subsection, the report shall be furnished to the Department of Corrections with the judgment and sentence. Any evaluation report submitted to the court pursuant to this subsection shall be handled in a manner which will keep such report confidential from the general public's review. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence in the event the defendant fails or refuses to comply with an order of the court to obtain the evaluation required by this subsection.

C. When sentencing a person convicted of a crime, the court shall first consider a program of restitution for the victim, as well as imposition of a fine or incarceration of the offender. The provisions of paragraph 1 of subsection A of this section shall not apply to defendants being sentenced upon their third or subsequent to their third conviction of a felony. Provided, the court may waive these prohibitions upon written application of the district attorney. Both the application and the waiver shall be made part of the record of the case.

D. When sentencing a person convicted of a crime, the judge shall consider any victim impact statements if submitted to the jury, or the judge in the event a jury is waived.

E. Probation, for purposes of subsection A of this section, is a procedure by which a defendant found guilty of a crime, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, is released by the court subject to conditions imposed by the court and subject to supervision by the Department of Corrections, a private supervision provider or other person designated by the court. Such supervision shall be initiated upon an order of probation from the court, and shall not exceed two (2) years, unless a petition alleging a violation of any condition of deferred judgment or seeking revocation of the suspended sentence is filed during the supervision, or as otherwise provided by law. In the case of a person convicted of a sex offense, supervision shall begin immediately upon release from incarceration or if parole is granted and shall not be limited to two (2) years. Provided further, any supervision provided for in this section may be extended for a period not to exceed the expiration of the maximum term or terms of

the sentence upon a determination by the court or the Division of Probation and Parole of the Department of Corrections that the best interests of the public and the release will be served by an extended period of supervision.

F. The Department of Corrections, or such other agency as the court may designate, shall be responsible for the monitoring and administration of the restitution and service programs provided for by subparagraphs a, c and d of paragraph 1 of subsection A of this section, and shall ensure that restitution payments are forwarded to the victim and that service assignments are properly performed.

G. 1. The Department of Corrections is hereby authorized, subject to funds available through appropriation by the Legislature, to contract with counties for the administration of county Community Service Sentencing Programs.

2. Any offender eligible to participate in the Program pursuant to this section shall be eligible to participate in a county Program; provided, participation in county-funded Programs shall not be limited to offenders who would otherwise be sentenced to confinement with the Department of Corrections.

3. The Department shall establish criteria and specifications for contracts with counties for such Programs. A county may apply to the Department for a contract for a county-funded Program for a specific period of time. The Department shall be responsible for ensuring that any contracting county complies in full with specifications and requirements of the contract. The contract shall set appropriate compensation to the county for services to the Department.

4. The Department is hereby authorized to provide technical assistance to any county in establishing a Program, regardless of whether the county enters into a contract pursuant to this subsection. Technical assistance shall include appropriate staffing, development of community resources, sponsorship, supervision and any other requirements.

5. The Department shall annually make a report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House on the number of such Programs, the number of participating offenders, the success rates of each Program according to criteria established by the Department and the costs of each Program.

H. As used in this section:

1. "Ignition interlock device" means a device that, without tampering or intervention by another person, would prevent the defendant from operating a motor vehicle if the defendant has a blood or breath alcohol concentration of two-hundredths (0.02) or greater;

2. "Electronically monitored home detention" means incarceration of the defendant within a specified location or locations with monitoring by means of a device approved by the

Department of Corrections that detects if the person leaves the confines of any specified location; and

3. "Victims impact panel program" means a program conducted by a corporation registered with the Secretary of State in Oklahoma for the sole purpose of operating a victims impact panel program. The program shall include live presentations from presenters who will share personal stories with participants about how alcohol, drug abuse, the operation of a motor vehicle while using an electronic communication device or the illegal conduct of others has personally impacted the lives of the presenters. A victims impact panel program shall be attended by persons who have committed the offense of driving, operating or being in actual physical control of a motor vehicle while under the influence of alcohol or other intoxicating substance, operating a motor vehicle while the ability of the person to operate such vehicle was impaired due to the consumption of alcohol or any other substance or operating a motor vehicle while using an electronic device or by persons who have been convicted of furnishing alcoholic beverage to persons under twenty-one (21) years of age, as provided in Sections 6-101 and 6-120 of Title 37A of the Oklahoma Statutes. Persons attending a victims impact panel program shall be required to pay a fee of Seventy-five Dollars (\$75.00) to the provider of the program. A certificate of completion shall be issued to the person upon satisfying the attendance and fee requirements of the victims impact panel program. The certificate of completion shall contain the business identification number of the program provider. A certified assessment agency, certified assessor or provider of an alcohol and drug substance abuse course shall be prohibited from providing a victims impact panel program and shall further be prohibited from having any proprietary or pecuniary interest in a victims impact panel program. The provider of the victims impact panel program shall carry general liability insurance and maintain an accurate accounting of all business transactions and funds received in relation to the victims impact panel program. Beginning October 1, 2020, and each October 1 thereafter, the provider of the victims impact panel program shall provide to the District Attorneys Council the following:

- a. proof of registration with the Oklahoma Secretary of State,
- b. proof of general liability insurance,
- c. end-of-year financial statements prepared by a certified public accountant,
- d. a copy of federal income tax returns filed with the Internal Revenue Service,
- e. a registration fee of One Thousand Dollars (\$1,000.00). The registration fee shall be deposited in the District Attorneys Council Revolving Fund

created in Section 215.28 of Title 19 of the Oklahoma Statutes, and

- f. a statement certifying that the provider of the victims impact panel program has complied with all of the requirements set forth in this paragraph.

I. A person convicted of a felony offense or receiving any form of probation for an offense in which registration is required pursuant to the Sex Offenders Registration Act, shall submit to deoxyribonucleic acid (DNA) testing for law enforcement identification purposes in accordance with Section 150.27 of Title 74 of the Oklahoma Statutes and the rules promulgated by the Oklahoma State Bureau of Investigation for the OSBI Combined DNA Index System (CODIS) Database. Subject to the availability of funds, any person convicted of a misdemeanor offense of assault and battery, domestic abuse, stalking, possession of a controlled substance prohibited under the Uniform Controlled Dangerous Substances Act, outraging public decency, resisting arrest, escape or attempting to escape, eluding a police officer, Peeping Tom, pointing a firearm, threatening an act of violence, breaking and entering a dwelling place, destruction of property, negligent homicide or causing a personal injury accident while driving under the influence of any intoxicating substance, or any alien unlawfully present under federal immigration law, upon arrest, shall submit to DNA testing for law enforcement identification purposes in accordance with Section 150.27 of Title 74 of the Oklahoma Statutes and the rules promulgated by the Oklahoma State Bureau of Investigation for the OSBI Combined DNA Index System (CODIS) Database. Any defendant sentenced to probation shall be required to submit to testing within thirty (30) days of sentencing either to the Department of Corrections or to the county sheriff or other peace officer as directed by the court. Defendants who are sentenced to a term of incarceration shall submit to testing in accordance with Section 530.1 of Title 57 of the Oklahoma Statutes, for those defendants who enter the custody of the Department of Corrections or to the county sheriff, for those defendants sentenced to incarceration in a county jail. Convicted individuals who have previously submitted to DNA testing under this section and for whom a valid sample is on file in the OSBI Combined DNA Index System (CODIS) Database at the time of sentencing shall not be required to submit to additional testing. Except as required by the Sex Offenders Registration Act, a deferred judgment does not require submission to DNA testing.

Any person who is incarcerated in the custody of the Department of Corrections after July 1, 1996, and who has not been released before January 1, 2006, shall provide a blood or saliva sample prior to release. Every person subject to DNA testing after January 1, 2006, whose sentence does not include a term of confinement with the

Department of Corrections shall submit a blood or saliva sample. Every person subject to DNA testing who is sentenced to unsupervised probation or otherwise not supervised by the Department of Corrections shall submit for blood or saliva testing to the sheriff of the sentencing county.

J. Samples of blood or saliva for DNA testing required by subsection I of this section shall be taken by employees or contractors of the Department of Corrections, peace officers, or the county sheriff or employees or contractors of the sheriff's office. The individuals shall be properly trained to collect blood or saliva samples. Persons collecting blood or saliva for DNA testing pursuant to this section shall be immune from civil liabilities arising from this activity. All collectors of DNA samples shall ensure the collection of samples are mailed to the Oklahoma State Bureau of Investigation within ten (10) days of the time the subject appears for testing or within ten (10) days of the date the subject comes into physical custody to serve a term of incarceration. All collectors of DNA samples shall use sample kits provided by the OSBI and procedures promulgated by the OSBI. Persons subject to DNA testing who are not received at the Lexington Assessment and Reception Center shall be required to pay a fee of Fifteen Dollars (\$15.00) to the agency collecting the sample for submission to the OSBI Combined DNA Index System (CODIS) Database. Any fees collected pursuant to this subsection shall be deposited in the revolving account or the service fee account of the collection agency or department.

K. When sentencing a person who has been convicted of a crime that would subject that person to the provisions of the Sex Offenders Registration Act, neither the court nor the district attorney shall be allowed to waive or exempt such person from the registration requirements of the Sex Offenders Registration Act. Added by Laws 1968, c. 204, § 1, emerg. eff. April 22, 1968. Amended by Laws 1970, c. 312, § 1; Laws 1971, c. 90, § 1, emerg. eff. April 16, 1971; Laws 1976, c. 160, § 1, eff. Oct. 1, 1976; Laws 1978, c. 223, § 1; Laws 1979, c. 66, § 1, emerg. eff. April 16, 1979; Laws 1981, c. 124, § 1; Laws 1982, c. 8, § 1, emerg. eff. March 15, 1982; Laws 1983, c. 23, § 1, eff. Nov. 1, 1983; Laws 1985, c. 59, § 1, eff. Nov. 1, 1985; Laws 1986, c. 240, § 4, eff. Nov. 1, 1986; Laws 1987, c. 224, § 11, eff. Nov. 1, 1987; Laws 1988, c. 150, § 2, eff. Nov. 1, 1988; Laws 1989, c. 197, § 11, eff. Nov. 1, 1989; Laws 1990, c. 152, § 1, eff. Sept. 1, 1990; Laws 1991, c. 200, § 3, eff. Sept. 1, 1991; Laws 1991, c. 335, § 8, emerg. eff. June 15, 1991; Laws 1992, c. 136, § 4, eff. July 1, 1992; Laws 1992, c. 382, § 3, emerg. eff. June 9, 1992; Laws 1993, c. 10, § 3, emerg. eff. March 21, 1993; Laws 1993, c. 166, § 1, eff. Sept. 1, 1993; Laws 1993, c. 339, § 1, eff. Sept. 1, 1993; Laws 1994, c. 2, § 9, emerg. eff. March 2, 1994; Laws 1994, c. 308, § 1, emerg. eff. June 7, 1994; Laws 1996,

c. 153, § 4, emerg. eff. May 7, 1996; Laws 1997, c. 150, § 1, eff. Nov. 1, 1997; Laws 1997, c. 420, § 1, emerg. eff. June 13, 1997; Laws 1999, 1st Ex. Sess., c. 4, § 31, eff. July 1, 1999; Laws 2000, c. 112, § 1, emerg. eff. April 20, 2000; Laws 2000, c. 349, § 1, eff. Nov. 1, 2000; Laws 2001, c. 437, § 17, eff. July 1, 2001; Laws 2002, c. 22, § 10, emerg. eff. March 8, 2002; Laws 2002, c. 235, § 1, emerg. eff. May 9, 2002; Laws 2002, c. 464, § 1, emerg. eff. June 5, 2002; Laws 2003, c. 178, § 1, eff. July 1, 2003; Laws 2003, c. 474, § 3, eff. Nov. 1, 2003; Laws 2004, c. 5, § 11, emerg. eff. March 1, 2004; Laws 2004, c. 143, § 1, eff. Nov. 1, 2004; Laws 2004, c. 418, § 2, eff. July 1, 2004; Laws 2005, c. 188, § 2, emerg. eff. May 17, 2005; Laws 2005, c. 441, § 2, eff. Jan. 1, 2006; Laws 2006, c. 16, § 3, emerg. eff. March 29, 2006; Laws 2006, c. 294, § 1, eff. July 1, 2006; Laws 2007, c. 1, § 16, emerg. eff. Feb. 22, 2007; Laws 2007, c. 30, § 1, eff. Nov. 1, 2007; Laws 2007, c. 182, § 1, eff. Nov. 1, 2007; Laws 2008, c. 3, § 19, emerg. eff. Feb. 28, 2008; Laws 2009, c. 218, § 2, emerg. eff. May 19, 2009; Laws 2010, c. 2, § 10, emerg. eff. March 3, 2010; Laws 2010, c. 37, § 2, eff. Nov. 1, 2010; Laws 2010, c. 237, § 1, eff. Nov. 1, 2010; Laws 2013, c. 80, § 1; Laws 2013, c. 175, § 1, eff. Nov. 1, 2013; Laws 2014, c. 157, § 1, eff. Nov. 1, 2014; Laws 2017, c. 313, § 1, eff. Nov. 1, 2017; Laws 2018, c. 304, § 10, emerg. eff. May 10, 2018; Laws 2020, c. 46, § 1, eff. Sept. 1, 2020; Laws 2021, c. 317, § 1, eff. Nov. 1, 2021; Laws 2021, c. 469, § 2, eff. Nov. 1, 2021; Laws 2023, c. 310, § 4, eff. July 1, 2023; Laws 2024, c. 61, § 1, eff. Nov. 1, 2024; Laws 2025, c. 305, § 2, eff. Nov. 1, 2025.

NOTE: Laws 1991, c. 17, § 1 repealed by Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991. Laws 1992, c. 379, § 2 repealed by Laws 1993, c. 10, § 16, emerg. eff. March 21, 1993. Laws 1993, c. 325, § 19 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994. Laws 1994, c. 40, § 1 and Laws 1994, c. 188, § 2 repealed by Laws 1997, c. 133, § 605, emerg. eff. April 22, 1997. Laws 1997, c. 9, § 2 repealed by Laws 1997, c. 260, § 12, eff. Nov. 1, 1997. Laws 1997, c. 133, § 65 and Laws 1997, c. 260, § 9 repealed by Laws 1999, 1st Ex. Sess., c. 5, § 452, eff. July 1, 1999. Laws 2000, c. 39, § 3 repealed by Laws 2000, c. 334, § 10, emerg. eff. June 5, 2000 and by Laws 2000, c. 349, § 7, eff. Nov. 1, 2000. Laws 2000, c. 334, § 2 repealed by Laws 2001, c. 5, § 7, emerg. eff. March 21, 2001. Laws 2001, c. 170, § 1 and Laws 2001, c. 225, § 2 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002. Laws 2003, c. 306, § 1 repealed by Laws 2004, c. 5, § 12, emerg. eff. March 1, 2004. Laws 2003, c. 363, § 2 repealed by Laws 2004, c. 5, § 13, emerg. eff. March 1, 2004. Laws 2005, c. 183, § 1 repealed by Laws 2006, c. 16, § 4, emerg. eff. March 29, 2006. Laws 2006, c. 284, § 6 repealed by Laws 2007, c. 1, § 17, emerg. eff. Feb. 22, 2007. Laws 2007, c. 261, § 21 repealed by Laws 2008, c. 3, § 20, emerg. eff. Feb. 28, 2008. Laws 2009, c. 234, § 132 repealed by Laws 2010, c. 2, § 11, emerg.

eff. March 3, 2010. Laws 2021, c. 273, § 3 repealed by Laws 2021, c. 469, § 5, eff. Nov. 1, 2021.

NOTE: Laws 2017, c. 194, § 2 was purportedly repealed by Laws 2018, c. 304, § 11 but without reference to Laws 2018, c. 128, § 10, which amended it. Laws 2018, c. 128, § 10 was subsequently amended by Laws 2019, c. 453, § 1, eff. July 1, 2019.

§22-991av3. Sentencing powers of court - Alcohol and drug assessment and evaluation - Restitution, fines, or incarceration - Victim impact statements - Probation and monitoring - DNA samples.

A. Except as otherwise provided in the Elderly and Incapacitated Victim's Protection Program, when a defendant is convicted of a crime and no death sentence is imposed, the court shall either:

1. Suspend the execution of sentence in whole or in part, with or without probation. The court, in addition, may order the convicted defendant at the time of sentencing or at any time during the suspended sentence to do one or more of the following:

- a. to provide restitution to the victim as provided by Section 991f et seq. of this title or according to a schedule of payments established by the sentencing court, together with interest upon any pecuniary sum at the rate of twelve percent (12%) per annum, if the defendant agrees to pay such restitution or, in the opinion of the court, if the defendant is able to pay such restitution without imposing manifest hardship on the defendant or the immediate family and if the extent of the damage to the victim is determinable with reasonable certainty,
- b. to reimburse any state agency for amounts paid by the state agency for hospital and medical expenses incurred by the victim or victims, as a result of the criminal act for which such person was convicted, which reimbursement shall be made directly to the state agency, with interest accruing thereon at the rate of twelve percent (12%) per annum,
- c. to engage in a term of community service without compensation, according to a schedule consistent with the employment and family responsibilities of the person convicted,
- d. to pay a reasonable sum into any trust fund established pursuant to the provisions of Sections 176 through 180.4 of Title 60 of the Oklahoma Statutes and which provides restitution payments by convicted defendants to victims of crimes committed within this state wherein such victim has incurred a financial loss,

- e. to confinement in the county jail for a period not to exceed six (6) months,
- f. to confinement as provided by law together with a term of post-imprisonment community supervision for not less than three (3) years of the total term allowed by law for imprisonment, with or without restitution; provided, however, the authority of this provision is limited to Section 843.5 of Title 21 of the Oklahoma Statutes when the offense involved sexual abuse or sexual exploitation; Sections 681, 741 and 843.1 of Title 21 of the Oklahoma Statutes when the offense involved sexual abuse or sexual exploitation; and Sections 865 et seq., 885, 886, 888, 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1115 and 1123 of Title 21 of the Oklahoma Statutes,
- g. to repay the reward or part of the reward paid by a local certified crime stoppers program and the Oklahoma Reward System. In determining whether the defendant shall repay the reward or part of the reward, the court shall consider the ability of the defendant to make the payment, the financial hardship on the defendant to make the required payment and the importance of the information to the prosecution of the defendant as provided by the arresting officer or the district attorney with due regard for the confidentiality of the records of the local certified crime stoppers program and the Oklahoma Reward System. The court shall assess this repayment against the defendant as a cost of prosecution. The term "certified" means crime stoppers organizations that annually meet the certification standards for crime stoppers programs established by the Oklahoma Crime Stoppers Association to the extent those standards do not conflict with state statutes. The term "court" refers to all municipal and district courts within this state. The "Oklahoma Reward System" means the reward program established by Section 150.18 of Title 74 of the Oklahoma Statutes,
- h. to reimburse the Oklahoma State Bureau of Investigation for costs incurred by that agency during its investigation of the crime for which the defendant pleaded guilty, nolo contendere or was convicted including compensation for laboratory, technical or investigation services performed by the Bureau if, in the opinion of the court, the defendant is able to pay without imposing manifest hardship on the defendant, and if the costs incurred by the Bureau during the

- investigation of the defendant's case may be determined with reasonable certainty,
- i. to reimburse the Oklahoma State Bureau of Investigation and any authorized law enforcement agency for all costs incurred by that agency for cleaning up an illegal drug laboratory site for which the defendant pleaded guilty, nolo contendere or was convicted. The court clerk shall collect the amount and may retain five percent (5%) of such monies to be deposited in the Court Clerk's Revolving Fund to cover administrative costs and shall remit the remainder to the Oklahoma State Bureau of Investigation to be deposited in the OSBI Revolving Fund established by Section 150.19a of Title 74 of the Oklahoma Statutes or to the general fund wherein the other law enforcement agency is located,
 - j. to pay a reasonable sum to the Crime Victims Compensation Board, created by Section 142.2 et seq. of Title 21 of the Oklahoma Statutes, for the benefit of crime victims,
 - k. to reimburse the court fund for amounts paid to court-appointed attorneys for representing the defendant in the case in which the person is being sentenced,
 - l. to participate in an assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services pursuant to Section 3-460 of Title 43A of the Oklahoma Statutes and, as determined by the assessment, participate in an alcohol and drug substance abuse course or treatment program or both, pursuant to Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes, or as ordered by the court,
 - m. to be placed in a victims impact panel program, as defined in subsection H of this section, or victim/offender reconciliation program and payment of a fee to the program of Seventy-five Dollars (\$75.00) as set by the governing authority of the program to offset the cost of participation by the defendant. Provided, each victim/offender reconciliation program shall be required to obtain a written consent form voluntarily signed by the victim and defendant that specifies the methods to be used to resolve the issues, the obligations and rights of each person and the confidentiality of the proceedings. Volunteer mediators and employees of a victim/offender reconciliation program shall be immune from liability

- and have rights of confidentiality as provided in Section 1805 of Title 12 of the Oklahoma Statutes,
- n. to install, at the expense of the defendant, an ignition interlock device approved by the Board of Tests for Alcohol and Drug Influence. The device shall be installed upon every motor vehicle operated by the defendant, and the court shall require that a notation of this restriction be affixed to the defendant's driver license. The restriction shall remain on the driver license not exceeding two (2) years to be determined by the court. The restriction may be modified or removed only by order of the court and notice of any modification order shall be given to Service Oklahoma. Upon the expiration of the period for the restriction, Service Oklahoma shall remove the restriction without further court order. Failure to comply with the order to install an ignition interlock device or operating any vehicle without a device during the period of restriction shall be a violation of the sentence and may be punished as deemed proper by the sentencing court. As used in this paragraph, "ignition interlock device" means a device that, without tampering or intervention by another person, would prevent the defendant from operating a motor vehicle if the defendant has a blood or breath alcohol concentration of two-hundredths (0.02) or greater,
 - o. to be confined by electronic monitoring administered and supervised by the Department of Corrections or a community sentence provider, and payment of a monitoring fee to the supervising authority, not to exceed Three Hundred Dollars (\$300.00) per month. Any fees collected pursuant to this subparagraph shall be deposited with the appropriate supervising authority. Any willful violation of an order of the court for the payment of the monitoring fee shall be a violation of the sentence and may be punished as deemed proper by the sentencing court. As used in this paragraph, "electronic monitoring" means confinement of the defendant within a specified location or locations with supervision by means of an electronic device approved by the Department of Corrections which is designed to detect if the defendant is in the court-ordered location at the required times and which records violations for investigation by a qualified supervisory agency or person,
 - p. to perform one or more courses of treatment, education or rehabilitation for any conditions, behaviors,

- deficiencies or disorders which may contribute to criminal conduct including but not limited to alcohol and substance abuse, mental health, emotional health, physical health, propensity for violence, antisocial behavior, personality or attitudes, deviant sexual behavior, child development, parenting assistance, job skills, vocational-technical skills, domestic relations, literacy, education or any other identifiable deficiency which may be treated appropriately in the community and for which a certified provider or a program recognized by the court as having significant positive impact exists in the community. Any treatment, education or rehabilitation provider required to be certified pursuant to law or rule shall be certified by the appropriate state agency or a national organization,
- q. to submit to periodic testing for alcohol, intoxicating substance or controlled dangerous substances by a qualified laboratory,
 - r. to pay a fee or costs for treatment, education, supervision, participation in a program or any combination thereof as determined by the court, based upon the defendant's ability to pay the fees or costs,
 - s. to be supervised by a Department of Corrections employee, a private supervision provider or other person designated by the court,
 - t. to obtain positive behavior modeling by a trained mentor,
 - u. to serve a term of confinement in a restrictive housing facility available in the community,
 - v. to serve a term of confinement in the county jail at night or during weekends pursuant to Section 991a-2 of this title or for work release,
 - w. to obtain employment or participate in employment-related activities,
 - x. to participate in mandatory day reporting to facilities or persons for services, payments, duties or person-to-person contacts as specified by the court,
 - y. to pay day fines not to exceed fifty percent (50%) of the net wages earned. For purposes of this paragraph, "day fine" means the offender is ordered to pay an amount calculated as a percentage of net daily wages earned. The day fine shall be paid to the local community sentencing system as reparation to the community. Day fines shall be used to support the local system,

- z. to submit to blood or saliva testing as required by subsection I of this section,
- aa. to repair or restore property damaged by the defendant's conduct, if the court determines the defendant possesses sufficient skill to repair or restore the property and the victim consents to the repairing or restoring of the property,
- bb. to restore damaged property in kind or payment of out-of-pocket expenses to the victim, if the court is able to determine the actual out-of-pocket expenses suffered by the victim,
- cc. to attend a victim-offender reconciliation program if the victim agrees to participate and the offender is deemed appropriate for participation,
- dd. to prioritize payments for restitution to the victim,
- ee. in the case of a person convicted of prostitution pursuant to Section 1029 of Title 21 of the Oklahoma Statutes, require such person to receive counseling for the behavior which may have caused such person to engage in prostitution activities. Such person may be required to receive counseling in areas including but not limited to alcohol and substance abuse, sexual behavior problems or domestic abuse or child abuse problems,
- ff. in the case of a sex offender sentenced after November 1, 1989, and required by law to register pursuant to the Sex Offender Registration Act, the court shall require the person to comply with sex offender specific rules and conditions of supervision established by the Department of Corrections and require the person to participate in a treatment program designed for the treatment of sex offenders during the period of time while the offender is subject to supervision by the Department of Corrections. The treatment program shall include polygraph examinations specifically designed for use with sex offenders for purposes of supervision and treatment compliance, and shall be administered not less than each six (6) months during the period of supervision. The examination shall be administered by a certified licensed polygraph examiner. The treatment program must be approved by the Department of Corrections or the Department of Mental Health and Substance Abuse Services. Such treatment shall be at the expense of the defendant based on the defendant's ability to pay,

- gg. in addition to other sentencing powers of the court, the court in the case of a defendant being sentenced for a felony conviction for a violation of Section 2-402 of Title 63 of the Oklahoma Statutes which involves marijuana may require the person to participate in a drug court program, if available. If a drug court program is not available, the defendant may be required to participate in a community sanctions program, if available,
- hh. in the case of a person convicted of any false or bogus check violation, as defined in Section 1541.4 of Title 21 of the Oklahoma Statutes, impose a fee of Twenty-five Dollars (\$25.00) to the victim for each check, and impose a bogus check fee to be paid to the district attorney. The bogus check fee paid to the district attorney shall be equal to the amount assessed as court costs plus Twenty-five Dollars (\$25.00) for each check upon filing of the case in district court. This money shall be deposited in the Bogus Check Restitution Program Fund as established in subsection B of Section 114 of this title. Additionally, the court may require the offender to pay restitution and bogus check fees on any other bogus check or checks that have been submitted to the Bogus Check Restitution Program, and
- ii. any other provision specifically ordered by the court.

However, any such order for restitution, community service, payment to a local certified crime stoppers program, payment to the Oklahoma Reward System or confinement in the county jail, or a combination thereof, shall be made in conjunction with probation and shall be made a condition of the suspended sentence.

However, unless under the supervision of the district attorney, the offender shall be required to pay Forty Dollars (\$40.00) per month to the district attorney during the first two (2) years of probation to compensate the district attorney for the costs incurred during the prosecution of the offender and for the additional work of verifying the compliance of the offender with the rules and conditions of his or her probation. The district attorney may waive any part of this requirement in the best interests of justice. The court shall not waive, suspend, defer or dismiss the costs of prosecution in its entirety. However, if the court determines that a reduction in the fine, costs and costs of prosecution is warranted, the court shall equally apply the same percentage reduction to the fine, costs and costs of prosecution owed by the offender;

2. Impose a fine prescribed by law for the offense, with or without probation or commitment and with or without restitution or

service as provided for in this section, Section 991a-4.1 of this title or Section 227 of Title 57 of the Oklahoma Statutes;

3. Commit such person for confinement provided for by law with or without restitution as provided for in this section;

4. Order the defendant to reimburse the Oklahoma State Bureau of Investigation for costs incurred by that agency during its investigation of the crime for which the defendant pleaded guilty, nolo contendere or was convicted including compensation for laboratory, technical or investigation services performed by the Bureau if, in the opinion of the court, the defendant is able to pay without imposing manifest hardship on the defendant, and if the costs incurred by the Bureau during the investigation of the defendant's case may be determined with reasonable certainty;

5. Order the defendant to reimburse the Oklahoma State Bureau of Investigation for all costs incurred by that agency for cleaning up an illegal drug laboratory site for which the defendant pleaded guilty, nolo contendere or was convicted. The court clerk shall collect the amount and may retain five percent (5%) of such monies to be deposited in the Court Clerk's Revolving Fund to cover administrative costs and shall remit the remainder to the Oklahoma State Bureau of Investigation to be deposited in the OSBI Revolving Fund established by Section 150.19a of Title 74 of the Oklahoma Statutes;

6. In the case of nonviolent felony offenses, sentence such person to the Community Service Sentencing Program;

7. In addition to the other sentencing powers of the court, in the case of a person convicted of operating or being in control of a motor vehicle while the person was under the influence of alcohol, other intoxicating substance or a combination of alcohol or another intoxicating substance, or convicted of operating a motor vehicle while the ability of the person to operate such vehicle was impaired due to the consumption of alcohol, require such person:

- a. to participate in an alcohol and drug assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services pursuant to Section 3-460 of Title 43A of the Oklahoma Statutes and, as determined by the assessment, participate in an alcohol and drug substance abuse course or treatment program or both, pursuant to Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes,
- b. to attend a victims impact panel program, as defined in subsection H of this section, and to pay a fee of Seventy-five Dollars (\$75.00) as set by the governing authority of the program and approved by the court, to the program to offset the cost of participation by the

- defendant, if in the opinion of the court the defendant has the ability to pay such fee,
- c. to both participate in the alcohol and drug substance abuse course or treatment program, pursuant to subparagraph a of this paragraph and attend a victims impact panel program, pursuant to subparagraph b of this paragraph,
 - d. to install, at the expense of the person, an ignition interlock device approved by the Board of Tests for Alcohol and Drug Influence, upon every motor vehicle operated by such person and to require that a notation of this restriction be affixed to the person's driver license at the time of reinstatement of the license. The restriction shall remain on the driver license for such period as the court shall determine. The restriction may be modified or removed by order of the court and notice of the order shall be given to Service Oklahoma. Upon the expiration of the period for the restriction, Service Oklahoma shall remove the restriction without further court order. Failure to comply with the order to install an ignition interlock device or operating any vehicle without such device during the period of restriction shall be a violation of the sentence and may be punished as deemed proper by the sentencing court, or
 - e. beginning January 1, 1993, to submit to electronically monitored home detention administered and supervised by the Department of Corrections, and to pay to the Department a monitoring fee, not to exceed Seventy-five Dollars (\$75.00) a month, to the Department of Corrections, if in the opinion of the court the defendant has the ability to pay such fee. Any fees collected pursuant to this subparagraph shall be deposited in the Department of Corrections Revolving Fund. Any order by the court for the payment of the monitoring fee, if willfully disobeyed, may be enforced as an indirect contempt of court;

8. In addition to the other sentencing powers of the court, in the case of a person convicted of prostitution pursuant to Section 1029 of Title 21 of the Oklahoma Statutes, require such person to receive counseling for the behavior which may have caused such person to engage in prostitution activities. Such person may be required to receive counseling in areas including but not limited to alcohol and substance abuse, sexual behavior problems or domestic abuse or child abuse problems;

9. In addition to the other sentencing powers of the court, in the case of a person convicted of any crime related to domestic

abuse, as defined in Section 60.1 of this title, the court may require the defendant to undergo the treatment or participate in the counseling services necessary to bring about the cessation of domestic abuse against the victim. The defendant may be required to pay all or part of the cost of the treatment or counseling services;

10. In addition to the other sentencing powers of the court, the court, in the case of a sex offender sentenced after November 1, 1989, and required by law to register pursuant to the Sex Offenders Registration Act, shall require the defendant to participate in a treatment program designed specifically for the treatment of sex offenders, if available. The treatment program will include polygraph examinations specifically designed for use with sex offenders for the purpose of supervision and treatment compliance, provided the examination is administered by a certified licensed polygraph examiner. The treatment program must be approved by the Department of Corrections or the Department of Mental Health and Substance Abuse Services. Such treatment shall be at the expense of the defendant based on the ability of the defendant to pay;

11. In addition to the other sentencing powers of the court, the court, in the case of a person convicted of abuse or neglect of a child, as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, may require the person to undergo treatment or to participate in counseling services. The defendant may be required to pay all or part of the cost of the treatment or counseling services;

12. In addition to the other sentencing powers of the court, the court, in the case of a person convicted of cruelty to animals pursuant to Section 1685 of Title 21 of the Oklahoma Statutes, may require the person to pay restitution to animal facilities for medical care and any boarding costs of victimized animals;

13. In addition to the other sentencing powers of the court, a sex offender who is habitual or aggravated as defined by Section 584 of Title 57 of the Oklahoma Statutes and who is required to register as a sex offender pursuant to the Sex Offenders Registration Act shall be supervised by the Department of Corrections for the duration of the registration period and shall be assigned to a global position monitoring device by the Department of Corrections for the duration of the registration period. The cost of such monitoring device shall be reimbursed by the offender;

14. In addition to the other sentencing powers of the court, in the case of a sex offender who is required by law to register pursuant to the Sex Offenders Registration Act, the court may prohibit the person from accessing or using any Internet social networking website that has the potential or likelihood of allowing the sex offender to have contact with any child who is under the age of eighteen (18) years;

15. In addition to the other sentencing powers of the court, in the case of a sex offender who is required by law to register pursuant to the Sex Offenders Registration Act, the court shall require the person to register any electronic mail address information, instant message, chat or other Internet communication name or identity information that the person uses or intends to use while accessing the Internet or used for other purposes of social networking or other similar Internet communication; or

16. In addition to the other sentencing powers of the court, and pursuant to the terms and conditions of a written plea agreement, the court may prohibit the defendant from entering, visiting or residing within the judicial district in which the defendant was convicted until after completion of his or her sentence; provided, however, the court shall ensure that the defendant has access to those services or programs for which the defendant is required to participate as a condition of probation. When seeking to enter the prohibited judicial district for personal business not related to his or her criminal case, the defendant shall be required to obtain approval by the court.

B. Notwithstanding any other provision of law, any person who is found guilty of a violation of any provision of Section 761 or 11-902 of Title 47 of the Oklahoma Statutes or any person pleading guilty or nolo contendere for a violation of any provision of such sections shall be ordered to participate in, prior to sentencing, an alcohol and drug assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services for the purpose of evaluating the receptivity to treatment and prognosis of the person. The court shall order the person to reimburse the agency or assessor for the evaluation. The fee shall be the amount provided in subsection C of Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation shall be conducted at a certified assessment agency, the office of a certified assessor or at another location as ordered by the court. The agency or assessor shall, within seventy-two (72) hours from the time the person is assessed, submit a written report to the court for the purpose of assisting the court in its final sentencing determination. No person, agency or facility operating an alcohol and drug substance abuse evaluation program certified by the Department of Mental Health and Substance Abuse Services shall solicit or refer any person evaluated pursuant to this subsection for any treatment program or alcohol and drug substance abuse service in which such person, agency or facility has a vested interest; however, this provision shall not be construed to prohibit the court from ordering participation in or any person from voluntarily utilizing a treatment program or alcohol and drug substance abuse service offered by such person, agency or facility. If a person is sentenced to the custody of the Department of

Corrections and the court has received a written evaluation report pursuant to this subsection, the report shall be furnished to the Department of Corrections with the judgment and sentence. Any evaluation report submitted to the court pursuant to this subsection shall be handled in a manner which will keep such report confidential from the general public's review. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence in the event the defendant fails or refuses to comply with an order of the court to obtain the evaluation required by this subsection.

C. When sentencing a person convicted of a crime, the court shall first consider a program of restitution for the victim, as well as imposition of a fine or incarceration of the offender. The provisions of paragraph 1 of subsection A of this section shall not apply to defendants being sentenced upon their third or subsequent to their third conviction of a felony. Provided, the court may waive these prohibitions upon written application of the district attorney. Both the application and the waiver shall be made part of the record of the case.

D. When sentencing a person convicted of a crime, the judge shall consider any victim impact statements if submitted to the jury, or the judge in the event a jury is waived.

E. Probation, for purposes of subsection A of this section, is a procedure by which a defendant found guilty of a crime, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, is released by the court subject to conditions imposed by the court and subject to supervision by the Department of Corrections, a private supervision provider or other person designated by the court. Such supervision shall be initiated upon an order of probation from the court, and shall not exceed two (2) years, unless a petition alleging a violation of any condition of deferred judgment or seeking revocation of the suspended sentence is filed during the supervision, or as otherwise provided by law. In the case of a person convicted of a sex offense, supervision shall begin immediately upon release from incarceration or if parole is granted and shall not be limited to two (2) years. Provided further, any supervision provided for in this section may be extended for a period not to exceed the expiration of the maximum term or terms of the sentence upon a determination by the court or the Division of Probation and Parole of the Department of Corrections that the best interests of the public and the release will be served by an extended period of supervision.

F. The Department of Corrections, or such other agency as the court may designate, shall be responsible for the monitoring and administration of the restitution and service programs provided for by subparagraphs a, c and d of paragraph 1 of subsection A of this

section, and shall ensure that restitution payments are forwarded to the victim and that service assignments are properly performed.

G. 1. The Department of Corrections is hereby authorized, subject to funds available through appropriation by the Legislature, to contract with counties for the administration of county Community Service Sentencing Programs.

2. Any offender eligible to participate in the Program pursuant to this section shall be eligible to participate in a county Program; provided, participation in county-funded Programs shall not be limited to offenders who would otherwise be sentenced to confinement with the Department of Corrections.

3. The Department shall establish criteria and specifications for contracts with counties for such Programs. A county may apply to the Department for a contract for a county-funded Program for a specific period of time. The Department shall be responsible for ensuring that any contracting county complies in full with specifications and requirements of the contract. The contract shall set appropriate compensation to the county for services to the Department.

4. The Department is hereby authorized to provide technical assistance to any county in establishing a Program, regardless of whether the county enters into a contract pursuant to this subsection. Technical assistance shall include appropriate staffing, development of community resources, sponsorship, supervision and any other requirements.

5. The Department shall annually make a report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House on the number of such Programs, the number of participating offenders, the success rates of each Program according to criteria established by the Department and the costs of each Program.

H. As used in this section:

1. "Ignition interlock device" means a device that, without tampering or intervention by another person, would prevent the defendant from operating a motor vehicle if the defendant has a blood or breath alcohol concentration of two-hundredths (0.02) or greater;

2. "Electronically monitored home detention" means incarceration of the defendant within a specified location or locations with monitoring by means of a device approved by the Department of Corrections that detects if the person leaves the confines of any specified location; and

3. "Victims impact panel program" means a program conducted by a corporation registered with the Secretary of State in Oklahoma for the sole purpose of operating a victims impact panel program. The program shall include live presentations from presenters who will share personal stories with participants about how alcohol, drug abuse, the operation of a motor vehicle while using an electronic

communication device or the illegal conduct of others has personally impacted the lives of the presenters. A victims impact panel program shall be attended by persons who have committed the offense of driving, operating or being in actual physical control of a motor vehicle while under the influence of alcohol or other intoxicating substance, operating a motor vehicle while the ability of the person to operate such vehicle was impaired due to the consumption of alcohol or any other substance or operating a motor vehicle while using an electronic device or by persons who have been convicted of furnishing alcoholic beverage to persons under twenty-one (21) years of age, as provided in Sections 6-101 and 6-120 of Title 37A of the Oklahoma Statutes. Persons attending a victims impact panel program shall be required to pay a fee of Seventy-five Dollars (\$75.00) to the provider of the program. A certificate of completion shall be issued to the person upon satisfying the attendance and fee requirements of the victims impact panel program. The certificate of completion shall contain the business identification number of the program provider. A certified assessment agency, certified assessor or provider of an alcohol and drug substance abuse course shall be prohibited from providing a victims impact panel program and shall further be prohibited from having any proprietary or pecuniary interest in a victims impact panel program. The provider of the victims impact panel program shall carry general liability insurance and maintain an accurate accounting of all business transactions and funds received in relation to the victims impact panel program. Beginning October 1, 2020, and each October 1 thereafter, the provider of the victims impact panel program shall provide to the District Attorneys Council the following:

- a. proof of registration with the Oklahoma Secretary of State,
- b. proof of general liability insurance,
- c. end-of-year financial statements prepared by a certified public accountant,
- d. a copy of federal income tax returns filed with the Internal Revenue Service,
- e. a registration fee of One Thousand Dollars (\$1,000.00). The registration fee shall be deposited in the District Attorneys Council Revolving Fund created in Section 215.28 of Title 19 of the Oklahoma Statutes, and
- f. a statement certifying that the provider of the victims impact panel program has complied with all of the requirements set forth in this paragraph.

I. A person convicted of a felony offense or receiving any form of probation for an offense in which registration is required pursuant to the Sex Offenders Registration Act, shall submit to deoxyribonucleic acid (DNA) testing for law enforcement

identification purposes in accordance with Section 150.27 of Title 74 of the Oklahoma Statutes and the rules promulgated by the Oklahoma State Bureau of Investigation for the OSBI Combined DNA Index System (CODIS) Database. Subject to the availability of funds, any person convicted of a misdemeanor offense of assault and battery, domestic abuse, stalking, possession of a controlled substance prohibited under the Uniform Controlled Dangerous Substances Act, outraging public decency, resisting arrest, escape or attempting to escape, eluding a police officer, Peeping Tom, pointing a firearm, threatening an act of violence, breaking and entering a dwelling place, destruction of property, negligent homicide or causing a personal injury accident while driving under the influence of any intoxicating substance, or any alien unlawfully present under federal immigration law, upon arrest, shall submit to DNA testing for law enforcement identification purposes in accordance with Section 150.27 of Title 74 of the Oklahoma Statutes and the rules promulgated by the Oklahoma State Bureau of Investigation for the OSBI Combined DNA Index System (CODIS) Database. Any defendant sentenced to probation shall be required to submit to testing within thirty (30) days of sentencing either to the Department of Corrections or to the county sheriff or other peace officer as directed by the court. Defendants who are sentenced to a term of incarceration shall submit to testing in accordance with Section 530.1 of Title 57 of the Oklahoma Statutes, for those defendants who enter the custody of the Department of Corrections or to the county sheriff, for those defendants sentenced to incarceration in a county jail. Convicted individuals who have previously submitted to DNA testing under this section and for whom a valid sample is on file in the OSBI Combined DNA Index System (CODIS) Database at the time of sentencing shall not be required to submit to additional testing. Except as required by the Sex Offenders Registration Act, a deferred judgment does not require submission to DNA testing.

Any person who is incarcerated in the custody of the Department of Corrections after July 1, 1996, and who has not been released before January 1, 2006, shall provide a blood or saliva sample prior to release. Every person subject to DNA testing after January 1, 2006, whose sentence does not include a term of confinement with the Department of Corrections shall submit a blood or saliva sample. Every person subject to DNA testing who is sentenced to unsupervised probation or otherwise not supervised by the Department of Corrections shall submit for blood or saliva testing to the sheriff of the sentencing county.

J. Samples of blood or saliva for DNA testing required by subsection I of this section shall be taken by employees or contractors of the Department of Corrections, peace officers, or the county sheriff or employees or contractors of the sheriff's office.

The individuals shall be properly trained to collect blood or saliva samples. Persons collecting blood or saliva for DNA testing pursuant to this section shall be immune from civil liabilities arising from this activity. All collectors of DNA samples shall ensure the collection of samples are mailed to the Oklahoma State Bureau of Investigation within ten (10) days of the time the subject appears for testing or within ten (10) days of the date the subject comes into physical custody to serve a term of incarceration. All collectors of DNA samples shall use sample kits provided by the OSBI and procedures promulgated by the OSBI. Persons subject to DNA testing who are not received at the Lexington Assessment and Reception Center shall be required to pay a fee of Fifteen Dollars (\$15.00) to the agency collecting the sample for submission to the OSBI Combined DNA Index System (CODIS) Database. Any fees collected pursuant to this subsection shall be deposited in the revolving account or the service fee account of the collection agency or department.

K. When sentencing a person who has been convicted of a crime that would subject that person to the provisions of the Sex Offenders Registration Act, neither the court nor the district attorney shall be allowed to waive or exempt such person from the registration requirements of the Sex Offenders Registration Act. Added by Laws 1968, c. 204, § 1, emerg. eff. April 22, 1968. Amended by Laws 1970, c. 312, § 1; Laws 1971, c. 90, § 1, emerg. eff. April 16, 1971; Laws 1976, c. 160, § 1, eff. Oct. 1, 1976; Laws 1978, c. 223, § 1; Laws 1979, c. 66, § 1, emerg. eff. April 16, 1979; Laws 1981, c. 124, § 1; Laws 1982, c. 8, § 1, emerg. eff. March 15, 1982; Laws 1983, c. 23, § 1, eff. Nov. 1, 1983; Laws 1985, c. 59, § 1, eff. Nov. 1, 1985; Laws 1986, c. 240, § 4, eff. Nov. 1, 1986; Laws 1987, c. 224, § 11, eff. Nov. 1, 1987; Laws 1988, c. 150, § 2, eff. Nov. 1, 1988; Laws 1989, c. 197, § 11, eff. Nov. 1, 1989; Laws 1990, c. 152, § 1, eff. Sept. 1, 1990; Laws 1991, c. 200, § 3, eff. Sept. 1, 1991; Laws 1991, c. 335, § 8, emerg. eff. June 15, 1991; Laws 1992, c. 136, § 4, eff. July 1, 1992; Laws 1992, c. 382, § 3, emerg. eff. June 9, 1992; Laws 1993, c. 10, § 3, emerg. eff. March 21, 1993; Laws 1993, c. 166, § 1, eff. Sept. 1, 1993; Laws 1993, c. 339, § 1, eff. Sept. 1, 1993; Laws 1994, c. 2, § 9, emerg. eff. March 2, 1994; Laws 1994, c. 308, § 1, emerg. eff. June 7, 1994; Laws 1996, c. 153, § 4, emerg. eff. May 7, 1996; Laws 1997, c. 150, § 1, eff. Nov. 1, 1997; Laws 1997, c. 420, § 1, emerg. eff. June 13, 1997; Laws 1999, 1st Ex. Sess., c. 4, § 31, eff. July 1, 1999; Laws 2000, c. 112, § 1, emerg. eff. April 20, 2000; Laws 2000, c. 349, § 1, eff. Nov. 1, 2000; Laws 2001, c. 437, § 17, eff. July 1, 2001; Laws 2002, c. 22, § 10, emerg. eff. March 8, 2002; Laws 2002, c. 235, § 1, emerg. eff. May 9, 2002; Laws 2002, c. 464, § 1, emerg. eff. June 5, 2002; Laws 2003, c. 178, § 1, eff. July 1, 2003; Laws 2003, c. 474, § 3, eff. Nov. 1, 2003; Laws 2004, c. 5, § 11,

emerg. eff. March 1, 2004; Laws 2004, c. 143, § 1, eff. Nov. 1, 2004; Laws 2004, c. 418, § 2, eff. July 1, 2004; Laws 2005, c. 188, § 2, emerg. eff. May 17, 2005; Laws 2005, c. 441, § 2, eff. Jan. 1, 2006; Laws 2006, c. 16, § 3, emerg. eff. March 29, 2006; Laws 2006, c. 294, § 1, eff. July 1, 2006; Laws 2007, c. 1, § 16, emerg. eff. Feb. 22, 2007; Laws 2007, c. 30, § 1, eff. Nov. 1, 2007; Laws 2007, c. 182, § 1, eff. Nov. 1, 2007; Laws 2008, c. 3, § 19, emerg. eff. Feb. 28, 2008; Laws 2009, c. 218, § 2, emerg. eff. May 19, 2009; Laws 2010, c. 2, § 10, emerg. eff. March 3, 2010; Laws 2010, c. 37, § 2, eff. Nov. 1, 2010; Laws 2010, c. 237, § 1, eff. Nov. 1, 2010; Laws 2013, c. 80, § 1; Laws 2013, c. 175, § 1, eff. Nov. 1, 2013; Laws 2014, c. 157, § 1, eff. Nov. 1, 2014; Laws 2017, c. 313, § 1, eff. Nov. 1, 2017; Laws 2018, c. 304, § 10, emerg. eff. May 10, 2018; Laws 2020, c. 46, § 1, eff. Sept. 1, 2020; Laws 2021, c. 317, § 1, eff. Nov. 1, 2021; Laws 2021, c. 469, § 2, eff. Nov. 1, 2021; Laws 2023, c. 310, § 4, eff. July 1, 2023; Laws 2024, c. 61, § 1, eff. Nov. 1, 2024; Laws 2025, c. 306, § 1, eff. Nov. 1, 2025.

NOTE: Laws 1991, c. 17, § 1 repealed by Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991. Laws 1992, c. 379, § 2 repealed by Laws 1993, c. 10, § 16, emerg. eff. March 21, 1993. Laws 1993, c. 325, § 19 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994. Laws 1994, c. 40, § 1 and Laws 1994, c. 188, § 2 repealed by Laws 1997, c. 133, § 605, emerg. eff. April 22, 1997. Laws 1997, c. 9, § 2 repealed by Laws 1997, c. 260, § 12, eff. Nov. 1, 1997. Laws 1997, c. 133, § 65 and Laws 1997, c. 260, § 9 repealed by Laws 1999, 1st Ex. Sess., c. 5, § 452, eff. July 1, 1999. Laws 2000, c. 39, § 3 repealed by Laws 2000, c. 334, § 10, emerg. eff. June 5, 2000 and by Laws 2000, c. 349, § 7, eff. Nov. 1, 2000. Laws 2000, c. 334, § 2 repealed by Laws 2001, c. 5, § 7, emerg. eff. March 21, 2001. Laws 2001, c. 170, § 1 and Laws 2001, c. 225, § 2 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002. Laws 2003, c. 306, § 1 repealed by Laws 2004, c. 5, § 12, emerg. eff. March 1, 2004. Laws 2003, c. 363, § 2 repealed by Laws 2004, c. 5, § 13, emerg. eff. March 1, 2004. Laws 2005, c. 183, § 1 repealed by Laws 2006, c. 16, § 4, emerg. eff. March 29, 2006. Laws 2006, c. 284, § 6 repealed by Laws 2007, c. 1, § 17, emerg. eff. Feb. 22, 2007. Laws 2007, c. 261, § 21 repealed by Laws 2008, c. 3, § 20, emerg. eff. Feb. 28, 2008. Laws 2009, c. 234, § 132 repealed by Laws 2010, c. 2, § 11, emerg. eff. March 3, 2010. Laws 2021, c. 273, § 3 repealed by Laws 2021, c. 469, § 5, eff. Nov. 1, 2021.

NOTE: Laws 2017, c. 194, § 2 was purportedly repealed by Laws 2018, c. 304, § 11 but without reference to Laws 2018, c. 128, § 10, which amended it. Laws 2018, c. 128, § 10 was subsequently amended by Laws 2019, c. 453, § 1, eff. July 1, 2019.

§22-991hvl. Order of no contact.

In addition to the other sentencing powers of the court, when sentencing a person who has been convicted, whether upon a verdict or plea of guilty or nolo contendere, or who has received a suspended sentence or any probationary term for a crime or an attempt to commit a crime provided for in:

1. Section 843.5 of Title 21 of the Oklahoma Statutes, if the offense involved sexual abuse or sexual exploitation, as those terms are defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes;

2. Section 681 of Title 21 of the Oklahoma Statutes, if the offense involved sexual assault;

3. Section 741 of Title 21 of the Oklahoma Statutes, if the offense involved sexual abuse or sexual exploitation;

4. Section 748 of Title 21 of the Oklahoma Statutes, if the offense involved human trafficking for commercial sex;

5. Section 843.1 of Title 21 of the Oklahoma Statutes, if the offense involved sexual abuse or sexual exploitation;

6. Section 852.1 of Title 21 of the Oklahoma Statutes, if the offense involved sexual abuse of a child;

7. Section 866, 885, 886, 888 or 891 of Title 21 of the Oklahoma Statutes, if the offense involved sexual abuse or sexual exploitation;

8. Section 1021, 1021.2, 1021.3, 1024.2 or 1029 of Title 21 of the Oklahoma Statutes, if the offense involved child prostitution;

9. Section 1040.8 of Title 21 of the Oklahoma Statutes, if the offense involved child sexual abuse material; or

10. Section 1040.12a, 1040.13, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes, the court shall issue an order that the defendant shall have no contact directly or indirectly with the victim or the family of the victim during the full term of the confinement of the defendant, term of probation, period of deferment or term of confinement and probation of the defendant.

Added by Laws 2019, c. 364, § 1, eff. Nov. 1, 2019. Amended by Laws 2024, c. 59, § 35, eff. Nov. 1, 2024.

§22-991hv2. Order of no contact.

In addition to the other sentencing powers of the court, when sentencing a person who has been convicted, whether upon a verdict or plea of guilty or nolo contendere, or who has received a suspended sentence or any probationary term for a crime or an attempt to commit a crime provided for in:

1. Section 843.5 of Title 21 of the Oklahoma Statutes, if the offense involved sexual abuse or sexual exploitation, as those terms are defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes;

2. Section 681 of Title 21 of the Oklahoma Statutes, if the offense involved sexual assault;

3. Section 741 of Title 21 of the Oklahoma Statutes, if the offense involved sexual abuse or sexual exploitation;

4. Section 748 of Title 21 of the Oklahoma Statutes, if the offense involved human trafficking for commercial sex;

5. Section 843.1 of Title 21 of the Oklahoma Statutes, if the offense involved sexual abuse or sexual exploitation;

6. Section 852.1 of Title 21 of the Oklahoma Statutes, if the offense involved sexual abuse of a child;

7. Section 866, 885, 886, 888 or 891 of Title 21 of the Oklahoma Statutes, if the offense involved sexual abuse or sexual exploitation;

8. Section 1021, 1021.2, 1021.3, 1024.2 or 1029 of Title 21 of the Oklahoma Statutes, if the offense involved child sex trafficking;

9. Section 1040.8 of Title 21 of the Oklahoma Statutes, if the offense involved child pornography; or

10. Section 1040.12a, 1040.13, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes, the court shall issue an order that the defendant shall have no contact directly or indirectly with the victim or the family of the victim during the full term of the confinement of the defendant, term of probation, period of deferment or term of confinement and probation of the defendant.

Added by Laws 2019, c. 364, § 1, eff. Nov. 1, 2019. Amended by Laws 2024, c. 151, § 10, eff. Nov. 1, 2024.

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§37-607. Repealed by Laws 2007, c. 62, § 32, emerg. eff. April 30, 2007.	24
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§37-8. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-8.2. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-8a. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.2. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.3. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.4. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.5. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.5A. Repealed by Laws 2017, c. 205, § 4, effective Oct. 1, 2018.

§37-163.6. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.7. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.8. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.9. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.10. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.11. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.11a. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.12. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.13. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.14. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.15. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.16. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.17. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.18. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.18A. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.18B. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.18C. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.18D. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.18E. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.18F. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.18G. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.18H. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.19. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.19A. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.20. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.22. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.23. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.24. Repealed by Laws 1999, c. 391, § 5, eff. July 1, 1999.

§37-163.25. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.26. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.27. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.28. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-163.29. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-213. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-213.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-213.2. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-215. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-216. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-217. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-219. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-219.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-220. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-231. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-232. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-233. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-241. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-243. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-244. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-246. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-247. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-501. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-502. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-503. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-504. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-505. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-506. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-506.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-507.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-507.2. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-508. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-509. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-510. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-510A. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-511. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-511A. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-512. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-513a. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-514. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-515. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-516. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-517. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-518. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-518.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-518.2. Repealed by Laws 1999, c. 391, § 5, eff. July 1, 1999.

§37-518.3. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-520A. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-521. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018, Laws 2017, c. 364, § 29, eff. Oct. 1, 2018, and Laws 2017, c. 381, § 10, eff. Oct. 1, 2018.

§37-521.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-521.2. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-521.3. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-522. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-523. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-523.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-523.2. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-524. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-525. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-525A. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-526.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-527. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-527.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-528. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-528.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-528.2. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-529. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-530. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-530.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-531. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-532. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-532.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-532.2. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-533. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-534. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-534.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-535. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-535.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-535.2. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-535.3. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-536. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-536.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-537. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-537.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-537.1A. Mixed beverage, beer and wine, bottle club, or event licensee or their officer or agent - Prohibited acts.

No mixed beverage, beer and wine, bottle club, caterer, charitable event, public event or special event licensee or any employee, manager, operator or agent thereof shall:

1. Consume or be under the influence of alcoholic beverages during the hours he or she is on duty. For the purposes of this section, licensees will be deemed to be on duty from the time the licensee first comes on duty until the time the licensee goes off duty at the end of the shift, including any break periods permitted by management. This paragraph shall not apply to any person who works on the premises as an entertainer only;

2. Permit or tolerate any conduct or language which is intended to threaten another with physical harm or any fighting or offensive physical contact, in or upon the licensed premises or areas just outside the licensed premises which are controlled by the licensee;

3. Permit empty or discarded alcoholic beverage containers to be in public view outside the licensed premises. All empty or discarded containers shall be disposed of in accordance with ABLE Commission rules and regulations;

4. Permit any illegal gambling activity, violations of the state narcotic and dangerous drug laws, or prostitution activity or any other criminal conduct to occur on the licensed premises;

5. Refuse or fail to promptly open a door to the licensed premises upon request of an agent or inspector of the Alcoholic Beverage Laws Enforcement Commission or any other peace officer to enter the premises, when the licensee or employee knows or should know that such request is made by an agent or inspector of the ABLE Commission or any other peace officer. This provision shall not be construed to deny agents of the ABLE Commission or any other peace officer access at any time to any licensed premises;

6. Permit a sealed or unsealed container of alcoholic beverage to be removed from the licensed premises. Provided that restaurants, hotels, and motels may permit the removal of closed original wine containers the contents of which have been partially consumed and bottle clubs may permit the removal by a club member of closed original containers of alcoholic beverages belonging to the members. The provisions of this paragraph shall not be construed to prohibit or restrict:

- a. hotels or motels who are holders of mixed beverage or beer and wine licenses from allowing alcoholic beverages to be served away from the bar area anywhere on the licensed premises,

- b. licensees, who are lawfully operating in a facility or on property owned or operated by any agency, political subdivision or public trust of this state, from allowing persons to transport alcoholic beverages from one licensed premises to another within the same building or property, provided that the building or property or a part thereof is defined as a common drinking area for consumption of alcohol by resolution of the governing body of the agency, political subdivision or public trust of this state, or
- c. licensees, who are licensed to operate in a facility or on property owned or operated by any agency, political subdivision or public trust of this state, from allowing other licensees to operate on their licensed premises for events that are temporary in nature. In the event that multiple licensees are operating in a facility or on property owned or operated by any agency, political subdivision or public trust of this state, each licensee shall be responsible for violations occurring in their area designated to be their temporary licensed premises; or

7. Destroy, damage, alter, remove or conceal potential evidence, or attempt to do so, or refuse to surrender evidence when lawfully requested to do so by an inspector, agent or any other peace officer or incite another person to do any of the above.

Added by Laws 2017, c. 205, § 5, emerg. eff. May 3, 2017.

NOTE: Laws 2017, c. 205, § 5 repealed by Laws 2017, c. 205, § 9, eff. Oct. 1, 2018.

§37-537.2. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-537.3. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-537.4. Repealed by Laws 2017, c. 275, § 7, eff. Oct. 1, 2018.

§37-538. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-538.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-538.2. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-538.3. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-539. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-540. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-541. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-542. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-543. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-543.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-543.2. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-545. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-546. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-547. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-548. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-549. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-550. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-551. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-552. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-553. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-553A. Repealed by Laws 2017, c. 205, § 12, eff. Oct. 1, 2018.

§37-554. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-554.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-554.2. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-555. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-556. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-557. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-559. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-560. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-561. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-562. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-563. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-563.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-564. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-565. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-566. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-567. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-568. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-569. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-570. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-571. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-572. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-573. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-576. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-576.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-577. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-578. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-579. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-580. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-581. Repealed by Laws 2001, c. 78, § 12, eff. Nov. 1, 2001.

§37-581.1. Repealed by Laws 2001, c. 78, § 12, eff. Nov. 1, 2001.

§37-582. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-583. Repealed by Laws 2001, c. 78, § 12, eff. Nov. 1, 2001.

§37-584. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-585. Repealed by Laws 2001, c. 78, § 12, eff. Nov. 1, 2001.

§37-586. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-587. Repealed by Laws 2001, c. 78, § 12, eff. Nov. 1, 2001.

§37-588. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-590. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-591. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-592. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-593. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-594. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-594.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-595. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-596. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-597. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-598. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-599. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-600.1. Renumbered as § 1-229.11 of Title 63 by Laws 2016, c. 366, § 170, eff. Oct. 1, 2018.

§37-600.2. Renumbered as § 1-229.12 of Title 63 by Laws 2016, c. 366, § 171, eff. Oct. 1, 2018.

§37-600.3. Renumbered as § 1-229.13 of Title 63 by Laws 2016, c. 366, § 172, eff. Oct. 1, 2018.

§37-600.4. Renumbered as § 2-8-224 of Title 10A by Laws 2013, c. 404, § 28, eff. Nov. 1, 2013.

§37-600.5. Renumbered as § 1-229.15 of Title 63 by Laws 2016, c. 366, § 173, eff. Oct. 1, 2018.

§37-600.6. Renumbered as § 1-229.16 of Title 63 by Laws 2016, c. 366, § 174, eff. Oct. 1, 2018.

§37-600.7. Renumbered as § 1-229.17 of Title 63 by Laws 2016, c. 366, § 175, eff. Oct. 1, 2018.

§37-600.8. Renumbered as § 1-229.18 of Title 63 by Laws 2016, c. 366, § 176, eff. Oct. 1, 2018.

§37-600.9. Renumbered as § 1-229.19 of Title 63 by Laws 2016, c. 366, § 177, eff. Oct. 1, 2018.

§37-600.10. Renumbered as § 1-229.20 of Title 63 by Laws 2016, c. 366, § 178, eff. Oct. 1, 2018.

§37-600.10A. Renumbered as § 1-229.21 of Title 63 by Laws 2016, c. 366, § 179, eff. Oct. 1, 2018.

§37-600.11. Renumbered as § 1-229.22 of Title 63 by Laws 2016, c. 366, § 180, eff. Oct. 1, 2018.

§37-600.11a. Renumbered as § 1-229.23 of Title 63 by Laws 2016, c. 366, § 181, eff. Oct. 1, 2018.

§37-600.11b. Renumbered as § 1-229.24 of Title 63 by Laws 2016, c. 366, § 182, eff. Oct. 1, 2018.

§37-600.12. Renumbered as § 1-229.25 of Title 63 by Laws 2016, c. 366, § 183, eff. Oct. 1, 2018.

§37-600.13. Renumbered as § 1-229.26 of Title 63 by Laws 2016, c. 366, § 184, eff. Oct. 1, 2018.

§37-600.21. Legislative findings and policies concerning tobacco manufacturer liability - Master Settlement Agreement.

A. The Oklahoma Legislature finds that cigarette smoking presents serious public health concerns to the State of Oklahoma and its citizens. The Oklahoma Legislature also finds that:

1. The Surgeon General has determined that smoking causes lung cancer, heart disease and other serious diseases;

2. There are hundreds of thousands of tobacco-related deaths in the United States each year; and

3. These diseases most often do not appear until many years after the person in question begins smoking.

B. The Oklahoma Legislature further finds that cigarette smoking also presents serious financial concerns for the State of Oklahoma; that, under certain health care programs, the state may

have a legal obligation to provide medical assistance to eligible persons for health conditions associated with cigarette smoking; that those persons may have a legal entitlement to receive such medical assistance; and that, under these programs, the State of Oklahoma pays millions of dollars each year to provide medical assistance for those persons for health conditions associated with cigarette smoking.

C. The Oklahoma Legislature additionally finds that it is the policy of the State of Oklahoma that financial burdens imposed on the state by cigarette smoking should be borne by tobacco product manufacturers rather than by the State of Oklahoma to the extent that such manufacturers either determine to enter into a settlement with the state, or are found culpable by the courts; and that on November 23, 1998, leading United States tobacco product manufacturers entered into a settlement agreement, entitled the "Master Settlement Agreement", with the state, which obligates these manufacturers, in return for a release of past, present and certain future claims against them as described therein, to pay substantial sums to the state (tied in part to their volume of sales); to fund a national foundation devoted to the interests of public health; and to make substantial changes in their advertising and marketing practices and corporate culture, with the intention of reducing underage smoking.

D. The Oklahoma Legislature therefore finally finds that it would be contrary to the policy of the State of Oklahoma if tobacco product manufacturers who determine not to enter into such a settlement could use a resulting cost advantage to derive large, short-term profits in the years before liability may arise without ensuring that the state will have an eventual source of recovery from them if they are proven to have acted culpably; and that it is thus in the interest of the State of Oklahoma to require that such manufacturers establish a reserve fund to guarantee a source of compensation and to prevent such manufacturers from deriving large, short-term profits and then becoming judgment-proof before liability may arise.

Added by Laws 1999, c. 357, § 1, eff. July 1, 1999. Renumbered as § 2315 of Title 62 by Laws 2016, c. 366, § 185, eff. Oct. 1, 2018. Renumbered back to original number as § 600.21 of Title 37 by Laws 2018, c. 270, § 2 (see note for § 1 of c. 270 below).

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 307, which was adopted at election held on Nov. 8, 2016.

NOTE: Laws 2018, c. 270, § 1 reads:

"SECTION 1. It is the intent of the Legislature with this act to recodify the recodification sections, specified in this act, in Enrolled Senate Bill No. 383 of the 2nd Session of the 55th Oklahoma Legislature. The result shall be for those sections of law to remain codified with the respective numbering

in Title 37 of the Oklahoma Statutes for the purpose of maintaining accuracy of the exhibits citing references to the aforementioned sections of law as part of the Master Settlement Agreement and the Non-Participating Manufacturer Adjustment Arbitration Settlement Agreement."

§37-600.22. Definitions.

When used in this act:

1. "Adjusted for inflation" means increased in accordance with the formula for inflation adjustment set forth in Exhibit C to the Master Settlement Agreement;

2. "Affiliate" means a person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. Solely for purposes of this definition, the terms "owns", "is owned" and "ownership" mean ownership of an equity interest, or the equivalent thereof, of ten percent (10%) or more, and the term "person" means an individual, partnership, committee, association, corporation or any other organization or group of persons;

3. "Allocable share" means allocable share as that term is defined in the Master Settlement Agreement;

4. "Cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains:

- a. any roll of tobacco wrapped in paper or in any substance not containing tobacco,
- b. tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette, or
- c. any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph a of this paragraph.

The term "cigarette" includes "roll-your-own" (i.e., any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes). For purposes of this definition of "cigarette", nine one-hundredths (0.09) of an ounce of "roll-your-own" tobacco shall constitute one individual "cigarette";

5. "Master Settlement Agreement" means the settlement agreement and related documents entered into on November 23, 1998, by the State of Oklahoma and leading United States tobacco product manufacturers;

6. "Qualified escrow fund" means an escrow arrangement with a federally or state-chartered financial institution having no affiliation with any tobacco product manufacturer and having assets of at least One Billion Dollars (\$1,000,000,000.00) where such arrangement requires that such financial institution hold the escrowed funds' principal for the benefit of releasing parties and prohibits the tobacco product manufacturer placing funds into escrow from using, accessing or directing the use of the funds' principal except as consistent with Section 3 of this act;

7. "Released claims" means released claims as that term is defined in the Master Settlement Agreement;

8. "Releasing parties" means releasing parties as that term is defined in the Master Settlement Agreement;

9. "Tobacco product manufacturer" means an entity that after the effective date of this act directly, and not exclusively through any affiliate:

- a. manufactures cigarettes anywhere that such manufacturer intends to be sold in the United States, including cigarettes intended to be sold in the United States through an importer (except where such importer is an original participating manufacturer, as that term is defined in the Master Settlement Agreement, that will be responsible for the payments under the Master Settlement Agreement with respect to such cigarettes as a result of the provisions of subsection II(mm) of the Master Settlement Agreement, and that pays the taxes specified in subsection II(z) of the Master Settlement Agreement, and provided that the manufacturer of such cigarettes does not market or advertise such cigarettes in the United States),
- b. is the first purchaser anywhere for resale in the United States of cigarettes manufactured anywhere that the manufacturer does not intend to be sold in the United States, or
- c. becomes a successor of an entity described in subparagraph a or b.

The term "tobacco product manufacturer" shall not include an affiliate of a tobacco product manufacturer unless such affiliate itself falls within any of the provisions of subparagraphs a through c of this paragraph; and

10. "Units sold" means the number of individual cigarettes sold in the state by the applicable tobacco product manufacturer, whether directly or through a distributor, retailer or similar intermediary or intermediaries, during the year in question, as measured by excise taxes collected by the state on packs, or "roll-your-own" tobacco containers, bearing the excise tax stamp of the state. The Oklahoma Tax Commission shall promulgate such rules as are necessary

to ascertain the amount of state excise tax paid on the cigarettes of such tobacco product manufacturer for each year.

Added by Laws 1999, c. 357, § 2, eff. July 1, 1999. Renumbered as § 2316 of Title 62 by Laws 2016, c. 366, § 186, eff. Oct. 1, 2018.

Renumbered back to original number as § 600.22 of Title 37 by Laws 2018, c. 270, § 3 (see note for § 1 of c. 270 below).

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 307, which was adopted at election held on Nov. 8, 2016.

NOTE: Laws 2018, c. 270, § 1 reads:

"SECTION 1. It is the intent of the Legislature with this act to recodify the recodification sections, specified in this act, in Enrolled Senate Bill No. 383 of the 2nd Session of the 55th Oklahoma Legislature. The result shall be for those sections of law to remain codified with the respective numbering in Title 37 of the Oklahoma Statutes for the purpose of maintaining accuracy of the exhibits citing references to the aforementioned sections of law as part of the Master Settlement Agreement and the Non-Participating Manufacturer Adjustment Arbitration Settlement Agreement."

§37-600.23. Participating manufacturers - Escrow deposits.

A. Any tobacco product manufacturer selling cigarettes to consumers within the state, whether directly or through a distributor, retailer or similar intermediary or intermediaries, after July 1, 1999, shall do one of the following:

1. Become a participating manufacturer, as that term is defined in Section II(jj) of the Master Settlement Agreement, and generally perform its financial obligations under the Master Settlement Agreement; or

2. Place into a qualified escrow fund, by April 15 of the year following the year in question, the following amounts, as such amounts are adjusted for inflation:

- a. 1999: ninety-four thousand two hundred forty-one one-hundred-thousandths of one cent (\$.0094241) per unit sold after July 1, 1999,
- b. 2000: one hundred four thousand seven hundred twelve one-hundred-thousandths of one cent (\$.0104712) per unit sold,
- c. for each of 2001 and 2002: one hundred thirty-six thousand one hundred twenty-five one-hundred-thousandths of one cent (\$.0136125) per unit sold,
- d. for each of 2003 through 2006: one hundred sixty-seven thousand five hundred thirty-nine one-hundred-thousandths of one cent (\$.0167539) per unit sold, and
- e. for each of 2007 and each year thereafter: one hundred eighty-eight thousand four hundred eighty-two one-hundred-thousandths of one cent (\$.0188482) per unit sold.

B. A tobacco product manufacturer that places funds into escrow pursuant to paragraph 2 of subsection A of this section shall receive the interest or other appreciation on such funds as earned. Such funds themselves shall be released from escrow only under the following circumstances:

1. To pay a judgment or settlement on any released claim brought against such tobacco product manufacturer by the state or any releasing party located or residing in the state. Funds shall be released from escrow under this paragraph:

- a. in the order in which they were placed into escrow, and
- b. only to the extent and at the time necessary to make payments required under such judgment or settlement;

2. To the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow on account of units sold in this state in a particular year was greater than the Master Settlement Agreement payments, as determined pursuant to Section IX(i) of that Agreement, including after final determination of all adjustments, that such manufacturer would have been required to make on account of such units sold had it been a participating manufacturer, the excess shall be released from escrow and revert back to such tobacco product manufacturer, unless otherwise provided for by subsection C or D of this section; or

3. To the extent not released from escrow under paragraph 1 or 2 of this subsection, funds shall be released from escrow and revert back to such tobacco product manufacturer twenty-five (25) years after the date on which they were placed into escrow.

C. If this act, or any portion of the amendment to paragraph 2 of subsection B of this section made by this act, is held by a court of competent jurisdiction to be unconstitutional, then paragraph 2 of subsection B of this section shall have no force and effect.

D. If in accordance with the provisions of subsection C of this section, paragraph 2 of subsection B of this section shall have no force and effect because a court of competent jurisdiction found such provisions unconstitutional, and if, thereafter, a court of competent jurisdiction finds that subsection B of this section without the provisions of paragraph 2 of subsection B of this section is unconstitutional, then paragraph 2 of subsection B of this section shall be replaced by the provisions of paragraph 1 of this subsection.

1. To the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow in a particular year was greater than the allocable share for the state of the total payments that such manufacturer would have been required to make in that year under the Master Settlement Agreement (as determined pursuant to Section IX(i)(2) of the Master Settlement Agreement, and before any of the adjustments or offsets described in

Section IX(i)(3) of that Agreement other than the Inflation Adjustment) had it been a participating manufacturer, the excess shall be released from escrow and revert back to such tobacco product manufacturer.

2. Neither any holding of unconstitutionality nor the rendering of paragraph 2 of subsection B of this section to have no force and effect shall affect, impair or invalidate any other provision of this section, or the application of this section to any other person or circumstance, and the remaining portions of this section shall at all times continue in full force and effect.

E. Each tobacco product manufacturer that elects to place funds into escrow pursuant to paragraph 2 of subsection A of this section shall annually certify to the Attorney General that it is in compliance with paragraph 2 of subsection A of this section. The Attorney General may bring a civil action on behalf of the state against any tobacco product manufacturer that fails to place into escrow the funds required under this section. Any tobacco product manufacturer that fails in any year to place into escrow the funds required under this section shall:

1. Be required within fifteen (15) days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a violation of paragraph 2 of subsection A or this subsection of this section, may impose a civil penalty to be paid to the General Fund of the state in an amount not to exceed five percent (5%) of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed one hundred percent (100%) of the original amount improperly withheld from escrow;

2. In the case of a knowing violation, be required within fifteen (15) days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a knowing violation of paragraph 2 of subsection A or this subsection of this section, may impose a civil penalty to be paid to the General Fund of the state in an amount not to exceed fifteen percent (15%) of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed three hundred percent (300%) of the original amount improperly withheld from escrow; and

3. In the case of a second knowing violation, be prohibited from selling cigarettes to consumers within the state, whether directly or through a distributor, retailer or similar intermediary, for a period not to exceed two (2) years.

Each failure to make an annual deposit required under this section shall constitute a separate violation.

Added by Laws 1999, c. 357, § 3, eff. July 1, 1999. Amended by Laws 2003, c. 401, § 1. Renumbered as § 2317 of Title 62 by Laws 2016, c. 366, § 187, eff. Oct. 1, 2018. Renumbered back to original

number as § 600.23 of Title 37 by Laws 2018, c. 270, § 4 (see note for § 1 of c. 270 below).

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 307, which was adopted at election held on Nov. 8, 2016.

NOTE: Laws 2003, c. 401, § 2 provides:

"The amendments to Section 600.23 of Title 37 of the Oklahoma Statutes made by Enrolled House Bill No. 1359 of the 1st Regular Session of the 49th Oklahoma Legislature shall become effective on January 1 of the year after:

1. Twenty-five states have enacted similar amendments to their laws on early release of funds from escrow accounts established in compliance with the statutes of other states that are similar to the escrow requirements of Sections 600.21 through 600.23 of Title 37 of the Oklahoma Statutes; and

2. The Attorney General certifies such fact to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Secretary of State."

The Oklahoma Attorney General, on October 15, 2004, certified that more than twenty-five states have enacted similar amendments to their laws on early release of funds from escrow accounts established in compliance with the statutes of those states that are similar to the escrow requirements of Section 600.21 through 600.23 of Title 37 of the Oklahoma Statutes.

NOTE: Laws 2018, c. 270, § 1 reads:

"SECTION 1. It is the intent of the Legislature with this act to recodify the recodification sections, specified in this act, in Enrolled Senate Bill No. 383 of the 2nd Session of the 55th Oklahoma Legislature. The result shall be for those sections of law to remain codified with the respective numbering in Title 37 of the Oklahoma Statutes for the purpose of maintaining accuracy of the exhibits citing references to the aforementioned sections of law as part of the Master Settlement Agreement and the Non-Participating Manufacturer Adjustment Arbitration Settlement Agreement."

§37-601. Renumbered as § 1-229.27 of Title 63 by Laws 2016, c. 366, § 188, eff. Oct. 1, 2018.

§37-602. Renumbered as § 1-229.28 of Title 63 by Laws 2016, c. 366, § 189, eff. Oct. 1, 2018.

§37-603. Renumbered as § 1-229.29 of Title 63 by Laws 2016, c. 366, § 190, eff. Oct. 1, 2018.

§37-604. Renumbered as § 1-229.30 of Title 63 by Laws 2016, c. 366, § 191, eff. Oct. 1, 2018.

§37-605. Renumbered as § 1-229.31 of Title 63 by Laws 2016, c. 366, § 192, eff. Oct. 1, 2018.

§37-606. Renumbered as § 1-229.32 of Title 63 by Laws 2016, c. 366, § 193, eff. Oct. 1, 2018.

§37-607. Repealed by Laws 2007, c. 62, § 32, emerg. eff. April 30, 2007.

§37-608. Renumbered as § 1-229.33 of Title 63 by Laws 2016, c. 366, § 194, eff. Oct. 1, 2018.

§37-609. Renumbered as § 1-229.34 of Title 63 by Laws 2016, c. 366, § 195, eff. Oct. 1, 2018.

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§37A-1-101. Short title - Oklahoma Alcoholic Beverage Control Act.

Sections 1 through 168 of this act shall be known and may be cited as the "Oklahoma Alcoholic Beverage Control Act".

Added by Laws 2016, c. 366, § 1, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-1-102. Policy and scope of act.

A. The purpose of the Oklahoma Alcoholic Beverage Control Act is to implement the provisions of Article XVIII A of the Oklahoma Constitution, as referred to the people for their approval or rejection by the Secretary of State pursuant to the provisions of Enrolled Senate Joint Resolution No. 68 of the 2nd Session of the 55th Oklahoma Legislature. The Legislature hereby declares that the Oklahoma Alcoholic Beverage Control Act is deemed to be a code, digest or revision of statutes pursuant to the provisions of Section 57 of Article V of the Oklahoma Constitution.

B. All alcoholic beverages as herein defined except alcohol produced for use as a motor fuel under a permit issued by the Oklahoma State Department of Agriculture, Food, and Forestry shall be subject to the provisions of the Oklahoma Alcoholic Beverage Control Act.

Added by Laws 2016, c. 366, § 2, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-1-103. Definitions.

As used in the Oklahoma Alcoholic Beverage Control Act:

1. "ABLE Commission" or "Commission" means the Alcoholic Beverage Laws Enforcement Commission;

2. "Alcohol" means and includes hydrated oxide of ethyl, ethyl alcohol, ethanol or spirits of wine, from whatever source or by whatever process produced. It does not include wood alcohol or alcohol which has been denatured or produced as denatured in accordance with Acts of Congress and regulations promulgated thereunder;

3. "Alcoholic beverage" means alcohol, spirits, beer and wine as those terms are defined herein and also includes every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by human beings;

4. "Applicant" means any individual, legal or commercial business entity, or any individual involved in any legal or commercial business entity allowed to hold any license issued in accordance with the Oklahoma Alcoholic Beverage Control Act;

5. "Beer" means any beverage containing more than one-half of one percent (0.50%) of alcohol by volume and obtained by the alcoholic fermentation of an infusion or decoction of barley, or other grain, sugar, malt or similar products. For the purposes of taxation, distribution, sales, and regulation, seltzer shall mean the same as beer as provided in this section. Beer may or may not contain hops or other vegetable products. Beer includes, among other things, beer, ale, stout, lager beer, porter, seltzer, and other malt or brewed liquors, but does not include sake, known as Japanese rice wine;

6. "Beer keg" means any brewer-sealed, single container that contains not less than four (4) gallons of beer;

7. "Beer distributor" means and includes any person licensed to distribute beer for retail sale in this state, but does not include a holder of a small brewer self-distribution license or brewpub self-distribution license. The term distributor, as used in the Oklahoma Alcoholic Beverage Control Act, shall be construed to refer to a beer distributor;

8. "Bottle club" means any establishment in a county which has not authorized the retail sale of alcoholic beverages by the individual drink, which is required to be licensed to keep, mix and serve alcoholic beverages belonging to club members on club premises;

9. "Bottle service" means the sale and provision of spirits in their original packages by a mixed beverage licensee to be consumed in that mixed beverage licensee's club suite;

10. "Brand" means any word, name, group of letters, symbol or combination thereof, that is adopted and used by a licensed brewer to identify a specific beer, wine or spirit and to distinguish that product from another beer, wine or spirit;

11. "Brand extension" means:

a. after October 1, 2018, any brand of beer or cider introduced by a manufacturer in this state which either:

(1) incorporates all or a substantial part of the unique features of a preexisting brand of the same licensed brewer, or

(2) relies to a significant extent on the goodwill associated with the preexisting brand, or

b. any brand of beer that a brewer, the majority of whose total volume of all brands of beer distributed in this state by such brewer on January 1, 2016, was distributed as low-point beer, desires to sell, introduces, begins selling or theretofore has sold and desires to continue selling a strong beer in this state which either:

(1) incorporates or incorporated all or a substantial part of the unique features of a preexisting low-point beer brand of the same licensed brewer, or

(2) relies or relied to a significant extent on the goodwill associated with a preexisting low-point beer brand;

12. "Brewer" means and includes any person who manufactures for human consumption by the use of raw materials or other ingredients any beer or cider upon which a license fee and a tax are imposed by any law of this state;

13. "Brewpub" means a licensed establishment operated on the premises of, or on premises located contiguous to, a small brewer, that prepares and serves food and beverages, including alcoholic beverages, for on-premises consumption;

14. "Cider" means any alcoholic beverage obtained by the alcoholic fermentation of fruit juice, including but not limited to flavored, sparkling or carbonated cider. For the purposes of the manufacture of this product, cider may be manufactured by either manufacturers or brewers. For the purposes of the distribution of this product, cider may be distributed by either wine and spirits wholesalers or beer distributors;

15. "Club suite" means a designated area within the premises of a mixed beverage licensee designed to provide an exclusive space which is limited to a patron or patrons specifically granted access by a mixed beverage licensee and is not accessible to other patrons of the mixed beverage licensee or the public. A club suite must have a clearly designated point of access for a patron or patrons specifically granted access by the mixed beverage licensee to ensure that persons present in the suite are limited to patrons specifically granted access by the mixed beverage licensee and employees providing services to the club suite;

16. "Cocktail" means a type of mixed beverage as defined in Section 7-102 of this title;

17. "Convenience store" means any person primarily engaged in retailing a limited range of general household items and groceries, with extended hours of operation, whether or not engaged in retail sales of automotive fuels in combination with such sales;

18. "Convicted" and "conviction" mean and include a finding of guilt resulting from a plea of guilty or nolo contendere, the decision of a court or magistrate or the verdict of a jury, irrespective of the pronouncement of judgment or the suspension thereof;

19. "Designated products" means the brands of wine or spirits offered for sale by a manufacturer that the manufacturer has assigned to a designated wholesaler for exclusive distribution;

20. "Designated wholesaler" means a wine and spirits wholesaler who has been selected by a manufacturer as a wholesaler appointed to distribute designated products;

21. "Director" means the Director of the ABLE Commission;

22. "Distiller" means any person who produces spirits from any source or substance, or any person who brews or makes mash, wort or wash, fit for distillation or for the production of spirits (except a person making or using such material in the authorized production of wine or beer, or the production of vinegar by fermentation), or any person who by any process separates alcoholic spirits from any fermented substance, or any person who, making or keeping mash, wort or wash, has also in his or her possession or use a still;

23. "Distributor agreement" means the written agreement between the distributor and brewer as set forth in Section 3-108 of this title;

24. "Drug store" means a person primarily engaged in retailing prescription and nonprescription drugs and medicines;

25. "Event venue" means any nongovernmental location, property, space, premises, grounds, building or buildings, or other site that offers to the general public for rent, lease, reservation, or other contractual use, for the hosting of a function, occasion, or event, special, private, or public, of a temporary nature. The location, property, space, premises, grounds, or building or buildings defined in this paragraph shall not include those owned, leased, or occupied by organizations exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3);

26. "Dual-strength beer" means a brand of beer that, immediately prior to April 15, 2017, was being sold and distributed in this state:

- a. as a low-point beer pursuant to the Low-Point Beer Distribution Act in effect immediately prior to October 1, 2018, and
- b. as strong beer pursuant to the Oklahoma Alcoholic Beverage Control Act in effect immediately prior to October 1, 2018,

and continues to be sold and distributed as such on October 1, 2018. Dual-strength beer does not include a brand of beer that arose as a result of a brand extension as defined in this section;

27. "Fair market value" means the value in the subject territory covered by the written agreement with the distributor or wholesaler that would be determined in an arm's length transaction entered into without duress or threat of termination of the distributor's or wholesaler's rights and shall include all elements of value, including goodwill and going-concern value;

28. "Good cause" means:

- a. failure by the distributor to comply with the material and reasonable provisions of a written agreement or understanding with the brewer, or
- b. failure by the distributor to comply with the duty of good faith;

29. "Good faith" means the duty of each party to any distributor agreement and all officers, employees or agents thereof to act with honesty in fact and within reasonable standards of fair dealing in the trade;

30. "Grocery store" means a person primarily engaged in retailing a general line of food, such as canned or frozen foods, fresh fruits and vegetables, and fresh and prepared meats, fish and poultry;

31. "Hotel" or "motel" means an establishment which is licensed to sell alcoholic beverages by the individual drink and which contains guest room accommodations with respect to which the predominant relationship existing between the occupants thereof and the owner or operator of the establishment is that of innkeeper and guest. For purposes of this section, the existence of other legal relationships as between some occupants and the owner or operator thereof shall be immaterial;

32. "Legal newspaper" means a newspaper meeting the requisites of a newspaper for publication of legal notices as prescribed in Sections 101 through 114 of Title 25 of the Oklahoma Statutes;

33. "Licensee" means any person holding a license under the Oklahoma Alcoholic Beverage Control Act, and any agent, servant or employee of such licensee while in the performance of any act or duty in connection with the licensed business or on the licensed premises;

34. "Low-point beer" shall mean any beverages containing more than one-half of one percent ($1/2$ of 1%) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight, including but not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion by barley or other grain, malt or similar products;

35. "Manufacturer" means a distiller, winemaker, rectifier or bottler of any alcoholic beverage (other than beer) and its subsidiaries, affiliates and parent companies;

36. "Manufacturer's agent" means a salaried or commissioned salesperson who is the agent authorized to act on behalf of the manufacturer or nonresident seller in this state;

37. "Meals" means foods commonly ordered at lunch or dinner and at least part of which is cooked on the licensed premises and requires the use of dining implements for consumption. Provided, that the service of only food such as appetizers, sandwiches, salads or desserts shall not be considered meals;

38. "Mini-bar" means a closed container, either refrigerated in whole or in part, or unrefrigerated, and access to the interior of which is:

- a. restricted by means of a locking device which requires the use of a key, magnetic card or similar device, or
- b. controlled at all times by the licensee;

39. "Mixed beverage cooler" means any beverage, by whatever name designated, consisting of an alcoholic beverage and fruit or vegetable juice, fruit or vegetable flavorings, dairy products or carbonated water containing more than one-half of one percent ($1/2$ of 1%) of alcohol measured by volume but not more than seven percent (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is packaged in a container not larger than three hundred seventy-five

(375) milliliters. Such term shall include but not be limited to the beverage popularly known as a "wine cooler";

40. "Mixed beverages" means one or more servings of a beverage composed in whole or in part of an alcoholic beverage in a sealed or unsealed container of any legal size for consumption on the premises where served or sold by the holder of a mixed beverage, beer and wine, caterer, public event, charitable event or special event license; provided, that a beer, cider, or wine mixed with ingredients nonalcoholic in nature including, but not limited to, water, juice, sugar, fruits, or vegetables and sold by a small brewer, brewpub, small farm winery, or winemaker, shall not be considered a mixed beverage so long as such small brewer, brewpub, small farm winery, or winemaker does not also hold an on-premises beer and wine, mixed beverage, caterer, public event, or special event license, if permitted by law;

41. "Motion picture theater" means an establishment which is licensed by Section 2-110 of this title to sell alcoholic beverages by the individual drink and where motion pictures are exhibited, and to which the general public is admitted;

42. "Nondesignated products" means the brands of wine or spirits offered for sale by a manufacturer that have not been assigned to a designated wholesaler;

43. "Nonresident seller" means any person licensed pursuant to Section 2-135 of this title;

44. "Retail salesperson" means a salesperson soliciting orders from and calling upon retail alcoholic beverage stores with regard to his or her product;

45. "Occupation" as used in connection with "occupation tax" means the sites occupied as the places of business of the manufacturers, brewers, wholesalers, beer distributors, retailers, mixed beverage licensees, on-premises beer and wine licensees, bottle clubs, caterers, public event and special event licensees;

46. "Original package" means any container of alcoholic beverage filled and stamped or sealed by the manufacturer or brewer;

47. "Package store" means any sole proprietor or partnership that qualifies to sell wine, beer and/or spirits for off-premises consumption and that is not a grocery store, convenience store or drug store, or other retail outlet that is not permitted to sell wine or beer for off-premises consumption;

48. "Patron" means any person, customer or visitor who is not employed by a licensee or who is not a licensee;

49. "Person" means an individual, any type of partnership, corporation, association, limited liability company or any individual involved in the legal structure of any such business entity;

50. "Premises" means the grounds and all buildings and appurtenances pertaining to the grounds including any adjacent

premises if under the direct or indirect control of the licensee and the rooms and equipment under the control of the licensee and used in connection with or in furtherance of the business covered by a license. Provided, that the ABLE Commission shall have the authority to designate areas to be excluded from the licensed premises solely for the purpose of:

- a. allowing the presence and consumption of alcoholic beverages by private parties which are closed to the general public, or
- b. allowing the services of a caterer serving alcoholic beverages provided by a private party.

This exception shall in no way limit the licensee's concurrent responsibility for any violations of the Oklahoma Alcoholic Beverage Control Act occurring on the licensed premises;

51. "Private event" means a social gathering or event attended by invited guests who share a common cause, membership, business or task and have a prior established relationship. For purposes of this definition, advertisement for general public attendance or sales of tickets to the general public shall not constitute a private event;

52. "Public event" means any event that can be attended by the general public;

53. "Rectifier" means any person who rectifies, purifies or refines spirits or wines by any process (other than by original and continuous distillation, or original and continuous processing, from mash, wort, wash or other substance, through continuous closed vessels and pipes, until the production thereof is complete), and any person who, without rectifying, purifying or refining spirits, shall by mixing (except for immediate consumption on the premises where mixed) such spirits, wine or other liquor with any material, manufactures any spurious, imitation or compound liquors for sale, under the name of whiskey, brandy, rum, gin, wine, spirits, cordials or any other name;

54. "Regulation" or "rule" means a formal rule of general application promulgated by the ABLE Commission as herein required;

55. "Restaurant" means an establishment that is licensed to sell alcoholic beverages by the individual drink for on-premises consumption and where food is prepared and sold for immediate consumption on the premises;

56. "Retail container for spirits and wines" means an original package of any capacity approved by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives;

57. "Retailer" means a package store, grocery store, convenience store or drug store licensed to sell alcoholic beverages for off-premises consumption pursuant to a retail spirits license, retail wine license or retail beer license;

58. "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever, and includes and means all sales made by any person, whether as principal, proprietor or as an agent, servant or employee. The term sale is also declared to be and include the use or consumption in this state of any alcoholic beverage obtained within or imported from without this state, upon which the excise tax levied by the Oklahoma Alcoholic Beverage Control Act has not been paid or exempted;

59. "Seltzer" means any beverage containing more than one-half of one percent (0.50%) of alcohol by volume and obtained by the alcoholic fermentation of malt, rice, grain of any kind, bran, glucose, sugar, or molasses and combined with carbonated water and other flavoring and labeled as "beer" by the Internal Revenue Code; provided, that seltzer shall not include carbonated beverages mixed with wine or spirits;

60. "Short-order food" means food other than full meals including but not limited to sandwiches, soups and salads. Provided, that popcorn, chips and other similar snack food shall not be considered short-order food;

61. "Small brewer" means a brewer who manufactures less than sixty-five thousand (65,000) barrels of beer annually pursuant to a validly issued small brewer license hereunder;

62. "Small farm wine" means a wine that is produced by a small farm winery with seventy-five percent (75%) or more Oklahoma-grown grapes, berries, other fruits, honey or vegetables;

63. "Small farm winery" means a wine-making establishment that does not annually produce for sale more than fifteen thousand (15,000) gallons of wine as reported on the United States Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, Report of Wine Premises Operations (TTB Form 5120.17);

64. "Sparkling wine" means champagne or any artificially carbonated wine;

65. "Special event" means an entertainment, recreation or marketing event that occurs at a single location on an irregular basis and at which alcoholic beverages are sold;

66. "Spirits" means any beverage other than wine or beer, which contains more than one-half of one percent (1/2 of 1%) alcohol measured by volume, and obtained by distillation, whether or not mixed with other substances in solution and includes those products known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and fortified wines and similar compounds, but shall not include any alcohol liquid completely denatured in accordance with the Acts of Congress and regulations pursuant thereto;

67. "Strong beer" means beer which, prior to October 1, 2018, was distributed pursuant to the Oklahoma Alcoholic Beverage Control Act, Section 1-101 et seq. of this title;

68. "Successor brewer" means a primary source of supply, a brewer, a cider manufacturer or an importer that acquires rights to a beer or cider brand from a predecessor brewer;

69. "Tax Commission" means the Oklahoma Tax Commission;

70. "Territory" means a geographic region with a specified boundary;

71. "Wine and spirits wholesaler" or "wine and spirits distributor" means and includes any sole proprietorship or partnership licensed to distribute wine and spirits in this state. The term "wholesaler", as used in the Oklahoma Alcoholic Beverage Control Act, shall be construed to refer to a wine and spirits wholesaler;

72. "Wine" means and includes any beverage containing more than one-half of one percent (1/2 of 1%) alcohol by volume and not more than twenty-four percent (24%) alcohol by volume at sixty (60) degrees Fahrenheit obtained by the fermentation of the natural contents of fruits, vegetables, honey, milk or other products containing sugar, whether or not other ingredients are added, and includes vermouth and sake, known as Japanese rice wine;

73. "Winemaker" means and includes any person or establishment who manufactures for human consumption any wine upon which a license fee and a tax are imposed by any law of this state;

74. "Satellite tasting room" means a licensed establishment operated off the licensed premises of the holder of a small farm winery or winemaker license, which serves wine for on-premises or off-premises consumption; and

75. "Straw testing" means the consumption of a de minimis amount of an alcoholic beverage by sanitary means by the holder of an employee license, twenty-one (21) years of age or older, to determine the quality or desired flavor profile of such alcoholic beverage that has been serviced, or is to be served, to a patron.

Words in the plural include the singular, and vice versa, and words imparting the masculine gender include the feminine, as well as persons and licensees as defined in this section.

Added by Laws 2016, c. 366, § 3, eff. Oct. 1, 2018. Amended by Laws 2017, c. 381, § 5, eff. Oct. 1, 2018; Laws 2018, c. 304, § 13, eff. Oct. 1, 2018; Laws 2019, c. 322, § 1, emerg. eff. May 7, 2019; Laws 2020, c. 161, § 6, emerg. eff. May 21, 2020; Laws 2021, c. 462, § 1, emerg. eff. May 10, 2021; Laws 2023, c. 338, § 2, emerg. eff. June 7, 2023; Laws 2024, c. 90, § 1, emerg. eff. April 22, 2024; Laws 2024, c. 416, § 1, eff. Nov. 1, 2024; Laws 2025, c. 190, § 2, eff. July 1, 2026.

NOTE: Laws 2017, c. 364, § 8 repealed by Laws 2018, c. 304, § 14, eff. Oct. 1, 2018. Laws 2018, c. 206, § 1 repealed by Laws 2019, c. 25, § 21, emerg. eff. April 4, 2019. Laws 2019, c. 25, § 20 repealed by Laws 2020, c. 161, § 7, emerg. eff. May 21, 2020. Laws 2019, c. 353, § 1 repealed by Laws 2020, c. 161, § 8, emerg. eff.

May 21, 2020. Laws 2019, c. 420, § 5 repealed by Laws 2021, c. 101, § 5, emerg. eff. April 20, 2021.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-1-104. Creation and purpose of ABLE Commission - Members - Interim licenses.

A. The Alcoholic Beverage Laws Enforcement Commission created in Section 1 of Article XXVIII of the Oklahoma Constitution is hereby re-created. The purpose of the Commission shall be to enforce the alcoholic beverage laws of the state, and the Commission shall have such power and authority to enforce such laws, rules and regulations as shall be prescribed by the Oklahoma Alcoholic Beverage Control Act.

B. The Commission shall consist of seven (7) members, to be appointed by the Governor with the advice and consent of the State Senate; provided, members serving on October 1, 2017, shall continue to serve until such time as their terms would have expired pursuant to the provisions of Section 1 of Article XXVIII of the Oklahoma Constitution. Five of the members shall be at-large members representing the lay citizenry. The remaining two members shall be persons with law enforcement experience in this state. Any time there is a vacancy on the Commission, the Governor shall appoint a replacement, with the advice and consent of the State Senate, within ninety (90) days.

C. Members of the Commission shall be appointed for a term of five (5) years.

D. No more than four members of the Commission shall be appointed from the same political party. No more than two members of the Commission shall be appointed from the same federal congressional district.

E. No member of the Commission shall hold any license authorized by the Oklahoma Alcoholic Beverage Control Act, or have any interest in any capacity, in the manufacture, sale, distribution or transportation of alcoholic beverages.

F. The members of the Commission shall be removable from office for cause as other officers not subject to impeachment.

G. The Commission shall appoint a Director, whose duties shall be defined as provided in Section 1-108 of this title.

H. The State of Oklahoma shall take all necessary steps to ensure the timely implementation of Enrolled Senate Joint Resolution No. 68 of the 2nd Session of the 55th Oklahoma Legislature, if approved by the voters. Consistent with this objective, the ABLE Commission shall have the power to issue interim licenses prior to October 1, 2018, as follows:

1. Except for the sale of wine or beer to the public, an interim license shall allow all qualified retail wine and retail beer licensees to perform all activities permissible under a full license including but not limited to purchasing, stocking and storing the wine and/or full-strength beer prior to October 1, 2018. In order to qualify for an interim license, the licensee must satisfy all the requirements set forth in Article XXVIII-A of the Oklahoma Constitution and the Oklahoma Alcoholic Beverage Control Act. This interim license shall convert to a full license on October 1, 2018;

2. Package stores may install refrigerated coolers for the storage of beer and wine prior to October 1, 2018, provided the refrigerated coolers shall not be used to cool product below room temperature prior to October 1, 2018; and

3. An interim license shall allow all qualified wine and spirits wholesalers and beer distributors to perform all activities permissible under a full license including but not limited to selling and delivering wine and/or full-strength beer to all qualified retail wine and retail beer licensees. A wine and spirits wholesaler that has been designated by a manufacturer as a distributor of its wine or spirits may post those designated products by line-item, consistent with Section 3-116.2 of this title, on September 15, 2018, for sale effective October 1, 2018. In order to qualify for an interim license, the wine and spirits wholesaler and beer distributor must comply with the provisions set forth in Article XXVIII-A of the Oklahoma Constitution and the Oklahoma Alcoholic Beverage Control Act. The interim license shall convert to a full license on October 1, 2018.

Provided, however, that a brewer is only permitted to sell beer or cider to a beer distributor holding a valid interim license pursuant to this section as follows:

- a. such sales may begin no sooner than September 1, 2018,
- b. the beer distributor either must be assigned a beer distributor territory by the brewer pursuant to a distributor agreement to begin October 1, 2018, or be a brewer or an affiliate of a brewer that will be permitted to distribute beer within two territories pursuant to the provisions of subsection E of Section 3-108 of this title, and
- c. the interim license only permits sales to retailers by the interim licensee either in the distribution territory as set forth in the distributor agreement or in the two territories permitted pursuant to the provisions of subsection E of Section 3-108 of this title.

I. No retail wine or retail beer licensee may sell wine and/or beer, other than low-point beer, and no package store may sell

refrigerated wine and/or beer, prior to October 1, 2018. The sale or refrigeration of wine and/or beer in violation of this subsection shall result in the revocation of the interim license and a monetary fine of Twenty-five Thousand Dollars (\$25,000.00).

Added by Laws 2016, c. 366, § 4, eff. Oct. 1, 2017. Amended by Laws 2017, c. 364, § 9, eff. Oct. 1, 2017; Laws 2018, c. 312, § 1; Laws 2019, c. 322, § 2, emerg. eff. May 7, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-1-105. Commission member qualifications - Organization.

A. Members of the ABLE Commission shall:

1. Be citizens of the United States;
2. Be qualified electors in this state;
3. Have been residents of this state for at least ten (10) consecutive years immediately preceding the date of their appointment and qualification; and
4. Be persons of outstanding character, experienced, efficient and successful in business affairs and of good reputation in their communities.

B. Members shall execute the loyalty oath required by law for elected state officials before assuming the duties of their office.

C. No person shall be appointed who:

1. Has been convicted of, or shall have pleaded guilty to, a felony or any violation of any federal or state law concerning the manufacture or sale of alcoholic beverages or cereal malt beverages prior or subsequent to the passage of the Oklahoma Alcoholic Beverage Control Act;

2. Has paid a fine or penalty in settlement in any prosecution against the person in any violation of such laws; or

3. Shall have forfeited a bond to appear in court to answer charges for any such violation.

D. No appointee shall serve if the appointee or any person related to the appointee in the third degree by consanguinity or affinity is an officer, director, employee or stockholder in any corporation or partnership which has as its business the manufacture, sale or distribution of an alcoholic beverage.

E. No member of the ABLE Commission shall own, mortgage or lease any retail or wholesale store or warehouse, any establishment selling alcoholic beverages by the individual drink for on-premises consumption, any establishment operated by a caterer who provides alcoholic beverages by the individual drink pursuant to a caterer's license or any bottle club as provided in the alcoholic beverage control laws of this state.

F. The provisions of the Oklahoma Alcoholic Beverage Control Act shall not prevent any member of the ABLE Commission from

purchasing and possessing, for personal use or use by the members of the member's family or any guests, any alcoholic beverage which may be purchased or kept by any person by virtue of the provisions of the Oklahoma Alcoholic Beverage Control Act.

G. In order to establish the qualifications of members of the ABLE Commission, a national criminal history record check as defined in Section 150.9 of Title 74 of the Oklahoma Statutes shall be required for each member.

H. A majority of the members of the ABLE Commission shall constitute a quorum to transact business, but no vacancy shall impair the right of the remaining members to exercise all of the powers of the Commission, and every act of a majority of the members shall be deemed to be the act of the ABLE Commission. The ABLE Commission shall appoint the Director as secretary who shall keep a record of all proceedings and official acts of the Commission and who shall be the custodian of all records and perform such other duties as the ABLE Commission shall prescribe.

I. Each member of the ABLE Commission shall receive reimbursement for travel expenses incurred in attending meetings as provided for in the State Travel Reimbursement Act.

J. The office of the ABLE Commission shall be in Oklahoma City in office space provided by the Office of Management and Enterprise Services. All meetings of the ABLE Commission shall be open to the public and all records of the ABLE Commission shall be public records and open for public inspection. The ABLE Commission shall hold regular meetings at least once a month and may hold such special meetings as it deems necessary at any time and at any place within the state.

K. The ABLE Commission, for authentication of its records, process and proceedings, may adopt, keep and use a common seal, of which seal judicial notice shall be taken in all the courts of the state. Any process, notice or other paper which the ABLE Commission may be authorized by law to issue shall be deemed sufficient if signed by the secretary of the ABLE Commission and authenticated by such seal. All acts, orders, proceedings, rules, regulations, entries, minutes and other records of the ABLE Commission, and all reports and documents filed with the ABLE Commission may be proved in any court of this state by copy thereof certified by the secretary of the ABLE Commission with the seal of the ABLE Commission attached.

L. The ABLE Commission shall not adopt or promulgate any rule or regulation inconsistent with the provisions of the Oklahoma Alcoholic Beverage Control Act or any law of this state.

Added by Laws 2016, c. 366, § 5, eff. Oct. 1, 2018. Amended by Laws 2024, c. 205, § 1, eff. Nov. 1, 2024.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-1-106. Exercise of police power.

The Oklahoma Alcoholic Beverage Control Act shall be deemed an exercise of the police power of the State of Oklahoma for the protection of the welfare, health, peace, temperance and safety of the people of this state, and all provisions hereof shall be construed for the accomplishment of that purpose.

Added by Laws 2016, c. 366, § 6, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-1-107. Commission powers and duties.

A. The ABLE Commission shall have the following powers and duties:

1. To supervise, inspect and regulate every phase of the business of manufacturing, importing, exporting, transporting, storing, selling, distributing and possessing for the purpose of sale, all alcoholic beverages which shall be necessary and proper to carry out the purposes of the Oklahoma Alcoholic Beverage Control Act;

2. To promulgate rules, in the manner herein provided, to carry out the purposes of the Oklahoma Alcoholic Beverage Control Act;

3. To have the sole authority to issue any license provided for in the Oklahoma Alcoholic Beverage Control Act and except as provided in Sections 101 and 102 of this act with respect to cities, towns and counties, and except as may be provided under Title 68 of the Oklahoma Statutes with respect to the Oklahoma Tax Commission, no other agency, instrumentality or political subdivision of this state shall be authorized to issue any license or permit allowing any licensee to engage in any activity covered by the Oklahoma Alcoholic Beverage Control Act anywhere within the State of Oklahoma;

4. To refuse to issue any license provided for in the Oklahoma Alcoholic Beverage Control Act for cause provided for in the Oklahoma Alcoholic Beverage Control Act;

5. To revoke or suspend, for cause after hearing, any license issued under the authority of the Oklahoma Alcoholic Beverage Control Act;

6. To prescribe the forms of all reports which it deems necessary in administering the Oklahoma Alcoholic Beverage Control Act;

7. To fix standards not in conflict with those prescribed by any law of this state or of the United States, to secure the use of

proper ingredients and methods of manufacture and dispensing of alcoholic beverages;

8. To make seizures of alcoholic beverages manufactured, sold, possessed, imported or transported in violation of the Oklahoma Alcoholic Beverage Control Act, and apply for the confiscation thereof whenever required by the Oklahoma Alcoholic Beverage Control Act, and cooperate in the prosecution of offenders before any court of competent jurisdiction;

9. To submit to the Governor and members of the State Legislature annual or semiannual reports upon request of the Governor;

10. To inspect or cause to be inspected any premises where alcoholic beverages are manufactured, stored, distributed, sold, dispensed or served;

11. In the conduct of any hearing authorized to be held by the ABLE Commission:

- a. to examine or cause to be examined, under oath, any person,
- b. to examine or cause to be examined books and records of any licensee,
- c. to hear testimony and take proof material for the ABLE Commission's information and the discharge of its duties hereunder,
- d. to administer or cause to be administered oaths, and
- e. to issue subpoenas for the attendance of witnesses and the production of books or records which shall be effective in any part of the state. Any district court or any judge thereof, either in term or vacation, may by order duly entered require the attendance of witnesses and the production of relevant books or records subpoenaed by the ABLE Commission, and the court or judge may compel obedience to the order by proceedings for contempt;

12. To prescribe the kind and size of retail containers of alcoholic beverages which may be purchased, possessed and sold by a licensee;

13. To prescribe by rule, in addition to those herein required, the kinds of records to be kept and reports to be rendered by licensees, and the information to be shown therein; provided, that the period for which all such records and reports be retained shall not be less than five (5) years;

14. To gather, compile and print such statistical data as may in the opinion of the ABLE Commission be needed or useful, and prescribe charges or fees to be collected from any person or company to whom such data shall be provided. No reports shall contain sales information by name or license number;

15. To educate persons employed by licensees to sell or serve alcoholic beverages as to the provisions of Article XXVIII A of the Oklahoma Constitution and the Oklahoma Alcoholic Beverage Control Act, with emphasis on recognizing and preventing intoxication and particular emphasis on those provisions prohibiting the selling or serving of alcoholic beverages to minors. The ABLE Commission may contract with one or more entities, including but not limited to the Oklahoma Department of Mental Health and Substance Abuse Services, to perform the duties specified in this paragraph;

16. To purchase motor vehicles necessary for use in its operations. Such motor vehicles shall not be required to have any type of identifying marking thereon;

17. To purchase insurance on the motor vehicles owned and operated by the ABLE Commission in accordance with statutory provisions, subject to the approval of the Risk Management Administrator as provided for in Section 85.58A of Title 74 of the Oklahoma Statutes;

18. To approve or reject any official bond required to be filed with the ABLE Commission; and

19. To exercise all other powers and duties conferred by the Oklahoma Alcoholic Beverage Control Act, and all powers incidental, convenient or necessary to enable it to administer or carry out any of the provisions of the Oklahoma Alcoholic Beverage Control Act.

B. The ABLE Commission shall promulgate rules, pursuant to the Administrative Procedures Act, to carry out the purposes of the Oklahoma Alcoholic Beverage Control Act.

Added by Laws 2016, c. 366, § 7, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-1-108. Commission Director - Powers and duties.

A. The ABLE Commission shall appoint a Director, who shall employ an Assistant Director and such other personnel as are necessary to properly enforce and administer the Oklahoma Alcoholic Beverage Control Act. The Director shall require bonds in such instances and amounts as the ABLE Commission may direct, and shall be in direct charge of all records. The Director shall further have the following specific powers and duties:

1. To issue licenses provided for in the Oklahoma Alcoholic Beverage Control Act, and to approve or reject any official bond required to be filed with the Director or the ABLE Commission;

2. To appoint and employ, supervise and discharge such employees as may be determined necessary for the proper discharge of the duties of the office of Director, upon duties and salary fixed and determined by the ABLE Commission and subject to all the rules that may be promulgated by the ABLE Commission. The Director and

the ABLE Commission, in appointing and employing personnel, shall give preference to honorably discharged members of the Armed Forces of the United States;

3. To conduct such investigations and make such reports as may be necessary to keep the ABLE Commission advised concerning any violations of the provisions of the Oklahoma Alcoholic Beverage Control Act and make orders for its enforcement;

4. To make recommendations to the ABLE Commission concerning the suspension or revocation of any licenses, the levying of fines against licensees for violations of the provisions of the Oklahoma Alcoholic Beverage Control Act or rules of the ABLE Commission or any action that should be filed or commenced against any official bond theretofore approved by the Director or the ABLE Commission;

5. To regularly inspect all places of business of licensees, and all other persons, firms or corporations dealing in the manufacture, distribution, transportation, sale or service of alcoholic beverages under the provisions of the Oklahoma Alcoholic Beverage Control Act and report to the ABLE Commission concerning any and all violations with a recommendation to the ABLE Commission for its determination;

6. To refer any evidence of a violation of any provision of the Oklahoma Alcoholic Beverage Control Act which carries a criminal penalty to the appropriate law enforcement authority for action;

7. To aid the enforcement authorities of this state or any county or municipality of the state, or the federal government, in prosecutions of violations of the Oklahoma Alcoholic Beverage Control Act;

8. To enforce the provisions of the Prevention of Youth Access to Tobacco Act including but not limited to the levying of administrative fines against persons violating the provisions of the Prevention of Youth Access to Tobacco Act, and to at least annually conduct random unannounced inspections at locations where tobacco products are sold or distributed and conduct targeted inspections at those locations which have been in violation of the provisions of the Prevention of Youth Access to Tobacco Act; and

9. To enter into interagency transfers with the Oklahoma State Bureau of Investigation, the Oklahoma Bureau of Narcotics and Dangerous Drugs and the Oklahoma Highway Patrol as provided for in Section 1 of this act.

B. The Director may employ or contract with attorneys, as needed, to advise the Director and the ABLE Commission on all legal matters and shall appear for and represent the Director and the ABLE Commission in all administrative hearings and all litigation or other proceedings which may arise in the discharge of their duties. At the request of the ABLE Commission, such attorneys shall assist district attorneys in prosecuting charges of violators of the Oklahoma Alcoholic Beverage Control Act.

Added by Laws 2016, c. 366, § 8, eff. Oct. 1, 2018. Amended by Laws 2021, c. 95, § 2, eff. Nov. 1, 2021.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-1-109. Powers and authority of peace officers.

A. The members of the ABLE Commission, the Director and such agents and inspectors as the ABLE Commission appoints in writing shall have all the powers and authority of peace officers of this state for the purpose of enforcing the provisions of the Oklahoma Alcoholic Beverage Control Act.

B. The Director or any agent or inspector duly appointed, as provided in subsection A of this section, shall be authorized to arrest violators for offenses against laws of this state committed in the presence of the Director or such agents or inspectors, and further, upon the request of a sheriff or another peace officer of this state or any political subdivision thereof, assist in apprehension and arrest of a violator or suspected violator of any of the laws of this state.

C. 1. A commissioned employee of the ABLE Commission shall be entitled to receive, upon retirement by reason of length of service, the continued custody and possession of the sidearm and badge carried by such employee immediately prior to retirement;

2. A commissioned employee of the ABLE Commission may be entitled to receive, upon retirement by reason of disability, the continued custody and possession of the sidearm and badge carried by such employee immediately prior to retirement, upon approval of the Director;

3. Custody and possession of the sidearm and badge of a commissioned employee of the ABLE Commission, killed in the line of duty, may be awarded by the Director to the spouse or next of kin of the deceased employee.

Added by Laws 2016, c. 366, § 9, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-1-110. Restrictions on Commission members and employees - Penalties.

A. No member or employee of the ABLE Commission shall:

1. Be appointed or serve who has been convicted of a felony or of any violation of any federal or state law relating to alcoholic beverages;

2. Directly or indirectly, individually or as a member of a partnership, or as a shareholder of a corporation, have any interest

whatsoever in the manufacture, sale or distribution of alcoholic beverages;

3. Receive any compensation or profit therefrom, nor have any interest, directly or indirectly, in any business authorized by a license issued pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act. The holding of membership or elective or appointed office in fraternal organizations which obtain licenses authorized by the Oklahoma Alcoholic Beverage Control Act shall not be considered to be engagement in the alcoholic beverage business;

4. Solicit or accept any gift, gratuity, emolument or employment from any person subject to the provisions of the Oklahoma Alcoholic Beverage Control Act, or from any officer, agent or employee thereof;

5. Solicit, request from or recommend, directly or indirectly, to any such person or to any officer, agent or employee thereof, the appointment of any person to any place or position, and every such person, and every officer, agent or employee thereof, is hereby forbidden to offer to any member or employee of the ABLE Commission any gift, gratuity, emolument or employment;

6. Accept employment within the alcoholic beverage industry for any holder of a license issued pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act; or

7. Represent, directly or indirectly, any such licensee in any proceedings before the Director, the ABLE Commission or the Tax Commission within two (2) years following separation from the ABLE Commission.

B. Violation of any provision of subsection A of this section shall constitute a misdemeanor. In addition to the penal provisions, any person convicted shall be immediately removed from the office or position he or she holds.

C. No license of any kind shall be granted to or retained by any person or any partnership containing any partner who is related to any member of the ABLE Commission or to the Director or Assistant Director by affinity or consanguinity within the third degree or who is related to any other employee of the ABLE Commission by affinity or consanguinity in the first degree. If a license is held in violation of the provisions of this subsection, the member or employee of the ABLE Commission shall not be entitled to receive any compensation or other monies from the State of Oklahoma while a license is held in violation of the provisions of this subsection.

D. It shall be unlawful for any member or employee of the ABLE Commission to lend, expend or contribute any money, funds, property or other thing of value, or use his or her official position for the purpose of securing the nomination or election or the defeat of any candidate for public office in the State of Oklahoma.

E. Any person who shall violate the provisions of subsection D of this section shall, upon conviction, be fined not less than Two

Thousand Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars (\$5,000.00), or be imprisoned in the county jail for not more than one (1) year, or by both such fine and imprisonment. Any person found guilty of violating the provisions of this subsection shall, upon conviction, in addition to the criminal penalty imposed herein, be discharged from the office or position he or she holds and shall not be rehired to any state position.

Added by Laws 2016, c. 366, § 10, eff. Oct. 1, 2018. Amended by Laws 2019, c. 130, § 1, eff. Nov. 1, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-1-111. State officers and employees - Involvement in alcoholic beverage business - State lodges.

A. Employees of the State of Oklahoma and its political subdivisions are hereby permitted to obtain licenses from the ABLE Commission and to be involved in the alcoholic beverage business unless such involvement and licensing is prohibited by law.

B. The following officers and employees of the State of Oklahoma and its political subdivisions are hereby prohibited from engaging in the alcoholic beverage business:

1. All judges, district attorneys, assistant district attorneys and any public official who sits in a judicial capacity with jurisdiction over the Oklahoma Alcoholic Beverage Control Act;

2. With the exception of those peace officers who are working as off-duty security, all employees certified as peace officers engaging in law enforcement activities; and

3. All employees of the Oklahoma Tax Commission who engage in the auditing, enforcement and collection of alcoholic beverage taxes.

C. The holding of membership or elective or appointed office in fraternal organizations which obtain mixed beverage or bottle club licenses by employees of the state or a political subdivision shall not be considered to be engagement in the alcoholic beverage business.

D. If the voters of a county in which a state lodge is located approve sale of alcoholic beverages by the individual drink for on-premises consumption, then such sale of alcoholic beverages on the premises of such lodge shall be authorized if a license for such sale, issued pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act, is obtained. Provided, further, that a bottle club may be licensed on the premises of a state lodge located in a county where sale of alcoholic beverages by the individual drink for on-premises consumption is not authorized.

E. The provisions of subsection D of this section shall not prohibit the state or a political subdivision of the state from leasing a public building or facility to a person who obtains a mixed beverage license, bottle club license, special event license, contracts for the services of a licensed caterer or subleases the building or facility to a person who obtains a mixed beverage license, bottle club license, special event license or contracts for the services of a licensed caterer.

F. Provided, that nothing in this section shall prohibit the sale of alcoholic beverages legally confiscated as provided by law. Added by Laws 2016, c. 366, § 11, eff. Oct. 1, 2018. Amended by Laws 2019, c. 54, § 1, emerg. eff. April 16, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-1-112. Good standing with Oklahoma Tax Commission required.

The ABLE Commission shall not issue a license to any person not in good standing with the Oklahoma Tax Commission with respect to the payment of all taxes due to this state or any political subdivision thereof. The ABLE Commission shall not issue a license to any business entity if the entity or any officer or director thereof is not in good standing with the Tax Commission with respect to the payment of all taxes due to this state or any political subdivision thereof. Any license issued before or after the effective date of this act which is deemed to have been issued in violation of the provisions of this section shall be immediately revoked, and the holder thereof shall not be eligible to receive any license issued by the ABLE Commission until such time as the Tax Commission determines that the holder is in good standing with the Tax Commission with respect to the payment of all taxes due to this state or any political subdivision thereof, including payment of any interest or penalties due.

Added by Laws 2016, c. 366, § 12, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-101. Annual license fees - Administrative fees.

A. Except as otherwise provided in this section, the licenses issued by the ABLE Commission, and the annual fees therefor, shall be as follows:

1. Brewer License..... \$1,250.00
2. Small Brewer License..... \$125.00
3. Distiller License..... \$3,125.00
4. Winemaker License..... \$625.00
5. Small Farm Winery License..... \$75.00

6.	Rectifier License.....	\$3,125.00
7.	Wine and Spirits Wholesaler License.....	\$3,000.00
8.	Beer Distributor License.....	\$750.00
9.	The following retail spirits license fees shall be determined by the latest Federal Decennial Census:	
a.	Retail Spirits License for cities and towns from 200 to 2,500 population.....	\$305.00
b.	Retail Spirits License for cities and towns from 2,501 to 5,000 population.....	\$605.00
c.	Retail Spirits License for cities and towns over 5,000 population.....	\$905.00
10.	Retail Wine License.....	\$1,000.00
11.	Retail Beer License.....	\$500.00
12.	Mixed Beverage License.....	\$1,005.00
	(initial license)	
		\$905.00
	(renewal)	
13.	Mixed Beverage/Caterer Combination License.....	\$1,250.00
14.	On-Premises Beer and Wine License.....	\$500.00
	(initial license)	
		\$450.00
	(renewal)	
15.	Bottle Club License.....	\$1,000.00
	(initial license)	
		\$900.00
	(renewal)	
16.	Caterer License.....	\$1,005.00
	(initial license)	
		\$905.00
	(renewal)	
17.	Annual Special Event License.....	\$55.00
18.	Quarterly Special Event License.....	\$55.00
19.	Hotel Beverage License.....	\$1,005.00
	(initial license)	
		\$905.00
	(renewal)	
20.	Airline/Railroad/Commercial Passenger Vessel Beverage License.....	\$1,005.00
	(initial license)	
		\$905.00
	(renewal)	
21.	Agent License.....	\$55.00
22.	Employee License.....	\$30.00
23.	Industrial License.....	\$23.00
24.	Carrier License.....	\$23.00
25.	Private Carrier License.....	\$23.00

26. Bonded Warehouse License..... \$190.00
27. Storage License..... \$23.00
28. Nonresident Seller License \$750.00
29. Manufacturer License:
 - a. 50 cases or less sold in Oklahoma in last calendar year..... \$50.00
 - b. 51 to 500 cases sold in Oklahoma in last calendar year..... \$75.00
 - c. 501 cases or more sold in Oklahoma in last calendar year..... \$150.00
30. Manufacturer's Agent License..... \$55.00
31. Sacramental Wine Supplier License..... \$100.00
32. Charitable Auction License..... \$1.00
33. Charitable Alcoholic Beverage License..... \$55.00
34. Winemaker Self-Distribution License:
 - a. produced ten thousand (10,000) gallons or less in last calendar year..... \$350.00
 - b. produced more than ten thousand (10,000) gallons but no more than fifteen thousand (15,000) gallons in last calendar year..... \$750.00
35. Annual Public Event License..... \$1,005.00
36. One-Time Public Event License..... \$255.00
37. Small Brewer Self-Distribution License:
 - a. produced fifteen thousand (15,000) barrels or less in last calendar year..... \$350.00
 - b. produced more than fifteen thousand (15,000) barrels in last calendar year..... \$750.00
38. Brewpub License..... \$1,005.00
39. Brewpub Self-Distribution License..... \$750.00
40. Complimentary Beverage License..... \$75.00
41. Satellite Tasting Room License..... \$100.00
42. Event Bartender License..... \$50.00

B. 1. There shall be added to the initial or renewal fees for a mixed beverage license an administrative fee, which shall not be deemed to be a license fee, in the amount of Five Hundred Dollars (\$500.00), which shall be paid at the same time and in the same manner as the license fees prescribed by paragraph 12 of subsection A of this section; provided, this fee shall not be assessed against service organizations or fraternal beneficiary societies which are exempt under Section 501(c)(19), (8) or (10) of the Internal Revenue Code.

2. There shall be added to the fee for a mixed beverage/caterer combination license an administrative fee, which shall not be deemed to be a license fee, in the amount of Two Hundred Fifty Dollars (\$250.00), which shall be paid at the same time and in the same

manner as the license fee prescribed by paragraph 13 of subsection A of this section.

C. Notwithstanding the provisions of subsection A of this section:

1. The license fee for a mixed beverage or bottle club license for those service organizations or fraternal beneficiary societies which are exempt under Section 501(c)(19), (8) or (10) of the Internal Revenue Code shall be Five Hundred Dollars (\$500.00) per year; and

2. The renewal fee for an airline/railroad/commercial passenger vessel beverage license held by a railroad described in 49 U.S.C., Section 24301, shall be One Hundred Dollars (\$100.00).

D. An applicant may apply for and receive both an on-premises beer and wine license and a caterer license.

E. All licenses, except as otherwise provided, shall be valid for one (1) year from date of issuance unless revoked or surrendered. Provided, all employee licenses shall be valid for two (2) years.

F. The holder of a license, issued by the ABLE Commission, for a bottle club located in a county of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized, may exchange the bottle club license for a mixed beverage license or an on-premises beer and wine license and operate the licensed premises as a mixed beverage establishment or an on-premises beer and wine establishment subject to the provisions of the Oklahoma Alcoholic Beverage Control Act. There shall be no additional fee for such exchange and the mixed beverage license or on-premises beer and wine license issued shall expire one (1) year from the date of issuance of the original bottle club license.

G. In addition to the applicable licensing fee, the following surcharge shall be assessed annually on the following licenses:

1. Nonresident Seller License..... \$2,500.00
2. Manufacturer License:
 - a. 50 cases or less sold in Oklahoma in last calendar year..... \$100.00
 - b. 51 to 500 cases sold in Oklahoma in last calendar year..... \$225.00
 - c. 501 cases or more sold in Oklahoma in last calendar year..... \$450.00
3. Wine and Spirits Wholesaler License..... \$2,500.00
4. Beer Distributor..... \$1,000.00
5. Retail Spirits License for cities and towns over 5,000 population..... \$250.00
6. Retail Spirits License for cities and towns from 2,501 to 5,000 population..... \$200.00

7. Retail Spirits License for cities and towns
from 200 to 2,500 population..... \$150.00
8. Retail Wine License..... \$250.00
9. Retail Beer License..... \$250.00
10. Mixed Beverage License..... \$25.00
11. Mixed Beverage/Caterer Combination License..... \$25.00
12. Caterer License..... \$25.00
13. On-Premises Beer and Wine License..... \$25.00
14. Annual Public Event License..... \$25.00
15. Small Farm Winery License..... \$25.00
16. Small Brewer License..... \$35.00
17. Complimentary Beverage License..... \$25.00

The surcharge shall be paid concurrent with the licensee's annual licensing fee and, in addition to Five Dollars (\$5.00) of the employee license fee, shall be deposited in the Alcoholic Beverage Governance Revolving Fund established pursuant to Section 5-128 of this title.

H. Any license issued by the ABLE Commission under this title may be relied upon by other licensees as a valid license, and no other licensee shall have any obligation to independently determine the validity of such license or be held liable solely as a consequence of another licensee's failure to maintain a valid license.

Added by Laws 2016, c. 366, § 13, eff. Oct. 1, 2018. Amended by Laws 2017, c. 364, § 10, eff. Oct. 1, 2018; Laws 2018, c. 312, § 2, eff. Oct. 1, 2018; Laws 2019, c. 102, § 1, eff. Nov. 1, 2019; Laws 2019, c. 185, § 2, eff. July 1, 2019; Laws 2020, c. 161, § 9, emerg. eff. May 21, 2020; Laws 2021, c. 194, § 1, eff. July 1, 2021; Laws 2023, c. 338, § 3, emerg. eff. June 7, 2023; Laws 2025, c. 190, § 3, eff. July 1, 2026.

NOTE: Laws 2019, c. 420, § 2 repealed by Laws 2020, c. 161, § 10, emerg. eff. May 21, 2020.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-102. Brewer license - Small brewer license - Small brewer self-distribution license.

A. A brewer license shall authorize the holder thereof:

1. To manufacture, bottle, package and store beer and cider on the licensed premises; and
2. To sell beer and cider in this state to holders of beer distributor licenses and to sell beer and cider out of this state to qualified persons.

B. A small brewer license shall authorize the holder thereof:

1. To manufacture, bottle, package and store beer and cider produced by the licensee on licensed premises;

2. To sell beer and cider in this state to holders of beer distributor licenses and retail licenses or to sell beer and cider out of this state to qualified persons;

3. To serve free samples of beer and cider produced by the licensee to visitors twenty-one (21) years of age or older;

4. To sell beer and cider produced by the licensee for either on-premises or off-premises consumption to consumers on the brewery premises, or on premises located contiguous thereto;

5. To sell beer and cider at events attended by the public including, but not limited to, trade shows, festivals, farmers markets, boat shows, RV shows, home and garden shows, fairs, car shows, swap meets, city events, county events, or state events for either on-premises or off-premises consumption, regardless of whether such events are held at premises covered by a license to sell, serve, or store alcoholic beverages. A small brewer license holder shall not be required to secure or control the premises of an event attended by the public where the small brewer license holder sells beer or cider;

6. To purchase wine in retail containers from the holder of a wholesaler license or as specifically provided by law;

7. To sell, offer for sale and possess wine for on-premises consumption;

8. To host off-site events pursuant to Section 1 of this act; and

9. To purchase from licensed brewers, small brewers, and brewpubs in this state, and to import beer into this state for use in manufacturing in accordance with federal laws and regulations.

C. The holder of multiple small brewer licenses may sell beer and cider produced at up to three breweries for which the licensee has a license, at any other of such three licensed breweries or on premises located contiguous thereto.

D. Nothing in the Oklahoma Alcoholic Beverage Control Act shall prohibit the holder of a small brewer license from also holding or owning an interest in the holder of a brewpub license.

E. For purposes of this section, no visitor may sample more than a total of twelve (12) fluid ounces of beer and cider per day. The brewer must restrict the distribution of beer and cider samples to an area within the licensed premises as defined in this subsection. A current floor plan that includes the designated serving area must be on file with the ABLE Commission. No visitor under twenty-one (21) years of age shall be permitted to enter this designated serving area. Accompanied visitors under twenty-one (21) years of age shall be allowed anywhere on the premises except for a serving area. Samples of beer and cider served by a brewery under this section shall not be considered a sale of beer and cider within the meaning of Article XXVIII-A of the Oklahoma Constitution or Section 1-103 of this title; however, such samples of beer and cider

shall be considered beer and cider removed or withdrawn from the brewery for use or consumption within the meaning of Section 5-110 of this title for excise tax determination and reporting requirements. Sales and sampling may only occur between the hours of 10:00 a.m. and 2:00 a.m. For purposes of this subsection, "serving area" means the area of the bar where drinks are sold, prepared, and served to paying customers and shall not include other areas of the brewery where customers consume purchased products.

F. A small brewer self-distribution license shall authorize holders of a small brewer license to distribute beer and cider produced only by such licensee to a holder of a retail beer license, retail spirits license, mixed beverage license, beer and wine license, caterer's license, special event license, public event license, charitable auction license or brewpub license. A small brewer shall elect whether it will distribute through a distributor or self-distribute in a subject territory; however, a small brewer may not elect to do both simultaneously in a subject territory. The election shall be made through notice to the ABLE Commission. Any changes to the election shall require immediate notification to the ABLE Commission before the change in election will take effect. A small brewer that elects to self-distribute in multiple territories shall only be required to have one small brewer self-distribution license.

G. All manufacturer's licenses held by brewers during the first calendar year beginning October 1, 2018, shall automatically convert to brewer licenses and be deemed effective as of the date of the first issuance of the manufacturer's license. Upon the first renewal of the license, the brewer will need to obtain the appropriate brewer's license. If a brewer elects to market wine and spirits, the brewer will also be required to obtain a manufacturer's license and comply with the rules and regulations for both licenses. Added by Laws 2016, c. 366, § 14, eff. Oct. 1, 2018. Amended by Laws 2017, c. 84, § 1, eff. Oct. 1, 2018; Laws 2018, c. 315, § 1, eff. Oct. 1, 2018; Laws 2019, c. 322, § 3, emerg. eff. May 7, 2019; Laws 2021, c. 396, § 1, eff. Nov. 1, 2021; Laws 2023, c. 338, § 4, emerg. eff. June 7, 2023.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

NOTE: Laws 2019, c. 226, § 1 repealed by Laws 2023, c. 338, Sec. 9, emerg. eff. June 7, 2023.

§37A-2-102.1. Charitable Collaboration Brewer License.

Charitable Collaboration Brewer License.

A. A charitable collaboration brewer license shall authorize the collaborating licensed brewers and holders thereof:

1. To formulate, manufacture, bottle, package and store the charitable collaboration beer, or any part thereof, on the licensed premises;

2. To sell the charitable collaboration beer in this state to holders of beer distributor licenses;

3. To sell the charitable collaboration beer out of this state to qualified persons for the sole purpose of fundraising for the stated charitable purposes;

4. To sell the charitable collaboration beer in this state to holders of retail licenses;

5. To serve free samples of the charitable collaboration beer produced by the collaborating licensed brewers to visitors twenty-one (21) years of age or older on the collaborating brewery licensed premises;

6. To sell the charitable collaboration beer produced by the collaborating licensee brewers for either on-premises or off-premises consumption to consumers on the brewery premises, or on premises located contiguous thereto;

7. To sell the charitable collaboration beer produced by the collaborating licensed brewers at public events such as trade shows or festivals; and

8. To purchase the charitable collaboration beer produced by the collaborating licensed brewers in retail containers from the holder of a beer distributor license to sell or serve in accordance with this section.

B. Nothing in this section shall prohibit the holder of a charitable collaboration brewer license from also holding or owning an interest in the holder of a brewpub license.

C. For purposes of this section, no visitor may sample more than a total of twelve (12) fluid ounces of the charitable collaboration beer per day. The brewer must restrict the distribution and consumption of charitable collaboration beer samples to an area within the licensed premises designated by the brewer. A current floor plan that includes the designated sampling area must be on file with the ABLE Commission. No visitor under twenty-one (21) years of age shall be permitted to enter this designated sampling area when samples are being distributed or consumed. Samples of the charitable collaboration beer served by a collaborating brewery under this section shall not be considered a sale of beer within the meaning of Article XXVIII-A of the Oklahoma Constitution or Section 1-103 of Title 37A of the Oklahoma Statutes; however, such samples of the charitable collaboration beer shall be considered beer removed or withdrawn from the brewery for use or consumption within the meaning of Section 5-110 of Title 37A of the Oklahoma Statutes for excise tax determination and reporting requirements. Sales and sampling may only occur between the hours of 10:00 a.m. and 2:00 a.m.

D. If a small brewer is a licensed charitable collaborating brewer and such small brewer holds a self-distribution license, it shall authorize the holder thereof to distribute the charitable collaboration beer produced to a holder of a retail beer license, retail spirits license, mixed beverage license, beer and wine license, caterer's license, special event license, public event license, charitable auction license or brewpub license. If a small brewer has elected to distribute through a distributor or self-distribute in a subject territory, for purposes of the charitable collaboration brewer license such small brewer and the other collaborating brewer may elect to do both simultaneously in a subject territory upon notice to the ABLE Commission.

E. The ABLE Commission shall promulgate rules, forms and fees to implement and enforce the charitable collaboration brewer license.

F. When more than one Oklahoma-licensed brewer makes application to the ABLE Commission to develop a charitable collaboration beer offering and seeks to obtain a charitable collaboration brewer license, the ABLE Commission shall evaluate the application based upon any of the following:

1. Whether the collaboration has a legitimate charitable purpose in this state, another state or a national charitable effort;

2. Whether the formula needs approval by any federal regulatory authority;

3. Whether the Oklahoma Tax Commission has been notified of the request for a tax exemption to allow the collaborators to transfer-in-bond products between the licensed premises of the collaborating brewers and whether the Tax Commission approves such transfer-in-bond;

4. The license standing of each licensed collaborating brewer in this state, including, but not limited to, any required storage licenses.

Upon consideration of the application facts and detailed plans submitted by the collaborating brewers, the ABLE Commission shall make its determination whether or not to issue the charitable collaboration brewer license. Upon approval of a charitable collaboration brewer license, such license shall be issued to both licensed brewers for the development and manufacture of a charitable collaboration beer offering. Each licensed brewer shall be required to post the charitable collaboration brewer license at their licensed premises and such license number shall be clearly affixed to any alcohol products stored or transferred-in-bond between the collaborating breweries. The charitable collaboration beer offering shall require a private label approved by the ABLE Commission according to the label requirements promulgated by the ABLE Commission rules.

Added by Laws 2019, c. 422, § 3, eff. Nov. 1, 2019.

§37A-2-103. Distiller license.

A. A distiller license shall authorize the holder thereof:

1. To manufacture, bottle, package and store spirits on licensed premises;
2. To sell spirits in this state to licensed wholesalers and manufacturers only;
3. To sell spirits out of this state to qualified persons; to purchase from licensed distillers and rectifiers in this state, and import spirits from without this state for manufacturing purposes in accordance with federal laws and regulations;
4. To serve free samples of spirits produced only by the licensee to visitors twenty-one (21) years of age and older. For purposes of this section, no visitor may sample more than a total of three (3) fluid ounces of spirits per day. The distiller shall restrict the distribution and consumption of spirits samples to an area within the licensed premises designated by the distiller. A current floor plan that includes the designated sampling area shall be on file with the ABLE Commission. No visitor under twenty-one (21) years of age shall be permitted to enter the designated sampling area when samples are being distributed and consumed. Samples of spirits served by a distiller under this section shall not be considered a sale of spirits within the meaning of Article XXVIII-A of the Oklahoma Constitution or Section 1-103 of this title; provided, such samples of spirits shall be considered removed or withdrawn from the distillery for use or consumption within the meaning of Section 5-110 of this title for excise tax determination and reporting requirements;
5. To sell spirits produced by the licensee for either on-premises or off-premises consumption to consumers on the licensed distillery premises or in an area controlled by the licensee located contiguous to the licensed distillery premises and at one (1) location controlled by the licensee located in the same county as the licensed distillery premises but not contiguous to the licensed distillery premises. Spirits offered for sale by the Oklahoma licensed distiller will have been sold to and shipped to an Oklahoma licensed wine and spirits wholesaler and then made available for purchase by the Oklahoma licensed distiller for sale; and
6. To sell spirits at public events such as trade shows or festivals. Products offered for sale by the Oklahoma licensed distiller will have been sold to and shipped to an Oklahoma licensed wine and spirits wholesaler and then made available for purchase by the Oklahoma licensed distiller.

B. Spirits sold pursuant to paragraphs 5 and 6 of subsection A of this section shall not exceed fifteen thousand (15,000) gallons per calendar year in combination.

C. Spirits sold pursuant to paragraphs 5 and 6 of subsection A of this section shall be a final sale. Licensed distillers may offer for sale non-alcoholic substances which may be added to spirits by the consumer after final sale. Substances used for on-premises consumption shall be non-alcoholic in nature and shall not be considered part of the manufacturing process.

Added by Laws 2016, c. 366, § 15, eff. Oct. 1, 2018. Amended by Laws 2021, c. 197, § 1, emerg. eff. April 23, 2021; Laws 2023, c. 338, § 5, emerg. eff. June 7, 2023.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-104. Winemaker license.

A winemaker license shall authorize the holder thereof:

1. To manufacture (including such mixing, blending and cellar treatment as authorized by federal law), bottle, package and store on licensed premises wine containing not more than twenty-four percent (24%) alcohol by volume, provided the bottle or package sizes authorized shall be limited to the capacities approved by the United States Alcohol and Tobacco Tax and Trade Bureau;

2. To sell wine in this state to licensed wholesalers and manufacturers;

3. To sell wine produced at the winery from grapes and other fruits and berries grown in this state, if available, for either on-premises or off-premises consumption to consumers on the premises of the winery;

4. To serve free samples of wine produced at the winery to visitors twenty-one (21) years of age and older. For purposes of this section, no visitor may sample more than a total of six (6) fluid ounces of wine per day. The winery shall restrict the distribution and consumption of wine samples to an area within the licensed premises designated by the winery. A current floor plan that includes the designated sampling area shall be on file with the ABLE Commission. No visitor under twenty-one (21) years of age shall be permitted to enter the designated sampling area when samples are being distributed and consumed. Samples of wine served by a winery under this section shall not be considered a sale of wine within the meaning of Article XXVIII-A of the Oklahoma Constitution or Section 1-103 of this title; provided, such samples of wine shall be considered removed or withdrawn from the winery for use or consumption within the meaning of Section 5-110 of this title for excise tax determination and reporting requirements;

5. To serve free samples of wine produced at the winery at public events such as festivals and trade shows;

6. To sell wine produced at the winery, for either on-premises or off-premises consumption at public events such as festivals and trade shows;

7. To sell wine out of this state to qualified persons;

8. To purchase from licensed winemakers, distillers and rectifiers in this state, and to import into this state wine, brandy and fruit spirits for use in manufacturing in accordance with federal laws and regulations;

9. To sell and serve Oklahoma-manufactured wine, mulled wine, or spiced wine, mixed with nonalcoholic beverages or food items such as water, sugar, fruits and vegetables, at any temperature for either on-premises or off-premises consumption;

10. To purchase beer in retail containers from the holder of a wholesaler, beer distributor, small brewer self-distributor or brewpub self-distributor license or as specifically provided by law;

11. To sell, offer for sale and possess beer for on-premises consumption; and

12. To establish satellite tasting rooms as defined and authorized in this act where the winemaker's products may be tasted, sampled, sold and served for on-premises consumption and the winemaker is permitted to sell its products in sealed containers; provided, the small farm winery license or winemaker license is active and in good standing. The wine sold at a satellite tasting room must have been produced/manufactured by the holder of a small farm winery license or winemaker license and must have all manufacturing taxes paid.

Added by Laws 2016, c. 366, § 16, eff. Oct. 1, 2018. Amended by Laws 2017, c. 307, § 2, eff. Oct. 1, 2018; Laws 2018, c. 315, § 2, eff. Oct. 1, 2018; Laws 2019, c. 420, § 3, eff. Nov. 1, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-105. Winemaker self-distribution license.

A. A winemaker self-distribution license shall authorize a licensed winemaker within or without this state which is permitted by Article XXVIII A of the Oklahoma Constitution and this section:

1. To distribute its wine directly to retail spirits, retail wine and retail beer licensees, mixed beverage licensees, beer and wine licensees, and restaurants in this state; and

2. If such a winemaker elects to do so, to sell and deliver its wines directly to licensed retail package stores, mixed beverage licensees, beer and wine licensees, and restaurants in this state in full case lots only, and in accordance with the provisions of the Oklahoma Alcoholic Beverage Control Act and such rules as the ABLE Commission shall promulgate.

B. A winemaker either within or without this state that annually produces no more than fifteen thousand (15,000) gallons of wine may elect to sell and self-distribute the wine produced by such winemaker directly to licensed retail package stores, mixed beverage licensees, beer and wine licensees, and restaurants in this state; provided:

1. Any such winemaker which elects to directly sell its wine to package stores, mixed beverage licensees, beer and wine licensees, and restaurants shall not also use a licensed wholesale distributor as a means of distribution, and shall be required to sell its wines to every package store, mixed beverage licensee, beer and wine licensee, and restaurant licensee who desires to purchase the same, on the same price basis and without discrimination;

2. If a winemaker or winery sells directly to a retail package store, mixed beverage licensee, beer and wine licensee or restaurant, the winemaker shall transport the wine from the winemaker's winery to the premises where the wine is to be delivered only in vehicles owned or leased by the winemaker and not by common or private contract carrier and shall obtain all necessary permits as required by the Oklahoma Alcoholic Beverage Control Act; and

3. If the production volume limit applicable to winemakers is ruled to be unconstitutional by a court of competent jurisdiction, then no winemaker shall be permitted to directly sell its wine to retail package stores, non-package-store retailers, mixed beverage licensees, beer and wine licensees or restaurants in this state.

Added by Laws 2016, c. 366, § 17, eff. Oct. 1, 2018. Amended by Laws 2018, c. 113, § 1, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 307, which was adopted at election held on Nov. 8, 2016.

§37A-2-106. Rectifier license.

A rectifier license shall authorize the holder thereof:

1. To rectify spirits and wines and to bottle, package and store same on the licensed premises;

2. To sell spirits and wines in this state to licensed wholesalers and manufacturers only;

3. To sell spirits and wines out of this state to qualified persons;

4. To purchase from licensed manufacturers in this state; and

5. To import into this state for manufacturing purposes spirits and wines in accordance with federal laws and regulations.

Added by Laws 2016, c. 366, § 18, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-107. Wine and spirits wholesaler license.

A. A wine and spirits wholesaler license shall authorize the holder thereof:

1. To purchase and import into this state spirits and wines from persons authorized to sell same who are the holders of a manufacturer or nonresident seller license, and their agents who are the holders of manufacturer's agent licenses;

2. To purchase spirits and wines from licensed distillers, rectifiers and winemakers in this state;

3. To purchase spirits and wines from licensed wholesalers, to the extent set forth in subsections B and C of this section;

4. To sell in retail containers in this state to retailers, mixed beverage, caterer, special event, public event, hotel beverage or airline/railroad beverage licensees, spirits and wines which have been received and unloaded at the bonded warehouse facilities of the wholesaler before such sale;

5. To sell to licensed wholesalers, to the extent set forth in subsections B and C of this section, spirits and wines which have been received and unloaded at the bonded warehouse facilities of the wholesaler before such sale;

6. To sell spirits and wines out of this state to qualified persons; and

7. To sell to licensed distillers spirits that were manufactured by that distiller and which have been received and unloaded at a bonded warehouse facility of a wholesaler before such sale.

Provided, however, sales of spirits and wine in containers with a capacity of less than one-twentieth (1/20) gallon by a holder of a wholesaler license shall be in full case lots and in the original unbroken case. Wholesalers shall be authorized to place such signs outside their place of business as are required by Acts of Congress and by such laws and regulations promulgated under such Acts.

B. A wholesaler may sell spirits and wine to other wholesalers or purchase spirits and wines from other wholesalers without complying with subsection A of this section in the case of the sale, purchase or other transfer or acquisition of the entire business of a wholesaler including the inventory of spirits and wine.

C. A wholesaler license shall authorize the holder thereof to:

1. Maintain not more than three (3) self-owned or leased and self-operated bonded warehouses within this state. All invoices shall be stored at the principal place of business for which the wholesaler license was granted; and

2. Accept as payment cash, personal check, cashier's check, money order or electronic fund transfer from persons licensed to purchase alcoholic beverages; provided, a wholesaler shall not be permitted to accept payment by credit card.

Added by Laws 2016, c. 366, § 19, eff. Oct. 1, 2018. Amended by Laws 2017, c. 364, § 11, eff. Oct. 1, 2017; Laws 2021, c. 197, § 2, emerg. eff. April 23, 2021.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-108. Beer distributor license.

A. A beer distributor license shall authorize the holder thereof:

1. To purchase and import into this state cider from persons authorized to sell the same who are the holders of manufacturer's licenses, and their agents who are the holders of manufacturer's agent licenses;

2. To purchase and import into this state beer or cider from persons authorized to sell the same who are the holders of brewer's or small brewer's licenses;

3. To purchase beer and cider from licensed beer distributors in this state;

4. To sell in retail containers to retailers, on-premises beer and wine, mixed beverage, caterer, special event, public event, hotel beverage and airline/railroad beverage licensees or any other licensee permitted to sell beer to consumers in this state, beer and cider which has been received, unloaded and stored at the holder's self-owned or leased and self-operated warehouses before such sale, unless otherwise permitted by this section;

5. To sell beer and cider in this state to beer distributors and out of this state to qualified persons, including federal instrumentalities and voluntary associations of military personnel on federal enclaves in this state over which this state has ceded jurisdiction;

6. To donate beer and cider to organizations, associations or nonprofit corporations organized for political, fraternal, charitable, religious or social purposes or to charitable events;

. To transport wine, spirits, beer and cider in vehicles owned, leased or operated by the beer distributor, a subsidiary of the beer distributor, or its agent, in addition to any nonalcoholic items. Provided, if the beer distributor transports wine and spirits, a valid wine and spirits wholesaler license must be maintained by the beer distributor or affiliated entity having common ownership with the licensed beer distributor; and

8. To store alcoholic beverages of any kind, including wine and spirits owned by a licensed affiliated entity having common ownership, nonalcoholic beverages, and other goods, wares, and merchandise related to the foregoing, in any number of warehouses owned or leased by the beer distributor as determined by the beer distributor. Provided, however, the storage of wine and spirits

shall comply with the limitations to the number of warehouses contained in Section 2-107 of this title. There shall be no obligation to segregate the products in the warehouse by alcohol content or type of product. For purposes of this section, a leased warehouse includes a leased space within a multi-tenant building as long as such leased space is a discrete, enclosed area operated and controlled exclusively by the beer distributor.

B. In the event that no in-state beer distributor for a particular brewer or manufacturer is willing to deliver beer or cider to a county or counties located within the state, the ABLE Commission may grant an economic hardship exemption to an out-of-state beer distributor for a particular brewer and waive the at-rest requirement set forth in this section, upon a good-faith showing that:

1. It is economically infeasible or impractical for an in-state beer distributor for a particular brewer to deliver to the county or counties due to remoteness, or population, or both;

2. No in-state beer distributor of a particular brewer or manufacturer objects to the waiver within thirty (30) days of receiving written notice of the economic hardship application sent by the ABLE Commission; and

3. The out-of-state beer distributor agrees to pay all necessary licensing fees and remit all applicable taxes to the State of Oklahoma.

C. The economic hardship exemption provided for in subsection B of this section shall renew annually, provided that no in-state beer distributor for a particular brewer or manufacturer submits an executed distribution agreement to assume responsibility to distribute the beer in the subject county or counties at least sixty (60) days prior to the renewal date of the exemption. The in-state beer distributor who has executed a distribution agreement to assume responsibility to distribute beer in the subject territory shall compensate the out-of-state distributor the fair market value of the distribution rights of the territory as determined pursuant to Section 3-108 of this title.

D. Provided, nothing in this section shall require an Oklahoma licensed beer distributor with an Oklahoma designated territory on the effective date of this act to meet the hardship provisions in subsections B and C of this section to continue to operate as a licensed Oklahoma beer distributor.

Added by Laws 2016, c. 366, § 20, eff. Oct. 1, 2018. Amended by Laws 2017, c. 364, § 12, eff. Oct. 1, 2018; Laws 2019, c. 322, § 4, emerg. eff. May 7, 2019; Laws 2023, c. 94, § 1, emerg. eff. April 26, 2023.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-109. Retail spirits license - Retail wine license - Retail beer license.

A. A retail spirits license shall authorize the holder thereof:

1. To purchase wine or spirits from a wine and spirits wholesaler;
2. To purchase beer from a beer distributor or from the holder of a small brewer self-distribution license;
3. To sell same on the licensed premises in such containers to consumers for off-premises consumption only and not for resale; provided, spirits, wine and beer may be sold to charitable organizations that are holders of charitable alcoholic beverage auction or charitable alcoholic beverage event licenses; and
4. To host alcoholic beverage tastings consistent with subsections D and E of this section.

B. A retail wine license shall authorize the holder thereof:

1. To purchase wine from a wine and spirits wholesaler;
2. To purchase wine from a small farm winemaker who is permitted and has elected to self-distribute as provided in Article XXVIII-A of the Oklahoma Constitution;
3. To sell same on the licensed premises in such containers to consumers for off-premises consumption only and not for resale; provided, wine may be sold to charitable organizations that are holders of charitable alcoholic beverage auction or charitable alcoholic beverage event licenses; and
4. To host an alcoholic beverage tasting, consistent with subsections D and E of this section.

Provided, no holder of a retail wine license may sell wine with alcohol beverage volume in excess of fifteen percent (15%).

C. A retail beer license shall authorize the holder thereof:

1. To purchase beer from a beer distributor;
2. To purchase beer from the holder of a small brewer self-distribution license;
3. To sell same on the licensed premises in such containers to consumers for off-premises consumption only and not for resale; provided, beer may be sold to charitable organizations that are holders of charitable alcoholic beverage auction or charitable alcoholic beverage event licenses; and
4. To host alcoholic beverage tastings consistent with subsections D and E of this section.

Provided, no holder of a retail beer license may sell a malt beverage with alcohol beverage volume in excess of fifteen percent (15%).

D. All tastings conducted under this section shall:

1. Be conducted under the direct supervision of the licensee authorized to host the tasting;

2. Be poured by any ABLE Commission licensee lawfully permitted to serve alcoholic beverages, provided no wine or spirits wholesaler, beer distributor or employee of a wine or spirits wholesaler or beer distributor shall be allowed to pour samples for tastings;

3. Use alcoholic beverages purchased by the licensee authorized to host the tastings from a licensed wine and spirits wholesaler, beer distributor, self-distributor, small brewer or self-distributing winery authorized to sell the same, and the licensee shall pay the applicable taxes on the alcoholic beverages purchased; provided, the licensee may only provide samples of alcoholic beverages that its license is authorized to sell;

4. Be restricted to persons twenty-one (21) years of age or older;

5. Be limited to no more than one (1) fluid ounce of spirits, two (2) fluid ounces of wine or three (3) fluid ounces of beer per consumer per day; and

6. Be consumed on the licensed premises of the licensee authorized to host the tastings or at a location other than the licensed premises, provided no samples served on the licensed premises shall be permitted to be removed from the licensed premises.

E. All licensees authorized to serve samples pursuant to subsection D of this section shall ensure that:

1. All samples are poured only from original sealed packaging;

2. Any alcoholic beverages remaining in unsealed packaging used to provide samples, excluding spirits, are poured out by the end of the day;

3. No more than six (6) bottles of alcoholic beverages are unsealed at any given time; and

4. No person shall remove any samples from the licensed premises or location where the tasting has occurred.

F. 1. Retail spirits, retail wine, and retail beer licensees shall be authorized to host educational alcoholic beverage training, which includes tastings, for employees who are licensed to sell such beverages on the licensed premises in such containers to consumers for off-premises consumption only. Alcoholic beverages for training purposes may be provided by wine and spirits wholesaler licensees and beer distributor licensees.

2. All such tastings shall be consumed on licensed premises of the licensee authorized to host the tastings or at a location other than the licensed premises, and under the direct supervision of the licensee. Samples shall be poured by a licensee who is lawfully permitted to serve alcoholic beverages on the licensed premises in such containers to consumers for off-premises consumption only in this state. Tastings shall be restricted to employees who are twenty-one (21) years of age or older. Participation in tastings

for educational purposes may be required by an employer; however, the choice to taste or consume alcoholic beverages shall always be voluntary. No employee may be required to taste or consume alcohol at tastings as a condition of employment.

3. An educational tasting of beer may consist of not more than six separate individual beers of not more than two (2) ounces each, served together at one time. No employee may sample more than a total of twelve (12) fluid ounces of beer per day. An educational tasting of wine may consist of not more than six separate individual wines of not more than one (1) ounce each, served together at one time. No employee may sample more than a total of six (6) fluid ounces of wine per day. An educational tasting of spirits shall consist of not more than three separate individual spirits of not more than one-half (0.5) ounce each, served together at one time. No employee may sample more than a total of one and one-half (1.5) fluid ounces of spirits per day. No employee may sample more than a total of twelve (12) ounces of beer, six (6) ounces of wine, or one and one-half (1.5) ounces of spirits per day. Only one type of alcoholic beverage of beer, wine, or spirits shall be allowed at any education training tasting. No combination tasting shall be allowed. Employees who choose to taste an alcoholic beverage but do not wish to consume the alcoholic beverage shall be allowed to spit the beverage into a cup for disposal. Employees may participate in educational tastings before, during, or after regular business hours unless otherwise prohibited by law. All licensees serving samples of beer shall ensure that all samples are poured only from original sealed packaging and any alcoholic beverages remaining in unsealed packaging used to provide samples, excluding spirits and wine, are poured out by the end of the day. No more than six bottles of alcoholic beverages may be unsealed at any given time during a tasting. All packaging containing samples of wine and spirits shall be clearly marked as a sample and any unused portions of the sample of wine or spirits shall be resealed and retained by the wine and spirits wholesaler for use at the next tasting authorized in this paragraph. Wine and spirits wholesaler employees may transport any resealed samples of wine and spirits in their vehicles. Beer, wine, and spirits samples shall not be considered withdrawn from the inventory of the beer distributor or wine and spirits wholesaler for purposes of the collection of the excise tax on beer, wine, and spirits. Tastings offered to licensees by wine and spirits wholesalers and beer distributors shall not be deemed discrimination or an inducement under Section 3-123 of this title. Added by Laws 2016, c. 366, § 21, eff. Oct. 1, 2018. Amended by Laws 2020, c. 81, § 1, eff. July 1, 2020; Laws 2021, c. 434, § 1, eff. Nov. 1, 2021; Laws 2024, c. 90, § 2, emerg. eff. April 22, 2024.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-110. See the following versions:

OS 37A-2-110v1 (SB 728, Laws 2019, c. 35, § 1).

OS 37A-2-110v2 (SB 1057, Laws 2024, c. 417, § 1).

§37A-2-110v1. Mixed beverage license.

A mixed beverage license shall authorize the holder thereof:

1. To purchase alcohol, spirits, beer and/or wine in retail containers from the holder of a wine and spirits wholesaler and beer distributor license as specifically provided by law. The holder of a mixed beverage license issued for an establishment which is also a restaurant may purchase wine directly from a winemaker and beer directly from a small brewer who is permitted and has elected to self-distribute as provided in Article XXVIII-A of the Oklahoma Constitution;

2. To sell, offer for sale and possess mixed beverages for on-premises consumption only; provided, a mixed beverage licensee may sell beer and wine for off-premises consumption if it meets the classification of a golf course, country club, or marina pursuant to the most recently adopted North American Industry Classification System (NAICS). The mixed beverage licensee shall be permitted to sell beer and wine for off-premises consumption during all days and hours in which a retail beer licensee or retail wine licensee is permitted to sell beer or wine. The gross receipts tax set forth in Section 5-105 of this title shall apply to all alcoholic beverages sold by the mixed beverage licensee, whether those alcoholic beverages are intended for on- or off-premises consumption. The ABLE Commission shall promulgate rules for the implementation of a special off-premises permit consistent with this subsection. The mixed beverage licensee shall secure the special off-premises permit prior to selling beer and wine for off-premises consumption;

3. Sales and service of mixed beverages by holders of mixed beverage licenses shall be limited to the licensed premises of the licensee unless the holder of the mixed beverage license also obtains a caterer license or a mixed beverage/caterer combination license. A mixed beverage license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized. A separate license shall be required for each place of business; and

4. Upon application, a mixed beverage license shall be issued for any place of business functioning as a motion picture theater, as defined by Section 1-103 of this title. Provided, that upon proof of legal age to consume alcohol, every patron being served alcoholic beverages shall be required to wear a wrist bracelet or

receive a hand stamp identifying the patron as being of legal age to consume alcohol. This requirement shall only apply inside a motion picture theater auditorium where individuals under the legal age to consume alcohol are allowed.

Added by Laws 2016, c. 366, § 22, eff. Oct. 1, 2018. Amended by Laws 2017, c. 381, § 6, eff. Oct. 1, 2018; Laws 2019, c. 35, § 1, emerg. eff. April 10, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-110v2. Mixed beverage license.

A. A mixed beverage license shall authorize the holder thereof:

1. To purchase alcohol, spirits, beer and/or wine in retail containers from the holder of a wine and spirits wholesaler and beer distributor license as specifically provided by law;

2. To sell, offer for sale and possess mixed beverages for on-premises consumption only, provided:

a. the holder of a mixed beverage license issued for an establishment which is also a restaurant may purchase wine directly from a winemaker and beer directly from a small brewer who is permitted and has elected to self-distribute as provided in Article XXVIII-A of the Oklahoma Constitution, and

b. the holder of a mixed beverage license that is also a holder of a retail wine license or retail beer license or both a retail wine license and retail beer license shall not be prohibited from the on-premises sale of wine or beer, according to the license held, for off-premises consumption, subject to the limitations of the retail wine license or retail beer license; and

3. To sell spirits in their original packages for consumption on its premises under the following conditions:

a. spirits in their original packages shall remain and be consumed in the club suite of a mixed beverage licensee and may not be removed from the club suite if not consumed in their entirety at or before the conclusion of the period for which the club suite was made available to a specific patron or patrons by the mixed beverage licensee, and

b. spirits in their original packages to be consumed in the club suite are provided exclusively by the mixed beverage licensee.

B. Sales and service of mixed beverages by holders of mixed beverage licenses shall be limited to the licensed premises of the licensee unless the holder of the mixed beverage license also obtains a caterer license or a mixed beverage/caterer combination

license, or if the holder of a mixed beverage license is an Entertainment District Tenant Party as defined in Section 2393 of Title 68 of the Oklahoma Statutes. A mixed beverage license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized. A separate license shall be required for each place of business.

C. Sales and service of mixed beverages by holders of mixed beverage licenses of an Entertainment District Tenant Party shall be limited to the premises of an Entertainment District. For purposes of this subsection, premises may be defined as the designated area of an Entertainment District as defined in Section 2393 of Title 68 of the Oklahoma Statutes.

D. Holders of a mixed beverage license shall not be prohibited from obtaining and holding a retail beer license or retail wine license or both a retail beer license and retail wine license; provided, that each holder qualifies and maintains the qualifications for each license held as set forth in this title and the rules promulgated by the Alcoholic Beverage Laws Enforcement (ABLE) Commission.

E. Upon application, a mixed beverage license shall be issued for any place of business functioning as a motion picture theater, as defined by Section 1-103 of this title. Provided, that upon proof of legal age to consume alcohol, every patron being served alcoholic beverages shall be required to wear a wrist bracelet or receive a hand stamp identifying the patron as being of legal age to consume alcohol. This requirement shall only apply inside a motion picture theater auditorium where individuals under the legal age to consume alcohol are allowed.

F. Holders of a mixed beverage license with a licensed premises on a business establishment that meets the classification of a golf course or country club pursuant to the most recently adopted North American Industry Classification System (NAICS) may also sell beer in sealed original packages for on-premises consumption. Such holders' sales of more than two sealed original packages to one person at one time for on-premises consumption shall not be considered an unlawful inducement to stimulate consumption of alcoholic beverages under the Oklahoma Alcoholic Beverage Control Act, and patrons may remove sealed original packages from the licensed premises.

Added by Laws 2016, c. 366, § 22, eff. Oct. 1, 2018. Amended by Laws 2017, c. 381, § 6, eff. Oct. 1, 2018; Laws 2019, c. 424, § 1, eff. Nov. 1, 2019; Laws 2021, c. 462, § 2, emerg. eff. May 10, 2021; Laws 2022, c. 140, § 1, emerg. eff. April 29, 2022; Laws 2024, c. 417, § 1, eff. Nov. 1, 2024.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-111. Bottle club license.

A bottle club license shall authorize the holder thereof to store, possess and mix alcoholic beverages belonging to members of the club and to serve such alcoholic beverages for on-premises consumption to club members. A bottle club license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has not been authorized. A separate license shall be required for each place of business.

Added by Laws 2016, c. 366, § 23, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-112. Caterer license.

A caterer license shall authorize the holder thereof to sell mixed beverages for on-premises consumption incidental to the sale or distribution of food at particular functions, occasions or events which are temporary in nature. A caterer license shall not be issued in lieu of a mixed beverage license. A caterer license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized. A separate license shall be required for each place of business.

Added by Laws 2016, c. 366, § 24, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-113. Caterer license - Rules and restrictions.

A. 1. A caterer license may be issued to any person for the purpose of sale, delivery or distribution of alcoholic beverages incidental to the sale or distribution of food on a premises not licensed by the ABLE Commission. For purposes of this section, "incidental to the sale or distribution of food" means food sales constituting at least thirty-five percent (35%) of the caterer's total combined annual sales. A caterer license shall not be issued to a person whose main purpose is the sale of alcoholic beverages.

2. A caterer license may only be issued to those persons that prepare, sell and distribute food for consumption either on licensed or unlicensed premises. In order to renew a caterer license, annual food sales must constitute at least thirty-five percent (35%) of the caterer's total combined sales based on the most recent calendar

year. A caterer shall not be required to prepare, sell and distribute food at every catered event as long as the caterer satisfies the requirement set forth in this section.

3. Each caterer shall submit an annual sales report containing revenue attributable to alcoholic beverages, food and all other revenues attributable to the catering service. The annual sales report must be submitted thirty (30) days prior to expiration of the caterer license on forms prescribed by the ABLE Commission. The caterer license may not be renewed if the caterer fails to provide complete or sufficient financial data.

4. Each caterer shall submit a monthly event report containing information on all events scheduled for the subsequent month. If an event is scheduled after the first day of the month for an event to occur in the same month, then the caterer shall report that event within twenty-four (24) hours of scheduling the event or within twenty-four (24) hours prior to the event, whichever occurs first. The monthly event report shall be submitted on the first day of each month.

5. All reports shall be submitted electronically on forms prescribed by the ABLE Commission. Provided, if the caterer does not have access to the Internet, then monthly reports must be submitted by facsimile to the ABLE Commission's office in Oklahoma City, in which case the caterer must retain a copy of the facsimile confirmation sheet for at least twelve (12) months.

6. Any caterer who fails to submit a monthly report shall have the caterer license automatically suspended until such time that the caterer has fully complied with all reporting requirements. Any caterer whose annual food sales do not exceed thirty-five percent (35%) of his or her total annual combined sales shall not have the caterer's license renewed.

B. The ABLE Commission shall promulgate rules governing the application for and the issuance of caterer licenses.

C. The restrictions and rules which apply to the sale of mixed beverages on the premises of a mixed beverage licensee also apply to the sale under the authority of a caterer license. Any act which if done on the premises of a mixed beverage licensee would be a ground for revocation or suspension of the mixed beverage license is a ground for revocation or suspension of a caterer license.

D. If the premises where the event being catered is held are already operating pursuant to another type of license issued by the ABLE Commission, the caterer and the other licensee shall both be responsible for the actions of the caterer and shall both be subject to penalties for violations by the caterer of the Oklahoma Alcoholic Beverage Control Act and any rules promulgated thereto.

E. A caterer licensee may not store alcoholic beverages unless the licensee has a storage license issued by the ABLE Commission. A caterer licensee selling beer and cider to consumers shall only

purchase such beer and cider from the distributor or wholesaler within the county in which the licensee will be selling the beer and cider to consumers.

F. A caterer may provide alcoholic beverage sales on the premises of a person currently applying for an on-premises beer and wine license, mixed beverage/caterer combination license, or mixed beverage license, provided the following terms have been satisfied:

1. The caterer shall take reasonable steps to ensure that the on-premises beer and wine applicant, mixed beverage/caterer combination applicant, or mixed beverage applicant uses only licensed employees to perform licensable activities while using the caterer's license. The caterer shall use his or her best efforts to attempt to have a licensed employee on-site supervising the sale of such caterer's alcoholic beverages at all times, but the caterer shall not be disciplined for failing to have a licensed employee on-site. The caterer expressly acknowledges that he or she is liable for all violations of the Oklahoma Alcoholic Beverage Control Act and rules of the ABLE Commission that are committed by the on-premises beer and wine applicant, the mixed beverage/caterer combination applicant, or the mixed beverage applicant and its employees during this period;

2. The caterer and the on-premises beer and wine applicant, the mixed beverage/caterer combination applicant, or the mixed beverage applicant must submit to the ABLE Commission a written agreement setting forth all the terms of the catering agreement at least twenty-four (24) hours prior to the commencement of the catered event;

3. The caterer may not provide alcoholic beverage sales on the unlicensed premises of the on-premises beer and wine applicant, mixed beverage/caterer combination applicant, or the mixed beverage applicant for more than sixty (60) days, or after the applicant's license has been denied, whichever occurs first;

4. The caterer may be issued a storage license to be used to store any alcoholic beverages purchased pursuant to this subsection on the unlicensed premises of the applicant during the period of the written agreement; and

5. Upon the issuance of a license to the on-premises beer and wine applicant, the mixed beverage/caterer combination applicant, or the mixed beverage applicant, any alcoholic beverages on the licensed storage premises may be transferred by the caterer to the on-premises beer and wine licensee, the mixed beverage/caterer combination licensee, or the mixed beverage licensee consistent with the provisions of Section 2-155 of this title.

G. A caterer may provide alcoholic beverage services for temporary public events which have been licensed and approved by the ABLE Commission.

H. A caterer may provide alcoholic beverage services for a mixed beverage licensee which holds a live performing arts presentation and is open to the public not more than one hundred twenty (120) days per year.

I. All alcoholic beverages served on the premises of an event venue must be served by an ABLE-licensed mixed beverage licensee, caterer licensee, or event bartender licensee. As a prerequisite to the issuance of an event bartender license, not later than fourteen (14) days after initial licensure, the event bartender licensee shall be required to have successfully completed an in-person training program conducted by an entity approved by the ABLE Commission. Proof of training completion shall be made available for inspection by the ABLE Commission at the event venue location. The failure of an event bartender to comply with this section may constitute a revocable offense.

Added by Laws 2016, c. 366, § 25, eff. Oct. 1, 2018. Amended by Laws 2019, c. 322, § 5, emerg. eff. May 7, 2019; Laws 2023, c. 42, § 1, eff. Nov. 1, 2023; Laws 2024, c. 238, § 1, emerg. eff. May 1, 2024; Laws 2025, c. 190, § 4, eff. July 1, 2026.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-114. Special event license - Public event licenses.

A. An annual special event license shall authorize the holder thereof to sell and distribute mixed beverages for consumption on the premises for which the license has been issued for up to four events to be held over a period not to exceed one (1) year, not to exceed two such events in any three-month period. For purposes of this subsection, an event shall not exceed a period of ten (10) consecutive days. An annual special event license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized. The holder of an annual special event license shall provide written notice to the ABLE Commission of each special event not less than ten (10) days before the event is held.

B. A quarterly special event license shall authorize the holder thereof to sell and distribute mixed beverages for consumption on the premises for which the license has been issued for up to three events to be held over a period not to exceed three (3) months. For purposes of this subsection, an event shall not exceed a period of ten (10) consecutive days. A quarterly special event license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized. The holder of a quarterly special event license shall provide written notice to the ABLE Commission of each special event not less than ten (10) days before the event is held.

C. An annual public event license shall authorize the holder thereof to sell and distribute mixed beverages for consumption on the premises for which the license has been issued for up to six events to be held over a period not to exceed one (1) calendar year. The applicant for an annual public event license, who does not already hold a license issued by the ABLE Commission, shall make application not less than sixty (60) days before its first event. The ABLE Commission shall have the authority to waive the sixty-day requirement at its discretion. For purposes of this subsection, an event shall not exceed a period of three (3) consecutive days. An annual public event license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized. The holder of an annual public event license shall provide written notice to the ABLE Commission of each promoted public event not less than ten (10) days before the event is held. A public event license shall not be used in lieu of a mixed beverage license.

D. A one-time public event license shall authorize the holder thereof to sell and distribute mixed beverages for consumption on the premises for which the license has been issued. The applicant for a one-time public event license, who does not already hold a license issued by the ABLE Commission, shall make application not less than sixty (60) days before the event. The ABLE Commission shall have the authority to waive the sixty-day requirement at its discretion. For purposes of this paragraph, an event shall not exceed a period of three (3) consecutive days. A public event license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized. The holder of a public event license shall provide written notice to the ABLE Commission of each public event not less than ten (10) days before the event is held. A public event license shall not be used in lieu of a mixed beverage license.

Added by Laws 2016, c. 366, § 26, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-115. Special event licenses - Rules and restrictions.

A. A special event license may be issued to an organization, association or nonprofit corporation organized for political, fraternal, charitable, religious or social purposes. The holder of a special event license is authorized to sell and distribute alcoholic beverage on the premises for which the license is issued.

B. The ABLE Commission shall promulgate rules governing the application for and the issuance of special event licenses.

C. The restrictions and rules which apply to the sale of mixed beverages on the premises of a mixed beverage licensee also apply to the sale of such beverages under the authority of a special event license. Any act which if done on the premises of a mixed beverage licensee would be a ground for revocation or suspension of the mixed beverage license is a ground for revocation or suspension of a special event license.

D. No special event license may be issued for any premises already licensed by the ABLE Commission.

E. No special event license shall be required for an organization, association or nonprofit corporation which is an economic development chamber or similar entity, provided the event is not conducted primarily for fundraising purposes, and provided the services of a licensed caterer are used to provide and distribute the alcoholic beverages at the event.

Added by Laws 2016, c. 366, § 27, eff. Oct. 1, 2018. Amended by Laws 2017, c. 275, § 4, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-116. Hotel beverage license.

A hotel beverage license shall authorize the holder thereof to sell or serve alcoholic beverages in fifty (50) milliliter spirits, one hundred eighty-seven (187) milliliter wine and twelve (12) ounce malt beverage containers which are distributed from a hotel room mini-bar. A hotel beverage license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized. A hotel beverage license shall only be issued to a hotel or motel as defined by Section 3 of this act which is also the holder of a mixed beverage license. Provided, that application may be made simultaneously for both such licenses. A separate license shall be required for each place of business.

Added by Laws 2016, c. 366, § 28, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-117. Hotel beverage license - Rules and restrictions.

A. A hotel beverage license may be issued to a hotel or motel which is also the holder of a mixed beverage license. Provided, that application may be made simultaneously for both such licenses.

B. The ABLE Commission shall promulgate rules governing the application for and the issuance of hotel beverage licenses.

C. Notwithstanding any other provision of the Oklahoma Alcoholic Beverage Control Act, a hotel may sell alcoholic beverages

to its registered guests by means of a mini-bar located in the guestrooms of those registered guests; provided:

1. Access to any mini-bar shall only be by a key, magnetic card or similar device;

2. Access to a mini-bar in a particular guestroom is provided, whether by furnishing a key, magnetic card or similar device only to a registered guest over twenty-one (21) years of age registered to stay in the guestroom;

3. The licensee shall verify that each registered guest to whom a key, magnetic card or similar device to access a mini-bar is to be provided is over twenty-one (21) years of age; and

4. All employees handling the alcoholic beverages to be placed in the mini-bar possess an employee license issued by the ABLE Commission.

Added by Laws 2016, c. 366, § 29, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-118. Airline/railroad/commercial passenger vessel beverage license.

A. An airline/railroad/commercial passenger vessel beverage license shall authorize the holder thereof:

1. To sell or serve alcoholic beverages in or from any size container on a commercial passenger airplane, vessel or railroad operated in compliance with a valid license, permit or certificate issued under the authority of the United States or this state or its instrumentality, even though the airplane, vessel or train, in the course of its travel, may cross an area in which the sale of alcoholic beverages by the individual drink is not authorized; and

2. To store alcoholic beverages in sealed containers of any size at any airport, facility or station regularly served by the licensee, in accordance with rules promulgated by the ABLE Commission.

B. Alcoholic beverages purchased by the holder of an airline/railroad/commercial passenger vessel license from the holder of a wholesaler license or beer distributor license shall be presumed to be purchased for consumption outside the State of Oklahoma or in interstate commerce, and shall be exempt from the excise tax provided in Section 5-101 of this title. A commercial vessel operating solely on the waterways within this state shall purchase alcoholic beverages from the holder of a wholesaler license or beer distributor license and shall not be exempt from the excise tax provided in Section 5-101 of this title.

Added by Laws 2016, c. 366, § 30, eff. Oct. 1, 2018. Amended by Laws 2019, c. 307, § 1, emerg. eff. May 6, 2019; Laws 2020, c. 161, § 11, emerg. eff. May 21, 2020.

NOTE: Laws 2019, c. 102, § 2 repealed by Laws 2020, c. 161, § 12, emerg. eff. May 21, 2020.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-119. Airline/railroad/commercial passenger vessel beverage license - Qualifying licensee.

An airline/railroad/commercial passenger vessel beverage license may be issued to any corporation operating a commercial airline, vessel or railroad in or through this state. Application and payment of the license fee shall be made directly to the ABLE Commission.

Added by Laws 2016, c. 366, § 31, eff. Oct. 1, 2018. Amended by Laws 2019, c. 102, § 3, eff. Nov. 1, 2019.

NOTE: Laws 2019, c. 307, § 2 repealed by Laws 2020, c. 161, § 13, emerg. eff. May 21, 2020.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-120. Wholesaler's agent license.

A wholesaler's agent license shall authorize the holder thereof:

1. To represent only the holders of licenses within this state, other than retailers, authorized to sell wine and spirits to licensed retailers in Oklahoma; and

2. To solicit and to take orders for the purchase of wine and spirits from retailers including licensees authorized to sell wine and spirits in Oklahoma.

Such license shall be issued only to agents and employees of the holder of a license under the Oklahoma Alcoholic Beverage Control Act, but no such license shall be required of an employee making sales of wine and spirits on licensed premises of the employee's principal or of an employee of a beer distributor licensee regardless of that employee's job responsibilities. No applicant for a wholesaler's agent license shall also hold a manufacturer's agent license.

Added by Laws 2016, c. 366, § 32, eff. Oct. 1, 2018. Amended by Laws 2019, c. 322, § 6, emerg. eff. May 7, 2019; Laws 2020, c. 161, § 14, emerg. eff. May 21, 2020.

NOTE: Laws 2019, c. 189, § 1 repealed by Laws 2020, c. 161, § 15, emerg. eff. May 21, 2020.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-121. Employee license.

A. An employee license shall authorize the holder thereof to work in a licensed package store, retail spirits, retail wine or retail beer establishment, brewpub, mixed beverage establishment, beer and wine establishment, bottle club, public event or any establishment where alcohol or alcoholic beverages are sold, mixed or served. Persons employed by a mixed beverage, on-premises beer and wine, retail wine, retail beer, public event or a bottle club licensee who do not participate in the service, mixing or sale of mixed beverages shall not be required to have an employee license. Provided, however, that a manager employed by a mixed beverage licensee, public event licensee or a bottle club shall be required to have an employee license whether or not the manager participates in the service, mixing or sale of mixed beverages. Applicants for an employee license shall be at least eighteen (18) years of age, except for applicants employed by a grocery store or convenience store who shall be at least sixteen (16) years of age, and have a health card issued by the county in which they are employed, if the county issues such a card. Provided, the provisions of this section shall not be construed to permit any person under twenty-one (21) years of age to be employed to sell spirits; however, individuals eighteen (18) years of age and older may open and serve beer and wine from their original containers or serve beer, wine, and spirits from a shaker tin that has been premade and mixed by an employee who is at least twenty-one (21) years of age. Employees of a special event, caterer, unless catering a mixed beverage-licensed premises, or airline/railroad beverage licensees shall not be required to obtain an employee license; further, employees of beer distributors and other licensees holding licenses issued by the ABLE Commission shall not be required to obtain an employee license if such employee only sells alcohol or alcoholic beverages to establishments holding licenses issued by the ABLE Commission and not to the public. Persons employed by a hotel licensee who participate in the stocking of hotel room mini-bars or in the handling of alcoholic beverages to be placed in such devices shall be required to have an employee license. As a prerequisite to the issuance of an employee license, not later than fourteen (14) days after initial licensure, the first-time applicant shall be required to have successfully completed a training program conducted by the ABLE Commission, or by another entity approved by the ABLE Commission including an in-house training program conducted by the employer. Proof of training completion shall be made available for inspection by the ABLE Commission at the business location employing the licensee. The failure of an employee licensee to comply with this section may constitute a revocable offense.

B. In the event the ABLE Commission denies an application for an employee license, the Commission shall provide written notice to

the applicant's employer, if any. The notice shall be given at the time notice is provided to the applicant.

Added by Laws 2016, c. 366, § 33, eff. Oct. 1, 2018. Amended by Laws 2018, c. 314, § 1, eff. Oct. 1, 2018; Laws 2019, c. 189, § 2, eff. Nov. 1, 2019; Laws 2020, c. 161, § 16, emerg. eff. May 21, 2020; Laws 2022, c. 81, § 1; Laws 2025, c. 46, § 1, eff. Nov. 1, 2025.

NOTE: Laws 2019, c. 225, § 1 repealed by Laws 2020, c. 161, § 17, emerg. eff. May 21, 2020.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-122. Industrial license.

A. An industrial license may be issued to persons desiring to import, transport and use alcohol for the following purposes:

1. Manufacture of patent, proprietary, medicinal, pharmaceutical, antiseptic and toilet preparations;
2. Manufacture of extracts, syrups, condiments and food products; and

3. For use in scientific, chemical, mechanical, industrial and medicinal products and purposes.

B. No other provisions of the Oklahoma Alcoholic Beverage Control Act shall apply to alcohol intended for industrial, medical, mechanical or scientific use.

C. Any person receiving alcohol under authority of an industrial license who shall use, permit or cause same to be used for purposes other than authorized purposes specified above, and all such alcohol, shall be liable to all provisions of the Oklahoma Alcoholic Beverage Control Act, including payment of tax thereon.

D. No provisions of the Oklahoma Alcoholic Beverage Control Act shall apply to alcohol withdrawn by any person free of federal tax under a tax-free permit issued by the United States government, if such alcohol is received, stored and used as authorized by federal laws.

Added by Laws 2016, c. 366, § 34, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-123. Carrier license.

A carrier license may be issued to any common carrier operating under a certificate of convenience and necessity issued by any duly authorized federal or state regulatory agency. Such license shall authorize the holder thereof to transport alcoholic beverages other than wine sold directly by a winemaker or winery to a retail package store or restaurant into, within, and out of this state under such

terms, conditions, limitations and restrictions as the ABLE Commission may prescribe by order issuing such license and by rule. Added by Laws 2016, c. 366, § 35, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-124. Private carrier license.

A. A private carrier license may be issued to any carrier other than a common carrier described in Section 35 of this act. Such license shall authorize the holder thereof to transport alcoholic beverages other than wine sold directly by a winemaker or winery to a retail package store or restaurant into, within, or out of this state under such terms, conditions, limitations and restrictions as the ABLE Commission may prescribe by order issuing such license and by rule. No carrier license or private carrier license shall be required of licensed brewers, distillers, winemakers, rectifiers, wholesalers or beer distributors, to transport alcoholic beverages from the place of purchase or acquisition to the licensed premises of such licensees and from such licensed premises to the licensed premises of the purchaser in vehicles owned or leased by such licensee when such transportation is for a lawful purpose and not for hire.

B. No carrier license or private carrier license shall be required of the holder of a retail spirits, retail wine, retail beer, mixed beverage, caterer, special event, hotel beverage, public event or airline/railroad license to pick up alcoholic beverage orders from the licensee's wholesaler, beer distributor or holder of a small brewer self-distribution license or brewpub self-distribution license from whom they are purchased and to transport such alcoholic beverages from the place of purchase or acquisition to the licensed premise of such licensees in vehicles owned or under the control of such licensee or a licensed employee of such licensee under such terms, conditions, limitations and restrictions as the ABLE Commission may prescribe.

Added by Laws 2016, c. 366, § 36, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-125. Bonded warehouse license.

A bonded warehouse license shall authorize the holder thereof to receive and store alcoholic beverages and nonalcoholic beverages for the holders of storage licenses on the licensed premises of the bonded warehouse licensee. No goods, wares or merchandise other than alcoholic beverages and nonalcoholic beverages may be stored in the same bonded warehouse with alcoholic beverages. The holder of a

bonded warehouse license shall furnish and file with the ABLE Commission a bond running to all bailers of alcoholic beverages under proper storage licenses and their assignees (including mortgagees or other bona fide lienholders) conditioned upon faithful performance of the terms and conditions of such bailments.

Added by Laws 2016, c. 366, § 37, eff. Oct. 1, 2018. Amended by Laws 2018, c. 312, § 3, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-126. Storage license.

A storage license may be issued to a holder of a brewer, distiller, winemaker, rectifier, wine or spirits wholesaler, beer distributor, nonresident seller, mixed beverage, caterer, public event or hotel beverage license and shall authorize the holder thereof to store alcoholic beverages in a public warehouse holding a bonded warehouse license. The holder of a small brewer license or brewpub license shall not be required to obtain a storage license to store beer within the limits set forth in Section 1-103 of this title. No goods, wares or merchandise other than alcoholic beverages may be stored in the same warehouse with alcoholic beverages in private warehouses owned or leased and operated by such licensees elsewhere than on their licensed premises. Provided:

1. A storage license issued to a beer distributor shall permit the storage of beer and permit the sale and delivery to retailers from the premises covered by such license;

2. Any licensee who is the holder of a mixed beverage/caterer combination license or the holder of a mixed beverage license and a hotel beverage license who is issued a storage license shall store all inventories of alcoholic beverages either on the premises of the mixed beverage establishment or in the warehouse;

3. A storage license shall not be required for a special event licensee storing alcoholic beverages for use at a subsequent event; and

4. A storage license shall be required for a public event licensee storing alcoholic beverages for use at a subsequent event.

Added by Laws 2016, c. 366, § 38, eff. Oct. 1, 2018. Amended by Laws 2017, c. 364, § 13, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-127. Sacramental wine supplier license.

A sacramental wine supplier license shall authorize the holder thereof to sell, ship or deliver sacramental wine to any religious corporation or society of this state holding a valid exemption from

taxation issued pursuant to Section 501(a) of the Internal Revenue Code, 1986, and listed as an exempt organization in Section 501(c)(3) of the Internal Revenue Code, 1986, of the United States, as amended.

Added by Laws 2016, c. 366, § 39, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-128. On-premises beer and wine license.

A. An on-premises beer and wine license shall authorize the holder thereof:

1. To purchase beer and wine in retail containers from the holder of a wholesaler, beer distributor, small brewer self-distribution or brewpub self-distribution license or as specifically provided by law. The holder of an on-premises beer and wine license issued for an establishment which is also a restaurant may purchase wine from a winemaker who is permitted and has elected to self-distribute as provided in Article XXVIII-A of the Oklahoma Constitution; and

2. To sell, offer for sale and possess beer and wine for on-premises consumption only; provided, an on-premises beer and wine licensee may sell beer and wine for off-premises consumption if it meets the classification of a golf course, country club, or marina pursuant to subsection C of this section. The mixed beverage licensee shall be permitted to sell beer and wine for off-premises consumption during all days and hours in which a retail beer licensee or retail wine licensee is permitted to sell beer or wine. The gross receipts tax set forth in Section 5-105 of this title shall apply to all alcoholic beverages sold by the on-premises beer and wine licensee, whether those alcoholic beverages are intended for on- or off-premises consumption. The ABLE Commission shall promulgate rules for the implementation of a special off-premises permit consistent with this subsection. The on-premises beer and wine licensee shall secure the special off-premises permit prior to selling beer and wine for off-premises consumption.

B. Sales and service of beer and wine by holders of on-premises beer and wine licenses shall be limited to the licensed premises of the licensee unless the holder of the on-premises beer and wine license also obtains a caterer license. An on-premises beer and wine license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized. A separate license shall be required for each place of business. No spirits shall be stored, possessed or consumed on the licensed premises of an on-premises beer and wine license, unless the premises also has a mixed beverage license.

C. Holders of an on-premises beer and wine license with a licensed premises on a business establishment that meets the classification of a golf course or country club pursuant to the most recently adopted North American Industry Classification System (NAICS) may also sell beer in sealed original packages for on-premises consumption. Such holders' sales of more than two (2) sealed original packages to one person at one time for on-premises consumption shall not be considered an unlawful inducement to stimulate consumption of alcoholic beverages under the Oklahoma Alcoholic Beverage Control Act, and patrons may remove sealed original packages from the licensed premises.

Added by Laws 2016, c. 366, § 40, eff. Oct. 1, 2018. Amended by Laws 2017, c. 366, § 1, eff. Oct. 1, 2018; Laws 2019, c. 35, § 2, emerg. eff. April 10, 2019; Laws 2022, c. 140, § 2, emerg. eff. April 29, 2022.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-129. Charitable auction or charitable alcoholic beverage event license.

A. A charitable auction or charitable alcoholic beverage event license may be issued to a charitable organization exempt from taxation under Section 501(c)(3), (4), (5), (6), (7), (8), (9), (10) or (19) of the United States Internal Revenue Code. The charitable alcoholic beverage event license shall authorize the holder thereof to conduct a wine, spirit and/or beer event which may consist of one or more of a wine, spirit and/or beer-tasting event, a wine, spirit and/or beer dinner event or a wine, spirit and/or beer auction, which may be either a live auction conducted by an auctioneer or a silent auction for which:

1. Bid sheets are accepted from interested bidders at the event;

2. The holders of tickets are allowed to bid online for a period not exceeding thirty (30) days prior to the event; or

3. Both bid sheets are accepted at the event and online bids are accepted pursuant to paragraph 2 of this subsection.

B. A charitable alcoholic beverage event shall be conducted solely to raise funds for charitable purposes. A charitable alcoholic beverage license shall allow the event attendees access to tastings, samples, dinners and alcoholic beverages as parts of their entrance fee or ticket price. Wine, spirits and/or beer used in, served or consumed at a charitable alcoholic beverage event may be purchased by the charitable organization or donated by any person or entity.

C. The charitable alcoholic beverage event license shall be issued for a period not exceeding four (4) days. Only eight such

licenses may be issued to an organization in any twelve-month period. The charitable organization holding a charitable alcoholic beverage event license shall not be required to obtain a special event license.

D. Charitable auction and charitable alcoholic beverage event license holders may also utilize a licensed caterer to provide additional alcohol services at the event and on the premises.

E. The charitable auction license shall authorize the holder thereof to auction wine, spirits and/or beer purchased from a retail package store or received as a gift from an individual if the auction is conducted to raise funds for charitable purposes. The charitable auction license shall be issued for a period not to exceed two (2) days. Only four such licenses shall be issued to an organization in any twelve-month period. The maximum amount of wine, spirits and/or beer auctioned pursuant to the charitable auction license shall not exceed fifty (50) gallons. All wines, beer and spirits auctioned pursuant to the charitable auction license shall be registered and all fees and taxes shall be paid in accordance with the Oklahoma Alcoholic Beverage Control Act.

F. No charitable alcoholic beverage event license shall be required for an organization, association or nonprofit corporation which is an economic development chamber or similar entity, provided the event is not conducted primarily for fundraising purposes, and provided the services of a licensed caterer are used to provide and distribute the alcoholic beverages at the event.

Added by Laws 2016, c. 366, § 41, eff. Oct. 1, 2018. Amended by Laws 2017, c. 275, § 6, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-130. Mixed beverage/caterer combination license.

A mixed beverage/caterer combination license shall authorize the holder thereof to purchase or sell mixed beverages as specifically provided by law for the holder of a mixed beverage license or a caterer license. All provisions of the Oklahoma Alcoholic Beverage Control Act applicable to mixed beverage licenses or caterer licenses, or the holders thereof, shall also be applicable to mixed beverage/caterer combination licenses or the holders thereof, except where specifically otherwise provided. A mixed beverage/caterer combination license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized. A separate license shall be required for each place of business.

Added by Laws 2016, c. 366, § 42, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-131. Small farm winery license.

A. A small farm winery license shall authorize the holder thereof:

1. To manufacture and bottle wines produced by that small farm winery;
2. To bottle and sell wines produced by another small farm winery. In order for a small farm winery to bottle and sell another small farm winery's products, both the selling winery and the buying winery shall be small farm winery permit holders;
3. To establish satellite tasting rooms as defined and authorized in the Oklahoma Alcoholic Beverage Control Act, where:
 - a. the winemaker's products may be tasted, sampled, sold, and served for on-premises consumption and the winemaker is permitted to sell its products in sealed containers; provided, the small farm winery license is active and in good standing, or
 - b. beer purchased by the licensed small farm winery may be sold for on-premises consumption.

The wine sold at a satellite tasting room must have been produced/manufactured by the holder of a small farm winery license and must have all manufacturing taxes paid. The beer sold at a satellite tasting room shall be purchased pursuant to paragraph 6 of this subsection;

4. The small farm winery licensee shall have the same authority as the winemaker licensee;
5. To host off-site events pursuant to Section 1 of this act; and
6. To purchase beer in retail containers from the holder of a wholesaler, beer distributor, small brewer self-distributor or brewpub self-distributor license or as specifically provided by law and to sell, offer for sale and possess beer for on-premises consumption.

B. A small farm wine may display the trademarked "Oklahoma Grown" sticker available from the Oklahoma Grape Industry Council. Added by Laws 2016, c. 366, § 43, eff. Oct. 1, 2018. Amended by Laws 2019, c. 420, § 4, eff. Nov. 1, 2019; Laws 2023, c. 338, § 6, emerg. eff. June 7, 2023.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-132. Brewpub license - Brewpub self-distribution license.

A. A brewpub license shall authorize a small brewer to:

1. Manufacture, bottle, package and store beer on the licensed premises;
2. Sell beer produced by the licensee for either on-premises or off-premises consumption to consumers on the brewery premises, or premises located contiguous thereto;
3. Sell beer at public events such as trade shows or festivals;
4. Also hold a mixed beverage license, beer and wine license or caterer's license; and
5. Hold a brewpub self-distribution license.

B. A brewpub self-distribution license shall authorize holders of a brewpub license to distribute beer produced only by such licensee and operated by an entity which has common owners with such brewpub licensee, regardless of which place of business brews the beverage. "Common owners" means that the owners at each place or entity together own more than fifty percent (50%) of the interest in each place or entity that holds a type of license listed in this subsection.

Added by Laws 2016, c. 366, § 44, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-133. Licensees authorized to deliver, and bottle club or mixed beverage, beer and wine, caterer, public event, charitable event or special event licensees - Responsibility for violations.

Each licensee authorized to deliver alcoholic beverage products to consumers in Section 1 of this act and each bottle club or mixed beverage, beer and wine, caterer, public event, charitable event or special event licensee shall be held responsible for violation of any alcoholic beverage law or administrative rule of the ABLE Commission affecting his or her license privileges and for any act or omission of his or her servant, agent, employee or representative in violation of any law, municipal ordinance or administrative rule affecting his or her license privileges.

Added by Laws 2016, c. 366, § 45, eff. Oct. 1, 2018. Amended by Laws 2020, c. 155, § 2, emerg. eff. May 21, 2020.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-134. Additional hours license.

The ABLE Commission may issue an additional hours license to the holder of a caterer, public event or special event license. The additional hours license shall authorize the holder thereof to sell, dispense or serve alcoholic beverages from 6:00 a.m. to 10:00 a.m.

Added by Laws 2016, c. 366, § 46, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-135. Manufacturer's license - Nonresident seller license.

A. All distillers, winemakers, and spirits manufacturers, importers, brokers and others seeking to sell wine and spirits in Oklahoma, regardless of whether such sales are consummated within or without the state, must either obtain a manufacturer's license or contract with a person that maintains a nonresident seller license in order to sell wine and spirits intended for consumption within the State of Oklahoma.

A manufacturer's license or nonresident seller license shall authorize the holder thereof to solicit and take orders for wine and spirits from the holders of licenses authorized to import the same into this state, and to ship or deliver, or cause to be shipped or delivered, wine and spirits into Oklahoma pursuant to such sales.

B. The ABLE Commission may, subject to the provisions of the Oklahoma Alcoholic Beverage Control Act requiring notice and hearing in the case of sanctions against holders of licenses, suspend or revoke a brewer's license, manufacturer's license or nonresident seller license for any violation of the Oklahoma Alcoholic Beverage Control Act by the holder thereof.

C. No licensee in this state authorized to import alcoholic beverages into this state shall purchase or receive any alcoholic beverages from without this state from any person not holding a valid and existing brewer, small brewer, manufacturer's or nonresident seller license. Every manufacturer's license or nonresident seller license shall expire on the June 30 following its issuance or renewal, and shall be eligible for subsequent renewal terms of one (1) year beginning on the July 1 following each expiration. License fees for a new or initial manufacturer's license or nonresident seller license applied for after July 1 may be prorated through the following June 30 on a quarterly basis.

D. The holder of a manufacturer's license or nonresident seller license shall, promptly upon consignment of any wine and spirits to an importer in Oklahoma, forward to the ABLE Commission a true copy of the invoice, bill of lading or other document as the ABLE Commission may by rule prescribe, showing the details of such shipment.

E. Any person, not otherwise a dealer in alcoholic beverages, coming into possession of any alcoholic beverages as security for or in payment of a debt, or as an insurer or its transferee or assignee for the salvage or liquidation of an insured casualty or damage or loss, or as an executor, administrator, trustee or other fiduciary, may sell the beverages in one lot or parcel to a duly licensed wholesaler or beer distributor at an agreed-upon price without

regard to current posted prices. However, immediately after taking possession of the alcoholic beverages, the person shall register with the Director and furnish a detailed list of the alcoholic beverages and post with the Director a bond in such amount as the Director deems sufficient to protect the state from any taxes due on the alcoholic beverages. The person shall pay to the Director a registration fee of Fifty Dollars (\$50.00), which fee shall permit the sale of only the alcoholic beverages detailed in the registration request. A wholesaler or beer distributor receiving a lot or parcel of alcoholic beverages pursuant to this subsection may sell it in one lot or parcel or more than one lot or parcel to a licensed package store or mixed beverage licensee or more than one licensed package store or mixed beverage licensee at an agreed-upon price without regard to current posted prices; provided, the total of the lots sold by the wholesaler or beer distributor shall not exceed four (4) lots.

Added by Laws 2016, c. 366, § 47, eff. Oct. 1, 2018. Amended by Laws 2019, c. 322, § 7, emerg. eff. May 7, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-136. Manufacturer's agent license.

A manufacturer's agent license shall authorize the holder thereof to represent only the holders of a manufacturer's license or nonresident seller license and to solicit and take orders for the sale of wine and spirits for the purpose of resale. No such license shall be issued to any person until it shall have been shown to the satisfaction of the ABLE Commission that the applicant has been duly authorized to act as the agent of the principal he or she proposes to represent, and that the principal or principals he or she proposes to represent has been duly authorized to do business in the State of Oklahoma, and has appointed a service agent in this state. No applicant for a manufacturer's agent license shall also hold an agent license. It shall be unlawful for any person other than the holder of a manufacturer's agent license or an agent license to solicit or take orders in the state from a wine and spirits wholesaler.

Added by Laws 2016, c. 366, § 48, eff. Oct. 1, 2018. Amended by Laws 2019, c. 189, § 3, eff. Nov. 1, 2019 and Laws 2019, c. 322, § 8, emerg. eff. May 7, 2019.

NOTE: Laws 2019, c. 189, § 3 and Laws 2019, c. 322, § 8 made identical amendments to this section.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-137. Restriction against additional licenses or permits outside of this Act.

Except as provided in Sections 101 and 102 of this act with respect to cities, towns and counties, and except as may be provided under Title 68 of the Oklahoma Statutes with respect to the Oklahoma Tax Commission, no license or permit other than licenses as provided under the Oklahoma Alcoholic Beverage Control Act shall be required of any licensee by any agency, instrumentality or political subdivision of this state to engage in any activity covered by the Oklahoma Alcoholic Beverage Control Act anywhere within the State of Oklahoma and no agency, instrumentality or political subdivision of this state shall interfere with the regulation of the ABLE Commission, or the performance of a wholesaler with respect to the sale, distribution, possession, handling or marketing of alcoholic beverages on any premises of any licensee as defined in Section 3 of this act.

Added by Laws 2016, c. 366, § 49, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-138. Mixed beverage, beer and wine, caterer, special event, public event or airline/railroad/commercial vessel licensees - Restrictions on purchasing alcoholic beverages.

The holder of a mixed beverage, beer and wine, caterer, special event, public event or airline/railroad/commercial vessel beverage license shall purchase alcoholic beverages only from a licensed wine and spirits wholesaler or beer distributor, or as otherwise specifically provided by law; provided, the holder of a mixed beverage, beer and wine, caterer or special event license issued for an establishment which is also a restaurant may purchase wine produced at small farm wineries or beer produced at small breweries in this state directly from a winemaker or craft brewer as provided in Article XXVIII A of the Oklahoma Constitution.

A wine and spirits wholesaler, beer distributor or a holder of a small brewer self-distribution license or brewpub self-distribution license may deliver such products to licensees authorized to sell alcoholic beverages for on-premises consumption; provided, such licensees may also pick up alcoholic beverage orders if they hold a private carrier license issued by the ABLE Commission.

Added by Laws 2016, c. 366, § 50, eff. Oct. 1, 2018. Amended by Laws 2019, c. 307, § 3, emerg. eff. May 6, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-139. Bottle club, mixed beverage or beer and wine establishment - Minimum distance from schools or churches.

A. It shall be unlawful for any mixed beverage establishment, beer and wine establishment or bottle club which has been licensed by the ABLE Commission and which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises, or package store, to be located within three hundred (300) feet of any public or private school or church property primarily and regularly used for worship services and religious activities; however, a college or university located within an improvement district created pursuant to Section 39-103.1 of Title 11 of the Oklahoma Statutes may waive the three-hundred-foot requirement by providing written notice to the establishment seeking the license and to the ABLE Commission; further, a church may waive the three-hundred-foot requirement by providing written notice to the establishment seeking the license and to the ABLE Commission. Provided, a college or university or church prior to waiving the three-hundred-foot requirement found in this subsection shall publish a notice of its intention to waive such requirement in a legal newspaper of general circulation within the state at least thirty (30) days but no more than forty (40) days prior to providing any written notice, waiving the three-hundred-foot requirement, to the establishment seeking the license or to the ABLE Commission. As used in this subsection "legal newspaper of general circulation within this state" means a newspaper meeting the requisites of a newspaper for publication of legal notices as prescribed in Section 106 of Title 25 of the Oklahoma Statutes in a majority of the counties in this state.

B. The distance indicated in this section shall be measured from the nearest property line of such public or private school or church to the nearest perimeter wall of the premises of any such mixed beverage establishment, beer and wine establishment, bottle club or package store which has been licensed to sell alcoholic beverages.

C. The provisions of this section shall not apply to:

1. Mixed beverage establishments, beer and wine establishments, or bottle clubs, which have been licensed to sell alcoholic beverages for on-premises consumption or retail package stores prior to November 1, 2000; provided, if at the time of application for license renewal the licensed location has not been in actual operation for a continuous period of more than sixty (60) days, the license shall not be renewed; or

2. Establishments licensed prior to October 1, 2018, to sell low-point beer which were permitted to be located within three hundred (300) feet of any public or private school or church property primarily and regularly used for worship services and religious activities, pursuant to the provisions of Section 163.27

of Title 37 of the Oklahoma Statutes. Such establishments shall be permitted to have any license in effect on October 1, 2018, transferred to a mixed beverage license; provided, if such an establishment ceases to regularly be open to the public or changes ownership, the provisions of this paragraph shall cease to apply.

D. If any school or church shall be established within three hundred (300) feet of any package store, mixed beverage establishment, beer and wine establishment or bottle club subject to the provisions of this section after such package store, mixed beverage establishment, beer and wine establishment or bottle club has been licensed, the provisions of this section shall not be a deterrent to the renewal of such license if there has not been a lapse of more than sixty (60) days. When any mixed beverage establishment, beer and wine establishment or bottle club subject to the provisions of this section which has a license to sell alcoholic beverages for on-premises consumption, or package store, changes ownership or the operator thereof is changed and such change of ownership results in the same type of business being conducted on the premises, the provisions of this section shall not be a deterrent to the issuance of a license to the new owner or operator if he or she is otherwise qualified.

E. 1. Any interested party may protest the application for or granting of a license for a package store, or for a mixed beverage establishment, beer and wine establishment or bottle club which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises, based on an alleged violation of this section. To be considered by the ABLE Commission, the protest must:

- a. be submitted in writing,
- b. be signed by the person protesting,
- c. contain the mailing address and address of residence, if different from the mailing address of the protester,
- d. contain the title of the person signing the protest, if the person is acting in an official capacity as a church or school official, and
- e. contain a concise statement explaining why the application is being protested.

2. Within thirty (30) days of the date of receipt of a written protest, the ABLE Commission shall conduct a hearing on the protest if the protest meets the requirements of paragraph 1 of this subsection.

3. As used in this subsection, "interested party" means:

- a. a parent or legal guardian whose child or children attend the church or school which is alleged to be closer to the mixed beverage establishment or bottle club which has as its main purpose the selling or

serving of alcoholic beverages for consumption on the premises, or package store, than is allowed by this section,

- b. an official of a church which is alleged to be closer to the mixed beverage establishment or bottle club which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises, or package store, than is allowed by this section, or
- c. an official of a school which is alleged to be closer to the mixed beverage establishment or bottle club which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises, or package store, than is allowed by this section.

Added by Laws 2016, c. 366, § 51, eff. Oct. 1, 2018. Amended by Laws 2018, c. 205, § 1, eff. Oct. 1, 2018; Laws 2019, c. 470, § 1, emerg. eff. May 28, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 307, which was adopted at election held on Nov. 8, 2016.

§37A-2-140. Personal use permit.

The ABLE Commission is authorized to issue, upon application of a person who is twenty-one (21) years of age or older, an annual personal use permit which when granted authorizes the holder thereof to make, store, possess and transport for personal use, beer, fermented non-distilled ciders and wine, as defined by Section 3 of this act. The total volume of each authorized beverage made and possessed for personal use in a given calendar year shall be limited to a volume less than two hundred (200) gallons. The term "personal use", as used in this act, means the individual making beverages pursuant to a valid personal use permit issued by the ABLE Commission produces such beverages solely for his or her use and consumption, for consumption by his or her family and guests, and for transport to and use at organized affairs, exhibitions or competitions, including but not limited to homemaker contests, tastings or judgments. No beverage made pursuant to a personal use permit shall be sold or offered for sale.

Added by Laws 2016, c. 366, § 52, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-141. Applicants for certain licenses to publish a notice of intention to apply.

Applicants for original brewer, distiller, winemaker, rectifier, wine and spirits wholesaler, beer distributor, mixed beverage, beer and wine, bottle club, caterer, retail spirits, retail wine or retail beer licenses shall, prior to applying for such license, twice publish, in such form and containing such information as the ABLE Commission shall by rule prescribe, a notice of its intention to apply for any such license, once a week for two (2) successive weeks in a legal newspaper of general circulation within the county where the proposed premises is to be located, and file proof of such publication with the ABLE Commission. Unless otherwise provided, the ABLE Commission shall give notice of approval or disapproval of an application for a license within thirty (30) days after the filing of the application. The ABLE Commission shall give notice of approval or disapproval of an application for a mixed beverage, beer and wine, bottle club or caterer license within sixty (60) days after the filing of the application. Provided, the ABLE Commission may extend the period for making a determination of whether to approve or disapprove an application an additional thirty (30) days for good cause. The ABLE Commission may conditionally approve any application which is subject to Section 54 of this act if:

1. Construction, modification or alteration of premises proposed for licensed operations is not completed; and

2. The applicant furnishes a conditional certification issued by the municipality or county that the applicant's plans and specifications indicate that the proposed premises will comply with the municipality's or county's zoning, fire, safety and health codes.

The ABLE Commission shall issue its final notice of approval when the applicant furnishes final certificates required by Section 54 of this act.

Added by Laws 2016, c. 366, § 53, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-142. Information to be furnished by license applicants.

A. No license provided for in the Oklahoma Alcoholic Beverage Control Act shall be issued except pursuant to an application filed with the ABLE Commission. The ABLE Commission may, however, provide for a form of simplified application for renewal of a license. Payment of the prescribed fee shall accompany each application for a license.

B. Every applicant for an original license, except applicants for an employee, charitable event, special event or airline/railroad beverage license, shall also furnish the following:

1. A tax receipt proving payment of ad valorem taxes, including real and personal taxes, or furnish to the ABLE Commission satisfactory evidence that no taxes are due or delinquent;

2. A certificate of zoning issued by the municipality in which the applicant proposes to locate the applicant's principal place of business under the license, or by the county if the principal place of business is located outside the incorporated limits of a municipality, certifying that the applicant's proposed location and use thereof comply with all municipal zoning ordinances or county zoning regulations if applicable;

3. A certificate issued by the municipality in which the applicant proposes to locate the applicant's principal place of business under the license, or by the county if the principal place of business is located outside the incorporated limits of a municipality, certifying that the applicant's existing or proposed operations under the license comply with all municipal or county fire codes, safety codes, or health codes, if applicable;

4. Authorization, on forms furnished by the ABLE Commission, for complete investigation of the applicant's current financial status as it relates to the application for a license, including but not limited to access to bank accounts, loan agreements and financial statements;

5. A deed, management agreement, purchasing agreement or lease; and

6. Proof of liability insurance covering both bodily injury and property damage.

C. The certificates required by paragraphs 2 and 3 of subsection B of this section shall be signed by the mayor of the municipality or the chair of the board of county commissioners issuing same, unless the municipality, by ordinance, or the county designates some other officer or entity to issue the certificates. Applications for such certificates shall be in writing and shall contain information in such detail as the municipality or county may reasonably require describing the location and nature of operations to be conducted under the license. Municipalities and counties shall be required to act on all applications for such certificates within twenty (20) days of receipt of the written application.

D. Municipalities and counties may grant conditional certificates for premises proposed for licensed operations for which construction, modification or alteration is not completed. Conditional certificates shall indicate that the proposed premises will comply with the municipal or county zoning, fire, safety and health codes. The granting of conditional certificates shall not relieve the applicant of the duty of obtaining the certificates required by paragraphs 2 and 3 of subsection B of this section after completion of the construction, modification, or alteration.

E. A municipality or county shall issue the certificates required by paragraphs 2 and 3 of subsection B of this section within ten (10) days after all final inspections are completed.

Thereafter if a licensee fails to maintain compliance with municipal or county zoning ordinances and codes, the mayor or chair of the board of county commissioners or their designee, shall forthwith notify the ABLE Commission in writing setting forth details of the noncompliance.

F. Within ten (10) days of the receipt of all information required in subsections B through E of this section, the ABLE Commission shall notify the applicant in writing of any deficiencies in the application with a description of what actions need to be taken to cure the deficiencies. The applicant shall then have a reasonable period of time to provide the additional information sufficient to complete the application. Upon a completed application, the ABLE Commission shall issue or deny the license within twenty (20) days of the applicant's final submission. The ABLE Commission's denial of issuance of a license shall be in writing and shall state with specificity the reasons for the denial.

G. Upon issuance of any license, the ABLE Commission shall furnish the Oklahoma Tax Commission with a list of such licenses.

H. In the event of denial of an application for a license, the ABLE Commission shall refund to the applicant the amount of the tendered fee, less ten percent (10%), which it shall retain as cost of processing the application.

I. Any licensee, except an employee licensee, who fails to renew the license prior to the expiration date of the license, shall be subject to a late renewal penalty as provided by rules of the ABLE Commission. Further, any licensee, except an employee licensee, who fails to renew the license within sixty (60) days of the expiration of the license shall be required to submit a new license application. An employee licensee who fails to renew prior to the expiration of the license shall be required to submit a new license application; provided, however, that under no circumstances shall any licensee, including an employee licensee, whose license to serve or sell alcoholic beverages has expired, continue to serve or sell alcoholic beverages.

J. The requirements in this section shall be required for a public event license applicant, except for those certificates required by paragraphs 2 and 3 of subsection B of this section as the events are temporary in nature and the locations are not permanently licensed.

Added by Laws 2016, c. 366, § 54, eff. Oct. 1, 2018. Amended by Laws 2025, c. 3, § 1, eff. Nov. 1, 2025.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-143. Information to be furnished by corporate applicants.

A. Any corporation applying for a mixed beverage, beer and wine, caterer, public event, beer distributor or bottle club, or as an equity partner in a wine and spirits wholesaler, shall submit to the ABLE Commission the following:

1. A certificate of good standing from the office of the Secretary of State;

2. A list of all corporate officers, directors, executive committee members or members of a similar governing body and their addresses, except for a charitable organization exempt from taxation under Section 501(c)(3), (4), (5), (6), (7), (8), (9), (10), or (19) of the United States Internal Revenue Code, which shall only be required to furnish its corporate officers; and

3. A list of all stockholders owning fifteen percent (15%) or more of the stock and their addresses.

B. Any corporation applying for a retail wine or retail beer license shall submit to the ABLE Commission the following:

1. A certificate of good standing from the office of the Secretary of State;

2. A list of all corporate officers and directors, except for a charitable organization exempt from taxation under Section 501(c)(3), (4), (5), (6), (7), (8), (9), (10), or (19) of the United States Internal Revenue Code, which shall only be required to furnish its corporate officers; and

3. A list of all stockholders owning fifty-one percent (51%) or more of the stock.

C. A corporate licensee shall notify the ABLE Commission in writing of any change in the officers or directors of the corporation or in the principal managers of premises licensed to the corporation and shall pay a fee of One Hundred Dollars (\$100.00) for each notification of change. Provided, service organizations which are exempt under Section 501(c)(8), (10), or (14) of the Internal Revenue Code shall be exempt from such fee.

D. A corporate licensee shall notify the ABLE Commission any time a person, any type of partnership, limited liability company or other entity acquires the percentages specified in paragraph 3 of subsection A or B of this section, or more, of the stock of the corporation. Such notification shall be within thirty (30) days of acquisition, and the corporation shall pay a fee of One Hundred Dollars (\$100.00) for each notification of change.

E. The ABLE Commission may disapprove a change of officers, directors or principal managers or the acquisition of more than the percentages specified in paragraph 3 of subsection A or B of this section of the stock in a licensed corporation if the ABLE Commission feels that such change would materially affect the conditions under which the license was issued, such that the license

would not have been issued had such change been in existence at the time of the original application. If such disapproval occurs, the ABLE Commission shall notify the licensee in writing and in the case of a publicly traded corporation, allow a reasonable time for the licensee to remove such officer, director or manager or for the stockholder to divest himself or herself of any stock held in excess of the percentages specified in paragraph 3 of subsection A or B of this section; provided, a reasonable time may not exceed a ninety-day period following notification of denial by the ABLE Commission. Failure to comply with the provisions of this subsection may result in revocation or suspension of such license.

F. Any person who was an officer or director or who has owned the percentages specified in paragraph 3 of subsection A or B of this section or more of the stock in a corporation which has been denied a license or had a license revoked or suspended pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act shall not own stock in any other corporation seeking a license pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act for a period of twelve (12) months from the date the license was revoked or suspended.

G. Any person who was a manager or a member of a limited liability company which has been denied a license or had a license revoked or suspended pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act shall not own stock in any corporation seeking a license pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act for a period of twelve (12) months from the date the license was revoked or suspended.

Added by Laws 2016, c. 366, § 55, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-143.1. Promulgation of rules for employee license payment plans.

Notwithstanding any provision to the contrary, the Alcoholic Beverage Laws Enforcement (ABLE) Commission shall promulgate rules for employee license payment plans or may recommend changes in legislation as may be necessary to allow for large corporate employers to pay for its employee alcohol licenses through either a purchase card, national credit card, draw account or other method of corporate payment provided the employer is otherwise qualified under the standards established by rule and has requested that ABLE provide an employee license payment plan.

Added by Laws 2019, c. 261, § 1, eff. Nov. 1, 2019.

§37A-2-144. Information to be furnished by limited liability company applicants.

A. Any limited liability company, formed as provided for in the Limited Liability Company Act, may apply for a mixed beverage, beer and wine, bottle club, caterer, public event, beer distributor, retail wine or retail beer license issued pursuant to the Oklahoma Alcoholic Beverage Control Act. Any limited liability company applying for a license shall submit to the ABLE Commission, the following:

1. A Certificate of Good Standing from the Office of the Secretary of State;

2. The Articles of Organization with all amendments and corrections filed with the Office of the Secretary of State with proof that same has been filed in accordance with the Limited Liability Company Act;

3. The name and address of the resident agent;

4. The name and address of the manager;

5. The operating agreement;

6. A current list of the full name, social security number and address of each member; and

7. A copy of the issued Certificate of Membership Interest for each member.

B. A limited liability company licensee shall notify the ABLE Commission in writing of any change in the manager of the licensed company within thirty (30) days of the change and shall pay a fee of One Hundred Dollars (\$100.00) for each notification of change.

C. A limited liability company shall notify the ABLE Commission in writing any time a membership is assigned or members are added or disassociated within thirty (30) days of the change. The limited liability company shall pay a fee of One Hundred Dollars (\$100.00) for each notification of change.

D. The ABLE Commission may disapprove a change of manager or new membership in a licensed liability company if the ABLE Commission feels that such change would materially affect any conditions under which the license was issued, such that the license would not have been issued had such change been in existence at the time of the original application. If such disapproval occurs, the ABLE Commission shall notify the licensee in writing and allow a reasonable time for the licensee to remove such manager or for a member to be disassociated from the company; provided, a reasonable time not exceed a ninety-day period following notification of denial by the ABLE Commission. Failure to comply with the provisions of this subsection may result in revocation or suspension of such license.

E. Any person who has been a licensee, a partner in a license, an officer, director or fifteen percent (15%) or more stockholder of a corporation holding a license revoked or suspended, pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act, shall not serve as a manager or be a member in a limited liability company

seeking a license pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act for a period of twelve (12) months from the date the license was revoked or suspended.

F. Any person who has been a manager, member or participant in any business entity which was a manager or member of a limited liability company which has been denied a license or has a license revoked or suspended, pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act shall not serve as a manager or member in a limited liability company seeking a license pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act for a period of twelve (12) months from date the license was revoked or suspended.

G. Any person who has been convicted of a felony for which a pardon has not been granted shall not be elected as a manager or be a member of a limited liability company.

Added by Laws 2016, c. 366, § 56, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-145. Eligibility of persons pardoned for a felony.

Conviction of a felony for which a pardon has been granted, shall not constitute grounds for the denial or revocation of any license issued by the ABLE Commission.

Unless otherwise provided by law, any person who has received a pardon for a felony conviction shall be eligible to apply for, receive and renew any license granted by the ABLE Commission, which by law is denied to a convicted felon, if:

1. The person meets all other qualifications and requirements for obtaining and maintaining the license; and

2. The person has not been convicted of any other felony or felonies for which a pardon has not been granted.

Added by Laws 2016, c. 366, § 57, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-146. Grounds to deny wine and spirits wholesaler, beer distributor, retail spirits, retail wine or retail beer license.

A. The Alcoholic Beverage Laws Enforcement (ABLE) Commission shall refuse to issue a wine and spirits wholesaler, beer distributor, retail spirits, retail wine or retail beer license, either on an original application or a renewal application, if it has reasonable grounds to believe and finds any of the following to be true:

1. Except in the case of a beer distributor, that the applicant is not a citizen of the United States or is not a qualified elector

in this state, or has not been a continuous resident of this state for the five (5) years next preceding the application for the license;

2. That the applicant is under twenty-one (21) years of age;

3. That the applicant or any partner, or spouse of the applicant or any partner, has been convicted of a felony;

4. That the applicant or any partner, or spouse of the applicant or any partner, has been convicted of a violation of any state or federal law relating to alcoholic beverages, has forfeited a bond while any charge of such violation was pending, nor may any license be granted for any purpose under the Oklahoma Alcoholic Beverage Control Act to an Oklahoma resident, who has held or whose spouse has held a Federal Liquor Stamp in Oklahoma before the adoption of Article XXVIII-A of the Oklahoma Constitution unless the Liquor Stamp was granted for supplying alcoholic beverages to a federal military installation, or was granted under the Oklahoma Alcoholic Beverage Control Act;

5. That the applicant or any partner has, within twelve (12) months next preceding the date of the application, violated any provision of the Oklahoma Alcoholic Beverage Control Act or rule of the ABLE Commission promulgated pursuant hereto. Provided, however, that if the ABLE Commission has, during such twelve-month period, suspended any license sought to be renewed, such renewal application may be approved if the term of the suspension has been completed and the applicant has complied with any special conditions imposed in connection with the suspension;

6. That the applicant is in the habit of using alcoholic beverages to excess or is mentally incapacitated;

7. That the applicant does not own or have a written lease for the premises for which a license is sought;

8. That the applicant, within twelve (12) months next preceding the date of application, has been the holder of a license revoked for cause;

9. That the applicant is not the real party in interest, or intends to carry on the business authorized by the license as the agent of another;

10. That the applicant, in the case of an application for renewal of any license, would not be eligible for such license on a first application;

11. That the applicant is a person who appoints or is a law enforcement official or is an employee of the ABLE Commission;

12. That the proposed location of the licensed premises would violate a valid municipal nondiscriminatory zoning ordinance;

13. That, in the case of an application for a wine and spirits wholesaler license or beer distributor license, any brewer or manufacturer, including an officer, director or principal stockholder thereof or any partner, has any financial interest in

the business to be conducted under the license, unless otherwise permitted by law;

14. That the issuance of the license applied for would result in a violation of any provision of the Oklahoma Alcoholic Beverage Control Act;

15. That, in the case of an application for a wine and spirits wholesaler or beer distributor license, the applicant or any partner, or spouse of the applicant or any partner, is the holder or partner of the holder of any other class of license issued under the provisions of the Oklahoma Alcoholic Beverage Control Act, other than an agent or employee license for employment by the applicant, or a storage license, bonded warehouse license, carrier license or private carrier license; provided, nothing shall prohibit a wine and spirits wholesaler, who is otherwise qualified, from maintaining beer distributor licenses in the state, nor a beer distributor, who is otherwise qualified, from maintaining a wine and spirits wholesaler license in the state;

16. That, in the case of an application for a retail spirits, retail wine or retail beer license, the applicant or any partner is the holder or partner of the holder, or employee of such holder of any other class of license issued under the provisions of the Oklahoma Alcoholic Beverage Control Act, other than a storage license or an employee license for the proposed licensed premises of the applicant, provided, nothing in this title shall prohibit an applicant for a retail wine and/or retail beer license from maintaining a separate mixed beverage, caterer, mixed beverage/caterer combination license, and/or an on-premises beer and wine license; or

17. That the applicant or any partner, spouse, employee or other person affiliated with the applicant is not in compliance with the tax laws of this state as required in Article XXVIII-A of the Oklahoma Constitution.

B. A beer distributor licensee and wine and spirits wholesaler licensee under common ownership shall not be limited in the types of business entities which may obtain a wine and spirits wholesaler license. Nothing in this subsection shall be construed to apply to a retail spirits license due to the need for strict liability related to sales directly to consumers and in the interest of public safety.

C. The provisions of this section shall not operate to prohibit the issuance of a beer distributor license to a corporation or partnership or limited liability company.

Added by Laws 2016, c. 366, § 58, eff. Oct. 1, 2018. Amended by Laws 2018, c. 312, § 4, eff. Oct. 1, 2018; Laws 2019, c. 322, § 9, emerg. eff. May 7, 2019; Laws 2019, c. 424, § 2, eff. Nov. 1, 2019; Laws 2022, c. 192, § 2, eff. Nov. 1, 2022; Laws 2025, c. 422, § 1.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-147. Grounds to deny mixed beverage, beer and wine, bottle club, public event, caterer, retail wine or retail beer license.

A. The ABLE Commission shall refuse to issue a mixed beverage, beer and wine, bottle club, public event, caterer, retail wine or retail beer license, either on an original application or a renewal application, if it has reasonable grounds to believe and finds any of the following to be true:

1. That the applicant, in the case of a natural person, is under twenty-one (21) years of age;

2. That the applicant, in the case of a corporation, has a stockholder who owns fifteen percent (15%) or more of the stock, an officer, or a director who is under twenty-one (21) years of age;

3. That the applicant, in the case of any type of partnership, has any partner who is under twenty-one (21) years of age;

4. That the applicant, in the case of a limited liability company, has a manager or member who is under twenty-one (21) years of age;

5. That the applicant or any type of partner has been convicted of a felony within fifteen (15) years prior to the application date;

6. That the applicant, in the case of a corporation, has a stockholder owning fifteen percent (15%) of the stock, an officer or a director who has been convicted of a felony within fifteen (15) years prior to the application date;

7. That the applicant, in the case of a limited liability company, has a manager or a member who has been convicted of a felony within fifteen (15) years prior to the application date, and such manager or member has an ownership interest greater than fifty percent (50%);

8. That the applicant has made false statements to the ABLE Commission;

9. That the applicant is not the legitimate owner of the business for which a license is sought or that other persons have undisclosed ownership interests in the business;

10. That the applicant or any partner, within twelve (12) months after being issued a license, either on an original application or a renewal application, has violated any provision of the Oklahoma Alcoholic Beverage Control Act or rule of the ABLE Commission promulgated pursuant hereto. Provided, however, that if the ABLE Commission, during the twelve-month period, has suspended any license sought to be renewed, such renewal application may be approved if the term of the suspension has been completed and the applicant has complied with any special conditions imposed in connection with the suspension;

11. That the applicant is not the real party in interest, or intends to carry on the business authorized by the license as the agent of another;

12. That the applicant is a person who appoints or is a law enforcement official or is an employee of the ABLE Commission;

13. That the applicant does not own or have a written lease for the premises for which a license is sought; or

14. That the applicant or any partner, spouse, employee or other person affiliated with the applicant is not in compliance with the tax laws of this state as required in Article XXVIII A of the Oklahoma Constitution.

B. 1. The ABLE Commission may refuse to issue a mixed beverage, beer and wine, bottle club, public event or caterer license, either on an original application or a renewal application, if it has reasonable grounds to believe and finds any of the following to be true:

- a. that the applicant or any type of partner has been convicted of a felony described in paragraph 2 of this subsection,
- b. that the applicant, in the case of a corporation, has a stockholder owning fifteen percent (15%) of the stock, an officer or a director who has been convicted of a felony described in paragraph 2 of this subsection, and
- c. that the applicant, in the case of a limited liability company, has a manager or a member who has been convicted of a felony within twenty-five (25) years prior to the application date, who has been convicted of a felony described in paragraph 2 of this subsection.

2. The provisions of this section shall apply to the following felony offenses:

- a. an alcohol-related offense,
- b. a violent crime as defined in Section 142A-1 of Title 21 of the Oklahoma Statutes, or
- c. a crime which would subject a person to registration pursuant to the Sex Offenders Registration Act.

Added by Laws 2016, c. 366, § 59, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-148. Grounds to revoke or suspend licenses.

A. Any license issued pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act by the ABLE Commission, after due notice and hearing, may be revoked or suspended if the

ABLE Commission finds or has grounds to believe that the licensee has:

1. Procured a license through fraud, or misrepresentation, or concealment of a material fact;

2. Made any false representation or statement to the ABLE Commission or the Oklahoma Tax Commission in order to prevent or induce action by the ABLE Commission or the Tax Commission;

3. Maintained an unsanitary establishment or has supplied impure or otherwise deleterious beverages or food;

4. Stored, possessed, mixed or served on the premises of a bottle club any alcoholic beverage upon which the tax levied by Section 5-101 of this title has not been paid as provided for in the Oklahoma Alcoholic Beverage Control Act, in a county of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has not been authorized;

5. Misrepresented to a customer or the public any alcoholic beverage sold by the licensee;

6. Had any permit or license issued by the Tax Commission and required by the Oklahoma Alcoholic Beverage Control Act, suspended or revoked by the Tax Commission; or

7. Is not in compliance with the tax laws of this state as required in Article XXVIII-A of the Oklahoma Constitution.

B. The ABLE Commission may revoke or suspend the license of any mixed beverage, caterer or bottle club licensee if the ABLE Commission finds or has grounds to believe that such licensee:

1. Has acted as an agent of a manufacturer, brewer or wholesaler of alcoholic beverages;

2. Is a manufacturer, brewer or wholesaler of alcoholic beverages;

3. Has borrowed money or property or accepted gratuities or rebates from a manufacturer, brewer or wholesaler of alcoholic beverages;

4. Has obtained the use of equipment from any manufacturer, brewer or wholesaler of alcoholic beverages or any agent thereof;

5. Has violated any of the provisions of the Oklahoma Alcoholic Beverage Control Act for which mandatory revocation or suspension is not required;

6. Has been convicted within the past twenty-five (25) years, of a violation of any state or federal law relating to alcoholic beverage for which mandatory revocation or suspension is not required; or

7. Is not in compliance with the tax laws of this state as required in Article XXVIII-A of the Oklahoma Constitution.

C. The ABLE Commission may revoke or suspend the license of any retail, mixed beverage, caterer or bottle club licensee if the ABLE Commission finds or has grounds to believe that such licensee has borrowed money or property or accepted gratuities, discounts,

rebates, free goods, allowances or other inducements from a wine and spirits wholesaler or beer distributor.

D. The ABLE Commission shall have the authority to revoke the license of any licensee if the ABLE Commission finds:

1. That the licensee knowingly sold alcoholic beverages or allowed such beverages to be sold, delivered or furnished to any person under the age of twenty-one (21) years or to any person visibly intoxicated or adjudged insane or mentally deficient;

2. That the licensee, any general or limited partner of the licensee, or in the case of a corporation, an officer or director of the corporation, has been convicted of a felony or is not in compliance with the tax laws of this state as required in Article XXVIII-A of the Oklahoma Constitution. Provided, an employee license may be issued and held by a person who has been convicted of a felony if such conviction was not for a violent offense specified in paragraph 2 of Section 571 of Title 57 of the Oklahoma Statutes or an offense under the provisions of this title;

3. That, in the case of a wine and spirits wholesaler, beer distributor, retail spirits, retail wine or retail beer licensee, the holder of the license or any member of a general or limited partnership which is the holder of such a license, has been convicted of a prohibitory law relating to the sale, manufacture or transportation of alcoholic beverages which constitutes a felony.

E. If the ABLE Commission shall find by a preponderance of the evidence as in civil cases that a licensee has knowingly sold any alcoholic beverage to any person under the age of twenty-one (21) years, after a public hearing, the ABLE Commission shall have the discretion as to the revocation of a license or administration of fines.

F. The ABLE Commission shall have the authority to promulgate rules to establish a penalty schedule for violations of any provision of the Oklahoma Alcoholic Beverage Control Act or any rule of the ABLE Commission. The schedule shall provide for suspension or revocation of any license for major and minor violations as determined by the ABLE Commission. Penalties shall be increasingly severe with each violation by a licensee.

Provided, that for a fourth major violation by a licensee within a twenty-four-month period, the penalty shall be mandatory revocation of license. The twenty-four-month period shall be calculated from the date of the most recent violation as set forth in an order signed by the Director or the designee of the Director.

G. The ABLE Commission or the Tax Commission may impose a monetary penalty in lieu of or in addition to suspension of a license. The amount of the fine for a major violation shall be computed by multiplying the proposed number of days of the suspension period by One Hundred Dollars (\$100.00). The amount of the fine for a minor violation shall be computed by multiplying the

number of days of the proposed suspension period by Fifty Dollars (\$50.00).

H. The failure of any licensee to pay a fine or serve a suspension imposed by the ABLE Commission or the Tax Commission shall result in the revocation of the license of the licensee.

I. If the ABLE Commission or the Tax Commission finds that public health, safety or welfare require emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceeding for revocation or other action, pursuant to the provisions of Section 314 of Title 75 of the Oklahoma Statutes.

Added by Laws 2016, c. 366, § 60, eff. Oct. 1, 2018. Amended by Laws 2018, c. 213, § 1, eff. Oct. 1, 2018; Laws 2019, c. 322, § 10, emerg. eff. May 7, 2019; Laws 2020, c. 161, § 18, emerg. eff. May 21, 2020; Laws 2023, c. 128, § 1, eff. Nov. 1, 2023.

NOTE: Laws 2019, c. 340, § 1 repealed by Laws 2020, c. 161, § 19, emerg. eff. May 21, 2020.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-149. Written notice of denial, suspension or revocation of licenses.

In the case of denial of an application for an original license, the ABLE Commission shall give written notice to the applicant either by registered mail directed to the applicant's last-known address or by delivery, stating the reason for such denial. If the ABLE Commission proposes to deny renewal of any license or to suspend or revoke a license, it shall give written notice to the licensee addressed to the licensed premises by registered mail, by personal delivery or by posting of the notice on the outside entrance to the licensed premises, notifying the licensee of such contemplated denial, suspension or revocation, and of the time and place at which the licensee may be accorded a hearing before the ABLE Commission on the matter, which time shall not be less than fifteen (15) days from the date of mailing, delivery or posting of such notice. Such notice shall set forth the grounds for the proposed denial, suspension or revocation. The ABLE Commission may delegate any part of this function to the Director, but any person aggrieved by any order shall have the right to be heard by the ABLE Commission and the ABLE Commission shall provide adequate procedure to protect the right of persons desiring to do so.

Added by Laws 2016, c. 366, § 61, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-150. Hearing for aggrieved person.

Any person aggrieved by the action of the ABLE Commission in denying an application for an original license may, within fifteen (15) days after receipt of notice thereof, file with the ABLE Commission written request for a hearing, and the ABLE Commission shall, pursuant to such request, set a time and place for a hearing on a denial of an application for an original license. At the time and place set in a notice by the ABLE Commission of contemplated denial of the renewal of a license or of a proposed suspension or revocation of a license, the ABLE Commission shall afford the applicant or the licensee an opportunity to be heard and to present evidence in the applicant's or licensee's behalf. The hearing shall be conducted within fifteen (15) days after receipt of the request by the ABLE Commission. In the conduct of any such hearing, the ABLE Commission shall have power to administer oaths, examine witnesses and subpoena records and documents pertaining to the issues involved. Upon request of and at the expense of the aggrieved party, the ABLE Commission shall make or cause to be made a complete record of all testimony and other evidence taken or introduced at such hearing. Within fifteen (15) days after conclusion of any such hearing, unless the time shall be extended by the parties thereto in writing, the ABLE Commission shall enter an order affirming or modifying its denial of an original application, an order dismissing its notice of contemplated denial of renewal of license or affirming same, or an order dismissing its notice of contemplated suspension or revocation of a license or an order suspending or revoking same. The ABLE Commission shall, by written notice mailed to the applicant or licensee by certified mail or by delivery in person to the applicant or licensee, or the applicant's or licensee's attorney of record, advise of its action pursuant to the hearing.

Added by Laws 2016, c. 366, § 62, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-151. Commission authority to conduct initial hearing.

The ABLE Commission shall have the authority to conduct an initial hearing when a hearing is required by law. The Director of the ABLE Commission may employ such hearing officers and assistants as are necessary to conduct the hearings. If a hearing is conducted by a hearing officer, the hearing officer shall issue a report to the ABLE Commission. The report of the hearing officer shall include findings of fact and conclusions of law. Notice of the recommendation of the hearing officer shall be sent to the last-known address of the licensee. If the licensee disagrees with the recommendation of the hearing officer, the licensee may request a

hearing before the ABLE Commission for a review of the record. If the licensee fails to request a review of the record within fifteen (15) days after the date of the notice of the hearing officer's decision, the recommendation of the hearing officer shall become a final order of the ABLE Commission. A failure to request a review of the record by the ABLE Commission in a timely manner shall constitute a failure to exhaust administrative remedies.

Added by Laws 2016, c. 366, § 63, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-152. Appeal from order of Commission - District court appeal - Supreme Court appeal.

Within thirty (30) days after a final order of the ABLE Commission, pursuant to a hearing as provided in Section 62 of this act, an applicant or licensee may appeal from the order of the ABLE Commission to the district court of the county in which the premises licensed or sought to be licensed are located. At the time of filing such an appeal, the party appealing shall give bond for costs assessed against such party. The appeal shall be taken by filing with the clerk of the district court of the proper county a written notice stating that the party appeals from the action of the ABLE Commission and stating the pertinent grounds on which the appeal is founded. Such appeal shall consist of a hearing and review of the record only as set forth in the Administrative Procedures Act. The district court may affirm, reverse or modify the order of the ABLE Commission and shall issue its order within sixty (60) days after the appeal is heard. Appeals may be taken from a final order of the district court to the Supreme Court by the applicant, licensee or by the ABLE Commission. The ABLE Commission shall not be required to give bond on appeal. The licensee may file a supersedeas bond in an amount to be fixed by the ABLE Commission staying the order until the final determination of all issues on an appeal but the order of the ABLE Commission may not be stayed unless ordered by the judge of the district court. Permission to stay the order of the ABLE Commission shall not be granted by any court unless an application therefor be made in the written notice of the applicant's or licensee's intention to appeal from the order of the ABLE Commission, and then only after a hearing before the court upon notice to both parties wherein the court determines by a preponderance of the evidence that in denying a license or in ordering the suspension or a revocation of a license, the ABLE Commission acted without legal cause or upon insufficient evidence. Provided, that in all cases where the order of the ABLE Commission is stayed by a supersedeas bond and the licensee is unsuccessful in the appeal, and the action of the ABLE Commission becomes final,

such bond shall be forfeited to the State of Oklahoma by the court considering such appeal if the court finds that the appeal was frivolous or was filed for the purpose of delaying the effect of the order. In such event, the Attorney General shall commence legal proceedings in the name of the State of Oklahoma to recover the amount of the bond, which money shall be placed to the credit of the General Revenue Fund of the state.

Added by Laws 2016, c. 366, § 64, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-153. Nature of licenses - Deceased, bankrupt or incompetent licensees - Application to transfer license.

Any license issued pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act shall be a purely personal privilege. It shall not constitute property nor be subject to attachment, garnishment or execution, or be alienable or transferable, either voluntarily or involuntarily; nor shall it descend by the laws of descent and distribution, but shall cease upon the death of the licensee. Provided, the ABLE Commission, under such regulations and subject to such restrictions as it may prescribe, may permit the executors or administrators of the estate of any deceased licensee, or the trustees of an insolvent or bankrupt licensee, or the legal guardian of a licensee who has been adjudged to be incompetent or insane, to exercise the privileges under any license held by such person for such period as the ABLE Commission may deem equitable during the administration of the deceased or bankrupt licensee's estate, but not to exceed two (2) years. A license may not be transferred to a new location, except upon application to the ABLE Commission and endorsement on the license by the ABLE Commission showing the new location. An application for transfer of license shall be accompanied by a certificate reflecting, as to the proposed new location, compliance with municipal zoning ordinances or county zoning regulations and municipal or county fire, safety and health codes as required by Section 54 of this act. A mixed beverage or bottle club licensee who transfers the license to a new location shall pay a transfer fee of One Hundred Dollars (\$100.00) to the ABLE Commission.

Added by Laws 2016, c. 366, § 65, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-154. Display of license.

All licenses issued pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act shall be displayed in a conspicuous

place at all times on the licensed premises. No licensee may consent to or allow the use or display of the license by a person other than the person to whom the license was issued. No person may use a license or exercise any privileges granted by the license except at the place, address, premises or location for which the license is issued, except as otherwise provided by the Oklahoma Alcoholic Beverage Control Act.

If the mixed beverage, caterer, public event or bottle club license for a licensed premises is suspended or revoked by the ABLE Commission, all other licenses issued by the ABLE Commission for such premises shall cease to be valid. If a mixed beverage, caterer, public event or bottle club license is suspended or revoked for any licensed premises, this shall not invalidate licenses held by the licensee for other licensed premises.

Added by Laws 2016, c. 366, § 66, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-155. Sale or transfer of financial interest in a licensed premises by mixed beverage or on-premises beer and wine licensees.

A. If a mixed beverage licensee sells or otherwise transfers the licensee's financial interest in a licensed premises to another party who obtains a mixed beverage license for the premises, any alcoholic beverages on the premises may be transferred to the new licensee. Provided, if the premises are not in continuous operation as a mixed beverage establishment prior to and during the transfer of financial interest in the premises, the transfer of alcoholic beverages shall be limited to alcoholic beverages in the original container which have not been opened and which have not had the seal broken and the original cap or cork removed.

B. If an on-premises beer and wine licensee sells or otherwise transfers the licensee's financial interest in a licensed premises to another party who obtains an on-premises beer and wine license for the premises, any beer and wine on the premises may be transferred to the new licensee. Provided, if the premises are not in continuous operation as a beer and wine establishment prior to and during the transfer of financial interest in the premises, the transfer of beer and wine shall be limited to beer and wine in the original containers which have not been opened and which have not had the seal broken and the original cap or cork removed.

C. There shall be no liability on the part of, and no cause of action of any nature shall arise against the ABLE Commission for the contents of any alcoholic beverages transferred pursuant to the provisions of this section.

Added by Laws 2016, c. 366, § 67, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-156. Restrictions on licenses and ownership interest in package stores - Spousal interests - Package store sales.

A. No retail spirits license shall be issued to a corporation, limited liability company or similar business entity. No person may own any interest in more than two package stores; provided, a spouse of a retail spirits license holder may hold a separate interest in up to two (2) package stores. For the purpose only of establishing whether or not a person owns an interest in more than one package store, any person having a beneficial interest in any package store shall be deemed to be a partner in the package store except that the spouse of any retail spirits license holder or partner shall not be deemed to be a partner or have a beneficial interest in a package store unless his or her name appears on the license. A beneficial interest shall be any interest that benefits from any sales or profits of the package store.

B. For purposes of this section, any spouse of a retail spirits license holder shall not hold another license provided for pursuant to the Oklahoma Alcoholic Beverage Control Act, except a retail wine license, retail beer license, on-premises beer and wine license, mixed beverage license, a caterer's license or a retail spirits license.

C. Package stores licensed under the Oklahoma Alcoholic Beverage Control Act may sell only alcoholic beverages in retail containers as defined in Section 1-103 of this title, in the original package for consumption off the premises; provided, that package stores licensed under the Oklahoma Alcoholic Beverage Control Act that are also mixed beverage licensees shall not be prohibited from the exercise of the authorities granted them by Section 2-110 of this title. All retail sales shall be made on the licensed premises and all deliveries off the premises, at retail, of intoxicating liquor or beer are hereby prohibited. Provided, a holder of a Retail Spirits License shall be permitted to sell at retail any item that may be purchased at a grocery store or convenience store, as defined by law, except for motor fuel, so long as the sale of items other than alcoholic beverages do not comprise more than twenty percent (20%) of the holder's monthly sales. Added by Laws 2016, c. 366, § 68, eff. Oct. 1, 2018. Amended by Laws 2017, c. 76, § 1, eff. Oct. 1, 2018; Laws 2019, c. 424, § 3, eff. Nov. 1, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-157. Winery self-distribution - Report to Commission on sales - Notice of exceeding production limit - Fines.

A. Every winemaker or small farm winery electing to directly sell its wines to retailers, mixed beverage licensees, beer and wine licensees, and restaurants must obtain a winery self-distribution license and pay the applicable license fee and shall register its products and post its prices with the state in the same manner required of the holder of a nonresident seller license.

B. Every winemaker or small farm winery electing to directly sell its wines to retailers, mixed beverage licensees, beer and wine licensees, and restaurants shall report all sales to retail package stores, mixed beverage licensees, beer and wine licensees, and restaurants in this state to the ABLE Commission and to the Oklahoma Tax Commission at least monthly, or in accordance with such rules as the ABLE Commission shall promulgate and shall pay to the Tax Commission all excise and other taxes imposed by this state upon such wine in the same manner required of the holder of a nonresident seller license.

C. Any self-distributing winemaker within or without this state who shall, in any calendar year, exceed the production volume limit provided for in subsection B of Section 2-105 of this title, shall immediately notify the ABLE Commission of such fact and shall thereafter have the option to sell the wines they produce to every licensed wholesale distributor who desires to purchase the same, on the same price basis and without discrimination, and shall thereafter be allowed to sell such beverages only to such licensed wholesale distributors or cease to sell its products in this state.

D. All winemakers who conduct business in this state shall be prohibited from creating, forming or participating in any kind of a cooperative or pooled transportation or distribution arrangement.

E. Any licensed winemaker or winery that sells or distributes its wine directly to a retailer, mixed beverage licensee, beer and wine licensee or restaurant in this state after having exceeded the production volume limit provided for in subsection B of Section 2-105 of this title in any calendar year shall be subject to a fine of Ten Thousand Dollars (\$10,000.00). In addition, if the violation is a second or subsequent violation, the winemaker or winery shall not be allowed to transport wine to a retail package store or restaurant for three (3) years from the date of the second or subsequent violation.

F. If Section 2 of Article XXVIII A of the Oklahoma Constitution is ruled to be unconstitutional by a court of competent jurisdiction, then any licensed winemaker or winery that then continues to sell or distribute its wine directly to a retail package store, mixed beverage licensee, beer and wine licensee or restaurant in this state shall be subject to a fine of Ten Thousand Dollars (\$10,000.00) per violation.

Added by Laws 2016, c. 366, § 69, eff. Oct. 1, 2018. Amended by Laws 2018, c. 113, § 2, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 307, which was adopted at election held on Nov. 8, 2016.

§37A-2-158. Suspension of licenses by Governor in cases of natural disaster or civil disturbance.

In case of natural disaster or civil disturbance the Governor may, for the duration of such natural disaster or civil disturbance thereof, immediately suspend without notice any license granted under the provisions of the Oklahoma Alcoholic Beverage Control Act. Added by Laws 2016, c. 366, § 70, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-2-159. Complimentary beverage license.

A complimentary beverage license shall authorize the holder thereof: To provide, free of charge for on premises consumption only, no more than two alcoholic beverages containing spirits, twelve (12) ounces of wine, or twenty-four (24) ounces of beer per day, to a guest or client who is twenty-one (21) years of age or older. This license shall not be issued to a business which possesses any other form of license issued by the ABLE Commission, except for event-type licenses. Complimentary beverage licenses shall only be issued to a business located in a building or structure that has a permanent physical address. This license shall only be issued to businesses which involve retail sales or provide services to its clients including, but not limited to, furniture stores, art studios, nail salons, hair salons, cigar stores, clothing stores, bridal shops or business support services. A chamber of commerce, main street, economic development authority, vocational trade school, higher education college or similar organization promoting economic development or an organization that is exempt from taxation pursuant to the provisions of subsection (c) of Section 501 of the United States Internal Revenue Code shall also qualify for a complimentary beverage license. A business whose patronage is primarily persons under the age of eighteen (18), is a restaurant or a business that provides adult entertainment shall not qualify for a license. Upon issuance of the license, the business shall purchase all of its alcoholic beverages from a brewer, winemaker, retail spirit, retail beer, or retail wine licensee and will become a licensed premise subject to inspection by any ABLE Commission agent or any other peace officer, pursuant to Section 5-115 of Title 37A of the Oklahoma Statutes. Employees who serve the alcoholic beverage shall be twenty-one (21) years of age or older

and shall not be required to obtain an employee license. A complimentary beverage license shall not be used in lieu of a mixed beverage, caterer, brew pub, brewer, public event, special event, beer and wine, or charitable event license. This license is an annual license and renewable on an annual basis.

A chamber of commerce, main street, economic development authority, vocational trade school, higher education college or similar organization promoting economic development shall be exempt from the permanent location requirement and permitted to utilize the license at other locations within the city in which they are located or on their campus for member recruitment, education and development of new business functions.

The holder of an Oklahoma winery or brewers license may serve free samples and offer for sale sealed product for off premises consumption at temporary tastings on the premises of a complimentary beverage licensee.

Added by Laws 2019, c. 185, § 1, eff. July 1, 2019.

§37A-2-160. Satellite tasting room license.

A satellite tasting room license shall authorize the holder of a small farm winery license or winemaker license to operate no more than two satellite locations in addition to his or her licensed premises for the purpose of providing tastings, samples and retail sales for on-premises or off-premises consumption to consumers over twenty-one (21) years of age; provided the wine tasted, sampled or sold shall have been produced/manufactured by the holder of a small farm winery or winemaker license and shall have all manufacturing taxes paid.

The holder of a small farm winery license or winemaker license must obtain approval for each satellite location from the city, town or municipality before submitting the application to the ABLE Commission. The fee for licensing each satellite location will be One Hundred Dollars (\$100.00) annually.

The small farm winery licensee or winemaker licensee operating a satellite tasting room must keep such license in good standing and is liable for any violation committed on the premises of its satellite tasting rooms. Employees and managers of the satellite tasting room must be trained in alcohol handling, laws and regulations and hold a current alcohol servers license and must be over twenty-one (21) years of age.

For purposes of this section, the term "tasting or tastings" means the serving of free samples of the winemaker's products not to exceed more than a total of six (6) fluid ounces of wine per person aged twenty-one (21) years or older per day, or the serving of the winemaker's products by individual drink purchased by the consumer for on-premises consumption, or the retail sale of the winemaker's

products in sealed containers to an on-premises customer for off-premises consumption, or any combination thereof.

Added by Laws 2019, c. 420, § 5, eff. Nov. 1, 2019.

NOTE: Editorially renumbered from § 2-159 of this title to avoid duplication in numbering.

§37A-2-161. Curbside pickup and delivery.

A. Retail spirit licensees may sell curbside and deliver alcoholic beverages including beer, wine, and spirits in sealed original containers to consumers aged twenty-one (21) years and older as follows:

1. Only employees of the retail spirit licensee shall be permitted to make alcoholic beverage product deliveries to consumers;

2. Payment for alcoholic beverage product delivery by the retail spirit licensee may be made by cash, check, transportable credit/debit card processors or advance on-line payment methods; and

3. The retail spirit licensee shall be responsible for his or her delivery employees as provided in Section 2-133 of Title 37A of the Oklahoma Statutes.

B. Small brewers and small farm wineries licensed by the Oklahoma ABLE Commission may sell curbside only alcoholic beverages produced by such licensee in sealed original containers to consumers aged twenty-one (21) years and older as follows:

1. Only employees of the licensed small brewer or small farm winery shall be permitted to make alcoholic beverage product deliveries to consumers;

2. Payment for alcoholic beverage product delivery by licensed small brewers or small farm wineries may be made by cash, check, transportable credit/debit card processors, or advance on-line payment methods; and

3. Small brewers and small farm wineries shall be responsible for their delivery employees as provided in Section 2-133 of Title 37A of the Oklahoma Statutes.

C. Restaurants, bars and clubs holding mixed beverage, beer and wine, or caterer/mixed beverage licenses issued by the Oklahoma ABLE Commission may sell curbside and deliver only closed packages of beer and wine to consumers aged twenty-one (21) years and older as follows:

1. Only employees of such restaurant, bar or club licensee shall be permitted to make alcoholic beverage package deliveries to consumers;

2. Payment for alcoholic beverage package delivery by licensed restaurants, bars and clubs may be made by cash, check, transportable credit/debit card processors, or advance on-line payment methods; and

3. Restaurants, bars and clubs licensed by the Oklahoma ABLE Commission shall be responsible for their delivery employees as provided in Section 2-133 of Title 37A of the Oklahoma Statutes.

D. Grocery and convenience stores holding a retail beer and/or retail wine license issued by the Oklahoma ABLE Commission may sell curbside and deliver original sealed containers of beer and/or wine only according to the license held to consumers aged twenty-one (21) years and older as follows:

1. Only employees of such licensed grocery or convenience store shall be permitted to make alcoholic beverage product deliveries to consumers;

2. Payment for alcoholic beverage product delivery by a licensed grocery or convenience store may be made by cash, check, transportable credit/debit card processors or advance on-line payment methods; and

3. Grocery and convenience store licensees shall be responsible for their delivery employees as provided in Section 2-133 of Title 37A of the Oklahoma Statutes.

E. Licensees authorized by this section to make alcoholic beverage product deliveries to consumers are prohibited from utilizing third-party vendors or delivery services for purposes of completing such product deliveries to consumers.

F. Licensees authorized by this section to make alcoholic beverage product deliveries to consumers shall comply with the laws, rules, procedures and executive orders incumbent on such licensee.

G. The Oklahoma ABLE Commission is authorized to promulgate rules, regulations, forms and procedures necessary to implement and enforce the provisions of this section.

H. For purposes of this section each delivery authorized by a licensee to be made by his or her employee shall be deemed a direct hand-to-hand sale as though the consumer was physically present on the licensed premises and authorized by law by such licensee.

Added by Laws 2020, c. 155, § 1, emerg. eff. May 21, 2020.

§37A-2-162. Off-site event license - Application.

A. A brewer, small brewer, or small farm winery licensee shall be authorized to host an off-site event following the submission and approval of an application to the ABLE Commission. The licensee shall only be authorized to sell for consumption at the off-site event alcoholic beverages authorized for sale under the licensee's respective license. The licensee shall be limited to hosting four (4) off-site events per year.

B. The application shall include, but not be limited to, the location of the off-site event with a designated area within the location designed to provide an exclusive space which may be limited to the public and a designated point of access for a patron or patrons specifically granted access to ensure that persons present

in the designated area are above twenty-one (21) years of age. The Commission may prescribe a filing fee for each off-site event application not to exceed Twenty-five Dollars (\$25.00).

C. The ABLE Commission shall promulgate rules necessary for the implementation of this section.

Added by Laws 2023, c. 338, § 1, emerg. eff. June 7, 2023.

§37A-2-163. Free samples at events – Requirements.

A holder of a small farm winery, winemaker, or small brewer license, which serves wine or beer for on-premises or off-premises consumption, with permission from the event coordinator, manager, or the property owner, shall be allowed to serve free samples of, sell, or serve Oklahoma-manufactured beer, wine, mulled wine, or spiced wine, mixed with nonalcoholic beverages or food items, such as water, sugar, fruits and vegetables, at any temperature, wine produced at the winery or blended on-site at any public event, including but not limited to festivals, trade shows, boat shows, RV shows, home and garden shows, fairs, car shows, swap meets, sporting events, city events, county events, state events, for either on-premises or off-premises consumption, including any public events that are held at the premises which hold a retail beer license, retail spirits license, mixed beverage license, beer and wine license, caterer's license, special event license, public event license, winemaker license, small farm winery license, charitable auction license, or brewpub license. When attending a public event, the location within the event occupied by the small farm winery, winemaker, or small brewer licensee becomes a licensed premises and extension of the licensed small farm winery, winemaker, or small brewer license. The licensee shall set up and define an area contiguous to their booth space as a serving area where the wine or beer is dispensed. The licensee may only serve the wine or beer in the serving area. In the event that multiple winemakers or small brewers are at the same public event, they may combine their serving areas into one area as long as they are contiguous to the winemakers' or small brewers' booths. A small farm winery, winemaker, or small brewer licensee shall not be required to control the consumer leaving the premises once served Oklahoma-manufactured beer, wine, mulled wine, or spiced wine, mixed with nonalcoholic beverages or food items, such as water, sugar, fruits and vegetables, at any temperature, wine produced at the winery or blended on-site at the public event. There shall not be any special permit, permit, or license required by the event originator, coordinator, manager, or property owner to have a small farm winery, winemaker, or small brewer licensee at his or her event.

Added by Laws 2024, c. 239, § 1.

NOTE: Editorially renumbered from § 2-162 of this title to avoid duplication in numbering.

§37A-2-164. ID card verification – Discretion.

Holders of a license issued by the Oklahoma Alcoholic Beverage Laws Enforcement Commission pursuant to Title 37A of the Oklahoma Statutes shall not be required by state law, administrative rule, or regulation to check identification (ID) cards prior to selling or serving alcoholic beverages to a person. A license holder, upon their discretion, may still choose to check and verify a person's ID prior to selling or serving a person an alcoholic beverage.

Nothing in this section shall absolve the license holder from the prohibition of selling or serving alcoholic beverages to a person under twenty-one (21) years of age.

Added by Laws 2024, c. 244, § 2, eff. Nov. 1, 2024.

NOTE: Editorially renumbered from § 2-163 of this title to avoid duplication in numbering.

§37A-3-101. Personal use, possession and making of alcoholic beverages – Exemptions for dentists, physicians, drugstores, churches and military reservations – Restrictions on retail sales and shipping for out-of-state businesses.

A. No person shall manufacture, rectify, sell, possess, store, import into or export from this state, transport or deliver any alcoholic beverage except as specifically provided in the Oklahoma Alcoholic Beverage Control Act. Provided, that nothing herein shall prevent the possession and transportation of alcoholic beverages for the personal use of the possessor and his or her family and guests, so long as the Oklahoma excise tax has been paid thereon, except for beer. Provided, further, that nothing herein shall prevent a person from making beer, cider or wine, by simple fermentation and without distillation for personal use if the maker of such beverages has first applied for and possesses a valid personal use permit issued by the ABLE Commission and the total volume of beer, cider or wine produced in any given calendar year is less than two hundred (200) gallons. No beverages made pursuant to a personal use permit shall be sold or offered for sale.

B. 1. Any duly licensed physician or dentist may possess and use alcoholic beverages in the strict practice of the profession and any hospital or other institution caring for sick or diseased persons may possess and use alcoholic beverages for the treatment of bona fide patients of such hospital or institution. Any drugstore employing a licensed pharmacist may possess and use alcoholic beverages in the preparation of prescriptions of duly licensed physicians.

2. The possession, transportation and dispensation of wine by any authorized representative of any church for the conducting of a bona fide rite or religious ceremony conducted by such church shall not be prohibited by the Oklahoma Alcoholic Beverage Control Act;

nor shall such act prevent the sale, shipping or delivery of sacramental wine by any person holding a sacramental wine supplier license issued pursuant to the Oklahoma Alcoholic Beverage Control Act to any religious corporation or society of this state holding a valid exemption from taxation issued pursuant to Section 501(a) of the Internal Revenue Code, 1954, and listed as an exempt organization in Section 501(c)(3) of the Internal Revenue Code, 1954, of the United States, as amended.

3. Provided further, that nothing in the Oklahoma Alcoholic Beverage Control Act shall prevent the possession, transportation and sale of alcoholic beverages within military reservations and in accordance with the laws and rules governing such military reservations, provided that the Oklahoma excise tax has been paid on such beverages.

C. 1. Except as otherwise authorized by law, it is unlawful for any brewer, manufacturer, wine and spirits wholesaler, beer distributor or retailer of alcoholic beverages, located and doing business from outside this state, to make retail sales of alcoholic beverages to purchasers located in this state or to ship alcoholic beverages sold at retail to persons located in this state. Any person who engages in the sale or shipping of alcoholic beverages in violation of the provisions of this subsection, upon conviction, shall be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of Title 21 of the Oklahoma Statutes, if the sale or delivery is made to a person under twenty-one (21) years of age, or a misdemeanor, if the sale or delivery is made to a person twenty-one (21) years of age or older.

2. The fine for a violation of this subsection shall be not more than Five Thousand Dollars (\$5,000.00).

3. In addition, if the person holds a license issued by the ABLE Commission, the license shall be revoked pursuant to Section 60 of this act.

D. All brewers, importers, brokers and others who sell beer or cider to licensed beer distributors in Oklahoma or manufacturers, importers, brokers and others who sell cider to licensed beer distributors in Oklahoma, regardless of whether such sales are consummated within or without the state, must obtain a license, as the case may be, in order to sell beer or cider intended for consumption within the State of Oklahoma.

Added by Laws 2016, c. 366, § 71, eff. Oct. 1, 2018. Amended by Laws 2019, c. 322, § 11, emerg. eff. May 7, 2019; Laws 2025, c. 486, § 498, eff. Jan. 1, 2026.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-3-102. Commission authority to promulgate rules.

The ABLE Commission is authorized to promulgate such rules with respect to packaging, marking, branding and labeling of alcoholic beverages sold or possessed for sale within this state, including such rules:

1. As will prohibit deception of the consumer with respect to such products or the quantity thereof and as will prohibit, irrespective of falsity, such statement relating to age, manufacturing processes, analyses, guarantees, and scientific or irrelevant matter as the ABLE Commission finds likely to mislead or confuse the consumer;

2. As will provide the consumer with adequate information as to the identity and quality of the products, the net contents of the package, and the manufacturer, brewer or importer of the product; and

3. As will prohibit statements on the label that are false, misleading, obscene or indecent.

The ABLE Commission may promulgate, in whole or in part, or with such modification as it deems desirable, rules of the federal government relating to labeling of distilled spirits promulgated under the Federal Alcohol Administration Act (27 U.S.C. 205). Added by Laws 2016, c. 366, § 72, eff. Oct. 1, 2018. Amended by Laws 2019, c. 322, § 12, emerg. eff. May 7, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-3-103. Filing of rules by Commission - Notice of license applicants to be sent to municipalities or county commissioners, county sheriff, district attorney and chief of police.

All rules of the ABLE Commission shall be promulgated and filed pursuant to the provisions of the Administrative Procedures Act, and also shall be filed with the Secretary of State and the State Librarian pursuant to the provisions of Sections 251 through 253 of Title 75 of the Oklahoma Statutes. Copies of all rules shall be made available to each county clerk, district attorney, sheriff and chief of police in the state upon request.

The ABLE Commission shall send a notice of application for a license to sell alcohol, alcoholic beverage, wine or beer under the Oklahoma Alcoholic Beverage Control Act to the district attorney of the county wherein the premises is located at least fifteen (15) days prior to the approval or disapproval of the application.

For any applicant for a license issued pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act whose place of business for which the license is being sought is located in a city or town, the ABLE Commission shall mail a notice of application to the chief of police of the city or town, the sheriff

of the county in which the city or town is located, and the district attorney of the county in which the city or town is located. The city or town may make recommendations on whether or not the applicant should be issued a license by the ABLE Commission within twenty (20) days after the date the copies of the application were mailed.

For any applicant for a license issued pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act whose place of business for which the license is being sought is located outside of the incorporated boundaries of a city or town, the ABLE Commission shall mail a notice of application to the board of county commissioners of the county in which the place of business is located, the sheriff of the county and the district attorney of the county. The board of county commissioners shall make recommendations on whether or not the applicant should be issued a license by the ABLE Commission within twenty (20) days after the date the copies of the application were mailed.

Any political subdivision which is entitled to notice of an application for a license shall be considered an interested party to the proceeding and shall be given notice of any issuance of license. The political subdivision shall be entitled to appeal any such issuance in the same manner as the applicant would be entitled to appeal a denial of the license application.

Added by Laws 2016, c. 366, § 73, eff. Oct. 1, 2018. Amended by Laws 2018, c. 212, § 1, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 307, which was adopted at election held on Nov. 8, 2016.

§37A-3-104. Beer kegs - Identification seals - Record keeping required for sales - Violations - Penalties.

A. For purposes of this section:

1. "Beer keg" means any brewery-sealed, single container that contains not less than four (4) gallons of beer;
2. "Licensed retailer" means a licensed package store; and
3. "Identification seal" means any device approved by the ABLE Commission which is designed to be affixed to beer kegs and which displays an identification number and any other information as may be prescribed by the ABLE Commission.

B. No licensed retailer shall sell beer kegs unless that retailer affixes an identification seal to each beer keg. An identification seal shall consist of durable material as determined by the ABLE Commission that is not easily removed or destroyed. Identification seals used may contain a nonpermanent adhesive material in order to apply the seal directly to an outside surface of a beer keg at the time of sale. Identification seals shall be attached to beer kegs at the time of sale as determined by the ABLE

Commission. The identification information contained on the seal shall include the licensed retailer's name, address, beer license number and telephone number; a unique beer keg number assigned by the licensed retailer; and a prominently visible warning that intentional removal or defacement of the seal is a misdemeanor. Upon return of a beer keg to the licensed retailer that sold the beer keg and attached the identification seal, the licensed retailer shall be responsible for the complete and thorough removal of the entire identification seal and any adhesive or attachment devices of the seal. The seal beer keg identification number must be kept on file with the retailer for not less than one (1) year from the date of return.

C. A licensed retailer shall not sell a beer keg unless the beer keg has attached a seal complying with the standards established by subsection B of this section.

D. 1. A licensed retailer who sells a beer keg must at the time of the sale record:

- a. the purchaser's name and address and the number of the purchaser's driver license, identification card issued by the Department of Public Safety, military identification card or valid United States or foreign passport,
- b. the date and time of the purchase,
- c. the beer keg identification seal number required by subsection B of this section, and
- d. the purchaser's signature.

2. The record shall be retained for not less than one (1) year after the date of the sale.

E. A licensed retailer required to retain records under subsection D of this section shall make the records available during regular business hours for inspection by a law enforcement officer or an employee of the ABLE Commission.

F. 1. A person required to record information under subsection D of this section shall not knowingly make a materially false entry in the book or register required under subsection D of this section. In a prosecution under this subsection, it is a defense for the defendant to prove by a preponderance of the evidence that the defendant reasonably and in good faith relied upon the identification provided by the purchaser of a beer keg.

2. No person other than a licensed retailer, a licensed beer distributor, a law enforcement officer or an employee of the ABLE Commission may intentionally remove a seal placed on a beer keg in compliance with subsection C of this section. No person may intentionally deface or damage the seal on a beer keg to make it unreadable.

3. Any person who purchases a beer keg and who fails to return the keg or who returns a keg with a damaged or missing seal shall be subject to a fine of Five Hundred Dollars (\$500.00).

4. Any licensed retailer who fails to report an individual provided for in paragraph 3 of this subsection to law enforcement shall be guilty of a misdemeanor and shall be subject to fines of not less than Five Hundred Dollars (\$500.00) for first and second offenses. A third violation by a licensed retailer of the provisions of this paragraph shall result in the revocation of the retailer's license for up to one (1) year.

G. Any person who purchases a beer keg which is subsequently stolen from such person shall not be liable for any penalty imposed pursuant to the provisions of this section if such person properly reported the theft of the beer keg to law enforcement authorities within twenty-four (24) hours of the discovery of the theft.

H. The ABLE Commission shall promulgate rules for the implementation and application of this section.

Added by Laws 2016, c. 366, § 74, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-3-105. Wineries - Shipping to other states - Monthly report of shipments.

A. Oklahoma wineries may ship products manufactured in the state to consumers in other states, so long as the recipient is of legal age and the laws of the recipient's state allow such shipments.

B. Oklahoma wineries that ship products to consumers in other states shall submit a monthly report of all shipments to the ABLE Commission. The report shall contain the name, address and age of the recipient and shall list the common carrier used to ship the product. The contents of the reports shall be a matter of public record and shall be made available to the public as well as any law enforcement or regulatory official in Oklahoma or another state. The manufacturer shall also keep a copy of all such reports on its premises for a period of not less than five (5) years and shall make those reports available for inspection by any law enforcement officer of any state or federal agency upon request.

Added by Laws 2016, c. 366, § 75, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-3-106. Direct Wine Shipper's Permit - Requirements.

A. A Direct Wine Shipper's Permit may be issued by the Oklahoma ABLE Commission to a winery licensed in this or any other state

within the United States as a wine producer. A Direct Wine Shipper's Permit allows a winery to ship up to six nine-liter cases of wine annually directly to an Oklahoma resident who is twenty-one (21) years of age or older for such resident's personal use and not for resale. No resident shall be permitted to purchase more than thirty nine-liter cases of wine per year under the provisions of this section.

B. The ABLE Commission shall promulgate rules governing the application, issuance and renewal of Direct Wine Shipper's Permits, which shall include but not be limited to:

1. Proof of current licensure in this or any other state as a wine producer;

2. Payment of a registration fee of Three Hundred Dollars (\$300.00) for original permits and One Hundred Fifty Dollars (\$150.00) for renewal permits; and

3. Any other documentation that the ABLE Commission believes is reasonably necessary to verify the identity and physical location of the winery.

C. With regard to direct wine shipments permitted by this section, Direct Wine Shipper permit holders:

1. Shall not ship more than six nine-liter cases of wine annually to any person for his or her personal use;

2. Shall not ship wine intended for resale;

3. Shall ensure that all packages containing wine shipped directly to a resident in this state are conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY" or are conspicuously labeled with alternative wording preapproved by the ABLE Commission;

4. Shall require the transporter or common carrier that delivers the wine to obtain the signature of a person twenty-one (21) years of age or older at the delivery address at the time of delivery. At the expense of the Direct Wine Shipper, the Direct Wine Shipper shall receive a delivery confirmation from the express company, common carrier or contract carrier indicating the location of delivery and the name and signature of the individual who accepted the delivery. The ABLE Commission shall design and create a label or approve a label that must be affixed to the shipping container by the licensee;

5. Shall report to the ABLE Commission quarterly by a method prescribed by the ABLE Commission all of the following information for each wine shipment into the state pursuant to this section:

- a. the name and address of the Oklahoma resident who placed the order,
- b. the name of the common or permit carrier engaged in the shipment,
- c. the date of the shipment,
- d. the carrier tracking number, and

e. the quantity of wine in the shipment;

6. Shall quarterly pay to the Oklahoma Tax Commission all applicable taxes due on sales authorized by this section to Oklahoma residents in the preceding calendar year. The amount of such taxes shall be calculated as if the sale were in Oklahoma at the location where delivery is made. Upon request, permit holders shall permit the Tax Commission to perform an audit of the permit holder's records in order to assure compliance;

7. Shall be deemed to have consented to the jurisdiction of any agency or court of the State of Oklahoma tasked with the enforcement of or adjudication of controversies related to this section and any related laws or rules; and

8. Shall require the consumer to verify, by electronic means or otherwise, that the consumer is at least twenty-one (21) years of age.

9. Shipments of wine to consumers in Oklahoma from persons who do not possess a current Direct Wine Shipper Permit pursuant to this section are prohibited. Any person that violates this section is guilty of a misdemeanor and subject to a civil penalty as follows: for the first offense shall be fined not more than One Thousand Five Hundred Dollars (\$1,500.00), for a second offense shall be fined not more than Two Thousand Five Hundred Dollars (\$2,500.00), and for a third and subsequent offense shall be fined not more than Five Thousand Dollars (\$5,000.00).

D. Every express company, common carrier, contract carrier and every firm or corporation that shall bring, carry or transport wine for delivery to any person in the state, except wine or spirit wholesalers or beer distributors, shall prepare and file quarterly with the ABLE Commission a report, which shall not be subject to the Oklahoma Open Records Act, of all known wine shipments containing:

1. The name of the company, carrier, person, firm or corporation making the report;
2. The period of time covered by the report;
3. The name and business address of the consignor shipping the wine;
4. The weight of the packages shipped;
5. The unique tracking number of the delivery; and
6. The date of delivery.

E. Notwithstanding any other provision of this Section, a common carrier that willfully refuses to file a report under this subsection shall be fined a penalty of up to five hundred dollars (\$500.00).

F. A common carrier shall not deliver a shipment of wine pursuant to this section to any person in this state unless the carrier has verified the validity of the Direct Wine Shipper's Permit prior to accepting shipment. A carrier may consider a direct

wine shipper's permit to be valid unless notified otherwise by the ABLE Commission.

G. Every express company, common carrier, contract carrier and every firm or corporation that shall bring, carry or transport wine for delivery to any person in the state, except wine or spirit wholesalers or beer distributors, shall be deemed to have consented to the jurisdiction of any agency or court of the State of Oklahoma tasked with the enforcement of or adjudication of controversies related to this section and any related laws or rules; and

H. 1. Any express company, common carrier, or contract carrier, including any representative, agent, or employee on behalf of an express company, common carrier, or contract carrier, shall violate this section if it knowingly delivers in this state wine, beer, or distilled spirits without obtaining a signature at the time of delivery by an adult who is at least twenty-one (21) years of age is guilty of a business offense for which the express company, common carrier, or contract carrier that transports alcoholic liquor within this state shall be fined in accordance with Paragraph 3 of Subsection H of this Section.

2. Any express company, common carrier, or contract carrier that knowingly delivers wine, beer, or distilled spirits to a person in this state who is under the age of twenty-one (21) years of age is guilty of a business offense for which the express company, common carrier, or contract carrier that delivered the wine, beer, or distilled spirits shall be fined in accordance with Paragraph 3 of Subsection H of this Section.

3. Any express company, common carrier, or contract carrier that knowingly violates this section for a first offense shall be fined not more than One Thousand Five Hundred Dollars (\$1,500.00), for a second offense shall be fined not more than Two Thousand Five Hundred Dollars (\$2,500.00), and for a third and subsequent offense shall be fined not more than Five Thousand Dollars (\$5,000.00).

4. Any express company, common carrier, or contract carrier that knowingly carries or transports alcoholic beverages for delivery within this state in violation of this section for the first offense shall be fined not more than One Thousand Five Hundred Dollars (\$1,500.00), for a second offense shall be fined not more than Two Thousand Five Hundred Dollars (\$2,500.00), and for a third and subsequent offense shall be fined not more than Five Thousand Dollars (\$5,000.00).

5. An express company, common carrier, and contract carrier may be held vicariously liable for the actions of its representatives, agents, and employees for actions in violation of this section.

6. The Commission shall notify common carriers of all shipments it has good cause to believe were made unlawfully into the state whether those be through a licensed direct shipper, fulfillment provider or an unlicensed entity. The Commission may prohibit a

carrier from transporting alcohol on behalf of a consignor identified as having made an unlawful shipment beginning 15 days from the date of the notice. A common carrier may request, and the Commission must provide, a hearing to show good cause for the continued shipping by said consignor.

I. The ABLE Commission shall inspect and audit the records of both the direct wine shipper permit holder, as well as the common carrier and enforce accordingly.

J. The provisions of this section do not apply to a motor carrier or freight forwarder as defined in Section 13102 of Title 49 of the United States Code or to an air carrier as defined in Section 40102 of Title 49 of the United States Code.

Added by Laws 2016, c. 366, § 76, eff. Oct. 1, 2018. Amended by Laws 2017, c. 307, § 3, eff. Oct. 1, 2018; Laws 2018, c. 113, § 3, eff. Oct. 1, 2018; Laws 2023, c. 287, § 1, eff. Nov. 1, 2023.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 307, which was adopted at election held on Nov. 8, 2016.

NOTE: Laws 2017, c. 360, § 1 repealed by Laws 2018, c. 113, § 7, eff. Oct. 1, 2018.

§37A-3-107. Scope of statutory regulation for sales and distribution of designated brands of beer.

A. In order to provide for regulation of the sales and distribution of beer in this state by the ABLE Commission, this Legislature hereby declares it is necessary to implement the section.

B. Statutory regulation of the sales and distribution of designated brands in designated territories by distributors shall include but not be limited to:

1. A requirement for written distributor agreements between a brewer and distributor designating a specific territory within which the distributor may sell the designated brands of the brewer;

2. Provisions for prohibited acts applicable to the distributor and brewer; and

3. Provisions for penalties for violations.

Added by Laws 2016, c. 366, § 77, eff. Oct. 1, 2018. Amended by Laws 2019, c. 322, § 13, emerg. eff. May 7, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-3-108. Licensed distributor agreement required for licensed brewers or cider manufacturers - Rights to distribute low-point beer - Assignment to distribute beer brand - Brand extensions.

A. The provisions of this section shall be in effect except as otherwise provided in Article XXVIII-A of the Oklahoma Constitution.

B. Subject to the provisions of subsection D of this section, every licensed brewer or cider manufacturer authorized to sell its beer or cider in this state shall:

1. Enter into a distributor agreement with a licensed distributor, as defined herein, to sell the designated brands, including brand extensions, of the brewer or cider manufacturer. The agreement shall designate the sales territory of that licensed distributor and the designated brands to be sold by the licensed distributor. All such distributor agreements shall specifically authorize this sale of the designated brands by a licensed distributor within that sales territory. All such distributor agreements shall further provide that the licensed brewer or cider manufacturer who desires to sell a brand extension of a low-point beer in Oklahoma must assign the low-point beer brand extension to the licensed distributor to whom the licensed brewer or cider manufacturer granted the exclusive sales territory to the low-point beer brand from which the brand extension resulted;

2. Sell its registered and approved designated brands only to a licensed distributor with whom that brewer or cider manufacturer has a distributor agreement designating the sales territory of the licensed distributor and the designated brands to be sold by the licensed distributor;

3. Authorize only one licensed distributor for each designated sales territory. Such licensed distributor shall be the only licensed distributor for the designated brands of the authorizing brewer or cider manufacturer within that designated sales territory; and

4. Designate who is responsible for the distribution of its designated brands.

C. Subject to the provisions of subsection D of this section, any and all licensed distributors possessing the rights to distribute a low-point beer brand in a specific territory prior to the introduction of that low-point beer's correlating beer brand extension in that specific territory shall retain the right to distribute the low-point beer from which the brand extension resulted.

D. 1. No later than August 2, 2018, a brewer shall assign the exclusive right to distribute a beer brand, including brand extensions thereof, to the low-point beer distributor who was, prior to October 1, 2018, assigned the exclusive distribution rights to the low-point beer from which the brand extension arose without charge or payment of compensation, unless the low-point beer distributor is, on October 1, 2018, a brewer of beer or low-point beer and has therefore been distributing low-point beer pursuant to a license to so distribute, subject to the provisions of subsection E of this section. This subsection shall not apply to a small brewer as defined in Section 1-103 of this title.

2. With respect to brand extensions which arise after October 1, 2018, the brewer or cider manufacturer shall assign the exclusive right to distribute the brand extension to the distributor who has been assigned the exclusive distribution rights to the beer or cider from which the brand extension arose, without charge or payment of compensation.

3. With respect to a brand of beer or cider which was, prior to April 15, 2017, distributed in this state only as strong beer or cider pursuant to the Oklahoma Alcoholic Beverage Control Act then in effect, if a low-point version of the brand is introduced after April 15, 2017, no later than August 2, 2018, the brewer or cider manufacturer shall assign the exclusive rights to distribute the low-point version of the brand to the distributor who was, immediately prior to the introduction of the low-point version of the brand, assigned the exclusive distribution rights to the strong version of the brand without charge or payment of compensation.

4. No later than August 2, 2018, with respect to dual strength beer, the brewer thereof shall assign the exclusive right to distribute the brands represented by the dual strength beer to either the low-point beer distributor or the nonresident seller who had theretofore been assigned the exclusive distribution rights in the territory to either version of the dual strength beer; provided, however, whichever party is selected by the brewer must compensate the party that was not selected by the brewer for the loss of the distribution rights with respect to that particular territory. Whichever party is selected shall obtain the requisite distributor license and shall be subject to the provisions of the Oklahoma Alcoholic Beverage Control Act.

5. Compensation for the purposes of this provision shall be the fair market value of the party losing its distribution rights with respect to the beer within that specific territory. Fair market value shall be determined as set forth in Section 3-111 of this title and shall take into account all aspects of brand valuation, including but not limited to:

- a. the diminished value of the distribution of one version of beer as a consequence of the subsequent introduction of the other version,
- b. the expected annual sales and earnings of the distributor agreement,
- c. the length of time the existing distributor held in the distribution sales agreement, and
- d. any other relevant items of value, such as goodwill and going concern.

E. If a brewer, whether directly or through an affiliate, maintained one or more licenses to distribute low-point beer in this state prior to October 1, 2018, then up to two of the brewer's low-point beer distribution licenses shall automatically convert to beer

distribution licenses on October 1, 2018, and such brewer shall be permitted to continue to distribute beer in two territories within which it currently distributes without the appointment of a distributor for such period of time as determined by the Legislature and consistent with the Constitution of the State of Oklahoma; provided however, it shall not be permitted to distribute beer outside of the territory unless it enters into a distributor agreement with an independent licensed distributor as provided in paragraph 1 of subsection B of this section. This section shall not apply to small brewers that have elected to self-distribute.

F. If, on October 1, 2018, a licensed distributor possesses inventory of a brand that it is no longer authorized to distribute within this state, such inventory shall be sold to a licensed distributor authorized to distribute such brand, at a price not to exceed the total of the actual purchase price of the selling distributor plus the cost of inbound and outbound shipping to the purchasing distributor. The provisions of this paragraph shall not apply to inventory purchased on or after September 15, 2018. Added by Laws 2016, c. 366, § 78, eff. Oct. 1, 2018. Amended by Laws 2017, c. 364, § 14, eff. Oct. 1, 2017; Laws 2018, c. 209, § 1, eff. Oct. 1, 2018; Laws 2019, c. 322, § 14, emerg. eff. May 7, 2019. NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 307, which was adopted at election held on Nov. 8, 2016.

§37A-3-109. Transportation of beer only by marked conveyances owned or leased by licensed distributor or its employees.

In order to regulate distribution of beer in this state and assure collection of all applicable taxes and fees, all beer sold in this state by a licensed distributor shall only be transported within this state to the licensed address and location of a licensed retailer or between the licensed addresses and locations of licensed retailers by marked conveyances owned or leased by a licensed distributor or its employees.

Added by Laws 2016, c. 366, § 79, eff. Oct. 1, 2018. Amended by Laws 2023, c. 94, § 2, emerg. eff. April 26, 2023.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-3-110. Licensed beer distributor - Sales and distribution restrictions.

A. A licensed distributor designated as the licensed distributor for a beer brand within a designated sales territory shall present that beer brand for sale to all on-premise licensees on the same price basis and without discrimination and to all off-premise licensees on the same price basis within a particular county

and without discrimination. A licensed distributor shall not sell, supply or deliver, either directly or indirectly through a third party, a beer brand to a licensed retailer outside of the designated sales territory of the designated distributor nor to any person the licensed distributor has reason to believe will sell or supply any quantity of the beer brand to any retail location outside of the designated sales territory of the designated distributor.

B. All beer shall only be transported by a marked conveyance owned or leased by the licensed distributor and operated by the licensed distributor or an employee of the distributor for the products of a licensed brewer or cider manufacturer within the designated sales territory to the address and location of a licensed retailer within that designated sales territory.

C. Any beer sold by the licensed distributor shall not be delivered to, received by or stored at any place other than the address and location of the licensed retailer for which state and local retailer licenses or permits have been issued, except as otherwise provided by law.

D. With the approval of the licensed brewer or cider manufacturer, a licensed distributor may sell the designated brands to a licensed retailer located in a designated sales territory of another licensed distributor if that licensed distributor is temporarily unable for any reason to provide the designated brands of the licensed brewer or cider manufacturer within its designated sales territory.

E. All beer purchased by a licensed distributor for resale in this state shall physically come into the possession of the licensed distributor and be unloaded in and distributed from the licensed warehouses of the licensed distributor located in this state prior to being resold in this state.

F. For temporary events, beer distributors shall be permitted to park full trailers and Waymatics in the supplier area of the events for the purposes of pulling and selling product to special event, public event, caterer, on-premises beer and wine and mixed beverage licensees. A temporary event shall not exceed fourteen (14) consecutive calendar days in duration. The trailer/Waymatic shall be deemed an extension of the licensed premises of the beer distributor and no separate storage license shall be necessary. The following shall apply to beer and cider transactions during temporary events:

1. Beer distributors shall be permitted to deliver the beer or cider from the trailer to the selling locations of the licensee(s) within the event;

2. Beer distributors may not sell directly to consumers;

3. Each delivery of beer or cider shall be accompanied by an invoice giving the date of purchase and the quantities delivered;

4. At least every fourth day of the event, the distributor shall generate and deliver a summary invoice. Within three days after the end of the event, the beer distributor shall reconcile the invoices with the deliveries made during the event and generate and deliver a final invoice to be paid immediately upon delivery;

5. For temporary events lasting less than five (5) days and for university game days, the beer distributor's invoice shall be generated and submitted to the purchasing licensee the first business day following the event. The licensee shall pay the invoice upon receipt; and

6. For all temporary events, the beer distributor has the option of requiring the purchasing licensee to deliver a check for the full amount of the product contained within the trailer(s) at the beginning of the event to be held by the beer distributor pending completion of the event and reconciliation and payment. Such a requirement shall not be deemed a consignment sale, a credit transaction, or a violation of any rules or law.

The provisions of this subsection shall apply to small brewer self-distributors and brewpub self-distributors.

Added by Laws 2016, c. 366, § 80, eff. Oct. 1, 2018. Amended by Laws 2017, c. 364, § 15, eff. Oct. 1, 2018; Laws 2019, c. 322, § 15, emerg. eff. May 7, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-3-111. Termination of distribution agreement - Requirements - Immediate termination - Transfer of brand to successor brewer.

A. Except as provided in subsection G of this section, a small brewer is not subject to the termination provisions of this section.

B. 1. Except as provided in subsection C of this section, no brewer shall terminate a distributor agreement with any beer distributor without establishing good cause for such termination and unless all of the following occur:

- a. the beer distributor receives written notification by certified mail, return receipt requested, from the brewer stating with specificity the alleged noncompliance with the provisions of the agreement and is afforded no less than sixty (60) days in which to cure such noncompliance. If not capable of being cured within the sixty-day period, the beer distributor shall begin the cure within the sixty-day period and diligently pursue the cure as promptly as feasible,
- b. the beer distributor fails to cure such noncompliance within the allotted cure period, and

- c. the brewer provides written notice by certified mail, return receipt requested, to the beer distributor of such continued noncompliance. The notification shall contain a statement of the intention of the brewer to terminate the distributor agreement, the reasons for the termination, and the date the termination shall take effect.

2. If a beer distributor cures an alleged noncompliance within the cure period provided in subparagraph a of paragraph 1 of this subsection, any notice of termination from a brewer to a beer distributor shall be null and void.

C. A brewer may immediately terminate a distributor agreement, effective upon furnishing written notification to the beer distributor by certified mail, return receipt requested, for any of the following reasons:

1. The beer distributor's failure to pay any account when due and upon written demand by the brewer for such payment, in accordance with agreed payment terms;

2. The assignment or attempted assignment by the beer distributor for the benefit of creditors, the institution of proceedings in bankruptcy by or against the beer distributor, the dissolution or liquidation of the beer distributor, or the insolvency of the beer distributor;

3. The revocation or suspension of, or the failure to renew for a period of more than fourteen (14) days, a beer distributor's state, local, or federal license or permit to sell beer in this state;

4. The beer distributor has been convicted of a felony that, in the brewer's sole judgment, adversely affects the goodwill of the beer distributor or brewer; provided, however, an existing stockholder or stockholders, partner or partners, or member or members shall have the right to purchase the stock, partnership interest, or membership interest of the offending stockholder, partner, or member prior to the conviction of the offending stockholder, partner, or member, subject to brewer's approval, which shall not be unreasonably withheld, and if the sale is completed prior to conviction, the provisions of this paragraph shall not apply;

5. A beer distributor has been convicted of, found guilty of, or pled guilty or nolo contendere to a charge of violating a law or regulation of the United States or of this state if it materially and adversely affects the ability of the beer distributor or brewer to continue to sell its beer in this state;

6. Any attempted transfer or change in beneficial ownership of ten percent (10%) or more of the beer distributor, stock of the beer distributor, or stock of any parent corporation of the beer distributor, or any change in the ownership or control of any entity

having control of the beer distributor, without obtaining the prior written approval of the brewer, which may not be unreasonably withheld and shall be based on objective requirements imposed on all other distributors, except as may otherwise be permitted pursuant to a written agreement between the parties;

7. Fraudulent conduct, by or on the part of the beer distributor or any owner of the beer distributor, or by any employee as to which the beer distributor or any of its owners or its senior management knew or reasonably should have known, in the beer distributor's dealings with the brewer of beer, including the intentional sale of beer outside the brewer's established quality standards; provided, however, in the case of fraudulent conduct by a beer distributor employee other than the owner or senior management and only in the event the beer distributor was unaware or should not have been aware of such fraudulent conduct, the beer distributor shall be allowed a sixty-day cure period following written notice of such conduct from the brewer, and shall only be terminated for failing to cure the same within sixty (60) days thereof;

8. Cessation of the beer distributor to conduct business for five (5) consecutive business days, unless conducting the business is prevented or rendered impractical due to events beyond the distributor's reasonable control as a result of an act of God, an insured casualty, war, or a condition of national, state, or local emergency; or

9. Any intentional sale of beer, directly or indirectly, to customers located outside the territory assigned to the beer distributor by the brewer unless expressly authorized by the brewer.

D. Any beer distributor terminated by a brewer under subsection B of this section shall have the opportunity to sell the brewer's brand rights for one hundred twenty (120) days after termination in accordance with the distributor agreement. If no such sale occurs, the brewer's newly appointed distributor shall pay the beer distributor the fair market value of the distribution rights, which will be lost or diminished by reason of termination, and the newly appointed distributor shall purchase any remaining unexpired inventory for laid in cost. If the parties cannot agree on the fair market value, the parties shall follow the same procedures as set forth in paragraphs 2 through 6 of subsection G of this section.

E. The brewer shall have the right to terminate an agreement with a beer distributor at any time by giving the beer distributor at least ninety (90) days' written notice by certified mail, return receipt requested; provided, the brewer shall give a similar notice to all beer distributors in all other states with which the brewer has a distributor agreement.

F. 1. If a particular brand of beer is transferred by purchase or otherwise from a brewer to a successor brewer, the successor brewer shall become obligated to all of the terms and conditions of

the agreement in effect on the date of succession. This subsection applies regardless of the character or form of the succession. A successor brewer has the right to contractually require its beer distributor to comply with operational standards of performance, if the standards are uniformly established for all of the successor brewer's distributors. Provided, however, where the successor brewer holds a brewer's license in the state as of January 1, 2023, and has an existing distribution agreement with a beer distributor, the successor brewer may terminate the distribution agreement, in whole or in part, in order to transfer the brand rights to the successor brewer's beer distributor with at least sixty (60) days' written notice to the terminated distributor and with termination effective upon payment to the terminated beer distributor the fair market value of the terminated beer distributor's business with respect to the terminated brand or brands.

2. A successor brewer may, upon written notice, terminate its agreement, in whole or in part, with a beer distributor of the brewer it succeeded, for the purpose of transferring the distribution rights in the beer distributor's territory to a new beer distributor, provided that the successor beer distributor first pays to the existing beer distributor the fair market value of the existing distributor's business with respect to the terminated brand or brands.

3. If the successor brewer decides to terminate its agreement with the existing beer distributor for purposes of transfer, the successor brewer shall notify the existing beer distributor in writing of the successor brewer's intent not to appoint the existing beer distributor for all or part of the existing beer distributor's territory. The successor brewer shall mail the notice of termination by certified mail, return receipt requested, to the existing beer distributor. The successor brewer shall include in the notice the names, addresses, and telephone numbers of the successor beer distributor or distributors.

4.
 - a. the successor beer distributor shall negotiate with the existing beer distributor to determine the fair market value of the existing beer distributor's right to distribute in the existing beer distributor's territory. The successor beer distributor and the existing beer distributor shall negotiate the fair market value in good faith, and
 - b. the existing beer distributor shall continue to distribute in good faith until payment of the compensation agreed to under subparagraph a of this paragraph, or awarded under paragraph 5 of this subsection, is received.
5.
 - a. if the successor beer distributor and the existing beer distributor fail to reach a written agreement on

the fair market value within thirty (30) days after the existing beer distributor receives the notice required pursuant to paragraph 2 of this subsection, the successor beer distributor or the existing beer distributor shall send a written notice to the other party requesting arbitration pursuant to the Uniform Arbitration Act, Part 2 of Article 22 of Title 13, C.R.S. Arbitration shall be held for the purpose of determining the fair market value of the existing beer distributor's right to distribute in the existing beer distributor territory,

- b. notice of intent to arbitrate shall be sent, as provided in subparagraph a of this paragraph, not later than forty (40) days after the existing beer distributor receives the notice required pursuant to paragraph 2 of this subsection. The arbitration proceeding shall conclude not later than sixty (60) days after the date the notice of intent to arbitrate is mailed to a party, unless this time is extended by mutual agreement of the parties and the arbitrator,
- c. any arbitration held pursuant to this subsection shall be conducted in a city within this state that:
 - (1) is closest to the existing beer distributor, and
 - (2) has a population of more than twenty thousand (20,000) people according to the latest Federal Decennial Census,
- d. any arbitration held pursuant to this paragraph shall be conducted before one impartial arbitrator to be selected by the American Arbitration Association (AAA) or its successor. The arbitration shall be conducted in accordance with the rules and procedures of the Uniform Arbitration Act, Part 2 of Article 22 of Title 13, C.R.S. The AAA arbitrator shall have no fewer than fifteen (15) years of experience in franchise law and shall use the laws of the state where the distributor is located and shall not use other state laws in his or her reviews,
- e. an arbitrator's award in any arbitration held pursuant to this paragraph shall be monetary only and shall not enjoin or compel conduct. Any arbitration held pursuant to this paragraph shall be in lieu of all other remedies and procedures,
- f. the cost of the arbitrator and any other direct costs of an arbitration held pursuant to this paragraph shall be equally divided by the parties engaged in the arbitration. All other costs shall be paid by the party incurring them,

- g. the arbitrator in any arbitration held pursuant to this paragraph shall render a written decision not later than thirty (30) days after the conclusion of the arbitration, unless this time is extended by mutual agreement of the parties and the arbitrator. The decision of the arbitrator is final and binding on the parties, but questions of error of law may be appealed by either party to a state or federal court in the state where the distributor is located. The arbitrator's award may be enforced by commencing a civil action in any court of competent jurisdiction. Under no circumstances may the parties appeal the decision of the arbitrator,
- h. an existing beer distributor or successor beer distributor who fails to participate in the arbitration hearings in any arbitration held pursuant to this paragraph waives all rights the existing beer distributor or successor beer distributor would have had in the arbitration and is considered to have consented to the determination of the arbitrator, and
- i. if the existing beer distributor does not receive payment from the successor beer distributor of the settlement or arbitration award required under subparagraph e through g of this paragraph within thirty (30) days after the date of the settlement or arbitration award:
 - (1) the existing beer distributor shall remain the beer distributor in the existing beer distributor's territory to at least the same extent that the existing beer distributor distributed the beer immediately before the successor brewer acquired rights to the brand, and
 - (2) the existing beer distributor is not entitled to the settlement or arbitration award.

G. 1. In addition to termination rights that may be set forth in a distributor agreement, a small brewer may terminate a distributor agreement with any beer distributor; provided, that prior to the effective date of the termination, the small brewer pays the beer distributor the fair market value of the distribution rights which will be lost or diminished by reason of the termination and purchases, or requires the newly appointed distributor to purchase, any remaining unexpired inventory for laid in cost.

2. If such small brewer and beer distributor cannot mutually agree to the fair market value of the applicable distribution rights lost or diminished by reason of the termination, then the brewer

shall pay the beer distributor a good-faith estimate of the fair market value of the applicable distribution rights.

3. If the beer distributor being terminated under paragraph 2 of this subsection disputes that the payment made by the small brewer was less than the fair market value of the distribution rights, then the beer distributor may within forty-five (45) days of termination submit the question of fair market value of the applicable distribution rights lost or diminished by reason of the termination to binding arbitration before a panel of three neutral arbitrators appointed in accordance with the commercial arbitration rules of the American Arbitration Association, which panel shall determine by majority decision whether the small brewer's payment meets the requirements of paragraph 2 of this subsection.

4. If the arbitration panel rules that the payment made by the small brewer to the beer distributor upon termination was less than the fair market value of distribution rights lost or diminished by reason of the termination, then the small brewer shall pay the beer distributor the difference between the payment made to the beer distributor and the determined fair market value plus interest.

5. If the arbitration panel rules that the payment made by the small brewer to the beer distributor upon termination was more than the fair market value of distribution rights lost or diminished by reason of the termination, then the beer distributor shall pay the small brewer the difference between the payment made to the beer distributor and the determined fair market value, plus interest.

6. All arbitration fees and expenses shall be equally divided among the parties to the arbitration, except if the arbitration panel determines that the small brewer's payment upon termination was not a good-faith estimate of the fair market value, then the panel may award up to one hundred percent (100%) of the arbitration costs to the prevailing party.

H. 1. Any beer distributor or brewer who is aggrieved by a violation of any provision of this section shall be entitled to the recovery of damages caused by the violation. If a beer distributor is not terminated in accordance with the provisions of this section, damages may additionally include the fair market value of the distribution rights and the purchase, or the requirement that the newly appointed distributor purchase, any remaining unexpired inventory for laid in cost. Damages shall be sought in a civil action in any court of competent jurisdiction.

2. Any dispute arising under this section may also be settled by such dispute resolution procedures as may be provided by a written agreement between the parties.

I. Nothing in this section shall be construed to limit or prohibit good-faith settlements voluntarily entered into by the parties.

J. Except as otherwise provided herein, nothing in this section shall be construed to give a beer distributor any right to compensation if an agreement with the beer distributor is terminated by a brewer pursuant to this section.

K. No brewer shall require any beer distributor to waive compliance with any provision of the Oklahoma Alcoholic Beverage Control Act and any provisions of the Oklahoma Alcoholic Beverage Control Act shall supersede any provisions of a distributor agreement in conflict in this section.

L. No brewer shall charge or accept, and no beer distributor shall pay or provide, in a material way, any money, property, gratuity, rebate, free goods, shipping charges different than those charged for all beer distributors, allowances, thing of value, or other inducement, as defined in Section 3-123 of this title, from a beer distributor in exchange for the brewer entering into a distributor agreement with the beer distributor. However, a brewer who also holds a beer distributor license and desires to sell all or a portion of its beer distribution rights and business, or a holder of a small brewer license who desires to change its election from self-distribution to the use of a distributor agreement, may accept a payment for the fair market value of its existing and established distribution business in the subject territory.

M. This section shall apply to any agreement entered into and any renewals, extensions, amendments, or conduct constituting a modification of a distributor agreement by a brewer or cider manufacturer.

N. Where a cider manufacturer distributes cider through a beer distributor, the rights and obligations of the cider manufacturer, the distributor, a successor cider manufacturer, and a successor distributor shall be the same as the rights and obligations provided in this section for a brewer, beer distributor, successor brewer, and successor beer distributor.

Added by Laws 2016, c. 366, § 81, eff. Oct. 1, 2018. Amended by Laws 2017, c. 364, § 16, eff. Oct. 1, 2018; Laws 2023, c. 338, § 7, emerg. eff. June 7, 2023; Laws 2025, c. 387, § 1, eff. Nov. 1, 2025. NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-3-112. Operation and maintenance conditions for brew pubs.

The operation and maintenance of a brewpub is subject to the following conditions:

1. No person shall be permitted to own or operate a brewpub without first paying the required fees set forth in Section 13 of this act and obtaining a proper brewpub license from the ABLE Commission in the manner provided in the Oklahoma Alcoholic Beverage Control Act;

2. Each brewpub licensee shall comply with all other applicable state and local license and permit requirements; and

3. In order to qualify for a brewpub license, a brewer or manufacturer must meet the definition of a small brewer.

Added by Laws 2016, c. 366, § 82, eff. Oct. 1, 2018. Amended by Laws 2019, c. 322, § 16, emerg. eff. May 7, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-3-113. Small brewers - Sales to licensed distributors or retailers - Direct sales to consumers.

A. A small brewer is authorized to sell to either licensed distributors or retailers. A small brewer shall elect whether it will distribute through a distributor or self-distribute to retailers; however, a small brewer may not elect to do both simultaneously. The election shall be made through notice to the ABLE Commission. Any changes to the election require immediate notification to the ABLE Commission before the change in election will take effect. A small brewer that elects to use a distributor shall be subject to the terms and conditions of the Oklahoma Alcoholic Beverage Control Act.

B. As a condition to the issuance of a Small Brewer License, such small brewer shall pay the annual fees as set forth in Section 13 of this act and shall qualify with the Secretary of State of the State of Oklahoma for a permit to do business within the State of Oklahoma.

C. A small brewer may sell directly to consumers in this state if it is the holder of a brewpub license. A licensed small brewer may serve free samples of beer produced by the small brewer in this state to visitors twenty-one (21) years of age or older. Samples may only be distributed or consumed between 10:00 a.m. and 2:00 a.m. Samples of beer served by a small brewer under this section shall not be considered a "sale" of beer within the meaning of Article XXVIII of the Oklahoma Constitution or the Oklahoma Alcoholic Beverage Control Act. However, such samples of beer shall be considered beer removed or withdrawn from the small brewer for "use or consumption" within the meaning of this title for excise tax determination and reporting requirements.

Added by Laws 2016, c. 366, § 83, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-3-114. Resale of beer restrictions for retailers - Violations - Penalties.

A. This section applies to all retailers authorized to sell beer for consumption off the premises.

B. The holder of a retail beer or retail spirits license may resell beer only in the packaging in which the holder received the beer or may resell the contents of the packages as individual containers.

C. Except for purposes of resale as individual containers, the licensee shall not:

1. Mutilate, tear apart or cut apart original packaging in which beer was received; or

2. Repackage beer in a manner misleading to the consumer or that results in required labeling being omitted or obscured.

D. The ABLE Commission shall impose the following penalties for a violation of subsection B or C of this section:

1. After notice and hearing, immediately revoke the license of the licensee committing the violation; and

2. Impose a fine of not more than One Thousand Dollars (\$1,000.00) for each violation.

Any licensee whose license is revoked pursuant to this subsection shall not be eligible to reapply for a license for at least three (3) months from the date of the revocation. Any stock of beer in undamaged original packaging in the possession of such licensee shall be repurchased by the distributor as long as the repurchased inventory falls within the date considered by the brewer of the product to be appropriate for sale to a consumer.

E. Administrative fines collected pursuant to this section shall be enforceable in the district courts of this state. All administrative fines collected by the ABLE Commission pursuant to this section shall be forwarded to the State Treasurer for deposit in the General Revenue Fund.

Added by Laws 2016, c. 366, § 84, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-3-115. Withdrawal of beer from retailer's stock.

A. To assure and control quality, a beer distributor or a holder of a small brewer self-distribution license or brewpub self-distribution license, at the time of a regular delivery, may withdraw with the permission of the retailer, a quantity of beer or cider in undamaged original packaging from the retailer's stock if:

1. The beer distributor or holder of a small brewer self-distribution license or brewpub self-distribution license replaces the stock with beer or cider of equivalent value brands, quantities, packaging and alcohol by volume as the beer or cider withdrawn; or

2. The stock is withdrawn before the date, or immediately after the date, considered by the brewer of the product to be the date the product becomes inappropriate for sale to a consumer.

B. The provisions of this section shall not apply to beer or cider that:

1. Has suffered damage at the retail licensee's location, regardless of the date upon which the product becomes inappropriate for sale to a consumer. Beer distributors, small brewer self-distributors and brewpub self-distributors are prohibited from giving a refund for or replacing beer or cider that was damaged while in the possession of the retail licensee. Retail licensees are prohibited from requesting or requiring the beer distributor, small brewer self-distributor and brewpub self-distributor to remove such damaged product as a condition of continued business with the retail licensee; or

2. Has a date for recommended use that expired prior to October 1, 2018. Retail licensees and brewers are prohibited from requesting or requiring the beer distributor, small brewer self-distributor and brewpub self-distributor to remove such expired beer or cider as a condition of continued business with the retail licensee or brewer.

C. A consignment sale of beer is not authorized under this section.

Added by Laws 2016, c. 366, § 85, eff. Oct. 1, 2018. Amended by Laws 2019, c. 322, § 17, emerg. eff. May 7, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-3-116. Sale of alcoholic beverages bottled or made in a foreign country to licensed wine and spirits wholesalers - Violations.

A. Any manufacturer or subsidiary of a manufacturer who markets its products solely through a subsidiary or subsidiaries, a distiller, rectifier, bottler, winemaker or importer of alcoholic beverages, bottled or made in a foreign country, either within or without this state, may sell such brands or kinds of alcoholic beverages to every licensed wine and spirits wholesaler who desires to purchase the same, on the same price basis and without discrimination or inducements, and shall further be required to sell such beverages only to those persons licensed as wine and spirits wholesalers.

B. The provisions of subsection A of this section shall not apply to a brewer except as otherwise stated herein. In the event a brewer, who has entered into territorial distribution agreements with beer distributors in this state, markets wine and spirits products in this state either itself or through a subsidiary or

affiliate, then such brewer, subsidiary or affiliate may elect to designate beer distributors, with whom it has entered into territorial distribution agreements, as its designated wholesalers for any wine and spirit products to be sold by the brewer, subsidiary or affiliate within the beer distributors' existing territories, provided such beer distributors must also hold a wine and spirits wholesaler license. In such event, the beer distributors shall be deemed designated wholesalers for the territory with respect to the designated products. Provided, in the event a beer distributor has not obtained a wine and spirits license, has elected not to sell wine and spirits in its respective territory or, in the brewer's commercially reasonable discretion, is not suitable to sell wine and spirits in its respective territory, then the brewer, subsidiary or affiliate may extend the territory of an existing beer distributor, with whom it has entered into a territorial distribution agreement and who holds a wine and spirits wholesaler license, for the territory. For purposes of this subsection only, the phrase "subsidiary or affiliate" shall mean any entity that the brewer controls, is controlled by, or is under common control with, during the time that the wine and spirits brands are offered for sale in this state, and "control" shall mean ownership of more than fifty percent (50%) of the voting securities or assets of, or the ability to dictate the material operations of, another entity. If the brewer, subsidiary or affiliate sells the wine and spirits brands to a manufacturer other than one that would otherwise fall within the provisions of this subsection, then the rights provided in this subsection which relate to the wine and spirits brands shall terminate. The rights provided to beer distributors pursuant to Section 3-111 of this title shall not be extended to apply to the wine or spirits brands distributed pursuant to this subsection.

C. No manufacturer shall require a wine and spirits wholesaler to purchase any alcoholic beverages or any goods, wares or merchandise as a condition to the wine and spirits wholesaler obtaining or being entitled to purchase any alcoholic beverages.

Violation of this section shall be a misdemeanor. Conviction hereunder shall automatically revoke the violator's license.

D. In the event a manufacturer or nonresident seller has not designated a designated wholesaler to sell its products in the state, the nondesignated products shall be posted in accordance with the following:

1. On the first business day of each month, the manufacturer shall post with the ABLE Commission the price of all wine and spirits it proposes to offer for sale to licensed wine and spirit wholesalers in this state. All prices shall become effective on the first business day of the following month and shall remain in effect and unchanged for a period of not less than one (1) month. The

posting shall be submitted on a form approved by the ABLE Commission and shall identify the brand, size, alcohol content and price of each item intended to be offered for sale. No change or modification of the posted price shall be permitted except upon written permission from the ABLE Commission based on good cause shown;

2. When a new item is registered, or an old item is discontinued, or any change is made by a manufacturer or nonresident seller as to price, age, proof, label or type of bottle of any item offered for sale in this state, such new item, discontinued item or change in price, age, proof, label or type of bottle of any item shall be listed separately on the cover page of the price schedule and, in the case of prices changed, shall reflect both the old and the new price of the item changed. All new items and changes as to age, proof, label or type of bottle in which any item is offered for sale shall first be submitted in writing to the ABLE Commission for approval under such requirements as it may deem proper. Approval or disapproval of price changes shall not be required if filed in conformity with the provisions of this subsection.

- a. In addition to the foregoing requirements, the manufacturer shall, at the same time, on regular forms provided by the ABLE Commission, re-register all items of alcoholic beverage which the manufacturer had registered and offered for sale in this state during the previous price period.
- b. A short form of price posting may be permitted by the ABLE Commission for any price period in which no new item is offered or old item discontinued, or change is made in the price, age, proof, label or type of bottle of any item offered by any manufacturer. Such short form shall contain only such statements as the Director may require or permit;

3. The brand name, size, proof and type of alcoholic beverages must be shown on each container sold in this state;

4. No brand of alcoholic beverage shall be listed on a price list or posting in more than one place, or offered for sale by more than one method, or at more than one price, except as provided hereafter:

- a. a manufacturer who has posted F.O.B. prices from a foreign shipping point shall also list the same item(s) at an F.O.B. point within the continental United States. Only one United States F.O.B. point shall be permitted, and
- b. a manufacturer may list on their price list or posting an item of specific size that may be packaged in more than one type or design container, provided that the

containers being offered have been approved by the ABLE Commission;

5. The manufacturer shall sell to the wine and spirits wholesalers all items of wine and spirits at the current posted price in effect on the date of the shipment as shown on the manifest, bill of lading or invoice;

6. A full and correct copy of each such price registration shall be transmitted to wine and spirits wholesalers on the same day such prices are filed with or mailed to the ABLE Commission. Proof of such mailing or delivery shall be furnished the ABLE Commission by the manufacturer with the price registration or upon request;

7. The sale, or offer to sell, of any item of alcoholic beverage by a manufacturer to a wine and spirits wholesaler at a price not in compliance with the price posted with the ABLE Commission may be deemed a violation; and

8. This subsection shall not apply to a manufacturer that has designated a wine and spirits wholesaler to sell its product in the state or a brewer who has appointed a beer distributor as a designated wholesaler pursuant to subsection B of this section, with respect to designated products.

E. Every wine and spirits wholesaler is authorized:

1. To ship orders to retailers non-sequentially; and
2. To fill orders non-sequentially only on products that have been designated as being in short supply.

As used in this subsection, "short supply" means those individual brand labels of alcoholic beverages normally supplied by the manufacturer or manufacturers that, for whatever reason, lack sufficient supply to fully satisfy the demand of the Oklahoma retail and/or on-premises market.

F. Upon the manufacturer notifying the wholesalers of products designated as short supply, the wholesaler shall also then notify the ABLE Commission as soon as practical.

G. The ABLE Commission shall publish a list of every product designated as short supply by the Director on its website every thirty (30) days. After thirty (30) days, the wholesaler shall send an updated notice to the ABLE Commission if the product or products are in short supply. The ABLE Commission shall remove those products if notification is not received. These activities shall not constitute a violation of this title or any rule promulgated under this title.

Added by Laws 2016, c. 366, § 86, eff. Oct. 1, 2018. Amended by Laws 2017, c. 364, § 17, eff. Oct. 1, 2018; Laws 2019, c. 322, § 18, emerg. eff. May 7, 2019; Laws 2023, c. 238, § 1.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-3-116.1. Manufacturers without a designated wholesaler - Posting requirements.

A. In the event a manufacturer has not designated a wine and spirits wholesaler, or a brewer has not appointed a beer distributor as a designated wholesaler pursuant to subsection B of Section 3-116 of this title, to sell its product in the state, then every wine and spirits wholesaler that sells that product shall comply with the following posting requirements:

1. All wine and spirits wholesalers who choose to sell the Nondesignated Product shall file with the ABLE Commission on the fifteenth day of each posting month a proposed category percentage markup. A percentage markup shall be defined as a percentage of increase or decrease in relation to the wholesaler laid-in-cost for all items in each category. The percentage does not have to be the same for all categories, but in the original posting the percentage shall be the same for all items in the same category;

2. The proposed markups shall be computed by percentage in the four categories: Spirits, Cordials and Specialties, Wines-Domestic and Wines-Imported. In reporting to the ABLE Commission, the proposed markups shall be set forth in the following categories and order:

- a. Category 1 - Spirits: Straights, Blends, Bonds, Corn, Rye, Scotch, Canadian, Irish, Vodka, Gin, Rum, Brandy Alcohol and Tequila,
- b. Category 2 - Cordials and Specialties: Cocktails, Cordials, Domestic and Imported and Miscellaneous Specialties,
- c. Category 3 - Wines-Domestic: Vermouth American, Fortified American, Light American and Champagne American, and
- d. Category 4 - Wines-Imported: Vermouth Imported, Fortified Imported, Light French, Light German, Light Other Imported and Champagne Imported;

3. When a wine and spirits wholesaler desires to charge for expenses incurred in handling of individual bottles in fractional cases, or for transportation of their alcoholic beverage to persons licensed to purchase the same, the wine and spirits wholesaler shall on the fifteenth day of each posting month include with its proposed percentage posting the separate amounts, if any, to be charged for bottle handling and the amount of transportation, respectively, to be charged per case;

4. The proposed posting by the wine and spirits wholesaler shall list the percentage posting, and the handling and transportation cost without discrimination to all licensees regardless of their distance from the wine and spirits wholesaler's warehouse;

5. The ABLE Commission shall immediately upon receipt of all proposed category percentage postings, prepare a summation of the proposal and disseminate an electronic copy to all wine and spirits wholesalers. The summation shall contain the proposed percentage posting for each category, including proposed transportation charges as submitted by each wine and spirits wholesaler;

6. After filing the report required by this subsection, any and all wine and spirits wholesalers shall be permitted to register on or before the twenty-fifth day of each posting month an adjusted price. The adjusted price means percentage or individual item prices reported and registered by a wine and spirits wholesaler on or before the twenty-fifth day of the posting month in response to a lower percentage reported and registered by a competitor on the fifteenth day of the month. The adjusted price shall be no lower than the lowest percentage posted on the fifteenth day of said month by any wine and spirits wholesaler;

7. The adjusted price posted by a wine and spirits wholesaler in response to the lowest percentage posted by any wine and spirits wholesaler may, but need not be, posted in terms of a percentage and, if not so stated, shall state the price at which the wine and spirits wholesaler proposes to sell each individual item or size of item which he proposes to offer for sale during the posting period. The price postings, except for unmodified percentage markups, shall describe each item by brand, size, age, type and proof. Wines and champagnes shall reflect the alcoholic contents thereof;

8. The percentage markup utilized by a wine and spirits wholesaler in calculating its adjusted prices may be at any level between its originally posted percentage markup and the lowest percentage markup originally posted by any other wine and spirits wholesaler, but may not be above its original posting or below the lowest percentage posted by any wine and spirits wholesaler. Any fraction within four (4) decimals in determining final prices of bottles shall be raised to the next higher cent;

9. Each wine and spirits wholesaler may, upon the twenty-fifth day of the posting month, adjust his transportation and handling charges to a level no lower than that of a competitor or higher than its initial proposal on the fifteenth day of the posting month. Such bottle handling and transportation charge shall be in effect for the duration of the price posting which it accompanies. Provided, that if a licensee shall order any item in full case lots and the wine and spirits wholesaler does not have in inventory such item in full case lots, no bottle handling charge may be assessed to the licensee for the partial case;

10. All wine and spirits wholesalers shall, on the same date of filing an adjusted price posting with the ABLE Commission, transmit electronically a copy of its adjusted prices to each wine and spirits wholesaler in the state;

11. A wine and spirits wholesaler may include a minimum order charge of no less than One Dollar (\$1.00) for any order of alcoholic beverages to a retail, mixed beverage, caterer or special event licensee that does not exceed the amount that such wholesaler designates as a minimum order in his proposed price posting. The minimum charge, if it is more than One Dollar (\$1.00), and the amount of the minimum order shall be included in the price posting;

12. All price postings, as adjusted, shall become effective on the first day of the following month and remain in effect for a period of two (2) months. No other charge may be assessed by the wholesaler to the licensee except those expressly authorized by the provisions of the Oklahoma Alcoholic Beverage Control Act or the rules of the ABLE Commission;

13. A price posting on a new item not previously stocked by a wine and spirits wholesaler shall be filed with the ABLE Commission prior to offering for sale, but no such item shall be listed at a lower price than is then, or will be, in effect during the price period for which the new item is filed, and within the percentage in the proper category of said wine and spirits wholesaler. In the event of a new item posting, mailings to wine and spirits wholesalers and those licensed to purchase wine and spirits in the state, as herein required, shall be sent on the same date as the postings;

14. When a wine and spirits wholesaler discontinues an item, or does not have an item in its warehouse or on order, the item shall be deleted from its price posting. When or if the item is restocked or replaced in the inventory of the wine and spirits wholesaler, it shall be reentered into the price postings as would a new item;

15. The sale of or the offer to sell alcoholic beverages at the prices quoted in such price posting before the same is in force and effect shall be grounds for the suspension or revocation of the wine and spirits wholesaler's license if the new price varies from the price then in effect; and

16. The provisions of this section are severable, and if any provisions of the same shall be void, the decision of the court so holding shall not affect or impair the remaining parts or provisions thereof.

B. This section shall not apply to products that have been designated by a manufacturer for distribution by a wine and spirits wholesaler or by a brewer for distribution by a beer distributor pursuant to subsection B of Section 3-116 of this title in the state.

Added by Laws 2017, c. 364, § 18, eff. Oct. 1, 2018. Amended by Laws 2019, c. 322, § 19, emerg. eff. May 7, 2019.

§37A-3-116.2. Designated wholesalers or beer distributors - Posting requirements.

A. In the event a manufacturer has designated a wine and spirits wholesaler or a brewer has designated a beer distributor pursuant to subsection B of Section 3-116 of this title to sell its product in the state, the wine and spirits wholesaler shall comply with the following posting requirements: The wine and spirits wholesaler or beer distributor appointed pursuant to subsection B of Section 3-116 of this title shall submit its line-item price posting for that product no later than the fifteenth day of each month. If the fifteenth day of the month falls on a Saturday, Sunday or a holiday then the wine and spirits wholesaler shall submit its price posting on the next business day. The price posting submitted by the wine and spirits wholesaler shall list the line-item price, handling cost, transportation cost and any other costs that may be associated with the sale or delivery of that item. All prices shall become effective on the first business day of the month following posting and shall remain in effect and unchanged in one-month increments. No change or modification of the posted price shall be permitted except upon written permission from the ABLE Commission based on good cause shown.

B. This section shall not apply unless a product has been designated by a manufacturer for distribution by a single wine and spirits wholesaler in the state or by a brewer for distribution by a beer distributor pursuant to subsection B of Section 3-116 of this title.

Added by Laws 2017, c. 364, § 19, eff. Oct. 1, 2018. Amended by Laws 2019, c. 322, § 20, emerg. eff. May 7, 2019.

§37A-3-116.3. Wholesalers - Electronic publishing of price catalog.

A. On the first business day of every month, every wine and spirits wholesaler shall electronically publish and distribute its price catalog to the ABLE Commission, to all licensees who have purchased alcoholic beverages from the wine and spirits wholesaler within the past sixty (60) days, and to any on-premises or off-premises licensee who requests an electronic copy of the same. Every price catalog shall contain the sales price of every item offered for sale by brand name, size, proof and type of alcoholic beverage, as well as any transportation, handling and other charges to be assessed for the delivery of the products. In addition, every price catalog shall contain the effective date of the price catalog, as well as the name, physical address, office phone number and facsimile number of the wine and spirits wholesaler.

B. The wine and spirits wholesaler shall not alter or modify its price catalog without the prior written consent of the ABLE Commission for good cause shown. The ABLE Commission may also approve a modification to a wine and spirits wholesaler's price catalog in the event a manufacturer is allowed to change the price of a product within the posting period. For designated products,

the price amendment shall become effective on the first business day of the following calendar week. For nondesignated products, the price amendment shall become effective on the first day of the second month of the sixty-day posting period. The wine and spirits wholesaler shall publish and distribute all approved price amendments consistent with the requirements set forth in subsection A of this section.

Added by Laws 2017, c. 364, § 20, eff. Oct. 1, 2018.

§37A-3-116.4. Top brand products - Offered to all wholesalers without discrimination.

Any wine or spirit product that constitutes a top brand, as defined in this section, shall be offered by the manufacturer for sale to every licensed wine and spirits wholesaler who desires to purchase the same on the same price basis and without discrimination or inducements. "Top brand" shall mean those brands constituting the top twenty-five brands in total sales of spirits and of wine by all wholesalers during the past twelve-month period, according to the records of the ABLE Commission as revised by the ABLE Commission quarterly. In order to allow the ABLE Commission to determine the top twenty-five brands of spirits and of wine, all wholesalers must submit to the ABLE Commission every sixty (60) days a sworn affidavit listing their top thirty brands of spirits and of wine in sales for the previous sixty (60) days, excluding sales to wholesalers. Wholesalers who choose to purchase any top-brand wine or spirits product shall comply with the line-item price posting requirements of Section 3-116.2 of Title 37A of the Oklahoma Statutes. Any pricing amendment to which the ABLE Commission provides its written consent in accordance with Section 3-116.3 of Title 37A of the Oklahoma Statutes shall become effective on the first business day of the following week.

Added by Laws 2019, c. 353, § 2.

§37A-3-117. Sale of alcoholic beverages packaged with nonalcoholic promotional items.

A. A retailer may offer for sale and sell alcoholic beverages which are packaged or are to be packaged with nonalcoholic promotional items, if such packaging and all nonalcoholic promotional items are provided by the manufacturer or brewer or agent of the manufacturer or brewer at the expense of the manufacturer or brewer or agent of the manufacturer or brewer, regardless of where such packages are assembled.

B. The manufacturer or brewer or agent of the manufacturer or brewer may provide such packaging and any nonalcoholic promotional items to the retailer at the retailer's premises, or otherwise, and may deliver such packaging and all nonalcoholic promotional items provided by the manufacturer or brewer or agent to the retailer by

means of common carrier, or otherwise, at no expense to the retailer, for the retailer to incorporate the alcoholic beverage product of the manufacturer or brewer into the manufacturer's or brewer's packaging or with such promotional items.

C. The manufacturers and brewers of alcoholic beverages, through their agents, must make access to the packaging for such alcoholic beverages with nonalcoholic promotional items available equally to retailers in this state. Such access to the promotional packaging is subject to the reasonable supplies of such packaging and subject to the terms of the manufacturer's or brewer's promotion. Such access to the manufacturer's or brewer's packaging by the retailers shall be commensurate to the needs of the retailers based on the stock of the manufacturer's or brewer's product carried by the retailer. The manufacturers and brewers shall only be required to carry reasonable supplies of such promotional packages and shall make a good faith effort to ratably distribute such packaging or items to those retailers who desire such packaging or items.

Added by Laws 2016, c. 366, § 87, eff. Oct. 1, 2018. Amended by Laws 2019, c. 322, § 21, emerg. eff. May 7, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-3-118. Retail sales of alcoholic beverages - Minimum price markup - Exceptions.

No alcoholic beverages intended for off-premise or on-premise consumption shall be sold at retail for less than a six percent (6%) markup, unless the sale meets one or more of the following conditions:

1. Where seasonable merchandise is sold in bona fide clearance sales, if advertised, marked and sold as such;
2. Where merchandise is imperfect or damaged or is being discontinued and is advertised, marked and sold as such;
3. Where merchandise is sold upon the final liquidation of any business;
4. Where merchandise is sold for charitable purposes or to relief agencies;
5. Where merchandise is sold on contract to departments of the government or governmental institutions;
6. Where merchandise is sold by any officer acting under the order or direction of any court; or
7. Where merchandise is sold at any bona fide auction sale.

Added by Laws 2016, c. 366, § 88, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-3-119. Business interests and acts prohibited for manufacturer, wine and spirits wholesaler, beer distributor, person authorized to sell alcoholic beverages to a wholesaler and others.

It shall be unlawful for any manufacturer, brewer, wine and spirits wholesaler, beer distributor or person authorized to sell alcoholic beverages to a wholesaler, or any employee, officer, director, stockholder owning fifteen percent (15%) or more of the stock, any type of partner, manager, member or agent thereof, to directly or indirectly:

1. Have any financial interest in any premises upon which any alcoholic beverage is sold at retail or in any business connected with the retailing of alcoholic beverages; provided, nothing in this act shall prohibit the operation of a mixed beverage licensee, beer and wine licensee or caterer licensee by an entity which has common owners with the holder of a small brewer license or a brewpub license;

2. Lend any money or other thing of value, or to make any gift or offer any gratuity, to any package store, retail wine, retail beer, mixed beverage, beer and wine, public event or bottle club licensee or caterer;

3. Guarantee any loan or the repayment of any financial obligation of any retailer, mixed beverage, beer and wine, public event or bottle club licensee or caterer;

4. Require any wine and spirits wholesaler, beer distributor, retailer, mixed beverage, on-premises beer and wine licensee, public event or caterer to purchase and dispose of any quota of alcoholic beverages, or to require any retailer to purchase any kind, type, size, container or brand of alcoholic beverages in order to obtain any other kind, type, size, container or brand of alcoholic beverages;

5. Sell to any retailer, mixed beverage, on-premises beer and wine licensee, public event or caterer any alcoholic beverage on consignment, or upon condition, or with the privilege of return, or on any condition other than a bona fide sale; provided, the following shall not be considered a violation of this paragraph:

- a. delivery in good faith, through mistake, inadvertence or oversight, of an alcoholic beverage that was not ordered by a retailer, mixed beverage licensee, on-premises beer and wine licensee, caterer, public event or special event licensee to such licensee,
- b. replacement of product breakage that occurred while the alcoholic beverages were in transit from the wholesaler to the licensee, or
- c. replacement of cork-tainted wine that makes the product unsaleable as long as the licensee notifies the wine and spirits wholesaler of the defect in

writing within ninety (90) days after delivery of the product; or

6. Extend credit to any retailer, other than holders of Federal Liquor Stamps on United States government reservations and installations, mixed beverage, public event or on-premises beer and wine licensee or caterer, other than a state lodge located in a county which has approved the retail sale of alcoholic beverages by the individual drink for on-premises consumption. The acceptance of a postdated check or draft or the failure to deposit for collection a current check or draft by the second banking day after receipt shall be deemed an extension of credit. Violation of this section shall be grounds for suspension of the license.

Added by Laws 2016, c. 366, § 89, eff. Oct. 1, 2018. Amended by Laws 2019, c. 322, § 22, emerg. eff. May 7, 2019; Laws 2019, c. 431, § 1, emerg. eff. May 23, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-3-120. Business interests prohibited for beverage, beer and wine, caterer, public event or bottle club licensees.

No mixed beverage, beer and wine, caterer, public event or bottle club licensee, partner in any type of partnership, manager or member of a limited liability company, officer, director or stockholder of any corporate licensee owning more than fifteen percent (15%) of the stock shall have any right, title, lien, claim or interest, financial or otherwise in, upon or to the premises, equipment, business or merchandise of any package store, beer distributor, brewer, manufacturer or wholesaler. The provisions of this section shall not prohibit a person who is an officer or director of a fraternal or veteran's organization which is a tax exempt organization under Section 501(c)(8), (10) or (19) of the Internal Revenue Code and which holds a license issued by the ABLE Commission from having a right, title, lien, claim or interest in the premises, equipment, business or merchandise of a package store. Added by Laws 2016, c. 366, § 90, eff. Oct. 1, 2018. Amended by Laws 2019, c. 322, § 23, emerg. eff. May 7, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-3-121. Business interests in mixed beverage, beer and wine, caterer, public event or bottle club prohibited for manufacturer, wine and spirits wholesaler, beer distributor and others.

No manufacturer, brewer, wine and spirits wholesaler, beer distributor, partner in any type of partnership, manager or member of a limited liability company, or officer, director or stockholder

of any nonresident seller, brewer, or manufacturer licensee, owning more than fifteen percent (15%) of the stock shall have any right, title, claim or interest, financial or otherwise in, upon or to the premises, equipment, business or merchandise of any mixed beverage, beer and wine, caterer, public event or bottle club licensee.

Added by Laws 2016, c. 366, § 91, eff. Oct. 1, 2018. Amended by Laws 2019, c. 322, § 24, emerg. eff. May 7, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-3-122. Business interests in interactive entertainment facilities.

A. As used in this section:

1. "Interactive entertainment facility" means premises that feature interactive computer and video entertainment attractions, themed merchandise, food and alcoholic beverages; and

2. "Main purpose of the business" means that the total gross income derived from interactive entertainment exceeds the total gross income derived from the sale, mixing, or serving of alcoholic beverages.

B. Nothing in Sections 89 or 90 of this act shall be construed as prohibiting the issuance, transfer or renewal of any mixed beverage license to any person or corporation with respect to premises that are an integral part of an interactive entertainment facility in which a manufacturer, brewer, nonresident seller, distiller or rectifier has an interest, directly or indirectly, of less than thirty percent (30%) if all the following conditions are met:

1. The main purpose of the business conducted within the facility is providing interactive entertainment, not the sale of alcoholic beverages;

2. The mixed beverage licensee shall serve other brands of wine, beer and alcoholic beverages in addition to the brands manufactured, produced or distributed by any distiller, rectifier, nonresident seller, brewer or manufacturer that has a direct or indirect interest in the mixed beverage license;

3. No more than twenty percent (20%) of the mixed beverage licensee's purchases of alcoholic beverages for sale on its licensed premises shall be products manufactured, produced or distributed by the manufacturer, brewer, distiller, rectifier or nonresident seller that has a direct or indirect interest in the licensed premises;

4. The licensee purchases all alcoholic beverages and beer sold on the premises from wholesalers or distributors that are licensed in Oklahoma;

5. The distiller, rectifier, nonresident seller, brewer or manufacturer does not control, directly or indirectly, the day-to-day operation of the licensed premises; and

6. Officers, directors and employees of the distiller, rectifier, nonresident seller, brewer or manufacturer do not serve as officers or directors of the entity operating the licensed premises.

Added by Laws 2016, c. 366, § 92, eff. Oct. 1, 2018. Amended by Laws 2019, c. 322, § 25, emerg. eff. May 7, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-3-123. Sale of alcoholic beverages to wholesalers, beer distributors or retailers - Unlawful to discriminate in price - Violations.

A. It shall be unlawful for any person privileged to sell alcoholic beverages to wholesalers, beer distributors or retailers:

1. To discriminate, directly or indirectly, in price between one wine and spirits wholesaler and another wine and spirits wholesaler, when that manufacturer has not designated a single wine and spirits wholesaler, or between one retailer and another retailer purchasing alcoholic beverages bearing the same brand or trade name and of like age and quality, unless otherwise provided by law; or

2. To grant, directly or indirectly, any discount, rebate, free goods, allowance or other inducement.

B. The ABLE Commission is hereby authorized to promulgate rules which are necessary to carry out the purpose of this section and to prevent its circumvention by offering or giving of any rebate, allowance, free goods, discount or any other thing or service of value; provided, the posting or invoicing of charges per order for processing minimum orders or per case for the handling or repacking of goods by wine and spirits wholesalers and beer distributors for sales in less than full case lots shall not constitute a violation of this section.

C. For the violation of any provision of this section or of any rule duly promulgated under this section, the ABLE Commission may issue a written warning, fine, suspend or revoke a license as follows:

1. For a first offense, a written warning which may be accompanied by a fine not to exceed Five Thousand Dollars (\$5,000.00);

2. For a second offense, not exceeding ten (10) days' suspension of license; and

3. For a third offense, the ABLE Commission shall revoke the license.

Provided, however, prior to suspending or revoking a license, the ABLE Commission shall first provide written notice to a licensee of the violation and a period of ninety (90) days following such notice to cure or remedy such violation. For purposes of this section, a "second offense" and "third offense" shall mean violations that are related to or arising out of and occurring within twelve (12) months of the "first offense".

D. For purposes of this section, and except as otherwise provided in subsection E of this section, "inducement" means directly or indirectly offering, selling, trading, giving or furnishing any discount, free goods, electronic or nonelectronic refrigerated equipment, barrels, tubs, fixtures, dispensing equipment, outdoor electric or nonelectric advertising structure displaying the retailer's name, permanent shelving, supplies, gifts, prizes, instantly redeemable coupons, premiums, retailer rebates, services of any employee including but not limited to affixing price labels or tags, routinely stocking product on shelves other than the stocking of cold boxes, paying a third party for entering product and price information into a retailer's computer system, portal, website, spreadsheet or third-party system, handling product that was not sold to the retailer by the licensee, paying a slotting fee, selling on consignment, operating a retailer's cash register, conducting janitorial services, providing decorations, samples of alcoholic beverages, personal property or other inducement or thing of value to any retail spirit, retail beer, retail wine, beer and wine, mixed beverage, caterer, bottle club or special event licensee, wine and spirits wholesaler or beer distributor, their agents or employees.

E. It shall not be deemed an inducement for a brewer, beer distributor, small brewer self-distributor or brewpub self-distributor to voluntarily take the following merchandising actions with the permission of the retail licensee:

1. Furnish point-of-sale advertising materials and consumer advertising specialties, as those terms are defined in 27 C.F.R., Section 6.84 and in compliance with the other limits and restrictions provided in 27 C.F.R., Section 6.84;

2. Give or sell product displays, including but not limited to barrels and tubs, provided that the value of such displays does not exceed the limits and restrictions provided in 27 C.F.R., Section 6.83;

3. Build product displays, accessible to the customer for the product being delivered by the beer distributor;

4. Affix pricing to the shelf strip or product display for the product being delivered by the beer distributor, small brewer self-distributor or brewpub self-distributor, or brewed by the brewer;

5. Routinely stock and restock shelves and cold boxes and rotate product that has been sold to the retail licensee by the beer

distributor, small brewer self-distributor or brewpub self-distributor, or brewed by the brewer;

6. Periodically perform product resets, with permission of the retail licensee, pursuant to a provided shelf plan or shelf schematic;

7. Furnish things of value to a temporary retailer, as defined in 27 C.F.R., Section 6.85;

8. Sell equipment or supplies to a retail licensee, provided the equipment or supplies are sold at a price not less than the cost to the industry member and payment is collected within thirty (30) days of the sale;

9. Install dispensing accessories at the retail location, as long as the retailer bears the cost of installation including equipment; or furnish, give or sell coil cleaning services to a retailer;

10. Withdraw quantities of beer or cider in undamaged, original packaging from the retail licensee's stock, provided the beer distributor, small brewer self-distributor, brewpub self-distributor or brewer sold such beer, directly or indirectly, to the retail licensee and such removal is otherwise permitted under Section 3-115 of this title; provided, however, replacing with beer or cider of equivalent value shall not be considered a consignment sale;

11. Provide mail-in rebates for beer, cider and nonalcoholic beverage merchandise items, funded by the brewer and redeemed by the brewer, either by itself or through a third-party fulfillment company, for a discount or rebate on the beer, cider or nonalcoholic item;

12. Provide a recommended shelf plan or shelf schematic to a retail licensee for all or any portion of the inventory sold by the retail licensee;

13. Furnish or give a sample of beer or cider to a retailer who has not purchased the brand from that brewer, beer distributor, small brewer self-distributor or brewpub self-distributor within the last twelve (12) months, provided that the brewer, beer distributor, small brewer self-distributor or brewpub self-distributor may not give more than thirty-six (36) ounces of any brand of beer or cider to a specific retailer;

14. Furnish or give newspaper cuts, mats or engraved blocks for use in retailers' advertisements;

15. Package and distribute beer or cider in combination with other nonalcoholic items for sale to consumers;

16. Give or sponsor educational seminars for employees of retailers either at the brewer, beer distributor, small brewer self-distributor or brewpub self-distributor's premises or at the retailer's establishment, including seminars dealing with use of a retailer's equipment, training seminars for employees of retailers or tours of the brewer, beer distributor, small brewer self-

distributor, or brewpub self-distributor's plant premises, provided that the brewer, beer distributor, small brewer self-distributor or brewpub self-distributor shall not pay the retailer for the employees' travel, lodging or other expenses in conjunction with an educational seminar but may provide nominal hospitality during the event;

17. Conduct tasting or sampling activities at a retail establishment and purchase the products to be used from the retailer so long as the purchase price paid does not exceed the ordinary retail price; provided, a beer distributor shall not be required to provide labor for such sampling activities;

18. Offer contest prizes, premium offers, refunds and like items directly to consumers so long as officers, employees and representatives of brewers, beer distributors, small brewer self-distributors, brewpub self-distributors and licensed retailers are excluded from participation;

19. List the names and addresses of two or more unaffiliated retailers selling the products of a brewer, beer distributor, small brewer, small brewer self-distributor or brewpub self-distributor in an advertisement of such brewer, beer distributor, small brewer, small brewer self-distributor or brewpub self-distributor so long as the requirements of 27 C.F.R., Section 6.98 are satisfied, considering applicable guidance issued by the United States Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau; provided, nothing in the Oklahoma Alcoholic Beverage Control Act shall prohibit a retail, mixed beverage, on-premises beer and wine, public event, special event, charitable auction, charitable alcoholic beverage event, or complimentary beverage licensee from communicating with a brewer, beer distributor, small brewer, small brewer self-distributor or brewpub self-distributor on social media or sharing media on the social media page or site of a brewer, beer distributor, small brewer, small brewer self-distributor or brewpub self-distributor. A retail, mixed beverage, on-premises beer and wine, public event, special event, charitable auction, charitable alcoholic beverage event, or complimentary beverage licensee may request free social media advertising from a brewer, beer distributor, small brewer, small brewer self-distributor or brewpub self-distributor; provided, nothing in this section shall prohibit a brewer, beer distributor, small brewer, small brewer self-distributor or brewpub self-distributor from sharing, reposting or forwarding a social media post by a retail, mixed beverage, on-premises beer and wine, public event, special event, charitable auction, charitable alcoholic beverage event, or complimentary beverage licensee, as long as the sharing, reposting or forwarding of the social media post does not contain the retail price of any alcoholic beverage. No brewer, beer distributor, small brewer, small brewer self-distributor or brewpub self-distributor shall pay

or reimburse a retail, mixed beverage, on-premises beer and wine, public event, special event, charitable auction, charitable alcoholic beverage event, or complimentary beverage licensee, directly or indirectly, for any social media advertising services. No retail, mixed beverage, on-premises beer and wine, public event, special event, charitable auction, charitable alcoholic beverage event, or complimentary beverage licensee shall accept any payment or reimbursement, directly or indirectly, for any social media advertising service offered by a brewer, beer distributor, small brewer, small brewer self-distributor or brewpub self-distributor. For purposes of this paragraph, "social media" means a service, platform or site where users communicate with one another and share media, such as pictures, videos, music and blogs, with other users free of charge; or

20. Entering product and price information into a retailer's portal, website, spreadsheet or third-party system. A brewer may pay for a third-party system that provides data and pricing services to the brewer or a beer distributor.

F. It shall not be deemed an inducement for a brewer, beer distributor, small brewer self-distributor or brewpub self-distributor to engage in the following marketing activities, provided that the brewer, beer distributor, small brewer self-distributor or brewpub self-distributor shall not pay the retailer's travel costs other than those for local transportation or lodging:

1. Provide tickets to a retailer for a sporting or entertainment event so long as a representative of the brewer, beer distributor, small brewer self-distributor or brewpub self-distributor attends the event with the retailer;

2. Provide food and beverage to a retailer for immediate consumption:

- a. at a meeting at which the primary purpose is the discussion of business,
- b. at a convention when the food and beverages are offered to all participants, or
- c. at a sports or entertainment event that the representatives of a brewer, beer distributor, small brewer self-distributor or brewpub self-distributor attend with the retailer;

3. Participate in retailer association activities by engaging in the following actions:

- a. displaying products at a convention or trade show,
- b. renting display booth space if the rental fee is the same as paid by all exhibitors at the event,
- c. providing its own hospitality which is independent from association-sponsored activities,
- d. purchasing tickets to functions and paying registration fees if the payments or fees are the same

as paid by all attendees, participants or exhibitors at the event, or

- e. making payments for advertisements in programs or brochures issued by retailer associations at a convention or trade show; or

4. Giving or selling outdoor signs to a retailer so long as the following requirements of 27 C.F.R., Section 6.102 are satisfied:

- a. the sign bears conspicuous and substantial advertising matter about the product or the brewer, beer distributor, small brewer self-distributor or brewpub self-distributor which is permanently inscribed or securely affixed,
- b. the retailer is not compensated, directly or indirectly, such as through a sign company, for displaying the signs, and
- c. a permanent outdoor sign does not contain the retailer's name.

G. It shall not be deemed an inducement or a discriminatory action for a brewer, beer distributor, small brewer self-distributor, brewpub self-distributor, or a wine and spirits wholesaler to establish individualized servicing and delivery schedules for its retailers based on each retailer's actual needs, including, without limitation, on the basis of the retailer's sales volume.

Added by Laws 2016, c. 366, § 93, eff. Oct. 1, 2018. Amended by Laws 2019, c. 431, § 2, emerg. eff. May 23, 2019; Laws 2021, c. 28, § 1, eff. Nov. 1, 2021; Laws 2023, c. 94, § 3, emerg. eff. April 26, 2023.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-3-124. Voter approval at county special elections or a general election required for sale of alcoholic beverages on Sundays or by individual drink for on-premises consumption.

A. Sale of alcoholic beverages by the individual drink for on-premises consumption shall be unlawful in any county of this state unless the sale has been approved by a majority of the registered voters of the county voting thereon at a special election called by the board of county commissioners or a General Election. Subject to the provisions of subsection C of this section, such election shall be called by the board of county commissioners upon receipt of a petition signed by registered voters constituting not less than fifteen percent (15%) of the total votes cast in the county in the last General Election for the Office of Governor, or such election may be called by the board of county commissioners upon its own motion. At the time such election is called, the proposition shall

include those days or portions of days, if any, on which sales of alcoholic beverages by the individual drink are not authorized. If the proposition is the result of a motion of the board of county commissioners, then the ABLE Commission shall designate the days or portions of days, if any, on which the sales of alcoholic beverages are not authorized. If the proposition is the result of a petition, such petition shall specify days or portions of days, if any, on which the sales of alcoholic beverages are not authorized.

If, at the Special Election or at a General Election, the proposition to authorize the sale of alcoholic beverages by the individual drink for on-premises consumption fails to be approved by the registered voters of the county, the county shall not hold another election on whether or not to approve such sales, for at least two (2) years from the date the proposition failed to be approved.

B. Sales of alcoholic beverages on Sundays by retail spirits licensees shall be unlawful in any county of this state unless approved by a majority of the registered voters of the county voting thereon at a special election called by the board of county commissioners or a General Election. Subject to the provisions of subsection C of this section, such election shall be called by the board of county commissioners upon receipt of a petition signed by registered voters constituting not less than fifteen percent (15%) of the total votes cast in the county in the last General Election for the Office of Governor, or such election may be called by the board of county commissioners upon its own motion.

C. A proposition otherwise authorized by the provisions of subsection A or subsection B of this section shall be placed before the voters of the applicable county at an election to be held on the same date as:

1. Any regularly scheduled federal, state or county election held in that county;

2. A special election held in that county for a federal, state or county office; or

3. A special election held in that county for another county proposition or a state question.

Added by Laws 2016, c. 366, § 94, eff. Oct. 1, 2018. Amended by Laws 2017, c. 340, § 1, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-3-125. Restrictions on time of sales of alcoholic beverages on-premises - Days which may be not authorized for sales of alcoholic beverages.

A. No alcoholic beverages may be sold, dispensed, served or consumed on the premises of a mixed beverage, caterer, public event,

charitable event, special event, on-premises beer and wine, small brewer or brewpub licensee between the hours of 2:00 a.m. and 8:00 a.m. Municipalities may enact ordinances requiring such premises to be closed to the public between the hours of 2:00 a.m. and 6:00 a.m.

B. Counties that elect to authorize sales of alcoholic beverages by the individual drink may designate any or all of the following days as days or portions thereof on which the sales of alcoholic beverages are not authorized:

1. On the first day of the week, commonly called Sunday; and
2. On Decoration or Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

C. Counties that elect to authorize sales of alcoholic beverages by the individual drink shall not prohibit such sales on the day of any national, state, county or city election, including primary elections, provided that the election day does not occur on any day on which such sales may otherwise be prohibited by any other law.

Added by Laws 2016, c. 366, § 95, eff. Oct. 1, 2018. Amended by Laws 2018, c. 207, § 1, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 307, which was adopted at election held on Nov. 8, 2016.

§37A-3-126. Bottle clubs - Restrictions on hours to dispense, serve or consume alcoholic beverages.

No alcoholic beverages may be dispensed, served or consumed on the premise of a bottle club licensee between the hours of 2:00 a.m. and 10:00 a.m.

Added by Laws 2016, c. 366, § 96, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-3-127. Bottle clubs - Membership cards - Alcoholic beverages - Nonalcoholic beverages - Violations - Penalties.

A. No person shall be allowed to enter or remain in the designated bar or lounge area of a bottle club unless that person possesses a valid membership card for that club issued by the club. Membership cards issued by a bottle club shall be purchased by the club from the ABLE Commission at a cost of Three Dollars (\$3.00) per temporary membership card and Twenty-five Dollars (\$25.00) per annual membership card. A temporary membership card shall be valid for a period of seventy-two (72) consecutive hours from issuance to the member. The date of issuance of a temporary membership shall be clearly and prominently marked upon the card. When the card is issued to a member by the club, the club may require the member to reimburse the club for the cost of the card. No membership card

shall be issued to any person under twenty-one (21) years of age. The ABLE Commission shall have the authority to promulgate rules concerning bottle club membership cards.

B. A bottle club license authorizes alcoholic beverages belonging to members of the club to be:

1. Stored, possessed and mixed on club premises; and
2. Served for on-premises consumption to members. Each member shall be served only from the member's individually owned bottle of alcoholic beverage which shall be marked with the owner's full name or code number. Such numbers shall be maintained on the club premises, available for inspection by employees of the ABLE Commission or by any peace officer.

Pool systems of storage and purchase of alcoholic beverages in a bottle club are specifically prohibited.

C. The sale, preparation or service of ice or nonalcoholic beverages that are sold, prepared or served for the purpose of being mixed with alcoholic beverages for consumption on the premises where such sale, preparation or service occurs shall be subject to the sales tax levied by the Oklahoma Sales Tax Code and to any municipal or county sales taxes.

D. Any bottle club licensee, or employee or agent of such a licensee who sells to a member any alcoholic beverage shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of One Thousand Dollars (\$1,000.00) and the club license shall be revoked for a period of thirty (30) days. Any bottle club licensee, or employee or agent of such a licensee who delivers or furnishes to a member any alcoholic beverage that does not belong to the member shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) and the club license shall be revoked for a period of thirty (30) days. Any bottle club licensee, or employee or agent of such a licensee who permits any person who is not a member to enter and remain in the designated bar or lounge area of the club premises shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of One Thousand Dollars (\$1,000.00) and the bottle club license shall be suspended for a period of thirty (30) days. No bottle club licensee, or employee or agent of such a licensee shall serve alcoholic beverages to any person that does not possess a valid membership card for that club issued by the club.

E. Any bottle club licensed under the provisions of the Oklahoma Alcoholic Beverage Control Act shall pay the license fee provided by law and obtain a separate license for each separate place of business.

F. In counties of this state where retail sale of alcoholic beverages by the individual drink has not been authorized, no person shall serve alcoholic beverages by the individual drink for on-

premises consumption or permit the consumption of alcoholic beverages except in a bottle club licensed pursuant to this section or in a private residence; provided, this shall not prohibit a winery from serving visitors on the licensed premises free samples of wine produced on the premises. No member of a bottle club shall serve alcoholic beverages lawfully prepared for the member in the designated bar or lounge area of a bottle club to any person who does not possess a valid membership card for the bottle club.

Added by Laws 2016, c. 366, § 97, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-4-101. Municipal authority to enact ordinances.

A. Municipalities are authorized to enact ordinances consistent with the provisions of the Oklahoma Alcoholic Beverage Control Act. In municipalities with populations of thirty-five thousand (35,000) or more according to the most recent federal decennial census, these ordinances may provide for maximum penalties of fines not to exceed One Thousand Dollars (\$1,000.00) plus court costs, an imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.

B. All municipalities of this state may enact ordinances prohibiting or regulating nudity or drink solicitation in establishments licensed pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act.

C. The provisions of this section shall not authorize any municipality to regulate by ordinance or issue any licenses for activities for which a license is required to be issued pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act.

D. Municipalities are authorized to enact ordinances regulating the closing time of ABLE Commission licensees who provide alcoholic beverages for consumption on the premises; provided, no ordinance shall be enacted for premises to open later than 6:00 a.m. or close earlier than 2:00 a.m.

Added by Laws 2016, c. 366, § 98, eff. Oct. 1, 2018. Amended by Laws 2018, c. 207, § 2, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 307, which was adopted at election held on Nov. 8, 2016.

§37A-4-102. Mixed beverage, beer and wine, caterer, public event or bottle club licensee - Municipal or county proceeding to suspend or revoke license.

The governing body of any municipality, as to any mixed beverage, beer and wine, caterer, public event or bottle club licensee having its principal place of business in such municipality, and the board of county commissioners of any county,

as to any mixed beverage, beer and wine, caterer, public event or bottle club licensee having its principal place of business in such county but outside the incorporated limits of a municipality, may initiate a license suspension or revocation proceeding as to such licensee by filing a written complaint with the ABLE Commission. The complaint shall set forth the grounds for the proposed suspension or revocation. Such complaint may be based on any ground that the ABLE Commission might have asserted. Upon receipt of such complaint, the ABLE Commission shall forward a copy of the complaint to the licensee together with written notice of the time and place of hearing thereon. If the complaint is filed by a municipality, the hearing shall be conducted within the corporate limits of the municipality. If the complaint is filed by a county, the hearing shall be conducted in the county. The hearing shall be held within the time limits and in the manner prescribed for suspension or revocation proceedings initiated by the ABLE Commission. In any proceeding initiated pursuant to this section, the municipality or county shall be deemed an interested party, shall have the right to be heard and to present evidence at the hearing on the complaint and shall be entitled to appeal from any final order entered by the ABLE Commission in the manner otherwise provided in the Oklahoma Alcoholic Beverage Control Act. Such municipality or county shall not be required to give bond on appeal.

Added by Laws 2016, c. 366, § 99, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-4-103. Municipal zoning authority.

Municipalities and counties are hereby authorized to create a new zoning classification to regulate the location of establishments that sell, serve, mix, dispense or allow consumption of alcoholic beverages on the premises. Such zoning classification may include but shall not be limited to reasonable parking, access regulations and other such zoning regulations as the local authorities may deem necessary for local control. This authority shall be in addition to the authority to enact ordinances established in Section 98 of this act.

Municipal courts are hereby authorized jurisdiction to hear violations of any ordinances enacted pursuant to the provisions of this section and Section 98 of this act.

Added by Laws 2016, c. 366, § 100, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-4-104. Municipal occupational tax.

Municipalities are hereby authorized to levy an annual occupational tax for the privilege of operating as a retailer, mixed beverage, beer and wine, caterer, public event or special event licensee, bottle club, manufacturer, brewer, wine and spirits wholesaler or beer distributor, within their respective jurisdictions, not to exceed the state license fee for such licensees; provided, the tax shall be levied only by the municipality in which such licensee has its principal place of business. This section shall not give any municipality any right to determine or regulate the issuance of any license, except as specifically provided for in this section, as the ABLE Commission shall have exclusive authority as to issuance and regulations of licenses. No municipality may prescribe rules or regulations in conflict with or in addition to the statutes of this state or the rules of the ABLE Commission. No licensee shall be held liable for engaging in business otherwise authorized under this title with any other retailer, mixed beverage, beer and wine, caterer, public event or special event licensee, bottle club, manufacturer, brewer, wine and spirits wholesaler or beer distributor solely because such other party has failed to pay any occupational tax due under this section.

Municipalities which levy an occupational tax under this section shall make an annual report to the ABLE Commission, covering the fiscal year, showing the number and class of licensees subject to the tax authorized by this section, and the amount of money received therefrom, which information is to be included in the annual report of the ABLE Commission submitted to the Governor, and transmitted to the Legislature.

Added by Laws 2016, c. 366, § 101, eff. Oct. 1, 2018. Amended by Laws 2017, c. 364, § 21, eff. Oct. 1, 2018; Laws 2019, c. 322, § 26, emerg. eff. May 7, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-4-105. County occupational tax.

Counties are hereby authorized to levy an annual occupational tax for the privilege of operating as a retailer, mixed beverage, beer and wine, caterer, public event or special event licensee or as a bottle club, within their respective jurisdictions and not located in a municipality levying an occupation tax as provided by Section 4-104 of this title, not to exceed the state license fee for such licensees; provided, the tax shall be levied only by the county in which such licensee has its principal place of business. All revenues derived from any such annual occupational tax shall be deposited in the general revenue fund of the county. This section shall not give any county any right to determine or regulate the issuance of any license, except as specifically provided for in this

section, as the ABLE Commission shall have exclusive authority as to issuance and regulations of licenses. No county may prescribe rules or regulations in conflict with or in addition to the statutes of this state or the rules of the ABLE Commission. No licensee shall be held liable for engaging in business otherwise authorized under this act with any other mixed beverage, beer and wine, caterer, public event or special event licensee or bottle club solely because such other party has failed to pay any occupational tax due under this section.

Counties which levy an occupational tax under this section shall make an annual report to the ABLE Commission, covering the fiscal year, showing the number and class of licensees subject to the tax, and the amount of money received therefrom, which information is to be included in the annual report of the ABLE Commission submitted to the Governor, and transmitted to the Legislature.

Added by Laws 2016, c. 366, § 102, eff. Oct. 1, 2018. Amended by Laws 2017, c. 364, § 22, eff. Oct. 1, 2018; Laws 2018, c. 215, § 1, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 307, which was adopted at election held on Nov. 8, 2016.

§37A-4-106. Enforcement of the Oklahoma Alcoholic Beverage Control Act.

All sheriffs, marshals and police officers, all district and city or town attorneys and all employees of the ABLE Commission, shall diligently enforce all provisions of the Oklahoma Alcoholic Beverage Control Act. If any such person shall fail or refuse to do or perform any duty required by the provisions of such statutes, he or she shall be removed from office as hereinafter provided. In all cases where any sheriff, marshal, police officer, district or city or town attorney shall fail or refuse to perform any such duty, a petition shall be filed in the district court of the county wherein such person resides, in the name of the state, upon the recommendation of a grand jury or on the relation of the board of county commissioners or of any attorney appointed by the Governor under the provisions of applicable statutes. In all cases where an employee of the ABLE Commission fails to perform any duty imposed upon him or her, such failure shall constitute cause for the termination of any such employee as provided by law. The Oklahoma State Bureau of Investigation and the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall also have enforcement authority for the provisions of the Oklahoma Alcoholic Beverage Control Act with the power to initiate complaints with the ABLE Commission and by filing charges, if appropriate, with the district attorney in the county where the violation occurred.

Added by Laws 2016, c. 366, § 103, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-101. Excise tax on alcoholic beverages.

A. Except as provided in this subsection, an excise tax is hereby levied and imposed upon all alcoholic beverages imported or manufactured, for sale, use or distribution, or used or possessed in this state at the following rates:

1. One Dollar and forty-seven cents (\$1.47) per liter, and a proportionate rate on fractions thereof, on each liter of spirits;
2. Nineteen cents (\$0.19) per liter, and a proportionate rate on fractions thereof, on each liter of wine;
3. Fifty-five cents (\$0.55) per liter, and a proportionate rate on fractions thereof, on each liter of sparkling wine; and
4. Twelve Dollars and fifty cents (\$12.50) per barrel (thirty-one (31) wine gallons) and a proportionate rate on portions thereof, on each barrel of beer; provided, beer manufactured in this state for export shall not be taxed.

B. The excise tax levied on alcoholic beverages except beer under subsection A of this section shall be paid as follows:

1. Payment of the excise tax levied by this section with respect to all alcoholic beverages, other than beer, shall be made as follows:

- a. the excise tax on all wine and spirits shall be collected and remitted by the Oklahoma wine and spirits wholesaler who purchases the alcoholic beverages for sale within the state, unless otherwise provided by subparagraph b of this paragraph,
- b. the excise tax on all wine shipped directly to a consumer by a winery maintaining a Winemaker Self-Distribution License pursuant to Section 2-105 of this title or a winery maintaining a Direct Wine Shipper's Permit pursuant to Section 3-106 of this title shall be collected and remitted by the winery maintaining this license or permit; and

2. The due and payable excise tax levied by this section shall be remitted electronically simultaneously with tax returns electronically filed with the Oklahoma Tax Commission using procedures prescribed by the Tax Commission. The tax returns shall be made under oath by the person liable for the tax on forms prescribed and provided by the Tax Commission and shall be accompanied by payment of the taxes due and any additional sums due as provided by this section. Invoices describing all alcoholic beverages as described in this section which are shipped into this state or which are first sold in this state shall be delivered to the Tax Commission immediately following shipment of liquors into

the state or delivery to the first purchaser. Tax returns and payment of excise tax and other sums due shall be electronically filed with the Tax Commission no later than the twentieth day of the month immediately succeeding the month of shipment, importation or first sale of the alcoholic beverages as provided in paragraph 1 of this subsection.

C. For the purpose of collecting and remitting the excise tax imposed under this section, the person liable for such tax is hereby declared to be the agent of the state for such purposes.

D. Nothing herein shall be construed to impose an additional excise tax on alcoholic beverages held in inventory by wholesalers and retailers upon which the excise tax was paid prior to the effective date of any excise tax increase.

E. The retail sale of alcoholic beverages shall be subject to the sales tax statutes enacted by the Legislature.

Added by Laws 2016, c. 366, § 104, eff. Oct. 1, 2018. Amended by Laws 2017, c. 205, § 13, eff. Oct. 1, 2018; Laws 2021, c. 171, § 1, eff. July 1, 2021.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-102. Intent of excise tax.

The excise tax levied by the Alcoholic Beverages Governance Act is hereby declared and intended to be a direct tax upon the ultimate retail consumer of alcoholic beverages in this state, and when such tax is paid by, or collected from, any other person, as herein provided for, such payment shall be considered as an advance payment for convenience and facility only, and such tax shall thereafter be added to the price of such alcoholic beverages and recovered from the ultimate retail consumer thereof.

Added by Laws 2016, c. 366, § 105, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-103. Excise tax exemptions.

A. The excise tax levied by Section 104 of this act shall not apply to:

1. Alcohol used exclusively for industrial purposes by the holder of an industrial license;
2. Alcohol lawfully withdrawn and used free of tax under a tax-free permit issued by the United States government;
3. Alcoholic beverages used exclusively by licensed physicians and dentists in the bona fide practice of their professions or by licensed pharmacists in compounding prescriptions;

4. Beer, cider and wine made for personal use pursuant to a personal use permit issued as provided in Section 70 of this act;

5. Wine used exclusively for sacramental purposes in bona fide religious ceremonies;

6. Alcoholic beverages, not exceeding one (1) liter, imported into this state by the possessor for his or her own personal use;

7. Alcoholic beverages provided to attendees, free of charge, at charitable events licensed and approved by the ABLE Commission; and

8. Mixed beverage and public event licensees which utilize the services of a licensed caterer.

B. As a condition precedent to the allowance of any exemption authorized by subsection A of this section:

1. If a license or permit is required by the Oklahoma Alcoholic Beverage Control Act, for such use, the person claiming any such exemption must have obtained from the ABLE Commission the license or permit authorizing such exempt use; and

2. There must be furnished such proof of the exclusive use for such exempt purposes as the Oklahoma Tax Commission may require.

Added by Laws 2016, c. 366, § 106, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-104. Distribution of excise tax revenue.

All revenue accruing from the excise tax levied by Section 104 of this act shall be collected by the Oklahoma Tax Commission and distributed as follows:

1. Two-thirds of ninety-seven percent ($\frac{2}{3}$ of 97%) of such tax revenue shall be paid to the State Treasurer and placed to the credit of the General Revenue Fund of the state; provided, any amounts derived from the tax levied pursuant to paragraphs 2 and 3 of subsection A of Section 104 of this act that exceed an amount equal to the total amount collected from such tax levy for the fiscal year ending on June 30, 2010, shall be distributed to the Oklahoma Viticulture and Enology Center Development Revolving Fund created pursuant to Section 132 of this act, but in no event shall the distribution to the Oklahoma Viticulture and Enology Center Development Revolving Fund in any fiscal year exceed Three Hundred Fifty Thousand Dollars (\$350,000.00);

2. One-third of ninety-seven percent ($\frac{1}{3}$ of 97%) of such revenue is hereby allocated to the counties of this state and shall be paid to the county treasurers on the basis of area and population (giving equal weight to area and population) wherein the sale of alcoholic beverages is lawful, and all of such funds shall be appropriated by the county commissioners of each county and apportioned by the county treasurer to all incorporated cities and

towns in the county on the basis of population within each city and town on a per capita basis based on the last preceding Federal Decennial Census. For the purpose of appropriating and paying the excise taxes collected under the Oklahoma Alcoholic Beverage Control Act, or any act which is amendatory thereof or supplemental thereto, to the incorporated cities and towns in any county, city or town, the corporate limits of which include territory within more than one county, shall be considered and treated as being a city or town in only the county within which more than fifty percent (50%) of the entire population of such city or town, as shown by the last preceding Federal Decennial Census, reside, and, for such purpose, shall not be considered or treated as being a city or town in any other county. In the event that the last preceding Federal Decennial Census fails to disclose information from which such fact may be determined by the board of county commissioners which is appropriating the tax money then involved to the cities and towns in its county, the board of county commissioners shall make an estimate, from the best information then available to it, as to the percentage of the entire population of such city or town then residing in the county. If such board of county commissioners determines, either from information disclosed by the last preceding Federal Decennial Census, or from the best information then available to the ABLE Commission (when such information is not disclosed by the last preceding Federal Decennial Census), that more than fifty percent (50%) of the population of such a city or town resides in that county, such city or town shall receive its pro rata share of such tax money on the basis of its entire population according to the last preceding Federal Decennial Census; but if such board of county commissioners so determines that more than fifty percent (50%) of the population of such city or town does not reside in that county, no part of such tax money shall be appropriated or paid to such city or town; and

3. The remaining three percent (3%) of such excise tax revenue shall be paid to the State Treasurer and placed to the credit of the Oklahoma Tax Commission Fund to be paid out of the fund pursuant to appropriations made by the State Legislature.

Added by Laws 2016, c. 366, § 107, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-105. Total gross receipts tax for on-premises beer and wine, mixed beverage, caterer, public event or special event license.

A. A tax at the rate of thirteen and one-half percent (13.5%) is hereby levied and imposed on the total gross receipts of a holder of an on-premises beer and wine, mixed beverage, caterer, public event or special event license issued by the ABLE Commission, from:

1. The sale, preparation or service of mixed beverages;
 2. The total retail value of complimentary or discounted mixed beverages;
 3. Ice or nonalcoholic beverages that are sold, prepared or served for the purpose of being mixed with alcoholic beverages and consumed on the premises where the sale, preparation or service occurs; and
 4. Any charges for the privilege of admission to a mixed beverage establishment which entitle a person to complimentary mixed beverages or discounted prices for mixed beverages.
- B. For purposes of this section:
1. "Catering events" means events authorized pursuant to Sections 2-112 and 2-113 of this title;
 2. "Mixed beverages" means mixed beverages as defined by Section 1-103 of this title;
 3. "Public events" means public events as defined by Section 1-103 of this title;
 4. "Special events" means special events as defined by Section 1-103 of this title;
 5. "Total gross receipts" means the total amount of consideration received as charges for admission to a mixed beverage establishment, as provided in paragraph 4 of subsection A of this section, and the total retail sale price received for the sale, preparation or service of mixed beverages, ice and nonalcoholic beverages to be mixed with alcoholic beverages. The advertised price of a mixed beverage may be the sum of the total retail sale price and the gross receipts tax levied thereon. For the purpose of presenting a sales receipt to a customer purchasing wine, beer and mixed beverages for on-premises consumption, except during catered events, public events and special events, the thirteen and one-half percent (13.5%) gross receipts tax shall be listed as a separate item on the customer receipt; and
 6. "Total retail value" means the total amount of consideration that would be required for the sale, preparation or service of mixed beverages.
- C. The gross receipts tax levied by this section shall be in addition to the excise tax levied in Section 5-101 of this title, the sales tax levied in the Oklahoma Sales Tax Code and to any municipal or county sales taxes.
- D. The gross receipts tax levied by this section is hereby declared to be a direct tax upon the receipt of consideration for any charges for admission to a mixed beverage establishment, as provided in paragraph 4 of subsection A of this section, for the sale, preparation or service of mixed beverages, ice and nonalcoholic beverages to be mixed with alcoholic beverages, and the total retail value of complimentary or discounted mixed beverages.

E. The total of the retail sale price received for the sale, preparation or service of mixed beverages, ice and nonalcoholic beverages to be mixed with alcoholic beverages shall be the total gross receipts for purposes of calculating the sales tax levied in the Oklahoma Sales Tax Code.

Added by Laws 2016, c. 366, § 108, eff. Oct. 1, 2018. Amended by Laws 2021, c. 359, § 1, eff. Nov. 1, 2021.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-106. Gross receipt tax revenue - General Revenue Fund.

All revenues generated from the gross receipts tax levied pursuant to Section 108 of this act shall be paid to the State Treasurer and placed to the credit of the General Revenue Fund of the State of Oklahoma.

Added by Laws 2016, c. 366, § 109, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-107. Mixed beverage tax permit - Violations - Penalties.

A. Every holder of a mixed beverage, if not catered, beer and wine, caterer, hotel beverage, public event, if not catered, or special event license, issued by the ABLE Commission, shall obtain a mixed beverage tax permit from the Oklahoma Tax Commission prior to engaging within this state in the sale, preparation or service of mixed beverages, ice or nonalcoholic beverages that are sold, prepared or served to be mixed with alcoholic beverages. Each licensee shall file a verified application for a mixed beverage tax permit with the Tax Commission, setting forth information as may be required by the Tax Commission.

The Tax Commission, or its designated agent, shall issue, without any fees or charges therefor, a mixed beverage tax permit in the name of the licensee for the place of business set forth in the application upon verification that:

1. The applicant is a holder of a mixed beverage, if not catered, beer and wine, caterer, hotel beverage, public event, if not catered, or special event license issued by the ABLE Commission;

2. The applicant has posted a surety bond or other negotiable collateral to protect the proper payment of the gross receipts taxes;

3. The applicant is a holder of a sales tax permit for the place of business set forth in the application; and

4. The applicant is not delinquent in the payment of any gross receipts taxes or sales taxes.

A mixed beverage tax permit shall expire three (3) years after issuance; provided, if the holder thereof is also the holder of a sales tax permit, a mixed beverage tax permit shall be valid for three (3) years or until expiration of the sales tax permit, whichever is earlier, after which a renewal permit shall be valid for three (3) years.

B. A separate mixed beverage tax permit for each place of business to be operated must be obtained and no charge therefor shall be made by the Tax Commission. The Tax Commission shall grant and issue to each applicant a separate permit for each place of business in this state, upon proper application therefor and verification thereof by the Tax Commission.

C. A mixed beverage tax permit is not assignable and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated in the permit.

D. It shall be unlawful for any person to engage in a business subject to the provisions of this section prior to the issuance of a mixed beverage tax permit. Any person who engages in a business subject to the provisions of this section without a mixed beverage tax permit or permits, or after a permit has been suspended, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00) or incarcerated for not more than sixty (60) days, or by both such fine and imprisonment.

E. Any person operating under a mixed beverage tax permit as provided in this section shall, upon discontinuance of business by sale or otherwise, return such permit to the Tax Commission for cancellation, together with payment of any unpaid or accrued taxes. Failure to surrender a mixed beverage tax permit and pay any and all accrued taxes will be sufficient cause for the Tax Commission to refuse to issue a mixed beverage tax permit subsequently to such person to engage in or transact any business in this state subject to the provisions of this section. Notwithstanding the provisions of subsection H of Section 1364 of Title 68 of the Oklahoma Statutes, the Tax Commission shall not deny a purchaser of a business subject to the provisions of this section a mixed beverage or sales tax permit because of outstanding tax liabilities of the seller, provided the seller pays to the Tax Commission the estimated sales tax owed by the seller. Provided, further, upon completion of an audit by the Tax Commission and determination of actual sales tax owed, the difference between the estimated sales tax paid and the actual sales tax owed shall be paid by the seller to the Tax Commission if taxes were underpaid or returned to the seller by the Tax Commission if taxes were overpaid.

F. Whenever a holder of a mixed beverage tax permit fails to comply with any provisions of any state alcoholic beverage laws or tax laws, the Tax Commission, after giving ten-days' notice in

writing of the time and place of hearing to show cause why this permit should not be revoked, may revoke or suspend the permit. A mixed beverage tax permit shall be renewed upon removal of cause or causes of revocation or suspension. Mixed beverage tax permits are conditioned upon the proper and timely payment of all taxes due and in the event a holder of a mixed beverage tax permit becomes delinquent in reporting or paying any tax due under the provisions of state tax law, any duly authorized agent of the Tax Commission may cancel the permit and it shall be renewed only upon the filing of proper reports and payment of all taxes due and application for renewal in accordance with subsection A of this section.

G. Upon revocation or suspension of the mixed beverage, beer and wine, caterer, hotel beverage, public event or special event license by the ABLE Commission, the Tax Commission, or its duly authorized agent, shall temporarily suspend the mixed beverage tax permit issued to the licensee in accordance with Section 212 of Title 68 of the Oklahoma Statutes.

Added by Laws 2016, c. 366, § 110, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-108. Promulgation of rules to implement reporting method of taxing - Payment of excise tax on beer.

A. The Oklahoma Tax Commission shall promulgate rules to implement a reporting method of taxing all alcoholic beverages sold or delivered in this state to eliminate the use of any type of stamps.

B. Except as otherwise provided by subsection C of this section, payment of the excise tax levied by the Oklahoma Alcoholic Beverage Control Act, with respect to beer shall be made by the manufacturer or brewer as to all beer produced by such brewer within the state for sale within this state, and shall be made by the importing manufacturer or beer distributor who is the original consignee of beer manufactured or produced outside of this state as to all beer imported into this state by such importing licensee. It is the duty of each Oklahoma licensed brewer with respect to beer produced by such brewer within this state, and of each Oklahoma licensed beer distributor as to beer produced outside of this state and imported into this state by such beer distributor, to pay the excise tax on such beer to the Oklahoma Tax Commission as hereinafter provided.

C. A brewer that distributes beer produced by the brewer within the state without making delivery of beer to a person or entity licensed as a beer distributor pursuant to the Oklahoma Alcoholic Beverage Control Act and which distributes the beer so produced within the state only through the same legal entity holding a brewer

license, small brewer license, or brewpub license shall make payment of the excise tax levied by the Oklahoma Alcoholic Beverage Control Act with respect to sales of beer made by the brewer for consumption on the premises and off the premises at which the beer is manufactured by the brewer, or such other premises as permitted by law, and beer distributed through the legal entity holding the brewer license, small brewer license, or brewpub license. If distribution of beer is made by an entity holding a beer distributor's license, the payment of the excise tax shall be made by the entity making such distribution.

D. Notwithstanding any other provision of law, the tax levied by the Oklahoma Alcoholic Beverage Control Act shall be part of the gross proceeds or gross receipts from the sale of alcoholic beverages, as those terms are defined in paragraph 12 of Section 1352 of Title 68 of the Oklahoma Statutes.

Added by Laws 2016, c. 366, § 111, eff. Oct. 1, 2018. Amended by Laws 2019, c. 322, § 27, emerg. eff. May 7, 2019; Laws 2021, c. 555, § 1, eff. July 1, 2021.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-109. Credit or refund for money paid for stamps.

The Oklahoma Tax Commission shall have authority to allow credit for or make refunds of any money paid for stamps issued by the Tax Commission in payment of state excise tax by the manufacturer or brewer pursuant to authority granted by the Tax Commission. All applications to the Tax Commission for credit or replacement under the provisions of this section shall be verified by affidavit and all proof and evidence supporting such application shall be made in strict conformity with the rules of the Tax Commission setting forth the requirements in connection with such evidence and application.

Added by Laws 2016, c. 366, § 112, eff. Oct. 1, 2018. Amended by Laws 2019, c. 322, § 28, emerg. eff. May 7, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-110. Excise tax payments by brewers and beer distributors - Monthly itemized and verified report - Violations - Penalties.

A. Payment of the excise tax levied by Section 104 of this act with respect to beer shall be made by the brewer or the beer distributor as herein provided. The tax shall be due and payable on the first day of each month for the preceding calendar month and if not paid on or before the tenth day of each month shall thereafter be delinquent.

B. Every brewer and beer distributor shall make and transmit to the Oklahoma Tax Commission on or before the tenth day of each calendar month, upon a form prescribed and furnished by the Tax Commission, an itemized and verified report, for the preceding calendar month, showing the following information:

1. Total quantity and description of opening inventory of beer as of the first day of the month;

2. Total receipts and acquisitions during month from every source. This shall be itemized showing:

- a. imports and purchases within and without this state separately,
- b. the kind and quantity of each type of beer as shown by the shipper's or seller's invoices thereof,
- c. the date of each purchase,
- d. the quantities purchased,
- e. the date received,
- f. the person from whom purchased,
- g. the manifest, bill of lading or delivery invoice number of each shipment, which number shall be the number used by the original seller as shown on the basic shipping records which accompany the shipment,
- h. the point of origin and point of destination of each shipment, and
- i. the name and ABLE Commission license number of the carrier if shipped by carrier;

3. The kind and quantity of all beer sold or withdrawn from stock for sale, use or consumption in the State of Oklahoma during the preceding calendar month; the date of each sale; the kind and quantity of beer in each sale; the name, address and ABLE Commission license number of each purchaser; the manifest, bill of lading or delivery invoice number, which number shall be the number as shown on the basic shipping records which accompany the delivery; and the name and ABLE Commission license number of the carrier if shipped by carrier;

4. All nontaxable sales and dispositions made during the month, including exports and sales and deliveries to military installations located within this state, shall be reported and information in reference to each such nontaxable sale, disposition and export shall be shown in detail as is required for sales in the State of Oklahoma and shall be supported by evidence satisfactory to the Tax Commission;

5. Closing inventory of beer as of the last day of the calendar month; and

6. Such other information pertaining to the brewer's and beer distributor's beginning inventory of beer, receipts or acquisitions thereof, sales and dispositions thereof, and the closing inventory, as the Tax Commission may by form or rule require.

C. Every brewer and beer distributor, at the time of making the monthly report required by this section, shall remit to the Tax Commission the total amount of the excise tax due as shown by the report. It shall be unlawful for any brewer or beer distributor to sell or offer for sale any beer while delinquent in the payment of any excise tax due the state.

D. Reports and remittances, as required herein, which are mailed on the tenth day of the month and received by the Tax Commission subsequent to the tenth of the month in which the excise tax is payable, shall be deemed to have been received by the Tax Commission before becoming delinquent. Postmark or registry receipt showing deposit in the United States mails shall be conclusive evidence of the date of mailing. The time for filing returns and paying the excise tax levied by the Oklahoma Alcoholic Beverage Control Act shall not be extended.

E. If upon investigation it is determined by the Tax Commission that any nontaxable disposition or sale claimed by any brewer or beer distributor is not supported by a valid invoice, or is fraudulently or falsely claimed in any manner by such brewer or beer distributor or any agent of such licensee, the Tax Commission shall disallow any such deduction and shall assess and collect the tax, together with the penalty and interest thereon, on the total amount of the disallowed deduction taken by the licensee.

F. The taking and claiming of any deduction not authorized by law, upon a report by any brewer or beer distributor, or the failure to file monthly reports or to pay any excise tax due, shall constitute grounds for the revocation of such person's license by the ABLE Commission and the Tax Commission shall promptly notify the ABLE Commission of all such cases.

Added by Laws 2016, c. 366, § 113, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-111. Wine and spirits wholesaler and other importers - Monthly itemized and verified report - Violations - Penalties.

A. Every wine and spirits wholesaler and/or other person authorized under the Oklahoma Alcoholic Beverage Control Act to import alcoholic beverages into this state, shall make and transmit to the Oklahoma Tax Commission on or before the tenth day of each month, upon a form prescribed and furnished by the Tax Commission, an itemized and verified report for the preceding calendar month, showing the following information:

1. Opening inventory of alcoholic beverages other than beer;
2. Total receipts and acquisitions during month from every source. This shall be itemized showing:

- a. imports and purchases from within and without this state separately,
- b. the kind, proof and quantity of each type of alcoholic beverage as shown by the shipper's or seller's invoices thereof,
- c. the date of each purchase,
- d. the amount purchased,
- e. the date received,
- f. the person from whom purchased,
- g. the manifest, bill of lading or delivery invoice number of each shipment, which number shall be the number used by the original seller as shown on the basic shipping records which accompany the shipment, and
- h. the point of origin and point of destination of each shipment;

3. The kind and quantity of all alcoholic beverages sold or withdrawn from inventory for sale, use or consumption during the calendar month; the date of each sale; and the kind, proof and quantity of alcoholic beverages in each sale; the name, address and ABLE Commission license number of each purchaser; and the manifest, bill of lading or delivery invoice number, which number shall be the number as shown on the basic shipping records which accompany the delivery;

4. All nontaxable sales and dispositions made during the month, supported by evidence satisfactory to the Tax Commission;

5. Closing inventory of alcoholic beverages as of the last day of the calendar month; and

6. Such other information pertaining to the wholesaler's beginning inventory of alcoholic beverages, receipts or acquisitions thereof, sales and dispositions thereof, and closing inventory, as the Tax Commission may by form or rule require.

B. If upon investigation it is determined by the Tax Commission that any nontaxable disposition or sale claimed by any licensee is not supported by a valid invoice, or is fraudulently or falsely claimed in any manner by such licensee or any agent of such licensee, the Tax Commission shall disallow any such deduction and shall assess and collect the excise tax, together with the penalty and interest thereon, on the total amount of the disallowed deduction taken by the licensee.

C. The taking and claiming of any deduction not authorized by law, upon a report by any wholesaler or the failure to file monthly reports or pay any excise tax due, shall constitute grounds for the revocation of such person's license, distributor permit or wholesaler permit by the ABLE Commission and the Tax Commission shall promptly notify the ABLE Commission of all such cases.

Added by Laws 2016, c. 366, § 114, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-112. Distributor permit - Wholesaler permit - Permit applications.

A. All manufacturers, importers, brokers and others who sell alcoholic beverages to a wholesaler in Oklahoma, regardless of whether the sale is consummated within or without the State of Oklahoma, shall obtain a distributor permit from the Oklahoma Tax Commission.

B. Any person having a wholesaler's license shall obtain a wholesaler permit from the Tax Commission.

C. A distributor permit or wholesaler permit may be obtained by filing a verified permit application with the Tax Commission on a form furnished by the Tax Commission.

Added by Laws 2016, c. 366, § 115, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-113. Furnishing of permits prior to selling or purchasing alcoholic beverages - Itemized and verified record of monthly sales or purchases.

A. The Oklahoma Tax Commission, as provided by the Uniform Tax Procedure Code, may issue a distributor permit or wholesaler permit to any person who sells alcoholic beverages to a wine and spirits wholesaler or beer distributor or to any person having a wholesaler license.

B. Each wholesaler or beer distributor shall furnish a copy of the wholesaler or distributor permit to manufacturers, brewers, importers, brokers and others who sell alcoholic beverages prior to purchasing alcoholic beverages from a holder of a wholesaler or distributor permit. Each manufacturer, brewer, importer, broker and other who sells alcoholic beverages shall furnish a copy of the wholesaler or distributor permit to the wine and spirits wholesaler or beer distributor prior to selling alcoholic beverages to a wholesaler or distributor.

C. Holders of distributor permits or wholesaler permits shall maintain an itemized and verified record for the preceding calendar month of all sales or purchases of alcoholic beverages and shall transmit the verified record to the Tax Commission on or before the tenth day of each month, upon a form prescribed and furnished by the Tax Commission. Permit holders shall maintain records of sales and purchases of alcoholic beverages for three (3) years.

Added by Laws 2016, c. 366, § 116, eff. Oct. 1, 2018. Amended by Laws 2019, c. 322, § 29, emerg. eff. May 7, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-114. Unpaid taxes - Contraband - Violations - Penalties - Application of Uniform Tax Procedure Code.

A. All bottles or other original containers of alcoholic beverages in the possession of any person upon which the taxes have not been paid as required by the Oklahoma Alcoholic Beverage Control Act and the rules thereunder are declared to be contraband. Any duly authorized employee of the ABLE Commission or the Oklahoma Tax Commission is authorized to seize the same, and such containers of alcoholic beverages so seized shall be subject to confiscation and forfeiture by the Tax Commission as hereinafter provided.

B. If, upon examination of invoices or from other investigation, the Tax Commission finds that any alcoholic beverages have been sold without tax payment as required by the Oklahoma Alcoholic Beverage Control Act, the Tax Commission shall have the power to require such person to pay to the Tax Commission as such tax a sum equal to twice the amount of the tax due. If any person is unable to furnish evidence to the Tax Commission of excise tax payment to cover purchases of alcoholic beverages made by such person, the prima facie presumption shall arise that such alcoholic beverages were sold without excise tax payment.

It is expressly provided, except where specific provisions of the Oklahoma Alcoholic Beverage Control Act require otherwise, that the procedures and remedies contained in the Uniform Tax Procedure Code of the Oklahoma Statutes in connection with the making of assessments, and the enforcement and collection thereof, the penalties and interest to be applied, all lien and tax warrant provisions, all incidental remedies, including procedure for an injunction, and all other provisions of the Uniform Tax Procedure Code which may be applied or used to enforce the provisions of the Oklahoma Alcoholic Beverage Control Act, shall be applicable and available to the Tax Commission in administering the provisions hereof and collecting the taxes herein levied on alcoholic beverages.

Added by Laws 2016, c. 366, § 117, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-115. Power and authority of ABLE Commission or Oklahoma Tax Commission employees to enter and examine licensed premises.

Any employee of the ABLE Commission or the Oklahoma Tax Commission shall have power and authority, without a warrant, to enter and examine the licensed premises of all licensees to

determine whether any licensee possesses any container of alcoholic beverage upon which the taxes have not been paid as required by the Oklahoma Alcoholic Beverage Control Act and the rules thereunder, and if such employee shall find any such container of alcoholic beverages, he or she shall immediately seize the same. Such employees of the ABLE Commission or the Tax Commission shall be given free access to and shall not be hindered or interfered with in their examination of the licensed premises of any licensees, and, in case any such employee is denied free access or is hindered or interfered with in making such examination, any license held by the person preventing such free access or interfering with or hindering such employee shall be subject to suspension or revocation.

Added by Laws 2016, c. 366, § 118, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-116. Hearing to determine whether taxes are unpaid - Order to confiscate and forfeit.

A. After the seizure of such container of alcoholic beverage upon which the taxes have not been paid, any officer or employee of the ABLE Commission, designated in writing by the Director, shall hold a hearing to determine whether the container of alcoholic beverage seized did not have the necessary taxes paid as required by the Oklahoma Alcoholic Beverage Control Act and the rules thereunder. The ABLE Commission shall give not less than seven-days' notice of the time and place of such hearing to the owner of such container of alcoholic beverage, if known, and also to the person in whose possession such container was found, if such person is known, and if such person in possession is not the owner of the property. The Director, or any employee of the ABLE Commission, designated to conduct such hearing, shall have power to administer oaths and the power to issue subpoenas requiring the attendance of and the giving of testimony by witnesses and subpoenas duces tecum requiring the production of books, papers, records and memoranda.

B. Pursuant to such hearing, the ABLE Commission shall determine whether the container of alcoholic beverage seized did not have the taxes paid as required by the Oklahoma Alcoholic Beverage Control Act and the rules thereunder, and upon a decision to that effect, an order shall be entered that such container of alcoholic beverage is confiscated and forfeited to the State of Oklahoma. The ABLE Commission shall give notice of such order to the owner of such container of alcoholic beverage, if known, and also to the person in whose possession the property so taken was found, if such person is known, and if such person in possession is not the owner of the property.

Added by Laws 2016, c. 366, § 119, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-117. Sale of forfeited alcoholic beverage.

After an order of forfeiture, and when a proceeding for judicial review of the order has been concluded or the time for judicial review has expired, the ABLE Commission, to the extent that its order is sustained on review, shall sell such forfeited alcoholic beverage at such time and place and in such manner as it deems advisable. Proceeds of such sales shall be deposited with the State Treasurer for the credit of the General Revenue Fund of the State of Oklahoma.

Added by Laws 2016, c. 366, § 120, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-118. Possession of alcoholic beverage for which excise tax has not been paid - Misdemeanor - Suspension or revocation of license.

Every person who shall possess more than one (1) liter of alcoholic beverage, the bottle or other original container upon which the excise tax levied by Section 104 of this act has not been paid as provided for by the Oklahoma Alcoholic Beverage Control Act, shall be guilty of a misdemeanor, and if such person is the holder of a license under the Oklahoma Alcoholic Beverage Control Act, such license shall be subject to revocation or suspension by the ABLE Commission. The Oklahoma Tax Commission may promulgate rules for hearings on a revocation of a license for violation of the provisions of this section. Provided, the ABLE Commission may suspend any license for a violation of this section for a period of thirty (30) days with notice of hearing as the ABLE Commission may determine.

Added by Laws 2016, c. 366, § 121, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-119. Alcoholic beverages other than beer - Sealed cases required.

Every manufacturer of alcoholic beverages other than beer shall package, ship, store and deliver same in cases, and no alcoholic beverage other than beer shall be sold, shipped, stored or delivered by any such manufacturer except in sealed cases. Every manufacturer of alcoholic beverages other than beer shall serially number such cases on the end of the case where the brand and product are

identified. All such cases shall be sealed by tape or such other method as the ABLE Commission by rule may provide so that the contents of such cases cannot be removed without breaking or destroying such seal. It shall be unlawful for any person to remove the alcoholic beverage contents of a case so sealed without breaking or destroying such seal. No wholesaler or beer distributor shall receive or accept any alcoholic beverages other than beer in this state except in sealed cases so numbered. Any holder of a license or permit violating the provisions of this section shall be subject to revocation or suspension of the license.

Added by Laws 2016, c. 366, § 122, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-120. Licensees required to keep books and records.

All licensees under the Oklahoma Alcoholic Beverage Control Act shall keep books and records with regard to alcoholic beverages which shall contain such information and itemization thereof as the ABLE Commission may prescribe by rule. All books, records, inventories, invoices and other accounting documents required by the Oklahoma Alcoholic Beverage Control Act shall be kept for three (3) years and shall at all times be available for inspection by duly authorized representatives of the ABLE Commission or the Oklahoma Tax Commission.

Added by Laws 2016, c. 366, § 123, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-121. Nonresident seller license - Monthly itemized and verified report of shipments and sales.

Every holder of a nonresident seller license, when applicable, shall make and transmit to the Oklahoma Tax Commission, on or before the tenth day of each month upon a form prescribed and furnished by the Tax Commission, an itemized and verified report for the preceding calendar month, showing each shipment or sale of alcoholic beverages into Oklahoma. Such report shall show:

1. The date of the shipment;
2. The total quantity of the shipment;
3. The name and ABLE Commission license number of the Oklahoma purchaser; and
4. The manifest, bill of lading or invoice number of each shipment.

Such report shall be accompanied by duplicate original copies of each manifest, invoice, bill of lading or other document showing the

details, including the proof of all spirits, of all shipments during such calendar month.

Added by Laws 2016, c. 366, § 124, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-122. Manufacturer and brewer subject to licensing - Monthly itemized and verified report.

Every manufacturer and brewer, subject to licensing hereunder, shall make and transmit to the Oklahoma Tax Commission, on or before the tenth day of each calendar month, upon a form prescribed and furnished by the Tax Commission, an itemized and verified report, for the preceding calendar month, showing:

1. The kind and quantity of all alcoholic beverages manufactured within this state during the month, including:
 - a. the proof of all spirits,
 - b. the kind and quantity of all alcoholic beverages purchased within this state, including the proof of all spirits,
 - c. the kind and quantity of all alcoholic beverages imported into this state during the month, including the proof of all spirits,
 - d. the name and ABLE Commission license number of the person from whom purchased or received,
 - e. the manifest, bill of lading or invoice number of each shipment, which number shall be the number used by the original seller as shown by the basic shipping records which accompanied the shipment,
 - f. the date of receipt of each shipment,
 - g. the name and ABLE Commission license number of the carrier, if transported by carrier; and
2. All sales of alcoholic beverages made by such manufacturer or brewer during such calendar month, both within and without Oklahoma, including in detail the kind and quantity of all alcoholic beverages sold, including:
 - a. the proof of all spirits, as shown by the invoice covering each such sale,
 - b. the invoice number,
 - c. the date of each sale,
 - d. the name, address and the ABLE Commission license number of the purchaser,
 - e. the name and ABLE Commission license number of the carrier, if shipped by carrier, and
 - f. such other information as the Tax Commission may require.

Added by Laws 2016, c. 366, § 125, eff. Oct. 1, 2018. Amended by Laws 2019, c. 322, § 30, emerg. eff. May 7, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-123. Repealed by Laws 2018, c. 113, § 8, eff. Oct. 1, 2018.

§37A-5-124. Bond required for manufacturers, brewers, importers, brokers and others.

Every manufacturer, brewer, importer, broker or other who sells alcoholic beverages to a wine and spirits wholesaler, or beer distributor in Oklahoma, after having been issued a license by the ABLE Commission, shall, before manufacturing, purchasing or selling any alcoholic beverage within this state, file with the Oklahoma Tax Commission a bond issued by a surety company authorized to transact business in this state, in such amount as the Tax Commission may fix, but which shall be at least equal to the estimated amount of the tax liability of such licensee for a three-month period, to secure the payment of all excise taxes due from sales of alcoholic beverages to a wholesaler, or beer distributor, under the provisions of the Oklahoma Alcoholic Beverage Control Act. Provided, the amount of the bond for every wholesaler or beer distributor shall be not less than One Thousand Dollars (\$1,000.00). Such bonds shall be payable to the State of Oklahoma and conditioned upon compliance with the excise tax provisions of the Oklahoma Alcoholic Beverage Control Act and the rules of the Tax Commission relating thereto. In lieu of such surety bond, any such manufacturer, brewer, wine and spirits wholesaler, or beer distributor, may deposit cash or negotiable securities, approved by the Tax Commission, in such amount as it may prescribe.

Added by Laws 2016, c. 366, § 127, eff. Oct. 1, 2018. Amended by Laws 2019, c. 322, § 31, emerg. eff. May 7, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-125. Information required at time of sale, transit and delivery of alcoholic beverages - Violations - Penalties.

A. Every manufacturer, brewer, wine and spirits wholesaler, beer distributor or nonresident seller, selling alcoholic beverages in this state, or selling alcoholic beverages for shipment into this state shall, at the time such sale is made, make and deliver to the purchaser or transporter an invoice, bill of lading, manifest or other document describing such alcoholic beverages, showing:

1. The date of such sale or delivery;
2. The name and ABLE Commission license number of the seller;

3. The point of origin of the movement of such alcoholic beverages and the destination of same;
4. The kind and quantity and a description of such alcoholic beverages, including the proof of all spirits;
5. The name and ABLE Commission license number of the purchaser;
6. The sale price; and
7. Such other information as the Oklahoma Tax Commission may, by form or rule, require.

Every such invoice, bill of lading, manifest or other document describing such alcoholic beverages, except beer, must be identified by consecutive numbers printed upon the invoice or document, and each such seller and purchaser must account for each copy of his or her invoice and each number thereof.

B. Every manufacturer, brewer, wine and spirits wholesaler or beer distributor importing into or purchasing in this state any alcoholic beverage, and any retailer purchasing any alcoholic beverage in this state, shall at the time of delivery or acceptance of such alcoholic beverage, demand and receive a proper bill of lading, invoice, manifest or other document, particularly describing such alcoholic beverage and showing the proof of all spirits.

C. Every manufacturer, brewer, wine and spirits wholesaler, beer distributor, nonresident seller and retailer shall retain one copy of each invoice, bill of lading, manifest or similar document covering all such sales and purchases by such licensee, as a part of the permanent records of such licensee for a period of at least three (3) years.

D. Any person violating any of the provisions of this section, whether acting for himself or herself or as the agent or employee of any licensee hereunder, shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided by law. Any violation of the provisions of this section shall also constitute grounds for the revocation by the ABLE Commission of any license issued under the Oklahoma Alcoholic Beverage Control Act.

Added by Laws 2016, c. 366, § 128, eff. Oct. 1, 2018. Amended by Laws 2018, c. 113, § 4, eff. Oct. 1, 2018; Laws 2019, c. 322, § 32, emerg. eff. May 7, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 307, which was adopted at election held on Nov. 8, 2016.

§37A-5-126. Record keeping for all alcoholic beverages imported, purchased, received, manufactured, produced, sold, delivered or otherwise disposed of.

A. Every manufacturer, brewer, wine and spirits wholesaler, beer distributor, nonresident seller, retailer, mixed beverage, caterer, public event and special event licensee shall keep a record

of all alcoholic beverages imported, purchased, received, manufactured, produced, sold, delivered or otherwise disposed of, and the amount of all alcoholic beverages on hand, as herein provided. Such records must be kept for a period of at least three (3) years, as required by 27 C.F.R., Chapter 1, and shall include:

1. The date;
2. The number of the invoice, manifest, bill of lading or similar type document; and
3. The total amount of alcoholic beverages purchased, imported, received, manufactured, produced, sold, delivered or otherwise disposed of, by such licensee in each transaction.

Each such licensee shall keep and maintain such other records in detail as the Oklahoma Tax Commission may require.

B. If a manufacturer, brewer, wine and spirits wholesaler, beer distributor, nonresident seller, retailer, mixed beverage, caterer, public event or special event licensee has been previously audited by the Tax Commission with an audit finding that the licensee correctly reported and kept sufficient records for audit purposes, the next subsequent audit shall be limited to records kept for one (1) year prior to the date of such audit; provided, however, if an audit finding determines that the licensee incorrectly reported or failed to keep sufficient records for audit purposes, then the audit shall not be limited by the provisions of this subsection. If any audit limited by the provisions of this subsection determines that the licensee has incorrectly reported or failed to keep sufficient records for audit purposes, then the licensee shall no longer be eligible for limited audits.

Added by Laws 2016, c. 366, § 129, eff. Oct. 1, 2018. Amended by Laws 2019, c. 322, § 33, emerg. eff. May 7, 2019; Laws 2019, c. 431, § 3, emerg. eff. May 23, 2019.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-127. County excise boards - Yearly revenue estimates.

The county excise board of each county in the state, in approving the estimates of needs for cities and towns for each fiscal year, shall make reasonable estimates of the revenue to be derived under the provisions of the Oklahoma Alcoholic Beverage Control Act.

Added by Laws 2016, c. 366, § 130, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-128. Alcoholic Beverage Control Fund - Alcoholic Beverage Governance Revolving Fund.

A. There is hereby created in the State Treasury a fund to be known as the "Alcoholic Beverage Control Fund" which shall consist of revenues collected by the state from license and registration fees, with any interest, fines or penalties levied and collected by the ABLE Commission pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act; provided, the first Three Hundred Thousand Dollars (\$300,000.00) of such revenues collected each fiscal year shall be deposited to the Community-Based Substance Abuse Revolving Fund and the next Twenty Thousand Dollars (\$20,000.00) of such revenues collected each fiscal year shall be deposited in the Prevention of Youth Access to Alcohol Revolving Fund. Any unappropriated balance in the Oklahoma Alcoholic Beverage Control Fund at the close of each fiscal year shall revert to the General Revenue Fund of the State of Oklahoma, except for the amount necessary to satisfy any appropriations made or to be made from the fund by the Oklahoma State Legislature for the ensuing fiscal year.

All such monies collected by the ABLE Commission pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act shall be deposited in the State Treasury for credit to the General Revenue Fund of the state, except as provided in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the ABLE Commission to be designated the "Alcoholic Beverage Governance Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of any monies received from the surcharge collected by the Tax Commission pursuant to subsection F of Section 13 of this act and any other sources of funds provided by law. All monies accruing to the credit of the fund shall be budgeted and expended by the ABLE Commission for general operations. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2016, c. 366, § 131, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-129. Oklahoma Viticulture and Enology Center Development Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Department of Agriculture, Food, and Forestry to be designated the "Oklahoma Viticulture and Enology Center Development Revolving Fund".

B. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies distributed to the fund:

1. From the apportionment provided in paragraph 1 of Section 107 of this act; and

2. From any other source in accordance with state and federal law.

C. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of:

1. Establishing a Viticulture and Enology Center on the campus of Redlands Community College;

2. Developing viticulture-related and enology-related education programs;

3. Developing technologies, strategies or practices that aid in the production of grapes and wine in Oklahoma; and

4. Increasing the positive economic impact of the Oklahoma wine industry on this state.

D. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2016, c. 366, § 132, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-130. Authority to promulgate rules on labeling of alcoholic beverages.

The ABLE Commission is hereby authorized to promulgate rules governing the labeling of alcoholic beverages bottled, packaged, sold or possessed for sale within this state, not inconsistent with the provisions of the Oklahoma Alcoholic Beverage Control Act.

Added by Laws 2016, c. 366, § 133, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-131. Alcoholic beverage not labeled in conformity with rules.

The bottling, packaging, sale or possession by any licensee of any alcoholic beverage not labeled in conformity with such rules and the provisions of the Oklahoma Alcoholic Beverage Control Act shall be grounds for suspension, revocation or cancellation of the license.

Added by Laws 2016, c. 366, § 134, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-132. Brand label required - Application for registration of brand label - Form - Fees.

A. Except as provided in subsection D of this section, no alcoholic beverage shall be labeled, offered or advertised for sale in this state unless in accordance with rules promulgated pursuant to the provisions of Section 5-130 of this title and unless the brand label shall have been registered with and approved by the ABLE Commission and the appropriate fee paid as provided for in this section.

B. An application for registration of a brand label shall be filed by and fees paid by the manufacturer or brewer, winemaker, distiller or nonresident seller of the brand. Licensees, other than the foregoing applicants, shall not be required to verify registration to the ABLE Commission and shall not be penalized for any applicant's failure to register its brand label in accordance with this section. Cordials and wines which differ only as to age or vintage year, as defined by such rules, shall be considered the same brand, and those that differ as to type or class may be considered the same brand by the ABLE Commission where consistent with the purposes of this section.

C. The application for registration of a brand label shall be filed on a form prescribed by the ABLE Commission, and shall contain such information as the ABLE Commission shall require. Such application shall be accompanied by a certified check, bank officers' check or draft or money order in the amount of the annual registration fee, or the properly prorated portion thereof prescribed by this section.

D. 1. The annual fee for registration of any brand label for spirits shall be Three Hundred Seventy-five Dollars (\$375.00), unless total amount of spirits made available for sale in a single year does not exceed fifty-three (53) gallons, in which case the annual fee for registration of any brand label shall be Seventy-five Dollars (\$75.00). The annual fee for registration of any brand label for beer shall be Two Hundred Dollars (\$200.00). The annual fee for registration of any brand label for wine made in the United States, or for registration of any category of imported wine as defined by the Oklahoma Tax Commission, shall be Two Hundred Dollars (\$200.00). Beer manufactured in this state shall be exempt from brand label registration fees.

2. Each brand label registered and approved pursuant to this section shall be valid for a term of up to one (1) year, expiring on the June 30 next following registration, and may be renewed for subsequent terms of one (1) year beginning on the July 1 following the initial registration. Brand registration fees for labels registered after July 1 may be prorated through the following June 30 on a quarterly basis. The brand registration fee shall not be transferable, unless otherwise allowed by law. A nonresident seller

who registered brands prior to May 7, 2019, may transfer brand registrations to the brewer or manufacturer that produces those brands, provided the brewer or manufacturer has obtained a license, at no expense to the nonresident seller, brewer or manufacturer.

E. If the ABLE Commission shall deny the application for registration of a brand label, it shall return the registration fee to the applicant, less twenty-five percent (25%) of such fee.

F. The ABLE Commission may at any time exempt any discontinued brand from fee provisions of this section where a manufacturer, brewer, beer distributor or wholesaler has an inventory of one hundred cases or less of liquor or wine and five hundred cases or less of beer, and certifies to the ABLE Commission in writing that such brand is being discontinued.

G. No private labels or control labels shall be approved for sale in this state, except for charity collaboration beer as authorized in Section 2-102.1 of this title.

Added by Laws 2016, c. 366, § 135, eff. Oct. 1, 2018. Amended by Laws 2017, c. 364, § 23, eff. Oct. 1, 2018; Laws 2019, c. 322, § 34, emerg. eff. May 7, 2019; Laws 2019, c. 422, § 1, eff. Nov. 1, 2019; Laws 2023, c. 94, § 4, emerg. eff. April 26, 2023; Laws 2024, c. 90, § 3, emerg. eff. April 22, 2024.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-132.1. Charitable collaboration beer - Transfer of alcohol products between breweries without taxation.

For purposes of an approved charitable collaboration beer as authorized in Section 3 of this act, the production of wort and non-retail packaged alcohol products necessary for the development, mixing, fermentation, brewing, storage or retail packaging, in whole or any part thereof, shall be allowed to be transferred-in-bond without taxation between charitable collaborating breweries licensed in this state; provided, all such transfers are made in accordance with applicable federal law and regulations, and, provided further, all such products containing alcohol shall bear the specific license number for the approved charitable collaboration brewery. The Oklahoma Tax Commission shall abate taxes upon notice and application and only until the charitable collaboration beer is packaged for purposes of distribution as may be divided, in whole or any part thereof, between the licensed collaborating breweries.

For purposes of this section, "transfer-in-bond" means the movement of alcohol or products containing any percentage of alcohol between licensed bonded brewery facilities without payment of tax.

The Tax Commission and the ABLE Commission may conduct such inspections and audits necessary to maintain strict compliance and record keeping during the development, mixing, fermentation,

brewing, storage or retail packaging, in whole or any part thereof, of an approved charitable collaboration beer. The Tax Commission shall promulgate rules and forms to exempt and allow transfer-in-bond in accordance with the provisions of this act and ABLE Commission rules.

Added by Laws 2019, c. 422, § 2, eff. Nov. 1, 2019.

§37A-5-133. Refilling of containers prohibited - Infused drinks requirements.

A. No holder of a mixed beverage, beer and wine, caterer, special event, public event or airline/railroad beverage license shall refill with any substance a container which contained any alcoholic beverage on which the tax levied by Section 104 of this act has been paid.

B. A mixed beverage licensee shall not be prohibited from preparing and selling infused drinks on the licensed premises, provided the licensee complies with this section. "Infusion" is the process in which a distilled spirit has one or more ingredients including but not limited to fruits, vegetables, spices or nuts added to the distilled spirit. Provided, it shall not be lawful for a distilled spirit to be infused with any hallucinogenic substances or to have pure or supplemental caffeine or other stimulants added, including but not limited to guarana, ginseng or taurine. A mixed beverage licensee who prepares and sells infused drinks shall comply with the following requirements:

1. The infusion shall be mixed and stored on the licensed premises;

2. The container that the infusion is stored in cannot exceed five (5) gallons, must have a lid, and be maintained in sanitary condition;

3. The infusion shall not be aged more than fourteen (14) days;

4. The infusion must be used or destroyed within twenty-one (21) days after the end of the aging process;

5. Cleaning reports for the container must be available for inspection by the ABLE Commission; and

6. The container in which the infusion is stored must have a label affixed to the container that provides the production date of the infusion, the base spirit of the infusion, the date the infusion will finish the aging process and the date in which the infusion must be destroyed.

Added by Laws 2016, c. 366, § 136, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-134. Mixed beverage, beer and wine, caterer, public event or special event license holders - Bond required for gross receipts tax liability.

A. Every holder of a mixed beverage, beer and wine, caterer, public event or special event license issued by the ABLE Commission, as a condition precedent to the issuance of a mixed beverage tax permit, shall furnish to the Oklahoma Tax Commission a bond from a surety company chartered or authorized to do business in this state, cash bond, certificates of deposits, certificates of savings or U.S. Treasury bond, or an assignment of negotiable stocks or bonds, as the Tax Commission may deem necessary to secure payment of the gross receipts tax levied upon gross receipts of the licensees.

B. Any surety bond furnished under this section shall be a continuing instrument and shall constitute a new and separate obligation in the sum stated therein for each calendar year or a portion thereof while such bond is in force. Such bond shall remain in effect until the surety or sureties are released and discharged by the Tax Commission.

C. The Tax Commission, or its duly authorized agent, shall fix the amount of such bond or other security for each licensee for each place of business after considering the estimated gross receipts tax liability of such licensee. Such bond shall be no less than an amount equal to the average estimated quarterly gross receipts tax liability and no greater than an amount equal to three times the amount of the average estimated quarterly gross receipts tax liability. The minimum bond required for a new permit holder shall be not less than One Thousand Five Hundred Dollars (\$1,500.00).

D. Notwithstanding the provisions of subsection C of this section, if the permit holder has held the permit for at least four (4) years and is not delinquent in the payment of mixed beverage taxes, the Tax Commission shall not require any increase in the bond so long as the permit holder remains current in the payment of such taxes.

E. Any bond or other security shall be such as will protect this state against failure of the taxpayer or licensee to pay the tax levied by Section 108 of this act. The forfeiture or cancellation of such bond or security, for any reason whatsoever, shall automatically revoke the mixed beverage tax permit issued pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act.

Added by Laws 2016, c. 366, § 137, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-135. Monthly report required for mixed beverage tax permit holders and others - Calculation of gross receipts tax - Delinquent

taxes - Monthly report required for licensed wholesalers - Audit authority.

A. Every mixed beverage tax permit holder, or any person transacting business subject to the gross receipts tax levied by Section 5-105 of this title, shall file with the Oklahoma Tax Commission a monthly report for each place or location of business, on or before the twentieth day of the month immediately following the month of receipt. The reports shall be made under oath, on forms prescribed by the Tax Commission, which shall include the following information:

1. Name of mixed beverage tax permit holder;
2. Mixed beverage tax permit number;
3. Sales tax permit number;
4. Mixed beverage, caterer, public event or special event license number;
5. Gross receipts for the month for the sale, preparation or service of mixed beverages, ice and nonalcoholic beverages mixed with alcoholic beverages;
6. Gross receipts for the month from charges for the privilege of admission to a mixed beverage establishment which entitles a person to complimentary mixed beverages or discounted prices for mixed beverages;
7. Total retail value of complimentary or discounted alcoholic beverages served for the month; and
8. Such other information as may be required by the Tax Commission to enable it to collect taxes imposed as provided by law.

B. The gross receipts tax levied by Section 5-105 of this title shall be calculated by multiplying the tax rate, thirteen and one-half percent (13.5%), and the total gross receipts for each month from the sale, preparation or service of mixed beverages, ice and nonalcoholic beverages mixed with alcoholic beverages, the total gross receipts of charges received for admission to mixed beverage establishments, as provided in paragraph 6 of subsection A of this section, and the total retail value of complimentary or discounted mixed beverages. Gross receipts from the sale of food prepared with alcoholic beverages shall not be included in the calculation of the monthly tax liability. The tax due for the preceding month shall accompany the report required in subsection A of this section. All taxes, penalties and interest imposed by the Oklahoma Alcoholic Beverage Control Act may be paid in the form of electronic funds transfer or by a personal or company check, cashier's check, certified check or postal money order payable to the Tax Commission.

C. If the gross receipts tax levied pursuant to the provisions of Section 5-105 of this title is not paid on or before the twentieth day of each month, the tax shall be delinquent, and interest and penalty shall accrue on and from the twenty-first day

of each month, pursuant to the provisions of the Uniform Tax Procedure Code.

D. Every licensed wholesaler of alcoholic beverages in this state shall file with the Tax Commission a monthly report, under oath, on forms prescribed by the Tax Commission, which shall include the name, location and mixed beverage tax permit number of each mixed beverage, caterer, public event or special event licensee to whom the licensed wholesaler sold alcoholic beverages during the report month.

E. If the report required by subsection A of this section is not filed with the Tax Commission on or before the twentieth day of the month, the Tax Commission may assess an additional penalty of Five Dollars (\$5.00) for each day thereafter that the report is not filed pursuant to the provisions of this section. The Tax Commission may waive the penalty assessed pursuant to the provisions of the Uniform Tax Procedure Code; provided, however, the additional penalty, if assessed, shall not exceed an amount equal to twice the amount of tax due for the period for which such report was required to be filed, or the sum of Three Hundred Dollars (\$300.00), whichever is greater.

F. Taxes paid as provided by law represented by accounts receivable which are found to be worthless or uncollectible may be credited upon subsequent reports and remittances of such tax, in accordance with rules promulgated by the Tax Commission. If such accounts are thereafter collected, the same shall be reported and the tax shall be paid upon the amount so collected.

G. In addition to any other authority granted by law, the Tax Commission is hereby authorized to audit any mixed beverage, beer and wine, caterer, public event or special event licensee to determine if the correct amount of tax payable under Section 5-105 of this title has been collected. The taxpayer shall be deemed to be in compliance if such an audit reveals that the amount collected is within the following percentages of the amount of tax payable:

1. For spirits, eighty-four percent (84%) to one hundred sixteen percent (116%);
2. For wine, ninety percent (90%) to one hundred ten percent (110%);
3. For beer sold at draft and not in original packages, eighty-six percent (86%) to one hundred fourteen percent (114%); and
4. For beer sold in original packages, ninety-five percent (95%) to one hundred five percent (105%).

H. A deduction not to exceed ten percent (10%) of the gross receipts tax liability levied pursuant to Section 5-105 of this title and determined by an audit of the purchases from wholesalers of a mixed beverage, beer and wine, caterer, public event, or special event licensee shall be allowed for properly documented losses attributable to breakage, spillage, theft, fire, or other

occurrences. The Tax Commission may promulgate rules to provide for loss deductions in addition to the ten percent (10%) allowance and for the documentation required to properly verify loss claim amounts.

Added by Laws 2016, c. 366, § 138, eff. Oct. 1, 2018. Amended by Laws 2022, c. 324, § 1, eff. Nov. 1, 2022; Laws 2023, c. 131, § 1, eff. Nov. 1, 2023.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-136. Tax discount for mixed beverage tax permit holders.

The mixed beverage tax permit holder or taxpayer may retain one percent (1%) of the tax due and timely reported and paid, in accordance with the provisions of Section 138 of this act, as remuneration for establishing and maintaining the records required by the Oklahoma Alcoholic Beverage Control Act. If such tax becomes delinquent, such taxpayer forfeits his or her claim to the one percent (1%) discount.

Added by Laws 2016, c. 366, § 139, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-137. Possession of alcoholic beverage containers not listed on an invoice - Contraband - Penalties.

A. No mixed beverage, beer and wine, caterer, public event or special event licensee nor any officer, agent or employee of such licensee may possess or permit to be possessed on the premises, for which such license was issued, any container of an alcoholic beverage which is not listed on an invoice from the wholesaler from whom the alcoholic beverage was purchased, unless otherwise permitted by statute.

B. All containers of alcoholic beverages which are on the premises of a mixed beverage, beer and wine, caterer, public event or special event licensee and which are not listed on an invoice from the wholesaler pursuant to the provisions of this section are declared contraband. Any duly authorized employee of the ABLE Commission or the Oklahoma Tax Commission is authorized to seize such containers or cases, and such seized containers or cases shall be subject to confiscation and forfeiture pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act.

C. Any holder of a wholesaler, mixed beverage, beer and wine, caterer, public event or special event license who violates the provisions of this section shall, upon conviction, be guilty of a misdemeanor and shall be subject to revocation or suspension of such

license issued by the ABLE Commission pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act.

Added by Laws 2016, c. 366, § 140, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-5-138. Exemption from bond requirement.

Any holder of a license or permit issued by the Oklahoma Alcoholic Beverage Laws Enforcement Commission pursuant to Title 37A of the Oklahoma Statutes which requires the license or permit holder to furnish to the Oklahoma Tax Commission a bond, shall be exempt from such bond requirement if the license or permit holder has held such license or permit and required bond for ten (10) consecutive years while remaining compliant in all required tax payments to the Oklahoma Tax Commission for those ten (10) years. This bond exemption shall apply to all license and permit holders who are compliant or become compliant with this section before or after the effective date of this act.

The bond requirement exemption shall terminate if the license or permit holder becomes delinquent or incompliant with tax payments to the Oklahoma Tax Commission and the license or permit holder shall be required to furnish the Oklahoma Tax Commission with such bond as originally required by the license or permit.

Added by Laws 2024, c. 204, § 1, eff. Nov. 1, 2024.

§37A-6-101. Prohibited acts - Violations - Penalties.

A. No person shall:

1. Knowingly sell, deliver or furnish alcoholic beverages to any person under twenty-one (21) years of age;

2. Sell, deliver or knowingly furnish alcoholic beverages to an intoxicated person or to any person who has been adjudged insane or mentally deficient;

3. Open a retail container or consume alcoholic beverages on the premises of a package store, grocery store, convenience store or drug store, unless otherwise permitted by law;

4. Import into this state, except as provided for in the Oklahoma Alcoholic Beverage Control Act, any alcoholic beverages; provided, that nothing herein shall prohibit the importation or possession for personal use of not more than one (1) liter of alcoholic beverages upon which the Oklahoma excise tax is delinquent;

5. Receive, possess or use any alcoholic beverage in violation of the provisions of the Oklahoma Alcoholic Beverage Control Act;

6. Knowingly transport into, within or through this state more than one (1) liter of alcoholic beverages upon which the Oklahoma excise tax has not been paid unless the person accompanying or in

charge of the vehicle transporting same shall possess a true copy of a bill of lading, invoice, manifest or other document particularly identifying that alcoholic beverages are being transported and showing the name and address of the consignor and consignee; provided, this prohibition shall not apply to the first one hundred eighty (180) liters of alcoholic beverages classified as household goods by military personnel, age twenty-one (21) or older, when entering Oklahoma from temporary active assignment outside the contiguous United States;

7. Knowingly transport in any vehicle upon a public highway, street or alley any alcoholic beverage except in the original container which shall not have been opened and the seal upon which shall not have been broken and from which the original cap or cork shall not have been removed, unless the opened container be in the rear trunk or rear compartment, which shall include the spare tire compartment in a vehicle commonly known as a station wagon and panel truck, or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion;

8. Consume spirits in public except on the premises of a licensee of the ABLE Commission who is authorized to sell or serve spirits by the individual drink, or be intoxicated in a public place. This provision shall be cumulative and in addition to existing law;

9. Forcibly resist lawful arrest, or by physical contact interfere with an investigation of any infringement of the Oklahoma Alcoholic Beverage Control Act or with any lawful search or seizure being made by a law enforcement officer or an employee of the ABLE Commission, when such person knows or should know that such acts are being performed by a state, county or municipal officer or employee of the ABLE Commission;

10. Manufacture, duplicate, counterfeit or in any way imitate any bottle club membership card required to be issued by the ABLE Commission without the permission of the ABLE Commission;

11. Consume or possess alcoholic beverages on the licensed premises of a bottle club unless such person possesses a valid membership card for that club issued by the club;

12. Knowingly possess any bottle club membership card required to be issued by the ABLE Commission which has been manufactured, counterfeited, imitated or in any way duplicated without the permission of the ABLE Commission; or

13. Knowingly and willfully permit any individual under twenty-one (21) years of age who is an invitee to the person's residence, any building, structure or room owned, occupied, leased or otherwise procured by the person or on any land owned, occupied, leased or otherwise procured by the person, to possess or consume any alcoholic beverage as defined by Section 1-103 of this title, any

controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, or any combination thereof, in such place.

B. Except as provided for in subsection C of this section, punishment for violation of paragraph 13 of subsection A of this section shall be as follows:

1. Any person who is convicted of a violation of the provisions of paragraph 13 of subsection A of this section shall be deemed guilty of a misdemeanor for the first offense and be punished by a fine of not more than Five Hundred Dollars (\$500.00) and shall be required to attend a victims impact panel program as defined in Section 991a of Title 22 of the Oklahoma Statutes;

2. Any person who, within ten (10) years after previous convictions of a violation:

- a. of paragraph 13 of subsection A of this section,
- b. of the provisions of any law of another state prohibiting the offense provided for in paragraph 13 of subsection A of this section, or
- c. in a municipal criminal court of record for the violation of a municipal ordinance prohibiting the offense provided for in paragraph 13 of subsection A of this section,

shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) and shall be required to attend a victims impact panel program as defined in Section 991a of Title 22 of the Oklahoma Statutes;

3. Any person who, within ten (10) years after two or more previous convictions of a violation:

- a. of paragraph 13 of subsection A of this section,
- b. of the provisions of any law of another state prohibiting the offense provided for in paragraph 13 of subsection A of this section, or
- c. in a municipal criminal court of record for the violation of a municipal ordinance prohibiting the offense provided for in paragraph 13 of subsection A of this section, or
- d. or any combination of two or more thereof,

shall be guilty of a Class D1 felony offense and shall be punished by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), or by imprisonment as provided for in subsections B through F of Section 20N of Title 21 of the Oklahoma Statutes, or by both such fine and imprisonment and shall be required to attend a victims impact panel program as defined in Section 991a of Title 22 of the Oklahoma Statutes.

C. Any person who violates paragraph 13 of subsection A of this section, and such actions cause great bodily injury or the death of a person, shall, in addition to any other penalty provided by law, be guilty of a Class D1 felony offense, punishable by imprisonment

as provided for in subsections B through F of Section 20N of Title 21 of the Oklahoma Statutes, a fine of not less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment and shall be required to attend a victims impact panel program as defined in Section 991a of Title 22 of the Oklahoma Statutes.

D. Except as provided in subsection C of Section 6-126 of this title, any person who shall engage in any of the following and disturb the peace of any person:

1. In any public place, or in or upon any passenger coach, streetcar, or in or upon any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, waiting station or room, drink or otherwise consume any intoxicating liquor unless authorized by the Oklahoma Alcoholic Beverage Control Act, intoxicating substance or intoxicating compound of any kind, or inhale glue, paint or other intoxicating substance;

2. Be drunk or intoxicated in any public or private road, or in any passenger coach, streetcar or any public place or building, or at any public gathering, from drinking or consuming such intoxicating liquor, intoxicating substance or intoxicating compound or from inhalation of glue, paint or other intoxicating substance; or

3. Be drunk or intoxicated from any cause, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Ten Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00) or by imprisonment for not less than five (5) days nor more than thirty (30) days or by both such fine and imprisonment.

Added by Laws 2016, c. 366, § 141, eff. Oct. 1, 2018. Amended by Laws 2018, c. 113, § 5, eff. Oct. 1, 2018; Laws 2021, c. 273, § 1, eff. Nov. 1, 2021; Laws 2025, c. 486, § 499, eff. Jan. 1, 2026.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-102. Prohibited acts of licensees.

A. No licensee of the ABLE Commission shall:

1. Knowingly receive, possess or sell any alcoholic beverage except as authorized by the Oklahoma Alcoholic Beverage Control Act and by the license or permit which the licensee holds;

2. Employ any person under eighteen (18) years of age in the selling of beer or wine or employ any person under twenty-one (21) years of age in the selling of spirits. Provided:

a. a mixed beverage, beer and wine, caterer, public event, special event, bottle club, retail wine or retail beer licensee may employ servers or sales clerks who are at least eighteen (18) years of age,

except persons under twenty-one (21) years of age may not serve in designated bar or lounge areas, and

- b. a mixed beverage, beer and wine, caterer, public event, special event or bottle club licensee may employ or hire musical bands who have musicians who are under eighteen (18) years of age if each such musician is either accompanied by a parent or legal guardian or has on their person, to be made available for inspection upon demand by any employee of the ABLE Commission or law enforcement officer, a written, notarized affidavit from the parent or legal guardian giving the underage musician permission to perform in designated bar or lounge areas;

3. Give any alcoholic beverage as a prize, premium or consideration for any lottery, game of chance or skill or any type of competition;

4. Use any of the following means or inducements to stimulate the consumption of alcoholic beverages, including but not limited to:

- a. deliver more than two drinks to one person at one time, except:
 - (1) as provided for serving tasting flights defined in Section 6-102.1 of this title, or
 - (2) up to six (6) bottles or cans of beer in the original packaging for on-premises consumption may be delivered to one person at one time in a reusable container, including but not limited to a bucket or insulated cooler which may be cooled by ice or another cooling method,
- b. sell or offer to sell to any person or group of persons any drinks at a price that is less than six percent (6%) below the markup of the cost to the mixed beverage licensee; provided, a mixed beverage licensee shall be permitted to offer these drink specials on any particular hour of any particular day and shall not be required to offer these drink specials for an entire calendar week or from open to close, and shall not be required to offer such drink specials at all venues operating under the same mixed beverage license; provided, a mixed beverage licensee selling wine, beer, or cocktails to-go shall be permitted to offer these to-go drinks at a different price than on-premises drinks,
- c. sell or offer to sell to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public,

- d. sell or offer to sell drinks to any person or group of persons on any one day or portion thereof at prices less than those charged the general public on that day, except at private functions not open to the public,
- e. increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week, or
- f. encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes.

Provided, that the provisions of this paragraph shall not prohibit the advertising or offering of food, entertainment or bottle service in licensed establishments;

5. Permit or allow any patron or person to exit the licensed premises with an open container of any alcoholic beverage. Provided, this prohibition shall not be applicable to closed original containers of alcoholic beverages which are carried from the licensed premises of a bottle club by a patron, closed original wine containers removed from the premises of restaurants, hotels and motels, or to closed original containers of alcoholic beverages transported to and from the place of business of a licensed caterer by the caterer or an employee of the caterer;

6. Serve or sell alcoholic beverages with an expired license issued by the ABLE Commission;

7. Permit any person to be drunk or intoxicated on the licensee's licensed premises; or

8. Permit or allow any patron to serve or pour himself or herself any alcoholic beverage, except a licensee may offer a patron self-pour service of beer or wine, or both, from automated devices on licensed premises so long as:

- a. the licensee monitors and has the ability to control the dispensing of such beer or wine, or both, from the automated devices. "Automated device" shall mean any mechanized device capable of dispensing wine or beer, or both, directly to a patron in exchange for compensation that a licensee has received directly from the patron, and
- b. each licensee offering a patron self-pour service of wine or beer, or both, from any automated device shall provide constant video monitoring of the automated device at all times during which the licensee is open to the public. The licensee shall keep recorded footage from the video monitoring for at least sixty (60) days, and shall provide the footage, upon

request, to any agent of the Director of the ABLE Commission or other authorized law enforcement agent.

B. 1. The compensation required by subparagraph a of paragraph 8 of subsection A of this section shall be in the form of a radio frequency identification (RFID) device, mobile application or any other technology approved by the ABLE Commission containing a fixed amount of volume of thirty-two (32) ounces for beer and ten (10) ounces for wine that may be directly exchanged for beer or wine dispensed from the automated device:

- a. RFID devices may be assigned, used or reactivated only during a business day,
- b. each RFID device shall be obtained from the licensee by a patron,
- c. a licensee shall not issue more than one active RFID device to a patron, and
- d. an RFID device shall be deemed active if the RFID device contains volume credit or has not yet been used to dispense ten (10) ounces of wine or thirty-two (32) ounces of beer.

2. In order to obtain an RFID device from a licensee, each patron shall produce a valid driver license, identification card or other government-issued document that contains a photograph of the individual and demonstrates that the individual is at least twenty-one (21) years of age. Each RFID device shall be programmed to require the production of the patron's valid identification before the RFID device can be used for the first time during any business day or for any subsequent reactivation.

3. Each RFID device shall become inactive at the end of each business day.

4. Each RFID device shall be programmed to allow the dispensing of no more than ten (10) ounces of wine or thirty-two (32) ounces of beer to a patron:

- a. once an RFID device has been used to dispense ten (10) ounces of wine or thirty-two (32) ounces of beer to a patron, the RFID device shall become inactive, and
- b. any patron in possession of an inactive RFID device may, upon production of the patron's valid identification to the licensee or licensee's employee, have the RFID device reactivated to allow the dispensing of an additional ten (10) ounces of wine or thirty-two (32) ounces of beer from an automated device.

Paragraphs 1, 2, 3 and 4 of this subsection shall not apply to wine or beer that is dispensed directly to the licensee or the licensee's agent or employee.

C. A mixed beverage or beer and wine licensee shall not be deemed to have violated the provisions of paragraph 5 of subsection

A of this section if it allowed a patron to leave the licensed premises with an open container of beer or wine only and:

1. The otherwise prohibited act was committed during the hours of 8 a.m. to midnight on the day of a scheduled home football game of institutions within The Oklahoma State System of Higher Education, and the establishment is located within two thousand (2,000) feet of the institution;

2. The licensee is participating by invitation in a municipally sanctioned art, music or sporting event within city limits when the municipality has provided written notice of the event and a list of invited licensees to the ABLE Commission at least five (5) days prior to the event; or

3. The patron remains on the connected, physical property of the licensee or in a public area adjacent to the physical property of the licensee with prior municipal approval; provided, that written notice of the use of the connected, physical property of the licensee or public area shall be provided to the ABLE Commission at least five (5) days prior to such use.

Added by Laws 2016, c. 366, § 142, eff. Oct. 1, 2018. Amended by Laws 2019, c. 421, § 1, eff. July 1, 2019; Laws 2020, c. 161, § 20, emerg. eff. May 21, 2020; Laws 2021, c. 185, § 1, emerg. eff. April 23, 2021; Laws 2021, c. 462, § 3, emerg. eff. May 10, 2021; Laws 2022, c. 300, § 1, eff. Nov. 1, 2022; Laws 2023, c. 338, § 8, emerg. eff. June 7, 2023; Laws 2025, c. 128, § 1, eff. Nov. 1, 2025.

NOTE: Laws 2019, c. 291, § 1 repealed by Laws 2020, c. 161, § 21, emerg. eff. May 21, 2020. Laws 2021, c. 189, § 1 repealed by Laws 2021, c. 462, § 4, emerg. eff. May 10, 2021.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-102.1. Serving of tasting flights.

Notwithstanding Section 6-102 of this title, which limits a licensee to serving not more than two drinks to one person at one time, however a licensee may serve and deliver tasting flights.

For purposes of this section, a "tasting flight" means several samples of various beers, wines, spirits, mixed beverages, or cocktails, as defined in Section 7-102 of this title, served at one time to one person by the licensee who is authorized to sell and serve beer, wine or spirits; provided, the serving is within the size limitations stated below:

1. A beer tasting flight shall be not more than four separate individual beers of not more than five (5) ounces each, served together at one time;

2. A wine tasting flight shall be not more than four separate individual wines of not more than one and one-half (1.5) ounces each, served together at one time;

3. A spirit tasting flight shall be not more than four separate individual spirits of not more than one-half (0.5) ounce each, served together at one time; and

4. A mixed beverage or cocktail tasting flight shall be not more than four separate individual mixed beverages or cocktails consisting of not more than five (5) ounces of beer, one and one-half (1.5) ounces of wine, or one-half (0.5) ounce of spirits, to be combined with an unlimited amount of ingredients that are nonalcoholic in nature, served together at one time.

A tasting flight shall not be free samples, but shall be considered a single drink.

Added by Laws 2019, c. 291, § 2, eff. Nov. 1, 2019. Amended by Laws 2023, c. 173, § 1, eff. Nov. 1, 2023.

§37A-6-103. Prohibited acts of retail spirits licensees.

A. No retail spirits licensee shall:

1. Purchase or receive any alcoholic beverage other than from a wine and spirits wholesaler, beer distributor, winery or small brewer self-distribution licensee who elects to self-distribute;

2. Suffer or permit any retail container to be opened, or any alcoholic beverage to be consumed on the licensed premises, except when serving samples as authorized by Section 2-109 of this title or otherwise permitted by law; provided, the licensee shall not permit any alcoholic beverage content or retail container unsealed in connection with sampling authorized by Section 2-109 of this title to remain on the licensed premises at the close of business on that day, excluding spirits;

3. Sell any alcoholic beverages at any hour other than between the hours of 8:00 a.m. and midnight Monday through Saturday, and shall not be permitted to be open on Thanksgiving Day or Christmas Day; provided, a county may, pursuant to the provisions of subsections B and C of Section 3-124 of this title, elect to allow such sales between the hours of noon and midnight on Sunday. Retail spirits licensees shall be permitted to sell alcoholic beverages on the day of any General, Primary, Runoff Primary or Special Election whether on a national, state, county or city election, provided that the election day does not occur on any day on which such sales are otherwise prohibited by law;

4. Sell spirits in a city or town, unless such city or town has a population in excess of two hundred (200) according to the latest Federal Decennial Census;

5. Sell any alcoholic beverage on credit; provided, that acceptance by a licensee of a cash or debit card or a nationally recognized credit card in lieu of actual cash payment does not constitute the extension of credit; provided, further, as used in this section:

- a. "cash or debit card" means any instrument or device whether known as a debit card or by any other name, issued with or without fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds from a consumer banking electronic facility, and
- b. "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value on credit which is accepted by over one hundred retail locations;

6. Offer or furnish any prize, premium, gift or similar inducement to a consumer in connection with the sale of alcoholic beverages, except that goods or merchandise included by the manufacturer in packaging with alcoholic beverages or for packaging with alcoholic beverages shall not be included in this prohibition, but no wholesaler or retailer shall sell any alcoholic beverage prepackaged with other goods or merchandise at a price which is greater than the price at which the alcoholic beverage alone is sold; provided, it shall not be considered inducement or a premium for a retail spirits licensee to have an advertised price posted higher online than the shelf price on the licensed premises; or

7. Pay for alcoholic beverages by a check or draft which is dishonored by the drawee when presented to such drawee for payment; and the ABLE Commission may cancel or suspend the license of any retailer who has given a check or draft, as maker or endorser, which is so dishonored upon presentation.

B. No retail spirits licensee shall permit any person under twenty-one (21) years of age to enter into or remain within or about the licensed premises unless accompanied by the person's parent or legal guardian; provided, however, this restriction shall not apply to an employee of a licensed beer distributor or wine and spirits wholesaler who:

- 1. Is at least eighteen (18) years of age;
- 2. Is accompanied by a coworker at least twenty-one (21) years of age; and
- 3. Enters for the sole purpose of merchandising or delivering product to the licensee in the normal course of business.

Added by Laws 2016, c. 366, § 143, eff. Oct. 1, 2018. Amended by Laws 2017, c. 84, § 2, eff. Oct. 1, 2018; Laws 2017, c. 340, § 2, eff. Oct. 1, 2018; Laws 2019, c. 237, § 1, eff. Nov. 1, 2019; Laws 2021, c. 434, § 2, eff. Nov. 1, 2021; Laws 2022, c. 82, § 1, emerg. eff. April 25, 2022; Laws 2023, c. 200, § 1, eff. Nov. 1, 2023.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-104. Prohibited acts of wholesaler licensees.

No wine or spirits wholesaler licensee shall sell or deliver, and no wine or spirits retail licensee shall receive:

1. Any amount of spirits or wines to any licensee on Sunday; or
2. Any amount of spirits or wines to any licensee on New Year's Day, the Fourth of July, Thanksgiving Day or Christmas Day.

Added by Laws 2016, c. 366, § 144, eff. Oct. 1, 2018. Amended by Laws 2017, c. 364, § 24, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-105. Prohibited acts of mixed beverage, public event, special event or on-premises beer and wine licensees.

No mixed beverage, public event, special event or on-premises beer and wine licensee shall:

1. Purchase or receive any alcoholic beverage other than from a person holding a wine and spirits wholesaler or beer distributor license issued pursuant to the Oklahoma Alcoholic Beverage Control Act; provided, a mixed beverage or on-premises beer and wine licensee whose premises are a restaurant may purchase wine produced at wineries in this state directly from a winemaker as provided in Section 2 of Article XXVIII-A of the Oklahoma Constitution;

2. Transport alcoholic beverages from the place of purchase to the licensed premises unless the licensee also holds a private carrier license issued by the ABLE Commission;

3. Use or allow the use of any mark or label on a container of alcoholic beverage which is kept for sale which does not clearly and precisely indicate the nature of the contents or which might deceive or conceal the nature, composition, quantity, age or quality of such beverage;

4. Keep or knowingly permit any alcoholic beverage to be kept, brought, or consumed on the licensed premises which is not allowed to be sold or served upon such premises; provided, that the alcoholic beverage may be provided by a wine and spirits wholesaler, beer distributor, brewer, small brewer, distiller, winemaker, small farm winery, rectifier, manufacturer, or nonresident seller licensee and kept, brought, or consumed on the licensed premises for educational training tasting purposes pursuant to Section 6-109 of this title; or

5. Allow any person under twenty-one (21) years of age to enter into, remain within or loiter about the designated bar area of the

licensed premises, except for persons who incidentally pass through the designated area.

The prohibition in this subsection against persons under twenty-one (21) years of age entering or remaining within the designated bar area of the licensed premises shall not apply:

- a. if the licensed premises are closed to the public during a time the premises are legally permitted to be open for business and the premises are used for a private party at which alcoholic beverages may be served to persons twenty-one (21) years of age or older. Any alcoholic beverages served at a private party on the licensed premises may be purchased from the licensee at a negotiated price or purchased privately and served at the private party on the licensed premises. Any licensee who desires to conduct such a private party shall notify the ABLE Commission, in writing, at least ten (10) calendar days prior to the private party. The notification shall include the date, time and purpose of the private party and any other information the ABLE Commission may deem necessary,
- b. to a designated bar area which is a concession stand serving beer and wine, in addition to food and non-alcoholic beverages, which concession stand is located at, in, or on the premises of a sports, music or entertainment venue, convention center, fairgrounds or similar facility, or
- c. to an employee of a beer distributor or wine and spirits wholesaler who is at least eighteen (18) years of age and enters for the purpose of merchandising or delivering product to the licensee in the normal course of business.

Added by Laws 2016, c. 366, § 145, eff. Oct. 1, 2018. Amended by Laws 2017, c. 366, § 2, eff. Oct. 1, 2018; Laws 2022, c. 82, § 2, emerg. eff. April 25, 2022; Laws 2024, c. 90, § 4, emerg. eff. April 22, 2024.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-106. Prohibited acts of bottle club licensees.

No bottle club licensee shall:

1. Use or allow the use of any mark or label on a container of alcoholic beverage which does not clearly and precisely indicate the nature of the contents or which might deceive or conceal the nature, composition, quantity, age or quality of any such beverage;

2. Act as an agent for any bottle club member and purchase any alcoholic beverage for the member;

3. Use or allow the use of any pool system of storage or purchase of alcoholic beverages;

4. Allow any person to enter or remain in the designated bar or lounge area of the club unless that person possesses a valid membership card for that club issued by the club;

5. Sell any alcoholic beverage;

6. Deliver or furnish to any club member any alcoholic beverage that does not belong to the member;

7. Serve alcoholic beverages to any person who does not possess a valid membership card for that club issued by the club;

8. Issue a membership card for the club to a person under twenty-one (21) years of age; or

9. Allow any person under twenty-one (21) years of age to enter into, remain within or loiter about the designated bar area of the licensed premises, except for members of a musical band employed or hired as provided in paragraph 2 of Section 142 of this act when the band is to perform within such area.

The prohibition in this subsection against persons under twenty-one (21) years of age entering or remaining within the designated bar area of the licensed premises shall not apply if the licensed premises are closed to the public during a time the premises are legally permitted to be open for business and the premises are used for a private party at which alcoholic beverages may be served to persons twenty-one (21) years of age or older. Any alcoholic beverages served at a private party on the licensed premises may be purchased from the licensee at a negotiated price or purchased privately and served at the private party on the licensed premises. Any licensee who desires to conduct such a private party shall notify the ABLE Commission, in writing, at least ten (10) calendar days prior to the private party. The notification shall include the date, time and purpose of the private party and any other information the ABLE Commission may deem necessary.

Added by Laws 2016, c. 366, § 146, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-107. Prohibited acts of special event or caterer licensees.

No special event or caterer licensee shall:

1. Purchase or receive any alcoholic beverage other than from a person holding a wine and spirits wholesaler or beer distributor license issued pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act; provided, a special event or caterer licensee may purchase wine produced at small farm wineries or beer produced by a small brewer in this state directly from a winemaker or small

brewer as provided in Section 2 of Article XXVIII A of the Oklahoma Constitution or in this act; or

2. Transport alcoholic beverages from the place of purchase to the licensed premises unless the licensee also holds a private carrier license issued by the ABLE Commission.

Added by Laws 2016, c. 366, § 147, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-108. Prohibited acts of holders of retail wine or retail beer licenses.

No holder of a Retail Wine License or a Retail Beer License shall:

1. Purchase or receive any alcoholic beverage other than from a wine and spirits wholesaler, beer distributor, winery or small brewer self-distribution licensee;

2. Suffer or permit any retail container to be opened, or any alcoholic beverage to be consumed on the licensed premises, except when serving samples as authorized by Section 2-109 of this title or as otherwise permitted by law; provided, the licensee shall not permit any alcoholic beverages content or retail container unsealed in connection with sampling authorized by Section 2-109 of this title to remain on the licensed premises at the close of the business on that day;

3. Sell any beer or wine at any hour other than between the hours of 6:00 a.m. and 2:00 a.m. the following day, Monday through Sunday. Retail wine and retail beer licensees shall be permitted to sell beer and wine on the day of any General, Primary, Runoff Primary or Special Election whether on a national, state, county or city election;

4. Sell any beer and wine on credit; except as follows:

a. the acceptance by a grocery store, convenience store or drug store of a cash or debit card, or a nationally recognized credit card, in lieu of actual cash payment does not constitute the extension of credit; provided, further, as used in this section:

- (1) "cash or debit card" means any instrument or device whether known as a debit card or by any other name, issued with or without fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds from a consumer banking electronic facility, and
- (2) "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate or by any other name, issued with or without fee by an issuer for

the use of the cardholder in obtaining money, goods, services or anything else of value on credit which is accepted by over one hundred retail locations, and

- b. when the holder of a Retail Wine License, Retail Beer License or Mixed Beverage License is a private membership club, marina, golf course or country club that normally charges food, drinks and other purchases to the member's monthly dues account in the regular course of business, in lieu of actual cash payment at the time of purchase, such practice does not constitute the extension of credit;

5. Offer or furnish any prize, premium, gift or similar inducement to a consumer in connection with the sale of beer or wine, except that goods or merchandise included by the manufacturer in packaging with beer or wine or for packaging with beer or wine shall not be included in this prohibition, nor shall a retail wine or retail beer license holder selling wine or beer at a multiunit discount be included in this prohibition; but no retail wine or retail beer licensee shall sell any beer or wine prepackaged with other goods or merchandise at a price which is greater than the price at which the alcoholic beverage alone is sold; or

6. Pay for beer or wine by a check or draft which is dishonored by the drawee when presented to such drawee for payment; and the ABLE Commission may cancel or suspend the license of any retailer who has given a check or draft, as maker or endorser, which is so dishonored upon presentation.

Added by Laws 2016, c. 366, § 148, eff. Oct. 1, 2018. Amended by Laws 2017, c. 84, § 3, eff. Oct. 1, 2018; Laws 2019, c. 306, § 1, eff. July 1, 2019; Laws 2020, c. 161, § 22, emerg. eff. May 21, 2020; Laws 2021, c. 434, § 3, eff. Nov. 1, 2021.

NOTE: Laws 2019, c. 431, § 4 repealed by Laws 2020, c. 161, § 23, emerg. eff. May 21, 2020.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-109. Prohibited acts of mixed beverage, beer and wine, bottle club, caterer, charitable event, public event or special event licensees or employee, manager, operator or agent thereof.

No mixed beverage, beer and wine, bottle club, caterer, charitable event, public event or special event licensee or any employee, manager, operator or agent thereof shall:

1. Consume or be under the influence of alcoholic beverages during the hours he or she is on duty. For the purposes of this section, licensees will be deemed to be on duty from the time the licensee first comes on duty until the time the licensee goes off

duty at the end of the shift including any break periods permitted by management. This paragraph shall not apply for purposes of employee education training; provided, that:

- a. all tastings are conducted on a licensed premises and under the direct supervision of the licensee,
- b. all samples shall be poured by a licensee who is lawfully permitted to serve alcoholic beverages in this state,
- c. all tastings shall be restricted to employees who are twenty-one (21) years of age or older,
- d. all participation in tastings for educational purposes may be required by an employer; however, the choice to taste or consume alcoholic beverages shall always be voluntary, and
- e. no employee may be required to taste or consume alcohol at tastings as a condition of employment.

An educational tasting of beer may consist of not more than six separate individual beers of not more than two (2) ounces each, served together at one time. No employee may sample more than a total of twelve (12) fluid ounces of beer per day. An educational tasting of wine may consist of not more than six separate individual wines of not more than one (1) ounce each, served together at one time. No employee may sample more than a total of six (6) fluid ounces of wine per day. An educational tasting of spirits shall consist of not more than three separate individual spirits of not more than one-half (0.5) ounce each, served together at one time. No employee may sample more than a total of one and one-half (1.5) fluid ounces of spirits per day. An education tasting of a mixed beverage shall consist of not more than one individual mixed beverage consisting of not more than twelve (12) ounces of beer, six (6) ounces of wine, or one and one-half (1.5) ounces of spirits, combined with an unlimited amount of ingredients that are non-alcoholic in nature, served at one time. No employee may sample more than a total of twelve (12) ounces of beer, six (6) ounces of wine, or one and one-half (1.5) ounces of spirits in a mixed beverage per day. Only one type of alcoholic beverage, beer, wine, spirits, or mixed beverage shall be allowed at any educational training tasting. No combination tasting shall be allowed. Employees who choose to taste an alcoholic beverage but do not wish to consume the alcoholic beverage shall be allowed to spit the beverage into a cup for disposal. Employees may participate in educational tastings before, during, or after regular business hours unless otherwise prohibited by law. All licensees serving samples of beer shall ensure that all samples are poured only from original sealed packaging and any alcoholic beverages remaining in unsealed packaging used to provide samples, excluding spirits and wine, are poured out by the end of the day. No more than six bottles of

alcoholic beverages may be unsealed at any given time during a tasting. All packaging containing samples of wine and spirits shall be clearly marked as a sample and any unused portions of the sample of wine or spirits shall be resealed and retained by the wine and spirits wholesaler for use at the next tasting authorized in this paragraph. Wine and spirits wholesaler employees may transport any resealed samples of wine and spirits in their vehicles. Beer, wine, and spirits samples shall not be considered withdrawn from the inventory of the beer distributor or wine and spirits wholesaler for purposes of the collection of the excise tax on beer, wine, and spirits. Straw testing during operating hours shall be permitted. Tastings offered to licensees by wine and spirits wholesalers and beer distributors shall not be deemed discrimination or an inducement under Section 3-123 of this title. This paragraph shall not apply to any person who works on the premises as an entertainer only;

2. Permit or tolerate any conduct or language which is intended to threaten another with physical harm or any fighting or offensive physical contact, in or upon the licensed premises or areas just outside the licensed premises which are controlled by the licensee;

3. Permit empty or discarded alcoholic beverage containers to be in public view outside the licensed premises. All empty or discarded containers shall be disposed of in accordance with ABLE Commission rules and regulations;

4. Permit any illegal gambling activity, violations of the state narcotic and dangerous drug laws, prostitution activity or any other criminal conduct to occur on the licensed premises;

5. Refuse or fail to promptly open a door to the licensed premises upon request of an employee of the ABLE Commission or any other peace officer to enter the premises when the licensee or employee knows or should know that such request is made by an employee of the ABLE Commission or a peace officer. This provision shall not be construed to deny employees of the ABLE Commission or peace officers access at any time to any licensed premises;

6. Permit a sealed or unsealed container of alcoholic beverage to be removed from the licensed premises. Provided, that restaurants, hotels and motels may permit the removal of closed original wine containers the contents of which have been partially consumed and bottle clubs may permit the removal by a club member of closed original containers of alcoholic beverages belonging to members. The provisions of this paragraph shall not be construed to prohibit or restrict:

- a. hotels or motels who are holders of mixed beverage or on-premises beer and wine licenses from allowing alcoholic beverages to be served away from the bar area anywhere on the licensed premises,

- b. licensees, who are lawfully operating in a facility or on property owned or operated by any agency, political subdivision or public trust of this state, from allowing persons to transport alcoholic beverages from one licensed premises to another within the same building or property, provided that the building or property or a part thereof is defined as a common drinking area for consumption of alcohol by resolution of the governing body of the agency, political subdivision or public trust of this state,
- c. licensees, who are licensed to operate in a facility or on property owned or operated by any agency, political subdivision or public trust of this state, from allowing other licensees to operate on their licensed premises for events that are temporary in nature. In the event that multiple licensees are operating in a facility or on property owned or operated by any agency, political subdivision or public trust of this state, each licensee shall be responsible for violations occurring in their area designated to be their temporary licensed premises, or
- d. licensees, who are lawfully operating in a facility or property intended for multiple licensed premises within the facility and which also contains a common use area, from allowing persons to transport alcoholic beverages within the entire premises, which shall be designated by the ABLE Commission as a common drinking area for the consumption of alcoholic beverages. Provided further, the property owner and all licensees licensed within the facility or property desiring the entire premises be designated a common drinking area shall notify the ABLE Commission in writing of their consent prior to such area being designated a common drinking area; or

7. Destroy, damage, alter, remove or conceal potential evidence, or attempt to do so, or refuse to surrender evidence when lawfully requested to do so by an inspector, agent or any other peace officer or incite another person to do any of the above. Added by Laws 2016, c. 366, § 149, eff. Oct. 1, 2018. Amended by Laws 2017, c. 205, § 8, eff. Oct. 1, 2018; Laws 2021, c. 299, § 1, emerg. eff. April 27, 2021; Laws 2024, c. 90, § 5, emerg. eff. April 22, 2024.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-110. Prohibited acts on or about commercial premises where intoxicating beverages are dispensed or consumed.

No owner, operator, partner, manager or person having supervisory control of any establishment licensed to sell or serve intoxicating beverages shall permit any of the following on or about any commercial premises where intoxicating beverages are dispensed or consumed:

1. The performance by any person of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are otherwise prohibited by law;

2. The actual intentional touching or caressing or fondling by any person of the breasts, anus or genitals;

3. Any person on the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the areola of the female breast or any portion of the pubic hair, buttocks or genitals; or

4. Any person to perform acts of, or acts which simulate, sexual acts which are prohibited by law, or permit any person to use artificial devices or inanimate objects to depict any prohibited activities or permit the showing of films, still pictures, electronic reproductions or other visual reproductions depicting any of the prohibited activities described in this paragraph.

Added by Laws 2016, c. 366, § 150, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-111. Authority to remove persons while making arrests.

An agent, inspector or any peace officer while making arrests incidental to investigating violations of state law may remove from licensed premises and adjacent areas customers, employees and those individuals who may pose a threat to public safety or a threat to the safety of agents, inspectors or peace officers for the period of time necessary to effect the arrests and complete the pending investigation.

Added by Laws 2016, c. 366, § 151, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-112. Damaging or destroying information required on original containers or cases - Misdemeanor.

Any person who erases, removes, obliterates, destroys or renders illegible in any manner any serial numbers, marks, brands, legends, license numbers, case numbers or other information required by the Oklahoma Alcoholic Beverage Control Act or by Acts of Congress to be

attached or placed upon any original containers or cases containing alcoholic beverages before the contents of such packages or cases have been entirely removed is guilty of a misdemeanor.

Added by Laws 2016, c. 366, § 152, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-113. Unlawful to possess alcoholic beverages with intent to sell without procuring a license.

It shall be unlawful for any person, firm or corporation to possess any alcoholic beverages with the intent to sell the same without having first procured a license therefor from the ABLE Commission as now provided for by law. All alcoholic beverages found in the possession or under the control of any person or persons, firm or corporation who, on the same date, or within fifteen (15) days prior thereto, has violated Section 153 of this act, shall be seized by the arresting officer and shall be forfeited to the State of Oklahoma, as provided for in Section 167 of this act; provided, property seized by a county or municipal law enforcement officer shall be forfeited to the county or municipality in which the seizure of the property took place, whichever is appropriate, as provided for in Section 167 of this act.

Added by Laws 2016, c. 366, § 153, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-114. Age restrictions for premises with a lounge or bar area for selling or distributing alcoholic beverages - Admission charge in determining purpose - Exceptions.

A. 1. If the premises of a licensee of the ABLE Commission contains a separate or enclosed lounge or bar area, which has as its main purpose the sale or distribution of alcoholic beverages for on-premises consumption, notwithstanding that as an incidental service, meals or short order foods are made available therein, no person under twenty-one (21) years of age shall be admitted to such area, except for members of a musical band employed or hired as provided in paragraph 2 of Section 6-102 of this title when the band is to perform within such area, employees of a beer distributor or wine and spirits wholesaler who are at least eighteen (18) years of age and enter for the purpose of merchandising or delivering product to the licensee in the normal course of business, or persons under twenty-one (21) years of age who are on the licensed premises for the limited purpose of performing maintenance, construction, remodeling, painting or other similar services relating to the building or equipment installation, repair or maintenance on the

premises during those hours when the licensed establishment is closed for business. The provisions of this section shall not prohibit persons under twenty-one (21) years of age from being admitted to an area which has as its main purpose some objective other than the sale or mixing or serving of alcoholic beverages, in which sales or serving of alcoholic beverages are incidental to the main purpose, as long as the persons under twenty-one (21) years of age are not sold or served alcoholic beverages. The incidental service of food in the bar area shall not exempt a licensee from the provisions of this section. The ABLE Commission shall have the authority to designate the portions of the premises of a licensee where persons under twenty-one (21) years of age shall not be admitted pursuant to this section. When determining a licensee's main purpose, a licensee that operates a full kitchen, sells food items from a full menu, and has thirty-five percent (35%) or more of its monthly gross sales attributable to food items, shall have as its main purpose other than the sale of alcoholic beverages. The main purpose of those mixed beverage establishments whose main purpose was other than the sale of alcoholic beverages prior to October 1, 2018, shall not automatically lose that designation upon the elimination of low-point beer in the state. If the ABLE Commission wishes to change the mixed beverage establishments' main purpose designation, it shall be the burden of the ABLE Commission to prove by clear and convincing evidence that the mixed beverage establishments no longer qualify for that designation.

2. A new licensee that claims as its main purpose some objective other than the sale of alcoholic beverages may be granted a separate or enclosed lounge or bar area for a period of ninety (90) days. At the end of that ninety-day period, the licensee shall have the burden of showing that the business continues to qualify for a separate or enclosed bar area. If the licensee fails to satisfy this burden, then that licensee's main purpose shall automatically convert to the sale of alcoholic beverages.

B. Except as otherwise provided, an admission charge shall not be considered in any calculation designed to determine the main purpose of an establishment pursuant to subsection A of this section. As used in this section, "admission charge" means any form of consideration received by an establishment from a person in order for that person to gain entrance into the establishment.

C. The provisions of subsection B of this section shall not apply:

1. If only persons eighteen (18) years of age or older are permitted to enter the licensed premises; provided, if the licensee is claiming an exception from the requirements of subsection B of this section pursuant to this paragraph and fails to restrict the entry by persons under age eighteen (18) into the licensed premises,

the ABLE Commission shall designate that only persons twenty-one (21) years of age or older are allowed on the licensed premises;

2. If the licensed premises are owned or operated by a service organization or fraternal establishment which is exempt under Section 501(c)(19), (8), or (10) of the Internal Revenue Code; or

3. To a public event held in a facility owned or operated by any agency, political subdivision or public trust of this state.

D. The ABLE Commission shall promulgate rules necessary to implement the provisions of this section.

Added by Laws 2016, c. 366, § 154, eff. Oct. 1, 2018. Amended by Laws 2022, c. 82, § 3, emerg. eff. April 25, 2022.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-115. Operation of whiskey still with intent to produce alcoholic beverages - Distiller business without distiller's license - Penalties.

Any person who shall operate a whiskey still with intent to produce alcoholic beverages or any person who shall carry on the business of a distiller without possessing a valid and existing distiller's license issued pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act shall be guilty of a Class D3 felony offense and, upon conviction, be fined not less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars (\$5,000.00), or imprisoned as provided for in subsections B through F of Section 20P of Title 21 of the Oklahoma Statutes, or by both such fine and imprisonment.

Added by Laws 2016, c. 366, § 155, eff. Oct. 1, 2018. Amended by Laws 2025, c. 486, § 708, eff. Jan. 1, 2026.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-116. False or fraudulent return in connection with any tax imposed by Act - Penalties.

Any person who shall file a false or fraudulent return in connection with any tax imposed by the Oklahoma Alcoholic Beverage Control Act, or willfully evade, or attempt to evade, any tax herein levied shall be guilty of a Class D3 felony offense and, upon conviction, be fined not less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars (\$5,000.00), or imprisoned as provided for in subsections B through F of Section 20P of Title 21 of the Oklahoma Statutes, or by both such fine and imprisonment.

Added by Laws 2016, c. 366, § 156, eff. Oct. 1, 2018. Amended by Laws 2025, c. 486, § 709, eff. Jan. 1, 2026.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-117. Engaging in activities or performing transactions or acts without proper license - Penalties.

Any person who shall knowingly engage in any activity or perform any transaction or act for which a license is required under the Oklahoma Alcoholic Beverage Control Act, not having such license, shall be guilty of a misdemeanor and for the first offense, upon conviction, be fined not more than Two Thousand Five Hundred Dollars (\$2,500.00) and imprisoned for not less than thirty (30) days nor more than six (6) months, and for a second or subsequent offense shall be guilty of a Class D3 felony offense and be fined not more than Two Thousand Five Hundred Dollars (\$2,500.00), or imprisoned as provided for in subsections B through F of Section 20P of Title 21 of the Oklahoma Statutes, or by both such fine and imprisonment. Added by Laws 2016, c. 366, § 157, eff. Oct. 1, 2018. Amended by Laws 2025, c. 486, § 710, eff. Jan. 1, 2026.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-118. Unlawful selling, delivering, possessing and buying alcoholic beverages - Penalties.

Any person holding a license issued pursuant to the Oklahoma Alcoholic Beverage Control Act who shall sell or deliver alcoholic beverage to any person not entitled to purchase or receive same, except as provided in Section 160 of this act, or who shall possess for sale any alcoholic beverage which he or she is not entitled to sell under the license, or any person who buys any alcoholic beverage, either retail or wholesale, from any person other than a licensed dealer under the terms of the Oklahoma Alcoholic Beverage Control Act, shall be guilty of a misdemeanor and upon conviction, be fined not more than One Thousand Five Hundred Dollars (\$1,500.00), or imprisoned in the county jail for not more than six (6) months, or by both such fine and imprisonment.

Added by Laws 2016, c. 366, § 158, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-119. Persons under 21 - Misrepresentation of age to induce persons to sell or serve alcoholic beverages - Entering or attempting to enter package store or bar area - Penalties - Substance abuse prevention program.

A. Any person under twenty-one (21) years of age who shall misrepresent his or her age in writing or by presenting false documentation of age for the purpose of inducing any person to sell or serve him or her alcoholic beverage or issue him or her a bottle club membership card, or who enters or attempts to enter a package store or a separate or enclosed bar area as designated by the ABLE Commission, shall be guilty of a misdemeanor and fined not more than Fifty Dollars (\$50.00).

B. In addition, if a person is convicted or pleads guilty to a violation of the provisions of this subsection in any court having jurisdiction over the offense, the court may order the Department of Public Safety to cancel or deny the offender's privilege to operate a motor vehicle and, upon such order, shall require that the operator's or chauffeur's license, if any, be surrendered to the Department pursuant to Section 6-209 of Title 47 of the Oklahoma Statutes. The cancellation or denial period shall be for one (1) year, or until the person reaches twenty-one (21) years of age, whichever is longer.

C. Any person whose driving privileges are ordered cancelled or denied pursuant to this section may petition the court of original jurisdiction for review of the order. Upon notice and hearing, the court may modify or withdraw the order as the court deems appropriate except:

1. A court may not withdraw an order for at least ninety (90) days following the issuance of the order if it is the first such order issued regarding the person named; and

2. A court may not withdraw an order for at least six (6) months following the issuance of the order if it is the second or subsequent such order issued regarding the person named. If the Department receives written notice from the court of original jurisdiction that it has withdrawn such an order, the Department shall immediately reinstate any driving privileges that have been canceled or denied under this section, without requiring payment of a reinstatement fee.

D. In addition to any other penalty provided by law, a person convicted of a violation of the provisions of this section shall be required to complete a substance abuse prevention program conducted by the Department of Mental Health and Substance Abuse Services or a private entity approved by the Department. Such program shall include at least two sessions, each of which shall be not less than two (2) hours in length. The cost of the program shall be paid by the person required to complete the program.

Added by Laws 2016, c. 366, § 159, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-120. Selling, furnishing or giving alcoholic beverages to persons under 21 - Penalties.

A. Any person who shall sell, furnish or give alcoholic beverage to a person under twenty-one (21) years of age shall be guilty of a misdemeanor for a first violation, and upon conviction shall be fined not more than Five Hundred Dollars (\$500.00), or imprisoned in the county jail for not more than one (1) year, or by both such fine and imprisonment. Any person convicted of a second or subsequent violation shall be guilty of a Class D3 felony offense, and shall be fined not less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars (\$5,000.00), or imprisoned as provided for in subsections B through F of Section 20P of Title 21 of the Oklahoma Statutes, or by both such fine and imprisonment. The ABLE Commission shall revoke the license of any person convicted of a violation of this section.

B. Any person convicted of a violation pursuant to subsection A of this section shall be required to attend a victims impact panel program, as defined in Section 991a of Title 22 of the Oklahoma Statutes.

Added by Laws 2016, c. 366, § 160, eff. Oct. 1, 2018. Amended by Laws 2021, c. 273, § 2, eff. Nov. 1, 2021; Laws 2025, c. 486, § 711, eff. Jan. 1, 2026.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-121. Knowingly selling, furnishing or giving alcoholic beverages to insane, mentally deficient or intoxicated persons - Penalties.

Any person who shall knowingly sell, furnish or give alcoholic beverage to an insane, mentally deficient or intoxicated person shall be guilty of a misdemeanor for a first violation, and upon conviction shall be fined not more than Five Hundred Dollars (\$500.00), or imprisoned in the county jail for not more than one (1) year, or by both such fine and imprisonment. Any person convicted of a second or subsequent violation shall be guilty of a Class D3 felony offense, and shall be fined not less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars (\$5,000.00), or imprisoned as provided for in subsections B through F of Section 20P of Title 21 of the Oklahoma Statutes, or by both such fine and imprisonment. The ABLE Commission shall revoke the license of any person convicted of a violation of this section.

Added by Laws 2016, c. 366, § 161, eff. Oct. 1, 2018. Amended by Laws 2025, c. 486, § 712, eff. Jan. 1, 2026.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-122. Payment of federal tax for liquor dealers prima facie evidence.

The payment of the special tax required of liquor dealers by the United States by any person within this state without a corresponding state license shall constitute prima facie evidence of an intention to violate the provisions of the Oklahoma Alcoholic Beverage Control Act.

Added by Laws 2016, c. 366, § 162, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-123. Selling alcoholic beverages during unauthorized day or hours - Penalties.

Any person selling or keeping a package store open to sell any alcoholic beverage during any day or hours not authorized by the Oklahoma Alcoholic Beverage Control Act, and any person selling or permitting the sale of alcoholic beverages at a grocery store, convenience store or drug store during any day or hours not authorized by the Oklahoma Alcoholic Beverage Control Act shall be guilty of a misdemeanor for a first violation, and upon conviction shall be fined not more than Five Hundred Dollars (\$500.00), or imprisoned in the county jail for not more than one (1) year, or by both such fine and imprisonment. Any person convicted of a second or subsequent violation shall be guilty of a Class D1 felony offense, and shall be fined not less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars (\$5,000.00), or imprisoned as provided for in subsections B through F of Section 20N of Title 21 of the Oklahoma Statutes, or by both such fine and imprisonment. The ABLE Commission shall revoke the license of any person convicted of a violation of this section.

Added by Laws 2016, c. 366, § 163, eff. Oct. 1, 2018. Amended by Laws 2025, c. 486, § 500, eff. Jan. 1, 2026.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-124. Permitting a person to be drunk or intoxicated on licensed premises - Penalties.

Any licensee permitting a person to be drunk or intoxicated on the licensee's licensed premises shall be guilty of a misdemeanor, and upon conviction punishable by a fine in an amount not exceeding One Hundred Dollars (\$100.00), by imprisonment in the county jail

for a term not more than thirty (30) days, or by both such fine and imprisonment.

Added by Laws 2016, c. 366, § 164, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-125. Violations of Act with no specific penalty - Penalties.

A. Any person who shall violate any provision of the Oklahoma Alcoholic Beverage Control Act for which no specific penalty is prescribed shall be guilty of a misdemeanor and be fined not more than Five Hundred Dollars (\$500.00), or imprisoned in the county jail for not more than six (6) months, or by both such fine and imprisonment.

B. Provided, however, notwithstanding any provision of law to the contrary, any offense, including traffic offenses, in violation of any of the provisions of the Oklahoma Alcoholic Beverage Control Act which is not otherwise punishable by a term of imprisonment or confinement shall be punishable by a term of imprisonment not to exceed one day in the discretion of the court, in addition to any fine prescribed by law.

Added by Laws 2016, c. 366, § 165, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-126. Arrest of license holders - Notice to ABLE Commission - Circumstances for immunity from prosecution.

A. All law enforcement officers, upon the arrest of any holder of a license issued by the ABLE Commission for a violation of any state law or municipal ordinance in which the violation of any alcoholic beverage law had any part, shall immediately notify the ABLE Commission thereof. Such officers shall notify the ABLE Commission of any acts, practices or other conduct of any such licensee which may be subversive to the general welfare or contrary to the spirit of the Oklahoma Alcoholic Beverage Control Act and shall recommend appropriate action to be taken by the ABLE Commission or the Oklahoma Tax Commission.

B. A peace officer may not take a person into custody based solely on the commission of an offense involving alcohol described in subsection C of this section if the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that all of the following apply:

1. The law enforcement officer has contact with the person because the person requested emergency medical assistance for an

individual who reasonably appeared to be in need of medical assistance due to alcohol consumption; and

2. The person:

- a. provided the person's full name and any other relevant information requested by the law enforcement officer,
- b. remained at the scene with the individual who reasonably appeared to be in need of medical assistance due to alcohol consumption until emergency medical assistance arrived, and
- c. cooperated with emergency medical assistance personnel and law enforcement officers at the scene.

C. A person who meets the criteria of subsection B of this section is immune from criminal prosecution for an offense under subsection D of Section 141 of this act if the offense involved a state of intoxication caused by the person's use of alcohol or if the offense involved the person being, or becoming, intoxicated as a result of the person's use of alcohol.

D. A person may not initiate or maintain an action against a peace officer or the employing political subdivision based on the officer's compliance or failure to comply with this section.

E. For the purposes of this section, "peace officer" shall have the same meaning as defined in Section 99 of Title 21 of the Oklahoma Statutes.

Added by Laws 2016, c. 366, § 166, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-127. Purpose of issuing search warrants - Forfeiture.

A. A search warrant may be issued pursuant to the provisions of Sections 1221 through 1264 of Title 22 of the Oklahoma Statutes, as amended, for the purpose of:

1. Searching for, seizing, destroying or holding any alcoholic beverages possessed, sold, transported, manufactured, kept or stored in violation of the Oklahoma Alcoholic Beverage Control Act; or
2. Searching for and seizing any apparatus, vehicle, equipment or instrumentality used for, or intended for use in, manufacturing or transporting any alcoholic beverage in violation of the Oklahoma Alcoholic Beverage Control Act.

All such property shall be forfeited to the State of Oklahoma. This section shall not be construed to require a search warrant for duly authorized employees of the ABLE Commission to enter upon and inspect any licensed premises, but such right of entry and inspection shall be a condition on which every license shall be issued and the application for, and acceptance of, any license hereunder shall conclusively be deemed to be consent of the applicant and licensee to such entry and inspection.

B. Any alcoholic beverages upon which the appropriate federal excise tax has not been paid at the time of seizure under this section shall be destroyed by the sheriff who seized the same or to whom the same has been delivered in accordance with the provisions of Section 1261 of Title 22 of the Oklahoma Statutes, as amended, after the same is no longer needed as evidence in any criminal prosecution. All other property, including alcoholic beverages upon which the appropriate federal excise tax has been paid, seized under this section, shall be forfeited to the State of Oklahoma by order of the court issuing the process by virtue of which such property was seized, or before which the persons violating the law, or to which such property was taken by the officer or officers making the seizure. The court shall, without a jury, order an immediate hearing as to whether the property so seized was subject to seizure under this section, and take such legal evidence as is offered, and determine the same as in civil cases. If the court finds from a preponderance of the evidence that the property so seized was subject to seizure under this section, it shall render judgment accordingly and order the property forfeited to the State of Oklahoma unless seized by county or municipal law enforcement officers, in which case the property shall be forfeited to the county or municipality, whichever is appropriate, in which the seizure of the property took place. Such seized property shall be sold by the officer having the same in charge, after giving ten-days' notice by one publication in a legal newspaper of the county or, if no legal newspaper is published in the county, after five notices of such sale have been posted in conspicuous places in the city or town wherein such sale is to be made, at least ten (10) days before such sale. Appeal from such an order may be taken as in civil cases. When such property is sold under the provisions of this section, the proceeds thereof shall be distributed as follows: first, to the payment of the costs of the case in which the order of forfeiture was made and the actual expenses of preserving the property; and second, the remainder to be deposited with the county or municipal treasurer of the county or municipality in which the seizure took place if the property was seized by county or municipal law enforcement officials or with the State Treasurer to the credit of the General Revenue Fund of the State of Oklahoma in all other cases.

Added by Laws 2016, c. 366, § 167, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-128. Order to show cause for witnesses before Commission - Penalties.

A. If a witness in attendance before the Director of the ABLE Commission refuses without reasonable cause to be examined or to answer a legal or pertinent question, or to produce a book, record or paper when ordered to do so by the Director, the Director may apply to the judge of the district court of any county where such witness is in attendance, upon proof by affidavit of the fact, for a rule or order returnable in not less than two (2) nor more than five (5) days, directing such witness to show cause before the judge who made the order, or any other district judge of the county, why he or she should not be punished for contempt. Upon the return of such order, the judge before whom the matter shall come for hearing shall examine under oath such witness or person, and such person shall be given an opportunity to be heard. If the judge shall determine that such person has refused, without reasonable cause or legal excuse, to be examined or answer a legal or pertinent question, or to produce a book, record or paper which he or she was ordered to bring or produce, the judge may punish the offender as for contempt of court and shall fix the penalty in any sum not less than Two Hundred Fifty Dollars (\$250.00) but not to exceed Five Hundred Dollars (\$500.00) or require him or her to serve a maximum of thirty (30) days in jail, or by both such fine and imprisonment.

B. Subpoenas shall be served and witness fees and mileage paid as in civil cases in the district court in the county to which such witness shall be called. Witnesses subpoenaed at the instance of the Director shall be paid their fees and mileage by the Director out of funds appropriated by the Legislature. Court costs in the contempt proceedings shall be paid as taxed by the court.

Added by Laws 2016, c. 366, § 168, eff. Oct. 1, 2018.

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 370, which was adopted at election held on Nov. 8, 2016.

§37A-6-129. Powdered alcohol - Unlawful use, purchase, sale or possession.

A. As used in this section, "powdered alcohol" means alcohol prepared or sold in a powder form for either direct use or reconstitution.

B. It is unlawful for any person or licensee to use, offer for use, purchase, offer to purchase, sell, offer to sell or possess powdered alcohol.

C. It is unlawful for a holder of a license pursuant to the provisions of this title for on-premises or off-premises consumption of alcoholic beverages to use powdered alcohol as an alcoholic beverage.

D. Any person or license holder that violates this section shall, upon conviction, be guilty of and punished as follows:

1. For a first offense, a misdemeanor punishable by a fine of not more than Three Hundred Dollars (\$300.00), or by imprisonment for not more than thirty (30) days, or by both;

2. For a second offense, a misdemeanor punishable by a fine of not more than Seven Hundred Fifty Dollars (\$750.00), or by imprisonment for not more than six (6) months, or by both; or

3. For a third or subsequent offense, a D3 felony offense punishable by a fine of not more than Three Thousand Dollars (\$3,000.00), or by imprisonment as provided for in subsections B through F of Section 20P of Title 21 of the Oklahoma Statutes, or by both.

Added by Laws 2017, c. 275, § 2, eff. Oct. 1, 2018. Amended by Laws 2025, c. 486, § 713, eff. Jan. 1, 2026.

§37A-6-130. Definitions.

As used in this section:

1. "Employee" means any person paid by an establishment licensed by the Alcoholic Beverage Laws Enforcement (ABLE) Commission to sell, serve, dispense, or deliver alcoholic beverages or to immediately manage, direct, supervise, or control the sale or service of alcoholic beverages; and

2. "Seller-server training certificate" means a certificate granted for completing an Oklahoma seller-server certification course recognized by the ABLE Commission.

Added by Laws 2025, c. 423, § 1, eff. Nov. 1, 2025.

§37A-6-130.1. Actions of employees not attributable to a licensed establishment – Affirmative defense.

A. Certain actions of an employee are not attributable to an establishment licensed by the Alcoholic Beverage Laws Enforcement (ABLE) Commission and shall be an affirmative defense to such liability when such licensed establishment receives a notice of violation for certain actions of an employee.

B. The following actions of an employee of a licensed establishment are not attributable to the licensed establishment:

1. The selling, furnishing, or giving of an alcoholic beverage to:

- a. a person who is insane or mentally deficient,
- b. a minor, or
- c. an intoxicated person; or

2. Allowing the consumption of an alcoholic beverage by:

- a. a person who is insane or mentally deficient,
- b. a minor, or
- c. an intoxicated person.

C. A licensed establishment may assert the affirmative defense if the licensed establishment:

1. Required all employees to maintain a currently valid employee license from the ABLE Commission;

2. Required each employee to present a seller-server training certificate within fourteen (14) days of his or her initial employment date, unless the employee is deemed exempt by an existing statute and required each employee to attend a seller-server training course every two (2) years upon renewal of the employee license and attend a seller-server training course every two (2) years after the initial employment date, unless an employee is exempt pursuant to Section 2-121 of Title 37A of the Oklahoma Statutes;

3. Adopted written policies and procedures which prohibit:

a. the sale, service, dispensation, or delivery of an alcoholic beverage to:

- (1) a person who is insane or mentally deficient,
- (2) a minor, or
- (3) an intoxicated person, or

b. the employee from allowing consumption of an alcoholic beverage by:

- (1) a person who is insane or mentally deficient,
- (2) a minor, or
- (3) an intoxicated person; and

4. Ensured that all employees have read and understood the required policies as provided in paragraph 3 of this subsection by having an acknowledgment of understanding by the employee in writing. Such acknowledgment shall be kept for record by the licensed establishment for at least one (1) year after the date the employee was terminated.

D. A licensed establishment asserting the affirmative defense under this act shall provide to the ABLE Commission, not later than ten (10) days after receipt of an administrative notice of violation, an affidavit indicating that the licensed establishment was in compliance with the requirements of this act at the time of the violation for which the administrative notice was issued, which shall include a copy of the valid employee license held by the employee who committed the alleged violation, a copy of the current training certificate held by that employee, and a signed copy of acknowledgment of receipt of policies by the employee. At a hearing in which the licensed establishment asserts the affirmative defense created by this act, the licensed establishment may be required to present additional evidence to support such defense.

E. When an employee does not possess a currently valid employee license from the ABLE Commission, the action of the employee shall be attributable to the licensed establishment.

F. Proof by the ABLE Commission that an employee performed an action described in this act on three or more occasions within a twelve-month period shall create a rebuttable presumption that a

licensed establishment has indirectly encouraged a violation of the law pursuant to this act. The rebuttable presumption is created regardless of whether the employee performing the action described in this subsection on a second or subsequent occasion is the same employee who performed the initial action. Proof of violation shall be demonstrated by:

1. Producing final orders issued by the ABLE Commission or a court of competent jurisdiction finding that the licensed establishment violated this act on two previous occasions; and

2. Establishing a prima facie case that an employee of the licensed establishment violated this act on a third or subsequent occasion.

G. Proof of violation of this act shall be for the same type of offense and shall have occurred within a twelve-month period, as calculated from the dates the incidents occurred.

H. At a hearing in which the licensed establishment asserts the affirmative defense established in this act, the ABLE Commission may present evidence to establish a rebuttable presumption under this act. If the evidence is sufficient to establish a prima facie case, the burden of persuasion in the proceeding shifts to the licensed establishment to show that it has not indirectly encouraged a violation of the law within the meaning of this act.

I. Nothing in this act shall be construed to establish exclusive means by which the ABLE Commission may establish that a licensed establishment has indirectly encouraged a violation of this act.

Added by Laws 2025, c. 423, § 2, eff. Nov. 1, 2025.

§37A-7-101. Short title - Oklahoma Cocktails To Go Act of 2021.

This act shall be known and may be cited as the "Oklahoma Cocktails To Go Act of 2021".

Added by Laws 2021, c. 429, § 1.

§37A-7-102. Definitions.

As used in this act:

1. "Cocktail" or "mixed drink" means any beverage obtained by combining ingredients alcoholic in nature, whether brewed, fermented, or distilled, with ingredients nonalcoholic in nature, such as, but not limited to, fruit juice, lemonade, cream, or a carbonated beverage;

2. "Single-serve wine" means a bottle or sealed container, containing seven (7) fluid ounces, or less, of wine;

3. "Original container" means, for the purposes of the Oklahoma Cocktails To Go Act of 2021 only, a container that is filled, sealed and secured with a tamper-evident lid or cap by the original manufacturer of the mixed drink or by a mixed beverage licensee's or

caterer licensee's employee at the mixed beverage licensee's or caterer licensee's location;

4. "Sealed container" means a rigid container that contains a mixed drink, is new, has never been used, has a secured lid or cap designed to prevent consumption without removal of the lid or cap and is tamper evident. Sealed container does not include a container with a lid with sipping holes or openings for straws or a container made of plastic, paper or polystyrene foam; and

5. "Tamper evident" means a lid or cap that has been sealed with tamper-evident covers, including, but not limited to, wax dip or heat-shrink wrap.

Added by Laws 2021, c. 429, § 2. Amended by Laws 2022, c. 373, § 1, eff. Nov. 1, 2022; Laws 2024, c. 416, § 2, eff. Nov. 1, 2024.

§37A-7-103. Requirements.

A cocktail, mixed drink, or single-serve wine in its original container may be transferred and sold for off-premises consumption if the following requirements are met:

1. The cocktail, mixed beverage, or single-serve wine is transferred within the licensed premises by a curbside pickup or by delivery by an employee of the mixed beverage licensee, mixed beverage/caterer combination licensee, or retail licensee who:

- a. is at least eighteen (18) years of age, and
- b. upon delivery, verifies the age of the person to whom the cocktail is being delivered;

2. If the employee delivering the cocktail, mixed drink, or single-serve wine is not able to safely verify a person's age or level of intoxication upon delivery, the employee shall cancel the sale of alcohol and return the product to the mixed beverage license holder, mixed beverage/caterer combination license holder, or retail license holder;

3. The sealed container is placed in the trunk of the vehicle or, if there is no trunk, in the vehicle's rear compartment that is not readily accessible to the passenger area;

4. In the case of a mixed drink sealed by the mixed beverage or caterer licensee, the sealed container shall be affixed with a label or tag that contains the following information:

- a. the cocktail, mixed drink or single-serve wine ingredients, type and name of the alcohol,
- b. the name, license number and address of the mixed beverage licensee or caterer licensee who filled the original container and sold the product,
- c. the volume of the cocktail, mixed drink or single-serve wine in the sealed container, and
- d. verification that the sealed container was filled less than seven (7) days before the date of sale;

5. In the case of a mixed drink in its original container from the original manufacturer of the mixed drink, the Oklahoma-registered label shall not be tampered with, modified, or otherwise changed;

6. In the case of a customer purchasing a cocktail, mixed drink, or single-serve wine from inside the licensed premises as part of a carry out or to-go sale, a customer may carry the sealed container from the licensed premises; and

7. In the case of a customer purchasing a cocktail, mixed drink, or single-serve wine from a drive-through sale, the licensed premises shall inform the customer that the sealed container shall be stored out of reach of the driver's compartment.

Added by Laws 2021, c. 429, § 3. Amended by Laws 2022, c. 373, § 2, eff. Nov. 1, 2022; Laws 2024, c. 416, § 3, eff. Nov. 1, 2024.

§37A-7-104. Third-party delivery services not permitted .

Third-party delivery services are not permitted to deliver cocktails, mixed drinks and single-serve wine under this act.
Added by Laws 2021, c. 429, § 4.

§37A-7-105. Delivery or carry out not permitted in certain situations.

Delivery or carry out of a cocktail, mixed drink or single-serve wine is prohibited if:

1. A third party delivers the cocktail, mixed drink or single-serve wine;

2. A container of a mixed drink, cocktail or single-serve wine is not tamper evident and sealed;

3. A container of a mixed drink, cocktail or single-serve wine is transported in the passenger area of a vehicle;

4. A mixed drink, cocktail or single-serve wine is delivered by a person or to a person who is under twenty-one (21) years of age; or

5. The person delivering a mixed drink, cocktail or single-serve wine fails to verify the age of the person to whom the mixed drink, cocktail or single-serve wine is being delivered.

Added by Laws 2021, c. 429, § 5.

§37A-7-106. Licensee responsibility for violations.

Each licensee authorized to deliver cocktails, mixed drinks or single-serve wine to consumers pursuant to this act shall be held responsible for violation of any alcoholic beverage law or rule of the Alcoholic Beverage Laws Enforcement Commission affecting his or her license privileges and for any act or omission of his or her servant, agent, employee or representative in violation of any law, municipal ordinance or administrative rule affecting his or her license privileges.

Added by Laws 2021, c. 429, § 6.

§37A-7-107. Authorized licensees.

This act shall only grant authorization to holders of State of Oklahoma mixed beverage liquor licenses or caterer licenses but not to licensees that simultaneously hold any licensure or privilege to manufacture alcoholic liquors or beverages within or outside of the State of Oklahoma.

Added by Laws 2021, c. 429, § 7.

§37A-8-101. Official Advanced Funds – Purpose.

The Alcoholic Beverage Laws Enforcement (ABLE) Commission is hereby authorized to establish official advanced funds (OAF) for the purpose of supplying its agents with money for enforcement of actions to obtain critical evidence for case presentations. The amount of the OAF shall not exceed Five Thousand Dollars (\$5,000.00), and the ABLE Commission is authorized to prescribe forms, systems, and procedures for its administration. The OAF may be reimbursed from time to time by the filing of proper claims, accompanied by valid receipts for expenditures made.

Added by Laws 2023, c. 227, § 1, eff. Nov. 1, 2023.

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§47-1-101. Definition of words and phrases.

The following words and phrases when used in this title shall, for the purpose of this title, have the meanings respectively ascribed to them in this chapter, except when the context otherwise requires or other definitions are provided. Section captions are a part of this chapter.

Added by Laws 1961, p. 315, § 1-101, eff. Sept. 1, 1961. Amended by Laws 1981, c. 295, § 1, emerg. eff. June 29, 1981.

§47-1-101.1. Ancient vehicle.

Ancient vehicle.

A motor vehicle owned by a resident of this state, which is thirty (30) years of age or older, based upon the date of manufacture thereof, and which travels on highways of this state primarily incidental to historical or exhibition purposes only.

Added by Laws 1985, c. 305, § 12, emerg. eff. July 24, 1985.

§47-1-102. Arterial street.

Any U.S. or state-numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

Laws 1961, p. 315, § 1-102.

§47-1-103. Authorized emergency vehicles - Equipment.

A. When equipped as prescribed in subsection B of this section:

1. Vehicles of fire departments;

2. Ambulances or vehicles specified pursuant to subsection B of Section 1-2512 of Title 63 of the Oklahoma Statutes of licensed ambulance service providers;

3. State vehicles of law enforcement agencies;

4. County vehicles of sheriffs and full-time commissioned deputies and vehicles designated by the sheriff for support of the

sheriff's office including privately owned vehicles driven by the sheriff and full-time, part-time and reserve commissioned deputies; provided the audible sirens and flashing red lights equipped on such privately owned vehicles are used only in a law enforcement capacity and in the course of duty;

5. Municipal vehicles of police departments;

6. Vehicles owned and operated by the United States Marshals Service or the Federal Bureau of Investigation;

7. Vehicles of Oklahoma National Guard units designated by the Adjutant General for support to civil authorities; or

8. Vehicles owned and operated by any local organization for emergency management as defined by Section 683.3 of Title 63 of the Oklahoma Statutes,
are authorized emergency vehicles.

B. All vehicles prescribed in subsection A of this section shall be equipped with sirens capable of giving audible signals as required by the provisions of Section 12-218 of this title and flashing red lights as authorized by the provisions of Section 12-218 of this title.

Added by Laws 1961, p. 315, § 1-103, eff. Sept. 1, 1961. Amended by Laws 1976, c. 284, § 1, emerg. eff. June 17, 1976; Laws 1983, c. 220, § 1, eff. Nov. 1, 1983; Laws 1984, c. 29, § 1, eff. Nov. 1, 1984; Laws 1987, c. 74, § 1, eff. Nov. 1, 1987; Laws 1991, c. 167, § 1, eff. July 1, 1991; Laws 2003, c. 329, § 58, emerg. eff. May 29, 2003; Laws 2005, c. 190, § 6, eff. Sept. 1, 2005; Laws 2007, c. 120, § 2, eff. Nov. 1, 2007.

§47-1-103.1. Automobile.

Automobile.

Every motor vehicle of the type constructed and used for the transportation of persons for purposes other than for hire or compensation. This shall include all vehicles of the station wagon type whether the same are called station wagons, or ranch wagons, van wagons, except those used for commercial purposes, suburbans, town and country, or by any other name, except when owned and used as a school bus or motor bus by a school district or a religious corporation or society as elsewhere provided by law.

Added by Laws 1985, c. 305, § 13, emerg. eff. July 24, 1985.

§47-1-103.2. Autocycle.

Autocycle.

A. An autocycle is any motor vehicle having:

1. A seat or saddle for the use of each rider;

2. Three wheels in contact with the ground, but excluding a tractor;

3. A combustion engine or an electric motor:

- a. if the power source is a combustion engine, an engine with a piston or rotor displacement of one hundred fifty cubic centimeters (150 cc) or greater, or
- b. if the power source is an electric motor, a power source capable of producing one thousand (1,000) watts or greater;

4. For each occupant, safety belts or safety shoulder harnesses which shall be of a type and shall be installed pursuant to 49 C.F.R., Section 571.208 et seq.; and

5. All equipment required by the provisions of Article II et seq. of Chapter 12 of this title, with respect to equipment on vehicles.

B. An autocycle shall be registered as a motor vehicle.

C. The operator of an autocycle shall not be required to have an "M" endorsement on the Class D License pursuant to Section 6-110.1 of this title.

Added by Laws 2015, c. 148, § 1, eff. Nov. 1, 2015. Amended by Laws 2016, c. 223, § 1, eff. Nov. 1, 2016; Laws 2023, c. 169, § 1, eff. Nov. 1, 2023.

§47-1-104. Bicycle, electric-assisted bicycle, and motorized bicycle.

A. A bicycle is a device upon which any person or persons may ride, propelled solely by human power through a belt, chain, or gears, and having two or more wheels, excluding mopeds.

B. An electric-assisted bicycle is any bicycle with:

- 1. Two or three wheels; and
- 2. Fully operative pedals for human propulsion and equipped with an electric motor with a power output of not more than seven hundred fifty (750) watts that meets the requirements of one of the following three classes:

- a. "Class 1 electric-assisted bicycle" shall mean an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty (20) miles per hour,
- b. "Class 2 electric-assisted bicycle" shall mean an electric-assisted bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of twenty (20) miles per hour, and
- c. "Class 3 electric-assisted bicycle" shall mean an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight (28) miles per hour.

An electric-assisted bicycle shall meet the manufacturing and equipment requirements adopted by the Consumer Product Safety Commission for bicycles and shall operate in such a manner that the electric motor disengages or ceases to function when the rider stops pedaling or the brakes are applied.

C. A motorized bicycle is any bicycle having:

1. Fully operative pedals for propulsion by human power;

2. A power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged; and

3. A combustion engine with a piston or rotor displacement of eighty (80 cu cm) cubic centimeters or less, regardless of the number of chambers in the engine, which is capable of propelling the bicycle at a maximum design speed of not more than thirty-five (35) miles per hour on level ground.

D. As used in this title, the term "bicycle" shall include tricycles, quadcycles, or similar human-powered devices, electric-assisted bicycles, and motorized bicycles unless otherwise specifically indicated.

Added by Laws 1961, p. 315, § 1-104, eff. Sept. 1, 1961. Amended by Laws 2003, c. 411, § 1, eff. Nov. 1, 2003; Laws 2004, c. 521, § 1, eff. Nov. 1, 2004; Laws 2006, c. 173, § 1, eff. July 1, 2006; Laws 2007, c. 330, § 1; Laws 2012, c. 319, § 1, eff. Nov. 1, 2012; Laws 2019, c. 43, § 1, eff. Nov. 1, 2019.

§47-1-105. Bus.

"Bus" shall mean every motor vehicle designed for carrying more than eight passengers and used for the transportation of persons; and every motor vehicle designed and used for the transportation of persons for compensation. As used in this section, "Bus" shall not include a vehicle authorized for use pursuant to the Oklahoma Transportation Network Company Services Act as defined in Section 1011 of this title.

Added by Laws 1961, p. 316, § 1-105. Amended by Laws 2017, c. 122, § 1, eff. Nov. 1, 2017.

§47-1-105.1. Church bus.

Church bus.

A "church bus" is any bus operated by a nonprofit religious organization which transports persons including school-age children to and from religious activities.

Added by Laws 2003, c. 411, § 2, eff. Nov. 1, 2003.

§47-1-106. Business district.

The territory contiguous to and including a highway when within any six hundred (600) feet along such highway there are buildings in use for business or industrial purposes, including but not limited

to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway.

Laws 1961, p. 316, § 1-106.

§47-1-107. Cancellation of driver license.

The annulment or termination by formal action of Service Oklahoma of a person's driver license because of some error or defect in the license or because the licensee is no longer entitled to such license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation.

Laws 1961, p. 316, § 1-107. Amended by Laws 2022, c. 282, § 23, emerg. eff. May 19, 2022.

§47-1-107.1. Class A commercial motor vehicle.

Class A Commercial Motor Vehicle.

Any combination of vehicles, except a Class D motor vehicle, with a gross combined weight rating of twenty-six thousand one (26,001) or more pounds provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand (10,000) pounds.

Added by laws 1990, c. 219, § 1, eff. Jan 1, 1991.

§47-1-107.2. Class B commercial motor vehicle.

Class B Commercial Motor Vehicle.

Any single vehicle, except a Class D motor vehicle, with a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds, or any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds gross vehicle weight rating. This class shall apply to a bus with a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds and designed to transport sixteen or more persons, including the driver.

Added by Laws 1990, c. 219, § 2, eff. Jan. 1, 1991.

§47-1-107.3. Class C commercial motor vehicle.

Class C Commercial Motor Vehicle.

Any single vehicle or combination of vehicles, other than a Class A or Class B vehicle as defined in this title, which is:

1. Required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F; or
2. Designed by the manufacturer to transport sixteen or more persons, including the driver.

Added by Laws 1990, c. 219, § 3, eff. Jan. 1, 1991. Amended by Laws 1992, c. 217, § 1, eff. July 1, 1992.

§47-1-107.4. Class D motor vehicle.

CLASS D MOTOR VEHICLE

A. A Class D motor vehicle is any motor vehicle or combination of vehicles which:

1. Regardless of weight:

- a. is marked and used as an authorized emergency vehicle, as defined in Section 1-103 of this title, or
- b. is designed and used solely as a recreational vehicle;

2. Is a single or combination vehicle with a gross combined weight rating of less than twenty-six thousand one (26,001) pounds;

3. Is a single or combination farm vehicle with a gross combined weight rating of more than twenty-six thousand one (26,001) pounds if:

- a. it is entitled to be registered with a farm tag and has a farm tag attached thereto,
- b. it is controlled and operated by a farmer, his or her family or employees,
- c. it is used to transport either agricultural products, farm machinery, farm supplies or any combination of those materials to or from a farm,
- d. it is not used in the operations of a common or contract motor carrier, and
- e. it is used within one hundred fifty (150) air miles of the person's farm or as otherwise provided by federal law; or

4. Is operated by a licensed driver employed by a unit of local government that operates a commercial motor vehicle within the boundaries of that unit of local government for the purpose of removing snow or ice from a roadway by plowing, sanding or salting, if:

- a. the properly licensed employee who ordinarily operates a commercial vehicle for these purposes is unable to operate the vehicle, or
- b. the employing governmental entity determines that a snow or ice emergency requires additional assistance.

B. A Class D Motor Vehicle shall not include any vehicle which is:

1. Designed to carry sixteen or more passengers, including the driver; or

2. Required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F; provided, a farm vehicle, as defined in paragraph 3 of subsection A of this section, which is required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F, shall be considered to be a Class D motor vehicle.

Added by Laws 1990, c. 219, § 4, eff. Jan. 1, 1991. Amended by Laws 1991, c. 162, § 1, emerg. eff. May 7, 1991; Laws 1991, c. 335, § 12, emerg. eff. June 15, 1991; Laws 1997, c. 193, § 5, eff. Nov. 1,

1997; Laws 2002, c. 397, § 3, eff. Nov. 1, 2002; Laws 2009, c. 388, § 1, eff. Nov. 1, 2009; Laws 2010, c. 228, § 1, eff. Nov. 1, 2010.
NOTE: Laws 1991, c. 63, § 1 repealed by Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991.

§47-1-108. Commercial operator or driver.

Commercial Operator or Driver.

Every person who operates, drives or is in actual physical control of a Class A, B or C commercial motor vehicle, as defined in Sections 1-107.1, 1-107.2 and 1-107.3 of this title.

Added by Laws 1961, p. 316, § 1-108, eff. Sept. 1, 1961. Amended by Laws 1969, c. 123, § 1, emerg. eff. April 3, 1969; Laws 1995, c. 23, § 1, eff. Nov. 1, 1995.

§47-1-108.1. Tillerman.

"Tillerman" shall mean every person who is physically located on a Class A, B or C commercial motor vehicle in which they are steering or assisting in steering by remote control or other means, any axle, including a vehicle being towed by a motor vehicle, and shall possess the appropriate class of license for the vehicle being operated as required by Section 6-101 of Title 47 of the Oklahoma Statutes.

Added by Laws 2017, c. 65, § 1, eff. Nov. 1, 2017.

§47-1-108.2. Steerman.

"Steerman" shall mean every person who is not physically located on a Class A, B or C commercial motor vehicle in which they are steering or assisting in steering by remote control or other means, any axle, including a vehicle being towed by a motor vehicle, and shall be exempt from the requirement to possess a Class A, B or C commercial driver license and shall only be required to possess a valid driver license.

Added by Laws 2017, c. 66, § 1, eff. Nov. 1, 2017.

§47-1-109. Commissioner.

The Commissioner of the Department of Public Safety of the State of Oklahoma.

Laws 1961, p. 316, § 1-109.

§47-1-110. Controlled - Access highway.

Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Laws 1961, p. 316, § 1-110.

§47-1-111. Cross walk.

(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway;

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Laws 1961, p. 316, § 1-111.

§47-1-112. Dealer.

Every person engaged in the business of buying, selling or exchanging vehicles of a type to be registered hereunder and who has an established place of business for such purpose in this state.

Laws 1961, p. 316, § 1-112.

§47-1-113. Department.

The Department of Public Safety of this state, acting directly or through its duly authorized officers and agents.

Laws 1961, p. 316, § 1-113.

§47-1-114. Driver and driver license.

A. "Driver" means any person who drives, operates or is in actual physical control of a vehicle.

B. "Driver license" means a document issued by Service Oklahoma or the driver licensing agency of another state or country which grants to the person named thereon the privilege to drive, operate or be in actual physical control of a motor vehicle. The term shall include an intermediate Class D driver license, a learner permit and commercial learner permit.

Added by Laws 1961, p. 316, § 1-114, emerg. eff. Sept. 1, 1961.

Amended by Laws 2013, c. 259, § 1, eff. Nov. 1, 2013; Laws 2022, c. 282, § 24, emerg. eff. May 19, 2022.

§47-1-114A. Electric personal assistive mobility device.

Electric Personal Assistive Mobility Device.

"Electric personal assistive mobility device" means a self-balancing, two nontandem-wheeled device, designed to transport only one person, having an electric propulsion system with an average of seven hundred fifty (750) watts (1 h.p.), and a maximum speed of less than twenty (20) miles per hour on a paved level surface when powered solely by such a propulsion system while ridden by an operator who weighs one hundred seventy (170) pounds.

Added by Laws 2002, c. 58, § 1, emerg. eff. April 11, 2002.

§47-1-115. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-1-116. Established place of business.

The place actually occupied either continuously or at regular periods by a dealer or manufacturer where his books and records are kept and a large share of his business is transacted.

Laws 1961, p. 316, § 1-116.

§47-1-117. Explosives.

Explosives shall have the same meaning as defined in 49 C.F.R., Part 173.

Added by Laws 1961, p. 316, § 1-117, eff. Sept. 1, 1961. Amended by Laws 1992, c. 192, § 5, emerg. eff. May 11, 1992; Laws 2004, c. 390, § 2, eff. July 1, 2004.

§47-1-118. Farm tractor.

Every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines and other implements of husbandry.

Laws 1961, p. 317, § 1-118. d

§47-1-119. Flammable substance.

Flammable substance shall include any liquid, gas, or other material as defined in 49 C.F.R., Part 173.

Added by Laws 1961, p. 317, § 1-119, eff. Sept. 1, 1961. Amended by Laws 2004, c. 390, § 3, eff. July 1, 2004.

§47-1-120. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-1-120.1. Gross combination weight rating (GCWR).

Gross Combination Weight Rating (GCWR).

The value specified by the manufacturer as the loaded weight of a combination or articulated vehicle. In the absence of a value specified by the manufacturer, the gross combination weight rating shall be determined by adding the gross vehicle weight rating of the power unit and the total weight of the towed unit and any load thereon.

Added by Laws 1990, c. 219, § 5, eff. Jan. 1, 1991.

§47-1-121. Gross vehicle weight rating (GVWR).

Gross Vehicle Weight Rating (GVWR).

The gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle.

Amended by Laws 1990, c. 219, § 6, eff. Jan. 1, 1991.

§47-1-122. Highway.

The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Laws 1961, p. 317, § 1-122.

§47-1-123. Manufactured home.

"Manufactured home" means and includes every vehicle defined as a manufactured home in paragraph 14 of Section 1102 of this title. Added by Laws 1961, p. 317, § 1-123, eff. Sept. 1, 1961. Amended by Laws 1981, c. 118, § 4; Laws 2005, c. 50, § 1, eff. Nov. 1, 2005.

§47-1-124. Identifying number.

The numbers, and letters if any, on a vehicle designated by Service Oklahoma for the purpose of identifying the vehicle. Laws 1961, p. 317, § 1-124, emerg. eff. Sept. 1, 1961. Amended by Laws 2022, c. 282, § 25, emerg. eff. May 19, 2022.

§47-1-125. Implement of husbandry.

Implement of Husbandry. Every device, whether it is self-propelled, designed and adapted so as to be used exclusively for agricultural, horticultural or livestock-raising operations or for lifting or carrying an implement of husbandry and, in either case, not subject to registration if operated upon the highways.

1. Farm wagon type tank trailers of not over one thousand two hundred (1,200) gallons capacity, used during the liquid fertilizer season as field storage "nurse tanks" supplying the fertilizer to a field applicator and moved on highways only for bringing the fertilizer from a local source of supply to farms or field or from one farm or field to another, shall be considered implements of husbandry for purposes of this title.

2. Trailers or semitrailers owned by a person engaged in the business of farming and used exclusively for the purpose of transporting farm products to market or for the purpose of transporting to the farm material or things to be used thereon shall also be considered implements of husbandry for purposes of this title. Provided, no truck or semitrailer with an axle weight of twenty thousand (20,000) pounds or more, which is used to haul manure and operated on the public roads or highways of this state shall be considered an implement of husbandry for the purposes of this title.

3. Utility-type, all-terrain vehicles with a maximum curb weight of one thousand five hundred (1,500) pounds which are equipped with metal front or rear carrying racks when used for agricultural, horticultural or livestock-raising operations shall be considered implements of husbandry for purposes of this title. Added by Laws 1961, p. 317, § 1-125, eff. Sept. 1, 1961. Amended by Laws 1970, c. 163, § 1, emerg. eff. April 9, 1970; Laws 1993, c. 211, § 1, eff. Sept. 1, 1993; Laws 1995, c. 27, § 1, eff. July 1, 1995; Laws 2001, c. 112, § 1, emerg. eff. April 18, 2001.

§47-1-126. Intersection.

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

Laws 1961, p. 317, § 1-126.

§47-1-127. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-1-128. License to operate a motor vehicle.

License to operate a motor vehicle.

A. Any valid driver license or permit to operate a motor vehicle issued under the laws of this state including any temporary license or instruction permit, the lawful possession of which by a resident of this state shall be evidence that the resident has been granted the privilege to operate a motor vehicle.

B. Any nonresident's operating privilege as defined in Section 1-138 of this title, which is evidenced by the lawful possession of a valid driver license or permit to operate a motor vehicle issued under the laws of another state.

Added by Laws 1961, p. 317, § 1-128, eff. Sept. 1, 1961. Amended by Laws 1995, c. 23, § 2, eff. Nov. 1, 1995.

§47-1-129. Lienholder.

A person holding a security interest in a vehicle.

Laws 1961, p. 318, § 1-129.

§47-1-130. Local authorities.

Every county, municipal and other local board or body having authority to enact laws relating to traffic under the Constitution and laws of this state.

Laws 1961, p. 318, § 1-130.

§47-1-131. Mail.

To deposit in the United States mails properly addressed and with postage prepaid.

Laws 1961, p. 318, § 1-131.

§47-1-132. Manufacturer.

Every person engaged in the business of constructing or assembling vehicles of a type required to be registered hereunder at an established place of business in this state.

Laws 1961, p. 318, § 1-132.

§47-1-133. Metal tire.

Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

Laws 1961, p. 318, § 1-133.

§47-1-133.1. Repealed by Laws 2004, c. 521, § 20, eff. Nov. 1, 2004.

§47-1-133.1a. Military surplus vehicle.

Military surplus vehicle.

A. A "military surplus vehicle" is any motor vehicle having:

1. Three axles or fewer that meet the legal size and weight limits set forth in Section 14-103 of this title;

2. Been manufactured for use in either the United States Armed Forces or any country that was a member of the North Atlantic Treaty Organization at the time the vehicle was manufactured. Such vehicle shall have been subsequently authorized for sale to civilians, except that military surplus vehicle does not include a tracked vehicle;

3. For each occupant, safety belts or safety shoulder harnesses which shall be installed pursuant to 49 C.F.R., Section 571.208 et seq.; and

4. Equipment required by the provisions of Sections 12-201 through 12-232 of this title, with respect to equipment on vehicles.

B. Beginning November 1, 2025, any military surplus vehicle operated on the streets and highways of this state shall be registered as a motor vehicle.

C. Military surplus vehicles may be used as other vehicles of the same type, except military surplus vehicles may not transport people for hire.

D. The owner of any military surplus vehicle that, due to the age of the vehicle, was unable to receive a tag between November 1, 2022, and the effective date of this act shall not be assessed any penalty for having an expired registration as provided for in Section 1115 of this title.

Added by Laws 2022, c. 214, § 1, eff. Nov. 1, 2022. Amended by Laws 2025, c. 370, § 1, eff. Nov. 1, 2025.

§47-1-133.1b. Military surplus vehicle collector.

"Military surplus vehicle collector" means the owner of one or more military surplus vehicles who acquires, collects, purchases,

trades, or disposes of such vehicles or parts thereof for such person's own use in order to restore, preserve, and maintain such vehicle or vehicles for historic interest.

Added by Laws 2022, c. 214, § 2, eff. Nov. 1, 2022.

§47-1-133.2. Moped.

Moped.

A "moped" is any motor-driven cycle with an electric or internal combustion motor which produces not to exceed two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of thirty-five (35) miles per hour on level ground. If an internal combustion engine is used, the displacement shall not exceed fifty cubic centimeters (50 cc), and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged. If the power source is an electric motor, the motor shall not exceed seven hundred fifty (750) watts.

Added by Laws 2003, c. 411, § 4, eff. Nov. 1, 2003. Amended by Laws 2019, c. 315, § 1, eff. Nov. 1, 2019; Laws 2023, c. 169, § 2, eff. Nov. 1, 2023.

§47-1-133.3. Motorized scooter.

Motorized scooter.

A. A "motorized scooter" is any vehicle having:

1. Not more than three wheels in contact with the ground;
2. Handlebars and a foot support or seat for the use of the

operator; and

3. A power source that is capable of propelling the vehicle at a maximum design speed of not more than thirty-five (35) miles per hour on level ground, and:

- a. if the power source is a combustion engine, has a piston or rotor displacement of fifty cubic centimeters (50 cc) or less regardless of the number of chambers in the power source, or
- b. if the power source is electric, is programmed by the manufacturer not to exceed thirty-five (35) miles per hour on level ground.

Regardless of power source, local governments may set maximum speed requirements by local ordinance.

B. For purposes of this section, an electric personal assistive mobility device, as defined in Section 1-114A of this title, bicycle, electric-assisted bicycle, or motorized bicycle, as defined in Section 1-104 of this title, shall not be considered a motorized scooter.

C. A motorized scooter shall not be required to be registered under the laws of this state.

1. The operator of a motorized scooter shall be at least fourteen (14) years of age unless an older age is required by local ordinance.

2. The operator of a motorized scooter shall not be required to possess a driver license unless required by local ordinance.

3. The operator of a motorized scooter shall not be required to comply with the vehicle insurance or financial responsibility laws of this state unless required by local ordinance, and shall observe all applicable traffic safety regulations when driving on a public roadway as required by statute and local ordinances.

D. Municipalities shall have authority to regulate the usage of motorized scooters on all public roadways, trails, sidewalks, and other public spaces, and to determine appropriate locations for use. Added by Laws 2003, c. 411, § 5, eff. Nov. 1, 2003. Amended by Laws 2004, c. 521, § 2, eff. Nov. 1, 2004; Laws 2022, c. 313, § 1, eff. Nov. 1, 2022.

§47-1-134. Motor vehicle.

Motor vehicle.

A. A motor vehicle is:

1. Any vehicle which is self-propelled; or
2. Any vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

B. As used in this title, the term "motor vehicle" shall not include:

1. Implements of husbandry, as defined in Section 1-125 of this title;
2. Electric personal assistive mobility devices as defined in Section 1-114A of this title;
3. Motorized wheelchairs, as defined in Section 1-136.3 of this title;
4. Vehicles moved solely by human or animal power; or
5. Electric-assisted bicycles as defined in Section 1-104 of this title.

Added by Laws 1961, p. 318, § 1-134, eff. Sept. 1, 1961. Amended by Laws 1978, c. 304, § 1; Laws 1981, c. 103, § 1; Laws 2002, c. 58, § 2, emerg. eff. April 11, 2002; Laws 2003, c. 411, § 6, eff. Nov. 1, 2003; Laws 2005, c. 50, § 2, eff. Nov. 1, 2005; Laws 2019, c. 43, § 2, eff. Nov. 1, 2019.

§47-1-134.1. Low-speed electrical vehicle.

"Low-speed electrical vehicle" means any four-wheeled electrical vehicle that is powered by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour and is manufactured in compliance with the National Highway Traffic Safety

Administration standards for low-speed vehicles in 49 C.F.R. 571.500.

Added by Laws 2001, c. 243, § 1, eff. Nov. 1, 2001.

§47-1-135. Motorcycle.

Motorcycle.

A motorcycle is any motor vehicle having:

1. A seat or saddle for the use of each rider;
2. Not more than three wheels in contact with the ground, but excluding a tractor; and
3. An electric or combustion engine motor:
 - a. if the power source is a combustion engine, an engine with a piston or rotor displacement of one hundred fifty cubic centimeters (150 cc) or greater, or
 - b. if the power source is an electric motor, with a power source capable of producing one thousand (1,000) watts or greater.

Added by Laws 1961, p. 318, § 1-135, eff. Sept. 1, 1961. Amended by Laws 1978, c. 304, § 2; Laws 2004, c. 521, § 3, eff. Nov. 1, 2004; Laws 2010, c. 228, § 2, eff. Nov. 1, 2010; Laws 2023, c. 169, § 3, eff. Nov. 1, 2023.

§47-1-136. Motor-driven cycle.

Motor-driven cycle.

A motor-driven cycle is any motor vehicle having:

1. A power source that:
 - a. if the power source is a combustion engine, has a piston or rotor displacement of greater than thirty-five cubic centimeters (35 cc) but less than one hundred fifty cubic centimeters (150 cc) regardless of the number of chambers in the power source, or
 - b. if the power source is electric, has a power output of less than one thousand (1,000) watts; and
2. A seat or saddle for the use of each rider; and
3. Not more than three wheels in contact with the ground.

Added by Laws 1961, p. 318, § 1-136, eff. Sept. 1, 1961. Amended by Laws 1978, c. 304, § 3; Laws 1981, c. 103, § 2; Laws 1985, c. 305, § 10, emerg. eff. July 24, 1985; Laws 2003, c. 411, § 7, eff. Nov. 1, 2003; Laws 2004, c. 521, § 4, eff. Nov. 1, 2004; Laws 2023, c. 169, § 4, eff. Nov. 1, 2023.

§47-1-136.1. Repealed by Laws 2005, c. 394, § 19, emerg. eff. June 6, 2005.

§47-1-136.2. Repealed by Laws 2004, c. 521, § 21, eff. Nov. 1, 2004.

§47-1-136.3. Motorized wheelchair.

Motorized wheelchair.

A motorized wheelchair is any self-propelled vehicle, designed for and used by a person with a disability, that is incapable of a speed in excess of eight (8) miles per hour.

Added by Laws 2003, c. 411, § 8, eff. Nov. 1, 2003.

§47-1-137. Nonresident.

Every person who is not a resident of this state.

Laws 1961, p. 318, § 1-137.

§47-1-138. Nonresident's operating privilege.

The privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state.

Laws 1961, p. 318, § 1-138.

§47-1-139. Official traffic - Control devices.

All signs, barricades, signals, markings and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

Laws 1961, p. 318, § 1-139.

§47-1-140. Operator or driver.

Operator or Driver.

Every person, including a commercial operator or driver, as defined in Section 1-108 of this title, who operates, drives or is in actual physical control of a motor vehicle or who is exercising control over or steering a vehicle being towed by a motor vehicle.

Added by Laws 1961, p. 318, § 1-140, eff. Sept. 1, 1961. Amended by Laws 1995, c. 23, § 3, eff. Nov. 1, 1995.

§47-1-140.1. "Other intoxicating substance" defined.

For purposes of this title, "other intoxicating substance" means any controlled dangerous substance, as defined in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes, or any other substance, other than alcohol, which is capable of being ingested, inhaled, injected, or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing, or other sensory or motor function.

Added by Laws 1999, c. 106, § 1 emerg. eff. April 19, 1999.

§47-1-141. Owner.

A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or

lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Code.

Laws 1961, p. 318, § 1-141.

§47-1-142. Park, parking, and public parking lot.

(a) Park or parking means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(b) A public parking lot is any parking lot on right-of-way dedicated to public use or owned by the state or a political subdivision thereof.

Laws 1961, p. 318, § 1-142; Laws 1968, c. 148, § 1, emerg. eff. April 9, 1968.

§47-1-143. Pedestrian.

Any person afoot.

Laws 1961, p. 318, § 1-143.

§47-1-144. Person.

Every natural person, firm, copartnership, association or corporation.

Laws 1961, p. 318, § 1-144.

§47-1-145. Pneumatic tire.

Every tire in which compressed air is designed to support the load.

Laws 1961, p. 319, § 1-145.

§47-1-146. Pole trailer.

Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Laws 1961, p. 319, § 1-146.

§47-1-147. Police officer.

Every sheriff, constable, policeman, highway patrolman, and any other officer who is authorized to direct or regulate traffic or

make arrests for violations of state traffic laws and municipal ordinances.

Laws 1961, p. 319, § 1-147.

§47-1-148. Private road or driveway.

Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Laws 1961, p. 319, § 1-148.

§47-1-149. Railroad.

Railroad.

A carrier of persons or property upon cars operated upon stationary rails.

Added by Laws 1961, p. 319, § 1-149. Amended by Laws 2001, c. 131, § 1, eff. July 1, 2001.

§47-1-150. Railroad sign or signal.

Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Laws 1961, p. 319, § 1-150.

§47-1-151. Railroad train.

Railroad train.

A steam engine, diesel, electric or other motor, with or without cars coupled thereto, operated upon rails.

Added by Laws 1961, p. 319, § 1-151. Amended by Laws 2001, c. 131, § 2, eff. July 1, 2001.

§47-1-152. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-1-152.1. Recreational vehicle.

Recreational Vehicle.

For the sole purpose of the classification of vehicles as provided in Sections 1-107.1 through 1-107.4 of this title, a recreational vehicle shall be deemed to be a Class D motor vehicle, provided such vehicle is a self-propelled or towed vehicle that is equipped to serve as temporary living quarters for recreational, camping or travel purposes and is used solely as a family or personal conveyance.

Added by Laws 1990, c. 219, § 7, eff. June 1, 1990. Amended by Laws 1995, c. 23, § 4, eff. Nov. 1, 1995.

§47-1-153. Registration.

The registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles.

Laws 1961, p. 319, § 1-153.

§47-1-154. Residence district.

The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

Laws 1961, p. 319, § 1-154.

§47-1-155. Revocation of driving privilege.

The termination by formal action of Service Oklahoma of a person's privilege to operate a motor vehicle on the public highways. Such action shall include the requirement of the surrender to Service Oklahoma of the person's driver license.

Laws 1961, p. 319, § 1-155, eff. Sept. 1, 1961. Amended by Laws 1994, c. 218, § 1, eff. April 1, 1995; Laws 2022, c. 282, § 26, emerg. eff. May 19, 2022.

§47-1-156. Right-of-way.

The privilege of the immediate use of the roadway.

Laws 1961, p. 319, § 1-156.

§47-1-157. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-1-158. Roadway and shoulder.

(a) Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

(b) Shoulder. The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

Laws 1961, p. 319, § 1-158.

§47-1-159. Pedestrian refuge.

The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart shall be known as a pedestrian refuge.

Added by Laws 1961, p. 319, § 1-159, eff. Sept. 1, 1961. Amended by Laws 2024, c. 35, § 1, eff. Nov. 1, 2024.

§47-1-160. School bus.

Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school, provided, however, that this definition of school bus shall not be extended to include buses normally used in city transit which may be used part time for transportation of school children within such cities during some portion of the day.

Added by Laws 1961, p. 319, § 1-160, eff. Sept. 1, 1961.

§47-1-161. Security.

Cash, certificates of deposit issued by financial institutions located within the state, or corporate security bond deposited with the Commissioner of Public Safety to secure payment of a judgment or judgments arising out of a motor vehicle accident which occurred prior to the demand for posting of security.

Added by Laws 1961, p. 320, § 1-161, eff. Sept. 1, 1961. Amended by Laws 1998, c. 85, § 1, eff. July 1, 1998.

§47-1-162. Semitrailer.

Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Laws 1961, p. 320, § 1-162.

§47-1-163. Sidewalk.

That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

Laws 1961, p. 320, § 1-163.

§47-1-164. Solid tire.

Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

Laws 1961, p. 320, § 1-164.

§47-1-165. Special mobilized machinery.

Special purpose machines, either self-propelled or drawn as trailers or semitrailers, which derive no revenue from the transportation of persons or property, whose use of the highways is only incidental, and whose useful revenue producing service is performed at destinations in an area away from the traveled surface of an established open highway, and which carry no load other than their own weight, which cannot be divided for all practical

purposes. This definition shall include a truck or truck tractor when used while drawing special mobilized machinery but this shall not be construed as exempting from license and registration the pulling unit truck or truck tractor as required by the motor vehicle license and registration.

Laws 1961, p. 320, § 1-165; Laws 1970, c. 61, § 1, emerg. eff. March 16, 1970.

§47-1-166. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-1-167. Stand or standing.

Means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

Laws 1961, p. 320, § 1-167.

§47-1-168. State.

State.

A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province or territory of the Dominion of Canada.

Added by Laws 1961, p. 320, § 1-168. Amended by Laws 2025, c. 330, § 1, eff. July 1, 2025.

§47-1-169. Stop.

When required means complete cessation from movement.

Laws 1961, p. 320, § 1-169.

§47-1-170. Stop or stopping.

When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic-control sign or signal.

Laws 1961, p. 320, § 1-170.

§47-1-171. Street.

The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Laws 1961, p. 320, § 1-171.

§47-1-171.1. Street-legal utility vehicle.

Street-legal utility vehicle.

A. A "street-legal utility vehicle" is any motor vehicle having:

1. A bench seat or side-by-side seat for the use of each rider;

2. Four wheels in contact with the ground, but excluding a tractor;

3. A combustion engine with a piston or rotor displacement of four hundred cubic centimeters (400 cc) or greater and capable of maintaining speeds of fifty (50) miles per hour or greater;

4. For each occupant, safety belts or safety shoulder harnesses which shall be of a type and shall be installed pursuant to 49 C.F.R., Section 571.208 et seq.; and

5. All equipment required by the provisions of Sections 12-201 through 12-232 of this title, with respect to equipment on vehicles.

B. A street-legal utility vehicle operated on the streets and highways of this state shall be registered as a motor vehicle.

C. The operator of a street-legal utility vehicle shall not be required to have an "M" endorsement on the Class D license pursuant to Section 6-110.1 of this title. The operator shall be at least sixteen (16) years of age and hold a valid Oklahoma driver license. Added by Laws 2021, c. 328, § 1, emerg. eff. April 28, 2021. Amended by Laws 2025, c. 287, § 1, eff. Nov. 1, 2025.

§47-1-172. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-1-173. Suspension of driving privilege.

The temporary withdrawal by formal action of Service Oklahoma of a person's privilege to operate a motor vehicle on the public highways. Such action shall include the requirement of the surrender to Service Oklahoma of the person's driver license. Laws 1961, p. 320, § 1-173, eff. Sept. 1, 1961. Amended by Laws 1994, c. 218, § 2, eff. April 1, 1995; Laws 2022, c. 282, § 27, emerg. eff. May 19, 2022.

§47-1-173.1. Tank vehicle.

Tank Vehicle.

Any commercial motor vehicle designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than one hundred nineteen (119) gallons and an aggregate rated capacity of one thousand (1,000) or more gallons that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of one thousand (1,000) or more gallons that is temporarily attached to a flatbed trailer is not considered a tank vehicle. Such vehicles include but are not limited to cargo tanks and portable tanks as defined by 49 C.F.R., Part 171; provided, a commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of one thousand (1,000) or more gallons that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

Added by Laws 1990, c. 219, § 8, eff. Jan. 1, 1991. Amended by Laws 1992, c. 217, § 2, eff. July 1, 1992; Laws 2012, c. 207, § 1, emerg. eff. May 8, 2012.

§47-1-174. Taxicab.

Taxicab shall mean and include any motor vehicle for hire, designed to carry eight (8) persons or less, operated upon any street or highway, or on call or demand, accepting or soliciting passengers indiscriminately for transportation for hire between such points along streets or highways as may be directed by the passenger or passengers so being transported. This classification shall not include:

1. Motor vehicles of eight-passenger capacity or less operated by the owner where the cost of operation is shared by fellow workmen between their homes and the place of regular daily employment, when not operated for more than two trips per day;

2. Motor vehicles operated by the owner where the cost of operation is shared by the passengers on a "share the expense plan";

3. Motor vehicles transporting students from the public school system when the motor vehicle is so transporting under contract with public, private or parochial school board or governing body, or

4. Motor vehicles operating pursuant to the Oklahoma Transportation Network Company Act as provided for in Section 1011 of this title.

Added by Laws 1961, p. 320, § 1-174, eff. Sept. 1, 1961. Amended by Laws 1993, c. 11, § 1, eff. Sept. 1, 1993; Laws 2017, c. 67, § 1, eff. Nov. 1, 2017.

§47-1-175. Through highway.

Every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right of way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this act.

Laws 1961, p. 321, § 1-175.

§47-1-176. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-1-177. Traffic.

Traffic.

Pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together, while using any highway for purposes of travel.

Added by Laws 1961, p. 321, § 1-177. Amended by Laws 2001, c. 131, § 3, eff. July 1, 2001.

§47-1-178. Traffic control signal.

Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Laws 1961, p. 321, § 1-178.

§47-1-179. Traffic lane.

The portion of the traveled way for the movement of a single line of vehicles.

Laws 1961, p. 321, § 1-179.

§47-1-180. Trailer.

Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle, provided however, the definition of trailer herein shall not include implements of husbandry as defined in Section 1-125 of this chapter.

Laws 1961, p. 321, § 1-180.

§47-1-181. Transporter.

Transporter.

"Transporter" shall mean every person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer or from the place of business of a dealer, sales agent, or auto auction to a place of business of the same or another dealer, sales agent, or auto auction, or while engaged in the business of dealing vehicles to a salvage pool operated in accordance with Section 591.11 of this title.

Added by Laws 1961, p. 321, § 1-181, eff. Sept. 1, 1961. Amended by Laws 1999, c. 125, § 1, emerg. eff. April 26, 1999; Laws 2025, c. 156, § 1, eff. Nov. 1, 2025.

§47-1-181.1. Travel trailer.

Travel Trailer.

Any vehicular portable structure built on a chassis which is not propelled by its own power but is towed by another vehicle and is used as a temporary dwelling for travel, recreational or vacation use. A travel trailer shall have a body width not exceeding eight (8) feet in travel mode and an overall length not exceeding forty (40) feet, including the hitch or coupling.

Added by Laws 1990, c. 219, § 9, eff. June 1, 1990.

§47-1-182. Truck.

Every motor vehicle designed, used or maintained primarily for the transportation of property.

Laws 1961, p. 321, § 1-182.

§47-1-183. Truck tractor.

(a) Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn; and

(b) For the purposes of paragraph 3 of subsection (c) of Section 14-103 of this title, the term truck-tractor shall also include oil field rig-up trucks when towing a trailer or semitrailer.

Amended by Laws 1985, c. 290, § 1, operative July 1, 1985.

§47-1-184. Turnpike and turnpike authority.

Turnpike and Turnpike Authority.

A. The words "Turnpike Authority", "Transportation Authority", or "Authority" shall mean the Oklahoma Transportation Authority, created by Section 1703 of Title 69 of the Oklahoma Statutes, or, if the Authority shall be abolished, the board, body, or commission succeeding to the principal functions thereof or to whom the powers given by this act to the Authority shall be given by law.

B. A turnpike is a limited access grade separated expressway financed and operated by the Oklahoma Transportation Authority upon which a toll is charged for the use thereof.

Added by Laws 1961, p. 321, § 1-184. Amended by Laws 2001, c. 131, § 4, eff. July 1, 2001.

§47-1-185. Urban district.

The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter of a mile or more.

Laws 1961, p. 321, § 1-185.

§47-1-186. Vehicle.

Vehicle.

A. A vehicle is any device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

B. As used in this title, the term "vehicle" shall not include:

1. Implements of husbandry, as defined in Section 1-125 of this title;

2. Electric personal assistive mobility devices, as defined in Section 1-114A of this title; or

3. Motorized wheelchairs, as defined in Section 1-136.3 of this title.

Added by Laws 1961, p. 321, § 1-186, eff. Sept. 1, 1961. Amended by Laws 2002, c. 58, § 3, emerg. eff. April 11, 2002; Laws 2003, c.

411, § 9, eff. Nov. 1, 2003; Laws 2005, c. 50, § 3, eff. Nov. 1, 2005.

§47-2-101. Creation of Department of Public Safety and Office of Commissioner of Public Safety - Powers and authority - Chief officer - Services for Governor and Lieutenant Governor.

(a) A department of the government of this state to be known as the "Department of Public Safety" is hereby created, and offices for the Department shall be furnished by the Office of Management and Enterprise Services. The Department of Public Safety shall be under the control and supervision of the Commissioner of Public Safety, which office and position is hereby created.

The Commissioner shall have such powers and authority as may be granted by the provisions of the Uniform Vehicle Code or as may otherwise be provided by law.

(b) The Governor shall be the chief officer of the Department of Public Safety and the Commissioner of Public Safety shall execute the lawful orders of the Governor and shall be responsible to him for the operation and administration of said Department. The Commissioner of Public Safety shall provide personal security and protection, transportation, and communications capabilities for the Governor, the Governor's immediate family, and the Lieutenant Governor. The Commissioner is authorized to provide necessary communications equipment to said persons even if said persons are not on state property or in state vehicles. The Commissioner of Public Safety is hereby authorized to purchase or lease and equip motor vehicles for the use of the Governor and Lieutenant Governor. The purchase or lease price of any such motor vehicles and equipment shall be paid from any appropriation for motor vehicles made to the Department of Public Safety.

Added by Laws 1961, p. 322, § 2-101, eff. Sept. 1, 1961. Amended by Laws 1967, c. 35, § 1, emerg. eff. March 23, 1967; Laws 1983, c. 302, § 1, emerg. eff. June 23, 1983; Laws 1983, c. 304, § 20, eff. July 1, 1983; Laws 1986, c. 19, § 1, emerg. eff. March 17, 1986; Laws 2012, c. 304, § 159.

§47-2-102. Commissioner of Public Safety - Qualifications - Appointment - Vacancy - Expenses - Bond - Oath.

A. 1. The Department shall be under the control of an executive officer to be known as the "Commissioner of Public Safety", who shall be appointed by the Governor with the advice and consent of the Senate.

2. The Commissioner of Public Safety shall be a professional law enforcement officer with ten (10) years' experience in the field of law enforcement or with five (5) years' experience in the field of law enforcement and a graduate of a four-year college with a

degree in law enforcement administration, law, criminology or a related science.

3. Any vacancy in the office of the Commissioner shall be filled in the same manner as the original appointment is made.

4. The Commissioner shall be allowed the actual and necessary expenses incurred in the performance of official duties of the Commissioner while away from the office.

B. The Commissioner of Public Safety, after appointment and before entering upon the discharge of duties, shall take and subscribe to the oath of office required by the Constitution. Bonding of the Commissioner of Public Safety and other employees of the Department will be provided under the provisions of Section 85.26 of Title 74 of the Oklahoma Statutes.

C. The Commissioner of Public Safety shall be eligible to participate in either the Oklahoma Public Employees Retirement System or in the Oklahoma Law Enforcement Retirement System and shall make an irrevocable election in writing to participate in one of the two retirement systems.

D. Any employee of the Department of Public Safety appointed to the position of Commissioner shall have the ability to return to the previous position of the employee without any loss of rights, privileges or benefits immediately upon completion of the duties as Commissioner, provided the employee is not otherwise disqualified due to disciplinary reasons, termination of employment or inability to effectively lead the agency.

Added by Laws 1961, p. 322, § 2-102, eff. Sept. 1, 1961. Amended by Laws 1967, c. 20, § 1, emerg. eff. Feb. 23, 1967; Laws 1970, c. 221, § 1, emerg. eff. April 15, 1970; Laws 1973, c. 224, § 1, emerg. eff. May 24, 1973; Laws 1974, c. 291, § 1, operative July 1, 1974; Laws 1975, c. 321, § 1, operative July 1, 1975; Laws 1976, c. 242, § 1, operative July 1, 1976; Laws 1977, c. 249, § 1, operative July 1, 1977; Laws 1978, c. 209, § 1, eff. July 1, 1978; Laws 1978, c. 271, § 1, operative July 1, 1978; Laws 1979, c. 267, § 1, eff. July 1, 1979; Laws 1980, c. 350, § 1, eff. July 1, 1980; Laws 1981, c. 264, § 13, eff. July 1, 1981; Laws 1982, c. 352, § 9, operative July 1, 1982; Laws 1983, c. 286, § 9, operative July 1, 1983; Laws 2002, c. 397, § 4, eff. Nov. 1, 2002; Laws 2003, c. 199, § 5, eff. Nov. 1, 2003; Laws 2005, c. 190, § 7, eff. Sept. 1, 2005; Laws 2018, c. 60, § 1, eff. Nov. 1, 2018.

§47-2-103. Organization of Department.

A. The Commissioner shall organize the Department of Public Safety as prescribed by law and in such manner as may be deemed necessary and proper to segregate and conduct the work of the Department. The Commissioner shall appoint assistants, deputies, officers, investigators and other employees as may be necessary to carry out the provisions of this title.

B. Unless otherwise provided by law, salaries and traveling expenses of employees of the Department and the cost of equipment for the Department shall be paid from the appropriations made to the Department of Public Safety.

C. The Commissioner is authorized to purchase and maintain motor vehicles and other equipment for use by the employees of the Department.

Added by Laws 1961, p. 322, § 2-103, eff. Sept. 1, 1961. Amended by Laws 1965, c. 429, § 1, emerg. eff. July 8, 1965; Laws 1988, c. 98, § 1, operative July 1, 1988; Laws 1998, c. 32, § 1, emerg. eff. April 1, 1998; Laws 1998, c. 245, § 1, July 1, 1998.

§47-2-104. Commissioner to appoint subordinates - Salaries.

A. The Commissioner, subject to the Merit System laws, if applicable, shall appoint a Chief of Administration and such other deputies, subordinates, officers, investigators and other employees as may be necessary to implement the provisions of this title. Any employee of the Department of Public Safety appointed to the position of Chief of Administration who is otherwise statutorily eligible shall have a right to return to the previous position of the employee without any loss of rights, privileges or benefits immediately upon completion of the duties as Chief of Administration, provided the employee is not otherwise disqualified.

B. When traveling with the Governor or at his or her request:

1. Those personnel assigned by the Commissioner for executive security shall be allowed their actual and necessary traveling expenses, upon claims approved by the Commissioner, and shall receive, in addition to base salary, an additional One Hundred Seventy-five Dollars (\$175.00) per month; and

2. Those personnel serving as noncommissioned pilots in the Department of Public Safety shall be allowed their actual and necessary traveling expenses, upon claims approved by the Commissioner.

C. Any person appointed to the position of Chief of Administration of the Department of Public Safety shall be eligible for retirement participation as a member of the Highway Patrol Division in the Oklahoma Law Enforcement Retirement System if such person at the time of appointment satisfies the age qualifications of an Oklahoma Highway Patrolman as provided in subsection B of Section 2-105 of this title, and is otherwise eligible to participate in the retirement program; otherwise, the Chief of Administration shall participate in the Oklahoma Public Employees Retirement upon appointment. However, the Chief of Administration shall be eligible for participation in only one retirement system and shall elect in writing the system in which the Chief of Administration intends to participate.

D. The salaries of the employees of the Department of Public Safety shall be governed by and in accordance with the procedures established by the Office of Management and Enterprise Services, unless otherwise provided by law.

Added by Laws 1961, p. 323, § 2-104, eff. Sept. 1, 1961. Amended by Laws 1961, p. 311, § 1; Laws 1965, c. 429, § 2; Laws 1967, c. 349, § 1, emerg. eff. May 18, 1967; Laws 1969, c. 284, § 1, emerg. eff. April 25, 1969; Laws 1970, c. 244, § 1, eff. July 1, 1970; Laws 1971, c. 354, § 1, operative July 1, 1971; Laws 1972, c. 234, § 1, operative July 1, 1972; Laws 1973, c. 224, § 2, emerg. eff. May 24, 1973; Laws 1974, c. 291, § 2, operative July 1, 1974; Laws 1975, c. 321, § 2, operative July 1, 1975; Laws 1976, c. 242, § 2, operative July 1, 1976; Laws 1977, c. 249, § 2, operative July 1, 1977; Laws 1978, c. 271, § 2, operative July 1, 1978; Laws 1979, c. 267, § 2, eff. July 1, 1979; Laws 1980, c. 350, § 2, eff. July 1, 1980; Laws 1981, c. 340, § 13, eff. July 1, 1981; Laws 1982, c. 352, § 10, operative July 1, 1982; Laws 1983, c. 286, § 10, operative July 1, 1983; Laws 1986, c. 19, § 2, emerg. eff. March 17, 1986; Laws 1986, c. 279, § 9, operative July 1, 1986; Laws 1987, c. 205, § 67, operative July 1, 1987; Laws 1989, c. 295, § 11, operative July 1, 1989; Laws 1990, c. 258, § 60, operative July 1, 1990; Laws 1998, c. 395, § 2, eff. Sept. 1, 1998; Laws 1999, c. 1, § 12, emerg. eff. Feb. 24, 1999; Laws 2002, c. 397, § 5, eff. Nov. 1, 2002; Laws 2012, c. 304, § 160; Laws 2019, c. 290, § 1, emerg. eff. May 2, 2019. NOTE: Laws 1983, c. 302, § 2 repealed by Laws 1986, c. 19, § 7, emerg. eff. March 17, 1986. Laws 1998, c. 245, § 2 repealed by Laws 1999, c. 1, § 45, emerg. eff. Feb. 24, 1999.

§47-2-105. Personnel of Highway Patrol Division - Qualifications - Probationary period - Suspension or dismissal - Transfer - Grievances - Uniforms - Top-ranking officers - Training and expenses - Reinstatement.

A. The Commissioner of Public Safety, subject to the Oklahoma Personnel Act, shall appoint:

1. A Chief of the Oklahoma Highway Patrol Division with the rank of Colonel, Deputy Chiefs of the Oklahoma Highway Patrol Division with the rank of Lieutenant Colonel, and subordinate officers and employees of the Oklahoma Highway Patrol Division, including Majors, Captains, Lieutenants, and Highway Patrolmen with the rank of Trooper, who shall comprise the Oklahoma Highway Patrol Division of the Department of Public Safety; provided, any officer appointed to a commissioned position prescribed in this paragraph which is unclassified pursuant to Section 840-5.5 of Title 74 of the Oklahoma Statutes shall have a right of return to the highest previously held classified commissioned position within the Oklahoma Highway Patrol Division of the Department of Public Safety without

any loss of rights, privileges or benefits immediately upon completion of the duties in the unclassified commissioned position;

2. A Captain, Lieutenants, and Patrolmen who shall comprise the Marine Enforcement Section of the Oklahoma Highway Patrol Division of the Department of Public Safety;

3. A Captain, Lieutenants, and Patrolmen, who shall comprise the Capitol Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety; and

4. Communications Coordinators, Communications Superintendents, Communications Supervisors, Communications Dispatchers, Radio Technicians and Tower Maintenance Officers who shall comprise the Communications Division of the Department of Public Safety.

B. No person shall be appointed to any position set out in subsection A of this section unless the person is a citizen of the United States and of good moral character. The Commissioner shall determine minimum qualifications for all positions set out in subsection A of this section, provided such qualifications shall include, but are not limited to, the following:

1. For commissioned officer positions:

- a. appointees shall be selected only after examination to determine physical and mental fitness for such positions. The examination criteria shall be prescribed by the Commissioner,
- b. appointees shall be at least twenty-one (21) years of age but less than forty-six (46) years of age,
- c. prior to receiving a commission, all such appointees shall satisfactorily complete a course of training in operations and procedures as prescribed by the Commissioner, and
- d. prior to receiving a commission, all such appointees shall possess an associate's degree or a minimum of sixty-two (62) successfully completed semester hours from an accredited college or university as denoted in the Database of Accredited Postsecondary Institutions and Programs provided by the U.S. Department of Education and whose hours are transferable between such recognized institutions. Prior years of military or law enforcement service shall qualify as a substitute for the educational requirement, up to a maximum of thirty (30) semester hours, for any combination of the following:
 - (1) ten (10) semester hours for each year of honorable service in any active military or reserve military service,
 - (2) ten (10) semester hours for each year the appointee worked as a paid, full-time, CLEET-certified law enforcement officer of a law

enforcement agency within the State of Oklahoma,
or

- (3) ten (10) semester hours for each year the appointee worked as a paid, full-time sworn law enforcement officer certified by a state peace officer standards and training agency as a peace officer in another state, or any officer who has been certified as a federal peace officer by a CLEET-recognized law enforcement agency; and

2. Any person appointed to a position in the Communications Division shall be at least eighteen (18) years of age and shall possess a high school diploma or General Educational Development equivalency certificate.

C. 1. Upon initial appointment to the position of Cadet Highway Patrolman or Probationary Communications Dispatcher, the appointed employee shall be required to serve an initial probationary period of twelve (12) months. The Commissioner may extend the probationary period for up to three (3) additional months provided that the employee and the Office of Management and Enterprise Services are notified in writing as to such action and the reasons thereof. During such probationary period, the employee may be terminated at any time and for any reason at the discretion of the Commissioner. Retention in the service after expiration of the initial probationary period shall entitle such employee to be classified as a permanent employee and the employee shall be so classified. No permanent employee may be discharged or removed except as provided for in this section.

2. A commissioned officer of the Oklahoma Highway Patrol Division may be promoted during the initial probationary period if such officer satisfactorily completes all training requirements prescribed by the Commissioner.

D. 1. No commissioned officer of the Department shall be a candidate for any political office or take part in or contribute any money or other thing of value, directly or indirectly, to any political campaign or to any candidate for public office. Anyone convicted of violating the provisions of this paragraph shall be guilty of a misdemeanor and shall be punished as provided by law.

2. No commissioned officer of the Department, while in the performance of the officer's assigned duty of providing security and protection, shall be considered as participating in a political campaign. The provisions of this paragraph shall not be construed to preclude a commissioned officer of the Oklahoma Highway Patrol Division of the Department of Public Safety from being a candidate for a position on a local board of education.

3. The Commissioner or any employee of the Department shall not be a candidate for any political office, or in any way be active or

participate in any political contest of any Primary, General, or Special Election, except to cast a ballot.

E. Drunkenness or being under the influence of intoxicating substances shall be sufficient grounds for the removal of any commissioned officer of the Department, as provided for in this section.

F. 1. No permanent employee, as provided for in this section, who is a commissioned officer of the Department, may be suspended without pay or dismissed unless the employee has been notified in writing by the Commissioner of such intended action and the reasons thereof. No such notice shall be given by the Commissioner unless sworn charges or statements have been obtained to justify the action.

2. Whenever such charges are preferred, the Commissioner may suspend the accused pending the hearing and final determination of such charges. If the charges are not sustained in whole or in part, the accused shall be entitled to pay during the period of such suspension. If the charges are sustained in whole or in part, the accused shall not receive any pay for the period of such suspension.

3. Commissioned officers of the Department of Public Safety are not entitled to appeal intra-agency transfer to the Oklahoma Merit Protection Commission pursuant to the Oklahoma Personnel Act unless the transfer is in violation of Section 840-2.5 or 840-2.9 of Title 74 of the Oklahoma Statutes.

4. The Department of Public Safety shall follow the uniform grievance procedure established and adopted by the Office of Management and Enterprise Services for permanent classified employees, except for those employees who are commissioned officers of the Department. The Department of Public Safety shall establish and adopt a proprietary grievance procedure for commissioned officers of the Department which is otherwise in compliance with the provisions of Section 840-6.2 of Title 74 of the Oklahoma Statutes.

G. 1. The Commissioner is hereby authorized to purchase and issue uniforms and necessary equipment for all commissioned officers of the Oklahoma Highway Patrol Division of the Department. All uniforms and equipment shall be used only in the performance of the official duties of such officers and shall remain the property of the Department, except as provided in Section 2-150 of this title.

2. Each commissioned officer of the Highway Patrol Division of the Department of Public Safety shall be entitled to reimbursement of expenses pursuant to the State Travel Reimbursement Act while away from the assigned area of the officer as designated by the Chief of the Oklahoma Highway Patrol Division, when such expense is incurred in the service of the state.

H. 1. The positions with the rank of Colonel and Lieutenant Colonel of the Oklahoma Highway Patrol Division shall be filled from the body of commissioned officers of the Oklahoma Highway Patrol

Division and appointment to said positions shall be based on qualifications, previous record as a commissioned officer of the Oklahoma Highway Patrol Division, length of service, years of experience within the Oklahoma Highway Patrol Division or other service as prescribed in this subsection, and efficiency of service performed.

2. In addition to the requirements of paragraph 1 of this subsection, the position of Chief of the Oklahoma Highway Patrol Division shall be based on one of the following:

- a. one (1) year of experience in any combination:
 - (1) as Commissioner of Public Safety,
 - (2) as Assistant Commissioner of Public Safety, or
 - (3) as Assistant Chief,
- b. two (2) years of experience in any combination:
 - (1) as Deputy Chief or higher rank, or
 - (2) if the experience was prior to April 21, 2006, as Major or higher rank,
- c. four (4) years of experience in any combination:
 - (1) as Major or higher rank, or
 - (2) if the experience was prior to April 21, 2006, as Captain or higher rank, or
- d. six (6) years of experience in any combination:
 - (1) as Captain or higher rank, or
 - (2) if the experience was prior to April 21, 2006, as First Lieutenant or higher rank.

3. In addition to the requirements of paragraph 1 of this subsection, the position of Deputy Chief of the Oklahoma Highway Patrol Division shall be based on one of the following:

- a. one (1) year of experience in any combination:
 - (1) as Commissioner of Public Safety,
 - (2) as Assistant Commissioner of Public Safety, or
 - (3) as Colonel,
- b. two (2) years of experience in any combination:
 - (1) as Major or higher rank, or
 - (2) if the experience was prior to April 21, 2006, as Captain or higher rank, or
- c. four (4) years of experience in any combination:
 - (1) as Captain or higher rank, or
 - (2) if the experience was prior to April 21, 2006, as Highway Patrol First Lieutenant or higher rank.

I. The Commissioner of Public Safety is hereby authorized to send employees of the Department of Public Safety to schools such as Northwestern University Center for Public Safety, Southern Police Institute, the FBI National Academy, the Institute of Police Technology and Management, or to any other schools of similar training which would be conducive to improving the efficiency of the Oklahoma Highway Patrol Division and the Department of Public

Safety. While an employee is attending a school, the Commissioner is authorized to permit the employee to use a state-owned vehicle and to use a fuel-purchasing card for any expenses related to the operation of the vehicle. In addition, while an employee is attending the FBI National Academy, a one-time expense allowance of Two Thousand Dollars (\$2,000.00) for uniforms, fees, travel, room and board, and other related expenses shall be paid to the employee by the Department; provided, the employee shall not be further compensated through the State Travel Reimbursement Act, and, if any other agency reimburses the employee for any expenses, the reimbursement shall be given to the Department. All purchases made by the employee with the expense allowance shall be considered property of the employee.

J. 1. Any former commissioned officer of the Department whose separation from the Department was at such officer's own request and not a result of such officer's own actions contrary to the policy of the Department or was not as a result of the retirement of that officer from the Department may make application for reinstatement as a commissioned officer of the division or section of the Department in which such officer was previously employed, provided such reinstated officer will be able to complete twenty (20) years of credited service by the time the reinstated officer reaches sixty-two (62) years of age. The Commissioner may waive the requirements of possessing the number of semester hours or degree as required in subsection B of this section for any former commissioned officer making application for reinstatement as a commissioned officer of the Department. The Commissioner may require the applicant for reinstatement to attend selected courses of instruction, as prescribed by the Commissioner.

2. In the event of future hostilities wherein the Congress of the United States declares this nation in a state of war with a foreign nation, including military service brought about by the Vietnam War, any period of military service served by a commissioned officer of the Department shall be considered as continued service with such Department, provided such commissioned officer returns to duty with the Department within sixty (60) days after release from military service.

Added by Laws 1961, p. 323, § 2-105, eff. Sept. 1, 1961. Amended by Laws 1961, p. 311, § 2; Laws 1965, c. 108, § 1, emerg. eff. May 12, 1965; Laws 1965, c. 429, § 3, emerg. eff. July 8, 1965; Laws 1967, c. 199, §§ 1, 2; Laws 1967, c. 349, § 2, emerg. eff. May 18, 1967; Laws 1969, c. 284, § 2, emerg. eff. April 25, 1969; Laws 1970, c. 244, § 2, eff. July 1, 1970; Laws 1971, c. 354, § 2, operative July 1, 1971; Laws 1973, c. 224, § 6, emerg. eff. May 24, 1973; Laws 1974, c. 291, § 3, operative July 1, 1974; Laws 1975, c. 321, § 3, operative July 1, 1975; Laws 1976, c. 242, § 3, operative July 1, 1976; Laws 1977, c. 249, § 3, operative July 1, 1977; Laws 1978, c.

271, § 3, operative July 1, 1978; Laws 1980, c. 357, § 1, eff. July 1, 1980; Laws 1981, c. 340, § 14, eff. July 1, 1981; Laws 1982, c. 352, § 11, operative July 1, 1982; Laws 1983, c. 302, § 3, emerg. eff. June 23, 1983; Laws 1984, c. 264, § 10, operative July 1, 1984; Laws 1986, c. 19, § 3, emerg. eff. March 17, 1986; Laws 1986, c. 279, § 10, operative July 1, 1986; Laws 1989, c. 295, § 12, operative July 1, 1989; Laws 1990, c. 315, § 1, eff. July 1, 1990; Laws 1992, c. 2, § 1, emerg. eff. March 18, 1992; Laws 1994, c. 218, § 3, eff. July 1, 1994; Laws 1998, c. 245, § 3, eff. July 1, 1998; Laws 2000, c. 195, § 1, eff. July 1, 2000; Laws 2000, c. 378, § 1, eff. Jan. 1, 2001; Laws 2001, c. 435, § 1, eff. July 1, 2001; Laws 2003, c. 461, § 3, eff. July 1, 2003; Laws 2004, c. 5, § 29, emerg. eff. March 1, 2004; Laws 2004, c. 418, § 3, eff. July 1, 2004; Laws 2006, c. 81, § 1, emerg. eff. April 21, 2006; Laws 2007, c. 62, § 6, emerg. eff. April 30, 2007; Laws 2009, c. 310, § 1, eff. July 1, 2009; Laws 2010, c. 60, § 1, eff. Nov. 1, 2010; Laws 2011, c. 104, § 1, eff. Nov. 1, 2011; Laws 2012, c. 304, § 161; Laws 2014, c. 228, § 1, eff. July 1, 2014; Laws 2017, c. 282, § 1, eff. Nov. 1, 2017; Laws 2022, c. 301, § 1, eff. July 1, 2022.

NOTE: Laws 2003, c. 279, § 1 repealed by Laws 2004, c. 5, § 30, emerg. eff. March 1, 2004.

§47-2-105.1. Repealed by Laws 1988, c. 290, § 25, operative July 1, 1988.

§47-2-105.2. Highway Patrol Academies.

The Department of Public Safety is authorized to conduct Highway Patrol Academies as may be required and within the funds available to the Department. Provided, however, that no such academy shall be commenced nor shall any funds be expended for an academy until:

1. The academy has been approved for implementation by the Contingency Review Board; or

2. The Legislature has authorized the academy.

Added by Laws 1981, c. 264, § 8, emerg. eff. June 25, 1981. Amended by Laws 2001, c. 89, § 1, eff. July 1, 2001; Laws 2003, c. 279, § 2, emerg. eff. May 26, 2003.

§47-2-105.3. Repealed by Laws 1998, c. 245, § 10, eff. July 1, 1998.

§47-2-105.3a. Executive security.

A. Upon receipt from the Oklahoma State Bureau of Investigation of an investigative report pursuant to paragraph 9 of Section 150.2 of Title 74 of the Oklahoma Statutes, the Commissioner of Public Safety or a designee shall determine what, if any, executive security will be provided to the official by the Department of Public Safety. Nothing in this subsection shall preclude the

Commissioner from providing temporary executive security to an official of this state or of any political subdivision of the state, if essential, prior to the receipt of the investigative report from the Oklahoma State Bureau of Investigation.

B. The Commissioner of Public Safety may, upon the request of a state agency head, appoint and commission qualified individuals to provide executive security for that agency. The Commissioner shall determine the qualifications of the individuals, the authority level and the time period for the appointment and commission.

C. The Commissioner of Public Safety shall, at the direction of the Governor, provide executive security for political candidates, foreign elected or appointed officials, visiting public officials, or any other person for whom executive security is deemed necessary by the Governor.

Added by Laws 1996, c. 281, § 2, emerg. eff. June 5, 1996. Amended by Laws 2003, c. 199, § 6, eff. Nov. 1, 2003.

§47-2-105.4. Salaries.

A. The annual salaries for the Commissioner of Public Safety, the Assistant Commissioner of Public Safety and the commissioned officers within the Highway Patrol Division shall be in accordance and conformity with the findings for Department of Public Safety law enforcement personnel of the State of Oklahoma Total Remuneration Study of 2013, exclusive of longevity pay, as authorized by Section 840-2.18 of Title 74 of the Oklahoma Statutes, expense allowance, as authorized by Section 2-130 of this title, and irregular shift pay, as authorized by Section 2-130.1 of this title.

B. The provisions of this section shall supersede all existing laws covering the salaries for the Commissioner of Public Safety, the Assistant Commissioner of Public Safety and the commissioned officers in the Highway Patrol Division of the Department of Public Safety.

C. Nothing in this section shall be construed to prohibit a reduction in pay or salary due to involuntary leave without pay as authorized in Section 840-2.27C of Title 74 of the Oklahoma Statutes.

Added by Laws 1988, c. 290, § 21, operative July 1, 1988. Amended by Laws 1989, c. 295, § 13, operative July 1, 1989; Laws 1990, c. 258, § 59, operative July 1, 1990; Laws 1992, c. 118, § 1, emerg. eff. April 23, 1992; Laws 1992, c. 367, § 20, eff. July 1, 1992; Laws 1993, c. 190, § 1, emerg. eff. May 24, 1993; Laws 1994, c. 239, § 1; Laws 1996, c. 57, § 3, eff. July 1, 1996; Laws 1996, c. 300, § 1, eff. July 1, 1996; Laws 1997, c. 201, § 1, eff. Nov. 1, 1997; Laws 1998, c. 245, § 4, eff. Jan. 1, 1999; Laws 1999, c. 120, § 1, emerg. eff. April 26, 1999; Laws 2000, c. 37, § 10, eff. Oct. 1, 2000; Laws 2001, c. 435, § 2, eff. July 1, 2001; Laws 2004, c. 161, § 1, eff. Jan. 1, 2005; Laws 2006, c. 81, § 2, eff. April 21, 2006;

Laws 2006, 2nd Ex.Sess., c. 83, § 2, eff. Oct. 1, 2006; Laws 2011, c. 335, § 2; Laws 2014, c. 135, § 1, eff. July 1, 2014.

§47-2-105.4A. Size and Weight Enforcement Section of Oklahoma Highway Patrol Division created - Additional members of Highway Patrol - Purchase and maintenance of vehicles and equipment - Training.

There is hereby created within the Oklahoma Highway Patrol Division the Size and Weight Enforcement Section. The Commissioner of Public Safety shall employ a minimum of twenty-five additional members of the Oklahoma Highway Patrol, one Captain and eight Lieutenants and shall assign the twenty-five members of the Oklahoma Highway Patrol, one Captain and eight Lieutenants to the Size and Weight Enforcement Section. The Size and Weight Enforcement Section shall have the primary duty of the enforcement of the provisions of Section 14-101 et seq. of this title.

Said Commissioner shall purchase and maintain the necessary motor vehicle equipment, portable scales and other items of equipment and supplies and shall provide proper training necessary for the enforcement of the provisions of Section 14-101 et seq. of this title.

Added by Laws 1949, p. 321, § 11, emerg. eff. May 31, 1949. Amended by Laws 1957, p. 439, § 1, emerg. eff. June 5, 1957; Laws 1967, c. 369, § 3, emerg. eff. May 22, 1967; Laws 1971, c. 129, § 1, emerg. eff. May 5, 1971; Laws 1979, c. 267, § 4, eff. July 1, 1979; Laws 1982, c. 352, § 17, emerg. eff. June 2, 1982; Laws 1992, c. 195, § 1, eff. July 1, 1992. Renumbered from § 116.11 of this title by Laws 2001, c. 131, § 17, eff. July 1, 2001. Amended by Laws 2015, c. 99, § 1, eff. Nov. 1, 2015.

§47-2-105.4B. Bomb Squad Section.

A. There is hereby created within the Highway Patrol Division the Bomb Squad Section which shall consist of such employees the Commissioner of Public Safety deems necessary to carry out the provisions of Section 122.2 of Title 63 of the Oklahoma Statutes.

B. The Commissioner is authorized to purchase and maintain necessary equipment and supplies and shall provide proper training necessary for the enforcement of the provisions of this section. Added by Laws 2003, c. 168, § 4, eff. July 1, 2003.

§47-2-105.4C. Authorization to engage in part-time employment.

Any Highway Patrol officer or other law enforcement officer employed as a full-time-equivalent (FTE) of the Department of Public Safety and otherwise prohibited by law or Department policy from obtaining part-time employment as a law enforcement officer with any other law enforcement agency shall hereby be authorized to engage in such part-time employment for the duration of any furlough period

imposed by the Commissioner of Public Safety or otherwise required by law. Any previous restriction on such officers relating to outside employment shall be reinstated no longer than two weeks following the end of any furlough status as determined by the Commissioner of Public Safety.

Added by Laws 2010, c. 72, § 1, emerg. eff. April 9, 2010.

§47-2-105.5. Controlled substance screenings of applicants.

All applicants, including reinstatements, for all commissioned officer positions within the Department of Public Safety shall, prior to initial appointment or reinstatement, be required to submit to and successfully pass a controlled substance screening conducted by a National Institute on Drug Abuse (NIDA) certified laboratory. The Commissioner of Public Safety shall establish the necessary procedures to implement this requirement; provided, the results of any such screening shall be considered exempt law enforcement records as prescribed in Section 24A.8 of Title 51 of the Oklahoma Statutes. The Commissioner of Public Safety is authorized to expend the funds necessary to accomplish these screenings.

Added by Laws 1990, c. 315, § 2, eff. July 1, 1990. Amended by Laws 1998, c. 245, § 5, eff. July 1, 1998; Laws 2004, c. 418, § 5, eff. July 1, 2004.

§47-2-105.6. Marine Enforcement Section - Powers, duties, responsibilities and authority - Salaries.

A. There is hereby created within the Oklahoma Highway Patrol Division of the Department of Public Safety a Marine Enforcement Section which shall consist of such employees as may be necessary to enforce the provisions of Section 4001 et seq., Section 4101 et seq., and Section 4200 et seq. of Title 63 of the Oklahoma Statutes. All commissioned officers of the Marine Enforcement Section as designated by the Commissioner shall have the authority to stop and board any vessel subject to Section 4001 et seq. of Title 63 of the Oklahoma Statutes and make any necessary arrest for violations of Section 4001 et seq. of Title 63 of the Oklahoma Statutes or the rules promulgated by the Department of Public Safety or the Department of Wildlife Conservation or take any other action within their lawful authority. Any statutory references to the Oklahoma Lake Patrol Division or the Lake Patrol Section of the Oklahoma Highway Patrol Division shall mean the Marine Enforcement Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.

B. All commissioned officers of the Marine Enforcement Section of the Oklahoma Highway Patrol Division of the Department of Public Safety shall have, in addition to their primary duty as prescribed in subsection A of this section, a secondary duty to enforce all

state statutes, to make arrests for violations and to perform other duties as prescribed by the Commissioner.

C. The annual salaries for the commissioned officers within the Marine Enforcement Section of the Oklahoma Highway Patrol Division of the Department of Public Safety shall be in accordance and conformity with Section 2-105.4 of this title.

D. The provisions of this section shall supersede all existing laws covering the salaries for the commissioned officers in the Marine Enforcement Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.

Added by Laws 1998, c. 245, § 6, eff. July 1, 1998. Amended by Laws 2000, c. 37, § 11, eff. Oct. 1, 2000; Laws 2000, c. 195, § 2, eff. July 1, 2000; Laws 2001, c. 435, § 3, eff. July 1, 2001; Laws 2004, c. 161, § 2, eff. Jan. 1, 2005; Laws 2005, c. 1, § 44, emerg. eff. March 15, 2005; Laws 2006, c. 81, § 3, eff. April 21, 2006; Laws 2006, 2nd Ex. Sess., c. 83, § 3, eff. Oct. 1, 2006; Laws 2011, c. 104, § 2, eff. Nov. 1, 2011; Laws 2015, c. 99, § 2, eff. Nov. 1, 2015.

NOTE: Laws 2004, c. 364, § 1 repealed by Laws 2005, c. 1, § 45, emerg. eff. March 15, 2005.

§47-2-105.6A. Repealed by Laws 2003, c. 461, § 20, eff. July 1, 2003.

§47-2-105.7. Capitol Patrol Section - Authority - Reclassification - Salaries - Application.

A. There is hereby created within the Oklahoma Highway Patrol Division of the Department of Public Safety a Capitol Patrol Section which shall consist of such employees as may be necessary to provide law enforcement services to all state buildings and properties, including grounds appurtenant thereto, within Oklahoma County and Tulsa County. All commissioned officers of the Capitol Patrol Section as designated by the Commissioner shall have the authority to enforce all parking, traffic, and criminal laws within Oklahoma County and Tulsa County, and shall have the authority to perform other law enforcement duties within the state as prescribed by the Commissioner of Public Safety.

B. A Patrolman shall not be promoted to the position of Capitol Patrol Sergeant.

C. Any officer of the Capitol Patrol Section of the Oklahoma Highway Patrol Division may request reclassification to the equivalent lateral position, rank, and salary within the Oklahoma Highway Patrol Division and shall be reclassified to the position if the officer:

1. Meets the requirements of paragraph 2 of subsection B of Section 2-105 of this title. Provided, the officer shall be exempt from the maximum age limitation;

2. Satisfactorily completes a course of training as prescribed by the Commissioner; and

3. Serves a twelve-month probationary period which shall commence upon entering the course of training required by paragraph 2 of this subsection.

Such reclassified officer shall be subject to reassignment as determined by the Chief of the Oklahoma Highway Patrol Division.

D. All commissioned officers of the Capitol Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety shall have, in addition to their primary duty as prescribed in subsection A of this section, a secondary duty to enforce all state statutes, to make arrests for violations and to perform other duties as prescribed by the Commissioner of Public Safety in accordance with Section 2-117 of this title.

E. The Office of Management and Enterprise Services and the Oklahoma Capitol Improvement Authority shall provide office and operations space for the Capitol Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.

F. The annual salaries of personnel comprising this section shall be in accordance and conformity with the findings for Department of Public Safety law enforcement personnel of the State of Oklahoma Total Remuneration Study of 2013.

G. The provisions of this section shall supersede all existing laws covering the salaries for the commissioned officers in the Capitol Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.

Added by Laws 1998, c. 245, § 7, eff. Jan. 1, 1999. Amended by Laws 2000, c. 37, § 12, eff. Oct. 1, 2000; Laws 2000, c. 378, § 2, eff. Jan. 1, 2001; Laws 2001, c. 435, § 4, eff. July 1, 2001; Laws 2004, c. 161, § 3, eff. Jan. 1, 2005; Laws 2004, c. 354, § 1, eff. July 1, 2004; Laws 2006, c. 81, § 4, emerg. eff. April 21, 2006; Laws 2006, 2nd Ex.Sess., c. 83, § 4, eff. Oct. 1, 2006; Laws 2012, c. 304, § 162; Laws 2014, c. 135, § 2, eff. July 1, 2014.

§47-2-105.8. Communications Section - Salaries.

A. There is hereby created within the Oklahoma Highway Patrol Division of the Department of Public Safety, the Communications Section.

B. An employee may be promoted to the position of Communications Coordinator.

C. The annual salaries of personnel comprising this section shall be in accordance and conformity with the findings for Department of Public Safety law enforcement personnel of the State of Oklahoma Total Remuneration Study of 2013.

D. The provisions of this section shall supersede all existing laws covering the salaries for the positions in the Communications

Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.

Added by Laws 1998, c. 245, § 8, eff. July 1, 1998. Amended by Laws 2000, c. 37, § 13, eff. Oct. 1, 2000; Laws 2000, c. 195, § 3, eff. July 1, 2000; Laws 2004, c. 161, § 4, eff. Jan. 1, 2005; Laws 2006, 2nd Ex. Sess., c. 83, § 5, eff. Oct. 1, 2006; Laws 2014, c. 135, § 3, eff. July 1, 2014; Laws 2015, c. 99, § 3, eff. Nov. 1, 2015.

§47-2-105A. Repealed by Laws 2007, c. 62, § 33, emerg. eff. April 30, 2007.

§47-2-105B. Position of Chaplain.

Subject to the availability of funds, the Commissioner of Public Safety or the Chief of the Highway Patrol Division is authorized to employ a Chaplain within the Department of Public Safety for the purpose of providing counseling services to employees or immediate family members thereof when such counseling services are needed as a direct result of such employee's performance of official duties and to carry out any other duties and responsibilities assigned by the Commissioner or the Chief of the Oklahoma Highway Patrol. The position of Chaplain shall be an unclassified position with salary and benefits set by the Commissioner not to exceed the salary of a Highway Patrolmen at the rank of Trooper with fifteen (15) years of service to the Department of Public Safety. "Chaplain" means an ordained or authorized pastor, minister, priest or other ecclesiastical dignitary of any denomination who has been duly ordained or authorized by the church to which such person belongs. Added by Laws 2003, c. 461, § 5, eff. July 1, 2003.

§47-2-106. Repealed by Laws 2023, c. 310, § 38, eff. July 1, 2023.

§47-2-106.1. Transfer of Size and Weights Permits Division to Department of Transportation.

All the powers, duties, functions, records, employees, property, matters pending, funds, and responsibilities of the Size and Weights Permits Division of the Department of Public Safety are hereby transferred to the Department of Transportation effective July 1, 2022. An accurate, current inventory of all properties shall be maintained by the Department of Transportation.

Laws 1949, p. 321, § 12; Laws 1957, p. 439, § 2; Laws 1971, c. 129, § 2, emerg. eff. May 5, 1971; Laws 1972, c. 234, § 3, operative July 1, 1972; Laws 1974, c. 291, § 7, operative July 1, 1974; Laws 1975, c. 321, § 7, operative July 1, 1975; Laws 1976, c. 242, § 7, operative July 1, 1976; Laws 1977, c. 249, § 7, operative July 1, 1977; Laws 1978, c. 271, § 5, operative July 1, 1978; Laws 1979, c. 267, § 5, eff. July 1, 1979; Laws 1980, c. 350, § 4, eff. July 1, 1980; Laws 1981, c. 340, § 16, eff. July 1, 1981. Renumbered from

Section 116.12 of this title by Laws 2001, c. 131, § 17, eff. July 1, 2001. Amended by Laws 2022, c. 116, § 1, eff. July 1, 2022.

§47-2-106.2A. Transfer of powers and duties.

All the powers, duties, functions, records, employees, property, matters pending and funds of the Department of Highways, the Highway Safety Coordinating Committee and the Railroad Maintenance Authority are hereby transferred to the Department of Transportation. Effective July 1, 1993, all powers, duties, functions, records, employees, matters pending and funds of the Department of Transportation that were transferred to the Department because of the abolishment of the Highway Safety Coordinating Committee shall be transferred to the Department of Public Safety, pursuant to Section 3 of this act. Except as specifically directed by the Legislature the State Department of Transportation shall not fund, directly or indirectly, any railroad, mass transit, public transportation, marine, waterways or aeronautics construction, operations or maintenance with dedicated gasoline taxes, appropriated highway construction or maintenance funds or other highway funds; provided, however, that nothing herein contained shall be construed to prevent the Department of Transportation from applying for, accepting, receiving, administering or expending monies appropriated for the specific purpose of matching federal grants now or hereafter made available for transportation planning or improvements in nonhighway transportation modes. The Department of Transportation shall not issue bonds which constitute an obligation or debt of the state or a pledge of the faith and credit of the state, except as specifically authorized by the Legislature. Any change of agency name/names on signs, equipment, vehicles or other property shall be accomplished as said signs, equipment, vehicles or other property are replaced in inventory or as required through normal wear and tear. An accurate, current inventory of all properties shall be maintained by the Department of Transportation. Added by Laws 1976, c. 218, § 9. Amended by Laws 1977, c. 128, § 1, emerg. eff. June 3, 1977; Laws 1993, c. 81, § 2, eff. July 1, 1993. Renumbered from § 4009 of Title 69 by Laws 2007, c. 62, § 26, emerg. eff. April 30, 2007.

§47-2-106.2B. Transfer of powers and duties to Department of Public Safety.

All powers, duties, functions, records, employees, property, matters pending and funds of the Oklahoma Highway Safety Office of the Oklahoma Department of Transportation and the former Oklahoma Highway Safety Coordinating Committee are hereby transferred to the Oklahoma Department of Public Safety.

Added by Laws 1993, c. 81, § 3, eff. July 1, 1993. Renumbered from § 4009.1 of Title 69 by Laws 2007, c. 62, § 27, emerg. eff. April 30, 2007.

§47-2-106.2C. Traffic safety-related projects - Incentives.

Notwithstanding any other provision of law, the Oklahoma Highway Safety Office of the Department of Public Safety may provide incentives, as permitted by federal regulations, to the public and any law enforcement agencies of the state for the purpose of promoting increased participation in traffic safety-related projects. The incentives shall be purchased only with federal funds, if available.

Added by Laws 2003, c. 461, § 16, eff. July 1, 2003. Renumbered from § 4009.2 of Title 69 by Laws 2007, c. 62, § 28, emerg. eff. April 30, 2007.

§47-2-106.3. Identity Verification Unit.

A. Subject to the availability of funding, the Department of Public Safety shall establish an Identity Verification Unit (IVU) for the primary purpose of investigating and apprehending persons or entities that participate in the sale or distribution of fraudulent documents used for identification purposes. The unit shall additionally specialize in fraudulent identification documents created and prepared for persons who are unlawfully residing within this state. The Department shall employ sufficient employees to investigate and implement an Identity Verification Unit.

B. The Commissioner of Public Safety shall promulgate rules to administer the provisions of this section.

Added by Laws 2007, c. 112, § 12, eff. Nov. 1, 2007. Renumbered from Title 47, § 151.2 by Laws 2008, c. 302, § 14, emerg. eff. June 2, 2008; Laws 2025, c. 38, § 1, emerg. eff. May 3, 2025.

§47-2-107. Traveling expenses of assistants and other employees - Equipment.

In addition to the salaries or wages of assistants or other employees in the Department of Public Safety when deemed necessary in connection with the discharge of their duties respectively assigned or delegated to them, such assistants or employees shall be allowed and paid traveling expenses incurred in the discharge of their respective duties, in accordance with the provisions of the State Travel Reimbursement Act, Sections 500.1 through 500.19 of Title 74 of the Oklahoma Statutes, which shall be paid from the same fund and in the same manner as the payment of all other salaries and expenses of the Department; provided, however, when deemed necessary by the Commissioner of Public Safety, it shall be and he is hereby authorized and empowered to purchase motor vehicles and other equipment for use by said Department. The Commissioner of Public

Safety shall prepare and deliver to the Governor, President Pro Tempore of the Senate, and the Speaker of the House of Representatives a current vehicle fleet management and replacement plan and a complete inventory of all vehicles in use by the Department on the first legislative day of each year. The provisions of this act are to supersede all existing law; provided only that all provisions of this section are subject to provisions of general law governing appropriation, expenditure and availability of funds.

Laws 1961, p. 326, § 2-107, eff. Sept. 1, 1961; Laws 1970, c. 96, § 1, emerg. eff. March 30, 1970; Laws 1971, c. 19, § 1, emerg. eff. March 16, 1971; Laws 1973, c. 220, § 5, emerg. eff. May 24, 1973; Laws 1975, c. 231, § 6, emerg. eff. May 30, 1975; Laws 1976, c. 241, § 7, emerg. eff. June 15, 1976; Laws 1979, c. 243, § 11, emerg. eff. June 1, 1979; Laws 1982, c. 352, § 13, emerg. eff. June 2, 1982; Laws 1993, c. 181, § 2, eff. Sept. 1, 1993.

§47-2-108. Powers and duties of commissioner.

A. The Commissioner is hereby vested with the power and is charged with the duty of observing, administering, and enforcing the provisions of this title and of all laws regulating the operation of vehicles or the use of the highways, the enforcement and administration of which are now or hereafter vested in the Department. The Commissioner may appoint any employee of the Department to serve as the personal representative of the Commissioner for the purpose of fulfilling any such duty or combination of duties.

B. The Commissioner is hereby authorized to adopt and enforce such rules as may be necessary to carry out the provisions of the Highway Safety Code and any other laws the enforcement and administration of which are vested in the Department.

C. The Commissioner may adopt an official seal for the use of the Department.

D. The Commissioner may adopt an authorized facsimile signature of the Commissioner, and may appoint any employee of the Department to serve as the personal representative of the Commissioner for the purpose of affixing the authorized facsimile signature of the Commissioner to administrative letters, notices, and orders to enforce the provisions of the law. Provided, however, it shall be unlawful and shall constitute the crime of forgery to affix or endorse the facsimile signature of the Commissioner, as herein provided, to any instrument, voucher, check, claim, or draft for the payment of money due and owing to the State of Oklahoma. In lieu of the signature of the Commissioner or the authorized facsimile signature of the Commissioner, the Commissioner may direct and authorize any employee of the Department to affix the signature of

the employee to administrative letters, notices, and orders to enforce the provisions of the law.

E. The Commissioner has the authority to enter into interagency transfers with the Oklahoma State Bureau of Investigation, the Oklahoma Bureau of Narcotics and Dangerous Drugs and the Oklahoma Alcoholic Beverages Laws Enforcement Commission as provided for in Section 1 of this act.

Added by Laws 1961, p. 327, § 2-108, eff. Sept. 1, 1961. Amended by Laws 2004, c. 130, § 6, emerg. eff. April 20, 2004; Laws 2021, c. 95, § 3, eff. Nov. 1, 2021.

§47-2-108.1. Interlocal agreements.

The Commissioner of Public Safety may enter into interlocal agreements with any other government agency or any state educational institution that is a member of The Oklahoma State System of Higher Education, as prescribed in Section 3201 of Title 70 of the Oklahoma Statutes, for the use of space for the purpose of providing governmental services as required by law of the Department of Public Safety, or with a state beneficiary public trust regarding policing and setting speed limits on roads located on lands owned by the trust. Such agreements shall be exempt from the Oklahoma Central Purchasing Act and Sections 63 and 94 of Title 74 of the Oklahoma Statutes and subsection C of Section 327 of Title 61 of the Oklahoma Statutes.

Added by Laws 2008, c. 319, § 1, eff. Nov. 1, 2008. Amended by Laws 2011, c. 335, § 3; Laws 2012, c. 304, § 163; Laws 2025, c. 197, § 1, eff. Nov. 1, 2025.

§47-2-108.2. Contracts incident to real estate gifted to state - Construction of gun range.

The Commissioner of Public Safety shall have the exclusive rights to enter into all contracts incident to real estate gifted to the state for use by the Department of Public Safety in rural Pottawatomie County adjacent to the Wes Watkins Reservoir, hereafter referred to as "the premises", including any and all architectural, engineering, design consultant, construction manager, and construction contracts concerning construction of a gun range on the premises.

The Department shall have exclusive jurisdiction, custody, responsibility and control over all construction, repair, maintenance, management and operation of the premises and all fixtures thereon incident to the gun range.

In the construction, repair, maintenance, and operation of the gun range, the Department and the premises shall be exempt from any and all real estate construction requirements and provisions, to the extent they could be applicable to the acquisition of goods or services incident to the construction, repair, maintenance and

operation, as set forth in the Oklahoma Statutes, including but not limited to Sections 101 through 138 and Sections 202 through 220 of Title 61 of the Oklahoma Statutes, and subsections B, C and E of Section 63 and Sections 85.1 through 85.45j of Title 74 of the Oklahoma Statutes.

Added by Laws 2008, c. 319, § 2, eff. Nov. 1, 2008.

§47-2-108.3. Vehicle ownership and registration information.

A. In an effort to improve the public safety of all citizens of this state, a more uniform and expeditious method of obtaining ownership and registration information of all motor vehicles operating on the roads and highways of this state is required. Any method developed shall be conducted in accordance with subsection B of this section.

B. In addition to the powers and duties prescribed by law, the Director of Service Oklahoma shall be authorized to direct Service Oklahoma to develop a proposal for an intergovernmental cooperative agreement pursuant to paragraph 1 of subsection D of Section 1221 of Title 74 of the Oklahoma Statutes between Service Oklahoma and all tribal governments that issue tribal license plates and maintain ownership and registration information.

Added by Laws 2011, c. 188, § 1, eff. Nov. 1, 2011. Amended by Laws 2022, c. 282, § 29, emerg. eff. May 19, 2022.

§47-2-108.4. Oklahoma Incident Management Team Advisory Committee

A. There is hereby created within the Oklahoma Department of Public Safety the Oklahoma Incident Management Team Advisory Committee. The purpose of the Committee shall be to:

1. Advise and assist the Commissioner in the development of setting of goals, objectives and priorities with respect to state-sponsored all-hazard emergency incident management team functions;
2. Advise and assist the Commissioner in establishing standards and credentialing guidelines for emergency incident management functions and responders within the Team Advisory Committee's scope of authority; and
3. Provide a forum for discussion of issues between the organizations within the Team Advisory Committee.

B. The Team Advisory Committee shall be composed of the following seven (7) members as follows:

1. The Commissioner of Health, or designee;
2. The Director of the Oklahoma Forestry Services, or designee;
3. The Commissioner of the Oklahoma Department of Public Safety, or designee;
4. The Director of the Oklahoma Office of Homeland Security, or designee;
5. The Director of the Office of Emergency Management, or designee;

6. One member appointed by the Oklahoma Fire Chiefs Association to represent a statewide association of fire chiefs in this state; and

7. The Director of the Oklahoma State University Fire Safety Training, or designee.

In addition to the seven (7) members, membership may be expanded by a majority vote of the Committee.

C. The members of the Team Advisory Committee shall receive no compensation or travel reimbursement.

D. A majority of the Team Advisory Committee shall constitute a quorum to transact official business.

E. The members of the Team Advisory Committee may elect from among its membership a chair and vice chair to preside at all meetings.

F. The Committee shall meet within ninety (90) days after the effective date of this act and shall meet at least twice a year or more frequently at the discretion of the chair.

Added by Laws 2016, c. 143, § 1, eff. Nov. 1, 2016.

§47-2-108.5. Oklahoma State Award Program Committee.

A. 1. There is hereby created the Oklahoma State Award Program Committee. The purpose of the Committee is to create, establish eligibility requirements and make recommendation for awarding the Oklahoma Medal of Valor for meritorious service, the Oklahoma Distinguished Meritorious Service Medal for extended exemplary service to the state and the Oklahoma Red Heart or Oklahoma Blue Heart for serious line of duty injuries for law enforcement and public safety members employed by municipal, county, state and employees of federal agencies working in Oklahoma.

2. There is hereby established the Oklahoma Medal of Valor, the Oklahoma Distinguished Meritorious Service Medal and the Oklahoma Red Heart and Oklahoma Blue Heart, along with authorized appurtenances, for award by the Governor, in the name of the state, to any person who has demonstrated meritorious achievement, or a distinct act of courage, shown distinguished meritorious service to the state over an extended period of service or who has incurred injury or wounds, while performing or actively engaged in public service activities. The Oklahoma Red Heart is limited to municipal firefighters employed by cities and towns. The Oklahoma Blue Heart is limited to law enforcement and public safety members employed by municipal, county, state and employees of federal agencies working in Oklahoma.

3. The purpose of each award is to formally recognize extraordinary acts of valor by public safety members and citizens of Oklahoma who engage in extraordinary acts of bravery and valor and to formally recognize public safety members in Oklahoma who have

been seriously injured in the line of duty and to acknowledge the distinguished meritorious service of citizens to the state.

B. The members of the Oklahoma State Award Program (OSAP) Committee shall have experience in the field of public safety and public service. The OSAP Committee shall be composed of nine (9) members as follows:

1. The Lieutenant Governor, who shall serve as chair;
2. The Adjutant General of the Oklahoma National Guard;
3. The Commissioner of the Department of Public Safety;
4. The Director of the Department of Corrections;
5. The Director of the Department of Transportation;
6. The President of the Oklahoma Sheriffs' Association;
7. The President of the Oklahoma Association of Chiefs of Police;
8. The President of the Oklahoma State Firefighters Association; and
9. The President of the Oklahoma Sheriffs and Peace Officers Association.

C. Except at any meeting to select recipients of the Oklahoma Medal of Valor, the Oklahoma Distinguished Meritorious Service Medal, the Oklahoma Red Heart or the Oklahoma Blue Heart, each member, other than the chair, may be represented by a designee; provided, the designee must be an active member in good standing with the agency or association to which the appointed member belongs. The Chairman reserves the right to appoint an advisory board to collect, review and make initial award recommendations to the OSAP Committee. The advisory board will be comprised of designees from the nine-member OSAP Committee.

D. The Committee shall conduct its first meeting no later than ninety (90) calendar days after the appointment of the last member. The Committee shall meet at the direction of the chair, and shall normally meet not less than once each year and not more than three times each year.

E. A majority of the members shall constitute a quorum to conduct business.

F. The members of the Committee shall serve without compensation, except that the members may be reimbursed for reasonable and necessary expenses arising from Committee activities or business. Such expenses shall be paid by the respective agencies at which the member is employed at the time the expense is incurred.

G. No member of the OSAP Committee shall solicit, seek or request individuals to submit individuals for awards. OSAP Committee members may explain the program to interested individuals. The Committee may secure directly from any department or agency such information as the Committee deems necessary to carry out its duties.

H. The Commissioner of the Department of Public Safety shall promulgate rules to establish the following:

1. Design of the Oklahoma Medal of Valor, the Oklahoma Distinguished Meritorious Service Medal and the Oklahoma Red Heart or the Oklahoma Blue Heart and any authorized appurtenances proposed by the Adjutant General;

2. Criteria for eligibility for award of the Oklahoma Medal of Valor, the Oklahoma Distinguished Meritorious Service Medal or the Oklahoma Red Heart or Oklahoma Blue Heart proposed by the Adjutant General;

3. Criteria for the proper wear of the Oklahoma Medal of Valor, the Oklahoma Distinguished Meritorious Service Medal or the Oklahoma Red Heart or the Oklahoma Blue Heart proposed by the Adjutant General;

4. Method of purchasing the Oklahoma Medal of Valor, the Oklahoma Distinguished Meritorious Service Medal or the Oklahoma Red Heart or Oklahoma Blue Heart;

5. Order of precedence relating to other state awards; and

6. Other rules deemed necessary to carry out the provisions of this section.

I. The Committee shall consider candidates for award for the Oklahoma Medal of Valor, the Oklahoma Distinguished Meritorious Service Medal or the Oklahoma Red Heart or Oklahoma Blue Heart only from the applications received. The OSAP Committee may go into executive session to deliberate and select recommended recipients. The Chair shall present to the Governor the names of recommendations as Medal recipients.

J. The Committee shall not disclose any information which may compromise an ongoing law enforcement investigation or information that is otherwise required by law to be kept confidential. Only the final recommendation for receipt of the Oklahoma Medal of Valor, the Oklahoma Distinguished Service Medal and the Oklahoma Red Heart or Oklahoma Blue Heart shall be subject to the Oklahoma Open Records Act.

K. The Oklahoma Medal of Valor, the Oklahoma Distinguished Service Medal and the Oklahoma Red Heart or Oklahoma Blue Heart may not be awarded to any person who was not selected by the Committee.

L. The award of the Oklahoma Medal of Valor, the Oklahoma Distinguished Service Medal and the Oklahoma Red Heart or Oklahoma Blue Heart may be rescinded for suitable cause. The Chair, with the consent of the Committee, shall forward the recommendation for rescission to the Governor. The final decision to rescind must be approved by the Governor.

M. The Oklahoma Medal of Valor, the Oklahoma Distinguished Service Medal or the Oklahoma Red Heart or Oklahoma Blue Heart may be awarded posthumously and may be presented to such representative

of the deceased's family as may be deemed appropriate by the Governor.

Added by Laws 2017, c. 17, § 1, eff. Nov. 1, 2017. Amended by Laws 2021, c. 135, § 1, eff. Nov. 1, 2021; Laws 2022, c. 61, § 1, eff. Nov. 1, 2022.

§47-2-109. Commissioner to prescribe forms.

The Commissioner shall prescribe and provide suitable forms requisite or deemed necessary to carry out the provisions of this title and any other laws the enforcement and administration of which are vested in the Department.

Added by Laws 1961, p. 327, § 2-109, eff. Sept. 1, 1961. Amended by Laws 1995, c. 23, § 5, eff. Nov. 1, 1995; Laws 2022, c. 282, § 30, emerg. eff. May 19, 2022.

§47-2-109.1. Charging and collection of fees - Forms of payment.

A. The Commissioner of Public Safety shall charge and collect the fees required to be paid to the Department of Public Safety.

B. Payments for any fees required to be paid by any person to the Department of Public Safety, except as otherwise provided by law, may be made by:

1. The person's personal or company check, as prescribed by rules of the Department;

2. Cash, if paid in person;

3. Money order or certified check; or

4. A nationally recognized credit card issued to the person.

The Commissioner may add an amount equal to four percent (4%) of the amount of such payment as a convenience fee for credit card payments. Such convenience fee shall be deposited in the State Treasury to the credit of the Department of Public Safety Revolving Fund. For purposes of this paragraph, "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate or by any other name, issued with or without fee by the issuer for the use of the cardholder in obtaining goods, services, or anything else of value on credit which is accepted by more than one thousand merchants in this state. The Commissioner shall determine which nationally recognized credit cards will be accepted; provided, however, the Commissioner must ensure that no loss of state revenue will occur by the use of such card.

Added by Laws 2001, c. 100, § 1, eff. Nov. 1, 2001. Amended by Laws 2002, c. 397, § 7, eff. Nov. 1, 2002.

§47-2-110. Release of records.

A. The Commissioner and such officers of the Department as the Commissioner may designate are hereby authorized to prepare under the seal of the Department and deliver upon request a certified copy

of any record of the Department, charging a fee of Three Dollars (\$3.00) for each record so certified, and every such certified copy shall be admissible in any proceeding in any court in like manner as the original thereof. A certification fee shall be charged:

1. Only if the person requesting the record specifically requests that the record be certified; and

2. In addition to the copying and reproduction fees provided by the Oklahoma Open Records Act or any other applicable law.

B. The Commissioner and any other officers of the Department as the Commissioner may designate are hereby authorized to provide a copy of any record required to be maintained by the Department at no charge to any of the following government agencies when requested in the performance of official governmental duties:

1. The driver license agency of any other state;

2. Any court, district attorney or municipal prosecutor in this state or any other state;

3. Any law enforcement agency in this state or any other state or any federal agency empowered by law to make arrests for public offenses;

4. Any nonprofit provider exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986 and contracted by the Developmental Disabilities Services Division of the Oklahoma Department of Human Services; or

5. Any state agency in this state.

C. Any record required to be maintained by the Department may be released to any other entity free of charge when the release of the record would be for the benefit of the public, as determined by the Commissioner or a designee of the Commissioner.

D. 1. Upon written request to the Commissioner of Public Safety by a law enforcement agency or another state's or country's driver licensing agency for personal information on a specific individual, as named or otherwise identified in the written request, to be used in the official capacity of the agency, the Commissioner may release such personal information to the agency pursuant to the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725. Provided, the provisions of this subsection or any other provision of this title shall not be construed to keep audio or video recordings of the Department of Public Safety confidential beyond any exceptions provided for in the Oklahoma Open Records Act.

2. For the purposes of this subsection, "personal information" means information which identifies a person, including but not limited to a photograph or image in computerized format of the person, fingerprint image in computerized format, signature or signature in computerized format, Social Security number, residence address, mailing address, and medical or disability information.

Added by Laws 1961, p. 327, § 2-110, eff. Sept. 1, 1961. Amended by Laws 1983, c. 286, § 11, operative July 1, 1983; Laws 1999, c. 80, § 1, eff. Nov. 1, 1999; Laws 2000, c. 342, § 1, eff. July 1, 2000; Laws 2001, c. 361, § 2, eff. July 1, 2001; Laws 2002, c. 86, § 2, emerg. eff. April 17, 2002; Laws 2004, c. 130, § 7, emerg. eff. April 20, 2004; Laws 2005, c. 199, § 1, eff. Nov. 1, 2005; Laws 2012, c. 242, § 3; Laws 2013, c. 15, § 24, emerg. eff. April 8, 2013; Laws 2014, c. 266, § 1, eff. Nov. 1, 2014; Laws 2022, c. 282, § 31, emerg. eff. May 19, 2022.

NOTE: Laws 2012, c. 255, § 1 repealed by Laws 2013, c. 15, § 25, emerg. eff. April 8, 2013.

§47-2-111. Records of Department.

A. All records of the Department, other than those declared by law to be confidential for the use of the Department, shall be open to public inspection during office hours.

B. The Commissioner shall supervise the maintaining of all records of the Department and shall adopt rules concerning the destruction and retention of records. Records of the Department shall not be subject to the provisions of:

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

2. Section 590 of Title 21 of the Oklahoma Statutes; or

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

The Commissioner may, pursuant to an adopted rule, order destruction of records deemed to be no longer of value to the Department in carrying out the powers and duties of the Department.

C. 1. The Commissioner may cause any or all records kept by the Department of Public Safety to be photographed, microphotographed, photostated, reproduced on film, or stored on computer storage medium. The film or reproducing material shall be of durable material, and the device used to reproduce the records on the film or reproducing material shall accurately reproduce and perpetuate the original records in all detail.

2. The photostatic copy, photograph, microphotograph, photographic film or computerized image of the original records shall be deemed to be an original record for all purposes and shall be admissible as evidence in all courts or administrative agencies. A facsimile, exemplification, or certified copy thereof shall be deemed to be a transcript, exemplification, or certified copy of the original.

3. The photostatic copies, photographs, microphotographs, reproductions on film, or computerized images shall be placed in conveniently accessible files and provisions made for preserving, examining, and using the copies, photographs, microphotographs,

reproductions on film and computerized images. The Commissioner of Public Safety is empowered to authorize the disposal, archival storage, or destruction of the original records or papers. Added by Laws 1961, p. 327, § 2-111, eff. Sept. 1, 1961. Amended by Laws 2000, c. 342, § 2, eff. July 1, 2000; Laws 2005, c. 199, § 2, eff. Nov. 1, 2005; Laws 2007, c. 62, § 7, emerg. eff. April 30, 2007; Laws 2007, c. 326, § 3, eff. Nov. 1, 2007.

§47-2-112. Authority to grant or refuse applications - Confiscation of documents.

A. The Department shall examine and determine the genuineness, regularity and legality of every application lawfully made to the Department, and may in all cases make investigation as may be deemed necessary or require additional information, and shall reject any such application if not satisfied of the genuineness, regularity or legality thereof or the truth of any statement contained therein, or for any other reason, when authorized by law. If a person making application to the Department presents any document to the Department which the Department has reason to believe is false, fraudulent, or being used by a person not authorized to use such document, the Department shall confiscate the document until such time it is determined by the Department whether the document is false, fraudulent, or being used by a person not authorized to use such document.

B. Service Oklahoma shall examine and determine the genuineness, regularity, and legality of every application, driver license, and any other application lawfully made to Service Oklahoma, and may in all cases make investigation as may be deemed necessary or require additional information, and shall reject any such application if not satisfied of the genuineness, regularity, or legality thereof or the truth of any statement contained therein, or for any other reason, when authorized by law. If a person making application to Service Oklahoma presents any document to Service Oklahoma which Service Oklahoma has reason to believe is false, fraudulent, or being used by a person not authorized to use such document, Service Oklahoma shall confiscate the document until such time is determined by Service Oklahoma whether the document is false, fraudulent, or being used by a person not authorized to use such document.

Added by Laws 1961, p. 327, § 2-112, eff. Sept. 1, 1961. Amended by Laws 1995, c. 23, § 6, eff. Nov. 1, 1995; Laws 2003, c. 461, § 6, eff. July 1, 2003; Laws 2022, c. 282, § 32, emerg. eff. May 19, 2022.

§47-2-113. Seizure of documents and plates.

Service Oklahoma is hereby authorized to take possession of any certificate of title, registration card, permit, license or

registration plate issued by the State of Oklahoma upon expiration, revocation, cancellation or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued. Added by Laws 1961, p. 328, § 2-113, emerg. eff. Sept. 1, 1961. Amended by Laws 2022, c. 282, § 33, emerg. eff. May 19, 2022.

§47-2-114. Distribution of synopsis of laws.

The Department may publish a synopsis or summary of the laws of this state regulating the operation of vehicles and may deliver a copy thereof to any person.

Added by Laws 1961, p. 328, § 2-114, eff. Sept. 1, 1961. Amended by Laws 1995, c. 23, § 7, eff. Nov. 1, 1995.

§47-2-115. Department may summon witnesses and take testimony.

(a) The Commissioner and officers of the Department designated by him shall have authority to summon witnesses to give testimony under oath or to give written deposition upon any matter under the jurisdiction of the Department. Such summons may require the production of relevant books, papers and records.

(b) Every such summons shall be served at least five (5) days before the return date, either by personal service made by any person over eighteen (18) years of age or by registered mail, but return acknowledgement is required to prove such latter service. Failure to obey such a summons so served shall constitute a misdemeanor. The fees for the attendance and travel of witnesses shall be the same as for witnesses before the district court and shall be paid from the Public Safety Fund.

(c) The district court, where not otherwise provided, shall have jurisdiction, upon application by the Commissioner, to enforce all lawful orders of the Commissioner under this section.

Laws 1961, p. 328, § 2-115.

§47-2-116. Giving of notice.

A. Whenever the Department of Public Safety or the Oklahoma Insurance Department is authorized or required to give any notice under this act or other law regulating the operation of vehicles, unless a different method of giving such notice is otherwise expressly prescribed, such notice shall be given either by personal delivery thereof to the person to be so notified or by deposit in the United States mail of such notice in an envelope with first class postage prepaid, addressed to such person at the address as shown by the records of the Department. The giving of notice by mail is complete upon the expiration of ten (10) days after such deposit of said notice. Proof of the giving of notice in either such manner may be made by the certificate of any officer or employee of the Department or affidavit of any person over eighteen (18) years of age, naming the person to whom such notice was given

and specifying the time, place and manner of the giving thereof. Failure of the person to receive notice because of failure to notify the Department of a change in his or her current mailing address, as required by Section 6-116 of this title, shall not be sufficient grounds for the person to protest the notice.

B. Whenever Service Oklahoma is authorized or required to give any notice under this title, unless a different method of giving such notice is otherwise expressly prescribed, such notice shall be given by mailing such notice by United States mail, in an envelope with first class postage prepaid, addressed to such person at the address as shown by the records of Service Oklahoma. The giving of notice by mail is complete upon the expiration of ten (10) days after such mailing. Service Oklahoma may show proof of such mailing by certificate of any officer or employee of Service Oklahoma or affidavit of any person over eighteen (18) years of age, naming the person to whom such notice was given and specifying the time, place, and manner of the giving thereof. Failure of the person to receive notice because of failure to notify Service Oklahoma of a change in his or her current mailing address, as required by Section 6-116 of this title, shall not be sufficient grounds for the person to protest the notice.

Added by Laws 1961, p. 328, § 2-116, eff. Sept. 1, 1961. Amended by Laws 1986, c. 279, § 11, operative July 1, 1986; Laws 2007, c. 326, § 4, eff. Nov. 1, 2007; Laws 2017, c. 392, § 3, eff. Nov. 1, 2017; Laws 2019, c. 400, § 1, eff. Nov. 1, 2019; Laws 2022, c. 282, § 34, emerg. eff. May 19, 2022; Laws 2025, c. 330, § 2, eff. July 1, 2025.

§47-2-117. Police authority of Department - Traffic-related enforcement authority on National System of Interstate and Defense Highways - Special traffic-related enforcement in municipalities.

A. The Commissioner of Public Safety and each officer of the Department of Public Safety, as designated and commissioned by the Commissioner, are hereby declared to be peace officers of this state and shall be so deemed and taken in all courts having jurisdiction of offenses against the laws of the state. Such officers shall have the powers and authority now and hereafter vested by law in other peace officers, including the right and power of search and seizure, except the serving or execution of civil process, and the right and power to investigate and prevent crime and to enforce the criminal laws of this state.

B. In addition to the powers and authority prescribed in subsection A of this section, the officers of the Department shall have the following authority, responsibilities, powers, and duties:

1. To enforce the provisions of this title and any other law regulating the operation of vehicles or the use of the highways or the use of roads located on lands owned by a state beneficiary

public trust, including any laws of this state by the direction of the Governor;

2. To arrest without writ, rule, order, or process any person detected by them in the act of violating any law of the state;

3. When the officer is in pursuit of a violator or suspected violator and is unable to arrest such violator or suspected violator within the limits of the jurisdiction of the Oklahoma Highway Patrol Division, to continue in pursuit of such violator or suspected violator into whatever part of the state may be reasonably necessary to effect the apprehension and arrest of the same, and to arrest such violator or suspected violator wherever the violator may be overtaken;

4. To assist in the location of stolen property, including livestock and poultry or the carcasses thereof, and to make any inspection necessary of any truck, trailer, or contents thereof in connection therewith;

5. At all times to direct all traffic in conformance with law and, in the event of a fire or other emergency, to expedite traffic, or to insure safety, to direct traffic as conditions may require, notwithstanding the provisions of law;

6. To require satisfactory proof of ownership of the contents of any motor vehicle, including livestock, poultry, or the carcasses thereof. In the event that the proof of ownership is not satisfactory, it shall be the duty of the officer to take the motor vehicle, driver, and the contents of the motor vehicle into custody and deliver the same to the sheriff of the county wherein the cargo, motor vehicle, and driver are taken into custody;

7. When on duty, upon reasonable belief that any vehicle is being operated in violation of any provisions of this title, or any other law regulating the operation of vehicles, to require the driver thereof to stop and exhibit his or her driver license and the certificate of registration issued for the vehicle, if required to be carried in the vehicle pursuant to the provisions of Section 1113 of this title, and submit to an inspection of such vehicle, the license plates, and certificate of registration, if applicable, or to any inspection and test of the equipment of such vehicle;

8. To inspect any vehicle of a type required to be registered hereunder in any public garage or repair shop or in any place where such vehicles are held for sale or wrecking, for the purpose of locating stolen vehicles and investigating the title and registration thereof;

9. To serve all warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways and bench warrants issued for nonpayment of fines and costs for moving traffic violations;

10. To investigate and report traffic collisions on all interstate and defense highways and on all highways outside of

incorporated municipalities, and may investigate traffic collisions within any incorporated municipality upon request of the local law enforcement agency, and to secure testimony of witnesses or of persons involved;

11. To investigate reported thefts of motor vehicles, trailers, and semitrailers;

12. To stop and inspect any motor vehicle or trailer for such mechanical tests as may be prescribed by the Commissioner to determine the roadworthiness of the vehicle. Any vehicle which may be found to be unsafe for use on the highways may be ordered removed from the highway until such alterations or repairs have been made that will render the vehicle serviceable for use on the highway;

13. To stop and inspect the contents of all motor vehicles to ascertain whether or not the provisions of all general laws are being observed;

14. To enforce the laws of the state relating to the registration and licensing of motor vehicles;

15. To enforce the laws relating to the operation and use of vehicles on the highway;

16. To enforce and prevent, on the roads of the state highway system, the violation of the laws relating to the size, weight, and speed of commercial motor vehicles and all laws designed for the protection of the highway pavements and structures on such highways;

17. To investigate and report to the Corporation Commission and the Oklahoma Tax Commission any violation of their rules and the laws governing the transportation of persons and property by motor transportation companies and all other motor carriers for hire;

18. To investigate and report violations of all laws relating to the collection of excise taxes on motor vehicle fuels;

19. To regulate the movement of traffic on the roads of the state highway system;

20. Whenever possible, to determine persons causing or responsible for the breaking, damaging, or destruction of any improved surfaced roadway, structure, sign, marker, guardrail, or any other appurtenance constructed or maintained by the Department of Transportation, and to arrest persons responsible and to bring them before the proper officials for prosecution;

21. To investigate incidents involving an employee of the Department of Public Safety, when such incidents are related to the performance of the duties of the employee; and

22. To initiate or assist in manhunts and fugitive apprehensions.

C. Whenever any person is arrested by a patrol officer for a traffic violation, the provisions of Sections 16-101 through 16-114 of this title shall apply.

D. 1. Except as provided in this subsection, the powers and duties conferred on the Commissioner and officers of the Department

of Public Safety shall not limit the powers and duties of sheriffs or other peace officers of the state or any political subdivision of the state.

2. The Oklahoma Highway Patrol Division shall have primary law enforcement authority respecting traffic-related offenses upon the National System of Interstate and Defense Highways, and may have special law enforcement authority on those portions of the federal-aid primary highways and the state highway system which are located within the boundaries and on the outskirts of a municipality, and designated by the Commissioner of Public Safety for such special law enforcement authority. As used in this subsection, "outskirts of a municipality" means and shall be determined by presence of the following factors:

- a. low land use density,
- b. absence of any school or residential subdivision requiring direct ingress or egress from the highway, and
- c. a scarcity of retail or commercial business abutting the highway.

3. The Commissioner may designate any portion of the National System of Interstate and Defense Highways, and those portions of the federal-aid primary highways and the state highway system which are located within the boundaries of and on the outskirts of a municipality, for special traffic-related enforcement by the Oklahoma Highway Patrol Division and issue a written notice to any other law enforcement agency affected thereby. Upon receipt of such notice, the affected law enforcement agency shall not regulate traffic nor enforce traffic-related statutes or ordinances upon such designated portion of the National System of Interstate and Defense Highways or such designated portions of the federal-aid primary highways and the state highway system without prior coordination and written approval of the Commissioner.

E. 1. Any of the following persons may request the Commissioner to investigate the traffic-related enforcement practices of a municipal law enforcement agency whose jurisdiction includes portions of the federal-aid primary highways, the state highway system, or both located within the boundaries of or on the outskirts of the municipality:

- a. the district attorney in whose jurisdiction the municipality is located,
- b. a majority of the county commissioners, by resolution, of the county in which the municipality is located,
- c. the State Auditor and Inspector,
- d. the Attorney General, or
- e. a state legislator in whose district the municipality is located.

2. The request shall state that the requesting party believes the enforcement practices are being conducted:

- a. within the boundaries of or on the outskirts of the municipality, and
- b. for the purpose of generating more than fifty percent (50%) of the revenue needed for the operation of the municipality.

3. Upon receipt of a request pursuant to this subsection, the Commissioner may investigate the traffic-related enforcement practices of the municipal law enforcement agency and the receipts and expenditures of the municipality. The law enforcement agency, the municipality, and the requesting party shall cooperate fully with the Commissioner in such an investigation. Upon the completion of the investigation, the Commissioner shall submit a report of the results of the investigation to the Attorney General, who shall make a determination within sixty (60) days of receipt of the report as to whether the enforcement practices of the municipal law enforcement agency are being conducted as provided in subparagraphs a and b of paragraph 2 of this subsection. Upon a determination that the enforcement practices are not being conducted in such a manner, the Attorney General shall notify the Commissioner in writing, and the Commissioner shall take no action to make a designation as provided in paragraph 3 of subsection D of this section. Upon a determination that the enforcement practices are being conducted as provided in subparagraphs a and b of paragraph 2 of this subsection, the Attorney General shall notify the Commissioner in writing, and the Commissioner shall make the designation of special traffic-related enforcement as provided in paragraph 3 of subsection D of this section, which shall stay in force for such time as determined by the Commissioner. The Department of Public Safety shall adopt rules to uniformly implement the procedures for initiating, investigating, and reporting to the Attorney General the results of a request under the provisions of this subsection and the criteria for determining the length of time the designation of special traffic-related enforcement shall be in force.

F. Nothing in this section shall limit a member of the Oklahoma Highway Patrol Division from requesting assistance from any other law enforcement agency nor limit officers of such agency from rendering the requested assistance. The officer and the law enforcement agency responding to the request of the member of the Oklahoma Highway Patrol Division or sheriff's department shall have the same rights and immunities as are possessed by the Oklahoma Highway Patrol Division.

G. No state official shall have any power, right, or authority to command, order, or direct any commissioned law enforcement officer of the Department of Public Safety to perform any duty or

service contrary to the provisions of this title or any other laws of this state.

Added by Laws 1961, p. 328, § 2-117, eff. Sept. 1, 1961. Amended by Laws 1982, c. 16, § 1, emerg. eff. March 23, 1982; Laws 1987, c. 6, § 15, emerg. eff. March 16, 1987; Laws 1990, c. 259, § 4, eff. Sept. 1, 1990; Laws 1996, c. 324, § 4; Laws 2003, c. 404, § 1, eff. Nov. 1, 2003; Laws 2004, c. 418, § 6, eff. July 1, 2004; Laws 2005, c. 190, § 8, eff. Sept. 1, 2005; Laws 2007, c. 62, § 8, emerg. eff. April 30, 2007; Laws 2007, c. 348, § 1, eff. Nov. 1, 2007; Laws 2014, c. 228, § 2, eff. July 1, 2014; Laws 2025, c. 197, § 2, eff. Nov. 1, 2025.

§47-2-117.1. Investigation and report of violation of rules and regulations governing transportation of persons and property.

A. It shall be the duty of Service Oklahoma to investigate and report to the Corporation Commission and the Department of Public Safety violations of their rules and regulations and the laws governing the transportation of persons and property by motor transportation companies and all other motor carriers for hire.

B. It shall be the duty of the Corporation Commission to investigate and report to Service Oklahoma and the Department of Public Safety violations of their rules and regulations and the laws governing the transportation of persons and property by motor transportation companies and all other motor carriers for hire.

Added by Laws 1987, c. 6, § 16, emerg. eff. March 16, 1987. Amended by Laws 2025, c. 171, § 2, eff. July 1, 2026.

§47-2-118. Administration of Division of Highway Patrol.

(a) The Commissioner shall require that the Division of Highway Patrol properly patrol the highways of this state and cooperate with sheriffs and police officers in enforcing the laws regulating the operation of vehicles and the use of highways.

(b) The Commissioner may establish a school for the training and education of the members of said Division in traffic regulation, the promotion of traffic safety and enforcement of the laws regulating the operation of vehicles and the use of the highways.

(c) All members of said Division when on duty shall be dressed in distinctive uniform and display a badge of office.

Laws 1961, p. 330, § 2-118.

§47-2-119. Badge of authority - Penalties.

The Commissioner shall issue to each member of the Division of Highway Patrol a badge of authority with the seal of this state in the center thereof, with the words "Oklahoma Highway Patrol" encircling said seal and below the designation of the position held by the member to whom issued. Every such badge shall be numbered or each number shall otherwise display a distinctive serial number.

1. Neither the Commissioner nor any other person shall issue any such badge to any person who is not a duly appointed and acting member of said Division.

2. Any person who without authority wears the badge of a member of said Division, or a badge of similar design which would tend to deceive anyone, is guilty of a misdemeanor.

3. Any person who impersonates a member of said Division or other officer or employee of the Department with intent to deceive anyone, or who without authority wears a uniform likely to be confused with the official uniform of any such officer, is guilty of a misdemeanor.

Laws 1961, p. 330, § 2-119.

§47-2-120. Transportation for Attorney General.

The Department of Public Safety is authorized to provide radio-equipped transportation for the Attorney General of the State of Oklahoma.

Laws 1971, c. 227, § 4, emerg. eff. June 12, 1971.

§47-2-121. Legal division.

The Department of Public Safety shall establish or provide for a Legal Division and the Commissioner may employ attorneys as needed, which may be on full-time or part-time basis, which attorneys, in addition to advising the Commissioner, Highway Patrol and other Department personnel on legal matters, may appear for and represent the Commissioner, Highway Patrol and Department in administrative hearings and other legal actions and proceedings. Provided, that it shall continue to be the duty of the Attorney General to give his official opinion to the Commissioner and to prosecute and defend actions therefor, if requested to do so.

Laws 1971, c. 354, § 7, operative July 1, 1971.

§47-2-122. Receipt of funds - Law enforcement training centers - Drug Abuse Resistance Education Program - Petty cash fund.

A. The Commissioner of Public Safety is authorized to receive funds from gifts, federal and state agency sources, state and local agency employees, and tuition and fees for room and meals from users of the Robert R. Lester Training Center and other training facilities of the Department of Public Safety. All amounts collected shall be deposited in the State Treasury to the credit of the Department of Public Safety Revolving Fund.

B. The Commissioner or designee is authorized to receive contributions, gifts and donations for the sole benefit and operation of the education programs of the Department including, but not limited to, the Drug Abuse Resistance Education (D.A.R.E.) Program. All monies received by the Commissioner or designee pursuant to this subsection shall be deposited to the credit of the

Department of Public Safety Restricted Revolving Fund and shall be expended by the Department solely for the purposes of the operation of the education programs of the Department. All other property received by the Commissioner or designee pursuant to this subsection shall be held by the Department in trust under the terms and conditions imposed by the donors, and title to any and all property acquired, granted or donated to the Department shall be taken in the name of the state to be held for the use and benefit of such education programs of the Department under the conditions of the grants or donations. Provided, however, no real property shall be accepted by the Commissioner or designee for the purposes of this subsection.

C. There is hereby created a petty cash fund for the Department of Public Safety. Said fund shall be used by the Department to operate cash drawers as necessary. The amount of the petty cash fund shall be determined by the Director of the Office of Management and Enterprise Services and the Commissioner of Public Safety. Purchases from the petty cash fund shall be prohibited. The Director of the Office of Management and Enterprise Services shall be authorized to prescribe forms, systems and procedures for the administration of the petty cash fund.

Added by Laws 1972, c. 84, § 4, emerg. eff. March 28, 1972. Amended by Laws 1983, c. 286, § 12, operative July 1, 1983; Laws 1987, c. 5, § 148, emerg. eff. March 11, 1987; Laws 1988, c. 290, § 11, operative July 1, 1988; Laws 1990, c. 258, § 62, operative July 1, 1990; Laws 1994, c. 218, § 4, eff. July 1, 1994; Laws 1997, c. 211, § 1, eff. Nov. 1, 1997; Laws 2002, c. 397, § 8, eff. Nov. 1, 2002; Laws 2011, c. 335, § 4; Laws 2012, c. 283, § 2, eff. July 1, 2012; Laws 2012, c. 304, § 164.

§47-2-122.1. Acquisition of federal funds.

All funds appropriated to the Department of Public Safety may be used and expended in conjunction or cooperation with any federal agency or instrumentality under such terms and conditions considered appropriate or necessary by the Commissioner of Public Safety to obtain grants or federal aid assistance in accordance with state law. The Department of Public Safety is hereby authorized to collect, receive and use any and all grants, reimbursements, or court-ordered forfeitures made available through any agency or instrumentality of the federal government, provided, however, such funds shall be deposited in the State Treasury and disbursed in accordance with the agreement between the Department of Public Safety and the applicable federal agency or instrumentality. Added by Laws 1988, c. 290, § 23, operative July 1, 1988.

§47-2-122.2. Employee performance program - Recognition awards.

A. The Commissioner of Public Safety is authorized to establish an employee performance recognition program that encourages outstanding job performance and productivity within the Department of Public Safety. The Commissioner is authorized to expend funds for:

1. The purchase of recognition awards to be presented to work units or individual employees having exceptional job performance records or other significant contributions to the operation of the Department; and

2. A formal ceremony or banquet where the awards may be presented.

B. Recognition awards may consist of distinctive wearing apparel, service pins, plaques, writing pens, or other distinguished awards of a value not exceeding One Hundred Fifty Dollars (\$150.00) per award to recognize the achievement of the work unit or individual employee. In addition to recognition awards, the Commissioner may establish an employee benefit program not exceeding Twenty-five Thousand Dollars (\$25,000.00) each fiscal year for cash awards to recognize outstanding performance in the workplace by Department employees.

Added by Laws 2000, c. 146, § 1, eff. Nov. 1, 2000.

§47-2-122.3. Ownership, training and use of canines.

A. The Legislature finds and declares that it is in the public interest:

1. For the Department of Public Safety to acquire, house and train canines to assist in explosives detection, to seek out and discover controlled dangerous substances, to perform drug interdiction, to perform patrol activities, to perform article searches, to provide officer protection, and to engage in tracking in order to assist in the apprehension and arrest of criminals or those reasonably believed to be criminals or engaged in a criminal activity; and

2. To kennel each canine with its full-time trainer-handler, who shall be the primary caregiver of the canine.

B. The Commissioner of Public Safety is hereby authorized, and it is hereby deemed to be a public function of the Department of Public Safety:

1. To own, train and use canines for the purposes described in subsection A of this section;

2. To house each canine of the Department with the particular trainer-handler of the canine; and

3. To pay from any monies available to the Department for the construction and repair expenses of a kennel for each canine of the Department on the private property of the trainer-handler of the canine.

C. Construction and repair expenses of a kennel shall include, but not be limited to, minor improvements to the real property of the trainer-handler, such as a necessary concrete slab for the kennel floor, kennel water line and spigot, kennel fencing, and shelter, all of which may be affixed to the real property of the trainer-handler. Fixtures to real property approved herein may also include a drainage and septic system for sanitary purposes, but only in the case which is the result of numerous canines, such as those used for tracking, kenneled at a particular location.

D. Any kennel facilities authorized by this section shall only be used for the kenneling of, caring for, and training of state-owned canines and shall be reasonable in both size and cost.

E. Any expenditure made under the provisions of this section shall be overseen and approved by the Commissioner, or his or her designee, prior to being incurred, unless the Commissioner specifically provides an exception; provided, under all circumstances the Commissioner shall retain complete control over the expenditures and shall establish internal procedures and guidelines for the expenditures and the eligibility of anyone to receive such expenditures.

Added by Laws 2008, c. 297, § 1, emerg. eff. June 2, 2008.

§47-2-123. Sale and auction of used vehicles, used emergency vehicle equipment, and forfeited property.

A. The Department of Public Safety is hereby authorized to make available for sale used vehicles and used emergency vehicle equipment to any federal, state, county or municipal agency, public school district, or any reserve deputy, reserve officer, or firefighter who furnishes their own vehicle for the performance of their duty.

B. The Department of Public Safety is hereby authorized to make available for sale at public auction any used vehicles, used emergency vehicle equipment, and any property forfeited to the Department.

C. The Department of Public Safety shall promulgate rules for the sale and auction of used vehicles, used emergency vehicle equipment, and forfeited property.

Added by Laws 1974, c. 283, § 5, emerg. eff. May 29, 1974. Amended by Laws 1979, c. 45, § 1, eff. Oct. 1, 1979; Laws 1983, c. 304, § 21, eff. July 1, 1983; Laws 1995, c. 47, § 1, eff. Nov. 1, 1995; Laws 2001, c. 90, § 1, eff. July 1, 2001; Laws 2009, c. 216, § 1, eff. Nov. 1, 2009.

§47-2-124. Law Enforcement Telecommunications Systems Division - Creation.

A. There is hereby created within the Department of Public Safety an Oklahoma Law Enforcement Telecommunication Systems Division.

B. The Division shall:

1. Operate and maintain an on-line, realtime computer system and a statewide law enforcement data communication network;

2. Utilize and distribute information on vehicle registration, driver records, criminals and the commission of crimes;

3. Be responsible for the coordination of user agencies with the National Crime Information Center in Washington, D.C., and the National Law Enforcement Telecommunication System, or its successor;

4. Be the central access and control point for Oklahoma's input, retrieval and exchange of law enforcement information in the National Crime Information Center and the National Law Enforcement Telecommunication System; and

5. Provide user agencies a data communication network, in order to exchange and distribute law enforcement data rapidly, and training in the use of the Oklahoma Law Enforcement Telecommunication Systems.

C. The statewide law enforcement data communications network shall be a part of the Oklahoma Government Telecommunications Network (OGTN) created in Section 34.23 of Title 62 of the Oklahoma Statutes; provided, however, the Department of Public Safety may continue to operate, maintain and enhance the statewide law enforcement data communications network; provided, however, the Department of Public Safety shall submit all plans for the enhancement of the statewide law enforcement communications network to the Office of Management and Enterprise Services for review and approval. The Department of Public Safety shall participate with the Office of Management and Enterprise Services in joint efforts to provide services for the OGTN.

D. All criminal justice agencies disseminating criminal history information derived from the National Crime Information Center's criminal history file shall maintain a record of dissemination in accordance with federal law as well as rules promulgated by the National Crime Information Center and the Commissioner of Public Safety.

E. The Oklahoma Law Enforcement Telecommunication Systems Division shall have the authority to audit state and local law enforcement and criminal justice agencies to ensure compliance with federal laws as well as rules of the Department of Public Safety which pertain to the Oklahoma Law Enforcement Telecommunication Systems.

Added by Laws 1975, c. 324, § 1, emerg. eff. June 12, 1975. Amended by Laws 1992, c. 268, § 3, eff. Sept. 1, 1992; Laws 2002, c. 397, § 9, eff. Nov. 1, 2002; Laws 2012, c. 304, § 165.

§47-2-124.1. Arrest warrant identification information - Dissemination.

A. The Office of the Administrative Director of the Courts shall provide to the Department of Public Safety current computerized arrest warrant identification information for dissemination to the users of the Oklahoma Law Enforcement Telecommunication Systems.

B. The Commissioner of the Department of Public Safety shall have the authority to audit state and local law enforcement agencies to ensure compliance with applicable state and federal laws pertaining to the dissemination of arrest warrant identification information.

C. No cause of action shall arise, nor shall any liability be imposed against any personnel within the Office of the Administrative Director of the Courts, the district courts, the offices of the district court clerks or any personnel of the Department of Public Safety for communicating or delivering information or data pursuant to the provisions of this section, if such communication or delivery was performed in good faith and without fraudulent intent and in accordance with the established standards and guidelines.

Added by Laws 1994, c. 181, § 1, eff. Sept. 1, 1994.

§47-2-125. Deposit and expenditure of funds.

The Commissioner of Public Safety shall assess and collect costs and fees from subscribers to the Oklahoma Law Enforcement Telecommunication System (OLETS), to be deposited in the State Treasury to the credit of the Department of Public Safety Restricted Revolving Fund. Such costs and fees expended from the fund shall be for personnel, recurring user fees, necessary hardware and accessories, installation of equipment, maintenance and operational expenses for OLETS. If a county sheriff offers hosting services of end users that allows for a connection to OLETS, the sheriff may assess and collect fees for the itemized actual costs of providing personnel, reoccurring user fees, necessary hardware and accessories, installation of equipment, maintenance, training and operational expenses for the utilization of the hosting data system and shall provide the terms and itemized costs in an inter-local agreement between both parties. The agreement shall be filed with the office of the county clerk and in the offices of each governmental entity involved. Fees generated through this section shall be deposited in the Sheriff's Service Fee Account for the sole use of the purposes outlined in this section.

Added by Laws 1975, c. 324, § 2, emerg. eff. June 12, 1975. Amended by Laws 1976, c. 241, § 9, emerg. eff. June 15, 1976; Laws 1983, c. 286, § 13, operative July 1, 1983; Laws 1987, c. 5, § 149, emerg. eff. March 11, 1987; Laws 1988, c. 290, § 12, operative July 1,

1988; Laws 2012, c. 283, § 3, eff. July 1, 2012; Laws 2017, c. 265, § 1, eff. Nov. 1, 2017; Laws 2019, c. 344, § 1, eff. Nov. 1, 2019.

§47-2-126. Rules.

The Commissioner of Public Safety may promulgate rules as may be necessary to carry out the provisions of Sections 2-124 through 2-129 of this title.

Added by Laws 1975, c. 324, § 3, emerg. eff. June 12, 1975. Amended by Laws 2002, c. 397, § 10, eff. Nov. 1, 2002.

§47-2-127. Repealed by Laws 1983, c. 304, § 182, eff. July 1, 1983.

§47-2-128. Transfer of personnel and assets.

All personnel employed by the Commission on Criminal and Traffic Law Enforcement System and all funds, records, equipment, furniture, fixtures, files and supplies of whatsoever kind and character now under the jurisdiction and control of the Commission are hereby transferred to the Department of Public Safety. All employees so transferred shall be in the classified service of the Merit System of Personnel Administration and shall be transferred at present salaries with all accrued annual and sick leave.

Laws 1975, c. 324, § 5, emerg. eff. June 12, 1975.

§47-2-129. Custody and dissemination of confidential and privileged information.

A. Any person charged with the custody and dissemination of confidential and privileged information or in receipt of such information from the statewide law enforcement data communications network provided for in Section 2-124 of this title shall neither divulge nor disclose any such information except to federal, state, county or city law enforcement or criminal justice agencies.

B. Any person charged with the custody and dissemination of confidential and privileged information shall not without authorization utilize the Oklahoma Law Enforcement Telecommunication System for any reason.

C. Any person violating the provisions of this section upon conviction shall be deemed guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year.

Added by Laws 1975, c. 324, § 6, emerg. eff. June 12, 1975. Amended by Laws 1992, c. 268, § 4, eff. Sept. 1, 1992; Laws 1993, c. 25, § 1, eff. Sept. 1, 1993.

§47-2-130. Expense allowance for certain employees.

A. An expense allowance of One Hundred Fifty Dollars (\$150.00) per month for maintenance and cleaning of uniforms, continuing law enforcement education, purchase of practice ammunition, and other

related expenses shall be paid to all commissioned law enforcement officers of the Department of Public Safety.

B. An expense allowance of One Hundred Dollars (\$100.00) per month for maintenance and cleaning of uniforms, continuing law enforcement education, purchase of practice ammunition, and other related expenses shall be paid to each of the following employees:

1. Cadets while members of a patrol academy or during employment while on provisional or probationary status; and
2. Law enforcement personnel on provisional or probationary status.

C. An expense allowance of One Hundred Dollars (\$100.00) per month for maintenance and cleaning of uniforms and other related expenses shall be paid to all other uniformed employees of the Department of Public Safety.

Laws 1978, c. 270, § 5, emerg. eff. May 10, 1978; Laws 1980, c. 350, § 6, eff. July 1, 1980; Laws 1982, c. 352, § 14, operative July 1, 1982; Laws 1983, c. 286, § 14, operative July 1, 1983; Laws 1988, c. 290, § 13, operative July 1, 1988; Laws 1992, c. 302, § 2, eff. July 1, 1992.

§47-2-130.1. Additional compensation for irregular shift hours and twenty-four-hour call employees.

Subject to the availability of funds, the Commissioner of Public Safety is authorized to pay up to an additional Fifty Dollars (\$50.00) per month to any employee of the Department who works irregular shift hours or who is subject to twenty-four-hour call. Added by Laws 1983, c. 286, § 15, operative July 1, 1983.

§47-2-131. Repealed by Laws 1995, c. 294, § 4, eff. July 1, 1995.

§47-2-132. Repealed by Laws 2003, c. 279, § 15, emerg. eff. May 26, 2003.

§47-2-133. Psychological Services Division - Director - Internship program.

A. There is hereby established in the Department of Public Safety a Division to be known as the Psychological Services Division. The Commissioner of Public Safety is authorized to appoint a Director of Psychological Services and to employ such clerical, support personnel and interns on a full-time or part-time basis as may be necessary to perform the duties imposed upon the Division.

B. The Director of Psychological Services shall possess a doctorate in psychology, shall be licensed by the State Board of Examiners of Psychologists and shall have not less than five (5) years' experience in law enforcement.

C. Prior to the establishment of any psychology internship program, the Director of Psychological Services shall submit a plan for such program to the State Board of Examiners of Psychologists for approval. Such program shall meet all requirements of the rules and regulations of the Board.

Added by Laws 1985, c. 305, § 16, emerg. eff. July 24, 1985.

§47-2-134. Repealed by Laws 1998, c. 245, § 10, eff. July 1, 1998.

§47-2-135. Repealed by Laws 1998, c. 245, § 10, eff. July 1, 1998.

§47-2-136. Repealed by Laws 1998, c. 245, § 10, eff. July 1, 1998.

§47-2-140. Repealed by Laws 1998, c. 245, § 11, eff. Jan. 1, 1999.

§47-2-140.1. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.2. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.3. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.4. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.5. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.6. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.7. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.8. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.9. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.10. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140.11. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-2-140a. Advanced Roadside Impaired Driving Enforcement (ARIDE) – Pilot program to increase available training.

A. The Department of Public Safety shall establish and administer a pilot program to increase the availability of Advanced Roadside Impaired Driving Enforcement (ARIDE) training. The purpose of this program is to increase the number of peace officers qualified to conduct certain drug-impairment screening tests during impaired driving investigations.

B. The Department is authorized to provide funding, administer the program, and establish grant criteria regarding the administration of the program.

Added by Laws 2024, c. 428, § 1, eff. Nov. 1, 2024.

§47-2-141. Repealed by Laws 1998, c. 245, § 12, eff. Jan. 1, 1999.

§47-2-142. Computer Imaging System Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Department of Public Safety, to be designated the "Computer Imaging System Revolving Fund". The fund shall be a continuing fund not subject to fiscal year limitations. All monies accruing to the credit of said fund are hereby appropriated and shall be budgeted and expended by the Department for the exclusive purpose of implementing, developing, administering, and maintaining the computer imaging system of the Department of Public Safety. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2001, c. 361, § 8, eff. July 1, 2001. Amended by Laws 2012, c. 304, § 166.

§47-2-143. Department of Public Safety Patrol Vehicle Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Department of Public Safety, to be designated the "Department of Public Safety Patrol Vehicle Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. All monies accruing to the credit of the fund are hereby appropriated and shall be budgeted and expended by the Department for the purpose of purchasing, equipping, and maintaining of patrol vehicles and patrol aircraft and for any other purpose related to the duties and responsibilities of the Transportation Division of the Department, as well as any other operational expenses of the Oklahoma Highway Patrol. No monies shall be expended from this fund without expressed authorization by the Legislature. Expenditures from said fund shall be made upon

warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1997, c. 179, § 3, emerg. eff. May 12, 1997.

Renumbered from § 854.1 of this title by Laws 2001, c. 435, § 15, eff. July 1, 2001. Amended by Laws 2003, c. 461, § 7, eff. July 1, 2003; Laws 2011, c. 226, §2; Laws 2011, c. 335, § 5; Laws 2012, c. 304, § 167.

NOTE: Editorially renumbered from § 2-142 of this title to avoid duplication in numbering.

§47-2-144.1. Department of Public Safety Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the Department of Public Safety to be designated the Department of Public Safety Revolving Fund. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all money received by the Department of Public Safety from:

1. Sale of surplus property;
2. Insurance and other reimbursements for damaged, lost or stolen property;
3. Reimbursement for services of Department personnel as approved by the Department if such personnel are representing the Department or are in any uniform of the Department;
4. Reimbursement for supplies or facsimile or data transmissions or for contractual services or products not otherwise provided by law;

5. Fees and costs paid by subscribers to the Oklahoma Law Enforcement Telecommunications Systems;

6. Refund of federal gasoline tax;

7. Reimbursements by federal, state and municipal government agencies for the use of Department of Public Safety airplanes;

8. Fees from users of the Robert R. Lester Training Center or other Department of Public Safety training facilities;

9. Federal funds, unless otherwise provided by federal law or regulation; and

10. Any other funds received pursuant to law and designated for deposit into the fund.

B. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department of Public Safety for the operating expenses of the Department.

C. The Director of the Office of the Office of Management and Enterprise Services shall provide a distinct numbering system for the identification and tracking of the expenditures of the various programs budgeted from the revolving fund.

D. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by

law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2002, c. 397, § 14, eff. Nov. 1, 2002. Amended by Laws 2005, c. 361, § 2, eff. Nov. 1, 2005; Laws 2011, c. 335, § 6; Laws 2012, c. 283, § 4, eff. July 1, 2012; Laws 2012, c. 304, § 168.

§47-2-145. Department of Public Safety Restricted Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the Department of Public Safety, to be designated the "Department of Public Safety Restricted Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. All monies accruing to the credit of said fund are hereby appropriated and shall be budgeted and expended by the Department of Public Safety for the restricted purposes of the monies as prescribed by law. Expenditures from said funds shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

B. Any statutory references to the Department of Public Safety Revolving Fund shall mean the Department of Public Safety Restricted Revolving Fund, as provided for in this section, whenever the expenditure of the monies is restricted by law.

C. The Department of Public Safety shall transfer all funds, for which expenditure is restricted by law, from the Department of Public Safety Revolving Fund to the Department of Public Safety Restricted Revolving Fund.

Added by Laws 2011, c. 308, § 1, eff. July 1, 2011. Amended by Laws 2012, c. 304, § 169.

§47-2-146. Department of Public Safety Patrol Academy Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the Department of Public Safety, to be designated the "Department of Public Safety Patrol Academy Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. All monies accruing to the credit of said fund are hereby appropriated and shall be budgeted and expended by the Department of Public Safety for the exclusive purpose of Oklahoma Highway Patrol Trooper Academies. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

B. On or before December 1 of each year, the Department of Public Safety shall provide a written report on all Oklahoma Highway Patrol Trooper Academies conducted in the then current and preceding state fiscal year to the Speaker of the Oklahoma House of Representatives, the President Pro Tempore of the Oklahoma State

Senate, the Chair of the Appropriations and Budget Committee of the Oklahoma House of Representatives, and the Chair of the Appropriations Committee of the Oklahoma State Senate. Such report shall include, but not be limited to, the following information for the then current and preceding state fiscal year:

1. A description of all expenditures from the Department of Public Safety Patrol Academy Revolving Fund;
2. A description of the source of all monies accruing to the credit of the Department of Public Safety Patrol Academy Revolving Fund;
3. A description of all expenditures, including the source of funds for said expenditures, used to conduct each academy;
4. The total number of applicants for each academy;
5. The total number of persons admitted for each academy;
6. The total number of persons graduating from each academy;
7. The total number of persons graduating from each academy that do not accept a position within the Oklahoma Highway Patrol;
8. The total number of persons graduating from each academy that, upon accepting a position within the Oklahoma Highway Patrol, do not complete service of an initial probationary period as determined by the Department of Public Safety;
9. The net number of troopers added to the Oklahoma Highway Patrol in a calendar year;
10. A description of any academies planned to be conducted in the upcoming state fiscal year; and
11. A description of any planned academy or academies to be conducted within the remaining fiscal year that includes, but is not limited to, the estimated cost of the academy and the proposed source or sources of funding.

Added by Laws 2011, c. 308, § 2, eff. July 1, 2011. Amended by Laws 2012, c. 304, § 170; Laws 2022, c. 370, § 1, eff. Nov. 1, 2022.

§47-2-147. State Public Safety Fund.

A. There is hereby created in the State Treasury a fund to be designated as the "State Public Safety Fund". The fund shall be subject to legislative appropriation and shall consist of revenues deposited to such fund by Section 1113.2 of Title 47 of the Oklahoma Statutes and of such other revenues as may be provided by law.

B. The State Public Safety Fund shall be utilized by the Legislature through appropriations to support public safety and the services offered by Service Oklahoma.

Added by Laws 2016, c. 359, § 2. Amended by Laws 2023, 1st Ex. Sess., c. 47, § 1, eff. July 1, 2023.

§47-2-150. Weapons, badges and official license plates - Retention after retirement.

A. A commissioned officer of the Oklahoma Highway Patrol Division of the Department of Public Safety shall be entitled to receive upon retirement, by reason of length of service or physical disability, the continued custody and possession of the sidearm and badge carried by the retired officer immediately prior to retirement. In addition to the sidearm carried by the retired officer immediately prior to retirement, the retired officer may purchase the rifle or shotgun, or both, issued to the retired officer immediately prior to retirement. The cost to the retired officer of purchasing the weapon or weapons shall be the price the Department paid at the time of purchase, and upon payment of that price, the retired officer shall be entitled to ownership of the weapon or weapons. Any records regarding the ownership of each weapon transferred shall be modified to reflect the transfer to the retired officer. Proceeds from the purchase of the weapon or weapons shall be deposited in the Department of Public Safety Revolving Fund.

B. A commissioned officer of the Oklahoma Highway Patrol Division of the Department of Public Safety shall be entitled to receive, upon retirement, the continued custody and possession of the official license plate issued for the vehicle that was assigned to the retired officer immediately prior to retirement, provided the license plate shall not be placed on any motor vehicle. The provisions of this subsection shall apply to any officer retiring on or after April 1, 1993, if the official license plate is available.

C. Custody and possession of the sidearm, one complete uniform, badge and official license plate of a commissioned officer of the Oklahoma Highway Patrol Division of the Department of Public Safety who dies during his or her appointment may be awarded by the Commissioner to the spouse or next of kin of the deceased officer, provided the license plate shall not be placed on any motor vehicle. Added by Laws 1967, c. 2, § 1, emerg. eff. Feb. 1, 1967. Amended by Laws 1980, c. 357, § 22, eff. July 1, 1980; Laws 1986, c. 279, § 12, operative July 1, 1986; Laws 1988, c. 267, § 27, operative July 1, 1988; Laws 1993, c. 277, § 3, eff. July 1, 1993; Laws 1994, c. 194, § 2, eff. Sept. 1, 1994; Laws 1995, c. 16, § 1, eff. Nov. 1, 1995; Laws 1996, c. 181, § 1, eff. Nov. 1, 1996; Laws 2000, c. 378, § 4, eff. Jan. 1, 2001. Renumbered from § 2-313 of this title by Laws 2000, c. 378, § 5, eff. Jan. 1, 2001. Amended by Laws 2007, c. 62, § 9, emerg. eff. April 30, 2007; Laws 2011, c. 104, § 3, eff. Nov. 1, 2011; Laws 2015, c. 292, § 1, eff. Nov. 1, 2015.

§47-2-201. Repealed by Laws 2000, c. 189, § 14, eff. July 1, 2000.

§47-2-300. Definitions.

As used in Section 2-300 et seq. of this title:

1. "System" means the Oklahoma Law Enforcement Retirement System;
2. "Act" means Section 2-300 et seq. of this title;
3. "Board" means the Oklahoma Law Enforcement Retirement Board of the System;
4. "Executive Director" means the managing officer of the System employed by the Board;
5. "Fund" means the Oklahoma Law Enforcement Retirement Fund;
6. "Participating employer" means any Oklahoma entity with one or more employees who are members of the System;
7. a. "Member" means:
 - (1) all commissioned law enforcement officers of the Oklahoma Highway Patrol Division of the Department of Public Safety who have obtained certification from the Council on Law Enforcement Education and Training, and all cadets of a Patrol Academy of the Department of Public Safety,
 - (2) law enforcement officers and criminalists of the Oklahoma State Bureau of Investigation,
 - (3) law enforcement officers of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control designated to perform duties in the investigation and prevention of crime and the enforcement of the criminal laws of this state,
 - (4) law enforcement officers of the Alcoholic Beverage Laws Enforcement Commission designated to perform duties in the investigation and prevention of crime and the enforcement of the criminal laws of this state,
 - (5) employees of the Communications Section of the Oklahoma Highway Patrol Division, radio technicians and tower technicians of the Department of Public Safety, who are employed in any such capacity as of June 30, 2008, and who remain employed on or after July 1, 2008, until a termination of service, or until a termination of service with an election of a vested benefit from the System, or until retirement. Effective July 1, 2008, a person employed for the first time as an employee of the Department of Public Safety in the Communications Division as an information systems telecommunication technician of the Department of Public Safety shall not be a member of the System,
 - (6) park rangers of the Oklahoma Tourism and Recreation Department and any park manager or

- park supervisor of the Oklahoma Tourism and Recreation Department, who was employed in such a position prior to July 1, 1985, and who elects on or before September 1, 1996, to participate in the System,
- (7) inspectors of the State Board of Pharmacy,
 - (8) active commissioned or CLEET-certified agents hired by the Office of the Attorney General or the Military Department of the State of Oklahoma on or after July 1, 2024,
 - (9) police officers who are CLEET-certified and employed by the University of Oklahoma or Oklahoma State University and who participate in the System, pursuant to Section 2-314 of this title, and
 - (10) lake patrolmen or dispatchers of the Grand River Dam Authority who participate in the System, pursuant to Section 2-315 of this title.
- b. Effective July 1, 1987, a member does not include a "leased employee" as defined under Section 414(n) (2) of the Internal Revenue Code of 1986, as amended. Effective July 1, 1999, any individual who agrees with the participating employer that the individual's services are to be performed as a leased employee or an independent contractor shall not be a member regardless of any classification as a common-law employee by the Internal Revenue Service or any other governmental agency, or any court of competent jurisdiction.
- c. All persons offered a position described in subparagraph a of this paragraph shall participate in the System only upon meeting the requisite post-offer-pre-employment examination standards which shall be subject to the following requirements:
- (1) all such persons shall be of good moral character, free from deformities, mental or physical conditions, or disease and alcohol or drug addiction which would prohibit the person from performing the duties of a law enforcement officer,
 - (2) the physical-medical examination shall pertain to age, sight, hearing, agility and other conditions the requirements of which shall be established by the Board,
 - (3) the person shall be required to meet the conditions of this subsection prior to the beginning of actual employment but after an offer

- of employment has been tendered by a participating employer,
- (4) the Board shall have authority to deny or revoke membership of any person submitting false information in such person's membership application, and
 - (5) the Board shall have final authority in determining eligibility for membership in the System, pursuant to the provisions of this subsection;

8. "Normal retirement date" means the date at which the member is eligible to receive the unreduced payments of the member's accrued retirement benefit. Such date shall be the first day of the month coinciding with or following the date the member:

- a. completes twenty (20) years of vesting service, or
- b. attains sixty-two (62) years of age with ten (10) years of vesting service, or
- c. attains sixty-two (62) years of age, if:
 - (1) the member has been transferred to this System from the Oklahoma Public Employees Retirement System on or after July 1, 1981, and
 - (2) the member would have been vested had the member continued to be a member of the Oklahoma Public Employees Retirement System.

With respect to distributions under the System made for calendar years beginning on or after January 1, 2005, the System shall apply the minimum distribution incidental benefit requirements, incidental benefit requirements, and minimum distribution requirements of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, in accordance with the final regulations under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, including Treasury Regulations Sections 1.401(a)(9)-1 through 1.401(a)(9)-9; provided, that for individuals who attain seventy and one-half (70 1/2) years of age after December 31, 2019, but before January 1, 2023, such distributions shall take into account that "age 70 1/2" was stricken and "age 72" was inserted in Sections 401(a)(9)(B)(iv)(I), 401(a)(9)(C)(i)(I) and 401(a)(9)(C)(ii)(I) of the Internal Revenue Code of 1986, as amended, and, provided further, that for individuals who attain seventy-two (72) years of age after December 31, 2022, such distributions shall take into account that "age 72" was stricken and "the applicable age", as defined in Section 401(a)(9)(C)(v) of the Internal Revenue Code of 1986, as amended, was inserted in Section 401(a)(9)(B)(iv)(I) of the Internal Revenue Code of 1986, as amended (applicable to calendar year 2023), Section 401(a)(9)(C)(i)(I) and Section 401(a)(9)(C)(ii)(I) of the Internal Revenue Code of 1986, as amended, and that the further revision of Section 401(a)(9)(B)(iv) of the Internal Revenue Code of 1986, as

amended, effective for calendar years after 2023 with respect to certain distributions shall be taken into account, in all cases notwithstanding any provision of the System to the contrary. With respect to distributions under the System made for calendar years beginning on or after January 1, 2001, through December 31, 2004, the System shall apply the minimum distribution requirements and incidental benefit requirements of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, in accordance with the regulations under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, which were proposed in January 2001, notwithstanding any provision of the System to the contrary.

Effective July 1, 1989, notwithstanding any other provision contained herein to the contrary, in no event shall commencement of distribution of the accrued retirement benefit of a member be delayed beyond April 1 of the calendar year following the later of: (1) the calendar year in which the member reaches seventy and one-half (70 1/2) years of age for a member who attains this age before January 1, 2020, or, for a member who attains this age on or after January 1, 2020, but before January 1, 2023, the calendar year in which the member reaches seventy-two (72) years of age, or effective for distributions required to be made after December 31, 2022, the calendar year in which the member reaches seventy-three (73) years of age for an individual who attains age seventy-two (72) after December 31, 2022, or "the applicable age", as defined in Section 401(a)(9)(C)(v) of the Internal Revenue Code of 1986, as amended, if later; or (2) the actual retirement date of the member. A member electing to defer the commencement of retirement benefits pursuant to Section 2-308.1 of this title may not defer the benefit commencement beyond the age of sixty-five (65).

Effective September 8, 2009, notwithstanding anything to the contrary of the System, the System, which as a governmental plan (within the meaning of Section 414(d) of the Internal Revenue Code of 1986, as amended), is treated as having complied with Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, for all years to which Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, applies to the System if the System complies with a reasonable and good faith interpretation of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended.

A member who was required to join the System effective July 1, 1980, because of the transfer of the employing agency from the Oklahoma Public Employees Retirement System to the System, and was not a member of the Oklahoma Public Employees Retirement System on the date of such transfer shall be allowed to receive credit for prior law enforcement service rendered to this state, if the member is not receiving or eligible to receive retirement credit or benefits for such service in any other public retirement system, upon payment to the System of the employee contribution the member

would have been subject to had the member been a member of the System at the time, plus five percent (5%) interest. Service credit received pursuant to this paragraph shall be used in determining the member's retirement benefit, and shall be used in determining years of service for retirement or vesting purposes;

9. "Actual paid base salary" means the salary received by a member, excluding payment for any accumulated leave or uniform allowance. Salary shall include any amount of nonelective salary reduction under Section 414(h) of the Internal Revenue Code of 1986;

10. "Final average salary" means the average of the highest thirty (30) consecutive complete months of actual paid gross salary. Gross salary shall include any amount of elective salary reduction under Section 457 of the Internal Revenue Code of 1986, as amended, and any amount of nonelective salary reduction under Section 414(h) of the Internal Revenue Code of 1986, as amended. Effective July 1, 1992, gross salary shall include any amount of elective salary reduction under Section 125 of the Internal Revenue Code of 1986, as amended. Effective July 1, 1998, gross salary shall include any amount of elective salary reduction not includable in the gross income of the member under Section 132(f)(4) of the Internal Revenue Code of 1986, as amended. Effective July 1, 1998, for purposes of determining a member's compensation, any contribution by the member to reduce his or her regular cash remuneration under Section 132(f)(4) of the Internal Revenue Code of 1986, as amended, shall be treated as if the member did not make such an election. Only salary on which required contributions have been made may be used in computing the final average salary. Gross salary shall not include severance pay.

In addition to other applicable limitations, and notwithstanding any other provision to the contrary, for plan years beginning on or after July 1, 2002, the annual gross salary of each "Noneligible Member" taken into account under the System shall not exceed the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA") annual salary limit. The EGTRRA annual salary limit is Two Hundred Thousand Dollars (\$200,000.00), as adjusted by the Commissioner for increases in the cost of living in accordance with Section 401(a)(17)(B) of the Internal Revenue Code of 1986, as amended. The annual salary limit in effect for a calendar year applies to any period, not exceeding twelve (12) months, over which salary is determined ("determination period") beginning in such calendar year. If a determination period consists of fewer than twelve (12) months, the EGTRRA salary limit will be multiplied by a fraction, the numerator of which is the number of months in the determination period, and the denominator of which is twelve (12). For purposes of this section, a "Noneligible Member" is any member who first became a member during a plan year commencing on or after July 1, 1996.

For plan years beginning on or after July 1, 2002, any reference in the System to the annual salary limit under Section 401(a)(17) of the Internal Revenue Code of 1986, as amended, shall mean the EGTRRA salary limit set forth in this provision.

Effective January 1, 2008, gross salary for a plan year shall also include gross salary, as described above, for services, but paid by the later of two and one-half (2 1/2) months after a member's severance from employment or the end of the calendar year that includes the date the member terminated employment, if it is a payment that, absent a severance from employment, would have been paid to the member while the member continued in employment with the employer.

Effective January 1, 2008, any payments not described above shall not be considered gross salary if paid after severance from employment, even if they are paid by the later of two and one-half (2 1/2) months after the date of severance from employment or the end of the calendar year that includes the date of severance from employment, except payments to an individual who does not currently perform services for the employer by reason of qualified military service within the meaning of Section 414(u)(5) of the Internal Revenue Code of 1986, as amended, to the extent these payments do not exceed the amounts the individual would have received if the individual had continued to perform services for the employer rather than entering qualified military service.

Effective January 1, 2008, back pay, within the meaning of Section 1.415(c)-2(g)(8) of the Income Tax Regulations, shall be treated as gross salary for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included in this definition.

Effective for years beginning after December 31, 2008, gross salary shall also include differential wage payments under Section 414(u)(12) of the Internal Revenue Code of 1986, as amended;

11. "Credited service" means the period of service used to determine the amount of benefits payable to a member. Credited service shall consist of the period during which the member participated in the System or the predecessor Plan as an active employee in an eligible membership classification, plus any service prior to the establishment of the predecessor Plan which was credited under the predecessor Plan and for law enforcement officers and criminalists of the Oklahoma State Bureau of Investigation and the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control who became members of the System on July 1, 1980, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1980, and for members of the Communications and Lake Patrol Divisions of the Oklahoma Department of Public Safety, who became members of the System on July 1, 1981, any service credited under the predecessor Plan or the Oklahoma Public Employees Retirement

System as of June 30, 1981, and for law enforcement officers of the Alcoholic Beverage Laws Enforcement Commission who became members of the System on July 1, 1982, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1982, and for park rangers of the Oklahoma Tourism and Recreation Department who became members of the System on July 1, 1985, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1985, and for inspectors of the State Board of Pharmacy who became members of the System on July 1, 1986, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1986, for law enforcement officers of the Oklahoma Capitol Patrol Division of the Department of Public Safety who became members of the System effective July 1, 1993, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1993, and for all commissioned officers in the Gunsmith/Ammunition Reloader Division of the Department of Public Safety who became members of the System effective July 1, 1994, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1994, and for the park managers or park supervisors of the Oklahoma Tourism and Recreation Department who were employed in such a position prior to July 1, 1985, and who elect to become members of the System effective September 1, 1996, any service transferred pursuant to subsection C of Section 2-309.6 of this title and any service purchased pursuant to subsection B of Section 2-307.2 of this title. Effective August 5, 1993, an authorized leave of absence shall include a period of absence pursuant to the Family and Medical Leave Act of 1993;

12. "Disability" means a physical or mental condition which, in the judgment of the Board, totally and presumably permanently prevents the member from engaging in the usual and customary duties of the occupation of the member and thereafter prevents the member from performing the duties of any occupation or service for which the member is qualified by reason of training, education or experience. A person is not under a disability when capable of performing a service to the employer, regardless of occupation, providing the salary of the employee is not diminished thereby;

13. "Limitation year" means the year used in applying the limitations of Section 415 of the Internal Revenue Code of 1986, which year shall be the calendar year;

14. "Line of duty" means any action which a member whose primary function is crime control or reduction or enforcement of the criminal law is obligated or authorized by rule, regulations, condition of employment or service, or law to perform including those social, ceremonial or athletic functions to which the member is assigned, or for which the member is compensated, by the agency the member serves;

15. "Personal injury" or "injury" means any traumatic injury as well as diseases which are caused by or result from such an injury, but not occupational diseases;

16. "Catastrophic nature" means consequences of an injury that permanently prevent an individual from performing any gainful work;

17. "Traumatic injury" means a wound or a condition of the body caused by external force including injuries inflicted by bullets, explosives, sharp instruments, blunt objects or other physical blows, chemicals, electricity, climatic conditions, infectious diseases, radiation and bacteria, but excluding stress and strain; and

18. "Beneficiary" means the individual designated by the member on a beneficiary designation form supplied by the Oklahoma Law Enforcement Retirement System, or, if there is no designated beneficiary or if the designated beneficiary predeceases the member, the estate of the member. If the member's spouse is not designated as the sole primary beneficiary, the member's spouse must sign a consent.

Added by Laws 1980, c. 357, § 4, eff. July 1, 1980. Amended by Laws 1981, c. 227, § 1, operative July 1, 1981; Laws 1982, c. 328, § 1, operative July 1, 1982; Laws 1985, c. 296, § 1, emerg. eff. July 24, 1985; Laws 1986, c. 253, § 1, operative July 1, 1986; Laws 1987, c. 236, § 160, emerg. eff. July 20, 1987; Laws 1988, c. 267, § 20, operative July 1, 1988; Laws 1989, c. 209, § 1, eff. July 1, 1989; Laws 1990, c. 337, § 8; Laws 1991, c. 323, § 4, emerg. eff. June 12, 1991; Laws 1992, c. 390, § 5, emerg. eff. June 9, 1992; Laws 1993, c. 277, § 1, eff. July 1, 1993; Laws 1994, c. 44, § 1, eff. July 1, 1994; Laws 1995, c. 1, § 15, emerg. eff. March 2, 1995; Laws 1995, c. 294, § 1, eff. July 1, 1995; Laws 1996, c. 60, § 1, eff. July 1, 1996; Laws 1999, c. 257, § 22, eff. July 1, 1999; Laws 2000, c. 377, § 5, eff. July 1, 2000; Laws 2001, c. 5, § 14, emerg. eff. March 21, 2001; Laws 2002, c. 399, § 1, eff. July 1, 2002; Laws 2003, c. 3, § 27, emerg. eff. March 19, 2003; Laws 2003, c. 406, § 3, eff. July 1, 2003; Laws 2004, c. 5, § 31, emerg. eff. March 1, 2004; Laws 2004, c. 542, § 1, eff. July 1, 2004; Laws 2005, c. 142, § 1, emerg. eff. May 5, 2005; Laws 2006, 2nd Ex. Sess., c. 46, § 18, eff. July 1, 2006; Laws 2007, c. 62, § 10, emerg. eff. April 30, 2007; Laws 2008, c. 177, § 7, eff. July 1, 2008; Laws 2009, c. 169, § 7, emerg. eff. May 11, 2009; Laws 2010, c. 437, § 8, emerg. eff. June 9, 2010; Laws 2011, c. 141, § 1, emerg. eff. April 29, 2011; Laws 2011, c. 262, § 9, eff. July 1, 2011; Laws 2015, c. 383, § 1, emerg. eff. June 4, 2015; Laws 2021, c. 59, § 1, emerg. eff. April 19, 2021; Laws 2023, c. 151, § 8, emerg. eff. May 1, 2023; Laws 2024, c. 361, § 1, eff. July 1, 2024; Laws 2025, c. 45, § 1, emerg. eff. May 7, 2025.

NOTE: Laws 1987, c. 231, § 6 repealed by Laws 1989, c. 136, § 3, eff. Jan. 1, 1990, and by Laws 1990, c. 337, § 26. Laws 1989, c. 136, § 1 repealed by Laws 1990, c. 337, § 26. Laws 1993, c. 157, §

1 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994. Laws 1994, c. 2, § 13 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995. Laws 2000, c. 287, § 13 repealed by Laws 2001, c. 5, § 15, emerg. eff. March 21, 2001. Laws 2002, c. 238, § 1 repealed by Laws 2003, c. 3, § 28, emerg. eff. March 19, 2003. Laws 2003, c. 456, § 1 repealed by Laws 2004, c. 5, § 32, emerg. eff. March 1, 2004.

§47-2-301. Establishment - Law Enforcement Retirement Fund - Retirement Medical Benefit Fund - Right to benefits.

There is hereby established a System for the payment of retirement benefits and certain medical and hospital expenses of members of the Oklahoma Law Enforcement Retirement System. Effective July 1, 2014, the System intends to satisfy Section 401(a) of the Internal Revenue Code of 1986, as amended from time to time, by meeting the requirements of Section 414(d) of the Internal Revenue Code of 1986, as amended from time to time. Such System shall constitute an amendment and continuation of the Retirement and Pension Plan of the Department of Public Safety and members in the Retirement and Pension Plan on June 30, 1980, shall continue as members of the Oklahoma Law Enforcement Retirement System. There is established in the State Treasury a special fund designated as the "Oklahoma Law Enforcement Retirement Fund" for the benefit of members of the System and certain dependents of deceased members of the System. Such fund shall be a continuation, under a new name, of the Retirement and Pension Fund of the Department of Public Safety.

There is hereby created the Retirement Medical Benefit Fund. The fund shall be maintained as a subaccount of the Oklahoma Law Enforcement Retirement Fund. The Retirement Medical Benefit Fund is composed of all assets which may be contributed to this subaccount to pay the retirement system's portion of the monthly retiree health insurance premium benefit described by Section 1316.2 of Title 74 of the Oklahoma Statutes. Such monthly retiree health insurance premium benefit is in addition to, and subordinate to, the retirement benefits provided by this System. All such allocated assets and any earnings thereon in the Retirement Medical Benefit Fund shall be held for the exclusive purpose of providing retiree medical benefits. The Retirement Medical Benefit Fund is to be administered in accordance with the requirements of Section 401(h) of the Internal Revenue Code of 1986, as amended from time to time. It shall be impossible, at any time prior to the satisfaction of all liabilities for these benefits, for any part of this subaccount to be used for or diverted to, any purpose other than the providing of the retiree health insurance premium benefit and the payment of necessary and appropriate related expenses. Notwithstanding the provisions of Section 401(a)(2) of the Internal Revenue Code of 1986, as amended from time to time, effective July 1, 2014, upon the

satisfaction of all liabilities under the Oklahoma Law Enforcement Retirement System to provide Section 401(h) medical benefits, any amount remaining in such separate subaccount must be returned to the employer. Effective July 1, 2014, in the event an individual's interest in the medical benefits subaccount is forfeited prior to the termination of the Oklahoma Law Enforcement Retirement System, an amount equal to the amount of the forfeiture must be applied as soon as possible to reduce employer contributions to fund the medical benefits described in Section 401(h). The Board of Trustees may promulgate such rules as are necessary to implement the funding and administration of the fund pursuant to the provisions of this subsection. All contributions to fund the retiree health insurance benefit shall be made on the basis of a generally accepted actuarial method. Notwithstanding anything contained herein to the contrary, the aggregate of contributions to provide retiree health insurance benefits and life insurance, if any, shall not exceed twenty-five percent (25%) of the aggregate contributions made to fund all benefits under this System, other than contributions to fund past service costs. For this purpose, "life insurance" means, as to any member, the in-service death benefit that would be payable upon the member's death, but only to the extent that the lump-sum value of such death benefit would exceed the lump-sum value of the member's accrued benefit at the date of the member's death.

Appointment to any position within a covered agency which comes under this System shall not jeopardize the rights of any person who has previously qualified for membership under this System, provided that the individual contributions are continued, and such person remains a member of this System. Any person who has previously qualified for membership under the System who voluntarily seeks and accepts appointment to any position within a covered agency which is not a covered position excludes the member from further participation in this System; provided, this provision shall not apply to any person who is a member of the System and who, on or before June 30, 2002, has already accepted appointment to a position which is not a covered position of the System nor shall it apply if that person seeks and accepts any other position within a covered agency which is not a covered position of the System.

Added by Laws 1961, p. 330, § 2-301, eff. Sept. 1, 1961. Amended by Laws 1967, c. 56, § 1, emerg. eff. April 14, 1967; Laws 1980, c. 357, § 3, eff. July 1, 1980; Laws 1981, c. 227, § 2, operative July 1, 1981; Laws 1982, c. 328, § 2, operative July 1, 1982; Laws 1988, c. 267, § 21, operative July 1, 1988; Laws 1992, c. 376, § 4, eff. July 1, 1992; Laws 1996, c. 55, § 2, eff. July 1, 1996; Laws 2002, c. 399, § 2, eff. July 1, 2002; Laws 2003, c. 3, § 29, emerg. eff. March 19, 2003; Laws 2015, c. 171, § 1, emerg. eff. April 27, 2015. NOTE: Laws 2002, c. 238, § 2 repealed by Laws 2003, c. 3, § 30, emerg. eff. March 19, 2003.

§47-2-301.1. Termination or partial termination of System.

(1) In the event the System is terminated or partially terminated the right of all participants or in the event of partial termination the rights of the affected participants, whether retired or otherwise, shall become fully vested.

(2) In the event of termination of the System, the Board shall distribute the net assets of the fund, allowing a period of not less than six (6) nor more than nine (9) months for dissolution of disability claims, as follows:

(a) First, accumulated contributions shall be allocated to each respective participant, former participant, retired member joint annuitant or beneficiary then receiving payments. If these assets are insufficient for this purpose, they shall be allocated to each such person in the proportion which his accumulated contributions bear to the total of all such participants' accumulated contributions. For purposes of this section, contribution means payment into the System by an employer or employee for the benefit of an individual employee.

(b) The balance of such assets, if any, remaining after making the allocations provided in subparagraph (a) of this section shall be disposed of by allocating to each person then having an interest in the fund the excess of his retirement income under the System less the retirement income which is equal to the actuarial equivalent of the amount allocated to him under subparagraph (a) of this section. Such allocation shall be made with the full amount of the remaining assets to be allocated to the persons in each group in the following order of precedence:

- (i) those retired members, joint annuitants or beneficiaries receiving benefits,
- (ii) those members eligible to retire,
- (iii) those members eligible for early retirement,
- (iv) former participants electing to receive a vested benefit, and
- (v) all other members.

In the event the balance of the fund remaining after all allocations have been made with respect to all retirement income in a preceding group is insufficient to allocate the full actuarial equivalent of such retirement income to all persons in the group for which it is then being applied, such balance of the fund shall be allocated to each person in such group in the proportion which the actuarial equivalent of the retirement income allocable to him pursuant to such group bears to the total actuarial equivalent of the retirement income so allocable to all persons in such group.

Provided no discrimination in value results, the Board shall distribute the amounts so allocated in one of the following manners as the Board in their discretion may determine:

(i) by continuing payment of benefits as they become due, or

(ii) by paying, in cash, the amount allocated to any such person.

Laws 1978, c. 310, § 1, emerg. eff. May 11, 1978; Laws 1980, c. 357, § 5, eff. July 1, 1980.

§47-2-302. Application for membership - Assistant Commissioner as member of System - Make-up contributions by certain employees.

A. Any person eligible to become a member of the System shall file a written application therefor with the Board, and shall continue thereafter as a member of the System so long as the employee meets membership requirements. For the purposes of computing contributions, employee contributions, pensions and annuities, the Assistant Commissioner of the Department of Public Safety shall be classified and categorized as a member of the System.

B. The Board may, after a hearing held for such purpose, allow employees of the Department of Public Safety who were hired by the Department after September 30, 1939, and prior to July 1, 1981, to pay to the System an amount equal to what the employee would have paid to the System if the employee had been enrolled in the System from the time of first employment. The Board shall determine any interest due on the amount paid pursuant to this subsection. Any payments allowed pursuant to this subsection shall be made prior to January 1, 1982.

Laws 1961, p. 331, § 2-302; Laws 1975, c. 365, § 1, operative July 1, 1975; Laws 1980, c. 357, § 6, eff. July 1, 1980; Laws 1981, c. 227, § 3, operative July 1, 1981.

§47-2-303. Law Enforcement Retirement Board.

A. There shall be an "Oklahoma Law Enforcement Retirement Board" to administer the fund of the System. The Board shall be composed of the Commissioner of Public Safety or his designee, the Director of the Office of Management and Enterprise Services or his designee, three members to be appointed by the Governor one of whom shall be a retired member of the System, one member to be appointed by the Speaker of the House of Representatives, one member to be appointed by the President Pro Tempore of the Senate, two members of the Highway Patrol Division and one member of the Communication Division of the Department of Public Safety, one member of the Oklahoma State Bureau of Investigation, one member of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and one member of the Alcoholic Beverage Laws Enforcement Commission, elected by and from the membership of the System. The terms of elected members of the Board now serving shall expire on June 30, 1980. The present Board shall conduct an election for the selection of elected members

of the Board, prior to the operative date of this act. One member of the Oklahoma Highway Patrol and the member of the Oklahoma State Bureau of Investigation, initially elected, shall serve through June 30, 1982, the member of the Oklahoma Alcoholic Beverage Control Board, initially elected, shall serve through June 30, 1984, and the remaining elected members shall serve through June 30, 1983. Members subsequently elected shall serve for terms of three (3) years.

B. 1. The initial term of office of the member appointed to the Board by the Speaker of the House of Representatives and the member appointed to the Board by the President Pro Tempore of the Senate shall expire on January 3, 1989. The members thereafter appointed by the Speaker of the House of Representatives and by the President Pro Tempore of the Senate shall serve terms of office of four (4) years.

2. The member appointed by the Governor serving on the Board on the operative date of this act shall serve the remainder of the unexpired term of the member. The member appointed by the Governor to fill that position after the expiration of the term of office of the member serving on the operative date of this act shall serve through January 13, 1991. The members thereafter appointed by the Governor shall serve a term of office of four (4) years which is coterminous with the term of office of the office of the appointing authority.

3. The initial term of office of the two additional appointments to the Board by the Governor shall expire on January 14, 1991. The members thereafter appointed by the Governor shall serve terms of office of four (4) years which are coterminous with the term of office of the office of the appointing authority.

4. Vacancies shall be filled for the unexpired term of office in the same manner as the original appointment was made.

C. The members appointed to the Board by the Speaker of the House of Representatives, by the President Pro Tempore of the Senate and by the Governor or a member who is a designee of an ex officio member of the Board shall:

1. Have demonstrated professional experience in investment or funds management, public funds management, public or private pension fund management or retirement system management; or

2. Have demonstrated experience in the banking profession and have demonstrated professional experience in investment or funds management; or

3. Be licensed to practice law in this state and have demonstrated professional experience in commercial matters; or

4. Be licensed by the Oklahoma Accountancy Board to practice in this state as a public accountant or a certified public accountant.

The appointing authorities, in making appointments that conform to the requirements of this subsection, shall give due consideration

to balancing the appointments among the criteria specified in paragraphs 1 through 4 of this subsection.

D. No member of the Board shall be a lobbyist registered in this state as provided by law.

E. Notwithstanding any of the provisions of this section to the contrary, any person serving as an appointed member of the Board on the operative date of this act shall be eligible for reappointment when the term of office of the member expires.

F. Every two (2) years, one of the members of the Board shall be selected by the Board as president and another member as secretary of the Board.

G. Any member of the Board elected by the membership of the System may be recalled for cause at a special election held for that purpose by the members of the System. Such an election shall be called and held by the president and secretary of the Board upon a written request therefor signed by not less than one-third (1/3) of the members of the System and shall be held pursuant to notice given to all members of the System stating the date for such election which shall not be less than ten (10) days from the date of the issuance of such notice. All members of the System shall be entitled to vote by secret ballot and, if two-thirds (2/3) or more of the membership of the System vote for his recall, the elected member of the Board designated in such request, notice and secret ballot shall cease to be a member of the Board and the president and secretary of the Board shall call and hold a special election by the members of the System to fill the remainder of the term of the member so recalled.

H. The Oklahoma Law Enforcement Retirement System shall retain an Executive Director and shall establish the Executive Director's compensation. The Executive Director shall be the managing and administrative officer of the System and as such shall have charge of the office, records and supervision and direction of the employees of the System. The Executive Director shall be responsible for the overall operations and to perform duties specified in Section 2-300 of this title and as specified by the Board. The Executive Director shall be subject to the policy directions of the Board and may employ such persons as are deemed necessary to administer the System.

Added by Laws 1961, p. 331, § 2-303, eff. Sept. 1, 1961. Amended by Laws 1975, c. 365, § 2, operative July 1, 1975; Laws 1979, c. 241, § 4, operative July 1, 1979; Laws 1980, c. 357, § 7, eff. July 1, 1980; Laws 1982, c. 328, § 3, operative July 1, 1982; Laws 1986, c. 11, § 1, eff. July 1, 1986; Laws 1987, c. 236, § 161, emerg. eff. July 20, 1987; Laws 1988, c. 321, § 20, operative July 1, 1988; Laws 1995, c. 294, § 2, eff. July 1, 1995; Laws 2009, c. 169, § 8, emerg. eff. May 11, 2009; Laws 2012, c. 304, § 171.

§47-2-303.1. Duties of board - Investments - Liability insurance - Investment managers - Custodial services - Reports - Legal services - Confidentiality.

A. The Oklahoma Law Enforcement Retirement Board shall discharge its duties with respect to the System solely in the interest of the participants and beneficiaries and:

1. For the exclusive purpose of:

- a. providing benefits to participants and their beneficiaries, and
- b. defraying reasonable expenses of administering the System;

2. With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;

3. By diversifying the investments of the System so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and

4. In accordance with the laws, documents and instruments governing the System.

B. The Board may procure insurance indemnifying the members of the Board from personal loss or accountability from liability resulting from a member's action or inaction as a member of the Board.

C. The Board may establish an investment committee. The investment committee shall be composed of not more than five (5) members of the Board appointed by the president of the Board. The committee shall make recommendations to the full Board on all matters related to the choice of custodians and managers of the assets of the System, on the establishment of investment and fund management guidelines, and in planning future investment policy. The committee shall have no authority to act on behalf of the Board in any circumstances whatsoever. No recommendation of the committee shall have effect as an action of the Board nor take effect without the approval of the Board as provided by law.

D. The Board shall retain qualified investment managers to provide for the investment of the monies of the System. The investment managers shall be chosen by a solicitation of proposals on a competitive bid basis pursuant to standards set by the Board. Subject to the overall investment guidelines set by the Board, the investment managers shall have full discretion in the management of those monies of the System allocated to the investment managers. The Board shall manage those monies not specifically allocated to the investment managers. The monies of the System allocated to the investment managers shall be actively managed by the investment managers, which may include selling investments and realizing losses if such action is considered advantageous to longer term return

maximization. Because of the total return objective, no distinction shall be made for management and performance evaluation purposes between realized and unrealized capital gains and losses.

E. All assets of the System shall be held in trust for the exclusive purpose of providing benefits for the members and beneficiaries of the System, including defraying reasonable expenses of administering the System, and shall not be encumbered for or diverted to any other purposes. Funds and revenues for investment by the investment managers or the Board shall be placed with a custodian selected by the Board. The custodian shall be a bank or trust company offering pension fund master trustee and master custodial services, and any related custodial agreement or trust agreement is incorporated herein by reference. The custodian shall be chosen by a solicitation of proposals on a competitive bid basis pursuant to standards set by the Board. In compliance with the investment policy guidelines of the Board, the custodian bank or trust company shall be contractually responsible for ensuring that all monies of the System are invested in income-producing investment vehicles at all times. If a custodian bank or trust company has not received direction from the investment managers of the System as to the investment of the monies of the System in specific investment vehicles, the custodian bank or trust company shall be contractually responsible to the Board for investing the monies in appropriately collateralized short-term interest-bearing investment vehicles. Any assets of the System may be invested in a collective investment fund or in a group trust provided the investment in such collective investment fund or group trust is in compliance with the provisions of Rev. Rul. 81-100, as further amended by Rev. Rul. 2004-67, Rev. Rul. 2008-40, and Rev. Rul. 2011-1, or any successor ruling, regulation, or similar pronouncement. Each such collective investment fund or group trust is adopted with respect to any monies invested therein, as part of the System, its trust and custodial agreement, and the provisions of such trust agreement or such declaration of trust and related adoption, participation, investment management, subtrust or other agreements, as amended from time to time, with respect to any monies invested therein, are incorporated by reference into the System, its trust agreement(s) or custodial agreement(s), upon approval by the Board.

F. Prior to August 1 of each year, the Board shall develop a written investment plan for the System.

G. The Board shall compile a quarterly financial report of all the funds of the System on a fiscal year basis. The report shall be compiled pursuant to uniform reporting standards prescribed by the Oklahoma State Pension Commission for all state retirement systems. The report shall include several relevant measures of investment value, including acquisition cost and current fair market value with appropriate summaries of total holdings and returns. The report

shall contain combined and individual rate of returns of the investment managers by category of investment, over periods of time. The Board shall include in the quarterly reports all commissions, fees or payments for investment services performed on behalf of the Board. The report shall be distributed to the Governor, the Oklahoma State Pension Commission, the Legislative Service Bureau, the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

H. After July 1 and before October 31 of each year, the Board shall publish widely an annual report presented in simple and easily understood language pursuant to uniform reporting standards prescribed by the Oklahoma State Pension Commission for all state retirement systems. The report shall be submitted to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Oklahoma State Pension Commission and the members of the System. The annual report shall cover the operation of the System during the past fiscal year, including income, disbursements, and the financial condition of the System at the end of the fiscal year. The annual report shall also contain the information issued in the quarterly reports required pursuant to subsection G of this section as well as a summary of the results of the most recent actuarial valuation to include total assets, total liabilities, unfunded liability or over funded status, contributions and any other information deemed relevant by the Board. The annual report shall be written in such a manner as to permit a readily understandable means for analyzing the financial condition and performance of the System for the fiscal year. The annual financial statements must be audited and filed in accordance with the requirements set forth for financial statement audits in Section 212A of Title 74 of the Oklahoma Statutes.

I. The Board may retain an attorney licensed to practice law in this state. The attorney shall serve at the pleasure of the Board for such compensation as set by the Board. The Attorney General shall furnish such legal services as may be requested by the Board.

J. All information, documents and copies thereof contained in a member's retirement file shall be given confidential treatment and shall not be made public by the System without the prior written consent of the member to which it pertains, but shall be subject only to court order. Provided, the System, its employees or attorneys, may use such records in defense of any action brought against the System.

K. Effective July 1, 1999, the Board is hereby authorized to do all acts and things necessary and proper to carry out the purpose of the System and to make the least costly amendments and changes, if any, as may be necessary to qualify the System under the applicable sections of the Internal Revenue Code of 1986, as amended.

L. The Executive Director and such employees of the System as the Executive Director may designate are hereby authorized to prepare certified copies of records of the System and every such certified copy shall be admissible in any proceeding in any court in like manner as the original thereof.

M. On or after July 1, 2011, the Board may permit, effective for applicable notices, elections and consents provided or made for a member, beneficiary, alternate payee or individual entitled to benefits under the System, the use of electronic media to provide applicable notices and make such elections and consents as described in Section 1.401(a)-21 of the Income Tax Regulations.

N. The Board shall develop such procedures and may require such information from the distributing plan as it deems necessary to reasonably conclude that a potential rollover contribution is a valid rollover contribution under Section 1.401(a)(31)-1, Q&A-14(b)(2), of the Income Tax Regulations.

Added by Laws 1988, c. 321, § 21, operative July 1, 1988. Amended by Laws 1992, c. 354, § 3; Laws 1995, c. 81, § 5, eff. July 1, 1995; Laws 1996, c. 290, § 4, eff. July 1, 1996; Laws 2000, c. 377, § 6, eff. July 1, 2000; Laws 2001, c. 5, § 16, emerg. eff. March 21, 2001; Laws 2002, c. 391, § 6, eff. July 1, 2002; Laws 2003, c. 3, § 31, emerg. eff. March 19, 2003; Laws 2004, c. 536, § 14, eff. July 1, 2004; Laws 2005, c. 142, § 2, emerg. eff. May 5, 2005; Laws 2011, c. 379, § 5, eff. Sept. 1, 2011; Laws 2012, c. 52, § 1, emerg. eff. April 16, 2012; Laws 2013, c. 119, § 1, eff. Nov. 1, 2013; Laws 2015, c. 171, § 2, emerg. eff. April 27, 2015.

NOTE: Laws 2000, c. 287, § 14 repealed by Laws 2001, c. 5, § 17, emerg. eff. March 21, 2001. Laws 2002, c. 399, § 3 repealed by Laws 2003, c. 3, § 32, emerg. eff. March 19, 2003.

§47-2-303.2. Duties of fiduciaries.

A. A fiduciary with respect to the Oklahoma Law Enforcement Retirement System shall not cause the System to engage in a transaction if the fiduciary knows or should know that such transaction constitutes a direct or indirect:

1. sale or exchange, or leasing of any property from the System to a party in interest for less than adequate consideration or from a party in interest to the System for more than adequate consideration;

2. lending of money or other extension of credit from the System to a party in interest without the receipt of adequate security and a reasonable rate of interest, or from a party in interest to the System with provision of excessive security or an unreasonably high rate of interest;

3. furnishing of goods, services or facilities from the System to a party in interest for less than adequate consideration, or from

a party in interest to the System for more than adequate consideration; or

4. transfer to, or use by or for the benefit of, a party in interest of any assets of the System for less than adequate consideration.

B. A fiduciary with respect to the Oklahoma Law Enforcement Retirement System shall not:

1. deal with the assets of the System in the fiduciary's own interest or for the fiduciary's own account;

2. in the fiduciary's individual or any other capacity act in any transaction involving the System on behalf of a party whose interests are adverse to the interests of the System or the interests of its participants or beneficiaries; or

3. receive any consideration for the fiduciary's own personal account from any party dealing with the System in connection with a transaction involving the assets of the System.

C. A fiduciary with respect to the Oklahoma Law Enforcement Retirement System may:

1. invest all or part of the assets of the System in deposits which bear a reasonable interest rate in a bank or similar financial institution supervised by the United States or a state, if such bank or other institution is a fiduciary of such plan; or

2. provide any ancillary service by a bank or similar financial institution supervised by the United States or a state, if such bank or other institution is a fiduciary of such plan.

D. A person or a financial institution is a fiduciary with respect to the Oklahoma Law Enforcement Retirement System to the extent that the person or the financial institution:

1. exercises any discretionary authority or discretionary control respecting management of the Oklahoma Law Enforcement Retirement System or exercises any authority or control respecting management or disposition of the assets of the System;

2. renders investment advice for a fee or other compensation, direct or indirect, with respect to any monies or other property of the System, or has any authority or responsibility to do so; or

3. has any discretionary authority or discretionary responsibility in the administration of the System.

Added by Laws 1988, c. 321, § 22, operative July 1, 1988.

§47-2-303.3. Certain benefits exempt from legal process.

A. Except as otherwise provided by this section, any annuity, benefits, fund, property, or rights created by or accruing to any person pursuant to the provisions of Sections 2-300 through 2-313 of this title shall not be subject to execution, garnishment or attachment, and shall be unassignable, except as specifically provided by Sections 2-300 through 2-313 of this title.

Notwithstanding the foregoing, effective August 5, 1997, the Board

may approve any offset of a member's benefit to pay a judgment or settlement against the member for a crime involving the System or for a breach of the member's fiduciary duty to the System, provided such offset is in accordance with the requirements of Section 401(a)(13) of the Internal Revenue Code of 1986, as amended.

B. 1. The provisions of subsection A of this section shall not apply to a qualified domestic order as provided pursuant to this subsection.

2. The term "qualified domestic order" means an order issued by a district court of this state pursuant to the domestic relation laws of the State of Oklahoma which relates to the provision of marital property rights to a spouse or former spouse of a member or provision of support for a minor child or children and which creates or recognizes the existence of the right of an alternate payee, or assigns to an alternate payee the right, to receive a portion of the benefits payable with respect to a member of the System.

3. For purposes of the payment of marital property, to qualify as an alternate payee, a spouse or former spouse must have been married to the related member for a period of not less than thirty (30) continuous months immediately preceding the commencement of the proceedings from which the qualified domestic order issues.

4. A qualified domestic order is valid and binding on the Board and the related member only if it meets the requirements of this subsection.

5. A qualified domestic order shall clearly specify:

- a. the name and last-known mailing address (if any) of the member and the name and mailing address of the alternate payee covered by the order,
- b. the amount or percentage of the member's benefits to be paid by the System to the alternate payee,
- c. the number of payments or period to which such order applies,
- d. the characterization of the benefit as to marital property rights or child support, and
- e. each plan to which such order applies.

6. A qualified domestic order meets the requirements of this subsection only if such order:

- a. does not require the System to provide any type or form of benefit, or any option not otherwise provided under state law as relates to the System,
- b. does not require the System to provide increased benefits, and
- c. does not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee pursuant to another order previously determined to be a qualified domestic order

or an order recognized by the System as a valid order prior to the effective date of this act.

7. A qualified domestic order shall not require payment of benefits to an alternate payee prior to the actual retirement date of the related member.

8. The alternate payee shall have a right to receive benefits payable to a member of the System under the Oklahoma Law Enforcement Deferred Option Plan provided for pursuant to Section 2-305.2 of this title, but only to the extent such benefits have been credited or paid into the member's Oklahoma Law Enforcement Deferred Option Plan account during the term of the marriage.

9. The obligation of the System to pay an alternate payee pursuant to a qualified domestic order shall cease upon the death of the related member.

10. This subsection shall not be subject to the provisions of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C.A. Section 1001, et seq., as amended from time to time, or rules and regulations promulgated thereunder, and court cases interpreting said act.

11. The Oklahoma Law Enforcement Retirement Board shall promulgate such rules as are necessary to implement the provisions of this subsection.

12. An alternate payee who has acquired beneficiary rights pursuant to a valid qualified domestic order must fully comply with all provisions of the rules promulgated by the Board pursuant to this subsection in order to continue receiving his or her benefit. Added by Laws 1985, c. 296, § 2, emerg. eff. July 24, 1985. Amended by Laws 1989, c. 249, § 42, eff. Jan. 1, 1989; Laws 1993, c. 322, § 12, emerg. eff. June 7, 1993; Laws 1998, c. 198, § 7, eff. Nov. 1, 1998; Laws 1999, c. 257, § 23, eff. July 1, 1999; Laws 2000, c. 287, § 15, eff. July 1, 2000; Laws 2008, c. 177, § 8, eff. July 1, 2008.

§47-2-303.4. Deposits of contributions and dedicated revenues - Warrants and vouchers.

A. All employee and employer contributions and dedicated revenues shall be deposited in the Oklahoma Law Enforcement Retirement Fund in the State Treasury. The Board shall have the responsibility for the management of the Oklahoma Law Enforcement Retirement Fund, and may transfer monies used for investment purposes by the Oklahoma Law Enforcement Retirement System from the Oklahoma Law Enforcement Retirement Fund in the State Treasury to the custodian bank or trust company of the System.

B. All benefits payable pursuant to the provisions of the Oklahoma Law Enforcement Retirement System, refunds of contribution and overpayments, and all administrative expenses in connection with the System shall be paid from the Oklahoma Law Enforcement Retirement Fund upon warrants or vouchers signed by two persons

designated by the Board. The Board may transfer monies from the custodian bank or trust company of the System to the Oklahoma Law Enforcement Retirement Fund in the State Treasury for the purposes specified in this subsection.

Added by Laws 1988, c. 321, § 23, operative July 1, 1988.

§47-2-303.5. Acceptance of gifts or gratuities.

The members of the Oklahoma Law Enforcement Retirement Board, the chief administrative officer and the employees of the System shall not accept gifts or gratuities from an individual organization with a value in excess of Fifty Dollars (\$50.00) per year. The provisions of this section shall not be construed to prevent the members of the Board, the chief administrative officer or the employees of the System from attending educational seminars, conferences, meetings or similar functions which are paid for, directly or indirectly, by more than one organization.

Added by Laws 1988, c. 321, § 24, operative July 1, 1988.

§47-2-304. Contributions to fund - Amount - Deduction by employer - Pick-up of member contributions.

A. Participating employers shall contribute to the fund an amount equal to eleven percent (11%) of the actual paid base salary of each member.

B. Each member of the System shall make contributions to the fund in an amount equal to eight percent (8%) of the actual paid base salary of the member.

Member contributions shall be deducted by each participating employer for such benefits as the Board is by law authorized to administer and shall be remitted monthly, or as the Board may otherwise provide, for deposit in the fund.

C. Each employer shall pick up under the provisions of Section 414(h)(2) of the Internal Revenue Code of 1986 and pay the contribution which the member is required by law to make to the System for all compensation earned after December 31, 1989. Although the contributions so picked up are designated as member contributions, such contributions shall be treated as contributions being paid by the employer in lieu of contributions by the member in determining tax treatment under the Internal Revenue Code of 1986 and such picked up contributions shall not be includable in the gross income of the member until such amounts are distributed or made available to the member or the beneficiary of the member. The member, by the terms of this System, shall not have any option to choose to receive the contributions so picked up directly and the picked up contributions must be paid by the employer to the System.

Member contributions which are picked up shall be treated in the same manner and to the same extent as member contributions made prior to the date on which member contributions were picked up by

the participating employer. Member contributions so picked up shall be included in gross salary for purposes of determining benefits and contributions under the System.

The employer shall pay the member contributions from the same source of funds used in paying salary to the member, by effecting an equal cash reduction in gross salary of the member.

Added by Laws 1961, p. 331, § 2-304, eff. Sept. 1, 1961. Amended by Laws 1972, c. 57, § 1, operative July 1, 1972; Laws 1975, c. 365, § 3, operative July 1, 1975; Laws 1980, c. 357, § 8, eff. July 1, 1980; Laws 1982, c. 328, § 4, operative July 1, 1982; Laws 1986, c. 253, § 2, operative July 1, 1986; Laws 1988, c. 321, § 25, operative July 1, 1988; Laws 1989, c. 136, § 2, eff. Jan. 1, 1990; Laws 2012, c. 307, § 1, eff. Nov. 1, 2012; Laws 2025, c. 45, § 2, emerg. eff. May 7, 2025.

§47-2-304.1. Mobilization for state or national emergencies - Reduction of employer contribution prohibited.

Members of the Oklahoma Law Enforcement Retirement System responding to mobilization for state or national emergencies may not have the employer contribution reduced during their period of service in the Oklahoma National Guard or Reserve.

Added by Laws 2002, c. 332, § 1, eff. July 1, 2002.

§47-2-305. Retirement and retirement pay - Reemployment - Disability benefits.

A. Except as otherwise provided in this title, at any time after attaining normal retirement date, any member of the Oklahoma Law Enforcement Retirement System upon application for unreduced retirement benefits made and approved, may retire, and, during the remainder of the member's lifetime, receive annual retirement pay, payable in equal monthly payments, equal to two and one-half percent (2 1/2%) of the final average salary times years of credited service. If such retired member is reemployed by a state agency in a position which is not covered by the System, such retired member shall continue to receive in-service distributions from the System. Prior to September 19, 2002, if such retired member was reemployed by a state agency in a position which is covered by the System, such member shall continue to receive in-service distributions from the System and shall not accrue any further credited service. If such a member is reemployed by a state agency in a position which is covered by the System on or after September 19, 2002, such member's monthly retirement payments shall be suspended until such member retires and is not reemployed by a state agency in a position which is covered by the System.

B. Beginning July 1, 1994, members who retired or were eligible to retire prior to July 1, 1980, or their surviving spouses shall receive annual retirement pay, payable in equal monthly payments,

equal to the greater of their current retirement pay, or two and one-half percent (2 1/2%) of the actual paid gross salary being currently paid to a highway patrol officer, at the time each such monthly retirement payment is made, multiplied by the retired member's years of credited service.

C. Except as otherwise provided by this subsection, members of the System whose salary is set by statute who have retired after completion of the mandatory twenty (20) years of service, and those members with statutory salaries who retire after reaching the mandatory twenty-year retirement shall receive an annual retirement pay, payable in equal monthly installments, based upon the greater of either:

1. The top base salary currently paid to the highest nonsupervisory position in the participating agency at the time each such monthly retirement payment is made, limited to the annual salary limit of the Economic Growth and Tax Relief Reconciliation Act of 2001, as described in paragraph 9 of Section 2-300 of this title, multiplied by two and one-half percent (2 1/2%), multiplied by the number of years of credited service and fraction thereof for the following positions:

- a. Oklahoma Highway Patrolman,
- b. Communications Dispatcher,
- c. Capitol Patrolman,
- d. Lake Patrolman, and
- e. Oklahoma State Bureau of Investigation - Special Agent or Criminalist; or

2. The member's final average salary as set forth in paragraph 9 of Section 2-300 of this title, multiplied by two and one-half percent (2 1/2%), and multiplied by the number of years of credited service and fraction thereof.

No member of the System retired prior to July 1, 2002, shall receive a benefit less than the amount the member is receiving as of June 30, 2002.

The provisions of paragraph 1 of this subsection shall not be applicable to any member whose first participating service with the System occurs on or after November 1, 2012, except for those members who died in the performance of their duties pursuant to Section 2-306 of this title.

D. Other members of the System whose retirement benefit is not otherwise prescribed by this section who have retired after completion of the mandatory twenty (20) years of service, and those members who retire after reaching the mandatory twenty-year retirement shall receive an annual retirement pay, payable in equal monthly payments, based upon the greater of either:

1. The actual average salary currently paid to the highest nonsupervisory position in the participating agency at the time each such monthly payment is made, limited to the annual salary limit of

the Economic Growth and Tax Relief Reconciliation Act of 2001, as described in paragraph 9 of Section 2-300 of this title, multiplied by two and one-half percent (2 1/2%), multiplied by the number of years of credited service and fraction thereof for the following positions:

- a. Alcoholic Beverage Laws Enforcement Commission - ABLE Commission Agent III,
- b. Oklahoma State Bureau of Narcotics and Dangerous Drugs Control - Narcotics Agent III,
- c. Oklahoma Tourism and Recreation Department - Park Ranger II,
- d. State Board of Pharmacy - Pharmacy Inspector,
- e. University of Oklahoma - Police Officer, and
- f. Oklahoma State University - Police Officer; or

2. The other member's final average salary as set forth in paragraph 9 of Section 2-300 of this title, multiplied by two and one-half percent (2 1/2%), multiplied by the number of years of credited service and fraction thereof.

No member of the System retired prior to July 1, 2002, shall receive a benefit less than the amount the member is receiving as of June 30, 2002. The participating employer must certify to the System in writing the actual average gross salary currently paid to the highest nonsupervisory position. The Board of Trustees shall promulgate such rules as are necessary to implement the provisions of this section.

The provisions of paragraph 1 of this subsection shall not be applicable to any member whose first participating service with the System occurs on or after May 24, 2013, except for those members who died in the performance of their duties pursuant to Section 2-306 of this title.

E. A member who meets the definition of disability as defined in paragraph 11 of Section 2-300 of this title by direct reason of the performance of the member's duties as an officer shall receive a monthly benefit equal to:

1. Two and one-half percent (2 1/2%);
2. Multiplied by:
 - a. twenty (20) years of credited service, if the member had performed less than twenty (20) years of credited service, notwithstanding the actual number of years of credited service performed by the member prior to the date of disability, or
 - b. the actual number of years of credited service and fraction thereof performed by the member prior to the date of disability, if the member had performed twenty (20) or more years of credited service;

3. Multiplied by the greater of subparagraph a of this paragraph and division 1 of subparagraph b of this paragraph or division 2 of subparagraph b of this paragraph, as applicable:

- a. the final average salary of the member, as set forth in paragraph 9 of Section 2-300 of this title, and
- b. (1) the top base salary currently paid to the highest nonsupervisory position in the participating agency of the member at the time each monthly payment is made, limited to the annual salary limit of the Economic Growth and Tax Relief Reconciliation Act of 2001 described in paragraph 9 of Section 2-300 of this title, for the following positions:
 - (a) Oklahoma Highway Patrolman,
 - (b) Communications Dispatcher,
 - (c) Capitol Patrolman,
 - (d) Lake Patrolman, and
 - (e) Oklahoma State Bureau of Investigation - Special Agent or Criminalist,

Provided, the participating employer must certify to the System in writing the top base salary currently paid to the highest nonsupervisory position for division (1) of subparagraph b of this paragraph, or

- (2) the actual average salary currently paid to the highest nonsupervisory position in the participating agency of the member at the time each monthly payment is made, limited to the annual salary limit of the Economic Growth and Tax Relief Reconciliation Act of 2001, described in paragraph 9 of Section 2-300 of this title, for the following positions:
 - (a) Alcoholic Beverage Laws Enforcement (ABLE) Commission - ABLE Commission Agent III,
 - (b) Oklahoma State Bureau of Narcotics and Dangerous Drugs Control - Narcotics Agent III,
 - (c) Oklahoma Tourism and Recreation Department - Park Ranger II,
 - (d) State Board of Pharmacy - Pharmacy Inspector,
 - (e) University of Oklahoma - Police Officer, and
 - (f) Oklahoma State University - Police Officer,

Provided, the participating employer must certify to the System in writing the actual average gross salary currently paid to the highest nonsupervisory position for division (2) of subparagraph b of this paragraph;

4. No member of the System receiving benefits prescribed by this subsection who retired prior to July 1, 2002, shall receive a benefit of less than the amount the member was receiving as of June 30, 2002;

5. The Board of Trustees shall promulgate rules as necessary to implement the provisions of this subsection; and

6. If such member participates in the Oklahoma Law Enforcement Deferred Option Plan pursuant to Section 2-305.2 of this title, then such member's disability pension provided pursuant to this subsection shall be reduced to account for such member's participation in the Oklahoma Law Enforcement Deferred Option Plan.

F. A member who meets the definition of disability as defined in paragraph 11 of Section 2-300 of this title and whose disability is by means of personal and traumatic injury of a catastrophic nature and in the line of duty, shall receive a monthly benefit equal to:

1. Two and one-half percent (2 1/2%);

2. Multiplied by:

a. twenty (20) years of service, regardless of the actual number of years of credited service performed by the member prior to the date of disability, if the member had performed less than twenty (20) years of service, or

b. the actual number of years of service performed by the member if the member had performed twenty (20) or more years of service;

3. Multiplied by a final average salary equal to:

a. the salary which the member would have received pursuant to statutory salary schedules in effect upon the date of the disability for twenty (20) years of service prior to disability. The final average salary for a member who performed less than twenty (20) years of service prior to disability shall be computed assuming that the member was paid the highest salary allowable pursuant to the law in effect at the time of the member's disability based upon twenty (20) years of service and with an assumption that the member was eligible for any and all increases in pay based upon rank during the entire period. If the salary of a member is not prescribed by a specific salary schedule upon the date of the member's disability, the final average salary for the member shall be computed by the member's actual final average salary or the highest median salary amount for a member whose salary was prescribed by a specific salary schedule upon the date of the member's disability, whichever final average salary amount would be greater, or

- b. the actual final average salary of the member if the member had performed twenty (20) or more years of service prior to disability.

If such member participates in the Oklahoma Law Enforcement Deferred Option Plan pursuant to Section 2-305.2 of this title, such member's disability pension provided pursuant to this subsection shall be adjusted as provided in Section 2-305.2 of this title to account for such member's participation in the Oklahoma Law Enforcement Deferred Option Plan.

G. A member who meets the definition of disability as defined in Section 2-300 of this title and whose disability occurred prior to the member's normal retirement date but after completing three (3) years of vesting service and not by reason of the performance of the member's duties or as a result of the member's willful negligence shall receive a monthly benefit equal to two and one-half percent (2 1/2%) of final average salary multiplied by the number of years of the member's credited service.

H. Payment of a disability pension shall commence as of the first day of the month coinciding or next following the date of retirement and shall continue as long as the member meets the definition of total and permanent disability provided in this section.

I. For the purpose of determining the member's disability under subsection E, F or G of this section, the member shall be required by the Board to be examined by a minimum of two recognized physicians selected by the Board to determine the extent of the member's injury or illness. The examining physicians shall furnish the Board a detailed written report of the injury or illness of the examined member establishing the extent of disability and the possibilities of the disabled member being returned to his or her regular duties or an alternate occupation or service covered by the System after a normal recuperation period. The Board shall require all retired disabled members who have not attained their normal retirement date to submit to a physical examination once each year for a minimum of three (3) years following retirement. The Board shall select a minimum of two physicians to examine the retired members and pay for their services from the fund. Any retired disabled member found no longer disabled by the examining physicians to perform the occupation of the member or an alternate occupation or service covered by the System shall be required to return to duty and complete twenty (20) years of service as provided in subsection A of this section, or forfeit all his or her rights and claims under Section 2-300 et seq. of this title.

J. The disability benefit under this section shall be for the lifetime of the member unless such member is found no longer disabled pursuant to subsection I of this section. Such member shall not be entitled to the retirement benefit pursuant to

subsection A of this section unless such member returns to active duty and is eligible for a retirement benefit as provided in subsection A of this section.

K. At the postoffer, preemployment physical examination required under paragraph 6 of Section 2-300 of this title, the physician selected by the Board shall determine the extent to which a new member is disabled. If a member is determined to be partially disabled, the physician shall assign a percentage of disability to such partial disability. If such member then becomes entitled to a disability benefit under either subsection E or subsection G of this section, the benefit payable shall be reduced by the percentage which such member was determined to be disabled at the postoffer, preemployment physical unless the Board makes a determination that the initially determined percentage of disability at the preemployment physical examination is unrelated to the reason for the disability currently sought pursuant to subsection E or subsection G of this section. Upon employment, the member shall disclose to the Board any disability payments received from any source. The amount of disability to be paid to any member cannot exceed one hundred percent (100%) disability from all sources. The provisions of this subsection shall apply only to members whose effective date of membership is on or after July 1, 2000.

L. In addition to the pension provided for under subsection F of this section, if the member has one or more children under the age of eighteen (18) years or under the age of twenty-two (22) years if the child is enrolled full-time in and is regularly attending a public or private school or any institution of higher education, Four Hundred Dollars (\$400.00) a month shall be paid from the Fund for the support of each surviving child to the member or person having the care and custody of such children until each child reaches the age of eighteen (18) years or reaches the age of twenty-two (22) years if the child is enrolled full-time in and is regularly attending a public or private school or any institution of higher education.

M. Notwithstanding any other provisions in Section 2-300 through 2-315 of this title, in order to be eligible to receive disability benefits, a member who meets the definition of disability as defined in paragraph 11 of Section 2-300 of this title shall file the member's completed application for disability benefits with the System before such member's date of termination from service and provide such additional information that the System's rules require within six (6) months of the System's receipt of such application. If the member's completed application for disability benefits is not filed with the System before the member's date of termination from service or such additional information as is required under the System's rules is not provided within six (6) months of the System's receipt of such application, such member shall be eligible only for

such other benefits as are available to members of the System and shall not be eligible to receive any disability benefits. For good cause shown, the Board of Trustees may waive the requirement that the disability application be filed before the member's date of termination from service. In no event shall a member be eligible to receive any disability benefit if the member's completed application is filed more than six (6) months after the member's date of termination from service.

N. If the requirements of Section 2-305.1C of this title are satisfied, a member who, by reason of disability or attainment of normal retirement date or age, is separated from service as a public safety officer with the member's participating employer may elect to have payment made directly to the provider for qualified health insurance premiums by deduction from his or her monthly disability benefit or monthly retirement payment, after December 31, 2006, in accordance with Section 402(l) of the Internal Revenue Code of 1986, as amended. For distributions made after December 29, 2022, the election provided for under Section 402(l) of the Internal Revenue Code of 1986, as amended, may be made whether payment of the premiums is made directly to the provider of the accident or health plan or qualified long-term care insurance contract by deduction from a distribution from the System or is made to the member.

Added by Laws 1961, p. 332, § 2-305, eff. Sept. 1, 1961. Amended by Laws 1967, c. 199, § 4; Laws 1975, c. 365, § 4, operative July 1, 1975; Laws 1980, c. 357, § 9, eff. July 1, 1980; Laws 1981, c. 227, § 4, operative July 1, 1981; Laws 1982, c. 328, § 5, operative July 1, 1982; Laws 1985, c. 296, § 3, emerg. eff. July 24, 1985; Laws 1988, c. 267, § 22, operative July 1, 1988; Laws 1994, c. 351, § 5, eff. July 1, 1994; Laws 1996, c. 315, § 1, eff. July 1, 1996; Laws 2000, c. 377, § 7, eff. July 1, 2000; Laws 2002, c. 399, § 4, eff. July 1, 2002; Laws 2003, c. 3, § 33, emerg. eff. March 19, 2003; Laws 2003, c. 406, § 4, eff. July 1, 2003; Laws 2004, c. 542, § 2, eff. July 1, 2004; Laws 2006, 2nd Ex. Sess., c. 46, § 19, eff. July 1, 2006; Laws 2007, c. 152, § 7, eff. July 1, 2007; Laws 2009, c. 169, § 9, emerg. eff. May 11, 2009; Laws 2010, c. 438, § 10, emerg. eff. June 9, 2010; Laws 2012, c. 307, § 2, eff. Nov. 1, 2012; Laws 2013, c. 119, § 2, eff. Nov. 1, 2013; Laws 2013, c. 318, § 1, emerg. eff. May 24, 2013; Laws 2017, c. 49, § 1, emerg. eff. April 24, 2017; Laws 2018, c. 44, § 3, eff. Nov. 1, 2018; Laws 2021, c. 96, § 1; Laws 2022, c. 255, § 2, eff. July 1, 2022; Laws 2023, c. 151, § 9, emerg. eff. May 1, 2023.

NOTE: Laws 2002, c. 332, § 2 repealed by Laws 2003, c. 3, § 34, emerg. eff. March 19, 2003.

§47-2-305.1. Computation of benefits - Increase in benefits.

A. On July 1, 1988, a member who retired prior to July 1, 1985, or the surviving spouse of such a member or the surviving spouse of

a member who became deceased prior to July 1, 1985, shall receive retirement benefits computed in accordance with the provisions of Section 2-305 of Title 47 of the Oklahoma Statutes. For the purpose of the computation, the final average salary shall be Two Thousand Two Hundred Seventeen Dollars (\$2,217.00).

B. Except for those persons specified in subsection A of this section, any person receiving benefits from the Oklahoma Law Enforcement Retirement System as of June 30, 1988, shall receive a three percent (3%) increase in said benefits on July 1, 1988. Added by Laws 1985, c. 296, § 4, emerg. eff. July 24, 1985. Amended by Laws 1988, c. 267, § 23, operative July 1, 1988.

§47-2-305.1A. Direct rollover of distribution - Definitions - Notice - Election.

A. This section applies to distributions made on or after January 1, 2002. Notwithstanding any provision of the System to the contrary that would otherwise limit a Distributee's election hereunder, a Distributee, including a nonspouse designated beneficiary, to the extent permitted under paragraph 3 of subsection B of this section, may elect, at the time and in the manner prescribed by the Board, to have any portion of an Eligible Rollover Distribution paid directly to an Eligible Retirement Plan specified by the Distributee in a Direct Rollover.

B. As used in this section:

1. "Eligible Rollover Distribution" means any distribution of all or any portion of the balance to the credit of the Distributee, except that an Eligible Rollover Distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the Distributee or the joint lives (or life expectancies) of the Distributee and the Distributee's designated beneficiary, or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended; and the portion of any distribution that is not includable in gross income. A portion of a distribution shall not fail to be an Eligible Rollover Distribution merely because the portion consists of after-tax member contributions which are not includable in gross income. However, such portion may be transferred only:

- a. from January 1, 2002, through December 31, 2006:
 - (1) to an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code of 1986, as amended, or
 - (2) in a direct trustee-to-trustee transfer, to a qualified trust which is part of a defined contribution plan that agrees to separately account for amounts so transferred, including

separately accounting for the portion of such distribution which is includable in gross income and the portion of such distribution which is not so includable, and

b. on or after January 1, 2007:

- (1) to an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code of 1986, as amended, or
- (2) in a direct trustee-to-trustee transfer to a qualified trust or an annuity contract described in Section 403(b) of the Internal Revenue Code of 1986, as amended, and such trust or contract provides for separate accounting for amounts so transferred (and earnings thereon), including separately accounting for the portion of such distribution which is includable in gross income and the portion of such distribution which is not so includable.

Effective for distributions after December 31, 2007, such after-tax portion may also be directly transferred to a Roth individual retirement account or annuity described in Section 408A of the Internal Revenue Code of 1986, as amended, ("Roth IRA"), subject to any limitations described in Section 408A(c) of the Internal Revenue Code of 1986, as amended;

2. "Eligible Retirement Plan" means an individual retirement account described in Section 408(a) of the Internal Revenue Code of 1986, as amended, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code of 1986, as amended, an annuity plan described in Section 403(a) of the Internal Revenue Code of 1986, as amended, or a qualified trust described in Section 401(a) of the Internal Revenue Code of 1986, as amended, that accepts the Distributee's Eligible Rollover Distribution. Effective January 1, 2002, an Eligible Retirement Plan shall also mean an annuity contract described in Section 403(b) of the Internal Revenue Code of 1986, as amended, and an eligible plan under Section 457(b) of the Internal Revenue Code of 1986, as amended, which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from the System. Effective for distributions after December 31, 2007, an Eligible Retirement Plan includes a Roth IRA, subject to any limitations under Section 408A(c) of the Internal Revenue Code of 1986, as amended. Effective for distributions after December 18, 2015, an Eligible Retirement Plan includes a SIMPLE IRA in accordance with Section 408(p)(1)(B) of the Internal Revenue Code of 1986, as amended, for purposes of a rollover contribution to such SIMPLE IRA, but only if such rollover contribution is made after

December 18, 2015, and only if such rollover contribution occurs after the two-year period described in Section 72(t)(6) of the Internal Revenue Code of 1986, as amended;

3. "Distributee" means an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic order, as defined in subsection B of Section 2-303.3 of this title, are Distributees with regard to the interest of the spouse or the former spouse. A Distributee also includes the member's nonspouse designated beneficiary (and certain trusts described in Section 402(c)(11)(B) of the Internal Revenue Code of 1986, as amended), pursuant to Section 401(a)(9)(E) of the Internal Revenue Code of 1986, as amended, who may elect any portion of a payment to be made in a Direct Rollover only to an individual retirement account or annuity (other than an endowment contract) described in Section 408(a) or (b) of the Internal Revenue Code of 1986, as amended, ("IRA") (including, effective for distributions after December 18, 2015, a SIMPLE IRA, but only if such contribution occurs after the two-year period described in Code Section 72(t)(6) and is made in accordance with the Protecting Americans from Tax Hikes Act of 2015), or, effective for distributions after December 31, 2007, to a Roth IRA, that is established on behalf of such nonspouse designated beneficiary for the purpose of receiving the distribution and that will be treated as an inherited IRA pursuant to the provisions of Section 402(c)(11) of the Internal Revenue Code of 1986, as amended. Also, in this case, the determination of any required minimum distribution under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, that is ineligible for rollover shall be made in accordance with Notice 2007-7, Q&A 17 and 18, 2007-5 Internal Revenue Bulletin 395. The required minimum distribution rules of Section 401(a)(9)(B) (other than clause iv thereof) of the Internal Revenue Code of 1986, as amended, apply to the transferee IRA; and

4. "Direct Rollover" means a payment by the System to the Eligible Retirement Plan specified by the Distributee.

C. At least thirty (30) days before and, effective for years beginning after December 31, 2006, not more than one hundred eighty (180) days before the date of distribution, the Distributee (other than a nonspouse designated beneficiary prior to July 1, 2010) must be provided with a notice of rights which satisfies Section 402(f) of the Internal Revenue Code of 1986, as amended, as to rollover options and tax effects. Such distribution may commence less than thirty (30) days after the notice is given, provided that:

1. The Board clearly informs the Distributee that the Distributee has a right to a period of at least thirty (30) days after receiving the notice to consider the decision of whether or not to elect a distribution; and

2. The Distributee, after receiving the notice, affirmatively elects a distribution.

D. For distributions made after December 31, 2006, but prior to July 1, 2010, a distribution with respect to a nonspouse designated beneficiary shall be made in accordance with Notice 2007-7, Q&A 15, 2007-5 Internal Revenue Bulletin 395. Effective for plan years beginning after December 31, 2009, a distribution with respect to a nonspouse designated beneficiary shall be subject to Sections 401(a)(31), 402(f) and 3405(c) of the Internal Revenue Code of 1986, as amended.

E. Effective for distributions after December 31, 2014, for purposes of determining the portion of a disbursement of benefits from the System to a Distributee that is not includable in gross income under Section 72 of the Internal Revenue Code of 1986, as amended, the guidance under I.R.S. Notice 2014-54 shall be followed. Added by Laws 1999, c. 257, § 25, eff. July 1, 1999. Amended by Laws 2000, c. 287, § 16, eff. July 1, 2000; Laws 2003, c. 406, § 5, eff. July 1, 2003; Laws 2007, c. 152, § 8, eff. July 1, 2007; Laws 2008, c. 177, § 9, eff. July 1, 2008; Laws 2010, c. 437, § 9, emerg. eff. June 9, 2010; Laws 2011, c. 141, § 2, emerg. eff. April 29, 2011; Laws 2012, c. 52, § 2, emerg. eff. April 16, 2012; Laws 2015, c. 171, § 3, emerg. eff. April 27, 2015; Laws 2017, c. 113, § 1, emerg. eff. April 26, 2017.

§47-2-305.1B. Trustee-to-trustee transfer - Treatment of trust - Rules.

A. An individual who has been designated, pursuant to Section 401(a)(9)(E) of the Internal Revenue Code of 1986, as amended, as the beneficiary of a deceased member and who is not the surviving spouse of the member, may elect, in accordance with Section 402(c)(11) of the Internal Revenue Code of 1986, as amended, to have a direct trustee-to-trustee transfer of any portion of such beneficiary's distribution from the Oklahoma Law Enforcement Retirement System made only to an individual retirement account or individual retirement annuity (other than an endowment contract) described in Section 408(a) or (b) of the Internal Revenue Code of 1986, as amended (IRA) (including, effective for distributions after December 18, 2015, a SIMPLE IRA, but only if such contribution occurs after the two-year period described in Section 72(t)(6) of the Internal Revenue Code of 1986, as amended, and is made in accordance with the Protecting Americans from Tax Hikes Act of 2015), or, effective for distributions after December 31, 2007, to a Roth individual retirement account or annuity described in Section 408A of the Internal Revenue Code of 1986, as amended (Roth IRA), that is established on behalf of such designated individual for the purpose of receiving the distribution. If such transfer is made, then:

1. For distributions made after December 31, 2006, but prior to July 1, 2010, the transfer is treated as an eligible rollover distribution for purposes of Section 402(c)(11) of the Internal Revenue Code of 1986, as amended. For plan years beginning after December 31, 2009, the transfer is treated as an eligible rollover distribution;

2. The transferee IRA is treated as an inherited individual retirement account or an inherited individual retirement annuity (within the meaning of Section 408(d)(3)(C) of the Internal Revenue Code of 1986, as amended), and must be titled in the name of the deceased member, for the benefit of the beneficiary; and

3. The required minimum distribution rules of Section 401(a)(9)(B), other than clause iv thereof, of the Internal Revenue Code of 1986, as amended, apply to the transferee IRA.

B. A trust maintained for the benefit of one or more designated beneficiaries shall be treated in the same manner as a designated beneficiary.

C. The Board shall promulgate such rules as are necessary to implement the provisions of this section.

Added by Laws 2007, c. 152, § 9, eff. July 1, 2007. Amended by Laws 2009, c. 169, § 10, emerg. eff. May 11, 2009; Laws 2010, c. 437, § 10, emerg. eff. June 9, 2010; Laws 2011, c. 141, § 3, emerg. eff. April 29, 2011; Laws 2012, c. 52, § 3, emerg. eff. April 16, 2012; Laws 2017, c. 113, § 2, emerg. eff. April 26, 2017.

§47-2-305.1C. Direct payments for qualified health insurance premiums - Definitions - Rules.

A. A member who is an eligible retired public safety officer and who wishes to have direct payments made toward the member's qualified health insurance premiums from the member's monthly disability benefit or monthly retirement payment must make a written election in accordance with Section 402(l) of the Internal Revenue Code of 1986, as amended, on the form provided by the Oklahoma Law Enforcement Retirement System, as follows:

1. The election must be made after the member separates from service as a public safety officer with the member's participating employer;

2. The election shall only apply to distributions from the System after December 31, 2006, and to amounts not yet distributed to the eligible retired public safety officer;

3. Payments from the System for an eligible retired public safety officer's qualified health insurance premiums made directly to the provider of such coverage can only be made from the member's monthly disability benefit or monthly retirement payment from the System and cannot be made from the Oklahoma Law Enforcement Deferred Option Plan; and

4. The aggregate amount of the exclusion from an eligible retired public safety officer's gross income is Three Thousand Dollars (\$3,000.00) per calendar year.

B. As used in this section:

1. "Eligible retired public safety officer" is a member who, by reason of disability or attainment of normal retirement date or age, is separated from service as a public safety officer with the member's participating employer;

2. "Public safety officer" means a member serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, firefighter, chaplain, or a member of a rescue squad or ambulance crew; and

3. "Qualified health insurance premiums" means premiums for coverage for the eligible retired public safety officer, the eligible retired public safety officer's spouse, and dependents, as defined in Section 152 of the Internal Revenue Code of 1986, as amended, by an accident or health plan or a qualified long-term care insurance contract, as defined in Section 7702B(b) of the Internal Revenue Code of 1986, as amended. The health plan does not have to be sponsored by the eligible retired public safety officer's former participating employer.

C. The Board may promulgate such rules or procedures as are necessary to implement the provisions of this section or to facilitate a member's election under Section 402(l) of the Internal Revenue Code of 1986, as amended.

Added by Laws 2007, c. 152, § 10, eff. July 1, 2007. Amended by Laws 2013, c. 16, § 1; Laws 2014, c. 37, § 1, emerg. eff. April 9, 2014; Laws 2023, c. 151, § 10, emerg. eff. May 1, 2023.

§47-2-305.2. Deferred option plans.

A. In lieu of terminating employment and accepting a service retirement pension pursuant to Section 2-305 of this title, any member of the Oklahoma Law Enforcement Retirement System who has not less than twenty (20) years of participating service and who is eligible to receive a service retirement pension may make an irrevocable election to participate in the Oklahoma Law Enforcement Deferred Option Plan and defer the receipts of benefits in accordance with the provisions of this section.

B. For purposes of this section, participating service shall include service credit recognized pursuant to paragraphs (c) and (d) of Section 2-307, subsection B of Section 2-307.2, and Sections 2-309.1, 2-309.2, 2-309.3, 2-309.4, 2-309.5 and 2-309.6 of this title but for eligibility purposes only.

C. The duration of participation in the Oklahoma Law Enforcement Deferred Option Plan for a member shall not exceed five (5) years. Participation in the Oklahoma Law Enforcement Deferred Option Plan must begin the first day of a month and end on the last

day of the month. At the conclusion of a member's participation in the Oklahoma Law Enforcement Deferred Option Plan, the member shall terminate employment as a member of the Oklahoma Law Enforcement Retirement System, and shall start receiving the member's accrued monthly retirement benefit from the System. Such a member may continue to receive in-service distributions of such member's accrued monthly retirement benefit from the System if the member is reemployed by a state agency only if such reemployment is in a position not covered under the System.

D. When a member begins participation in the Oklahoma Law Enforcement Deferred Option Plan, the contribution of the member shall cease. The employer contributions shall continue to be paid in accordance with Section 2-304 of this title. Employer contributions for members who elect the Oklahoma Law Enforcement Deferred Option Plan shall be credited equally to the Oklahoma Law Enforcement Retirement System and to the member's Oklahoma Law Enforcement Deferred Option Plan account. The monthly retirement benefits that would have been payable had the member elected to cease employment and receive a service retirement shall be paid into the member's Oklahoma Law Enforcement Deferred Option Plan account.

E. 1. A member who participates in this plan shall be eligible to receive cost of living increases.

2. A member who participates in this plan shall earn interest at a rate of two percentage points below the rate of return of the investment portfolio of the System, but no less than the assumed interest rate. The assumed interest rate shall be seven and five-tenths percent (7.5%) until the Board amends the assumed interest rate prospectively by resolution. The interest shall be credited to the individual account balance of the member on an annual basis.

F. A member in the Oklahoma Law Enforcement Deferred Option Plan shall receive, at the option of the member:

1. A lump-sum payment from the account equal to the option account balance of the member, payable to the member;

2. A lump-sum payment from the account equal to the option account balance of the member, payable to the annuity provider which shall be selected by the member as a result of the research and investigation of the member; or

3. Any other method of payment if approved by the Board.

Notwithstanding any other provision contained herein to the contrary, commencement of distributions under the Oklahoma Law Enforcement Deferred Option Plan shall be no later than the time as set forth in paragraph 7 of Section 2-300 of this title.

If a member meets the definition of disability as defined in paragraph 11 of Section 2-300 of this title by direct reason of the performance of the member's duties, the payment from the account shall be an in-line-of-duty disability payment.

G. If the member dies during the period of participation in the Oklahoma Law Enforcement Deferred Option Plan, a lump-sum payment equal to the account balance of the member shall be paid to the designated beneficiary as defined in paragraph 17 of Section 2-300 of this title, or if there is no designated beneficiary or the designated beneficiary predeceases the member, to the estate of the member. If such member was receiving, or eligible to receive, an in-line-of-duty disability pension pursuant to subsection E or F of Section 2-305 of this title at the time of death, payment of the account balance shall be an in-line-of-duty disability payment.

H. In lieu of participating in the Oklahoma Law Enforcement Deferred Option Plan pursuant to subsections A, B, C, D, E and F of this section, a member may make an irrevocable election to participate in the Oklahoma Law Enforcement Deferred Option Plan pursuant to this subsection as follows:

1. For purposes of this subsection, the following definitions shall apply:

- a. "back drop date" means the date selected by the member which is up to five (5) years before the member elects to participate in the Oklahoma Law Enforcement Deferred Option Plan, but not before the date at which the member completes twenty (20) years of participating service,
- b. "termination date" means the date the member elects to participate in the Oklahoma Law Enforcement Deferred Option Plan pursuant to this subsection and the date the member terminates employment and starts receiving the member's accrued monthly retirement benefit from the System. Such termination has at all times included reemployment of a member by a state agency, but only in a position not covered under the System,
- c. "earlier attained participating service" means the participating service earned by a member as of the back drop date. Earlier attained participating service cannot be reduced to less than twenty (20) years of participating service, and
- d. "deferred benefit balance" means all retirement benefits that would have been paid from the back drop date to the termination date, and one-half (1/2) of the employer contributions from the back drop date to the termination date, with interest based on how the benefit would have accumulated on a compound annual basis as if the member had participated in the Oklahoma Law Enforcement Deferred Option Plan pursuant to subsections A, B, C, D and E of this section from the back drop date to the termination date;

2. At the termination date, a member's monthly pension benefit shall be determined based on the earlier attained participating service and on the final average salary as of the back drop date. The member's individual deferred option account shall be credited with an amount equal to the deferred benefit balance; the member shall terminate employment and shall start receiving the member's accrued monthly retirement benefit from the System. The member shall, upon application filed with the Board, be refunded from the fund an amount equal to the accumulated contributions the member made to the fund from the back drop date to the termination date, but excluding any interest. Such termination has at all times included reemployment of a member by a state agency, but only in a position not covered under the System. The provisions of subsections B, C, E, F and G of this section shall apply to this subsection; and

3. A member may participate in the Oklahoma Law Enforcement Deferred Option Plan pursuant to this subsection even if the member has elected to participate in the Oklahoma Law Enforcement Deferred Option Plan pursuant to subsections A, B, C, D, E and F of this section. Such a member may select a back drop date which is up to five (5) years prior to the termination date, but not before the date at which the member completes twenty (20) years of participating service. Such a member's participation in the Oklahoma Law Enforcement Deferred Option Plan may not exceed five (5) years when combined with such a member's prior period of participation in the Oklahoma Law Enforcement Deferred Option Plan. The provisions of subsections B, C, E, F and G of this section shall apply to this subsection.

Added by Laws 1990, c. 247, § 2, eff. Oct. 1, 1990. Amended by Laws 1990, c. 334, § 3, operative July 1, 1990; Laws 1993, c. 157, § 2, eff. July 1, 1993; Laws 2003, c. 343, § 2, eff. July 1, 2003; Laws 2004, c. 5, § 33, emerg. eff. March 1, 2004; Laws 2004, c. 542, § 3, eff. July 1, 2004; Laws 2006, 2nd Ex. Sess., c. 46, § 20, eff. July 1, 2006; Laws 2010, c. 437, § 11, emerg. eff. June 9, 2010; Laws 2015, c. 171, § 4, emerg. eff. April 27, 2015; Laws 2022, c. 80, § 1, eff. Nov. 1, 2022.

NOTE: Laws 2003, c. 406, § 6 repealed by Laws 2004, c. 5, § 34, emerg. eff. March 1, 2004. Laws 2003, c. 456, § 2 repealed by Laws 2004, c. 5, § 35, emerg. eff. March 1, 2004.

§47-2-305.3. Increase in benefits.

Any person receiving benefits from the Oklahoma Law Enforcement Retirement System as of June 30, 1993, shall receive a two and one-half percent (2 1/2%) increase in said benefits on July 1, 1994.

Added by Laws 1990, c. 340, § 21, eff. July 1, 1990. Amended by Laws 1994, c. 383, § 6, eff. July 1, 1994.

§47-2-305.4. Limitations on benefits and contributions under qualified plans of the Internal Revenue Code of 1986.

A. For limitation years prior to July 1, 2007, the limitations of Section 415 of the Internal Revenue Code of 1986, as amended, shall be computed in accordance with the applicable provisions of the System in effect at that time and, to the extent applicable, Revenue Ruling 98-1 and Revenue Ruling 2001-51, except as provided herein. Notwithstanding any other provision contained herein to the contrary, the benefits payable to a member from the Oklahoma Law Enforcement Retirement System provided by employer contributions (including contributions picked up by the employer under Section 414(h) of the Internal Revenue Code of 1986, as amended), shall be subject to the limitations of Section 415 of the Internal Revenue Code of 1986, as amended, in accordance with the provisions of this section and subsequent guidance. The limitations of this section shall apply in limitation years beginning on or after July 1, 2007, except as otherwise provided herein.

B. Except as provided herein, effective for limitation years ending after December 31, 2001, any accrued retirement benefit payable to a member as an annual benefit as described herein shall not exceed One Hundred Sixty Thousand Dollars (\$160,000.00), automatically adjusted under Section 415(d) of the Internal Revenue Code of 1986, as amended, for increases in the cost of living, as prescribed by the Secretary of the Treasury or the Secretary's delegate, effective January 1 of each calendar year and applicable to the limitation year ending with or within such calendar year. The automatic annual adjustment of the dollar limitation in this subsection under Section 415(d) of the Internal Revenue Code of 1986, as amended, shall apply to a member who has had a severance from employment.

1. The member's annual benefit is a benefit that is payable annually in the form of a straight life annuity. Except as provided herein, where a benefit is payable in a form other than a straight life annuity, the benefit shall be adjusted to an actuarially equivalent straight life annuity that begins at the same time as such other form of benefit and is payable on the first day of each month, before applying the limitations of this section. For a member who has or will have distributions commencing at more than one annuity starting date, the annual benefit shall be determined as of each such annuity starting date (and shall satisfy the limitations of this section as of each such date), actuarially adjusting for past and future distributions of benefits commencing at the other annuity starting dates. For this purpose, the determination of whether a new starting date has occurred shall be made without regard to Section 1.401(a)-20, Q&A 10(d), and with regard to Section 1.415(b)-1(b)(1)(iii)(B) and (C) of the Income Tax Regulations.

2. No actuarial adjustment to the benefit shall be made for:
 - a. survivor benefits payable to a surviving spouse under a qualified joint and survivor annuity to the extent such benefits would not be payable if the member's benefit were paid in another form,
 - b. benefits that are not directly related to retirement benefits (such as a qualified disability benefit, preretirement incidental death benefits) and postretirement medical benefits, or
 - c. the inclusion in the form of benefit of an automatic benefit increase feature, provided, the form of benefit is not subject to Section 417(e)(3) of the Internal Revenue Code of 1986, as amended, and would otherwise satisfy the limitations of this section, and the System provides that the amount payable under the form of benefit in any limitation year shall not exceed the limits of this section applicable at the annuity starting date, as increased in subsequent years pursuant to Section 415(d) of the Internal Revenue Code of 1986, as amended. For this purpose, an automatic benefit increase feature is included in a form of benefit if the form of benefit provides for automatic, periodic increases to the benefits paid in that form.

3. The determination of the annual benefit shall take into account Social Security supplements described in Section 411(a)(9) of the Internal Revenue Code of 1986, as amended, and benefits transferred from another defined benefit plan, other than transfers of distributable benefits pursuant to Section 1.411(d)-4, Q&A-3(c), of the Income Tax Regulations, but shall disregard benefits attributable to employee contributions or rollover contributions.

4. Effective for distributions in plan years beginning after December 31, 2003, the determination of actuarial equivalence of forms of benefit other than a straight life annuity shall be made in accordance with paragraph 5 or paragraph 6 of this subsection.

5. Benefit Forms Not Subject to Section 417(e)(3) of the Internal Revenue Code of 1986, as amended: The straight life annuity that is actuarially equivalent to the member's form of benefit shall be determined under this paragraph 5 if the form of the member's benefit is either:

- a. a nondecreasing annuity (other than a straight life annuity) payable for a period of not less than the life of the member (or, in the case of a qualified preretirement survivor annuity, the life of the surviving spouse), or
- b. an annuity that decreases during the life of the member merely because of:

- (1) the death of the survivor annuitant (but only if the reduction is not below fifty percent (50%) of the benefit payable before the death of the survivor annuitant), or
 - (2) the cessation or reduction of Social Security supplements or qualified disability payments (as defined in Section 411(a)(9) of the Internal Revenue Code of 1986, as amended).
- c. Limitation Years Beginning Before July 1, 2007. For limitation years beginning before July 1, 2007, the actuarially equivalent straight life annuity is equal to the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit computed using whichever of the following produces the greater annual amount:
 - (1) the interest rate and the mortality table or other tabular factor, each as set forth in subsection H of Section 2-303.1 of this title for adjusting benefits in the same form, and
 - (2) a five percent (5%) interest rate assumption and the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable) for that annuity starting date.
- d. Limitation Year Beginning On January 1, 2008. For the limitation year beginning on January 1, 2008, the actuarially equivalent straight life annuity is equal to the greater of:
 - (1) the annual amount of the straight life annuity, if any, payable to the member under the System commencing at the same annuity starting date as the member's form of benefit, and
 - (2) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using a five percent (5%) interest rate assumption and the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable) for that annuity starting date.
- e. Limitation Years Beginning On or After July 1, 2008. For limitation years beginning on or after July 1, 2008, the actuarially equivalent straight life annuity is equal to the greater of:

- (1) the annual amount of the straight life annuity, if any, payable to the member under the System commencing at the same annuity starting date as the member's form of benefit, and
- (2) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using a five percent (5%) interest rate assumption and the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Internal Revenue Code of 1986, as amended, as described in Rev. Rul. 2007-67 (and subsequent guidance) for that annuity starting date.

6. Benefit Forms Subject to Section 417(e)(3) of the Internal Revenue Code of 1986, as amended: The straight life annuity that is actuarially equivalent to the member's form of benefit shall be determined under this paragraph if the form of the member's benefit is other than a benefit form described in paragraph 5 of this subsection. In this case, the actuarially equivalent straight life annuity shall be determined as follows:

- a. Annuity Starting Date on or after January 1, 2009. If the annuity starting date of the member's form of benefit is in the period beginning on January 1, 2009 through June 30, 2009, or in a plan year beginning after June 30, 2009, the actuarially equivalent straight life annuity is equal to the greatest of (1), (2) and (3):
 - (1) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using the interest rate and the mortality table or other tabular factor, each as set forth in the most recent actuarial valuation referenced in subsection H of Section 2-303.1 of this title prior to September 1, 2011, and effective September 1, 2011, in subsection L of this section, for adjusting benefits in the same form,
 - (2) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using a five and one-half percent (5.5%) interest rate assumption and the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Internal Revenue Code of 1986, as amended, as

described in Rev. Rul. 2007-67 (and subsequent guidance), and

- (3) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using:
 - (a) the applicable interest rate under Section 417(e)(3) of the Internal Revenue Code of 1986, as amended, (and subsequent guidance), for the fourth calendar month preceding the plan year in which falls the annuity starting date for the distribution and the stability period is the successive period of one (1) plan year which contains the annuity starting date for the distribution and for which the applicable interest rate remains constant, or as otherwise provided in the applicable guidance if the first day of the first plan year beginning after December 31, 2007, does not coincide with the first day of the applicable stability period, and
 - (b) the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Internal Revenue Code of 1986, as amended, as described in Rev. Rul. 2007-67 (and subsequent guidance),

divided by one and five one-hundredths (1.05).

- b. Annuity Starting Date in the Period Beginning on July 1, 2008 through December 31, 2008. If the annuity starting date of the member's form of benefit is in the period beginning on July 1, 2008, through December 31, 2008, the actuarially equivalent straight life annuity is equal to the greatest of (1), (2) and (3) of this subsection:

- (1) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using the interest rate and the mortality table or other tabular factor, each as set forth in subsection H of Section 2-303.1 of this title for adjusting benefits in the same form,
- (2) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using a five and one-half percent (5.5%) interest rate

- assumption and the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable), and
- (3) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using:
- (a) the adjusted first, second, and third segment rates under Section 417(e) (3) (C) and (D) of the Internal Revenue Code of 1986, as amended, applied under rules similar to the rules of Section 430(h) (2) (C) of the Internal Revenue Code of 1986, as amended, for the fourth calendar month preceding the plan year in which falls the annuity starting date for the distribution and the stability period is the successive period of one (1) plan year which contains the annuity starting date for the distribution and for which the applicable interest rate remains constant, or as otherwise provided in the applicable guidance if the first day of the first plan year beginning after December 31, 2007, does not coincide with the first day of the applicable stability period, and
 - (b) the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable),
- and divided by one and five one-hundredths (1.05).
- c. Annuity Starting Date in Plan Years Beginning in 2006 or 2007. If the annuity starting date of the member's form of benefit is in a Plan Year beginning in 2006 or 2007, the actuarially equivalent straight life annuity is equal to the greatest of (1), (2) and (3) of this subsection:
- (1) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using the interest rate and the mortality table (or other tabular factor) each as set forth in subsection H of Section 2-303.1 of this title for adjusting benefits in the same form,
 - (2) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using a five

- and one-half percent (5.5%) interest rate assumption and the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable), and
- (3) the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using:
- (a) the rate of interest on thirty-year Treasury securities as specified by the Commissioner for the lookback month for the stability period specified herein. The lookback month applicable to the stability period is the fourth calendar month preceding the first day of the stability period, as specified herein. The stability period is the successive period of one (1) plan year which contains the annuity starting date for the distribution and for which the applicable interest rate remains constant, and
 - (b) the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable),
- divided by one and five one-hundredths (1.05).
- d. Annuity Starting Date in Plan Years Beginning in 2004 or 2005.
- (1) If the annuity starting date of the member's form of benefit is in a plan year beginning in 2004 or 2005, the actuarially equivalent straight life annuity is equal to the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using whichever of the following produces the greater annual amount:
 - (a) the interest rate and the mortality table or other tabular factor, each as set forth in subsection H of Section 2-303.1 of this title for adjusting benefits in the same form, and
 - (b) a five and one-half percent (5.5%) interest rate assumption and the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable).
 - (2) If the annuity starting date of the member's benefit is on or after the first day of the first

plan year beginning in 2004 and before December 31, 2004, the application of this subparagraph shall not cause the amount payable under the member's form of benefit to be less than the benefit calculated under the System, taking into account the limitations of this section, except that the actuarially equivalent straight life annuity is equal to the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, computed using whichever of the following produces the greatest annual amount:

- (a) the interest rate and mortality table or other tabular factor, each as set forth in subsection H of Section 2-203.1 of this title for adjusting benefits in the same form,
- (b)
 - i. the rate of interest on thirty-year Treasury securities as specified by the Commissioner for the lookback month for the stability period specified herein. The lookback month applicable to the stability period is the fourth calendar month preceding the first day of the stability period, as specified herein. The stability period is the successive period of one (1) plan year which contains the annuity starting date for the distribution and for which the applicable interest rate remains constant, and
 - ii. the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable), and
- (c)
 - i. the rate of interest on thirty-year Treasury securities as specified by the Commissioner for the lookback month for the stability period specified herein. The lookback month applicable to the stability period is the fourth calendar month preceding the first day of the stability period, as specified herein. The stability period is the successive period of one (1) plan year which contains the annuity starting date for

the distribution and for which the applicable interest rate remains constant (as in effect on the last day of the last plan year beginning before January 1, 2004, under provisions of the System then adopted and in effect), and

- ii. the applicable mortality table described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable).

C. If a member has less than ten (10) years of participation in the System and all predecessor pension and retirement systems, the dollar limitation otherwise applicable under subsection B of this section shall be multiplied by a fraction, the numerator of which is the number of the years of participation or part thereof, in the System of the member, but never less than one (1), and the denominator of which is ten (10).

D. Adjustment of Dollar Limitation for Benefit Commencement Before Sixty-two (62) Years of Age or After Sixty-five (65) Years of Age: Effective for benefits commencing in limitation years ending after December 31, 2001, the dollar limitation under subsection B of this section shall be adjusted if the annuity starting date of the member's benefit is before sixty-two (62) years of age or after sixty-five (65) years of age. If the annuity starting date is before sixty-two (62) years of age, the dollar limitation under subsection B of this section shall be adjusted under paragraph 1 of this subsection, as modified by paragraph 3 of this subsection, but subject to paragraph 4 of this subsection. If the annuity starting date is after sixty-five (65) years of age, the dollar limitation under subsection B of this section shall be adjusted under paragraph 2 of this subsection, as modified by paragraph 3 of this subsection.

1. Adjustment of Defined Benefit Dollar Limitation for Benefit Commencement Before Sixty-two (62) Years of Age:

- a. Limitation Years Beginning Before July 1, 2007. If the annuity starting date for the member's benefit is prior to sixty-two (62) years of age and occurs in a limitation year beginning before July 1, 2007, the dollar limitation for the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using

whichever of the following produces the smaller annual amount:

- (1) the interest rate and the mortality table or other tabular factor, each as set forth in subsection H of Section 2-303.1 of this title, or
 - (2) a five percent (5%) interest rate assumption and the applicable mortality table as described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable).
- b. Limitation Years Beginning On or After July 1, 2007.
- (1) System Does Not Have Immediately Commencing Straight Life Annuity Payable at Both Sixty-two (62) Years of Age and the Age of Benefit Commencement.
 - (a) If the annuity starting date for the member's benefit is prior to sixty-two (62) years of age and occurs in the limitation year beginning on or after January 1, 2008, and the System does not have an immediately commencing straight life annuity payable at both sixty-two (62) years of age and the age of benefit commencement, the dollar limitation for the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using a five percent (5%) interest rate assumption and the applicable mortality table for the annuity starting date as described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable) (and expressing the member's age based on completed calendar months as of the annuity starting date).
 - (b) If the annuity starting date for the member's benefit is prior to sixty-two (62) years of age and occurs in a limitation year beginning on or after January 1, 2009, and the System does not have an immediately commencing straight life annuity payable at both sixty-two (62) years of age and the age

of benefit commencement, the dollar limitation for the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using a five percent (5%) interest rate assumption and the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Internal Revenue Code of 1986, as amended, as described in Rev. Rul. 2007-67 (and subsequent guidance) (and expressing the member's age based on completed calendar months as the annuity starting date).

- (2) System Has Immediately Commencing Straight Life Annuity Payable at Both Sixty-two (62) Years of Age and the Age of Benefit Commencement. If the annuity starting date for the member's benefit is prior to sixty-two (62) years of age and occurs in a limitation year beginning on or after July 1, 2007, and the System has an immediately commencing straight life annuity payable at both sixty-two (62) years of age and the age of benefit commencement, the dollar limitation for the member's annuity starting date is the lesser of the limitation determined under division (1) of subparagraph b of this paragraph and the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) multiplied by the ratio of the annual amount of the immediately commencing straight life annuity under the System at the member's annuity starting date to the annual amount of the immediately commencing straight life annuity under the System at sixty-two (62) years of age, both determined without applying the limitations of this section.
- (3) Effective for limitation years commencing on or after January 1, 2014, notwithstanding any other provision of paragraph 1 of this subsection, the

age-adjusted dollar limit applicable to a member shall not decrease on account of an increase in age or the performance of additional services.

2. Adjustment of Defined Benefit Dollar Limitation for Benefit Commencement After Sixty-five (65) Years of Age:

- a. Limitation Years Beginning Before July 1, 2007. If the annuity starting date for the member's benefit is after sixty-five (65) years of age and occurs in a limitation year beginning before July 1, 2007, the dollar limitation for the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using whichever of the following produces the smaller annual amount:
 - (1) the interest rate and the mortality table or other tabular factor, each as set forth in subsection H of Section 2-303.1 of this title, or
 - (2) a five percent (5%) interest rate assumption and the applicable mortality table as described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable).
- b. Limitation Years Beginning On or After July 1, 2007.
 - (1) System Does Not Have Immediately Commencing Straight Life Annuity Payable at Both Sixty-five (65) Years of Age and the Age of Benefit Commencement.
 - (a) If the annuity starting date for the member's benefit is after sixty-five (65) years of age and occurs in the limitation year beginning on January 1, 2008, and the System does not have an immediately commencing straight life annuity payable at both sixty-five (65) years of age and the age of benefit commencement, the dollar limitation at the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of

participation less than ten (10), if required) with actuarial equivalence computed using a five percent (5%) interest rate assumption and the applicable mortality table for the annuity starting date as described in Revenue Ruling 2001-62 (or its successor for these purposes, if applicable) (and expressing the member's age based on completed calendar months as of the annuity starting date).

- (b) If the annuity starting date for the member's benefit is after sixty-five (65) years of age and occurs in a limitation year beginning on or after January 1, 2009, and the System does not have an immediately commencing straight life annuity payable at both sixty-five (65) years of age and the age of benefit commencement, the dollar limitation for the member's annuity starting date is the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) with actuarial equivalence computed using a five percent (5%) interest rate assumption and the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Internal Revenue Code of 1986, as amended, as described in Rev. Rul. 2007-67 (and subsequent guidance) (and expressing the member's age based on completed calendar months as of the annuity starting date).
- (2) System Has Immediately Commencing Straight Life Annuity Payable at Both Sixty-five (65) Years of Age and Age of Benefit Commencement. If the annuity starting date for the member's benefit is after sixty-five (65) years of age and occurs in a limitation year beginning on or after July 1, 2007, and the System has an immediately commencing straight life annuity payable at both sixty-five (65) years of age and the age of benefit commencement, the dollar limitation at

the member's annuity starting date is the lesser of the limitation determined under division (1) of subparagraph b of this paragraph and the dollar limitation under subsection B of this section (adjusted under subsection C of this section for years of participation less than ten (10), if required) multiplied by the ratio of the annual amount of the adjusted immediately commencing straight life annuity under the System at the member's annuity starting date to the annual amount of the adjusted immediately commencing straight life annuity under the System at sixty-five (65) years of age, both determined without applying the limitations of this section. For this purpose, the adjusted immediately commencing straight life annuity under the System at the member's annuity starting date is the annual amount of such annuity payable to the member, computed disregarding the member's accruals after sixty-five (65) years of age but including actuarial adjustments even if those actuarial adjustments are used to offset accruals; and the adjusted immediately commencing straight life annuity under the System at sixty-five (65) years of age is the annual amount of such annuity that would be payable under the System to a hypothetical member who is sixty-five (65) years of age and has the same accrued benefit as the member.

3. Notwithstanding the other requirements of this subsection, no adjustment shall be made to the dollar limitation under subsection B of this section to reflect the probability of a member's death between the annuity starting date and sixty-two (62) years of age, or between sixty-five (65) years of age and the annuity starting date, as applicable, if benefits are not forfeited upon the death of the member prior to the annuity starting date. To the extent benefits are forfeited upon death before the annuity starting date, such an adjustment shall be made. For this purpose, no forfeiture shall be treated as occurring upon the member's death if the System does not charge members for providing a qualified preretirement survivor annuity, as defined in Section 417(c) of the Internal Revenue Code of 1986, as amended, upon the member's death.

4. Notwithstanding any other provision to the contrary, for limitation years beginning on or after January 1, 1997, if payment begins before the member reached sixty-two (62) years of age, the reductions in the limitations in this subsection shall not apply to

a member who is a "qualified participant" as defined in Section 415(b) (2) (H) of the Internal Revenue Code of 1986, as amended.

E. Minimum Benefit Permitted: Notwithstanding anything else in this section to the contrary, the benefit otherwise accrued or payable to a member under this System shall be deemed not to exceed the maximum permissible benefit if:

1. The retirement benefits payable for a limitation year under any form of benefit with respect to such member under this System and under all other defined benefit plans (without regard to whether a plan has been terminated) ever maintained by a participating employer do not exceed Ten Thousand Dollars (\$10,000.00) multiplied by a fraction:

a. the numerator of which is the member's number of credited years (or part thereof, but not less than one (1) year) of service, not to exceed ten (10), with the participating employer, and

b. the denominator of which is ten (10); and

2. The participating employer (or a predecessor employer) has not at any time maintained a defined contribution plan in which the member participated (for this purpose, mandatory employee contributions under a defined benefit plan, individual medical accounts under Section 401(h) of the Internal Revenue Code of 1986, as amended, and accounts for postretirement medical benefits established under Section 419A(d) (1) of the Internal Revenue Code of 1986, as amended, are not considered a separate defined contribution plan).

F. In no event shall the maximum annual accrued retirement benefit of a member allowable under this section be less than the annual amount of such accrued retirement benefit, including early pension and qualified joint and survivor annuity amounts, duly accrued by the member as of the last day of the limitation year beginning in 1982, or as of the last day of the limitation year beginning in 1986, whichever is greater, disregarding any plan changes or cost-of-living adjustments occurring after July 1, 1982, as to the 1982 accrued amount, and May 5, 1986, as to the 1986 accrued amount.

G. If a member purchases service credit under this title from the System, which qualifies as "permissive service credit" pursuant to Section 415(n) of the Internal Revenue Code of 1986, as amended, the limitations of Section 415 of the Internal Revenue Code of 1986, as amended, may be met by either:

1. Treating the accrued benefit derived from such contributions as an annual benefit under subsection B of this section; or

2. Treating all such contributions as annual additions for purposes of Section 415(c) of the Internal Revenue Code of 1986, as amended.

H. If a member repays to the System any amounts received or refunded from the System because of the member's prior termination pursuant to paragraph 3 of subsection (b) of Section 2-307 of this title or any other amount which qualifies as a repayment under Section 415(k)(3) of the Internal Revenue Code of 1986, as amended, such repayment shall not be taken into account for purposes of Section 415 of the Internal Revenue Code of 1986, as amended, pursuant to Section 415(k)(3) of the Internal Revenue Code of 1986, as amended.

I. For limitation years beginning on or after January 1, 1995, subsection C of this section, paragraph 1 of subsection D of this section, and the proration provided under subparagraphs a and b of paragraph 1 of subsection E of this section, shall not apply to a benefit paid under the System as a result of the member becoming disabled by reason of personal injuries or sickness, or amounts received by the beneficiaries, survivors or estate of the member as the result of the death of the member.

J. For distributions made in limitation years beginning on or after January 1, 2000, the combined limit of repealed Section 415(e) of the Internal Revenue Code of 1986, as amended, shall not apply.

K. The Board is hereby authorized to revoke the special election previously made under Section 415(b)(10) of the Internal Revenue Code of 1986, as amended.

L. Effective September 1, 2011, the interest rate and mortality assumptions for the System used to determine the actuarial equivalence of a member's form of benefit shall be set by the State Board in a manner that precludes employer discretion, shall be based upon recommendations from independent professional advisors, and shall be published annually in the actuarial valuation.

M. All benefits payable from the Oklahoma Law Enforcement Retirement System including payments from the deferred option plans under Section 2-305.2 of this title shall be paid from the general assets of the Fund pursuant to subsection B of Section 2-303.4 of this title.

Added by Laws 1991, c. 323, § 5, emerg. eff. June 12, 1991. Amended by Laws 1999, c. 257, § 24, eff. July 1, 1999; Laws 2000, c. 287, § 17, eff. July 1, 2000; Laws 2003, c. 406, § 7, eff. July 1, 2003; Laws 2005, c. 142, § 3, emerg. eff. May 5, 2005; Laws 2006, 2nd Ex.Sess., c. 46, § 21, eff. July 1, 2006; Laws 2008, c. 177, § 10, eff. July 1, 2008; Laws 2009, c. 169, § 11, emerg. eff. May 11, 2009; Laws 2010, c. 437, § 12, emerg. eff. June 9, 2010; Laws 2011, c. 141, § 4, emerg. eff. April 29, 2011; Laws 2012, c. 52, § 4, emerg. eff. April 16, 2012; Laws 2012, c. 364, § 11; Laws 2013, c. 16, § 2; Laws 2014, c. 37, § 2, emerg. eff. April 9, 2014; Laws 2018, c. 22, § 1, eff. Nov. 1, 2018.

§47-2-305.5. Additional retirement benefit.

A. Except as provided by subsection B of this section, the Oklahoma Law Enforcement Retirement System shall pay to its retirees, who retire not later than June 30, 1997, or their beneficiaries, from assets of the retirement system, an additional amount, for the fiscal year ending June 30, 1998, based upon the number of years of credited service upon which the retirement benefit of the member was computed as follows:

1. One Hundred Fifty Dollars (\$150.00) for at least ten (10), but no more than fourteen (14) years of service;
2. Three Hundred Dollars (\$300.00) for at least fifteen (15), but no more than nineteen (19) years of service;
3. Four Hundred Fifty Dollars (\$450.00) for at least twenty (20), but no more than twenty-four (24) years of service; and
4. Six Hundred Dollars (\$600.00) for twenty-five (25) or more years of service.

B. The Oklahoma Law Enforcement Retirement System shall pay to retirees, who retire not later than June 30, 1997, with a disability retirement benefit and having less than ten (10) years of service, the sum of One Hundred Fifty Dollars (\$150.00).

C. For purposes of subsection A or B of this section, months of credited service in excess of a whole number of years shall be disregarded for purposes of determining the applicable payment amount.

D. The payment authorized by this section shall be distributed not later than August 1, 1997.

E. The payment authorized by this section shall not be a recurring benefit and shall only be made for the fiscal year ending June 30, 1998, and for no other fiscal year.

F. If a retiree has multiple beneficiaries, the amount prescribed by subsection A of this section shall be divided equally among the beneficiaries on a per capita basis.

Added by Laws 1997, c. 384, § 21, eff. July 1, 1997.

§47-2-305.6. Benefit adjustment - Restoration of Initial COLA Benefit.

A. For purposes of this section the following definitions shall apply:

1. "Initial COLA Benefit Date" means the later of the member's date of benefit commencement or January 1, 1981. This date is used in the definition of Initial COLA Benefit and Target COLA Benefit;
2. "Initial COLA Benefit" means the accrued retirement benefit which will be used as the base benefit for determining the Target COLA Benefit. The Initial COLA Benefit equals the benefit in payment status as of the Initial COLA Benefit Date. Furthermore, this benefit will reflect adjustment for military service credits, if any, granted after the Initial COLA Benefit Date;

3. "CPI-U" means the Consumer Price Index for all urban consumers for all goods and services, as published by the Bureau of Labor Statistics, U.S. Department of Labor. This is used as a measure of price inflation for the development of the Target COLA Benefit defined below; and

4. "Target COLA Benefit" is the Initial COLA Benefit adjusted to reflect price inflation as measured by CPI-U. The Target COLA Benefit is calculated for each eligible member to equal the member's Initial COLA Benefit multiplied by a ratio of (A) divided by (B) as follows:

(A) is the CPI-U as of July 1, 1997.

(B) is the CPI-U as of July 1 of the calendar year of the Initial COLA Benefit Date.

B. The Board shall, effective July 1, 1998, implement a benefit adjustment, to increase, if necessary, the retirement benefit for any person receiving benefits from the System as of June 30, 1997. This benefit adjustment is intended to restore one hundred percent (100%) of the loss of the Initial COLA Benefit, if any, due to price inflation, as measured by CPI-U. The benefit adjustment shall be one hundred percent (100%) of the amount by which the Target COLA Benefit is in excess, if any, of the June 1998 retirement benefit. Persons who retired after December 31, 1996 and before July 1, 1997, shall receive a benefit increase based on one-half (1/2) of the CPI-U change for the period beginning January 1, 1997 and before July 1, 1997.

C. Any increase in benefits a person is eligible to receive pursuant to subsection B of Section 2-305 of Title 47 of the Oklahoma Statutes, after June 30, 1998, shall be offset by the increase in benefits, if any, provided by this section.

Added by Laws 1998, c. 317, § 4, eff. July 1, 1998.

§47-2-305.7. Benefit increase - Offset.

A. Except as provided in subsection B of this section, any person receiving benefits from the Oklahoma Law Enforcement Retirement System as of June 30, 1999, who continues to receive benefits on or after July 1, 2000, shall receive a three percent (3%) increase in said benefits on July 1, 2000.

B. Any increase in benefits a person is eligible to receive pursuant to subsection B of Section 2-305 of Title 47 of the Oklahoma Statutes, after June 30, 1998, shall be offset by the increase in benefits, if any, provided by this section.

Added by Laws 2000, c. 377, § 8, eff. July 1, 2000.

§47-2-305.8. Increase in benefits - Amount - Offset.

A. Except as provided in subsection B of this section, any person receiving benefits from the Oklahoma Law Enforcement Retirement System as of June 30, 2001, who continues to receive

benefits on or after July 1, 2002, shall receive a five percent (5%) increase in said benefits on July 1, 2002.

B. Any increase in benefits a person is eligible to receive pursuant to Section 2-305 of Title 47 of the Oklahoma Statutes, after June 30, 2002, shall be offset by the increase in benefits, if any, provided by this section.

Added by Laws 2002, c. 394, § 4, eff. July 1, 2002.

§47-2-305.9. Law Enforcement Retirement System - Increase in benefits.

A. Except as provided in subsection B of this section, any person receiving benefits from the Oklahoma Law Enforcement Retirement System as of June 30, 2003, who continues to receive benefits on or after July 1, 2004, shall receive a four-percent increase in said benefits beginning in July 2004.

B. Any increase in benefits a person is eligible to receive pursuant to subsection B, C or D of Section 2-305 of Title 47 of the Oklahoma Statutes, after June 30, 2004, shall be offset by the increase in benefits, if any, provided by this section.

Added by Laws 2004, c. 536, § 15, eff. July 1, 2004.

§47-2-305.10. Increase in benefits - July 1, 2006.

A. Except as provided in subsection B of this section, any person receiving benefits from the Oklahoma Law Enforcement Retirement System as of June 30, 2005, who continues to receive benefits on or after July 1, 2006, shall receive a four-percent increase in said benefits beginning in July 2006.

B. Any increase in benefits a person is eligible to receive pursuant to subsection B, C or D of Section 2-305 of Title 47 of the Oklahoma Statutes, after June 30, 2006, shall be offset by the increase in benefits, if any, provided by this section.

Added by Laws 2006, 2nd Ex. Sess., c. 46, § 8, eff. July 1, 2006.

§47-2-305.11. Increase in benefits - July 1, 2008 - Offset.

A. Except as provided in subsection B of this section, any person receiving benefits from the Oklahoma Law Enforcement Retirement System as of June 30, 2007, who continues to receive benefits on or after July 1, 2008, shall receive a four-percent increase in said benefits beginning in July 2008.

B. Any increase in benefits a person is eligible to receive pursuant to subsection B, C or D of Section 2-305 of Title 47 of the Oklahoma Statutes, after June 30, 2008, shall be offset by the increase in benefits, if any, provided by this section.

Added by Laws 2008, c. 415, § 4, eff. July 1, 2008.

§47-2-305.12. Increase in benefits - July 1, 2020 - Offset.

A. Except as provided in subsection B of this section, any person receiving benefits from the Oklahoma Law Enforcement Retirement System as of June 30, 2019, who continues to receive benefits on or after July 1, 2020, shall receive an increase in benefits as follows:

1. Zero percent (0%) if the person has been retired for less than two (2) years as of July 1, 2020;

2. Two percent (2%) if the person has been retired for at least two (2) years but less than five (5) years as of July 1, 2020; and

3. Four percent (4%) if the person has been retired for five (5) years or more as of July 1, 2020.

B. Any increase in benefits a person is eligible to receive pursuant to subsection B, C or D of Section 2-305 of Title 47 of the Oklahoma Statutes after July 1, 2020, shall be offset by the increase in benefits, if any, provided by this section.

Added by Laws 2020, c. 121, § 5, eff. July 1, 2020.

§47-2-306. Payments in case of death.

A. Upon the death of a retired member or upon the death of any member prior to retirement or other termination of covered employment, a monthly pension shall be paid which shall be in an amount as provided below:

1. If the member was not retired and death occurred as the direct result of the performance of the member's duties as an officer, an amount:

a. equal to two and one-half percent (2 1/2%),

b. multiplied by:

(1) twenty (20) years of service, regardless of the actual number of years of credited service performed by the member prior to the date of death if the member had performed less than twenty (20) years of service, or

(2) the actual number of years of service performed by the member if the member had performed twenty (20) or more years of service,

c. multiplied by a final average salary equal to:

(1) the salary which the member would have received pursuant to statutory salary schedules in effect upon the date of death for twenty (20) years of service if the member did not actually perform twenty (20) years of service prior to death. The final average salary for a member who performed less than twenty (20) years of service prior to death shall be computed assuming that the member was paid the highest salary allowable pursuant to the law in effect at the time of the member's death based upon twenty (20) years of service and

with an assumption that the member was eligible for any and all increases in pay based upon rank during the entire period. If the salary of a member is not prescribed by a specific salary schedule upon the date of the member's death, the final average salary for the member shall be computed by the member's actual final average salary or the highest median salary amount for a member whose salary was prescribed by a specific salary schedule upon the date of the member's death, whichever final average salary amount would be greater, or

- (2) the actual final average salary of the member if the member had performed twenty (20) or more years of service prior to death; or

2. If the member was not retired and death occurred other than as the direct result of the performance of the member's duties as an officer, an amount equal to the monthly payments which would have been received by the member under subsection E of Section 2-305 of this title had the member been totally disabled; or

3. If said member was retired for length of service, an amount equal to the member's monthly payments; or

4. If said member was receiving, or eligible to receive, a disability benefit pursuant to subsection E or F of Section 2-305 of this title, an amount equal to the member's monthly payments pursuant to subsection E or F of Section 2-305 of this title; or

5. If said member was receiving, or eligible to receive, a disability benefit pursuant to subsection G of Section 2-305 of this title, an amount equal to the member's monthly payments pursuant to subsection G of Section 2-305 of this title; or

6. If said member was retired for partial disability, an amount equal to the monthly payments which would have been received by said member had the member been totally disabled.

B. The pension provided for in subsection A of this section shall be paid:

1. Except as provided in paragraph 4 of this subsection, to the surviving spouse, provided the surviving spouse was married to the member at the time of the member's death, and continuously for the thirty (30) months immediately preceding the member's death, provided a surviving spouse of a member who died while in, or as a consequence of, the performance of the member's duty for the employer, shall not be subject to the thirty-month marriage requirement for survivor benefits; or

2. If there is no surviving spouse or upon the death of a spouse:

- a. to the person having the care and custody of any surviving child or children of said member for such

time as such child or children are under the age of eighteen (18) years, or

- b. to the surviving child or children between the age of eighteen (18) and twenty-two (22) years if the child is enrolled full time in and is regularly attending a public or private school or any institution of higher education;

3. If there is no surviving spouse or children under the age of eighteen (18) years or under the age of twenty-two (22) years if the child is enrolled full time in and is regularly attending a public or private school or any institution of higher education, to the dependent parent or parents of said member, for life; or

4. In the event a surviving spouse remarried prior to June 7, 1993, and was a surviving spouse of a member who died while in, or as a consequence of, the performance of the member's duty for the employer, the surviving spouse shall be eligible to receive the pension benefits provided for in subsection A of this section.

To receive the pension benefits provided for in subsection A of this section the surviving spouse falling within this paragraph shall submit a written request for such benefits to the Oklahoma Law Enforcement Retirement System. The Oklahoma Law Enforcement Retirement System shall approve requests by surviving spouses meeting the requirements of this paragraph. Upon approval by the Oklahoma Law Enforcement Retirement System, the surviving spouse shall be entitled to the pension benefits provided for in subsection A of this section beginning from the date of approval forward. Pension benefits provided to surviving spouses falling within this paragraph shall not apply to alter any amount of pension benefits paid or due prior to the Oklahoma Law Enforcement Retirement System's approval of the remarried surviving spouse's written request for benefits.

No surviving spouse shall receive benefits from this section, Section 49-113 of Title 11 of the Oklahoma Statutes, or Section 50-117 of Title 11 of the Oklahoma Statutes as the surviving spouse of more than one member of the Oklahoma Firefighters Pension and Retirement System, the Oklahoma Police Pension and Retirement System, or the Oklahoma Law Enforcement Retirement System. The surviving spouse of more than one member shall elect which member's benefits he or she will receive.

C. In addition to the pension above provided for, if said member leaves a surviving spouse and one or more children under the age of eighteen (18) years or under the age of twenty-two (22) years if the child is enrolled full time in and is regularly attending a public or private school or any institution of higher education, Four Hundred Dollars (\$400.00) a month shall be paid from said Fund for the support of each surviving child to the person having the care and custody of such children during such time as said spouse

remains alive and until each child reaches the age of eighteen (18) years or reaches the age of twenty-two (22) years if the child is enrolled full time in and is regularly attending a public or private school or any institution of higher education.

D. Upon the death of a retired member, the benefit payment for the month in which the retired member died, if not previously paid, shall be made to the beneficiary of the member or to the member's estate if there is no beneficiary. Such benefit payment shall be made in an amount equal to a full monthly benefit payment regardless of the day of the month in which the retired member died.

Added by Laws 1961, p. 333, § 2-306, eff. Sept. 1, 1961. Amended by Laws 1975, c. 365, § 5, operative July 1, 1975; Laws 1980, c. 357, § 10, eff. July 1, 1980; Laws 1985, c. 296, § 5, emerg. eff. July 24, 1985; Laws 1986, c. 253, § 3, operative July 1, 1986; Laws 1990, c. 340, § 22, eff. July 1, 1990; Laws 1993, c. 157, § 3, eff. July 1, 1993; Laws 1993, c. 322, § 14, emerg. eff. June 7, 1993; Laws 1994, c. 84, § 5, eff. July 1, 1994; Laws 1994, c. 351, § 6, eff. July 1, 1994; Laws 1995, c. 100, § 1, emerg. eff. April 13, 1995; Laws 1996, c. 333, § 2, eff. July 1, 1996; Laws 1998, c. 419, § 7, eff. July 1, 1998; Laws 2000, c. 377, § 9, eff. July 1, 2000; Laws 2002, c. 399, § 5, eff. July 1, 2002; Laws 2004, c. 542, § 4, eff. July 1, 2004. NOTE: Laws 1993, c. 126, § 7 repealed by Laws 1993, c. 322, § 31, emerg. eff. June 7, 1993. Laws 2000, c. 287, § 18 repealed by Laws 2001, c. 5, § 18, emerg. eff. March 21, 2001.

§47-2-306.1. Repealed by Laws 1985, c. 296, § 8, emerg. eff. July 24, 1985.

§47-2-306.2. Unpaid accumulated contributions - Payment to beneficiary or next of kin.

In the event the total retirement payments made to the member and his joint annuitant, if any, are less than the member's accumulated contributions, the difference shall be paid to the member's designated beneficiary or if no designated beneficiary survives, then to the member's nearest surviving next of kin as determined by law.

Laws 1980, c. 357, § 12, eff. July 1, 1980.

§47-2-306.3. Death benefit.

Upon the death of an active or retired member, the Oklahoma Law Enforcement Retirement System shall pay to the designated beneficiary of the member as defined in paragraph 17 of Section 2-300 of this title or if there is no such designated beneficiary or if such designated beneficiary predeceases the member, to the estate of the member, the sum of Four Thousand Dollars (\$4,000.00) as a death benefit for those active or retired members who died prior to July 1, 1999. For those active or retired members who die on or

after July 1, 1999, the sum shall be Five Thousand Dollars (\$5,000.00).

Added by Laws 1987, c. 236, § 162, emerg. eff. July 20, 1987.

Amended by Laws 1999, c. 167, § 5, eff. July 1, 1999; Laws 2002, c. 352, § 4, eff. July 1, 2002; Laws 2004, c. 542, § 5, eff. July 1, 2004; Laws 2014, c. 37, § 3, emerg. eff. April 9, 2014.

§47-2-307. Leaves of absence - Termination of employment - Reinstatement - Service in Armed Forces - Involuntary furloughs.

(a) In the event a member of the System obtains a leave of absence, of not to exceed ninety (90) days at any one time, because of injury or illness or for any personal reason other than the acceptance of other employment, the member's membership in the System shall not terminate and the period of such leave shall be counted toward retirement for length of service if, during such leave of absence or at the end thereof, the member shall pay to the Fund an amount equal to the contributions which would have been deducted from the member's salary during such period if such leave of absence had not been obtained, but if such contributions are not paid during such leave or made up within thirty (30) days after the end of such leave, or if such leave of absence extends for more than ninety (90) days at any one time, the period of such leave shall not be counted toward length of service for retirement nor in computing the amount of any pension or any retirement pay or any other benefits hereunder.

(b) In the event a member of the System obtains a leave of absence for the purpose of accepting other employment, or if a member resigns and during such resignation accepts other employment, the member's membership in the System shall terminate as of the date of the beginning of such leave. Provided, that if the membership of a member of the System shall have been terminated either by such leave of absence or by termination of employment, and such former member is reemployed, the Board, upon application therefor made in the same manner as an original application for membership in the System, may reinstate such membership. Such reinstated member shall be allowed full credit toward retirement for all service credit accrued up to the time of termination of membership if, but only if:

1. Such application for reinstatement is made within three (3) years from the date of such termination of such membership;

2. Such reinstated member remains a member of the System for a period of five (5) consecutive years after reinstatement of membership;

3. Such reinstated member reimburses the Fund, at the time application for reinstatement is made, with the amount of any portion of the membership contribution which has been refunded to the member under the provisions of Section 2-308 of this title; and

4. A lump-sum payment for repayment of any amount received because of a member's prior termination may be repaid by:

- a. a cash lump-sum payment,
- b. a trustee-to-trustee transfer of non-Roth funds from a Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), and/or a Code Section 401(a) qualified plan,
- c. a direct rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), a Code Section 401(a) qualified plan, and/or a Code Section 408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA). Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase such service credit, or
- d. any combination of the above methods of payment.

The provisions of this subsection shall not apply to absences caused by such military service as may be considered as service for retirement for length of service under the provisions of subsection (c) of this section.

(c) In determining the eligibility of a member for retirement based upon length of service, any service in the Armed Forces of the United States or any component thereof between the 16th day of September, 1940, and the 30th day of June, 1954, and any service in the Armed Forces of the United States or any component thereof upon call of the President of the United States or of the Governor of the State of Oklahoma, together with such prior service, as would have been otherwise considered as service for retirement for length of service, shall be considered as service for length of service, provided that the member returns and files application for reinstatement as a member of the System within ninety (90) days after the member's release, or opportunity for release, from such Armed Forces or component thereof. The member's employing agency that is making contributions to the System on behalf of the member shall continue payment of contributions into the pension fund, to the same force and effect as though the member was in the actual employment of such agency at the same salary for a period not to exceed five (5) years. If such member shall have been refunded any portion of the membership contributions as provided in Section 2-308 of this title, the member shall be required to reimburse the Fund with the same amount at the time of the member's application for reinstatement in the System, before the reinstated member is given

credit for accrued prior service. Provided, that in no event shall a member of the System who has entered such Armed Forces or component thereof prior to retirement be or become eligible for retirement for length of service unless the member shall thereafter have been reinstated as a member of the System as provided for herein, and thereafter remained a member for at least one (1) year after such reinstatement.

(d) Time spent on involuntary furlough by members pursuant to the rules of the Office of Management and Enterprise Services shall be credited.

(e) Notwithstanding any provisions herein to the contrary:

1. Contributions, benefits and service credit with respect to qualified military service shall be provided in accordance with Section 414(u) of the Internal Revenue Code of 1986, as amended, which is in accordance with the Uniformed Service Employment and Reemployment Rights Act of 1994, as amended (USERRA). The employer's contributions to the System for a member covered by USERRA are due when such a member makes up his or her contributions that were missed due to his or her qualified military service; and

2. Effective January 1, 2007, if any member dies while performing qualified military service (as defined in Section 414(u) of the Internal Revenue Code of 1986, as amended), the survivors of the member are entitled to any additional benefits other than benefit accruals relating to the period of qualified military service provided under the System had the member resumed and then terminated employment on account of death.

Added by Laws 1961, p. 333, § 2-307, eff. Sept. 1, 1961. Amended by Laws 1980, c. 357, § 13, eff. July 1, 1980; Laws 1986, c. 253, § 4, operative July 1, 1986; Laws 1999, c. 257, § 26, eff. July 1, 1999; Laws 2003, c. 406, § 8, eff. July 1, 2003; Laws 2005, c. 142, § 4, emerg. eff. May 5, 2005; Laws 2006, 2nd Ex. Sess., c. 46, § 22, eff. July 1, 2006; Laws 2008, c. 177, § 11, eff. July 1, 2008; Laws 2009, c. 169, § 12, emerg. eff. May 11, 2009; Laws 2010, c. 437, § 13, emerg. eff. June 9, 2010; Laws 2012, c. 304, § 172; Laws 2016, c. 8, § 1, emerg. eff. April 5, 2016.

§47-2-307.1. Service credit for membership in Public Employees Retirement System - Time of application.

A. A member may receive service credit for not to exceed five (5) years of participating service accumulated by the member while an employee of a state agency if the member is not receiving or eligible to receive retirement benefits or credit for said service from the Oklahoma Public Employees Retirement System. To receive credit for said service prior to January 1, 1991, the employee and employer contributions for those years of service and interest of not to exceed five percent (5%) as determined by the Board shall be paid to the Board. Effective January 1, 1991, to receive credit for

said service, the member shall pay the amount determined by the Board of Trustees pursuant to Section 19 of Enrolled Senate Bill No. 810 of the 2nd Session of the 42nd Oklahoma Legislature. Such service credit shall not be used in determining the eligibility of the member for retirement based upon length of service.

B. To receive credit for such service:

1. A member who became a member of the system prior to July 1, 1988, shall make application to the Board for such service prior to January 1, 1989; and

2. A member who becomes a member of the system after June 30, 1988, shall make application to the Board for such service within two (2) years of the date the member became a member of the system.

C. Such service credit may be paid by:

1. A cash lump-sum payment;

2. A trustee-to-trustee transfer of non-Roth funds from a Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), and/or a Code Section 401(a) qualified plan;

3. A direct rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(3)(1)(A), a Code Section 401(a) qualified plan, and/or a Code Section 408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA). Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase such service credit; or

4. Any combination of the above methods of payment.

Added by Laws 1986, c. 253, § 5, operative July 1, 1986. Amended by Laws 1987, c. 236, § 163, emerg. eff. July 20, 1987; Laws 1988, c. 267, § 24, operative July 1, 1988; Laws 1990, c. 334, § 4, operative July 1, 1990; Laws 2003, c. 406, § 9, eff. July 1, 2003; Laws 2006, 2nd Ex. Sess., c. 46, § 23, eff. July 1, 2006; Laws 2016, c. 8, § 2, emerg. eff. April 5, 2016.

§47-2-307.2. Service credit for unused sick leave - Prorated service credit for sick or temporary disability time - Option to purchase service credit.

A. The total service credit of a member who retires, elects a Deferred Option Plan or terminates employment and elects a vested benefit shall include not to exceed one hundred thirty (130) days of unused sick leave accumulated while a member of the System. Effective July 1, 2008, a member who retires, elects a Deferred Option Plan or terminates employment and elects a vested benefit shall include not to exceed two hundred forty (240) days of unused sick leave accumulated while a member of the System. Such credit

shall be added in terms of whole months. Twenty (20) days of unused sick leave shall equal one (1) month for purposes of service credit. If unused sick leave entitles a member to an additional year or fraction thereof of service credit, the member's employer shall reimburse the System for the cost of funding the additional reserve by paying the amount determined by the Board pursuant to Section 25 of this act. Each employer shall provide the System with adequate and timely information necessary to determine additional benefits and its cost under this section. This section shall apply to members retiring or vesting on or after July 1, 1985, and shall not be retroactive. The amount of accrued sick leave available for determination of a member's monthly benefit for purposes of the deferred option election shall be limited to the accrued sick leave available as of the effective date of the deferred option election, but not to exceed two hundred forty (240) days. The member's monthly benefit determined as of the effective date of the deferred option election shall not be adjusted for additional accrued sick leave earned by the member after the deferred option election.

B. Whenever any member is unable to perform the member's duties because of sickness or temporary disability caused or sustained while in the discharge of the member's duty as a member, is receiving a temporary total disability benefit under Section 1 et seq. of Title 85A of the Oklahoma Statutes, and does not purchase service credit as described below, such member shall only receive prorated service credit based on the contributions made by the member and the member's employer while the member is receiving a temporary total disability benefit under Section 1 et seq. of Title 85A of the Oklahoma Statutes. Whenever any member is unable to perform the member's duties because of sickness or temporary disability caused or sustained while in the discharge of the member's duty as a member and is receiving a temporary disability benefit under Section 1 et seq. of Title 85A of the Oklahoma Statutes, such member shall have the option to purchase service credit for the time related to such leave of absence for such sickness or temporary disability.

1. The payment for such purchase must be completed no later than three (3) years from the date the member commenced receipt of a temporary total disability benefit.

2. The purchase price shall be:

- a. the actual paid base salary that the member was entitled to immediately prior to the member's sickness or temporary disability minus any vacation or sick leave payments received by the member during such sickness or temporary disability, multiplied by,
- b. the following, as applicable:
 - (1) the combined employer and member contribution percentages, pursuant to Section 2-304 of this

- title, for members who are suspended without pay,
or
(2) the member contribution percentage, pursuant to
Section 2-304 of this title, for members who are
not suspended without pay.

If such member has not been suspended without pay, the employer shall contribute, within three (3) months of the completion of the member's purchase of service credit, the employer contribution percentage, pursuant to Section 2-304 of this title, times the actual paid base salary that the member was entitled to immediately prior to the member's sickness or temporary disability minus any vacation or sick leave payments received by the member during such sickness or temporary disability.

3. The member may purchase such service credit through:

- a. a cash lump-sum payment,
- b. a trustee-to-trustee transfer of non-Roth funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), and/or a Code Section 401(a) qualified plan,
- c. a direct rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), a Code Section 401(a) qualified plan, and/or a Code Section 408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA). Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase such service credit, or
- d. any combination of the above methods of payment.

Added by Laws 1985, c. 296, § 6, emerg. eff. July 24, 1985. Amended by Laws 1990, c. 340, § 23, eff. July 1, 1990; Laws 2006, 2nd Ex. Sess., c. 46, § 24, eff. July 1, 2006; Laws 2008, c. 177, § 12, eff. July 1, 2008; Laws 2016, c. 8, § 3, emerg. eff. April 5, 2016; Laws 2025, c. 45, § 3, emerg. eff. May 7, 2025.

§47-2-307.3. Prior law enforcement service credit - Time of application.

A. Prior to January 1, 1991, upon payment to the Oklahoma Law Enforcement Retirement System of the employee contribution the member would have been subject to had the member been a member of the System at the time, plus five percent (5%) interest, any member of the System shall receive credit for not to exceed five (5) years of prior law enforcement service rendered in this state, if the

member is not receiving or eligible to receive retirement credit or benefits for such service in any other public retirement system. Effective January 1, 1991, to receive credit for not to exceed five (5) years of prior law enforcement service rendered in this state, if the member is not receiving or eligible to receive retirement credit or benefits for such service in any other public retirement system, the member shall pay the amount determined by the Board pursuant to Section 2-307.5 of this title. Service credit received pursuant to this section shall be used in determining the member's retirement benefit but shall not be used in determining years of service for retirement or vesting purposes.

To receive credit for such service:

1. A member who became a member of the System prior to July 1, 1988, shall make application to the Board for such service prior to January 1, 1989; and

2. A member who becomes a member of the System after June 30, 1988, shall make application to the Board for such service within two (2) years of the date the member became a member of the System.

B. Upon payment to the Oklahoma Law Enforcement Retirement System of a sum equal to the employee contribution the member would have been subject to had the member been a member of the System at the time, plus five percent (5%) interest prior to January 1, 1991, or effective January 1, 1991, upon payment to the System of the amount determined by the Board pursuant to Section 2-307.5 of this title, any member of the System shall receive credit for not to exceed five (5) years of prior law enforcement service rendered in another state or with a federal law enforcement agency, either as a commissioned law enforcement officer or in a scientific or technical field, if the member is not receiving or eligible to receive retirement credit or benefits for such service in any other public retirement system. Service credit received pursuant to this section shall be used in determining the member's retirement benefit but shall not be used in determining years of service for retirement or vesting purposes.

To receive credit for such service:

1. A member who became a member of the System prior to July 1, 1990, shall make application to the Board for such service prior to January 1, 1991; and

2. A member who became a member of the System after June 30, 1990, shall make application to the Board for such services within two (2) years of the date the member became a member of the System.

C. Such service credit may be paid by:

1. A cash lump-sum payment;

2. A trustee-to-trustee transfer of non-Roth funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is

maintained by an eligible employer described in Code Section 457(e) (1) (A) and/or a Code Section 401(a) qualified plan;

3. A direct rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e) (1) (A), a Code Section 401(a) qualified plan, and/or a Code Section 408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA). Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase such service credit; or

4. Any combination of the above methods of payment.

Added by Laws 1987, c. 236, § 164, emerg. eff. July 20, 1987.

Amended by Laws 1988, c. 267, § 25, operative July 1, 1988; Laws 1990, c. 340, § 24, eff. July 1, 1990; Laws 1990, c. 334, § 5, operative July 1, 1990; Laws 2003, c. 406, § 10, eff. July 1, 2003; Laws 2006, 2nd Ex. Sess., c. 46, § 25, eff. July 1, 2006; Laws 2016, c. 8, § 4, emerg. eff. April 5, 2016.

§47-2-307.4. Military service credit.

A. Any member of the Oklahoma Law Enforcement Retirement System shall be entitled to prior service credit, not to exceed five (5) years, for those periods of military service on active duty prior to membership in the Oklahoma Law Enforcement Retirement System. Any active member of the Oklahoma Law Enforcement Retirement System whose initial membership in the System began on or after July 1, 2000, may receive up to five (5) years of prior military service credit as otherwise provided in this section, only upon payment of the amount determined by the Board in the manner as provided in Section 2-307.5 of this title. For members of the System hired on or after July 1, 2003, if the military service credit authorized by this subsection is used to compute the retirement benefit of the member and the member retires from the System, such military service credit shall not be used to compute the retirement benefit in any other retirement system created pursuant to the Oklahoma Statutes and the member may receive credit for such service only in the retirement system from which the member first retires.

B. For purposes of subsection A of this section, "military service" means service in the Armed Forces of the United States by honorably discharged persons during the following time periods, as reflected on such person's Defense Department Form 214, as follows:

1. During the following periods, including the beginning and ending dates, and only for the periods served, from:

- a. April 6, 1917, to November 11, 1918, commonly referred to as World War I,
- b. September 16, 1940, to December 7, 1941, as a member of the 45th Division,

- c. December 7, 1941, to December 31, 1946, commonly referred to as World War II,
- d. June 27, 1950, to January 31, 1955, commonly referred to as the Korean Conflict or the Korean War,
- e. February 28, 1961, to May 7, 1975, commonly referred to as the Vietnam era, except that:
 - (1) for the period from February 28, 1961, to August 4, 1964, military service shall only include service in the Republic of Vietnam during that period, and
 - (2) for purposes of determining eligibility for education and training benefits, such period shall end on December 31, 1976, or
- f. August 1, 1990, to December 31, 1991, commonly referred to as the Gulf War, the Persian Gulf War, or Operation Desert Storm, but excluding any person who served on active duty for training only, unless discharged from such active duty for a service-connected disability;

2. During a period of war or combat military operation other than a conflict, war or era listed in paragraph 1 of this subsection, beginning on the date of Congressional authorization, Congressional resolution, or Executive Order of the President of the United States, for the use of the Armed Forces of the United States in a war or combat military operation, if such war or combat military operation lasted for a period of ninety (90) days or more, for a person who served, and only for the period served, in the area of responsibility of the war or combat military operation, but excluding a person who served on active duty for training only, unless discharged from such active duty for a service-connected disability, and provided that the burden of proof of military service during this period shall be with the member, who must present appropriate documentation establishing such service.

C. An eligible member under subsection B of this section shall include only those persons who shall have served during the times or in the areas prescribed in subsection B of this section, and only if such person provides appropriate documentation in such time and manner as required by the System to establish such military service prescribed in this section, or for service pursuant to division (1) of subparagraph e of paragraph 1 of subsection B of this section, those persons who were awarded service medals, as authorized by the United States Department of Defense as reflected in the veteran's Defense Department Form 214, related to the Vietnam Conflict for service prior to August 5, 1964.

D. Service credit received pursuant to this section shall be used in determining the member's retirement benefit but shall not be

used in determining years of service for retirement or vesting purposes.

E. Such service credit may be paid by:

1. A cash lump-sum payment;
2. A trustee-to-trustee transfer of non-Roth funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e) (1) (A), and/or a Code Section 401(a) qualified plan;
3. A direct rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e) (1) (A), a Code Section 401(a) qualified plan, and/or a Code Section 408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA). Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase such service credit; or
4. Any combination of the above methods of payment.

F. A member who served in any branch of the United States Armed Forces or any component thereof, who was honorably discharged, and who began participation in the System on or after November 1, 2022, shall be entitled to prior service credit, not to exceed five (5) years, upon payment of the actuarial cost of such service in the manner prescribed by and subject to all of the requirements of Section 2-307.5 of this title. For purposes of this subsection, "military service" means service in the Armed Forces of the United States by honorably discharged persons.

Added by Laws 1987, c. 236, § 165, emerg. eff. July 20, 1987.

Amended by Laws 1990, c. 334, § 6, operative July 1, 1990; Laws 1998, c. 192, § 3, eff. July 1, 1998; Laws 2000, c. 311, § 2, eff. July 1, 2000; Laws 2003, c. 406, § 11, eff. July 1, 2003; Laws 2004, c. 302, § 3, emerg. eff. May 13, 2004; Laws 2006, 2nd Ex. Sess., c. 46, § 26, eff. July 1, 2006; Laws 2016, c. 8, § 5, emerg. eff. April 5, 2016; Laws 2022, c. 96, § 4, eff. Nov. 1, 2022.

§47-2-307.5. Transferred credited service - Computation of purchase price.

A. The Board shall adopt rules for computation of the purchase price for transferred credited service. These rules shall base the purchase price for each year purchased on the actuarial cost of the incremental projected benefits to be purchased. The purchase price shall represent the present value of the incremental projected benefits discounted according to the member's age at the time of purchase. Incremental projected benefits shall be the difference between the projected benefit said member would receive without purchasing the transferred credited service and the projected

benefit after purchase of the transferred credited service computed as of the earliest age at which the member would be able to retire. Said computation shall assume an unreduced benefit and be computed using interest and mortality assumptions consistent with the actuarial assumptions adopted by the Board for purposes of preparing the annual actuarial evaluation.

B. In the event that the member is unable to pay the purchase price provided for in this section by the due date, the Board shall permit the members to amortize the purchase price over a period not to exceed sixty (60) months. Said payments shall be made by payroll deductions unless the Board permits an alternate payment source. The amortization shall include interest in an amount not to exceed the actuarially assumed interest rate adopted by the Board for investment earnings each year. Any member who ceases to make payment, terminates, retires or dies before completing the payments provided for in this section shall receive prorated service credit for only those payments made, unless the unpaid balance is paid by said member, his or her estate or successor in interest within six (6) months after said member's death, termination of employment or retirement, provided no retirement benefits shall be payable until the unpaid balance is paid, unless said member or beneficiary affirmatively waives the additional six-month period in which to pay the unpaid balance. Notwithstanding anything herein to the contrary, lump-sum payments for a transferred credited service purchase may be made by a cash lump-sum payment; a trustee-to-trustee transfer of non-Roth funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), and/or a Code Section 401(a) qualified plan; a direct rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), a Code Section 401(a) qualified plan, and/or a Code Section 408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA); or a combination of the foregoing methods. Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase transferred credited service.

A member making installment payments shall have the option of making a lump-sum payment for the balance of the actuarial purchase price with interest due through the date of payment by a cash lump-sum payment; a trustee-to-trustee transfer of non-Roth funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), and/or a Code Section 401(a) qualified plan; a direct

rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), a Code Section 401(a) qualified plan, and/or a Code Section 408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA); or a combination of the foregoing methods. Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase transferred credited service. The Board shall promulgate such rules as are necessary to implement the provisions of this subsection.

Added by Laws 1990, c. 340, § 25, eff. July 1, 1990. Amended by Laws 1993, c. 322, § 13, emerg. eff. June 7, 1993; Laws 2003, c. 406, § 12, eff. July 1, 2003; Laws 2004, c. 542, § 6, eff. July 1, 2004; Laws 2005, c. 142, § 5, emerg. eff. May 5, 2005; Laws 2006, 2nd Ex. Sess., c. 46, § 27, eff. July 1, 2006; Laws 2016, c. 8, § 6, emerg. eff. April 5, 2016.

§47-2-307.6. Repealed by Laws 1998, c. 256, § 11, eff. July 1, 1998.

§47-2-307.7. Reduction-in-force termination credit.

A. A member of the Oklahoma Law Enforcement Retirement System who has ten (10) or more years of full-time-equivalent employment with a participating employer, and who is terminated by a state agency or other state governmental entity because the member's position is eliminated through a reduction-in-force after July 1, 1998, and is within three (3) years of a normal retirement date as defined in paragraph 7 of Section 2-300 of this title may purchase termination credit of a period not to exceed the lesser of three (3) years or the number of years or months or both years and months required in order for the member to reach normal retirement date in the same period of time and with the same service credit which would have otherwise accrued if the termination had not occurred.

B. In order to receive the termination credit authorized by this section, the member shall be required to file an election with the System indicating an intent to purchase the credit. The member shall have a period of six (6) months from the date the member is terminated as described in subsection A of this section within which to file the election.

C. To purchase the termination credit, the member shall be required to make payment to the System of an amount equal to both the employer and employee contributions which would have been paid to the System based upon the actual paid base salary as defined in paragraph 8 of Section 2-300 of this title, which was received by the member in the last full month that the member was employed by the state agency or other state governmental entity multiplied by

the number of months required in order for the combination of the participating service and member's age to equal the amount required for the member to reach normal retirement date with an unreduced benefit as if the member had not been terminated.

D. The member must make full payment to the System of all required contribution amounts within sixty (60) days of filing the election to purchase the credit. The member must vest his or her benefits with a declared future retirement date as of the first month the member is eligible for normal retirement. Failure to make the full payment to the System of the required contribution amounts, for any reason, within the time prescribed, shall result in cancellation of the election provided pursuant to this section, and return of the purchase amount tendered, without interest. Notwithstanding anything herein to the contrary, termination credit purchases may be made by:

1. A cash lump-sum payment;
2. A trustee-to-trustee transfer of non-Roth funds from a Code Section 401(a) qualified plan;
3. A direct rollover of tax-deferred funds from a Code Section 403(b) annuity or custodial account, an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e) (1) (A), a Code Section 401(a) qualified plan, and/or a Code Section 408(a) or 408(b) traditional or conduit Individual Retirement Account or Annuity (IRA). Roth accounts, Coverdell Education Savings Accounts and after-tax contributions shall not be used to purchase such service credit; or

4. Any combination of the above methods of payment.

E. Purchased termination credit may only be used as service credit to qualify the member for normal retirement.

F. If the member chooses to retire at any time prior to the member's normal retirement date or returns to employment with a participating employer of the System at any time prior to retirement, the purchase of termination credit pursuant to this section shall be void and the System will return the purchase amount tendered, without interest.

G. In the event of the death of the member prior to retirement, the member's spouse, if otherwise eligible for benefits pursuant to Section 2-306 of this title, may elect to receive benefits which include the termination credit on the member's declared future retirement date, or may elect to receive a return of the purchase amount tendered, without interest.

Added by Laws 1998, c. 256, § 8, eff. July 1, 1998. Amended by Laws 2003, c. 406, § 13, eff. July 1, 2003; Laws 2004, c. 542, § 7, eff. July 1, 2004; Laws 2006, 2nd Ex. Sess., c. 46, § 28, eff. July 1, 2006; Laws 2016, c. 8, § 7, emerg. eff. April 5, 2016.

§47-2-308. Payments on termination of membership - Reemployment.

A. A member who terminates his service before normal retirement date, other than by death or disability, shall, upon application filed with the Board, be entitled to be refunded from the fund an amount equal to the accumulated contributions the member has made to the fund, but excluding any interest or any amount contributed by the state. If such member has completed ten (10) years of credited service at the date of termination, the member may elect a vested benefit in lieu of receiving his accumulated contributions.

If the member who has completed ten (10) or more years of credited service elects the vested benefit, the member shall be entitled to a monthly retirement annuity commencing on the member's normal retirement date to be determined as if the member's employment continued uninterrupted. The annual amount of such retirement annuity shall be equal to two and one-half percent (2 1/2%) of final average salary multiplied by the number of years of credited service. The death benefits provided for under Section 2-306 of this title shall apply to any member retiring under the provisions of this subsection.

B. A member who terminated service before the normal retirement date of such member and elected a vested benefit in lieu of receiving accumulated contributions may upon reemployment be allowed full credit toward retirement for all credited service accrued for the vested benefit. This subsection shall apply to employees of the Oklahoma State Bureau of Investigation, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety and the Oklahoma Alcoholic Beverage Control Board whose benefits had vested in the Oklahoma Public Employees Retirement System prior to the establishment of the Oklahoma Law Enforcement Retirement System. Upon reemployment of said employee by an agency whose employees are now members of the Oklahoma Law Enforcement Retirement System, the Oklahoma Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement Retirement System all funds contributed by the individual member being reemployed and all funds contributed by the state for such member.

Added by Laws 1961, p. 335, § 2-308, eff. Sept. 1, 1961. Amended by Laws 1975, c. 365, § 6, operative July 1, 1975; Laws 1978, c. 310, § 2, emerg. eff. May 11, 1978; Laws 1980, c. 357, § 14, eff. July 1, 1980; Laws 1982, c. 328, § 6, operative July 1, 1982; Laws 2002, c. 399, § 6, eff. July 1, 2002.

§47-2-308.1. Election to defer commencement of retirement benefits.

Any member retiring under the provisions of the System shall have the opportunity to elect to defer the commencement of retirement benefits by one-year periods by an election in writing submitted to the Board not later than thirty (30) days prior to the member's normal retirement date or the member's actual retirement

date, whichever is later. Such elections may be made successively but may not be deferred later than age sixty-five (65). Retirement benefits payable to members electing to defer the commencement of payments shall be increased by five percent (5%) of the amount that would otherwise be paid for each year payments are deferred. Laws 1978, c. 310, § 3, emerg. eff. May 11, 1978; Laws 1980, c. 357, § 15, eff. July 1, 1980.

§47-2-308.2. Actuarial investigation - Establishment of tables and rates - Actuarial valuation of assets and liabilities - Determination of employer contributions.

A. At least once each five (5) years the actuary shall make an actuarial investigation of the experience of the System including the mortality, service and compensation experience of members and beneficiaries. Based on the results of such investigation the actuary shall recommend for adoption by the Board such tables and rates as are required for the operation of the System and for the preparation of annual actuarial valuations.

B. On the basis of such tables and rates as the Board shall adopt, the actuary shall prepare an annual actuarial valuation of the assets and liabilities of the System and certify the rates of contribution payable by the state under the provisions of law concerning the System.

C. Subject to the funds available to the System, the employer contributions to the System shall be determined on the basis of the most recent actuarial valuation, which amount shall be calculated as the sum of the normal cost for the fiscal year plus expected administrative expenses plus the payment required to amortize the unfunded accrued liability according to the amortization schedule recommended by the actuary and adopted by the Board.

Added by Laws 1978, c. 310, § 4, emerg. eff. May 11, 1978. Amended by Laws 1980, c. 357, § 16, eff. July 1, 1980; Laws 2014, c. 116, § 1, eff. July 1, 2014; Laws 2022, c. 80, § 2, eff. Nov. 1, 2022.

§47-2-309. Proceedings on claims - Appeal to district court.

Claims for pensions, retirement pay, medical expenses, hospital expenses, and any other allowances or benefits provided for under the System shall be allowed and paid only upon application therefor signed and verified by the affidavit of the person claiming to be entitled thereto, filed with the Board. All such claims shall be presented at the first regular meeting of the Board, or a special meeting called for that purpose by the President and Secretary of the Board, and no claim shall be approved or allowed except by vote of a majority of the Board. The Board shall have full power and authority to determine all questions of eligibility for membership in the System, eligibility for retirement, eligibility to continue membership, injury, illness, disability, the extent of disability,

the percentage of disability, ability or inability to perform the duties connected with any employment, age, length of service, credits for service, and, in connection with determining any such question, may secure and pay for the services of a minimum of two physicians or surgeons to make an examination of the member or applicant and report upon such matter. The proceedings of the Board shall be kept by the Secretary of the Board and reduced to writing in books kept for that purpose and shall include all claims filed, allowed or rejected and a copy of each resolution, action or order of the Board. Any objection to the allowance or disallowance of any claim presented to the Board shall be presented to the Board within thirty (30) days after notification of such allowance or disallowance, and, the Board shall set a date for hearing thereon and shall cause written notice of such hearing to be mailed to the claimant and to the contestant, if the contestant be one other than a member of the Board, not less than ten (10) days prior to such hearing, at which hearing evidence bearing upon the propriety and correctness of the claim may be introduced. Any and all evidence introduced upon such a hearing shall be taken and transcribed by, or under the supervision of, the Secretary of the Board, and a copy thereof, together with a copy of the order or decision of the Board, shall be kept as a part of the official record of the Board. Any person aggrieved by any action of the Board may appeal to the district court of Oklahoma County, Oklahoma, by filing in the office of the court clerk of said county, within thirty (30) days after the signing and filing of the Board's written decision or order in the matter, a petition setting forth such order or decision and the grounds upon which such appeal is taken, together with a true and complete transcript of the proceedings before the Board, and causing summons to be issued and served, as in civil actions, upon the President of the Board. Said district court is hereby vested with final appellate jurisdiction in such matters, shall try the same wholly upon the transcript of the proceedings before the Board, and shall act solely as an appellate court in such proceedings. Added by Laws 1961, p. 335, § 2-309, eff. Sept. 1, 1961. Amended by Laws 1975, c. 365, § 7, operative July 1, 1975; Laws 1980, c. 357, § 17, eff. July 1, 1980; Laws 1996, c. 315, § 2, eff. July 1, 1996.

§47-2-309.1. Officers of State Bureau of Investigation and Bureau of Narcotics and Dangerous Drugs Control - Transfer to System.

Officers of the Oklahoma State Bureau of Investigation and the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control who become members of the System on July 1, 1980, shall cease accruing benefits in the Oklahoma Public Employees Retirement System as of that date and shall commence accruing benefits under this System. The Oklahoma Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement System all funds contributed by the

individual members being transferred and all funds contributed by the state for such members, no later than October 1980. Also, the Oklahoma Public Employees Retirement System shall give to the Oklahoma Law Enforcement System a certified statement of credited service accrued by such transferred members. Service accrued by officers of the Oklahoma State Bureau of Investigation and the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control under the Oklahoma Public Employees Retirement System shall be treated as credited service under the Oklahoma Law Enforcement Retirement System.

Laws 1980, c. 357, § 18, eff. July 1, 1980.

§47-2-309.2. Employees of Communications Division and Waterways Patrol Division of Department of Public Safety - Transfer to System.

Employees of the Communications Division and Waterways Patrol Division of the Department of Public Safety who are members of the Oklahoma Public Employees Retirement System shall cease accruing benefits in the Oklahoma Public Employees Retirement System and shall commence accruing benefits under the Oklahoma Law Enforcement Retirement System on July 1, 1981. On January 1, 1982, the Oklahoma Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement Retirement System the actual amount contributed to the Oklahoma Public Employees Retirement System by the state and by each Communications Division and Waterways Patrol Division employee transferring to the Oklahoma Law Enforcement Retirement System and the retirement records of those transferring employees. Service accrued by employees of the Communications Division and Waterways Patrol Division of the Department of Public Safety under the Oklahoma Public Employees Retirement System shall be treated as credited service under the Oklahoma Law Enforcement Retirement System. Provided, however, that the cumulative total of credited service for such transferring employee shall not exceed the total time said employee could have accrued if his entire employment with the State of Oklahoma had been as an employee of the Department of Public Safety.

Laws 1981, c. 227, § 6, operative July 1, 1981.

§47-2-309.3. Law enforcement officers of the Oklahoma Alcoholic Beverage Control Board - Transfer to System.

Law enforcement officers of the Oklahoma Alcoholic Beverage Control Board who are members of the Oklahoma Public Employees Retirement System shall cease accruing benefits in the Oklahoma Public Employees Retirement System and shall commence accruing benefits under the Oklahoma Law Enforcement Retirement System on July 1, 1982. On January 1, 1983, the Oklahoma Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement Retirement System the actual amount contributed to the Oklahoma

Public Employees Retirement System by the state and by each law enforcement officer of the Oklahoma Alcoholic Beverage Control Board transferring to the Oklahoma Law Enforcement Retirement System and the retirement records of those transferring employees. Service accrued by said law enforcement officers of the Oklahoma Alcoholic Beverage Control Board under the Oklahoma Public Employees Retirement System shall be treated as credited service under the Oklahoma Law Enforcement Retirement System. Provided however, that the cumulative total of credited service for such transferring employee shall not exceed the total time said employee could have accrued if his entire employment with the State of Oklahoma had been as an employee of the Oklahoma Alcoholic Beverage Control Board. Added by Laws 1982, c. 328, § 7, operative July 1, 1982.

§47-2-309.4. Park rangers - Transfer to System.

Park rangers of the Oklahoma Tourism and Recreation Department who are certified peace officers pursuant to the provisions of Section 3311 of Title 70 of the Oklahoma Statutes and who are members of the Oklahoma Public Employees Retirement System shall cease accruing benefits in the Oklahoma Public Employees Retirement System and shall commence accruing benefits under the Oklahoma Law Enforcement Retirement System on July 1, 1985. On January 1, 1986, the Oklahoma Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement Retirement System the actual amount contributed to the Oklahoma Public Employees Retirement System by the state and by each park ranger of the Oklahoma Tourism and Recreation Department transferring to the Oklahoma Law Enforcement Retirement System and the retirement records of those transferring employees. Service accrued by said park rangers of the Oklahoma Tourism and Recreation Department under the Oklahoma Public Employees Retirement System shall be treated as credited service under the Oklahoma Law Enforcement Retirement System. Provided however, that the cumulative total of credited service for each such transferring employee shall not exceed the total time said employee could have accrued if his entire employment with the State of Oklahoma had been as an employee of the Oklahoma Tourism and Recreation Department.

Added by Laws 1985, c. 296, § 7, emerg. eff. July 24, 1985.

§47-2-309.5. Pharmacy board inspectors - Transfer to System.

Inspectors of the Oklahoma State Board of Pharmacy who are certified peace officers pursuant to the provisions of Section 3311 of Title 70 of the Oklahoma Statutes and who are members of the Oklahoma Public Employees Retirement System shall cease accruing benefits in the Oklahoma Public Employees Retirement System and shall commence accruing benefits under the Oklahoma Law Enforcement Retirement System on July 1, 1986. On January 1, 1987, the Oklahoma

Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement Retirement System the actual amount contributed to the Oklahoma Public Employees Retirement System by the state and by each inspector of the Oklahoma State Board of Pharmacy transferring to the Oklahoma Law Enforcement Retirement System and the retirement records of those transferring employees. Service accrued by said inspectors of the Oklahoma State Board of Pharmacy under the Oklahoma Public Employees Retirement System shall be treated as credited service under the Oklahoma Law Enforcement Retirement System. Provided however, that the cumulative total of credited service for each such transferring employee shall not exceed the total time said employee could have accrued if his entire employment with the State of Oklahoma had been as an employee of the Oklahoma State Board of Pharmacy.

Added by Laws 1986, c. 253, § 6, operative July 1, 1986.

§47-2-309.6. Capitol patrol members and park managers and supervisors - Transfer to Oklahoma Law Enforcement Retirement System from Oklahoma Public Employees Retirement System.

A. For purposes of this section, "capitol patrol members" means law enforcement officers of the State Capitol Division of the Department of Public Safety employed on July 1, 1993, who, pursuant to the provisions of this act, transfer membership from the Oklahoma Public Employees Retirement System to the Oklahoma Law Enforcement Retirement System.

B. Capitol patrol members are hereby transferred from the Oklahoma Public Employees Retirement System to the Oklahoma Law Enforcement Retirement System subject to the following:

1. Effective July 1, 1993, capitol patrol members who are members of the Oklahoma Public Employees Retirement System shall cease accruing benefits in the Oklahoma Public Employees Retirement System and shall commence accruing benefits in the Oklahoma Law Enforcement Retirement System;

2. Before January 1, 1994, the Oklahoma Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement Retirement System the actual amount contributed to the Oklahoma Public Employees Retirement System from time to time by the capitol patrol members while members of the Oklahoma Public Employees Retirement System and the contributions by the participating employer or employers on behalf of each capitol patrol member to the Oklahoma Law Enforcement Retirement System along with the retirement records of said transferring capitol patrol members;

3. Service credit accrued by a capitol patrol member while a member of the Oklahoma Public Employees Retirement System shall be treated as credited service for such transferring capitol patrol member in the Oklahoma Law Enforcement Retirement System if the capitol patrol member is not receiving or eligible to receive

service credit or benefits from said service in any other public retirement system and the member has not received service credit for the same years of service pursuant to Sections 2-307.1, 2-307.3 and 2-307.4 of Title 47 of the Oklahoma Statutes. Provided, however, that the total of credited service for each transferring employee shall not exceed the credited service said employee could have accrued if his or her entire employment with an agency of the State of Oklahoma had been as an employee of the Department of Public Safety. Provided further, that only transferred credited service related to actual law enforcement service with the State Capitol Patrol Division of the Department of Public Safety will be included in the determination of a capitol patrol member's normal retirement date or vesting date; and

4. All service credit with the Oklahoma Public Employees Retirement System which is ineligible for transfer to the Law Enforcement Retirement System shall be canceled.

C. Any park manager or park supervisor of the Oklahoma Tourism and Recreation Department who was employed in such a position prior to July 1, 1985, and who elects on or before September 1, 1996, to participate in the Oklahoma Law Enforcement Retirement System is hereby transferred from the Oklahoma Public Employees Retirement System to the Oklahoma Law Enforcement Retirement System subject to the following:

1. Effective July 1, 1996, park managers and park supervisors who are members of the Oklahoma Public Employees Retirement System and who elect on or before September 1, 1996, to participate in the Oklahoma Law Enforcement Retirement System shall cease accruing benefits in the Oklahoma Public Employees Retirement System and shall commence accruing benefits in the Oklahoma Law Enforcement Retirement System;

2. Before January 1, 1997, the Oklahoma Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement Retirement System the actual amount contributed to the Oklahoma Public Employees Retirement System by the park manager or park supervisor while he or she was a member of the Oklahoma Public Employees Retirement System and the contributions by the participating employer or employers on behalf of each park manager or park supervisor who elects to become a member of the Oklahoma Law Enforcement Retirement System along with the retirement records of said transferring park manager or park supervisor;

3. To receive service credit accrued by such park manager or park supervisor prior to July 1, 1996, or prior to the date as of which the person making the election ceases to be a member of the Oklahoma Public Employees Retirement System, whichever date occurs last, the member shall pay the difference between the amount transferred by the Oklahoma Public Employees Retirement System to the Oklahoma Law Enforcement Retirement System in paragraph 2 of

this subsection and the amount determined by the Board of Trustees pursuant to Section 2-307.5 of this title. The park manager or park supervisor shall elect to either pay any difference to receive full credit for the years sought to be transferred or receive prorated service credit for only the amount received from the Oklahoma Public Employees Retirement System pursuant to this subsection. Such an election shall be made in writing, filed with the System prior to receiving the credit provided for in paragraph 10 of Section 2-300 of this title, and shall be irrevocable. Payments made by park managers or park supervisors pursuant to this paragraph shall be made on or before January 1, 1997;

4. Service credit accrued by a park manager or park supervisor while a member of the Oklahoma Public Employees Retirement System shall be treated as credited service for such transferring park managers or park supervisors in the Oklahoma Law Enforcement Retirement System if the park manager or park supervisor is not receiving or eligible to receive service credit or benefits from said service in any other public retirement system and the member has not received service credit for the same years of service pursuant to Sections 2-307.1, 2-307.3 and 2-307.4 of this title. Provided, however, that the total of credited service for each transferring employee shall not exceed the credited service the employee could have accrued if his or her entire employment with an agency of the State of Oklahoma had been as an employee of the Oklahoma Tourism and Recreation Department. Provided further, that only transferred credited service related to park ranger, park manager or park supervisor service with the Oklahoma Tourism and Recreation Department will be included in the determination of a park manager or park supervisor's normal retirement date or vesting date; and

5. All service credit with the Oklahoma Public Employees Retirement System which is ineligible for transfer to the Oklahoma Law Enforcement Retirement System shall be canceled. Added by Laws 1993, c. 277, § 2, eff. July 1, 1993. Amended by Laws 1996, c. 60, § 2, eff. July 1, 1996.

§47-2-309.7. Repealed by Laws 2007, c. 62, § 34, emerg. eff. April 30, 2007.

§47-2-309.8. Service credit.

A. Any state employee who is employed in a commissioned officer position of the Oklahoma Highway Patrol Division, the Oklahoma State Bureau of Investigation, the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic Beverage Laws Enforcement Commission, a Parks Ranger of the Tourism and Recreation Department, and a Pharmacy Inspector of the Pharmacy Board shall be eligible for service credit for employment prior to July 1, 1993, if the employee

was in a commissioned officer position in the former Oklahoma Capitol Patrol Division, the former Mansion Security, and the former Training Center Security of the Department of Public Safety and the employee was a full-time, active employee eligible for all state employee benefits.

B. An eligible member of the System shall receive credit for all prior service as provided in subsection A of this section, provided the member is not receiving or eligible to receive retirement credit or benefits for such service in any other public retirement system. Service credit received pursuant to this section shall be used in determining the years of service for retirement and vesting purposes.

C. To receive credit for such service, an eligible member, as provided in this section, who became a member of the System prior to July 1, 1993, shall make application to the Board in writing for such service prior to July 1, 2002.

Added by Laws 2000, c. 378, § 3, eff. July 1, 2000. Renumbered from § 309.8 of this title by Laws 2001, c. 131, § 18, eff. July 1, 2001. Amended by Laws 2001, c. 435, § 5, eff. July 1, 2001; Laws 2008, c. 177, § 13, eff. July 1, 2008.

§47-2-309.9. Commissioned or CLEET-certified agents of the Office of the Attorney General.

Commissioned or CLEET-certified agents of the Office of the Attorney General who are hired on or after July 1, 2024, shall participate in and make contributions to the Oklahoma Law Enforcement Retirement System as other participating employers and members of the System. Such employees shall not make contributions to any plan offered by the Oklahoma Public Employees Retirement System, other than the Oklahoma State Employees Deferred Compensation Plan and the Oklahoma State Employees Deferred Savings Incentive Plan. The Office of the Attorney General shall be a participating employer in the Oklahoma Law Enforcement Retirement System for all Office of the Attorney General commissioned or CLEET-certified agents who participate in the Oklahoma Law Enforcement Retirement System pursuant to the provisions of this section.

Added by Laws 2024, c. 361, § 3, eff. July 1, 2024.

§47-2-309.10. Commissioned or CLEET-certified agents of the Military Department of the State of Oklahoma.

Commissioned or CLEET-certified agents of the Military Department of the State of Oklahoma who are hired on or after July 1, 2024, shall participate in and make contributions to the Oklahoma Law Enforcement Retirement System as other participating employers and members of the System. Such employees shall not make contributions to any plan offered by the Oklahoma Public Employees Retirement System, other than the Oklahoma State Employees Deferred

Compensation Plan and the Oklahoma State Employees Deferred Savings Incentive Plan. The Department shall be a participating employer in the Oklahoma Law Enforcement Retirement System for all Military Department of the State of Oklahoma commissioned or CLEET-certified agents who participate in the Oklahoma Law Enforcement Retirement System pursuant to the provisions of this section.
Added by Laws 2024, c. 361, § 4, eff. July 1, 2024.

§47-2-310. Repealed by Laws 2004, c. 542, § 8, eff. July 1, 2004.

§47-2-310.1. Injury in the line of duty - Injury Review Board - Paid leave - Accrual of leave and service credit, deductions.

A. Whenever any member currently working in a position identified by paragraph 6 of Section 2-300 of this title or Section 2-314 of this title and enrolled in the Oklahoma Law Enforcement Retirement System is injured in the line of duty, an Injury Review Board consisting of one member to be appointed by the member's employer, one member to be appointed by the Director of the Office of Management and Enterprise Services and one member to be appointed by the Governor shall convene to determine if the injured member was actually injured in the line of duty and whether the injured member should be granted leave because of the injury. The Injury Review Board may, in its discretion, grant the injured member leave when necessary, not to exceed one hundred sixty-five (165) working days for the illness or injury.

B. For the purpose of this section, "illness or injury" shall include any serious illness or serious injury caused by or contracted during the performance of the member's duty. Every state agency which employs persons eligible for membership in the Oklahoma Law Enforcement Retirement System shall participate in the joint promulgation of a rule which shall set out mutually agreeable guidelines for the categorization of an illness or injury as serious. Upon promulgation of the rule, each of the state agencies shall individually adopt the rule. The wording of the rule, as adopted and as amended by the agencies from time to time, shall remain in conformity for each of the state agencies.

C. The three-member Injury Review Board shall be convened following a written request submitted by the injured member to the injured member's employer. The employer shall forward the request to the Director of the Office of Management and Enterprise Services. The employer may submit the request on behalf of an injured member. The Director's appointee shall then convene and chair the Injury Review Board. The Injury Review Board may request the injured member to submit to an examination by a physician selected by the Board at the employer's expense to assist the Board in making a decision. A decision to grant or deny such paid leave shall be determined by concurrence in writing of not less than two Injury

Review Board members. If granted, said leave shall be paid by the employing agency.

D. While such leave is being paid, the employee shall continue to accrue leave and service credit at the same rate as before the illness or injury. The employee's portion of health, dental, life and disability insurance premiums and the employee's contribution to the Oklahoma Law Enforcement Retirement System shall be deducted by the employing agency from the paid leave and remitted to the appropriate agencies, in the same manner as before the illness or injury.

Added by Laws 1988, c. 267, § 26, operative July 1, 1988. Amended by Laws 1995, c. 294, § 3, eff. July 1, 1995; Laws 2002, c. 399, § 7, eff. July 1, 2002; Laws 2003, c. 486, § 2, eff. July 1, 2003; Laws 2004, c. 418, § 7, eff. July 1, 2004; Laws 2006, 2nd Ex. Sess., c. 46, § 29, eff. July 1, 2006; Laws 2012, c. 304, § 173.

§47-2-310.2. Law Enforcement Retirement System members - Inability to perform duties - Administrative leave with pay - Transfer of temporary disability benefits.

Whenever any member of the Oklahoma Law Enforcement Retirement System currently working in a position identified by paragraph 6 of Section 2-300 of this title who is enrolled in the Oklahoma Law Enforcement Retirement System is unable to perform the member's duties because of sickness or temporary disability caused or sustained while in the discharge of the member's duty as such member, notwithstanding the provisions of Section 840-2.21 of Title 74 of the Oklahoma Statutes or the provisions of Title 85A of the Oklahoma Statutes, the member may be placed on administrative leave with pay by the employing agency for a period of ninety (90) days with the employing agency having the option of extending the leave period for up to an additional ninety (90) days, not to exceed a total of one hundred eighty (180) days. The member's salary and benefits shall continue to be paid by the employing agency without any decrease or disruption of the salary and benefits. If the recovery period is longer than one hundred eighty (180) days, the member shall use sick leave, annual leave or other authorized leave. Should a member receiving a salary under this section be eligible to receive and should the salary of the member under this section exceed any temporary disability benefit paid to the member under Section 1 et seq. of Title 85A of the Oklahoma Statutes, the member shall transfer such temporary disability benefits under Section 1 et seq. of Title 85A of the Oklahoma Statutes to the employing agency while the member is sick or temporarily disabled.

Added by Laws 2006, 2nd Ex. Sess., c. 46, § 30, eff. July 1, 2006. Renumbered from § 840-2.21A of Title 74 by Laws 2007, c. 62, § 29, emerg. eff. April 30, 2007. Amended by Laws 2021, c. 96, § 2.

§47-2-311. Repealed by Laws 1988, c. 321, § 45, operative July 1, 1988.

§47-2-312. Fraud - Penalties.

(a) No person shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of the System, in any attempt to defraud such System.

(b) Should any such change in records fraudulently made, or any mistake in records inadvertently made, result in any member or beneficiary of said System receiving or paying more or less than he would have been entitled to had the records been correct, then, on the discovery of such error, the Board shall correct such error and shall adjust payments which he should have paid or received.

(c) Any person violating any provisions of subsection (a) of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

Laws 1961, p. 336, § 2-312; Laws 1980, c. 357, § 21, eff. July 1, 1980.

§47-2-313. Renumbered as § 2-150 of this title by Laws 2000, c. 378, § 5, eff. Jan. 1, 2001.

§47-2-314. Election for limited participation by certain universities.

A. The Board of Regents of the University of Oklahoma and/or the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges may make an irrevocable written election for the University of Oklahoma and/or Oklahoma State University to become participating employers in the Oklahoma Law Enforcement Retirement System for police officers who are CLEET certified and employed by the University of Oklahoma and/or Oklahoma State University. The Board of Regents of the University of Oklahoma and/or the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges shall send written notice of the election to the Oklahoma Law Enforcement Retirement System.

B. Beginning the following month after the System receives the written notice, the University of Oklahoma and/or Oklahoma State University and all active police officers who are CLEET certified and hired on or after the date of the election shall participate in and make contributions to the System as other participating employers and members of the System.

C. Upon election by the Board, pursuant to subsection A of this section, active CLEET certified police employed prior to the date of the election and who were participating in the Teachers' Retirement System of Oklahoma, may, within three (3) months of the date of the

election, make an irrevocable written election to participate in the Oklahoma Law Enforcement Retirement System and file the written election with the Teachers' Retirement System of Oklahoma and the Oklahoma Law Enforcement Retirement System. Such police officers who make the election to transfer shall be transferred to the Oklahoma Law Enforcement Retirement System subject to the following:

1. Upon the date of election of the police officer, the police officer shall cease accruing benefits in the Teachers' Retirement System of Oklahoma and shall commence accruing benefits in the Oklahoma Law Enforcement Retirement System;

2. Prior to the beginning of the month following receipt of the police officers' election by Teachers' Retirement System of Oklahoma, the Teachers' Retirement System of Oklahoma shall transfer to the Oklahoma Law Enforcement Retirement System all employee contributions and employer contributions plus accrued interest. The Teachers' Retirement System of Oklahoma shall also send to the Oklahoma Law Enforcement Retirement System the retirement records of the transferring police officer;

3. To receive service credit accrued by such police officer prior to the election, or prior to the date as of which the person making the election ceases to be a member of the Teachers' Retirement System of Oklahoma, whichever date occurs last, the member shall pay the difference between the amount transferred by the Teachers' Retirement System of Oklahoma to the Oklahoma Law Enforcement Retirement System in paragraph 2 of this subsection and the amount determined by the Board of Trustees pursuant to Section 2-307.5 of Title 47 of the Oklahoma Statutes. The police officer shall elect to either pay any difference to receive full credit for the years sought to be transferred or receive prorated service credit for only the amount received from the Teachers' Retirement System of Oklahoma pursuant to this subsection. Payments made by electing police officers pursuant to this paragraph shall be made pursuant to subsection B of Section 2-307.5 of Title 47 of the Oklahoma Statutes;

4. Service credit accrued by a police officer while a member of the Teachers' Retirement System of Oklahoma shall be treated as credited service for such transferring police officer in the Teachers' Retirement System of Oklahoma if the police officer is not receiving or eligible to receive service credit or benefits from said service in any other public retirement system and the member has not received service credit for the same years of service pursuant to Sections 2-307.1, 2-307.3 and 2-307.4 of Title 47 of the Oklahoma Statutes. Provided further, that only transferred credited service related to police service with the University of Oklahoma or Oklahoma State University shall be included in the determination of a police officer's normal retirement date or vesting date; and

5. All service credit with the Teachers' Retirement System of Oklahoma which is ineligible for transfer to the Oklahoma Law Enforcement Retirement System shall be canceled.

D. Upon election by the Board, pursuant to subsection A of this section, active CLEET certified police officers employed prior to the date of the election and who were not participating in the Teachers' Retirement System of Oklahoma, may, within three (3) months of the date of the election, make an irrevocable written election to participate in the Oklahoma Law Enforcement Retirement System and file the written election with the Oklahoma Law Enforcement Retirement System. Beginning the following month after the System for such police officers receives the police officer's written election, the University of Oklahoma and/or Oklahoma State University and the electing police officer shall participate and make contributions to the System as other participating employers and members of the System.

Added by Laws 2001, c. 193, § 1, eff. July 1, 2001.

§47-2-315. Certain employees of Grand River Dam Authority -
Election to participate

A. Members of the Oklahoma Public Employees Retirement System who are active Lake Patrolmen or Dispatchers of the Grand River Dam Authority on June 30, 2003, may make an irrevocable written election on or before January 1, 2004, to participate in the Oklahoma Law Enforcement Retirement System. Such patrolmen and dispatchers who make the election as provided by this section shall be subject to the following:

1. Upon the date the patrolman or dispatcher makes the election pursuant to this section, he or she shall cease accruing benefits in the Oklahoma Public Employees Retirement System and shall commence accruing benefits in the Oklahoma Law Enforcement Retirement System;

2. Prior to the beginning of the month following receipt of the patrolman's or dispatcher's election by the Oklahoma Public Employees Retirement System, the Oklahoma Public Employees Retirement System shall transfer to the Oklahoma Law Enforcement Retirement System all employee contributions and employer contributions including any amounts received by the Oklahoma Public Employees Retirement System on behalf of a transferring member related to a purchase or transfer of credited service to the Oklahoma Public Employees Retirement System. The Oklahoma Public Employees Retirement System shall also send to the Oklahoma Law Enforcement Retirement System the retirement records of the transferring member;

3. To receive service credit accrued by such transferring member prior to the election, or prior to the date as of which the person making the election ceases to be a member of the Oklahoma Public Employees Retirement System, whichever date occurs last, the

member shall make an irrevocable written election. The election shall be to either pay the difference between the amount transferred by the Oklahoma Public Employees Retirement System to the Oklahoma Law Enforcement Retirement System in paragraph 2 of this subsection and the amount determined by the Board of Trustees pursuant to Section 2-307.5 of Title 47 of the Oklahoma Statutes to receive full eligible credit for the years sought to be transferred or receive eligible prorated service credit for only the amount received from the Oklahoma Public Employees Retirement System pursuant to this subsection. Payments made by such transferring members pursuant to this paragraph shall be made pursuant to subsection B of Section 2-307.5 of Title 47 of the Oklahoma Statutes;

4. Service credit shall only be transferable pursuant to this section if the transferring member is not receiving or eligible to receive service credit or benefits from said service in any other public retirement system and has not received service credit for the same years of service pursuant to Sections 2-307.1, 2-307.3 and 2-307.4 of Title 47 of the Oklahoma Statutes. Provided further, that only transferred credited service related to Lake Patrol service as a patrolman or dispatcher with the Grand River Dam Authority and any other law enforcement related service, including service with the Department of Corrections as a correctional officer or probation and parole officer or any credited service that was purchased or transferred to the Oklahoma Public Employees Retirement System from the Oklahoma Law Enforcement Retirement System or the Oklahoma Police Pension and Retirement System, shall be included in the determination of an officer's normal retirement date or vesting date in the Oklahoma Law Enforcement Retirement System; and

5. All service credit with the Oklahoma Public Employees Retirement System which is ineligible for transfer to the Oklahoma Law Enforcement Retirement System shall be canceled.

B. The Grand River Dam Authority shall be a participating employer in the Oklahoma Law Enforcement Retirement System for all Grand River Dam Lake Patrolmen and Dispatchers who participate in the Oklahoma Law Enforcement Retirement System pursuant to the provisions of this section.

Added by Laws 2003, c. 459, § 8. Amended by Laws 2016, c. 297, § 23, eff. July 1, 2016.

§47-2-316. Oklahoma Blue Alert Act.

A. This act shall be known and may be cited as the "Oklahoma Blue Alert Act".

B. As used in this act, "law enforcement officer" means any duly appointed person who is charged with the responsibility of maintaining public order, safety and health by the enforcement of all laws, ordinances or orders of this state or any of its political subdivisions and who is authorized to bear arms in execution of his

or her responsibilities including reserve force deputies, reserve municipal police officers and tribal law enforcement officers who are commissioned pursuant to an agreement authorized by Section 1221 of Title 74 of the Oklahoma Statutes.

C. The Department of Public Safety shall develop and implement a statewide blue alert system. The statewide blue alert system shall be designed to rapidly disseminate useful information in a predetermined manner to statewide media outlets.

D. The Commissioner of Public Safety shall be the statewide coordinator of the blue alert system. The Commissioner shall adopt rules and issue directives as necessary to ensure proper implementation of the alert. An Oklahoma Blue Alert shall be activated only in accordance with policies established by the Department of Public Safety and if all of the following conditions apply:

1. A law enforcement officer has been killed or seriously injured and the law enforcement agency investigating the incident has information identifying an individual as a suspect connected to the incident;

2. The law enforcement agency that is investigating the suspect determines that the suspect poses a serious risk or threat to the public and other law enforcement personnel;

3. The law enforcement agency investigating the suspect has obtained either:

- a. the name of the suspect,
- b. a detailed physical description of the suspect, or
- c. a description of the vehicle of the suspect, vehicle registration plate numbers or letters or partial vehicle registration plate numbers or letters; and

4. The law enforcement agency investigating the suspect recommends that the Department of Public Safety activate the Blue Alert.

E. The Commissioner may notify authorities and entities outside the State of Oklahoma upon verification that the criteria established under this section have been met.

F. The Commissioner shall annually review the function of the blue alert system and revise its criteria and procedures to provide for efficient and effective statewide public notification.

Added by Laws 2016, c. 200, § 1, eff. Nov. 1, 2016.

§47-3-101. Creation of Service Oklahoma.

A. Service Oklahoma is hereby created, which shall consist of the Executive Director of Service Oklahoma and such divisions, sections, committees, offices, boards, and positions as may be established by the Executive Director of Service Oklahoma or by law.

The applicable powers, duties, and responsibilities exercised by the Driver License Services Division of the Department of Public

Safety shall be fully transferred to Service Oklahoma on November 1, 2022. All employees of the Department of Public Safety whose duties are transferred under this act shall be transferred to Service Oklahoma.

The applicable powers, duties, and responsibilities exercised by the Motor Services Division of the Oklahoma Tax Commission shall be fully transferred to Service Oklahoma on January 1, 2023. All employees of the Oklahoma Tax Commission whose duties are transferred under this act shall be transferred to Service Oklahoma.

B. 1. Beginning November 1, 2023, Service Oklahoma shall cease to be part of or a division of the Office of Management and Enterprise Services and shall be deemed to be a separate and distinct agency, to be known as Service Oklahoma. Service Oklahoma and the Director of Service Oklahoma shall continue to exercise their statutory powers, duties, and contractual responsibilities. All records, property, equipment, assets, monies, financial interests, liabilities, matters pending, and funds of the division shall be transferred to Service Oklahoma.

2. Service Oklahoma shall succeed to any contractual rights or responsibilities incurred by the Office of Management and Enterprise Services pertaining to licensed operators.

3. Rules promulgated by the Office of Management and Enterprise Services pertaining to Service Oklahoma that are in effect on the effective date of this act shall be immediately adopted and enforced by the Executive Director of Service Oklahoma. The Executive Director maintains the authority to further promulgate and enforce rules.

4. The Office of Management and Enterprise Services and Service Oklahoma may enter into an agreement for the transfer of personnel from the Office of Management and Enterprise Services to Service Oklahoma. No employee shall be transferred to Service Oklahoma except on the freely given written consent of the employee. All employees who are transferred to Service Oklahoma shall not be required to accept a lesser grade or salary than presently received. All employees shall retain leave, sick, and annual time earned, and any retirement and longevity benefits which have accrued during their tenure with the Office of Management and Enterprise Services. The transfer of personnel between the state agencies shall be coordinated with the Office of Management and Enterprise Services.

5. The expenses incurred by Service Oklahoma as a result of the transfer required by this subsection shall be paid by Service Oklahoma.

6. The division within the Department known as Service Oklahoma shall be abolished by the Office of Management and Enterprise Services after the transfer has been completed.

7. The Office of Management and Enterprise Services shall coordinate the transfer of records, property, equipment, assets,

funds, allotments, purchase orders, liabilities, outstanding financial obligations, or encumbrances provided for in this subsection.

Added by Laws 2022, c. 282, § 1, emerg. eff. May 19, 2022. Amended by Laws 2023, 1st Ex. Sess., c. 47, § 2, eff. July 1, 2023.

§47-3-102. Definitions.

As used in this act:

1. "Board" shall mean the Service Oklahoma Operator Board;
2. "Committee" shall mean the Licensed Operator Advisory Committee;
3. "Director" shall mean the chief executive officer of Service Oklahoma;
4. "Good standing" shall mean a licensed operator is current on all required reporting and remittances and whose license is not under review for revocation by the Service Oklahoma Operator Board;
5. "License" shall mean the authority granted by the Service Oklahoma Operator Board to an individual for purposes of operating a Service Oklahoma location;
6. "Licensed operator" shall mean any person licensed by the Service Oklahoma Operator Board or designated or authorized to collect the fees and enforce the provisions related to the fulfillment of designated services to be rendered by Service Oklahoma. Any reference to motor license agent in the Oklahoma Statutes shall mean licensed operator;
7. "Person" shall mean any individual, copartner, joint venture, association, corporation, limited liability company, estate, trust, business trust, syndicate, the State of Oklahoma, Service Oklahoma, or any county, city, municipality, school district or other political subdivision thereof, or any group or combination acting as a unit, or any receiver appointed by the state or federal court; and
8. "Service Oklahoma location" shall mean any location where services offered by Service Oklahoma are provided including locations operated by either Service Oklahoma or pursuant to a license issued by Service Oklahoma.

Added by Laws 2022, c. 282, § 2, emerg. eff. May 19, 2022. Amended by Laws 2024, c. 11, § 1, emerg. eff. April 18, 2024.

§47-3-103. Executive Director of Service Oklahoma.

A. The Executive Director of Service Oklahoma shall be appointed by the Governor with the advice and consent of the Senate. The Executive Director shall serve at the pleasure of the Governor and may be removed or replaced without cause. Compensation for the Executive Director shall be determined pursuant to Section 3601.2 of Title 74 of the Oklahoma Statutes. The Executive Director may be removed from office by a two-thirds (2/3) vote of the members

elected to and constituting each chamber of the Oklahoma Legislature.

B. The Executive Director of Service Oklahoma shall be the chief executive officer of Service Oklahoma and shall act for Service Oklahoma in all matters except as may be otherwise provided by law. The powers and duties of the Executive Director shall include, but not be limited to:

1. Organize Service Oklahoma in a manner to efficiently achieve the objectives of Service Oklahoma;

2. Supervise all activities of Service Oklahoma;

3. Administer programs and policies of Service Oklahoma;

4. Employ, discharge, appoint, contract, and fix duties and compensation of employees at the discretion of the Executive Director;

5. Appoint assistants, deputies, officers, investigators, attorneys, and other employees as may be necessary to carry out functions of Service Oklahoma;

6. Prescribe rules and regulations for the operation of Service Oklahoma;

7. Provide input and recommendations to the Service Oklahoma Operator Board on all matters including branding and physical standardization requirements, customer service metrics, analysis, and improvement processes for licensed operators, and processes for termination of licensed operators for failure to comply with the customer service metrics;

8. Establish internal policies and procedures;

9. Prescribe and provide suitable forms deemed necessary to carry out the functions of Service Oklahoma and any other laws the enforcement and administration of which are vested in Service Oklahoma;

10. Establish such divisions, sections, committees, advisory committees, offices, and positions in Service Oklahoma as the Executive Director deems necessary to carry out the functions of Service Oklahoma;

11. Accept and disburse grants, allotments, gifts, devises, bequests, funds, appropriations, and other property made or offered to Service Oklahoma; and

12. Create the budget for Service Oklahoma to be submitted to the Legislature each year.

C. The salary and other expenses for the Executive Director shall be budgeted as a separate line item through Service Oklahoma. The operating expenses of Service Oklahoma shall be set by the Executive Director and shall be budgeted as a separate line item through Service Oklahoma.

D. 1. The Executive Director of Service Oklahoma shall direct all purchases, hiring, procurement, and budget for Service Oklahoma and establish, implement, and enforce policies and procedures

related thereto, consistent with the Oklahoma Central Purchasing Act. Service Oklahoma and the Executive Director shall be subject to the requirements of the Public Competitive Bidding Act of 1974, the Oklahoma Lighting Energy Conservation Act, and the Public Facilities Act.

2. The Executive Director of Service Oklahoma, or any employee or agent of the Executive Director of Service Oklahoma acting within the scope of delegated authority, shall have the same power and authority related to purchases, hiring, procurement, and budget for Service Oklahoma as outlined in paragraph 1 of this subsection for Service Oklahoma as the State Purchasing Director has for all acquisitions used or consumed by state agencies as established in the Oklahoma Central Purchasing Act. Such authority shall, consistent with the authority granted to the State Purchasing Director, include the power to designate financial or proprietary information submitted by a bidder confidential and reject all requests to disclose the information so designated, if the Executive Director of Service Oklahoma requires the bidder to submit the financial or proprietary information with a bid, proposal, or quotation.

E. Service Oklahoma shall determine the compensation to be retained by licensed operators.

1. Before the last day in September in every even-numbered year, Service Oklahoma shall review the compensation paid to licensed operators and, if necessary, change the compensation. Service Oklahoma shall engage an independent third party to evaluate the compensation paid to licensed operators who shall provide any recommendations no later than November 1 in the even-numbered year. Any recommended change in licensed operator compensation shall be finalized by Service Oklahoma no later than the third Tuesday of November in the even-numbered year. Notice of such recommendation shall be provided to the Governor, the President Pro Tempore and the Chair of the Appropriations Committee of the Senate, and the Speaker and the Chair of the Appropriations and Budget Committee of the House of Representatives.

2. Any change in licensed operator compensation, unless rejected or amended as provided by this subsection, shall become effective on July 1 of the following calendar year. Any amendment passed by a majority vote of each house of the Legislature shall become effective as provided by the amendment unless vetoed by the Governor.

Added by Laws 2022, c. 282, § 3, emerg. eff. May 19, 2022. Amended by Laws 2023, 1st Ex. Sess., c. 47, § 3, eff. July 1, 2023.

§47-3-104. Service Oklahoma Operator Board.

A. There is hereby created the Service Oklahoma Operator Board, which shall be an advisory body to the Director of Service Oklahoma

and shall consist of nine (9) members who shall each serve a term of two (2) years.

B. The membership of the Board shall be comprised as follows:

1. Two members appointed by the Governor;

2. Two members appointed by the President Pro Tempore of the Oklahoma State Senate;

3. Two members appointed by the Speaker of the Oklahoma House of Representatives;

4. One member who shall be a licensed operator, currently in good standing with Service Oklahoma, who operates a Service Oklahoma location in a county with a population of one hundred thousand (100,000) or more, according to the latest Federal Decennial Census data, who shall be appointed by the President Pro Tempore of the Senate;

5. One member who shall be a licensed operator, currently in good standing with Service Oklahoma, who operates a Service Oklahoma location in a county with a population of less than one hundred thousand (100,000), according to the latest Federal Decennial Census data, who shall be appointed by the Speaker of the House of Representatives; and

6. One member who shall be the Director of Service Oklahoma or a person designated by the Director.

C. 1. Appointments to the initial Service Oklahoma Operator Board shall be made within forty-five (45) days of the effective date of this act.

2. The Director of Service Oklahoma shall make the initial appointment to fill the position of chair of the Licensed Operator Advisory Committee. This appointee shall only serve until the chair of the Licensed Operator Advisory Committee is determined.

3. Each member shall serve at the pleasure of his or her appointing authority and may be removed or replaced without cause.

4. Any member of the Board shall be prohibited from voting on any issue in which the member has a direct financial interest.

D. The Board shall have the power and duty to:

1. Approve guidelines, objectives, and performance standards for licensed operators;

2. Establish branding and physical standardization requirements, with the input and recommendation of the Director of Service Oklahoma;

3. Establish customer service metrics, analysis, and improvement processes for licensed operators, and processes for termination of licensed operators for failure to comply with the customer service metrics, with the input and recommendation of the Director of Service Oklahoma;

4. Make recommendations to the Director of Service Oklahoma on all matters related to licensed operators;

5. Assist Service Oklahoma in conducting periodic reviews related to the goals, objectives, priorities, and policies related to licensed operators; and

6. Establish rules and qualifications for members of the Licensed Operator Advisory Committee.

E. The Board shall hold meetings as necessary at a place and time to be fixed by the Board. The Board shall elect, at its first meeting, one member to serve as chair and one member to serve as vice-chair. At the first meeting in each calendar year, the chair and vice-chair for the ensuing year shall be elected by the Board. Special meetings may be called by the chair or by four members of the Board by delivery of written notice to each member of the Board.

F. A majority of the members of the Board shall constitute a quorum for the transaction of business and taking any official actions. Official action of the Board shall require a favorable vote by a majority of the members present.

G. Members of the Board shall serve without compensation but shall be reimbursed for expenses incurred in the performance of their duties in accordance with the provisions of the State Travel Reimbursement Act.

H. The Board shall act in accordance with the provisions of the Oklahoma Open Records Act and the Administrative Procedures Act. Added by Laws 2022, c. 282, § 4, emerg. eff. May 19, 2022.

§47-3-105. Licensed Operator Advisory Committee.

A. To assist and advise the Service Oklahoma Operator Board, a Licensed Operator Advisory Committee is hereby created.

B. The Licensed Operator Advisory Committee shall consist of seven (7) members appointed by the Service Oklahoma Operator Board as follows:

1. Two members who shall be licensed operators, appointed by the Service Oklahoma Operator Board, from counties with a population under thirty thousand (30,000) according to the latest Federal Decennial Census data;

2. Two members who are licensed operators, appointed by the Service Oklahoma Operator Board, from counties with a population between thirty thousand one (30,001) and one hundred thousand (100,000) according to the latest Federal Decennial Census data;

3. Two members who are licensed operators, appointed by the Service Oklahoma Operator Board, from counties with a population over one hundred thousand (100,000) according to the latest Federal Decennial Census data; and

4. One member who shall be an employee of Service Oklahoma, appointed by the Director of Service Oklahoma.

C. Members appointed to the first Licensed Operator Advisory Committee shall serve the following terms:

1. The Service Oklahoma Operator Board shall select one member appointed pursuant to the provisions of paragraph 1 of subsection B of this section, one member appointed pursuant to the provisions of paragraph 2 of subsection B of this section, and one member appointed pursuant to the provisions of paragraph 3 of subsection B of this section to serve two-year terms. Subsequent appointments shall serve two-year terms;

2. The Service Oklahoma Operator Board shall select one member appointed pursuant to the provisions of paragraph 1 of subsection B of this section, one member appointed pursuant to the provisions of paragraph 2 of subsection B of this section, and one member appointed pursuant to the provisions of paragraph 3 of subsection B of this section to serve three-year terms. Subsequent appointments shall serve two-year terms; and

3. The member appointed pursuant to the provisions of paragraph 4 of subsection B of this section shall serve a two-year term. All subsequent appointments shall serve two-year terms.

D. Members of the Licensed Operator Advisory Committee shall serve at the pleasure of his or her appointing authority and may be removed or replaced with or without cause.

E. Any vacancy shall be filled in the same manner as original appointments.

F. The Service Oklahoma Operator Board has the authority to determine the qualifications and duties of the members of the Licensed Operator Advisory Committee.

Added by Laws 2022, c. 282, § 5, emerg. eff. May 19, 2022.

§47-3-106. Service Oklahoma Revolving Fund – Service Oklahoma Reimbursement Fund – Licensed Operator Performance Fund – Petty Cash Fund.

A. There is hereby created in the State Treasury a revolving fund for Service Oklahoma to be designated the "Service Oklahoma Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. All monies accruing to the credit of the fund are hereby appropriated and shall be budgeted and expended by Service Oklahoma for the restricted purposes of the monies as prescribed by law. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

B. There is hereby created in the State Treasury a revolving fund for Service Oklahoma to be designated the "Service Oklahoma Reimbursement Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. All monies accruing to the credit of the fund are hereby appropriated and shall be budgeted and expended by Service Oklahoma for the restricted purposes of the monies as prescribed by law. Expenditures from the fund shall be

made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

C. There is hereby created in the State Treasury a revolving fund for Service Oklahoma, to be designated the "Service Oklahoma Computer Imaging System Revolving Fund". The fund shall be a continuing fund not subject to fiscal year limitations. All monies accruing to the credit of the fund are hereby appropriated and shall be budgeted and expended by Service Oklahoma for the purpose of implementing, developing, administering, and maintaining the computer imaging system of Service Oklahoma. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

D. There is hereby created in the State Treasury a revolving fund for Service Oklahoma to be designated the "Licensed Operator Performance Fund". This fund shall be a continuing fund not subject to fiscal year limitations. All monies accruing to the credit of the fund are hereby appropriated and shall be budgeted and expended by Service Oklahoma for the restricted purposes of the monies as prescribed by law. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

1. The Licensed Operator Performance Fund shall be distributed to licensed operators in accordance with the applicable metrics determined by Service Oklahoma.

2. In the event that excess funds exist in the Licensed Operator Performance Fund after distribution to licensed operators pursuant to this subsection, the remaining funds are authorized to be expended for the purpose of purchasing back a licensed operator license from a licensed operator, pursuant to Section 1140 of this title.

E. There is hereby created a Petty Cash Fund for Service Oklahoma. The fund shall be used by Service Oklahoma to operate cash drawers as necessary. The amount of the Petty Cash Fund shall be determined by the Director of Service Oklahoma and the Director of the Office of Management and Enterprise Services. Purchases from the Petty Cash Fund shall be prohibited. The Director of Management and Enterprise Services shall be authorized to prescribe forms, systems, and procedures for the administration of the Petty Cash Fund.

Added by Laws 2022, c. 282, § 6, emerg. eff. May 19, 2022. Amended by Laws 2023, 1st Ex. Sess., c. 47, § 4, eff. July 1, 2023; Laws 2024, c. 452, § 32, emerg. eff. June 14, 2024.

§47-3-107. Records - Confidentiality - Maintenance.

A. All records of Service Oklahoma, other than those declared by law to be confidential for the use of Service Oklahoma, shall be open to public inspection during normal business hours.

B. The records and files of Service Oklahoma concerning any state tax law shall be considered confidential and privileged, except as otherwise provided by law, and neither Service Oklahoma nor any employee engaged in the administration of Service Oklahoma or charged with the custody of any such records or files nor any person who may have secured information from Service Oklahoma shall disclose any information obtained from the records or files or from any examination or inspection of the premises or property of any person.

C. The Director shall supervise the maintenance of all records of Service Oklahoma and shall adopt rules concerning the destruction and retention of records. Records of Service Oklahoma shall not be subject to the provisions of:

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

2. Section 590 of Title 21 of the Oklahoma Statutes; or

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

In carrying out the powers and duties of Service Oklahoma, the Director may, pursuant to an adopted rule, order destruction of records deemed to no longer be of value to Service Oklahoma.

D. 1. The Director may cause any or all records kept by Service Oklahoma to be photographed, microphotographed, photostatted, reproduced on film, or stored on computer storage medium. The film or reproducing material shall be of durable material, and the device used to reproduce the records on the film or reproducing material shall accurately reproduce and perpetuate the original records in all detail.

2. The photostatic copy, photograph, microphotograph, photographic film, or computerized image of the original record shall be deemed to be an original record for all purposes and shall be admissible as evidence in all courts or administrative agencies. A facsimile, exemplification, or certified copy thereof shall be deemed to be a transcript, exemplification, or certified copy of the original.

3. The photostatic copies, photographs, microphotographs, reproduction on film, or computerized images shall be placed in conveniently accessible files and provisions shall be made for preserving, examining, and using copies, photographs, microphotographs, reproductions on film, and computerized images. The Director is empowered to authorize the disposal, archival storage, or the destruction of the original records or papers.

Added by Laws 2022, c. 282, § 7, emerg. eff. May 19, 2022.

§47-3-108. Interagency agreements.

A. The Director may enter into interagency agreements for the inspection, release, and disclosure of information contained in the records of Service Oklahoma to the extent that the inspection, release, or disclosure is necessary and appropriate.

B. The Director may enter into interagency agreements in order to administer the responsibilities pursuant to the provisions of this act, including, but not limited to, the receipt of proceeds for the provision of services provided by Service Oklahoma.

C. The Director may enter into interagency agreements with the Department of Public Safety to assume control over the operations or management and acquire ownership of any satellite offices of the Department of Public Safety that provide driving services.

Added by Laws 2022, c. 282, § 8, emerg. eff. May 19, 2022.

§47-3-109. Administrative rules.

On the effective date of this act, the administrative rules related to any services provided by Service Oklahoma previously promulgated by the Department of Public Safety, the Oklahoma Tax Commission, and any other state agency shall be transferred to and become a part of the administrative rules of Service Oklahoma. The Office of Administrative Rules in the Office of the Secretary of State shall provide adequate notice in "The Oklahoma Register" of the transferred rules and shall place the transferred rules under the Administrative Code section of Service Oklahoma. On the effective date of this act, any amendment, repeal, or addition to the transferred rules shall be under the rulemaking authority of Service Oklahoma.

Added by Laws 2022, c. 282, § 9, emerg. eff. May 19, 2022.

§47-3-110. Authority to administer oaths and acknowledge signatures - Release of records.

A. Officers and employees of Service Oklahoma designated by the Director for the purpose of administering the motor vehicle laws of this state are authorized to administer oaths and acknowledge signatures and shall do so without fee.

B. The Director and such officers of Service Oklahoma as the Director may designate are hereby authorized to prepare under the seal of Service Oklahoma and deliver upon request a certified copy of any record of Service Oklahoma, charging a fee of Three Dollars (\$3.00) for each record so certified, and every such certified copy shall be admissible in any proceeding in any court in like manner as the original thereof. A certification fee shall be charged:

1. Only if the person requesting the record specifically requests that the record be certified; and

2. In addition to the copying and reproduction fees provided by the Oklahoma Open Records Act and any other applicable law.

C. The Director and such officers of Service Oklahoma as the Director may designate are hereby authorized to provide at no charge a copy of any record required to be maintained by Service Oklahoma to any of the following government agencies when requested in the performance of official governmental duties:

1. The driver license agency of any other state;

2. Any court, district attorney, or municipal prosecutor in this state or any other state;

3. Any law enforcement agency in this state or any other state or any federal agency empowered by law to make arrests for public offenses;

4. Any public school district in this state for purposes of providing the Motor Vehicle Report of a currently employed school bus driver or person making application for employment as a school bus driver;

5. The Department of Human Services for the purpose of providing the Motor Vehicle Report to ascertain the suitability of any person being considered by the Department of Human Services for placement of a child in foster care or adoption of the child;

6. The Office of Juvenile Affairs for the purpose of providing the Motor Vehicle Report to ascertain the suitability of any person being considered by the Office of Juvenile Affairs for placement of a child in foster care;

7. Any nonprofit provider exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and contracted by the Developmental Disabilities Services Division of the Oklahoma Department of Human Services; or

8. Any state agency in this state.

D. Any record required to be maintained by Service Oklahoma may be released to any other entity free of charge when the release of the record would be for the benefit of the public, as determined by the Director or a designee of the Director.

E. The following records shall be provided by Service Oklahoma to any authorized recipient, pursuant to the provisions of the Driver's Privacy Protection Act, 18 U.S.C., Sections 2721 through 2725, upon payment of the appropriate fees for the records:

1. A Motor Vehicle Report, as defined in Section 6-117 of Title 47 of the Oklahoma Statutes; and

2. A copy of any driving record related to the Motor Vehicle Report.

F. 1. The provisions of subsections B, D, and E of this section and the Oklahoma Open Records Act shall not apply to the release of personal information from any driving record of any person. Such personal information shall be confidential except as provided for in this subsection or in the provisions of the Driver's

Privacy Protection Act, 18 U.S.C., Sections 2721 through 2725. Upon written request to the Director of Service Oklahoma by a law enforcement agency or another state's or country's driver licensing agency for personal information on a specific individual as named or otherwise identified in the written request, to be used in the official capacity of the agency, the Director may release such personal information to the agency pursuant to the provisions of the Driver's Privacy Protection Act, 18 U.S.C., Sections 2721 through 2725. Provided, the provisions of this subsection or any other provision of this act shall not be construed to keep audio or video recordings of Service Oklahoma confidential beyond any exception provided for in the Oklahoma Open Records Act.

2. For the purposes of this subsection, "personal information" means information which identifies a person, including, but not limited to, a photograph or image of the person in computerized format, fingerprint image in computerized format, signature or signature in computerized format, Social Security number, residence address, mailing address, and medical or disability information. Added by Laws 2022, c. 282, § 10, emerg. eff. May 19, 2022.

§47-4-101. Exceptions from provisions of this chapter.

This chapter does not apply to the following unless a title or registration has been issued on such vehicles under this act:

1. A vehicle moved solely by animal power;
2. An implement of husbandry, except as provided in Section 4-102 and 4-104 of this title;
3. Special mobilized machinery;
4. A self-propelled invalid wheel chair or tricycle.

Amended by Laws 1987, c. 224, § 12, eff. Nov. 1, 1987. Amended by Laws 1987, c. 224, § 12, eff. Nov. 1, 1987.

§47-4-102. Unauthorized use of vehicle - Punishment.

A. A person not entitled to possession of a vehicle who, without the consent of the owner and with intent to deprive the owner, temporarily or otherwise, of the vehicle or its possession, takes, uses or drives the vehicle shall, upon conviction, be guilty of a Class D3 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20P of Title 21 of the Oklahoma Statutes.

B. A person not entitled to possession of an implement of husbandry who, without the consent of the owner and with intent to deprive the owner, temporarily or otherwise, of the implement of husbandry or its possession, takes, uses or drives the implement of husbandry shall, upon conviction, be guilty of a Class D1 felony offense punishable in accordance with the provisions of Section 17-102 of this title.

Added by Laws 1961, p. 336, § 4-102, eff. Sept. 1, 1961. Amended by Laws 1987, c. 224, § 13, eff. Nov. 1, 1987; Laws 1997, c. 133, § 471, eff. July 1, 1999; Laws 2018, c. 116, § 16, eff. Nov. 1, 2018; Laws 2025, c. 486, § 511, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 471 from July 1, 1998, to July 1, 1999.

§47-4-103. Unauthorized use of a vehicle known to be stolen - Punishment.

A. A person not entitled to the possession of a vehicle who receives, possesses, conceals, sells, or disposes of it, knowing the vehicle to be stolen or converted under circumstances constituting a crime shall, upon conviction, be guilty of a Class D3 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20P of Title 21 of the Oklahoma Statutes.

B. A person not entitled to the possession of an implement of husbandry who receives, possesses, conceals, sells or disposes of it, knowing the implement of husbandry to be stolen or converted under circumstances constituting a crime shall, upon conviction, be guilty of a Class D1 felony offense punishable in accordance with the provisions of Section 17-102 of this title.

Added by Laws 1961, p. 336, § 4-103, eff. Sept. 1, 1961. Amended by Laws 1997, c. 133, § 472, eff. July 1, 1999; Laws 2009, c. 373, § 3, eff. Nov. 1, 2009; Laws 2018, c. 116, § 17, eff. Nov. 1, 2018; Laws 2025, c. 486, § 512, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 472 from July 1, 1998, to July 1, 1999.

§47-4-104. Damaging or tampering with vehicle or implement of husbandry.

(a) A person, who, with intent and without right to do so, injures or tampers with any vehicle or implement of husbandry or in any other manner damages any part or portion of said vehicle or implement of husbandry or any accessories, appurtenance or attachments thereto is guilty of a misdemeanor.

(b) A person, who, without right to do so and with intent to commit a crime, climbs into or upon a vehicle or implement of husbandry whether it is in motion or at rest, attempts to manipulate any of the levers, starting mechanism, brakes or other mechanism or device of a vehicle or implement of husbandry while the same is at rest and unattended, or sets in motion any vehicle or implement of husbandry while the same is at rest and unattended is guilty of a misdemeanor.

(c) This section shall not apply as stated in Section 11-1002 of this title.

Amended by Laws 1987, c. 224, § 14, eff. Nov. 1, 1987.

§47-4-105. Stolen, converted, recovered and unclaimed vehicles.

A. It shall be the duty of every sheriff, chief of police or peace officer to make immediate report to the Department of Public Safety of all vehicles reported to their respective jurisdictions as being stolen or recovered. Such report shall be made as prescribed by the Department.

B. An owner or a lienholder may report the theft of a vehicle, or its conversion if a crime, to the Department, but the Department may disregard the report of a conversion unless a warrant has been issued for the arrest of a person charged with the conversion. A person who has so reported the theft or conversion of a vehicle shall, forthwith after learning of its recovery, report the recovery to the Department.

C. An operator of a place of business for garaging, repairing, parking or storing vehicles for the public, in which a vehicle remains unclaimed for a period of thirty (30) days, shall, within five (5) days after the expiration of that period, report the vehicle as unclaimed to the Department. Such report shall be on a form prescribed by the Department.

A vehicle left by its owner whose name and address are known to the operator or employee of the operator is not considered unclaimed. A person who fails to report a vehicle as unclaimed in accordance with this subsection forfeits all claims and liens for its garaging, parking or storing and is guilty of a misdemeanor punishable by a fine or not more than Twenty-five Dollars (\$25.00) for each day the failure to report continues.

D. The Department shall maintain and appropriately index cumulative public records of stolen, converted, recovered and unclaimed vehicles reported to it pursuant to this section. The Department may make and distribute weekly lists of such vehicles so reported to it to peace officers upon request without fee and to others for the fee, if any, the Department prescribes.

E. Any peace officer who has reason to believe or upon receiving information that a motor vehicle has been stolen shall have and is hereby vested with authority to confiscate and hold such vehicle until satisfactory proof of ownership is established. Provided, any vehicle that is towed by a licensed wrecker operator pursuant to the provisions of Section 954A of this title shall be returned to the licensed wrecker operator prior to any other claim or assertion of ownership.

Added by Laws 1961, p. 337, § 4-105, eff. Sept. 1, 1961. Amended by Laws 2003, c. 279, § 3, emerg. eff. May 26, 2003; Laws 2012, c. 197, § 1, eff. Nov. 1, 2012.

§47-4-106. False report of theft or conversion.

A person who knowingly makes a false report of the theft or conversion of a vehicle to a peace officer or to the Department is guilty of a misdemeanor.

Laws 1961, p. 337, § 4-106.

§47-4-107. Removed, falsified or unauthorized identification.

A. Any person or persons who shall destroy, remove, cover, alter or deface, or cause to be destroyed, removed, covered, altered or defaced, the engine number or other distinguishing number of any vehicle in this state, without first giving notice of such act to Service Oklahoma, upon such form as Service Oklahoma may prescribe, or any person who shall give a wrong description in any application for the registration of any vehicle in this state for the purpose of concealing or hiding the identity of such vehicle, shall be deemed guilty of a Class D1 felony offense and upon conviction thereof shall be punished by imprisonment as provided for in subsections B through F of Section 20N of Title 21 of the Oklahoma Statutes.

B. A person who buys, receives, possesses, sells or disposes of a vehicle or an engine for a vehicle, knowing that the identification number of the vehicle or engine has been removed or falsified, shall, upon conviction, be guilty of a misdemeanor.

C. A person who buys, receives, possesses, sells or disposes of a vehicle or an engine for a vehicle, with knowledge that the identification number of the vehicle or engine has been removed or falsified and with intent to conceal or misrepresent the identity of the vehicle or engine, shall, upon conviction, be guilty of a Class D1 felony offense and shall be punished as provided for in subsections B through F of Section 20N of Title 21 of the Oklahoma Statutes.

D. A person who removes a license plate from a vehicle or affixes to a vehicle a license plate not authorized by law for use on said vehicle with intent to conceal or misrepresent the identity of the vehicle or its owner shall, upon conviction, be guilty of a misdemeanor.

E. As used in this section:

1. "Identification number" includes an identifying number, serial number, engine number or other distinguishing number or mark, placed on a vehicle or engine by its manufacturer or by authority of the Oklahoma Tax Commission or in accordance with the laws of another state or country;

2. "Remove" includes deface, cover and destroy; and

3. "Falsify" includes alter and forge.

F. An identification number may be placed on a vehicle or engine by its manufacturer in the regular course of business or placed or restored on a vehicle or engine by authority of Service Oklahoma without violating this section; provided, an identification number so placed or restored is not falsified.

Added by Laws 1961, p. 337, § 4-107, eff. Sept. 1, 1961. Amended by Laws 1981, c. 118, § 5; Laws 1984, c. 253, § 1, operative July 1, 1984; Laws 1997, c. 133, § 473, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 341, eff. July 1, 1999; Laws 2022, c. 282, § 35, emerg. eff. May 19, 2022; Laws 2025, c. 486, § 513, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 473 from July 1, 1998, to July 1, 1999.

§47-4-107a. Offenses in connection with trim tag plates -
Exceptions - Penalties - Civil remedies - Definitions.

A. It shall be unlawful for any person to:

1. Knowingly and intentionally destroy, remove, cover, alter or deface, or cause to be destroyed, covered, removed, altered or defaced the trim tag plate of a motor vehicle manufactured from 1953 to 1977;

2. Knowingly affix a counterfeit trim tag plate to a motor vehicle;

3. Manufacture, offer for sale, sell, introduce, import or deliver for sale or use in this state a counterfeit trim tag plate;
or

4. Offer for sale, sell, introduce, import or deliver for sale or use in this state a trim tag plate that was affixed to a motor vehicle at the time of manufacture but has since been removed or become dislodged.

B. Paragraph 1 of subsection A of this section shall not apply to:

1. Any person who engages in repair of a motor vehicle, provided that removal of the vehicle's trim tag plate is reasonably necessary for repair of a part of the vehicle to which the trim tag plate is affixed, and provided that such trim tag plate is not intentionally destroyed, altered or defaced; or

2. Removal of a trim tag from a motor vehicle which is being junked or otherwise destroyed, if the removal is being done for historical documentation purposes by a person actively involved in judging events or for historical documentation of classic motor vehicles and reasonable precaution is taken to ensure that the tag is not sold or affixed to another motor vehicle.

C. Any person convicted of violating the provisions of this act shall be guilty of a misdemeanor. Any person convicted of violating the provisions of this act a second or subsequent time shall be guilty of a Class D1 felony offense and shall be punished as provided for in subsections B through F of Section 20N of Title 21 of the Oklahoma Statutes.

D. In addition to any other civil remedy available, a person defrauded as a result of a violation of this act may bring a civil action against any person who knowingly violated this act regardless

of whether that person has been convicted of a violation of this act. A person defrauded as a result of a violation of this act may recover treble their actual compensatory damages. In any action brought pursuant to this subsection, the court may award reasonable costs, including costs of expert witnesses, and attorney fees to the prevailing party.

E. As used in this section:

1. "Trim tag plate" means a plate or tag affixed to a motor vehicle by the manufacturer which displays numbers, symbols, or codes that identify characteristics of the vehicle including, but not limited to, date of manufacture, body style, paint color, engine option, transmission option, trim option, general option, interior option, and interior color;

2. "Counterfeit trim tag plate" means:

- a. any trim tag plate manufactured by a person or entity other than the original manufacturer of a motor vehicle upon which the trim tag plate is designed to be affixed, unless the trim tag has been permanently stamped, in the same manner as other information on the trim tag, with the words "REPLACEMENT TAG" in letters measuring at least one-eighth (1/8) of an inch in height, or
- b. any trim tag plate which has been altered from its original manufactured condition so as to change any of its numbers, symbols, or codes; and

3. "Motor vehicle" means the same as defined in Section 1-134 of this title.

Added by Laws 2007, c. 96, § 1, eff. Nov. 1, 2007. Amended by Laws 2025, c. 486, § 514, eff. Jan. 1, 2026.

§47-4-108. False statements of material facts - Punishment.

Any person who shall knowingly make any false statement of a material fact, either in his application for the certificate of title herein provided for, or in any assignment thereof, or who, with intent to procure or pass title to a motor vehicle which he knows, or has reason to believe, has been stolen, shall receive or transfer possession of the same from or to another, or who shall have in his possession any motor vehicle which he knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his duty as such officer, shall be deemed guilty of a Class C2 felony offense, and upon conviction thereof shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00), or imprisoned as provided for in subsections B through F of Section 20M of Title 21 of the Oklahoma Statutes, or by both such fine and imprisonment, at the discretion of the court. This provision shall not be exclusive of any other penalties prescribed by an existing or

future law for the larceny or unauthorized taking of a motor vehicle.

Added by Laws 1961, p. 338, § 4-108, eff. Sept. 1, 1961. Amended by Laws 1997, c. 133, § 474, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 342, eff. July 1, 1999; Laws 2025, c. 486, § 267, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 474 from July 1, 1998, to July 1, 1999.

§47-4-109. Altering or forging certificate of title - Punishment.

Any person who shall alter or forge, or cause to be altered or forged, any certificate of title issued by Service Oklahoma, pursuant to the provisions of this act, or any assignment thereof, or who shall hold or use any such certificate or assignment, knowing the same to have been altered or forged, shall be deemed guilty of a Class C2 felony offense, and upon conviction thereof shall be liable to pay a fine of not less than Fifty Dollars (\$50.00), nor more than Five Thousand Dollars (\$5,000.00), or to imprisonment as provided for in subsections B through F of Section 20M of Title 21 of the Oklahoma Statutes, or by both such fine and imprisonment, at the discretion of the court.

Added by Laws 1961, p. 338, § 4-109, eff. Sept. 1, 1961. Amended by Laws 1997, c. 133, § 475, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 343, eff. July 1, 1999; Laws 2022, c. 282, § 36, emerg. eff. May 19, 2022; Laws 2025, c. 486, § 268, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 475 from July 1, 1998, to July 1, 1999.

§47-4-110. Offenses in connection with certificates of title.

A. Except as otherwise authorized by law, it shall be unlawful for any person to commit any of the following acts:

1. To lend or to sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title or number plate issued to or in the custody of the person so lending or permitting the use thereof;

2. To alter or in any manner change a certificate of title, registration certificate or number plate issued under the laws of this state or any other state;

3. To purchase identification or number plates on an assigned certificate of title. This paragraph shall be applicable to all persons except bona fide registered dealers in used motor vehicles who are holders of current and valid used motor vehicle dealers' licenses;

4. To sell or dispose of, in any manner, a used vehicle without delivering to the purchaser an Oklahoma certificate of title in such

purchaser's name or one properly and completely assigned to the purchaser at the time of sale.

Anyone violating any of the provisions of this subsection, upon conviction, shall be guilty of a misdemeanor and shall be fined not less than Ten Dollars (\$10.00) and not to exceed One Hundred Dollars (\$100.00).

B. Except as otherwise authorized by law, no person shall:

1. Lend or sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title issued for a manufactured home, manufactured home registration receipt, Manufactured Home Registration Decal or excise tax receipt;

2. Alter or in any manner change a certificate of title issued for a manufactured home under the laws of this state or any other state;

3. Remove or alter a manufactured home registration receipt, Manufactured Home Registration Decal or excise tax receipt attached to a certificate of title or attach such receipts to a certificate of title with the intent to misrepresent the payment of the required excise tax and registration fees;

4. Purchase identification, manufactured home registration receipt, Manufactured Home Registration Decal or excise tax receipt on an assigned certificate of title.

Anyone violating the provisions of this subsection, upon conviction, shall be guilty of a Class D1 felony offense and shall be punished as provided for in subsections B through F of Section 20N of Title 21 of the Oklahoma Statutes.

C. Any violation of any portion of this section for which a specific penalty has not been imposed shall constitute a misdemeanor and upon conviction thereof the person having violated it shall be fined not less than Ten Dollars (\$10.00) and not to exceed One Hundred Dollars (\$100.00).

Added by Laws 1961, p. 338, § 4-110, eff. Sept. 1, 1961. Amended by Laws 1980, c. 85, § 1, eff. Jan. 1, 1981; Laws 1981, c. 118, § 6; Laws 1984, c. 253, § 2, operative July 1, 1984; Laws 1997, c. 133, § 476, eff. July 1, 1999; Laws 2025, c. 486, § 515, eff. Jan. 1, 2026. NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 476 from July 1, 1998, to July 1, 1999.

§47-4-111. Inspection of public garage or repair shop or place where vehicles are held for sale or wrecking for purpose of locating stolen vehicles and investigating title and registration thereof.

Any peace officer of the state may inspect any vehicle of a type required to be registered hereunder in any public garage or repair shop or in any place where such vehicles are held for sale or wrecking, for the purpose of locating stolen vehicles and investigating the title and registration thereof.

Added by Laws 1993, c. 113, § 2, eff. Sept. 1, 1993.

§47-5-101. Repealed by Laws 1963, c. 138, § 3, eff. June 4, 1963.

§47-6-101. See the following versions:

OS 47-6-101v1 (SB 623, Laws 2023, c. 310, § 13)

OS 47-6-101v2 (HB 1854, Laws 2024, c. 11, § 2)

OS 47-6-101v3 (SB 1108, Laws 2025, c. 171, § 3)

OS 47-6-101v4 (HB 1751, Laws 2025, c. 330, § 3)

§47-6-101.1. Licenses for persons under twenty-one years of age.

A. Any license issued pursuant to Sections 6-101, 6-105 or 6-114 of this title to any person under twenty-one (21) years of age shall be of special design, easily recognizable as the license of such a person and shall include the language "UNDER 21" on the face of the license.

B. When a person who has been issued a license designated to be the license of a person under twenty-one (21) years of age attains the age of twenty-one (21) years, said person may obtain a replacement license without said designation upon payment of the fee required for a duplicate license and by furnishing proof satisfactory to Service Oklahoma or the licensed operator that said person has attained the age of twenty-one (21) years.

Added by Laws 1985, c. 338, § 1, eff. Jan. 1, 1986. Amended by Laws 1992, c. 217, § 4, eff. July 1, 1992; Laws 1993, c. 97, § 2, eff. Sept. 1, 1993; Laws 2022, c. 282, § 38, emerg. eff. May 19, 2022.

§47-6-101.2. Repealed by Laws 2007, c. 62, § 35, emerg. eff. April 30, 2007.

§47-6-101.3. Repealed by Laws 2007, c. 62, § 35, emerg. eff. April 30, 2007.

§47-6-101.4. Repealed by Laws 2007, c. 62, § 35, emerg. eff. April 30, 2007.

§47-6-101.5. Repealed by Laws 2007, c. 62, § 35, emerg. eff. April 30, 2007.

§47-6-101v1. Class requirements for driver licenses - Commercial motor vehicles - Commercial learner permit - Hazardous materials - Class D motor vehicles - Motorcycle endorsement - Restricted driver license - Fees - Expiration - Issuance and renewal - Allocation of monies - Identification photographs database.

A. No person, except those hereinafter expressly exempted in Sections 6-102 and 6-102.1 of this title, shall operate any motor vehicle upon a highway in this state unless the person has a valid Oklahoma driver license for the class of vehicle being operated

under the provisions of this title. No person shall be permitted to possess more than one valid license at any time, except as provided in paragraph 4 of subsection F of this section.

B. 1. No person shall operate a Class A commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class A commercial license, except as provided in paragraph 5 of this subsection and subsection F of this section. Any person holding a valid Class A commercial license shall be permitted to operate motor vehicles in Classes A, B, C and D, except as provided for in paragraph 4 of this subsection.

2. No person shall operate a Class B commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class B commercial license, except as provided in paragraph 5 of subsection F of this section. Any person holding a valid Class B commercial license shall be permitted to operate motor vehicles in Classes B, C and D, except as provided for in paragraph 4 of this subsection.

3. No person shall operate a Class C commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class C commercial license, except as provided in subsection F of this section. Any person holding a valid Class C commercial license shall be permitted to operate motor vehicles in Classes C and D, except as provided for in paragraph 4 of this subsection.

4. No person under twenty-one (21) years of age shall be licensed to operate any motor vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F, except as provided in subsection F of this section; provided, a person eighteen (18) years of age or older may be licensed to operate a farm vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F, except as provided in subsection F of this section.

5. A person at least seventeen (17) years of age who successfully completes all examinations required by law may be issued by Service Oklahoma:

- a. a restricted Class A commercial license which shall grant to the licensee the privilege to operate a Class A or Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle, or
- b. a restricted Class B commercial license which shall grant to the licensee the privilege to operate a Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle.

6. No person shall operate a Class D motor vehicle unless the person is sixteen (16) years of age or older and holds a valid Class D license, except as provided for in Section 6-102 or 6-105 of this title. Any person holding a valid Class D license shall be permitted to operate motor vehicles in Class D only.

C. Any person issued a driver license pursuant to this section may exercise the privilege thereby granted upon all streets and highways in this state.

D. No person shall operate a motorcycle or motor-driven cycle without having a valid Class A, B, C or D license with a motorcycle endorsement. Except as otherwise provided by law, any new applicant for an original driver license shall be required to successfully complete a written examination, vision examination and driving examination for a motorcycle as prescribed by the Department of Public Safety, in conjunction with Service Oklahoma, and a certified state-approved motorcycle basic rider course approved by the Department, in conjunction with Service Oklahoma, if the applicant is seventeen (17) years of age or younger to be eligible for a motorcycle endorsement thereon. The written examination and driving examination for a motorcycle shall be waived by Service Oklahoma upon verification that the person has successfully completed a certified Motorcycle Safety Foundation rider course approved by the Department, in conjunction with Service Oklahoma.

E. Except as otherwise provided by law, any person who lawfully possesses a valid Oklahoma driver license which is eligible for renewal shall be required to successfully complete a written examination, vision examination and driving examination for a motorcycle as prescribed by the Department, in conjunction with Service Oklahoma, and a certified state-approved motorcycle basic rider course approved by the Department, in conjunction with Service Oklahoma, if the person is seventeen (17) years of age or younger to be eligible for a motorcycle endorsement. The written examination and driving examination for a motorcycle shall be waived by Service Oklahoma upon verification that the person has successfully completed a certified Motorcycle Safety Foundation rider course approved by the Department, in conjunction with Service Oklahoma.

F. 1. Any person eighteen (18) years of age or older may apply for a restricted Class A, B or C commercial learner permit. Service Oklahoma, after the applicant has passed all parts of the examination for a Class D license and has successfully passed all parts of the examination for a Class A, B or C commercial license other than the driving examination, may issue to the applicant a commercial learner permit which shall entitle the person having immediate lawful possession of the commercial learner permit and a valid Oklahoma driver license or provisional driver license pursuant to Section 6-212 of this title to operate a Class A, B or C commercial motor vehicle upon the public highways solely for the purpose of behind-the-wheel training in accordance with rules promulgated by the Department.

2. This commercial learner permit shall be issued for a period as provided in Section 6-115 of this title of one year; provided, such commercial learner permit may be suspended, revoked, canceled,

denied or disqualified at the discretion of the Department, with notice to Service Oklahoma, for violation of the restrictions, for failing to give the required or correct information on the application or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle. Except as otherwise provided, the lawful possessor of a commercial learner permit who has been issued a commercial learner permit for a minimum of fourteen (14) days may have the restriction requiring an accompanying driver removed by satisfactorily completing a driver's examination; provided, the removal of a restriction shall not authorize the operation of a Class A, B or C commercial motor vehicle if such operation is otherwise prohibited by law.

3. No person shall apply for and Service Oklahoma shall not issue an original Class A, B or C driver license until the person has been issued a commercial learner permit and held the permit for at least fourteen (14) days. Any person who currently holds a Class B or C license and who wishes to apply for another class of commercial driver license shall be required to apply for a commercial learner permit and to hold the permit for at least fourteen (14) days before applying for the Class A or B license, as applicable. Any person who currently holds a Class A, B or C license and who wishes to add an endorsement or remove a restriction for which a skills examination is required shall be required to apply for a commercial learner permit and to hold the permit for at least fourteen (14) days before applying for the endorsement.

4. A commercial learner permit shall be issued by Service Oklahoma as a separate and unique document which shall be valid only in conjunction with a valid Oklahoma driver license or provisional driver license pursuant to Section 6-212 of this title, both of which shall be in the possession of the person to whom they have been issued whenever that person is operating a commercial motor vehicle as provided in this subsection.

5. After one renewal of a commercial learner permit, as provided in paragraph 2 of this subsection, a commercial permit shall not be renewed again. Any person who has held a commercial learner permit for the initial issuance period and one renewal period shall not be eligible for and Service Oklahoma shall not issue another renewal of the permit; provided, the person may reapply for a new commercial learner permit, as provided for in this subsection.

G. 1. For purposes of this title:

- a. "REAL ID Compliant Driver License" or "Identification Card" means a driver license or identification card issued by the State of Oklahoma that has been certified by the United States Department of Homeland Security (USDHS) as compliant with the requirements of the REAL ID Act of 2005, Public Law No. 109-13. A

- REAL ID Compliant Driver License or Identification Card and the process through which it is issued incorporate a variety of security measures designed to protect the integrity and trustworthiness of the license or card. A REAL ID Compliant Driver License or Identification Card will be clearly marked on the face indicating that it is a compliant document, and
- b. "REAL ID Noncompliant Driver License" or "Identification Card" means a driver license or identification card issued by the State of Oklahoma that has not been certified by the United States Department of Homeland Security (USDHS) as being compliant with the requirements of the REAL ID Act. A REAL ID Noncompliant Driver License or Identification Card will be clearly marked on the face indicating that it is not compliant with the federal REAL ID Act and is not acceptable for official federal purposes. The driver license or identification card will have a unique design or color indicator that clearly distinguishes it from a compliant license or card.
2. Original Driver License and Identification Card Issuance:
- a. Application for an original REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card shall be made to Service Oklahoma. Beginning January 1, 2023, application for an original REAL ID Compliant Driver License or Identification Card may be made to Service Oklahoma or a licensed operator provided such licensed operator is authorized to process applications for REAL ID Compliant Driver Licenses and Identification Cards. Applications for a REAL ID Noncompliant Driver License or Identification Card shall be made to Service Oklahoma.
 - b. Service Oklahoma employees shall perform all document recognition and other requirements needed for approval of an original REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card application. Beginning January 1, 2023, Service Oklahoma employees or authorized licensed operators shall perform all document recognition and other requirements necessary for approval of an original REAL ID Compliant Driver License or Identification Card application. Service Oklahoma employees shall perform all document recognition and other requirements necessary for approval of a REAL ID Noncompliant Driver License or Identification Card application.

- c. Upon approval of an original REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card application, the applicant may take the approved application document to a licensed operator to receive a temporary driver license or identification card.
- d. The licensed operator shall process the approved REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card application and upon payment shall provide the applicant a temporary driver license or identification card. A temporary driver license or identification card shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card, whichever time period is shorter.

3. REAL ID Compliant Driver License and Identification Card
Renewal and Replacement:

- a. Application for renewal or replacement of a REAL ID Compliant Driver License or Identification Card may be made to Service Oklahoma or to a licensed operator; provided, such licensed operator is authorized to process application for REAL ID Compliant Driver Licenses and Identification Cards. A licensed operator may process the voluntary downgrade of a REAL ID Compliant Commercial Driver License to any lower class license upon request of the licensee; provided, no additional endorsements or restrictions are placed on the license.
- b. Service Oklahoma employees or authorized licensed operators shall perform all document recognition and other requirements needed for approval of a renewal or replacement REAL ID Compliant Driver License or Identification Card application.
- c. Upon approval of a renewal or replacement REAL ID Compliant Driver License or Identification Card application, the applicant may receive a temporary driver license or identification card from Service Oklahoma or an authorized licensed operator.
- d. A temporary driver license or identification card acquired under the provisions of this paragraph shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card being renewed or replaced for the period of time listed on the temporary driver license or

identification card or the period of time prior to the applicant receiving a REAL ID Compliant Driver License or Identification Card, whichever time period is shorter.

- e. For purposes of this title, an application for a REAL ID Compliant Driver License or Identification Card by an individual with a valid Oklahoma-issued driver license or identification card shall be considered a renewal of a REAL ID Compliant Driver License or Identification Card.

4. REAL ID Noncompliant Driver License and Identification Card Renewal and Replacement:

- a. Application for renewal or replacement of a REAL ID Noncompliant Driver License or Identification Card may be made to Service Oklahoma or to a licensed operator. A licensed operator may process the voluntary downgrade of a REAL ID Noncompliant Commercial Driver License to any lower class license upon request of the licensee; provided, no additional endorsements or restrictions are added to the license.
- b. Service Oklahoma employees or licensed operators shall perform all document recognition and other requirements needed for approval of a renewal or replacement REAL ID Noncompliant Driver License or Identification Card application.
- c. Upon approval of a renewal or replacement REAL ID Noncompliant Driver License or Identification Card application, the applicant may receive a temporary driver license or identification card from Service Oklahoma or a licensed operator.
- d. A temporary driver license or identification card acquired under the provisions of this paragraph shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card being renewed or replaced for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Noncompliant Driver License or Identification Card, whichever time period is shorter.

H. 1. The fee charged for an approved application for an original Oklahoma REAL ID Compliant or REAL ID Noncompliant Driver License or an approved application for the addition of an endorsement to a current valid Oklahoma REAL ID Compliant or REAL ID Noncompliant Driver License shall be assessed in accordance with the following schedule:

Class A Commercial Learner Permit	\$25.00
Class A Commercial License	\$25.00
Class B Commercial Learner Permit	\$15.00
Class B Commercial License	\$15.00
Class C Commercial Learner Permit	\$15.00
Class C Commercial License	\$15.00
Class D License	\$ 4.00
Motorcycle Endorsement	\$ 4.00

2. Notwithstanding the provisions of Section 1104 of this title, all monies collected from the fees charged for Class A, B and C commercial licenses pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

I. The fee charged for any failed examination shall be Four Dollars (\$4.00) for any license classification. Notwithstanding the provisions of Section 1104 of this title, all monies collected from such examination fees pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

J. In addition to any fee charged pursuant to the provisions of subsection H of this section, the fee charged for the issuance or renewal of a REAL ID Noncompliant Driver License shall be in accordance with the following schedule; provided, that any applicant who has a CDL Learner Permit shall be charged only the replacement fee for the issuance of the license:

License Class	4-year	8-year
Class A Commercial Learner Permit	\$56.50	\$113.00
Class A Commercial License	\$56.50	\$113.00
Class B Commercial Learner Permit	\$56.50	\$113.00
Class B Commercial License	\$56.50	\$113.00
Class C Commercial Learner Permit	\$46.50	\$93.00
Class C Commercial License	\$46.50	\$93.00
Class D License	\$38.50	\$77.00

K. In addition to any fee charged pursuant to the provisions of subsection H of this section, the fee charged for the issuance or renewal of a REAL ID Compliant Driver License shall be in accordance with the following schedule; provided, that any applicant who has a CDL Learner Permit shall be charged only the replacement fee for the issuance of the license:

License Class	4-year	8-year
REAL ID Compliant Class A Commercial Learner Permit	\$56.50	\$113.00

REAL ID Compliant Class A Commercial License	\$56.50	\$113.00
REAL ID Compliant Class B Commercial Learner Permit	\$56.50	\$113.00
REAL ID Compliant Class B Commercial License	\$56.50	\$113.00
REAL ID Compliant Class C Commercial Learner Permit	\$46.50	\$93.00
REAL ID Compliant Class C Commercial License	\$46.50	\$93.00
REAL ID Compliant Class D License	\$38.50	\$77.00

L. A commercial learner permit may be renewed one time for a period of one hundred eighty (180) days. The cost for the renewed permit shall be the same as for the original permit.

M. Notwithstanding the provisions of Section 1104 of this title, of each fee charged pursuant to the provisions of subsections J, K and L of this section:

1. Five Dollars and fifty cents (\$5.50) of a 4-year license or Eleven Dollars (\$11.00) of an 8-year license shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes;

2. Six Dollars and seventy-five cents (\$6.75) of a 4-year license or Thirteen Dollars and fifty cents (\$13.50) of an 8-year license shall be deposited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of the Department through October 31, 2022.

Beginning November 1, 2022, Six Dollars and seventy-five cents (\$6.75) of a 4-year license or Thirteen Dollars and fifty cents (\$13.50) of an 8-year license shall be deposited to the Service Oklahoma Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of Service Oklahoma;

3. Ten Dollars (\$10.00) of a 4-year license or Twenty Dollars (\$20.00) of an 8-year license shall be deposited to the Department of Public Safety Revolving Fund for all original or renewal issuances of licenses through October 31, 2022. Beginning November 1, 2022, Ten Dollars (\$10.00) of a 4-year license or Twenty Dollars (\$20.00) of an 8-year license shall be deposited to the Service Oklahoma Revolving Fund for all original or renewal issuances of licenses; and

4. Five Dollars (\$5.00) of a 4-year license or Six Dollars (\$6.00) of an 8-year license shall be deposited to the State Public Safety Fund created in Section 2-147 of this title.

N. All original and renewal driver licenses shall expire as provided in Section 6-115 of this title.

O. Any person sixty-two (62) years of age or older during the calendar year of issuance or renewal of a Class D license or motorcycle endorsement shall be charged the following prorated fee:

	4-year	8-year
Age 62	\$21.25	\$42.50
Age 63	\$17.50	\$35.00
Age 64	\$13.75	\$27.50
Age 65	-0-	

P. No person who has been honorably discharged from active service in any branch of the Armed Forces of the United States or Oklahoma National Guard and who has been certified by the United States Department of Veterans Affairs, its successor or the Armed Forces of the United States to be a disabled veteran in receipt of compensation at the one-hundred-percent rate for a permanent disability sustained through military action or accident resulting from disease contracted while in such active service and registered with the veterans registry created by the Oklahoma Department of Veterans Affairs shall be charged a fee for the issuance, replacement or renewal of an Oklahoma driver license; provided, that if a veteran has been previously exempt from a fee pursuant to this subsection, no registration with the veterans registry shall be required.

Q. In accordance with the provisions of subsection G of this section, Service Oklahoma is authorized to promulgate rules for the issuance and renewal of driver licenses authorized pursuant to the provisions of Sections 6-101 through 6-309 of this title; provided, that no such rules applicable to the issuance or renewal of REAL ID Noncompliant Driver Licenses shall create more stringent standards than such rules applicable as of January 1, 2017, unless directly related to a specific change in statutory law concerning standards for REAL ID Noncompliant Driver Licenses. Applications, upon forms approved by Service Oklahoma, for such licenses shall be handled, in accordance with the provisions of subsection G of this section, by the licensed operator; provided, Service Oklahoma is authorized to assume these duties in any county of this state. Each licensed operator accepting applications for driver licenses shall receive Six Dollars (\$6.00) for a 4-year REAL ID Noncompliant Driver License or Twelve Dollars (\$12.00) for an 8-year REAL ID Noncompliant Driver License or Ten Dollars (\$10.00) for a 4-year REAL ID Compliant Driver License or Twenty Dollars (\$20.00) for an 8-year REAL ID Compliant Driver License to be deducted from the total collected for each license or renewal application accepted. Beginning July 1, 2022, and ending May 31, 2023, each motor license agent or licensed operator accepting applications for driver licenses for individuals over the age of sixty-five (65) years or for applications for driver licenses pursuant to the provisions of subsection P of this section shall receive Six Dollars (\$6.00) for a 4-year driver license or

Twelve Dollars (\$12.00) for an 8-year drive license, to be deducted daily by the motor license agent or licensed operator receipts. The amount retained pursuant to this subsection shall not be retained by any state agency. The fees received by the licensed operator, authorized by this subsection, shall be used for operating expenses. For purposes of this subsection, "licensed operator" shall mean an individual who obtains a license from the Service Oklahoma Operator Board to operate a designated Service Oklahoma location and offers third-party fulfillment of designated services to be rendered by Service Oklahoma.

R. Notwithstanding the provisions of Section 1104 of this title and subsection Q of this section and except as provided in subsections H and M of this section, the first Sixty Thousand Dollars (\$60,000.00) of all monies collected pursuant to this section shall be paid by the Oklahoma Tax Commission to the State Treasurer to be deposited in the General Revenue Fund of the State Treasury.

The next Five Hundred Thousand Dollars (\$500,000.00) of monies collected pursuant to this section shall be paid by the Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department of Public Safety Restricted Revolving Fund for the purpose of the Statewide Law Enforcement Communications System. All other monies collected in excess of Five Hundred Sixty Thousand Dollars (\$560,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title, except as otherwise provided in this section.

S. Service Oklahoma shall retain the images displayed on licenses and identification cards issued pursuant to the provisions of Sections 6-101 through 6-309 of this title which may be used only:

1. By a law enforcement agency for purposes of criminal investigations, missing person investigations or any law enforcement purpose which is deemed necessary by the Commissioner of Public Safety;

2. By the driver licensing agency of another state for its official purpose; and

3. As provided in Section 2-110 of this title.

All agencies approved by the Oklahoma Law Enforcement Telecommunications System (OLETS) or the National Law Enforcement Telecommunications System (NLETS) to receive photographs or computerized images may obtain them through OLETS or through NLETS. Photographs or computerized images may be obtained by law enforcement one inquiry at a time.

The computer system and related equipment acquired for this purpose must conform to industry standards for interoperability and

open architecture. The Department of Public Safety may promulgate rules to implement the provisions of this subsection.

T. No person may hold more than one state-issued or territory-issued REAL ID Compliant Driver License or REAL ID Compliant Identification Card from Oklahoma or any other state or territory. Service Oklahoma shall not issue a REAL ID Compliant Driver License to a person who has been previously issued a REAL ID Compliant Driver License or REAL ID Compliant Identification Card until such license or identification card has been surrendered to Service Oklahoma by the applicant. Service Oklahoma may promulgate rules related to the issuance of replacement REAL ID Compliant Driver Licenses in the event of loss or theft.

U. Beginning May 24, 2021, and ending on April 30, 2023, in addition to the amounts provided in subsection Q of this section, a licensed operator shall receive Five Dollars (\$5.00) for each processed application for a REAL ID Compliant 4-year Driver License and Ten Dollars (\$10.00) for each processed application for a REAL ID Compliant 8-year Driver License. Any additional amounts provided pursuant to this subsection shall not be retained by Service Oklahoma.

Added by Laws 1961, p. 340, § 6-101, eff. Sept. 1, 1961. Amended by Laws 1963, c. 94, § 1, emerg. eff. May 27, 1963; Laws 1967, c. 396, § 1, emerg. eff. May 24, 1967; Laws 1968, c. 232, § 1, eff. Jan. 1, 1969; Laws 1975, c. 359, § 1, eff. Jan. 1, 1977; Laws 1977, c. 103, § 60, emerg. eff. May 30, 1977; Laws 1977, 1st Ex. Sess., c. 3, § 14, emerg. eff. June 21, 1977; Laws 1978, c. 304, § 4; Laws 1980, c. 357, § 23, eff. July 1, 1980; Laws 1983, c. 286, § 17, operative July 1, 1983; Laws 1985, c. 45, § 1, eff. Jan. 1, 1986; Laws 1985, c. 179, § 59, operative July 1, 1985; Laws 1987, c. 226, § 3, operative July 1, 1987; Laws 1988, c. 232, § 1, operative July 1, 1988; Laws 1989, c. 82, § 1, eff. Nov. 1, 1989; Laws 1990, c. 219, § 10, eff. Jan. 1, 1991; Laws 1992, c. 217, § 3, eff. July 1, 1992; Laws 1992, c. 373, § 6, eff. July 1, 1992; Laws 1993, c. 97, § 1, eff. Sept. 1, 1993; Laws 1993, c. 243, § 52, eff. Sept. 1, 1993; Laws 1994, c. 18, § 1, eff. Sept. 1, 1994; Laws 1995, c. 23, § 8, eff. Nov. 1, 1995; Laws 1996, c. 254, § 1, eff. Nov. 1, 1996; Laws 1997, c. 2, § 4, emerg. eff. Feb. 26, 1997; Laws 1999, c. 342, § 4, eff. Nov. 1, 1999; Laws 2000, c. 6, § 10, emerg. eff. March 20, 2000; Laws 2000, c. 342, § 3, eff. July 1, 2000; Laws 2001, c. 131, § 5, eff. July 1, 2001; Laws 2001, c. 361, § 3, eff. July 1, 2001; Laws 2002, c. 474, § 4, emerg. eff. June 6, 2002; Laws 2003, c. 3, § 35, emerg. eff. March 19, 2003; Laws 2003, c. 392, § 2, eff. July 1, 2003; Laws 2004, c. 521, § 5, eff. Nov. 1, 2004; Laws 2006, 2nd Ex. Sess., c. 44, § 23, eff. July 1, 2007; Laws 2009, c. 81, § 1, eff. Nov. 1, 2009; Laws 2012, c. 280, § 1, eff. Nov. 1, 2012; Laws 2013, c. 15, § 26, emerg. eff. April 8, 2013; Laws 2013, c. 104, § 1, eff. Nov. 1, 2013; Laws 2013, c. 259, § 2, eff. Nov. 1, 2013; Laws 2015,

c. 97, § 1, eff. Nov. 1, 2015; Laws 2016, c. 180, § 1; Laws 2017, c. 1, § 1, emerg. eff. March 2, 2017; Laws 2017, c. 229, § 8, eff. Nov. 1, 2020; Laws 2019, c. 314, § 1, eff. Nov. 1, 2020; Laws 2019, c. 314, § 2, eff. Nov. 1, 2020; Laws 2021, c. 24, § 1, emerg. eff. April 19, 2021; Laws 2021, c. 522, § 1, emerg. eff. May 24, 2021; Laws 2022, c. 282, § 37, emerg. eff. May 19, 2022; Laws 2023, c. 310, § 13, eff. July 1, 2023.

NOTE: Laws 1974, c. 301, § 1 repealed by Laws 1977, c. 103, § 65, emerg. eff. May 30, 1977. Laws 1991, c. 162, § 2 repealed by Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991. Laws 1991, c. 335, § 13 repealed by Laws 1992, c. 217, § 19, eff. July 1, 1992. Laws 1991, c. 216, § 46 and Laws 1992, c. 179, § 1 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992. Laws 1996, c. 203, § 1 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 1999, c. 278, § 2 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000. Laws 2002, c. 374, § 1 repealed by Laws 2003, c. 3, § 36, emerg. eff. March 19, 2003. Laws 2002, c. 397, § 15 repealed by Laws 2003, c. 3, § 37, emerg. eff. March 19, 2003. Laws 2012, c. 283, § 5 repealed by Laws 2013, c. 15, § 27, emerg. eff. April 8, 2013.

§47-6-101v2. Class requirements for driver licenses - Commercial motor vehicles - Commercial learner permit - Hazardous materials - Class D motor vehicles - Motorcycle endorsement - Restricted driver license - Fees - Expiration - Issuance and renewal - Allocation of monies - Identification photographs database.

A. No person, except those hereinafter expressly exempted in Sections 6-102 and 6-102.1 of this title, shall operate any motor vehicle upon a highway in this state unless the person has a valid Oklahoma driver license for the class of vehicle being operated under the provisions of this title. No person shall be permitted to possess more than one valid license at any time, except as provided in paragraph 4 of subsection F of this section.

B. 1. No person shall operate a Class A commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class A commercial license, except as provided in paragraph 5 of this subsection and subsection F of this section. Any person holding a valid Class A commercial license shall be permitted to operate motor vehicles in Classes A, B, C and D, except as provided for in paragraph 4 of this subsection.

2. No person shall operate a Class B commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class B commercial license, except as provided in paragraph 5 of subsection F of this section. Any person holding a valid Class B commercial license shall be permitted to operate motor vehicles in Classes B, C and D, except as provided for in paragraph 4 of this subsection.

3. No person shall operate a Class C commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class C commercial license, except as provided in subsection F of this section. Any person holding a valid Class C commercial license shall be permitted to operate motor vehicles in Classes C and D, except as provided for in paragraph 4 of this subsection.

4. No person under twenty-one (21) years of age shall be licensed to operate any motor vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F, except as provided in subsection F of this section; provided, a person eighteen (18) years of age or older may be licensed to operate a farm vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F, except as provided in subsection F of this section.

5. A person at least seventeen (17) years of age who successfully completes all examinations required by law may be issued by Service Oklahoma:

- a. a restricted Class A commercial license which shall grant to the licensee the privilege to operate a Class A or Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle, or
- b. a restricted Class B commercial license which shall grant to the licensee the privilege to operate a Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle.

6. No person shall operate a Class D motor vehicle unless the person is sixteen (16) years of age or older and holds a valid Class D license, except as provided for in Section 6-102 or 6-105 of this title. Any person holding a valid Class D license shall be permitted to operate motor vehicles in Class D only.

C. Any person issued a driver license pursuant to this section may exercise the privilege thereby granted upon all streets and highways in this state.

D. No person shall operate a motorcycle or motor-driven cycle without having a valid Class A, B, C or D license with a motorcycle endorsement. Except as otherwise provided by law, any new applicant for an original driver license shall be required to successfully complete a written examination, vision examination and driving examination for a motorcycle as prescribed by the Department of Public Safety, in conjunction with Service Oklahoma, and a certified state-approved motorcycle basic rider course approved by the Department, in conjunction with Service Oklahoma, if the applicant is seventeen (17) years of age or younger to be eligible for a motorcycle endorsement thereon. The written examination and driving examination for a motorcycle shall be waived by Service Oklahoma upon verification that the person has successfully completed a

certified Motorcycle Safety Foundation rider course approved by the Department, in conjunction with Service Oklahoma.

E. Except as otherwise provided by law, any person who lawfully possesses a valid Oklahoma driver license which is eligible for renewal shall be required to successfully complete a written examination and driving examination for a motorcycle as prescribed by the Department, in conjunction with Service Oklahoma, and a certified state-approved motorcycle basic rider course approved by the Department, in conjunction with Service Oklahoma, if the person is seventeen (17) years of age or younger to be eligible for a motorcycle endorsement. The written examination and driving examination for a motorcycle shall be waived by Service Oklahoma upon verification that the person has successfully completed a certified Motorcycle Safety Foundation rider course approved by the Department, in conjunction with Service Oklahoma.

F. 1. Any person eighteen (18) years of age or older may apply for a restricted Class A, B or C commercial learner permit. Service Oklahoma, after the applicant has passed all parts of the examination for a Class D license and has successfully passed all parts of the examination for a Class A, B or C commercial license other than the driving examination, may issue to the applicant a commercial learner permit which shall entitle the person having immediate lawful possession of the commercial learner permit and a valid Oklahoma driver license or provisional driver license pursuant to Section 6-212 of this title to operate a Class A, B or C commercial motor vehicle upon the public highways solely for the purpose of behind-the-wheel training in accordance with rules promulgated by the Department.

2. This commercial learner permit shall be issued for a period as provided in Section 6-115 of this title of one hundred eighty (180) days, which may be renewed one time for an additional one hundred eighty (180) days; provided, such commercial learner permit may be suspended, revoked, canceled, denied or disqualified at the discretion of the Department, with notice to Service Oklahoma, for violation of the restrictions, for failing to give the required or correct information on the application or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle. Except as otherwise provided, the lawful possessor of a commercial learner permit who has been issued a commercial learner permit for a minimum of fourteen (14) days may have the restriction requiring an accompanying driver removed by satisfactorily completing a driver's examination; provided, the removal of a restriction shall not authorize the operation of a Class A, B or C commercial motor vehicle if such operation is otherwise prohibited by law.

3. No person shall apply for and Service Oklahoma shall not issue an original Class A, B or C driver license until the person

has been issued a commercial learner permit and held the permit for at least fourteen (14) days. Any person who currently holds a Class B or C license and who wishes to apply for another class of commercial driver license shall be required to apply for a commercial learner permit and to hold the permit for at least fourteen (14) days before applying for the Class A or B license, as applicable. Any person who currently holds a Class A, B or C license and who wishes to add an endorsement or remove a restriction for which a skills examination is required shall be required to apply for a commercial learner permit and to hold the permit for at least fourteen (14) days before applying for the endorsement.

4. A commercial learner permit shall be issued by Service Oklahoma as a separate and unique document which shall be valid only in conjunction with a valid Oklahoma driver license or provisional driver license pursuant to Section 6-212 of this title, both of which shall be in the possession of the person to whom they have been issued whenever that person is operating a commercial motor vehicle as provided in this subsection.

5. Any person who has held a commercial learner permit for the initial issuance period shall not be eligible for and Service Oklahoma shall not issue a renewal of the permit; provided, the person may reapply for a new commercial learner permit, as provided for in this subsection.

G. 1. For purposes of this title:

- a. "REAL ID Compliant Driver License" or "Identification Card" means a driver license or identification card issued by this state that has been certified by the United States Department of Homeland Security (USDHS) as compliant with the requirements of the REAL ID Act of 2005, Public Law No. 109-13. A REAL ID Compliant Driver License or Identification Card and the process through which it is issued incorporate a variety of security measures designed to protect the integrity and trustworthiness of the license or card. A REAL ID Compliant Driver License or Identification Card will be clearly marked on the face indicating that it is a compliant document, and
- b. "REAL ID Noncompliant Driver License" or "Identification Card" means a driver license or identification card issued by this state that has not been certified by the United States Department of Homeland Security (USDHS) as being compliant with the requirements of the REAL ID Act of 2005. A REAL ID Noncompliant Driver License or Identification Card will be clearly marked on the face indicating that it is not compliant with the federal REAL ID Act of 2005 and is not acceptable for official federal purposes.

The driver license or identification card will have a unique design or color indicator that clearly distinguishes it from a compliant license or card.

2. Original Driver License and Identification Card Issuance:

- a. Application for an original REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card shall be made to Service Oklahoma.
- b. Service Oklahoma employees shall perform all document recognition and other requirements needed for approval of an original REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card application.
- c. Upon approval of an original REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card application, the applicant may take the approved application document to a licensed operator to receive a temporary driver license or identification card.
- d. The licensed operator shall process the approved REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card application and upon payment shall provide the applicant a temporary driver license or identification card. A temporary driver license or identification card shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card, whichever time period is shorter.

3. REAL ID Compliant Driver License and Identification Card Renewal and Replacement:

- a. Application for renewal or replacement of a REAL ID Compliant Driver License or Identification Card may be made to Service Oklahoma or to a licensed operator; provided, such licensed operator is authorized to process application for REAL ID Compliant Driver Licenses and Identification Cards. A licensed operator may process the voluntary downgrade of a REAL ID Compliant Commercial Driver License to any lower class license upon request of the licensee; provided, no additional endorsements or restrictions are placed on the license.
- b. Service Oklahoma employees or authorized licensed operators shall perform all document recognition and other requirements needed for approval of a renewal or

replacement REAL ID Compliant Driver License or Identification Card application.

- c. Upon approval of a renewal or replacement REAL ID Compliant Driver License or Identification Card application, the applicant may receive a temporary driver license or identification card from Service Oklahoma or an authorized licensed operator.
- d. A temporary driver license or identification card acquired under the provisions of this paragraph shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card being renewed or replaced for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Compliant Driver License or Identification Card, whichever time period is shorter.
- e. For purposes of this title, an application for a REAL ID Compliant Driver License or Identification Card by an individual with a valid Oklahoma-issued driver license or identification card shall be considered a renewal of a REAL ID Compliant Driver License or Identification Card.

4. REAL ID Noncompliant Driver License and Identification Card Renewal and Replacement:

- a. Application for renewal or replacement of a REAL ID Noncompliant Driver License or Identification Card may be made to Service Oklahoma or to a licensed operator. A licensed operator may process the voluntary downgrade of a REAL ID Noncompliant Commercial Driver License to any lower class license upon request of the licensee; provided, no additional endorsements or restrictions are added to the license.
- b. Service Oklahoma employees or licensed operators shall perform all document recognition and other requirements needed for approval of a renewal or replacement REAL ID Noncompliant Driver License or Identification Card application.
- c. Upon approval of a renewal or replacement REAL ID Noncompliant Driver License or Identification Card application, the applicant may receive a temporary driver license or identification card from Service Oklahoma or a licensed operator.
- d. A temporary driver license or identification card acquired under the provisions of this paragraph shall afford the holder the privileges otherwise granted by the specific class of driver license or identification

card being renewed or replaced for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Noncompliant Driver License or Identification Card, whichever time period is shorter.

H. 1. The fee charged for an approved application for an original Oklahoma REAL ID Compliant or REAL ID Noncompliant Driver License or an approved application for the addition of an endorsement to a current valid Oklahoma REAL ID Compliant or REAL ID Noncompliant Driver License shall be assessed in accordance with the following schedule:

Class A Commercial Learner Permit	\$25.00
Class A Commercial License	\$25.00
Class B Commercial Learner Permit	\$15.00
Class B Commercial License	\$15.00
Class C Commercial Learner Permit	\$15.00
Class C Commercial License	\$15.00
Class D License	\$ 4.00
Motorcycle Endorsement	\$ 4.00

2. Notwithstanding the provisions of Section 1104 of this title, all monies collected from the fees charged for Class A, B and C commercial licenses pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

I. The fee charged for any failed examination shall be Four Dollars (\$4.00) for any license classification. Notwithstanding the provisions of Section 1104 of this title, all monies collected from such examination fees pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

J. In addition to any fee charged pursuant to the provisions of subsection H of this section, the fee charged for the issuance or renewal of a REAL ID Noncompliant Driver License shall be in accordance with the following schedule; provided, that any applicant who has a CDL Learner Permit shall be charged only the replacement fee for the issuance of the license:

License Class	4-year	8-year
Class A Commercial Learner Permit	\$56.50	\$113.00
Class A Commercial License	\$56.50	\$113.00
Class B Commercial Learner Permit	\$56.50	\$113.00
Class B Commercial License	\$56.50	\$113.00
Class C Commercial Learner Permit	\$46.50	\$93.00

Class C Commercial License	\$46.50	\$93.00
Class D License	\$38.50	\$77.00

K. In addition to any fee charged pursuant to the provisions of subsection H of this section, the fee charged for the issuance or renewal of a REAL ID Compliant Driver License shall be in accordance with the following schedule; provided, that any applicant who has a CDL Learner Permit shall be charged only the replacement fee for the issuance of the license:

License Class	4-year	8-year
REAL ID Compliant Class A Commercial Learner Permit	\$56.50	\$113.00
REAL ID Compliant Class A Commercial License	\$56.50	\$113.00
REAL ID Compliant Class B Commercial Learner Permit	\$56.50	\$113.00
REAL ID Compliant Class B Commercial License	\$56.50	\$113.00
REAL ID Compliant Class C Commercial Learner Permit	\$46.50	\$93.00
REAL ID Compliant Class C Commercial License	\$46.50	\$93.00
REAL ID Compliant Class D License	\$38.50	\$77.00

L. A commercial learner permit may not be renewed.

M. Notwithstanding the provisions of Section 1104 of this title, of each fee charged pursuant to the provisions of subsections J, K and L of this section:

1. Five Dollars and fifty cents (\$5.50) of a 4-year license or Eleven Dollars (\$11.00) of an 8-year license shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes;

2. Six Dollars and seventy-five cents (\$6.75) of a 4-year license or Thirteen Dollars and fifty cents (\$13.50) of an 8-year license shall be deposited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of the Department through October 31, 2022. Beginning November 1, 2022, Six Dollars and seventy-five cents (\$6.75) of a 4-year license or Thirteen Dollars and fifty cents (\$13.50) of an 8-year license shall be deposited to the Service Oklahoma Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of Service Oklahoma;

3. Ten Dollars (\$10.00) of a 4-year license or Twenty Dollars (\$20.00) of an 8-year license shall be deposited to the Department of Public Safety Revolving Fund for all original or renewal issuances of licenses through October 31, 2022. Beginning November

1, 2022, Ten Dollars (\$10.00) of a 4-year license or Twenty Dollars (\$20.00) of an 8-year license shall be deposited to the Service Oklahoma Revolving Fund for all original or renewal issuances of licenses; and

4. Five Dollars (\$5.00) of a 4-year license or Six Dollars (\$6.00) of an 8-year license shall be deposited to the State Public Safety Fund created in Section 2-147 of this title.

N. All original and renewal driver licenses shall expire as provided in Section 6-115 of this title.

O. 1. Through May 31, 2025, any person sixty-two (62) to sixty-four (64) years of age during the calendar year of issuance or renewal of a Class D license or motorcycle endorsement shall be charged the following prorated fee:

	4-year	8-year
Age 62	\$21.25	\$42.50
Age 63	\$17.50	\$35.00
Age 64	\$13.75	\$27.50

2. Any person sixty-five (65) years of age or older during the calendar year of issuance or renewal of a Class D license or motorcycle endorsement shall not be charged a fee.

P. No person who has been honorably discharged from active service in any branch of the Armed Forces of the United States or Oklahoma National Guard and who has been certified by the United States Department of Veterans Affairs, its successor or the Armed Forces of the United States to be a disabled veteran in receipt of compensation at the one-hundred-percent rate for a permanent disability sustained through military action or accident resulting from disease contracted while in such active service and registered with the veterans registry created by the Oklahoma Department of Veterans Affairs shall be charged a fee for the issuance, replacement or renewal of an Oklahoma driver license; provided, that if a veteran has been previously exempt from a fee pursuant to this subsection, no registration with the veterans registry shall be required.

Q. In accordance with the provisions of subsection G of this section, Service Oklahoma is authorized to promulgate rules for the issuance and renewal of driver licenses authorized pursuant to the provisions of Sections 6-101 through 6-309 of this title; provided, that no such rules applicable to the issuance or renewal of REAL ID Noncompliant Driver Licenses shall create more stringent standards than such rules applicable as of January 1, 2017, unless directly related to a specific change in statutory law concerning standards for REAL ID Noncompliant Driver Licenses. Applications, upon forms approved by Service Oklahoma, for such licenses shall be handled, in accordance with the provisions of subsection G of this section, by the licensed operator; provided, Service Oklahoma is authorized to assume these duties in any county of this state. For purposes of

this subsection, "licensed operator" shall mean an individual who obtains a license from the Service Oklahoma Operator Board to operate a designated Service Oklahoma location and offers third-party fulfillment of designated services to be rendered by Service Oklahoma.

R. Notwithstanding the provisions of Section 1104 of this title and subsection Q of this section and except as provided in subsections H and M of this section, the first Sixty Thousand Dollars (\$60,000.00) of all monies collected pursuant to this section shall be paid by the Oklahoma Tax Commission to the State Treasurer to be deposited in the General Revenue Fund of the State Treasury.

The next Five Hundred Thousand Dollars (\$500,000.00) of monies collected pursuant to this section shall be paid by the Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department of Public Safety Restricted Revolving Fund for the purpose of the Oklahoma Law Enforcement Telecommunications System. All other monies collected in excess of Five Hundred Sixty Thousand Dollars (\$560,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title, except as otherwise provided in this section.

S. Service Oklahoma shall retain the images displayed on licenses and identification cards issued pursuant to the provisions of Sections 6-101 through 6-309 of this title which may be used only:

1. By a law enforcement agency for purposes of criminal investigations, missing person investigations or any law enforcement purpose which is deemed necessary by the Commissioner of Public Safety;

2. By the driver licensing agency of another state for its official purpose; and

3. As provided in Section 2-110 of this title.

All agencies approved by the Oklahoma Law Enforcement Telecommunications System (OLETS) or the National Law Enforcement Telecommunications System (NLETS) to receive photographs or computerized images may obtain them through OLETS or through NLETS. Photographs or computerized images may be obtained by law enforcement one inquiry at a time.

The computer system and related equipment acquired for this purpose must conform to industry standards for interoperability and open architecture. The Department of Public Safety may promulgate rules to implement the provisions of this subsection.

T. No person may hold more than one state-issued or territory-issued REAL ID Compliant Driver License or REAL ID Compliant Identification Card from Oklahoma or any other state or territory. Service Oklahoma shall not issue a REAL ID Compliant Driver License

to a person who has been previously issued a REAL ID Compliant Driver License or REAL ID Compliant Identification Card until such license or identification card has been surrendered to Service Oklahoma by the applicant. Service Oklahoma may promulgate rules related to the issuance of replacement REAL ID Compliant Driver Licenses in the event of loss or theft.

Added by Laws 1961, p. 340, § 6-101, eff. Sept. 1, 1961. Amended by Laws 1963, c. 94, § 1, emerg. eff. May 27, 1963; Laws 1967, c. 396, § 1, emerg. eff. May 24, 1967; Laws 1968, c. 232, § 1, eff. Jan. 1, 1969; Laws 1975, c. 359, § 1, eff. Jan. 1, 1977; Laws 1977, c. 103, § 60, emerg. eff. May 30, 1977; Laws 1977, 1st Ex. Sess., c. 3, § 14, emerg. eff. June 21, 1977; Laws 1978, c. 304, § 4; Laws 1980, c. 357, § 23, eff. July 1, 1980; Laws 1983, c. 286, § 17, operative July 1, 1983; Laws 1985, c. 45, § 1, eff. Jan. 1, 1986; Laws 1985, c. 179, § 59, operative July 1, 1985; Laws 1987, c. 226, § 3, operative July 1, 1987; Laws 1988, c. 232, § 1, operative July 1, 1988; Laws 1989, c. 82, § 1, eff. Nov. 1, 1989; Laws 1990, c. 219, § 10, eff. Jan. 1, 1991; Laws 1992, c. 217, § 3, eff. July 1, 1992; Laws 1992, c. 373, § 6, eff. July 1, 1992; Laws 1993, c. 97, § 1, eff. Sept. 1, 1993; Laws 1993, c. 243, § 52, eff. Sept. 1, 1993; Laws 1994, c. 18, § 1, eff. Sept. 1, 1994; Laws 1995, c. 23, § 8, eff. Nov. 1, 1995; Laws 1996, c. 254, § 1, eff. Nov. 1, 1996; Laws 1997, c. 2, § 4, emerg. eff. Feb. 26, 1997; Laws 1999, c. 342, § 4, eff. Nov. 1, 1999; Laws 2000, c. 6, § 10, emerg. eff. March 20, 2000; Laws 2000, c. 342, § 3, eff. July 1, 2000; Laws 2001, c. 131, § 5, eff. July 1, 2001; Laws 2001, c. 361, § 3, eff. July 1, 2001; Laws 2002, c. 474, § 4, emerg. eff. June 6, 2002; Laws 2003, c. 3, § 35, emerg. eff. March 19, 2003; Laws 2003, c. 392, § 2, eff. July 1, 2003; Laws 2004, c. 521, § 5, eff. Nov. 1, 2004; Laws 2006, 2nd Ex. Sess., c. 44, § 23, eff. July 1, 2007; Laws 2009, c. 81, § 1, eff. Nov. 1, 2009; Laws 2012, c. 280, § 1, eff. Nov. 1, 2012; Laws 2013, c. 15, § 26, emerg. eff. April 8, 2013; Laws 2013, c. 104, § 1, eff. Nov. 1, 2013; Laws 2013, c. 259, § 2, eff. Nov. 1, 2013; Laws 2015, c. 97, § 1, eff. Nov. 1, 2015; Laws 2016, c. 180, § 1; Laws 2017, c. 1, § 1, emerg. eff. March 2, 2017; Laws 2017, c. 229, § 8, eff. Nov. 1, 2020; Laws 2019, c. 314, § 1, eff. Nov. 1, 2020; Laws 2019, c. 314, § 2, eff. Nov. 1, 2020; Laws 2021, c. 24, § 1, emerg. eff. April 19, 2021; Laws 2021, c. 522, § 1, emerg. eff. May 24, 2021; Laws 2022, c. 282, § 37, emerg. eff. May 19, 2022; Laws 2023, 1st Ex. Sess., c. 47, § 5, eff. July 1, 2023; Laws 2024, c. 11, § 2, emerg. eff. April 18, 2024.

NOTE: Laws 1974, c. 301, § 1 repealed by Laws 1977, c. 103, § 65, emerg. eff. May 30, 1977. Laws 1991, c. 162, § 2 repealed by Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991. Laws 1991, c. 335, § 13 repealed by Laws 1992, c. 217, § 19, eff. July 1, 1992. Laws 1991, c. 216, § 46 and Laws 1992, c. 179, § 1 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992. Laws 1996, c. 203, § 1 repealed by

Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 1999, c. 278, § 2 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000. Laws 2002, c. 374, § 1 repealed by Laws 2003, c. 3, § 36, emerg. eff. March 19, 2003. Laws 2002, c. 397, § 15 repealed by Laws 2003, c. 3, § 37, emerg. eff. March 19, 2003. Laws 2012, c. 283, § 5 repealed by Laws 2013, c. 15, § 27, emerg. eff. April 8, 2013.

§47-6-101v3. Class requirements for driver licenses - Commercial motor vehicles - Commercial learner permit - Hazardous materials - Class D motor vehicles - Motorcycle endorsement - Restricted driver license - Fees - Expiration - Issuance and renewal - Allocation of monies - Identification photographs database.

A. No person, except those hereinafter expressly exempted in Sections 6-102 and 6-102.1 of this title, shall operate any motor vehicle upon a highway in this state unless the person has a valid Oklahoma driver license for the class of vehicle being operated under the provisions of this title. No person shall be permitted to possess more than one valid license at any time, except as provided in paragraph 4 of subsection F of this section.

B. 1. No person shall operate a Class A commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class A commercial license, except as provided in paragraph 5 of this subsection and subsection F of this section. Any person holding a valid Class A commercial license shall be permitted to operate motor vehicles in Classes A, B, C and D, except as provided for in paragraph 4 of this subsection.

2. No person shall operate a Class B commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class B commercial license, except as provided in paragraph 5 of subsection F of this section. Any person holding a valid Class B commercial license shall be permitted to operate motor vehicles in Classes B, C and D, except as provided for in paragraph 4 of this subsection.

3. No person shall operate a Class C commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class C commercial license, except as provided in subsection F of this section. Any person holding a valid Class C commercial license shall be permitted to operate motor vehicles in Classes C and D, except as provided for in paragraph 4 of this subsection.

4. No person under twenty-one (21) years of age shall be licensed to operate any motor vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F, except as provided in subsection F of this section; provided, a person eighteen (18) years of age or older may be licensed to operate a farm vehicle which is required to be placarded

for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F, except as provided in subsection F of this section.

5. A person at least seventeen (17) years of age who successfully completes all examinations required by law may be issued by Service Oklahoma:

- a. a restricted Class A commercial license which shall grant to the licensee the privilege to operate a Class A or Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle, or
- b. a restricted Class B commercial license which shall grant to the licensee the privilege to operate a Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle.

6. No person shall operate a Class D motor vehicle unless the person is sixteen (16) years of age or older and holds a valid Class D license, except as provided for in Section 6-102 or 6-105 of this title. Any person holding a valid Class D license shall be permitted to operate motor vehicles in Class D only.

C. Any person issued a driver license pursuant to this section may exercise the privilege thereby granted upon all streets and highways in this state.

D. No person shall operate a motorcycle or motor-driven cycle without having a valid Class A, B, C or D license with a motorcycle endorsement. Except as otherwise provided by law, any new applicant for an original driver license shall be required to successfully complete a written examination, vision examination and driving examination for a motorcycle as prescribed by the Department of Public Safety, in conjunction with Service Oklahoma, and a certified state-approved motorcycle basic rider course approved by the Department, in conjunction with Service Oklahoma, if the applicant is seventeen (17) years of age or younger to be eligible for a motorcycle endorsement thereon. The written examination and driving examination for a motorcycle shall be waived by Service Oklahoma upon verification that the person has successfully completed a certified Motorcycle Safety Foundation rider course approved by the Department, in conjunction with Service Oklahoma.

E. Except as otherwise provided by law, any person who lawfully possesses a valid Oklahoma driver license which is eligible for renewal shall be required to successfully complete a written examination, vision examination and driving examination for a motorcycle as prescribed by the Department, in conjunction with Service Oklahoma, and a certified state-approved motorcycle basic rider course approved by the Department, in conjunction with Service Oklahoma, if the person is seventeen (17) years of age or younger to be eligible for a motorcycle endorsement. The written examination and driving examination for a motorcycle shall be waived by Service Oklahoma upon verification that the person has successfully

completed a certified Motorcycle Safety Foundation rider course approved by the Department, in conjunction with Service Oklahoma.

F. 1. Any person eighteen (18) years of age or older may apply for a restricted Class A, B or C commercial learner permit. Service Oklahoma, after the applicant has passed all parts of the examination for a Class D license and has successfully passed all parts of the examination for a Class A, B or C commercial license other than the driving examination, may issue to the applicant a commercial learner permit which shall entitle the person having immediate lawful possession of the commercial learner permit and a valid Oklahoma driver license or provisional driver license pursuant to Section 6-212 of this title to operate a Class A, B or C commercial motor vehicle upon the public highways solely for the purpose of behind-the-wheel training in accordance with rules promulgated by the Department.

2. This commercial learner permit shall be issued for a period as provided in Section 6-115 of this title of one year; provided, such commercial learner permit may be suspended, revoked, canceled, denied or disqualified at the discretion of the Department, with notice to Service Oklahoma, for violation of the restrictions, for failing to give the required or correct information on the application or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle. Except as otherwise provided, the lawful possessor of a commercial learner permit who has been issued a commercial learner permit for a minimum of fourteen (14) days may have the restriction requiring an accompanying driver removed by satisfactorily completing a driver's examination; provided, the removal of a restriction shall not authorize the operation of a Class A, B or C commercial motor vehicle if such operation is otherwise prohibited by law.

3. No person shall apply for and Service Oklahoma shall not issue an original Class A, B or C driver license until the person has been issued a commercial learner permit and held the permit for at least fourteen (14) days. Any person who currently holds a Class B or C license and who wishes to apply for another class of commercial driver license shall be required to apply for a commercial learner permit and to hold the permit for at least fourteen (14) days before applying for the Class A or B license, as applicable. Any person who currently holds a Class A, B or C license and who wishes to add an endorsement or remove a restriction for which a skills examination is required shall be required to apply for a commercial learner permit and to hold the permit for at least fourteen (14) days before applying for the endorsement.

4. A commercial learner permit shall be issued by Service Oklahoma as a separate and unique document which shall be valid only in conjunction with a valid Oklahoma driver license or provisional driver license pursuant to Section 6-212 of this title, both of

which shall be in the possession of the person to whom they have been issued whenever that person is operating a commercial motor vehicle as provided in this subsection.

5. After one renewal of a commercial learner permit, as provided in paragraph 2 of this subsection, a commercial permit shall not be renewed again. Any person who has held a commercial learner permit for the initial issuance period and one renewal period shall not be eligible for and Service Oklahoma shall not issue another renewal of the permit; provided, the person may reapply for a new commercial learner permit, as provided for in this subsection.

G. 1. For purposes of this title:

- a. "REAL ID Compliant Driver License" or "Identification Card" means a driver license or identification card issued by this state that has been certified by the United States Department of Homeland Security (USDHS) as compliant with the requirements of the REAL ID Act of 2005, Public Law No. 109-13. A REAL ID Compliant Driver License or Identification Card and the process through which it is issued incorporate a variety of security measures designed to protect the integrity and trustworthiness of the license or card. A REAL ID Compliant Driver License or Identification Card will be clearly marked on the face indicating that it is a compliant document, and
- b. "REAL ID Noncompliant Driver License" or "Identification Card" means a driver license or identification card issued by this state that has not been certified by the United States Department of Homeland Security (USDHS) as being compliant with the requirements of the REAL ID Act of 2005. A REAL ID Noncompliant Driver License or Identification Card will be clearly marked on the face indicating that it is not compliant with the federal REAL ID Act of 2005 and is not acceptable for official federal purposes. The driver license or identification card will have a unique design or color indicator that clearly distinguishes it from a compliant license or card.

2. Original Driver License and Identification Card Issuance:

- a. Application for an original REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card shall be made to Service Oklahoma or a licensed operator provided such licensed operator is authorized to process application for REAL ID Compliant Driver Licenses and Identification Cards. Application for a REAL ID Noncompliant Driver License or Identification Card shall be made to Service Oklahoma.

- b. Service Oklahoma employees or authorized licensed operators shall perform all document recognition and other requirements needed for approval of an original REAL ID Compliant Driver License or Identification Card application. Service Oklahoma employees shall perform all document recognition and other requirements needed for approval of a REAL ID Noncompliant Driver License or Identification Card application.
- c. Upon approval of an original REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card application, the applicant may take the approved application document to a licensed operator to receive a temporary driver license or identification card.
- d. The licensed operator shall process the approved REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card application and upon payment shall provide the applicant a temporary driver license or identification card. A temporary driver license or identification card shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card, whichever time period is shorter.

3. REAL ID Compliant Driver License and Identification Card
Renewal and Replacement:

- a. Application for renewal or replacement of a REAL ID Compliant Driver License or Identification Card may be made to Service Oklahoma or to a licensed operator; provided, such licensed operator is authorized to process application for REAL ID Compliant Driver Licenses and Identification Cards. A licensed operator may process the voluntary downgrade of a REAL ID Compliant Commercial Driver License to any lower class license upon request of the licensee; provided, no additional endorsements or restrictions are placed on the license.
- b. Service Oklahoma employees or authorized licensed operators shall perform all document recognition and other requirements needed for approval of a renewal or replacement REAL ID Compliant Driver License or Identification Card application.
- c. Upon approval of a renewal or replacement REAL ID Compliant Driver License or Identification Card

application, the applicant may receive a temporary driver license or identification card from Service Oklahoma or an authorized licensed operator.

- d. A temporary driver license or identification card acquired under the provisions of this paragraph shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card being renewed or replaced for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Compliant Driver License or Identification Card, whichever time period is shorter.
- e. For purposes of this title, an application for a REAL ID Compliant Driver License or Identification Card by an individual with a valid Oklahoma-issued driver license or identification card shall be considered a renewal of a REAL ID Compliant Driver License or Identification Card.

4. REAL ID Noncompliant Driver License and Identification Card
Renewal and Replacement:

- a. Application for renewal or replacement of a REAL ID Noncompliant Driver License or Identification Card may be made to Service Oklahoma or to a licensed operator. A licensed operator may process the voluntary downgrade of a REAL ID Noncompliant Commercial Driver License to any lower class license upon request of the licensee; provided, no additional endorsements or restrictions are added to the license.
- b. Service Oklahoma employees or licensed operators shall perform all document recognition and other requirements needed for approval of a renewal or replacement REAL ID Noncompliant Driver License or Identification Card application.
- c. Upon approval of a renewal or replacement REAL ID Noncompliant Driver License or Identification Card application, the applicant may receive a temporary driver license or identification card from Service Oklahoma or a licensed operator.
- d. A temporary driver license or identification card acquired under the provisions of this paragraph shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card being renewed or replaced for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Noncompliant Driver

License or Identification Card, whichever time period is shorter.

H. 1. The fee charged for an approved application for an original Oklahoma REAL ID Compliant or REAL ID Noncompliant Driver License or an approved application for the addition of an endorsement to a current valid Oklahoma REAL ID Compliant or REAL ID Noncompliant Driver License shall be assessed in accordance with the following schedule:

Class A Commercial Learner Permit	\$25.00
Class A Commercial License	\$25.00
Class B Commercial Learner Permit	\$15.00
Class B Commercial License	\$15.00
Class C Commercial Learner Permit	\$15.00
Class C Commercial License	\$15.00
Class D License	\$4.00
Motorcycle Endorsement	\$4.00

2. Notwithstanding the provisions of Section 1104 of this title, all monies collected from the fees charged for Class A, B and C commercial licenses pursuant to the provisions of this subsection shall be deposited by Service Oklahoma in the General Revenue Fund of this state.

I. The fee charged for any failed examination shall be Four Dollars (\$4.00) for any license classification. Notwithstanding the provisions of Section 1104 of this title, all monies collected from such examination fees pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

J. In addition to any fee charged pursuant to the provisions of subsection H of this section, the fee charged for the issuance or renewal of a REAL ID Noncompliant Driver License shall be in accordance with the following schedule; provided, that any applicant who has a CDL Learner Permit shall be charged only the replacement fee for the issuance of the license:

License Class	4-year	8-year
Class A Commercial Learner Permit	\$56.50	\$113.00
Class A Commercial License	\$56.50	\$113.00
Class B Commercial Learner Permit	\$56.50	\$113.00
Class B Commercial License	\$56.50	\$113.00
Class C Commercial Learner Permit	\$46.50	\$93.00
Class C Commercial License	\$46.50	\$93.00
Class D License	\$38.50	\$77.00

K. In addition to any fee charged pursuant to the provisions of subsection H of this section, the fee charged for the issuance or renewal of a REAL ID Compliant Driver License shall be in accordance with the following schedule; provided, that any applicant who has a CDL Learner Permit shall be charged only the replacement fee for the issuance of the license:

License Class	4-year	8-year
REAL ID Compliant Class A Commercial Learner Permit	\$56.50	\$113.00
REAL ID Compliant Class A Commercial License	\$56.50	\$113.00
REAL ID Compliant Class B Commercial Learner Permit	\$56.50	\$113.00
REAL ID Compliant Class B Commercial License	\$56.50	\$113.00
REAL ID Compliant Class C Commercial Learner Permit	\$46.50	\$93.00
REAL ID Compliant Class C Commercial License	\$46.50	\$93.00
REAL ID Compliant Class D License	\$38.50	\$77.00

L. A commercial learner permit may be renewed one time for a period of one hundred eighty (180) days. The cost for the renewed permit shall be the same as for the original permit.

M. Notwithstanding the provisions of Section 1104 of this title, each fee charged pursuant to the provisions of subsections J, K, and L of this section shall be apportioned by Service Oklahoma as follows:

1. Five Dollars and fifty cents (\$5.50) of a 4-year license or Eleven Dollars (\$11.00) of an 8-year license shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes;

2. Six Dollars and seventy-five cents (\$6.75) of a 4-year license or Thirteen Dollars and fifty cents (\$13.50) of an 8-year license shall be deposited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of the Department through October 31, 2022.

Beginning November 1, 2022, Six Dollars and seventy-five cents (\$6.75) of a 4-year license or Thirteen Dollars and fifty cents (\$13.50) of an 8-year license shall be deposited to the Service Oklahoma Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of Service Oklahoma;

3. Ten Dollars (\$10.00) of a 4-year license or Twenty Dollars (\$20.00) of an 8-year license shall be deposited to the Department of Public Safety Revolving Fund for all original or renewal

issuances of licenses through October 31, 2022. Beginning November 1, 2022, Ten Dollars (\$10.00) of a 4-year license or Twenty Dollars (\$20.00) of an 8-year license shall be deposited to the Service Oklahoma Revolving Fund for all original or renewal issuances of licenses; and

4. Five Dollars (\$5.00) of a 4-year license or Six Dollars (\$6.00) of an 8-year license shall be deposited to the State Public Safety Fund created in Section 2-147 of this title.

N. All original and renewal driver licenses shall expire as provided in Section 6-115 of this title.

O. 1. Through May 31, 2025, any person sixty-two (62) to sixty-four (64) years of age during the calendar year of issuance or renewal of a Class D license or motorcycle endorsement shall be charged the following prorated fee:

	4-year	8-year
Age 62	\$21.25	\$42.50
Age 63	\$17.50	\$35.00
Age 64	\$13.75	\$27.50

2. Any person sixty-five (65) years of age or older during the calendar year of issuance or renewal of a Class D license or motorcycle endorsement shall not be charged a fee.

P. No person who has been honorably discharged from active service in any branch of the Armed Forces of the United States or Oklahoma National Guard and who has been certified by the United States Department of Veterans Affairs, its successor or the Armed Forces of the United States to be a disabled veteran in receipt of compensation at the one-hundred-percent rate for a permanent disability sustained through military action or accident resulting from disease contracted while in such active service and registered with the veterans registry created by the Oklahoma Department of Veterans Affairs shall be charged a fee for the issuance, replacement or renewal of an Oklahoma driver license; provided, that if a veteran has been previously exempt from a fee pursuant to this subsection, no registration with the veterans registry shall be required.

Q. In accordance with the provisions of subsection G of this section, Service Oklahoma is authorized to promulgate rules for the issuance and renewal of driver licenses authorized pursuant to the provisions of Sections 6-101 through 6-309 of this title; provided, that no such rules applicable to the issuance or renewal of REAL ID Noncompliant Driver Licenses shall create more stringent standards than such rules applicable as of January 1, 2017, unless directly related to a specific change in statutory law concerning standards for REAL ID Noncompliant Driver Licenses. Applications, upon forms approved by Service Oklahoma, for such licenses shall be handled, in accordance with the provisions of subsection G of this section, by the licensed operator; provided, Service Oklahoma is authorized to

assume these duties in any county of this state. Each licensed operator accepting applications for driver licenses shall receive Six Dollars (\$6.00) for a 4-year REAL ID Noncompliant Driver License or Twelve Dollars (\$12.00) for an 8-year REAL ID Noncompliant Driver License or Ten Dollars (\$10.00) for a 4-year REAL ID Compliant Driver License or Twenty Dollars (\$20.00) for an 8-year REAL ID Compliant Driver License to be deducted from the total collected for each license or renewal application accepted through June 30, 2023. Beginning July 1, 2022, and ending on June 30, 2023, each motor license agent or licensed operator accepting applications for driver licenses for individuals over the age of sixty-five (65) years or for applications for drivers pursuant to subsection P of this section shall receive Six Dollars (\$6.00) for a 4-year driver license or Twelve Dollars (\$12.00) for an 8-year driver license to be deducted daily by the motor license agent or licensed operator receipts. Beginning July 1, 2023, these fees shall be retained by the licensed operator pursuant to subsection E of Section 1141.1 of this title. The fees received by the licensed operator, authorized by this subsection, shall be used for operating expenses. The amount retained pursuant to this subsection shall not be retained by any state agency. The fees received by the licensed operator, authorized by this subsection, shall be used for operating expenses. For purposes of this subsection, "licensed operator" shall mean an individual who obtains a license from the Service Oklahoma Operator Board to operate a designated Service Oklahoma location and offers third-party fulfillment of designated services to be rendered by Service Oklahoma.

R. Notwithstanding the provisions of Section 1104 of this title and subsection Q of this section and except as provided in subsections H and M of this section, the first Sixty Thousand Dollars (\$60,000.00) of all monies collected pursuant to this section shall be paid by Service Oklahoma to the State Treasurer to be deposited in the General Revenue Fund of the State Treasury.

The next Five Hundred Thousand Dollars (\$500,000.00) of monies collected pursuant to this section shall be paid by Service Oklahoma to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department of Public Safety Restricted Revolving Fund for the purpose of the Oklahoma Law Enforcement Telecommunications System. All other monies collected in excess of Five Hundred Sixty Thousand Dollars (\$560,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title, except as otherwise provided in this section.

S. Service Oklahoma shall retain the images displayed on licenses and identification cards issued pursuant to the provisions of Sections 6-101 through 6-309 of this title which may be used only:

1. By a law enforcement agency for purposes of criminal investigations, missing person investigations or any law enforcement purpose which is deemed necessary by the Commissioner of Public Safety;

2. By the driver licensing agency of another state for its official purpose; and

3. As provided in Section 2-110 of this title.

All agencies approved by the Oklahoma Law Enforcement Telecommunications System (OLETS) or the National Law Enforcement Telecommunications System (NLETS) to receive photographs or computerized images may obtain them through OLETS or through NLETS. Photographs or computerized images may be obtained by law enforcement one inquiry at a time.

The computer system and related equipment acquired for this purpose must conform to industry standards for interoperability and open architecture. The Department of Public Safety may promulgate rules to implement the provisions of this subsection.

T. No person may hold more than one state-issued or territory-issued REAL ID Compliant Driver License or REAL ID Compliant Identification Card from Oklahoma or any other state or territory. Service Oklahoma shall not issue a REAL ID Compliant Driver License to a person who has been previously issued a REAL ID Compliant Driver License or REAL ID Compliant Identification Card until such license or identification card has been surrendered to Service Oklahoma by the applicant. Service Oklahoma may promulgate rules related to the issuance of replacement REAL ID Compliant Driver Licenses in the event of loss or theft.

U. Beginning May 24, 2021, and ending on June 30, 2023, in addition to the amounts provided in subsection Q of this section, a licensed operator shall receive Five Dollars (\$5.00) for each processed application for a REAL ID Compliant 4-year Driver License and Ten Dollars (\$10.00) for each processed application for a REAL ID Compliant 8-year Driver License. Any additional amounts provided pursuant to this subsection shall not be retained by Service Oklahoma.

Added by Laws 1961, p. 340, § 6-101, eff. Sept. 1, 1961. Amended by Laws 1963, c. 94, § 1, emerg. eff. May 27, 1963; Laws 1967, c. 396, § 1, emerg. eff. May 24, 1967; Laws 1968, c. 232, § 1, eff. Jan. 1, 1969; Laws 1975, c. 359, § 1, eff. Jan. 1, 1977; Laws 1977, c. 103, § 60, emerg. eff. May 30, 1977; Laws 1977, 1st Ex. Sess., c. 3, § 14, emerg. eff. June 21, 1977; Laws 1978, c. 304, § 4; Laws 1980, c. 357, § 23, eff. July 1, 1980; Laws 1983, c. 286, § 17, operative July 1, 1983; Laws 1985, c. 45, § 1, eff. Jan. 1, 1986; Laws 1985, c. 179, § 59, operative July 1, 1985; Laws 1987, c. 226, § 3, operative July 1, 1987; Laws 1988, c. 232, § 1, operative July 1, 1988; Laws 1989, c. 82, § 1, eff. Nov. 1, 1989; Laws 1990, c. 219, § 10, eff. Jan. 1, 1991; Laws 1992, c. 217, § 3, eff. July 1, 1992;

Laws 1992, c. 373, § 6, eff. July 1, 1992; Laws 1993, c. 97, § 1, eff. Sept. 1, 1993; Laws 1993, c. 243, § 52, eff. Sept. 1, 1993; Laws 1994, c. 18, § 1, eff. Sept. 1, 1994; Laws 1995, c. 23, § 8, eff. Nov. 1, 1995; Laws 1996, c. 254, § 1, eff. Nov. 1, 1996; Laws 1997, c. 2, § 4, emerg. eff. Feb. 26, 1997; Laws 1999, c. 342, § 4, eff. Nov. 1, 1999; Laws 2000, c. 6, § 10, emerg. eff. March 20, 2000; Laws 2000, c. 342, § 3, eff. July 1, 2000; Laws 2001, c. 131, § 5, eff. July 1, 2001; Laws 2001, c. 361, § 3, eff. July 1, 2001; Laws 2002, c. 474, § 4, emerg. eff. June 6, 2002; Laws 2003, c. 3, § 35, emerg. eff. March 19, 2003; Laws 2003, c. 392, § 2, eff. July 1, 2003; Laws 2004, c. 521, § 5, eff. Nov. 1, 2004; Laws 2006, 2nd Ex. Sess., c. 44, § 23, eff. July 1, 2007; Laws 2009, c. 81, § 1, eff. Nov. 1, 2009; Laws 2012, c. 280, § 1, eff. Nov. 1, 2012; Laws 2013, c. 15, § 26, emerg. eff. April 8, 2013; Laws 2013, c. 104, § 1, eff. Nov. 1, 2013; Laws 2013, c. 259, § 2, eff. Nov. 1, 2013; Laws 2015, c. 97, § 1, eff. Nov. 1, 2015; Laws 2016, c. 180, § 1; Laws 2017, c. 1, § 1, emerg. eff. March 2, 2017; Laws 2017, c. 229, § 8, eff. Nov. 1, 2020; Laws 2019, c. 314, § 1, eff. Nov. 1, 2020; Laws 2019, c. 314, § 2, eff. Nov. 1, 2020; Laws 2021, c. 24, § 1, emerg. eff. April 19, 2021; Laws 2021, c. 522, § 1, emerg. eff. May 24, 2021; Laws 2022, c. 282, § 37, emerg. eff. May 19, 2022; Laws 2023, 1st Ex. Sess., c. 47, § 5, eff. July 1, 2023; Laws 2024, c. 452, § 34, emerg. eff. June 14, 2024; Laws 2025, c. 171, § 3, eff. July 1, 2026.

NOTE: Laws 1974, c. 301, § 1 repealed by Laws 1977, c. 103, § 65, emerg. eff. May 30, 1977. Laws 1991, c. 162, § 2 repealed by Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991. Laws 1991, c. 335, § 13 repealed by Laws 1992, c. 217, § 19, eff. July 1, 1992. Laws 1991, c. 216, § 46 and Laws 1992, c. 179, § 1 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992. Laws 1996, c. 203, § 1 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 1999, c. 278, § 2 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000. Laws 2002, c. 374, § 1 repealed by Laws 2003, c. 3, § 36, emerg. eff. March 19, 2003. Laws 2002, c. 397, § 15 repealed by Laws 2003, c. 3, § 37, emerg. eff. March 19, 2003. Laws 2012, c. 283, § 5 repealed by Laws 2013, c. 15, § 27, emerg. eff. April 8, 2013

§47-6-101v4. Class requirements for driver licenses - Commercial motor vehicles - Commercial learner permit - Hazardous materials - Class D motor vehicles - Motorcycle endorsement - Restricted driver license - Fees - Expiration - Issuance and renewal - Allocation of monies - Identification photographs database.

A. No person, except those hereinafter expressly exempted in Sections 6-102 and 6-102.1 of this title, shall operate any motor vehicle upon a highway in this state unless the person has a valid Oklahoma driver license for the class of vehicle being operated

under the provisions of this title. No person shall be permitted to possess more than one valid license at any time, except as provided in paragraph 4 of subsection F of this section.

B. 1. No person shall operate a Class A commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class A commercial license, except as provided in paragraph 5 of this subsection and subsection F of this section. Any person holding a valid Class A commercial license shall be permitted to operate motor vehicles in Classes A, B, C and D, except as provided for in paragraph 4 of this subsection.

2. No person shall operate a Class B commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class B commercial license, except as provided in paragraph 5 of subsection F of this section. Any person holding a valid Class B commercial license shall be permitted to operate motor vehicles in Classes B, C and D, except as provided for in paragraph 4 of this subsection.

3. No person shall operate a Class C commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class C commercial license, except as provided in subsection F of this section. Any person holding a valid Class C commercial license shall be permitted to operate motor vehicles in Classes C and D, except as provided for in paragraph 4 of this subsection.

4. No person under twenty-one (21) years of age shall be licensed to operate any motor vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F, except as provided in subsection F of this section; provided, a person eighteen (18) years of age or older may be licensed to operate a farm vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F, except as provided in subsection F of this section.

5. A person at least seventeen (17) years of age who successfully completes all examinations required by law may be issued by Service Oklahoma:

- a. a restricted Class A commercial license which shall grant to the licensee the privilege to operate a Class A or Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle, or
- b. a restricted Class B commercial license which shall grant to the licensee the privilege to operate a Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle.

6. No person shall operate a Class D motor vehicle unless the person is sixteen (16) years of age or older and holds a valid Class D license, except as provided for in Section 6-102 or 6-105 of this title. Any person holding a valid Class D license shall be permitted to operate motor vehicles in Class D only.

C. Any person issued a driver license pursuant to this section may exercise the privilege thereby granted upon all streets and highways in this state.

D. No person shall operate a motorcycle or motor-driven cycle without having a valid Class A, B, C or D license with a motorcycle endorsement. Except as otherwise provided by law, any new applicant for an original driver license shall be required to successfully complete a written examination, vision examination and driving examination for a motorcycle as prescribed by the Department of Public Safety, in conjunction with Service Oklahoma, and a certified state-approved motorcycle basic rider course approved by the Department, in conjunction with Service Oklahoma, if the applicant is seventeen (17) years of age or younger to be eligible for a motorcycle endorsement thereon. The written examination and driving examination for a motorcycle shall be waived by Service Oklahoma upon verification that the person has successfully completed a certified Motorcycle Safety Foundation rider course approved by the Department, in conjunction with Service Oklahoma.

E. Except as otherwise provided by law, any person who lawfully possesses a valid Oklahoma driver license which is eligible for renewal shall be required to successfully complete a written examination, vision examination and driving examination for a motorcycle as prescribed by the Department, in conjunction with Service Oklahoma, and a certified state-approved motorcycle basic rider course approved by the Department, in conjunction with Service Oklahoma, if the person is seventeen (17) years of age or younger to be eligible for a motorcycle endorsement. The written examination and driving examination for a motorcycle shall be waived by Service Oklahoma upon verification that the person has successfully completed a certified Motorcycle Safety Foundation rider course approved by the Department, in conjunction with Service Oklahoma.

F. 1. Any person eighteen (18) years of age or older may apply for a restricted Class A, B or C commercial learner permit. Service Oklahoma, after the applicant has passed all parts of the examination for a Class D license and has successfully passed all parts of the examination for a Class A, B or C commercial license other than the driving examination, may issue to the applicant a commercial learner permit which shall entitle the person having immediate lawful possession of the commercial learner permit and a valid Oklahoma driver license or provisional driver license pursuant to Section 6-212 of this title to operate a Class A, B or C commercial motor vehicle upon the public highways solely for the purpose of behind-the-wheel training in accordance with rules promulgated by the Department.

2. This commercial learner permit shall be issued for a period as provided in Section 6-115 of this title of one (1) year; provided, such commercial learner permit may be suspended, revoked,

canceled, denied or disqualified at the discretion of the Department, with notice to Service Oklahoma, for violation of the restrictions, for failing to give the required or correct information on the application or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle. Except as otherwise provided, the lawful possessor of a commercial learner permit who has been issued a commercial learner permit for a minimum of fourteen (14) days may have the restriction requiring an accompanying driver removed by satisfactorily completing a driver's examination; provided, the removal of a restriction shall not authorize the operation of a Class A, B or C commercial motor vehicle if such operation is otherwise prohibited by law.

3. No person shall apply for and Service Oklahoma shall not issue an original Class A, B or C driver license until the person has been issued a commercial learner permit and held the permit for at least fourteen (14) days. Any person who currently holds a Class B or C license and who wishes to apply for another class of commercial driver license shall be required to apply for a commercial learner permit and to hold the permit for at least fourteen (14) days before applying for the Class A or B license, as applicable. Any person who currently holds a Class A, B or C license and who wishes to add an endorsement or remove a restriction for which a skills examination is required shall be required to apply for a commercial learner permit and to hold the permit for at least fourteen (14) days before applying for the endorsement.

4. A commercial learner permit shall be issued by Service Oklahoma as a separate and unique document which shall be valid only in conjunction with a valid Oklahoma driver license or provisional driver license pursuant to Section 6-212 of this title, both of which shall be in the possession of the person to whom they have been issued whenever that person is operating a commercial motor vehicle as provided in this subsection.

5. After one renewal of a commercial learner permit, as provided in paragraph 2 of this subsection, a commercial permit shall not be renewed again. Any person who has held a commercial learner permit for the initial issuance period and one renewal period shall not be eligible for and Service Oklahoma shall not issue another renewal of the permit; provided, the person may reapply for a new commercial learner permit, as provided for in this subsection.

G. 1. For purposes of this title:

- a. "REAL ID Compliant Driver License" or "Identification Card" means a driver license or identification card issued by this state that has been certified by the United States Department of Homeland Security (USDHS) as compliant with the requirements of the REAL ID Act of 2005, Public Law No. 109-13. A REAL ID Compliant

Driver License or Identification Card and the process through which it is issued incorporate a variety of security measures designed to protect the integrity and trustworthiness of the license or card. A REAL ID Compliant Driver License or Identification Card will be clearly marked on the face indicating that it is a compliant document, and

- b. "REAL ID Noncompliant Driver License" or "Identification Card" means a driver license or identification card issued by this state that has not been certified by the United States Department of Homeland Security (USDHS) as being compliant with the requirements of the REAL ID Act of 2005. A REAL ID Noncompliant Driver License or Identification Card will be clearly marked on the face indicating that it is not compliant with the federal REAL ID Act of 2005 and is not acceptable for official federal purposes. The driver license or identification card will have a unique design or color indicator that clearly distinguishes it from a compliant license or card.

2. Original Driver License and Identification Card Issuance:

- a. Application for an original REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card shall be made to Service Oklahoma or a licensed operator provided such licensed operator is authorized to process application for REAL ID Compliant Driver Licenses and Identification Cards. Application for a REAL ID Noncompliant Driver License or Identification Card shall be made to Service Oklahoma.
- b. Service Oklahoma employees or authorized licensed operators shall perform all document recognition and other requirements needed for approval of an original REAL ID Compliant Driver License or Identification Card application. Service Oklahoma employees shall perform all document recognition and other requirements needed for approval of a REAL ID Noncompliant Driver License or Identification Card application.
- c. Upon approval of an original REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card application, the applicant may take the approved application document to a licensed operator to receive a temporary driver license or identification card.
- d. The licensed operator shall process the approved REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card application and upon payment shall provide the applicant a temporary driver license or

identification card. A temporary driver license or identification card shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card, whichever time period is shorter.

3. REAL ID Compliant Driver License and Identification Card
Renewal and Replacement:

- a. Application for renewal or replacement of a REAL ID Compliant Driver License or Identification Card may be made to Service Oklahoma or to a licensed operator; provided, such licensed operator is authorized to process application for REAL ID Compliant Driver Licenses and Identification Cards. A licensed operator may process the voluntary downgrade of a REAL ID Compliant Commercial Driver License to any lower class license upon request of the licensee; provided, no additional endorsements or restrictions are placed on the license.
- b. Service Oklahoma employees or authorized licensed operators shall perform all document recognition and other requirements needed for approval of a renewal or replacement REAL ID Compliant Driver License or Identification Card application.
- c. Upon approval of a renewal or replacement REAL ID Compliant Driver License or Identification Card application, the applicant may receive a temporary driver license or identification card from Service Oklahoma or an authorized licensed operator.
- d. A temporary driver license or identification card acquired under the provisions of this paragraph shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card being renewed or replaced for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Compliant Driver License or Identification Card, whichever time period is shorter.
- e. For purposes of this title, an application for a REAL ID Compliant Driver License or Identification Card by an individual with a valid Oklahoma-issued driver license or identification card shall be considered a

renewal of a REAL ID Compliant Driver License or Identification Card.

4. REAL ID Noncompliant Driver License and Identification Card Renewal and Replacement:

- a. Application for renewal or replacement of a REAL ID Noncompliant Driver License or Identification Card may be made to Service Oklahoma or to a licensed operator. A licensed operator may process the voluntary downgrade of a REAL ID Noncompliant Commercial Driver License to any lower class license upon request of the licensee; provided, no additional endorsements or restrictions are added to the license.
- b. Service Oklahoma employees or licensed operators shall perform all document recognition and other requirements needed for approval of a renewal or replacement REAL ID Noncompliant Driver License or Identification Card application.
- c. Upon approval of a renewal or replacement REAL ID Noncompliant Driver License or Identification Card application, the applicant may receive a temporary driver license or identification card from Service Oklahoma or a licensed operator.
- d. A temporary driver license or identification card acquired under the provisions of this paragraph shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card being renewed or replaced for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Noncompliant Driver License or Identification Card, whichever time period is shorter.

H. 1. The fee charged for an approved application for an original Oklahoma REAL ID Compliant or REAL ID Noncompliant Driver License or an approved application for the addition of an endorsement to a current valid Oklahoma REAL ID Compliant or REAL ID Noncompliant Driver License shall be assessed in accordance with the following schedule:

Class A Commercial Learner Permit	\$25.00
Class A Commercial License	\$25.00
Class B Commercial Learner Permit	\$15.00
Class B Commercial License	\$15.00
Class C Commercial Learner Permit	\$15.00
Class C Commercial License	\$15.00

Class D License	\$ 4.00
Motorcycle Endorsement	\$ 4.00

2. Notwithstanding the provisions of Section 1104 of this title, all monies collected from the fees charged for Class A, B and C commercial licenses pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

I. The fee charged for any failed examination shall be Four Dollars (\$4.00) for any license classification. Notwithstanding the provisions of Section 1104 of this title, all monies collected from such examination fees pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

J. In addition to any fee charged pursuant to the provisions of subsection H of this section, the fee charged for the issuance or renewal of a REAL ID Noncompliant Driver License shall be in accordance with the following schedule; provided, that any applicant who has a CDL Learner Permit shall be charged only the replacement fee for the issuance of the license:

License Class	4-year	8-year
Class A Commercial Learner Permit	\$56.50	\$113.00
Class A Commercial License	\$56.50	\$113.00
Class B Commercial Learner Permit	\$56.50	\$113.00
Class B Commercial License	\$56.50	\$113.00
Class C Commercial Learner Permit	\$46.50	\$93.00
Class C Commercial License	\$46.50	\$93.00
Class D License	\$38.50	\$77.00

K. In addition to any fee charged pursuant to the provisions of subsection H of this section, the fee charged for the issuance or renewal of a REAL ID Compliant Driver License shall be in accordance with the following schedule; provided, that any applicant who has a CDL Learner Permit shall be charged only the replacement fee for the issuance of the license:

License Class	4-year	8-year
REAL ID Compliant Class A Commercial Learner Permit	\$56.50	\$113.00
REAL ID Compliant Class A Commercial License	\$56.50	\$113.00
REAL ID Compliant Class B Commercial Learner Permit	\$56.50	\$113.00
REAL ID Compliant Class B Commercial License	\$56.50	\$113.00
REAL ID Compliant Class C Commercial Learner Permit	\$46.50	\$93.00
REAL ID Compliant Class C Commercial License	\$46.50	\$93.00

REAL ID Compliant Class D

License	\$38.50	\$77.00

L. A commercial learner permit may be renewed one time for a period of one hundred eighty (180) days. The cost for the renewed permit shall be the same as for the original permit.

M. Notwithstanding the provisions of Section 1104 of this title, of each fee charged pursuant to the provisions of subsections J, K and L of this section:

1. Five Dollars and fifty cents (\$5.50) of a 4-year license or Eleven Dollars (\$11.00) of an 8-year license shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes;

2. Six Dollars and seventy-five cents (\$6.75) of a 4-year license or Thirteen Dollars and fifty cents (\$13.50) of an 8-year license shall be deposited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of the Department through October 31, 2022.

Beginning November 1, 2022, Six Dollars and seventy-five cents (\$6.75) of a 4-year license or Thirteen Dollars and fifty cents (\$13.50) of an 8-year license shall be deposited to the Service Oklahoma Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of Service Oklahoma;

3. Ten Dollars (\$10.00) of a 4-year license or Twenty Dollars (\$20.00) of an 8-year license shall be deposited to the Department of Public Safety Revolving Fund for all original or renewal issuances of licenses through October 31, 2022. Beginning November 1, 2022, Ten Dollars (\$10.00) of a 4-year license or Twenty Dollars (\$20.00) of an 8-year license shall be deposited to the Service Oklahoma Revolving Fund for all original or renewal issuances of licenses; and

4. Five Dollars (\$5.00) of a 4-year license or Six Dollars (\$6.00) of an 8-year license shall be deposited to the State Public Safety Fund created in Section 2-147 of this title.

N. All original and renewal driver licenses shall expire as provided in Section 6-115 of this title.

O. 1. Through May 31, 2025, any person sixty-two (62) to sixty-four (64) years of age during the calendar year of issuance or renewal of a Class D license or motorcycle endorsement shall be charged the following prorated fee:

	4-year	8-year
Age 62	\$21.25	\$42.50
Age 63	\$17.50	\$35.00
Age 64	\$13.75	\$27.50

2. Any person sixty-five (65) years of age or older during the calendar year of issuance or renewal of a Class D license or motorcycle endorsement shall not be charged a fee.

P. No person who has been honorably discharged from active service in any branch of the Armed Forces of the United States or Oklahoma National Guard and who has been certified by the United States Department of Veterans Affairs, its successor or the Armed Forces of the United States to be a disabled veteran in receipt of compensation at the one-hundred-percent rate for a permanent disability sustained through military action or accident resulting from disease contracted while in such active service and registered with the veterans registry created by the Oklahoma Department of Veterans Affairs shall be charged a fee for the issuance, replacement or renewal of an Oklahoma driver license; provided, that if a veteran has been previously exempt from a fee pursuant to this subsection, no registration with the veterans registry shall be required.

Q. In accordance with the provisions of subsection G of this section, Service Oklahoma is authorized to promulgate rules for the issuance and renewal of driver licenses authorized pursuant to the provisions of Sections 6-101 through 6-309 of this title; provided, that no such rules applicable to the issuance or renewal of REAL ID Noncompliant Driver Licenses shall create more stringent standards than such rules applicable as of January 1, 2017, unless directly related to a specific change in statutory law concerning standards for REAL ID Noncompliant Driver Licenses. Applications, upon forms approved by Service Oklahoma, for such licenses shall be handled, in accordance with the provisions of subsection G of this section, by the licensed operator; provided, Service Oklahoma is authorized to assume these duties in any county of this state. Each licensed operator accepting applications for driver licenses shall receive Six Dollars (\$6.00) for a 4-year REAL ID Noncompliant Driver License or Twelve Dollars (\$12.00) for an 8-year REAL ID Noncompliant Driver License or Ten Dollars (\$10.00) for a 4-year REAL ID Compliant Driver License or Twenty Dollars (\$20.00) for an 8-year REAL ID Compliant Driver License to be deducted from the total collected for each license or renewal application accepted through June 30, 2023. Beginning July 1, 2022, and ending on June 30, 2023, each motor license agent or licensed operator accepting applications for driver licenses for individuals over the age of sixty-five (65) years or for applications for drivers pursuant to subsection P of this section shall receive Six Dollars (\$6.00) for a 4-year driver license or Twelve Dollars (\$12.00) for an 8-year driver license to be deducted daily by the motor license agent or licensed operator receipts. Beginning July 1, 2023, these fees shall be retained by the licensed operator pursuant to subsection E of Section 1141.1 of this title. The fees received by the licensed operator, authorized

by this subsection, shall be used for operating expenses. The amount retained pursuant to this subsection shall not be retained by any state agency. The fees received by the licensed operator, authorized by this subsection, shall be used for operating expenses. For purposes of this subsection, "licensed operator" shall mean an individual who obtains a license from the Service Oklahoma Operator Board to operate a designated Service Oklahoma location and offers third-party fulfillment of designated services to be rendered by Service Oklahoma.

R. Notwithstanding the provisions of Section 1104 of this title and subsection Q of this section and except as provided in subsections H and M of this section, the first Sixty Thousand Dollars (\$60,000.00) of all monies collected pursuant to this section shall be paid by the Oklahoma Tax Commission to the State Treasurer to be deposited in the General Revenue Fund of the State Treasury.

The next Five Hundred Thousand Dollars (\$500,000.00) of monies collected pursuant to this section shall be paid by the Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department of Public Safety Restricted Revolving Fund for the purpose of the Oklahoma Law Enforcement Telecommunications System. All other monies collected in excess of Five Hundred Sixty Thousand Dollars (\$560,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title, except as otherwise provided in this section.

S. Service Oklahoma shall retain the images displayed on licenses and identification cards issued pursuant to the provisions of Sections 6-101 through 6-309 of this title which may be used only:

1. By a law enforcement agency for purposes of criminal investigations, missing person investigations or any law enforcement purpose which is deemed necessary by the Commissioner of Public Safety;

2. By the driver licensing agency of another state for its official purpose; and

3. As provided in Section 2-110 of this title.

All agencies approved by the Oklahoma Law Enforcement Telecommunications System (OLETS) or the National Law Enforcement Telecommunications System (NLETS) to receive photographs or computerized images may obtain them through OLETS or through NLETS. Photographs or computerized images may be obtained by law enforcement one inquiry at a time.

The computer system and related equipment acquired for this purpose must conform to industry standards for interoperability and open architecture. The Department of Public Safety may promulgate rules to implement the provisions of this subsection.

T. No person may hold more than one state-issued or territory-issued driver license or identification card from Oklahoma or any other state or territory. Service Oklahoma shall not issue a driver license to a person who has been previously issued a driver license or identification card until such license or identification card has been surrendered to Service Oklahoma by the applicant. Provided, any person who holds both a driver license and identification card from Oklahoma as of November 1, 2025, may continue to possess both credentials until the first expiration of either credential. At that time, the person shall be allowed to retain, replace, or renew either the driver license or identification card and shall surrender the second credential to Service Oklahoma. Service Oklahoma may promulgate rules related to the issuance of replacement REAL ID Compliant Driver Licenses in the event of loss or theft.

U. Beginning May 24, 2021, and ending on June 30, 2023, in addition to the amounts provided in subsection Q of this section, a licensed operator shall receive Five Dollars (\$5.00) for each processed application for a REAL ID Compliant 4-year Driver License and Ten Dollars (\$10.00) for each processed application for a REAL ID Compliant 8-year Driver License. Any additional amounts provided pursuant to this subsection shall not be retained by Service Oklahoma.

Added by Laws 1961, p. 340, § 6-101, eff. Sept. 1, 1961. Amended by Laws 1963, c. 94, § 1, emerg. eff. May 27, 1963; Laws 1967, c. 396, § 1, emerg. eff. May 24, 1967; Laws 1968, c. 232, § 1, eff. Jan. 1, 1969; Laws 1975, c. 359, § 1, eff. Jan. 1, 1977; Laws 1977, c. 103, § 60, emerg. eff. May 30, 1977; Laws 1977, 1st Ex. Sess., c. 3, § 14, emerg. eff. June 21, 1977; Laws 1978, c. 304, § 4; Laws 1980, c. 357, § 23, eff. July 1, 1980; Laws 1983, c. 286, § 17, operative July 1, 1983; Laws 1985, c. 45, § 1, eff. Jan. 1, 1986; Laws 1985, c. 179, § 59, operative July 1, 1985; Laws 1987, c. 226, § 3, operative July 1, 1987; Laws 1988, c. 232, § 1, operative July 1, 1988; Laws 1989, c. 82, § 1, eff. Nov. 1, 1989; Laws 1990, c. 219, § 10, eff. Jan. 1, 1991; Laws 1992, c. 217, § 3, eff. July 1, 1992; Laws 1992, c. 373, § 6, eff. July 1, 1992; Laws 1993, c. 97, § 1, eff. Sept. 1, 1993; Laws 1993, c. 243, § 52, eff. Sept. 1, 1993; Laws 1994, c. 18, § 1, eff. Sept. 1, 1994; Laws 1995, c. 23, § 8, eff. Nov. 1, 1995; Laws 1996, c. 254, § 1, eff. Nov. 1, 1996; Laws 1997, c. 2, § 4, emerg. eff. Feb. 26, 1997; Laws 1999, c. 342, § 4, eff. Nov. 1, 1999; Laws 2000, c. 6, § 10, emerg. eff. March 20, 2000; Laws 2000, c. 342, § 3, eff. July 1, 2000; Laws 2001, c. 131, § 5, eff. July 1, 2001; Laws 2001, c. 361, § 3, eff. July 1, 2001; Laws 2002, c. 474, § 4, emerg. eff. June 6, 2002; Laws 2003, c. 3, § 35, emerg. eff. March 19, 2003; Laws 2003, c. 392, § 2, eff. July 1, 2003; Laws 2004, c. 521, § 5, eff. Nov. 1, 2004; Laws 2006, 2nd Ex. Sess., c. 44, § 23, eff. July 1, 2007; Laws 2009, c. 81, § 1, eff. Nov. 1, 2009; Laws 2012, c. 280, § 1, eff. Nov. 1, 2012; Laws 2013,

c. 15, § 26, emerg. eff. April 8, 2013; Laws 2013, c. 104, § 1, eff. Nov. 1, 2013; Laws 2013, c. 259, § 2, eff. Nov. 1, 2013; Laws 2015, c. 97, § 1, eff. Nov. 1, 2015; Laws 2016, c. 180, § 1; Laws 2017, c. 1, § 1, emerg. eff. March 2, 2017; Laws 2017, c. 229, § 8, eff. Nov. 1, 2020; Laws 2019, c. 314, § 1, eff. Nov. 1, 2020; Laws 2019, c. 314, § 2, eff. Nov. 1, 2020; Laws 2021, c. 24, § 1, emerg. eff. April 19, 2021; Laws 2021, c. 522, § 1, emerg. eff. May 24, 2021; Laws 2022, c. 282, § 37, emerg. eff. May 19, 2022; Laws 2023, 1st Ex. Sess., c. 47, § 5, eff. July 1, 2023; Laws 2024, c. 452, § 34, emerg. eff. June 14, 2024; Laws 2025, c. 330, § 3, eff. July 1, 2025.

NOTE: Laws 1974, c. 301, § 1 repealed by Laws 1977, c. 103, § 65, emerg. eff. May 30, 1977. Laws 1991, c. 162, § 2 repealed by Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991. Laws 1991, c. 335, § 13 repealed by Laws 1992, c. 217, § 19, eff. July 1, 1992. Laws 1991, c. 216, § 46 and Laws 1992, c. 179, § 1 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992. Laws 1996, c. 203, § 1 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 1999, c. 278, § 2 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000. Laws 2002, c. 374, § 1 repealed by Laws 2003, c. 3, § 36, emerg. eff. March 19, 2003. Laws 2002, c. 397, § 15 repealed by Laws 2003, c. 3, § 37, emerg. eff. March 19, 2003. Laws 2012, c. 283, § 5 repealed by Laws 2013, c. 15, § 27, emerg. eff. April 8, 2013.

§47-6-102. See the following versions:

OS 47-6-102v1 (HB 2297, Laws 2025, c. 123, § 1)

OS 47-6-102v2 (SB 1766, Laws 2024, c. 450, § 1)

§47-6-102.1. Operation by persons with an agricultural exemption permit.

Any person that possesses an agricultural exemption permit pursuant to Section 1358.1 of Title 68 of the Oklahoma Statutes, while in the course of an agricultural or ranching operation owned by the person and while conducting business within the state, may operate a Class A, B or C commercial motor vehicle if the person possesses any class of valid Oklahoma driver license. Provided, the provisions of this section shall not apply to the operation of any vehicle used for the transportation of any property for hire. Added by Laws 2013, c. 104, § 2, eff. Nov. 1, 2013.

§47-6-102v1. Persons exempt - Reciprocity agreements with foreign countries.

A. A nonresident who is sixteen (16) years of age or older may operate a motor vehicle in this state as authorized by the class, restrictions, and endorsements specified on the license, if the nonresident is:

1. Properly licensed in the home state or country to operate a commercial or noncommercial motor vehicle and who has immediate possession of a valid driver license issued by the home state or country; or

2. A member of the Armed Forces of the United States or the spouse or dependent of such member who has been issued and is in possession of a valid driver license issued by an overseas component of the Armed Forces of the United States.

B. A resident who is at least fifteen (15) years of age may operate a vehicle in this state without a driver license, if the resident is:

1. Operating a vehicle pursuant to subsection B of Section 6-105 of this title; or

2. Taking the driving skills examination as required by Section 6-110 of this title, when accompanied by a Driver License Examiner of Service Oklahoma or by a designated examiner approved and certified by Service Oklahoma.

C. Any person, while in the performance of official duties, may operate any class of motor vehicle if the person possesses any class of valid Oklahoma driver license or a valid driver license issued by another state, if the person is:

1. A member of the Armed Forces of the United States who is on active duty;

2. A member of the military reserves, not including United States reserve technicians;

3. A member of the National Guard who is on active duty including National Guard military technicians;

4. A member of the National Guard who is on part-time National Guard training including National Guard military technicians; or

5. A member of the United States Coast Guard who is on active duty.

D. 1. The Director of Service Oklahoma is hereby authorized to adopt rules as may be necessary to enter into reciprocity agreements with foreign countries. The rules shall specify that the driver license standards of the foreign country shall be comparable to those of this state. The rules shall also require foreign drivers, who are operating a motor vehicle in Oklahoma under such a reciprocity agreement, to comply with the compulsory motor vehicle liability insurance and financial responsibility laws of this state.

2. Service Oklahoma shall enter into a reciprocity agreement for driver licenses with the country of Ireland.

E. When an automated driving system, as defined by Section 1701 of this title, installed on a motor vehicle is engaged, the following shall apply:

1. The automated driving system is considered the driver or operator, for the purpose of assessing compliance with applicable traffic or motor vehicle laws, and shall be deemed to satisfy

electronically all physical acts required by a driver or operator of the vehicle; and

2. The automated driving system is considered to be licensed to operate the vehicle.

Added by Laws 1961, p. 341, § 6-102, eff. Sept. 1, 1961. Amended by Laws 1975, c. 200, § 1; Laws 1990, c. 219, § 11, eff. Jan. 1, 1991; Laws 1991, c. 162, § 4, emerg. eff. May 7, 1991; Laws 1992, c. 217, § 5, eff. July 1, 1992; Laws 1998, c. 345, § 1, eff. Nov. 1, 1998; Laws 2001, c. 131, § 6, eff. July 1, 2001; Laws 2002, c. 86, § 3, emerg. eff. April 17, 2002; Laws 2004, c. 418, § 8, eff. July 1, 2004; Laws 2005, c. 457, § 1, eff. Nov. 1, 2005; Laws 2006, c. 311, § 6, emerg. eff. June 8, 2006; Laws 2022, c. 132, § 10, eff. Nov. 1, 2022; Laws 2024, c. 452, § 36, emerg. eff. June 14, 2024; Laws 2025, c. 123, § 1, eff. Nov. 1, 2025.

§47-6-102v2. Persons exempt - Reciprocity agreements with foreign countries.

A. A nonresident who is sixteen (16) years of age or older may operate a motor vehicle in this state as authorized by the class, restrictions, and endorsements specified on the license, if the nonresident is:

1. Properly licensed in the home state or country to operate a commercial or noncommercial motor vehicle and who has immediate possession of a valid driver license issued by the home state or country; or

2. A member of the Armed Forces of the United States or the spouse or dependent of such member who has been issued and is in possession of a valid driver license issued by an overseas component of the Armed Forces of the United States.

B. A resident who is at least fifteen (15) years of age may operate a vehicle in this state without a driver license, if the resident is:

1. Operating a vehicle pursuant to subsection B of Section 6-105 of this title; or

2. Taking the driving skills examination as required by Section 6-110 of this title, when accompanied by a driver license examiner of Service Oklahoma or by a designated examiner approved and certified by Service Oklahoma.

C. A resident who is at least thirteen and one-half (13 1/2) years of age who will qualify for the permit to operate farm vehicles as provided for in Section 6-105 of this title may operate a vehicle in this state without a driver license, if the resident is:

1. Operating a vehicle pursuant to subsection B of Section 6-105 of this title; or

2. Taking the driving skills examination as required by Section 6-110 of this title, when accompanied by a driver license examiner

of Service Oklahoma or by a designated examiner approved and certified by Service Oklahoma.

D. Any person, while in the performance of official duties, may operate any class of motor vehicle if the person possesses any class of valid Oklahoma driver license or a valid driver license issued by another state, if the person is:

1. A member of the Armed Forces of the United States who is on active duty;

2. A member of the military reserves, not including United States reserve technicians;

3. A member of the National Guard who is on active duty, including National Guard military technicians;

4. A member of the National Guard who is on part-time National Guard training, including National Guard military technicians; or

5. A member of the United States Coast Guard who is on active duty.

E. The Executive Director of Service Oklahoma is hereby authorized to adopt rules as may be necessary to enter into reciprocity agreements with foreign countries. The rules shall specify that the driver license standards of the foreign country shall be comparable to those of this state. The rules shall also require foreign drivers, who are operating a motor vehicle in Oklahoma under such a reciprocity agreement, to comply with the compulsory motor vehicle liability insurance and financial responsibility laws of this state.

Added by Laws 1961, p. 341, § 6-102, eff. Sept. 1, 1961. Amended by Laws 1975, c. 200, § 1; Laws 1990, c. 219, § 11, eff. Jan. 1, 1991; Laws 1991, c. 162, § 4, emerg. eff. May 7, 1991; Laws 1992, c. 217, § 5, eff. July 1, 1992; Laws 1998, c. 345, § 1, eff. Nov. 1, 1998; Laws 2001, c. 131, § 6, eff. July 1, 2001; Laws 2002, c. 86, § 3, emerg. eff. April 17, 2002; Laws 2004, c. 418, § 8, eff. July 1, 2004; Laws 2005, c. 457, § 1, eff. Nov. 1, 2005; Laws 2006, c. 311, § 6, emerg. eff. June 8, 2006; Laws 2022, c. 282, § 39, emerg. eff. May 19, 2022; Laws 2024, c. 450, § 1, eff. Nov. 1, 2024.

NOTE: Laws 2022, c. 282, § 39 was purportedly repealed by Laws 2024, c. 452, § 37 but without reference to Laws 2024, c. 450, § 1, which amended it.

§47-6-103. Persons not to be licensed - Appeal.

A. Except as otherwise provided by law, Service Oklahoma shall not issue a driver license to:

1. Any person who is under eighteen (18) years of age, except that Service Oklahoma may issue a Class D license to any person who attains sixteen (16) years of age on or after August 15, 2000, and meets the requirements of Sections 6-105 and 6-107.3 of this title;

2. Any unemancipated person who is under eighteen (18) years of age and whose custodial legal parent or legal guardian does not

approve the issuance of a license as required by Section 6-110.2 of this title or objects to the issuance of a license or permit by filing an objection pursuant to Section 6-103.1 of this title;

3. Any person whose driving privilege has been suspended, revoked, canceled or denied in this state or any other state or country until the driving privilege has been reinstated by the state or country withdrawing the privilege;

4. Any person who is classified as an excessive user of alcohol, any other intoxicating substance, or a combination of alcohol and any other intoxicating substance, and inimical to public safety, in accordance with rules promulgated by the Department, until all requirements granting or reinstating driving privileges are met, including, but not limited to, abstinence from the use of alcohol, any other intoxicating substance, or any combination of alcohol and any other intoxicating substance for a minimum of either twelve (12) months or eighteen (18) months, as determined by OAC 595:10-5, immediately preceding application for or application for reinstatement of driving privileges;

5. Any person who is required by Section 6-101 et seq. of this title to take an examination, unless the person shall have successfully passed the examination;

6. Any person who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;

7. Any person who is physically deformed or who is afflicted with any mental disease or physical condition that would impair the driving ability of the person or when the Commissioner of Public Safety, from information concerning the person or from the records and reports on file in the Department of Public Safety, determines that the operation of a motor vehicle by such person on the highways would be inimical to public safety or welfare;

8. Any person who is a nonresident, as defined in Section 1-137 of this title;

9. Any alien unless such person presents valid documentation of identity and authorization for presence in the United States issued pursuant to the laws of the United States; provided, no license shall be issued to any alien whose documentation indicates the alien is a visitor or is not eligible to establish residency; or

10. Any person who possesses a valid license to operate a motor vehicle issued by another state until the other state license has been surrendered.

B. Any applicant who is denied a license under the provisions of subsection A of this section shall have the right to an appeal as provided in Section 6-211 of this title.

Added by Laws 1961, p. 341, § 6-103, eff. Sept. 1, 1961. Amended by Laws 1985, c. 45, § 2, eff. Jan. 1, 1986; Laws 1985, c. 338, § 2, eff. Jan. 1, 1986; Laws 1990, c. 219, § 12, eff. Jan. 1, 1991; Laws

1992, c. 217, § 6, eff. July 1, 1992; Laws 1996, c. 254, § 2, eff. Nov. 1, 1996; Laws 1997, c. 2, § 5, emerg. eff. Feb. 26, 1997; Laws 1997, c. 201, § 2, eff. Nov. 1, 1997; Laws 1999, c. 161, § 1, eff. Aug. 15, 2000; Laws 2000, c. 277, § 3, eff. Nov. 1, 2000; Laws 2002, c. 114, § 1, eff. Nov. 1, 2002; Laws 2003, c. 392, § 3, eff. July 1, 2003; Laws 2006, c. 311, § 7, emerg. eff. June 8, 2006; Laws 2007, c. 326, § 5, eff. Nov. 1, 2007; Laws 2022, c. 282, § 40, emerg. eff. May 19, 2022.

NOTE: Laws 1996, c. 247, § 38 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997.

§47-6-103.1. Parental objection to licensing of unemancipated child.

A. Any legal custodial parent or legal guardian may prohibit the licensing of or cause the cancellation of a license previously issued to his or her unemancipated child by filing an objection with Service Oklahoma on a form prescribed by Service Oklahoma. Service Oklahoma shall refuse to issue or shall cancel a license when an objection has been properly filed by a legal custodial parent or legal guardian. A license may not be issued and a previous license shall remain canceled until the objection is withdrawn by the legal custodial parent or legal guardian or until the child attains eighteen (18) years of age. A license canceled because a legal custodial parent or legal guardian has filed an objection may be reinstated only after a period of three (3) months. No fee shall be assessed by Service Oklahoma for reinstatement of a license pursuant to the provisions of this act.

B. No legal custodial parent or legal guardian shall be found liable for negligent entrustment of an unemancipated child for failure to file an objection pursuant to the provisions of this section.

Added by Laws 1996, c. 254, § 3, eff. Nov. 1, 1996. Amended by Laws 2006, c. 311, § 8, emerg. eff. June 8, 2006; Laws 2022, c. 282, § 41, emerg. eff. May 19, 2022.

§47-6-104. Repealed by Laws 1990, c. 219, § 47, eff. Jan. 1, 1991.

§47-6-105. See the following versions:

OS 47-6-105v1 (SB 1766, Laws 2024, c. 450, § 2).

OS 47-6-105v2 (SB 2038, Laws 2024, c. 452, § 38).

OS 47-6-105v3 (HB 1854, Laws 2024, c. 11, § 3).

§47-6-105.1. Repealed by Laws 2007, c. 62, § 36, emerg. eff. April 30, 2007.

§47-6-105.2. Instructor permit.

Service Oklahoma may issue an instructor permit to any qualified secondary school driver education instructor as defined by the State Board of Education rules and regulations for Oklahoma high school driver and traffic safety education or any driver education instructor, certified by Service Oklahoma, of a parochial, private, or other nonpublic secondary school upon a proper application to the State Board of Education or the Department of Public Safety in the case of secondary schools that are not regulated by the State Board of Education or a commercial driver training course instructor, as provided for in Sections 801 through 808 of this title. Service Oklahoma shall promulgate rules for the issuance of the permits. Any instructor as defined in this section who has been issued a permit may instruct any person who is at least fifteen and one-half (15 1/2) years of age, any person who is at least thirteen and one-half (13 1/2) years of age who will qualify for the permit to operate farm vehicles as provided for in Section 6-105 of this title, or any person who is at least fifteen (15) years of age and of secondary school or higher educational standing while regularly enrolled and certified by the instructor as a student taking a prescribed course of secondary school driver education or a driver education course, certified by Service Oklahoma, from a parochial, private, or other nonpublic secondary school or a commercial driver training course, as defined by Sections 801 through 808 of this title, to operate a motor vehicle while accompanied by and receiving instruction from the instructor who is actually occupying a seat beside the driver.

Added by Laws 2005, c. 457, § 3, eff. Nov. 1, 2005. Amended by Laws 2022, c. 282, § 43, emerg. eff. May 19, 2022; Laws 2024, c. 450, § 3, eff. Nov. 1, 2024.

§47-6-105.3. See the following versions:

OS 47-6-105.3v1 (HB 1854, Laws 2024, c. 11, § 4)
OS 47-6-105.3v2 (HB 3599, Laws 2024, c. 101, § 1)
OS 47-6-105.3v3 (HB 3231, Laws 2024, c. 315, § 3)
OS 47-6-105.3v4 (HB 1751, Laws 2025, c. 330, § 4)

§47-6-105.3v1. Issuance of identification card - Fees.

A. In addition to the licenses to operate motor vehicles, the Department of Public Safety may issue cards to Oklahoma residents for purposes of identification only. The identification cards shall be issued, renewed, replaced, canceled and denied in the same manner as driver licenses in this state. A licensee whose record reflects a notation of the person's proof of legal presence, verified by the U.S. Department of Homeland Security, or proof of U.S. citizenship, may obtain a REAL ID Compliant Identification Card or a Noncompliant Identification Card from a motor license agent or the Department of Public Safety, regardless of the status of the license held by the

licensee. Provided, the licensee must comply with all REAL ID documentation requirements to obtain a REAL ID Compliant Identification Card. A person shall not apply for or possess more than one state-issued or territory-issued REAL ID Compliant Identification Card pursuant to the provisions of Section 6-101 of this title.

The application for an identification card by any person under the age of eighteen (18) years shall be signed and verified by a custodial legal parent or legal guardian, either in person before a person authorized to administer oaths or electronically if completing an online application, or a notarized affidavit signed by a custodial legal parent or legal guardian submitted before a person authorized to administer oaths by the person under the age of eighteen (18) years with the application. Except as otherwise provided in this section, the identification cards shall be valid for a period of either four (4) years from the month of issuance or eight (8) years from the month of issuance; however, the REAL ID Noncompliant identification cards issued to persons sixty-five (65) years of age or older shall be valid indefinitely from the month of issuance.

B. 1. The Department of Corrections shall coordinate with the Department of Public Safety to provide REAL ID Noncompliant Identification Cards to all inmates who do not have a current state-issued identification card or driver license upon their release from custody. The identification cards shall be issued, replaced, canceled and denied in the same manner as driver licenses in this state.

2. The Department of Public Safety shall allow the use of a certified copy of a birth certificate coupled with a Department of Corrections-issued consolidated record card to serve as a valid form of photo identification documentation to obtain a REAL ID Noncompliant Identification Card.

3. REAL ID Noncompliant Identification Cards issued with a consolidated record card from the Department of Corrections for inmates shall be valid for a period of four (4) years from the month of issuance for an allowable fee to be determined by the Department of Public Safety and are nonrenewable and nontransferable.

4. The fee charged for the issuance or replacement of a REAL ID Noncompliant Identification Card pursuant to this subsection shall be deposited in the Department of Public Safety Revolving Fund. Provided, however, REAL ID Noncompliant Identification Cards issued to individuals required to register pursuant to the Sex Offenders Registration Act shall only be valid for a period of one (1) year. No person sixty-five (65) years of age or older shall be charged a fee for a REAL ID Noncompliant Identification Card.

5. The Department of Public Safety is authorized to promulgate rules and procedures to implement the provisions of this subsection.

C. No person shall hold more than one state-issued or territory-issued REAL ID Compliant Driver License or REAL ID Compliant Identification Card, as defined in subsection G of Section 6-101 of this title. The Department shall not issue a REAL ID Compliant Identification Card to any applicant who has been previously issued a REAL ID Compliant Driver License or REAL ID Compliant Identification Card unless such license or identification card has been surrendered to the Department by the applicant. The Department may promulgate rules related to the issuance of replacement REAL ID Compliant Identification Cards in the event of loss or theft.

D. The fee charged for the issuance or renewal of a REAL ID Compliant Identification Card shall be Twenty-five Dollars (\$25.00) for a 4-year card and Fifty Dollars (\$50.00) for an 8-year card. The fee charged for the issuance or renewal of a REAL ID Noncompliant Identification Card pursuant to this section shall be Twenty-five Dollars (\$25.00) for a 4-year card and Fifty Dollars (\$50.00) for an 8-year card; however, no person sixty-five (65) years of age or older, or one hundred percent (100%) disabled veteran described in subsection P of Section 6-101 of this title shall be charged a fee for an identification card. Of each fee charged pursuant to the provisions of this subsection:

1. Seven Dollars (\$7.00) of a 4-year card and Fourteen Dollars (\$14.00) of an 8-year card shall be apportioned as provided in Section 1104 of this title;

2. Three Dollars (\$3.00) of a 4-year card and Six Dollars (\$6.00) of an 8-year card shall be credited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of the administration and maintenance of the computerized imaging system of the Department;

3. Ten Dollars (\$10.00) of a 4-year card and Twenty Dollars (\$20.00) of an 8-year card shall be deposited in the Department of Public Safety Revolving Fund;

4. Three Dollars (\$3.00) of a 4-year card and Six Dollars (\$6.00) of an 8-year card shall be deposited to the State Public Safety Fund created in Section 2-147 of this title; and

5. Two Dollars (\$2.00) for a 4-year card and Four Dollars (\$4.00) for an 8-year card of the fee authorized by this subsection related to the issuance or renewal of an identification card by a motor license agent that does process approved applications or renewals for REAL ID Compliant and REAL ID Non-Compliant Driver Licenses or Identification Cards shall be retained by the licensed operator through June 30, 2023. Beginning July 1, 2023, these monies shall be retained by the licensed operator pursuant to subsection E of Section 1141.1 of this title.

E. The fee charged for replacement of a REAL ID Compliant Identification Card, or REAL ID Non-Compliant Identification Card,

shall be Twenty-five Dollars (\$25.00); however, no person sixty-five (65) years of age or older shall be charged a fee for an identification card replacement. Of each fee charged pursuant to the provisions of this subsection:

1. Seven Dollars (\$7.00) shall be apportioned as provided in Section 1104 of this title;

2. Three Dollars (\$3.00) shall be credited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of the administration and maintenance of the computerized imaging system of the Department;

3. Ten Dollars (\$10.00) shall be deposited in the Department of Public Safety Revolving Fund;

4. Three Dollars (\$3.00) shall be deposited to the State Public Safety Fund created in Section 2-147 of this title; and

5. Two Dollars (\$2.00) of the fee authorized by this subsection related to the replacement of an identification card by a motor license agent that does process approved applications or renewals for REAL ID Compliant or REAL ID Non-Compliant Driver Licenses or Identification Cards shall be retained by the licensed operator through June 30, 2023. Beginning July 1, 2023, these monies shall be retained by the licensed operator pursuant to subsection E of Section 1141.1 of this title.

F. The Oklahoma Tax Commission is hereby authorized to reimburse, from funds available to that agency, each motor license agent issuing an identification card to a person sixty-five (65) years of age or older, an amount not to exceed One Dollar (\$1.00) for each card or driver license so issued through June 30, 2023. The Tax Commission shall develop procedures for claims for reimbursement.

G. Notwithstanding any other provision of law, when a person makes application for a new identification card, or makes application to renew an identification card, and the person has been convicted of, or received a deferred judgment for, any offense required to register pursuant to the Sex Offenders Registration Act, the identification card shall be valid for a period of one (1) year from the month of issuance, but may be renewed yearly during the time the person is subject to registration on the Sex Offender Registry. The cost for such identification card shall be the same as for other identification cards and renewals.

H. Nothing in this section requires or authorizes the Department of Public Safety to issue a REAL ID Noncompliant Identification Card without the documentation required by the provisions of paragraph 9 of subsection A of Section 6-103 of this title.

Added by Laws 2005, c. 457, § 4, eff. Nov. 1, 2005. Amended by Laws 2006, c. 294, § 2, eff. July 1, 2006; Laws 2007, c. 1, § 27, emerg. eff. Feb. 22, 2007; Laws 2013, c. 116, § 1, eff. Nov. 1, 2013; Laws

2013, c. 259, § 3, eff. Nov. 1, 2013; Laws 2015, c. 266, § 1, eff. Nov. 1, 2015; Laws 2017, c. 1, § 2, emerg. eff. March 2, 2017; Laws 2021, c. 24, § 2, emerg. eff. April 19, 2021; Laws 2021, c. 522, § 2, emerg. eff. May 24, 2021; Laws 2022, c. 65, § 1, eff. Nov. 1, 2022; Laws 2023, 1st Ex. Sess., c. 47, § 6, eff. July 1, 2023; Laws 2024, c. 11, § 4, emerg. eff. April 18, 2024.

NOTE: Laws 2006, c. 311, § 10 repealed by Laws 2007, c. 1, § 28, emerg. eff. Feb. 22, 2007. Laws 2021, c. 70, § 3 repealed by Laws 2021, c. 522, § 7, emerg. eff. May 24, 2021.

NOTE: Laws 2023, 1st Ex. Sess., c. 47, § 6 was purportedly repealed by Laws 2024, c. 452, § 43 but without reference to Laws 2024, c. 11, § 4, which amended it.

§47-6-105.3v2. Issuance of identification card - Fees.

A. In addition to the licenses to operate motor vehicles, Service Oklahoma may issue cards to Oklahoma residents for purposes of identification only. The identification cards shall be issued, renewed, replaced, canceled and denied in the same manner as driver licenses in this state. A licensee whose record reflects a notation of the person's proof of legal presence, verified by the U.S. Department of Homeland Security, or proof of U.S. citizenship, may obtain a REAL ID Compliant Identification Card or a Noncompliant Identification Card from a licensed operator or Service Oklahoma, regardless of the status of the license held by the licensee. Provided, the licensee must comply with all REAL ID documentation requirements to obtain a REAL ID Compliant Identification Card. A person shall not apply for or possess more than one state-issued or territory-issued REAL ID Compliant Identification Card pursuant to the provisions of Section 6-101 of this title.

The application for an identification card by any person under the age of eighteen (18) years shall be signed and verified by a custodial legal parent or legal guardian, either in person before a person authorized to administer oaths or electronically if completing an online application, or a notarized affidavit signed by a custodial legal parent or legal guardian submitted before a person authorized to administer oaths by the person under the age of eighteen (18) years with the application. Except as otherwise provided in this section, the identification cards shall be valid for a period of either four (4) years from the month of issuance or eight (8) years from the month of issuance; however, the identification cards issued to persons sixty-five (65) years of age or older shall be valid indefinitely from the month of issuance.

B. 1. The Department of Corrections shall coordinate with Service Oklahoma to provide REAL ID Noncompliant Identification Cards to all inmates who do not have a current state-issued identification card or driver license upon their release from custody. The identification cards shall be issued, replaced,

canceled and denied in the same manner as driver licenses in this state.

2. Service Oklahoma shall allow the use of a copy of a birth certificate coupled with a Department of Corrections-issued consolidated record card to serve as a valid form of photo identification documentation to obtain a REAL ID Noncompliant Identification Card.

3. REAL ID Noncompliant Identification Cards issued with a consolidated record card from the Department of Corrections for inmates shall be valid for a period of four (4) years from the month of issuance for an allowable fee to be determined by Service Oklahoma and are nonrenewable and nontransferable.

4. The fee charged for the issuance or replacement of a REAL ID Noncompliant Identification Card pursuant to this subsection shall be deposited in the Department of Public Safety Revolving Fund. Provided, however, REAL ID Noncompliant Identification Cards issued to individuals required to register pursuant to the Sex Offenders Registration Act shall only be valid for a period of one (1) year. No person sixty-five (65) years of age or older shall be charged a fee for a REAL ID Noncompliant Identification Card.

5. Service Oklahoma is authorized to promulgate rules and procedures to implement the provisions of this subsection.

C. No person shall hold more than one state-issued or territory-issued REAL ID Compliant Driver License or REAL ID Compliant Identification Card, as defined in subsection G of Section 6-101 of this title. Service Oklahoma shall not issue a REAL ID Compliant Identification Card to any applicant who has been previously issued a REAL ID Compliant Driver License or REAL ID Compliant Identification Card unless such license or identification card has been surrendered to Service Oklahoma by the applicant. Service Oklahoma may promulgate rules related to the issuance of replacement REAL ID Compliant Identification Cards in the event of loss or theft.

D. The fee charged for the issuance or renewal of a REAL ID Compliant Identification Card shall be Twenty-five Dollars (\$25.00) for a 4-year card and Fifty Dollars (\$50.00) for an 8-year card. The fee charged for the issuance or renewal of a REAL ID Noncompliant Identification Card pursuant to this section shall be Twenty-five Dollars (\$25.00) for a 4-year card and Fifty Dollars (\$50.00) for an 8-year card; however, no person sixty-five (65) years of age or older, or one hundred percent (100%) disabled veteran described in subsection P of Section 6-101 of this title shall be charged a fee for an identification card. Of each fee charged pursuant to the provisions of this subsection:

1. Seven Dollars (\$7.00) of a 4-year card and Fourteen Dollars (\$14.00) of an 8-year card shall be apportioned as provided in Section 1104 of this title;

2. Three Dollars (\$3.00) of a 4-year card and Six Dollars (\$6.00) of an 8-year card shall be credited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of the administration and maintenance of the computerized imaging system of the Department;

3. Ten Dollars (\$10.00) of a 4-year card and Twenty Dollars (\$20.00) of an 8-year card shall be deposited in the Department of Public Safety Revolving Fund;

4. Three Dollars (\$3.00) of a 4-year card and Six Dollars (\$6.00) of an 8-year card shall be deposited to the State Public Safety Fund created in Section 2-147 of this title; and

5. Two Dollars (\$2.00) for a 4-year card and Four Dollars (\$4.00) for an 8-year card of the fee authorized by this subsection related to the issuance or renewal of an identification card by a licensed operator that does process approved applications or renewals for REAL ID Compliant and REAL ID Noncompliant Driver Licenses or Identification Cards shall be retained by the licensed operator through June 30, 2023. Beginning July 1, 2023, these monies shall be retained by the licensed operator pursuant to subsection E of Section 1141.1 of this title.

E. The fee charged for replacement of a REAL ID Compliant Identification Card, or REAL ID Noncompliant Identification Card, shall be Twenty-five Dollars (\$25.00); however, no person sixty-five (65) years of age or older shall be charged a fee for an identification card replacement. Of each fee charged pursuant to the provisions of this subsection:

1. Seven Dollars (\$7.00) shall be apportioned as provided in Section 1104 of this title;

2. Three Dollars (\$3.00) shall be credited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of the administration and maintenance of the computerized imaging system of the Department;

3. Ten Dollars (\$10.00) shall be deposited in the Department of Public Safety Revolving Fund;

4. Three Dollars (\$3.00) shall be deposited to the State Public Safety Fund created in Section 2-147 of this title; and

5. Two Dollars (\$2.00) of the fee authorized by this subsection related to the replacement of an identification card by a licensed operator that does process approved applications or renewals for REAL ID Compliant or REAL ID Noncompliant Driver Licenses or Identification Cards shall be retained by the licensed operator through June 30, 2023. Beginning July 1, 2023, these monies shall be retained by the licensed operator pursuant to subsection E of Section 1141.1 of this title.

F. The Oklahoma Tax Commission is hereby authorized to reimburse, from funds available to that agency, each licensed operator issuing an identification card to a person sixty-five (65)

years of age or older, an amount not to exceed One Dollar (\$1.00) for each card or driver license so issued through June 30, 2023. The Tax Commission shall develop procedures for claims for reimbursement.

G. Notwithstanding any other provision of law, when a person makes application for a new identification card, or makes application to renew an identification card, and the person has been convicted of, or received a deferred judgment for, any offense required to register pursuant to the Sex Offenders Registration Act, the identification card shall be valid for a period of one (1) year from the month of issuance, but may be renewed yearly during the time the person is subject to registration on the Sex Offender Registry. The cost for such identification card shall be the same as for other identification cards and renewals.

H. Nothing in this section requires or authorizes Service Oklahoma to issue a REAL ID Noncompliant Identification Card without the documentation required by the provisions of paragraph 9 of subsection A of Section 6-103 of this title.

Added by Laws 2005, c. 457, § 4, eff. Nov. 1, 2005. Amended by Laws 2006, c. 294, § 2, eff. July 1, 2006; Laws 2007, c. 1, § 27, emerg. eff. Feb. 22, 2007; Laws 2013, c. 116, § 1, eff. Nov. 1, 2013; Laws 2013, c. 259, § 3, eff. Nov. 1, 2013; Laws 2015, c. 266, § 1, eff. Nov. 1, 2015; Laws 2017, c. 1, § 2, emerg. eff. March 2, 2017; Laws 2021, c. 24, § 2, emerg. eff. April 19, 2021; Laws 2021, c. 522, § 2, emerg. eff. May 24, 2021; Laws 2022, c. 65, § 1, eff. Nov. 1, 2022; Laws 2023, 1st Ex. Sess., c. 47, § 6, eff. July 1, 2023; Laws 2024, c. 101, § 1, eff. Nov. 1, 2024.

NOTE: Laws 2006, c. 311, § 10 repealed by Laws 2007, c. 1, § 28, emerg. eff. Feb. 22, 2007. Laws 2021, c. 70, § 3 repealed by Laws 2021, c. 522, § 7, emerg. eff. May 24, 2021.

NOTE: Laws 2023, 1st Ex. Sess., c. 47, § 6 was purportedly repealed by Laws 2024, c. 452, § 43 but without reference to Laws 2024, c. 101, § 1, which amended it.

§47-6-105.3v3. Issuance of identification card - Fees.

A. In addition to the licenses to operate motor vehicles, the Department of Public Safety may issue cards to Oklahoma residents for purposes of identification only. The identification cards shall be issued, renewed, replaced, canceled and denied in the same manner as driver licenses in this state. A licensee whose record reflects a notation of the person's proof of legal presence, verified by the U.S. Department of Homeland Security, or proof of U.S. citizenship, may obtain a REAL ID Compliant Identification Card or a Noncompliant Identification Card from a motor license agent or the Department of Public Safety, regardless of the status of the license held by the licensee. Provided, the licensee must comply with all REAL ID documentation requirements to obtain a REAL ID Compliant

Identification Card. A person shall not apply for or possess more than one state-issued or territory-issued REAL ID Compliant Identification Card pursuant to the provisions of Section 6-101 of this title.

The application for an identification card by any person under the age of eighteen (18) years shall be signed and verified by a custodial legal parent or legal guardian, either in person before a person authorized to administer oaths or electronically if completing an online application, or a notarized affidavit signed by a custodial legal parent or legal guardian submitted before a person authorized to administer oaths by the person under the age of eighteen (18) years with the application. Provided, that persons under eighteen (18) years of age who are homeless children and youth, as defined in Section 600 of Title 10 of the Oklahoma Statutes and verified as such through the process established in Section 2 of this act, shall be allowed to apply for a REAL ID Noncompliant Identification Card, which shall be valid for a period of four (4) years from the month of issuance, without the signature of their parent or legal guardian. Except as otherwise provided in this section, the identification cards shall be valid for a period of either four (4) years from the month of issuance or eight (8) years from the month of issuance; however, the identification cards issued to persons sixty-five (65) years of age or older shall be valid indefinitely from the month of issuance.

B. 1. The Department of Corrections shall coordinate with the Department of Public Safety to provide REAL ID Noncompliant Identification Cards to all inmates who do not have a current state-issued identification card or driver license upon their release from custody. The identification cards shall be issued, replaced, canceled and denied in the same manner as driver licenses in this state.

2. The Department of Public Safety shall allow the use of a certified copy of a birth certificate coupled with a Department of Corrections-issued consolidated record card to serve as a valid form of photo identification documentation to obtain a REAL ID Noncompliant Identification Card.

3. REAL ID Noncompliant Identification Cards issued with a consolidated record card from the Department of Corrections for inmates shall be valid for a period of four (4) years from the month of issuance for an allowable fee to be determined by the Department of Public Safety and are nonrenewable and nontransferable.

4. The fee charged for the issuance or replacement of a REAL ID Noncompliant Identification Card pursuant to this subsection shall be deposited in the Department of Public Safety Revolving Fund. Provided, however, REAL ID Noncompliant Identification Cards issued to individuals required to register pursuant to the Sex Offenders Registration Act shall only be valid for a period of one (1) year.

No person sixty-five (65) years of age or older shall be charged a fee for a REAL ID Noncompliant Identification Card.

5. The Department of Public Safety is authorized to promulgate rules and procedures to implement the provisions of this subsection.

C. No person shall hold more than one state-issued or territory-issued REAL ID Compliant Driver License or REAL ID Compliant Identification Card, as defined in subsection G of Section 6-101 of this title. The Department shall not issue a REAL ID Compliant Identification Card to any applicant who has been previously issued a REAL ID Compliant Driver License or REAL ID Compliant Identification Card unless such license or identification card has been surrendered to the Department by the applicant. The Department may promulgate rules related to the issuance of replacement REAL ID Compliant Identification Cards in the event of loss or theft.

D. The fee charged for the issuance or renewal of a REAL ID Compliant Identification Card shall be Twenty-five Dollars (\$25.00) for a 4-year card and Fifty Dollars (\$50.00) for an 8-year card. The fee charged for the issuance or renewal of a REAL ID Noncompliant Identification Card pursuant to this section shall be Twenty-five Dollars (\$25.00) for a 4-year card and Fifty Dollars (\$50.00) for an 8-year card; however, no person sixty-five (65) years of age or older, one hundred percent (100%) disabled veteran described in subsection P of Section 6-101 of this title, or persons who are homeless children and youth as defined in Section 600 of Title 10 of the Oklahoma Statutes and verified through the process established in Section 2 of this act shall be charged a fee for an identification card. Of each fee charged pursuant to the provisions of this subsection:

1. Seven Dollars (\$7.00) of a 4-year card and Fourteen Dollars (\$14.00) of an 8-year card shall be apportioned as provided in Section 1104 of this title;

2. Three Dollars (\$3.00) of a 4-year card and Six Dollars (\$6.00) of an 8-year card shall be credited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of the administration and maintenance of the computerized imaging system of the Department;

3. Ten Dollars (\$10.00) of a 4-year card and Twenty Dollars (\$20.00) of an 8-year card shall be deposited in the Department of Public Safety Revolving Fund;

4. Three Dollars (\$3.00) of a 4-year card and Six Dollars (\$6.00) of an 8-year card shall be deposited to the State Public Safety Fund created in Section 2-147 of this title; and

5. Two Dollars (\$2.00) for a 4-year card and Four Dollars (\$4.00) for an 8-year card of the fee authorized by this subsection related to the issuance or renewal of an identification card by a motor license agent that does process approved applications or

renewals for REAL ID Compliant and REAL ID Noncompliant Driver Licenses or Identification Cards shall be retained by the licensed operator through June 30, 2023. Beginning July 1, 2023, these monies shall be retained by the licensed operator pursuant to subsection E of Section 1141.1 of this title.

E. The fee charged for replacement of a REAL ID Compliant Identification Card, or REAL ID Noncompliant Identification Card, shall be Twenty-five Dollars (\$25.00); however, no person sixty-five (65) years of age or older shall be charged a fee for an identification card replacement. Of each fee charged pursuant to the provisions of this subsection:

1. Seven Dollars (\$7.00) shall be apportioned as provided in Section 1104 of this title;

2. Three Dollars (\$3.00) shall be credited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of the administration and maintenance of the computerized imaging system of the Department;

3. Ten Dollars (\$10.00) shall be deposited in the Department of Public Safety Revolving Fund;

4. Three Dollars (\$3.00) shall be deposited to the State Public Safety Fund created in Section 2-147 of this title; and

5. Two Dollars (\$2.00) of the fee authorized by this subsection related to the replacement of an identification card by a motor license agent that does process approved applications or renewals for REAL ID Compliant or REAL ID Noncompliant Driver Licenses or Identification Cards shall be retained by the licensed operator through June 30, 2023. Beginning July 1, 2023, these monies shall be retained by the licensed operator pursuant to subsection E of Section 1141.1 of this title.

F. The Oklahoma Tax Commission is hereby authorized to reimburse, from funds available to that agency, each motor license agent issuing an identification card to a person sixty-five (65) years of age or older, an amount not to exceed One Dollar (\$1.00) for each card or driver license so issued through June 30, 2023. The Tax Commission shall develop procedures for claims for reimbursement.

G. Notwithstanding any other provision of law, when a person makes application for a new identification card, or makes application to renew an identification card, and the person has been convicted of, or received a deferred judgment for, any offense required to register pursuant to the Sex Offenders Registration Act, the identification card shall be valid for a period of one (1) year from the month of issuance, but may be renewed yearly during the time the person is subject to registration on the Sex Offender Registry. The cost for such identification card shall be the same as for other identification cards and renewals.

H. Nothing in this section requires or authorizes the Department of Public Safety to issue a REAL ID Noncompliant Identification Card without the documentation required by the provisions of paragraph 9 of subsection A of Section 6-103 of this title.

Added by Laws 2005, c. 457, § 4, eff. Nov. 1, 2005. Amended by Laws 2006, c. 294, § 2, eff. July 1, 2006; Laws 2007, c. 1, § 27, emerg. eff. Feb. 22, 2007; Laws 2013, c. 116, § 1, eff. Nov. 1, 2013; Laws 2013, c. 259, § 3, eff. Nov. 1, 2013; Laws 2015, c. 266, § 1, eff. Nov. 1, 2015; Laws 2017, c. 1, § 2, emerg. eff. March 2, 2017; Laws 2021, c. 24, § 2, emerg. eff. April 19, 2021; Laws 2021, c. 522, § 2, emerg. eff. May 24, 2021; Laws 2022, c. 65, § 1, eff. Nov. 1, 2022; Laws 2023, 1st Ex. Sess., c. 47, § 6, eff. July 1, 2023; Laws 2024, c. 315, § 3, eff. Nov. 1, 2024.

NOTE: Laws 2006, c. 311, § 10 repealed by Laws 2007, c. 1, § 28, emerg. eff. Feb. 22, 2007. Laws 2021, c. 70, § 3 repealed by Laws 2021, c. 522, § 7, emerg. eff. May 24, 2021.

NOTE: Laws 2023, 1st Ex. Sess., c. 47, § 6 was purportedly repealed by Laws 2024, c. 452, § 43 but without reference to Laws 2024, c. 315, § 3, which amended it.

§47-6-105.3v4. Issuance of identification card - Fees.

A. In addition to the licenses to operate motor vehicles, Service Oklahoma may issue cards to Oklahoma residents for purposes of identification only. The identification cards shall be issued, renewed, replaced, canceled and denied in the same manner as driver licenses in this state. Provided, any person who holds both a driver license and identification card from Oklahoma as of November 1, 2025, may continue to possess both credentials until the first expiration of either credential. At that time, the person shall be allowed to retain, replace, or renew either the driver license or identification card and shall surrender the second credential to Service Oklahoma. A licensee whose record reflects a notation of the person's proof of legal presence, verified by the U.S. Department of Homeland Security, or proof of U.S. citizenship, may obtain a REAL ID Compliant Identification Card or a Noncompliant Identification Card from a licensed operator or Service Oklahoma, regardless of the status of the license held by the licensee. Provided, the licensee must comply with all REAL ID documentation requirements to obtain a REAL ID Compliant Identification Card. A person shall not apply for or possess more than one state-issued or territory-issued REAL ID Compliant Identification Card pursuant to the provisions of Section 6-101 of this title.

The application for an identification card by any person under the age of eighteen (18) years shall be signed and verified by a custodial legal parent or legal guardian, either in person before a person authorized to administer oaths or electronically if

completing an online application, or a notarized affidavit signed by a custodial legal parent or legal guardian submitted before a person authorized to administer oaths by the person under the age of eighteen (18) years with the application. Except as otherwise provided in this section, the identification cards shall be valid for a period of either four (4) years from the month of issuance or eight (8) years from the month of issuance; however, the identification cards issued to persons sixty-five (65) years of age or older shall be valid indefinitely from the month of issuance.

B. 1. The Department of Corrections shall coordinate with Service Oklahoma to provide REAL ID Noncompliant Identification Cards to all inmates who do not have a current state-issued identification card or driver license upon their release from custody. The identification cards shall be issued, replaced, canceled and denied in the same manner as driver licenses in this state.

2. Service Oklahoma shall allow the use of a certified copy of a birth certificate coupled with a Department of Corrections-issued consolidated record card to serve as a valid form of photo identification documentation to obtain a REAL ID Noncompliant Identification Card.

3. REAL ID Noncompliant Identification Cards issued with a consolidated record card from the Department of Corrections for inmates shall be valid for a period of four (4) years from the month of issuance for an allowable fee to be determined by Service Oklahoma and are nonrenewable and nontransferable.

4. The fee charged for the issuance or replacement of a REAL ID Noncompliant Identification Card pursuant to this subsection shall be deposited in the Department of Public Safety Revolving Fund through October 31, 2022. Beginning November 1, 2022, this fee shall be deposited in the Service Oklahoma Revolving Fund. Provided, however, REAL ID Noncompliant Identification Cards issued to individuals required to register pursuant to the Sex Offenders Registration Act shall only be valid for a period of one (1) year. No person sixty-five (65) years of age or older shall be charged a fee for a REAL ID Noncompliant Identification Card.

5. Service Oklahoma is authorized to promulgate rules and procedures to implement the provisions of this subsection.

C. No person shall hold more than one state-issued or territory-issued driver license or identification card, as defined in subsection G of Section 6-101 of this title. Service Oklahoma shall not issue an identification card to any applicant who has been previously issued a driver license or identification card unless such license or identification card has been surrendered to Service Oklahoma by the applicant. Provided, any person who holds both a driver license and identification card from Oklahoma as of November 1, 2025, may continue to possess both credentials until the first

expiration of either credential. At that time, the person shall be allowed to retain, replace, or renew either the driver license or identification card and shall surrender the second credential to Service Oklahoma. Service Oklahoma may promulgate rules related to the issuance of replacement REAL ID Compliant Identification Cards in the event of loss or theft.

D. The fee charged for the issuance or renewal of a REAL ID Compliant Identification Card shall be Twenty-five Dollars (\$25.00) for a 4-year card and Fifty Dollars (\$50.00) for an 8-year card. The fee charged for the issuance or renewal of a REAL ID Noncompliant Identification Card pursuant to this section shall be Twenty-five Dollars (\$25.00) for a 4-year card and Fifty Dollars (\$50.00) for an 8-year card; however, no person sixty-five (65) years of age or older, or one hundred percent (100%) disabled veteran described in subsection P of Section 6-101 of this title shall be charged a fee for an identification card. Of each fee charged pursuant to the provisions of this subsection:

1. Seven Dollars (\$7.00) of a 4-year card and Fourteen Dollars (\$14.00) of an 8-year card shall be apportioned as provided in Section 1104 of this title;

2. Three Dollars (\$3.00) of a 4-year card and Six Dollars (\$6.00) of an 8-year card shall be credited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of the administration and maintenance of the computerized imaging system of the Department through October 31, 2022. Beginning November 1, 2022, Three Dollars (\$3.00) of a 4-year card and Six Dollars (\$6.00) of an 8-year card shall be credited to the Service Oklahoma Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of Service Oklahoma;

3. Ten Dollars (\$10.00) of a 4-year card and Twenty Dollars (\$20.00) of an 8-year card shall be deposited in the Department of Public Safety Revolving Fund through October 31, 2022. Beginning November 1, 2022, this fee shall be deposited in the Service Oklahoma Revolving Fund;

4. Three Dollars (\$3.00) of a 4-year card and Six Dollars (\$6.00) of an 8-year card shall be deposited to the State Public Safety Fund created in Section 2-147 of this title; and

5. Two Dollars (\$2.00) for a 4-year card and Four Dollars (\$4.00) for an 8-year card of the fee authorized by this subsection related to the issuance or renewal of an identification card by a licensed operator that does process approved applications or renewals for REAL ID Compliant and REAL ID Noncompliant Driver Licenses or Identification Cards shall be retained by the licensed operator pursuant to subsection E of Section 1141.1 of this title.

E. The fee charged for replacement of a REAL ID Compliant Identification Card, or REAL ID Noncompliant Identification Card,

shall be Twenty-five Dollars (\$25.00); however, no person sixty-five (65) years of age or older shall be charged a fee for an identification card replacement. Of each fee charged pursuant to the provisions of this subsection:

1. Seven Dollars (\$7.00) shall be apportioned as provided in Section 1104 of this title;

2. Three Dollars (\$3.00) shall be credited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of the administration and maintenance of the computerized imaging system of the Department through October 31, 2022. Beginning November 1, 2022, Three Dollars (\$3.00) shall be credited to the Service Oklahoma Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of Service Oklahoma;

3. Ten Dollars (\$10.00) shall be deposited in the Department of Public Safety Revolving Fund through October 31, 2022. Beginning November 1, 2022, this fee shall be deposited in the Service Oklahoma Revolving Fund;

4. Three Dollars (\$3.00) shall be deposited to the State Public Safety Fund created in Section 2-147 of this title; and

5. Two Dollars (\$2.00) of the fee authorized by this subsection related to the replacement of an identification card by a licensed operator that does process approved applications or renewals for REAL ID Compliant or REAL ID Noncompliant Driver Licenses or Identification Cards shall be retained by the licensed operator pursuant to subsection E of Section 1141.1 of this title.

F. The Oklahoma Tax Commission is hereby authorized to reimburse, from funds available to that agency, each licensed operator issuing an identification card to a person sixty-five (65) years of age or older, an amount not to exceed One Dollar (\$1.00) for each card or driver license so issued through June 30, 2023. The Tax Commission shall develop procedures for claims for reimbursement.

G. Notwithstanding any other provision of law, when a person makes application for a new identification card, or makes application to renew an identification card, and the person has been convicted of, or received a deferred judgment for, any offense required to register pursuant to the Sex Offenders Registration Act, the identification card shall be valid for a period of one (1) year from the month of issuance, but may be renewed yearly during the time the person is subject to registration on the Sex Offender Registry. The cost for such identification card shall be the same as for other identification cards and renewals.

H. Nothing in this section requires or authorizes the Department of Public Safety to issue a REAL ID Noncompliant Identification Card without the documentation required by the

provisions of paragraph 9 of subsection A of Section 6-103 of this title.

Added by Laws 2005, c. 457, § 4, eff. Nov. 1, 2005. Amended by Laws 2006, c. 294, § 2, eff. July 1, 2006; Laws 2007, c. 1, § 27, emerg. eff. Feb. 22, 2007; Laws 2013, c. 116, § 1, eff. Nov. 1, 2013; Laws 2013, c. 259, § 3, eff. Nov. 1, 2013; Laws 2015, c. 266, § 1, eff. Nov. 1, 2015; Laws 2017, c. 1, § 2, emerg. eff. March 2, 2017; Laws 2021, c. 24, § 2, emerg. eff. April 19, 2021; Laws 2021, c. 522, § 2, emerg. eff. May 24, 2021; Laws 2022, c. 282, § 44, emerg. eff. May 19, 2022; Laws 2024, c. 452, § 42, emerg. eff. June 14, 2024; Laws 2025, c. 330, § 4, eff. July 1, 2025.

NOTE: Laws 2006, c. 311, § 10 repealed by Laws 2007, c. 1, § 28, emerg. eff. Feb. 22, 2007. Laws 2021, c. 70, § 3 repealed by Laws 2021, c. 522, § 7, emerg. eff. May 24, 2021.

§47-6-105v1. Graduated Class D licenses – Motorcycle-only licenses – Farm vehicle special permits.

A. Unless a legal custodial parent or legal guardian has filed an objection to licensure pursuant to Section 6-103.1 of this title, any person under eighteen (18) years of age may be permitted to operate:

1. A Class D motor vehicle under the graduated driver license provisions prescribed in subsections B through E of this section;

2. A motorcycle under the provisions prescribed in subsection H of this section; or

3. A farm vehicle under the provisions prescribed in subsection I of this section.

B. Any person who is at least thirteen and one-half (13 1/2) years of age who will qualify for the permit to operate farm vehicles as provided for in subsection I of this section or fifteen (15) years of age may drive during a session in which the driver is being instructed in a driver education course, as set out in subparagraphs a, b, c, d and e of paragraph 1 of subsection C of this section, by a certified driver education instructor who is seated in the right front seat of the motor vehicle.

C. Any person:

1. Who is at least fifteen and one-half (15 1/2) years of age and is currently receiving instruction in or has successfully completed driver education. For purposes of this section, the term "driver education" shall mean:

a. a prescribed secondary school driver education course, as provided for in Sections 19-113 through 19-123 of Title 70 of the Oklahoma Statutes,

b. a driver education course, certified by Service Oklahoma, from a parochial, private, or other nonpublic secondary school,

- c. a commercial driver training course, as defined by Sections 801 through 808 of this title,
- d. a parent-taught driver education course, certified by Service Oklahoma. Service Oklahoma shall promulgate rules for any parent-taught driver education course, or
- e. a driver education course certified by a state other than Oklahoma; or

2. Who is at least sixteen (16) years of age, may, upon successfully passing all parts of the driver license examination administered by Service Oklahoma, or an approved written examination proctor, except the driving examination, be issued a learner permit which will grant the permittee the privilege to operate a Class D motor vehicle upon the public highways only between the hours of 5:00 a.m. and 10:00 p.m. and while accompanied by a licensed driver who is at least twenty-one (21) years of age and who is actually occupying a seat beside the permittee; provided, the written examination for a learner permit may be waived by Service Oklahoma upon verification that the person has successfully completed driver education.

D. 1. Any person:

- a. who has applied for, been issued, and has possessed a learner permit for a minimum of six (6) months,
- b. whose custodial legal parent or legal guardian certifies to Service Oklahoma by sworn affidavit that the person has received a minimum of fifty (50) hours of actual behind-the-wheel training, of which at least ten (10) hours of such training were at night, from a licensed driver who was at least twenty-one (21) years of age and who was properly licensed to operate a Class D motor vehicle for a minimum of two (2) years, and
- c. who has completed a free course approved by the Department of Transportation on teen driver work zone and first responder safety,

may be issued an intermediate Class D license upon successfully passing all parts of the driver license examinations administered by Service Oklahoma; provided, the written examination, if it has not previously been administered or waived, may be waived by Service Oklahoma upon verification that the person has successfully completed driver education or the driving examination may be waived by Service Oklahoma upon successful passage of the examination administered by a certified designated examiner, as provided for in Section 6-110 of this title. However, notwithstanding the date of issuance of the learner permit, if the person has been convicted of a traffic offense which is reported on the driving record of that person, the time period specified in subparagraph a of this

paragraph shall be recalculated to begin from the date of conviction for the traffic offense, and must elapse before that person may be issued an intermediate Class D license. If the person has been convicted of more than one traffic offense which is reported on the driving record of that person, the time period specified in subparagraph a of this paragraph shall be recalculated to begin from the most recent date of conviction, and must elapse before that person may be issued an intermediate Class D license.

2. A person who has been issued an intermediate Class D license under the provisions of this subsection:

- a. shall be granted the privilege to operate a Class D motor vehicle upon the public highways:
 - (1) only between the hours of 5:00 a.m. and 10:00 p.m., except for driving to and from work, school, school activities, and church activities, or
 - (2) at any time, if a licensed driver who is at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee, or if the intermediate Class D licensee is a farm or ranch resident, and is operating a motor vehicle while engaged in farming or ranching operations outside the limits of a municipality, or driving to and from work, school, school activities, or church activities, and
- b. shall not operate a motor vehicle with more than one passenger unless:
 - (1) all passengers live in the same household as the custodial legal parent or legal guardian, or
 - (2) a licensed driver at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee.

E. Any person who has been issued an intermediate Class D license for a minimum of:

- 1. One (1) year; or
 - 2. Six (6) months, if the person has completed both the driver education and the parent-certified behind-the-wheel training provisions of subparagraph b of paragraph 1 of subsection D of this section,
- may be issued a Class D license. However, notwithstanding the date of issuance of the Class D license, if the person has been convicted of a traffic offense which is reported on the driving record of that person, the time periods specified in paragraph 1 or 2 of this subsection, as applicable, shall be recalculated to begin from the date of conviction for the traffic offense, and must elapse before that person may be issued a Class D license. If the person has been

convicted of more than one traffic offense which is reported on the driving record of that person, the time periods specified in paragraph 1 or 2 of this subsection, as applicable, shall be recalculated to begin from the most recent date of conviction, and must elapse before that person may be issued a Class D license.

F. Learner permits and intermediate Class D licenses shall be issued for the same period as all other driver licenses. The licenses may be suspended or canceled at the discretion of Service Oklahoma for violation of restrictions, for failing to give the required or correct information on the application, for knowingly giving false or inaccurate information on the application or any subsequent documentation related to the granting of driving privileges, for using a hand-held electronic device while operating a motor vehicle for non-life-threatening emergency purposes or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle.

G. Service Oklahoma shall promulgate rules establishing procedures for removal of learner permit and intermediate Class D license restrictions from the permit or license upon the permittee or licensee qualifying for a less restricted or an unrestricted license.

H. Any person fourteen (14) years of age or older may apply for a restricted Class D license with a motorcycle-only restriction. After the person has successfully passed all parts of the motorcycle examination other than the driving examination, has successfully completed a certified state-approved motorcycle basic rider course approved by the Department of Public Safety, in conjunction with Service Oklahoma, and has met all requirements provided for in the rules of the Department and Service Oklahoma, Service Oklahoma shall issue to the person a restricted Class D license with a motorcycle-only restriction which shall grant to the person, while having the license in the person's immediate possession, the privilege to operate a motorcycle or motor-driven cycle:

1. With a piston displacement not to exceed three hundred (300) cubic centimeters;
2. Between the hours of 4:30 a.m. to 9:00 p.m. only;
3. While wearing approved protective headgear; and
4. While accompanied by and receiving instruction from any person who is at least twenty-one (21) years of age and who is properly licensed pursuant to the laws of this state to operate a motorcycle or motor-driven cycle, and who has visual contact with the restricted licensee.

The restricted licensee may apply on or after thirty (30) days from date of issuance of the restricted Class D license with a motorcycle-only restriction to have the restriction of being accompanied by a licensed driver removed by successfully completing the driving portion of an examination.

The written examination and driving examination for a restricted Class D license with a motorcycle-only endorsement shall be waived by Service Oklahoma upon verification that the person has successfully completed a certified state-approved motorcycle basic rider course approved by the Department and Service Oklahoma.

I. Service Oklahoma may in its discretion issue a special permit to any person who has attained the age of fourteen (14) years, authorizing such person to operate farm vehicles between the farm and the market to haul commodities grown on the farm; provided, that the special permit shall be temporary and shall expire not more than thirty (30) days after the issuance of the special permit. Special permits shall be issued only to farm residents and shall be issued only during the time of the harvest of the principal crops grown on such farm. Provided, however, Service Oklahoma shall not issue a special permit pursuant to this subsection until Service Oklahoma is fully satisfied after the examination of the application and other evidence furnished in support thereof, that the person is physically and mentally developed to such a degree that the operation of a motor vehicle by the person would not be inimical to public safety.

J. As used in this section:

1. "Handheld electronic device" means a mobile telephone or electronic device with which a user engages in a telephone call, plays or stores media, including but not limited to music and video, or sends or reads a text message while requiring the use of at least one hand; and

2. "Using a handheld electronic device" means engaging any function on an electronic device.

K. All driver education courses provided for in paragraph 1 of subsection C of this section shall include education regarding the dangers of texting while driving and the effects of being under the influence of alcohol or other intoxicating substance while driving. Added by Laws 1961, p. 342, § 6-105, eff. Sept. 1, 1961. Amended by Laws 1963, c. 272, § 1, emerg. eff. June 13, 1963; Laws 1969, c. 103, § 1, emerg. eff. April 1, 1969; Laws 1972, c. 61, § 1, emerg. eff. March 27, 1972; Laws 1980, c. 142, § 1, emerg. eff. April 7, 1980; Laws 1983, c. 286, § 18, operative July 1, 1983; Laws 1985, c. 45, § 3, eff. Jan. 1, 1986; Laws 1985, c. 179, § 60, operative July 1, 1985; Laws 1985, c. 338, § 3, eff. Jan. 1, 1986; Laws 1986, c. 107, § 1, eff. Nov. 1, 1986; Laws 1986, c. 259, § 55, operative July 1, 1986; Laws 1987, c. 204, § 120, operative July 1, 1987; Laws 1988, c. 298, § 47, operative July 1, 1988; Laws 1989, c. 207, § 2, eff. Nov. 1, 1989; Laws 1989, c. 353, § 11, emerg. eff. June 3, 1989; Laws 1990, c. 219, § 13, eff. Jan. 1, 1991; Laws 1993, c. 314, § 1, emerg. eff. June 7, 1993; Laws 1994, c. 2, § 14, emerg. eff. March 2, 1994; Laws 1996, c. 254, § 4, eff. Nov. 1, 1996; Laws 1997, c. 2, § 6, emerg. eff. Feb. 26, 1997; Laws 1999, c. 161, § 2, eff.

Aug. 15, 2000; Laws 2000, c. 277, § 4, eff. Nov. 1, 2000; Laws 2001, c. 5, § 19, emerg. eff. March 21, 2001; Laws 2001, c. 185, § 1, eff. July 1, 2001; Laws 2001, c. 361, § 4, eff. July 1, 2001; Laws 2003, c. 392, § 4, eff. July 1, 2003; Laws 2004, c. 139, § 1, eff. Nov. 1, 2004; Laws 2005, c. 457, § 2, eff. Nov. 1, 2005; Laws 2006, c. 311, § 9, emerg. eff. June 8, 2006; Laws 2007, c. 328, § 1, eff. Nov. 1, 2007; Laws 2008, c. 83, § 1, eff. Nov. 1, 2008; Laws 2009, c. 99, § 1, eff. Nov. 1, 2009; Laws 2010, c. 341, § 1, eff. Nov. 1, 2010; Laws 2012, c. 280, § 2, eff. Nov. 1, 2012; Laws 2014, c. 199, § 1, eff. July 1, 2014; Laws 2015, c. 102, § 1, eff. Nov. 1, 2015; Laws 2016, c. 180, § 2; Laws 2017, c. 42, § 14; Laws 2021, c. 220, § 1, emerg. eff. April 26, 2021; Laws 2022, c. 282, § 42, emerg. eff. May 19, 2022; Laws 2023, c. 55, § 1, eff. Nov. 1, 2023; Laws 2024, c. 450, § 2, eff. Nov. 1, 2024.

NOTE: Laws 1989, c. 82, § 2 repealed by Laws 1989, c. 353, § 14, emerg. eff. June 3, 1989. Laws 1993, c. 70, § 1 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994. Laws 1996, c. 203, § 2 and Laws 1996, c. 247, § 39 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 2000, c. 247, § 1 repealed by Laws 2001, c. 5, § 20, emerg. eff. March 21, 2001. Laws 2016, c. 86, § 2 repealed by Laws 2017, c. 42, § 15.

NOTE: Laws 2001, c. 185, § 2 reads: "The provisions of subparagraph b of paragraph 2 of subsection A of Section 6-105 of Title 47 of the Oklahoma Statutes shall become effective November 1, 2001."

NOTE: Laws 2023, c. 55, § 1 was purportedly repealed by Laws 2024, c. 452, § 39 but without reference to Laws 2024, c. 450, § 2, which amended it.

§47-6-105v2. Graduated Class D licenses – Motorcycle-only licenses – Farm vehicle special permits.

A. Unless a legal custodial parent or legal guardian has filed an objection to licensure pursuant to Section 6-103.1 of this title, any person under eighteen (18) years of age may be permitted to operate:

1. A Class D motor vehicle under the graduated driver license provisions prescribed in subsections B through E of this section;
2. A motorcycle under the provisions prescribed in subsection H of this section; or
3. A farm vehicle under the provisions prescribed in subsection I of this section.

B. Any person who is at least fifteen (15) years of age may drive during a session in which the driver is being instructed in a driver education course, as set out in subparagraphs a, b, c, d and e of paragraph 1 of subsection C of this section, by a certified driver education instructor who is seated in the right front seat of the motor vehicle.

C. Any person:

1. Who is at least fifteen and one-half (15 1/2) years of age and is currently receiving instruction in or has successfully completed driver education. For purposes of this section, the term "driver education" shall mean:

- a. a prescribed secondary school driver education course, as provided for in Sections 19-113 through 19-121 of Title 70 of the Oklahoma Statutes,
- b. a driver education course, certified by Service Oklahoma, from a parochial, private, or other nonpublic secondary school,
- c. a commercial driver training course, as defined by Sections 801 through 808 of this title,
- d. a parent-taught driver education course, certified by Service Oklahoma, in conjunction with the Department of Public Safety. Service Oklahoma shall promulgate rules for any parent-taught driver education course, or
- e. a driver education course certified by a state other than Oklahoma; or

2. Who is at least sixteen (16) years of age, may, upon successfully passing all parts of the driver license examination administered by Service Oklahoma, or an approved written examination proctor, except the driving examination, be issued a learner permit which will grant the permittee the privilege to operate a Class D motor vehicle upon the public highways only between the hours of 5:00 a.m. and 10:00 p.m. and while accompanied by a licensed driver who is at least twenty-one (21) years of age and who is actually occupying a seat beside the permittee; provided, the written examination for a learner permit may be waived by Service Oklahoma upon verification that the person has successfully completed driver education.

D. 1. Any person:

- a. who has applied for, been issued, and has possessed a learner permit for a minimum of one hundred eighty (180) days,
- b. whose custodial legal parent or legal guardian certifies to Service Oklahoma by sworn affidavit that the person has received a minimum of fifty (50) hours of actual behind-the-wheel training, of which at least ten (10) hours of such training was at night, from a licensed driver who was at least twenty-one (21) years of age and who was properly licensed to operate a Class D motor vehicle for a minimum of two (2) years, and

c. who has completed a free course approved by the Oklahoma Department of Transportation on teen driver work zone and first responder safety, may be issued an intermediate Class D license upon successfully passing all parts of the driver license examinations administered by Service Oklahoma; provided, the written examination, if it has not previously been administered or waived, may be waived by Service Oklahoma upon verification that the person has successfully completed driver education or the driving examination may be waived by Service Oklahoma upon successful passage of the examination administered by a certified designated examiner, as provided for in Section 6-110 of this title. However, notwithstanding the date of issuance of the learner permit, if the person has been convicted of a traffic offense which is reported on the driving record of that person, the time period specified in subparagraph a of this paragraph shall be recalculated to begin from the date of conviction for the traffic offense, and must elapse before that person may be issued an intermediate Class D license. If the person has been convicted of more than one traffic offense which is reported on the driving record of that person, the time period specified in subparagraph a of this paragraph shall be recalculated to begin from the most recent date of conviction, and must elapse before that person may be issued an intermediate Class D license.

2. A person who has been issued an intermediate Class D license under the provisions of this subsection:

- a. shall be granted the privilege to operate a Class D motor vehicle upon the public highways:
 - (1) only between the hours of 5:00 a.m. and 10:00 p.m., except for driving to and from work, school, school activities, and church activities, or
 - (2) at any time, if a licensed driver who is at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee, or if the intermediate Class D licensee is a farm or ranch resident, and is operating a motor vehicle while engaged in farming or ranching operations outside the limits of a municipality, or driving to and from work, school, school activities, or church activities, and
- b. shall not operate a motor vehicle with more than one passenger unless:
 - (1) all passengers live in the same household as the custodial legal parent or legal guardian, or

- (2) a licensed driver at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee.

E. Any person who has been issued an intermediate Class D license for a minimum of:

1. One (1) year; or

2. One hundred eighty (180) days, if the person has completed both the driver education and the parent-certified behind-the-wheel training provisions of subparagraph b of paragraph 1 of subsection D of this section,

may be issued a Class D license. However, notwithstanding the date of issuance of the Class D license, if the person has been convicted of a traffic offense which is reported on the driving record of that person, the time periods specified in paragraph 1 or 2 of this subsection, as applicable, shall be recalculated to begin from the date of conviction for the traffic offense, and must elapse before that person may be issued a Class D license. If the person has been convicted of more than one traffic offense which is reported on the driving record of that person, the time periods specified in paragraph 1 or 2 of this subsection, as applicable, shall be recalculated to begin from the most recent date of conviction, and must elapse before that person may be issued a Class D license.

F. Learner permits and intermediate Class D licenses shall be issued for the same period as all other driver licenses. The licenses may be suspended or canceled at the discretion of the Department, with notice to Service Oklahoma for violation of restrictions, for failing to give the required or correct information on the application, for knowingly giving false or inaccurate information on the application or any subsequent documentation related to the granting of driving privileges, for using a hand-held electronic device while operating a motor vehicle for non-life-threatening emergency purposes or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle.

G. Service Oklahoma shall promulgate rules establishing procedures for removal of learner permit and intermediate Class D license restrictions from the permit or license upon the permittee or licensee qualifying for a less restricted or an unrestricted license.

H. Any person fourteen (14) years of age or older may apply for a restricted Class D license with a motorcycle-only restriction. After the person has successfully passed all parts of the motorcycle examination other than the driving examination, has successfully completed a certified state-approved motorcycle basic rider course approved by the Department of Public Safety, in conjunction with Service Oklahoma, and has met all requirements provided for in the rules of the Department and Service Oklahoma, Service Oklahoma shall

issue to the person a restricted Class D license with a motorcycle-only restriction which shall grant to the person, while having the license in the person's immediate possession, the privilege to operate a motorcycle or motor-driven cycle:

1. With a piston displacement not to exceed three hundred cubic centimeters (300 cc) or a sixteen and eight-tenths (16.8) kilowatt electric power source;
2. Between the hours of 4:30 a.m. to 9:00 p.m. only;
3. While wearing approved protective headgear; and
4. While accompanied by and receiving instruction from any person who is at least twenty-one (21) years of age and who is properly licensed pursuant to the laws of this state to operate a motorcycle or motor-driven cycle, and who has visual contact with the restricted licensee.

The restricted licensee may apply on or after thirty (30) days from date of issuance of the restricted Class D license with a motorcycle-only restriction to have the restriction of being accompanied by a licensed driver removed by successfully completing the driving portion of an examination.

The written examination and driving examination for a restricted Class D license with a motorcycle-only endorsement shall be waived by Service Oklahoma upon verification that the person has successfully completed a certified state-approved motorcycle basic rider course approved by the Department and Service Oklahoma.

I. 1. Any person who is less than seventeen (17) years of age but is at least fourteen (14) years of age and who resides upon a farm in this state or is employed for compensation upon a farm in this state may apply to Service Oklahoma for a farm permit authorizing such person, while possessing the permit, to operate any Class D motor vehicle.

2. a. A farm permit shall entitle the licensee, who is at least fourteen (14) years of age but less than sixteen (16) years of age, to operate the appropriate motor vehicles at any time:
 - (1) while going to or from or in connection with any farm job, employment, or other farm-related work,
 - (2) on days while school is in session, over the most direct and accessible route between the licensee's residence and school of enrollment for the purpose of school attendance; provided, that the privilege shall only extend to those licensees who reside on a farm and commute directly from their place of residence to the school in which they are enrolled, or
 - (3) when the licensee is operating a passenger car at any time when accompanied by an adult who is the holder of a valid commercial driver license,

Class A, B, C, or D driver license and who is actually occupying a seat beside the driver.

- b. For a period of six (6) months, a farm permit shall entitle the licensee who is at least sixteen (16) years of age to operate the appropriate motor vehicles at any time:
 - (1) from 5:00 a.m. to 9:00 p.m.,
 - (2) while going to or from or in connection with any farm job, employment, or other farm-related work,
 - (3) while going to or from authorized school activities,
 - (4) while going directly to or from any religious worship service held by a religious organization, or
 - (5) while the licensee is operating a passenger car at any time while accompanied by an adult who is the holder of a valid commercial driver license, Class A, B, or C driver license, and who is actually occupying a seat beside the driver.

After such six-month period, if the licensee has complied with the provisions of this subsection, such farm permit shall entitle the licensee to operate the appropriate motor vehicles at any time without the restrictions required by this subsection.

3. A farm permit shall be issued only if:
 - a. the applicant can prove that such applicant resides or works on a farm by submitting the signed affidavit of either a parent or guardian stating that the applicant lives on a farm,
 - b. the applicant has successfully completed the examination requirements in Section 6-110 of this title, and
 - c. the applicant does not live on a farm but works on a farm and the applicant submits the signed affidavit of the applicant's employer and parent or guardian attesting to such employment.
4. Any licensee issued a farm permit under this subsection:
 - a. who is less than sixteen (16) years of age shall not operate any motor vehicle with nonsibling minor passengers,
 - b. who is at least sixteen (16) years of age, for a period of six (6) months after reaching sixteen (16) years of age, shall not operate any motor vehicle with more than one passenger who is less than eighteen (18) years of age and who is not a member of the licensee's immediate family, or
 - c. who is at least fourteen (14) years of age, but less than sixteen (16) years of age, shall not operate any

motor vehicle on interstate or turnpike highway systems, nor shall a licensee operate a motor vehicle within the limits of a city with a population in excess of one hundred thousand (100,000) persons according to the latest Federal Decennial Census.

Any conviction for violating this paragraph shall be construed as a moving traffic violation. Service Oklahoma may, in its discretion, suspend the permit of an individual for violation of this paragraph.

5. Any licensee issued a farm permit under this subsection shall not operate a wireless communication device while driving a motor vehicle, except that a licensee may operate a wireless communication device while driving a motor vehicle to report illegal activity or to summon medical or other emergency help.

6. As used in this subsection, "farm" means any parcel of land for which the owner has an agricultural exemption permit issued by the Oklahoma Tax Commission.

7. a. A farm permit issued under this subsection is subject to suspension or revocation in the same manner as any other driver license.
- b. A farm permit may be suspended in accordance with Section 6-113 of this title for any violation of restrictions under this subsection.
- c. Service Oklahoma shall suspend the farm permit upon receiving satisfactory evidence that the licensee has been involved in two or more accidents chargeable to the licensee and such suspended license shall not be reinstated for one (1) year.

8. Any licensee issued a farm permit under this subsection shall provide, prior to reaching sixteen (16) years of age, a signed affidavit of either a parent or guardian stating that the applicant has completed at least fifty (50) hours of adult-supervised driving with at least ten (10) of those hours being at night. The adult-supervised driving required by this paragraph shall be conducted by an adult who is at least twenty-one (21) years of age and is the holder of a valid commercial driver license, Class A, B, C, or D driver license. Evidence of failure of any licensee who was required to complete the fifty (50) hours of adult-supervised driving under this subsection shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.

9. Any licensee issued a farm permit under this subsection who:
 - a. is under sixteen (16) years of age and is convicted of two or more moving traffic violations committed on separate occasions shall not be eligible to receive a driver license which is not restricted, in accordance with the provisions of subparagraph a of paragraph 2

of this subsection, until the person reaches seventeen (17) years of age,

- b. is at least sixteen (16) years of age but less than seventeen (17) years of age and is convicted of two or more moving traffic violations committed on separate occasions shall not be eligible to receive a driver license which is not restricted, in accordance with the provisions of subparagraph b of paragraph 2 of this subsection, until the person reaches eighteen (18) years of age, or
- c. fails to provide the affidavit required under paragraph 8 of this subsection shall not be eligible to receive a driver license which is not restricted, in accordance with the provisions of subparagraph a of paragraph 2 of this subsection, until the person provides such affidavit to Service Oklahoma or the person reaches seventeen (17) years of age, whichever occurs first.

J. As used in this section:

1. "Hand-held electronic device" means a mobile telephone or electronic device with which a user engages in a telephone call, plays or stores media, including but not limited to music and video, or sends or reads a text message while requiring the use of at least one hand; and

2. "Using a hand-held electronic device" means engaging any function on an electronic device.

K. All driver education courses provided for in paragraph 1 of subsection C of this section shall include education regarding the dangers of texting while driving and the effects of being under the influence of alcohol or other intoxicating substance while driving. Added by Laws 1961, p. 342, § 6-105, eff. Sept. 1, 1961. Amended by Laws 1963, c. 272, § 1, emerg. eff. June 13, 1963; Laws 1969, c. 103, § 1, emerg. eff. April 1, 1969; Laws 1972, c. 61, § 1, emerg. eff. March 27, 1972; Laws 1980, c. 142, § 1, emerg. eff. April 7, 1980; Laws 1983, c. 286, § 18, operative July 1, 1983; Laws 1985, c. 45, § 3, eff. Jan. 1, 1986; Laws 1985, c. 179, § 60, operative July 1, 1985; Laws 1985, c. 338, § 3, eff. Jan. 1, 1986; Laws 1986, c. 107, § 1, eff. Nov. 1, 1986; Laws 1986, c. 259, § 55, operative July 1, 1986; Laws 1987, c. 204, § 120, operative July 1, 1987; Laws 1988, c. 298, § 47, operative July 1, 1988; Laws 1989, c. 207, § 2, eff. Nov. 1, 1989; Laws 1989, c. 353, § 11, emerg. eff. June 3, 1989; Laws 1990, c. 219, § 13, eff. Jan. 1, 1991; Laws 1993, c. 314, § 1, emerg. eff. June 7, 1993; Laws 1994, c. 2, § 14, emerg. eff. March 2, 1994; Laws 1996, c. 254, § 4, eff. Nov. 1, 1996; Laws 1997, c. 2, § 6, emerg. eff. Feb. 26, 1997; Laws 1999, c. 161, § 2, eff. Aug. 15, 2000; Laws 2000, c. 277, § 4, eff. Nov. 1, 2000; Laws 2001, c. 5, § 19, emerg. eff. March 21, 2001; Laws 2001, c. 185, § 1, eff.

July 1, 2001; Laws 2001, c. 361, § 4, eff. July 1, 2001; Laws 2003, c. 392, § 4, eff. July 1, 2003; Laws 2004, c. 139, § 1, eff. Nov. 1, 2004; Laws 2005, c. 457, § 2, eff. Nov. 1, 2005; Laws 2006, c. 311, § 9, emerg. eff. June 8, 2006; Laws 2007, c. 328, § 1, eff. Nov. 1, 2007; Laws 2008, c. 83, § 1, eff. Nov. 1, 2008; Laws 2009, c. 99, § 1, eff. Nov. 1, 2009; Laws 2010, c. 341, § 1, eff. Nov. 1, 2010; Laws 2012, c. 280, § 2, eff. Nov. 1, 2012; Laws 2014, c. 199, § 1, eff. July 1, 2014; Laws 2015, c. 102, § 1, eff. Nov. 1, 2015; Laws 2016, c. 180, § 2; Laws 2017, c. 42, § 14; Laws 2021, c. 220, § 1, emerg. eff. April 26, 2021; Laws 2022, c. 282, § 42, emerg. eff. May 19, 2022; Laws 2023, c. 229, § 1; Laws 2024, c. 452, § 38, emerg. eff. June 14, 2024.

NOTE: Laws 1989, c. 82, § 2 repealed by Laws 1989, c. 353, § 14, emerg. eff. June 3, 1989. Laws 1993, c. 70, § 1 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994. Laws 1996, c. 203, § 2 and Laws 1996, c. 247, § 39 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 2000, c. 247, § 1 repealed by Laws 2001, c. 5, § 20, emerg. eff. March 21, 2001. Laws 2016, c. 86, § 2 repealed by Laws 2017, c. 42, § 15.

NOTE: Laws 2001, c. 185, § 2 reads: "The provisions of subparagraph b of paragraph 2 of subsection A of Section 6-105 of Title 47 of the Oklahoma Statutes shall become effective November 1, 2001."

§47-6-105v3. Graduated Class D licenses – Motorcycle-only licenses – Farm vehicle special permits.

A. Unless a legal custodial parent or legal guardian has filed an objection to licensure pursuant to Section 6-103.1 of this title, any person under eighteen (18) years of age who is in compliance with or not subject to Section 6-107.3 of this title may be permitted to operate:

1. A Class D motor vehicle under the graduated driver license provisions prescribed in subsections B through E of this section;

2. A motorcycle under the provisions prescribed in subsection H of this section; or

3. A farm vehicle under the provisions prescribed in subsection I of this section.

B. Any person who is at least fifteen (15) years of age may drive during a session in which the driver is being instructed in a driver education course, as set out in subparagraphs a, b, c, d and e of paragraph 1 of subsection C of this section, by a certified driver education instructor who is seated in the right front seat of the motor vehicle.

C. Any person:

1. Who is at least fifteen (15) years of age and is currently receiving instruction in or has successfully completed driver

education. For purposes of this section, the term "driver education" shall mean:

- a. a prescribed secondary school driver education course, as provided for in Sections 19-113 through 19-121 of Title 70 of the Oklahoma Statutes,
- b. a driver education course, certified by Service Oklahoma, from a parochial, private, or other nonpublic secondary school,
- c. a commercial driver training course, as defined by Sections 801 through 808 of this title,
- d. a parent-taught driver education course, certified by Service of Oklahoma, in conjunction with the Department of Public Safety. Service Oklahoma shall promulgate rules for any parent-taught driver education course, or
- e. a driver education course certified by a state other than Oklahoma; or

2. Who is at least sixteen (16) years of age, may, upon successfully passing all parts of the driver license examination administered by Service Oklahoma, or an approved written examination proctor, except the driving examination, be issued a learner permit which will grant the permittee the privilege to operate a Class D motor vehicle upon the public highways only between the hours of 5:00 a.m. and 10:00 p.m. and while accompanied by a licensed driver who is at least twenty-one (21) years of age and who is actually occupying a seat beside the permittee; provided, the written examination for a learner permit may be waived by Service Oklahoma upon verification that the person has successfully completed driver education.

D. 1. Any person:

- a. who has applied for, been issued, and has possessed a learner permit for a minimum of one hundred eighty (180) days,
- b. whose custodial legal parent or legal guardian certifies to Service Oklahoma by sworn affidavit that the person has received a minimum of fifty (50) hours of actual behind-the-wheel training, of which at least ten (10) hours of such training was at night, from a licensed driver who was at least twenty-one (21) years of age and who was properly licensed to operate a Class D motor vehicle for a minimum of two (2) years, and
- c. who is at least sixteen (16) years of age,

may be issued an intermediate Class D license upon successfully passing all parts of the driver license examinations administered by Service Oklahoma; provided, the written examination, if it has not previously been administered or waived, may be waived by Service

Oklahoma upon verification that the person has successfully completed driver education or the driving examination may be waived by Service Oklahoma upon successful passage of the examination administered by a certified designated examiner, as provided for in Section 6-110 of this title. However, notwithstanding the date of issuance of the learner permit, if the person has been convicted of a traffic offense which is reported on the driving record of that person, the time period specified in subparagraph a of this paragraph shall be recalculated to begin from the date of conviction for the traffic offense, and must elapse before that person may be issued an intermediate Class D license. If the person has been convicted of more than one traffic offense which is reported on the driving record of that person, the time period specified in subparagraph a of this paragraph shall be recalculated to begin from the most recent date of conviction, and must elapse before that person may be issued an intermediate Class D license.

2. A person who has been issued an intermediate Class D license under the provisions of this subsection:

- a. shall be granted the privilege to operate a Class D motor vehicle upon the public highways:
 - (1) only between the hours of 5:00 a.m. and 10:00 p.m., except for driving to and from work, school, school activities, and church activities, or
 - (2) at any time, if a licensed driver who is at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee, or if the intermediate Class D licensee is a farm or ranch resident, and is operating a motor vehicle while engaged in farming or ranching operations outside the limits of a municipality, or driving to and from work, school, school activities, or church activities, and
- b. shall not operate a motor vehicle with more than one passenger unless:
 - (1) all passengers live in the same household as the custodial legal parent or legal guardian, or
 - (2) a licensed driver at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee.

E. Any person who has been issued an intermediate Class D license for a minimum of:

- 1. One (1) year; or
- 2. One hundred eighty (180) days, if the person has completed both the driver education and the parent-certified behind-the-wheel

training provisions of subparagraph b of paragraph 1 of subsection D of this section,

may be issued a Class D license. However, notwithstanding the date of issuance of the Class D license, if the person has been convicted of a traffic offense which is reported on the driving record of that person, the time periods specified in paragraph 1 or 2 of this subsection, as applicable, shall be recalculated to begin from the date of conviction for the traffic offense, and must elapse before that person may be issued a Class D license. If the person has been convicted of more than one traffic offense which is reported on the driving record of that person, the time periods specified in paragraph 1 or 2 of this subsection, as applicable, shall be recalculated to begin from the most recent date of conviction, and must elapse before that person may be issued a Class D license.

F. Learner permits and intermediate Class D licenses shall be issued for the same period as all other driver licenses. The licenses may be suspended or canceled at the discretion of the Department of Public Safety, with notice to Service Oklahoma, for violation of restrictions, for failing to give the required or correct information on the application, for knowingly giving false or inaccurate information on the application or any subsequent documentation related to the granting of driving privileges, for using a hand-held electronic device while operating a motor vehicle for non-life-threatening emergency purposes or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle.

G. Service Oklahoma shall promulgate rules establishing procedures for removal of learner permit and intermediate Class D license restrictions from the permit or license upon the permittee or licensee qualifying for a less restricted or an unrestricted license.

H. Any person fourteen (14) years of age or older may apply for a restricted Class D license with a motorcycle-only restriction. After the person has successfully passed all parts of the motorcycle examination other than the driving examination, has successfully completed a certified state-approved motorcycle basic rider course approved by the Department of Public Safety, in conjunction with Service Oklahoma, and has met all requirements provided for in the rules of the Department and Service Oklahoma, Service Oklahoma shall issue to the person a restricted Class D license with a motorcycle-only restriction which shall grant to the person, while having the license in the person's immediate possession, the privilege to operate a motorcycle or motor-driven cycle:

1. With a piston displacement not to exceed three hundred (300) cubic centimeters;
2. Between the hours of 4:30 a.m. to 9:00 p.m. only;
3. While wearing approved protective headgear; and

4. While accompanied by and receiving instruction from any person who is at least twenty-one (21) years of age and who is properly licensed pursuant to the laws of this state to operate a motorcycle or motor-driven cycle, and who has visual contact with the restricted licensee.

The restricted licensee may apply on or after thirty (30) days from date of issuance of the restricted Class D license with a motorcycle-only restriction to have the restriction of being accompanied by a licensed driver removed by successfully completing the driving portion of an examination.

The written examination and driving examination for a restricted Class D license with a motorcycle-only endorsement shall be waived by Service Oklahoma upon verification that the person has successfully completed a certified state-approved motorcycle basic rider course approved by the Department and Service Oklahoma.

I. Service Oklahoma may in its discretion issue a special permit to any person who has attained the age of fourteen (14) years, authorizing such person to operate farm vehicles between the farm and the market to haul commodities grown on the farm; provided, that the special permit shall be temporary and shall expire not more than thirty (30) days after the issuance of the special permit. Special permits shall be issued only to farm residents and shall be issued only during the time of the harvest of the principal crops grown on such farm. Provided, however, Service Oklahoma shall not issue a special permit pursuant to this subsection until Service Oklahoma is fully satisfied after the examination of the application and other evidence furnished in support thereof, that the person is physically and mentally developed to such a degree that the operation of a motor vehicle by the person would not be inimical to public safety.

J. As used in this section:

1. "Hand-held electronic device" means a mobile telephone or electronic device with which a user engages in a telephone call, plays or stores media, including but not limited to music and video, or sends or reads a text message while requiring the use of at least one hand; and

2. "Using a hand-held electronic device" means engaging any function on an electronic device.

K. All driver education courses provided for in paragraph 1 of subsection C of this section shall include education regarding the dangers of texting while driving and the effects of being under the influence of alcohol or other intoxicating substance while driving. Added by Laws 1961, p. 342, § 6-105, eff. Sept. 1, 1961. Amended by Laws 1963, c. 272, § 1, emerg. eff. June 13, 1963; Laws 1969, c. 103, § 1, emerg. eff. April 1, 1969; Laws 1972, c. 61, § 1, emerg. eff. March 27, 1972; Laws 1980, c. 142, § 1, emerg. eff. April 7, 1980; Laws 1983, c. 286, § 18, operative July 1, 1983; Laws 1985, c.

45, § 3, eff. Jan. 1, 1986; Laws 1985, c. 179, § 60, operative July 1, 1985; Laws 1985, c. 338, § 3, eff. Jan. 1, 1986; Laws 1986, c. 107, § 1, eff. Nov. 1, 1986; Laws 1986, c. 259, § 55, operative July 1, 1986; Laws 1987, c. 204, § 120, operative July 1, 1987; Laws 1988, c. 298, § 47, operative July 1, 1988; Laws 1989, c. 207, § 2, eff. Nov. 1, 1989; Laws 1989, c. 353, § 11, emerg. eff. June 3, 1989; Laws 1990, c. 219, § 13, eff. Jan. 1, 1991; Laws 1993, c. 314, § 1, emerg. eff. June 7, 1993; Laws 1994, c. 2, § 14, emerg. eff. March 2, 1994; Laws 1996, c. 254, § 4, eff. Nov. 1, 1996; Laws 1997, c. 2, § 6, emerg. eff. Feb. 26, 1997; Laws 1999, c. 161, § 2, eff. Aug. 15, 2000; Laws 2000, c. 277, § 4, eff. Nov. 1, 2000; Laws 2001, c. 5, § 19, emerg. eff. March 21, 2001; Laws 2001, c. 185, § 1, eff. July 1, 2001; Laws 2001, c. 361, § 4, eff. July 1, 2001; Laws 2003, c. 392, § 4, eff. July 1, 2003; Laws 2004, c. 139, § 1, eff. Nov. 1, 2004; Laws 2005, c. 457, § 2, eff. Nov. 1, 2005; Laws 2006, c. 311, § 9, emerg. eff. June 8, 2006; Laws 2007, c. 328, § 1, eff. Nov. 1, 2007; Laws 2008, c. 83, § 1, eff. Nov. 1, 2008; Laws 2009, c. 99, § 1, eff. Nov. 1, 2009; Laws 2010, c. 341, § 1, eff. Nov. 1, 2010; Laws 2012, c. 280, § 2, eff. Nov. 1, 2012; Laws 2014, c. 199, § 1, eff. July 1, 2014; Laws 2015, c. 102, § 1, eff. Nov. 1, 2015; Laws 2016, c. 180, § 2; Laws 2017, c. 42, § 14; Laws 2021, c. 220, § 1, emerg. eff. April 26, 2021; Laws 2022, c. 282, § 42, emerg. eff. May 19, 2022; Laws 2023, c. 310, § 14, eff. July 1, 2023; Laws 2024, c. 11, § 3, emerg. eff. April 18, 2024.

NOTE: Laws 1989, c. 82, § 2 repealed by Laws 1989, c. 353, § 14, emerg. eff. June 3, 1989. Laws 1993, c. 70, § 1 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994. Laws 1996, c. 203, § 2 and Laws 1996, c. 247, § 39 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 2000, c. 247, § 1 repealed by Laws 2001, c. 5, § 20, emerg. eff. March 21, 2001. Laws 2016, c. 86, § 2 repealed by Laws 2017, c. 42, § 15.

NOTE: Laws 2001, c. 185, § 2 reads: "The provisions of subparagraph b of paragraph 2 of subsection A of Section 6-105 of Title 47 of the Oklahoma Statutes shall become effective November 1, 2001."

NOTE: Laws 2023, c. 310, § 14 was purportedly repealed by Laws 2024, c. 452, § 41 but without reference to Laws 2024, c. 11, § 3, which amended it.

§47-6-106. Application for license.

A. 1. Every application for a driver license or identification card shall be made by the applicant upon a form furnished by Service Oklahoma.

2. Every original, renewal, or replacement application for a driver license or identification card made by a male applicant who is at least sixteen (16) but less than twenty-six (26) years of age shall include a statement that by submitting the application, the

applicant is consenting to registration with the Selective Service System. The pertinent information from the application shall be forwarded by Service Oklahoma to the Data Management Center of the Selective Service System in order to register the applicant as required by law with the Selective Service System. Any applicant refusing to sign the consent statement shall be denied a driver license or identification card.

3. Except as provided for in subsections G and H of this section, every applicant for a driver license or identification card shall provide to Service Oklahoma at the time of application a document showing proof of identity. Service Oklahoma shall promulgate rules prescribing forms of identification acceptable for an original Oklahoma driver license.

B. Every applicant for a driver license shall provide the following information:

1. Full name;
2. Date of birth;
3. Sex;

4. Address of principal residence and county of such residence which shall be referenced on the REAL ID Compliant Driver License or Identification Card; proof of principal residency, as prescribed by rules promulgated by Service Oklahoma, documenting provided address;

5. Current and complete mailing address to be maintained by Service Oklahoma for the purpose of giving notice, if necessary, as required by Section 2-116 of this title;

6. Medical information, as determined by the Department, which shall assure Service Oklahoma that the person is not prohibited from being licensed as provided by paragraph 7 of subsection A of Section 6-103 of this title;

7. Whether the applicant is deaf or hard-of-hearing;

8. A brief description of the applicant, as determined by the Department;

9. Whether the applicant has previously been licensed, and, if so, when and by what state or country, and whether any license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal;

10. Whether the applicant is an alien eligible to be considered for licensure and is not prohibited from licensure pursuant to paragraph 9 of subsection A of Section 6-103 of this title;

11. Whether the applicant has:

- a. previously been licensed and, if so, when and by what state or country, and
- b. held more than one license at the same time during the immediately preceding ten (10) years; and

12. Social Security number.

No person shall request Service Oklahoma to use the Social Security number of that person as the driver license number. Upon renewal or replacement of any driver license issued after the effective date of this act, the licensee shall advise Service Oklahoma or the licensed operator if the present driver license number of the licensee is the Social Security number of the licensee. If the driver license number is the Social Security number, Service Oklahoma or the licensed operator shall change the driver license number to a computer-generated alphanumeric identification.

C. 1. In addition to the requirements of subsections A and B of this section, every applicant for a commercial driver license who is subject to the requirements of 49 C.F.R., Part 391, and is applying for an original, renewal, or replacement license, and every person who, upon or after May 8, 2012, is currently the holder of a commercial driver license and is subject to the requirements of 49 C.F.R., Part 391, and who does not apply for a renewal or replacement license prior to January 30, 2014, shall submit to Service Oklahoma and maintain with Service Oklahoma a current approved medical examination certificate signed by a licensed physician authorized to perform and approve medical examination certifications. Service Oklahoma shall adopt rules for maintaining medical examination certificates pursuant to the requirements in 49 C.F.R., Parts 383 and 384. Any commercial driver licensee subject to the requirements of this paragraph who fails to maintain on file with Service Oklahoma a current, approved medical examination certificate shall have the driving privileges of the person downgraded to a Class D driver license by Service Oklahoma.

2. If the applicant is applying for an original commercial driver license in Oklahoma or is transferring a commercial driver license from another state to Oklahoma, Service Oklahoma shall review the driving record of the applicant in other states for the immediately preceding ten (10) years, unless the record review has already been performed by Service Oklahoma. As a result of the review, if it is determined by Service Oklahoma that the applicant is subject to a period of disqualification as prescribed by Section 6-205.2 of this title which has not yet been imposed, Service Oklahoma shall impose the period of disqualification and the applicant shall serve the period of disqualification before a commercial driver license is issued to the applicant; provided, nothing in this paragraph shall be construed to prevent the issuance of a Class D driver license to the applicant.

3. If the applicant has or is applying for a hazardous material endorsement, the applicant shall submit to a security threat assessment performed by the Transportation Security Administration of the Department of Homeland Security as required by and pursuant to 49 C.F.R., Part 1572, which shall be used to determine whether

the applicant is eligible for the endorsement pursuant to federal law and regulation.

4. Service Oklahoma shall notify each commercial driving school of the passage of this section, and each commercial driving school shall notify prospective students of its school of the hazardous material endorsement requirement.

D. In addition to the requirements of subsections A and B of this section, every applicant shall be given an option on the application for issuance of a driver license or identification card or renewal pursuant to Section 6-115 of this title to provide an emergency contact person. The emergency contact information requested may include full name, address, and phone number. The emergency contact information shall be maintained by Service Oklahoma and shall be used by Service Oklahoma and law enforcement for emergency purposes only. A person listed as an emergency contact may request to be removed at any time. Any update to a change of name, address, or phone number may be made by the applicant listing the emergency contact person or by the person listed as the emergency contact.

E. Whenever application is received from a person previously licensed in another jurisdiction, Service Oklahoma shall request a copy of the driving record from the other jurisdiction and, effective September 1, 2005, from all other jurisdictions in which the person was licensed within the immediately previous ten (10) years. When received, the driving record shall become a part of the driving record of the person in this state with the same force and effect as though entered on the driver's record in this state in the original instance.

F. Whenever Service Oklahoma receives a request for a driving record from another licensing jurisdiction, the record shall be forwarded without charge.

G. A person shall not apply for or possess more than one state-issued or territory-issued REAL ID Compliant Driver License or Identification Card pursuant to the provisions of Section 6-101 of this title. A valid and unexpired Oklahoma driver license shall serve as both primary and secondary proofs of identity whenever application for a REAL ID Noncompliant Identification Card is submitted to Service Oklahoma. The provisions of subsection B of Section 1550.42 of Title 21 of the Oklahoma Statutes shall not apply when issuing an identification card pursuant to the provisions of this subsection. Service Oklahoma shall promulgate rules necessary to implement and administer the provisions of this subsection.

H. A valid and unexpired U.S. passport shall serve as both primary and secondary proofs of identity whenever application for a driver license or identification card is submitted to the Department. Service Oklahoma shall promulgate rules necessary to implement and administer the provisions of this subsection.

Added by Laws 1961, p. 343, § 6-106, eff. Sept. 1, 1961. Amended by Laws 1985, c. 45, § 4, eff. Jan. 1, 1986; Laws 1989, c. 82, § 3, eff. Nov. 1, 1989; Laws 1990, c. 219, § 14, eff. Jan. 1, 1991; Laws 1992, c. 177, § 1, eff. Sept. 1, 1992; Laws 1997, c. 325, § 1, eff. July 1, 1997; Laws 1998, c. 323, § 14, eff. Oct. 1, 1998; Laws 1999, c. 1, § 13, emerg. eff. Feb. 24, 1999; Laws 2000, c. 189, § 1, eff. July 1, 2000; Laws 2000, c. 342, § 4, eff. July 1, 2000; Laws 2001, c. 5, § 21, emerg. eff. March 21, 2001; Laws 2001, c. 361, § 5, eff. July 1, 2001; Laws 2002, c. 114, § 2, eff. Nov. 1, 2002; Laws 2003, c. 392, § 5, eff. July 1, 2003; Laws 2004, c. 149, § 1, eff. Nov. 1, 2004; Laws 2004, c. 390, § 4, eff. July 1, 2004; Laws 2005, c. 394, § 1, emerg. eff. June 6, 2005; Laws 2006, c. 16, § 26, emerg. eff. March 29, 2006; Laws 2007, c. 326, § 6, eff. Nov. 1, 2007; Laws 2010, c. 154, § 1, eff. Nov. 1, 2010; Laws 2010, c. 277, § 1, eff. Nov. 1, 2010; Laws 2012, c. 207, § 2, emerg. eff. May 8, 2012; Laws 2014, c. 242, § 1, eff. Nov. 1, 2014; Laws 2016, c. 170, § 1, eff. Nov. 1, 2016; Laws 2017, c. 1, § 3, emerg. eff. March 2, 2017; Laws 2019, c. 302, § 1, eff. Nov. 1, 2019; Laws 2022, c. 282, § 45, emerg. eff. May 19, 2022; Laws 2024, c. 11, § 5, emerg. eff. April 18, 2024.

NOTE: Laws 1998, c. 246, § 19 repealed by Laws 1999, c. 1, § 45, emerg. eff. Feb. 24, 1999. Laws 2000, c. 277, § 5 repealed by Laws 2001, c. 5, § 22, emerg. eff. March 21, 2001. Laws 2003, c. 234, § 2 repealed by Laws 2004, c. 5, § 37, emerg. eff. March 1, 2004. Laws 2004, c. 5, § 36 repealed by Laws 2004, c. 390, § 20, eff. July 1, 2004. Laws 2005, c. 36, § 1 repealed by Laws 2006, c. 16, § 27, emerg. eff. March 29, 2006.

§47-6-106.1. Renumbered as § 11-906.1 of this title by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000.

§47-6-106.2. Renumbered as § 11-906.2 of this title by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000.

§47-6-106.3. Renumbered as § 11-906.3 of this title by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000.

§47-6-106.4. Renumbered as § 11-906.4 of this title by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000.

§47-6-107. Restricted licenses for unemancipated persons under 18 - Signature of legal parent or guardian - Liability - Financial responsibility - Cancellation or suspension.

A. In addition to the requirements of Section 6-106 of this title, the application of any unemancipated person under the age of eighteen (18) years for a restricted license shall be signed and verified by the legal custodial parent or legal guardian of the

applicant, either in person before a person authorized to administer oaths, electronically if completing an online application, or by a notarized affidavit signed by a custodial legal parent or legal guardian and submitted with the application by the person under the age of eighteen (18) years before a person authorized to administer oaths. The signature of the legal custodial parent or legal guardian shall be evidence that the legal custodial parent or legal guardian is willing to assume the obligation imposed under Section 1-101 et seq. of this title upon a person signing the application of a person under the age of eighteen (18) years. Provided, however, any unemancipated person under the age of eighteen (18) years who is in the permanent custody of the Department of Human Services, upon proof of financial responsibility in respect to the operation of a motor vehicle owned by him or her or if not the owner of a motor vehicle then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, shall not be required to have his or her application for restricted license signed or verified by another person.

B. Any negligence or willful misconduct of a person under the age of eighteen (18) years when driving a motor vehicle upon a highway with the knowledge and consent of the person who signed the application or notarized affidavit for the restricted license shall be imputed to the person who has signed the application or notarized affidavit. Such person shall be jointly and severally liable with the minor for any damages caused by such negligence or willful misconduct, except as otherwise provided in subsection C of this section.

C. In the event a person under the age of eighteen (18) years deposits, or there is deposited upon his or her behalf, proof of financial responsibility in respect to the operation of a motor vehicle owned by him or her or if not the owner of a motor vehicle then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, then Service Oklahoma may accept the application of such person when signed by the legal custodial parent or the legal guardian of such person, and while such proof is maintained the legal custodial parent or legal guardian shall not be subject to the liability imposed under subsection B of this section.

D. Service Oklahoma may, at its discretion, cancel or suspend the license of any person under the age of eighteen (18) years for any unlawful act, negligence or misconduct while driving a motor vehicle.

E. As provided in Section 6-103.1 of this title, any legal custodial parent or legal guardian who has signed the application or notarized affidavit of a person under the age of eighteen (18) years for a license may thereafter file with Service Oklahoma a verified

written request that the license of that person so granted be canceled. Service Oklahoma shall then cancel the license of the person and the legal custodial parent or legal guardian who signed the application or notarized affidavit of the person shall be relieved from the liability imposed under Section 1-101 et seq. of this title by reason of having signed the application on account of any subsequent negligence or willful misconduct of the person in operating a motor vehicle.

F. Service Oklahoma upon receipt of satisfactory evidence of the death of the legal custodial parent or legal guardian who signed the application or notarized affidavit of a person under the age of eighteen (18) years for a license shall cancel the license and shall not issue a new license until such time as a new application, duly signed and verified, is made as required by this chapter. This provision shall not apply in the event the person has attained the age of eighteen (18) years.

Added by Laws 1961, p. 343, § 6-107, eff. Sept. 1, 1961. Amended by Laws 1975, c. 343, § 1, emerg. eff. June 12, 1975; Laws 1978, c. 304, § 5; Laws 1979, c. 284, § 1, eff. July 1, 1979; Laws 1985, c. 45, § 5, eff. Jan. 1, 1986; Laws 1990, c. 219, § 15, eff. Jan. 1, 1991; Laws 2002, c. 397, § 16, eff. Nov. 1, 2002; Laws 2006, c. 311, § 11, emerg. eff. June 8, 2006; Laws 2008, c. 1, § 3; Laws 2015, c. 266, § 2, eff. Nov. 1, 2015; Laws 2016, c. 210, § 27, emerg. eff. April 26, 2016; Laws 2022, c. 282, § 46, emerg. eff. May 19, 2022. NOTE: Laws 2015, c. 96, § 1 repealed by Laws 2016, c. 210, § 28, emerg. eff. April 26, 2016.

§47-6-107.1. Recommendation of cancellation or denial of driving privileges of persons 20 or younger for certain alcohol or substance abuse offenses - Notification of Department.

A. When any district court, municipal court of record or any municipal court in a city or town in which the judge is an attorney licensed to practice law in this state has determined that a person under the age of eighteen (18) years has committed any offense described in subsection C of this section, or that a person eighteen (18), nineteen (19), or twenty (20) years of age has committed an offense described in Section 11-906.4 of this title, the court shall notify Service Oklahoma on a form prescribed by Service Oklahoma as provided in Section 6-107.2 of this title.

B. The notice shall include the name, date of birth, physical description and, if known, the driver license number of the person. The notice shall contain an order to Service Oklahoma to cancel or deny driving privileges for a period of six (6) months for the first offense or a period of one (1) year for a subsequent offense.

Provided, however, if the person is less than sixteen (16) years of age at the time of the determination, and the person will be less than sixteen (16) years of age at the end of the period of

cancellation or denial, Service Oklahoma shall extend the period of cancellation or denial to the date the person attains sixteen (16) years of age.

The court shall send a copy of the notice to the person first class, postage prepaid.

C. In addition to the administrative revocation of driving privileges pursuant to Section 754 of this title, and the mandatory revocation of driving privileges pursuant to Section 6-205.1 of this title, this section applies to any crime, violation, infraction, traffic offense or other offense involving or relating to the possession, use, sale, purchase, transportation, distribution, manufacture, or consumption of beer, alcohol, or any beverage containing alcohol and to any crime, violation, infraction, traffic offense or other offense involving or relating to the possession, use, sale, purchase, transportation, distribution, manufacture, trafficking, cultivation, consumption, ingestion, inhalation, injection, or absorption of any controlled dangerous substance as defined by paragraph 8 of Section 2-101 of Title 63 of the Oklahoma Statutes or any substance which is capable of being ingested, inhaled, injected, or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing, or other sensory or motor functions.

Added by Laws 1988, c. 237, § 1, eff. Nov. 1, 1988. Amended by Laws 1989, c. 314, § 1, eff. Nov. 1, 1989; Laws 1993, c. 238, § 1, emerg. eff. May 26, 1993; Laws 1994, c. 387, § 1, eff. July 1, 1995; Laws 1996, c. 309, § 4, eff. Nov. 1, 1996; Laws 2006, c. 61, § 12, eff. July 1, 2006; Laws 2010, c. 345, § 1, eff. Nov. 1, 2010; Laws 2021, c. 487, § 1, eff. Nov. 1, 2021; Laws 2022, c. 282, § 47, emerg. eff. May 19, 2022.

§47-6-107.2. Department to cancel or deny driving privileges pursuant to recommendation under Section 6-107.1 of this title - Petition for relief - Hearing - Modification or reinstatement of driving privileges.

A. Service Oklahoma shall prepare and distribute a Notification form to be used by the courts, as provided in Section 6-107.1 of this title. In addition to any other authority to cancel or deny driving privileges, Service Oklahoma shall, upon receipt of such completed Notification form from a court, cancel or deny all driving privileges of the person named in the Notification form without hearing, for a period of time recommended by the court.

B. Any person whose driving privileges are canceled or denied pursuant to this section may file a petition for relief based upon error or hardship.

1. The petition shall be filed in the district court which notified Service Oklahoma pursuant to Section 6-107.1 of this title or, if the Notification originated in a municipal court, the

petition shall be filed in the district court of the county in which the court is located. A copy of the Notification and a copy of Service Oklahoma's action canceling or denying driving privileges pursuant to this section shall be attached to the petition.

2. The district court shall conduct a hearing on the petition and may determine the matter de novo, without notice to the Department, and if applicable, without notice to the municipal court; provided, the district court shall not consider a collateral attack upon the merits of any conviction or determination which has become final.

3. The district court may deny the petition or, in its discretion, issue a written Order to Service Oklahoma to decrease the period of cancellation or denial to any period or issue a written Order to vacate Service Oklahoma's action taken pursuant to this section, in its entirety. The content of the Order shall not grant or purport to grant any driving privileges to the person; however, such Order may direct Service Oklahoma to do so if the person is otherwise eligible therefor. Unless all persons or agencies the court had reason to believe may have had relevant information related to the court record and departmental action have been given notice of the petition, attorney fees and costs shall not be awarded against any party. In no event shall Service Oklahoma be liable for attorney fees and costs for suspending, revoking, canceling or denying a driver license based upon reasonable reliance on a notice from a court requiring the revocation, suspension, cancellation or denial of the driver license according to law.

C. Upon receipt of a written Order from the appropriate court, Service Oklahoma shall modify or reinstate any driving privileges as provided in the Order.

Added by Laws 1988, c. 237, § 2, eff. Nov. 1, 1988. Amended by Laws 1989, c.314, § 2, eff. Nov. 1, 1989; Laws 1994, c. 387, § 2, eff. July 1, 1995; Laws 2021, c. 487, § 2, eff. Nov. 1, 2021; Laws 2022, c. 282, § 48, emerg. eff. May 19, 2022.

§47-6-107.3. Repealed by Laws 2021, c. 207, § 2, emerg. eff. April 26, 2021.

§47-6-107.4. Repealed by Laws 2022, c. 282, § 241, emerg. eff. May 19, 2022.

§47-6-107.5. Repealed by Laws 2022, c. 282, § 241, emerg. eff. May 19, 2022.

§47-6-107.6. Licenses or permits for persons under 18 - False information relating to school attendance or enrollment - Misdemeanor.

Any person who creates, writes, publishes, enters, or submits false information relating to the attendance, nonattendance, verification of attendance or enrollment of a person in a school or a program of education pursuant to Section 34 of this act, knowing that such information is false, or any person who knowingly aids or abets another in the creation or submission of such information, upon conviction, shall be guilty of a misdemeanor.
Added by Laws 1996, c. 247, § 37, eff. July 1, 1996.

§47-6-107.7. Renumbered as § 608 of Title 37 by Laws 2007, c. 62, § 23, emerg. eff. April 30, 2007.

§47-6-108. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-6-109. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-6-110. See the following versions:

OS 47-6-110v1 (SB 1766, Laws 2024, c. 450, § 4).

OS 47-6-110v2 (SB 2038, Laws 2024, c. 452, § 44).

OS 47-6-110v3 (HB 1854, Laws 2024, c. 11, § 6).

§47-6-110.1. Endorsements.

A. The following endorsements shall be placed on an Oklahoma driver license to any person qualifying therefore as determined by Service Oklahoma. Any person having an original Class A, B, C or D Oklahoma driver license shall only be required to take the supporting written endorsement testing which is required to endorse the original Class A, B, C or D Oklahoma driver license.

Endorsement	Authorizes the operation of:
"H"	A non-tank-type vehicle used to transport hazardous materials in placardable amounts pursuant to 49 C.F.R., Part 172, subpart F;
"M"	A motorcycle;
"N"	A tank vehicle as defined in Section 1-173.1 of this title;
"P"	A vehicle designed by the manufacturer to transport sixteen or more passengers, including the driver;
"S"	A school bus;
"T"	A vehicle with double or triple trailers;
"X"	A tank vehicle used to transport hazardous materials in placardable amounts pursuant to 49 C.F.R., Part 172, subpart F.

B. Service Oklahoma may also provide for additional endorsements as may be needed or as otherwise provided for by law.

C. No person shall operate a motor vehicle requiring endorsements as provided for in this section without having a valid Class A, B, C or D license with the required endorsements.

D. All endorsements as provided for in this section must be obtained prior to the operation of such vehicles. However, the requirement for a hazardous materials endorsement is not required for the operation of farm vehicles used to transport pesticides, fertilizers, or other products integral to farming, but which are defined as hazardous materials. If, after obtaining a hazardous material endorsement, a person becomes ineligible for the hazardous material endorsement pursuant to state or federal law, or both, or any regulation, Service Oklahoma shall provide notice as provided in Section 2-116 of this title. A person will have thirty (30) days from the date of the notice to appear at a designated testing facility to apply and be issued a commercial driver license without the endorsement. Failure to comply within the required time shall be grounds for Service Oklahoma to disqualify the commercial driver license of the person until compliance has been met.

Added by Laws 1990, c. 219, § 17, eff. Jan. 1, 1991. Amended by Laws 1991, c. 162, § 3, emerg. eff. May 7, 1991; Laws 2003, c. 392, § 6, eff. July 1, 2003; Laws 2004, c. 149, § 3, eff. Nov. 1, 2004; Laws 2020, c. 137, § 1; Laws 2021, c. 156, § 2, eff. Nov. 1, 2021; Laws 2022, c. 282, § 50, emerg. eff. May 19, 2022.

§47-6-110.2. Computerized finger imaging system.

A. Service Oklahoma shall implement a procedure for computerized finger imaging by means of an inkless finger image scanning device and shall require every applicant for an original, renewal, or replacement driver license or identification card to submit to finger imaging for the purposes of proof of identity and to ensure the security of the driver license or identification card issued to the applicant. If the finger image of a person over sixty-five (65) years of age cannot be scanned and the issuing agent can personally verify the individual's identity with alternative identification, the finger imaging shall be overridden. Means must be provided to trace to the agent who authorized the override.

B. No unemancipated person under eighteen (18) years of age shall be issued a driver license or identification card by Service Oklahoma unless an authorization form, prescribed and furnished by Service Oklahoma, or notarized affidavit authorizing the finger imaging of the person and signed by the legal custodial parent, legal guardian, or legal custodian of the person, is in the possession of Service Oklahoma.

C. No law enforcement agency of the state or federal government other than the Department of Public Safety shall have access to any

information collected through the use of computerized finger imaging without first obtaining a court order from a judge of competent jurisdiction; provided, however, the Oklahoma State Bureau of Investigation shall have access to such imaging for the purpose of identifying a person who is deceased, missing, or endangered. Each application for an order authorizing the access to any information collected through the use of computerized finger imaging shall be made in writing upon oath or affirmation to a judge of competent jurisdiction. Each application shall establish probable cause for belief that a named individual is committing, has committed, or is about to commit a particular violation of law.

D. Service Oklahoma shall adopt rules as may be necessary to carry out the provisions of this section.

Added by Laws 2001, c. 361, § 1, eff. July 1, 2001. Amended by Laws 2003, c. 219, § 1, eff. July 1, 2004; Laws 2006, c. 311, § 15, emerg. eff. June 8, 2006; Laws 2008, c. 159, § 6, emerg. eff. May 12, 2008; Laws 2010, c. 272, § 1, eff. Feb. 1, 2011; Laws 2015, c. 96, § 2, eff. Nov. 1, 2015; Laws 2019, c. 402, § 1, eff. Nov. 1, 2019; Laws 2022, c. 282, § 51, emerg. eff. May 19, 2022; Laws 2025, c. 38, § 2, emerg. eff. May 3, 2025.

NOTE: Laws 2022, c. 282, § 51 was purportedly repealed by Laws 2025, c. 330, § 24 but without reference to Laws 2025, c. 38, § 2, which amended it

§47-6-110.3. Prohibition of implementation of federal REAL ID Act - Legislative findings - Retrieval and deletion of biometric data.

A. The Legislature finds that the enactment into law by the United States Congress of the federal REAL ID Act of 2005, Public Law Number 109-13, is an action that individual Oklahomans should have an option to refuse under the principles of federalism contained in the Tenth Amendment to the United States Constitution.

B. The State of Oklahoma shall offer its citizens the option of choosing a Compliant Driver License or Identification Card or a Noncompliant Driver License or Identification Card.

C. In carrying out the provisions of this Act, the State of Oklahoma shall not share with the federal government any personal information or biometric data obtained from an applicant for an Oklahoma REAL ID compliant or noncompliant driver license or identification card except as required by the REAL ID Act of 2005, Public Law Number 109-13. Provided, this subsection shall not prevent the sharing of such information between agencies, boards, commissions or political subdivisions of this state or as otherwise permitted by law.

D. For purposes of this section, "biometric data" includes, but is not limited to:

1. Facial feature pattern characteristics;

2. Voice data used for comparing live speech with a previously created speech model of a person's voice;

3. Iris recognition data containing color or texture patterns or codes;

4. Retinal scans, reading through the pupil to measure blood vessels lining the retina;

5. Behavior characteristics of a handwritten signature, such as shape, speed, pressure, pen angle, or sequence;

6. Fingerprints, palm prints, and other methods for measuring or recording ridge pattern or fingertip characteristics;

7. Keystroke dynamics, measuring pressure applied to key pads;

8. Hand geometry, measuring hand characteristics, including the shape and length of fingers, in three (3) dimensions; and

9. Deoxyribonucleic acid (DNA) and/or ribonucleic acid (RNA).

Added by Laws 2007, c. 159, § 1, eff. Nov. 1, 2007. Amended by Laws 2017, c. 1, § 4, emerg. eff. March 2, 2017; Laws 2017, c. 376, § 1, emerg. eff. June 6, 2017.

§47-6-110.4. Pilot program for certified third-party examiners for commercial truck driver instructors.

A. The Department of Public Safety is directed to develop and implement a pilot program to evaluate the potential use of certified commercial truck driver training instructors employed by businesses engaged in interstate or intrastate commerce licensed in the state of Oklahoma to be certified third-party examiners for the Department of Public Safety. The pilot program shall have a maximum of ten businesses and shall begin no later than July 1, 2016, for a period of two (2) years.

B. Any certified commercial truck driver training instructor who is currently an operator or an employee of a business engaged in interstate or intrastate commerce licensed in this state shall be eligible to apply to be a third-party tester of the Department of Public Safety for the purpose of administering the Class A, B or C driving skills portion of the Oklahoma driving examination to any person who has not previously been a student of the instructor.

C. No business shall be established for the education and training of persons, and no person shall act as an instructor or third-party tester unless such business or person applies for and obtains from the Commissioner of Public Safety a license in the manner and form prescribed by the Commissioner.

D. The Department of Public Safety shall adopt a curriculum of required courses and training to be offered to applicants who are qualified to apply to be a third-party tester. The courses and training for certification shall meet the same standards as required for commercial driver examiners of the Department of Public Safety.

E. Each business engaged in interstate or intrastate commerce licensed in this state with an employee or person applying to be an

instructor or third-party tester shall be required to pay an initial fee of Five Thousand Dollars (\$5,000.00) and an annual renewal fee of Five Thousand Dollars (\$5,000.00). Each person applying to be an instructor or third-party tester shall be required to pay an initial certification fee of Two Thousand Five Hundred Dollars (\$2,500.00). Upon successful completion of training prescribed by subsection D of this section, the person shall be required to pay an annual third-party tester certification fee of Two Thousand Five Hundred Dollars (\$2,500.00). The third-party tester certification fees collected by the Department pursuant to this subsection shall be deposited to the credit of the Department of Public Safety Restricted Revolving Fund to be used for the purposes of this section. The Department shall not be required to operate this program unless adequate funds are provided. No third-party tester certification fee shall be refunded to the business or person in the event that certification is denied, suspended or revoked.

F. The Department shall conduct on an annual basis a complete nationwide criminal history background check on each third-party tester and a complete nationwide criminal history background check on each third-party tester applicant. The fees for the background check shall be borne by the third-party tester or third-party tester applicant.

G. The Department of Public Safety shall promulgate rules to implement and administer the provisions of this section based on requirements set forth in Section 383.75 of Title 47 of the Code of Federal Regulations.

Added by Laws 2015, c.154, § 1, eff. Nov. 1, 2015.

§47-6-110.5. Training and education for compliance with the REAL ID Act.

A. Service Oklahoma shall offer or make available training and education for licensed operators and licensed operator employees, so that such licensed operators and employees shall be able to achieve and maintain compliance with the requirements of the REAL ID Act of 2005, Public Law No. 109-13, related to such licensed operators' and licensed operator employees' ability to be authorized participants in the REAL ID Compliant Driver License and Identification Card issuance, renewal and replacement process.

B. The training and education required by subsection A of this section shall be offered or made available:

1. At reasonable cost to licensed operators and licensed operator employees seeking authorization to participate in the REAL ID Compliant Driver License and Identification Card issuance, renewal and replacement process; and

2. On a regular basis as Service Oklahoma determines necessary and compliant in accordance with the Department of Homeland Security:

- a. at on-site locations located or rotating throughout the state, which shall not exceed four (4) hours in duration and shall cost no more than Fifty Dollars (\$50.00) to the licensed operators and licensed operator employees, and
- b. through an American Association of Motor Vehicle Administrators (AAMVA) on-line resource that is approved by the Department of Homeland Security.

C. Every licensed operator seeking authorization to process approved applications or renewals for REAL ID Compliant Driver Licenses or Identification Cards shall be furnished all equipment required for such processing by Service Oklahoma without charge to the licensed operator.

D. Service Oklahoma shall promulgate rules as necessary to implement the provisions of this section.

Added by Laws 2017, c. 1, § 8, emerg. eff. March 2, 2017. Amended by Laws 2022, c. 282, § 52, emerg. eff. May 19, 2022.

§47-6-110v1. Examination of applicants.

A. 1. Service Oklahoma shall establish procedures to ensure every applicant for an original Class A, B, C or D license and for any endorsements thereon is examined by Service Oklahoma, or an approved written examination proctor, except as otherwise provided in Section 6-101 et seq. of this title or as provided in paragraph 2 of this subsection or in subsections D and E of this section. Service Oklahoma is authorized to approve and enter into agreements with third parties including, but not limited to, public school districts, technology center districts overseen by the Oklahoma Department of Career and Technology Education, institutions of higher education, or commercial driver training schools, to act as approved written examination proctors with regard to any written examination required by this section. The examination shall include a test of the applicant's:

- a. eyesight,
- b. ability to read and understand highway signs regulating, warning and directing traffic,
- c. knowledge of the traffic laws of this state including a portion on bicycle and motorcycle safety, and
- d. ability, by actual demonstration, to exercise ordinary and reasonable control in the operation of a motor vehicle. The actual demonstration shall be conducted in the type of motor vehicle for the class of driver license being applied for.

The Department of Public Safety, in conjunction with Service Oklahoma, may create a knowledge test that may be taken on the Internet by an applicant applying for a Class D license.

Any licensee seeking to apply for a driver license of another class which is not covered by the licensee's current driver license shall be considered an applicant for an original license for that class.

2. Service Oklahoma shall have the authority to waive the requirement of any part of the examination required in paragraph 1 of this subsection for those applicants whose driving record meets the standards set by the Department of Public Safety and surrender either of the following:

- a. a valid unexpired driver license issued by any state or country for the same type or types of vehicles, or
- b. an expired driver license that:
 - (1) is not expired more than six (6) months past the expiration date listed on the driver license, and
 - (2) is not a Class A, B or C commercial driver license or commercial driver license permit.

3. Service Oklahoma shall accept skills test results from another state for Class A, B or C license applicants who have successfully completed commercial motor vehicle driver training in that state and successfully passed the skills test in that state; provided, Service Oklahoma shall not accept skills test results from another state when the applicant has not successfully completed commercial motor vehicle driver training in that state. Nothing in this section shall be construed to prohibit Service Oklahoma from administering the skills test to any applicant who has successfully completed commercial vehicle driver training in another state.

4. All applicants requiring a hazardous materials endorsement shall be required, for the renewal of the endorsement, to successfully complete the examination and to submit to a security threat assessment performed by the Transportation Security Administration of the Department of Homeland Security as required by and pursuant to 49 C.F.R., Part 1572, which shall be used to determine whether the applicant is eligible for renewal of the endorsement pursuant to federal law and regulation.

5. Service Oklahoma, or an approved written examination proctor, shall give the complete examination as provided for in this section within thirty (30) days from the date the application is received, and the examination shall be given at a location within one hundred (100) miles of the residence of the applicant. Service Oklahoma shall make every effort to make the examination locations and times convenient for applicants. Service Oklahoma shall consider giving the examination at any public or private site, if economically feasible and practicable, and if Service Oklahoma and the owner or the governing body agree.

B. Any person holding a valid Oklahoma Class D license or provisional driver license pursuant to Section 6-212 of this title and applying for a Class A, B or C commercial license shall be required to successfully complete all examinations as required for

the specified class. Failure to submit to Service Oklahoma federally required medical certification information pursuant to 49 C.F.R., Part 391.41 et seq. shall result in an automatic downgrade of a commercial license to a Class D license. Provided, however, once the required medical certification information has been received by Service Oklahoma, the license shall be reinstated to the classification of the commercial license prior to the downgrade and the holder of such a license shall not be required to reapply.

C. Except as provided in subsection E of Section 6-101 of this title, any person holding a valid Oklahoma Class A, B or C commercial license shall, upon time for renewal thereof, be entitled to a Class D license without any type of testing or examination, except for any endorsements thereon as otherwise provided for by Section 6-110.1 of this title.

D. 1. Any certified driver education instructor who is currently an operator or an employee of a commercial driver training school in this state or any driver education instructor employed by any school district in this state shall be eligible to apply to be a designated examiner of Service Oklahoma for the purposes of administering the Class D driving skills portion of the Oklahoma driving examination to any person who is eligible to take the Oklahoma driving examination including, but not limited to, a person who has been issued a learner permit or farm permit. Service Oklahoma shall to the maximum extent possible accept electronic signatures for all applications to be a designated examiner.

2. The Department of Public Safety, in conjunction with Service Oklahoma, shall adopt a curriculum of required courses and training to be offered to applicants who are qualified to apply to be a designated examiner. The courses and training for certification shall meet the same standards as required for driver examiners of Service Oklahoma. Within thirty (30) days of the effective date of this act, and by October 1 of each subsequent year, Service Oklahoma shall publish a schedule for the subsequent calendar year of courses and trainings which shall occur no less than twice per calendar year. Service Oklahoma may schedule additional courses and trainings based on demand. Service Oklahoma shall disclose how many slots are available for each course or training and any restrictions on how those slots may be allocated at the time of publishing the schedule.

3. Each person applying to be a designated examiner shall be required to pay an initial designated examiner certification fee of One Thousand Dollars (\$1,000.00). Upon successful completion of training prescribed by paragraph 2 of this subsection, the person shall be required to pay an annual designated examiner certification fee of Five Hundred Dollars (\$500.00). If an applicant for the designated examiner program is employed by an Oklahoma public school system that offers driver education, and he or she administers the

skills test only to students enrolled in a public school driver education program, the certification fee may be waived by Service Oklahoma. Each designated examiner certification shall expire on the last day of the calendar year and may be renewed upon application to Service Oklahoma. The designated examiner certification fees collected by Service Oklahoma pursuant to this subsection shall be deposited to the credit of the Department of Public Safety Restricted Revolving Fund to be used for the purposes of this subsection, through October 31, 2022. Beginning November 1, 2022, the designated examiner certification fees collected by Service Oklahoma pursuant to this subsection shall be deposited to the credit of the Service Oklahoma Revolving Fund. No designated examiner certification fee shall be refunded in the event that certification is denied, suspended or revoked.

4. A designated examiner may charge a fee for each Class D driving skills examination given, whether the person being examined passes or fails the examination.

5. Service Oklahoma shall conduct an annual complete nationwide criminal history background check on each designated examiner and a complete nationwide criminal history background check on each designated examiner applicant. The fees for the background check shall be borne by the designated examiner or designated examiner applicant.

6. The Department of Public Safety, in conjunction with Service Oklahoma, shall promulgate rules to implement and administer the provisions of this subsection.

E. 1. Upon application and approval of Service Oklahoma, any public or private commercial truck driving school that has or maintains a program instructing students for a Class A, B or C license, public transit agency, state, county or municipal government agency in this state, such as local school districts, the Oklahoma Department of Career and Technology Education, or institutions of higher education, or a private entity, shall be authorized to hire or employ designated examiners approved by Service Oklahoma to be third-party examiners of the Class A, B or C driving skills portion and/or knowledge written portion, pursuant to subsection A of this section, of the Oklahoma driving examination. All designated examiners must successfully have completed the courses and training as outlined in paragraph 2 of this subsection. Service Oklahoma shall be required to approve at least one public transit agency that has or maintains a program instructing students for a Class A, B or C license to hire or employ third-party examiners pursuant to this section. It shall be permissible for any public transit agency operating in this state to utilize the third-party examiners hired or employed by a public transit agency approved by Service Oklahoma.

2. The Department of Public Safety, in conjunction with Service Oklahoma, shall adopt a curriculum of required courses and training to be offered to third-party examiners. The courses and training for certification shall meet the same standards as required for commercial driver examiners of Service Oklahoma.

3. Service Oklahoma shall require each third-party examiner applicant and commercial school driver education instructor applicant to submit to an electronic national criminal history record check pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes. On or before December 1, 2022, Service Oklahoma shall require each third-party examiner or commercial school driver education instructor to submit to an electronic national criminal history record check pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes. The fees for the background check shall be borne by the third-party examiner, third-party examiner applicant, commercial school driver education instructor or commercial school driver education instructor applicant.

F. Service Oklahoma shall promulgate rules to:

1. Implement and administer the provisions of this section based on requirements set forth in Section 383.75 of Title 49 of the Code of Federal Regulations;

2. Establish a process to inform any school, public transit agency, examiner, or state, county or municipal government agency, who has been denied, within forty-five (45) days from the denial;

3. Create an appeal process for any school, public transit agency, examiner, or state, county or municipal government agency denied; and

4. If the initial application for approval was denied, limit the number of times an individual school, public transit agency, individual examiner applicant, or state, county or municipal government agency may reapply in a calendar year to two reapplications.

Added by Laws 1961, p. 344, § 6-110, eff. Sept. 1, 1961. Amended by Laws 1978, c. 304, § 6; Laws 1985, c. 45, § 6, eff. Jan. 1, 1986; Laws 1990, c. 219, § 16, eff. Jan 1, 1991; Laws 1992, c. 206, § 1, eff. Sept. 1, 1992; Laws 1994, c. 196, § 1, eff. Sept. 1, 1994; Laws 1995, c. 23, § 9, eff. Nov. 1, 1995; Laws 1996, c. 203, § 3, emerg. eff. May 21, 1996; Laws 1998, c. 425, § 6, eff. July 1, 1998; Laws 1999, c. 229, § 1, eff. Nov. 1, 1999; Laws 2002, c. 386, § 1, eff. Nov. 1, 2002; Laws 2004, c. 149, § 2, eff. Nov. 1, 2004; Laws 2004, c. 418, § 9, eff. July 1, 2004; Laws 2005, c. 1, § 46, emerg. eff. March 15, 2005; Laws 2005, c. 394, § 2, emerg. eff. June 6, 2005; Laws 2009, c. 310, § 2, eff. Nov. 1, 2009; Laws 2011, c. 25, § 1, eff. Nov. 1, 2011; Laws 2012, c. 280, § 3, eff. Nov. 1, 2012; Laws 2013, c. 259, § 4, eff. Nov. 1, 2013; Laws 2014, c. 199, § 2, eff. July 1, 2014; Laws 2015, c. 266, § 3, eff. Nov. 1, 2015; Laws 2016, c. 210, § 29, emerg. eff. April 26, 2016; Laws 2019, c. 395, § 1,

eff. Nov. 1, 2019; Laws 2021, c. 24, § 3, emerg. eff. April 19, 2021; Laws 2021, c. 522, § 3, emerg. eff. May 24, 2021; Laws 2022, c. 282, § 49, emerg. eff. May 19, 2022; Laws 2023, c. 82, § 1, eff. Nov. 1, 2023; Laws 2024, c. 450, § 4, eff. Nov. 1, 2024.

NOTE: Laws 2004, c. 390, § 5 repealed by Laws 2005, c. 1, § 47, emerg. eff. March 15, 2005. Laws 2015, c. 97, § 2 repealed by Laws 2016, c. 210, § 30, emerg. eff. April 26, 2016. Laws 2021, c. 156, § 1 repealed by Laws 2021, c. 522, § 8, emerg. eff. May 24, 2021. Laws 2021, c. 220, § 2 repealed by Laws 2021, c. 522, § 9, emerg. eff. May 24, 2021.

§47-6-110v2. Examination of applicants.

A. 1. Service Oklahoma shall establish procedures to ensure every applicant for an original Class A, B, C or D license and for any endorsements thereon is examined by Service Oklahoma, or an approved written examination proctor, except as otherwise provided in Section 6-101 et seq. of this title or as provided in paragraph 2 of this subsection or in subsections D and E of this section. Service Oklahoma is authorized to approve and enter into agreements with third parties to act as approved written examination proctors with regard to any written examination required by this section. The examination shall include a test of the applicant's:

- a. eyesight,
- b. ability to read and understand highway signs regulating, warning and directing traffic,
- c. knowledge of the traffic laws of this state including a portion on bicycle and motorcycle safety, and
- d. ability, by actual demonstration, to exercise ordinary and reasonable control in the operation of a motor vehicle. The actual demonstration shall be conducted in the type of motor vehicle for the class of driver license being applied for.

The Department of Public Safety, in conjunction with Service Oklahoma, may create a knowledge test that may be taken on the Internet by an applicant applying for a Class D license. Any licensee seeking to apply for a driver license of another class which is not covered by the licensee's current driver license shall be considered an applicant for an original license for that class.

2. Service Oklahoma shall have the authority to waive the requirement of any part of the examination required in paragraph 1 of this subsection for those applicants whose driving record meets the standards set by the Department of Public Safety and surrender either of the following:

- a. a valid unexpired driver license issued by any state or country for the same type or types of vehicles, or
- b. an expired driver license that:

- (1) is not expired more than six (6) months past the expiration date listed on the driver license, and
- (2) is not a Class A, B or C commercial driver license or commercial driver license permit.

3. Service Oklahoma shall accept skills test results from another state for Class A, B or C license applicants who have successfully completed commercial motor vehicle driver training in that state and successfully passed the skills test in that state; provided, Service Oklahoma shall not accept skills test results from another state when the applicant has not successfully completed commercial motor vehicle driver training in that state. Nothing in this section shall be construed to prohibit Service Oklahoma from administering the skills test to any applicant who has successfully completed commercial vehicle driver training in another state.

4. All applicants requiring a hazardous materials endorsement shall be required, for the renewal of the endorsement, to successfully complete the examination and to submit to a security threat assessment performed by the Transportation Security Administration of the Department of Homeland Security as required by and pursuant to 49 C.F.R., Part 1572, which shall be used to determine whether the applicant is eligible for renewal of the endorsement pursuant to federal law and regulation.

5. Service Oklahoma, or an approved written examination proctor, shall give the complete examination as provided for in this section within thirty (30) days from the date the application is received, and the examination shall be given at a location within one hundred (100) miles of the residence of the applicant. Service Oklahoma shall make every effort to make the examination locations and times convenient for applicants. Service Oklahoma shall consider giving the examination at any public or private site, if economically feasible and practicable, and if Service Oklahoma and the owner or the governing body agree.

B. Any person holding a valid Oklahoma Class D license or provisional driver license pursuant to Section 6-212 of this title and applying for a Class A, B or C commercial license shall be required to successfully complete all examinations as required for the specified class. Failure to submit to Service Oklahoma federally required medical certification information pursuant to 49 C.F.R., Part 391.41 et seq. shall result in an automatic downgrade of a commercial license to a Class D license. Provided, however, once the required medical certification information has been received by Service Oklahoma, the license shall be reinstated to the classification of the commercial license prior to the downgrade and the holder of such a license shall not be required to reapply.

C. Except as provided in subsection E of Section 6-101 of this title, any person holding a valid Oklahoma Class A, B or C commercial license shall, upon time for renewal thereof, be entitled

to a Class D license without any type of testing or examination, except for any endorsements thereon as otherwise provided for by Section 6-110.1 of this title.

D. 1. Any certified driver education instructor who is currently an operator or an employee of a commercial driver training school in this state or any driver education instructor employed by any school district in this state shall be eligible to apply to be a designated examiner of Service Oklahoma for the purposes of administering the Class D driving skills portion of the Oklahoma driving examination to any person who has been issued a learner permit.

2. The Department of Public Safety, in conjunction with Service Oklahoma, shall adopt a curriculum of required courses and training to be offered to applicants who are qualified to apply to be a designated examiner. The courses and training for certification shall meet the same standards as required for driver examiners of Service Oklahoma.

3. Each person applying to be a designated examiner shall be required to pay an initial designated examiner certification fee of One Thousand Dollars (\$1,000.00). Upon successful completion of training prescribed by paragraph 2 of this subsection, the person shall be required to pay an annual designated examiner certification fee of Five Hundred Dollars (\$500.00). If an applicant for the designated examiner program is employed by an Oklahoma public school system that offers driver education, and he or she administers the skills test only to students enrolled in a public school driver education program, the certification fee may be waived by Service Oklahoma. Each designated examiner certification shall expire on the last day of the calendar year and may be renewed upon application to Service Oklahoma. The designated examiner certification fees collected by Service Oklahoma pursuant to this subsection shall be deposited to the credit of the Department of Public Safety Restricted Revolving Fund to be used for the purposes of this subsection, through October 31, 2022. Beginning November 1, 2022, the designated examiner certification fees collected by Service Oklahoma pursuant to this subsection shall be deposited to the credit of the Service Oklahoma Revolving Fund. No designated examiner certification fee shall be refunded in the event that certification is denied, suspended or revoked.

4. A designated examiner may charge a fee for each Class D driving skills examination given, whether the person being examined passes or fails the examination.

5. Service Oklahoma shall require each designated examiner and driver education instructor applicant to submit to an electronic national criminal history record check pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes. The fees for the record check shall be borne by the designated examiner, designated examiner

applicant, driver education instructor, or driver education instructor applicant.

6. The Department of Public Safety, in conjunction with Service Oklahoma, shall promulgate rules to implement and administer the provisions of this subsection.

E. 1. Upon application and approval of Service Oklahoma, any public or private commercial truck driving school that has or maintains a program instructing students for a Class A, B or C license, public transit agency, state, county or municipal government agency in this state, such as local school districts, the Oklahoma Department of Career and Technology Education, or institutions of higher education, or a private entity, shall be authorized to hire or employ designated examiners approved by Service Oklahoma to be third-party examiners of the Class A, B or C driving skills portion and/or knowledge written portion, pursuant to paragraph A of this section, of the Oklahoma driving examination. All designated examiners must successfully have completed the courses and training as outlined in paragraph 2 of this subsection. Service Oklahoma shall be required to approve at least one public transit agency that has or maintains a program instructing students for a Class A, B or C license to hire or employ third-party examiners pursuant to this section. It shall be permissible for any public transit agency operating in the State of Oklahoma to utilize the third-party examiners hired or employed by a public transit agency approved by Service Oklahoma.

2. The Department of Public Safety, in conjunction with Service Oklahoma, shall adopt a curriculum of required courses and training to be offered to third-party examiners. The courses and training for certification shall meet the same standards as required for commercial driver examiners of Service Oklahoma.

3. Service Oklahoma shall require each third-party examiner applicant and commercial school driver education instructor applicant to submit to an electronic national criminal history record check pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes. On or before December 1, 2022, Service Oklahoma shall require each third-party examiner or commercial school driver education instructor to submit to an electronic national criminal history record check pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes. The fees for the background check shall be borne by the third-party examiner, third-party examiner applicant, commercial school driver education instructor or commercial school driver education instructor applicant.

F. Service Oklahoma shall promulgate rules to:

1. Implement and administer the provisions of this section based on requirements set forth in Section 383.75 of Title 49 of the Code of Federal Regulations;

2. Establish a process to inform any school, public transit agency, examiner, or state, county or municipal government agency, who has been denied, within forty-five (45) days from the denial;

3. Create an appeal process for any school, public transit agency, examiner, or state, county or municipal government agency denied; and

4. If the initial application for approval was denied, limit the number of times an individual school, public transit agency, individual examiner applicant, or state, county or municipal government agency may reapply in a calendar year to two reapplications.

Added by Laws 1961, p. 344, § 6-110, eff. Sept. 1, 1961. Amended by Laws 1978, c. 304, § 6; Laws 1985, c. 45, § 6, eff. Jan. 1, 1986; Laws 1990, c. 219, § 16, eff. Jan 1, 1991; Laws 1992, c. 206, § 1, eff. Sept. 1, 1992; Laws 1994, c. 196, § 1, eff. Sept. 1, 1994; Laws 1995, c. 23, § 9, eff. Nov. 1, 1995; Laws 1996, c. 203, § 3, emerg. eff. May 21, 1996; Laws 1998, c. 425, § 6, eff. July 1, 1998; Laws 1999, c. 229, § 1, eff. Nov. 1, 1999; Laws 2002, c. 386, § 1, eff. Nov. 1, 2002; Laws 2004, c. 149, § 2, eff. Nov. 1, 2004; Laws 2004, c. 418, § 9, eff. July 1, 2004; Laws 2005, c. 1, § 46, emerg. eff. March 15, 2005; Laws 2005, c. 394, § 2, emerg. eff. June 6, 2005; Laws 2009, c. 310, § 2, eff. Nov. 1, 2009; Laws 2011, c. 25, § 1, eff. Nov. 1, 2011; Laws 2012, c. 280, § 3, eff. Nov. 1, 2012; Laws 2013, c. 259, § 4, eff. Nov. 1, 2013; Laws 2014, c. 199, § 2, eff. July 1, 2014; Laws 2015, c. 266, § 3, eff. Nov. 1, 2015; Laws 2016, c. 210, § 29, emerg. eff. April 26, 2016; Laws 2019, c. 395, § 1, eff. Nov. 1, 2019; Laws 2021, c. 24, § 3, emerg. eff. April 19, 2021; Laws 2021, c. 522, § 3, emerg. eff. May 24, 2021; Laws 2022, c. 282, § 49, emerg. eff. May 19, 2022; Laws 2023, c. 82, § 1, eff. Nov. 1, 2023; Laws 2024, c. 452, § 44, emerg. eff. June 14, 2024. NOTE: Laws 2004, c. 390, § 5 repealed by Laws 2005, c. 1, § 47, emerg. eff. March 15, 2005. Laws 2015, c. 97, § 2 repealed by Laws 2016, c. 210, § 30, emerg. eff. April 26, 2016. Laws 2021, c. 156, § 1 repealed by Laws 2021, c. 522, § 8, emerg. eff. May 24, 2021. Laws 2021, c. 220, § 2 repealed by Laws 2021, c. 522, § 9, emerg. eff. May 24, 2021.

§47-6-110v3. Examination of applicants.

A. 1. Service Oklahoma shall establish procedures to ensure every applicant for an original Class A, B, C or D license and for any endorsements thereon is examined by Service Oklahoma, or an approved written examination proctor, except as otherwise provided in Section 6-101 et seq. of this title or as provided in paragraph 2 of this subsection or in subsections D and E of this section. Service Oklahoma is authorized to approve and enter into agreements with local school districts, the Oklahoma Department of Career and Technology Education, or institutions of higher education to act as

approved written examination proctors with regard to any written examination required by this section. The examination shall include a test of the applicant's:

- a. eyesight,
- b. ability to read and understand highway signs regulating, warning and directing traffic,
- c. knowledge of the traffic laws of this state including a portion on bicycle and motorcycle safety, and
- d. ability, by actual demonstration, to exercise ordinary and reasonable control in the operation of a motor vehicle. The actual demonstration shall be conducted in the type of motor vehicle for the class of driver license being applied for.

The Department of Public Safety, in conjunction with Service Oklahoma, may create a knowledge test that may be taken on the Internet by an applicant applying for a Class D license.

Any licensee seeking to apply for a driver license of another class which is not covered by the licensee's current driver license shall be considered an applicant for an original license for that class.

2. Service Oklahoma shall have the authority to waive the requirement of any part of the examination required in paragraph 1 of this subsection for those applicants whose driving record meets the standards set by the Department of Public Safety and surrender either of the following:

- a. a valid unexpired driver license issued by any state or country for the same type or types of vehicles, or
- b. an expired driver license that:
 - (1) is not expired more than six (6) months past the expiration date listed on the driver license, and
 - (2) is not a Class A, B or C commercial driver license or commercial driver license permit.

3. Service Oklahoma shall accept skills test results from another state for Class A, B or C license applicants who have successfully completed commercial motor vehicle driver training in that state and successfully passed the skills test in that state; provided, Service Oklahoma shall not accept skills test results from another state when the applicant has not successfully completed commercial motor vehicle driver training in that state. Nothing in this section shall be construed to prohibit Service Oklahoma from administering the skills test to any applicant who has successfully completed commercial vehicle driver training in another state.

4. All applicants requiring a hazardous materials endorsement shall be required, for the renewal of the endorsement, to successfully complete the examination and to submit to a security threat assessment performed by the Transportation Security Administration of the Department of Homeland Security as required by and pursuant to 49 C.F.R., Part 1572, which shall be used to

determine whether the applicant is eligible for renewal of the endorsement pursuant to federal law and regulation.

5. Service Oklahoma, or an approved written examination proctor, shall give the complete examination as provided for in this section within thirty (30) days from the date the application is received, and the examination shall be given at a location within one hundred (100) miles of the residence of the applicant. Service Oklahoma shall make every effort to make the examination locations and times convenient for applicants. Service Oklahoma shall consider giving the examination at various school sites if the district board of education for the district in which the site is located agrees and if economically feasible and practicable.

B. Any person holding a valid Oklahoma Class D license or provisional driver license pursuant to Section 6-212 of this title and applying for a Class A, B or C commercial license shall be required to successfully complete all examinations as required for the specified class. Failure to submit to Service Oklahoma federally required medical certification information pursuant to 49 C.F.R., Part 391.41 et seq. shall result in an automatic downgrade of a commercial license to a Class D license. Provided, however, once the required medical certification information has been received by Service Oklahoma, the license shall be reinstated to the classification of the commercial license prior to the downgrade and the holder of such a license shall not be required to reapply.

C. Except as provided in subsection E of Section 6-101 of this title, any person holding a valid Oklahoma Class A, B or C commercial license shall, upon time for renewal thereof, be entitled to a Class D license without any type of testing or examination, except for any endorsements thereon as otherwise provided for by Section 6-110.1 of this title.

D. 1. Any certified driver education instructor who is currently an operator or an employee of a commercial driver training school in this state, any driver education instructor employed by any school district in this state, or any licensed operator or an employee of a licensed operator shall be eligible to apply to be a designated examiner of Service Oklahoma for the purposes of administering the Class D driving skills portion of the Oklahoma driving examination to any person who has been issued a learner permit.

2. The Department of Public Safety, in conjunction with Service Oklahoma, shall adopt a curriculum of required courses and training to be offered to applicants who are qualified to apply to be a designated examiner. The courses and training for certification shall meet the same standards as required for driver examiners of Service Oklahoma.

3. Each person applying to be a designated examiner shall be required to pay an initial designated examiner certification fee of

One Thousand Dollars (\$1,000.00). Upon successful completion of training prescribed by paragraph 2 of this subsection, the person shall be required to pay an annual designated examiner certification fee of Five Hundred Dollars (\$500.00). If an applicant for the designated examiner program is employed by an Oklahoma public school system that offers driver education, and he or she administers the skills test only to students enrolled in a public school driver education program, the certification fee may be waived by Service Oklahoma. Each designated examiner certification shall expire on the last day of the calendar year and may be renewed upon application to Service Oklahoma. The designated examiner certification fees collected by Service Oklahoma pursuant to this subsection shall be deposited to the credit of the Department of Public Safety Restricted Revolving Fund to be used for the purposes of this subsection, through October 31, 2022. Beginning November 1, 2022, the designated examiner certification fees collected by Service Oklahoma pursuant to this subsection shall be deposited to the credit of the Service Oklahoma Revolving Fund. No designated examiner certification fee shall be refunded in the event that certification is denied, suspended or revoked.

4. A designated examiner may charge a fee for each Class D driving skills examination given, whether the person being examined passes or fails the examination.

5. Service Oklahoma shall require each designated examiner and driver education instructor applicant to submit to an electronic national criminal history record check pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes. The fees for the record check shall be borne by the designated examiner, designated examiner applicant, driver education instructor, or driver education instructor applicant.

6. The Department of Public Safety, in conjunction with Service Oklahoma, shall promulgate rules to implement and administer the provisions of this subsection.

E. 1. Upon application and approval of Service Oklahoma, any public or private commercial truck driving school that has or maintains a program instructing students for a Class A, B or C license, public transit agency or state, county or municipal government agency in this state shall be authorized to hire or employ designated examiners approved by Service Oklahoma to be third-party examiners of the Class A, B or C driving skills portion of the Oklahoma driving examination. All designated examiners must successfully have completed the courses and training as outlined in paragraph 2 of this subsection. Service Oklahoma shall be required to approve at least one public transit agency that has or maintains a program instructing students for a Class A, B or C license to hire or employ third-party examiners pursuant to this section. It shall be permissible for any public transit agency operating in the State

of Oklahoma to utilize the third-party examiners hired or employed by a public transit agency approved by Service Oklahoma.

2. The Department of Public Safety, in conjunction with Service Oklahoma, shall adopt a curriculum of required courses and training to be offered to third-party examiners. The courses and training for certification shall meet the same standards as required for commercial driver examiners of Service Oklahoma.

3. Service Oklahoma shall require each third-party examiner applicant and commercial school driver education instructor applicant to submit to an electronic national criminal history record check pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes. On or before December 1, 2022, Service Oklahoma shall require each third-party examiner or commercial school driver education instructor to submit to an electronic national criminal history record check pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes. The fees for the background check shall be borne by the third-party examiner, third-party examiner applicant, commercial school driver education instructor or commercial school driver education instructor applicant.

F. Service Oklahoma shall promulgate rules to:

1. Implement and administer the provisions of this section based on requirements set forth in Section 383.75 of Title 49 of the Code of Federal Regulations;

2. Establish a process to inform any school, public transit agency, examiner, or state, county or municipal government agency, who has been denied, within forty-five (45) days from the denial;

3. Create an appeal process for any school, public transit agency, examiner, or state, county or municipal government agency denied; and

4. If the initial application for approval was denied, limit the number of times an individual school, public transit agency, individual examiner applicant, or state, county or municipal government agency may reapply in a calendar year to two reapplications.

Added by Laws 1961, p. 344, § 6-110, eff. Sept. 1, 1961. Amended by Laws 1978, c. 304, § 6; Laws 1985, c. 45, § 6, eff. Jan. 1, 1986; Laws 1990, c. 219, § 16, eff. Jan 1, 1991; Laws 1992, c. 206, § 1, eff. Sept. 1, 1992; Laws 1994, c. 196, § 1, eff. Sept. 1, 1994; Laws 1995, c. 23, § 9, eff. Nov. 1, 1995; Laws 1996, c. 203, § 3, emerg. eff. May 21, 1996; Laws 1998, c. 425, § 6, eff. July 1, 1998; Laws 1999, c. 229, § 1, eff. Nov. 1, 1999; Laws 2002, c. 386, § 1, eff. Nov. 1, 2002; Laws 2004, c. 149, § 2, eff. Nov. 1, 2004; Laws 2004, c. 418, § 9, eff. July 1, 2004; Laws 2005, c. 1, § 46, emerg. eff. March 15, 2005; Laws 2005, c. 394, § 2, emerg. eff. June 6, 2005; Laws 2009, c. 310, § 2, eff. Nov. 1, 2009; Laws 2011, c. 25, § 1, eff. Nov. 1, 2011; Laws 2012, c. 280, § 3, eff. Nov. 1, 2012; Laws 2013, c. 259, § 4, eff. Nov. 1, 2013; Laws 2014, c. 199, § 2, eff.

July 1, 2014; Laws 2015, c. 266, § 3, eff. Nov. 1, 2015; Laws 2016, c. 210, § 29, emerg. eff. April 26, 2016; Laws 2019, c. 395, § 1, eff. Nov. 1, 2019; Laws 2021, c. 24, § 3, emerg. eff. April 19, 2021; Laws 2021, c. 522, § 3, emerg. eff. May 24, 2021; Laws 2022, c. 282, § 49, emerg. eff. May 19, 2022; Laws 2023, c. 310, § 15, eff. July 1, 2023; Laws 2024, c. 11, § 6, emerg. eff. April 18, 2024.

NOTE: Laws 2004, c. 390, § 5 repealed by Laws 2005, c. 1, § 47, emerg. eff. March 15, 2005. Laws 2015, c. 97, § 2 repealed by Laws 2016, c. 210, § 30, emerg. eff. April 26, 2016. Laws 2021, c. 156, § 1 repealed by Laws 2021, c. 522, § 8, emerg. eff. May 24, 2021. Laws 2021, c. 220, § 2 repealed by Laws 2021, c. 522, § 9, emerg. eff. May 24, 2021.

NOTE: Laws 2023, c. 310, § 15 was purportedly repealed by Laws 2024, c. 452, § 45 but without reference to Laws 2024, c. 11, § 6, which amended it.

§47-6-111. See the following versions:

OS 47-6-111v1 (SB 310, Laws 2025, c. 310, § 2)

OS 47-6-111v2 (HB 1751, Laws 2025, c. 330, § 5)

§47-6-111v1. Issuance of license or identification card - Temporary permit - Restricted commercial driver license - "Sex Offender" license or card - Original, renewal or replacement of modified driving privileges.

A. 1. Service Oklahoma shall, upon payment of the required fee, issue to every applicant qualifying therefor a Class A, B, C or D driver license or identification card as applied for, which license or card shall bear thereon a distinguishing alphanumeric identification assigned to the licensee or cardholder, date of issuance and date of expiration of the license or card, the full legal name, signature or computerized signature, date of birth, residence address, unless specified as an exception in 6 C.F.R., Section 37.17, sex, a computerized color image of the licensee or cardholder taken in accordance with Service Oklahoma rules and security features as determined by Service Oklahoma. The image shall depict a full front unobstructed view of the entire face of the licensee or cardholder; provided, a commercial learner permit shall not bear the image of the licensee. When any person is issued both a driver license and an identification card, Service Oklahoma shall ensure the information on both the license and the card are the same, unless otherwise provided by law.

2. A driver license or identification card issued by Service Oklahoma on or after March 1, 2004, shall bear thereon the county of residence of the licensee or cardholder.

3. Service Oklahoma may cancel the distinguishing number, when that distinguishing number is another person's Social Security

number, assign a new distinguishing alphanumeric identification, and issue a new license or identification card without charge to the licensee or cardholder.

4. Service Oklahoma may promulgate rules for inclusion of the height and a brief description of the licensee or cardholder on the face of the card or license identifying the licensee or cardholder as deaf or hard-of-hearing.

5. It is unlawful for any person to apply, adhere, or otherwise attach to a driver license or identification card any decal, sticker, label, or other attachment. Any law enforcement officer is authorized to remove and dispose of any unlawful decal, sticker, label, or other attachment from the driver license of a person. The law enforcement officer, the employing agency of the officer, Service Oklahoma, and the State of Oklahoma shall be immune from any liability for any loss suffered by the licensee, cardholder, or the owner of the decal, sticker, label, or other attachment caused by the removal and destruction of the decal, sticker, label, or other attachment.

6. Service Oklahoma may develop by rule a procedure which complies with the provisions of subsection G of Section 6-101 of this title whereby a person may apply for a renewal or replacement Oklahoma Class D license or Oklahoma identification card.

B. 1. Service Oklahoma may issue or authorize the issuance of a temporary permit or license to an applicant for a driver license permitting such applicant to operate a motor vehicle while Service Oklahoma is completing its investigation and determination of all facts relative to such applicant's privilege to receive a license, or while a permanent driver license is being produced and delivered to the applicant. Such permit or license must be in the immediate possession of the driver while operating a motor vehicle, and it shall be invalid when the applicant's permanent driver license has been issued and delivered or for good cause has been refused.

2. Service Oklahoma may issue or authorize the issuance of a temporary identification card to an applicant, permitting the holder the privileges otherwise granted by identification cards, while a permanent driver license is being provided and delivered to the applicant. Such card shall be invalid when the applicant's permanent identification card has been issued and delivered, or for good cause has been refused.

C. 1. Service Oklahoma may issue a restricted commercial driver license to drivers eighteen (18) years of age or older for any of the following specific farm-related service industries:

- a. farm retail outlets and suppliers,
- b. agri-chemical businesses,
- c. custom harvesters, and
- d. livestock feeders.

The applicant shall have held a valid driver license for at least one (1) year. Applicants with more than two (2) years of driving experience shall have a good driving record for the most recent two-year period and shall meet all the requirements for a commercial driver license. The restricted commercial driver license shall not exceed the maximum total days that federal law allows. Applicants for the restricted commercial driver license shall be exempt from the knowledge and skills test. Application of the restricted commercial driver license does not have to be used in consecutive days. The use of the permit shall be declared at application.

2. A "good driving record" as used in this subsection shall mean an applicant:

- a. has not had more than one license,
- b. has not had any license suspended, revoked, or canceled,
- c. has not had any conviction for any type of disqualifying offenses or serious traffic violations, or
- d. has not had any conviction for a violation of state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident and has no record of an accident in which he or she is at fault.

3. The restricted commercial driver license shall not be valid for operators of commercial motor vehicles beyond one hundred fifty (150) miles from the place of business or the farm currently being served. Such license shall be limited to Class B or C vehicles. Holders of such licenses who transport hazardous materials which are required to be placarded shall be limited to the following:

- a. diesel fuel in quantities of one thousand (1,000) gallons or less,
- b. liquid fertilizers in vehicles with total capacities of three thousand (3,000) gallons or less, and
- c. solid fertilizers that are not mixed with any organic substance.

No other placarded hazardous materials shall be transported by holders of such licenses.

D. 1. Service Oklahoma may issue a non-domiciled commercial learner permit or a non-domiciled commercial driver license.

2. A person applying for such permit or license must comply with all testing and licensing requirements in accordance with applicable federal regulations, state laws, and Service Oklahoma rules. The expiration of the issued license shall be the same date as the expiration of the visa for the non-domiciled worker. Service Oklahoma may promulgate rules for the implementation of the process to carry out the provisions of this section.

3. A person holding a non-domiciled commercial driver license or non-domiciled commercial learner's permit within this state shall also possess a valid work visa and provide proof of citizenship to validate his or her identity while operating a commercial motor vehicle. Proof of citizenship shall be demonstrated through presentation of a birth certificate, naturalization certificate, or valid passport.

4. A commercial motor carrier whose driver is found to be in violation of this subsection shall be subject to a fine in the amount of Three Thousand Dollars (\$3,000.00) for each violation. The proceeds of any penalties collected pursuant to this paragraph shall be deposited in the Weigh Station Improvement Revolving Fund created in Section 1167 of Title 47 of the Oklahoma Statutes.

5. A driver found to be in violation of this subsection shall be prohibited from operating a commercial motor vehicle within this state until such a time that the driver is able to meet the identification provisions of this subsection. Any driver found to be operating a motor vehicle within this state while under such prohibition shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Any fine collected pursuant to the provisions of this paragraph shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes.

6. The commercial motor carrier shall be notified of the location of any commercial motor vehicle involved in a violation, and, upon payment of the fine in full and presentation of a driver who meets all requirements to operate a commercial motor vehicle within this state, shall take possession of the vehicle. If the commercial motor carrier is unable to either pay such fine or present such driver within twelve (12) hours after notification, the owner of any cargo being transported by the commercial motor vehicle shall be notified and allowed to arrange for the transfer of the cargo to another vehicle. Neither the state nor the owner of such cargo shall be liable for any reasonable action to transfer such cargo.

7. As used in this subsection, a non-domiciled commercial driver license or non-domiciled commercial learner permit shall have the same meaning as that provided in 49 C.F.R., Section 383.5.

E. 1. Service Oklahoma shall develop a procedure whereby a person applying for an original, renewal or replacement Class A, B, C or D driver license or identification card who is required to register as a convicted sex offender with the Department of Corrections pursuant to the provisions of the Sex Offenders Registration Act and who the Department of Corrections designates as an aggravated or habitual offender pursuant to subsection J of

Section 584 of Title 57 of the Oklahoma Statutes shall be issued a license or card bearing the words "Sex Offender".

2. Service Oklahoma shall notify every person subject to registration under the provisions of Section 1-101 et seq. of this title who holds a current Class A, B, C or D driver license or identification card that such person is required to surrender the license or card to Service Oklahoma within one hundred eighty (180) days from the date of the notice.

3. Upon surrendering the license or card for the reason set forth in this subsection, application may be made with Service Oklahoma for a replacement license or card bearing the words "Sex Offender".

4. Failure to comply with the requirements set forth in such notice shall result in cancellation of the person's license or card. Such cancellation shall be in effect for one (1) year, after which time the person may make application with Service Oklahoma for a new license or card bearing the words "Sex Offender". Continued use of a canceled license or card shall constitute a misdemeanor and shall, upon conviction thereof, be punishable by a fine of not less than Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00). When an individual is no longer required to register as a convicted sex offender with the Department of Corrections pursuant to the provisions of the Sex Offenders Registration Act, the individual shall be eligible to receive a driver license or identification card which does not bear the words "Sex Offender".

F. Nothing in subsection E of this section shall be deemed to impose any liability upon or give rise to a cause of action against any employee, agent or official of the Department of Corrections for failing to designate a sex offender as an aggravated or habitual offender pursuant to subsection J of Section 584 of Title 57 of the Oklahoma Statutes.

G. A person subject to an order for the installation of an ignition interlock device shall be required by Service Oklahoma to submit his or her driver license for a replacement. The replacement driver license shall bear the words "Interlock Required" and such designation shall remain on the driver license for the duration of the order requiring the ignition interlock device. The replacement license shall be subject to the same expiration and renewal procedures provided by law. Upon completion of the requirements for the interlock device, a person may apply for a replacement driver license.

H. Service Oklahoma shall develop a procedure whereby a person applying for an original, renewal or replacement Class D driver license who has been granted modified driving privileges under this title shall be issued a Class D driver license which identifies the license as a modified license.

Added by Laws 1961, p. 345, § 6-111, eff. Sept. 1, 1961. Amended by Laws 1975, c. 359, § 2, eff. Jan. 1, 1977; Laws 1985, c. 45, § 7, eff. Jan. 1, 1986; Laws 1990, c. 219, § 18, eff. Jan. 1, 1991; Laws 1992, c. 217, § 7, eff. July 1, 1992; Laws 1992, c. 373, § 7, eff. July 1, 1992; Laws 1993, c. 97, § 3, eff. Sept. 1, 1993; Laws 1997, c. 193, § 3, eff. Nov. 1, 1997; Laws 1998, c. 246, § 20, eff. Nov. 1, 1998; Laws 2000, c. 153, § 1, eff. Nov. 1, 2000; Laws 2000, c. 342, § 5, eff. July 1, 2000; Laws 2001, c. 27, § 1, eff. Nov. 1, 2001; Laws 2003, c. 392, § 7, eff. July 1, 2003; Laws 2004, c. 149, § 4, eff. Nov. 1, 2004; Laws 2005, c. 1, § 48, emerg. eff. March 15, 2005; Laws 2005, c. 36, § 2, eff. Jan. 1, 2007; Laws 2006, c. 311, § 16, emerg. eff. June 8, 2006; Laws 2007, c. 328, § 2, eff. Nov. 1, 2007; Laws 2008, c. 3, § 24, emerg. eff. Feb. 28, 2008; Laws 2009, c. 388, § 2, eff. Nov. 1, 2009; Laws 2011, c. 373, § 2, eff. Nov. 1, 2011; Laws 2013, c. 259, § 5, eff. Nov. 1, 2013; Laws 2015, c. 266, § 4, eff. Nov. 1, 2015; Laws 2016, c. 214, § 1, eff. Nov. 1, 2016; Laws 2017, c. 1, § 5, emerg. eff. March 2, 2017; Laws 2022, c. 282, § 53, emerg. eff. May 19, 2022; Laws 2023, c. 310, § 16, eff. July 1, 2023; Laws 2024, c. 452, § 46, emerg. eff. June 14, 2024; Laws 2025, c. 310, § 2, emerg. eff. May 27, 2025.

NOTE: Laws 1992, c. 177, § 2 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992. Laws 2003, c. 234, § 3 repealed by Laws 2004, c. 5, § 39, emerg. eff. March 1, 2004. Laws 2004, c. 5, § 38 repealed by Laws 2005, c. 1, § 49, emerg. eff. March 15, 2005. Laws 2007, c. 326, § 7 repealed by Laws 2008, c. 3, § 25, emerg. eff. Feb. 28, 2008. Laws 2008, c. 1, § 1 repealed by Laws 2009, c. 2, § 10, emerg. eff. March 12, 2009.

§47-6-111v2. Issuance of license or identification card - Temporary permit - Restricted commercial driver license - "Sex Offender" license or card - Original, renewal or replacement of modified driving privileges.

A. 1. Service Oklahoma shall, upon payment of the required fee, issue to every applicant qualifying therefor a Class A, B, C or D driver license or identification card as applied for, which license or card shall bear thereon a distinguishing alphanumeric identification assigned to the licensee or cardholder, date of issuance and date of expiration of the license or card, the full legal name, signature or computerized signature, date of birth, residence address, unless specified as an exception in the Code of Federal Regulations per 6 C.F.R., Section 37.17, sex, a computerized image of the licensee or cardholder taken in accordance with Service Oklahoma rules and security features as determined by Service Oklahoma. The image shall depict a full front unobstructed view of the entire face of the licensee or cardholder; provided, a commercial learner permit shall not bear the image of the licensee.

2. A driver license or identification card issued by Service Oklahoma on or after March 1, 2004, shall bear thereon the county of residence of the licensee or cardholder.

3. Service Oklahoma may cancel the distinguishing number, when that distinguishing number is another person's Social Security number, assign a new distinguishing alphanumeric identification, and issue a new license or identification card without charge to the licensee or cardholder.

4. Service Oklahoma may promulgate rules for inclusion of the height and a brief description of the licensee or cardholder on the face of the card or license identifying the licensee or cardholder as deaf or hard-of-hearing.

5. It is unlawful for any person to apply, adhere, or otherwise attach to a driver license or identification card any decal, sticker, label, or other attachment. Any law enforcement officer is authorized to remove and dispose of any unlawful decal, sticker, label, or other attachment from the driver license of a person. The law enforcement officer, the employing agency of the officer, Service Oklahoma, and the State of Oklahoma shall be immune from any liability for any loss suffered by the licensee, cardholder, or the owner of the decal, sticker, label, or other attachment caused by the removal and destruction of the decal, sticker, label, or other attachment. Nothing in this section shall prohibit Service Oklahoma from adopting, applying, adhering, or otherwise attaching decals, stickers, labels, or other attachments to a driver license or identification card.

6. Service Oklahoma may develop by rule a procedure which complies with the provisions of subsection G of Section 6-101 of this title whereby a person may apply for a renewal or replacement Oklahoma Class D license or Oklahoma identification card.

B. 1. Service Oklahoma may issue or authorize the issuance of a temporary permit or license to an applicant for a driver license permitting such applicant to operate a motor vehicle while Service Oklahoma is completing its investigation and determination of all facts relative to such applicant's privilege to receive a license, or while a permanent driver license is being produced and delivered to the applicant. Such permit or license must be in the immediate possession of the driver while operating a motor vehicle, and it shall be invalid when the applicant's permanent driver license has been issued and delivered or for good cause has been refused.

2. Service Oklahoma may issue or authorize the issuance of a temporary identification card to an applicant, permitting the holder the privileges otherwise granted by identification cards, while a permanent driver license is being provided and delivered to the applicant. Such card shall be invalid when the applicant's permanent identification card has been issued and delivered, or for good cause has been refused.

C. 1. Service Oklahoma may issue a restricted commercial driver license to drivers eighteen (18) years of age or older for any of the following specific farm-related service industries:

- a. farm retail outlets and suppliers,
- b. agri-chemical businesses,
- c. custom harvesters, and
- d. livestock feeders.

The applicant shall have held a valid driver license for at least one (1) year. Applicants with more than two (2) years of driving experience shall have a good driving record for the most recent two-year period and shall meet all the requirements for a commercial driver license. The restricted commercial driver license shall not exceed the maximum total days that federal law allows. Applicants for the restricted commercial driver license shall be exempt from the knowledge and skills test. Application of the restricted commercial driver license does not have to be used in consecutive days. The use of the permit shall be declared at application.

2. A "good driving record" as used in this subsection shall mean an applicant:

- a. has not had more than one license,
- b. has not had any license suspended, revoked, or canceled,
- c. has not had any conviction for any type of disqualifying offenses or serious traffic violations, or
- d. has not had any conviction for a violation of state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident and has no record of an accident in which they are at fault.

3. The restricted commercial driver license shall not be valid for operators of commercial motor vehicles beyond one hundred fifty (150) miles from the place of business or the farm currently being served. Such license shall be limited to Class B or C vehicles. Holders of such licenses who transport hazardous materials which are required to be placarded shall be limited to the following:

- a. diesel fuel in quantities of one thousand (1,000) gallons or less,
- b. liquid fertilizers in vehicles with total capacities of three thousand (3,000) gallons or less, and
- c. solid fertilizers that are not mixed with any organic substance.

No other placarded hazardous materials shall be transported by holders of such licenses.

D. Service Oklahoma may issue a non-domiciled commercial learner permit or a non-domiciled commercial driver license.

A person applying for such permit or license must comply with all testing and licensing requirements in accordance with applicable federal regulations, state laws and Service Oklahoma rules. The issued license shall be valid until the expiration of the visa for the non-domiciled worker. Service Oklahoma may promulgate rules for the implementation of the process to carry out the provisions of this section.

E. 1. Service Oklahoma shall develop a procedure whereby a person applying for an original, renewal or replacement Class A, B, C or D driver license or identification card who is required to register as a convicted sex offender with the Department of Corrections pursuant to the provisions of the Sex Offenders Registration Act and who the Department of Corrections designates as an aggravated or habitual offender pursuant to subsection J of Section 584 of Title 57 of the Oklahoma Statutes shall be issued a license or card bearing the words "Sex Offender".

2. Service Oklahoma shall notify every person subject to registration under the provisions of Section 1-101 et seq. of this title who holds a current Class A, B, C or D driver license or identification card that such person is required to surrender the license or card to Service Oklahoma within one hundred eighty (180) days from the date of the notice.

3. Upon surrendering the license or card for the reason set forth in this subsection, application may be made with Service Oklahoma for a replacement license or card bearing the words "Sex Offender".

4. Failure to comply with the requirements set forth in such notice shall result in cancellation of the person's license or card. Such cancellation shall be in effect for one (1) year, after which time the person may make application with Service Oklahoma for a new license or card bearing the words "Sex Offender". Continued use of a canceled license or card shall constitute a misdemeanor and shall, upon conviction thereof, be punishable by a fine of not less than Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00). When an individual is no longer required to register as a convicted sex offender with the Department of Corrections pursuant to the provisions of the Sex Offenders Registration Act, the individual shall be eligible to receive a driver license or identification card which does not bear the words "Sex Offender".

F. Nothing in subsection E of this section shall be deemed to impose any liability upon or give rise to a cause of action against any employee, agent or official of the Department of Corrections for failing to designate a sex offender as an aggravated or habitual offender pursuant to subsection J of Section 584 of Title 57 of the Oklahoma Statutes.

G. A person subject to an order for the installation of an ignition interlock device shall be required by Service Oklahoma to

submit his or her driver license for a replacement. The replacement driver license shall bear the words "Interlock Required" and such designation shall remain on the driver license for the duration of the order requiring the ignition interlock device. The replacement license shall be subject to the same expiration and renewal procedures provided by law. Upon completion of the requirements for the interlock device, a person may apply for a replacement driver license.

H. Service Oklahoma shall develop a procedure whereby a person applying for an original, renewal or replacement Class D driver license who has been granted modified driving privileges under this title shall be issued a Class D driver license which identifies the license as a modified license.

Added by Laws 1961, p. 345, § 6-111, eff. Sept. 1, 1961. Amended by Laws 1975, c. 359, § 2, eff. Jan. 1, 1977; Laws 1985, c. 45, § 7, eff. Jan. 1, 1986; Laws 1990, c. 219, § 18, eff. Jan. 1, 1991; Laws 1992, c. 217, § 7, eff. July 1, 1992; Laws 1992, c. 373, § 7, eff. July 1, 1992; Laws 1993, c. 97, § 3, eff. Sept. 1, 1993; Laws 1997, c. 193, § 3, eff. Nov. 1, 1997; Laws 1998, c. 246, § 20, eff. Nov. 1, 1998; Laws 2000, c. 153, § 1, eff. Nov. 1, 2000; Laws 2000, c. 342, § 5, eff. July 1, 2000; Laws 2001, c. 27, § 1, eff. Nov. 1, 2001; Laws 2003, c. 392, § 7, eff. July 1, 2003; Laws 2004, c. 149, § 4, eff. Nov. 1, 2004; Laws 2005, c. 1, § 48, emerg. eff. March 15, 2005; Laws 2005, c. 36, § 2, eff. Jan. 1, 2007; Laws 2006, c. 311, § 16, emerg. eff. June 8, 2006; Laws 2007, c. 328, § 2, eff. Nov. 1, 2007; Laws 2008, c. 3, § 24, emerg. eff. Feb. 28, 2008; Laws 2009, c. 388, § 2, eff. Nov. 1, 2009; Laws 2011, c. 373, § 2, eff. Nov. 1, 2011; Laws 2013, c. 259, § 5, eff. Nov. 1, 2013; Laws 2015, c. 266, § 4, eff. Nov. 1, 2015; Laws 2016, c. 214, § 1, eff. Nov. 1, 2016; Laws 2017, c. 1, § 5, emerg. eff. March 2, 2017; Laws 2022, c. 282, § 53, emerg. eff. May 19, 2022; Laws 2023, c. 310, § 16, eff. July 1, 2023; Laws 2024, c. 452, § 46, emerg. eff. June 14, 2024; Laws 2025, c. 330, § 5, eff. July 1, 2025.

NOTE: Laws 1992, c. 177, § 2 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992. Laws 2003, c. 234, § 3 repealed by Laws 2004, c. 5, § 39, emerg. eff. March 1, 2004. Laws 2004, c. 5, § 38 repealed by Laws 2005, c. 1, § 49, emerg. eff. March 15, 2005. Laws 2007, c. 326, § 7 repealed by Laws 2008, c. 3, § 25, emerg. eff. Feb. 28, 2008. Laws 2008, c. 1, § 1 repealed by Laws 2009, c. 2, § 10, emerg. eff. March 12, 2009.

§47-6-112. License to be carried and exhibited on demand.

A. Every licensee shall have his or her driver license in his or her immediate possession at all times when operating a motor vehicle. Upon demand of a peace officer, the licensee shall produce and provide physical possession of the driver license to the peace officer. Any person violating this subsection shall, upon

conviction, be guilty of a misdemeanor and shall be punished as provided for in Section 17-101 of this title.

B. Any person charged with violating this section who produces in court, on or before the court date, a driver license issued to him or her and valid at the time of his or her arrest shall be entitled to dismissal of such charge without payment of court costs and fine.

Added by Laws 1961, p. 345, § 6-112, eff. Sept. 1, 1961. Amended by Laws 1990, c. 219, § 19, eff. Jan. 1, 1991; Laws 2007, c. 326, § 8, eff. Nov. 1, 2007; Laws 2017, c. 125, § 1, eff. Nov. 1, 2017.

§47-6-113. Restricted licenses.

A. Service Oklahoma upon issuing a driver license shall have the authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as Service Oklahoma, in conjunction with the Department of Public Safety, may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

B. Service Oklahoma may either issue a special restricted license or may set forth such restrictions upon the usual license form.

C. Service Oklahoma may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a hearing as upon a suspension or revocation under this chapter.

D. It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

Added by Laws 1961, p. 345, § 6-113, eff. Sept. 1, 1961. Amended by Laws 1990, c. 219, § 20, eff. Jan. 1, 1991; Laws 2023, c. 310, § 17, eff. July 1, 2023.

§47-6-114. Replacement license - Proof of identity - Removal of endorsements or restrictions.

A. 1. In the event that a driver license is lost, destroyed, or requires the updating of any information, restriction or endorsement displayed thereon, the person to whom such license was issued may obtain a replacement thereof pursuant to the provisions of subsection G of Section 6-101 of this title, and upon payment of the required fee. If the person is an alien, the person shall appear before Service Oklahoma or a licensed operator and, after furnishing proof of identity as required in this section, shall be issued a replacement driver license for a period which does not exceed the lesser of:

a. the expiration date of the license being replaced, or

- b. the expiration date on the valid documentation authorizing the presence of the person in the United States, as required by paragraph 9 of subsection A of Section 6-103 of this title.

2. The cost of a replacement license shall be Twenty-five Dollars (\$25.00), which shall be apportioned and credited by Service Oklahoma as follows:

- a. Two Dollars (\$2.00) shall be apportioned as provided in Section 1104 of this title,
- b. Three Dollars (\$3.00) shall be credited to the General Revenue Fund of the State Treasury,
- c. Five Dollars (\$5.00) shall be credited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administering and maintaining the computer imaging system of the Department through October 31, 2022. Beginning November 1, 2022, Five Dollars (\$5.00) shall be credited to the Service Oklahoma Computer Imaging System Revolving Fund to be used solely for the purpose of administering and maintaining the computer imaging system of Service Oklahoma,
- d. Ten Dollars (\$10.00) shall be credited to the Revolving Fund of the Department of Public Safety through October 31, 2022. Beginning November 1, 2022, the Ten Dollars (\$10.00) shall be credited to the Service Oklahoma Revolving Fund,
- e. Three Dollars (\$3.00) shall be credited to the State Public Safety Fund created in Section 2-147 of this title, and
- f. (1) Two Dollars (\$2.00) of the fee authorized by this paragraph related to the replacement of a driver license by a licensed operator that does not process approved applications or renewals for REAL ID Compliant Driver Licenses or Identification Cards shall be credited, in addition to the amount authorized by subparagraph e of this paragraph, to the State Public Safety Fund created in Section 2-147 of this title, or
(2) Two Dollars (\$2.00) of the fee authorized by this paragraph related to the replacement of a driver license by a licensed operator that does process approved applications or renewals for REAL ID Compliant Driver Licenses or Identification Cards shall be retained by the licensed operator through June 30, 2023. Beginning July 1, 2023, these monies shall be retained by the licensed

operator pursuant to subsection E of Section 1141.1 of this title.

3. Service Oklahoma shall promulgate rules prescribing forms of primary and secondary identification acceptable for replacement of an Oklahoma driver license; provided, however, a valid and unexpired U.S. passport shall be acceptable as both primary and secondary identification.

B. Any person desiring to add or remove an endorsement or endorsements or a restriction or restrictions to any existing driver license, when authorized by Service Oklahoma, shall obtain a replacement license with the endorsement or endorsements or the restriction or restrictions change thereon and shall be charged the fee for a replacement license as provided in subsection A of this section.

Added by Laws 1961, p. 345, § 6-114, eff. Sept. 1, 1961. Amended by Laws 1975, c. 359, § 4, eff. Jan. 1, 1977; Laws 1976, c. 257, § 1, eff. Jan. 1, 1977; Laws 1983, c. 286, § 19, operative July 1, 1983; Laws 1985, c. 179, § 61, operative July 1, 1985; Laws 1987, c. 205, § 69, operative July 1, 1987; Laws 1990, c. 219, § 21, eff. Jan. 1, 1991; Laws 1993, c. 97, § 4, eff. Sept. 1, 1993; Laws 2000, c. 277, § 6, eff. Nov. 1, 2000; Laws 2001, c. 361, § 6, eff. July 1, 2001; Laws 2003, c. 392, § 8, eff. July 1, 2003; Laws 2004, c. 390, § 6, eff. July 1, 2004; Laws 2013, c. 259, § 6, eff. Nov. 1, 2013; Laws 2016, c. 170, § 2, eff. Nov. 1, 2016; Laws 2017, c. 1, § 6, emerg. eff. March 2, 2017; Laws 2022, c. 282, § 54, emerg. eff. May 19, 2022; Laws 2023, 1st Ex. Sess., c. 47, § 7, eff. July 1, 2023; Laws 2024, c. 11, § 7, emerg. eff. April 18, 2024; Laws 2025, c. 171, § 4, eff. July 1, 2026.

§47-6-115. Expiration and renewal of driver licenses.

A. Except as otherwise provided in this section, every driver license shall be issued for a period of either four (4) years or eight (8) years; provided, if the applicant or licensee is an alien, the license shall be issued for a period which does not exceed the lesser of:

1. Four (4) years or eight (8) years; or

2. The expiration date on the valid documentation authorizing the presence of the applicant or licensee in the United States, as required by paragraph 9 of subsection A of Section 6-103 of this title.

B. Except as otherwise provided in this section, the expiration date of an initial license shall be no more than either four (4) years or eight (8) years from the last day of the month of issuance or no more than either four (4) years or eight (8) years from the last day of the birth month of the applicant immediately preceding the date of issuance, if requested by the applicant.

C. Except as otherwise provided in this section, the expiration date of a renewal license shall be:

1. For a renewal during the month of expiration, either four (4) years or eight (8) years from the last day of the month of expiration of the expiring license or either four (4) or eight (8) years from the last day of the birth month of the licensee immediately preceding the expiration date of the expiring license, if requested by the licensee; or

2. For a renewal prior to the month of expiration, as provided by rule of Service Oklahoma, either four (4) or eight (8) years from the last day of the month of expiration of the current license; provided, no license shall be issued with an expiration date of more than five (5) years from the date of renewal on a four (4) year license or nine (9) years from the date of renewal on an eight (8) year license.

D. Notwithstanding the provisions of subsection E of Section 1550.42 of Title 21 of the Oklahoma Statutes, any Oklahoma driver license that is not more than three (3) years past the date of expiration provided on the driver license shall be presumed to be a valid form of identification for the purposes of renewing an Oklahoma driver license.

E. Except as otherwise provided in this section, every driver license shall be renewable by the licensee upon application to either Service Oklahoma or a licensed operator, furnishing the current mailing address of the person and payment of the required fee, if the person is otherwise eligible for renewal. If the licensee is an alien, the licensee shall appear before a driver license examiner of Service Oklahoma and shall be issued a renewal driver license for a period which does not exceed the lesser of:

1. Four (4) years or eight (8) years; or
2. The expiration date on the valid documentation authorizing the presence of the applicant or licensee in the United States, as required by paragraph 9 of subsection A of Section 6-103 of this title.

F. All applicants for renewals of driver licenses who have proven collision records or apparent physical defects may be required to take an examination as specified by Service Oklahoma.

G. When a person makes application for a driver license, or makes application to renew a driver license, and the person has been convicted of, or received a deferred judgment for, any offense required to register pursuant to the Sex Offenders Registration Act, the driver license shall be valid for a period of one (1) year from the month of issuance, but may be renewed yearly during the time the person is registered on the Sex Offender Registry. Notwithstanding any other provision of law, the cost for such license shall be the same as for other driver licenses and renewals.

H. Service Oklahoma shall promulgate rules prescribing forms of identification acceptable for the renewal of an Oklahoma driver license.

Added by Laws 1961, p. 345, § 6-115, eff. Sept. 1, 1961. Amended by Laws 1985, c. 45, § 8, eff. Jan. 1, 1986; Laws 1985, c. 338, § 4, eff. Jan. 1, 1986; Laws 1986, c. 73, § 1, emerg. eff. April 2, 1986; Laws 1989, c. 82, § 4, eff. Nov. 1, 1989; Laws 1990, c. 219, § 22, eff. Jan. 1, 1991; Laws 1991, c. 342, § 2, emerg. eff. June 15, 1991; Laws 2000, c. 342, § 6, eff. July 1, 2000; Laws 2001, c. 27, § 2, eff. Nov. 1, 2001; Laws 2001, c. 414, § 4, eff. Nov. 1, 2001; Laws 2003, c. 392, § 9, eff. July 1, 2003; Laws 2004, c. 5, § 40, emerg. eff. March 1, 2004; Laws 2006, c. 294, § 3, eff. July 1, 2006; Laws 2009, c. 37, § 1, eff. Nov. 1, 2009; Laws 2009, c. 81, § 2, eff. Nov. 1, 2009; Laws 2013, c. 75, § 1, eff. Nov. 1, 2013; Laws 2016, c. 170, § 3, eff. Nov. 1, 2016; Laws 2021, c. 522, § 4, emerg. eff. May 24, 2021; Laws 2022, c. 282, § 55, emerg. eff. May 19, 2022; Laws 2025, c. 330, § 6, eff. July 1, 2025.

NOTE: Laws 2000, c. 277, § 7 repealed by Laws 2001, c. 5, § 24, emerg. eff. March 21, 2001. Laws 2001, c. 5, § 23 repealed by Laws 2001, c. 414, § 16, eff. Nov. 1, 2001. Laws 2003, c. 108, § 1 repealed by Laws 2004, c. 5, § 41, emerg. eff. March 1, 2004.

NOTE: Original eff. date of Nov. 1, 2009, for Laws 2009, c. 37, § 1 was repealed by Laws 2009, c. 310, § 5 and replaced with emerg. eff. date by Laws 2009, c. 310, § 8.

§47-6-115.1. Repealed by Laws 1989, c. 82, § 5, eff. Nov. 1, 1989.

§47-6-115.2. Repealed by Laws 1989, c. 82, § 5, eff. Nov. 1, 1989.

§47-6-116. Notice of change of address or name.

A. Whenever any person, after applying for or receiving a driver license or identification card, shall:

1. Change the residence address displayed on the license or card issued to the person;
 2. Move from the person's previous county; or
 3. Change the name of a licensee by marriage or otherwise,
- such person shall apply for a replacement of the driver license or identification card with Service Oklahoma in accordance with the provisions of Section 6-114 of this title within ten (10) days of the change.

B. Service Oklahoma shall not:

1. Change a county of residence unless the person specifically notifies Service Oklahoma of such change; and
2. Presume that a new mailing address which is a different county than the old mailing address means that the person has changed his or her county of residence, and shall not change the county of residence unless specifically notified of such change.

Added by Laws 1961, p. 345, § 6-116, eff. Sept. 1, 1961. Amended by Laws 1990, c. 219, § 23, eff. Jan. 1, 1991; Laws 2003, c. 234, § 4, eff. Nov. 1, 2003; Laws 2007, c. 326, § 9, eff. Nov. 1, 2007; Laws 2008, c. 1, § 2; Laws 2022, c. 282, § 56, emerg. eff. May 19, 2022; Laws 2023, c. 310, § 18, eff. July 1, 2023; Laws 2025, c. 330, § 7, eff. July 1, 2025.

§47-6-117. Records to be kept by Department.

A. Service Oklahoma shall file every application for a driver license or identification card received by Service Oklahoma and shall maintain suitable indexes containing:

1. All applications denied and on each thereof note the reasons for the denial;

2. All applications granted;

3. The name of every person whose driving privilege has been suspended, revoked, canceled, or disqualified by Service Oklahoma and after each such name note the reasons for the action. Any notation of suspension of the driving privilege of a person for reason of nonpayment of a fine shall be removed from the driving record after the person has paid the fine and the driving privilege of the person is reinstated as provided for by law;

4. The county of residence, the name, date of birth, and mailing address of each person residing in that county who is eighteen (18) years of age or older, and who is the holder of a current driver license or a current identification card issued by Service Oklahoma for the purpose of ascertaining names of all persons qualified for jury service as required by Section 18 of Title 38 of the Oklahoma Statutes; and

5. The name, driver license number, and mailing address of every person for the purpose of giving notice, if necessary, as required by Section 2-116 of this title.

B. Service Oklahoma shall file all collision reports and abstracts of court records of convictions received by it pursuant to the laws of this state and maintain convenient records of the records and reports or make suitable notations in order that an individual record of a person showing the convictions of the person and the traffic collisions in which the person has been involved shall be readily ascertainable and available for the consideration of Service Oklahoma upon any application for a driver license or renewal of a driver license and at other suitable times. Any abstract, index or other entry relating to a driving record according to the licensing authority in another state or a province of Canada may be posted upon the driving record of any resident of this state when notice thereof is received by documentation or by electronic transmission. The individual record of a person shall not include any collision reports and abstracts of court records

involving a collision in which the person was not issued a citation or if a citation is issued and the person was not convicted.

C. 1. Service Oklahoma may designate and is hereby authorized to prepare under the seal of Service Oklahoma and deliver upon request a copy of any collision report on file with the Department of Public Safety, charging a fee of:

- a. beginning on July 1, 2011, through June 30, 2013, Fifteen Dollars (\$15.00), of which Eight Dollars (\$8.00) shall be deposited by the Commissioner of Public Safety to the credit of the Department of Public Safety Revolving Fund and, in addition to other purposes authorized by law, the expenditures from that fund of monies derived from the Eight Dollars (\$8.00) pursuant to this subparagraph shall be used to fund any Oklahoma Highway Patrol academy provided by the Department of Public Safety. Any remaining funds shall be deposited in an account to be utilized exclusively for future expenses directly related to the operation of an Oklahoma Highway Patrol academy, and
- b. beginning on July 1, 2013, and any year thereafter, Seven Dollars (\$7.00).

However, Service Oklahoma shall not be required to furnish personal information from the collision report which is contrary to the provisions of the Driver's Privacy Protection Act, 18 U.S.C., Sections 2721 through 2725.

2. Notwithstanding the provisions of paragraph 1 of this subsection, Service Oklahoma is authorized to enter into contracts to supply information regarding vehicles reported to be involved in collisions. For each vehicle, the information shall be limited to that which only describes the vehicle and the collision. Service Oklahoma shall not be required to provide any information regarding the owner or operator of the vehicle or any information which would conflict with Section 2-110 or Section 1109 of this title.

D. Service Oklahoma or any licensed operator upon request shall prepare and furnish to any authorized person a Motor Vehicle Report of any person subject to the provisions of the motor vehicle laws of this state. However, Service Oklahoma shall not be required to furnish personal information from a driving record contrary to the provisions of the Driver's Privacy Protection Act of 1994, 18 U.S.C., Sections 2721 through 2725. The Motor Vehicle Report shall be a summary of the driving record of the person and shall include the enumeration of any motor vehicle collisions, reference to convictions for violations of motor vehicle laws, and any action taken against the privilege of the person to operate a motor vehicle, as shown by the files of Service Oklahoma for the three (3) years preceding the date of the request. The Motor Vehicle Report,

to include any record or information associated with the Motor Vehicle Report, shall not be deemed a public civil record as provided in Section 18 of Title 22 of the Oklahoma Statutes, and shall not be subject to expungement. Service Oklahoma shall not be required to release to any person, in whole or in part and in any format, a driving index, as described in subsection A of this section, except as otherwise provided for by law. For each Motor Vehicle Report furnished by Service Oklahoma, Service Oklahoma shall collect the sum of Twenty-five Dollars (\$25.00), Twenty Dollars (\$20.00) of which shall be deposited in the General Revenue Fund and Five Dollars (\$5.00) shall be deposited in the Department of Public Safety Revolving Fund through October 31, 2022. Beginning November 1, 2022, the Five Dollars (\$5.00) shall be deposited in the Service Oklahoma Revolving Fund. For each Motor Vehicle Report furnished by a licensed operator, the licensed operator shall collect the sum of Twenty-five Dollars (\$25.00), Eighteen Dollars (\$18.00) of which shall be paid to the Oklahoma Tax Commission for deposit in the General Revenue Fund of the State Treasury, Five Dollars (\$5.00) shall be deposited in the Department of Public Safety Revolving Fund and Two Dollars (\$2.00) of which shall be retained by the licensed operator through October 31, 2022. Beginning November 1, 2022, for each Motor Vehicle Report furnished by a licensed operator, the licensed operator shall collect the sum of Twenty-five Dollars (\$25.00), Eighteen Dollars (\$18.00) of which shall be paid to Service Oklahoma for deposit in the General Revenue Fund of the State Treasury, Five Dollars (\$5.00) shall be deposited in the Service Oklahoma Revolving Fund, and Two Dollars (\$2.00) shall be retained by the licensed operator through June 30, 2025. Beginning July 1, 2025, Eighteen Dollars (\$18.00) of the fee shall be paid to Service Oklahoma for deposit in the General Revenue Fund of the State Treasury, Five Dollars (\$5.00) shall be deposited in the Service Oklahoma Revolving Fund, and Two Dollars (\$2.00) shall be retained by the licensed operator pursuant to subsection E of Section 1141.1 of this title. Persons sixty-five (65) years of age or older shall not be required to pay a fee for their own Motor Vehicle Report furnished by Service Oklahoma or a licensed operator. For purposes of this subsection, a Motor Vehicle Report shall include a report which indicates that no driving record is on file with Service Oklahoma for the information received by Service Oklahoma in the request for the Motor Vehicle Report.

E. Service Oklahoma may develop procedures whereby an acting agent of an employer or an employer of a person:

1. Who has a Class A, B, C or D driver license; and
2. Who operates a commercial, company-owned or personal motor vehicle during the course of business in the course of his or her employment with the employer, may automatically be notified, pursuant to a fee schedule established by Service Oklahoma, should

the driving record of a person reflect a traffic conviction in any court or an administrative action by Service Oklahoma which alters the status of the commercial driving privileges of the person, or any other change to the driving status. The notification system shall include electronic delivery of a Motor Vehicle Report at least annually for any employee who is a commercial driver licensee or who operates a commercial motor vehicle, as required by 49 C.F.R., Section 391.25, or who operates a company-owned or personal motor vehicle during the course of business. All monies received by the Commissioner of Public Safety and the officers and employees of the Department pursuant to this subsection shall be deposited in the Department of Public Safety Restricted Revolving Fund through October 31, 2022. Beginning November 1, 2022, all monies received by the Director of Service Oklahoma and the officers and employees of Service Oklahoma pursuant to this subsection shall be deposited in the Service Oklahoma Revolving Fund. For each Motor Vehicle Report furnished by Service Oklahoma, through the electronic notification system, Service Oklahoma shall collect the sum of Twenty-five Dollars (\$25.00), Eighteen Dollars (\$18.00) of which shall be deposited in the General Revenue Fund of the State Treasury. Five Dollars (\$5.00) shall be deposited in the Department of Public Safety Revolving Fund through October 31, 2022. Beginning November 1, 2022, for each Motor Vehicle Report furnished by Service Oklahoma, through the electronic notification system, Service Oklahoma shall collect the sum of Twenty-five Dollars (\$25.00), Eighteen Dollars (\$18.00) of which shall be deposited in the General Revenue Fund of the State Treasury, and Five Dollars (\$5.00) shall be deposited in the Service Oklahoma Revolving Fund. Two Dollars (\$2.00) shall be retained by Service Oklahoma or its authorized agent for the purpose of development and maintenance of the electronic notification system.

F. Service Oklahoma is authorized to establish a procedure for reviewing the driving records of state residents who are existing policyholders of any insurance company licensed to operate in this state during specified periods of time and producing a report which identifies the policyholders which have had violation and/or status changes to their driving records during such time period. Service Oklahoma may sell such report to the insurance company or its agent at a fee to be set by Service Oklahoma. Any such report sold by Service Oklahoma shall only consist of information otherwise lawfully obtainable by the insurance company or its agent. The fee shall be sufficient to recover all costs incurred by Service Oklahoma and ensure that there will be no net revenue loss to the state. Such fee shall be deposited in the Department of Public Safety Revolving Fund through October 31, 2022. Beginning November 1, 2022, such fee shall be deposited in the Service Oklahoma Revolving Fund.

G. All monies received by the Commissioner of Public Safety or Service Oklahoma and the officers and employees of the Department shall be remitted to the State Treasurer to be credited to the General Revenue Fund of the State Treasury except as otherwise provided for by law.

Added by Laws 1961, p. 346, § 6-117, eff. Sept. 1, 1961. Amended by Laws 1971, c. 101, § 1, emerg. eff. April 24, 1971; Laws 1975, c. 231, § 8, emerg. eff. May 30, 1975; Laws 1983, c. 286, § 20, operative July 1, 1983; Laws 1986, c. 279, § 13, operative July 1, 1986; Laws 1987, c. 5, § 151, emerg. eff. March 11, 1987; Laws 1988, c. 27, § 3, eff. Nov. 1, 1988; Laws 1988, c. 290, § 14, operative July 1, 1988; Laws 1989, c. 349, § 4, emerg. eff. June 3, 1989; Laws 1991, c. 342, § 3, eff. July 1, 1992; Laws 1992, c. 61, § 1, eff. Sept. 1, 1992; Laws 1993, c. 243, § 53, eff. Sept. 1, 1993; Laws 1994, c. 218, § 7, eff. July 1, 1994; Laws 1995, c. 208, § 1, eff. July 1, 1995; Laws 1996, c. 184, § 1, eff. Nov. 1, 1996; Laws 1997, c. 322, § 2, emerg. eff. May 29, 1997; Laws 1999, c. 80, § 2, eff. Nov. 1, 1999; Laws 2000, c. 342, § 7, eff. July 1, 2000; Laws 2002, c. 397, § 17, eff. Nov. 1, 2002; Laws 2003, c. 234, § 5, eff. Nov. 1, 2003; Laws 2004, c. 5, § 42, emerg. eff. March 1, 2004; Laws 2005, c. 199, § 3, eff. Nov. 1, 2005; Laws 2006, c. 204, § 6, eff. Nov. 1, 2006; Laws 2007, c. 39, § 1, eff. Nov. 1, 2007; Laws 2007, c. 326, § 10, eff. Nov. 1, 2007; Laws 2010, c. 426, § 1, eff. July 1, 2010; Laws 2011, c. 227, § 1; Laws 2012, c. 249, § 1, eff. July 1, 2012; Laws 2017, c. 150, § 1, eff. Nov. 1, 2017; Laws 2018, c. 47, § 1, eff. Nov. 1, 2018; Laws 2022, c. 282, § 57, emerg. eff. May 19, 2022; Laws 2023, 1st Ex. Sess., c. 47, § 8, eff. July 1, 2023; Laws 2025, c. 171, § 5, eff. July 1, 2026.

NOTE: Laws 1991, c. 309, § 1 repealed by Laws 1992, c. 61, § 2, eff. Sept. 1, 1992. Laws 2003, c. 233, § 2 repealed by Laws 2004, c. 5, § 43, emerg. eff. March 1, 2004.

§47-6-118. Driver's License Medical Advisory Committee.

A. There is hereby created a Driver License Medical Advisory Committee whose membership shall be composed of two members appointed by the State Commissioner of Health, two members appointed by the Commissioner of Public Safety, one member appointed by the Governor, one member appointed by the President Pro Tempore of the Senate, and one member appointed by the Speaker of the House of Representatives. One member appointed by the State Commissioner of Health, one member appointed by the Commissioner of Public Safety and the member appointed by the Governor shall each serve two (2) years and one member appointed by the State Commissioner of Health, one member appointed by the Commissioner of Public Safety, the member appointed by the President Pro Tempore of the Senate and the member appointed by the Speaker of the House of Representatives shall each serve three (3) years. The terms of the seven (7)

members of the committee shall expire on the first day of January of the year in which the term of each member expires. The personnel of the Board shall include, but not be limited to, an internist, vision specialist, orthopedic surgeon, neurologist, and psychiatrist. Members of the Committee shall serve in the interest of public health, safety and welfare, without compensation for their services. The Committee shall meet from time to time as its duties may require, or when called by the Commissioner of Public Safety. The Commissioner is authorized to use appropriated funds for meal expenses related to such meetings. The Committee may use additional medical doctors, psychologists or medical support specialists and delegate the authority to act and recommend action on behalf of the Committee when such delegation is approved by the Commissioner of Public Safety.

B. The Committee shall recommend standards for determining the physical, emotional and mental capacity of applicants for driver licenses and holders of driver licenses, and submit the recommended standards to Service Oklahoma for adoption. Service Oklahoma shall also solicit input on the recommended standards from select medical professional organizations including, but not limited to, the American Diabetes Association and the American Heart Association before adopting such standards. In cases of ailment or disability not specifically covered by the adopted standards, the Committee may consider each case or delegate consideration of the case to its selected representative and may consider the individual's own compensating abilities in making its recommendations to Service Oklahoma.

C. Service Oklahoma shall give due consideration to the findings and recommendations of the Committee, which may be used, together with other available information, in determining the applicant's or licensee's ability to operate a motor vehicle with a reasonable degree of safety and in accordance with established standards of Service Oklahoma. Service Oklahoma may require physical, psychological, vision, written or driving tests when necessary to make a determination pursuant to this section. Such findings and recommendations shall be considered with other evidence in determining whether the license should be canceled or denied.

D. Any person whose driver license is canceled or who is denied a driver license under the provisions of this section shall have the right to an appeal as provided for in Section 6-211 of this title. The findings and recommendations of the Committee or its selected representative, in written or oral form shall be admissible as evidence and shall be considered by the court in determining whether the action of Service Oklahoma was justified.

E. Members of the Driver License Medical Advisory Committee or its selected representative shall not be held liable for their requested standards, opinions and recommendations presented in good

faith, for consideration by Service Oklahoma or consideration by the court.

Added by Laws 1967, c. 351, § 1, emerg. eff. May 18, 1967. Amended by Laws 1990, c. 222, § 1, eff. Sept. 1, 1990; Laws 2003, c. 392, § 10, eff. July 1, 2003; Laws 2022, c. 282, § 58, emerg. eff. May 19, 2022.

§47-6-119. Physical or mental conditions hazardous to public safety - Physical and/or psychological examination - Renewal - Retesting.

A. When Service Oklahoma has good cause to believe that a licensee or applicant for license to drive a motor vehicle may be afflicted with any physical or mental ailment or condition including diabetes which may cause loss of control or partial control or may otherwise be incapable of properly controlling a motor vehicle, or when a licensee's or applicant's accident or violation record indicates the licensee or applicant may be a hazard to public safety, Service Oklahoma is hereby authorized to require the licensee or applicant to submit to a physical and/or psychological examination as prescribed by Service Oklahoma based upon recommendations of the Driver License Medical Advisory Committee or its selected representative, and/or complete a driver improvement school, and/or be examined again as provided by Section 6-110 of this title. All physical and/or mental examinations shall be conducted in the county of the residence of the applicant or licensee or in the nearest county to the applicant or licensee where the examination can be completed. Any driver improvement school or examination as provided by Section 6-110 of this title shall be completed in the same location as other applicants or licensees living in the same county as the applicant or licensee who is required to complete the school or examination. Unless the Department receives a verified written report as provided for in subsection B of this section specifying the need for an examination of the applicant or licensee, persons afflicted by diabetes shall not be required to submit to any additional requirements beyond those requirements for a person not affected by diabetes before receiving a license or a renewal of a license to operate a motor vehicle.

B. Every license issued to a person specified in subsection A of this section shall be renewable upon payment of the required fee; provided, Service Oklahoma has not received a report from a law enforcement officer stating that the person is a hazard to the public safety and should be evaluated pursuant to the provisions of subsection A of this section or a verified medical report from a licensed physician stating that the person is incapable of properly controlling a motor vehicle. If any report indicates that the physical or mental ailment or condition has failed to remain stable or that the condition is progressive to a degree that the person is

deemed to be a hazard to the public safety or is incapable of properly controlling a motor vehicle, Service Oklahoma shall evaluate the person to determine if additional verified medical reports shall be required before issuing or renewing any drivers license or during the period a license is valid.

C. Service Oklahoma may require any person specified in subsection A of this section to be retested any time prior to such person's application for renewal of a license if the Department receives a written report from any law enforcement officer, a verified report from a licensed physician, or a verified report from such other person authorized by Service Oklahoma indicating the person's physical or mental ailment or condition has contributed to an accident or has deteriorated since issuance of the license to such a degree the person could lose control or partial control or may otherwise cause such person to be incapable of properly controlling a motor vehicle.

Added by Laws 1968, c. 120, § 1, eff. Jan. 1, 1969. Amended by Laws 1990, c. 219, § 25, eff. June 1, 1990; Laws 1990, c. 337, § 9; Laws 1994, c. 387, § 3, eff. July 1, 1995; Laws 2022, c. 282, § 59, emerg. eff. May 19, 2022.

NOTE: Laws 1990, c. 222, § 2 repealed by Laws 1990, c. 337, § 26.

§47-6-119A. Bioptic driving - Restricted license.

A. Within six (6) months of the effective date of this act, Service Oklahoma, shall, in conjunction with the Driver License Medical Advisory Committee, promulgate rules that shall provide for a restricted driver license for bioptic driving in this state.

B. As used in this section, "bioptic driving" shall mean a method of driving that utilizes both the person's general vision in combination with intermittent spotting through a small telescopic system that improves the sharpness of the person's far vision.

Added by Laws 2012, c. 98, § 2, eff. Nov. 1, 2012. Amended by Laws 2022, c. 282, § 60, emerg. eff. May 19, 2022.

§47-6-120. Cancellation, denial, or disqualification.

A. Service Oklahoma is hereby authorized to cancel, deny, or disqualify the driver license, driving privilege or application of any individual who:

1. Fails to comply with any of the requirements of Section 6-119 of this title within thirty (30) days after being notified by Service Oklahoma;

2. Is unable to demonstrate the ability to operate a motor vehicle as provided by this title or whose driving constitutes a danger to the welfare and safety of persons using the streets and highways of the State of Oklahoma; or

3. Fails to pass an examination pursuant to Section 6-110, 6-115 or 6-119 of this title.

B. If a person is required to be examined pursuant to Sections 6-110, 6-115 or 6-119 of this title, the Department shall impose the appropriate restriction or restrictions on the license that are necessary to ensure the safe operation of a motor vehicle as provided under Section 6-113 of this title.

C. Any person whose driver license or driving privilege is canceled, denied, or disqualified under the provisions of this section shall have the right to an appeal as provided in Section 6-211 of this title.

D. Any person whose Class A, B, or C driver license or driving privilege is disqualified under the provisions of this section shall relinquish to Service Oklahoma the Class A, B, or C driver license and may replace it with a Class D driver license, if the person is otherwise qualified for a Class D driver license.

Added by Laws 1968, c. 120, § 2, eff. Jan. 1, 1969. Amended by Laws 1969, c. 88, § 2, emerg. eff. March 24, 1969; Laws 1990, c. 219, § 26, eff. June 1, 1990; Laws 2000, c. 124, § 1, eff. Nov. 1, 2000; Laws 2022, c. 282, § 61, emerg. eff. May 19, 2022.

§47-6-121. Extension of driver license during service in Armed Forces or while employed as civilian contractor with Armed Forces.

Any person or the spouse or dependent of a person:

1. Who is on active duty with the Armed Forces of the United States; or

2. Who is currently employed as a civilian contractor with the Armed Forces of the United States, living outside of Oklahoma and having a valid driver license issued by the State of Oklahoma for the operation of motor vehicles upon the highways of this state shall not be considered to have an expired driver license for the duration of such service or employment and for a period of sixty (60) days from and after the return of the person or the spouse or dependent of the person to Oklahoma from such service or employment. This law shall not be construed to confer driving privileges in any jurisdiction other than Oklahoma.

Added by Laws 1969, c. 253, § 1, emerg. eff. April 24, 1969.

Amended by Laws 1990, c. 219, § 27, eff. Jan. 1, 1991; Laws 1998, c. 84, § 1, eff. Nov. 1, 1998; Laws 2004, c. 418, § 10, eff. July 1, 2004; Laws 2009, c. 81, § 3, eff. Nov. 1, 2009.

§47-6-122. Renewal or replacement by mail or online.

Service Oklahoma may develop procedures whereby driver licenses and identification cards issued under the provisions of Section 6-101 et seq. of this title may be renewed or replaced by the applicant by mail or online except for licenses to be renewed or replaced by aliens as prescribed by subsection E of Section 6-115 of this title. Any driver license or identification card issued

pursuant to this section shall be valid for a period of four (4) years from the last day of the month of expiration of the current driver license or identification card. Service Oklahoma shall not renew or replace a driver license or identification card by mail or online unless the immediately preceding issuance, renewal, or replacement was done in person by the applicant.

Provided, any person or the spouse or dependent of a person:

1. Who is on active duty with the Armed Forces of the United States; or

2. Who is currently employed as a civilian contractor with the Armed Forces of the United States, living outside of Oklahoma and having a valid Class D driver license issued by the State of Oklahoma, requiring no material change, may apply for no more than three consecutive renewals or replacement of such license by mail or online, in accordance with Service Oklahoma rules. A fourth consecutive renewal or replacement must be done in person.

Added by Laws 1975, c. 359, § 3, eff. Jan. 1, 1977. Amended by Laws 1992, c. 217, § 8, eff. July 1, 1992; Laws 2003, c. 392, § 11, eff. July 1, 2003; Laws 2012, c. 280, § 4, eff. Nov. 1, 2012; Laws 2015, c. 266, § 5, eff. Nov. 1, 2015; Laws 2016, c. 141, § 1, eff. Nov. 1, 2016; Laws 2022, c. 282, § 62, emerg. eff. May 19, 2022; Laws 2024, c. 11, § 8, emerg. eff. April 18, 2024; Laws 2025, c. 330, § 8, eff. July 1, 2025.

§47-6-123. Repealed by Laws 1983, c. 173, § 4, eff. Jan. 1, 1984.

§47-6-124. Issuance of license or identification card - Veteran designation.

A. As a way to honor and recognize the veterans who have served our country, Service Oklahoma shall make space available in a prominent location on the front of the driver license and the identification card for a flag emblem and the word "veteran" to be designed by Service Oklahoma that will serve as a notation of veteran status. In addition, no later than March 1, 2026, Service Oklahoma shall make the same space available for a flag emblem and the words "veteran" and "100%" to be designed by Service Oklahoma for persons who are a one hundred percent (100%) disabled veteran as described in subsection P of Section 6-101 of this title.

B. Upon application for issuance or renewal of the driver license or identification card and in addition to other documentation required by Service Oklahoma, persons requesting either of the flag emblems shall be registered with the veterans registry created by the Oklahoma Department of Veterans Affairs. Provided, that if the person requesting the flag emblem has previously received a flag emblem pursuant to this subsection, no registration with the veterans registry shall be required to receive

the flag emblem. Service Oklahoma shall promulgate any rule necessary to implement the provisions of this section. Added by Laws 2012, c. 330, § 1, eff. Nov. 1, 2012. Amended by Laws 2013, c. 39, § 1, eff. Nov. 1, 2013; Laws 2014, c. 113, § 1, eff. Nov. 1, 2014; Laws 2017, c. 229, § 9, eff. Nov. 1, 2020; Laws 2022, c. 282, § 63, emerg. eff. May 19, 2022; Laws 2025, c. 330, § 9, eff. July 1, 2025.

§47-6-125. Voluntary designation of autism spectrum disorder – Automated statewide registry for law enforcement.

A. 1. Service Oklahoma shall permit a driver license or state identification cardholder to voluntarily designate that the person has been diagnosed with an autism spectrum disorder by a licensed primary care physician, licensed psychologist, or licensed psychiatrist. The designation shall be used by a law enforcement officer or an emergency medical professional to identify and effectively communicate with a person who has been diagnosed with an autism spectrum disorder and shall not be used for any other purpose by any other person.

2. The cardholder may choose whether the voluntary designation indicating that a person has been diagnosed with an autism spectrum disorder pursuant to paragraph 1 of this subsection shall be displayed on the driver license or identification card or in the Oklahoma Law Enforcement Telecommunications System (OLETS) in accordance with procedures prescribed by Service Oklahoma. A holder of a driver license or identification card who makes a voluntary designation pursuant to this section shall have the opportunity to remove the designation at any time.

B. 1. Service Oklahoma shall establish and maintain an automated statewide registry accessible by law enforcement officers for the purpose of identifying and effectively communicating with a person who has been diagnosed with an autism spectrum disorder by a licensed primary care physician, licensed psychologist, or licensed psychiatrist. Service Oklahoma shall permit a person diagnosed with an autism spectrum disorder to voluntarily report the diagnosis to Service Oklahoma for inclusion in the registry. The registry shall be capable of storing information, which shall include, but not be limited to:

- a. the license plate and registration information of any motor vehicle that the person intends to regularly operate,
- b. the emergency contact information of a person who can communicate on behalf of the person who has been diagnosed with an autism spectrum disorder, and
- c. any other information that may assist a law enforcement officer when communicating with the person.

2. Service Oklahoma shall develop a standardized autism diagnosis form that provides a diagnosing or treating licensed primary care physician, licensed psychologist, or licensed psychiatrist to certify that an individual has been diagnosed with an autism spectrum disorder. The holder of an Oklahoma driver license or identification card or a person making application or renewal for a driver license or identification card issued by Service Oklahoma may voluntarily submit the form to the registry established pursuant to paragraph 1 of this subsection, through procedures established by Service Oklahoma. A holder of a driver license or identification card who submits information to the registry shall have the opportunity to revise, update the information, or be removed from the registry at any time.

3. Information submitted pursuant to this section shall only be available to Service Oklahoma, licensed operators who are designated to collect and maintain the information, and law enforcement officers when accessing the person's motor vehicle records. The information shall be exclusively used during a motor vehicle stop or other law enforcement action to assist law enforcement officers in identifying and effectively communicating with a person who has been diagnosed with an autism spectrum disorder.

4. Any information submitted to Service Oklahoma or licensed operators pursuant to this section shall not be considered a government record pursuant to subparagraph c of paragraph 1 of Section 24A.5 of Title 51 of the Oklahoma Statutes and shall not be discoverable as a government record by any person, entity, or governmental agency, except upon a subpoena issued by a grand jury or a court order in a criminal matter.

5. Service Oklahoma, its employees, or licensed operators, for the purpose of discharging their duties pursuant to this act, shall not be liable to any person for civil damages or subject to criminal prosecution resulting from or caused by:

- a. any disruption or failure in Internet service caused by any accident, malfunction, act of sabotage or nature, or any other condition or circumstance that Service Oklahoma has not, directly or indirectly, caused, and which prevents the holder of an Oklahoma driver license or identification card from accessing or inputting information into the registry established pursuant to this subsection, or which results in, or prevents, Service Oklahoma, licensed operators, designated Service Oklahoma employees, and law enforcement officers from accessing, establishing, or maintaining the database,
- b. any misuse of, or the failure or omission to input accurate information, or the inputting of inaccurate or outdated information into the registry by any

holder of an Oklahoma driver license or identification card, or

- c. the inability of any law enforcement officer to make contact, in good faith, with any designated emergency contact person. This limitation of liability is inapplicable if such failure resulted from a malicious purpose or a wanton and willful disregard for the safety of persons or property.

6. With regard to the issuance of REAL-ID compliant licenses containing designations pursuant to this section, Service Oklahoma shall comply with all federal design requirements and shall seek design approval from all necessary federal agencies, including, but not limited to, the United States Department of Homeland Security.

7. Service Oklahoma is authorized to promulgate any rules necessary to effectuate the provisions of this section.

Added by Laws 2024, c. 49, § 1, eff. Nov. 1, 2025.

§47-6-125.1. Autism spectrum disorder persons – Program to train law enforcement officers on communication.

The Department of Public Safety, in consultation with Service Oklahoma, the Council on Law Enforcement Education and Training, the Oklahoma Department of Mental Health and Substance Abuse Services, and other entities or individuals with expertise in autism, shall develop a program to assist and train law enforcement officers to effectively communicate with a person who has been diagnosed with an autism spectrum disorder by a licensed primary care physician, licensed psychologist, or licensed psychiatrist. In addition, the program shall include training in de-escalation methods when interacting with a person who has been diagnosed with an autism spectrum disorder, proper utilization of the registry established pursuant to Section 1 of this act, proper utilization of any specific information regarding an individual listed in the registry, and any other information that may be useful to law enforcement officers when interacting with a person who has been diagnosed with an autism spectrum disorder.

The program established pursuant to this section shall be available annually to every state, tribal, county, and municipal law enforcement agency in this state.

Added by Laws 2024, c. 49, § 2, eff. Nov. 1, 2025.

§47-6-126.1. Commercial vehicle operators – License required – Violations.

A. Any person operating any commercial motor vehicle, as defined in Section 1-107.1 et. seq of Title 47 of the Oklahoma Statutes, in this state shall possess either:

1. A valid commercial driver license issued by a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico; or

2. A valid commercial driver license issued by a state, territory, district, or province of Canada or Mexico, or another nation or territory that has a reciprocal license agreement with this state, accompanied by a valid work visa. A person holding such a driver license shall also possess a physical copy of such license and verifiable proof of citizenship of the country that issued the license. Proof of citizenship shall be demonstrated through presentation of a birth certificate, naturalization certificate, or valid passport.

B. 1. A commercial motor carrier whose driver is found to be in violation of this section shall be subject to a fine in the amount of Three Thousand Dollars (\$3,000.00) for each violation. The proceeds of any penalties collected pursuant to this paragraph shall be deposited in the Weigh Station Improvement Revolving Fund created in Section 1167 of Title 47 of the Oklahoma Statutes.

2. A driver found to be in violation of this section shall be prohibited from operating a commercial motor vehicle within this state until such a time that the driver is able to meet the identification provisions of this section. Any driver found to be operating a motor vehicle within this state while under such prohibition shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment. Any fine collected pursuant to the provisions of this paragraph shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes.

3. The commercial motor carrier shall be notified of the location of any commercial motor vehicle involved in a violation, and, upon payment of the fine in full and presentation of a driver who meets all requirements to operate a commercial motor vehicle within this state, shall take possession of the vehicle. If the commercial motor carrier is unable to either pay such fine or present such driver within twelve (12) hours after notification, the owner of any cargo being transported by the commercial motor vehicle shall be notified and allowed to arrange for the transfer of the cargo to another vehicle. Neither the state nor the owner of such cargo shall be liable for any reasonable action to transfer such cargo.

Added by Laws 2025, c. 310, § 3, emerg. eff. May 27, 2025.

§47-6-126.2. Commercial vehicle operators – English language proficiency.

A. An operator of a commercial motor vehicle within this state shall be able to demonstrate proficiency of the English language sufficient to:

1. Converse with the general public;
2. Understand highway traffic signs and signals in the English language;
3. Respond to official inquiries; and
4. Make entries on reports and records.

B. 1. A commercial motor carrier whose driver is found to be in violation of this section shall be subject to a fine in the amount of Three Thousand Dollars (\$3,000.00) for each violation. The proceeds of any penalties collected pursuant to this paragraph shall be deposited in the Weigh Station Improvement Revolving Fund created in Section 1167 of Title 47 of the Oklahoma Statutes.

2. A driver found to be in violation of this section shall be prohibited from operating a commercial motor vehicle within this state until such a time that the driver is able to meet the identification provisions of this section. Any driver found to be operating a motor vehicle within this state while under such prohibition shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment. Any fine collected pursuant to the provisions of this paragraph shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes.

3. The commercial motor carrier shall be notified of the location of any commercial motor vehicle involved in a violation, and, upon payment of the fine in full and presentation of a driver who meets all requirements to operate a commercial motor vehicle within this state, shall take possession of the vehicle. If the commercial motor carrier is unable to either pay such fine or present such driver within twelve (12) hours after notification, the owner of any cargo being transported by the commercial motor vehicle shall be notified and allowed to arrange for the transfer of the cargo to another vehicle. Neither the state nor the owner of such cargo shall be liable for any reasonable action to transfer such cargo.

C. Any operator of a commercial motor vehicle found to be in violation of this section shall, in addition to the provisions provided for in subsection B of this section, be subject to a penalty of One Thousand Dollars (\$1,000.00). Any fine collected pursuant to the provisions of this subsection shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes.

Added by Laws 2025, c. 310, § 4, emerg. eff. May 27, 2025.

§47-6-130. Epilepsy designation symbol.

A. Effective June 1, 2026, Service Oklahoma shall permit a driver license or state identification cardholder to voluntarily designate with the placement of a unique symbol that the person has been diagnosed with epilepsy by a licensed physician. The designation shall be used by a law enforcement officer or an emergency medical professional to identify and effectively communicate with a person who has been diagnosed with epilepsy and shall not be used for any other purpose by any other person.

B. The cardholder may choose whether the voluntary designation indicating that a person has been diagnosed with epilepsy, pursuant to paragraph 1 of this section, shall be displayed on the driver license or identification card or in the Oklahoma Law Enforcement Telecommunications System (OLETS) in accordance with procedures prescribed by Service Oklahoma. A holder of a driver license or identification card who makes a voluntary designation pursuant to this section shall have the opportunity to remove the designation at any time.

Added by Laws 2025, c. 377, § 2, eff. Nov. 1, 2025.

§47-6-201. Authority to cancel or deny driving privilege - Appeal - Release for driving privilege reinstatement.

A. Service Oklahoma is hereby authorized to cancel or deny any person's driving privilege upon determining that the person:

1. Is not entitled to a driver license or identification card issued to the person; or

2. Failed to give the required or correct information in the application.

Upon such cancellation or denial, the person to whom the license or card was issued shall surrender the license or card so canceled to Service Oklahoma. The person may apply for a valid driver license or identification card, if the person is otherwise eligible. Any person whose driving privilege is canceled or denied under the provisions of this subsection shall have the right to an appeal as provided in Section 6-211 of this title.

B. Upon determination by Service Oklahoma that any person:

1. Used fraudulent information to apply for or obtain a driver license or identification card;

2. Committed or aided another person in the commission of any act provided in subparagraph b, c, e, g, or h of paragraph 1 of Section 6-301 of this title; or

3. Committed or aided another person in the commission of any act provided in subparagraph a, b, c, d, e, or f of paragraph 2 of Section 6-301 of this title,

Service Oklahoma shall revoke the person's driving privilege for a period of sixty (60) days for a first determination. For a second or subsequent determination by Service Oklahoma under paragraph 1, 2

or 3 of this subsection, the person's driving privilege shall be revoked for a period of six (6) months. Such periods shall not be subject to modification. Upon such revocation, the person to whom the license or card was issued shall surrender the license or card to Service Oklahoma. The person may apply for a valid identification card, if the person is otherwise eligible.

C. A determination, as provided for in subsection B of this section, shall include:

1. A conviction in any court, when the conviction becomes final; or

2. The findings of an investigation by the Identity Verification Unit, the Oklahoma Highway Patrol Division, or a designee of Service Oklahoma.

D. Any person whose driving privilege is revoked under the provisions of subsection B of this section may be required to obtain a release from the Identity Verification Unit, the Oklahoma Highway Patrol Division, or a designee of Service Oklahoma before being considered for reinstatement of driving privileges.

E. Any person whose driving privilege is revoked under the provisions of subsection B of this section shall have the right to an appeal as provided in Section 6-211 of this title.

Added by Laws 1961, p. 347, § 6-201, eff. Sept. 1, 1961. Amended by Laws 1990, c. 219, § 28, eff. Jan. 1, 1991; Laws 1991, c. 309, § 2, eff. July 1, 1991; Laws 1999, c. 139, § 2, eff. Nov. 1, 1999; Laws 2000, c. 277, § 8, eff. Nov. 1, 2000; Laws 2001, c. 216, § 1, eff. Nov. 1, 2001; Laws 2002, c. 397, § 18, eff. Nov. 1, 2002; Laws 2003, c. 392, § 12, eff. July 1, 2003; Laws 2004, c. 149, § 5, eff. Nov. 1, 2004; Laws 2011, c. 104, § 4, eff. Nov. 1, 2011; Laws 2022, c. 282, § 64, emerg. eff. May 19, 2022.

§47-6-201.1. Repealed by Laws 2020, c. 111, § 3, eff. Nov. 1, 2020.

§47-6-201.2. Report of conviction from tribal or federal courts.

For purposes of Section 6-101 et seq. of Title 47 of the Oklahoma Statutes, Service Oklahoma shall recognize and act upon a report of conviction in a qualified court of any federally recognized Indian tribe within the geographical boundaries of this state or a court of the United States in the same manner it acts upon any report of conviction from an Oklahoma state or municipal court. Any report of conviction submitted to Service Oklahoma shall be submitted using a format approved by Service Oklahoma and shall include the full name of the offender as it appears on the driver license, the number of the driver license, and the penalty imposed. Added by Laws 2022, c. 409, § 1, emerg. eff. May 27, 2022. Amended by Laws 2024, c. 11, § 9, emerg. eff. April 18, 2024.

§47-6-202. Suspending privileges of nonresidents and reporting convictions.

A. The privilege of driving a motor vehicle on the highways of this state given to a nonresident hereunder shall be subject to suspension or revocation by Service Oklahoma in like manner and for like cause as any Oklahoma driver license issued hereunder may be suspended or revoked. Any person who does not possess a valid driver license in this state or any foreign state may have his or her privilege to operate a motor vehicle in this state suspended or revoked in like manner and for like cause as a driver's license issued hereunder may be suspended or revoked.

Persons whose driving privileges have been suspended because of failure to furnish proof of insurance shall be required to furnish proof of financial responsibility as required by the provisions of the Financial Responsibility Act.

B. Service Oklahoma is further authorized, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

Amended by Laws 1990, c. 219, § 29, eff. Jan. 1, 1991; Laws 2022, c. 282, § 65, emerg. eff. May 19, 2022.

§47-6-202.1. Diplomatic immunity - Verification - Records to be submitted to United States Department of State - Severability.

A. If any vehicle operator who displays to a law enforcement officer a driver license issued by the United States Department of State or who otherwise claims immunities or privileges under Title 22, Chapter 6 of the United States Code with respect to the violation of Article 27, Section 388, 388a, or 388b of the Code by the individual, or a moving violation under the vehicle laws or regulations of this state or any local authority, when the operator is stopped by a law enforcement officer who has probable cause to believe that the operator has committed a violation, the officer shall:

1. As soon as practicable contact the United States Department of State office in order to verify the status and immunity of the driver, if any;

2. Record all relevant information from any driver license or identification card, including a driver license or identification card issued by the United States Department of State; and

3. Within five (5) working days after the date of the stop, forward the following to the Department of Public Safety:

- a. a vehicle collision report, if the driver was involved in a vehicle collision,

- b. if a citation was issued to the driver, a copy of the citation, and,
- c. if a citation was not issued to the driver, a written report of the incident.

B. The Department of Public Safety shall:

- 1. File and keep convenient records of each document and record described in paragraph 3 of subsection A of this section; and
- 2. Send a copy of each document and record described in paragraph 3 of subsection A of this section to the Bureau of Diplomatic Security, Office of Foreign Missions, United States Department of State.

C. The provisions of this section do not prohibit or limit the application of any law regarding a criminal or motor vehicle violation by any person who has or claims immunities or privileges under Title 22, Chapter 6 of the United States Code.

D. If any provision of this section or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

Added by Laws 2001, c. 27, § 3, eff. Nov. 1, 2001.

§47-6-203. Suspension of resident's license or driving privilege upon conviction in another state.

Service Oklahoma shall suspend or revoke the license or driving privilege of any resident of this state or the privilege of a nonresident to drive a motor vehicle in this state upon receiving notice of the conviction of such person in another state of offenses therein which, if committed in this state, would be grounds for the suspension or revocation of the individual's driving privilege. An appeal may be had from such order of suspension, as provided in Section 6-211 of this title.

Added by Laws 1961, p. 347, § 6-203, emerg. eff. Sept. 1, 1961.

Amended by Laws 1990, c. 219, § 30, eff. Jan. 1, 1991; Laws 2022, c. 282, § 66, emerg. eff. May 19, 2022.

§47-6-204. Order by court to surrender license to Department - Report of conviction.

A. Whenever any person is convicted of any offense for which this title makes mandatory the revocation of the driving privilege of such person by Service Oklahoma as provided in Section 6-205 of this title, the court in which such conviction occurred may require the surrender to it of all driver licenses then held by the person so convicted and the court shall thereupon forward the same together with a record of such conviction to Service Oklahoma.

B. Every court, including courts not of record, having jurisdiction over offenses committed under this act, or any other law of this state or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to Service Oklahoma a record of the conviction of any person in such court for a violation of any such laws other than regulations governing standing or parking, and may recommend the suspension of the driving privileges of the person so convicted.

C. For the purposes of Section 6-101 et seq. of this title, the term "conviction" shall mean a final conviction or shall mean a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated.

Added by Laws 1961, p. 347, § 6-204, eff. Sept. 1, 1961. Amended by Laws 1990, c. 219, § 31, eff. Jan. 1, 1991; Laws 1992, c. 217, § 9, eff. July 1, 1992; Laws 1997, c. 193, § 1, eff. Nov. 1, 1997; Laws 2017, c. 392, § 4, eff. Nov. 1, 2017; Laws 2019, c. 400, § 2, eff. Nov. 1, 2019; Laws 2022, c. 282, § 67, emerg. eff. May 19, 2022.

§47-6-205. Mandatory revocation of driving privilege.

A. Service Oklahoma shall immediately revoke the driving privilege of any person, whether adult or juvenile, upon receiving a record of conviction, in any municipal, state or federal court within the United States of any of the following offenses, when such conviction has become final:

1. Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

2. Driving or being in actual physical control of a motor vehicle while under the influence of alcohol, any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, any violation of paragraph 1, 2, 3, 4 or 5 of subsection A of Section 11-902 of this title or any violation of Section 11-906.4 of this title. However, Service Oklahoma shall not additionally revoke the driving privileges of the person pursuant to this subsection if the driving privilege of the person has been revoked because of a test result or test refusal pursuant to Section 753 or 754 of this title arising from the same circumstances which resulted in the conviction unless the revocation because of a test result or test refusal is set aside;

3. Driving a motor vehicle during the commission of a felony;

4. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

5. Perjury or the making of a false affidavit or statement under oath to Service Oklahoma under the Uniform Vehicle Code or under any other law relating to the ownership or operation of motor vehicles;

6. A felony conviction for unlawfully distributing, dispensing, manufacturing, trafficking, attempting or conspiring to distribute, dispense, manufacture, or traffic a controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act while driving a motor vehicle;

7. A misdemeanor conviction for a violation of Section 1-229.34 of Title 63 of the Oklahoma Statutes;

8. Failure to obey a traffic control device as provided in Section 11-202 of this title or a stop sign when such failure results in great bodily injury to any other person; or

9. Failure to stop or to remain stopped for school bus loading or unloading of children pursuant to Section 11-705 or 11-705.1 of this title.

B. The first license revocation under any provision of this section, except for paragraph 2, 3, 6, 7, or 9 of subsection A of this section, shall be for a period of one (1) year. Such period shall not be modified.

C. A license revocation under any provision of this section, except for paragraph 2, 3, 6, or 7 of subsection A of this section, shall be for a period of three (3) years if a prior revocation under this section commenced within the preceding five-year period as shown by the records of Service Oklahoma. Such period shall not be modified.

D. The period of license revocation under paragraph 2, 3 or 6 of subsection A of this section shall be governed by the provisions of Section 6-205.1 of this title.

E. The first license revocation under paragraph 7 of subsection A of this section shall be for a period of six (6) months. Such periods shall not be modified.

F. The first license revocation under paragraph 9 of subsection A of this section shall be for a period of one (1) year. Such period may be modified. Any appeal of the revocation of driving privilege under paragraph 9 of subsection A of this section shall be governed by Section 6-211 of this title; provided, any modification under this subsection shall apply to Class D motor vehicles only.

G. As used in this section, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

H. Any person whose driving privileges are or have been canceled or denied pursuant to this section, except for paragraph 1, 2 or 8 of subsection A of this section, may file a petition for relief based upon error or hardship.

1. The petition shall be filed in the district court which notified Service Oklahoma. If the Notification originated in a municipal court, the petition shall be filed in the district court of the county in which the municipal court is located. A copy of

the Notification and a copy of Service Oklahoma's action canceling or denying driving privileges pursuant to this section shall be attached to the petition.

2. The district court shall conduct a hearing on the petition and may determine the matter de novo, without notice to Service Oklahoma and, if applicable, without notice to the municipal court; provided, the district court shall not consider a collateral attack upon the merits of any conviction or determination which has become final.

3. The district court may deny the petition or, in its discretion, issue a written Order to Service Oklahoma to decrease the period of cancellation or denial to any period or issue a written Order to vacate Service Oklahoma's action taken pursuant to this section, in its entirety. The content of the Order shall not grant or purport to grant any driving privileges to the person; however, such Order may direct Service Oklahoma to do so if the person is otherwise eligible therefor. The petitioner is responsible for his or her own attorney fees. However, if the petitioner is granted relief for error, then the party that committed the error may be ordered to pay attorney fees and costs. Unless all persons or agencies the court had reason to believe may have had relevant information related to the court record and departmental action have been given notice of the petition, attorney fees and costs shall not be awarded against any party. In no event shall Service Oklahoma be liable for attorney fees and costs for suspending, revoking, canceling or denying a driver license based upon reasonable reliance on a notice from a court requiring the revocation, suspension, cancellation or denial of the driver license according to law.

Added by Laws 1961, p. 348, § 6-205, eff. Sept. 1, 1961. Amended by Laws 1982, c. 273, § 1, operative Oct. 1, 1982; Laws 1982, c. 294, § 1, operative July 1, 1982; Laws 1988, c. 242, § 1, eff. Nov. 1, 1988; Laws 1990, c. 219, § 32, eff. Jan. 1, 1991; Laws 1990, c. 286, § 1, eff. Sept. 1, 1990; Laws 1991, c. 309, § 3, eff. July 1, 1991; Laws 1992, c. 217, § 10, eff. July 1, 1992; Laws 1993, c. 238, § 2, emerg. eff. May 26, 1993; Laws 1994, c. 387, § 4, eff. July 1, 1995; Laws 1995, c. 1, § 16, emerg. eff. March 2, 1995; Laws 1995, c. 313, § 1, eff. July 1, 1995; Laws 1996, c. 309, § 5, eff. Nov. 1, 1996; Laws 1997, c. 148, § 3, eff. Nov. 1, 1997; Laws 1998, c. 293, § 1, eff. July 1, 1998; Laws 2000, 1st Ex. Sess., c. 8, § 17, eff. July 1, 2000; Laws 2003, c. 392, § 14, eff. July 1, 2003; Laws 2004, c. 149, § 6, eff. Nov. 1, 2004; Laws 2005, c. 1, § 50, emerg. eff. March 15, 2005; Laws 2006, c. 311, § 17, emerg. eff. June 8, 2006; Laws 2010, c. 233, § 1, eff. Nov. 1, 2010; Laws 2010, c. 333, § 2, eff. Nov. 1, 2010; Laws 2011, c. 299, § 2, eff. Nov. 1, 2011; Laws 2013, c. 279, § 1, eff. Nov. 1, 2013; Laws 2017, c. 392, § 5, eff. Nov. 1, 2017; Laws 2019, c. 400, § 3, eff. Nov. 1, 2019; Laws 2021,

c. 487, § 3, eff. Nov. 1, 2021; Laws 2024, c. 11, § 10, emerg. eff. April 18, 2024.

NOTE: Laws 1994, c. 243, § 3 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995. Laws 2004, c. 49, § 2 repealed by Laws 2005, c. 1, § 51, emerg. eff. March 15, 2005.

§47-6-205.1. Periods of revocation - Denial of driving privileges.

A. The driving privilege of a person who is convicted of any offense as provided in paragraph 2 of subsection A of Section 6-205 of this title, or a person who has refused to submit to a test or tests as provided in Section 753 of this title, or a person whose alcohol concentration is subject to the provisions of Section 754 of this title, except as provided by subsection F of Section 6-212.5 of this title, shall be revoked or denied by Service Oklahoma for the following period, as applicable:

1. The first license revocation pursuant to paragraph 2 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title, within ten (10) years preceding the date of arrest relating thereto, shall be for a period of no less than one hundred eighty (180) days and until the person completes the Impaired Driver Accountability Program in accordance with the rules of the Board of Tests for Alcohol and Drug Influence;

2. A revocation pursuant to paragraph 2 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title shall be for a period of no less than one (1) year and until the person completes the Impaired Driver Accountability Program in accordance with the rules of the Board of Tests for Alcohol and Drug Influence, if within ten (10) years preceding the date of arrest relating thereto, as shown by the records of Service Oklahoma:

- a. a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title or current enrollment in or previous completion of the Impaired Driver Accountability Program, or
- b. the record of the person reflects a prior conviction in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2 of subsection A of Section 6-205 of this title, and the person was not a resident or a licensee of Oklahoma at the time of the offense resulting in the conviction;

3. A revocation pursuant to paragraph 2 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title shall be for a period of no less than two (2) years and until the person completes the Impaired Driver Accountability Program in accordance with the rules of the Board of Tests for Alcohol and Drug

Influence, if within ten (10) years preceding the date of arrest relating thereto, as shown by the records of Service Oklahoma:

- a. two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title,
- b. two or more current enrollments in or previous completions of the Impaired Driver Accountability Program,
- c. the record of the person reflects two or more prior convictions in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2 of subsection A of Section 6-205 of this title, and the person was not a resident or a licensee of Oklahoma at the time of the offense resulting in the conviction, or
- d. any combination of two or more prior revocations, current enrollments in or previous completions of the Impaired Driver Accountability Program, or convictions as described in subparagraphs a, b, and c of this paragraph; or

4. The revocation of the driving privilege of any person under Section 6-205, 6-205.1, 753, or 754 of this title shall not run concurrently with any other revocation of driving privilege under Section 6-205, 6-205.1, 753, or 754 of this title resulting from a different incident.

B. The driving privilege of a person who is convicted of any offense as provided in paragraph 3 or 6 of subsection A of Section 6-205 of this title shall be revoked or denied by Service Oklahoma for the following period, as applicable:

1. The first license revocation shall be for one hundred eighty (180) days, which shall be modified upon request; provided, any modification under this paragraph shall apply to Class D driver licenses only;

2. A revocation shall be for a period of one (1) year if within ten (10) years preceding the date of arrest relating thereto, as shown by the records of Service Oklahoma:

- a. a prior revocation commenced pursuant to paragraph 2, 3, or 6 of subsection A of Section 6-205 of this title, or Section 753 or 754 of this title,
- b. a prior revocation commenced pursuant to paragraph 2, 3, or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title, or current enrollment in or previous completion of the Impaired Driver Accountability Program, or
- c. the record of the person reflects a prior conviction in another jurisdiction which did not result in a

revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2, 3, or 6 of subsection A of Section 6-205 of this title, and the person was not a resident or a licensee of Oklahoma at the time of the offense resulting in the conviction.

Such period shall not be modified; or

3. A revocation shall be for a period of three (3) years if within ten (10) years preceding the date of arrest relating thereto, as shown by the records of Service Oklahoma:

- a. two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title, or Section 753 or 754 of this title,
- b. two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title, or two or more current enrollments in or previous completions of the Impaired Driver Accountability Program,
- c. the record of the person reflects two or more prior convictions in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2 or 6 of subsection A of Section 6-205 of this title, and the person was not a resident or licensee of Oklahoma at the time of the offense resulting in the conviction, or
- d. any combination of two or more prior revocations, current enrollments in or previous completions of the Impaired Driver Accountability Program, or convictions as described in subparagraphs a and b or c of this paragraph.

Such period shall not be modified.

The revocation of the driving privilege of any person under this subsection shall not run concurrently with any other withdrawal of driving privilege resulting from a different incident and which requires the driving privilege to be withdrawn for a prescribed amount of time. A denial based on a conviction of any offense as provided in paragraph 6 of subsection A of Section 6-205 of this title shall become effective on the first day the convicted person is otherwise eligible to apply for and be granted driving privileges if the person was not eligible to do so at the time of the conviction.

C. For the purposes of this section:

1. The term "conviction" includes a juvenile delinquency adjudication by a court or any notification from a court pursuant to Section 6-107.1 of this title; and

2. The term "revocation" includes a denial of driving privileges by Service Oklahoma.

D. Each period of revocation in subsection A of this section shall be mandatory and neither Service Oklahoma nor any court shall grant driving privileges based upon hardship or otherwise for the duration of that period, except under the Impaired Driver Accountability Program in accordance with the rules of the Board of Tests for Alcohol and Drug Influence.

E. Any appeal of a revocation or denial of driving privileges in subsection A of this section shall be governed by Section 6-211 of this title.

Added by Laws 1988, c. 242, § 2, eff. Nov. 1, 1988. Amended by Laws 1992, c. 217, § 11, eff. July 1, 1992; Laws 1993, c. 314, § 2, emerg. eff. June 7, 1993; Laws 1994, c. 2, § 15, emerg. eff. March 2, 1994; Laws 1994, c. 243, § 4, eff. Sept. 1, 1994; Laws 1996, c. 309, § 6, eff. Nov. 1, 1996; Laws 1999, c. 106, § 3, emerg. eff. April 19, 1999; Laws 2000, 1st Ex. Sess., c. 8, § 18, eff. July 1, 2000; Laws 2002, c. 86, § 4, emerg. eff. April 17, 2002; Laws 2003, c. 108, § 2, eff. Nov. 1, 2003; Laws 2004, c. 390, § 7, eff. July 1, 2004; Laws 2006, c. 311, § 18, emerg. eff. June 8, 2006; Laws 2007, c. 326, § 11, eff. Nov. 1, 2007; Laws 2009, c. 388, § 3, eff. Nov. 1, 2009; Laws 2010, c. 345, § 2, eff. Nov. 1, 2010; Laws 2011, c. 373, § 3, eff. Nov. 1, 2011; Laws 2013, c. 393, § 1, eff. Oct. 1, 2013; Laws 2017, c. 392, § 6, eff. Nov. 1, 2017; Laws 2019, c. 400, § 4, eff. Nov. 1, 2019; Laws 2021, c. 487, § 4, eff. Nov. 1, 2021; Laws 2022, c. 376, § 1, eff. Nov. 1, 2022; Laws 2023, c. 310, § 19, eff. July 1, 2023; Laws 2024, c. 265, § 2, eff. Nov. 1, 2024.
NOTE: Laws 1993, c. 238, § 3 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994.

§47-6-205.2. Disqualification from driving privileges for certain convictions or acts - Driving while disqualified.

A. As used in this section:

1. "Conviction" means:

- a. a nonvacated adjudication of guilt,
- b. a determination that a person has violated or failed to comply with this section in any court or by Service Oklahoma following an administrative determination,
- c. a nonvacated forfeiture of bail or collateral deposited to secure a person's appearance in court,
- d. a plea of guilty or nolo contendere accepted by the court,
- e. the payment of any fine or court costs, or
- f. a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated;

2. "Tribe" means a federally recognized Indian tribe within the geographic boundaries of this state; and

3. "Qualified court" means those tribal court systems that have adopted the Tribal Law and Order Act of 2010.

B. Service Oklahoma shall disqualify any person from operating a Class A, B or C commercial motor vehicle for a period of not less than one (1) year upon receiving a record of conviction of any of the following disqualifying offenses, when the conviction has become final:

1. Driving, operating or being in actual physical control of a Class A, B or C commercial motor vehicle while having a blood or breath alcohol concentration, as defined in Section 756 of this title, or as defined by the state in which the arrest occurred, of four-hundredths (0.04) or more;

2. Refusing to submit to a test for determination of alcohol concentration, as required by Section 751 of this title, or as required by the state in which the arrest occurred, while operating a Class A, B or C commercial motor vehicle, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

3. Driving or being in actual physical control of a Class A, B or C commercial motor vehicle while under the influence of alcohol or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle. Provided, Service Oklahoma shall not additionally disqualify, pursuant to this subsection, if the person's driving privilege has been disqualified in this state because of a test result or test refusal pursuant to paragraph 1 or 2 of this subsection as a result of the same violation arising from the same incident;

4. Knowingly leaving the scene of a collision which occurs while operating a Class A, B or C commercial motor vehicle, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

5. Any felony during the commission of which a Class A, B or C commercial motor vehicle is used, except a felony involving the manufacture, distribution or dispensation of a controlled dangerous substance, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

6. Operating a commercial motor vehicle while the commercial driving privilege is revoked, suspended, canceled, denied, or disqualified;

7. Manslaughter homicide, or negligent homicide occurring as a direct result of negligent operation of a commercial motor vehicle, or, if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

8. Fraud related to examination for or issuance of a commercial learner permit or a Class A, B or C driver license; or

9. Failure to submit to skills or knowledge reexamination, or both, for the purpose of issuance of a commercial learner permit or a Class A, B or C driver license within thirty (30) days of receipt of notification from the Department.

C. Service Oklahoma shall disqualify any person from operating a Class A, B or C commercial motor vehicle for a period of not less than three (3) years upon receiving a record of conviction of any of the disqualifying offenses described in subsection B of this section, committed in connection with the operation of a motor vehicle which is required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F, when the conviction has become final.

D. Service Oklahoma shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving a record of conviction in any court of any of the disqualifying offenses described in subsection B of this section after a former conviction of any of the following disqualifying offenses, when the second conviction has become final.

Service Oklahoma may promulgate rules establishing conditions under which a disqualification for life pursuant to the provisions of this subsection may be reduced to a period of not less than ten (10) years provided a previous lifetime disqualification has not been reduced.

E. Service Oklahoma shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving a record of conviction for any felony related to the manufacture, distribution or dispensation of a controlled dangerous substance in the commission of which a Class A, B or C commercial motor vehicle is used, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle, when the conviction has become final, or for a felony conviction of human trafficking while operating a commercial motor vehicle, when the conviction has become final.

F. Service Oklahoma shall disqualify any person from operating a Class A, B or C commercial motor vehicle for sixty (60) days upon receiving a record of a second conviction of the person for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when the convictions have become final. Service Oklahoma shall disqualify any person from operating a Class A, B or C commercial motor vehicle for one hundred twenty (120) days upon receiving a record of a third conviction of a person for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when the convictions have become final; provided, the one-hundred-twenty-day period shall run in addition to and shall not run concurrently with

any other period disqualification imposed pursuant to this subsection. As used in this subsection, "serious traffic offense" shall mean any of the following offenses committed while operating a commercial motor vehicle:

1. Speeding fifteen (15) miles per hour or more over the limit;
2. Reckless driving;
3. Any traffic offense committed that results in or in conjunction with a motor vehicle collision resulting in a fatality;
4. Erratic or unsafe lane changes;
5. Following too closely;
6. Failure to obtain a commercial driver license;
7. Failure to have in possession of the person a commercial driver license;
8. Failure to have:
 - a. the proper class of commercial driver license for the class of vehicle being operated,
 - b. the proper endorsement or endorsements for the type of vehicle being operated, including, but not limited to, passengers or type of cargo being transported, or
 - c. both proper class and proper endorsement, as provided in subparagraphs a and b of this paragraph;
9. Operating a commercial motor vehicle while using a cellular telephone or electronic communication device to write, send or read a text-based communication; or
10. Operating a commercial motor vehicle while using a hand-held mobile telephone.

For the purposes of paragraphs 9 and 10 of this subsection, operating a commercial motor vehicle and using an electronic communication device or a hand-held mobile telephone is permissible by the operator when necessary to communicate with law enforcement officials or other emergency services. Further, for the purposes of paragraphs 9 and 10 of this subsection, "operate" means operating on a street or highway including while temporarily stationary because of traffic, a traffic control device or other momentary delays. Operating does not include when the driver of a commercial motor vehicle has moved the vehicle to the side of or off a street or highway and has halted in a location where the vehicle can safely remain stationary.

G. Upon the receipt of a person's record of conviction of violating a lawful out-of-service order, when the conviction becomes final Service Oklahoma shall disqualify the driving privilege of the person as follows:

1. For a first conviction for violating an out-of-service order:
 - a. except as provided in subparagraph b of this paragraph, the period of disqualification shall be for one hundred eighty (180) days, or

- b. while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 U.S.C.A. Section 5103 et seq., or while operating a motor vehicle designed for transport of sixteen (16) or more passengers, including the driver, the period of disqualification shall be for one (1) year;

2. For a second conviction within ten (10) years for violating an out-of-service order:

- a. except as provided in subparagraph b of this paragraph, the period of disqualification shall be for two (2) years, or
- b. while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 U.S.C.A. Section 5103 et seq., or while operating a motor vehicle designed for transport of sixteen (16) or more passengers, including the driver, the period of disqualification shall be for three (3) years; and

3. For a third or subsequent conviction within ten (10) years for violating an out-of-service order, the period of disqualification shall be for three (3) years.

H. Upon determination by Service Oklahoma that fraudulent information was used to apply for or obtain a Class A, B or C driver license, Service Oklahoma shall disqualify the driving privilege of the applicant or licensee for a period of sixty (60) days.

I. Any person who drives a Class A, B or C commercial motor vehicle on any public roads, streets, highways, turnpikes or any other public place of this state at a time when the person has been disqualified or when the privilege to do so is canceled, denied, suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. Each act of driving as prohibited shall constitute a separate offense.

J. Upon the receipt of the record of a conviction of a person of a railroad highway grade crossing offense in a commercial motor vehicle, pursuant to Sections 11-701 or 11-702 of this title or Section 11-1115 of this title, or upon receipt of an equivalent conviction from any state, when the conviction becomes final, Service Oklahoma shall disqualify the driving privileges of the person convicted as follows:

1. The first conviction shall result in disqualification for sixty (60) days;

2. The second conviction within three (3) years shall result in disqualification for one hundred twenty (120) days; and

3. The third or subsequent conviction within three (3) years shall result in disqualification for one (1) year.

K. Service Oklahoma, upon receipt of a written notice of immediate disqualification issued by the Federal Motor Carrier Safety Administration under 49 CFR 383.52, shall immediately disqualify the person's commercial driving privilege for the period of time specified on the written notice.

L. The periods of disqualification as defined by this section shall not be modified. A person may not be granted driving privileges to operate a Class A, B or C commercial vehicle until the disqualification is reinstated.

M. When any record of conviction, as specified in this section, is received by the Department and pertains to a nonresident operator of a Class A, B or C commercial motor vehicle, or if the nonresident operator is the holder of a commercial driver license, a record of the conviction pertaining to the nonresident operator of any vehicle, Service Oklahoma shall not disqualify the person and shall report the conviction to the licensing jurisdiction in which the license of the nonresident to operate the commercial vehicle was issued.

N. Any person who is disqualified from driving under the provisions of this section shall have the right of appeal, as provided in Section 6-211 of this title.

Added by Laws 1990, c. 219, § 33, eff. April 1, 1992. Amended by Laws 1991, c. 309, § 4, eff. April 1, 1992; Laws 1992, c. 217, § 12, eff. July 1, 1992; Laws 1993, c. 238, § 4, emerg. eff. May 26, 1993; Laws 1997, c. 193, § 2, eff. Nov. 1, 1997; Laws 1999, c. 229, § 3, eff. Nov. 1, 1999; Laws 2000, c. 277, § 9, eff. Nov. 1, 2000; Laws 2001, c. 309, § 1, eff. Nov. 1, 2001; Laws 2002, c. 169, § 1, eff. Oct. 1, 2002; Laws 2003, c. 392, § 15, eff. July 1, 2003; Laws 2004, c. 149, § 7, eff. Sept. 30, 2005; Laws 2004, c. 390, § 8, eff. July 1, 2004; Laws 2005, c. 394, § 3, emerg. eff. June 6, 2005; Laws 2006, c. 311, § 19, emerg. eff. June 8, 2006; Laws 2012, c. 207, § 3, emerg. eff. May 8, 2012; Laws 2013, c. 259, § 7, eff. Nov. 1, 2013; Laws 2015, c. 214, § 1, eff. Nov. 1, 2015; Laws 2022, c. 409, § 2, emerg. eff. May 27, 2022; Laws 2024, c. 452, § 49, emerg. eff. June 14, 2024.

§47-6-205.3. Expired license while in prison – Extension period – Replacement license.

A. Any person who held a valid, unexpired Oklahoma driver license upon imprisonment in the custody of the Department of Corrections which expired within the last three (3) years during the person's term of imprisonment, shall have the expiration date of his or her driver license extended for a period of six (6) months after he or she is released from the custody of the Department of

Corrections. Upon release from custody, Service Oklahoma shall mail a replacement driver license to an address provided by the person.

B. Service Oklahoma and the Department of Corrections shall enter into a data-sharing agreement to facilitate the exchange of necessary data to carry out the provisions of this section.

C. Service Oklahoma and the Department of Corrections are authorized to promulgate rules and procedures to implement the provisions of this section.

Added by Laws 2025, c. 137, § 1, eff. July 1, 2026.

§47-6-206. Authority of Department to suspend license or privilege.

A. Whenever any person is convicted or pleads guilty in any court having jurisdiction over offenses committed under Section 1-101 et seq. of this title, or any other act or municipal ordinance or act or ordinance of another state regulating the operation of motor vehicles on highways, such court shall make immediate report to Service Oklahoma setting forth the name of the offender, the number of the driver license and the penalty imposed. Said report shall be submitted by the judge or the clerk of the court upon forms furnished or approved by Service Oklahoma.

B. Service Oklahoma, upon receipt of said report or upon receipt of a report of a conviction in another state relating to the operation of a motor vehicle, may in its discretion suspend the driving privilege of such person for such period of time as in its judgment is justified, subject to the limitations provided in this title or any other act or municipal ordinance regulating the operation of motor vehicles on highways. Any action taken by Service Oklahoma shall be in addition to the penalty imposed by the court subject to the limitations outlined by statute.

C. Service Oklahoma, upon receipt of a report of a conviction in another state relating to the operation of a motor vehicle, may in its discretion suspend the driving privilege of such person. Any action taken by Service Oklahoma shall not exceed the penalty imposed by a court or Service Oklahoma in the State of Oklahoma for a violation substantially similar to the conviction in the other jurisdiction which did not result in a revocation of Oklahoma driving privileges.

D. Following receipt of a notice of any nonpayment of fine and costs for a moving traffic violation with a recommendation of suspension of driving privileges of a defendant from any court within this state, as provided for in Section 983 of Title 22 of the Oklahoma Statutes, Service Oklahoma shall suspend the driving privilege of the named person no earlier than one hundred eighty (180) days after giving notice as provided in Section 2-116 of this title. A person whose license is subject to suspension pursuant to this section may avoid the effective date of the suspension or, if

suspended, shall be eligible for reinstatement, if otherwise eligible, upon:

1. Making application to Service Oklahoma;
2. Showing proof of payment of the total amount of the fine and cost or a release from the court or court clerk; and
3. Submitting the processing and reinstatement fees, as provided for in Section 6-212 of this title.

Provided, however, in cases of hardship, as determined by the court, or proof of enrollment in a federal or state government assistance program, including, but not limited to, Social Security or the Supplemental Nutrition Assistance Program, the person shall be placed on a payment plan by the court, and the court shall send a release to Service Oklahoma for reinstatement purposes. The court may submit another suspension request pursuant to this section if the person fails to honor the payment plan and it is found that the person is financially able but willfully refuses or neglects to honor the payment plan. In such case, Service Oklahoma shall again suspend the person's driving privilege for nonpayment of fine and costs for the same moving traffic violation. Upon reinstatement after suspension for nonpayment of fine and costs for a moving traffic violation Service Oklahoma may remove such record of suspension from the person's driving record and retain an internal record for audit purposes. A court within this state may order Service Oklahoma to waive any requirement that fines and costs be satisfied by a person prior to that person being eligible for a provisional license provided under Section 6-212 of this title.

E. Upon the receipt of a record of conviction for eluding or attempting to elude a peace officer, Service Oklahoma shall suspend the driving privilege of the person:

1. For the first conviction as indicated on the driving record of the person, for a period of six (6) months;
2. For the second conviction as indicated on the driving record of the person, for a period of one (1) year. Such period shall not be modified; and
3. For the third or subsequent conviction as indicated on the driving record of the person, for a period of three (3) years. Such period shall not be modified.

F. Any person whose driving privilege is so suspended under the provisions of this section shall have the right of appeal, as provided in Section 6-211 of this title.

Added by Laws 1961, p. 348, § 6-206, eff. Sept. 1, 1961. Amended by Laws 1984, c. 254, § 1, eff. Nov. 1, 1984; Laws 1988, c. 242, § 3, eff. Nov. 1, 1988; Laws 1990, c. 259, § 5, eff. Sept. 1, 1990; Laws 1991, c. 335, § 14, emerg. eff. June 15, 1991; Laws 1999, c. 291, § 1, emerg. eff. May 27, 1999; Laws 2003, c. 392, § 16, eff. July 1, 2003; Laws 2006, c. 311, § 20, emerg. eff. June 8, 2006; Laws 2016,

c. 189, § 1, eff. Nov. 1, 2016; Laws 2021, c. 487, § 5, eff. Nov. 1, 2021; Laws 2022, c. 282, § 69, emerg. eff. May 19, 2022.
NOTE: Laws 1990, c. 219, § 34 repealed by Laws 1991, c. 335, § 36, emerg. eff. June 15, 1991.

§47-6-206.1. Driver improvement or defensive driving course.

A. A driver improvement or defensive driving course is a course which offers an educational setting and provides for driving concepts which encourage attitude or behavioral changes in the responsibility of operating a motor vehicle in a safe and responsible manner.

B. It shall be the responsibility of the institution or organization to provide:

1. Adequate facilities which meet or exceed state and local fire, health and safety codes;
2. Adequate equipment, in good working order, and instructional materials for such courses;
3. Qualified instructors who shall:
 - a. possess an undergraduate degree, have possessed an instructor's license pursuant to Section 804 of this title for at least five (5) years, or be a peace officer certified by the Council on Law Enforcement Education and Training (CLEET),
 - b. have no alcohol or drug-related convictions or revocations in the past five (5) years,
 - c. have no more than five (5) points accumulated on the driving record in the past three (3) years in accordance with the Oklahoma Mandatory Point System,
 - d. have a valid Oklahoma driver license, and
 - e. complete a course of training through the approved organization or institution;
4. A course of study designed to inform the participant of driver improvement and defensive driving concepts while encouraging attitude or behavioral changes in the responsibility of operating a motor vehicle in a safe and responsible manner. The curriculum, which means the complete lesson plans which include instructional strategy, presentation methods and resources utilized to incorporate the concepts of traffic safety, must provide for but not be limited to the following:
 - a. driver personality traits - behavioral attitudes,
 - b. driver qualifications and limitations,
 - c. effects of alcohol and other drugs, and
 - d. current accident prevention and defensive driving techniques: speed control, perception, reactions, lane positioning, safe turning and passing, occupant restraints, following distance and rules of the road; and

5. Provide at least four (4) hours of classroom instruction.

C. Organizations or institutions desirous of making application shall submit the following to the Department of Public Safety:

1. Evidence of organizational or institutional status which meet statutory requirements;

2. Copy of proposed course curriculum which includes lesson objectives, presentation materials, instructional strategy and resources utilized;

3. Certification that instructors meet statutory requirements; and

4. Upon Department of Public Safety approval, the organization or institution shall be considered for point credits as set forth in this section.

D. The Department of Public Safety is authorized to grant a two-point credit towards the Oklahoma Point System Regulations to any person who successfully completes a course pursuant to this section provided only one such course shall be acknowledged once every twenty-four (24) months.

E. The Department, upon giving of notice and hearing, may decline to grant credit points to any organization or institution for:

1. Unethical conduct of an instructor or official of an institution or organization;

2. Failure to satisfactorily resolve citizens' complaints;

3. Falsifying or misrepresenting any document or information to the Department or student;

4. Failure of an organization or instructor to meet statutory requirements;

5. Conflict of interest by the organization or institution and/or its personnel; or

6. Failure of an organization, institution or instructor to continue to meet statutory requirements as provided for in this section.

F. Course enrollment shall be limited to not more than thirty students.

G. Enrollment in the course shall not be limited to persons ordered to enroll, attend and successfully complete the course.

H. The organization or institution shall within fifteen (15) days of the completion certify to the Department of Public Safety all persons who successfully complete the course on a form approved or furnished by the Department. This shall include the person's full name, address, date of birth and driver license number.

I. Department personnel shall be admitted to any course without charge, upon request and display of proper credentials.

J. Each organization or institution shall develop auditing procedures which could be utilized to show compliance with this section.

K. Any point credit allowed must comply with the Department's Point System Regulations.

Added by Laws 1991, c. 309, § 5, eff. July 1, 1991. Amended by Laws 1992, c. 217, § 13, eff. July 1, 1992; Laws 1992, c. 373, § 8, eff. July 1, 1992; Laws 1998, c. 345, § 2, eff. Nov. 1, 1998; Laws 2002, c. 49, § 2, eff. Nov. 1, 2002; Laws 2004, c. 15, § 1, emerg. eff. March 23, 2004; Laws 2024, c. 450, § 5, eff. Nov. 1, 2024.

§47-6-207. Authority of department to deny application for or cancel license for certain ailments; appeal.

Whenever Service Oklahoma is furnished with information or, from the records on file in Service Oklahoma, it is established that the holder of a driver license is afflicted with a physical disease with a history of seizures, or mental disease, or momentary lapses of consciousness or any other ailment which may result in temporary loss of control or partial control of a motor vehicle, Service Oklahoma may, in its discretion, execute an order of cancellation of any driver license issued to such individual, or, should such information be available at the time of application for a driver license, Service Oklahoma may execute an order denying the issuance of said license to any such individual and shall cause any such license that may have been issued to be picked up or to be delivered to Service Oklahoma as specified for other such orders. Every physician or surgeon, including doctors of medicine and osteopathy, examining, attending or treating an individual for any illness or injury that would impair the ability of the individual in any manner as to affect the performance of the person to operate a motor vehicle, may make a written report of the diagnosis to Service Oklahoma. Service Oklahoma may, in its discretion, suspend or cancel the license of such person for such period of time as in its judgment is justified.

In addition thereto, any person or physician or any medical personnel participating in good faith and without negligence or malicious intent in making of a report pursuant to this act shall have the immunity from civil liability that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report.

Provided further that, in any proceeding resulting from a report made pursuant to this act or in any proceeding where such a report or any contents thereof are sought to be introduced in evidence, such report or contents or any other fact or facts related thereto, or the condition of the individual who is the subject of the report shall only be admitted in evidence in actions regarding the revocation, suspension, cancellation or denial of the subject's driver's license and shall not be considered to be a public record provided that the report shall not be excluded on the ground that

the matter is or may be the subject of a physician-patient privilege or similar privilege or rule against disclosure.

Any person whose license has been canceled or denied under the provisions of this section shall have the right of appeal from said order, as provided under Section 6-211 of this title.

Added by Laws 1961, p. 348, § 6-207, emerg. eff. Sept. 1, 1961.

Amended by Laws 1975, c. 137, § 1, emerg. eff. May 19, 1975; Laws 1990, c. 219, § 35, eff. June 1, 1990; Laws 2022, c. 282, § 70, emerg. eff. May 19, 2022.

§47-6-208. Period of suspensions - Renewal or restoration of license.

Service Oklahoma shall not suspend a driver license or privilege to drive a motor vehicle on the public roads, streets, highways, turnpikes or other public place for a period of more than one (1) year, except as otherwise provided by law.

Added by Laws 1961, p. 348, § 6-208, emerg. eff. Sept. 1, 1961.

Amended by Laws 1982, c. 273, § 2, operative Oct. 1, 1982; Laws 1984, c. 254, § 2, eff. Nov. 1, 1984; Laws 1988, c. 242, § 4, eff. Nov. 1, 1988; Laws 2022, c. 282, § 71, emerg. eff. May 19, 2022.

§47-6-208.1. Authority of Service Oklahoma to decline to process certain requests for suspension or revocation of license.

If action by Service Oklahoma to suspend, revoke, cancel or deny the driver license of any person is based in whole or in part upon the receipt of a record of conviction, report, affidavit or other written instrument from any court, court clerk, law enforcement officer, public agency, public officer or public employee and such documentation is not received by Service Oklahoma within six (6) months from the date which in the judgment of Service Oklahoma it should have been received, then Service Oklahoma may decline to process such documentation and may decline to take action to suspend, revoke, cancel or deny the driver license of such person, notwithstanding any other provision of law.

Added by Laws 1986, c. 250, § 12, operative July 1, 1987. Amended by Laws 2024, c. 11, § 11, emerg. eff. April 18, 2024.

§47-6-208.3. Repealed by Laws 1999, c. 229, § 4, eff. Nov. 1, 1999.

§47-6-209. Surrender and return of license - Seizure of license.

A. Service Oklahoma upon canceling or denying the driver license of a person or upon suspending or revoking the driving privilege of a person shall require that the driver license of the person be surrendered to Service Oklahoma. When the statutory requirements for reinstatement are met in accordance with Oklahoma Statutes, the person shall apply for a new driver license from Service Oklahoma; provided Service Oklahoma has determined that the

licensee is a person not prohibited from holding a driver license under Section 6-103 of this title, and has successfully completed the customary written, physical and driving tests, if such tests are required. Identification of the person shall be verified through the driver license digital file of Service Oklahoma.

B. Service Oklahoma, upon entering an order canceling or denying a driver license or suspending or revoking the driving privilege of a person, shall forward a copy of the order to the licensee pursuant to the provisions of Section 2-116 of this title and request the immediate return of the driver license to Service Oklahoma. Failure to comply with the order of Service Oklahoma shall constitute a misdemeanor and, upon conviction, the person shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00).

C. Any peace officer of this state may seize the license of any person who, according to Service Oklahoma records, is under suspension, cancellation, revocation or denial under the provisions of this title. The officer shall immediately forward the license to Service Oklahoma.

D. No person shall have a property interest in the physical driver license issued pursuant to the laws of this state. It shall be the duty of every person whose driving privilege has been suspended, canceled or revoked to immediately surrender his or her driver license upon the request of any peace officer or representative of Service Oklahoma.

Added by Laws 1961, p. 349, § 6-209, eff. Sept. 1, 1961. Amended by Laws 1986, c. 279, § 14, operative July 1, 1986; Laws 1987, c. 226, § 4, operative July 1, 1987; Laws 1990, c. 219, § 36, eff. June 1, 1990; Laws 1992, c. 217, § 14, eff. July 1, 1992; Laws 1993, c. 238, § 5, emerg. eff. May 26, 1993; Laws 1994, c. 218, § 5, eff. April 1, 1995; Laws 2013, c. 75, § 2, eff. Nov. 1, 2013; Laws 2024, c. 11, § 12, emerg. eff. April 18, 2024.

§47-6-210. No operation under foreign license during suspension or revocation in this state.

Any resident or nonresident whose driver's license or privilege to operate a motor vehicle in this state has been denied, canceled, suspended or revoked as provided in this chapter shall not operate a motor vehicle in this state under a license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this chapter.

Amended by Laws 1990, c. 219, § 37, eff. Jan. 1, 1991; Laws 1991, c. 309, § 6, eff. July 1, 1991.

§47-6-211. Right of appeal to district court.

A. Any person denied driving privileges, or whose driving privilege has been canceled, denied, suspended or revoked by Service Oklahoma, except where such cancellation, denial, suspension or revocation is mandatory, under the provisions of Section 6-205 of this title, or disqualified by Service Oklahoma, under the provisions of Section 6-205.2 or 761 of this title, shall have the right of appeal to the district court as hereinafter provided. Proceedings before the district court shall be exempt from the provisions of the Oklahoma Pleading and Discovery codes, except that the appeal shall be by petition, without responsive pleadings. The district court is hereby vested with original jurisdiction to hear the petition.

B. A person whose driving privilege is denied, canceled, revoked or suspended due to inability to meet standards prescribed by law, or due to an out-of-state conviction or violation, or due to an excessive point accumulation on the traffic record, or for an unlawful license issued, may appeal in the county in which the person resides.

C. Any person whose driving privilege is canceled, denied, suspended or revoked may appeal to the district court in the county in which the offense was committed upon which Service Oklahoma based its order.

D. A person whose driving privilege is subject to revocation pursuant to Section 753 or 754 of this title may appeal to the district court in the county in which the arrest occurred relating to the test refusal or test result, as shown by the records of Service Oklahoma.

E. The petition must be filed within thirty (30) days after the notice of revocation, pursuant to Section 753 or 754 of this title, has been mailed to the person by Service Oklahoma pursuant to Section 2-116 of this title. The petition shall contain a description of the facts and circumstances of the underlying incident sufficient to determine the arresting law enforcement agency, the date of the incident, and the date of receipt of the notice. It shall be the duty of the district court to enter an order setting the matter for hearing not less than thirty (30) days and not more than sixty (60) days from the date the petition is filed. For the purposes of this section, the hearing shall include, but is not limited to, a status hearing, scheduling conference, and/or other examination of the merits of the petition. Nothing in this section shall require that final disposition of the matter is to be completed within sixty (60) days, so long as the court has conducted a hearing as set forth above. A certified copy of petition and the order for hearing shall be served forthwith by the petitioner to the office of Service Oklahoma by certified mail at Service Oklahoma, Oklahoma City, Oklahoma.

F. Upon a hearing relating to a revocation or disqualification pursuant to a conviction for an offense enumerated in Section 6-205, 6-205.2 or 761 of this title, the court shall not consider the propriety or merits of the revocation or disqualification action, except to correct the identity of the person convicted as shown by records of Service Oklahoma.

G. Service Oklahoma shall take no action on a sworn report of a law enforcement officer not received by Service Oklahoma after the expiration of one hundred eighty (180) days of the arrest of the person. In no event shall a court award costs or fees, including attorney fees, based upon the records of Service Oklahoma that do not reflect the receipt of the sworn report as described in this subsection.

H. The court shall take testimony and examine the facts and circumstances, including all of the records on file in the office of Service Oklahoma relative to the offense committed and the driving record of the person, and determine from the facts, circumstances, and records whether or not the petitioner is entitled to driving privileges or shall be subject to the order of denial, cancellation, suspension or revocation issued by Service Oklahoma. In case the court finds that the order was not justified, the court may sustain the appeal, vacate the order of Service Oklahoma and direct that driving privileges be restored to the petitioner, if otherwise eligible.

I. The testimony of any hearing pursuant to this section shall be taken by the court stenographer and preserved for the purpose of appeal and, in case Service Oklahoma files notice of appeal from the order of the court as provided herein, the court shall order and direct the court clerk to prepare and furnish a complete transcript of all pleadings and proceedings, together with a complete transcript taken at the hearing at no cost to Service Oklahoma, except the cost of transcribing.

J. Upon Service Oklahoma's receipt of a petition challenging Service Oklahoma's action against the driving privileges of any person under this title, Service Oklahoma shall withhold taking the action which is the subject of the appeal or stay the order which is the subject of the appeal. During the pendency of the appeal, Service Oklahoma shall grant or restore driving privileges to the person if the person is otherwise eligible.

K. An appeal may be taken by the person or by Service Oklahoma from the order or judgment of the district court to the Supreme Court of the State of Oklahoma as otherwise provided by law. Added by Laws 1961, p. 349, § 6-211, eff. Sept. 1, 1961. Amended by Laws 1969, c. 88, § 1, emerg. eff. March 24, 1969; Laws 1988, c. 242, § 5, eff. Nov. 1, 1988; Laws 1990, c. 219, § 38, eff. Jan. 1, 1991; Laws 1994, c. 243, § 5, eff. Sept. 1, 1994; Laws 1997, c. 420, § 3, emerg. eff. June 13, 1997; Laws 1999, c. 139, § 3, eff. Nov. 1,

1999; Laws 2000, 1st Ex. Sess., c. 8, § 19, eff. July 1, 2000; Laws 2003, c. 392, § 17, eff. July 1, 2003; Laws 2006, c. 311, § 21, emerg. eff. June 8, 2006; Laws 2011, c. 373, § 4, eff. Nov. 1, 2011; Laws 2019, c. 400, § 5, eff. Nov. 1, 2019; Laws 2022, c. 376, § 2, eff. Nov. 1, 2022; Laws 2023, c. 310, § 20, eff. July 1, 2023; Laws 2025, c. 330, § 10, eff. July 1, 2025.

§47-6-212. Reinstatement fees - Conditions for reinstatement - Provisional license.

A. Service Oklahoma shall not assess and collect multiple reinstatement fees when reinstating the driving privilege of any person having more than one suspension or revocation affecting the person's driving privilege at the time of reinstatement.

B. Service Oklahoma shall:

1. Suspend or revoke a person's driving privilege as delineated within the Oklahoma Statutes; and

2. Require any person having more than one suspension or revocation affecting the person's driving privilege to meet the statutory requirements for each action as a condition precedent to the reinstatement of any driving privilege. Provided, however, reinstatement fees shall not be cumulative, and a single reinstatement fee, as provided for in subsection C of this section, shall be paid for all suspensions or revocations as shown by Service Oklahoma's records at the time of reinstatement.

C. Whenever a person's privilege to operate a motor vehicle is suspended or revoked pursuant to any provision as authorized by the Oklahoma Statutes, the license or privilege to operate a motor vehicle shall remain under suspension or revocation and shall not be reinstated until:

1. The expiration of each such revocation or suspension order;

2. The person has paid to Service Oklahoma:

a. if such privilege is suspended or revoked pursuant to Section 1115.5 of Title 22 of the Oklahoma Statutes or pursuant to any provisions of this title, except as provided in subparagraph b of this paragraph, a processing fee of Twenty-five Dollars (\$25.00) for each such suspension or revocation as shown by Service Oklahoma's records, or

b. (1) if such privilege is suspended or revoked pursuant to the provisions of Section 6-205, 6-205.1, 7-612, 753, 754 or 761 of this title or pursuant to subsection A of Section 7-605 of this title for a conviction for failure to maintain the mandatory motor vehicle insurance required by law or pursuant to subsection B of Section 6-206 of this title for a suspension other than for points accumulation, a processing fee of Seventy-

five Dollars (\$75.00) for each such suspension or revocation as shown by Service Oklahoma's records, and a special assessment trauma-care fee of Two Hundred Dollars (\$200.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes, for each suspension or revocation as shown by the records of Service Oklahoma, and

- (2) in addition to any other fees required by this section, if such privilege is suspended or revoked pursuant to an arrest under the provisions of paragraph 2 or 6 of subsection A of Section 6-205 of this title or of Section 753, 754 or 761 of this title, a fee of Fifteen Dollars (\$15.00), which shall be apportioned pursuant to the provisions of Section 3-460 of Title 43A of the Oklahoma Statutes; and

3. The person has paid to Service Oklahoma a single reinstatement fee of Twenty-five Dollars (\$25.00). Service Oklahoma shall notify the license holder within three (3) days of reinstatement that the license holder shall apply for a new driver license pursuant to subsection A of Section 6-209 of this title.

D. Service Oklahoma shall enter into agreements with persons whose license to operate a motor vehicle or commercial motor vehicle has been suspended or revoked, for issuance of a provisional license subject to any restrictions imposed by law or a court order. The provisional license would allow such persons to drive from 6:00 a.m. to 11:59 p.m. Driving privileges for a provisional license are limited from 12:00 a.m. to 5:59 a.m. to driving:

1. Between their place of residence and their place of employment or potential employment;
2. During the scope and course of their employment;
3. Between their place of residence and a college, university or technology center;
4. Between their place of residence and their child's school or day care provider;
5. Between their place of residence and a place of worship; or
6. Between their place of residence and any court-ordered treatment program,

with the condition that such persons pay a minimum total of Five Dollars (\$5.00) per month toward the satisfaction of outstanding fees, including, but not limited to, provisional license fees, warrant fees, court costs or fees, driver license or commercial driver license reinstatement fees. Service Oklahoma may suspend or revoke a provisional license pursuant to this section if the person

fails to honor the payment plan. The person may re-enroll in the provisional driver license program.

E. Any person convicted of an offense specified in paragraph 1, 4, or 8 of subsection A of Section 6-205 of this title shall not be eligible for a provisional license.

F. Any violation of law by the person holding the provisional license that would result in the suspension or revocation of a driver license, except for the failure to pay fines, fees, or other financial obligations if the person is participating in a payment plan, shall result in the revocation of the provisional license.

G. Eligibility for a provisional license shall not take into consideration any outstanding fines and fees owed, including, but not limited to, warrant fees, court costs or fees, driver license or commercial driver license reinstatement fees.

H. A person with a suspended driver license shall not have to take a driver license test to be eligible for a provisional license, provided the suspended license has not expired.

I. The Department of Corrections shall provide inmates with relevant documentation to obtain a provisional license as provided in subsection D of this section before being released from custody. The Department of Corrections shall develop rules and procedures necessary to implement the provisions of this subsection.

J. Service Oklahoma shall develop rules and procedures necessary to implement the provisions of this section except as otherwise provided by this title.

K. For each fiscal year:

1. Two Hundred Fifty Thousand Dollars (\$250,000.00) of all monies collected each month pursuant to this section shall be apportioned as provided in Section 1104 of this title, except as otherwise provided in this section; and

2. Except as otherwise provided in this section, all other monies collected in excess of Two Hundred Fifty Thousand Dollars (\$250,000.00) each month shall be deposited in the General Revenue Fund.

Added by Laws 1982, c. 276, § 1, emerg. eff. May 18, 1982. Amended by Laws 1983, c. 286, § 21, operative July 1, 1983; Laws 1984, c. 264, § 11, operative July 1, 1984; Laws 1986, c. 279, § 15, operative July 1, 1986; Laws 1987, c. 5, § 152, emerg. eff. March 11, 1987; Laws 1987, c. 226, § 5, operative July 1, 1987; Laws 1990, c. 219, § 39, eff. Jan. 1, 1991; Laws 1994, c. 218, § 6, eff. April 1, 1995; Laws 2001, c. 361, § 7, eff. July 1, 2001; Laws 2002, c. 474, § 5, emerg. eff. June 6, 2002; Laws 2004, c. 396, § 1, eff. Nov. 1, 2004; Laws 2004, c. 530, § 1, eff. Sept. 1, 2004; Laws 2007, c. 326, § 12, eff. Nov. 1, 2007; Laws 2008, c. 401, § 18, eff. Nov. 1, 2008; Laws 2011, c. 226, § 1; Laws 2013, c. 274, § 1, eff. Nov. 1, 2013; Laws 2015, c. 97, § 3, eff. Nov. 1, 2015; Laws 2017, c. 392, § 7, eff. Nov. 1, 2017; Laws 2019, c. 400, § 6, eff. Nov. 1,

2019; Laws 2021, c. 487, § 6, eff. Nov. 1, 2021; Laws 2022, c. 282, § 73, emerg. eff. May 19, 2022; Laws 2025, c. 137, § 2, eff. July 1, 2026.

§47-6-212.1. Repealed by Laws 1994, c. 218, § 12, eff. April 1, 1995.

§47-6-212.2. Required completion of alcohol and drug assessment and evaluation.

A. Whenever the records of Service Oklahoma reflect a conviction of a person pursuant to Section 11-902 of this title or an alcohol- or drug-related revocation or suspension of the driving privileges of that person pursuant to the provisions of paragraph 2 or 6 of subsection A of Section 6-205 or to Section 6-205.1, 6-206, 753, 754 or 761 of this title, the person shall participate in an alcohol and drug assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services for the purpose of evaluating the person's receptivity to treatment and prognosis. As determined by the assessment, the person shall enroll in, attend and successfully complete the appropriate alcohol and drug substance abuse course certified by the Department of Mental Health and Substance Abuse Services or an alcohol or other drug treatment program or both. The alcohol and drug substance abuse course shall consist of either ten (10) hours or twenty-four (24) hours of instruction and shall conform with the provisions of Section 3-453 of Title 43A of the Oklahoma Statutes. For purposes of this subsection, the requirement for alcohol and drug substance abuse evaluation shall be considered satisfied if the person is evaluated by an assessment agency or assessment personnel certified for that purpose, all recommendations identified by the evaluation are satisfied by the person, and a report of such evaluation and completion is presented to the court prior to sentencing and to Service Oklahoma.

B. If the assessment agency or assessment personnel in subsection A of this section determine that the person would likely benefit from a United-States-Food-and-Drug-Administration-approved medication-assisted treatment that is indicated for alcohol dependence or opioid dependence, the assessment agency or assessment personnel shall refer the defendant to a licensed physician for further evaluation. Only a licensed physician may recommend that a defendant take medication-assisted treatment, and the defendant shall maintain the right to refuse the medication.

C. The requirements of subsection A of this section shall be a condition for reinstatement of driving privileges, in addition to other conditions for driving privilege reinstatement provided by law.

Added by Laws 1985, c. 204, § 1, eff. Nov. 1, 1985. Amended by Laws 1988, c. 242, § 7, eff. Nov. 1, 1988; Laws 1990, c. 265, § 64, eff. Sept. 1, 1990; Laws 1993, c. 339, § 3, eff. Sept. 1, 1993; Laws 1996, c. 162, § 2, eff. Nov. 1, 1996; Laws 2000, c. 189, § 2, eff. July 1, 2000; Laws 2001, c. 27, § 4, eff. Nov. 1, 2001; Laws 2003, c. 178, § 2, eff. July 1, 2003; Laws 2019, c. 400, § 7, eff. Nov. 1, 2019; Laws 2022, c. 282, § 74, emerg. eff. May 19, 2022; Laws 2022, c. 376, § 3, eff. Nov. 1, 2022.

§47-6-212.3. Ignition interlock device - Duration - Violations.

A. 1. Whenever the installation of an ignition interlock device is allowed or required by law, the person shall pay a restricted driver license fee of Fifty Dollars (\$50.00). The restricted driver license and the driving record of the person shall indicate by an appropriate restriction that the person is only authorized to operate a vehicle upon which an approved and properly functioning ignition interlock device is installed.

2. The restricted driver license fee authorized by this section shall be remitted to the State Treasurer to be credited to the Service Oklahoma Revolving Fund. All monies accruing to the credit of the Service Oklahoma Revolving Fund from the restricted driver license fees shall be budgeted and expended solely for the purpose of administering the provisions of this section.

3. The installation of an ignition interlock device, as required by this section, shall not be construed to authorize the person to drive unless the person is otherwise eligible to drive.

B. Installation of an ignition interlock device shall run concurrently with a court order, if any, for installation of an ignition interlock device pursuant to the same conviction.

C. Installation of an ignition interlock device pursuant to participation in the Impaired Driver Accountability Program shall be credited towards any requirement for the installation of an ignition interlock device pursuant to any court order requiring the installation of an ignition interlock device arising out of the same incident.

D. The person shall be required to have installed an ignition interlock device approved by the Board of Tests for Alcohol and Drug Influence, at his or her own expense, and comply with all provisions of law regarding ignition interlock devices.

E. The ignition interlock device manufacturer shall report violations, if any, in accordance with the rules of the Board of Tests for Alcohol and Drug Influence for each ignition interlock device installed pursuant to this section and Section 6-205.1 of this title.

F. Service Oklahoma shall promulgate rules necessary to implement and administer the provisions of this section.

Added by Laws 2005, c. 167, § 1, eff. Nov. 1, 2005. Amended by Laws 2005, c. 394, § 18, eff. Sept. 1, 2005; Laws 2011, c. 373, § 5, eff. Nov. 1, 2011; Laws 2012, c. 283, § 6, eff. July 1, 2012; Laws 2013, c. 393, § 2, eff. Oct. 1, 2013; Laws 2017, c. 392, § 8, eff. Nov. 1, 2017; Laws 2019, c. 400, § 8, eff. Nov. 1, 2019; Laws 2022, c. 376, § 4, eff. Nov. 1, 2022; Laws 2024, c. 265, § 3, eff. Nov. 1, 2024.

§47-6-212.4. Revocation, suspension, cancellation or denial of driving privileges.

All revocation, suspension, cancellation and/or denial periods of time of driving privileges as provided in this chapter shall be considered served upon successful graduation from an Oklahoma Drug Court Program created and administered pursuant to the Oklahoma Drug Court Act and the Oklahoma Department of Mental Health and Substance Abuse Services, unless evidence of drug and/or alcohol use occurring post-graduation is acquired by Service Oklahoma. This waiver of time applies only to Class D driving privileges. Notwithstanding the foregoing, this section does not require Service Oklahoma to grant driving privileges to an individual not otherwise eligible. Electronic notification of graduation from an Oklahoma Drug Court Program shall be provided to Service Oklahoma by the court clerk in the county where said program is situated. Such electronic notification shall be consistent with the provisions of Section 18-101 of this title or by any other method approved by Service Oklahoma.

Added by Laws 2012, c. 168, § 1, eff. Nov. 1, 2012. Amended by Laws 2022, c. 282, § 75, emerg. eff. May 19, 2022.

§47-6-212.5. Impaired Driver Accountability Program.

A. The Impaired Driver Accountability Program (IDAP) established by the Department of Public Safety is hereby transferred to the Board of Tests for Alcohol and Drug Influence for impaired driving arrests occurring on or after November 1, 2022. The Board of Tests for Alcohol and Drug Influence shall charge an administrative fee of One Hundred Fifty Dollars (\$150.00) to each person entered into IDAP. One Hundred Dollars (\$100.00) of each administrative fee shall be deposited in the General Revenue Fund of the State Treasury. Twenty-five Dollars (\$25.00) of each administrative fee shall be deposited in the Department of Public Safety Restricted Revolving Fund. Twenty-five Dollars (\$25.00) of each administrative fee shall be deposited in the Board of Tests for Alcohol and Drug Influence Revolving Fund. The Board of Tests for Alcohol and Drug Influence shall promulgate rules necessary to administer the program. The IDAP rules shall require, at a minimum:

1. Installation of an approved ignition interlock device for the periods set forth in Section 6-205.1 of this title;
2. A description of ignition interlock violations;

3. A description of criteria to determine acceptable participation in the program;

4. Required violation-free periods of no less than ninety (90) days at the end of each program to demonstrate compliance by the participant;

5. Criteria for medical exemptions from ignition interlock requirements for persons submitting a pulmonologist's certification indicating the person has a documented medical condition preventing the person from providing a breath sample of at least one and two-tenths (1.2) liters. Medical exemptions shall not be construed to grant the person driving privileges during the revocation;

6. Criteria for granting employer exceptions to ignition interlock requirements in vehicles owned or leased by the employer. Employer exceptions under this paragraph shall not be construed to relieve the person from completing the Impaired Driver Accountability Program. Employer exceptions under this paragraph are only authorized for revocations imposed in accordance with paragraph 1 of subsection A of Section 6-205.1 of this title; and

7. Criteria for granting affordability accommodations to persons on public assistance programs or whose family income is at or below one hundred fifty percent (150%) of the federal poverty level.

B. Upon successful completion of the program, in accordance with the rules of the Board of Tests for Alcohol and Drug Influence, the person will be provided a completion certificate. Upon presentation of the IDAP completion certificate and documentation required by Section 6-212.2 of this title and payment of the required statutory fees, Service Oklahoma will reinstate the driving privileges of the person, if otherwise eligible.

C. The Board is authorized to promulgate rules necessary to regulate ignition interlock devices and the providers of such devices, which shall be subject to suspension or revocation in accordance with the rules promulgated by the Board. The Board is authorized to charge appropriate fees for operations incidental to its required duties and responsibilities. No interlock provider utilizing a lease, clause, or contractual agreement that authorizes the provider to impound, physically immobilize, or seize a vehicle for outstanding debts or arrears may be licensed by the Board.

D. The Board is authorized to prescribe uniform standards and conditions for, and to approve satisfactory methods, procedures, techniques, devices, equipment, and records for, ignition interlock device performance and data.

E. The Board is authorized to prescribe and approve the requisite education and training for the performance of ignition interlock services. The Board shall establish standards and ascertain the qualifications and competence of individuals who provide ignition interlock services and to issue permits to such

individuals and service centers which shall be subject to suspension or revocation in accordance with the rules promulgated by the Board.

F. The driving record of a person subject to revocation under the provisions of Section 753 or 754 of this title contained in paragraph 1 of subsection A of Section 6-205.1 of this title, excluding those subject to revocation under the provisions of paragraph 2 of subsection A of Section 6-205 of this title, who enrolls in IDAP in accordance with this paragraph shall be updated to indicate completion of IDAP without revocation, provided the following requirements are satisfied:

1. At the time of the arrest, the person was a holder of a Class D driver license and was not driving or in actual physical control of a commercial motor vehicle;

2. The Board of Tests for Alcohol and Drug Influence receives the request for IDAP participation and payment of the program administration fee as set forth in this section within thirty (30) calendar days from the date of the receipt of the revocation notice from Service Oklahoma;

3. The person is otherwise eligible for driving privileges in Oklahoma on the date he or she enrolls in IDAP;

4. The person provides proof of enrollment in IDAP to Service Oklahoma and obtains a restricted driver license pursuant to Section 6-212.3 of this title prior to the revocation taking effect;

5. The person provides proof of completion of IDAP to Service Oklahoma;

6. The person has complied with the reinstatement requirements set forth in Section 6-212 of this title, including the payment of any necessary fees;

7. The person provides proof of completion of the alcohol and drug assessment and evaluation required by Section 6-212.2 of this title; and

8. The person enrolling in IDAP in accordance with the provisions of this subsection shall waive the right to file an appeal pursuant to Section 6-211 of this title regarding the arrest related to the IDAP enrollment.

Added by Laws 2019, c. 400, § 9, eff. Nov. 1, 2019. Amended by Laws 2022, c. 376, § 5, eff. Nov. 1, 2022; Laws 2024, c. 265, § 4, eff. Nov. 1, 2024; Laws 2025, c. 418, § 1, emerg. eff. May 28, 2025.

§47-6-212.6. Amended by Laws 2022, c. 376, § 8, eff. Nov. 1, 2022.

§47-6-212.7. Impaired Driving Prevention Advisory Committee – Composition – Powers and duties.

A. There is hereby created the Impaired Driving Prevention Advisory Committee. The Committee shall be comprised of:

1. The Commissioner of Public Safety, or a designee, who shall act as the chair;

2. The Chief of the Oklahoma Highway Patrol, or a designee;
3. A member appointed by the District Attorneys Council;
4. A member appointed by the Administrative Office of the Courts;
5. The Commissioner of Mental Health and Substance Abuse Services, or a designee;
6. The Director of the Oklahoma State Bureau of Investigation, or a designee;
7. The State Director of Tests for Alcohol and Drug Influence, or a designee;
8. The Director of the Oklahoma Highway Safety Office, or a designee;
9. The President of the Oklahoma Association of Chiefs of Police, or a designee;
10. The President of the Oklahoma Sheriff's Association, or a designee;
11. The Executive Director of Service Oklahoma, or a designee;
12. A member of the Board of Directors of Safety and Advocacy For Empowerment (SAFE);
13. A representative designated by a victim advocacy group to be selected by the Commissioner of Public Safety;
14. A member of the House of Representatives appointed by the Speaker of the House of Representatives;
15. A member of the Senate appointed by the President Pro Tempore of the Senate;
16. The State Commissioner of Health, or a designee;
17. The Executive Director of the Department of Transportation, or a designee;
18. The Executive Director of the Oklahoma Medical Marijuana Authority, or a designee;
19. The Executive Director of the State Board of Pharmacy, or a designee;
20. The Executive Director of the Alcoholic Beverage Laws Enforcement Commission, or a designee;
21. The Executive Director of the Oklahoma Turnpike Authority, or a designee; and
22. The Executive Director of the Oklahoma Indigent Defense System, or a designee.

B. The Department of Public Safety shall provide administrative support necessary for the Committee to accomplish the goals and objectives assigned by this section.

C. The Committee shall meet at the direction of the chair, and shall meet not less than once a year, but not more than four times a year. A vice chair shall be elected by the Committee from among its members. The vice chair shall act as chair of the Committee in the absence of the chair.

D. The Committee is authorized to collect, analyze, and interpret relevant crash data on impaired driving and associated traffic crashes. In addition, the Committee is authorized to review, evaluate, and monitor the impaired driving system of this state and provide a network of communication and cooperation among the various stakeholders to coordinate and integrate efforts and resources to reduce the incidence and severity of impaired driving crashes.

E. The Committee shall annually complete a statewide strategic plan to reduce the incidents of impaired driving and impaired driving crashes. The plan shall be submitted no later than December 31 of each year to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives.

F. Members of the Committee who are otherwise employed by a state agency or political subdivision shall serve without additional compensation. Members of the Committee who are otherwise employed by a state agency or political subdivision shall be entitled to reimbursement for any actual and necessary traveling expenses in accordance with the State Travel Reimbursement Act from the employing agency.

Added by Laws 2024, c. 265, § 1, eff. Nov. 1, 2024. Amended by Laws 2025, c. 104, § 1, eff. Nov. 1, 2025.

§47-6-301. See the following versions:

OS 47-6-301v1 (SB 544, Laws 2025, c. 38, § 3)

OS 47-6-301v2 (HB 2104, Laws 2025, c. 486, § 516)

§47-6-301v1. Unlawful use of license or identification card.

It shall be unlawful for any person to commit any of the acts specified in paragraph 1 or 2 of this section in relation to an Oklahoma driver license or identification card authorized to be issued by Service Oklahoma pursuant to the provisions of Sections 6-101 through 6-309 of this title or any driver license or other evidence of driving privilege or identification card authorized to be issued by the state of origin.

1. It is a misdemeanor for any licensee:

- a. to display or cause or permit to be displayed one's own license after such license has been suspended, revoked, or canceled or to possess one's own license after having received notice of its suspension, revocation, or cancellation,
- b. to lend one's own license or identification card to any other person or knowingly permit the use thereof by another,
- c. to display or cause or permit to be displayed or to possess a license or identification card issued to oneself which bears altered information concerning the

- date of birth, expiration date, sex, height, eye color, weight, or license or card number,
 - d. to fail or refuse to surrender to Service Oklahoma upon its lawful demand any license or identification card which has been suspended, revoked, or canceled,
 - e. to permit any unlawful use of a license or identification card issued to oneself,
 - f. to do any act forbidden or fail to perform any act required by this chapter, excepting those acts as provided in paragraph 2 of this section,
 - g. to display or represent as one's own any license or identification card not issued to such person unless under conditions provided in subparagraph e of paragraph 2 of this section, or
 - h. to add to, delete from, alter, or deface the required information on a driver license or identification card.
2. It is a felony for any person:
- a. to create, publish, or otherwise manufacture an Oklahoma or other state license or identification card or facsimile thereof, or to create, manufacture, or possess an engraved plate or other such device, card, laminate, digital image or file, or software for the printing of an Oklahoma or other state license or identification card or facsimile thereof, except as authorized pursuant to this title,
 - b. to display or cause or permit to be displayed or to knowingly possess any state counterfeit or fictitious license or identification card,
 - c. to display or cause to be displayed or to knowingly possess any state license or identification card bearing a fictitious or forged name or signature,
 - d. to display or cause to be displayed or to knowingly possess any state license or identification card bearing the photograph of any person, other than the person named thereon as licensee,
 - e. to display or represent as one's own, any license or identification card not issued to him or her, for the purpose of committing a fraud in any commercial transaction or to mislead a peace officer in the performance of his or her duties, or
 - f. to use a false or fictitious name in any application for a license or identification card or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application.

3. It is a felony for any employee or person authorized to issue or approve the issuance of licenses or identification cards under this title to knowingly issue or attempt to issue a license or identification card or to knowingly give approval for, cause, or attempt to cause a license or identification card to be issued:

- a. to a person not entitled thereto,
- b. bearing erroneous information thereon, or
- c. bearing the photograph of a person other than the person named thereon.

Such conduct shall be grounds for termination of employment of the employee.

4. The violation of any of the provisions of paragraph 1 of this section shall constitute a misdemeanor and shall, upon conviction thereof, be punishable by a fine not less than Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00); the violation of any of the provisions of paragraph 2 or 3 of this section shall constitute a felony and shall, upon conviction thereof, be punishable by a fine not to exceed Ten Thousand Dollars (\$10,000.00) or a term of imprisonment in the custody of the Department of Corrections not to exceed seven (7) years, or by both such fine and imprisonment.

5. Notwithstanding any provision of this section, the Department of Public Safety, through the Identity Verification Unit established pursuant to Section 2-106.3 of this title, may, upon the request of the chief administrator of a law enforcement, military, or intelligence agency, authorize the issuance to and display and possession by a person of a license which would otherwise be a violation of this section, for the sole purpose of aiding in a criminal investigation or a military or intelligence operation. While acting pursuant to such authorization by the Department, such person shall not be prosecuted for a violation under this section unless the person exceeds the scope or duration of the Department's authorization. Upon termination of such investigation or operation or upon request of the Department, the chief administrator of the law enforcement agency that requests the issuance of the license and the recipient of the license shall be jointly responsible to ensure the license is promptly returned to the Department. The Department and Service Oklahoma shall enter into interagency agreements as may be necessary to fulfill the powers and duties set forth in this paragraph. The Department may enter into interagency agreements with law enforcement agencies that request issuance of such a license to set forth the terms of the authorization for use of the license, the terms for custody and control of the license, and the terms for duration and revocation of authorization to use or possess the license.

Added by Laws 1961, p. 351, § 6-301, eff. Sept. 1, 1961. Amended by Laws 1980, c. 131, § 1, emerg. eff. April 14, 1980; Laws 1985, c.

45, § 9, eff. Jan. 1, 1986; Laws 1990, c. 219, § 41, eff. Jan. 1, 1991; Laws 1997, c. 133, § 477, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 344, eff. July 1, 1999; Laws 2001, c. 216, § 2, eff. Nov. 1, 2001; Laws 2001, 1st Ex. Sess., c. 2, § 2, emerg. eff. Oct. 8, 2001; Laws 2002, c. 86, § 5, emerg. eff. April 17, 2002; Laws 2003, c. 392, § 18, eff. July 1, 2003; Laws 2004, c. 149, § 8, eff. Nov. 1, 2004; Laws 2022, c. 282, § 76, emerg. eff. May 19, 2022; Laws 2025, c. 38, § 3, emerg. eff. May 3, 2025.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 477 from July 1, 1998, to July 1, 1999.

§47-6-301. Unlawful use of license or identification card.

It shall be unlawful for any person to commit any of the acts specified in paragraph 1 or 2 of this section in relation to an Oklahoma driver license or identification card authorized to be issued by Service Oklahoma pursuant to the provisions of Sections 6-101 through 6-309 of this title or any driver license or other evidence of driving privilege or identification card authorized to be issued by the state of origin.

1. It is a misdemeanor for any licensee:

- a. to display or cause or permit to be displayed one's own license after such license has been suspended, revoked or canceled or to possess one's own license after having received notice of its suspension, revocation, or cancellation,
- b. to lend one's own license or identification card to any other person or knowingly permit the use thereof by another,
- c. to display or cause or permit to be displayed or to possess a license or identification card issued to oneself which bears altered information concerning the date of birth, expiration date, sex, height, eye color, weight or license or card number,
- d. to fail or refuse to surrender to Service Oklahoma upon its lawful demand any license or identification card which has been suspended, revoked or canceled,
- e. to permit any unlawful use of a license or identification card issued to oneself,
- f. to do any act forbidden or fail to perform any act required by this chapter, excepting those acts as provided in paragraph 2 of this section,
- g. to display or represent as one's own, any license or identification card not issued to such person, unless under conditions provided in subparagraph e of paragraph 2 of this section, or

- h. to add to, delete from, alter, or deface the required information on a driver license or identification card.
- 2. It is a felony for any person:
 - a. to create, publish or otherwise manufacture an Oklahoma or other state license or identification card or facsimile thereof, or to create, manufacture or possess an engraved plate or other such device, card, laminate, digital image or file, or software for the printing of an Oklahoma or other state license or identification card or facsimile thereof, except as authorized pursuant to this title,
 - b. to display or cause or permit to be displayed or to knowingly possess any state counterfeit or fictitious license or identification card,
 - c. to display or cause to be displayed or to knowingly possess any state license or identification card bearing a fictitious or forged name or signature,
 - d. to display or cause to be displayed or to knowingly possess any state license or identification card bearing the photograph of any person, other than the person named thereon as licensee,
 - e. to display or represent as one's own, any license or identification card not issued to him or her, for the purpose of committing a fraud in any commercial transaction or to mislead a peace officer in the performance of his or her duties, or
 - f. to use a false or fictitious name in any application for a license or identification card or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application.

3. It is a felony for any employee or person authorized to issue or approve the issuance of licenses or identification cards under this title to knowingly issue or attempt to issue a license or identification card or to knowingly give approval for, cause, or attempt to cause a license or identification card to be issued:

- a. to a person not entitled thereto,
- b. bearing erroneous information thereon, or
- c. bearing the photograph of a person other than the person named thereon.

Such conduct shall be grounds for termination of employment of the employee.

4. The violation of any of the provisions of paragraph 1 of this section shall constitute a misdemeanor and shall, upon conviction thereof, be punishable by a fine of not less than Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00);

the violation of any of the provisions of paragraph 2 or 3 of this section shall constitute a Class D1 felony offense and shall, upon conviction thereof, be punishable by a fine not exceeding Ten Thousand Dollars (\$10,000.00), or a term of imprisonment as provided for in subsections B through F of Section 20N of Title 21 of the Oklahoma Statutes, or by both such fine and imprisonment.

5. Notwithstanding any provision of this section, Service Oklahoma may, upon the request of the chief administrator of a law enforcement, military, or intelligence agency, authorize the issuance to and display, and possession by a person of a license which would otherwise be a violation of this section, for the sole purpose of aiding in a criminal investigation or a military or intelligence operation. While acting pursuant to such authorization by Service Oklahoma, such person shall not be prosecuted for a violation under this section. Upon termination of such investigation or operation or upon request, Service Oklahoma shall forthwith cause such license to be returned to Service Oklahoma. Added by Laws 1961, p. 351, § 6-301, eff. Sept. 1, 1961. Amended by Laws 1980, c. 131, § 1, emerg. eff. April 14, 1980; Laws 1985, c. 45, § 9, eff. Jan. 1, 1986; Laws 1990, c. 219, § 41, eff. Jan. 1, 1991; Laws 1997, c. 133, § 477, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 344, eff. July 1, 1999; Laws 2001, c. 216, § 2, eff. Nov. 1, 2001; Laws 2001, 1st Ex. Sess., c. 2, § 2, emerg. eff. Oct. 8, 2001; Laws 2002, c. 86, § 5, emerg. eff. April 17, 2002; Laws 2003, c. 392, § 18, eff. July 1, 2003; Laws 2004, c. 149, § 8, eff. Nov. 1, 2004; Laws 2022, c. 282, § 76, emerg. eff. May 19, 2022; Laws 2025, c. 486, § 516, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 477 from July 1, 1998, to July 1, 1999.

§47-6-302. Making false affidavit perjury.

Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this chapter to be sworn to or affirmed, is guilty of perjury, a Class C1 felony offense, and upon conviction shall be punishable by fine or imprisonment as provided for in subsections B through E of Section 20L of Title 21 of the Oklahoma Statutes.

Added by Laws 1961, p. 351, § 6-302, eff. Sept. 1, 1961. Amended by Laws 2025, c. 486, § 198, eff. Jan. 1, 2026.

§47-6-303. Driving without license or while license is canceled, denied, suspended, or revoked - Penalties.

A. No person shall operate a motor vehicle upon the public roads, streets, highways, turnpikes or other public place of this state without having a valid driver license for the class of vehicle being operated from Service Oklahoma, except as herein specifically exempted.

Any violation of the provisions of this subsection shall constitute a misdemeanor and shall be punishable by a fine of not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00) plus costs or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

Any person charged with violating this section who produces in court, on or before the court date, a renewal or replacement driver license issued to him or her shall be entitled to dismissal of such charge without payment of court costs and fine.

B. Any person who drives a motor vehicle on any public roads, streets, highways, turnpikes or other public place of this state at a time when the person's privilege to do so is canceled, denied, suspended or revoked or at a time when the person is disqualified from so doing shall be guilty of a misdemeanor and upon conviction shall be punished by a fine:

1. For a first conviction, of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00);

2. For a second conviction, of not less than Two Hundred Dollars (\$200.00) and not more than Seven Hundred Fifty Dollars (\$750.00);

3. For a third and subsequent conviction, of not less than Three Hundred Dollars (\$300.00) and not more than One Thousand Dollars (\$1,000.00),

or by imprisonment for not more than one (1) year or by both such fine and imprisonment. Each act of driving on the highways as prohibited shall constitute a separate offense.

C. Any person who drives a motor vehicle on any public roads, streets, highways, turnpikes or other public roads of this state at a time when the driving privilege of that person is canceled, denied, suspended or revoked, pursuant to paragraph 1 of subsection A of Section 6-205.1 of this title, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine:

1. For a first conviction, of not less than Five Hundred Dollars (\$500.00) and not more than One Thousand Dollars (\$1,000.00);

2. For a second conviction, of not less than One Thousand Dollars (\$1,000.00) and not more than Two Thousand Dollars (\$2,000.00);

3. For a third and subsequent conviction, of not less than Two Thousand Dollars (\$2,000.00) and not more than Five Thousand Dollars (\$5,000.00),

or by imprisonment for not more than one (1) year or by both such fine and imprisonment. Each act of driving on the highways as prohibited shall constitute a separate offense.

D. Service Oklahoma, upon receiving a record of conviction of an offense committed by any person whose license or privilege to operate motor vehicles is under suspension or revocation, shall

extend the period of such suspension or revocation for an additional three-month period of time. The additional orders of suspension or revocation shall be dated and become effective the day following the date terminating the prior order of suspension or revocation.

E. Service Oklahoma, upon receiving a record of conviction of an offense committed by any person whose license or privilege to operate motor vehicles is under revocation, pursuant to paragraph 1, 2, or 3 of subsection A of Section 6-205.1 of this title, shall extend the period of such revocation for an additional four-month period of time. The additional orders of revocation shall be dated and become effective the day following the date terminating the prior order of revocation.

F. Service Oklahoma, upon receiving a record of conviction for a person convicted of an offense specified in Section 11-905 of this title, shall extend the period of such suspension, revocation or denial of driving privilege for an additional twelve-month period of time. The additional orders of suspension, revocation or denial of driving privilege shall be dated and become effective the day following the date terminating the prior order of suspension, revocation or denial of driving privilege.

G. It shall be a misdemeanor punishable by imprisonment for not less than seven (7) days nor more than six (6) months, or by a fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment, for any person to apply for a renewal or a replacement license to operate a motor vehicle while the person's license, permit or other evidence of driving privilege is in the custody of a law enforcement officer or Service Oklahoma. A notice regarding this offense and the penalty therefor shall be included on the same form containing the notice of revocation issued by the officer.

H. Any fine collected pursuant to a second or subsequent conviction, as provided in subsections B and C of this section, shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes.

I. Any person who drives a motorcycle or motor-driven cycle, as defined in this title, on public roads, streets, highways, turnpikes or other public place of this state without the proper endorsement on a current state-issued license shall be guilty of a misdemeanor. Any person charged with violating this section may request a six-month deferral for the purpose of obtaining the following:

1. Proof of successful completion of a Motorcycle Safety Foundation rider course approved by Service Oklahoma; and
2. Proper motorcycle endorsement on the person's valid driver license.

Upon presenting the court with proof of satisfaction of both requirements within the deferral period, the offender shall be

entitled to dismissal of the charge, and may be subject to a reduced payment of court costs and fine.

J. Any person who operates a motor vehicle requiring an endorsement or endorsements, as provided by Section 6-110.1 of this title, on public roads, streets, highways, turnpikes or other public places of this state without the proper endorsement on a current state-issued license shall be guilty of a misdemeanor.

Added by Laws 1961, p. 351, § 6-303, eff. Sept. 1, 1961. Amended by Laws 1967, c. 229, § 1, emerg. eff. May 2, 1967; Laws 1968, c. 176, § 1, emerg. eff. April 15, 1968; Laws 1982, c. 273, § 3, operative Oct. 1, 1982; Laws 1984, c. 254, § 3, eff. Nov. 1, 1984; Laws 1988, c. 242, § 8, eff. Nov. 1, 1988; Laws 1990, c. 219, § 42, eff. Jan. 1, 1991; Laws 1993, c. 97, § 5, eff. Sept. 1, 1993; Laws 2001, c. 337, § 1, eff. Nov. 1, 2001; Laws 2002, c. 86, § 6, emerg. eff. April 17, 2002; Laws 2004, c. 387, § 1, eff. Nov. 1, 2004; Laws 2005, c. 1, § 52, emerg. eff. March 15, 2005; Laws 2007, c. 326, § 13, eff. Nov. 1, 2007; Laws 2009, c. 155, § 2, eff. July 1, 2009; Laws 2015, c. 382, § 1, eff. Jan. 1, 2016; Laws 2016, c. 141, § 2, eff. Nov. 1, 2016; Laws 2020, c. 137, § 2; Laws 2022, c. 282, § 77, emerg. eff. May 19, 2022.

NOTE: Laws 2004, c. 390, § 9 repealed by Laws 2005, c. 1, § 53, emerg. eff. March 15, 2005.

§47-6-304. Permitting unauthorized minor to drive.

No person shall cause or knowingly permit his child or ward under the age of sixteen years to drive a motor vehicle upon any highway when such minor is not authorized hereunder or in violation of any of the provisions of this chapter.

Laws 1961, p. 352, § 6-304.

§47-6-305. Permitting unauthorized person to drive.

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or in violation of any of the provisions of this chapter.

Laws 1961, p. 352, § 6-305.

§47-6-306. Employer permitting unlicensed or improperly licensed person to drive.

No employer shall permit a person to operate a motor vehicle under his control unless the person has a valid license for the class of vehicle being operated.

Amended by Laws 1990, c. 219, § 43, eff. Jan. 1, 1991.

§47-6-307. Liability for knowingly permitting the operation by a person not qualified.

Any person as herein defined, who is the owner of any motor vehicle and knowingly permits such motor vehicle to be operated by any person who is not qualified to operate a motor vehicle under the provisions of this act, shall be held civilly liable as a joint tortfeasor for any unlawful act committed by such operator. Laws 1961, p. 352, § 6-307.

§47-6-308. Penalty for misdemeanor.

A. It is a misdemeanor for any person to violate any of the provisions of Section 6-101 et seq. of this title unless such violation is by Section 6-101 et seq. of this title or other law of this state declared to be a felony.

B. Unless another penalty is in Section 6-101 et seq. of this title or by laws of this state provided, every person convicted of a misdemeanor for the violation of any provision of Section 6-101 et seq. of this title shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

C. Service Oklahoma may, in addition to the penalty above, suspend for a period not exceeding thirty (30) days the registration certificate of a motor vehicle owned by any person who permits said vehicle to be used in violation of Section 6-304, 6-305 or 6-306 of this title. Service Oklahoma may suspend, for a period of not to exceed six (6) months, the registration certificate of any motor vehicle, when the owner permits said vehicle to be operated by an individual whose driving privilege is under denial, cancellation, suspension or revocation.

Laws 1961, p. 352, § 6-308, eff. Sept. 1, 1961. Amended by Laws 1992, c. 217, § 15, eff. July 1, 1992; Laws 2022, c. 282, § 78, emerg. eff. May 19, 2022.

§47-6-309. Operation of Class D motor vehicle under Class A, B or C commercial license.

Notwithstanding any other provision of law, any person who lawfully possesses a valid Oklahoma Class A, B or C commercial license shall be entitled to operate a Class D motor vehicle or motorcycle or motor-driven cycle in accordance with the driver license granted and the endorsements thereon until the expiration of said license, except for any period of time in which the license has been canceled, suspended or revoked.

Added by Laws 1990, c. 219, § 45, eff. Jan. 1, 1991. Amended by Laws 1992, c. 217, § 16, eff. July 1, 1992; Laws 1993, c. 97, § 6, eff. Sept. 1, 1993; Laws 1995, c. 23, § 10, eff. Nov. 1, 1995; Laws 2004, c. 521, § 6, eff. Nov. 1, 2004.

§47-7-101. Commissioner of public safety to administer chapter.

A. The Commissioner of Public Safety shall administer and enforce the provisions of this chapter and may make rules and regulations necessary for its administration.

B. The Commissioner shall provide for hearings upon request of persons aggrieved by orders or acts of the Commissioner under the provisions of this act.

C. The Commissioner shall prescribe and provide suitable forms requisite or deemed necessary for the purposes of this chapter.

D. The Commissioner shall provide notice of any suspension of driving privileges and any termination of a prior order of suspension of driving privileges, pursuant to this chapter, to Service Oklahoma.

Added by Laws 1961, p. 352, § 7-101, emerg. eff. Sept. 1, 1961.

Amended by Laws 2022, c. 282, § 79, emerg. eff. May 19, 2022.

§47-7-102. Court review.

Any order or act of the Department of Public Safety under the provisions of this chapter shall be subject to review, at the instance of any party in interest, by appeal to the district court as provided for in Section 6-211 of this title.

Added by Laws 1961, p. 353, § 7-102, eff. Sept. 1, 1961. Amended by Laws 2000, c. 189, § 3, eff. July 1, 2000.

§47-7-103. Definitions.

The following words and phrases when used in Title 47 of the Oklahoma Statutes shall have the meanings respectively ascribed to them in this section:

1. "Judgment" means any judgment which shall have become final by expiration without appeal in the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any vehicle subject to registration under the laws of this state, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for the damages;

2. "Minimum liability insurance limits" means:

a. for vehicle liability policies issued or renewed before April 1, 2005:

- (1) a limit of not less than Ten Thousand Dollars (\$10,000.00) because of bodily injury to or death of one person in any one accident,
- (2) subject to the limit for one person as prescribed in subparagraph a of this paragraph, a limit of not less than Twenty Thousand Dollars

- (\$20,000.00) because of bodily injury to or death of two or more persons in any one accident, and
 - (3) if the accident has resulted in injury to or destruction of property, a limit of not less than Ten Thousand Dollars (\$10,000.00) because of injury to or destruction of property of others in any one accident, or
 - b. for vehicle liability policies issued or renewed on or after April 1, 2005:
 - (1) a limit of not less than Twenty-five Thousand Dollars (\$25,000.000) because of bodily injury to or death of one person in any one accident,
 - (2) subject to the limit for one person as prescribed in subparagraph a of this paragraph, a limit of not less than Fifty Thousand Dollars (\$50,000.00) because of bodily injury to or death of two or more persons in any one accident, and
 - (3) if the accident has resulted in injury to or destruction of property to a limit of not less than Twenty-five Thousand Dollars (\$25,000.00) because of injury to or destruction of property of others in any one accident;

3. "Motor vehicle liability policy" means an owner's policy or operator's policy of liability, as defined in this chapter, issued by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured. With respect to a policy which grants coverage in excess of or in addition to minimum liability insurance limits, the term motor vehicle liability policy shall apply only to that part of the coverage which is required by minimum liability insurance limits; and

4. "Proof of financial responsibility" means proof of ability to respond in damages for liability at the minimum liability insurance limits:

- a. resulting from accidents occurring subsequent to the effective date of the proof,
- b. arising out of the ownership, maintenance or use of a vehicle subject to registration under the laws of this state.

Added by Laws 2009, c. 62, § 1, eff. Nov. 1, 2009.

§47-7-116. Damage limitation - Compulsory Insurance Law.

A. Except as provided in subsection B of this section, in any civil action to recover damages arising out of an accident involving the operation of a motor vehicle or for any claim against the motor vehicle liability insurance coverage of another party, the maximum amount that a plaintiff or claimant may receive, if the plaintiff or

claimant is not in compliance with the Compulsory Insurance Law, shall be limited to the amount of medical costs, property damage, and lost income and shall not include any award for pain and suffering.

B. The limitations provided for in subsection A of this section shall not apply:

1. If the plaintiff or claimant was injured by a motorist who at the time of the accident was operating or using a motor vehicle while under the influence of drugs or alcohol in violation of any provision of law relating to the illegal operation or use of a motor vehicle while under the influence of drugs or alcohol, and that motorist:

- a. was convicted of, or pled guilty or nolo contendere to, the offense, or
- b. dies as a result of the accident if it is proven by a preponderance of the evidence that the motorist was operating or using the motor vehicle while under the influence of drugs or alcohol in violation of any provision of law relating to the illegal operation or use of a motor vehicle while under the influence of drugs or alcohol;

2. If the plaintiff or claimant was a passenger in a motor vehicle involved in the accident, unless the plaintiff or claimant is an owner of the vehicle;

3. If the plaintiff or claimant was not in any motor vehicle involved in the accident;

4. To wrongful death claims;

5. If the motorist who caused the accident:

- a. intentionally caused the accident,
- b. left the scene of the accident, or
- c. at the time of the accident, was acting in furtherance of the commission of a felony;

6. If, at the time of the accident, the plaintiff or claimant was claimed as a dependent on the federal income tax return of one or both parents of the plaintiff or claimant and the parent or parents were not in compliance with the Compulsory Insurance Law; or

7. If, at the time of the accident, the plaintiff or claimant previously had been covered by an insurance policy meeting the requirements of the Compulsory Insurance Law that was terminated or nonrenewed for failure to pay the premium, unless at least thirty (30) days prior to the accident notice of termination was sent to the last-known mailing address of the policyholder.

C. Each person who is involved in the accident which is the basis for the action or claim by the plaintiff or claimant and who is found liable for damages to the plaintiff or claimant may assert the limitation of recovery provided for in subsection A of this section, unless the provisions of subsection B of this section

apply. The motor vehicle liability insurer of the person asserting the limitation of recovery also may assert the limitation.

Added by Laws 2011, c. 366, § 1, eff. Nov. 1, 2011.

§47-7-201. Application of Article II.

The provisions of this chapter, requiring deposit of security, filing of proof of financial responsibility, and suspensions for failure to deposit security or file proof of financial responsibility, subject to certain exemptions, shall apply to the driver and owner of any vehicle of a type subject to registration under the motor vehicle laws of this state which is in any manner involved in an accident upon the highways and elsewhere throughout the state, which accident has resulted in bodily injury to or death of any person or damage to the property of any one person in excess of Three Hundred Dollars (\$300.00).

Laws 1961, p. 353, § 7-201; Laws 1965, c. 187, § 1, emerg. eff. June 8, 1965; Laws 1972, c. 160, § 1; Laws 1980, c. 100, § 1, eff. Oct. 1, 1980; Laws 1980, c. 235, § 1, eff. Jan. 1, 1981.

§47-7-202. Department to determine amount of security required - Notices.

A. The Department of Public Safety, not less than twenty (20) days after receipt of a report of an accident, as described in Section 7-201 of this title, shall determine the amount of security which shall be sufficient in its judgment to satisfy any judgment or judgments for damages resulting from the accident, based on the reports or other information submitted to the Department, as may be recovered against each driver or owner. The determination shall not be made with respect to drivers or owners who are exempt under Section 7-203 of this title from the requirements as to security and suspension.

B. The Department, not less than fifty (50) days after receipt of report of an accident as described in Section 7-201 of this title and upon determining the amount of security to be required of any person involved in the accident or to be required of the owner of any vehicle involved in the accident shall give written notice pursuant to the provisions of Section 2-116 of this title to every person of the amount of security required to be deposited by him or her and that an order of suspension will be made to become effective upon the expiration of ten (10) days after the sending of the notice unless within that time security be deposited as required by the notice.

Added by Laws 1961, p. 354, § 7-202, eff. Sept. 1, 1961. Amended by Laws 1986, c. 279, § 17, operative July 1, 1986; Laws 2009, c. 62, § 2, eff. Nov. 1, 2009.

§47-7-203. Exceptions to requirement of security.

The provisions in this chapter requiring security, proof of financial responsibility, and suspension in this article shall not apply:

1. To the driver or owner if the owner had in effect at the time of the accident a motor vehicle liability policy with respect to the vehicle involved in the accident; provided, a driver shall not be exempt under this paragraph if at the time of the accident the vehicle was being operated without the permission, express or implied, of the owner;

2. To the driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident a motor vehicle liability policy with respect to the operation of vehicles not owned by the driver;

3. To a driver or owner whose liability for damages resulting from the accident is, in the judgment of the Department, covered by any other form of motor vehicle liability insurance policy;

4. To any person qualifying as a self-insurer under Section 7-503 of this title or to any person operating a vehicle for the self-insurer;

5. To the driver or the owner of a vehicle involved in an accident wherein no injury or damage was caused to the person or property of anyone other than the driver or owner, unless the vehicle is being operated without the permission of the owner, express or implied;

6. To the driver or owner of a vehicle which at the time of the accident was parked, unless the vehicle was parked at a place where parking was at the time of the accident prohibited under any applicable law or ordinance;

7. To the owner of a vehicle if at the time of the accident the vehicle was being operated without the permission of the owner, express or implied, or was parked by a person who had been operating the vehicle without permission of the owner, express or implied;

8. To the owner of a vehicle involved in an accident if at the time of the accident the vehicle was owned by or leased to the United States, this state or any political subdivision of this state or a municipality thereof, or to the driver of the vehicle if operating the vehicle with permission; or

9. To the driver or the owner of a vehicle if at the time of the accident the vehicle was being operated by or under the direction of a peace officer who, in the performance of his or her duties, shall have assumed custody of the vehicle.

Added by Laws 1961, p. 354, § 7-203. Amended by Laws 1965, c. 187, § 2, emerg. eff. June 8, 1965; Laws 2009, c. 62, § 3, eff. Nov. 1, 2009.

§47-7-204. Policy requirements.

A. No motor vehicle liability policy shall be considered effective to provide any exemption under Section 7-203 of this title unless;

1. The policy is issued by an insurance company authorized to do business in this state, except as provided in subsection B of this section; and

2. The policy provides, if the accident has resulted in bodily injury or death or property injury or destruction, exclusive of interest and costs, not less than minimum liability insurance limits.

B. No motor vehicle liability policy shall be considered effective to provide any exemption under Section 7-203 of this title with respect to any vehicle which was not registered in this state at the effective date of the policy or the most recent renewal thereof, unless the insurance company issuing the policy is authorized to do business in this state or in the state of registration.

C. The Department of Public Safety may rely upon the accuracy of the information in a required report of an accident as to the existence of a motor vehicle liability policy unless and until the Department has reason to believe that the information is erroneous. Added by Laws 1961, p. 355, § 7-204, eff. Sept. 1, 1961. Amended by Laws 1980, c. 235, § 2, eff. Jan. 1, 1981; Laws 2004, c. 519, § 31, eff. Nov. 1, 2004; Laws 2009, c. 62, § 4, eff. Nov. 1, 2009.

§47-7-205. Form and amount of security.

A. The security required under this chapter shall be in the form and in the amount the Department of Public Safety requires, but in no case in excess of minimum liability insurance limits.

B. Every depositor of security shall designate in writing every person in whose name the deposit is made and may at any time change the designation, but any single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.

Added by Laws 1961, p. 355, § 7-205. Amended by Laws 2009, c. 62, § 5, eff. Nov. 1, 2009.

§47-7-206. Failure to deposit security and file proof of financial responsibility.

In the event that any person required to deposit security and file proof of financial responsibility under this article fails to deposit such security and file such proof of financial responsibility within ten (10) days after the Department of Public Safety has sent the notice as hereinbefore provided, the Department shall thereupon suspend the driving privilege of each driver in any manner involved in the accident.

The suspension shall be made in respect to each person required by the Department to deposit security who fails to deposit such security, except as otherwise provided in Section 7-207, 7-208, 7-209, or 7-210 of this title.

Added by Laws 1961, p. 355, § 7-206, eff. Sept. 1, 1961. Amended by Laws 1965, c. 187, § 3, emerg. eff. June 8, 1965; Laws 2009, c. 62, § 6, eff. Nov. 1, 2009.

§47-7-207. Release from liability.

A. A person shall be relieved from the requirement for deposit of security for the benefit or protection of another person injured or damaged in the accident, provided he or she has given proof of financial responsibility, in the event he or she is released from liability by the other person.

B. A covenant not to sue shall relieve the parties thereto as to each other from the security requirements of this chapter.

C. In the event the Department of Public Safety has received medical evidence that the injuries or damage to any minor are in an amount not more than Two Hundred Dollars (\$200.00), the Department may accept, for the purposes of this article only, evidence of a release from liability executed by a custodial parent or a legal guardian on behalf of the minor without the approval of any court or judge.

Added by Laws 1961, p. 355, § 7-207. Amended by Laws 1965, c. 187 § 4, emerg. eff. June 8, 1965; Laws 2009, c. 62, § 7, eff. Nov. 1, 2009.

§47-7-208. Adjudication of nonliability.

A person shall be relieved from the requirement for deposit of security in respect to a claim for injury or damage arising out of the accident in the event such person has been finally adjudicated not to be liable in respect to such claim.

Laws 1961, p. 356, § 7-208.

§47-7-209. Agreements for payment of damages.

A. Any two or more of the persons involved in or affected by an accident, as described in Section 7-201 of this title, may at any time enter into a written agreement for the payment of an agreed amount with respect to all claims of any of the persons because of bodily injury to or death or property damage arising from the accident, which agreement may provide for payment in installments, and may file a signed copy thereof with the Department of Public Safety.

B. The Department, to the extent provided by the written agreement filed with it, shall not require the deposit of security and shall terminate any prior order of suspension, provided that proof of financial responsibility has been filed; provided, if

security has previously been deposited, the Department shall immediately return the security to the depositor or to the personal representative of the depositor.

C. Upon notice to the Department of a default in any payment under the agreement, the Department shall take action suspending the driving privilege of the person in default as in the same manner as for failure of the person to deposit security when required under this chapter. When reporting a default, the amount already paid and the outstanding balance shall be provided to the Department. Provided, this subsection shall not be deemed to require any party to the agreement to make notice to the Department of a default of any payment.

D. The suspension provided for in subsection C of this section shall remain in effect and the driving privilege of the person shall not be restored unless and until:

1. Security is deposited and proof of financial responsibility is filed as required under this chapter, the security to be in such amount as the Department may then determine;

2. The person in default has paid the balance of the agreed amount; or

3. One (1) year has elapsed following the effective date of the suspension and evidence satisfactory to the Department has been filed with it that during the one-year period no action at law upon the agreement has been instituted and is pending.

Added by Laws 1961, p. 356, § 7-209. Amended by Laws 1965, c. 187, § 5, emerg. eff. June 8, 1965; Laws 2009, c. 62, § 8, eff. Nov. 1, 2009.

§47-7-210. Payment upon judgment.

The payment of a judgment arising out of an accident or the payment upon the judgment of an amount equal to the maximum amount which could be required for deposit under this chapter shall, for the purposes of this chapter, release the judgment debtor from the liability evidenced by the judgment, provided that the person has filed proof of financial responsibility.

Added by Laws 1961, p. 356, § 7-210. Amended by Laws 1965, c. 187, § 6, emerg. eff. June 8, 1965; Laws 2009, c. 62, § 9, eff. Nov. 1, 2009.

§47-7-211. Termination of security requirement.

The Department, if satisfied as to the existence of any fact which under Sections 7-207, 7-208, 7-209 or 7-210 would entitle a person to be relieved from the security requirements of this chapter, shall not require the deposit of security by the person so relieved from such requirement and shall terminate any prior order of suspension in respect to such person, provided that he has filed proof of financial responsibility, or, if security has previously

been deposited by such person, the Department shall immediately return such deposit to such person or to his personal representative.

Laws 1961, p. 356, § 7-211; Laws 1965, c. 187, § 7, emerg. eff. June 8, 1965.

§47-7-212. Duration of suspension.

Unless a suspension is terminated under other provisions of this chapter, any order of suspension by the Department of Public Safety under this chapter shall remain in effect and no license shall be renewed for or issued to any person whose driving privilege is suspended until:

1. The person shall deposit and file or there shall be deposited and filed on behalf of the person the security and proof of financial responsibility required under this chapter, or

2. One (1) year shall have elapsed following the date of the suspension and evidence satisfactory to the Department has been filed with it that during the one-year period no action for damages arising out of the accident resulting in the suspension has been instituted, provided, the person has filed the required proof of financial responsibility.

An affidavit of the applicant that no action at law for damages arising out of the accident has been filed against him or her or, if filed, that it is not still pending shall be prima facie evidence of that fact. The Department may take whatever steps are necessary to verify the statement set forth in the affidavit.

Added by Laws 1961, p. 356, § 7-212. Amended by Laws 1965, c. 187, § 8, emerg. eff. June 8, 1965; Laws 2009, c. 62, § 10, eff. Nov. 1, 2009.

§47-7-213. Application to nonresidents, unlicensed drivers, unregistered vehicles and accidents in other states.

A. In case the driver or the owner of a vehicle subject to registration under the laws of this state involved in an accident within this state has no driver license in this state, then the driver shall be denied a driver license until he or she has complied with the requirements of this chapter to the same extent that would be necessary if, at the time of the accident, he or she had held a driver license in this state.

B. When a nonresident's driving privilege is suspended pursuant to Section 7-206 of this title, the Department of Public Safety, in conjunction with Service Oklahoma, shall transmit a copy of the record of the action to the official in charge of the issuance of driver licenses in the state in which the nonresident resides.

C. Upon receipt of a copy of a record from another state that the driving privilege of a resident of this state has been suspended or revoked in the other state for failure to deposit security for

the payment of judgments arising out of a motor vehicle accident, or for failure to give and maintain proof of financial responsibility, under circumstances which would require Service Oklahoma to suspend the driving privilege of the person had the accident occurred in this state, Service Oklahoma shall suspend the driving privilege of the resident if he or she was the driver determined to be at fault in the accident. The suspension shall continue until the resident furnishes evidence of his or her compliance with the law of the other state relating to the deposit of such security or files proof of financial responsibility.

Added by Laws 1961, p. 357, § 7-213, emerg. eff. Sept. 1, 1961.

Amended by Laws 1965, c. 187, § 9, emerg. eff. June 8, 1965; Laws 2009, c. 62, § 11, eff. Nov. 1, 2009; Laws 2022, c. 282, § 80, emerg. eff. May 19, 2022.

§47-7-214. Authority of Department to decrease amount of security.

The Department of Public Safety may reduce the amount of security ordered in any case within one (1) year after the date of the accident if in its judgment the amount ordered is excessive. In case the security originally ordered has been deposited, the excess deposit over the reduced amount ordered shall be returned forthwith to the depositor or the personal representative of the depositor.

Added by Laws 1961, p. 357, § 7-214. Amended by Laws 2009, c. 62, § 12, eff. Nov. 1, 2009.

§47-7-215. Correction of action of Department.

Whenever the Department of Public Safety has taken any action or has failed to take any action under this article by reason of having received erroneous information or no information, then, upon receiving further information within one (1) year after the date of an accident, the Department shall take appropriate action to carry out the purposes and effect of this article. Provided, this section shall not be deemed to require the Department to reevaluate the amount of any deposit required under this article.

Added by Laws 1961, p. 357, § 7-215. Amended by Laws 2009, c. 62, § 13, eff. Nov. 1, 2009.

§47-7-216. Custody of security.

The Department shall place any negotiable security, or security issued in bearer form, deposited with it under this chapter in the custody of the State Treasurer. Receipts or other documents evidencing the existence of a security shall be retained by the Department.

Added by Laws 1961, p. 357, § 7-216, eff. Sept. 1, 1961. Amended by Laws 1998, c. 85, § 2, eff. July 1, 1998.

§47-7-217. Disposition of security.

Such security shall be applicable and available only

1. For the payment of any settlement agreement covering any claim arising out of the accident upon instruction of the person who made the deposit, or

2. For the payment of a judgment or judgments, rendered against the person required to make the deposit, for damages arising out of the accident in an action at law begun not later than one (1) year after the deposit of such security, or within one (1) year after the date of deposit of any security following failure to make payments under an agreement to pay.

Laws 1961, p. 357, § 7-217.

§47-7-218. Return of deposit.

Upon the expiration of one (1) year from the date of any deposit of security, any security remaining on deposit shall be returned to the person who made such deposit or to his personal representative if an affidavit or other evidence satisfactory to the Department has been filed with it:

1. That no action for damages arising out of the accident for which deposit was made is pending against any person on whose behalf the deposit was made, and

2. That there does not exist any unpaid judgment rendered against any such person in such an action.

The foregoing provisions of this section shall not be construed to limit the return of any deposit of security under any other provision of this chapter authorizing such return.

Laws 1961, p. 357, § 7-218.

§47-7-219. Matters not to be evidence in civil suits.

The report required following an accident, the action taken by the Department pursuant to this chapter, the findings, if any, of said Department upon which such action is based, and the security filed as provided in this chapter shall not be referred to in any way and shall not be any evidence of the negligence or due care of either party at the trial of any action at law to recover damages.

Laws 1961, p. 358, § 7-219.

§47-7-301. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-302. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-303. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-304. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-305. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-306. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-307. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-308. When courts to report nonpayment of judgments.

Whenever any person fails within thirty (30) days to satisfy any judgment, then upon the written request of the judgment creditor or his attorney it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this state to forward to Service Oklahoma immediately upon such request a certified copy of such judgment.

Added by Laws 1961, p. 359, § 7-308, emerg. eff. Sept. 1, 1961.

Amended by Laws 2022, c. 282, § 81, emerg. eff. May 19, 2022.

§47-7-309. Further action with respect to nonresidents.

If the defendant named in any certified copy of a judgment reported to Service Oklahoma, as prescribed in Section 7-308 of this title, is a nonresident, then Service Oklahoma shall transmit a certified copy of the judgment to the official in charge of the issuance of driver licenses of the state of which the defendant is a resident.

Added by Laws 1961, p. 359, § 7-309, emerg. eff. Sept. 1, 1961.

Amended by Laws 2009, c. 62, § 14, eff. Nov. 1, 2009; Laws 2022, c. 282, § 82, emerg. eff. May 19, 2022.

§47-7-310. Suspension for nonpayment of judgments.

Service Oklahoma, upon receipt of a certified copy of a judgment as prescribed in Section 7-308 of this title and a certificate of facts relative to such judgment, on a form provided by Service Oklahoma, shall forthwith suspend the driving privilege of any person against whom the judgment was rendered, except as hereinafter otherwise provided in this chapter.

Added by Laws 1961, p. 359, § 7-310, emerg. eff. Sept. 1, 1961.

Amended by Laws 2009, c. 62, § 15, eff. Nov. 1, 2009; Laws 2022, c. 282, § 83, emerg. eff. May 19, 2022.

§47-7-311. Exception in relation to government vehicles.

The provisions of Section 7-310 shall not apply with respect to any such judgment arising out of an accident caused by the ownership or operation, with permission, of a vehicle owned or leased to the United States, this state or any political subdivision of this state or a municipality thereof.

Laws 1961, p. 359, § 7-311.

§47-7-312. Exception when consent granted by judgment creditor.

If the judgment creditor consents in writing, in a manner as the Department of Public Safety may prescribe, that the judgment debtor

be allowed to continue his or her driving privilege, the same may be allowed by the Department, in its discretion, for at least six (6) months from the date of the consent and thereafter until the consent is revoked in writing, notwithstanding default in the payment of the judgment, or of any installments thereof, as prescribed in Section 7-317 of this title, provided the judgment debtor furnishes proof of financial responsibility.

Added by Laws 1961, p. 359, § 7-312. Amended by Laws 2009, c. 62, § 16, eff. Nov. 1, 2009.

§47-7-313. Exception when insurer liable.

No driving privilege of any person shall be suspended under the provisions of this chapter if the Department of Public Safety shall find that an insurer was obligated to pay the judgment, at least to the extent and for the amounts required in this chapter, upon which the suspension is based but has not paid the judgment for any reason. A finding by the Department that an insurer is obligated to pay a judgment shall not be binding upon the insurer and shall have no legal effect whatever except for the purpose of administering this section. Whenever in any judicial proceedings it shall be determined by any final judgment, decree or order that an insurer is not obligated to pay the judgment, the Department, notwithstanding any contrary finding theretofore made by it, shall forthwith suspend the driving privilege of any person against whom the judgment was rendered, as provided in Section 7-310 of this title.

Added by Laws 1961, p. 360, § 7-313. Amended by Laws 2009, c. 62, § 17, eff. Nov. 1, 2009.

§47-7-314. Suspension to continue until judgments paid and proof given.

The driving privilege of any person which has been suspended under the provisions of Section 7-313 of this title shall remain suspended and shall not be reinstated, nor shall any driver license be thereafter issued in the name of the person, including any person not previously licensed:

1. Unless and until every judgment is stayed or satisfied in full or to the extent hereinafter provided; and
2. Until the person gives proof of financial responsibility subject to the exemptions stated in Sections 7-312, 7-313 and 7-317 of this title.

Added by Laws 1961, p. 360, § 7-314. Amended by Laws 2009, c. 62, § 18, eff. Nov. 1, 2009.

§47-7-315. Discharge in bankruptcy.

A discharge in bankruptcy following the rendering of any such judgment shall relieve the judgment debtor from the security requirements which are the subject of the discharge in bankruptcy,

but shall not relieve the judgment debtor from any of the other requirements of this chapter.

Added by Laws 1961, p. 360, § 7-315, eff. Sept. 1, 1961. Amended by Laws 2000, c. 189, § 4, eff. July 1, 2000.

§47-7-316. Payments sufficient to satisfy requirements.

A. Judgments herein referred to shall, for the purpose of this chapter only, be deemed satisfied:

1. When the minimum liability insurance limits are met; or
2. When any combination of amounts as prescribed by the minimum liability insurance limits and as appropriate to the consequences of the accident, has been credited upon any judgment or judgments rendered in excess of that amount because of a combination of bodily injury to or death of any number of persons and because of injury to or destruction of property of others as a result of any one accident.

B. Provided, however, payments made in settlements of any claims because of bodily injury, death or property damage arising from the accident shall be credited in reduction of the amounts provided for in this section.

Added by Laws 1961, p. 360, § 7-316, eff. Sept. 1, 1961. Amended by Laws 1980, c. 235, § 4, eff. Jan. 1, 1981; Laws 2005, c. 394, § 5, emerg. eff. June 6, 2005; Laws 2009, c. 62, § 19, eff. Nov. 1, 2009.

§47-7-317. Installment payment of judgments - Default.

A. A judgment debtor, upon due notice to the judgment creditor, may apply to the court in which the judgment was rendered for the privilege of paying the judgment in installments, and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

B. Service Oklahoma shall not suspend the driving privilege of any person and shall restore the driving privilege of any person, if otherwise eligible, which was suspended following nonpayment of a judgment when the judgment debtor gives proof of financial responsibility and obtains an order permitting the payment of the judgment in installments, and while the payment of any installments is not in default.

Added by Laws 1961, p. 360, § 7-317, emerg. eff. Sept. 1, 1961. Amended by Laws 2009, c. 62, § 20, eff. Nov. 1, 2009; Laws 2022, c. 282, § 84, emerg. eff. May 19, 2022.

§47-7-318. Action if breach of agreement.

In the event the judgment debtor fails to pay any installment as specified by an order described in Section 7-317 of this title, then, upon notice by the court of the default, Service Oklahoma shall forthwith suspend the driving privilege of the person who is

the judgment debtor until the judgment is satisfied, as provided in this article.

Added by Laws 1961, p. 360, § 7-318, emerg. eff. Sept. 1, 1961.

Amended by Laws 2009, c. 62, § 21, eff. Nov. 1, 2009; Laws 2022, c. 282, § 85, emerg. eff. May 19, 2022.

§47-7-319. Repealed by Laws 2003, c. 279, § 15, emerg. eff. May 26, 2003.

§47-7-320. Alternate methods of giving proof.

Proof of financial responsibility when required under this article, with respect to a vehicle or with respect to a person who is not the owner of a vehicle, may be given by filing:

1. A security verification form as defined in Section 7-600 of this title;

2. A certificate of deposit of money or securities as provided in Section 7-330 of this title; or

3. A certificate of self-insurance, as provided in Section 7-503 of this title, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, the self-insurer will pay the same amounts that an insurer would have been obliged to pay under a motor vehicle liability policy if the insurance carrier had issued a policy to the self-insurer.

Added by Laws 1961, p. 361, § 7-320. Amended by Laws 1994, c. 181, § 9, eff. Sept. 1, 1994; Laws 2009, c. 62, § 22, eff. Nov. 1, 2009.

§47-7-321. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-322. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-323. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-324. Motor vehicle liability policies - Contents and coverages.

(a) Certification. A "motor vehicle liability policy" as the term is used in this article shall mean an "owner's policy" or an "operator's policy" of liability insurance, certified as provided in Section 7-321 or Section 7-322 of this title as proof of financial responsibility, and issued, except as otherwise provided in Section 7-322 of this title, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

(b) Owner's policy. Such owner's policy of liability insurance:

1. Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted; and

2. Shall insure the person named therein and any other person except as herein provided, as insured, using any such vehicle or vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such vehicle or vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such vehicle, as follows: Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, Fifty Thousand Dollars (\$50,000.00) because of bodily injury to or death of two or more persons in any one accident, and Twenty-five Thousand Dollars (\$25,000.00) because of injury to or destruction of property of others in any one accident.

3. May by agreement in a separate written endorsement between any named insured and the insurer exclude as insured any person or persons designated by name from coverage under the policy.

(c) Operator's policy. Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(d) Required statements in policies. Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this title.

(e) Policy need not insure workmen's compensation. Such motor vehicle liability policy need not insure any liability under any workmen's compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

(f) Provisions incorporated in policy. Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

1. The liability of the insurance carrier with respect to the insurance required by this title shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy.

2. The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

3. The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in paragraph 2 of subsection (b) of this section.

4. The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this title shall constitute the entire contract between the parties.

(g) Excess or additional coverage. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this title. With respect to a policy which grants such excess or additional coverage, the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

(h) Reimbursement provision permitted. Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this title.

(i) Proration of insurance permitted. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(j) Multiple policies. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

(k) Binders. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

Added by Laws 1961, p. 361, § 7-324, eff. Sept. 1, 1961. Amended by Laws 1980, c. 235, § 5, eff. Jan. 1, 1981; Laws 1994, c. 181, § 11, eff. Sept. 1, 1994; Laws 2004, c. 519, § 32, eff. Nov. 1, 2004.

§47-7-325. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-326. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-327. Repealed by Laws 2003, c. 279, § 15, emerg. eff. May 26, 2003.

§47-7-328. Repealed by Laws 2003, c. 279, § 15, emerg. eff. May 26, 2003.

§47-7-329. Repealed by Laws 2003, c. 279, § 15, emerg. eff. May 26, 2003.

§47-7-330. Cash or certificate of deposit as proof.

Proof of financial responsibility may be evidenced by the certificate of the Department of Public Safety that the person named therein has deposited with the Department at least Seventy-five Thousand Dollars (\$75,000.00) in cash, or a certificate of deposit issued by a financial institution located in Oklahoma in an amount of at least Seventy-five Thousand Dollars (\$75,000.00). The Department shall deposit any cash it receives for this purpose in a special account of the Department which shall be held in escrow until necessary to pay judgments as described in Section 7-331 of this title. The Department shall obtain a written acknowledgment from any financial institution issuing a certificate of deposit which is used for the purpose of this section, showing the certificate of deposit has been pledged to the Department for this purpose. The Department shall not accept any deposit and issue a certificate therefor and the Department shall not accept the certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

Added by Laws 1961, p. 363, § 7-330, eff. Sept. 1, 1961. Amended by Laws 1980, c. 235, § 6, eff. Jan. 1, 1981; Laws 1998, c. 85, § 3, eff. July 1, 1998; Laws 2005, c. 394, § 6, emerg. eff. June 6, 2005.

§47-7-331. Application of deposit.

Such deposit shall be held by the Department to satisfy, in accordance with the provisions of this chapter, any execution on a judgment issued against such a person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a vehicle of a type subject to registration under the laws of this state after such deposit was made. Money or securities so

deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

Added by Laws 1961, p. 364, § 7-331, eff. Sept. 1, 1961. Amended by Laws 1998, c. 85, § 4, eff. July 1, 1998.

§47-7-332. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-333. Substitution of proof.

The Department shall consent to the cancellation of any bond or certificate of insurance or the Department shall direct and the State Treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter. Laws 1961, p. 364, § 7-333.

§47-7-334. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-335. Duration of proof - When proof may be canceled or returned.

A. The Department of Public Safety shall upon request consent to the immediate cancellation of any certificate of insurance or the Department shall direct and the State Treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this article or Article II of this chapter as proof of financial responsibility, or the Department shall waive the requirement of filing proof of financial responsibility, in any of the following events:

1. In the event of the death of the person on whose behalf the proof of financial responsibility was filed or the permanent incapacity of the person to operate a motor vehicle; or

2. In the event the person who has given proof of financial responsibility surrenders his or her driver license to the Department.

B. Provided, however, that the Department shall not consent to the cancellation of any certificate of insurance and the Department shall not consent to the return of any money or securities in the event any action for damages upon a liability covered by such proof of financial responsibility is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has within one (1) year immediately preceding such request been involved as a driver or owner in any accident resulting in injury or damage to the person or property of others. An affidavit of the person as to the nonexistence of such facts, or that the person has been released from all liability, or has been finally adjudicated not to be liable, for any injury or damage, shall be sufficient evidence

thereof in the absence of evidence to the contrary in the records of the Department.

Added by Laws 1961, p. 365, § 7-335. Amended by Laws 1994, c. 181, § 13, eff. Sept. 1, 1994; Laws 2009, c. 62, § 23, eff. Nov. 1, 2009.

§47-7-401. Repealed by Laws 2003, c. 279, § 15, emerg. eff. May 26, 2003.

§47-7-402. Surrender of license.

A. Any person whose driving privilege shall have been suspended under any provision of this chapter, or whose policy of insurance, when required under this chapter, shall have been canceled or terminated, shall immediately return his or her driver license to the Department of Public Safety. If any person shall fail to return to the Department the driver license as provided herein, the Department shall forthwith direct any peace officer to secure possession thereof and to return the same to the Department in the same manner as prescribed in Section 7-605 of this title.

B. Any person willfully failing to return his or her driver license as required in subsection A of this section shall be punished as provided in Section 17-101 of this title.

Added by Laws 1961, p. 365, § 7-402. Amended by Laws 2009, c. 62, § 24, eff. Nov. 1, 2009.

§47-7-403. Forged proof.

Any person who shall forge, or, without authority, sign any evidence of proof of financial responsibility, or who files or offers for filing any such evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than one (1) year, or both.

Laws 1961, p. 365, § 7-403; Laws 1994, c. 181, § 14, eff. Sept. 1, 1994.

§47-7-404. Reciprocity.

(a) The Department is hereby authorized to enter into, negotiate, and execute reciprocal compacts and agreements with the proper authorities, bureaus or divisions of other states regarding the use, application and operation of the financial responsibility provisions of this Code.

(b) Such compacts and agreements shall grant to the residents of other states privileges substantially like and equal to those granted by such states to residents of Oklahoma; provided that such compacts and agreements shall not supersede or suspend any laws, rules or regulations of the State of Oklahoma applying to vehicles operated intrastate in this state. Privileges so granted shall

extend only to persons who comply with the vehicle laws of the state of their residence.

Laws 1961, p. 365, § 7-404.

§47-7-501. Renumbered as Title 36, § 996.1 by Laws 2009, c. 62, § 40, eff. Nov. 1, 2009.

§47-7-502. Exception in relation to vehicles insured under other laws.

The provisions of this chapter shall not apply with respect to any vehicle which is subject to regulation by the Corporation Commission or to regulation by any other federal or state agency under provisions of any laws requiring insurance or other security. Added by Laws 1961, p. 366, § 7-502, eff. Sept. 1, 1961. Amended by Laws 2009, c. 62, § 25, eff. Nov. 1, 2009.

§47-7-503. Self-insurers.

(a) Any person in whose name more than twenty-five vehicles are registered in this state may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the Department as provided in subsection (b) of this section.

(b) The Department may, in its discretion, upon the application of such a person, issue a certificate of self-insurance when it is satisfied that such person is possessed and will continue to be possessed of ability to pay judgment obtained against such person. Such certificate may be issued authorizing a person to act as a self-insurer for either property damage or bodily injury, or both.

(c) Upon not less than five (5) days' notice and a hearing pursuant to such notice, the Department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within thirty (30) days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

Laws 1961, p. 366, § 7-503.

§47-7-504. Chapter not to prevent other process.

Nothing in this chapter shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.

Laws 1961, p. 366, § 7-504.

§47-7-505. Relief by court in cases of hardship.

A. In order to furnish a means of relief from extreme and unusually severe hardship in the application of Article II or Article III of this chapter, it is hereby provided that any owner or operator whose driving privilege has been suspended by the Department of Public Safety under the provisions of Article II or

Article III of this chapter for failure to furnish security or for failure to satisfy a judgment may make application for modification of the order of suspension to the district court of the county where such owner or operator resides.

The application shall contain the following:

1. The name and address of the applicant;
2. The date and location of the accident, names of any fatality or fatalities, names of persons injured, and/or names of persons whose real or personal property was damaged in the accident;

3. A statement that the applicant has failed to comply with the provisions of Article II or Article III of this chapter by either failing to post security or to satisfy a judgment;

4. The facts creating the unusual or severe hardship impairing the ability of the applicant to earn a livelihood;

5. That the applicant has initiated action to post proof of financial responsibility by a method enumerated in Section 7-320 of this title;

6. A true copy of the order of suspension attached thereto; and

7. A verification by the applicant.

B. The district court shall set the application for hearing not less than fifteen (15) days nor more than thirty (30) days from the date of filing the application.

C. A certified copy of the application, bond, order for hearing and any other pleadings shall be served upon the Department of Public Safety, all judgment creditors and/or persons on whose behalf security has been required or by mailing a copy to their last known address at least ten (10) days before the hearing.

D. Persons required to be notified of the hearing may appear and resist the application of Article II or Article III of this chapter. At the hearing the court shall take testimony concerning the hardship of the applicant, testimony of any interested party, and allow the driving record and accident record of the applicant to be introduced into evidence by the Department of Public Safety. After hearing on the application, but not before, if the court finds that the suspension has resulted or will result in extreme and unusually severe hardship, seriously impairing the ability of the applicant to earn a livelihood, the court may modify, but not vacate, the order of suspension and the extent to which the applicant shall comply with the provisions of Articles II and III of this chapter with respect to furnishing security or satisfying a judgment. If the court finds the order of suspension should be modified, then the court shall require that the applicant furnish proof of financial responsibility by a method enumerated in Section 7-320 of this title. The proof of financial responsibility shall be furnished to the Department of Public Safety. The modification shall not become effective until the proof of financial

responsibility is furnished to the Department together with a certified order of the court setting forth the modification.

E. An appeal may be taken by any interested party from the order of the district court to the Supreme Court of the State of Oklahoma.

F. It shall be the duty of the district attorney in the county where the application is filed to represent the Department of Public Safety in the proceedings under the statute upon request from the Department of Public Safety.

Added by Laws 1961, p. 366, § 7-505. Amended by Laws 1994, c. 181, § 15, eff. Sept. 1, 1994; Laws 2009, c. 62, § 26, eff. Nov. 1, 2009.

§47-7-506. Driving privilege reinstatement fee.

Whenever a person's driving privilege is suspended under this chapter and the filing of proof of financial responsibility is made a prerequisite to reinstatement of the driving privilege or the issuance of a driver license, no driving privilege shall be reinstated or a driver license issued unless the person, in addition to complying with the other provisions of this chapter, pays to Service Oklahoma the fees provided for in Section 6-212 of this title.

Added by Laws 1965, c. 187, § 11, emerg. eff. June 8, 1965. Amended by Laws 1983, c. 286, § 23, operative July 1, 1983; Laws 1986, c. 279, § 18, operative July 1, 1986; Laws 1987, c. 5, § 154, emerg. eff. March 11, 1987; Laws 1994, c. 218, § 8, eff. April 1, 1995; Laws 2009, c. 62, § 27, eff. Nov. 1, 2009; Laws 2022, c. 282, § 86, emerg. eff. May 19, 2022.

§47-7-508. Renumbered as § 941 of Title 36 by Laws 1988, c. 27, § 4, eff. Nov. 1, 1988.

§47-7-600. Definitions.

As used in Section 7-600 et seq. of this title:

1. "Owner's policy" means a policy of motor vehicle liability insurance which:

- a. shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted,
- b. shall insure the person named therein and insure any other person, except as provided in subparagraph c of this paragraph, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of the vehicle,
- c. may provide for exclusions from coverage in accordance with existing laws, and

- d. shall be issued by an authorized insurer providing coverage in accordance with Section 7-204 of this title or in the case of a commercial automobile insurance policy may be issued by an unauthorized insurer as allowed pursuant to Section 1106 of Title 36 of the Oklahoma Statutes.

2. "Operator's policy" means a policy of motor vehicle liability insurance which shall insure the named person against loss from the liability imposed upon the named person by law for damages arising out of the operation or use by the named person of any motor vehicle not owned by the named person, subject to the same limits of liability required in an owner's policy.

3. "Security" means:

- a. a policy meeting the minimum vehicle liability limits,
- b. a deposit of cash or securities as defined in Section 7-330 of this title having the equivalency of the minimum vehicle liability limits,
- c. self-insurance, pursuant to the provisions of Section 7-503 of this title, having the equivalency of the minimum vehicle liability limits, or
- d. for vehicles registered pursuant to the provisions of Section 1127 of this title, a policy meeting or exceeding the minimum vehicle liability limits; provided, the policy may be issued by an insurance company authorized to do business in the state of residence or domicile of the member of the Armed Forces and the motor license agent or other registering agency shall accept the security verification form issued by such insurance company.

4. "Compulsory Insurance Law" is the law requiring liability insurance, which provides the minimum vehicle liability limits, in conjunction with the operation of a motor vehicle in this state as found in this article, Section 7-600 et seq. of this title.

5. "Security verification form" means a form, approved by the Insurance Commissioner, verifying the existence of security required by the Compulsory Insurance Law.

6. "Commercial auto coverage" means coverage provided to an insured, regardless of the number of vehicles or entity covered, under a commercial auto, garage or truckers coverage form or rated from either a commercial manual or rating rule as filed and approved by the Insurance Department. Vehicle type and ownership are not necessarily the primary factors in either underwriting the coverage or rating the coverage.

Added by Laws 1982, c. 355, § 1, operative Jan. 1, 1983. Amended by Laws 1989, c. 181, § 11, eff. Nov. 1, 1989; Laws 1997, c. 154, § 1, eff. Nov. 1, 1997; Laws 2009, c. 62, § 28, eff. Nov. 1, 2009; Laws 2009, c. 185, § 1, eff. Nov. 1, 2009.

§47-7-600.1. Statement or endorsement to be included in policies - Excess or additional coverage - Binders.

A. The following statement or endorsement shall be included in owner's policies and operator's policies except certified policies issued pursuant to Section 7-324 of this title: "Liability insurance is provided in this policy in accordance with coverage required by the Compulsory Insurance Law of Oklahoma."

B. A policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for policies defined in Section 7-600 of this title, and the excess or additional coverage shall not be subject to the provisions of the Compulsory Insurance Law.

C. Any binder issued pending the issuance of a policy shall be deemed to fulfill the requirements for such a policy except as provided for in paragraph 2 of subsection A of Section 7-605 of this title.

Added by Laws 1982, c. 355, § 2, operative Jan. 1, 1983. Amended by Laws 2009, c. 62, § 29, eff. Nov. 1, 2009.

§47-7-600.2. Online verification system - Rules - Exception.

A. The Department of Public Safety shall transfer to the Oklahoma Insurance Department by January 1, 2018, the online verification system for motor vehicle liability policies as required by the Compulsory Insurance Law, subject to the following:

1. The Oklahoma Tax Commission, the Department of Public Safety, and Service Oklahoma shall cooperate with the Insurance Department in the ongoing improvement and maintenance of the verification system;

2. The verification system shall be accessible through the Internet, World Wide Web or a similar proprietary or common carrier electronic system by authorized personnel of the Department of Public Safety, the Tax Commission, Service Oklahoma, the district attorneys, the courts, law enforcement personnel, and any other entities authorized by the Insurance Department;

3. The verification system shall provide for direct inquiry and response between the Insurance Department and insurance carriers, or such other method of inquiry and response as agreed to by the Insurance Department and individual insurance carriers, and direct access to insurers' records by personnel authorized by the Insurance Department;

4. The verification system shall be available twenty-four (24) hours a day to verify the insurance status of any vehicle registered in this state through the vehicle's identification number, policy number, registered owner's name or other identifying characteristic or marker as prescribed by the Insurance Department in its rules;

5. The Insurance Department may contract with a private vendor to assist in establishing and maintaining the verification system;

6. The verification system shall include appropriate provisions, consistent with industry standards, to secure its data against unauthorized access and to maintain a record of all information requests;

7. Information contained in the verification system shall not be considered a public record;

8. Any law enforcement officer, to establish compliance with the Compulsory Insurance Law during a traffic stop or accident investigation, shall access information from the online verification system to verify the current validity of the policy described on a security verification form produced by the operator of each motor vehicle during the traffic stop or accident investigation. If compliance is not confirmed for the policy described on the security verification form produced by the operator and a subsequent investigation conducted by the officer verifies that the operator is not in compliance, the officer may issue a citation to the operator for failure to comply with the Compulsory Insurance Law;

9. If the operator fails to produce the security verification form during a traffic stop or accident investigation, the requesting law enforcement officer shall access information from the online verification system through the vehicle's identification number, registered owner's name, license plate number or other identifying characteristic or marker to verify valid and current security and establish compliance with the Compulsory Insurance Law and shall not issue a citation if valid and current security is established. If the operator fails to produce the security verification form and compliance is not confirmed through the online verification system, the officer may issue a citation to the operator for failure to comply with the Compulsory Insurance Law;

10. Establishing compliance with the Compulsory Insurance Law through the online verification system shall not be the primary cause for law enforcement to stop a motor vehicle; and

11. All information exchanged between the Insurance Department and insurance companies, any database created, and all reports, responses, or other information generated for the purposes of the verification system shall not be subject to the Oklahoma Open Records Act.

B. This section shall not apply to a policy issued pursuant to paragraph 3 of subsection A of Section 7-601.1 of this title or paragraph 3 of subsection A of Section 7-602 of this title to insure a commercial motor vehicle or to insure any vehicle under a commercial policy that provides commercial auto coverage as defined in Section 7-600 of this title.

C. As a condition for writing motor vehicle liability policies in this state, insurance carriers shall cooperate with the Insurance

Department in establishing and maintaining the insurance verification system and shall provide access to motor vehicle insurance policy status information as provided in the rules of the Insurance Department. The Insurance Commissioner may, pursuant to Title 36 of the Oklahoma Statutes, initiate an administrative proceeding against any insurance company found by the Commissioner to not be in compliance with the provisions of this section or any rules promulgated pursuant to this section.

Added by Laws 2006, c. 322, § 1, eff. July 1, 2006. Amended by Laws 2007, c. 326, § 14, eff. Nov. 1, 2007; Laws 2008, c. 184, § 31, eff. July 1, 2008; Laws 2008, c. 335, § 2, eff. July 1, 2008; Laws 2009, c. 62, § 30, eff. Nov. 1, 2009; Laws 2009, c. 340, § 2, emerg. eff. May 27, 2009; Laws 2010, c. 440, § 1, eff. Nov. 1, 2010; Laws 2016, c. 88, § 1, eff. Nov. 1, 2016; Laws 2017, c. 74, § 1, eff. Nov. 1, 2017; Laws 2022, c. 282, § 87, emerg. eff. May 19, 2022.

§47-7-601. Liability requirements - Proof of compliance - Nonresidents.

A. Every owner of a motor vehicle registered in this state, other than a licensed used motor vehicle dealer, shall, at all times, maintain in force with respect to such vehicle security for the payment of loss resulting from the liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of the vehicle. Every person, while operating or using a motor vehicle registered in this state which is not owned by the person, shall maintain in force security for the payment of loss resulting from the liability imposed by law for bodily injury, death or property damage sustained by any person arising out of the operation or use of the vehicle, unless the security has been provided by the owner in accordance with this section which does not exclude the person from coverage.

B. 1. Unless otherwise provided by law, no motor vehicle shall be operated in this state unless there is in effect with respect to the vehicle security for the payment of loss resulting from the liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of the vehicle. Every person, while operating or using a motor vehicle in this state which is not owned by the person, shall maintain in force security for the payment of loss resulting from the liability imposed by law for bodily injury, death or property damage sustained by any person arising out of the operation or use of the vehicle, unless the security has been provided by the owner in accordance with this section which does not exclude the person from coverage. Proof of security shall be carried in the vehicle at all times and shall be produced for inspection upon request by any law enforcement officer or

representative of the Department of Public Safety and, in case of an accident, the proof shall be shown upon request of any person affected by the accident.

2. The nonresident owner of a motor vehicle not registered in this state may give proof of financial responsibility by providing proof of financial responsibility which is in compliance with the laws of the state in which the vehicle is registered or by filing with the Department a certificate of an insurance company authorized to transact insurance in the state in which the vehicle is registered, or if the nonresident does not own a motor vehicle, then in the state in which the insured resides, provided the certificate otherwise conforms to the provisions of this article, and the Department shall accept the certificate upon condition that the insurance company complies with the following provisions with respect to the policy so certified:

- a. the insurance company shall execute a power of attorney authorizing the Department to accept service on its behalf or notice of process in any action arising out of a motor vehicle accident in this state, and
- b. the insurance company shall agree in writing that its policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued in this state.

3. The provisions of this subsection shall apply to nonresident owners and operators of vehicles that are not registered in this state only if the state in which the vehicle is registered requires compulsory liability insurance. In which cases, compliance with the requirements of the law of the state of registration shall be deemed compliance with the laws of this state.

Added by Laws 1976, c. 176, § 1, operative Dec. 11, 1976. Amended by Laws 1980, c. 85, § 2, eff. Jan. 1, 1981; Laws 1982, c. 355, § 4, operative July 1, 1982; Laws 1993, c. 301, § 1, eff. Sept. 1, 1993; Laws 2009, c. 62, § 31, eff. Nov. 1, 2009.

§47-7-601.1. Owner's and operator's security verification forms - Contents.

A. Every carrier, upon issuing an owner's policy, a renewal thereof, or a binder, shall supply a security verification form in duplicate to an owner for each insured vehicle on a form approved by the Insurance Commissioner.

1. The owner's security verification form shall contain the following minimum information:

- a. the name, address, and the five-digit National Association of Insurance Commissioners (NAIC) company code of the carrier,

- b. the name, address, and telephone number of the agent or office where the existence of security may be verified, if other than the carrier,
- c. the name of the named insured; provided, the address of the named insured shall not be included,
- d. a notice that an owner's liability insurance policy has been issued pursuant to the Compulsory Insurance Law,
- e. the year of manufacture, make, model, and the vehicle identification number of each insured motor vehicle,
- f. the inclusive dates the motor vehicle liability insurance is in effect,
- g. the policy number,
- h. a warning to the owner that state law:
 - (1) requires a current copy of the owner's security verification form must be surrendered to the motor license agent or other registering agency upon application or renewal for a motor vehicle license plate,
 - (2) requires the other copy of the owner's security verification form to be carried in the motor vehicle at all times, and produced by any driver of the vehicle upon request for inspection by any peace officer or representative of the Department of Public Safety. In case of an accident, the security verification form shall be shown upon request of any person affected by the accident, and
- i. the statement: "Examine policy exclusions carefully. This form does not constitute any part of your insurance policy."

2. When a carrier issues an owner's policy providing blanket liability coverage for a fleet of motor vehicles, the requirement for year of manufacture, make, model, and the vehicle identification number specified in subparagraph e of paragraph 1 of this subsection may be omitted, provided the security verification form shall bear the term "Fleet Coverage" and otherwise meet the provisions of the Compulsory Insurance Law.

3. In the event the effective dates within an owner's policy exceed one (1) year, the carrier shall furnish the owner a copy of the owner's security verification form at least annually in addition to the time of issuance or renewal in order for the owner to submit the copy for motor vehicle registration purposes.

4. In the event an owner's policy also provides liability coverage which meets the requirements of an operator's policy, the carrier may also issue to each person entitled thereto an operator's security verification form as provided in this section.

B. Every carrier, upon issuing an operator's policy, a renewal thereof, or a binder, may issue to the insured person a written operator's security verification form of a size which may conveniently be carried upon the person, containing the following minimum information:

1. The name, address of the carrier, and the five-digit National Association of Insurance Commissioners (NAIC) company code;

2. The name, address, and telephone number of the person or office where an inquiry may be made to verify the existence of security;

3. The name of the named insured; provided, the address of the named insured shall not be included;

4. A notice that in accordance with the Compulsory Insurance Law, liability coverage has been issued for the named insured;

5. A statement reflecting the form may be carried in lieu of an owner's form pursuant to the Compulsory Insurance Law while operating a motor vehicle. The form shall be produced upon request of any peace officer or representative of the Department of Public Safety. In case of an accident, the form shall be shown upon request of a person affected by an accident with a vehicle operated by the insured;

6. The inclusive dates of liability coverage; and

7. The policy number.

C. A carrier may provide any additional information consistent with the Compulsory Insurance Law of this state in an owner's or operator's security verification form but shall not be required to list the actual amounts of liability coverage thereon. The security verification form shall not constitute nor be construed as any part of an insurance policy, renewal or binder.

D. A carrier shall designate on the security verification form whether the policy is a commercial auto policy.

E. The Insurance Department may approve security verification forms in electronic format and paper format.

Added by Laws 1982, c. 355, § 5, operative Jan. 1, 1983. Amended by Laws 1988, c. 103, § 1, emerg. eff. April 1, 1988; Laws 1989, c. 181, § 12, eff. Nov. 1, 1989; Laws 2009, c. 62, § 32, eff. Nov. 1, 2009; Laws 2016, c. 88, § 3, eff. Nov. 1, 2016.

§47-7-601.2. Insurance carriers prohibited from canceling, terminating, increasing or requiring higher premiums for certain peace officers, firefighters or emergency vehicle operators.

No insurance carrier issuing a vehicle liability policy pursuant to this article to a person employed as a peace officer, firefighter, or operator of emergency vehicles as defined in Title 47 of the Oklahoma Statutes, in this state shall cancel, terminate, increase the premiums due on such policy, or require such officer, firefighter, or operator of emergency vehicles to pay higher

premiums because of any accident in which such person was involved if the accident occurred in the performance of the duty of such person. The provisions of this section shall apply whether or not the motor vehicle driven by the peace officer, firefighter, or operator of emergency vehicles as defined in Title 47 of the Oklahoma Statutes, involved in the accident was owned by such person.

Added by Laws 1985, c. 129, § 1, eff. Nov. 1, 1985.

§47-7-602. Certification of existence of security – Online verification system – Exemptions.

A. 1. The owner of a motor vehicle registered in this state shall carry in the vehicle at all times a current owner's security verification form listing the vehicle or an equivalent form which has been issued by the Department of Public Safety, and the operator of the vehicle shall produce the form upon request for inspection by any law enforcement officer or representative of the Department and, in case of an accident, the form shall be shown upon request to any person affected by the accident.

2. a. Every person registering a motor vehicle in this state, except a motor vehicle which is not being used upon the public highways or public streets, or a manufactured home while on a permanent foundation, at the time of registration of the vehicle, shall certify the existence of security with respect to the vehicle by providing to a licensed operator or other registering agency necessary information from the current owner's security verification in a manner that allows verification of coverage through the online verification system. The information shall include the name or number issued by the National Association of Insurance Commissioners of the current insurance carrier authorized to do business in this state and the policy number applicable to the vehicle being registered. A licensed operator or other registering agency shall require the submission of the form or other verifying information prior to processing an application for registration or renewal.

b. Every licensed operator or other registering agency shall use the online verification system to certify the existence of security with respect to the vehicle from an insurance carrier authorized to do business in this state unless the online verification system is not online or the required information is otherwise not available. In such a case, the licensed operator or other registering agency may accept verification as provided in subparagraph a of this paragraph or from a

licensed insurance producer or customer service representative to certify the existence of the required insurance prior to processing any application for motor vehicle registration. Every licensed operator or other registering agent shall allow submission of proof from a licensed insurance producer or customer service representative pursuant to this subparagraph via electronic mail at no additional cost to the person registering the vehicle.

3. Fleet vehicles operating under the authority of the Corporation Commission, the Federal Highway Administration, or vehicles registered pursuant to the provisions of Section 1120 of this title, shall certify the existence of security with respect to each vehicle at the time of registration by submitting one of the following:

- a. a current owner's security verification form verifying the existence of security as required by the Compulsory Insurance Law, or
- b. a permit number verified by the Corporation Commission indicating the existence of a current liability insurance policy. Provided, in the event the Corporation Commission is unable to verify the existence of insurance as provided herein in a prompt and timely fashion, the Corporation Commission may accept a current single state registration form issued by the Corporation Commission or any other regulating entity with which the Corporation Commission has entered into a reciprocal compact or agreement regarding the regulation of motor vehicles engaged in interstate or foreign commerce upon and over the public highways.

4. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the Department of Public Safety during operation of the vehicle and shall not be required to surrender a security verification form for vehicle registration purposes:

- a. any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof,
- b. any vehicle bearing the name, symbol, or logo of a business, corporation or utility on the exterior and which is in compliance with the provisions of the Compulsory Insurance Law according to records of the Corporation Commission which reflect a deposit or fleet policy,

- c. fleet vehicles maintaining current vehicle liability insurance as required by the Corporation Commission or any other regulating entity,
- d. any licensed taxicab, and
- e. any vehicle owned by a licensed used motor vehicle dealer.

5. Any person who knowingly issues or promulgates false or fraudulent information in connection with either an owner's or operator's security verification form or an equivalent form which has been issued by the Department of Public Safety shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not exceeding Five Hundred Dollars (\$500.00), or imprisonment for not more than six (6) months, or by both such fine and imprisonment.

B. Each licensed operator is authorized to charge a fee of One Dollar and fifty cents (\$1.50) to each person to whom the licensed operator issues a certificate of registration and who is required to surrender proof of financial responsibility, or for whom the licensed operator certifies the existence of financial responsibility through an authorized online certification system, pursuant to the provisions of the Compulsory Insurance Law. The fee may be retained by the licensed operator as compensation for services in processing the proof of financial responsibility and for processing the driver license information, insurance verification information, and other additional information furnished to the licensed operator pursuant to Section 1112 of this title, if such licensed operator does not receive the maximum compensation as authorized by law.

Added by Laws 1976, c. 176, § 2, operative Dec. 11, 1976. Amended by Laws 1980, c. 235, § 8, eff. Jan. 1, 1981; Laws 1982, c. 355, § 6, operative July 1, 1982; Laws 1983, c. 49, § 1; Laws 1990, c. 298, § 1; Laws 1999, c. 232, § 4, eff. July 1, 1999; Laws 2004, c. 522, § 5, eff. July 1, 2004; Laws 2006, c. 322, § 2, eff. July 1, 2006; Laws 2009, c. 62, § 33, eff. Nov. 1, 2009; Laws 2010, c. 440, § 2, eff. Nov. 1, 2010; Laws 2015, c. 146, § 1, eff. Nov. 1, 2015; Laws 2017, c. 74, § 3, eff. Nov. 1, 2017; Laws 2022, c. 282, § 88, emerg. eff. May 19, 2022.

NOTE: Laws 1980, c. 85, § 3 repealed by Laws 1982, c. 355, § 11, emerg. eff. June 2, 1982.

§47-7-602.1. Possession of security verification form while operating or using certain vehicles.

Every operator of a motor vehicle registered in this state shall, while operating or using such vehicle, carry either an operator's or an owner's security verification form issued by an insurance carrier or an equivalent form issued by the Department of Public Safety, reflecting liability coverage. An owner's security verification form issued to the owner of a motor vehicle may be used

as an operator's security verification form by an operator who is not the owner of the motor vehicle, if the operator is not excluded from coverage on the motor vehicle liability policy for the vehicle. Any exclusions from the policy shall be included on the owner's security verification form.

Added by Laws 1982, c. 355, § 7, operative July 1, 1983. Amended by Laws 1986, c. 45, § 1, eff. Nov. 1, 1986; Laws 2009, c. 62, § 34, eff. Nov. 1, 2009.

§47-7-603. Verification of security.

A. From its own records, the Department of Public Safety may verify the existence of security made in the form of a deposit or of self-insurance for which a certification has been made to the Department.

B. The Department may at any time verify, using the online verification system provided for in Section 7-600.2 of this title, the existence of security certified to in policies issued by insurance companies.

Added by Laws 1976, c. 176, § 3, operative Dec. 11, 1976. Amended by Laws 1980, c. 235, § 9, eff. Jan. 1, 1981; Laws 1988, c. 243, § 1, eff. Nov. 1, 1988; Laws 1990, c. 298, § 2; Laws 2009, c. 62, § 35, eff. Nov. 1, 2009.

§47-7-603.1. Repealed by Laws 1990, c. 298, § 12, eff. July 1, 1991.

§47-7-604. Repealed by Laws 1982, c. 355, § 11, emerg. eff. June 2, 1982.

§47-7-605. Suspension of driving privilege and registration - Proof of security - Seizure of driver license and vehicle - Other penalties - Immunity.

A. 1. Whenever any person forfeits a bond, fails to appear, or is convicted in any state or municipal court for permitting the operation in this state of a motor vehicle owned by the person without the security required by this title, for operating a motor vehicle in this state without the security required by this title, or for failure to carry a security verification form, the Department of Public Safety shall suspend the driving privilege of the person.

2. The suspension of the driving privilege shall remain in effect until payment is made of the fees provided for in Section 6-212 of this title and proof of security is furnished to the Department of Public Safety which complies with the requirements of the Compulsory Insurance Law; provided, for purposes of this section, proof of security shall not mean a binder policy but shall mean an owner's policy or an operator's policy, as defined in Section 7-600 of this title; provided further, a suspension for

failure to appear shall remain in effect until proof of appearance is received by the Department from the reporting court. Suspension under this section shall be effective when notice thereof is given pursuant to Section 2-116 of this title.

3. Any person whose driving privilege has been suspended pursuant to the provisions of this subsection shall surrender to the Department his or her driver license. Any person failing to voluntarily relinquish his or her driver license to the Department within thirty (30) days of receipt of the notice specified in paragraph 2 of this subsection shall pay a fee of Fifty Dollars (\$50.00) in addition to the fees provided for in Section 6-212 of this title.

4. If a person furnishes proof to the satisfaction of the Department that security was in effect at the time of the alleged offense, the Department shall vacate the suspension order and shall not require the filing of a certificate of insurance nor payment of either of the above fees.

B. 1. When suspending the driving privilege for violation of the Compulsory Insurance Law, or for violation of a municipal ordinance requiring security or the carrying of a security verification form, the Department may rely upon court records which indicate that a person was either convicted or failed to appear upon the charge when the record is obtained from any court of competent jurisdiction which indicates one of the following:

- a. a conviction, or
- b. a notice of bond forfeiture.

2. A court record is sufficient under paragraph 1 of this subsection which includes a statement such as "No Security Form", "No Insurance" or other term indicating lack of security.

3. The Department may continue to rely on such records until proof is submitted from the issuing court clerk which indicates that the record either:

- a. was issued in error, or
- b. was not related to a violation of:
 - (1) the Compulsory Insurance Law,
 - (2) a security verification form as required by this article, or
 - (3) a municipal ordinance requiring security or the carrying of a security verification form.

C. If a nonresident's driving privilege is suspended pursuant to subsection A of this section, the Department shall transmit notice of the suspension to the licensing agency in the state in which the nonresident resides.

D. Whenever any person's driving privilege has been suspended pursuant to this section or Section 7-612 of this title, the Department may notify any law enforcement officer of the suspension. Any law enforcement officer who has been notified that the driving

privilege of a person has been suspended, upon observing the person or motor vehicle anywhere upon a public street, highway, roadway, turnpike, or public parking lot, shall stop the person or motor vehicle, seize the driver license of the person, seize the vehicle being operated by the person and cause the vehicle to be towed and stored as provided in subsection B of Section 955 of this title, if the officer has probable cause to believe that the vehicle is not insured as required by the Compulsory Insurance Law of this state.

E. No person shall have a property interest in a driver license issued pursuant to the laws of this state and it shall be the duty of every person whose driving privilege has been suspended to forthwith surrender his or her driver license upon the request of any law enforcement officer or representative of the Department.

F. Any person upon a public street, highway, roadway, turnpike, or public parking lot, within this state, who willfully refuses to surrender possession of a driver license after being informed by a peace officer or representative of the Department that his or her driving privilege is currently under suspension according to the records of the Department, shall be guilty of a misdemeanor, punishable as provided in Section 17-101 of this title.

G. Any driver license surrendered to or seized by a law enforcement officer pursuant to the Compulsory Insurance Law shall be submitted to a representative of the Department in a manner and with a form or method approved by the Department.

H. The Department shall deposit fees collected pursuant to paragraph 3 of subsection A of this section or pursuant to subsection E of Section 7-612 of this title in a special account of the Department maintained with the office of the State Treasurer. The State Treasurer shall credit these fees to this special account to be distributed as hereinafter provided.

I. The Department shall identify the name of the employing law enforcement agency from which a suspended driver license has been received pursuant to this section, and determine that the fee required by paragraph 3 of subsection A of this section has been paid. The Department shall reimburse the law enforcement agency so identified the sum of Twenty-five Dollars (\$25.00) for each driver license from the special account.

J. Any unencumbered monies remaining in the special account at the close of each calendar month shall be transferred by the Department to the General Revenue Fund of the State Treasury.

K. The State of Oklahoma, the departments and agencies thereof, including the Department of Public Safety, all political subdivisions, and the officers and employees of each, shall not be held legally liable in any suit in law or in equity for any erroneous entry of a suspension upon the records of the Department, nor for the enforcement of the provisions of the Compulsory Insurance Law performed in good faith.

Added by Laws 1976, c. 176, § 5, operative Dec. 11, 1976. Amended by Laws 1980, c. 235, § 10, eff. Jan. 1, 1981; Laws 1982, c. 355, § 8, operative July 1, 1982; Laws 1986, c. 279, § 19, operative July 1, 1986; Laws 1987, c. 5, § 155, emerg. eff. March 11, 1987; Laws 1988, c. 243, § 2, eff. Nov. 1, 1988; Laws 1990, c. 298, § 3; Laws 1991, c. 335, § 15, emerg. eff. June 15, 1991; Laws 1993, c. 301, § 2, eff. Sept. 1, 1993; Laws 1994, c. 218, § 9, eff. April 1, 1995; Laws 1999, c. 119, § 2, eff. Nov. 1, 1999; Laws 2006, c. 322, § 4, eff. July 1, 2006; Laws 2009, c. 62, § 36, eff. Nov. 1, 2009; Laws 2010, c. 440, § 3, eff. Nov. 1, 2010.

NOTE: Laws 1990, c. 219, § 44 repealed by Laws 1991, c. 335, § 36, emerg. eff. June 15, 1991.

§47-7-606. Failure to maintain insurance or security – Penalties.

A. 1. An owner or operator who fails to comply with the Compulsory Insurance Law shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than Two Hundred Fifty Dollars (\$250.00), or imprisonment for not more than thirty (30) days, or by both such fine and imprisonment and, in addition thereto, shall be subject to suspension of the driving privilege of the person in accordance with Section 7-605 of this title; provided, that if a requesting law enforcement officer verifies valid and current security and compliance with the Compulsory Insurance Law through the online verification system, there shall be no violation of the Compulsory Insurance Law and no citation shall be issued. Upon issuing a citation under this paragraph, the law enforcement officer issuing the citation may seize the vehicle being operated by the person and cause the vehicle to be towed and stored as provided by subsection A of Section 955 of this title, if the officer has probable cause to believe that the vehicle is not insured as required by the Compulsory Insurance Law of this state.

If the operator of the vehicle produces what appears to be a valid security verification form and the officer is unable to confirm compliance through the online verification system or noncompliance by a subsequent investigation, the officer shall be prohibited from seizing the vehicle and causing such vehicle to be towed and stored. Further, no vehicle shall be seized and towed under the provisions of this paragraph if the vehicle is displaying a temporary license plate that has not expired pursuant to the provisions of Sections 1137.1 and 1137.3 of this title.

2. An owner other than an owner of an antique or a classic automobile as defined by the Oklahoma Tax Commission who files an affidavit that a vehicle shall not be driven upon the public highways or public streets, pursuant to Section 7-607 of this title, who drives or permits the driving of the vehicle upon the public highways or public streets, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than

Five Hundred Dollars (\$500.00), or imprisonment for not more than thirty (30) days, or by both such fine and imprisonment, and in addition thereto, shall be subject to suspension of the driving privilege of the person in accordance with Section 7-605 of this title.

B. A sentence imposed for any violation of the Compulsory Insurance Law may be suspended or deferred in whole or in part by the court.

C. Any person producing proof in court that a current security verification form or equivalent form which has been issued by the Department of Public Safety reflecting liability coverage for the person was in force at the time of the alleged offense shall be entitled to dismissal of the charge. If proof of security verification is presented to the court by no later than the business day preceding the first scheduled court appearance date, the dismissal shall be without payment of court costs. The court may access information from the online verification system to confirm liability coverage. The court shall not dismiss the fine unless proof that liability coverage for the person was in force at the time of the alleged offense is presented to the court.

D. Upon conviction or bond forfeiture, the court clerk shall forward an abstract to the Department of Public Safety within five (5) days reflecting the action taken by the court.

E. For purposes of this section, "court" means any court in this state.

Added by Laws 1976, c. 176, § 6, operative Dec. 11, 1976. Amended by Laws 1981, c. 271, § 1; Laws 1982, c. 355, § 9, operative July 1, 1982; Laws 1984, c. 181, § 2, eff. Nov. 1, 1984; Laws 1988, c. 243, § 3, eff. Nov. 1, 1988; Laws 1989, c. 110, § 1, eff. Nov. 1, 1989; Laws 1990, c. 298, § 4; Laws 1991, c. 74, § 1, eff. Sept. 1, 1991; Laws 2001, c. 131, § 7, eff. July 1, 2001; Laws 2006, c. 322, § 6, eff. July 1, 2006; Laws 2009, c. 62, § 37, eff. Nov. 1, 2009; Laws 2010, c. 440, § 4, eff. Nov. 1, 2010; Laws 2011, c. 193, § 1, eff. Nov. 1, 2011; Laws 2012, c. 207, § 4, emerg. eff. May 8, 2012; Laws 2013, c. 176, § 9, eff. Nov. 1, 2013; Laws 2014, c. 404, § 2, emerg. eff. June 3, 2014; Laws 2015, c. 54, § 10, emerg. eff. April 10, 2015; Laws 2016, c. 125, § 1, eff. Nov. 1, 2016; Laws 2017, c. 42, § 16; Laws 2025, c. 150, § 1, emerg. eff. May 12, 2025.

NOTE: Laws 2014, c. 29, § 1 repealed by Laws 2015, c. 54, § 11, emerg. eff. April 10, 2015. Laws 2016, c. 88, § 2 repealed by Laws 2017, c. 42, § 17.

§47-7-606.1. Uninsured Vehicle Enforcement Program.

A. There is hereby created the Uninsured Vehicle Enforcement Program.

B. The Uninsured Vehicle Enforcement Program shall be implemented and administered by the district attorneys of the State

of Oklahoma within their respective districts or at the District Attorneys Council. To implement this program, the use of technology and software to aid in detection of offenses involving uninsured motorists is necessary and district attorneys and participating law enforcement agencies shall have the authority to enter into contractual agreements with automated license plate reader providers to provide necessary technology, equipment and maintenance thereof.

C. 1. Participating law enforcement agencies may use automatic license plate reader systems utilizing individual automatic license plate reader system units to access and collect data for the investigation, detection, analysis or enforcement of Oklahoma's Compulsory Insurance Law.

2. To accomplish the purposes of the program, law enforcement agencies shall be allowed to access the online verification system for motor vehicle liability policies to establish compliance with the Compulsory Insurance Law as provided in Section 7-600.2 of Title 47 of the Oklahoma Statutes.

3. Access to the system shall be restricted to authorized law enforcement agency users in the program; provided, any entity with which a contract is executed to provide necessary technology, equipment and maintenance for purposes of the program shall be authorized, as necessary, to collaborate for required updates and maintenance of their software.

4. Any data collected and stored by law enforcement pursuant to the program shall be considered evidence if noncompliance with the Compulsory Insurance Law is confirmed.

D. A law enforcement officer may verify by sworn affidavit that a photograph generated by an automatic license plate reader system unit identifies a particular vehicle operating on or having been operated on a public road, highway, street, turnpike, other public place or upon any private road, street, alley or lane which provides access to one or more single-family or multifamily dwellings and that the online verification system shows that the vehicle was uninsured at the time such vehicle was being operated. The affidavit shall constitute probable cause for prosecution under applicable state law.

E. Data collected or retained through the use of an automated license plate reader system pursuant to the program shall be retained by a law enforcement agency when the data is being used as evidence of a violation of the Compulsory Insurance Law; provided, when the data is no longer needed as evidence of a violation, the data shall be deleted or destroyed.

F. Data collected or retained through the use of an automated license plate reader system shall not be used by any individual or agency for purposes other than enforcement of the Compulsory Insurance Law or as otherwise permitted by law.

1. No law enforcement agency or other entity authorized to operate under this program shall sell captured license plate data for any purpose or share it for any purpose not expressly authorized by this section.

2. Any and all data collected, retained or shared through the use of an automated license plate reader system, except data retained as evidence of a violation of the Compulsory Insurance Law, shall be exempt from the Oklahoma Open Records Act.

G. The provisions of the program shall not apply to, or be construed or interpreted in a manner to prohibit the use of, any other automated license plate reader system by an individual or private legal entity for purposes not otherwise prohibited by law.

H. The provisions of the program shall not be implemented until such time that the Insurance Department verifies that the following conditions have been met:

1. At least Ninety-Five Percent (95%) of the personal lines auto insurance market in the state participates in the Oklahoma Compulsory Insurance Verification System using a real-time web portal system; and

2. The Oklahoma Compulsory Insurance Verification System is updated in such a way to allow for the provisions of the program to be implemented without interrupting or impeding any other lawful uses of the system.

I. Following the implementation of the program and every year thereafter, the District Attorneys Council shall publish an annual report for the previous fiscal year of the Uninsured Vehicle Enforcement Program by September 1. An electronic copy of the report shall be distributed to the President Pro Tempore of the Senate and the Speaker of the House of Representatives and the chairs of the House and Senate Appropriations Committees. The report shall comprise an evaluation of program operations, and may include any information and recommendations for improvement of the program deemed appropriate by the entity submitting the report.

J. For purposes of this section:

1. "Automatic licenseplate reader system" means a system of one or more mobile or law-enforcement-controlled cameras combined with computer algorithms to convert images of registration plates into computer-readable data;

2. "Law enforcement agency" includes the district attorney's office of any county, the Department of Public Safety, the sheriff's office of any county, and the chiefs of police of any city or town having a population of more than one hundred thousand (100,000) residents; and

3. "Program" means the Uninsured Vehicle Enforcement Program. Added by Laws 2016, c. 365, § 1. Amended by Laws 2017, c. 74, § 2, eff. Nov. 1, 2017.

§47-7-606.2. Uninsured Vehicle Enforcement Diversion Program.

A. Each district attorney may create within the district attorney's office an Uninsured Vehicle Enforcement Diversion Program and assign sufficient staff and resources for the efficient operation of the program. The purpose of the Uninsured Vehicle Enforcement Diversion Program is to authorize the district attorney to divert complaints involving the failure to comply with mandatory vehicle liability insurance coverage from criminal court to the Uninsured Vehicle Enforcement Diversion Program and to enhance public safety and security through increased compliance with mandatory vehicle liability insurance coverage.

B. 1. Referral of a criminal complaint to the Uninsured Vehicle Enforcement Diversion Program shall be at the discretion of the district attorney. This act shall not limit the power of the district attorney to prosecute Compulsory Insurance Law complaints.

2. Upon receipt of a complaint for failure to comply with the Compulsory Insurance Law, the district attorney shall determine if the complaint is one which is appropriate for deferred prosecution.

3. In determining whether to defer prosecution and refer a case to the Uninsured Vehicle Enforcement Diversion Program, the district attorney shall consider the following factors:

- a. whether the criminal complaint alleges an offense involving the failure to maintain required vehicle liability insurance coverage,
- b. whether it is in the best interest of the accused for the accused person to be processed through deferred prosecution in the Uninsured Vehicle Enforcement Diversion Program,
- c. the prospects for adequate protection of the public if the accused person is processed through deferred prosecution in the Uninsured Vehicle Enforcement Diversion Program,
- d. the number of criminal complaints against the defendant previously received by the district attorney,
- e. whether or not there are other criminal complaints currently pending against the defendant, and
- f. the strength of the evidence of the particular criminal complaint.

C. Upon referral of a complaint to the Uninsured Vehicle Enforcement Diversion Program, a notice of the complaint shall be forwarded by mail to the last known address of the record owner of the vehicle. The notice shall contain:

1. The date the act which is the subject of the complaint occurred;

2. A statement of the penalty for the violation of the Compulsory Insurance Law which is the subject of the complaint;

3. A statement that the records of the State of Oklahoma indicate that the owner of the vehicle is not in compliance with the provisions of the Compulsory Vehicle Insurance Law and that the complaint against the owner has been referred to the Uninsured Vehicle Enforcement Diversion Program; and

4. The date before which the owner must contact the office of the district attorney concerning the complaint.

D. If the owner fails to comply with the letter, the district attorney may file the information and proceed with the prosecution of the owner as provided by law.

E. The district attorney may enter into a written agreement with the owner pursuant to the provisions of Sections 305.1 through 305.6 of Title 22 of the Oklahoma Statutes to defer prosecution on the complaint for a period to be determined by the district attorney, not to exceed two (2) years. The conditions of an agreement to defer prosecution shall include:

1. The owner shall provide verification of current insurance upon request of the district attorney;

2. The owner shall comply with the provisions of the Compulsory Insurance Law for the full term of the agreement; and

3. The owner shall not own or operate any vehicle in violation of the Compulsory Insurance Law during the full term of the agreement.

F. Each diversion agreement shall include a provision requiring the owner to pay to the district attorney's office or District Attorneys Council a fee equal to the amount which would have been assessed as court costs upon the filing of the case in district court pursuant to the provisions of Section 153 of Title 28 of the Oklahoma Statutes. This fee shall be deposited in a special district attorney fund with the county treasurer to be known as the "Uninsured Vehicle Enforcement Diversion Program Fund". Diversion fees paid to the District Attorneys Council shall be deposited in a special fund to be known as the "Uninsured Vehicle Enforcement Diversion Program Fund".

1. Each diversion agreement shall also include a provision requiring the owner to pay an additional fee of Twenty Dollars (\$20.00) to the District Attorneys Council, of which Five Dollars (\$5.00) will be used in processing the payment, Ten Dollars (\$10.00) will be used in operating and maintaining the Compulsory Insurance Verification System and Five Dollars (\$5.00) will be deposited in the Oklahoma Pension Improvement Revolving Fund created by section 2 of Enrolled Senate Bill No. 1128 of the 2nd Session of the 55th Oklahoma Legislature.

2. The monies deposited in the Uninsured Vehicle Enforcement Diversion Program Fund of a district attorney or the District Attorneys Council shall be used by the district attorney and District Attorneys Council to pay for all expenses and costs of

equipping, operating and monitoring the vehicle insurance program, including but not limited to, contractual payments to third-party entities providing essential services and/or equipment for detection of violations of Compulsory Insurance Law, and payment of reasonable compensation to authorized and participating law enforcement agencies as may be agreed between such entities, law enforcement agencies and the district attorney or District Attorneys Council.

3. Proceeds from the Uninsured Vehicle Enforcement Diversion Program administered by the District Attorneys Council may be used to pay for any lawful expenditures associated with the operation of the diversion program by the District Attorneys Council. The net proceeds shall be allocated and distributed to the district attorneys by the District Attorneys Council. District attorneys may use proceeds from this diversion program to pay for any lawful expenditure associated with the operation of the district attorney's office.

4. The district attorney and District Attorneys Council shall keep records of all monies deposited to and disbursed from the Uninsured Vehicle Enforcement Diversion Program Fund. The records of these funds shall be audited at the same time the records of the district attorney and District Attorneys Council, respectively, are audited.

5. If the owner furnishes proof to the satisfaction of the district attorney's office or District Attorneys Council that the required vehicle liability insurance coverage was in effect at the time of the alleged violation, no fee shall be required.

G. Members of the district attorney's staff shall perform duties in connection with the Uninsured Vehicle Enforcement Diversion Program in addition to any other duties which may be assigned by the district attorney.

H. District attorneys shall prepare and submit an annual report to the District Attorneys Council showing total deposits and total expenditures in the Uninsured Vehicle Enforcement Diversion Program. Each district attorney shall submit information requested by the District Attorneys Council regarding the Uninsured Vehicle Enforcement Diversion Program.

By September 15 of each year following the implementation of the Uninsured Vehicle Enforcement Program, the District Attorneys Council shall publish an annual report for the previous fiscal year of the Uninsured Vehicle Enforcement Diversion Program. An electronic copy of the report shall be distributed to the Governor, President Pro Tempore of the Senate, Speaker of the House of Representatives and the chairs of the House and Senate Appropriations Committees. The report required by this paragraph shall include the number of cases processed, the total amount of fees collected, the total cost of the program and such other information as required by the District Attorneys Council.

Added by Laws 2016, c. 365, § 2.

§47-7-607. Exemptions.

A. Every owner of a motor vehicle which is not used upon the public highways or public streets shall be exempt from the provisions of the Compulsory Insurance Law if the owner of the vehicle has filed an affidavit with the appropriate motor license agent which states that the vehicle shall not be driven upon the public highways or public streets during the uninsured period.

The form of the affidavit shall be prescribed by the Oklahoma Tax Commission and shall contain blanks for the owner to specify the length of time the vehicle shall not be driven upon the public highways or public streets, the reason the vehicle shall not be driven, and any other information deemed necessary by the Tax Commission.

B. The owner or transporter of a manufactured home, as defined by Section 1102 of this title, who is moving or transporting such manufactured home on state roads or federal highways shall comply with the provisions of the Compulsory Insurance Law.

C. Any person, firm or corporation engaged in the business of operating a taxicab or taxicabs shall be exempt from the provisions of the Compulsory Insurance Law if the person, firm or corporation has complied with the provisions of Section 8-104 of this title.

Added by Laws 1978, c. 105, § 1, eff. Dec. 11, 1978. Amended by Laws 1981, c. 118, § 3; Laws 1984, c. 253, § 3, operative July 1, 1984; Laws 1986, c. 138, § 1, emerg. eff. April 17, 1986; Laws 2009, c. 62, § 38, eff. Nov. 1, 2009.

§47-7-608. Repealed by Laws 2009, c. 7, § 2, eff. Nov. 1, 2009 and Laws 2009, c. 62, § 41, eff. Nov. 1, 2009.

§47-7-609. Repealed by Laws 2009 c. 62, § 41, eff. Nov. 1, 2009.

§47-7-610. Repealed by Laws 1994, c. 218, § 12, eff. April 1, 1995.

§47-7-612. Security verification forms - Violations of law - Penalties.

A. It is a misdemeanor for any person:

1. To purchase a security verification form which bears altered or fictitious information concerning the existence of security required by the Compulsory Insurance Law;

2. To display or cause or permit to be displayed or to possess a security verification form which the person knows bears altered or fictitious information concerning the existence of security required by the Compulsory Insurance Law; or

3. To display or cause or permit to be displayed or to possess any security verification form that is counterfeit.

B. It is a Class C2 felony offense for anyone, other than an insurer or insurance producer as defined by Section 1435.2 of Title 36 of the Oklahoma Statutes, to:

1. Create or otherwise manufacture a security verification form or facsimile thereof, or to create, manufacture or possess an engraved plate or other such device for the printing of security verification forms; or

2. Issue or sell security verification forms.

C. 1. The violation of any of the provisions of subsection A of this section shall constitute a misdemeanor punishable by a fine of not less than Twenty-five Dollars (\$25.00), nor more than Two Hundred Fifty Dollars (\$250.00) and by mandatory suspension of the person's driving privilege for:

a. two (2) months, for a first offense,

b. six (6) months, for a second offense, or

c. one (1) year, for a third or subsequent offense.

The suspension imposed under this subsection shall not be modified.

2. The violation of any of the provisions of subsection B of this section shall constitute a Class C2 felony offense punishable by a fine not exceeding Ten Thousand Dollars (\$10,000.00), or a term of imprisonment as provided for in subsections B through F of Section 20M of Title 21 of the Oklahoma Statutes, or by both such fine and imprisonment.

D. The suspension required in subsection C of this section shall remain in effect until payment is made of the fees provided for in Section 6-212 of this title and proof of security is furnished to the Department of Public Safety which complies with the requirements of Section 7-601 of this title. Suspension under this section shall be effective when notice is given pursuant to Section 2-116 of this title.

E. Any person whose driving privilege has been suspended pursuant to the provisions of subsection C of this section shall surrender to the Department his or her driver license within thirty (30) days from the date of the suspension. Any owner failing to surrender his or her driver license to the Department within such time shall pay a fee of Fifty Dollars (\$50.00) which shall be in addition to the fees provided for in Section 6-212 of this title. Added by Laws 2006, c. 322, § 5, eff. July 1, 2006. Amended by Laws 2007, c. 326, § 15, eff. Nov. 1, 2007; Laws 2009, c. 62, § 39, eff. Nov. 1, 2009; Laws 2025, c. 486, § 269, eff. Jan. 1, 2026.

§47-7-621. Oklahoma Temporary Motorist Liability Plan.

A. There is hereby created the "Oklahoma Temporary Motorist Liability Plan".

B. The Oklahoma Temporary Motorist Liability Plan will provide minimum vehicle liability insurance coverage for the payment of loss resulting from the liability imposed by law for bodily injury, death

and property damage sustained by any person arising out of the ownership, maintenance, operation or use of a vehicle when a citation is issued and the vehicle license plate has been seized pursuant to subparagraph b of paragraph 1 of subsection A of Section 7-606 of Title 47 of the Oklahoma Statutes.

C. Coverage amount will be equal to the state minimum liability requirement.

Added by Laws 2013, c. 176, § 1, eff. Nov. 1, 2013.

§47-7-622. Coverage periods.

A. Coverage shall only be provided by the Oklahoma Temporary Motorist Liability Plan from the time period beginning when the citation is issued and the vehicle license plate is seized pursuant to subparagraph b of paragraph 1 of subsection A of Section 7-606 of Title 47 of the Oklahoma Statutes, and ending at the earliest of the following times:

1. When the owner of the vehicle has:

a. obtained documentation from the Department of Public Safety showing the owner of the vehicle has secured for the payment of loss resulting from the liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of the vehicle meeting the minimum vehicle liability limits, or

b. obtained the state minimum mandatory insurance from an insurance carrier;

2. Retrieved the license plate from the county sheriff's office pursuant to subparagraph b of paragraph 1 of subsection A of Section 7-606 of Title 47 of the Oklahoma Statutes; or

3. When the citation serving as the temporary license plate has expired pursuant to subparagraph b of paragraph 1 of subsection A of Section 7-606 of Title 47 of the Oklahoma Statutes.

B. Coverage shall only be provided while the motor vehicle is operated in this state during the time period provided in subsection A of this section.

Added by Laws 2013, c. 176, § 2, eff. Nov. 1, 2013.

§47-7-623. Temporary Insurance Premium Pool.

A. There is hereby created the Temporary Insurance Premium Pool. Funds shall be deposited into the Temporary Insurance Premium Pool pursuant to subparagraph b of paragraph 1 of subsection A of Section 7-606 of Title 47 of the Oklahoma Statutes.

B. Any interest or earning accrued to the Plan Administrator accounts associated with the Oklahoma Temporary Motorist Liability Plan shall be deposited into the Temporary Insurance Premium Pool.

C. At the end of any state fiscal year, if the Temporary Insurance Premium Pool reserves exceed that year's three-month average total statewide premium, then the excess funds shall be distributed to the Department of Public Safety's operations fund.

D. The Temporary Insurance Premium Pool is subject to audit by the State Auditor and Inspector.

Added by Laws 2013, c. 176, § 3, eff. Nov. 1, 2013.

§47-7-624. Secondary coverage.

Coverage provided by the Oklahoma Temporary Motorist Liability Plan will be secondary to any other coverage in effect on the vehicle.

Added by Laws 2013, c. 176, § 4, eff. Nov. 1, 2013.

§47-7-625. Forms - Bidding

A. The Insurance Commissioner shall when necessary, develop and approve a policy form for the purpose of providing coverage under the Oklahoma Temporary Motorist Liability Plan. All coverage and exclusions shall be defined in the form prescribed by the Commissioner. The exclusions may include, but are not limited to, driving without a license, driving during the commission of a felony or driving while under the influence. The approved policy form shall become part of a Request for Proposals.

B. The Office of Management and Enterprise Services, in consultation with the Insurance Commissioner, shall select an insurer through a competitive bidding process to administer insurance coverage under the Plan. The contract for insurance coverage awarded pursuant to this section may be a multi-year contract, renewable annually, in accordance with any applicable Office of Management and Enterprise Services guidelines or procedures.

C. Bids shall be received by the Office of Management and Enterprise Services by November 1 as required for any rebidding year. Bids shall be expressed as a daily temporary insurance rate and shall include all costs associated with administering the insurance portion of the Plan. Bids may not include any additional administrative fees. The Office of Management and Enterprise Services, in consultation with the Insurance Commissioner, shall select the lowest and best bid.

D. If no acceptable bids are received, the Office of Management and Enterprise Services may suspend coverage provided under the Plan until acceptable bids are received.

Added by Laws 2013, c. 176, § 5, eff. Nov. 1, 2013. Amended by Laws 2016, c. 125, § 2, eff. Nov. 1, 2016.

§47-7-626. Plan administrator - Rates - Premiums.

A. The Insurance Commissioner may contract with a statewide association of county sheriffs in Oklahoma to serve as the Plan Administrator.

B. The daily rate for temporary insurance under the Oklahoma Temporary Motorist Liability Plan for the following calendar year shall be announced on the first Monday in December. The daily cost of coverage and administrative fee shall be paid to the county sheriff's office or municipal police department and the fine and court fees associated with the traffic ticket shall be paid to the court clerk. The daily cost of coverage shall be calculated on each twenty-four-hour period from the time the citation was issued pursuant to subparagraph b of paragraph 1 of subsection A of Section 7-606 of this title, rounding up. The county sheriff's office or municipal police department shall not waive premium dues for any defendant, except as provided in subsection D of this section. The county sheriff's office or municipal police department shall remit all proceeds from the daily cost of insurance to the Plan on the first business day of each month to the Plan Administrator. The Plan Administrator shall remit the total statewide monthly premium to the appropriate insurance carrier within sixty (60) days of the premium being earned.

C. If for any reason the premium is not collected, then the Oklahoma Temporary Motorist Liability Plan shall pay the premium out of the Temporary Insurance Premium Pool.

D. If the citation issued pursuant to subparagraph b of paragraph 1 of subsection A of Section 7-606 of this title is dismissed without cost, the coverage provided under the Plan is considered never activated and the premium is considered unearned and shall be waived.

E. Tag agents shall not issue a new or renewed tag for this vehicle until all fines, fees and premiums have been paid and the license plate has been released by the county sheriff's office. Added by Laws 2013, c. 176, § 6, eff. Nov. 1, 2013. Amended by Laws 2016, c. 125, § 3, eff. Nov. 1, 2016; Laws 2018, c. 148, § 1, eff. Nov. 1, 2018.

§47-7-627. Right of recovery.

The insurance carrier whose bid was selected by the Office of Management and Enterprise Services shall have the right to recover from the owner of the vehicle or the driver of the vehicle that was cited for claims paid by the Oklahoma Temporary Motorist Liability Plan.

Added by Laws 2013, c. 176, § 7, eff. Nov. 1, 2013.

§47-7-628. Implementation.

The Department of Public Safety may promulgate reasonable and necessary rules concerning the implementation of the Oklahoma Temporary Motorist Liability Plan.

Added by Laws 2013, c. 176, § 8, eff. Nov. 1, 2013.

§47-7-700. Reinstatement of driving privileges following subsequent withdrawal - Liability for fees.

Any person whose driving privileges have been withdrawn by the Department under the provisions of Chapter 7 of this title, and whose driving privileges are subsequently withdrawn for another violation of Chapter 7 of this title arising out of the same incident, shall not be required to pay to the Department any additional fees required by Section 6-212 of this title, as a condition of reinstatement of driving privileges from the subsequent withdrawal.

Added by Laws 2000, c. 58, § 1, eff. July 1, 2000. Amended by Laws 2005, c. 394, § 7, emerg. eff. June 6, 2005.

§47-8-101. Owner of for-rent vehicle to give proof of financial responsibility.

A. It shall be unlawful for the owner of any motor vehicle engaged in the business of renting motor vehicles without drivers to rent a motor vehicle without a driver otherwise than as a part of a bona fide transaction involving the sale of such motor vehicle, unless he or she has previously notified the Department of Public Safety of the intention to so rent such vehicle and has given proof of financial responsibility, and Service Oklahoma shall not register any such vehicle unless and until the owner gives proof of financial responsibility either as provided in this section or, in the alternative, as provided in Section 8-102 of this title. Service Oklahoma shall cancel the registration of any motor vehicle rented without a driver whenever Service Oklahoma ascertains that the owner has failed or is unable to give and maintain such proof of financial responsibility.

B. Such owner shall submit to the Commissioner of Public Safety evidence that there has been issued to him or her by an insurance carrier authorized to do business in this state a public liability insurance policy or policies covering each such motor vehicle so rented in the amounts as hereinafter stated and insuring every person operating such vehicle under a rental agreement or operating the vehicle with the express or implied permission of the owner against loss from the liability imposed by law upon such person arising out of the operation of said vehicle in the amount of Twenty-five Thousand Dollars (\$25,000.00) for bodily injury to or death of one person and, subject to said limit as respects bodily injury to or death of any one person, the amount of Fifty Thousand Dollars (\$50,000.00) on account of bodily injury to or death of more

than one person in any one accident and Twenty-five Thousand Dollars (\$25,000.00) for damage to property of others in any one accident. Provided, that the Commissioner is authorized to accept, in lieu of such public liability insurance policy covering specific vehicles, proof by evidence satisfactory to the Commissioner of a valid and binding lease contract between the owner and a renter wherein it is agreed between such owner and the lessee-renter that such lessee-renter accepts responsibility for loss from any liability imposed by law upon any person arising out of the operation, either by express or implied permission of the lessee-renter, of any vehicle covered by such lease in amounts not less than the minimum amounts before set out in this subsection, together with satisfactory evidence of issuance to such lessee-renter, by an insurance carrier authorized to do business in this state, proper public liability insurance policies in amounts of not less than the minimum amounts before set out in this subsection or sufficient showing of financial responsibility of such lessee-renter as is required of owners by the provisions of Section 8-102 of this title.

C. The owner shall maintain such policy or policies in full force and effect during all times that he or she is engaged in the business of renting any motor vehicle without a driver unless said owner shall have given proof of financial responsibility as provided in Section 8-102 of this title.

D. Said policy or policies need not cover any liability incurred by the renter of any vehicle to any passenger in such vehicle.

E. When any suit or action is brought against the owner of a for-rent motor vehicle upon a liability under this title, it shall be the duty of the judge of the court before whom the case is pending to cause a preliminary hearing to be had, in the absence of the jury, for the purpose of determining whether the owner has obtained and there is in full force and effect, a policy or policies of insurance covering the person operating the vehicle under a rental agreement, in the limits above mentioned. When it appears that the owner has obtained such policy or policies and that the same are in full force and effect, the judge or magistrate before whom such action is pending shall dismiss the action as to the owner of the motor vehicle.

F. Whenever the owner of a motor vehicle rents such vehicle without a driver to another, it shall be unlawful for the latter to permit any other person to operate such vehicle without the permission of the owner.

G. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

Added by Laws 1961, p. 367, § 8-101, eff. Sept. 1, 1961. Amended by Laws 1980, c. 235, § 7, eff. Jan. 1, 1981; Laws 2004, c. 519, § 33, eff. Nov. 1, 2004; Laws 2022, c. 282, § 89, emerg. eff. May 19, 2022.

§47-8-102. Owner of for-rent vehicle liable when no policy obtained.

A. In the event the owner of a for-rent motor vehicle has not given proof of financial responsibility as provided in Section 8-101 of this title, then Service Oklahoma shall not register any motor vehicle owned by such person and rented, or intended to be rented, to another unless such owner shall demonstrate, to the satisfaction of the Commissioner of Public Safety, his or her financial ability to respond in damages as follows:

1. If he or she applies for registration of one motor vehicle, in the sum of at least Twenty Thousand Dollars (\$20,000.00) for any one person injured or killed and in the sum of Forty Thousand Dollars (\$40,000.00) for any number more than one injured or killed in any one accident.

2. If he or she applies for the registration of more than one motor vehicle, then in the foregoing sums for one motor vehicle, and Twenty Thousand Dollars (\$20,000.00) additional for each motor vehicle in excess of one, but it shall be sufficient for the owner to demonstrate ability to respond in damages in the sum of Two Hundred Thousand Dollars (\$200,000.00) for any number of motor vehicles.

B. Service Oklahoma shall cancel the registration of any motor vehicle rented without a driver whenever Service Oklahoma ascertains that the owner has failed or is unable to comply with the requirements of this section.

C. Any owner of a for-rent motor vehicle who has given proof of financial responsibility under this section or who in violation of this act has failed to give proof of financial responsibility shall be jointly and severally liable with any person operating such vehicle for any damages caused by the negligence of any person operating the vehicle by or with the permission of the owner, except that the foregoing provision shall not confer any right of action upon any passenger in any such rented vehicle as against the owner.

D. Nothing in this section shall be construed to prevent an owner from making defense in any such action upon the ground of comparative or contributory negligence to the extent to which such defense is allowed in other cases.

Added by Laws 1961, p. 368, § 8-102, emerg. eff. Sept. 1, 1961. Amended by Laws 1980, c. 235, § 11, eff. Jan. 1, 1981; Laws 2022, c. 282, § 90, emerg. eff. May 19, 2022.

§47-8-103. Renting motor vehicle to another.

A. No person shall rent a motor vehicle to any other person unless the person to whom the vehicle is to be rented is duly licensed to operate a motor vehicle as required under this act or, in the case of a nonresident, then duly licensed under the laws of the state or country of his or her residence.

B. No person shall rent a motor vehicle to another until he or she has inspected the driver license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his or her presence.

C. Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address and driver license number of the person to whom the vehicle is rented, the expiration date of said license and place where said license was issued. Such record shall be open to inspection by any police officer or officer or employee of Service Oklahoma.

Added by Laws 1961, p. 368, § 8-103, eff. Sept. 1, 1961. Amended by Laws 1995, c. 23, § 11, eff. Nov. 1, 1995; Laws 2005, c. 355, § 1, eff. Nov. 1, 2005; Laws 2022, c. 282, § 91, emerg. eff. May 19, 2022.

§47-8-104. Financial responsibility of taxicab operators.

A. 1. Every person, firm or corporation engaged in the business of operating a taxicab or taxicabs within a municipality shall file with the governing board of the municipality in which such business is operated proof of financial responsibility.

2. No governing board of a municipality shall hereafter issue any certificate of convenience and necessity, franchise, license permit or other privilege or authority to any person, firm or corporation authorizing such person, firm or corporation to engage in the business of operating a taxicab or taxicabs within the municipality unless such person, firm or corporation first files with the governing board proof of financial responsibility.

3. Every person, firm or corporation engaging or intending to engage in the business of transporting passengers outside a municipality shall be subject to the jurisdiction of the Corporation Commission in accordance with Section 230.24 of this title and the rules of the Corporation Commission.

B. As used in this section, "proof of financial responsibility" shall mean a certificate of any insurance carrier or risk retention group, as defined in Section 6453 of Title 36 of the Oklahoma Statutes, authorized to do business in the state certifying that there is in effect a policy of liability insurance insuring the owner and operator of the taxicab business, his agents and employees while in the performance of their duties against loss from any liability imposed by law for damages including damages for care and

loss of services because of bodily injury to or death of any person and injury to or destruction of property caused by accident and arising out of the ownership, use or operation of such taxicab or taxicabs, subject to minimum limits, exclusive of interest and cost, with respect to each such motor vehicle as follows:

1. Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person;

2. Fifty Thousand Dollars (\$50,000.00) because of bodily injury to or death of two or more persons in any one accident; and

3. Twenty-five Thousand Dollars (\$25,000.00) because of injury to or destruction of property of others in any one accident.

Added by Laws 1961, p. 369, § 8-104, eff. Sept. 1, 1961. Amended by Laws 1980, c. 235, § 12, eff. Jan. 1, 1981; Laws 1986, c. 138, § 2, emerg. eff. April 17, 1986; Laws 1998, c. 85, § 5, eff. July 1, 1998; Laws 2000, c. 165, § 1, eff. Nov. 1, 2000; Laws 2004, c. 519, § 34, eff. Nov. 1, 2004; Laws 2007, c. 326, § 16, eff. Nov. 1, 2007.

§47-8-105. Additional mandatory charges – Good-faith estimate and disclosure.

A. If a motor vehicle rental company imposes additional mandatory charges, the rental company shall:

1. Provide a good-faith estimate of the total charges for the entire rental, including all additional mandatory charges, whenever a quote is provided to a potential customer. The good-faith estimate may exclude mileage charges and charges for optional items that cannot be determined prior to completing a rental reservation based on the information provided by the potential customer; and

2. Disclose in the rental contract provided to the renter the total charges for the entire rental, including all additional mandatory charges. Total charges for the entire rental do not include any charges that cannot be determined at the time the rental commences.

B. As used in this section:

1. "Additional mandatory charge" means any separately stated charges that a motor vehicle rental company requires a renter to pay that specifically relate to the operation of a rental vehicle. Additional mandatory charge includes, but is not limited to, a customer facility charge, airport concession recovery fee, road safety program fee, vehicle license recovery fee, or any government imposed taxes or fees;

2. "Motor vehicle" means the same as set forth in Section 562 of Title 47 of the Oklahoma Statutes;

3. "Motor vehicle rental agreement" means an agreement for the rental of a motor vehicle for transportation purposes, for a period no more than ninety (90) days, in return for a fee that is calculated on a daily, weekly, or monthly basis;

4. "Motor vehicle rental company" means an entity that is in the business of renting, pursuant to motor vehicle rental agreements;

5. "Quote" means an estimated cost of rental provided by a motor vehicle rental company to a potential customer based on information provided by the customer, including potential dates of rental, location, or class of vehicle; and

6. "Vehicle license recovery fee" means a charge to recover costs incurred by a motor vehicle rental company to license, title, register, plate, or inspect a rental vehicle.

Added by Laws 2023, c. 210, § 1, eff. Nov. 1, 2023.

§47-10-101. Provisions of chapter apply throughout state.

The provisions of this chapter shall apply upon highways and elsewhere throughout the state.

Added by Laws 1961, p. 370, § 10-101, eff. Sept. 1, 1961. Amended by Laws 1972, c. 160, § 2.

§47-10-102. Accidents involving nonfatal injury.

A. The driver of any vehicle involved in an accident resulting in a nonfatal injury to any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 10-104 of this title. Every such stop shall be made without obstructing traffic more than is necessary.

B. Any person willfully, maliciously, or feloniously failing to stop to avoid detection or prosecution or to comply with said requirements under such circumstances, shall upon conviction be guilty of a Class B5 felony offense punishable by imprisonment for not less than ten (10) days nor more than two (2) years, or by a fine of not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

C. The Commissioner of Public Safety shall revoke the license or permit to drive and any nonresident operating privilege of the person so convicted.

Added by Laws 1961, p. 370, § 10-102, eff. Sept. 1, 1961. Amended by Laws 1985, c. 112, § 9, eff. Nov. 1, 1985; Laws 1992, c. 382, § 5, emerg. eff. June 9, 1992; Laws 1997, c. 133, § 478, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 345, eff. July 1, 1999; Laws 2025, c. 486, § 176, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 478 from July 1, 1998, to July 1, 1999.

§47-10-102.1. Accidents involving death.

A. The driver of any vehicle involved in an accident resulting in the death of any person shall immediately stop such vehicle at

the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 10-104 of this title. Every such stop shall be made without obstructing traffic more than is necessary.

B. Any person willfully, maliciously, or feloniously failing to stop to avoid detection or prosecution, or to comply with said requirements under such circumstances, shall upon conviction be guilty of a Class B4 felony offense punishable by imprisonment for not less than one (1) year nor more than ten (10) years, or by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

C. The Commissioner of Public Safety shall revoke the license or permit to drive and any nonresident operating privilege of the person so convicted.

Added by Laws 1992, c. 382, § 6, emerg. eff. June 9, 1992. Amended by Laws 1997, c. 133, § 479, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 346, eff. July 1, 1999; Laws 2025, c. 486, § 142, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 479 from July 1, 1998, to July 1, 1999.

§47-10-103. Accidents involving damage to vehicle.

The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of Section 10-104 of this title. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment. In addition to the criminal penalties imposed by this section, any person violating the provisions of this section shall be subject to liability for damages in an amount equal to three times the value of the damage caused by the accident. Said damages shall be recoverable in a civil action. Nothing in this section shall prevent a judge from ordering restitution for any damage caused by a driver involved in an accident provided for in this section.

Amended by Laws 1987, c. 224, § 15, eff. Nov. 1, 1987.

§47-10-104. Duty to give information and render aid.

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his or her correct name, address and registration number of the vehicle he or she is driving, and shall upon request exhibit his or her driver license and his or her security verification form, as defined in Section 7-600 of this title, to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person. Any driver who provides information required by this section which is intentionally inaccurate shall be subject to the provisions of Section 10-103 of this title.

Added by Laws 1961, p. 371, § 10-104, eff. Sept. 1, 1961. Amended by Laws 1985, c. 134, § 1, eff. Nov. 1, 1985; Laws 1991, c. 237, § 1, eff. Sept. 1, 1991; Laws 1993, c. 192, § 1, eff. Sept. 1, 1993; Laws 1995, c. 23, § 12, eff. Nov. 1, 1995; Laws 1995, c. 313, § 2, eff. July 1, 1995; Laws 2005, c. 394, § 8, emerg. eff. June 6, 2005; Laws 2025, c. 172, § 2, eff. Nov. 1, 2025.

§47-10-105. Duty upon striking unattended vehicle.

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the correct name and address of the driver and owner of the vehicle striking the unattended vehicle, and provide said operator or owner with information from his security verification form, as defined by Section 7-600 of this title, or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking, and providing information from his security verification form, as defined by Section 7-600 of this title, and a statement of the circumstances thereof.

Amended by Laws 1985, c. 134, § 2, eff. Nov. 1, 1985.

§47-10-106. Duty upon striking fixtures upon a highway.

The driver of any vehicle involved in an accident resulting only in damage to fixtures, fences, or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of the driver's name and address and of the registration number of the vehicle being driven and shall upon request exhibit a driver license and security verification form, as defined in Section 7-600

of this title, and shall make report of such accident when and as required in Section 10-108 of this title.

Any person failing to stop or comply with said requirements under such circumstances shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment. Nothing in this section shall prevent a judge from ordering restitution for any damage caused by a driver involved in an accident provided for in this section.

Added by Laws 1961, p. 371, § 10-106, eff. Sept. 1, 1961. Amended by Laws 1985, c. 134, § 3, eff. Nov. 1, 1985; Laws 1995, c. 23, § 13, eff. Nov. 1, 1995; Laws 2007, c. 108, § 1, eff. Nov. 1, 2007.

§47-10-107. Immediate notice of accident.

The driver of a vehicle involved in an accident resulting in injury to or death of any person shall immediately, by the quickest means of communication, give notice of such accident to the local police department, if such accident occurs within a municipality, or to the office of the county sheriff or the nearest office of the State Highway Patrol after complying with the requirements of Section 10-104.

Laws 1961, p. 371, § 10-107.

§47-10-108. Written report of accident - Notice to other parties - Ancillary proceedings.

A. Except for collisions occurring on private property, the operator of a motor vehicle which is in any manner involved in a collision upon any road, street, highway or elsewhere within this state resulting in bodily injury to or death of any person or in which it is apparent that damage to one vehicle or other property is in excess of Three Hundred Dollars (\$300.00) shall forward a written report of the collision to the Department of Public Safety if settlement of the collision has not been made within six (6) months after the date of the accident and provided that if a settlement has been made a report of the settlement must be made by the parties.

B. A municipality or county shall have the authority to adopt ordinances or resolutions regarding the response of law enforcement to motor vehicle accidents occurring on private property within its jurisdiction; provided, law enforcement agencies shall respond to and report collisions that occur on private property which involve a personal injury, a driver that may be under the influence of alcohol or any other intoxicating substance, or a vehicle that is the property of the state or a political subdivision of the state.

C. Notwithstanding the provisions of Section 7-202 of this title, if any party involved in a collision files a report under this section, the Department shall be responsible for providing the

most up-to-date and accurate location information within the Department for either party involved at no cost, and notify all other parties involved in the collision, as specified in the report, that a report has been filed and all other parties shall then furnish the Department, within twenty (20) days, the information as the Department may request to determine whether the parties were in compliance with the requirements of Sections 7-601 through 7-607 of this title at the time of the collision. Upon a finding that an owner or driver was not in compliance with Sections 7-601 through 7-607 of this title, the Department shall then commence proceedings under the provisions of Sections 7-201 and 7-308 through 7-335 of this title.

Added by Laws 1961, p. 371, § 10-108, eff. Sept. 1, 1961. Amended by Laws 1968, c. 99, § 1, emerg. eff. April 1, 1968; Laws 1980, c. 100, § 2, eff. Oct. 1, 1980; Laws 1981, c. 295, § 2, emerg. eff. June 29, 1981; Laws 1993, c. 192, § 2, eff. Sept. 1, 1993; Laws 2005, c. 394, § 9, emerg. eff. June 6, 2005; Laws 2012, c. 224, § 1, eff. Nov. 1, 2012.

§47-10-109. Form of report.

(a) The form of the report required by this section shall be prescribed by the Commissioner, and the Commissioner shall cause to be prepared such blanks and shall make such blanks available to the motoring public by leaving a supply with sheriffs, chiefs of police, justices of the peace, judges of the district court and other officials as the Commissioner may deem advisable.

(b) Such report, in addition to such other information as may be prescribed by the Commissioner, shall contain information to enable the Commissioner to determine whether the requirements for the deposit of security under Section 7-202 are inapplicable by reason of the existence of insurance or other exceptions specified in this act, and shall be accompanied by a copy of an estimate made by some motor vehicle agency or established garage as to the cost of repairing the vehicle of which the person making the report was the operator or owner, which report shall be signed by an authorized representative of such agency or garage.

Added by Laws 1961, p. 371, § 10-109, eff. Sept. 1, 1961.

§47-10-110. Additional information.

The Department may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient in the opinion of the Department.

Laws 1961, p. 316, § 1-110.

§47-10-111. When driver unable to report.

(a) An accident report is not required under this chapter from any person who is physically incapable of making report during the period of such incapacity.

(b) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in Section 10-107 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

Laws 1961, p. 371, § 10-111.

§47-10-112. False reports.

Any person who gives information in reports as required in Sections 10-108, 10-110 or 10-111 knowing or having reason to believe that such information is false shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned for not more than one (1) year, or both.

Laws 1961, p. 372, § 10-112.

§47-10-113. Accident report forms.

A. The Department shall prepare and make available to police departments, coroners, sheriffs, garages and other suitable agencies or individuals forms for accident reports required hereunder, appropriate with respect to the persons required to make such reports and the purposes to be served. The written reports to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing and the persons and vehicles involved.

B. Every accident report required to be made in writing shall be made on the appropriate form approved by the Department and shall contain all of the information required therein unless not available.

Added by Laws 1961, p. 372, § 10-113, eff. Sept. 1, 1961. Amended by Laws 2011, c. 335, § 7.

§47-10-114. Penalty for failure to report.

The Commissioner of Public Safety may suspend the license or permit to drive and any nonresident operating privileges of any person failing to report an accident as herein provided until such report has been filed, and the Commissioner may extend such suspension not to exceed thirty (30) days. Any person convicted of failing to make a report as required herein shall be punished as provided in section 17-101.

Laws 1961, p. 372, § 10-114.

§47-10-115. Confidentiality of reports relating to collisions.

A. All collision reports made by persons involved in collisions shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department or other state agencies having use for the records for collision prevention purposes, or for the administration of the laws of this state relating to the deposit of security and proof of financial responsibility by persons driving or the owners of motor vehicles, except that the Department may disclose the identity of a person involved in a collision when the identity is not otherwise known or when the person denies any presence at a collision.

B. All collision reports and supplemental information filed in connection with the administration of the laws of this state relating to the deposit of security or proof of financial responsibility shall be confidential and not open to general public inspection, nor shall copying of lists of the reports be permitted, except, however, that the reports and supplemental information may be examined by, or the Department may provide a copy to, any person named therein, a representative of the person as designated in writing by the person, or as provided in Section 40-102 of this title.

C. No reports or information mentioned in this section shall be used as evidence in any trial, civil or criminal, arising out of a collision, except that the Department shall furnish upon demand of any party to a trial, or upon demand of any court, a certificate showing that a specified collision report has or has not been made to the Department in compliance with law.

Added by Laws 1961, p. 372, § 10-115, eff. Sept. 1, 1961. Amended by Laws 2000, c. 324, § 3, eff. July 1, 2000; Laws 2005, c. 394, § 10, emerg. eff. June 6, 2005.

§47-10-116. Department to tabulate and analyze accident reports.

The Department may tabulate and analyze all accident reports and shall publish annually, or at more frequent intervals, statistical information based thereon as to the number and circumstances of traffic accidents.

Laws 1961, p. 372, § 10-116.

§47-10-117. Any incorporated city may require accident reports.

Any incorporated city, town, village or other municipality may by ordinance require that the driver of a vehicle involved in an accident shall also file with a designated city department a report of such accident or a copy of any report herein required to be filed with the Department. All such reports shall be for the confidential use of the city department and subject to the provisions of Section 10-115 of this Code.

Laws 1961, p. 372, § 10-117.

§47-10-118. Accident response fee prohibited.

A. Notwithstanding any other section of law to the contrary, no person or entity shall impose an accident response fee for the response or investigation of a motor vehicle accident by law enforcement.

B. For purposes of this section, "accident response fee" means a fee imposed for the response or investigation of a motor vehicle accident and does not mean any fee otherwise specifically authorized by law.

Added by Laws 2009, c. 340, § 3, emerg. eff. May 27, 2009.

§47-11-101. Provisions of chapter refer to vehicles upon the highways - Exceptions.

The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon the highways except:

1. Where a different place is specifically referred to in a given section.

2. The provisions of Chapter 10 of this title and Article IX of this chapter shall apply upon highways, turnpikes and public parking lots throughout the state.

3. Unless otherwise provided for by law, the general provisions of this title regulating traffic on public highways shall apply on turnpikes.

Added by Laws 1961, p. 373, § 11-101, eff. Sept. 1, 1961. Amended by Laws 2008, c. 319, § 3, eff. Nov. 1, 2008.

§47-11-102. Required obedience to traffic laws.

It is unlawful and, unless otherwise declared in this chapter with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.

Laws 1961, p. 373, § 11-102.

§47-11-103. Obedience to police officers.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic.

Laws 1961, p. 373, § 11-103; Laws 1968, c. 58, § 1, emerg. eff. March 18, 1968.

§47-11-104. Persons riding animals or driv-animal-drawn vehicles.

Every person riding an animal or driving any animal-driven vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application.

Laws 1961, p. 373, § 11-104.

§47-11-105. Persons working on highways - Exceptions.

Unless specifically made applicable, the provisions of this chapter except those contained in Article IX hereof shall not apply to persons, teams, motor vehicles and other equipment, while actually engaged in work upon the surface of a highway, or to persons, motor vehicles and other equipment while actually engaged in construction, maintenance or repair of public utilities provided that all highway and public utility operations shall be protected by adequate warning signs, signals, devices or flagmen, but the provisions of this chapter shall apply to such persons and vehicles when traveling to or from such work.

Laws 1961, p. 373, § 11-105.

§47-11-106. Authorized emergency vehicles.

A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privilege set forth in this section, but subject to the conditions herein stated.

B. The driver of an authorized emergency vehicle may:

1. Park, or stand, irrespective of the provisions of this chapter;
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
3. Exceed the maximum speed limits so long as speeding does not endanger life or property;
4. Disregard regulations governing direction of movement; and
5. Disregard regulations governing turning in specified directions.

C. The exemptions herein granted to the driver of an authorized emergency vehicle shall apply only when the driver is properly and lawfully making use of an audible signal or of flashing red or blue lights or a combination of flashing red and blue lights meeting the requirements of Section 12-218 of this title, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red or blue light visible from in front of the vehicle. This subsection shall not be construed as requiring a peace officer operating a police vehicle properly and lawfully in response to a crime in progress to use audible signals.

D. The exemptions in paragraphs 3 and 5 of subsection B of this section shall be granted to a law enforcement officer operating an authorized emergency vehicle for law enforcement purposes without using audible and visual signals required by this section as long as the action does not endanger life or property if the officer is

following a suspected violator of the law with probable cause to believe that:

1. Knowledge of the presence of the officer will cause the suspect to:

- a. destroy or lose evidence of a suspected felony,
- b. end a suspected continuing felony before the officer has obtained sufficient evidence to establish grounds for arrest, or
- c. evade apprehension or identification of the suspect or the vehicle of the suspect; or

2. Because of traffic conditions, vehicles moving in response to the audible or visual signals may increase the potential for a collision.

The exceptions granted in this subsection shall not apply to an officer who is in actual pursuit of a person who is eluding or attempting to elude the officer in violation of Section 540A of Title 21 of the Oklahoma Statutes.

E. The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of reckless disregard for the safety of others.

Added by Laws 1961, p. 373, § 11-106, eff. Sept. 1, 1961. Amended by Laws 1998, c. 168, § 1, eff. Nov. 1, 1998; Laws 1999, c. 189, § 1, eff. July 1, 1999; Laws 2002, c. 229, § 1, eff. Nov. 1, 2002; Laws 2004, c. 418, § 12, eff. July 1, 2004.

§47-11-107. Military convoys exempt from municipal traffic regulation - Right of way - Exceptions.

The military forces of the United States and organizations of the National Guard, performing any military duty, shall not be restricted by municipal traffic regulations, and shall have the right of way on any street or highway through which they may pass against all, except carriers of the United States mail, fire engines, ambulances and police vehicles in the necessary discharge of their respective duties. Said mounted military moving in convoy shall have lights burning, with lead and trail vehicles prominently marked, and shall travel, while inside the corporate limits of a city or town, in compliance with such speeds as are legally posted within the corporate limits of the city or town and shall maintain a closed interval of not more than seventy-five (75) feet.

Laws 1961, p. 373, § 11-107.

§47-11-201. Obedience to and required traffic-control devices.

(a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this act, unless otherwise

directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this act.

(b) No provision of this act for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

Laws 1961, p. 373, § 11-201.

§47-11-202. Traffic-control signal legend.

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights or colored lighted arrows successively one at a time, or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

1. Green indication:
 - a. vehicular traffic facing a circular green signal, except when prohibited under Section 11-1302 of this title, may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited,
 - b. vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection, and
 - c. unless otherwise directed by a pedestrian-control signal, as provided in Section 11-203 of this title, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk;
2. Steady yellow indication:
 - a. vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red

indication will be exhibited immediately thereafter, and

- b. pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in Section 11-203 of this title, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway; and

3. Steady red indication:

- a. vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subparagraphs b and d of this paragraph,
- b. except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right or to turn left from a one-way street into a one-way street after stopping as required by subparagraph a of this paragraph. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection,
- c. in order to prohibit right turns or left turns as prescribed in subparagraph b of this paragraph, on the red signal after the required stop, a municipality must erect clear, concise signs informing drivers that such turns are prohibited. The Highway Department shall specify the design of the sign to be used for this purpose, and it shall be used uniformly throughout the state,
- d. notwithstanding any other provision of law, the driver of a motorcycle facing any steady red signal may cautiously proceed through the intersection only if:
 - (1) the motorcycle has been brought to a complete stop as required by subparagraph a of this paragraph,
 - (2) the traffic-control signal is programmed or engineered to change to a green signal only after detecting the approach of a motor vehicle and has failed to detect the arrival of the motorcycle because of its size or weight, and
 - (3) no motor vehicle or person is approaching on the roadway to be crossed or entered, or the motor

vehicle or person is at a distance from the intersection that does not constitute an immediate hazard.

The driver of any vehicle approaching the intersection, which lawfully may enter the intersection, shall have the right-of-way over any motorcycle operator proceeding through a red light and, in no event where an accident results from the driver of the motorcycle proceeding into the intersection on a red light, shall such driver of the vehicle be charged with any violation pursuant to Sections 11-401 and 11-403 of this title relating to failure to yield right-of-way, Section 11-310 of this title relating to following too closely, or Section 11-801 of this title relating to driving too fast for conditions, and

- e. unless otherwise directed by a pedestrian-control signal as provided in Section 11-203 of this title, pedestrians facing a steady circular red signal alone shall not enter the roadway.

In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

Added by Laws 1961, p. 374, § 11-202, eff. Sept. 1, 1961. Amended by Laws 1972, c. 92, § 2; Laws 1974, c. 110, § 1; Laws 1977, c. 21, § 1, emerg. eff. April 15, 1977; Laws 2010, c. 192, § 2, eff. Nov. 1, 2010; Laws 2019, c. 62, § 1, eff. Nov. 1, 2019; Laws 2021, c. 449, § 3, eff. July 1, 2021.

§47-11-202.1. Bicycles - Stops signs and traffic control signals.

A. For the purposes of this section:

- 1. "Bicycle" means a device as defined in subsection A of Section 1-104 of Title 47 of the Oklahoma Statutes; and
- 2. "Immediate hazard" means a vehicle approaching a person operating a bicycle at a proximity and rate of speed sufficient to indicate to a reasonably careful person that there is a danger of collision or accident.

B. 1. A person operating a bicycle approaching a stop sign shall:

- a. slow down,
- b. if required to avoid an immediate hazard, stop at the stop sign before entering the intersection, and

- c. cautiously enter the intersection and yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

2. If a person operating a bicycle determines there is no immediate hazard, he or she may cautiously make a right or left turn, or proceed through the intersection without stopping at the stop sign.

C. 1. A person operating a bicycle approaching a steady red traffic-control signal shall:

- a. make a complete stop at the steady red traffic-control signal before entering the intersection, and
- b. yield the right-of-way to all oncoming traffic that constitutes an immediate hazard during the time that he or she is moving across or within the intersection.

2. If a person operating a bicycle determines there is no immediate hazard, he or she may proceed through the steady red traffic-control signal with caution.

3. A person operating a bicycle may make a:

- a. right-hand turn at a steady red traffic-control signal without stopping after slowing to a reasonable speed and yielding the right-of-way, if required, to oncoming traffic that constitutes an immediate hazard, or
- b. left-hand turn onto a one-way street at a steady red traffic-control signal after stopping and yielding to oncoming traffic that constitutes an immediate hazard.

Added by Laws 2021, c. 449, § 1, eff. Nov. 1, 2021.

§47-11-203. Pedestrian-control signals.

Whenever special pedestrian-control signals exhibiting the words "Walk" or a flashing "Don't Walk" or the WALKING PERSON or UPRaised HAND symbols are in place, such signals shall indicate as follows:

1. Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way in the direction of the signal by the drivers of all vehicles;

2. Flashing Don't Walk or flashing UPRaised HAND. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his or her crossing on the walk signal shall proceed to a sidewalk or pedestrian refuge while the steady Don't Walk or UPRaised HAND signal is showing; and

3. Steady Don't Walk or steady UPRaised HAND. No pedestrian shall enter the roadway in the direction of the signal indication.

Added by Laws 1961, p. 374, § 11-203, eff. Sept. 1, 1961. Amended by Laws 2024, c. 35, § 2, eff. Nov. 1, 2024.

§47-11-204. Flashing signals.

A. Whenever an illuminated red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

1. Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the requirements of law applicable after making a stop at a stop sign.

2. Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

B. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed as set forth in Section 11-701 of this title. Added by Laws 1961, p. 375, § 11-204, eff. Sept. 1, 1961. Amended by Laws 2002, c. 397, § 19, eff. Nov. 1, 2002.

§47-11-204.1. Lane use control signals.

When lane use control signals are placed over individual lanes, said signals shall indicate and apply to drivers of vehicles as follows:

1. Green indication - Vehicular traffic may travel in any lane over which a green signal is shown;

2. Steady yellow indication - Vehicular traffic is thereby warned that a lane control change is being made;

3. Steady red indication - Vehicular traffic shall not enter or travel in any lane over which a red signal is shown; and

4. Flashing yellow indication - Vehicular traffic may use the lane only for the purpose of approaching and making a left turn.

Laws 1977 c. 21, § 2, emerg. eff. April 15, 1977.

§47-11-205. Pedestrian-actuated school crossing signals.

Whenever a pedestrian-actuated school crossing signal is provided, it shall require obedience by vehicular traffic and pedestrians in accordance with Sections 11-202 and 11-203 of this title.

Laws 1961, p. 375, § 11-205; Laws 1977, c. 21, § 3, emerg. eff. April 15, 1977.

§47-11-206. Display of unauthorized signs, signals or markings.

(a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official

traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which projects any flashing or revolving beams of light, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any street or highway any traffic sign or signal bearing thereon any commercial advertising; provided, however, that the governing board of any city or town may permit, under such conditions as the said board may deem proper, commercial or other advertising upon any traffic sign located on streets or highways within said city or town and not designated as either state or federal highways or extensions thereof.

(b) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(c) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

Laws 1961, p. 375, § 11-206.

§47-11-207. Interference with official traffic-control devices or railroad signs or signals - Violation resulting in personal injury or death - Penalty.

A. No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device, including any nine-one-one (911) emergency telephone service route markers, or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

B. If a violation of subsection A of this section results in personal injury to or death of any person, the person committing the violation shall, upon conviction, be guilty of a Class D1 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20N of Title 21 of the Oklahoma Statutes, or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

Added by Laws 1961, p. 376, § 11-207, eff. Sept. 1, 1961. Amended by Laws 1993, c. 127, § 3, emerg. eff. May 4, 1993; Laws 1997, c. 133, § 480, eff. July 1, 1999; Laws 1998, c. 23, § 1, eff. Nov. 1, 1998; Laws 1999, 1st Ex.Sess., c. 5, § 347, eff. July 1, 1999; Laws 2025, c. 486, § 517, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 480 from July 1, 1998, to July 1, 1999.

§47-11-208. Traffic signal preemption device - Possession, use, interference with, or sale.

A. As used in this section, the term "traffic signal preemption device" shall mean a device designed for use by authorized emergency vehicles to improve traffic movement by temporarily controlling signalized intersections.

B. It shall be unlawful for a person to possess, use, or interfere with a traffic signal preemption device unless:

1. The person is the operator of an authorized emergency vehicle upon which the device is installed; and

2. The person is responding to an existing or potential emergency and there is a threat of immediate danger to life or property which reasonably requires the use of the device in order to protect the life, safety, health, or property of another person.

C. It shall be unlawful to advertise, offer for sale, sell, or otherwise distribute any traffic signal preemption device to any individual person in this state. Advertising, offering for sale, selling, and distribution of these devices shall be limited to trade publications and companies whose target market is law enforcement agencies, fire departments, and ambulance service providers of this state or its political subdivisions.

Added by Laws 2004, c. 130, § 8, emerg. eff. April 20, 2004.

§47-11-225. Renumbered as § 12-225 of this title by Laws 2000, c. 189, § 13, eff. July 1, 2000.

§47-11-301. Drive on right side of roadway - Exceptions.

A. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the laws governing such movement;

2. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

3. Upon a roadway divided into three marked lanes for traffic under the laws applicable thereon;

4. Upon a roadway restricted to one-way traffic; or

5. Upon a roadway having four or more lanes for moving traffic and providing for two-way movement of traffic.

B. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane when available for traffic, or as close as practicable to the right-hand curb or edge of the roadway and may be temporarily driven upon the right-hand shoulder for the purpose of permitting other vehicles to

pass. This subsection shall not apply when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

C. Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under paragraph 2 of subsection (a) of this section. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

Added by Laws 1961, p. 376, § 11-301, eff. Sept. 1, 1961. Amended by Laws 1977, c. 21, § 4, emerg. eff. April 15, 1977; Laws 1978, c. 129, § 1; Laws 1996, c. 22, § 1, eff. July 1, 1996; Laws 2002, c. 397, § 20, eff. Nov. 1, 2002.

§47-11-302. Passing vehicles proceeding in opposite directions.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half (1/2) of the maintraveled portion of the roadway as nearly as possible.

Laws 1961, p. 376, § 11-302.

§47-11-303. Overtaking a vehicle on the left - Signal.

The following requirements shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special requirements hereinafter stated:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

3. Every driver who intends to pass another vehicle proceeding in the same direction, which requires moving his vehicle from one lane of traffic to another, shall first see that such movement can be made with safety and shall proceed to pass only after giving a proper signal by hand or mechanical device.

Added by Laws 1961, p. 376, § 11-303, eff. Sept. 1, 1961. Amended by Laws 1968, c. 96, § 1, emerg. eff. April 1, 1968; Laws 2002, c. 397, § 21, eff. Nov. 1, 2002.

§47-11-304. When overtaking on the right is permitted.

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;

2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;

3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main traveled portion of the roadway. Laws 1961, p. 377, § 11-304.

§47-11-305. Limitations on overtaking on the left.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the righthand side of the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.

Laws 1961, p. 377, § 11-305.

§47-11-306. Further limitations on driving to left of center of roadway.

(a) No vehicle shall be driven on the left side of the roadway under the following conditions:

1. When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

2. When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing unless otherwise indicated by official traffic control devices;

3. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel.

(b) The foregoing limitations shall not apply upon a one-way roadway; nor under the conditions described in Section 11-301, subsection (a), paragraph 2 of this title, nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

Laws 1961, p. 377, § 11-306; Laws 1977, c. 21, § 5, emerg. eff. April 15, 1977.

§47-11-307. No-passing zones.

(a) The Oklahoma Department of Highways or other designated authorities are hereby authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(b) Where signs or markings are in place to define a no-passing zone as set forth in paragraph (a) no driver shall at any time drive to the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

Laws 1961, p. 377, § 11-307.

§47-11-308. One-way roads and circular intersections.

A. The Transportation Commission or local authorities, within their respective jurisdictions, may designate any street or highway or any separate roadway under their respective jurisdictions for one-way traffic and shall erect appropriate signs giving notice thereof.

B. Upon a roadway designated and signposted for one-way traffic, a vehicle shall be driven only in the direction designated.

C. A vehicle passing around the central island of a circular intersection shall be driven counterclockwise around such islands. Added by Laws 1961, p. 377, § 11-308, eff. Sept. 1, 1961. Amended by Laws 2024, c. 35, § 3, eff. Nov. 1, 2024.

§47-11-308a. Renumbered as § 15-131 of this title by Laws 2007, c. 62, § 24, emerg. eff. April 30, 2007.

§47-11-308b. Renumbered as § 15-132 of this title by Laws 2007, c. 62, § 25, emerg. eff. April 30, 2007.

§47-11-309. Driving on roadways laned for traffic.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following requirements in addition to all others consistent herewith shall apply:

1. A vehicle shall be driven as nearly as practicable entirely within a single lane;

2. A vehicle shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety and then given a signal, not less than the last one hundred (100) feet traveled by the vehicle, of his or her intention to change lanes;

3. A two-way left-turn lane is a lane near the center of the highway set aside for use by vehicles making left turns in both directions from or into the roadway. Two-way left-turn lanes shall be designated by distinctive roadway markings consisting of parallel double yellow lines, interior line dashed and exterior line solid, on each side of the lane. A vehicle shall not be driven in a designated two-way left-turn lane except when preparing for or making a left turn from or into a roadway. Vehicles turning left from the roadway shall not be driven in the two-way left-turn lane for more than two hundred (200) feet while preparing for and making the turn. A vehicle turning left onto the roadway may utilize the two-way left-turn lane as a staging area by stopping and waiting for traffic proceeding in the same direction to clear before merging into the adjacent lanes of travel. A left turn shall not be made from any other lane where a two-way left-turn lane has been designated. Provided, however, this section shall not prohibit driving across a two-way left-turn lane when moving from a service drive onto such marked roadway;

4. A vehicle shall not be driven in the left lane of a roadway except when overtaking and passing another vehicle; provided, however, this paragraph shall not prohibit driving in the left lane when traffic conditions, flow or road configuration, such as the potential of merging traffic, requires the use of the left lane to maintain safe traffic conditions; provided further, this paragraph shall not prohibit driving in the left lane of a roadway within the city limits of a municipality or upon a county road as long as such roadway is not part of the National System of Interstate and Defense Highways or a turnpike; and

5. Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such sign.

Any person convicted of violating any provision of this section shall be punished as provided for in Section 17-101 of this title. Added by Laws 1961, p. 377, § 11-309, eff. Sept. 1, 1961. Amended by Laws 1984, c. 47, § 1, eff. Nov. 1, 1984; Laws 2002, c. 397, § 22, eff. Nov. 1, 2002; Laws 2005, c. 394, § 11, emerg. eff. June 6,

2005; Laws 2006, c. 104, § 4, eff. Nov. 1, 2006; Laws 2009, c. 125, § 1, eff. Nov. 1, 2009; Laws 2010, c. 76, § 1, eff. Nov. 1, 2010; Laws 2017, c. 211, § 1, eff. Nov. 1, 2017; Laws 2018, c. 184, § 1, eff. Nov. 1, 2018; Laws 2021, c. 115, § 1, eff. Nov. 1, 2021; Laws 2024, c. 35, § 4, eff. Nov. 1, 2024.

§47-11-310. Following too closely.

(a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(b) The driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residential district and which is following another truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or another vehicle.

(c) No vehicle which has more than six tires in contact with the road shall approach from the rear of another vehicle which has more than six tires in contact with the road closer than three hundred (300) feet except when passing the vehicle.

(d) Motor vehicles being driven upon any roadway outside of a business or residential district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. The distance between such vehicles shall be a minimum of two hundred (200) feet under all conditions. This provision shall not apply to funeral processions.

(e) Subsections (a), (b), (c) and (d) of this section shall not apply to a non-lead vehicle in a platoon, as defined in this section, or the operator thereof, as long as the platoon consists of not more than two motor vehicles.

(f) As used in this section, "platoon" means a group of individual motor vehicles traveling in a unified manner at electronically coordinated speeds at following distances that are closer than would be reasonable and prudent without such coordination.

Added by Laws 1961, p. 378, § 11-310, eff. Sept. 1, 1961. Amended by Laws 2019, c. 244, § 1, eff. July 1, 2019.

§47-11-311. Driving on divided highways.

Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular

traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic control devices or peace officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, except through a permanent opening in the dividing space, barrier or section or at a permanent cross-over or intersection as established unless specifically prohibited by public authority. No vehicle shall be driven over, across or within any temporary opening in a dividing space, barrier or section or at a temporary cross-over or intersection unless specifically authorized by a public authority or at the direction of a peace officer. Added by Laws 1961, p. 378, § 11-311, eff. Sept. 1, 1961. Amended by Laws 1977, c. 21, § 6, emerg. eff. April 15, 1977; Laws 1996, c. 22, § 2, eff. July 1, 1996.

§47-11-312. Restricted access.

No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

Laws 1961, p. 378, § 11-312.

§47-11-313. Restrictions on use of controlled-access roadway.

The Department of Transportation, the Oklahoma Transportation Authority, or local authorities may, with respect to any controlled-access roadway under their respective jurisdictions, prohibit the use of any such roadway by pedestrians, bicycles or other non-motorized traffic or by any person operating a motor-driven cycle. The Department of Transportation, the Oklahoma Transportation Authority, or local authorities adopting any such prohibitory regulations shall erect and maintain official signs on the controlled-access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs.

Added by Laws 1961, p. 378, § 11-313. Amended by Laws 2004, c. 521, § 7, eff. Nov. 1, 2004.

§47-11-314. Short title — Bernardo-Mills Law — Approaching stationary authorized vehicles on the roadway.

A. This section shall be known and may be cited as the "Bernardo-Mills Law".

B. The driver of a motor vehicle, upon approaching a stationary authorized emergency vehicle, a Department of Transportation maintenance vehicle, a Turnpike Authority maintenance vehicle, a stationary vehicle that is displaying flashing lights or a licensed wrecker that is displaying a flashing amber light, a combination red or blue light or any combination of amber, red or blue lights, shall:

1. If traveling on a highway that consists of two or more lanes that carry traffic in the same direction of travel as that of the driver, the driver shall proceed with due caution and shall, if possible and with due regard to the road, weather, and traffic conditions, change lanes into a lane that is not adjacent to the stationary authorized emergency vehicle, a Department of Transportation maintenance vehicle, a Turnpike Authority maintenance vehicle, or licensed wrecker; or if the driver is not able to change lanes or if to do so would be unsafe, the driver shall proceed with due caution and reduce the speed of the motor vehicle to a safe speed; and

2. If traveling on a highway other than a highway described in paragraph 1 of this subsection, the driver shall proceed with due caution and reduce the speed of the motor vehicle to a safe speed.

A person shall be guilty of the offense of endangerment of an emergency worker for any offense committed in violation of this subsection.

C. This section does not relieve the operator of a stationary authorized emergency vehicle, a Department of Transportation maintenance vehicle, a Turnpike Authority maintenance vehicle, or licensed wrecker from the consequences of reckless disregard for the safety of all persons and property upon the highway.

D. Upon conviction for committing the offense of endangerment of an emergency worker pursuant to subsection B of this section, if no injury or death of an emergency worker resulted from the offense, and in addition to any other penalty authorized by law, the person shall be subject to a fine of:

1. One Thousand Dollars (\$1,000.00) for a first offense; and

2. Two Thousand Five Hundred Dollars (\$2,500.00) for a second offense.

E. A person shall be deemed to commit the offense of aggravated endangerment of an emergency worker upon conviction for any offense pursuant to subsection B of this section when such offense results in the injury or death of an emergency worker. Upon conviction for committing the offense of aggravated endangerment of an emergency worker, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) if the offense resulted in injury to an emergency worker and not more than Ten Thousand Dollars (\$10,000.00) if the offense resulted in the death of an emergency worker.

F. No person shall be cited or convicted for endangerment of an emergency worker or aggravated endangerment of an emergency worker for any act or omission otherwise constituting an offense under subsection B of this section if such act or omission resulted, in whole or in part, from mechanical failure of the vehicle of the person or from the negligence of another person or an emergency worker.

Added by Laws 2001, c. 435, § 14, eff. July 1, 2001. Renumbered from § 11-405.1 of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002. Amended by Laws 2008, c. 69, § 1, eff. Nov. 1, 2008; Laws 2010, c. 39, § 1, eff. Nov. 1, 2010; Laws 2015, c. 114, § 1, eff. Nov. 1, 2015; Laws 2019, c. 391, § 1, eff. Nov. 1, 2019; Laws 2020, c. 161, § 26, emerg. eff. May 21, 2020; Laws 2021, c. 242, § 1, eff. Nov. 1, 2021; Laws 2023, c. 270, § 1, eff. Nov. 1, 2023.
NOTE: Laws 2019, c. 372, § 1 repealed by Laws 2020, c. 161, § 27, emerg. eff. May 21, 2020.

§47-11-315. Driving between vehicles in funeral procession prohibited.

A. No driver of a motor vehicle shall drive between the vehicles comprising a funeral or other authorized procession while the vehicles are in motion and when such vehicles are conspicuously designated. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

B. Any person convicted of violating the provisions of this section shall be punished as provided for in Section 17-101 of Title 47 of the Oklahoma Statutes.

Added by Laws 2012, c. 134, § 1, eff. Nov. 1, 2012.

§47-11-315.1. Overtaking a vehicle being used in the collection or refuse, solid waste or recyclables.

The driver of a motor vehicle, upon approaching a vehicle being used in the collection of refuse, solid waste or recyclables displaying side marker lamps which flash in conjunction with turn signal lamps or vehicle hazard warning lamps pursuant to the provisions of Section 12-227 of Title 47 of the Oklahoma Statutes, shall:

1. If traveling on a highway that consists of two or more lanes that carry traffic in the same direction of travel as that of the driver, proceed with due caution and shall, if possible and with due regard to the road, weather and traffic conditions, change lanes into a lane that is not adjacent to the vehicle being used in the collection of refuse, solid waste or recyclables; or if the driver is not able to change lanes or if to do so would be unsafe, the driver shall proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather and traffic conditions; and

2. If traveling on a highway other than a highway described in paragraph 1 of this subsection, proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather and traffic conditions.

Added by Laws 2016, c. 187, § 1, eff. Nov. 1, 2016.

§47-11-401. Vehicle approaching or entering intersection.

A. Whether a stop sign or yield sign is present, visible or not, the driver of a vehicle shall yield the right-of-way and shall not proceed until it is safe to do so, when the driver is:

1. On a county road upon approaching an intersection with a state or federal highway;

2. On a private drive or any road not maintained by the county or state upon approaching an intersection with a state or federal highway or a county road;

3. On an unpaved county road upon approaching an intersection with a paved county road; or

4. On a county road, which ends at, merges with, or does not otherwise continue directly across an intersecting through county road, upon approaching the intersection with the through county road.

For purposes of this subsection, "paved road" means a road improved with a surface of concrete, asphalt, or what is commonly referred to as oil and chip, and "unpaved road" means all other roads.

B. When two vehicles enter or approach an intersection from different highways at approximately the same time, except as provided in subsection A of this section, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

C. The right-of-way rules declared in subsections A and B of this section are modified at through highways and otherwise as hereinafter stated in this chapter.

Added by Laws 1961, p. 379, § 11-401, eff. Sept. 1, 1961. Amended by Laws 1996, c. 324, § 3; Laws 1997, c. 232, § 1, eff. Nov. 1, 1997; Laws 1999, c. 85, § 1, eff. Nov. 1, 1999; Laws 2002, c. 45, § 1, eff. Nov. 1, 2002.

§47-11-402. Vehicle turning left.

The driver of a vehicle intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close thereto when initiating such turn as to constitute an immediate hazard.

Added by Laws 1961, p. 379, § 11-402, eff. Sept. 1, 1961. Amended by Laws 2010, c. 228, § 4, eff. Nov. 1, 2010.

§47-11-403. Vehicle entering stop or yield intersection.

A. Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in Section 15-108 of this title.

B. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by subsection (d) of Section 11-703 of this title and after having

stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

C. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions, or shall stop if necessary as provided in subsection (e) of Section 11-703 of this title, and shall yield the right-of-way to any pedestrian legally crossing the roadway on which the driver is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. Said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding, provided, however, that if such driver is involved in a collision with a pedestrian in a crosswalk or vehicle in the intersection after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of the driver's failure to yield right-of-way.

D. Where two or more vehicles face stop, slow, warning or caution signs or signals on two or more intersecting cross streets, and are approaching so as to enter the intersection at the same time, where each vehicle is required to stop, the vehicle coming from the right shall have the right-of-way. Where each vehicle is required to slow, the vehicle coming from the right shall have the right-of-way. Where each vehicle is required to take caution, the vehicle coming from the right shall have the right-of-way. Where one vehicle is required to stop and the other to slow or take caution, the one slowing or taking caution shall have the right-of-way. Where one vehicle is required to slow and the other to take caution, the one required to take caution shall have the right-of-way. In any event, a vehicle which has already entered the intersection shall have the right-of-way over one which has not so entered the intersection.

Added by Laws 1961, p. 379, § 11-403, eff. Sept. 1, 1961. Amended by Laws 2002, c. 468, § 76, eff. Nov. 1, 2002; Laws 2003, c. 199, § 7, eff. Nov. 1, 2003.

§47-11-403.1. Failure to yield causing fatality or bodily injury - Fees and penalties.

A. Any person convicted of failure to yield a right-of-way and who causes a fatality or great bodily injury, as defined in Section 11-904 of this title, as a result of such violation shall, in addition to any other fine or penalty, be assessed a fee in the amount of Five Hundred Dollars (\$500.00) to be deposited in the Motorcycle Safety and Education Program Revolving Fund established

in Section 40-123 of this title. Any person convicted of failure to yield a right-of-way and who causes a serious bodily injury as a result of such violation may, in addition to any other fine or penalty, be assessed a fee in the amount of Five Hundred Dollars (\$500.00) to be deposited in the Motorcycle Safety and Education Program Revolving Fund. For the purposes of this section, a serious bodily injury is an injury that is serious in nature but does not quite rise to the level of a great bodily injury or a fatality.

The monies deposited as provided in this subsection shall be used to promote public awareness of the dangers of driving while under the influence of alcohol or any controlled substance and to promote motorcycle safety and defensive driving for youth.

B. In addition to the fees provided in subsection A of this section, the court may impose additional penalties, including:

1. A remedial driving course;
2. A loss of driver license for ninety (90) days; or
3. A payment of restitution.

Added by Laws 2006, c. 104, § 2, eff. Nov. 1, 2006. Amended by Laws 2007, c. 62, § 11, emerg. eff. April 30, 2007; Laws 2025, c. 284, § 1, eff. Nov. 1, 2025.

§47-11-403.2. Repealed by Laws 2007, c. 62, § 37, emerg. eff. April 30, 2007.

§47-11-403.2a. Transfer of funds from Motorcycle Safety and Drunk Driving Awareness Fund to Department of Public Safety Revolving Fund.

A. All unencumbered balances contained in the Motorcycle Safety and Drunk Driving Awareness Fund as of April 30, 2007, shall be deposited to the credit of the Department of Public Safety Revolving Fund of the State Treasury. The Director of the Office of Management and Enterprise Services shall be authorized to transfer the unencumbered balance described by this subsection to the Department of Public Safety Revolving Fund.

B. Any unexpended balance contained in the Motorcycle Safety and Drunk Driving Awareness Fund as of April 30, 2007, shall be transferred and deposited to the credit of the Department of Public Safety Revolving Fund of the State Treasury. The Director of the Office of Management and Enterprise Services shall be authorized to transfer the unexpended balance described by this subsection to the Department of Public Safety Revolving Fund.

Added by Laws 2007, c. 320, § 11, eff. July 1, 2007. Amended by Laws 2012, c. 304, § 174.

§47-11-404. Vehicle entering highway from private road or driveway.

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said highway.
Laws 1961, p. 379, § 11-404.

§47-11-405. Operation of vehicles on approach of authorized emergency vehicles.

A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of Section 12-218 of this act, or of a police vehicle properly and lawfully making use of an audible signal or red flashing lights, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

B. This section shall not be construed to require a peace officer operating a police vehicle properly and lawfully in response to a crime in progress to use audible signals nor shall this section operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the road or highway.

Added by Laws 1961, p. 379, § 11-405, eff. Sept. 1, 1961. Amended by Laws 1997, c. 322, § 4, emerg. eff. May 29, 1997.

§47-11-405.1. Renumbered as § 11-314 of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.

§47-11-406. Farm tractors or implements - Operation on highways - Permission from Department required - Wide vehicles - Duty of operator - Yield of right-of-way.

A. A farm tractor, as defined in Section 1-118 of this title, or any implement of husbandry, as defined in Section 1-125 of this title, except trailers and semitrailers when operated in accordance with statutory limits or provisions of Section 14-101 of this title, shall not be permitted to travel upon any highway in this state which is a part of the National System of Interstate and Defense Highways. However, the Department of Public Safety shall have the authority to permit such travel in certain geographic areas of the state as deemed necessary. Such tractor or implement may be operated on any other roadway in this state if the operator has attached all the safety devices required by law and has taken reasonable steps to reduce the width of the tractor or implement as provided for by the manufacturer. Whenever the width of a farm tractor or implement of husbandry exceeds the width of that portion of a roadway on which the tractor or implement is driven, which is

marked as a single lane of traffic, or, if the roadway has not been marked for lanes of traffic and the width of the tractor or implement exceeds more than fifty percent (50%) of the width of the roadway, the operator shall move the tractor or implement, as soon as possible, as far to the right-hand side of the roadway as is practicable and safe upon approach of any oncoming or following vehicle and upon approaching the crest of a hill.

B. Upon the immediate approach of a farm tractor or implement of husbandry which cannot be moved by the operator thereof to the far right-hand side of the roadway, as required in subsection A of this section, due to the existence of any bridge or guardrail, sign or any other physical impediment which would not safely allow such tractor or implement to travel on the far right-hand side of the road, the driver of every other vehicle shall yield the right-of-way and shall immediately pull over to the far right-hand side of the road and remain in such position until the tractor or implement has passed.

C. This section shall not operate to relieve any operator of a farm tractor or implement of husbandry from the duty to drive with due regard for the safety of all persons using the roadway.

Added by Laws 1991, c. 156, § 1, emerg. eff. May 6, 1991. Amended by Laws 1995, c. 27, § 2, eff. July 1, 1995.

§47-11-501. Pedestrians subject to traffic regulations.

(a) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him, unless otherwise directed by a police officer.

(b) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in Sections 11-202 and 11-203 of this title.

(c) At all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

Laws 1961, p. 380, § 11-501; Laws 1977, c. 21, § 7, emerg. eff. April 15, 1977.

§47-11-501.1. Rights and duties of persons operating wheelchair or motorized wheelchair.

Every person operating a wheelchair or a motorized wheelchair shall have all of the rights and all of the duties applicable to a pedestrian contained in Chapter 11 of Title 47 of the Oklahoma Statutes except those provisions which by their nature can have no application.

Added by Laws 2003, c. 411, § 10, eff. Nov. 1, 2003.

§47-11-502. Pedestrians' right-of-way in crosswalks.

(a) When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(c) Paragraph (a) shall not apply under the conditions stated in Section 11-503(b).

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Laws 1961, p. 380, § 11-502.

§47-11-503. Crossing at other than cross walks.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

Laws 1961, p. 380, § 11-503.

§47-11-504. Drivers to exercise due care.

Notwithstanding the foregoing provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

Added by Laws 1961, p. 380, § 11-504, eff. Sept. 1, 1961.

§47-11-505. Pedestrians to use right half of crosswalks.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

Laws 1961, p. 380, § 11-505.

§47-11-506. Pedestrians on roadways or bridges.

(a) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction and shall yield to approaching vehicles.

(c) It shall be unlawful for any person to enter upon any portion of a bridge for the purpose of diving or jumping therefrom into a lake, river or stream for recreation, and it shall be unlawful for a pedestrian to use a bridge where sidewalks are not provided for the purpose of standing or sightseeing.

Amended by Laws 1986, c. 279, § 20, operative July 1, 1986.

§47-11-507. Pedestrians soliciting rides or business.

No person shall stand in a roadway for the purpose of soliciting a ride, donation, employment or business from the occupant of any vehicle; provided, that persons shall not be prohibited from soliciting pursuant to this section if performed on a roadway maintained by a city or town in compliance with a permit and regulations adopted by ordinance.

Added by Laws 1961, p. 380, § 11-507. Amended by Laws 2021, c. 158, § 1, emerg. eff. April 22, 2021.

§47-11-601. Required position and method of turning at intersections.

The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

2. Left turns. The driver of a vehicle intending to turn left at an intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. After entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable, when leaving a two-way roadway, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

3. Local authorities in their respective jurisdictions may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons or signs are so placed

no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs. Added by Laws 1961, p. 381, § 11-601, eff. Sept. 1, 1961. Amended by Laws 2007, c. 62, § 12, emerg. eff. April 30, 2007.

§47-11-602. Turning to proceed in opposite direction - Turns on curve or near crest of grade prohibited.

A. Unless otherwise prohibited by law, the driver of a vehicle shall not turn the vehicle so as to proceed in the opposite direction unless and until such movement can be made with reasonable safety and without interfering with other traffic.

B. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet.

Added by Laws 1961, p. 381, § 11-602, eff. Sept. 1, 1961. Amended by Laws 2007, c. 62, § 13, emerg. eff. April 30, 2007.

§47-11-603. Starting parked vehicle.

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

Laws 1961, p. 381, § 11-603.

§47-11-604. Turning movements and required signals.

A. No person shall turn a vehicle at an intersection, a public or private road, or a driveway, unless the vehicle is in proper position upon the roadway as required in Section 11-601 of this title, or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal as provided in subsection B of this section, in the event any other traffic may be affected by such movement.

B. A signal of intention to turn right or left as required by law shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.

C. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in subsection B of this section to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

D. When any person is properly preparing for, attempting or executing a left turn, as described in subsection A of this section, no other person operating another vehicle immediately following the turning vehicle shall pass or attempt to pass the turning vehicle to the left. Such other person shall come to a complete stop if

necessary at a safe distance behind the person preparing for, attempting or executing the turn or may proceed to the right of the turning vehicle as provided by Section 11-304 of this title. Added by Laws 1961, p. 381, § 11-604. Amended by Laws 1997, c. 152, § 1, emerg. eff. April 25, 1997.

§47-11-605. Signals by hand and arm or signal lamps.

(a) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in paragraph (b).

(b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen (14) feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles. Laws 1961, p. 381, § 11-605.

§47-11-606. Method of giving hand-and-arm signals.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn. Hand and arm extended horizontally;
2. Right turn. Hand and arm extended upward. A person operating a bicycle may extend his or her right hand and arm horizontally to his or her right; and
3. Stop or decrease speed. Hand and arm extended downward. A person operating a bicycle may extend his or her right hand and arm downward to his or her right side.

Added by Laws 1961, p. 382, § 11-606. Amended by Laws 2021, c. 449, § 4, eff. Nov. 1, 2021.

§47-11-701. Obedience to signal indicating approach of train.

A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train or other on-track equipment;
2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train or other on-track equipment;

3. A railroad train or other on-track equipment approaching within approximately one thousand five hundred (1,500) feet of the highway crossing emits a signal audible from such distance and such railroad train or other on-track equipment, by reason of its speed or nearness to such crossing, is an immediate hazard;

4. An approaching railroad train or other on-track equipment is plainly visible and is in hazardous proximity to such crossing; or

5. The tracks at the crossing are not clear.

B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed or fail to obey the directions of a law enforcement officer at the crossing.

C. The operator of any Class A, B, or C commercial vehicle not required to stop at all railroad crossings, as prescribed in Section 11-702 of this title, shall slow down and check that the tracks are clear of an approaching train.

Added by Laws 1961, p. 382, § 11-701, eff. Sept. 1, 1961. Amended by Laws 2002, c. 169, § 2, eff. Oct. 1, 2002; Laws 2022, c. 357, § 1, eff. Nov. 1, 2022.

§47-11-702. Commercial motor vehicles and buses - Railroad crossing.

A. The driver of a bus as defined in Section 1-105 of this title, whether the bus is occupied or unoccupied by passengers, shall not cross a railroad track or tracks at grade unless the driver stops the bus within fifty (50) feet of, and not closer than fifteen (15) feet to, the tracks, listens and looks in each direction along the tracks for an approaching train or other on-track equipment, and ascertains that no train or other on-track equipment is approaching. When it is safe to do so, the driver may drive the bus across the tracks in a gear that permits the bus to complete the crossing without a change of gears. The driver shall not shift gears while crossing the tracks.

B. Any commercial motor vehicle as defined in 49 C.F.R., Section 390.5, shall comply with the railroad crossing provisions as prescribed in 49 C.F.R., Section 392.10.

Added by Laws 1961, p. 382, § 11-702, eff. Sept. 1, 1961. Amended by Laws 1997, c. 201, § 6, eff. Nov. 1, 1997; Laws 2001, c. 309, § 2, eff. Nov. 1, 2001; Laws 2003, c. 461, § 8, eff. July 1, 2003; Laws 2004, c. 418, § 13, eff. July 1, 2004; Laws 2008, c. 302, § 1, emerg. eff. June 2, 2008; Laws 2011, c. 138, § 1, eff. Nov. 1, 2011; Laws 2022, c. 357, § 2, eff. Nov. 1, 2022.

§47-11-703. Stop signs and yield signs.

(a) Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in Section 15-108 of this act.

(b) Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway, however such yield signs shall not be erected upon the approaches of but one of the intersecting streets.

(c) Every stop sign shall bear the word "Stop". Every yield sign hereafter erected or replaced shall bear the word "Yield". Every stop sign and every yield sign shall at nighttime be rendered luminous by internal illumination, or by a floodlight projected on the face of the sign, or by efficient reflecting elements in or on the face of the sign.

(d) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(e) The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

Laws 1961, p. 382, § 11-703; Laws 1974, c. 287, § 9, emerg. eff. May 29, 1974.

§47-11-704. Emerging from alley, driveway or building.

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

Laws 1961, p. 382, § 11-704.

§47-11-705. Meeting or overtaking stopped school bus - Violation and penalty - Reporting violations - Video monitoring on buses.

A. The driver of a vehicle meeting or overtaking a school bus that is stopped to take on or discharge school children, and on which the red loading signals are in operation, is to stop the vehicle before it reaches the school bus and not proceed until the loading signals are deactivated and then proceed past such school bus at a speed which is reasonable and with due caution for the

safety of such school children and other occupants. Any person convicted of violating the provisions of this subsection shall be punished by a fine of not less than One Hundred Dollars (\$100.00). In addition to the fine, a special assessment of One Hundred Dollars (\$100.00) shall be assessed, of which seventy-five percent (75%) shall be deposited to the credit of the Cameras for School Bus Stops Revolving Fund established in Section 9-119 of Title 70 of the Oklahoma Statutes. The remaining twenty-five percent (25%) of the special assessment shall be deposited to the credit of the reviewing law enforcement agency referred to in subsection E of this section.

B. Visual signals, meeting the requirements of Section 12-228 of this title, shall be actuated by the driver of said school bus whenever, but only whenever, such vehicle is stopped on the highway for the purpose of receiving or discharging school children.

C. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

D. If the driver of a school bus witnesses a violation of the provisions of subsection A of this section, on or before the end of the next business day following the alleged offense, the driver shall report the violation, the vehicle color, license tag number, and the time and place such violation occurred to the law enforcement authority of the municipality where the violation occurred. The law enforcement authority of a municipality shall issue a letter of warning on the alleged violation to the person in whose name the vehicle is registered. The Office of the Attorney General shall provide a form letter to each municipal law enforcement agency in this state for the issuance of the warning provided for in this subsection. Such form letter shall be used by each such law enforcement agency in the exact form provided for by the Office of the Attorney General. A warning letter issued pursuant to this subsection shall not be recorded on the driving record of the person to whom such letter was issued. Issuance of a warning letter pursuant to this section shall not preclude the imposition of other penalties as provided by law.

E. 1. A school district may install and operate a video-monitoring system in or on the school buses or the bus stop-arms operated by the district or contract with a private vendor to do so on behalf of the school district for the purpose of recording violations of subsection A of this section. In the event the video-monitoring system captures a recording of a violation of subsection A of this section, appropriate personnel at the school district shall extract data related to the violation from the recording. The extracted data shall include a recorded image or video containing

the requirements listed in paragraph 2 of this subsection. The school district shall submit the extracted data for review to the law enforcement agency with jurisdiction in which the violation occurred. If the reviewing law enforcement agency determines there is sufficient evidence to identify the vehicle and the driver, such evidence shall be submitted to the district attorney's office for prosecution.

2. For the purposes of this subsection, "video-monitoring system" means a system with one or more camera sensors and computers installed and operated on a school bus that produces live digital and recorded video of motor vehicles being operated in violation of subsection A of this section. The system shall, at a minimum, produce a recorded image of the license plate of the vehicle, an identifiable picture of the driver's face, the activation status of at least one warning device as prescribed in Section 12-228 of this title and the time, date and location of the vehicle when the image was recorded.

Added by Laws 1961, p. 383, § 11-705, eff. Sept. 1, 1961. Amended by Laws 1973, c. 112, § 1; Laws 1989, c. 207, § 1, eff. Nov. 1, 1989; Laws 2003, c. 411, § 11, eff. Nov. 1, 2003; Laws 2004, c. 130, § 9, emerg. eff. April 20, 2004; Laws 2019, c. 145, § 1, eff. Nov. 1, 2019; Laws 2021, c. 383, § 1, eff. Nov. 1, 2021.

§47-11-705.1. Church buses - Definition - Meeting and overtaking stopped bus - Signs and signals.

A. The driver of a vehicle meeting or overtaking a church bus that is stopped to take on or discharge passengers, and on which the red loading signals are in operation, is to stop the vehicle before it reaches the church bus and not proceed until the loading signals are deactivated and then proceed past such bus at a speed which is reasonable and with due caution for the safety of such occupants.

B. If the church bus is equipped with visual signals meeting the requirements of Section 12-228 of this title, the signals shall be actuated by the driver of said church bus whenever, but only whenever, such vehicle is stopped on the highway for the purpose of receiving or discharging passengers.

C. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a church bus which is on a different roadway or when upon a controlled-access highway and the church bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

Added by Laws 1978, c. 262, § 1, eff. Oct. 1, 1978. Amended by Laws 2003, c. 411, § 12, eff. Nov. 1, 2003.

§47-11-801. Basic rule - Maximum and minimum limits - Fines and penalties.

A. Any person driving a vehicle on a highway shall drive at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the highway and any other conditions then existing. No person shall drive any vehicle upon a highway at a speed greater than will permit the driver to bring it to a stop within the assured clear distance ahead.

B. Except when a special hazard exists that requires lower speed for compliance with subsection A of this section, the limits specified by law or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of the following maximum limits:

1. On a highway, part of a highway, or on roads located on lands owned by a state beneficiary public trust, unless otherwise established in law, a speed established by the Department of Transportation on the basis of engineering and traffic investigations used to determine the speed that is reasonable and safe under the conditions found to exist on the highway, part of the highway, or road;

2. For a school bus, fifty-five (55) miles per hour on paved two-lane roads except on the state highway system, the interstate highway system, and the turnpike system where the maximum shall be sixty-five (65) miles per hour;

3. On any highway outside of a municipality in a properly marked school zone, twenty-five (25) miles per hour, during certain times as provided in Section 11-806.1 of this title and provided the zone is marked with appropriate warning signs placed in accordance with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways. The Department of Transportation may determine on the basis of an engineering and traffic investigation that a speed limit higher than twenty-five (25) miles per hour may be reasonable and safe under conditions as they exist upon a highway, and post an alternative school zone speed limit. The Department shall mark such school zones, or entrances and exits onto highways by buses or students, so that the maximum speed provided by this paragraph shall be established therein. Exits and entrances to controlled-access highways which are within such school zones shall be marked in the same manner as other highways. The county commissioners shall mark such school zones along the county roads so that the maximum speed provided by this paragraph shall be established therein. The signs may be either permanent or temporary. The Department shall give priority over all other signing projects to the foregoing duty to mark school zones. The Department shall also provide other safety devices for school zones which are needed in the opinion of the Department;

4. Twenty-five (25) miles per hour or a posted alternative school zone speed limit through state schools located on the state-

owned land adjoining or outside the limits of a corporate city or town where a state educational institution is established;

5. Thirty-five (35) miles per hour on a highway in any state park or wildlife refuge. Provided, however, that the provisions of this paragraph shall not include the State Capitol Park area, and no person shall drive any vehicle at a rate of speed in excess of fifty-five (55) miles per hour on any state or federal designated highway within such areas; and

6. For any vehicle or combination of vehicles with solid rubber or metal tires, ten (10) miles per hour.

The maximum speed limits set forth in this section may be altered as authorized in Sections 11-802 and 11-803 of this title.

C. The Transportation Commission is hereby authorized to prescribe maximum and minimum speeds for all vehicles and any combinations of vehicles using controlled-access highways. Such regulations shall become effective after signs have been posted on these highways giving notice thereof. Such regulations may apply to an entirely controlled-access highway or to selected sections thereof as may be designated by the Transportation Commission. A speed limit of seventy-five (75) miles per hour may be set in locations comprising rural segments of the interstate highway system by the Transportation Commission; provided, however, that speed is determined to be safe and reasonable after a traffic or engineering study has been completed by the Department. It shall be a violation of this section to drive any vehicle at a faster rate of speed than such prescribed maximum or at a slower rate of speed than such prescribed minimum. However, all vehicles shall at all times conform to the limits set forth in this section.

Copies of such regulations certified as in effect on any particular date by the Secretary of the Transportation Commission shall be accepted as evidence in any court in this state. Whenever changes have been made in speed zones, copies of such regulations shall be filed with the Commissioner of Public Safety.

D. The Oklahoma Turnpike Authority is hereby authorized to prescribe maximum and minimum speeds for trucks, buses and automobiles using turnpikes; provided, however, a speed limit of eighty (80) miles per hour may be set in locations comprising the turnpike system, as may be approved by the Authority. The regulation pertaining to automobiles shall apply to all vehicles not commonly classified as either trucks or buses. Such regulations shall become effective only after approval by the Commissioner of Public Safety, and after signs have been posted on the turnpike giving notice thereof. Such regulations may apply to an entire turnpike project or to selected sections thereof as may be designated by the Oklahoma Turnpike Authority. It shall be a violation of this section to drive a vehicle at a faster rate of speed than such prescribed maximum speed or at a slower rate of

speed than such prescribed minimum speed. However, all vehicles shall at all times conform to the requirements of this section.

Copies of such regulations, certified as in effect on any particular date by the Secretary of the Oklahoma Turnpike Authority, shall be accepted in evidence in any court in this state.

E. The driver of every vehicle shall, consistent with the requirements of subsection A of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hillcrest, when driving upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions. The Department of Transportation and the Oklahoma Turnpike Authority may post, by changeable message sign or other appropriate sign, a temporary reduced speed limit for maintenance operations or when special hazards with respect to pedestrians, other traffic, an accident, by reason of weather, or other hazardous highway conditions exist.

F. 1. No person shall drive a vehicle on a county road at a speed in excess of fifty-five (55) miles per hour unless posted otherwise by the board of county commissioners, as provided in subparagraphs a through c of this paragraph, as follows:

- a. the board of county commissioners may determine, by resolution, a maximum speed limit which shall apply to all county roads which are not otherwise posted for speed,
- b. the board of county commissioners shall provide public notice of the speed limit on all nonposted roads by publication in a newspaper of general circulation in the county. The notice shall be published once weekly for a period of four (4) continuous weeks, and
- c. the board of county commissioners shall forward the resolution to the Director of the Department and to the Commissioner of Public Safety.

2. The Department shall post speed limit information, as determined pursuant to the provisions of subparagraphs a through c of paragraph 1 of this subsection, on the county line marker where any state highway enters a county and at all off-ramps where interstate highways or turnpikes enter a county. The signs shall read as follows:

ENTERING _____ COUNTY
COUNTY ROAD SPEED LIMIT

MPH
UNLESS POSTED OTHERWISE

The appropriate board of county commissioners shall reimburse the Department the full cost of the signage required herein.

G. Any person convicted of a speeding violation pursuant to subsection B or F of this section shall be punished by a fine as follows:

1. One (1) to ten (10) miles per hour over the speed limit as provided for in Section 11-801e of this title;

2. Eleven (11) to fifteen (15) miles per hour over the limit.....\$20.00

3. Sixteen (16) to twenty (20) miles per hour over the limit.....\$35.00

4. Twenty-one (21) to twenty-five (25) miles per hour over the limit.....\$75.00

5. Twenty-six (26) to thirty (30) miles per hour over the limit.....\$135.00

6. Thirty-one (31) to thirty-five (35) miles per hour over the limit.....\$155.00

7. Thirty-six (36) miles per hour or more over the limit.....\$205.00

or by imprisonment for not more than ten (10) days; for a second conviction within one (1) year after the first conviction, by imprisonment for not more than twenty (20) days; and upon a third or subsequent conviction within one (1) year after the first conviction, by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

Added by Laws 1961, p. 383, § 11-801, eff. Sept. 1, 1961. Amended by Laws 1969, c. 200, § 1; Laws 1970, c. 336, § 1, emerg. eff. April 23, 1970; Laws 1973, c. 112, § 2; Laws 1996, c. 324, § 1; Laws 1999, c. 145, § 1, eff. Nov. 1, 1999; Laws 1999, c. 328, § 1, eff. Nov. 1, 1999; Laws 2000, c. 285, § 1, eff. July 1, 2000; Laws 2001, c. 133, § 1, emerg. eff. April 24, 2001; Laws 2001, c. 435, § 7, eff. July 1, 2001; Laws 2003, c. 279, § 4, emerg. eff. May 26, 2003; Laws 2008, c. 319, § 4, eff. Nov. 1, 2008; Laws 2015, c. 294, § 1, eff. July 1, 2015; Laws 2016, c. 163, § 1, eff. Nov. 1, 2016; Laws 2016, c. 276, § 1, eff. Nov. 1, 2016; Laws 2018, c. 237, § 1; Laws 2019, c. 55, § 1, eff. Nov. 1, 2019; Laws 2021, c. 40, § 1, emerg. eff. April 19, 2021; Laws 2025, c. 197, § 3, eff. Nov. 1, 2025.

NOTE: Laws 1999, c. 299, § 1 repealed by Laws 2000, c. 285, § 5, eff. July 1, 2000.

§47-11-801a. Repealed by Laws 1996, c. 324, § 6.

§47-11-801b. Renumbered as § 944 of Title 36 by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.

§47-11-801c. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-11-801d. Repealed by Laws 2005, c. 190, § 20, eff. Sept. 1, 2005.

§47-11-801e. Speeding violations - Distribution of fines, fees and costs.

Notwithstanding any other provision of law, any person convicted of a speeding violation of one (1) to ten (10) miles per hour over the limit, pursuant to subsection B or F of Section 11-801 of Title 47 of the Oklahoma Statutes, shall be punished by a fine of Five Dollars (\$5.00) and costs and fees not to exceed Ninety-five Dollars (\$95.00). The court clerk shall collect fine, costs and fees to be directed as follows:

1. The sum of Thirty-three Dollars and seventy-two cents (\$33.72) for each offense of which the defendant is convicted, irrespective of whether the sentence is deferred, shall cover docketing of the case, filing of all papers, issuance of process, warrants, order and other services to the date of judgment;

2. The sum of Eight Dollars and eighty cents (\$8.80) shall be assessed and credited to the District Attorneys Council Revolving Fund to defray the cost of prosecution;

3. The sum of Eleven Dollars (\$11.00) shall be assessed and credited to the Oklahoma Court Information System Revolving Fund created pursuant to Section 1315 of Title 20 of the Oklahoma Statutes;

4. The sum of Four Dollars and fifty cents (\$4.50) shall be assessed and credited to the Sheriff's Service Fee Account in the county in which the conviction occurred for the purpose of enhancing existing or providing additional courthouse security;

5. The sum of One Dollar and thirty cents (\$1.30) shall be assessed and credited to the Office of the Attorney General Victim Services Unit;

6. The sum of One Dollar and thirty cents (\$1.30) shall be assessed and credited to the Child Abuse Multidisciplinary Account;

7. The sum of Two Dollars and twenty-five cents (\$2.25) shall be assessed and credited to the Sheriff's Service Fee Account of the sheriff of the county in which the arrest was made;

8. The sum of Four Dollars and fifty cents (\$4.50) shall be assessed and credited to the Council on Law Enforcement Education and Training (CLEET) Fund;

9. The sum of Four Dollars and fifty cents (\$4.50) shall be assessed. Four Dollars and ten cents (\$4.10) of each fee received pursuant to this paragraph shall be credited to the A.F.I.S. Fund created by Section 150.25 of Title 74 of the Oklahoma Statutes and the balance deposited into the General Revenue Fund by the court clerk. The payments shall be made to the appropriate fund by the court clerk on a monthly basis as set forth by subsection I of Section 1313.2 of Title 20 of the Oklahoma Statutes;

10. The sum of Four Dollars and fifty cents (\$4.50) shall be assessed. Four Dollars and twenty-eight cents (\$4.28) of each fee received pursuant to this paragraph shall be collected and sent to the Oklahoma State Bureau of Investigation for deposit into the Forensic Science Improvement Revolving Fund created by Section 150.35 of Title 74 of the Oklahoma Statutes. The balance shall be retained by the municipal court clerk;

11. The sum of Nine Dollars (\$9.00) shall be assessed and forwarded monthly in one check or draft to the Department of Public Safety to be deposited in the Department of Public Safety Patrol Vehicle Revolving Fund;

12. Pursuant to subsection C of Section 220 of Title 19 of the Oklahoma Statutes, the court clerk shall assess an administrative fee of ten percent (10%) on fees assessed in paragraphs 2, 4, 5, 6, 8, 9, 10 and 11 of this subsection which shall be deposited in the Court Clerk's Revolving Fund;

13. Pursuant to subsection D of Section 220 of Title 19 of the Oklahoma Statutes, the court clerk shall assess an administrative fee of fifteen percent (15%) on fees assessed in paragraphs 2, 4, 5, 6, 8, 9, 10 and 11 of this subsection and shall be deposited in the District Court Revolving Fund.

Added by Laws 2018, c. 237, § 2. Amended by Laws 2021, c. 40, § 2, emerg. eff. April 19, 2021.

§47-11-802. Establishment of state speed zones.

Whenever the State Highway Commission shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the state highway system, said Commission may determine and declare a reasonable and safe maximum limit thereat which, when appropriate signs giving notice thereof are erected, shall be effective at all times, or during hours of daylight or darkness or at such other times as may be determined at such intersection or other place or part of the highway.

Laws 1961, p. 384, § 11-802.

§47-11-803. When local authorities may and shall alter maximum limits.

A. Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under this article is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:

1. Decreases the limit at intersections;

2. Increases the limit within an urban district, but not to more than sixty-five (65) miles per hour; or

3. Decreases the limit outside an urban district, but not to less than thirty (30) miles per hour.

B. Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under Section 1-101 et seq. of this title for an urban district.

C. Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

D. As to streets and highways within the corporate limits which are maintained by the Department of Transportation, local authorities shall have joint authority with the Transportation Commission to establish or alter speed limits; provided, however, the speed limit on an interstate highway within such corporate limits shall not be decreased to less than sixty (60) miles per hour; and provided further, that no local authority shall impose speed limits on any such street or highway substantially lower than those justified by the highway design, capacity, and traffic volume as determined by engineering studies.

E. Not more than six such alterations as hereinabove authorized shall be made per mile along a street or highway except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than ten (10) miles per hour.

Added by Laws 1961, p. 385, § 11-803, eff. Sept. 1, 1961. Amended by Laws 1991, c. 98, § 5, eff. July 1, 1991; Laws 1996, c. 324, § 2; Laws 2024, c. 35, § 5, eff. Nov. 1, 2024.

§47-11-804. Minimum speed regulation.

(a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(b) Whenever the State Highway Commission or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the Commission or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

Laws 1961, p. 385, § 11-804.

§47-11-805. Speed limitation on motorcycles, motor-driven cycles, and motorized scooters.

A. No person shall operate any motorcycle at a speed greater than the legally posted speed limit; provided, in no event nor at any time shall an operator under the age of sixteen (16) years drive a motorcycle on a highway which has a minimum speed limit established and posted.

B. No person shall operate any motor-driven cycle at a speed greater than the legally posted speed limit; provided, in no event nor at any time shall any operator drive a motor-driven cycle at a speed greater than thirty-five (35) miles per hour.

C. No person shall operate a motorized scooter at a speed greater than the legally posted speed limit; provided, in no event nor at any time shall any operator drive a motorized scooter:

1. At a speed greater than twenty-five (25) miles per hour; and

2. On any roadway with a posted speed limit of greater than twenty-five (25) miles per hour.

Any municipality or board of county commissioners is hereby authorized to adopt ordinances and regulations for the operation of motorized scooters as provided in Section 19 of this act.

Added by Laws 1961, p. 385, § 11-805. Amended by Laws 2003, c. 411, § 13, eff. Nov. 1, 2003; Laws 2004, c. 521, § 8, eff. Nov. 1, 2004.

§47-11-805.1. Low-speed electrical vehicles - Restrictions on operation.

A. No person shall operate any low-speed electrical vehicle on any street or highway with a posted speed limit greater than thirty-five (35) miles per hour.

B. The provisions of subsection A of this section shall not prohibit a low-speed vehicle from crossing a street or highway with a posted speed limit greater than thirty-five (35) miles per hour.

C. This section shall not prevent a city from adopting any ordinance that would further restrict low-speed electrical vehicles from operating on certain city-owned streets in order to ensure the public health and safety.

D. This section shall be a part of and supplemental to the rules of the road as provided in Section 11-101 et seq. of Title 47 of the Oklahoma Statutes.

Added by Laws 2001, c. 243, § 2, eff. Nov. 1, 2001.

§47-11-805.2. Repealed by Laws 2019, c. 43, § 6, eff. Nov. 1, 2019.

§47-11-805.3. Electric personal assistive mobility devices - Registration - Operation requirements - Warning notice.

A. Notwithstanding any other provisions of law, an electric personal assistive mobility device, as defined in Section 1 of this act, shall not be:

1. Registered pursuant to the Oklahoma Vehicle License and Registration Act; or

2. Operated on the highways or turnpikes of this state except as provided in subsection B of this section.

B. An electric personal assistive mobility device may be operated upon the sidewalks, walking trails, bikeways, and municipal streets of this state. A municipality may prohibit the operation of an electric personal assistive mobility device on public streets where the speed limit is greater than twenty-five (25) miles per hour but, except for enforcement of the provisions of subsection C of this section, may not otherwise restrict the operation of an electric personal assistive mobility device.

C. 1. A person operating an electric personal assistive mobility device shall:

- a. not be required to have an Oklahoma driver license to operate the device,
- b. obey all speed limits,
- c. yield the right of way to pedestrians and human powered devices at all times,
- d. give an audible signal before overtaking and passing any pedestrian, and
- e. wear or equip the electric personal assistive mobility device with reflectors and a headlight when operating at night.

2. Failure to comply with any requirement set forth in subparagraphs b through e of paragraph 1 of this subsection shall result in a warning for the first offense, a fine of Ten Dollars (\$10.00) for the second offense, and impoundment of the electric personal assistive mobility device for up to thirty (30) days for subsequent offenses. Each act of noncompliance shall be considered a separate offense.

D. 1. It shall be unlawful to manufacture, assemble, sell, offer to sell, or distribute an electric personal assistive mobility device in this state unless the device is accompanied by a warning notice. The warning notice shall be substantially similar to the following: "REDUCE THE RISK OF SERIOUS INJURY AND ONLY USE WHILE WEARING FULL PROTECTIVE GEAR, WHICH SHALL INCLUDE HELMET, WRIST GUARDS, ELBOW PADS, AND KNEE PADS".

2. A person, firm, corporation, or other legal entity that regularly engages in the business of manufacturing, assembling, selling, or distributing electric personal assistive mobility devices and complies with the requirements of this subsection shall not be liable in a civil action for damages for any physical injury sustained by an operator of an electric personal assistive mobility device as a result of the operator's failure to wear protective gear in accordance with the notice required by paragraph 1 of this subsection.

Added by Laws 2002, c. 58, § 4, emerg. eff. April 11, 2002.
Renumbered from Title 47, § 19-211 by Laws 2003, c. 279, § 16,
emerg. eff. May 26, 2003.

§47-11-805.4. Electric gopeds.

Electric gopeds shall be operated as provided in subsections A and B of Section 11-805.3 of this title.

Added by Laws 2003, c. 411, § 3, eff. Nov. 1, 2003. Amended by Laws 2004, c. 418, § 14, eff. July 1, 2004.

§47-11-806. Special speed limitations.

A. No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to the bridge or structure, when the structure is signposted as provided in this section.

B. The Oklahoma Department of Transportation and local authorities may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if they shall thereupon find that the structure cannot, with safety to itself, withstand vehicles driving at speeds otherwise permissible under Section 1-101 et seq. of this title, they shall determine and declare the maximum speed of vehicles which the structure can safely withstand, and may cause and permit suitable signs stating the maximum speed to be erected and maintained at a distance of one hundred feet before each end of the structure.

C. Where any state or federal highway or turnpike shall be under construction, maintenance, or repair or when a detour shall have been designated by reason of construction, maintenance, or repairs in progress and a maximum safe, careful, and prudent speed shall have been determined by the Oklahoma Department of Transportation on the highway or highway detour or by the Oklahoma Transportation Authority on the turnpike or turnpike detour during the period of the construction, maintenance, or repairs and shall have plainly posted by changeable message or other appropriate sign at each terminus thereof and at not less than each half mile along the route thereof the determined maximum speed, no person shall drive any vehicle upon the portion of the highway or the highway detour or upon the portion of the turnpike or the turnpike detour at a speed in excess of the speed so determined and posted. Violation of the posted speed limit in the repair, maintenance, or construction zone shall result in the doubling of the appropriate fine. For purposes of this section, "repair, maintenance, or construction zone" means any location where repair, maintenance, or construction work is actually in progress and workers present.

D. The Oklahoma Department of Transportation and the Oklahoma Turnpike Authority may post, by changeable message sign or other

appropriate sign, a temporary reduced speed limit for special hazards with respect to pedestrians, other traffic, an accident, by reason of weather or when other hazardous highway conditions exist.

E. Upon the trial of any person charged with a violation of this section, proof of the determination of the maximum speed by the Department of Transportation or by the Oklahoma Transportation Authority and the existence of the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety as provided in subsections B , C and D of this section.

Added by Laws 1961, p. 385, § 11-806, eff. Sept. 1, 1961. Amended by Laws 1996, c. 127, § 1; Laws 2001, c. 202, § 1, eff. Nov. 1, 2001; Laws 2015, c. 294, § 2, eff. July 1, 2015.

§47-11-806.1. Reduced speed limit at certain times in school zone.

Where any portion of a road, street, or highway is a properly marked school zone, as indicated with appropriate warning signs placed in accordance with the latest edition of the Manual on Uniform Traffic Control Devices, and a reduced speed limit as properly posted, shall be in effect during certain times due to the presence or potential presence of school children, no person shall drive any vehicle upon that portion of the highway which is the school zone in excess of the reduced speed limit so posted when the reduced speed limit is in effect. Violation of the posted reduced speed limit in the school zone shall result in the doubling of the appropriate fine.

Added by Laws 2003, c. 199, § 8, eff. Nov. 1, 2003.

§47-11-806.2. Reduced speed limit in toll booth zone.

Where any portion of a turnpike is a properly marked toll booth zone, as indicated with appropriate signs placed in accordance with the latest edition of the Manual on Uniform Traffic Control Devices, and a reduced speed limit, as properly posted shall be in effect within the zone, no person shall drive any vehicle upon that portion of the turnpike which is the toll booth zone in excess of the reduced speed limit so posted. Violation of the posted reduced speed limit in the toll booth zone shall result in the doubling of the appropriate fine.

Added by Laws 2005, c. 114, § 1, eff. Nov. 1, 2005.

§47-11-807. Charging violations and rule in civil actions.

A. In every charge of violation of any speed regulation in this article, the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the maximum speed applicable within the district or at the location.

B. The provision of this article declaring maximum speed limitations shall not be construed to relieve the plaintiff in any

action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

C. Unless another penalty is provided in this title, every person convicted of violating any provision of Sections 11-801 through 11-806 of this title, shall be punished as provided in Section 17-101 of this title.

Added by Laws 1961, p. 386, § 11-807, eff. Sept. 1, 1961. Amended by Laws 2001, c. 435, § 8, eff. July 1, 2001.

§47-11-808. Jammers and speed measuring devices - Use, possession, manufacture, sale or distribution prohibited - Exemption.

A. As used in this section:

1. "Jammer" means any instrument, device, or equipment designed or intended for use with a vehicle or otherwise to jam or interfere with in any manner a speed measuring device operated by a law enforcement officer in the vicinity; and

2. "Speed measuring device" shall include, but is not limited to, devices commonly known as radar speed meters or laser speed meters.

B. It shall be unlawful for any person to use or possess a jammer.

C. It shall be unlawful to manufacture, advertise or offer for sale, sell or otherwise distribute any jammer in this state.

D. This section shall not apply to any person who lawfully possesses a license issued by the Federal Communications Commission for the use of a jammer.

Added by Laws 1981, c. 270, § 1. Amended by Laws 2003, c. 411, § 14, eff. Nov. 1, 2003.

§47-11-808.1. Unlawful acts - Radar detectors.

It shall be unlawful for any person to:

1. Possess, operate or use a radar detector while operating or as a passenger in a commercial motor vehicle;

2. Operate a commercial motor vehicle in which a radar detector is installed or present; or

3. Install or have installed a radar detector in a commercial motor vehicle.

Added by Laws 2012, c. 207, § 5, emerg. eff. May 8, 2012.

§47-11-809. Exemptions.

The provisions of this act shall not apply to:

1. Any receiver of radio waves of any frequency lawfully licensed by any state or federal agency;

2. Any such device owned or operated by the federal or state government or any political subdivision used by employees thereof in their official duties, or the sale of any such device to law enforcement agencies for use in their official duties; or

3. Any citizens band radio.
Laws 1981, c. 270, § 2.

§47-11-810. Points - Convictions for speeding.

A. Except when the person is the holder of a commercial driver license and commits the offense while operating any vehicle or when the person who commits the offense is operating a commercial motor vehicle, the Department of Public Safety shall not report or assess points to the driving record of any person, as maintained by Service Oklahoma, for a conviction of exceeding the speed limit by at least one (1) mile per hour but not more than ten (10) miles per hour.

B. Except when the person is the holder of a commercial driver license committing the offense while operating any vehicle or when the person committing the offense is operating a commercial motor vehicle, the Department of Public Safety shall not record or assess points for convictions for traffic offenses on the driving record of any person as maintained by Service Oklahoma, where such conviction is for exceeding the speed limit prescribed in this title, but not exceeding the speed limit previously in force where the violation occurred.

C. Except when the person is the holder of a commercial driver license committing the offense while operating any vehicle or when the person committing the offense is operating a commercial motor vehicle, the Department of Public Safety shall not record or assess points against a person for out-of-state convictions of exceeding the speed limits of that state, provided the person did not exceed the speed limit previously in force as of January 1, 1974, in the state where the conviction occurred.

Added by Laws 1992, c. 303, § 30, eff. July 1, 1992. Amended by Laws 2000, c. 124, § 2, eff. Nov. 1, 2000; Laws 2005, c. 394, § 12, eff. Sept. 1, 2005; Laws 2022, c. 282, § 92, emerg. eff. May 19, 2022.

NOTE: Laws 2005, c. 190, § 9 repealed by Laws 2006, c. 16, § 28, emerg. eff. March 29, 2006.

§47-11-901. Reckless driving.

A. It shall be deemed reckless driving for any person to drive a motor vehicle in a careless or wanton manner without regard for the safety of persons or property or in violation of the conditions outlined in Section 11-801 of this title.

B. Every person convicted of reckless driving shall be punished upon a first conviction by imprisonment for a period of not less than five (5) days nor more than ninety (90) days, or by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment; on a second or subsequent conviction, punishment shall be imprisonment for not less than ten (10) days nor more than six (6) months, or by

a fine of not less than One Hundred Fifty Dollars (\$150.00) nor more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

Added by Laws 1961, p. 386, § 11-901, eff. Sept. 1, 1961. Amended by Laws 2000, c. 285, § 2, eff. July 1, 2000; Laws 2001, c. 133, § 2, emerg. eff. April 24, 2001; Laws 2001, c. 435, § 9, eff. July 1, 2001.

§47-11-901a. Renumbered as § 15-102.1 of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.

§47-11-901b. Full time and attention to driving.

The operator of every vehicle, while driving, shall devote their full time and attention to such driving.

No law enforcement officer shall issue a citation under this section unless the law enforcement officer observes that the operator of the vehicle is involved in an accident or observes the operator of the vehicle driving in such a manner that poses an articulable danger to other persons on the roadway that is not otherwise specified in statute.

Added by Laws 2003, c. 108, § 3, eff. Nov. 1, 2003. Amended by Laws 2010, c. 76, § 2, eff. Nov. 1, 2010.

§47-11-901c. Unlawful use of cellular telephone.

A. It shall be unlawful for any person to operate a commercial motor vehicle or for a public transit driver to operate a motor vehicle on any street or highway within this state while:

1. Using a cellular telephone or electronic communication device to write, send, or read a text-based communication; or
2. Using a hand-held mobile telephone while operating a commercial motor vehicle.

For the purposes of paragraphs 1 and 2 of this subsection, using a hand-held mobile telephone is permissible by drivers of a commercial motor vehicle when necessary to communicate with law enforcement officials, other emergency services or by a public school bus driver to and from a central dispatch school transportation department or its equivalent.

B. Any person who violates the provisions of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of Five Hundred Dollars (\$500.00).

C. As used in this section:

1. "Cellular telephone" means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;
2. "Electronic communication device" means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire

communication. This term does not include a voice-activated global positioning or navigation system that is affixed to a motor vehicle;

3. "Operate" means operating on a street or highway, including while temporarily stationary because of traffic, a traffic control device or other momentary delays. Operating does not include when the driver of a commercial motor vehicle has moved the vehicle to the side of or off a street or highway and has halted in a location where the vehicle can safely remain stationary;

4. "Public transit driver" means:

- a. any operator of a public transit vehicle owned and operated by the State of Oklahoma, any public trust authority, county, municipality, town or city within this state,
- b. any operator of a school bus or multi-passenger motor vehicle owned and approved to operate by the State Department of Education or any school district within this state, or
- c. any operator, conductor or driver of a locomotive engine, railway car or train of cars; and

5. "Write, send, or read a text-based communication", also known as texting, means manually entering alphanumeric text into, sending text, or reading text from, an electronic device, and includes, but is not limited to, short message service (SMS), emailing, instant messaging (IM), a command or request to access a World Wide Web page, or engaging in any other form of electronic text retrieval or entry, for present or future communication. As used in this paragraph, texting does not include:

- a. using voice commands to select or enter a telephone number, an extension number, or voicemail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a phone call,
- b. inputting, selecting, or reading information on a global positioning system or navigation system, or
- c. using a device capable of performing multiple functions for a purpose that is not otherwise prohibited in this part, including, but not limited to, fleet management systems, dispatching devices, smart phones, citizens band radios, and music players.

D. This act shall not apply to railroads and railroad operating employees regulated by the Federal Railroad Administration.

Added by Laws 2010, c. 218, § 1, eff. Nov. 1, 2010. Amended by Laws 2012, c. 207, § 6, emerg. eff. May 8, 2012; Laws 2015, c. 214, § 2, eff. Nov. 1, 2015; Laws 2019, c. 403, § 1, eff. Nov. 1, 2019.

§47-11-901d. Text messaging - Penalties.

A. It shall be unlawful for any person to operate a motor vehicle on any street or highway within this state while using a

hand-held electronic communication device to manually compose, send or read an electronic text message while the motor vehicle is in motion.

B. Any person who violates the provisions of subsection A of this section shall, upon conviction, be punished by a fine of not more than One Hundred Dollars (\$100.00).

C. The Department of Public Safety shall not record or assess points for violations of this section on any license holder's traffic record maintained by Service Oklahoma.

D. The provisions of subsection A of this section shall not apply if the person is using the cellular telephone or electronic communication device for the sole purpose of communicating with any of the following regarding an imminent emergency situation:

1. An emergency response operator;
2. A hospital, physician's office or health clinic;
3. A provider of ambulance services;
4. A provider of firefighting services; or
5. A law enforcement agency.

E. Municipalities may enact and municipal police officers may enforce ordinances prohibiting and penalizing conduct under the provisions of this section. The provisions of such ordinances shall be the same as provided for in this section; the enforcement provisions of those ordinances shall not be more stringent than those of this section; and the fine and court costs for municipal ordinance violations shall be the same or a lesser amount as provided for in this section.

F. For the purpose of this section:

1. "Cellular telephone" means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;

2. "Compose", "send" or "read" with respect to a text message means the manual entry, sending or retrieval of a text message to communicate with any person or device;

3. "Electronic communication device" means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include:

- a. a device that is physically or electronically integrated into a motor vehicle,
- b. a voice-operated global positioning or navigation system that is affixed to a motor vehicle,
- c. a hands-free device that allows the user to write, send or read a text message without the use of either hand except to activate, deactivate or initiate a feature or function, or
- d. an ignition interlock device that has been installed on a motor vehicle; and

4. "Text message" includes a text-based message, instant message, electronic message, photo, video or electronic mail. Added by Laws 2015, c. 248, § 2, eff. Nov. 1, 2015. Amended by Laws 2016, c. 186, § 1, eff. Nov. 1, 2016; Laws 2022, c. 282, § 93, emerg. eff. May 19, 2022.

§47-11-901e. Holding or using a hand-held cell phone or communication device when in a school zone – Exceptions.

A. For the purpose of this section:

1. "Cellular telephone" means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;

2. "Compose", "send", or "read" with respect to a text message means the manual entry, sending, or retrieval of a text message to communicate with any person or device;

3. "Electronic communication device" means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include:

- a. a device that is physically or electronically integrated into a motor vehicle,
- b. a voice-operated global positioning or navigation system that is affixed to a motor vehicle,
- c. a hands-free or voice-operated device that allows the user to write, send, or read a text message without the use of either hand except to activate, deactivate, or initiate a feature or function,
- d. an ignition interlock device that has been installed on a motor vehicle, or
- e. amateur radio use or operation; and

4. "Text message" includes a text-based message, instant message, electronic message, photo, video, or electronic mail.

B. Where any portion of a road, street, or highway is a properly marked school zone, as indicated with appropriate warning signs placed in accordance with the latest edition of the Manual on Uniform Traffic Control Devices, and a reduced speed limit is properly posted that is in effect during certain times due to the presence or potential presence of school children, or in a road construction zone, and while a motor vehicle is in motion, it shall be unlawful for any person to operate a motor vehicle on any street or highway within this state while:

1. Using a hand-held electronic communication device or cellular telephone to manually compose, send, or read an electronic text message; or

2. Holding or using a hand-held cellular telephone.

C. Any person who violates the provisions of subsection B of this section shall, upon conviction, be punished by a fine of not more than One Hundred Dollars (\$100.00).

D. The provisions of subsection B of this section shall not apply if the person is using the cellular telephone or electronic communication device:

1. In conjunction with hands-free or voice-operated technology; or

2. For the sole purpose of communicating with any of the following regarding an imminent emergency situation:

- a. an emergency response operator,
- b. a hospital, physician's office, or health clinic,
- c. a provider of ambulance services,
- d. a provider of firefighting services, or
- e. a law enforcement agency.

E. Municipalities may enact and municipal police officers may enforce ordinances prohibiting and penalizing conduct under the provisions of this section. The provisions of such ordinances shall be the same as provided for in this section; the enforcement provisions of those ordinances shall not be more stringent than those of this section; and the total fine and court costs for municipal ordinance violations shall not exceed One Hundred Dollars (\$100.00).

F. The Department of Public Safety shall not record or assess points for violations of this section on any license holder's traffic record maintained by Service Oklahoma.

G. A law enforcement officer shall not, without the consent of the person:

1. Confiscate a cellular telephone or electronic communication device for the purpose of determining compliance with this section;

2. Confiscate a cellular telephone or electronic communication device and retain it as evidence pending trial for a violation of this section; or

3. Extract or otherwise download information from a cellular telephone or electronic communication device for a violation of this section unless:

- a. the law enforcement officer has probable cause to believe that the cellular telephone or electronic communication device has been used in the commission of a crime,
- b. the information is extracted or otherwise downloaded under a valid search warrant, or
- c. otherwise authorized by law.

Added by Laws 2025, c. 339, § 1, eff. Nov. 1, 2025.

§47-11-902. See the following versions:

OS 47-11-902v1 (HB 1222, Laws 2025, c. 172, § 3)

OS 47-11-902v2 (HB 1460, Laws 2025, c. 305, § 6)
OS 47-11-902v3 (SB 54, Laws 2025, c. 347, § 1)
OS 47-11-902v4 (HB 2104, Laws 2025, c. 486, § 33)

§47-11-902.1. Renumbered as § 3-451 of Title 43A by Laws 1990, c. 265, § 77, operative July 1, 1990.

§47-11-902.2. Renumbered as § 3-452 of Title 43A by Laws 1990, c. 265, § 77, operative July 1, 1990.

§47-11-902.3. Renumbered as § 3-453 of Title 43A by Laws 1990, c. 265, § 77, operative July 1, 1990.

§47-11-902a. Allowing use of motor vehicle without ignition interlock device.

A. No person shall knowingly authorize or permit a motor vehicle owned or under the control of that person which is not equipped with an ignition interlock device to be driven upon any street or highway of this state by any person who is required to have an ignition interlock device installed upon the vehicle of that person.

B. No person shall willfully attempt to interfere in any way with the intended and proper functioning of an ignition interlock device installed in a vehicle as required by law, or intentionally fail to return an ignition interlock device when it is no longer required in the vehicle or upon request by the owner of the device.

C. No person granted permission to drive a motor vehicle on the condition of installation of an ignition interlock device shall drive any vehicle that is not equipped with an ignition interlock device unless driving a vehicle of an employer in accordance with subsection A of Section 6-212.3 of this title.

D. A violation of subsection A, B or C of this section shall be a misdemeanor and shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

Added by Laws 1999, c. 170, § 2, eff. Nov. 1, 1999. Amended by Laws 2005, c. 167, § 3, eff. Nov. 1, 2005; Laws 2017, c. 392, § 9, eff. Nov. 1, 2017; Laws 2019, c. 400, § 11, eff. Nov. 1, 2019.

§47-11-902b. Forfeiture of motor vehicle.

A. The district attorney may file a motion requesting forfeiture of the motor vehicle involved in the commission of an eligible offense as provided in this section. The provisions of this section shall apply to:

1. Any person who has been previously convicted of an offense under Section 11-902, 11-903, or 11-904 of this title and who on or

after July 1, 1999, is convicted of an offense under Section 11-902, 11-903, or 11-904 of this title within ten (10) years of any prior conviction under Section 11-902, 11-903, or 11-904 of this title and where at least one of the offenses, current or prior, involved the death of or serious bodily injury to another person; or

2. Any person who has been convicted of a third or subsequent felony offense under Section 11-902 of this title.

B. A motion for forfeiture may be filed at the time of charging but not later than thirty (30) days after the verdict or plea of guilty or nolo contendere. If a motion of intent to forfeit is filed prior to the verdict or plea of guilty or nolo contendere, the proceedings shall be stayed until the disposition of the criminal case. Notice shall be required even though the proceedings are stayed. If the motion is filed prior to the disposition on the criminal case, the district attorney shall notify the Oklahoma Tax Commission and the Tax Commission shall place a lien upon the vehicle title. No person shall sell, damage, destroy, transfer or perfect a security interest on any vehicle subject to forfeiture. Prior to filing a motion for forfeiture, the district attorney shall verify whether the vehicle was sold during any period of impoundment as provided by law. Any vehicle sold in an impound sale to pay towing, wrecker services or storage expenses shall not be subject to forfeiture as provided in this section.

C. Upon filing a motion for forfeiture, except when the proceedings are stayed pursuant to subsection B of this section, the court shall schedule a hearing on the matter. The hearing shall be not less than twenty (20) days nor more than forty-five (45) days from the date the motion is filed. The district attorney within three (3) days of filing a motion of intent to forfeit shall notify the convicted person, lienholders of record, and any person appearing to have an ownership or security interest in the vehicle. The notice shall contain the date, time and place of the hearing. When a motion for forfeiture has been stayed pending disposition of the criminal case and a verdict or plea of guilty or nolo contendere has been entered, the district attorney shall give notice of the forfeiture hearing not less than ten (10) days prior to the hearing. The notice of persons specified in this subsection shall be by certified mail to the address shown upon the records of the Oklahoma Tax Commission. For owners or interested parties, other than lienholders of record, whose addresses are unknown, but who are believed to have an interest in the vehicle, notice shall be by one publication in a newspaper of general circulation in the county where the motion is filed. The written notice shall include:

1. A full description of the motor vehicle;
2. The date, time and place of the forfeiture hearing;
3. The legal authority under which the motor vehicle may be forfeited; and

4. Notice of the right to intervene to protect an interest in the motor vehicle.

D. A forfeiture proceeding shall not extinguish any security interest of a lienholder of record; provided, however, the court may order the sale of the motor vehicle and the satisfaction of that security interest from the proceeds of sale as provided in subsection K of this section.

For purposes of a forfeiture proceeding, an affidavit obtained from the lienholder of record, in the absence of evidence of bad faith, shall be prima facie evidence of the amount of secured indebtedness owed to that lienholder. It shall be the responsibility of the district attorney to obtain such affidavit prior to the forfeiture proceeding.

In the absence of evidence of bad faith, no lienholder of record shall be required to attend the forfeiture proceeding to protect its interest in the motor vehicle. However, each lienholder of record shall be given notice of the forfeiture hearing as provided in subsection C of this section. The district attorney shall notify each lienholder of record at least ten (10) days before the sale of the motor vehicle ordered forfeited pursuant to this section; provided, the lienholder was not represented at the forfeiture proceeding.

E. Any person having an ownership or security interest in a vehicle subject to forfeiture which is not perfected by a lien of record may file a written objection to the motion to forfeit within ten (10) days of the mailing of the notice of intent to forfeit.

F. At the hearing, any person who claims an ownership or security interest in the motor vehicle which is not perfected by a lien of record shall be required to establish by a preponderance of the evidence that:

1. The person has an interest in the motor vehicle and such interest was acquired in good faith;

2. The person is not the person convicted of the offense that resulted in the forfeiture proceeding; and

3. The person did not know or have reasonable cause to believe that the vehicle would be used in the commission of a felony offense.

G. If a person satisfies the requirements of subsection F of this section, or if there is a lienholder of record that has provided an affidavit pursuant to subsection D of this section, the court shall order either an amount equal to the value of the interest of that person in the motor vehicle to be paid to that person upon sale of the motor vehicle after payment of costs and expenses or release the vehicle from the forfeiture proceedings if either the lienholder described in subsection D of this section or the person intervening in accordance with subsection F of this section has full right, title and interest in the vehicle.

H. At the hearing, the court may order the forfeiture of the motor vehicle if it is determined by a preponderance of the evidence that the forfeiture of the motor vehicle will serve one or more of the following purposes:

1. Incapacitation of the convicted person from the commission of any future offense under Section 11-902, 11-903, or 11-904 of this title;

2. Protection of the safety and welfare of the public;

3. Deterrence of other persons who are potential offenders under Section 11-902, 11-903, or 11-904 of this title;

4. Expression of public condemnation of the serious or aggravated nature of the conduct of the convicted person; or

5. Satisfaction of monetary amounts for criminal penalties.

I. Upon forfeiture of a motor vehicle pursuant to this act, the court shall require the owner to surrender the motor vehicle, the certificate of title, and the registration of the motor vehicle. The vehicle, the certificate of title, and the registration shall be delivered to the Department of Public Safety within three (3) days of the forfeiture order. The expense of delivering the vehicle shall be paid by the district attorney. Costs of delivering the vehicle to the Department shall be reimbursable as costs of conducting the sale. A motor vehicle forfeited pursuant to this act, shall be sold by the Department of Public Safety as provided by law for the sale of other forfeited property, except as otherwise provided in this section.

J. If a vehicle was impounded at the time of delivery to the Department and a forfeiture order is subsequently issued, all towing, wrecker services, and storage expenses shall be satisfied from the sale of the vehicle. If a vehicle is released from forfeiture and the vehicle has been delivered to the Department with impound expenses still owing, all impound expenses, including towing, wrecker service and storage expenses, shall be paid by the person prevailing on the dismissal of the forfeiture proceeding and the release of the vehicle to such person. If a notice for sale of the vehicle was filed for satisfaction of impound expenses prior to the filing of a motion for forfeiture, the vehicle shall be sold as provided by law for unpaid towing, wrecker services, and storage expenses and shall not be subject to forfeiture. If the convicted person redeems his or her interest in the vehicle at a sale for impound expenses, a forfeiture proceeding may thereafter proceed as authorized by this act. Neither the notice of sale for towing, wrecker services, and storage expenses nor the sale of such vehicle for impound expenses shall serve to extend the requirement for filing a motion to forfeit as provided in subsection B of this section.

K. Except as provided in subsection J of this section, proceeds from the sale of any vehicle forfeited pursuant to this act shall be paid in the following order:

1. To satisfy the interest of any lienholder of record;
2. To the Department of Public Safety for the cost of conducting the sale, including expense of delivery, court filing fees, and publication expense;
3. To satisfy impound expenses, including any towing, wrecker service and storage expenses incurred prior to delivery to the Department of Public Safety;
4. To satisfy the interest of any person making proof as provided in subsection F of this section;
5. To satisfy criminal penalties, costs and assessments pursuant to paragraph 5 of subsection H of this section if so ordered by the court;
6. To the office of the district attorney who filed the forfeiture proceeding not exceeding twenty-five percent (25%) of any remaining proceeds. Such payment shall be deposited in a special fund for such purpose as determined by the district attorney's office; and
7. The balance of the proceeds to be deposited in the Drug Abuse Education and Treatment Revolving Fund established pursuant to Section 2-503.2 of Title 63 of the Oklahoma Statutes for the benefit of drug court treatment as provided by law.

L. If a motor vehicle subject to forfeiture as provided by this act is a vehicle leased pursuant to a commercial rental agreement for a period of ninety (90) days or less, then the vehicle shall not be subject to the forfeiture proceedings provided by this act.

M. Upon the court dismissing a forfeiture proceeding, any lien placed upon the vehicle title by the Oklahoma Tax Commission pursuant to subsection B of this section shall be released.

Added by Laws 1999, c. 391, § 1, eff. July 1, 1999. Amended by Laws 2014, c. 74, § 1.

§47-11-902c. Preemption of legislation pertaining to prosecution of offenses related to driving under the influence of alcohol or other intoxicating substances.

A. The State Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way the prosecution of offenses relating to driving under the influence of alcohol or any other intoxicating substance or operating a motor vehicle while impaired to the complete exclusion of any order, ordinance, local legislation or regulation by any municipality or other political subdivision of this state.

B. No municipality or other political subdivision shall prosecute any laws or ordinances relating to the offense of driving under the influence of alcohol or any other intoxicating substance

or operating a motor vehicle while impaired. Any existing or future orders, ordinances, local legislation or regulations in violation of this section is void and unenforceable.

C. The preemption provisions of this section shall not apply to prosecutions in municipal criminal courts of record for offenses relating to driving under the influence of alcohol or any other intoxicating substance or operating a motor vehicle while impaired. Nothing in this section shall prohibit a municipality from establishing a municipal criminal court of record pursuant to the provisions of Section 28-101 of Title 11 of the Oklahoma Statutes. Added by Laws 2016, c. 172, § 7, eff. Nov. 1, 2016.

§47-11-902d. Impaired driver database - Oklahoma Impaired Driver Database Revolving Fund.

A. The Commissioner of the Department of Public Safety is hereby authorized to oversee the creation, development and implementation of a statewide impaired driver database with assistance from the Office of Management and Enterprise Services subject to fiscal limitations and the availability of federal funds.

B. In any case in which a person is arrested for driving under the influence of alcohol or any other intoxicating substance, an impaired driver arrest report shall be completed by the law enforcement officer that made the arrest and shall be entered into the impaired driver database. The Commissioner shall prescribe the form and format of the impaired driver arrest report.

C. There is hereby created in the State Treasury a revolving fund for the Department of Public Safety to be designated the "Oklahoma Impaired Driver Database Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department for the exclusive purpose of implementing, developing, administering and maintaining an impaired driver database. Expenditures from the funds shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment. Added by Laws 2016, c. 172, § 8, eff. Nov. 1, 2016.

§47-11-902v1. Persons under the influence of alcohol or other intoxicating substance or combination thereof - Penalty - Enhancement.

A. It is unlawful and punishable as provided in this section for any person to drive, operate, or be in actual physical control of a motor vehicle within this state, whether upon public roads, highways, streets, turnpikes, other public places or upon any private road, street, alley or lane which provides access to one or more single or multi-family dwellings, who:

1. Has a blood or breath alcohol concentration, as defined in Section 756 of this title, of eight-hundredths (0.08) or more at the time of a test of such person's blood or breath administered within two (2) hours after the arrest of such person;

2. Is under the influence of alcohol;

3. Has any amount of a Schedule I chemical or controlled substance, as defined in Section 2-204 of Title 63 of the Oklahoma Statutes, or one of its metabolites or analogs in the person's blood, saliva, urine or any other bodily fluid at the time of a test of such person's blood, saliva, urine or any other bodily fluid administered within two (2) hours after the arrest of such person;

4. Is under the influence of any intoxicating substance other than alcohol which may render such person incapable of safely driving or operating a motor vehicle. The timing requirement for the administration of tests pursuant to Section 756 of this title shall not apply to this paragraph; or

5. Is under the combined influence of alcohol and any other intoxicating substance which may render such person incapable of safely driving or operating a motor vehicle. The timing requirement for the administration of tests pursuant to Section 756 of this title shall not apply to this paragraph.

B. The fact that any person charged with a violation of this section is or has been lawfully entitled to use alcohol or a controlled dangerous substance or any other intoxicating substance shall not constitute a defense against any charge of violating this section.

C. 1. Any person who is convicted of a violation of the provisions of this section shall be guilty of a misdemeanor for the first offense and shall:

- a. participate in an assessment and evaluation pursuant to subsection G of this section and shall follow all recommendations made in the assessment and evaluation,
- b. be punished by imprisonment in jail for not less than ten (10) days nor more than one (1) year, and
- c. be fined not more than One Thousand Dollars (\$1,000.00).

2. Any person who, having been convicted of or having received deferred judgment for a violation of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided in this section, Section 11-904 of this title or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes, or having a prior conviction in a municipal criminal court of record for the violation of a municipal ordinance prohibiting the offense provided for in this section commits a subsequent violation of this section within ten (10) years of the date following the completion of the execution of said sentence or deferred judgment shall, upon conviction, be guilty of a

felony and shall participate in an assessment and evaluation pursuant to subsection G of this section and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense, or
- b. placement in the custody of the Department of Corrections for not less than one (1) year and not to exceed five (5) years and a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), or
- c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

However, if the treatment in subsection G of this section does not include residential or inpatient treatment for a period of not less than five (5) days, the person shall serve a term of imprisonment of at least five (5) days.

3. Any person who commits a violation of this section after having been convicted of a felony offense pursuant to the provisions of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided for in this section, Section 11-904 of this title or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes shall be guilty of a felony and participate in an assessment and evaluation pursuant to subsection G of this section and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense, two hundred forty (240) hours of community service and use of an ignition interlock device, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, or
- b. placement in the custody of the Department of Corrections for not less than one (1) year and not to exceed ten (10) years and a fine of not more than Five Thousand Dollars (\$5,000.00), or
- c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

However, if the treatment in subsection G of this section does not include residential or inpatient treatment for a period of not less than ten (10) days, the person shall serve a term of imprisonment of at least ten (10) days.

4. Any person who commits a violation of this section after having been twice convicted of a felony offense pursuant to the provisions of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided for in this section, Section 11-904 of this title or

paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes shall be guilty of a felony and participate in an assessment and evaluation pursuant to subsection G of this section and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense, followed by not less than one (1) year of supervision and periodic testing at the defendant's expense, four hundred eighty (480) hours of community service, and use of an ignition interlock device, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, for a minimum of thirty (30) days, or
- b. placement in the custody of the Department of Corrections for not less than one (1) year and not to exceed twenty (20) years and a fine of not more than Five Thousand Dollars (\$5,000.00), or
- c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

However, if the person does not undergo residential or inpatient treatment pursuant to subsection G of this section the person shall serve a term of imprisonment of at least ten (10) days.

5. Any person who, after a previous conviction of a violation of murder in the second degree or manslaughter in the first degree in which the death was caused as a result of driving under the influence of alcohol or other intoxicating substance, is convicted of a violation of this section shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for not less than five (5) years and not to exceed twenty (20) years, and a fine of not more than Ten Thousand Dollars (\$10,000.00).

6. Provided, however, a conviction from another state shall not be used to enhance punishment pursuant to the provisions of this subsection if that conviction is based on a blood or breath alcohol concentration of less than eight-hundredths (0.08).

7. In any case in which a defendant is charged with driving under the influence of alcohol or other intoxicating substance offense within any municipality with a municipal court other than a court of record, the charge shall be presented to the county's district attorney and filed with the district court of the county within which the municipality is located.

D. Any person who is convicted of a violation of driving under the influence with a blood or breath alcohol concentration of fifteen-hundredths (0.15) or more pursuant to this section shall be deemed guilty of aggravated driving under the influence. A person convicted of aggravated driving under the influence shall

participate in an assessment and evaluation pursuant to subsection G of this section and shall comply with all recommendations for treatment. Such person shall be sentenced as provided in paragraph 1, 2, 3, 4 or 5 of subsection C of this section and to:

1. Not less than one (1) year of supervision and periodic testing at the defendant's expense; and

2. An ignition interlock device or devices, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, for a minimum of ninety (90) days.

E. When a person is sentenced to imprisonment in the custody of the Department of Corrections, the person shall be processed through the Lexington Assessment and Reception Center or at a place determined by the Director of the Department of Corrections. The Department of Corrections shall classify and assign the person to one or more of the following:

1. The Department of Mental Health and Substance Abuse Services pursuant to paragraph 1 of subsection A of Section 612 of Title 57 of the Oklahoma Statutes; or

2. A correctional facility operated by the Department of Corrections with assignment to substance abuse treatment. Successful completion of a Department-of-Corrections-approved substance abuse treatment program shall satisfy the recommendation for a ten-hour or twenty-four-hour alcohol and drug substance abuse course or treatment program or both. Successful completion of an approved Department of Corrections substance abuse treatment program may precede or follow the required assessment.

F. The Department of Public Safety is hereby authorized to reinstate any suspended or revoked driving privilege when the person meets the statutory requirements which affect the existing driving privilege.

G. Any person who is found guilty of a violation of the provisions of this section shall be ordered to participate in an alcohol and drug substance abuse evaluation and assessment program offered by a certified assessment agency or certified assessor for the purpose of evaluating and assessing the receptivity to treatment and prognosis of the person and shall follow all recommendations made in the assessment and evaluation for treatment. The court shall order the person to reimburse the agency or assessor for the evaluation and assessment. Payment shall be remitted by the defendant or on behalf of the defendant by any third party; provided, no state-appropriated funds are utilized. The fee for an evaluation and assessment shall be the amount provided in subsection C of Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation and assessment shall be conducted at a certified assessment agency, the office of a certified assessor or at another location as ordered by the court. The agency or assessor shall,

within seventy-two (72) hours from the time the person is evaluated and assessed, submit a written report to the court for the purpose of assisting the court in its sentencing determination. The court shall, as a condition of any sentence imposed, including deferred and suspended sentences, require the person to participate in and successfully complete all recommendations from the evaluation, such as an alcohol and substance abuse treatment program pursuant to Section 3-452 of Title 43A of the Oklahoma Statutes. If such report indicates that the evaluation and assessment shows that the defendant would benefit from a ten-hour or twenty-four-hour alcohol and drug substance abuse course or a treatment program or both, the court shall, as a condition of any sentence imposed, including deferred and suspended sentences, require the person to follow all recommendations identified by the evaluation and assessment and ordered by the court. No person, agency or facility operating an evaluation and assessment program certified by the Department of Mental Health and Substance Abuse Services shall solicit or refer any person evaluated and assessed pursuant to this section for any treatment program or substance abuse service in which such person, agency or facility has a vested interest; however, this provision shall not be construed to prohibit the court from ordering participation in or any person from voluntarily utilizing a treatment program or substance abuse service offered by such person, agency or facility. If a person is sentenced to imprisonment in the custody of the Department of Corrections and the court has received a written evaluation report pursuant to the provisions of this subsection, the report shall be furnished to the Department of Corrections with the judgment and sentence. Any evaluation and assessment report submitted to the court pursuant to the provisions of this subsection shall be handled in a manner which will keep such report confidential from the general public's review. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence in the event the defendant fails or refuses to comply with an order of the court to obtain the evaluation and assessment required by this subsection. If the defendant fails or refuses to comply with an order of the court to obtain the evaluation and assessment, the Department of Public Safety shall not reinstate driving privileges until the defendant has complied in full with such order. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence and any other sanction authorized by law for failure or refusal to comply with an order of the court.

H. Any person who is found guilty of a violation of the provisions of this section shall be required by the court to attend a victims impact panel program, as defined in subsection H of Section 991a of Title 22 of the Oklahoma Statutes, if such a program is offered in the county where the judgment is rendered, and to pay

a fee of Seventy-five Dollars (\$75.00), as set by the governing authority of the program and approved by the court, to the program to offset the cost of participation by the defendant, if in the opinion of the court the defendant has the ability to pay such fee.

I. Any person who is found guilty of a felony violation of the provisions of this section shall be required to submit to electronic monitoring as authorized and defined by Section 991a of Title 22 of the Oklahoma Statutes.

J. Any person who is found guilty of a violation of the provisions of this section who has been sentenced by the court to perform any type of community service shall not be permitted to pay a fine in lieu of performing the community service.

K. When a person is found guilty of a violation of the provisions of this section, the court shall order, in addition to any other penalty, the defendant to pay a one-hundred-dollar assessment to be deposited in the Drug Abuse Education and Treatment Revolving Fund created in Section 2-503.2 of Title 63 of the Oklahoma Statutes, upon collection.

L. 1. When a person is eighteen (18) years of age or older, and is the driver, operator, or person in physical control of a vehicle, and is convicted of violating any provision of this section while transporting or having in the motor vehicle any child less than eighteen (18) years of age, the fine shall be enhanced to double the amount of the fine imposed for the underlying driving under the influence (DUI) violation which shall be in addition to any other penalties allowed by this section.

2. Nothing in this subsection shall prohibit the prosecution of a person pursuant to Section 852.1 of Title 21 of the Oklahoma Statutes who is in violation of any provision of this section or Section 11-904 of this title.

M. Any plea of guilty, nolo contendere or finding of guilt for a violation of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided for in this section, Section 11-904 of this title, or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes, shall constitute a conviction of the offense for the purpose of this section; provided, any deferred judgment shall only be considered to constitute a conviction for a period of ten (10) years following the completion of any court-imposed probationary term.

N. If qualified by knowledge, skill, experience, training or education, a witness shall be allowed to testify in the form of an opinion or otherwise solely on the issue of impairment, but not on the issue of specific alcohol concentration level, relating to the following:

1. The results of any standardized field sobriety test including, but not limited to, the horizontal gaze nystagmus (HGN)

test administered by a person who has completed training in standardized field sobriety testing; or

2. Whether a person was under the influence of one or more impairing substances and the category of such impairing substance or substances. A witness who has received training and holds a current certification as a drug recognition expert shall be qualified to give the testimony in any case in which such testimony may be relevant.

Added by Laws 1961, p. 386, § 11-902, eff. Sept. 1, 1961. Amended by Laws 1967, c. 58, § 1, emerg. eff. April 17, 1967; Laws 1971, c. 153, § 1; Laws 1978, c. 108, § 1; Laws 1982, c. 294, § 9, operative July 1, 1982; Laws 1983, c. 119, § 1, emerg. eff. May 17, 1983; Laws 1984, c. 254, § 5, eff. Nov. 1, 1984; Laws 1985, c. 338, § 6, eff. Nov. 1, 1985; Laws 1986, c. 279, § 21, operative July 1, 1986; Laws 1988, c. 242, § 9, eff. Nov. 1, 1988; Laws 1990, c. 51, § 109, emerg. eff. April 9, 1990; Laws 1992, c. 382, § 7, emerg. eff. June 9, 1992; Laws 1993, c. 276, § 13, emerg. eff. May 27, 1993; Laws 1994, c. 387, § 5, eff. July 1, 1995; Laws 1995, c. 1, § 17, emerg. eff. March 2, 1995; Laws 1995, c. 313, § 3, eff. July 1, 1995; Laws 1997, c. 133, § 481, eff. July 1, 1999; Laws 1997, c. 420, § 5, eff. July 1, 1999; Laws 1998, c. 89, § 3, eff. July 1, 1998; Laws 1999, c. 106, § 5, emerg. eff. April 19, 1999; Laws 1999, c. 170, § 1, eff. Nov. 1, 1999; Laws 1999, c. 395, § 1, eff. Nov. 1, 1999; Laws 2000, c. 6, § 11, emerg. eff. March 20, 2000; Laws 2000, c. 285, § 3, eff. July 1, 2000; Laws 2000, 1st Ex. Sess., c. 8, § 20, eff. July 1, 2000; Laws 2001, c. 437, § 23, eff. July 1, 2001; Laws 2002, c. 460, § 33, eff. Nov. 1, 2002; Laws 2003, c. 3, § 38, emerg. eff. March 19, 2003; Laws 2003, c. 178, § 3, eff. July 1, 2003; Laws 2003, c. 437, § 1, eff. July 1, 2003; Laws 2004, c. 548, § 1, emerg. eff. June 9, 2004; Laws 2005, c. 1, § 54, emerg. eff. March 15, 2005; Laws 2005, c. 189, § 1, eff. Nov. 1, 2005; Laws 2006, c. 16, § 29, emerg. eff. March 29, 2006; Laws 2009, c. 143, § 2, eff. July 1, 2009; Laws 2009, c. 310, § 3, eff. Nov. 1, 2009; Laws 2011, c. 350, § 3, eff. Nov. 1, 2011; Laws 2012, c. 11, § 13, emerg. eff. April 4, 2012; Laws 2013, c. 157, § 2, eff. Nov. 1, 2013; Laws 2013, c. 393, § 3, eff. Oct. 1, 2013; Laws 2016, c. 196, § 1, eff. Nov. 1, 2016; Laws 2017, c. 42, § 18; Laws 2018, c. 35, § 1, eff. Nov. 1, 2018 and Laws 2018, c. 61, § 1, emerg. eff. April 23, 2018; Laws 2020, c. 46, § 3, eff. Sept. 1, 2020; Laws 2025, c. 172, § 3, eff. Nov. 1, 2025. NOTE: Laws 1994, c. 308, § 3 and Laws 1994, c. 314, § 2 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995. Laws 1997, c. 420, § 4, as amended by Laws 1999, c. 106, § 4 repealed by Laws 1999, 1st Ex. Sess., c. 5, § 452, eff. July 1, 1999. Laws 1999, c. 308, § 1 and Laws 1999, c. 391, § 2 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000. Laws 2000, c. 368, § 1 repealed by Laws 2000, 1st Ex. Sess., c. 8, § 34, eff. July 1, 2000. Laws 2001, c. 435, § 10 repealed by Laws 2002, c. 442, § 2, emerg. eff. June 5,

2002. Laws 2002, c. 442, § 1 repealed by Laws 2003, c. 3, § 39, emerg. eff. March 19, 2003. Laws 2004, c. 418, § 15 repealed by Laws 2005, c. 1, § 55, emerg. eff. March 15, 2005. Laws 2005, c. 167, § 2 repealed by Laws 2006, c. 16, § 30, emerg. eff. March 29, 2006. Laws 2011, c. 373, § 6 repealed by Laws 2012, c. 11, § 14, emerg. eff. April 4, 2012; Laws 2013, c. 175, § 3 repealed by Laws 2013, c. 393, § 5, eff. Oct. 1, 2013. Laws 2016, c. 172, § 6 repealed by Laws 2017, c. 42, § 19.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 481 from July 1, 1998 to July 1, 1999. Laws 1998, 1st Ex. Sess., c. 2, § 26 amended the effective date of Laws 1997, c. 420, § 5 from July 1, 1998 to July 1, 1999

NOTE: Laws 2018, c. 35, § 1 and Laws 2018, c. 61, § 1 made identical amendments to this section.

§47-11-902v2. Persons under the influence of alcohol or other intoxicating substance or combination thereof – Penalty – Enhancement.

A. It is unlawful and punishable as provided in this section for any person to drive, operate, or be in actual physical control of a motor vehicle within this state, whether upon public roads, highways, streets, turnpikes, other public places or upon any private road, street, alley or lane which provides access to one or more single or multi-family dwellings, who:

1. Has a blood or breath alcohol concentration, as defined in Section 756 of this title, of eight-hundredths (0.08) or more at the time of a test of such person's blood or breath administered within two (2) hours after the arrest of such person;

2. Is under the influence of alcohol;

3. Has any amount of a Schedule I chemical or controlled substance, as defined in Section 2-204 of Title 63 of the Oklahoma Statutes, or one of its metabolites or analogs in the person's blood, saliva, urine or any other bodily fluid at the time of a test of such person's blood, saliva, urine or any other bodily fluid administered within two (2) hours after the arrest of such person;

4. Is under the influence of any intoxicating substance other than alcohol which may render such person incapable of safely driving or operating a motor vehicle; or

5. Is under the combined influence of alcohol and any other intoxicating substance which may render such person incapable of safely driving or operating a motor vehicle.

B. The fact that any person charged with a violation of this section is or has been lawfully entitled to use alcohol or a controlled dangerous substance or any other intoxicating substance shall not constitute a defense against any charge of violating this section.

C. 1. Any person who is convicted of a violation of the provisions of this section shall be guilty of a misdemeanor for the first offense and shall:

- a. participate in an assessment and evaluation pursuant to subsection G of this section and shall follow all recommendations made in the assessment and evaluation,
- b. be punished by imprisonment in jail for not less than ten (10) days nor more than one (1) year, and
- c. be fined not more than One Thousand Dollars (\$1,000.00).

2. Any person who, having been convicted of or having received deferred judgment for a violation of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided in this section, Section 11-904 of this title or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes, or having a prior conviction in a municipal criminal court of record for the violation of a municipal ordinance prohibiting the offense provided for in this section commits a subsequent violation of this section within ten (10) years of the date following the completion of the execution of said sentence or deferred judgment shall, upon conviction, be guilty of a felony and shall participate in an assessment and evaluation pursuant to subsection G of this section and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense,
- b. placement in the custody of the Department of Corrections for not less than one (1) year and not to exceed five (5) years and a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), or
- c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

However, if the treatment in subsection G of this section does not include residential or inpatient treatment for a period of not less than five (5) days, the person shall serve a term of imprisonment of at least five (5) days.

3. Any person who commits a violation of this section after having been convicted of a felony offense pursuant to the provisions of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided for in this section, Section 11-904 of this title or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes shall be guilty of a felony and participate in an assessment and evaluation pursuant to subsection G of this section and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense,

- two hundred forty (240) hours of community service and use of an ignition interlock device, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes,
- b. placement in the custody of the Department of Corrections for not less than one (1) year and not to exceed ten (10) years and a fine of not more than Five Thousand Dollars (\$5,000.00), or
 - c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

However, if the treatment in subsection G of this section does not include residential or inpatient treatment for a period of not less than ten (10) days, the person shall serve a term of imprisonment of at least ten (10) days.

4. Any person who commits a violation of this section after having been twice convicted of a felony offense pursuant to the provisions of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided for in this section, Section 11-904 of this title or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes shall be guilty of a felony and participate in an assessment and evaluation pursuant to subsection G of this section and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense, followed by not less than one (1) year of supervision and periodic testing at the defendant's expense, four hundred eighty (480) hours of community service, and use of an ignition interlock device, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, for a minimum of thirty (30) days,
- b. placement in the custody of the Department of Corrections for not less than one (1) year and not to exceed twenty (20) years and a fine of not more than Five Thousand Dollars (\$5,000.00), or
- c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

However, if the person does not undergo residential or inpatient treatment pursuant to subsection G of this section the person shall serve a term of imprisonment of at least ten (10) days.

5. Any person who, after a previous conviction of a violation of murder in the second degree or manslaughter in the first degree in which the death was caused as a result of driving under the influence of alcohol or other intoxicating substance, is convicted

of a violation of this section shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for not less than five (5) years and not to exceed twenty (20) years, and a fine of not more than Ten Thousand Dollars (\$10,000.00).

6. Provided, however, a conviction from another state shall not be used to enhance punishment pursuant to the provisions of this subsection if that conviction is based on a blood or breath alcohol concentration of less than eight-hundredths (0.08).

7. In any case in which a defendant is charged with driving under the influence of alcohol or other intoxicating substance offense within any municipality with a municipal court other than a court of record, the charge shall be presented to the county's district attorney and filed with the district court of the county within which the municipality is located.

D. Any person who is convicted of a violation of driving under the influence with a blood or breath alcohol concentration of fifteen-hundredths (0.15) or more pursuant to this section shall be deemed guilty of aggravated driving under the influence. A person convicted of aggravated driving under the influence shall participate in an assessment and evaluation pursuant to subsection G of this section and shall comply with all recommendations for treatment. Such person shall be sentenced as provided in paragraph 1, 2, 3, 4 or 5 of subsection C of this section and to:

1. Not less than one (1) year of supervision and periodic testing at the defendant's expense; and

2. An ignition interlock device or devices, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, for a minimum of ninety (90) days.

E. When a person is sentenced to imprisonment in the custody of the Department of Corrections, the person shall be processed through the Lexington Assessment and Reception Center or at a place determined by the Director of the Department of Corrections. The Department of Corrections shall classify and assign the person to one or more of the following:

1. The Department of Mental Health and Substance Abuse Services pursuant to paragraph 1 of subsection A of Section 612 of Title 57 of the Oklahoma Statutes; or

2. A correctional facility operated by the Department of Corrections with assignment to substance abuse treatment. Successful completion of a Department-of-Corrections-approved substance abuse treatment program shall satisfy the recommendation for a ten-hour or twenty-four-hour alcohol and drug substance abuse course or treatment program or both. Successful completion of an approved Department of Corrections substance abuse treatment program may precede or follow the required assessment.

F. The Department of Public Safety is hereby authorized to reinstate any suspended or revoked driving privilege when the person meets the statutory requirements which affect the existing driving privilege.

G. Any person who is found guilty of a violation of the provisions of this section shall be ordered to participate in an alcohol and drug substance abuse evaluation and assessment program offered by a certified assessment agency or certified assessor for the purpose of evaluating and assessing the receptivity to treatment and prognosis of the person and shall follow all recommendations made in the assessment and evaluation for treatment. The court shall order the person to reimburse the agency or assessor for the evaluation and assessment. Payment shall be remitted by the defendant or on behalf of the defendant by any third party; provided, no state-appropriated funds are utilized. The fee for an evaluation and assessment shall be the amount provided in subsection C of Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation and assessment shall be conducted at a certified assessment agency, the office of a certified assessor or at another location as ordered by the court. The agency or assessor shall, within seventy-two (72) hours from the time the person is evaluated and assessed, submit a written report to the court for the purpose of assisting the court in its sentencing determination. The court shall, as a condition of any sentence imposed, including deferred and suspended sentences, require the person to participate in and successfully complete all recommendations from the evaluation, such as an alcohol and substance abuse treatment program pursuant to Section 3-452 of Title 43A of the Oklahoma Statutes. If such report indicates that the evaluation and assessment shows that the defendant would benefit from a ten-hour or twenty-four-hour alcohol and drug substance abuse course or a treatment program or both, the court shall, as a condition of any sentence imposed, including deferred and suspended sentences, require the person to follow all recommendations identified by the evaluation and assessment and ordered by the court. No person, agency or facility operating an evaluation and assessment program certified by the Department of Mental Health and Substance Abuse Services shall solicit or refer any person evaluated and assessed pursuant to this section for any treatment program or substance abuse service in which such person, agency or facility has a vested interest; however, this provision shall not be construed to prohibit the court from ordering participation in or any person from voluntarily utilizing a treatment program or substance abuse service offered by such person, agency or facility. If a person is sentenced to imprisonment in the custody of the Department of Corrections and the court has received a written evaluation report pursuant to the provisions of this subsection, the report shall be furnished to the Department of

Corrections with the judgment and sentence. Any evaluation and assessment report submitted to the court pursuant to the provisions of this subsection shall be handled in a manner which will keep such report confidential from the general public's review. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence in the event the defendant fails or refuses to comply with an order of the court to obtain the evaluation and assessment required by this subsection. If the defendant fails or refuses to comply with an order of the court to obtain the evaluation and assessment, the Department of Public Safety shall not reinstate driving privileges until the defendant has complied in full with such order. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence and any other sanction authorized by law for failure or refusal to comply with an order of the court.

H. Any person who is found guilty of a violation of the provisions of this section shall be required by the court to attend a victims impact panel program, as defined in subsection H of Section 991a of Title 22 of the Oklahoma Statutes, if such a program is offered in the county where the judgment is rendered, and to pay a fee of Seventy-five Dollars (\$75.00), as set by the governing authority of the program and approved by the court, to the program to offset the cost of participation by the defendant, if in the opinion of the court the defendant has the ability to pay such fee.

I. Any person who is found guilty of a felony violation of the provisions of this section shall be required to submit to electronic monitoring as authorized and defined by Section 991a of Title 22 of the Oklahoma Statutes.

J. Any person who is found guilty of a violation of the provisions of this section who has been sentenced by the court to perform any type of community service shall not be permitted to pay a fine in lieu of performing the community service.

K. 1. When a person is eighteen (18) years of age or older, and is the driver, operator, or person in physical control of a vehicle, and is convicted of violating any provision of this section while transporting or having in the motor vehicle any child less than eighteen (18) years of age, the fine shall be enhanced to double the amount of the fine imposed for the underlying driving under the influence (DUI) violation which shall be in addition to any other penalties allowed by this section.

2. Nothing in this subsection shall prohibit the prosecution of a person pursuant to Section 852.1 of Title 21 of the Oklahoma Statutes who is in violation of any provision of this section or Section 11-904 of this title.

L. Any plea of guilty, nolo contendere or finding of guilt for a violation of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the

offenses provided for in this section, Section 11-904 of this title, or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes, shall constitute a conviction of the offense for the purpose of this section; provided, any deferred judgment shall only be considered to constitute a conviction for a period of ten (10) years following the completion of any court-imposed probationary term.

M. If qualified by knowledge, skill, experience, training or education, a witness shall be allowed to testify in the form of an opinion or otherwise solely on the issue of impairment, but not on the issue of specific alcohol concentration level, relating to the following:

1. The results of any standardized field sobriety test including, but not limited to, the horizontal gaze nystagmus (HGN) test administered by a person who has completed training in standardized field sobriety testing; or

2. Whether a person was under the influence of one or more impairing substances and the category of such impairing substance or substances. A witness who has received training and holds a current certification as a drug recognition expert shall be qualified to give the testimony in any case in which such testimony may be relevant.

Added by Laws 1961, p. 386, § 11-902, eff. Sept. 1, 1961. Amended by Laws 1967, c. 58, § 1, emerg. eff. April 17, 1967; Laws 1971, c. 153, § 1; Laws 1978, c. 108, § 1; Laws 1982, c. 294, § 9, operative July 1, 1982; Laws 1983, c. 119, § 1, emerg. eff. May 17, 1983; Laws 1984, c. 254, § 5, eff. Nov. 1, 1984; Laws 1985, c. 338, § 6, eff. Nov. 1, 1985; Laws 1986, c. 279, § 21, operative July 1, 1986; Laws 1988, c. 242, § 9, eff. Nov. 1, 1988; Laws 1990, c. 51, § 109, emerg. eff. April 9, 1990; Laws 1992, c. 382, § 7, emerg. eff. June 9, 1992; Laws 1993, c. 276, § 13, emerg. eff. May 27, 1993; Laws 1994, c. 387, § 5, eff. July 1, 1995; Laws 1995, c. 1, § 17, emerg. eff. March 2, 1995; Laws 1995, c. 313, § 3, eff. July 1, 1995; Laws 1997, c. 133, § 481, eff. July 1, 1999; Laws 1997, c. 420, § 5, eff. July 1, 1999; Laws 1998, c. 89, § 3, eff. July 1, 1998; Laws 1999, c. 106, § 5, emerg. eff. April 19, 1999; Laws 1999, c. 170, § 1, eff. Nov. 1, 1999; Laws 1999, c. 395, § 1, eff. Nov. 1, 1999; Laws 2000, c. 6, § 11, emerg. eff. March 20, 2000; Laws 2000, c. 285, § 3, eff. July 1, 2000; Laws 2000, 1st Ex. Sess., c. 8, § 20, eff. July 1, 2000; Laws 2001, c. 437, § 23, eff. July 1, 2001; Laws 2002, c. 460, § 33, eff. Nov. 1, 2002; Laws 2003, c. 3, § 38, emerg. eff. March 19, 2003; Laws 2003, c. 178, § 3, eff. July 1, 2003; Laws 2003, c. 437, § 1, eff. July 1, 2003; Laws 2004, c. 548, § 1, emerg. eff. June 9, 2004; Laws 2005, c. 1, § 54, emerg. eff. March 15, 2005; Laws 2005, c. 189, § 1, eff. Nov. 1, 2005; Laws 2006, c. 16, § 29, emerg. eff. March 29, 2006; Laws 2009, c. 143, § 2, eff. July 1, 2009; Laws 2009, c. 310, § 3, eff. Nov. 1, 2009; Laws 2011, c. 350,

§ 3, eff. Nov. 1, 2011; Laws 2012, c. 11, § 13, emerg. eff. April 4, 2012; Laws 2013, c. 157, § 2, eff. Nov. 1, 2013; Laws 2013, c. 393, § 3, eff. Oct. 1, 2013; Laws 2016, c. 196, § 1, eff. Nov. 1, 2016; Laws 2017, c. 42, § 18; Laws 2018, c. 35, § 1, eff. Nov. 1, 2018 and Laws 2018, c. 61, § 1, emerg. eff. April 23, 2018; Laws 2020, c. 46, § 3, eff. Sept. 1, 2020; Laws 2025, c. 305, § 6, eff. Nov. 1, 2025. NOTE: Laws 1994, c. 308, § 3 and Laws 1994, c. 314, § 2 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995. Laws 1997, c. 420, § 4, as amended by Laws 1999, c. 106, § 4 repealed by Laws 1999, 1st Ex. Sess., c. 5, § 452, eff. July 1, 1999. Laws 1999, c. 308, § 1 and Laws 1999, c. 391, § 2 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000. Laws 2000, c. 368, § 1 repealed by Laws 2000, 1st Ex. Sess., c. 8, § 34, eff. July 1, 2000. Laws 2001, c. 435, § 10 repealed by Laws 2002, c. 442, § 2, emerg. eff. June 5, 2002. Laws 2002, c. 442, § 1 repealed by Laws 2003, c. 3, § 39, emerg. eff. March 19, 2003. Laws 2004, c. 418, § 15 repealed by Laws 2005, c. 1, § 55, emerg. eff. March 15, 2005. Laws 2005, c. 167, § 2 repealed by Laws 2006, c. 16, § 30, emerg. eff. March 29, 2006. Laws 2011, c. 373, § 6 repealed by Laws 2012, c. 11, § 14, emerg. eff. April 4, 2012; Laws 2013, c. 175, § 3 repealed by Laws 2013, c. 393, § 5, eff. Oct. 1, 2013. Laws 2016, c. 172, § 6 repealed by Laws 2017, c. 42, § 19.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 481 from July 1, 1998 to July 1, 1999. Laws 1998, 1st Ex. Sess., c. 2, § 26 amended the effective date of Laws 1997, c. 420, § 5 from July 1, 1998 to July 1, 1999.

NOTE: Laws 2018, c. 35, § 1 and Laws 2018, c. 61, § 1 made identical amendments to this section.

§47-11-902v3. Persons under the influence of alcohol or other intoxicating substance or combination thereof – Penalty – Enhancement.

A. It is unlawful and punishable as provided for in this section for any person to drive, operate, or be in actual physical control of a motor vehicle within this state, whether upon public roads, highways, streets, turnpikes, other public places or upon any private road, street, alley, or lane which provides access to one or more single or multi-family dwellings, who:

1. Has a blood or breath alcohol concentration, as defined in Section 756 of this title, of eight-hundredths (0.08) or more at the time of a test of such person's blood or breath;
2. Is under the influence of alcohol;
3. Has any amount of a Schedule I chemical or controlled substance, as defined in Section 2-204 of Title 63 of the Oklahoma Statutes, or one of its metabolites or analogs in the person's blood, saliva, urine, or any other bodily fluid at the time of a

test of such person's blood, saliva, urine, or any other bodily fluid;

4. Is under the influence of any intoxicating substance other than alcohol which may render such person incapable of safely driving or operating a motor vehicle; or

5. Is under the combined influence of alcohol and any other intoxicating substance which may render such person incapable of safely driving or operating a motor vehicle.

B. The fact that any person charged with a violation of this section is or has been lawfully entitled to use alcohol or a controlled dangerous substance or any other intoxicating substance shall not constitute a defense against any charge of violating this section.

C. 1. Any person who is convicted of a violation of the provisions of this section shall be guilty of a misdemeanor for the first offense and shall:

- a. participate in an assessment and evaluation pursuant to subsection H of this section and shall follow all recommendations made in the assessment and evaluation,
- b. be punished by imprisonment in jail for not less than ten (10) days nor more than one (1) year, and
- c. be fined not more than One Thousand Dollars (\$1,000.00).

2. Any person who, having been convicted of or having received deferred judgment for a violation of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided in this section, Section 11-904 of this title, or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes, or having a prior conviction in a municipal criminal court of record for the violation of a municipal ordinance prohibiting the offense provided for in this section, commits a subsequent violation of this section within ten (10) years of the date following the completion of the execution of such sentence or deferred judgment shall, upon conviction, be guilty of a felony and shall participate in an assessment and evaluation pursuant to subsection H of this section and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense,
- b. use of an ignition interlock device, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes,
- c. imprisonment in the custody of the Department of Corrections for not less than one (1) year and not more than five (5) years, and
- d. a fine not more than Two Thousand Five Hundred Dollars (\$2,500.00).

However, if the treatment in subsection H of this section does not include residential or inpatient treatment for a period of not less than five (5) days, the person shall serve a term of imprisonment of at least five (5) days.

3. Any person who commits a violation of this section after having been convicted of a felony offense pursuant to the provisions of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided for in this section, Section 11-904 of this title, or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes shall be guilty of a felony and participate in an assessment and evaluation pursuant to subsection H of this section and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense,
- b. two hundred forty (240) hours of community service,
- c. use of an ignition interlock device, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes,
- d. imprisonment in the custody of the Department of Corrections for not less than one (1) year and not more than ten (10) years, and
- e. a fine not more than Five Thousand Dollars (\$5,000.00).

However, if the treatment in subsection H of this section does not include residential or inpatient treatment for a period of not less than ten (10) days, the person shall serve a term of imprisonment of at least ten (10) days.

4. Any person who commits a violation of this section after having been twice convicted of a felony offense pursuant to the provisions of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided for in this section, Section 11-904 of this title, or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes shall be guilty of a felony and participate in an assessment and evaluation pursuant to subsection H of this section and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense, followed by not less than one (1) year of supervision and periodic testing, as provided in subparagraph q of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, at the defendant's expense,
- b. four hundred eighty (480) hours of community service,
- c. use of an ignition interlock device, as provided by subparagraph n of paragraph 1 of subsection A of

Section 991a of Title 22 of the Oklahoma Statutes, for a minimum of ninety (90) days,

- d. imprisonment in the custody of the Department of Corrections for not less than one (1) year and not more than twenty (20) years, and
- e. a fine not more than Five Thousand Dollars (\$5,000.00).

However, if the person does not undergo residential or inpatient treatment pursuant to subsection H of this section, the person shall serve a term of imprisonment of at least ten (10) days.

5. Any person who, after a previous conviction of a violation of murder in the second degree or manslaughter in the first degree in which the death was caused as a result of driving under the influence of alcohol or other intoxicating substance, is convicted of a violation of this section shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for not less than five (5) years and not to exceed twenty (20) years, and a fine not more than Ten Thousand Dollars (\$10,000.00).

6. Provided, however, a conviction from another state shall not be used to enhance punishment pursuant to the provisions of this subsection if that conviction is based on a blood or breath alcohol concentration of less than eight-hundredths (0.08).

7. In any case in which a defendant is charged with driving under the influence of alcohol or other intoxicating substance offense within any municipality with a municipal court other than a court of record, the charge shall be presented to the county's district attorney and filed with the district court of the county within which the municipality is located.

D. Any person who is convicted of a violation of driving under the influence while also committing one of more of the following acts:

1. Driving, operating, or being in actual physical control of a motor vehicle while having a blood or breath alcohol concentration of fifteen-hundredths (0.15) or more at the time of a test of such person's blood or breath;

2. Causing a motor vehicle incident involving one or more vehicles that results in a report pursuant to Section 40-102 of this title;

3. Driving in a manner that violates the provisions of Section 11-301, 11-302, 11-306, 11-309, or 11-311 of this title;

4. Driving while eluding peace officers pursuant to Section 540a of Title 21 of the Oklahoma Statutes;

5. Driving with a speed in excess of twenty (20) miles per hour over the speed limit or ten (10) miles per hour over the speed limit within an active school zone;

6. Operating a motor vehicle with a passenger younger than eighteen (18) years of age; or

7. Reckless driving as defined in Section 11-901 of this title, shall, upon conviction, be guilty of aggravated driving under the influence, which shall be a felony offense.

E. A person convicted of aggravated driving under the influence shall participate in an assessment and evaluation pursuant to subsection H of this section and shall comply with all recommendations for treatment. Such person shall be sentenced as provided in paragraph 1, 2, 3, 4, or 5 of subsection C of this section and to:

1. Imprisonment as provided in paragraph 1, 2, 3, 4, or 5 of subsection C of this section, provided that:

- a. for a first offense of a violation pursuant to this section, the first ten (10) days of the sentence shall not be subject to probation, suspension, or deferral and may be served by night or weekend incarceration pursuant to Section 991a of Title 22 of the Oklahoma Statutes,
- b. for a second offense of a violation pursuant to this section, the first thirty (30) days of the sentence shall not be subject to probation, suspension, or deferral; provided further, this mandatory minimum period of confinement shall be served in the county jail as a condition of a suspended or deferred sentence, pursuant to Section 991a of Title 22 of the Oklahoma Statutes, and
- c. the portion of the sentence not subject to probation, suspension, or deferral shall increase by thirty (30) days for each subsequent conviction after the second offense;

2. A fine pursuant to paragraph 1, 2, 3, 4, or 5 of subsection C of this section;

3. Not less than one (1) year of supervision and periodic testing, as provided in subparagraph q of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, at the defendant's expense; and

4. An ignition interlock device or devices, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, for a minimum of one hundred eighty (180) days.

F. When a person is sentenced to imprisonment in the custody of the Department of Corrections, the person shall be processed through the Lexington Assessment and Reception Center or at a place determined by the Director of the Department of Corrections. The Department of Corrections shall classify and assign the person to one or more of the following:

1. The Department of Mental Health and Substance Abuse Services pursuant to paragraph 1 of subsection A of Section 612 of Title 57 of the Oklahoma Statutes; or

2. A correctional facility operated by the Department of Corrections with assignment to substance abuse treatment. Successful completion of a Department-of-Corrections-approved substance abuse treatment program shall satisfy the recommendation for a ten-hour or twenty-four-hour alcohol and drug substance abuse course or treatment program or both. Successful completion of an approved Department of Corrections substance abuse treatment program may precede or follow the required assessment.

G. Service Oklahoma is hereby authorized to reinstate any suspended or revoked driving privilege when the person meets the statutory requirements which affect the existing driving privilege.

H. Any person who is found guilty of a violation of the provisions of this section shall be ordered to participate in an alcohol and drug substance abuse evaluation and assessment program offered by a certified assessment agency or certified assessor for the purpose of evaluating and assessing the receptivity to treatment and prognosis of the person and shall follow all recommendations made in the assessment and evaluation for treatment. The court shall order the person to reimburse the agency or assessor for the evaluation and assessment. Payment shall be remitted by the defendant or on behalf of the defendant by any third party, provided no state-appropriated funds are utilized. The fee for an evaluation and assessment shall be the amount provided in subsection C of Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation and assessment shall be conducted at a certified assessment agency, the office of a certified assessor, or at another location as ordered by the court. The agency or assessor shall, within seventy-two (72) hours from the time the person is evaluated and assessed, submit a written report to the court for the purpose of assisting the court in its sentencing determination. The court shall, as a condition of any sentence imposed, including deferred and suspended sentences, require the person to participate in and successfully complete all recommendations from the evaluation, such as an alcohol and substance abuse treatment program pursuant to Section 3-452 of Title 43A of the Oklahoma Statutes. If such report indicates that the evaluation and assessment shows that the defendant would benefit from a ten-hour or twenty-four-hour alcohol and drug substance abuse course or a treatment program or both, the court shall, as a condition of any sentence imposed, including deferred and suspended sentences, require the person to follow all recommendations identified by the evaluation and assessment and ordered by the court. No person, agency, or facility operating an evaluation and assessment program certified by the Department of Mental Health and Substance Abuse Services shall solicit or refer any person evaluated

and assessed pursuant to this section for any treatment program or substance abuse service in which such person, agency, or facility has a vested interest; however, this provision shall not be construed to prohibit the court from ordering participation in or any person from voluntarily utilizing a treatment program or substance abuse service offered by such person, agency, or facility. If a person is sentenced to imprisonment in the custody of the Department of Corrections and the court has received a written evaluation report pursuant to the provisions of this subsection, the report shall be furnished to the Department of Corrections with the judgment and sentence. Any evaluation and assessment report submitted to the court pursuant to the provisions of this subsection shall be handled in a manner which will keep such report confidential from the general public's review. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence in the event the defendant fails or refuses to comply with an order of the court to obtain the evaluation and assessment required by this subsection. If the defendant fails or refuses to comply with an order of the court to obtain the evaluation and assessment, Service Oklahoma shall not reinstate driving privileges until the defendant has complied in full with such order. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence and any other sanction authorized by law for failure or refusal to comply with an order of the court.

I. Any person who is found guilty of a violation of the provisions of this section shall be required by the court to attend a victims impact panel program, as defined in subsection H of Section 991a of Title 22 of the Oklahoma Statutes, if such a program is offered in the county where the judgment is rendered, and to pay a fee of Seventy-five Dollars (\$75.00), as set by the governing authority of the program and approved by the court, to the program to offset the cost of participation by the defendant, if in the opinion of the court the defendant has the ability to pay such fee.

J. Any person who is found guilty of a felony violation of the provisions of this section shall be required to submit to electronic monitoring as authorized and defined by Section 991a of Title 22 of the Oklahoma Statutes.

K. Any person who is found guilty of a violation of the provisions of this section who has been sentenced by the court to perform any type of community service shall not be permitted to pay a fine in lieu of performing the community service.

L. When a person is found guilty of a violation of the provisions of this section, the court shall order, in addition to any other penalty, the defendant to pay an assessment of One Hundred Dollars (\$100.00) to be deposited in the Drug Abuse Education and

Treatment Revolving Fund created in Section 2-503.2 of Title 63 of the Oklahoma Statutes, upon collection.

M. 1. When a person is eighteen (18) years of age or older, and is the driver, operator, or person in physical control of a vehicle, and is convicted of violating any provision of this section while transporting or having in the motor vehicle any child less than eighteen (18) years of age, the fine shall be enhanced to double the amount of the fine imposed for the underlying driving under the influence (DUI) violation which shall be in addition to any other penalties allowed by this section.

2. Nothing in this subsection shall prohibit the prosecution of a person pursuant to Section 852.1 of Title 21 of the Oklahoma Statutes who is in violation of any provision of this section or Section 11-904 of this title.

N. Any plea of guilty, nolo contendere, or finding of guilt for a violation of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided for in this section, Section 11-904 of this title, or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes shall constitute a conviction of the offense for the purpose of this section; provided, any deferred judgment shall only be considered to constitute a conviction for a period of ten (10) years following the completion of any court-imposed probationary term.

O. If qualified by knowledge, skill, experience, training, or education, a witness shall be allowed to testify in the form of an opinion or otherwise solely on the issue of impairment, but not on the issue of specific alcohol concentration level, relating to the following:

1. The results of any standardized field sobriety test including, but not limited to, the horizontal gaze nystagmus (HGN) test administered by a person who has completed training in standardized field sobriety testing; or

2. Whether a person was under the influence of one or more impairing substances and the category of such impairing substance or substances. A witness who has received training and holds a current certification as a drug recognition expert shall be qualified to give the testimony in any case in which such testimony may be relevant.

Added by Laws 1961, p. 386, § 11-902, eff. Sept. 1, 1961. Amended by Laws 1967, c. 58, § 1, emerg. eff. April 17, 1967; Laws 1971, c. 153, § 1; Laws 1978, c. 108, § 1; Laws 1982, c. 294, § 9, operative July 1, 1982; Laws 1983, c. 119, § 1, emerg. eff. May 17, 1983; Laws 1984, c. 254, § 5, eff. Nov. 1, 1984; Laws 1985, c. 338, § 6, eff. Nov. 1, 1985; Laws 1986, c. 279, § 21, operative July 1, 1986; Laws 1988, c. 242, § 9, eff. Nov. 1, 1988; Laws 1990, c. 51, § 109, emerg. eff. April 9, 1990; Laws 1992, c. 382, § 7, emerg. eff. June

9, 1992; Laws 1993, c. 276, § 13, emerg. eff. May 27, 1993; Laws 1994, c. 387, § 5, eff. July 1, 1995; Laws 1995, c. 1, § 17, emerg. eff. March 2, 1995; Laws 1995, c. 313, § 3, eff. July 1, 1995; Laws 1997, c. 133, § 481, eff. July 1, 1999; Laws 1997, c. 420, § 5, eff. July 1, 1999; Laws 1998, c. 89, § 3, eff. July 1, 1998; Laws 1999, c. 106, § 5, emerg. eff. April 19, 1999; Laws 1999, c. 170, § 1, eff. Nov. 1, 1999; Laws 1999, c. 395, § 1, eff. Nov. 1, 1999; Laws 2000, c. 6, § 11, emerg. eff. March 20, 2000; Laws 2000, c. 285, § 3, eff. July 1, 2000; Laws 2000, 1st Ex. Sess., c. 8, § 20, eff. July 1, 2000; Laws 2001, c. 437, § 23, eff. July 1, 2001; Laws 2002, c. 460, § 33, eff. Nov. 1, 2002; Laws 2003, c. 3, § 38, emerg. eff. March 19, 2003; Laws 2003, c. 178, § 3, eff. July 1, 2003; Laws 2003, c. 437, § 1, eff. July 1, 2003; Laws 2004, c. 548, § 1, emerg. eff. June 9, 2004; Laws 2005, c. 1, § 54, emerg. eff. March 15, 2005; Laws 2005, c. 189, § 1, eff. Nov. 1, 2005; Laws 2006, c. 16, § 29, emerg. eff. March 29, 2006; Laws 2009, c. 143, § 2, eff. July 1, 2009; Laws 2009, c. 310, § 3, eff. Nov. 1, 2009; Laws 2011, c. 350, § 3, eff. Nov. 1, 2011; Laws 2012, c. 11, § 13, emerg. eff. April 4, 2012; Laws 2013, c. 157, § 2, eff. Nov. 1, 2013; Laws 2013, c. 393, § 3, eff. Oct. 1, 2013; Laws 2016, c. 196, § 1, eff. Nov. 1, 2016; Laws 2017, c. 42, § 18; Laws 2018, c. 35, § 1, eff. Nov. 1, 2018 and Laws 2018, c. 61, § 1, emerg. eff. April 23, 2018; Laws 2020, c. 46, § 3, eff. Sept. 1, 2020; Laws 2025, c. 347, § 1, eff. Nov. 1, 2025.

NOTE: Laws 1994, c. 308, § 3 and Laws 1994, c. 314, § 2 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995. Laws 1997, c. 420, § 4, as amended by Laws 1999, c. 106, § 4 repealed by Laws 1999, 1st Ex. Sess., c. 5, § 452, eff. July 1, 1999. Laws 1999, c. 308, § 1 and Laws 1999, c. 391, § 2 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000. Laws 2000, c. 368, § 1 repealed by Laws 2000, 1st Ex. Sess., c. 8, § 34, eff. July 1, 2000. Laws 2001, c. 435, § 10 repealed by Laws 2002, c. 442, § 2, emerg. eff. June 5, 2002. Laws 2002, c. 442, § 1 repealed by Laws 2003, c. 3, § 39, emerg. eff. March 19, 2003. Laws 2004, c. 418, § 15 repealed by Laws 2005, c. 1, § 55, emerg. eff. March 15, 2005. Laws 2005, c. 167, § 2 repealed by Laws 2006, c. 16, § 30, emerg. eff. March 29, 2006. Laws 2011, c. 373, § 6 repealed by Laws 2012, c. 11, § 14, emerg. eff. April 4, 2012; Laws 2013, c. 175, § 3 repealed by Laws 2013, c. 393, § 5, eff. Oct. 1, 2013. Laws 2016, c. 172, § 6 repealed by Laws 2017, c. 42, § 19.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 481 from July 1, 1998 to July 1, 1999. Laws 1998, 1st Ex. Sess., c. 2, § 26 amended the effective date of Laws 1997, c. 420, § 5 from July 1, 1998 to July 1, 1999.

NOTE: Laws 2018, c. 35, § 1 and Laws 2018, c. 61, § 1 made identical amendments to this section.

§47-11-902v4. Persons under the influence of alcohol or other intoxicating substance or combination thereof – Penalty – Enhancement.

A. It is unlawful and punishable as provided in this section for any person to drive, operate, or be in actual physical control of a motor vehicle within this state, whether upon public roads, highways, streets, turnpikes, other public places or upon any private road, street, alley or lane which provides access to one or more single or multi-family dwellings, who:

1. Has a blood or breath alcohol concentration, as defined in Section 756 of this title, of eight-hundredths (0.08) or more at the time of a test of such person's blood or breath administered within two (2) hours after the arrest of such person;

2. Is under the influence of alcohol;

3. Has any amount of a Schedule I chemical or controlled substance, as defined in Section 2-204 of Title 63 of the Oklahoma Statutes, or one of its metabolites or analogs in the person's blood, saliva, urine or any other bodily fluid at the time of a test of such person's blood, saliva, urine or any other bodily fluid administered within two (2) hours after the arrest of such person;

4. Is under the influence of any intoxicating substance other than alcohol which may render such person incapable of safely driving or operating a motor vehicle; or

5. Is under the combined influence of alcohol and any other intoxicating substance which may render such person incapable of safely driving or operating a motor vehicle.

B. The fact that any person charged with a violation of this section is or has been lawfully entitled to use alcohol or a controlled dangerous substance or any other intoxicating substance shall not constitute a defense against any charge of violating this section.

C. 1. Any person who is convicted of a violation of the provisions of this section shall be guilty of a misdemeanor for the first offense and shall:

- a. participate in an assessment and evaluation pursuant to subsection G of this section and shall follow all recommendations made in the assessment and evaluation,
- b. be punished by imprisonment in jail for not less than ten (10) days nor more than one (1) year, and
- c. be fined not more than One Thousand Dollars (\$1,000.00).

2. Any person who, having been convicted of or having received deferred judgment for a violation of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided in this section, Section 11-904 of this title or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes, or having a prior conviction in a

municipal criminal court of record for the violation of a municipal ordinance prohibiting the offense provided for in this section commits a subsequent violation of this section within ten (10) years of the date following the completion of the execution of said sentence or deferred judgment shall, upon conviction, be guilty of a Class C2 felony offense and shall participate in an assessment and evaluation pursuant to subsection G of this section and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense, or
- b. imprisonment as provided for in subsections B through F of Section 20M of Title 21 of the Oklahoma Statutes, and a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), or
- c. treatment, imprisonment as provided for in subsections B through F of Section 20M of Title 21 of the Oklahoma Statutes, and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

However, if the treatment in subsection G of this section does not include residential or inpatient treatment for a period of not less than five (5) days, the person shall serve a term of imprisonment of at least five (5) days.

3. Any person who commits a violation of this section after having been convicted of a felony offense pursuant to the provisions of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided for in this section, Section 11-904 of this title or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes shall be guilty of a Class B4 felony offense and participate in an assessment and evaluation pursuant to subsection G of this section and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense, two hundred forty (240) hours of community service and use of an ignition interlock device, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, or
- b. placement in the custody of the Department of Corrections for not less than one (1) year and not to exceed ten (10) years and a fine of not more than Five Thousand Dollars (\$5,000.00), or
- c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

However, if the treatment in subsection G of this section does not include residential or inpatient treatment for a period of not

less than ten (10) days, the person shall serve a term of imprisonment of at least ten (10) days.

4. Any person who commits a violation of this section after having been twice convicted of a felony offense pursuant to the provisions of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided for in this section, Section 11-904 of this title or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes shall be guilty of a Class B3 felony offense and participate in an assessment and evaluation pursuant to subsection G of this section and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense, followed by not less than one (1) year of supervision and periodic testing at the defendant's expense, four hundred eighty (480) hours of community service, and use of an ignition interlock device, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, for a minimum of thirty (30) days, or
- b. placement in the custody of the Department of Corrections for not less than one (1) year and not to exceed twenty (20) years and a fine of not more than Five Thousand Dollars (\$5,000.00), or
- c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

However, if the person does not undergo residential or inpatient treatment pursuant to subsection G of this section the person shall serve a term of imprisonment of at least ten (10) days.

5. Any person who, after a previous conviction of a violation of murder in the second degree or manslaughter in the first degree in which the death was caused as a result of driving under the influence of alcohol or other intoxicating substance, is convicted of a violation of this section shall be guilty of a Class A2 felony offense and shall be punished by imprisonment in the custody of the Department of Corrections for not less than five (5) years and not to exceed twenty (20) years, and a fine of not more than Ten Thousand Dollars (\$10,000.00).

6. Provided, however, a conviction from another state shall not be used to enhance punishment pursuant to the provisions of this subsection if that conviction is based on a blood or breath alcohol concentration of less than eight-hundredths (0.08).

7. In any case in which a defendant is charged with driving under the influence of alcohol or other intoxicating substance offense within any municipality with a municipal court other than a court of record, the charge shall be presented to the county's

district attorney and filed with the district court of the county within which the municipality is located.

D. Any person who is convicted of a violation of driving under the influence with a blood or breath alcohol concentration of fifteen-hundredths (0.15) or more pursuant to this section shall be deemed guilty of aggravated driving under the influence, a Class B3 felony offense. A person convicted of aggravated driving under the influence shall participate in an assessment and evaluation pursuant to subsection G of this section and shall comply with all recommendations for treatment. Such person shall be sentenced as provided in paragraph 1, 2, 3, 4 or 5 of subsection C of this section and to:

1. Not less than one (1) year of supervision and periodic testing at the defendant's expense; and

2. An ignition interlock device or devices, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, for a minimum of ninety (90) days.

E. When a person is sentenced to imprisonment in the custody of the Department of Corrections, the person shall be processed through the Lexington Assessment and Reception Center or at a place determined by the Director of the Department of Corrections. The Department of Corrections shall classify and assign the person to one or more of the following:

1. The Department of Mental Health and Substance Abuse Services pursuant to paragraph 1 of subsection A of Section 612 of Title 57 of the Oklahoma Statutes; or

2. A correctional facility operated by the Department of Corrections with assignment to substance abuse treatment. Successful completion of a Department-of-Corrections-approved substance abuse treatment program shall satisfy the recommendation for a ten-hour or twenty-four-hour alcohol and drug substance abuse course or treatment program or both. Successful completion of an approved Department of Corrections substance abuse treatment program may precede or follow the required assessment.

F. The Department of Public Safety is hereby authorized to reinstate any suspended or revoked driving privilege when the person meets the statutory requirements which affect the existing driving privilege.

G. Any person who is found guilty of a violation of the provisions of this section shall be ordered to participate in an alcohol and drug substance abuse evaluation and assessment program offered by a certified assessment agency or certified assessor for the purpose of evaluating and assessing the receptivity to treatment and prognosis of the person and shall follow all recommendations made in the assessment and evaluation for treatment. The court shall order the person to reimburse the agency or assessor for the

evaluation and assessment. Payment shall be remitted by the defendant or on behalf of the defendant by any third party; provided, no state-appropriated funds are utilized. The fee for an evaluation and assessment shall be the amount provided in subsection C of Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation and assessment shall be conducted at a certified assessment agency, the office of a certified assessor or at another location as ordered by the court. The agency or assessor shall, within seventy-two (72) hours from the time the person is evaluated and assessed, submit a written report to the court for the purpose of assisting the court in its sentencing determination. The court shall, as a condition of any sentence imposed, including deferred and suspended sentences, require the person to participate in and successfully complete all recommendations from the evaluation, such as an alcohol and substance abuse treatment program pursuant to Section 3-452 of Title 43A of the Oklahoma Statutes. If such report indicates that the evaluation and assessment shows that the defendant would benefit from a ten-hour or twenty-four-hour alcohol and drug substance abuse course or a treatment program or both, the court shall, as a condition of any sentence imposed, including deferred and suspended sentences, require the person to follow all recommendations identified by the evaluation and assessment and ordered by the court. No person, agency or facility operating an evaluation and assessment program certified by the Department of Mental Health and Substance Abuse Services shall solicit or refer any person evaluated and assessed pursuant to this section for any treatment program or substance abuse service in which such person, agency or facility has a vested interest; however, this provision shall not be construed to prohibit the court from ordering participation in or any person from voluntarily utilizing a treatment program or substance abuse service offered by such person, agency or facility. If a person is sentenced to imprisonment in the custody of the Department of Corrections and the court has received a written evaluation report pursuant to the provisions of this subsection, the report shall be furnished to the Department of Corrections with the judgment and sentence. Any evaluation and assessment report submitted to the court pursuant to the provisions of this subsection shall be handled in a manner which will keep such report confidential from the general public's review. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence in the event the defendant fails or refuses to comply with an order of the court to obtain the evaluation and assessment required by this subsection. If the defendant fails or refuses to comply with an order of the court to obtain the evaluation and assessment, the Department of Public Safety shall not reinstate driving privileges until the defendant has complied in full with such order. Nothing contained in this

subsection shall be construed to prohibit the court from ordering judgment and sentence and any other sanction authorized by law for failure or refusal to comply with an order of the court.

H. Any person who is found guilty of a violation of the provisions of this section shall be required by the court to attend a victims impact panel program, as defined in subsection H of Section 991a of Title 22 of the Oklahoma Statutes, if such a program is offered in the county where the judgment is rendered, and to pay a fee of Seventy-five Dollars (\$75.00), as set by the governing authority of the program and approved by the court, to the program to offset the cost of participation by the defendant, if in the opinion of the court the defendant has the ability to pay such fee.

I. Any person who is found guilty of a felony violation of the provisions of this section shall be required to submit to electronic monitoring as authorized and defined by Section 991a of Title 22 of the Oklahoma Statutes.

J. Any person who is found guilty of a violation of the provisions of this section who has been sentenced by the court to perform any type of community service shall not be permitted to pay a fine in lieu of performing the community service.

K. When a person is found guilty of a violation of the provisions of this section, the court shall order, in addition to any other penalty, the defendant to pay a one-hundred-dollar assessment to be deposited in the Drug Abuse Education and Treatment Revolving Fund created in Section 2-503.2 of Title 63 of the Oklahoma Statutes, upon collection.

L. 1. When a person is eighteen (18) years of age or older, and is the driver, operator, or person in physical control of a vehicle, and is convicted of violating any provision of this section while transporting or having in the motor vehicle any child less than eighteen (18) years of age, the fine shall be enhanced to double the amount of the fine imposed for the underlying driving under the influence (DUI) violation which shall be in addition to any other penalties allowed by this section.

2. Nothing in this subsection shall prohibit the prosecution of a person pursuant to Section 852.1 of Title 21 of the Oklahoma Statutes who is in violation of any provision of this section or Section 11-904 of this title.

M. Any plea of guilty, nolo contendere or finding of guilt for a violation of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided for in this section, Section 11-904 of this title, or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes, shall constitute a conviction of the offense for the purpose of this section; provided, any deferred judgment shall only be considered to constitute a conviction for a period of ten

(10) years following the completion of any court-imposed probationary term.

N. If qualified by knowledge, skill, experience, training or education, a witness shall be allowed to testify in the form of an opinion or otherwise solely on the issue of impairment, but not on the issue of specific alcohol concentration level, relating to the following:

1. The results of any standardized field sobriety test including, but not limited to, the horizontal gaze nystagmus (HGN) test administered by a person who has completed training in standardized field sobriety testing; or

2. Whether a person was under the influence of one or more impairing substances and the category of such impairing substance or substances. A witness who has received training and holds a current certification as a drug recognition expert shall be qualified to give the testimony in any case in which such testimony may be relevant.

Added by Laws 1961, p. 386, § 11-902, eff. Sept. 1, 1961. Amended by Laws 1967, c. 58, § 1, emerg. eff. April 17, 1967; Laws 1971, c. 153, § 1; Laws 1978, c. 108, § 1; Laws 1982, c. 294, § 9, operative July 1, 1982; Laws 1983, c. 119, § 1, emerg. eff. May 17, 1983; Laws 1984, c. 254, § 5, eff. Nov. 1, 1984; Laws 1985, c. 338, § 6, eff. Nov. 1, 1985; Laws 1986, c. 279, § 21, operative July 1, 1986; Laws 1988, c. 242, § 9, eff. Nov. 1, 1988; Laws 1990, c. 51, § 109, emerg. eff. April 9, 1990; Laws 1992, c. 382, § 7, emerg. eff. June 9, 1992; Laws 1993, c. 276, § 13, emerg. eff. May 27, 1993; Laws 1994, c. 387, § 5, eff. July 1, 1995; Laws 1995, c. 1, § 17, emerg. eff. March 2, 1995; Laws 1995, c. 313, § 3, eff. July 1, 1995; Laws 1997, c. 133, § 481, eff. July 1, 1999; Laws 1997, c. 420, § 5, eff. July 1, 1999; Laws 1998, c. 89, § 3, eff. July 1, 1998; Laws 1999, c. 106, § 5, emerg. eff. April 19, 1999; Laws 1999, c. 170, § 1, eff. Nov. 1, 1999; Laws 1999, c. 395, § 1, eff. Nov. 1, 1999; Laws 2000, c. 6, § 11, emerg. eff. March 20, 2000; Laws 2000, c. 285, § 3, eff. July 1, 2000; Laws 2000, 1st Ex. Sess., c. 8, § 20, eff. July 1, 2000; Laws 2001, c. 437, § 23, eff. July 1, 2001; Laws 2002, c. 460, § 33, eff. Nov. 1, 2002; Laws 2003, c. 3, § 38, emerg. eff. March 19, 2003; Laws 2003, c. 178, § 3, eff. July 1, 2003; Laws 2003, c. 437, § 1, eff. July 1, 2003; Laws 2004, c. 548, § 1, emerg. eff. June 9, 2004; Laws 2005, c. 1, § 54, emerg. eff. March 15, 2005; Laws 2005, c. 189, § 1, eff. Nov. 1, 2005; Laws 2006, c. 16, § 29, emerg. eff. March 29, 2006; Laws 2009, c. 143, § 2, eff. July 1, 2009; Laws 2009, c. 310, § 3, eff. Nov. 1, 2009; Laws 2011, c. 350, § 3, eff. Nov. 1, 2011; Laws 2012, c. 11, § 13, emerg. eff. April 4, 2012; Laws 2013, c. 157, § 2, eff. Nov. 1, 2013; Laws 2013, c. 393, § 3, eff. Oct. 1, 2013; Laws 2016, c. 196, § 1, eff. Nov. 1, 2016; Laws 2017, c. 42, § 18; Laws 2018, c. 35, § 1, eff. Nov. 1, 2018 and

Laws 2018, c. 61, § 1, emerg. eff. April 23, 2018; Laws 2020, c. 46, § 3, eff. Sept. 1, 2020; Laws 2025, c. 486, § 33, eff. Jan. 1, 2026. NOTE: Laws 1994, c. 308, § 3 and Laws 1994, c. 314, § 2 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995. Laws 1997, c. 420, § 4, as amended by Laws 1999, c. 106, § 4 repealed by Laws 1999, 1st Ex. Sess., c. 5, § 452, eff. July 1, 1999. Laws 1999, c. 308, § 1 and Laws 1999, c. 391, § 2 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000. Laws 2000, c. 368, § 1 repealed by Laws 2000, 1st Ex. Sess., c. 8, § 34, eff. July 1, 2000. Laws 2001, c. 435, § 10 repealed by Laws 2002, c. 442, § 2, emerg. eff. June 5, 2002. Laws 2002, c. 442, § 1 repealed by Laws 2003, c. 3, § 39, emerg. eff. March 19, 2003. Laws 2004, c. 418, § 15 repealed by Laws 2005, c. 1, § 55, emerg. eff. March 15, 2005. Laws 2005, c. 167, § 2 repealed by Laws 2006, c. 16, § 30, emerg. eff. March 29, 2006. Laws 2011, c. 373, § 6 repealed by Laws 2012, c. 11, § 14, emerg. eff. April 4, 2012; Laws 2013, c. 175, § 3 repealed by Laws 2013, c. 393, § 5, eff. Oct. 1, 2013. Laws 2016, c. 172, § 6 repealed by Laws 2017, c. 42, § 19.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 481 from July 1, 1998 to July 1, 1999. Laws 1998, 1st Ex. Sess., c. 2, § 26 amended the effective date of Laws 1997, c. 420, § 5 from July 1, 1998 to July 1, 1999

NOTE: Laws 2018, c. 35, § 1 and Laws 2018, c. 61, § 1 made identical amendments to this section.

§47-11-903. Negligent homicide.

A. When the death of any person ensues within one (1) year as a proximate result of injury received by the driving of any vehicle by any person in reckless disregard of the safety of others, the person so operating such vehicle shall be guilty of negligent homicide.

B. Any person convicted of negligent homicide shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year or by fine of not less than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

In addition to the fine or penalty, the court shall order the person to attend a driver improvement or defensive driving course, as provided in Section 6-206.1 of this title. Furthermore, if the records of the Department of Public Safety for the person reflect a conviction for any traffic offense within the three (3) years immediately preceding the conviction for negligent homicide, the fine shall be enhanced to double the amount of the fine imposed pursuant to this subsection.

C. The Commissioner of Public Safety shall revoke the license or permit to drive and any nonresident operating privilege of any person convicted of negligent homicide.

Added by Laws 1961, p. 387, § 11-903, eff. Sept. 1, 1961. Amended by Laws 1985, c. 112, § 10, eff. Nov. 1, 1985; Laws 2005, c. 164, §

1, emerg. eff. May 11, 2005; Laws 2011, c. 299, § 3, eff. Nov. 1, 2011.

§47-11-904. Person involved in personal injury accident while under influence of alcohol or other intoxicating substance - Causing great bodily injury.

A. Any person who is involved in a personal injury accident while driving or operating a motor vehicle within this state and who is in violation of the provisions of subsection A of Section 11-902 of this title may be charged with a violation of the provisions of this subsection as follows:

1. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a misdemeanor for the first offense and shall be punished by imprisonment in the county jail for not less than ninety (90) days nor more than one (1) year, and a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00); and

2. Any person who is convicted of a violation of the provisions of this subsection after having been previously convicted of a violation of this subsection or of Section 11-902 of this title shall be deemed guilty of a Class B5 felony offense and shall be punished by imprisonment in the custody of the Department of Corrections for not less than one (1) year and not more than five (5) years, and a fine of not more than Five Thousand Dollars (\$5,000.00).

B. 1. Any person who causes an accident resulting in great bodily injury to any person other than himself while driving or operating a motor vehicle within this state and who is in violation of the provisions of subsection A of Section 11-902 of this title may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a Class B1 felony offense punishable by imprisonment in the custody of the Department of Corrections for not less than four (4) years and not more than twenty (20) years, and a fine of not more than Five Thousand Dollars (\$5,000.00).

2. As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

Added by Laws 1983, c. 43, § 1, emerg. eff. April 21, 1983. Amended by Laws 1984, c. 30, § 1, eff. Nov. 1, 1984; Laws 1985, c. 112, § 11, eff. Nov. 1, 1985; Laws 1989, c. 316, § 1, eff. Nov. 1, 1989; Laws 1997, c. 133, § 482, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 348, eff. July 1, 1999; Laws 2004, c. 275, § 13, eff. July 1, 2004; Laws 2012, c. 157, § 1, eff. Nov. 1, 2012; Laws 2016,

c. 196, § 2, eff. Nov. 1, 2016; Laws 2025, c. 486, § 65, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 482 from July 1, 1998 to July 1, 1999.

§47-11-905. Person involved in personal injury accident without a valid driver license - Causing great bodily injury - Causing death.

A. Any person who, while operating a vehicle in this state without a valid driver license for the class of vehicle being operated, or while knowingly disqualified to operate a motor vehicle in this state, or while such person knows or should have known that his or her driver license is canceled, denied, suspended or revoked, causes an accident which results in personal injury to any other person, may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a misdemeanor punishable by imprisonment in the county jail for a term not more than one (1) year, or by a fine in an amount not exceeding Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

B. 1. Any person who, while operating a vehicle in this state without a valid driver license for the class of vehicle being operated, or while knowingly disqualified to operate a motor vehicle in this state, or while such person knows or should have known that his or her driver license is canceled, denied, suspended or revoked, causes an accident resulting in great bodily injury to any other person, may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a Class C2 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20M of Title 21 of the Oklahoma Statutes, or by a fine in an amount not exceeding Three Thousand Dollars (\$3,000.00), or by both such fine and imprisonment.

2. As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

C. Any person who, while operating a vehicle in this state without a valid driver license for the class of vehicle being operated, or while knowingly disqualified to operate a motor vehicle in this state, or while such person knows or should have known that his or her driver license is canceled, denied, suspended or revoked, causes an accident resulting in the death of any other person, may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a Class B4 felony offense punishable by imprisonment in the custody of the Department of

Corrections for a term not more than five (5) years, or by a fine in an amount not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

D. The provisions of this section may be charged in addition to any other chargeable offense allowed by law.

Added by Laws 2009, c. 155, § 3, eff. July 1, 2009. Amended by Laws 2010, c. 68, § 1, eff. Nov. 1, 2010; Laws 2025, c. 486, § 143, eff. Jan. 1, 2026.

§47-11-906.1. Drunk Driving Prevention Act - Short title.

Sections 13 through 16 of this act shall be known and may be cited as the "Drunk Driving Prevention Act".

Added by Laws 1995, c. 320, § 1, eff. July 1, 1995. Amended by Laws 1996, c. 309, § 2, eff. Nov. 1, 1996; Laws 2000, 1st Ex.Sess., c. 8, § 13, eff. July 1, 2000. Renumbered from § 6-106.1 of this title by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000.

§47-11-906.2. Purpose.

The purpose of this act is to reduce the incidence of persons who drive or are in actual physical control of a motor vehicle while under the influence of alcohol or other intoxicating substances.

Added by Laws 1995, c. 320, § 2, eff. July 1, 1995. Amended by Laws 2000, 1st Ex.Sess., c. 8, § 14, eff. July 1, 2000. Renumbered from § 6-106.2 of this title by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000.

§47-11-906.3. Oklahoma Driver's Manual - Contents.

A. The State Department of Education shall develop and administer appropriate driver education programs to be conducted in all of the schools of this state to increase awareness of the dangers of drinking and driving.

B. 1. In order to provide education and instruction to all applicants for an original Oklahoma driver license, the Oklahoma Driver's Manual, published and distributed by Service Oklahoma pursuant to Section 2-114 of this title, shall contain accurate information on:

- a. the hazards of driving while under the influence of alcohol or other intoxicating substances, and
- b. the legal and financial consequences resulting from violations of this state's laws prohibiting the operation or actual physical control of a motor vehicle while under the influence of alcohol or other intoxicating substances.

2. In addition to the subjects set forth in Section 6-110 of this title, the written examination administered by Service Oklahoma to every applicant for an original Oklahoma driver license shall contain questions on the subjects listed in this subsection.

Added by Laws 1995, c. 320, § 3, eff. July 1, 1995. Amended by Laws 1996, c. 309, § 3, eff. Nov. 1, 1996; Laws 2000, 1st Ex. Sess., c. 8, § 15, eff. July 1, 2000. Renumbered from § 6-106.3 of this title by Laws 2000, 1st Ex. Sess., c. 8, § 33, eff. July 1, 2000. Amended by Laws 2022, c. 282, § 94, emerg. eff. May 19, 2022.

§47-11-906.4. Operating or being in actual physical control of motor vehicle while under the influence while under age - Penalties.

A. It is unlawful, and punishable as provided in subsection B of this section, for any person under twenty-one (21) years of age to drive, operate, or be in actual physical control of a motor vehicle within this state who:

1. Has any measurable quantity of alcohol in the person's blood or breath at the time of a test administered within two (2) hours after an arrest of the person;

2. Exhibits evidence of being under the influence of any other intoxicating substance as shown by analysis of a specimen of the person's blood, breath, saliva, or urine in accordance with the provisions of Sections 752 and 759 of this title; or

3. Exhibits evidence of the combined influence of alcohol and any other intoxicating substance.

B. Any person under twenty-one (21) years of age who violates any provision of this section shall be subject to the seizure of the driver license of that person at the time of arrest or detention and the person, upon conviction, shall be guilty of operating or being in actual physical control of a motor vehicle while under the influence while under age and shall be punished:

1. For a first conviction, by:

- a. a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00),
- b. assignment to and completion of twenty (20) hours of community service,
- c. requiring the person to attend and complete a treatment program, or
- d. any combination of fine, community service, or treatment;

2. Upon a second conviction, by:

- a. assignment to and completion of not less than two hundred forty (240) hours of community service, and
- b. the requirement, after the conclusion of the mandatory revocation period, to install an ignition interlock device or devices, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, for a period of not less than thirty (30) days.

In addition, a second conviction may be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand

Dollars (\$1,000.00), or by requiring the person to attend and complete a treatment program, as recommended by the assessment required pursuant to subparagraph c of paragraph 2 of subsection D of this section, or by both; or

3. Upon a third or subsequent conviction, by:

- a. assignment to and completion of not less than four hundred eighty (480) hours of community service, and
- b. the requirement, after the conclusion of the mandatory revocation period, to install an ignition interlock device or devices, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, for a period of not less than thirty (30) days.

In addition, a third or subsequent conviction may be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00), or by requiring the person to attend and complete a treatment program, as recommended by the assessment required pursuant to subparagraph c of paragraph 2 of subsection D of this section, or by both.

C. The court may assess additional community service hours in lieu of any fine specified in this section.

D. In addition to any penalty or condition imposed pursuant to the provisions of this section, the person shall be subject to:

1. Upon a first conviction:

- a. the cancellation or denial of driving privileges as ordered by the court pursuant to subsection B of Section 6-107.1 of this title,
- b. the mandatory revocation of driving privileges pursuant to Section 6-205.1, 753 or 754 of this title, which revocation period may be modified as provided by law, and
- c. the continued installation of an ignition interlock device or devices, at the expense of the person, as provided in subsection D of Section 6-212.3 of this title, after the mandatory period of cancellation, denial or revocation for a period as provided in paragraph 1 of subsection A of Section 6-212.3 of this title;

2. Upon a second conviction:

- a. the cancellation or denial of driving privileges, as ordered by the court pursuant to subsection B of Section 6-107.2 of this title,
- b. the mandatory revocation of driving privileges pursuant to Section 6-205.1, 753 or 754 of this title, which period may be modified as provided by law,
- c. an assessment of the person's degree of alcohol abuse, in the same manner as prescribed in subsection H of

- Section 11-902 of this title, which may result in treatment as deemed appropriate by the court, and
- d. the continued installation of an ignition interlock device or devices, at the expense of the person, as provided in subsection D of Section 6-212.3 of this title, after the mandatory period of cancellation, denial or revocation for a period as provided in paragraph 2 of subsection A of Section 6-212.3 of this title; and
3. Upon a third or subsequent conviction:
- a. the cancellation or denial of driving privileges as ordered by the court pursuant to subsection B of Section 6-107.2 of this title,
 - b. the mandatory revocation of driving privileges pursuant to Section 6-205.1, 753 or 754 of this title, which period may be modified as provided by law,
 - c. an assessment of the person's degree of alcohol abuse, in the same manner as prescribed in subsection H of Section 11-902 of this title, which may result in treatment as deemed appropriate by the court, and
 - d. the continued installation of an ignition interlock device or devices, at the expense of the person, as provided in subsection D of Section 6-212.3 of this title, after the mandatory period of cancellation, denial, or revocation for a period as provided in paragraph 3 of subsection A of Section 6-212.3 of this title.

E. Nothing in this section shall be construed to prohibit the filing of charges pursuant to Section 761 or 11-902 of this title when the facts warrant.

F. As used in this section:

1. The term "conviction" includes a juvenile delinquency adjudication by a court; and

2. The term "revocation" includes the cancellation or denial of driving privileges by the Department.

Added by Laws 1996, c. 309, § 1, eff. Nov. 1, 1996. Amended by Laws 1999, c. 106, § 2, emerg. eff. April 19, 1999; Laws 2000, 1st Ex.Sess., c. 8, § 16, eff. July 1, 2000. Renumbered from Title 47, § 6-106.4 by Laws 2000, 1st Ex.Sess., c. 8, § 33, eff. July 1, 2000. Amended by Laws 2011, c. 373, § 7, eff. Nov. 1, 2011.

§47-11-1001. Stopping, standing or parking outside of business or residence district - Penalties.

A. 1. Upon any highway outside of a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park or so leave such

vehicle off such part of said highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of four hundred (400) feet in each direction upon such highway.

2. As used in this section and Section 11-1002 of this title, "highway" means any public road, street, or turnpike used for vehicular travel.

B. 1. The owner or operator of a vehicle or its cargo which obstructs the regular flow of traffic shall make every reasonable effort to remove the obstructing vehicle or cargo from the roadway so the regular flow of traffic is not blocked. This subsection shall not apply to collisions resulting in the injury or death of any person.

2. This subsection shall not apply to vehicles transporting "hazardous materials" as defined in paragraph 5 of Section 230.3 of this title.

3. Nothing in this subsection shall be construed to relieve any person from complying with Section 10-103 of this title.

4. a. Until January 1, 2006, any person violating this subsection may be issued a written warning of the violation.

b. Any person violating this subsection shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided for in Section 17-101 of this title.

Added by Laws 1961, p. 387, § 11-1001, eff. Sept. 1, 1961. Amended by Laws 2003, c. 100, § 1, eff. Nov. 1, 2003; Laws 2004, c. 222, § 1, eff. Nov. 1, 2004.

§47-11-1002. Officers authorized to remove illegally stopped vehicle.

A. Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of subsection A of Section 11-1001 of this title, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.

B. 1. Law enforcement officers, using reasonable care, may remove from the roadway to the nearest safe place any disabled or damaged vehicle or cargo as described in subsection B of Section 11-1001 of this title.

2. Absent a showing of gross negligence, the law enforcement officer, the employing agency, or any person acting under the direction of the law enforcement officer is not liable for damage to a vehicle or damage or loss to any portion of the contents or cargo of the vehicle when carrying out the provisions of this subsection.

C. Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any underpass where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

D. When any vehicle is left standing or abandoned upon a highway in violation of this section and at such a place or in such manner as to interfere or prevent the maintenance of said highway, the Oklahoma Department of Transportation, Oklahoma Transportation Authority or their authorized agents may remove such vehicle or request the driver or other persons in charge thereof to move the same to some place of safety off the highway with charge to the owner of the vehicle.

Added by Laws 1961, p. 387, § 11-1002, eff. Sept. 1, 1961. Amended by Laws 2003, c. 100, § 2, eff. Nov. 1, 2003; Laws 2004, c. 222, § 2, eff. Nov. 1, 2004.

§47-11-1003. Stopping, standing or parking prohibited in specified places.

A. Except as otherwise provided in subsection B of this section, no person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within fifteen (15) feet of a fire hydrant, or if in an area serviced by a volunteer fire department, within thirty (30) feet of a fire hydrant if the governing body of the area so adopts by ordinance;
4. Within an intersection;
5. On a crosswalk;
6. Within twenty (20) feet of a crosswalk at an intersection;
7. Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
8. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the authority having jurisdiction indicates a different length by signs or marking;
9. Within fifty (50) feet of the nearest rail of a railroad crossing;
10. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly signposted);

11. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

13. Upon any bridge or other elevated structure upon a highway or within a highway underpass;

14. At any place where official signs prohibit stopping.

B. No person engaging in the collection and disposal of solid waste or recycling material or both as a business, pursuant to the provisions of the Oklahoma Solid Waste Management Act, shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk;

2. Within an intersection;

3. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

4. Upon any bridge or other elevated structure upon a highway or within a highway underpass; or

5. At any place where official signs prohibit stopping.

C. No person shall move a vehicle not lawfully under the control of the person into any prohibited area or away from a curb such distance as is unlawful.

Added by Laws 1961, p. 388, § 11-1003, eff. Sept. 1, 1961. Amended by Laws 1995, c. 58, § 3, eff. July 1, 1995; Laws 2011, c. 152, § 1, eff. Nov. 1, 2011.

§47-11-1004. Additional parking regulations.

A. Except as otherwise provided in this section, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen (18) inches of the right-hand curb.

B. Local authorities may by ordinance permit parking of vehicle with the left-hand wheels adjacent to and within eighteen (18) inches of the left-hand curb of a one-way roadway.

C. Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the Department of Highways has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

D. The Oklahoma Department of Highways with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would

unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.

E. A person engaging in the collection and disposal of solid waste or recycling material or both as a business, pursuant to the provisions of the Oklahoma Solid Waste Management Act, shall be exempt from the provisions of subsections A and B of this section while in the performance of such activities.

Added by Laws 1961, p. 388, § 11-1004, eff. Sept. 1, 1961. Amended by Laws 2011, c. 152, § 2, eff. Nov. 1, 2011.

§47-11-1005. Authorized emergency vehicles; vehicles used in construction or maintenance of highways - Excepted from certain provisions.

Provisions of this article shall not apply to authorized emergency vehicles or to vehicles or machinery used in the construction or maintenance of highways, and such vehicles or machinery may be operated on any part of the road, whether same is open to traffic or closed, when such operation is necessary in the maintenance or construction of said highway; provided, that the Department of Highways shall protect all such operations with adequate warnings, signs, signals, lights, devices, or flagmen. Laws 1961, p. 388, § 11-1005.

§47-11-1006. Parking of vehicles on posted private property - Penalty - Liability of land owner.

(a) It shall be unlawful to place or park a motor vehicle or a trailer upon the posted private property of another, without first obtaining permission from the landowner or the person in charge of such property, except where said placing or parking is casual or involuntary.

(b) Violation of the terms of this section shall be considered to be a misdemeanor and upon conviction violators shall be fined not to exceed Twenty Dollars (\$20.00) and, in addition thereto, shall pay any and all reasonable and necessary charges incurred by the landowner or other person in having any vehicle or trailer removed from his property and stored.

(c) The landowner or person in charge of the land shall not be liable for any damages which may occur to a trespassing vehicle or trailer under the terms of this section, while the same is trespassing or while it is being removed from his property, or while it is in storage.

Laws 1961, p. 389, § 11-1006.

§47-11-1007. Parking areas for physically disabled persons - Violations and penalties.

A. 1. It shall be unlawful for any person to place or park a motor vehicle in any parking space that is designated and posted as a reserved area for the parking of a motor vehicle operated by or transporting a physically disabled person unless such person has applied for and been issued a detachable placard indicating physical disability under the provisions of Section 15-112 of this title, and such placard is displayed as provided in Section 15-112 of this title or in rules adopted pursuant thereto, or has applied for and been issued a physically disabled license plate pursuant to the provisions of Section 1135.1 or 1135.2 of this title, and such license plate is displayed pursuant to the provisions of the Oklahoma Vehicle License and Registration Act.

2. It shall also be unlawful for any person to place or park a motor vehicle, whether with or without a physically disabled placard or plate, in any disabled parking space access aisle, wheelchair ramp, wheelchair loading/unloading area or any portion thereof.

B. 1. Violation of these provisions shall be a misdemeanor and upon conviction the person shall be fined Five Hundred Dollars (\$500.00). Provided, any person cited for a first offense of a violation of this section who has displayed a placard which has expired pursuant to paragraph 4 or 5 of subsection D of Section 15-112 of this title shall be entitled to dismissal of such charge and shall not be required to pay the fine or court costs if the person presents to the court within thirty (30) days of the issuance of the citation a notice from Service Oklahoma that the person has obtained a valid placard pursuant to the provisions of subsection D of Section 15-112 of this title. Fines collected pursuant to this section shall be distributed as follows:

- a. eighty percent (80%) to the general fund of the municipality in which the citation was issued, subject to the provisions of subsection C of Section 15-115 of this title, and
- b. twenty percent (20%) to a dedicated fund established by the Department of Public Safety for the development, implementation and maintenance of a system for the enforcement of the disability parking provisions of this title through October 31, 2022. Beginning November 1, 2022, these fines will be distributed to a dedicated fund established by Service Oklahoma for the development, implementation, and maintenance of a system for the enforcement of the disability parking provisions of this title.

2. In addition, vehicles unlawfully parked in violation of these provisions shall be subject to immediate tow by a licensed tow truck operator at the request of the landowner or a duly appointed agent of the landowner, at the request of any person unable to lawfully gain access to or move their vehicle, at the request of any

person unable to lawfully gain access to the area blocked by the unlawfully parked vehicle, or at the request of appropriate law-enforcement personnel. The owner of any vehicle unlawfully parked in violation of these provisions shall pay any and all reasonable and necessary costs associated with towing and storage of the vehicle.

C. Upon the accumulation of the total necessary funds in the Department of Public Safety Restricted Revolving Fund pursuant to subsection B of this section, the Department of Public Safety shall develop, implement, deploy and administer a database which identifies all persons to whom disabled parking permits have been issued. The database shall be available twenty-four (24) hours a day to any person authorized by statute to enforce disabled parking laws of this state, in order to verify the validity of a disabled parking permit and the person to whom it is issued. Beginning November 1, 2022, Service Oklahoma shall administer the database. Added by Laws 1980, c. 146, § 1, eff. Oct. 1, 1980. Amended by Laws 1985, c. 149, § 1, emerg. eff. June 8, 1985; Laws 1995, c. 133, § 1, emerg. eff. April 27, 1995; Laws 1997, c. 21, § 1, eff. Nov. 1, 1997; Laws 1999, c. 276, § 1, eff. Nov. 1, 1999; Laws 2003, c. 279, § 6, emerg. eff. May 26, 2003; Laws 2005, c. 165, § 1, emerg. eff. May 11, 2005; Laws 2007, c. 62, § 14, emerg. eff. April 30, 2007; Laws 2010, c. 302, § 8, emerg. eff. June 5, 2010; Laws 2012, c. 283, § 7, eff. July 1, 2012; Laws 2022, c. 282, § 95, emerg. eff. May 19, 2022.

§47-11-1007.1. Renumbered as § 15-115 of this title by Laws 2008, c. 302, § 14, emerg. eff. June 2, 2008.

§47-11-1008. Renumbered as § 15-116 of this title by Laws 2008, c. 302, § 14, emerg. eff. June 2, 2008.

§47-11-1009. Parking on certain state property prohibited - Procedure for enforcement and appeal.

A. No person shall place, stop, park, or stand any vehicle including trailers or implements of husbandry, contrary to any official sign reserving, restricting, or regulating the placing, stopping, standing, or parking of a vehicle at any state building or property, including grounds appurtenant thereto, within Oklahoma and Tulsa Counties.

B. The Department of Public Safety shall be responsible for the enforcement of subsection A of this section.

C. Any person violating the provisions of subsection A of this section shall be subject to a civil fine. A violation shall be indicated by the placing of a notice of such violation on the windshield of the vehicle improperly placed, stopped, parked, or standing.

The notice shall be on a form prescribed by the Commissioner of Public Safety. The civil fine for such violation shall be Five Dollars (\$5.00) if paid within ten (10) days from the date of the violation and Twenty Dollars (\$20.00) if paid after ten (10) days from the date of the violation.

D. The fine shall be paid by mailing or personally delivering the notice and a personal check or money order to cover the fine to the Capitol Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety. Provided, should the person elect to object to the imposition of the fine and to have a hearing on the violation, the person shall so indicate on the notice and mail or present it to the Department of Public Safety, within ten (10) days from the date of the notice of the violation, with a bond by cash or money order equal to the amount of the fine pending the outcome of the hearing. The bond may be used to pay the fine in the event the determination of the hearing examiner upholds the imposition of the civil fine. If no bond accompanies the request for hearing, no hearing shall be granted. If the request for a hearing is not made within ten (10) days from the date of the notice of the violation, the person shall not be entitled to a hearing and shall be subject to the civil fine prescribed in subsection C of this section.

E. The request for a hearing shall be submitted to the Department of Public Safety within ten (10) days from the date of the notice of the violation, and the violation shall be set for hearing before a hearing examiner appointed by the Commissioner. The person requesting the hearing shall be notified of the time and place of the hearing by the Department of Public Safety by mailing a copy of the notice by regular mail to the address indicated on the request for hearing. The hearing examiner may take evidence of the violation and shall determine if there has been a violation of the provisions of subsection A of this section. If it is determined that there was a violation, the hearing examiner shall enforce the fine indicated on the notice.

F. Any vehicle having outstanding fines against it may be immobilized by use of a tire boot or may be impounded by the Department of Public Safety. The vehicle may remain immobilized or be retained by the Department pending the payment of all fines, towing, and storage charges, and until the owner furnishes to the Department proof of security or an affidavit that the vehicle is insured by a policy of liability insurance or will not be used on public highways or public streets, as required pursuant to Section 7-600 et seq. of this title. The State of Oklahoma shall have a possessory lien against any vehicle which is found to have outstanding fines against it until such fines are paid. The lien may be foreclosed pursuant to the procedures provided for in Sections 91 through 96 of Title 42 of the Oklahoma Statutes.

G. All the monies generated from such fines shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury.

Added by Laws 1982, c. 195, § 1, operative July 1, 1982. Amended by Laws 1983, c. 286, § 24, operative July 1, 1983; Laws 1987, c. 5, § 157, emerg. eff. March 11, 1987; Laws 1993, c. 153, § 1, eff. Sept. 1, 1993; Laws 1996, c. 219, § 1, eff. July 1, 1996; Laws 2002, c. 75, § 1, eff. Nov. 1, 2002.

§47-11-1010. Erection and maintenance of certain parking signs - Window stickers and other parking identification.

A. The Department of Transportation in coordination with the Department of Public Safety shall have the authority to erect and maintain signs reserving, restricting or regulating the placing, stopping, standing or parking of vehicles within the boundaries of the following:

1. State Capitol Park; and
2. State Capitol Complex in Tulsa.

B. The Department of Public Safety may prepare and issue window stickers or other means of identification except as provided in Section 15.3 of Title 73 of the Oklahoma Statutes as the Commissioner of Public Safety shall deem necessary for the enforcement of this section, Section 11-1009 of this title and Section 15.3 of Title 73 of the Oklahoma Statutes.

Added by Laws 1982, c. 195, § 2, operative July 1, 1982. Amended by Laws 2003, c. 279, § 5, emerg. eff. May 26, 2003.

§47-11-1011. Renumbered as § 15.3 of Title 73 by Laws 1995, c. 288, § 3, eff. July 1, 1995.

§47-11-1012. Parking meters - Exemption.

In counties with a population over five hundred thousand (500,000) according to the last decennial census, marked and unmarked law enforcement vehicles or any vehicle which a law enforcement officer is using in an official capacity shall be exempt from paying a parking meter while parked on a city street.

Added by Laws 2002, c. 381, § 4, eff. July 1, 2002.

§47-11-1101. Unattended motor vehicle.

The person driving or in charge of a motor vehicle shall not permit it to stand unattended without first stopping the engine, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway. Laws 1961, p. 389, § 11-1101.

§47-11-1102. Limitations on backing.

No vehicle shall be backed upon any street or highway except for such distance as may be necessary to permit the vehicle to enter the proper driving lane from a parked position. Such backing shall be done only after the driver of said vehicle has ascertained that such movement can be made without endangering other traffic.

Laws 1961, p. 389, § 11-1102.

§47-11-1103. Motorcycles, motor-driven cycles, motorized scooters or motorized bicycles - Restrictions on transporting other persons.

A. No person under the age of sixteen (16) years shall drive a motorcycle, motor-driven cycle, motorized scooter, or motorized bicycle on any highway of this state while transporting any other person.

B. The operator of a motorcycle, motor-driven cycle, motorized scooter, or motorized bicycle who has attained the age of sixteen (16) years or older may carry a passenger if the vehicle has a wheel diameter of twelve (12) inches or greater and is factory-designed and equipped with either:

1. A double seating device with double foot rests; or

2. A sidecar attachment providing a separate seat space within such sidecar attachment for each person riding therein so that such person shall be seated entirely within the body of said sidecar.

C. No rider of a motorcycle, motor-driven cycle, motorized scooter, or motorized bicycle shall hold to any moving vehicle for the purpose of being propelled.

D. No driver of a motorcycle, motor-driven cycle, motorized scooter, motorized bicycle, or electric-assisted bicycle shall pass other vehicles between lanes of traffic traveling in the same direction. This subsection shall not apply to the operator of an authorized emergency vehicle.

Added by Laws 1961, p. 389, § 11-1103, eff. Sept. 1, 1961. Amended by Laws 2003, c. 411, § 15, eff. Nov. 1, 2003; Laws 2004, c. 521, § 10, eff. Nov. 1, 2004; Laws 2019, c. 43, § 3, eff. Nov. 1, 2019.

§47-11-1104. Obstruction to driver's view or control - Overloading school bus.

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides or to interfere with his control over the driving mechanism of the vehicle.

(c) No school bus shall be operated on the streets or highways in this state when loaded with passengers in excess of the number

for which such bus is designed to carry. The number of passengers determined by the local school board which the bus is designed to carry shall be posted in a conspicuous place on the bus.

Laws 1961, p. 389, § 11-1104; Laws 1967, c. 256, § 1.

§47-11-1105. Opening and closing vehicle doors.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Added by Laws 1961, p. 389, § 11-1105, eff. Sept. 1, 1961.

§47-11-1106. Driving on mountain highways.

The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible.

Laws 1961, p. 389, § 11-1106.

§47-11-1107. Coasting prohibited.

(a) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

(b) The driver of any motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

Laws 1961, p. 389, § 11-1107.

§47-11-1108. Following fire apparatus and other emergency vehicles prohibited.

(a) The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(b) The driver of any vehicle other than one on official business shall not follow any emergency vehicle or shall not purposely drive to any location on a highway where an emergency exists which would interfere with the free movement of authorized emergency vehicles or any other traffic using the highway at that location. For the purpose of this subsection the definition of emergency shall include traffic accidents, airplane accidents, disasters, explosions, civil disturbances and (without limitation by the foregoing) any other related circumstances which tend to cause traffic congestion.

The purpose of this subsection is to eliminate sightseers and other persons who do not have official business at the scene of an

emergency, and whose presence would tend to cause traffic congestion.

Laws 1961, p. 389, § 11-1108.

§47-11-1109. Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

Laws 1961, p. 390, § 11-1109.

§47-11-1110. Destructive or injurious items on highways.

A. No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substances likely to injure any person, animal or vehicle upon such highway.

B. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

1. Any person removing a wrecked or damaged vehicle from a highway, highway right-of-way or any other location as the result of an accident shall remove any glass or other injurious substance dropped upon the highway or highway right-of-way or other location from such vehicle. The owner or insurer of the owner of the vehicle if the owner's insurance policy provides coverage for such expense, shall be responsible for the cost of removal of the vehicle and the glass or other injurious substance and any vehicle storage fees. The cost of the removal of the vehicle and any storage fees shall be the same as established by the Corporation Commission for nonconsensual tows.

2. Truck-tractors carrying cargo on the roadways of this state shall maintain a commercial auto, farm and ranch, inland marine or cargo liability insurance policy that covers the costs of cleanup of any substance that is spilled or otherwise deposited on the roadway or right-of-way in violation of this section.

C. No person shall throw any substance at a standing vehicle or any occupant thereof, nor shall any person throw any substance at a person on or adjacent to a highway.

Added by Laws 1961, p. 390, § 11-1110, eff. Sept. 1, 1961. Amended by Laws 1978, c. 153, § 1, eff. Oct. 1, 1978; Laws 1999, c. 285, § 2, emerg. eff. May 27, 1999; Laws 2001, c. 255, § 1, eff. July 1, 2001; Laws 2002, c. 133, § 1, eff. Nov. 1, 2002; Laws 2011, c. 355, § 10, eff. Nov. 1, 2011; Laws 2020, c. 123, § 1, eff. Nov. 1, 2020; Laws 2021, c. 388, § 1, eff. Nov. 1, 2021.

§47-11-1111. Throwing or dropping object on or at moving vehicles.

A. No person shall willfully throw or drop any substance at a moving vehicle or any occupant thereof.

B. No person shall willfully throw or drop any object from a bridge or overpass with intent to damage any property or injure any person.

C. Any violation of subsection A or B of this section shall be deemed a Class B4 felony offense and, upon conviction, shall be punishable by imprisonment in the Department of Corrections for a term of not more than ten (10) years, or by a fine not exceeding Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

Added by Laws 1978, c. 153, § 2, eff. Oct. 1, 1978. Amended by Laws 1997, c. 133, § 483, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 349, eff. July 1, 1999; Laws 2003, c. 368, § 1, eff. July 1, 2003; Laws 2025, c. 486, § 144, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 483 from July 1, 1998, to July 1, 1999.

§47-11-1112. Child passenger restraint system required for certain vehicles - Exemptions.

A. Every driver, when transporting a child under eight (8) years of age in a motor vehicle operated on the roadways, streets, or highways of this state, shall provide for the protection of said child by properly using a child passenger restraint system as follows:

1. A child under four (4) years of age shall be properly secured in a child passenger restraint system. Except as provided in subsection G of this section, the child passenger restraint system shall be rear-facing until the child reaches two (2) years of age or until the child reaches the weight or height limit of the rear-facing child passenger restraint system as allowed by the manufacturer of the child passenger restraint system, whichever occurs first; and

2. A child at least four (4) years of age but younger than eight (8) years of age, if not taller than 4 feet 9 inches in height, shall be properly secured in either a child passenger restraint system or child booster seat.

For purposes of this section and Section 11-1113 of this title, "child passenger restraint system" means an infant or child passenger restraint system which meets the federal standards as set by 49 C.F.R., Section 571.213.

B. If a child is eight (8) years of age or is taller than 4 feet 9 inches in height, a seat belt properly secured to the vehicle shall be sufficient to meet the requirements of this section.

C. The provisions of this section shall not apply to:

1. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws;

2. The driver of an ambulance or emergency vehicle;

3. The driver of a vehicle in which all of the seat belts are in use;

4. The transportation of children who for medical reasons are unable to be placed in such devices, provided there is written documentation from a physician of such medical reason; or

5. The transportation of a child who weighs more than forty (40) pounds and who is being transported in the back seat of a vehicle while wearing only a lap safety belt when the back seat of the vehicle is not equipped with combination lap and shoulder safety belts, or when the combination lap and shoulder safety belts in the back seat are being used by other children who weigh more than forty (40) pounds. Provided, however, for purposes of this paragraph, back seat shall include all seats located behind the front seat of a vehicle operated by a licensed child care facility or church. Provided further, there shall be a rebuttable presumption that a child has met the weight requirements of this paragraph if at the request of any law enforcement officer, the licensed child care facility or church provides the officer with a written statement verified by the parent or legal guardian that the child weighs more than forty (40) pounds.

D. A violation of the provisions of this section shall be admissible as evidence in any civil action or proceeding for damages unless the plaintiff in such action or proceeding is a child under sixteen (16) years of age.

In any action brought by or on behalf of an infant for personal injuries or wrongful death sustained in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this section shall not be used in aggravation or mitigation of damages.

E. A person who is certified as a Child Passenger Safety Technician and who in good faith provides inspection, adjustment, or educational services regarding child passenger restraint systems shall not be liable for civil damages resulting from any act or omission in providing such services, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

F. Any person convicted of violating subsection A of this section shall be punished by a fine of Fifty Dollars (\$50.00) and shall pay all court costs thereof. Revenue from such fine shall be apportioned to the Department of Public Safety Restricted Revolving Fund and used by the Oklahoma Highway Safety Office to promote the use of child passenger restraint systems as provided in Section 11-1113 of this title. This fine shall be suspended and the court costs limited to a maximum of Fifteen Dollars (\$15.00) in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system. Provided, the Department of Public Safety shall not assess points to the driving record of any person convicted of a violation of this section.

G. A driver of a vehicle who has been rightfully issued a detachable placard indicating physical disability under the provisions of Section 15-112 of this title or a physically disabled license plate under the provisions of Section 1135.1 or 1135.2 of this title and valid letter of forward-facing exemption issued from the Department of Public Safety shall be permitted to transport a child passenger under four (4) years of age in a forward-facing child passenger restraint system. The placard and forward-facing exemption letter must be present in the vehicle to be in compliance. Added by Laws 1983, c. 7, § 1, eff. Nov. 1, 1983. Amended by Laws 1987, c. 97, § 1; Laws 1988, c. 271, § 1, eff. March 1, 1989; Laws 1995, c. 225, § 1; Laws 2000, c. 99, § 1, eff. Nov. 1, 2000; Laws 2002, c. 55, § 1, eff. Nov. 1, 2002; Laws 2004, c. 40, § 1, emerg. eff. March 31, 2004; Laws 2005, c. 361, § 1, eff. Nov. 1, 2005; Laws 2011, c. 335, § 8; Laws 2012, c. 283, § 8, eff. July 1, 2012; Laws 2013, 1st Ex. Sess., c. 11, § 2, emerg. eff. Sept. 10, 2013; Laws 2013, 1st Ex. Sess., c. 11, § 3, emerg. eff. Sept. 10, 2013; Laws 2015, c. 396, § 1, eff. Nov. 1, 2015; Laws 2017, c. 376, § 2, emerg. eff. June 6, 2017.

NOTE: Laws 2009, c. 228, § 26 was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013) and repealed by Laws 2013, 1st Ex. Sess., c. 11, § 1, emerg. eff. Sept. 10, 2013.

§47-11-1113. Child passenger restraint system education program.

The Oklahoma Highway Safety Office shall develop a program of public education to promote the use of child passenger restraint systems.

Added by Laws 1983, c. 7, § 2, eff. Nov. 1, 1983.

§47-11-1114. Allowing passenger to ride outside passenger compartment.

A. No operator of a motor vehicle shall allow a passenger to ride outside the passenger compartment of the vehicle on the streets, highways or turnpikes of this state; provided, this section shall not apply to persons so riding on private property or for parades or special events nor shall this section apply to passengers riding on the bed of a pickup truck.

B. Any person convicted of violating the provisions of subsection A of this section shall be punished by a fine of Ten Dollars (\$10.00) and shall pay court costs of Fifteen Dollars (\$15.00), provided the Department of Public Safety shall not assess points to the driving record of any licensed or unlicensed person convicted of a violation of this section.

Added by Laws 1991, c. 309, § 7, eff. July 1, 1991.

§47-11-1115. Railroad-highway grade crossings - Class A, B or C commercial vehicles - When crossing prohibited.

At a railroad-highway grade crossing, a person operating a Class A, B or C commercial motor vehicle shall not negotiate the crossing if there is:

1. Insufficient space to drive completely through the crossing without stopping; or
 2. Insufficient clearance for the undercarriage of the vehicle.
- Added by Laws 2002, c. 169, § 3, eff. Oct. 1, 2002.

§47-11-1116. Self-propelled or motor-driven and operated vehicles - Golf carts, all-terrain, and utility vehicles - Operation on streets, highways, and roadways within unincorporated areas.

A. The self-propelled or motor-driven and operated vehicles described in this section shall be prohibited from operating or shall be limited in operation on the streets and highways of this state.

B. Self-propelled or motor-driven cycles, known and commonly referred to as "minibikes" and other similar trade names, shall be prohibited from operating on the streets and highways of this state, except:

1. When used in a parade; or
2. When registered, as required by subsection E of Section 1151 of this title, and operated in this state by food vendor services upon streets having a speed limit of thirty (30) miles per hour or less.

All minibikes offered for sale in this state shall bear the following notice to the customer: "This machine is not manufactured or sold for operation on the public streets or highways. Since it is not provided with equipment required by law for street or highway use, all persons are cautioned that any operation of this vehicle upon a public street or highway will be in violation of the motor vehicle laws of this state and will subject the violator to arrest."

C. Golf carts and utility vehicles, as defined by Section 1102 of this title, shall not be operated on the streets and highways of this state except:

1. Golf carts or utility vehicles owned by the Oklahoma Tourism and Recreation Department, and operated by employees or agents of the Department or employees of independent management companies working on behalf of the Department, may be operated on the streets and highways of this state during daylight hours or under rules developed by the Oklahoma Tourism and Recreation Commission, when the streets and highways are located within the boundaries of a state park. The Department shall have warning signs placed at the entrance and other locations at those state parks allowing golf carts or utility vehicles to be operated on the streets and highways of this state located within the boundaries of those state parks.

The warning signs shall state that golf carts and utility vehicles may be operating on streets and highways and that motor vehicle operators shall take special precautions to be alert for the presence of golf carts or utility vehicles on the streets and highways;

2. The municipal governing body has adopted an ordinance governing the operation of golf carts or utility vehicles on city streets; provided, such ordinances shall include necessary vehicle lighting and safety requirements;

3. Golf carts or utility vehicles may operate on state highways only if making a perpendicular crossing of a state highway located within the boundaries of a municipality which has adopted an ordinance governing the operation of golf carts or utility vehicles;

4. The board of county commissioners of a county has approved the operation of golf cart or utility vehicle traffic on roadways within the county, and:

- a. the roadway has a posted speed limit of twenty-five (25) miles per hour or less,
- b. the roadway is located in an unincorporated area, and
- c. appropriate signage, cautioning motorists of the possibility of golf cart or utility vehicle traffic, is erected by the board of county commissioners; or

5. Street-legal utility vehicles that are registered as a motor vehicle pursuant to Section 1-171.1 of this title may be operated on the streets and highways of this state and U.S. highways in counties whose population is less than seventy-five thousand (75,000) according to the latest Federal Decennial Census. Registered street-legal utility vehicles may be operated on stretches of U.S. highways with posted speed limits of fifty (50) miles per hour or less in counties with a population of more than seventy-five thousand (75,000) according to the latest Federal Decennial Census. Provided, however, street-legal utility vehicles shall not be operated on the National System of Interstate and Defense Highways.

D. All-terrain vehicles shall not be operated on the streets and highways of this state, except:

1. On unpaved roads which are located within the boundaries of any property of the Forest Service of the United States Department of Agriculture;

2. On highways if:

- a. the vehicle needs to make a direct crossing of the highway while the vehicle is traveling upon a regularly traveled trail and needs to continue travel from one area of the trail to another and, if the vehicle comes to a complete stop, yields the right-of-way to all oncoming traffic that constitutes an immediate hazard, and crosses the highway at an angle of approximately ninety (90) degrees to the direction

of the street or highway. This exception shall not apply to divided highways or highways with a posted speed limit of more than thirty-five (35) miles per hour in the area of the crossing,

- b. the vehicle needs to travel on a highway in order to cross a railroad track. In that event, the all-terrain vehicle may travel for not more than three hundred (300) feet on a highway to cross a railroad track,
- c. the operator of the all-terrain vehicle making the crossing at a highway has a valid driver license, and
- d. the operator of the vehicle makes a crossing on a highway during daylight hours only;

3. On streets and highways within a municipality if the municipal governing body has adopted an ordinance governing the operation of golf carts, utility vehicles or all-terrain vehicles on streets and highways within the municipality; or

4. On roadways within unincorporated areas of a county if those roadways are not part of the state highway system or the National System of Interstate and Defense Highways; provided, however, that the driver is a licensed driver.

E. Mopeds, as defined by Section 1-133.2 of this title, may be operated on the streets and highways of this state if:

1. The municipal governing body has adopted an ordinance governing the operation of mopeds on city streets; provided, such ordinances shall include necessary vehicle lighting and safety requirements; or

2. The board of county commissioners of a county has approved the operation of mopeds on roadways within the county, not including roadways within a municipality.

Added by Laws 2004, c. 418, § 16, eff. July 1, 2004. Amended by Laws 2008, c. 98, § 3, eff. July 1, 2008; Laws 2008, c. 402, § 1, eff. Nov. 1, 2008; Laws 2011, c. 167, § 1; Laws 2013, c. 238, § 1, eff. July 1, 2013; Laws 2014, c. 4, § 9, emerg. eff. April 2, 2014; Laws 2019, c. 101, § 1, eff. Nov. 1, 2019; Laws 2019, c. 315, § 2, eff. Nov. 1, 2019; Laws 2021, c. 328, § 2, emerg. eff. April 28, 2021; Laws 2025, c. 287, § 2, eff. Nov. 1, 2025.

NOTE: Laws 2013, c. 239, § 1 repealed by Laws 2014, c. 4, § 10, emerg. eff. April 2, 2014.

§47-11-1117. All-terrain vehicle passenger restrictions - Penalties and enforcement - Liability of parents or vehicle owners - Applicability.

A. It shall be unlawful for a person less than eighteen (18) years of age to operate or to be carried as a passenger upon an all-terrain vehicle unless the person wears a crash helmet of a type

which complies with standards established by 49 C.F.R., Section 571.218.

B. It shall be unlawful for the operator of an all-terrain vehicle to carry a passenger unless that all-terrain vehicle has been specifically designed by the manufacturer to carry passengers in addition to the operator.

C. Fine and court costs for violating the provisions of this section shall not exceed Twenty-five Dollars (\$25.00). Any peace officer of this state including, but not limited to, park rangers, is authorized to enforce the provisions of this section. All monies collected pursuant to a citation for a violation of this section shall be deposited in the Oklahoma Tourism and Recreation Department Revolving Fund for credit to the cost center of the state park or public recreation area where such citation was issued.

D. Any parent, legal guardian or person having actual responsibility for a person under eighteen (18) years of age, or who is the owner of the all-terrain vehicle operated by a person under eighteen (18) years of age, who knows, or should have known, that the person operating the all-terrain vehicle is not in compliance with the provisions of this section, shall be punishable according to the provisions of subsection C of this section.

E. As used in this section, "all-terrain vehicle" means a vehicle manufactured and used exclusively for off-highway use, traveling on four or more non-highway tires, having a seat designed to be straddled by the operator, and which is steered by the use of handlebars.

F. "Recreational off-highway vehicle" means a vehicle manufactured and used exclusively for off-highway use, traveling on four or more non-highway tires, having non-straddle seating and which is steered by a steering wheel.

G. The provisions of this section shall apply only to persons operating all-terrain vehicles on public lands.

H. The provisions of this section shall not apply to persons operating an all-terrain vehicle on privately owned property.

Added by Laws 2007, c. 124, § 1, eff. Nov. 1, 2007. Amended by Laws 2008, c. 98, § 4, eff. July 1, 2008; Laws 2011, c. 110, § 2, eff. Nov. 1, 2011.

§47-11-1118. Forget-Me-Not Vehicle Safety Act - Short title.

This act shall be known and may be cited as the "Forget-Me-Not Vehicle Safety Act".

Added by Laws 2008, c. 343, § 1.

§47-11-1119. Definitions - Unattended child or vulnerable adult in motor vehicle prohibited - Exception - Penalty.

A. As used in the Forget-Me-Not Vehicle Safety Act:

1. "Person responsible for a child" means a custodial parent or legal guardian of a child, or a person who has been directed or authorized to supervise a child by that child's custodial parent or legal guardian;

2. "Unattended" means beyond a person's direct ability to care for or come to the aid of the unaccompanied person; and

3. "Motor vehicle" means the same as defined in Section 1-134 of Title 47 of the Oklahoma Statutes.

B. A person responsible for a child who is six (6) years of age or younger, or a caretaker of a vulnerable adult as defined by Section 10-103 of Title 43A of the Oklahoma Statutes, shall not leave that child or vulnerable adult unattended in a motor vehicle if the conditions, including, but not limited to, extreme weather, inadequate ventilation, or hazardous or malfunctioning components within the vehicle present a risk to the health or safety of the unattended child or vulnerable adult.

C. It shall not be considered a violation of this section if the child or vulnerable adult is accompanied in the motor vehicle by a person at least twelve (12) years of age who is not mentally incompetent as defined by Section 1-103 of Title 43A of the Oklahoma Statutes.

D. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by:

1. A fine of not less than Fifty Dollars (\$50.00) upon a first conviction;

2. A fine of not less than One Hundred Dollars (\$100.00) and ordered to perform community service of not less than fifty (50) hours upon a second conviction; and

3. A fine of not less than Two Hundred Dollars (\$200.00) upon a third or subsequent conviction, and the full record of that person's convictions of the violations of this section shall be submitted to the Department of Human Services for evaluation.

E. Any person convicted of violating the provisions of this section who has left a child or vulnerable adult unattended in a motor vehicle on the premises of any establishment which holds any license for the sale of alcoholic beverages for consumption on the premises pursuant to Section 521 of Title 37 of the Oklahoma Statutes, and who has consumed any alcoholic beverage during the period of time the child or vulnerable adult has been unattended, shall be punished by a fine of not less than Five Hundred Dollars (\$500.00).

F. Nothing in this section precludes prosecution under any other provision of law.

Added by Laws 2008, c. 343, § 2.

§47-11-1120. Removing a child from a vehicle - Immunity.

A. A person shall be immune from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a child from the motor vehicle if the person:

1. Determines the motor vehicle is locked or there is otherwise no reasonable method for the child to exit the motor vehicle;

2. Has a good-faith belief that forcible entry into the motor vehicle is necessary because the child is in imminent danger of suffering harm if not immediately removed from the motor vehicle and, based upon the circumstances known to the person at the time, the belief is a reasonable one;

3. Has contacted the local law enforcement agency, the fire department or the 911 emergency telephone service prior to forcibly entering the motor vehicle;

4. Places a notice on the motor vehicle windshield with the person's contact information, the reason the entry was made, the location of the child and that the authorities have been notified;

5. Remains with the child in a safe location, out of the elements but reasonably close to the motor vehicle, until law enforcement, fire or other emergency responder arrives; and

6. Used no more force to enter the motor vehicle and remove the child from the motor vehicle than is necessary under the circumstances.

B. Nothing in this act shall affect the person's civil liability if the person attempts to render aid to the child in addition to what is authorized by this act.

Added by Laws 2015, c. 329, § 1, emerg. eff. May 18, 2015.

§47-11-1201. Effect of regulations.

A. It is a misdemeanor and punishable by a fine of not less than One Dollar (\$1.00) nor more than Twenty-five Dollars (\$25.00) for any person to do any act forbidden or fail to perform any act required in this article. A conviction for the violation of any offense in this article shall not be recorded on the driving record of the person.

B. The parent or legal guardian of any child or the guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this article.

C. Except as otherwise provided, the provisions of this article shall apply whenever a bicycle or motorized scooter is operated upon any highway or upon any path set aside for the exclusive use of bicycles or motorized scooters.

Added by Laws 1961, p. 390, § 11-1201. Amended by Laws 2004, c. 521, § 11, eff. Nov. 1, 2004.

§47-11-1202. Traffic laws apply to persons riding bicycles or motorized scooters.

Every person riding a bicycle or motorized scooter upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except as to special regulations in this article and except to those provisions of this title which by their nature can have no application.

Added by Laws 1961, p. 390, § 11-1202. Amended by Laws 2004, c. 521, § 12, eff. Nov. 1, 2004.

§47-11-1203. Riding on bicycle or motorized scooter.

A. A person operating a bicycle shall ride upon or astride a permanent and regular attached seat.

B. No bicycle or motorized scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.

Added by Laws 1961, p. 390, § 11-1203. Amended by Laws 2004, c. 521, § 13, eff. Nov. 1, 2004.

§47-11-1204. Clinging to vehicles.

No person riding upon any bicycle, motorized scooter, coaster, roller skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

Added by Laws 1961, p. 390, § 11-1204. Amended by Laws 2004, c. 521, § 14, eff. Nov. 1, 2004.

§47-11-1205. Riding on roadway, one-way street or highway.

A. Every person operating a bicycle or motorized scooter upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as is safe to the right-hand curb or edge of the roadway, except under any of the following situations:

1. When overtaking and passing another vehicle proceeding in the same direction;

2. When preparing for a left turn at an intersection or into a private road or driveway;

3. When reasonably necessary to avoid conditions and while exercising due care, including but not limited to:

a. fixed or moving objects,

b. parked or moving vehicles,

c. pedestrians or animals,

d. surface hazards, or

e. any time it is unsafe to continue along the right-hand curb or edge of the roadway; and

4. When riding in the right-turn-only lane.

B. Any person riding a bicycle or motorized scooter upon a one-way street or highway with two or more marked lanes of travel may

ride as close as is safe to the left-hand curb or edge of the street or highway.

C. No person operating a bicycle or motorized scooter shall pass other vehicles between lanes of traffic traveling in the same direction.

D. Persons riding bicycles or motorized scooters upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles or motorized scooters. Persons riding two abreast shall not impede the normal and reasonable flow of traffic and, on a laned roadway, shall ride within a single lane.

Added by Laws 1961, p. 390, § 11-1205, eff. Sept. 1, 1961. Amended by Laws 1993, c. 301, § 3, eff. Sept. 1, 1993; Laws 2003, c. 411, § 16, eff. Nov. 1, 2003; Laws 2004, c. 521, § 15, eff. Nov. 1, 2004; Laws 2006, c. 173, § 2, eff. July 1, 2006.

§47-11-1206. Carrying articles.

No person operating a bicycle or motorized scooter shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars.

Added by Laws 1961, p. 391, § 11-1206. Amended by Laws 2004, c. 521, § 16, eff. Nov. 1, 2004.

§47-11-1207. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-11-1208. Overtaking and passing bicycle - Violations - Fines and penalties.

A. When overtaking and passing a bicycle proceeding in the same direction, a person driving a motor vehicle shall exercise due care and:

1. If there is more than one lane for traffic proceeding in the same direction, a motorist passing a cyclist shall move the vehicle to the lane to the immediate left if the lane is available and moving into the lane is reasonably safe, and the motorist shall not move back into the travel lane until the vehicle is safely clear of the overtaken person operating a bicycle;

2. If there is only one lane for traffic proceeding in the same direction, shall not overtake or pass a bicycle at a distance of less than three (3) feet between any part of the motor vehicle and any part of the bicycle or its operator, and shall not move again to the right side of the highway until the vehicle is safely clear of the overtaken person operating a bicycle; or

3. May drive to the left of the center of the roadway, including when a no-passing zone is marked as defined in Section 11-307 of this title, to pass a person operating a bicycle only if the roadway to the left of the center is unobstructed for a sufficient

distance to permit the driver to pass the person operating the bicycle safely and avoid interference with oncoming traffic. The provisions of this paragraph do not authorize driving on the left side of the center of the roadway when prohibited under Section 11-303, 11-305 or 11-306 of this title.

B. Any person who violates the provisions of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than One Hundred Dollars (\$100.00). Any second or subsequent conviction shall be a misdemeanor punishable by a term of imprisonment in the county jail for a term not to exceed thirty (30) days, or a fine of not less than One Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

C. Any person who violates the provisions of subsection A of this section and the violation results in an accident causing personal injury to another person shall, upon conviction, be guilty of a misdemeanor punishable by a term of imprisonment in the county jail for a term not to exceed three (3) months, or a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

D. 1. Any person who violates the provisions of subsection A of this section and the violation results in an accident causing great bodily injury to another person shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the custody of the county jail for a term not to exceed six (6) months, or by a fine of not more than Three Thousand Dollars (\$3,000.00), or by both such fine and imprisonment.

2. As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

E. Any person who violates the provisions of subsection A of this section and the violation results in the death of another person shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the custody of the county jail for a term not to exceed one (1) year, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

F. A person may be charged under the provisions of this section in addition to any other chargeable offense allowed by law.
Added by Laws 2006, c. 173, § 3, eff. July 1, 2006. Amended by Laws 2019, c. 348, § 1, eff. Nov. 1, 2019.

§47-11-1209. Electric-assisted bicycles and operators - Rights and restrictions - Label requirements.

A. Except as specifically provided in this section, an electric-assisted bicycle or an operator of an electric-assisted

bicycle shall be afforded the rights and privileges and be subject to all of the duties and provisions of this act.

B. An electric-assisted bicycle or a person operating an electric-assisted bicycle is not subject to the Oklahoma statutory provisions relating to financial responsibility, vehicle insurance, driver licenses, vehicle registration or certificates of title.

C. On and after January 1, 2020, manufacturers and distributors of electric-assisted bicycles shall apply a label that is permanently affixed in a prominent location to each electric-assisted bicycle. The label shall contain the classification number, top assisted speed and motor wattage of the electric-assisted bicycle, and it shall be printed in Arial font in at least 9-point type.

D. A person shall not tamper with or modify an electric-assisted bicycle so as to change the motor-powered speed capability or engagement of an electric-assisted bicycle, unless he or she appropriately replaces the label indicating the classification required in subsection C of this section.

E. An electric-assisted bicycle may be ridden where bicycles are permitted to travel subject to the following provisions:

1. A Class 1, Class 2 or Class 3 electric-assisted bicycle may be ridden on bicycle or multiuse paths where bicycles are permitted. However, the local authority or state agency having jurisdiction over a bicycle or multiuse path may prohibit the operation of Class 1, Class 2 or Class 3 electric-assisted bicycles on that path; and

2. This subsection shall not apply to a trail designated as nonmotorized if such trail has a natural surface tread made by clearing and grading the native soil with no added surfacing materials. A local authority or state agency may regulate the use of electric-assisted bicycles or any class thereof on such trails that are under its jurisdiction.

F. The use of Class 3 electric-assisted bicycles shall be subject to the following provisions:

1. No person under sixteen (16) years of age may operate a Class 3 electric-assisted bicycle. A person under sixteen (16) years of age may ride as a passenger on a Class 3 electric-assisted bicycle that is designed to accommodate passengers.

2. All Class 3 electric-assisted bicycles shall be equipped with a speedometer that is capable of displaying the speed the electric-assisted bicycle is traveling in miles per hour.

G. An electric-assisted bicycle shall be considered a motor vehicle to the extent required for compliance with 23 U.S.C., Section 154.

Added by Laws 2019, c. 43, § 4, eff. Nov. 1, 2019. Amended by Laws 2021, c. 398, § 1, eff. Nov. 1, 2021.

§47-11-1210. Throwing objects at riders - Penalties.

It shall be unlawful for any person to maliciously throw an object at or in the direction of any person riding a bicycle, equine or animal-drawn vehicle. Any person convicted of the provisions of this section shall be guilty of a misdemeanor punishable by imprisonment in the county jail for a term of not more than one (1) year, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.
Added by Laws 2021, c. 449, § 2, eff. Nov. 1, 2021.

§47-11-1301. Driving through safety zones prohibited.

No vehicle shall at any time be driven through or within a safety zone.

Laws 1961, p. 391, § 11-1301.

§47-11-1302. Maintenance and construction zones.

A. The Department of Transportation, Oklahoma Turnpike Authority and any county or city in this state are hereby authorized to close any highway or section thereof, within their respective jurisdiction, to traffic while the highway is flooded or under repair, maintenance or construction and, in exercising the authority, shall erect or cause to be erected traffic-control devices and barricades to warn and notify the public that the highway has been closed to traffic.

B. When any highway has been closed to traffic under the provisions of subsection A of this section and traffic-control devices or barricades have been erected, it shall be unlawful for any person to drive any vehicle through, under, over, or around the traffic-control devices or barricades, or otherwise to enter the closed area. The provisions of this subsection shall not apply to persons while engaged in the construction, maintenance and repair of the highway or to persons entering therein for the protection of lives or property; provided, that persons having their places of residence or places of business within the closed area may travel, when possible to do so, through the area at their own risk.

C. Whenever construction, repair and maintenance of any highway is being performed under traffic, the Oklahoma Turnpike Authority, Department of Transportation, county or city having jurisdiction over the highway shall erect, or cause to be erected, traffic-control devices to warn and guide the public. Each person using the highway shall obey all signs, signals, markings, flagmen or other traffic-control devices which are placed to regulate, control, and guide traffic through the construction or maintenance area. As used in this subsection, "construction or maintenance area" means any area upon or around any highway that is visibly marked as an area where construction, repair, and maintenance is temporarily occurring. The construction or maintenance area also includes the lanes of highway leading up to the area upon which an activity

described in this section is being performed, beginning at the point where properly posted traffic-control devices start to warn and guide the public into and through the construction or maintenance including, but not limited to, instructions to merge from one lane into another lane, to reduce speed, or to follow directions of flagmen.

D. The "Merge Now" traffic-control device that is used to warn and guide the public using the highway to merge shall be located in advance of the highway construction or maintenance area in accordance with the standards set forth in the most current edition of the Federal Highway Administration's Manual on Uniform Traffic Control Devices. Whenever any traffic-control device requires traffic to merge due to the closure of a section or lane of highway, the merge shall be completed:

1. As soon as practicable after passing the traffic-control device; and

2. Without passing any other traffic proceeding in the same direction.

E. No person shall remove, change, modify, deface or alter any traffic-control device or barricade which has been erected on any highway under the provisions of this section.

F. Nothing in this section shall relieve the state or any of its subdivisions or their contractors, agents, servants or employees from liability for failure to perform any of the duties imposed herein.

G. Except as provided in subsection H of this section, any person who violates any provision of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or imprisonment in the county jail not to exceed thirty (30) days, or both such fine and imprisonment, and shall be liable for any damage to property, or injury to or death to persons caused by the violations. In addition, the court may order restitution in an amount equal to the actual costs of the emergency response and repair or replacement of any damaged or lost emergency equipment.

H. When any section of a highway, turnpike, county road or city street has been closed to traffic due to flooding that is ongoing and traffic-control devices or barricades have been erected by law enforcement or other government officials with authority over traffic control, it shall be unlawful for any person to tear down, damage or remove any traffic-control devices or barricades or drive any vehicle through, under, over or around the traffic-control devices or barricades, or otherwise to enter the closed area. Any person who violates the provisions of this subsection shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand

Dollars (\$1,000.00). The person shall be guilty of a misdemeanor punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00) and imprisonment in the county jail for not more than one (1) year if the operator of the motor vehicle was transporting a person eighteen (18) years of age or younger at the time of the violation.

Persons convicted pursuant to the provisions of this subsection shall be ordered to pay restitution in an amount equal to the actual costs of the emergency response and repair or replacement of any damaged or lost emergency equipment. In addition, the person shall be liable for any damage to property or injury or death to persons caused by the violation.

Added by Laws 1961, p. 391, § 11-1302, eff. Sept. 1, 1961. Amended by Laws 2004, c. 270, § 1, eff. Nov. 1, 2004; Laws 2005, c. 394, § 13, emerg. eff. June 6, 2005; Laws 2007, c. 59, § 1, eff. Nov. 1, 2007; Laws 2011, c. 257, § 1, emerg. eff. May 18, 2011; Laws 2016, c. 344, § 1, emerg. eff. June 6, 2016; Laws 2018, c. 118, § 1, eff. Nov. 1, 2018.

§47-11-1303. Endangerment of a highway worker.

A. A person shall be guilty of the offense of endangerment of a highway worker if the person commits any of the following when the act occurs within a maintenance or construction zone:

1. Exceeding the posted speed limit by fifteen (15) miles per hour or more;
2. Failing to merge as required in subsection D of Section 11-1302 of Title 47 of the Oklahoma Statutes;
3. Failing to stop for a work-zone flagman or failing to obey traffic-control devices that have been erected for purposes of warning or guiding the public into and through the construction or maintenance area;
4. Driving through or around a construction or maintenance area by any lane not clearly designated to motorists for the flow of traffic through or around the construction or maintenance area; or
5. Intentionally striking, moving or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect highway workers and motorists in the construction or maintenance area for a reason other than avoidance of an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person.

B. Upon conviction for committing the offense of endangerment of a highway worker pursuant to subsection A of this section, if no injury or death of a highway worker resulted from the offense, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00).

C. A person shall be deemed to commit the offense of aggravated endangerment of a highway worker upon conviction for any offense

pursuant to subsection A of this section when such offense occurs in a construction or maintenance area and results in the injury or death of a highway worker. Upon conviction for committing the offense of aggravated endangerment of a highway worker, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) if the offense resulted in injury to a highway worker and not more than Ten Thousand Dollars (\$10,000.00) if the offense resulted in the death of a highway worker.

D. Except for the offense provided for in paragraph 5 of subsection A of this section, no person shall be deemed to commit the offense of endangerment of a highway worker except when the act or omission constituting the offense occurred when one or more highway workers were in the construction or maintenance area.

E. No person shall be cited or convicted for endangerment of a highway worker or aggravated endangerment of a highway worker, for any act or omission otherwise constituting an offense under subsection A of this section, if such act or omission resulted, in whole or in part, from mechanical failure of the vehicle of the person or from the negligence of another person or a highway worker.

F. Upon the expiration of any contract for maintenance or construction on a section of roadway, any increased fines or penalties otherwise imposed by law shall not apply.

G. Any highway worker killed while working on a section of highway after the effective date of this act shall have that mile of road named in honor of their memory.

Added by Laws 2008, c. 291, § 1, eff. Nov. 1, 2008.

§47-11-1304. Operation Work Zone Awareness.

A. The Department of Public Safety is authorized to establish Operation Work Zone Awareness. Operation Work Zone Awareness is a program designed to educate the motoring public on the dangers of committing moving violations while traveling in highway construction work zones. The Department is authorized to develop and house on its website an online work zone awareness presentation that may include, but not be limited to, facts and figures representing the dangers of motorists committing work zone moving violations, testimonials from highway construction workers and their families, information on the importance of awareness and slowing down in work zones, and a question-and-answer section to ensure participants understand and retain the information presented. The Department is authorized to contract for the production, development, and maintenance of the webpage through a vendor. The Department shall maintain in its database a record of those completing the program.

B. Motorists receiving a citation for committing moving violations within a work zone may receive information regarding an invitation to participate in the Operation Work Zone Awareness

program. A motorist who participates in and completes the online program shall receive a certificate designed and issued by the Department. Any person producing the certificate as proof in court that the program was successfully completed shall be entitled to dismissal of the fine. If proof of successful completion of the program is presented to the court in person or electronically, no later than the business day preceding the first scheduled court appearance date, the dismissal shall be without payment of court costs. The court may access information from the Department's system to confirm completion of the program. Offenders may participate in and complete the program a maximum of one time. After completing the program, a motorist who receives another citation in a work zone will be disqualified from utilizing the program benefits a second time. If a motorist so chooses, he or she may not participate in the program and instead pay the fine imposed on the issued citation. Holders of commercial driver licenses cited while driving a commercial motor vehicle are not eligible to participate in the program.

C. Moving violations that qualify an offender to participate in the Operation Work Zone Awareness program shall include, but not be limited to, speeding, distracted driving, failure to move over, failure to obey flagger, and failure to obey traffic control devices. Motorists committing impaired driving offenses, as defined in Title 47 of the Oklahoma Statutes, in work zones, including driving under the influence, driving while intoxicated, driving under the influence under twenty-one (21) years of age, or a commercial driver license holder refusing a chemical test while driving any vehicle, shall be disqualified from the program.

D. The fee paid by a motorist for his or her participation in the Operation Work Zone Awareness program shall be Seventy-five Dollars (\$75.00) and shall be apportioned as follows:

1. Thirty-five Dollars (\$35.00) to be deposited in the Department of Public Safety Revolving Fund, created in Section 2-144.1 of Title 47 of the Oklahoma Statutes, to be used for maintenance of the Operation Work Zone Awareness program;

2. Fifteen Dollars (\$15.00) to be deposited in the Department of Public Safety Patrol Vehicle Revolving Fund created in Section 2-143 of Title 47 of the Oklahoma Statutes; and

3. Twenty-five Dollars (\$25.00) to be deposited in the Oklahoma Court Information System Revolving Fund, created in Section 1315 of Title 20 of the Oklahoma Statutes, to be used to offset expenses related to this program.

The Department is authorized to determine the manner in which fees may be paid.

Added by Laws 2022, c. 270, § 2, eff. Nov. 1, 2022.

§47-11-1401. Unlawful acts - Signs - Violations.

A. It shall be unlawful for any person to enter that part of a turnpike enclosed by fence except in a vehicle at authorized entrances.

B. It shall be unlawful for the driver of any vehicle to fail to pay the toll as prescribed by the Oklahoma Turnpike Authority.

C. It shall be unlawful for any person to operate a vehicle on a turnpike with knowledge that the registered owner of the vehicle is liable for any outstanding toll evasion violations issued pursuant to paragraph 7 of subsection B of Section 11-1401.2 of this title.

D. It shall be unlawful for any person to cross a turnpike except at grade separations provided for cross traffic or through drainage structures under the turnpike.

E. It shall be unlawful for any person to travel a turnpike on foot except to leave or service a disabled vehicle, or for any person to hitchhike on a turnpike.

F. It shall be unlawful for any person to tear down, damage or remove any turnpike fence.

G. It shall be unlawful to drive, operate or ride any bicycle or other man-powered vehicle or means of transportation on a turnpike. The Oklahoma Turnpike Authority may prohibit any light, mechanically powered vehicle from entering the turnpike, or any other vehicle it determines would be injurious to the turnpike surfacing or would be a traffic hazard.

H. When any section of highway has been closed to traffic by the Oklahoma Turnpike Authority and traffic-control devices or barricades have been erected, it shall be unlawful for any person to drive any vehicle through, under, over, or around the traffic-control devices or barricades, or otherwise to enter the closed area.

I. Subsections A through H of this section shall not apply to:

1. Officers, employees, agents or contractors of the Oklahoma Turnpike Authority in performance of their duties;
2. Commissioned officers of the Department of Public Safety;
3. Emergency vehicle operators at the request of the Department of Public Safety; or
4. Agents, employees or contractors of public utilities while actually engaged in work in furtherance of construction, maintenance or repair of such public utilities located on, above or below a turnpike.

J. It shall be unlawful for any vehicle, except:

1. Authorized emergency vehicles;
2. Vehicles owned by the Oklahoma Turnpike Authority, its agents or contractors;
3. Vehicles owned by public utilities, their agents, employees or contractors, while actually engaged in construction, maintenance or repair of such public utilities; and

4. Wrecker vehicles while performing services at the request of the Department of Public Safety, to cross the center dividing strip of a turnpike, or to travel on any lane of a turnpike in a direction contrary to the direction of traffic on such lane.

K. All vehicles traveling on a turnpike shall comply at all times with signs placed on the turnpike regulating traffic thereon.

L. No vehicle shall move from one lane to another unless the way is clear to do so and upon proper signaling.

M. Any person who violates any provision of this section shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided in Section 17-101 of this title.

Added by Laws 1961, p. 391, § 11-1401, eff. Sept. 1, 1961. Amended by Laws 1991, c. 309, § 8, eff. July 1, 1991; Laws 1993, c. 303, § 1; Laws 2001, c. 202, § 2, eff. Nov. 1, 2001; Laws 2008, c. 319, § 5, eff. Nov. 1, 2008; Laws 2009, c. 95, § 1, eff. Nov. 1, 2009; Laws 2021, c. 243, § 1, eff. Nov. 1, 2021.

§47-11-1401.1. Oklahoma Electronic Toll Collection Act - Short title.

This act shall be known and may be cited as the "Oklahoma Electronic Toll Collection Act".

Added by Laws 1997, c. 278, § 1, emerg. eff. May 27, 1997.

§47-11-1401.2. Oklahoma Electronic Toll Collection Act - Definitions - Imposition of toll evasion violation penalties.

A. For purposes of this section:

1. "Authority" means the Oklahoma Turnpike Authority;
2. "Department" means the Department of Public Safety;
3. "Electronic toll collection system" means a system of collecting tolls or charges which is capable of charging an account holder the appropriate toll or charge by transmission of information from an electronic device on a motor vehicle to the toll lane, which information is used to charge the account the appropriate toll or charge;

4. "Owner" means any person, corporation, partnership, firm, agency, association, or organization who, at the time of the violation and with respect to the vehicle identified in the notice of toll evasion violation:

- a. is the beneficial or equitable owner of the vehicle,
- b. has title to the vehicle,
- c. is the registrant or coregistrant of the vehicle which is registered with Service Oklahoma or a similar registering agency of any other state, territory, district, province, nation or other jurisdiction,
- d. uses the vehicle in its vehicle renting businesses, or

- e. is a person entitled to the use and possession of a vehicle subject to a security interest in another person;

5. "Photo-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection facility which automatically produces one or more photographs, one or more microphotographs, a videotape or other recorded images of each vehicle at the time it is used or operated on the turnpikes under the Authority's jurisdiction;

6. "Toll collection regulations" means those rules and regulations of the Oklahoma Turnpike Authority or statutes providing for and requiring the payment of tolls and/or charges prescribed by the Authority for the use of turnpikes under its jurisdiction or those rules and regulations of the Authority or statutes making it unlawful to refuse to pay or to evade or to attempt to evade the payment of all or part of any toll and/or charge for the use of turnpikes under the jurisdiction of the Authority;

7. "Toll evasion violation" means a failure to comply with the Authority's toll collection regulations, including the failure to pay an invoice submitted by the Authority via its video toll collection system;

8. "Vehicle" means every device in, upon or by which a person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks;

9. "Video toll collection system" means a photo-monitoring system used to charge and collect tolls from owners of vehicles imaged using the turnpike system. The owner of a vehicle imaged by the photo-monitoring system may or may not be an Authority account holder; and

10. "Video toll collection system account" means the administrative assignment of all vehicles registered to an owner to an account for efficient billing of the appropriate toll or charge to an owner.

B. 1. Notwithstanding any other provision of law, there shall be imposed monetary liability on the owner of a vehicle for failure of an operator thereof to comply with the toll collection regulations of the Oklahoma Turnpike Authority in accordance with the provisions of this section.

2. An owner's vehicle shall be registered with Service Oklahoma or a similar registering agency of this state or any other state, territory, district, province, nation or other jurisdiction that permits access to owner registration information upon request by or agreement with the Authority for the purpose of carrying out the Authority's governmental functions. If a registering agency does not permit access to the Authority, an owner may comply by direct registration with the Authority.

3.
 - a. The owner of a vehicle shall be liable for a civil penalty imposed pursuant to this section if the vehicle was used or operated with the permission of the owner, express or implied, in violation of the toll collection regulations, and such violation is evidenced by information obtained from a photo-monitoring system.
 - b. No owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of the vehicle has been convicted of failing to pay a cash toll, in violation of toll collection regulations, for the same incident.
 - c. An owner or operator of a vehicle is subject to a charge by the Department or other law enforcement agency for an owner's failure to timely pay an invoice for tolls and/or charges submitted by the Authority through its video toll collection system.

4. A certificate, sworn to or affirmed by an agent of the Authority, or facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a photo-monitoring system shall be prima facie evidence of the facts contained therein and shall be admissible in any proceeding charging a violation of toll collection regulations. The photographs, microphotographs, videotape or other recorded images evidencing such a violation shall be available for inspection and admission into evidence in any proceeding to adjudicate the liability for the violation. Each photo-monitoring system shall be checked bimonthly for accuracy, and shall be maintained, adjusted or replaced if necessary to ensure the systems are operating properly.

5. An owner found liable for a violation of toll collection regulations pursuant to this section shall be liable for a monetary penalty of Twenty-five Dollars (\$25.00) for each violation. Liability for this monetary penalty does not abrogate an owner's obligation to pay toll charges associated with the violation, and the Authority may pursue collection of such unpaid toll charges pursuant to this section.

6. An imposition of liability pursuant to this section shall be based upon a preponderance of evidence as submitted. An imposition of liability pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the motor vehicle operating record of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

7.
 - a. A notice of toll evasion violation shall be sent by regular first-class mail to each person alleged to be liable as an owner for a violation of toll collection regulations. The notice shall be mailed no later than

forty-five (45) days after the alleged violation. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the receipt of the notice.

- b. A notice of toll evasion violation shall contain the name and address of the person alleged to be liable as an owner for a violation of toll collection regulations pursuant to this section, the registration or the license tag number of the vehicle involved in the violation, the location where the photo-monitoring system recorded the vehicle's image, the date and time of the image, the identification number of the photo-monitoring system which recorded the image or other document locator number and the nature of the violation.
- c. Notice of toll evasion violation shall be prepared and mailed by the Authority or its agents and shall contain information advising the person of the applicable monetary penalty and method of payment thereof and the manner and the time in which the person may contest the liability alleged in the notice. The notice of toll evasion violation shall contain, or be accompanied with, an affidavit of nonliability and information of what constitutes nonliability, information as to the effect of executing the affidavit and instructions for returning the affidavit to the Authority and shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that the penalty shall be imposed and may be collected as authorized by law. In addition to the notice required by subparagraph a of this paragraph, the Authority may elect to send a subsequent notice of toll evasion violation by certified mail or other comparable form of private or public delivery service. Such notice shall contain a statement to the registered owner that, unless the registered owner pays the toll evasion penalty or contests the notice within twenty-one (21) days after receipt of the certified mail notice of toll evasion violation or completes and files the affidavit of nonliability, the renewal of the vehicle registration shall be contingent upon compliance with the notice of toll evasion violation.
- d. If the toll evasion penalty is received by the Authority and there is no contest as to that toll

evasion violation, the proceedings under this section shall terminate.

- e. If the registered owner fails to pay the toll evasion penalty as required in this section, or fails to contest the notice of toll evasion violation issued pursuant to subparagraph c of this paragraph as provided in subparagraph a of paragraph 8 of this subsection, the registered owner shall be deemed liable for the violation by operation of law. The toll evasion penalty and any administrative fees or charges shall be considered a debt due and owing the Authority by the registered owner and the Authority may proceed to collect such penalty, fees or charges under paragraph 10 of this subsection.
8. a. Within twenty-one (21) days after receipt of a notice of toll evasion violation a person may contest a notice of toll evasion violation. In that case, the Authority shall do the following:
- (1) the Authority shall investigate the circumstances of the notice with respect to the contestant's written explanation of reasons for contesting the toll evasion violation. If, based upon the results of the investigation, the Authority is satisfied that the violation did not occur or that the registered owner was not responsible for the violation, the Authority shall maintain an adequate record of the findings of the investigation. Within thirty (30) days of receipt of a notice of contest the Authority shall complete such investigation and mail the results of the investigation to the person who contested the notice of toll evasion violation, and
 - (2) if the person contesting a notice of toll evasion violation is not satisfied with the results of the investigation provided for in division (1) of this subparagraph, the person may, within fifteen (15) days of the mailing of the results of the investigation, deposit the amount of the toll evasion penalty and request an administrative review. An administrative review shall be held within ninety (90) calendar days following the receipt of a request for an administrative review, excluding any continuance time. The person requesting the review may request and shall be allowed one continuance, not to exceed twenty-one (21) calendar days.

- b. The administrative review procedure shall consist of the following:
- (1) the person requesting an administrative review shall indicate to the Authority his or her election for a review by mail or personal conference and may provide materials in support of the contest of the results of the investigation,
 - (2) upon ten (10) days' written notice mailed to the contestant, the administrative review shall be conducted before an examiner designated to conduct review by the Authority's governing body or Director of the Oklahoma Turnpike Authority. In addition to any other requirements of employment, an examiner shall demonstrate those qualifications, training, and objectivity prescribed by the Authority's governing body or Director as are necessary and which are consistent with the duties and responsibilities set forth in this section and Section 11-1401.1 et seq. of this title,
 - (3) the officer or person authorized to issue a notice of toll evasion violation shall be required to participate in an administrative review. The Authority shall not be required to produce any evidence other than the notice of toll evasion violation or copy thereof, a photograph of the rear of the vehicle, information received from Service Oklahoma identifying the registered owner of the vehicle, and a notarized statement from the person reporting the violations. The documentation in proper form shall be considered prima facie evidence of the violation, and
 - (4) the review shall be conducted in accordance with paragraph 6 of this subsection and in accordance with the written procedure established by the Authority which shall ensure fair and impartial review of contested toll evasion violations. The examiner's final decision shall be in writing and shall be delivered personally or by registered mail to the contestant within ten (10) days of the review. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the receipt of such decision.

9.
 - a. Within twenty (20) days after receipt of the final decision described in division (4) of subparagraph b of paragraph 8 of this subsection, the contestant may seek review by filing an appeal to the district court having jurisdiction in the county in which the contestant lives, where the same shall be heard on the record. A copy of the notice of appeal shall be served in person or by first-class mail upon the Authority by the contestants. For purposes of computing the twenty-day period, the Code of Civil Procedure, Section 2006 of Title 12 of the Oklahoma Statutes, shall be applicable.
 - b. The conduct of the hearing on appeal under this section is a subordinate judicial duty which may be performed by referees, masters or other subordinate judicial officials at the direction of the district court.
 - c. If no notice of appeal of the Authority's decision is filed within the period set forth in subparagraph a of this paragraph, the examiner's decision shall be deemed final.

10. Except as otherwise provided in paragraphs 11 and 12 of this subsection, the Authority shall proceed under one or more of the following options to collect an unpaid toll evasion penalty:

- a. the Authority may file an itemization of unpaid toll evasion penalties and administrative and service fees with the Commission for collection at the time of registration of the vehicle pursuant to paragraph 19 of this subsection, or
- b. the Authority may contract with a collection agency to collect unpaid toll evasion penalties, fees, and charges.

11. The Authority shall not file a civil judgment with the district court relating to a toll evasion violation which has been filed with Service Oklahoma unless the Authority has determined that the registration of the vehicle has not been renewed for sixty (60) days beyond the renewal date and the notice has not been mailed by Service Oklahoma pursuant to paragraph 19 of this subsection.

12. If an owner receives a notice of toll evasion violation pursuant to this paragraph for any time period during which the vehicle was reported to the police department as having been stolen, it shall be a valid defense to an allegation of liability for a violation of toll collection regulations that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. If an owner receives a notice of toll evasion violation pursuant to this paragraph for any time period during which the vehicle was stolen,

but not yet reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of toll collection regulations pursuant to this paragraph that the vehicle was reported as stolen within two (2) hours after the discovery of the theft by the owner. For purposes of asserting the defense provided by this subsection it shall be sufficient that a certified copy of the police report of the stolen vehicle be sent by first-class mail to the Authority and the district court having jurisdiction.

13. Subject to the review procedures contained in paragraph 8 of this subsection, an owner of a vehicle to which a notice of toll evasion violation was issued pursuant to paragraph 7 of this subsection shall not be liable for the violation of the toll collection regulations provided that the owner sends to the Authority the affidavit of nonliability described in paragraph 7 of this subsection, within twenty-one (21) days after receiving the original notice of toll evasion violation. Failure to send such information within the time period shall render the owner liable for the penalty prescribed by this section.

14. In connection with the preparation and mailing of a notice of toll evasion violation, the Authority shall ensure adequate and timely notice to all video toll collection system and electronic toll collection system account holders to inform them when their accounts are delinquent. An owner who is an account holder under the video toll collection system or electronic toll collection system shall not be found liable for a violation of this section unless the Authority has first sent a notice of delinquency to the account holder and the account holder was in fact delinquent at the time of the violation.

15. Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of toll collection laws or regulations.

16. Notwithstanding any other provision of law, all photographs, microphotographs, videotape or other recorded images prepared pursuant to this section shall be for the exclusive use of the Authority in the discharge of its duties under this section and shall not be open to the public nor be used in any court in any action or proceeding pending therein unless the action or proceeding relates to:

- a. the imposition of or indemnification for liability pursuant to this section, or
- b. an investigation or prosecution for a criminal violation of the laws of the State of Oklahoma. Such records shall be available to a law enforcement officer or law enforcement agency for law enforcement purposes related to an investigation or prosecution of a criminal violation of the laws of the State of

Oklahoma pursuant to a duly issued search warrant, subpoena, or order of the court requiring such disclosure to a law enforcement officer or agency.

17. The Authority shall not sell, distribute or make available in any way, the names and addresses of video toll collection system and electronic toll collection system account holders or Authority patrons, without the consent of the account holders or patrons, to any entity that will use the information for any commercial purpose.

18. a. Except as provided in subparagraph c of this paragraph, Service Oklahoma shall refuse to renew the registration of any vehicle if the registered owner or lessee has been mailed by certified mail a notice of toll evasion violation as provided in subparagraph c of paragraph 7 of this subsection, the Authority has transmitted to Service Oklahoma an itemization of unpaid toll evasion penalties, including administrative fees, pursuant to paragraph 10 of this subsection, and the toll evasion penalty and administrative fee have not been paid pursuant to paragraph 9 of this subsection, unless the full amount of all outstanding toll evasion penalties and administrative fees, as shown by records of Service Oklahoma are paid to Service Oklahoma at the time of application for renewal.
- b. The Authority shall issue a notice of disposition of toll evasion violation to a lessor, if the lessor provides the Authority with the name, address, and driver license number of the lessee at the time of the occurrence of the toll evasion violation.
- c. Service Oklahoma shall renew the registration of any vehicle if the applicant provides Service Oklahoma with the notice of disposition of toll evasion violation issued pursuant to subparagraph b of this paragraph for clearing all outstanding toll evasion penalties, fees and assessments, as shown by the records of Service Oklahoma, and the applicant has met all other requirements for registration.

19. Service Oklahoma shall include on each vehicle registration renewal notice issued for use at the time of renewal, or on an accompanying document, an itemization of unpaid toll evasion penalties, fees and assessments, showing the amount thereof and the date of toll evasion relating thereto, which the registered owner or lessee is required to pay pursuant to paragraph 18 of this subsection.

20. a. Except as provided in subparagraph b of this paragraph, Service Oklahoma shall remit all toll evasion penalties, fees and assessments collected,

after deducting the administrative fee authorized by paragraph 21 of this subsection, for each notice of toll evasion violation for which toll evasion penalties, fees and assessments have been collected pursuant to paragraph 18 of this subsection, to the Authority. Within forty-five (45) days from the time penalties, fees and assessments are paid to Service Oklahoma, Service Oklahoma shall inform the Authority which of its notices of toll evasion violation have been collected.

- b. For each notice of toll evasion violation for which toll evasion penalties, fees and assessments have been collected by Service Oklahoma pursuant to paragraph 17 of this subsection, the Authority is due an amount equal to the sum of the unpaid toll, administrative fees, other costs incurred by the Authority that are related to toll evasion, process service fees, and fees and collection costs related to civil debt collection. After deducting Service Oklahoma's administrative fee authorized by paragraph 21 of this subsection, Service Oklahoma shall promptly pay to the Authority the amounts due the Authority for unpaid tolls, administrative fees, other costs incurred by the Authority that are related to toll evasion, process service fees, and fees and collection costs related to civil debt collection.

21. Service Oklahoma shall assess a fee for the recording of the notice of toll evasion violation, which is given to Service Oklahoma pursuant to paragraph 10 of this subsection, in an amount, as determined by Service Oklahoma, that is sufficient to provide a total amount equal to at least its actual costs of administering paragraphs 18, 19 and 22 of this subsection.

22. Whenever a vehicle is transferred or not renewed for two renewal periods and the former registered owner or lessee of the vehicle owes a toll evasion penalty and administrative fees for a notice of toll evasion violation filed with Service Oklahoma pursuant to paragraph 10 of this subsection, Service Oklahoma shall notify the Authority of that fact and is not required thereafter to attempt collection of the toll evasion penalty and administrative fees.

This legislation shall not be construed to affect in any way the power which the Oklahoma Turnpike Authority possesses to establish tolls and other charges in connection with their turnpike facilities, including the authority to establish a one-way toll collection system for any of its facilities or a toll discount structure for certain classes of patrons using any of its facilities.

Added by Laws 1997, c. 278, § 2, emerg. eff. May 27, 1997. Amended by Laws 2012, c. 43, § 1, emerg. eff. April 16, 2012; Laws 2013, c. 15, § 28, emerg. eff. April 8, 2013; Laws 2015, c. 129, § 1, eff. Nov. 1, 2015; Laws 2016, c. 79, § 1, eff. Nov. 1, 2016; Laws 2021, c. 243, § 2, eff. Nov. 1, 2021; Laws 2022, c. 282, § 96, emerg. eff. May 19, 2022.

NOTE: Laws 2012, c. 132, § 1 repealed by Laws 2013, c. 15, § 29, emerg. eff. April 8, 2013.

§47-11-1402. Enforcement of laws - Costs - Authority of other entities.

A. Except as otherwise provided in this section, enforcement of both traffic laws and the general laws of the State of Oklahoma on the turnpikes shall be the exclusive authority of the Department of Public Safety, and the cost thereof shall be borne by the Oklahoma Turnpike Authority. Provided that the Authority shall be liable only for such costs as may be agreed to by it under contract or agreement with the Commissioner of Public Safety.

B. Upon a written request by the Department of Wildlife Conservation to the Commissioner of Public Safety, the Department of Public Safety, upon the approval of the Commissioner of Public Safety, may enter into a written agreement with the Department of Wildlife Conservation permitting the Department of Wildlife Conservation to perform on the turnpikes of this state those law enforcement duties specified in the agreement. The request by the Department of Wildlife Conservation must be acted upon by the Commissioner within sixty (60) days of receiving such request. The costs of performing those law enforcement duties shall be the responsibility of the Department of Wildlife Conservation and no costs shall be the responsibility of the Oklahoma Turnpike Authority or the Department of Public Safety.

C. On the turnpikes, the Oklahoma State Bureau of Investigation shall have the authority to investigate and enforce all laws relating to any crime listed in Section 571 of Title 57 of the Oklahoma Statutes.

Added by Laws 1961, p. 392, § 11-1402, eff. Sept. 1, 1961. Amended by Laws 2003, c. 461, § 14, eff. July 1, 2003; Laws 2004, c. 418, § 17, eff. July 1, 2004; Laws 2008, c. 365, § 1, eff. Nov. 1, 2008; Laws 2015, c. 397, § 4, eff. Nov. 1, 2015.

§47-11-1403. Agreements as to law enforcement - Equipment - Charges - Payments - Funds.

The Commissioner of Public Safety and the Oklahoma Turnpike Authority are hereby authorized to enter into contracts and agreements for law enforcement on turnpikes. The Department of Public Safety is authorized to use any of its automotive and other equipment in policing turnpikes, and to charge the Authority for the

use thereon on a rental basis to be agreed to by the Department and the Authority, and to perform such services in connection with policing turnpikes with its general personnel and equipment at such rates, salaries, expenses, and miscellaneous costs as may be agreed to by the Department and the Authority. It is the intent of this section that rental rates and other costs of policing turnpikes shall be determined on an average actual cost basis, and in accordance with salaries and expenses paid by the Department of Public Safety in its regular operations. Payments shall be made by the Authority monthly and shall be remitted to the Department of Public Safety to be credited to the Department of Public Safety Restricted Revolving Fund in the State Treasury. Such monies shall be expended for vehicles, equipment, personnel and other operating expenses for turnpike enforcement.

Added by Laws 1961, p. 393, § 11-1403, eff. Sept. 1, 1961. Amended by Laws 1979, c. 47, § 15, emerg. eff. April 9, 1979; Laws 1983, c. 286, § 25, operative July 1, 1983; Laws 1987, c. 5, § 158, emerg. eff. March 11, 1987; Laws 1988, c. 290, § 15, operative July 1, 1988; Laws 2001, c. 133, § 4, emerg. eff. April 24, 2001; Laws 2012, c. 283, § 9, eff. July 1, 2012.

§47-11-1404. Flashing and signal lights.

Vehicles or equipment owned by the Oklahoma Transportation Authority, its agents or contractors, and public utilities, and engaged in maintenance or emergency operations, shall be equipped with such flashing and signal lights as may be prescribed by this title or by federal regulation, pursuant to 49 C.F.R., Section 571.108.

Added by Laws 1961, p. 393, § 11-1404, eff. Sept. 1, 1961. Amended by Laws 2002, c. 397, § 23, eff. Nov. 1, 2002.

§47-11-1405. Repealed by Laws 2008, c. 319, § 9, eff. Nov. 1, 2008.

§47-12-101. Driving or permitting to be driven vehicle with unsafe or missing equipment - Other forbidden acts - Exceptions relating to requirements for equipment - Rules - Definitions.

A. It shall be a misdemeanor, upon conviction, punishable as provided in Section 17-101 of this title, for any person:

1. To drive or move, or for the owner to cause or permit to be driven or moved on any highway, any vehicle or combination of vehicles which:

- a. is known to be in such unsafe condition as to endanger any person,
- b. is known not to contain those parts required by this chapter,

- c. is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or
 - d. is known to be equipped in any manner in violation of this chapter;
- 2. To do any act forbidden under this chapter; or
- 3. To fail to perform any act required under this chapter.
- B. Nothing contained in this chapter shall be construed to prohibit on any vehicle:
 - 1. Equipment required by the United States Department of Transportation pursuant to 49 C.F.R., Chapter V; or
 - 2. The use of additional parts and accessories which are not inconsistent with provisions of this chapter.
- C. The provisions of Article II et seq. of this chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, farm tractors, motorcycles as defined in Section 12-601 of this title, or vehicles designed to be moved solely by animal or human power, except as specifically made applicable in this chapter.
- D. Any specific requirement of this chapter with respect to equipment on any vehicle, other than a bicycle, shall not apply if the vehicle was lawfully designed and manufactured without such equipment; provided, the provisions of this chapter shall apply to any homemade vehicle or any vehicle constructed from a kit or from plans.
- E. Low-speed and medium-speed electrical vehicles which are in compliance with the equipment requirements in 49 C.F.R., Section 571.500 shall be deemed to be in compliance with the provisions of this chapter.
- F. The provisions of this chapter shall not apply to vehicles registered in Oklahoma as antique or classic vehicles pursuant to Sections 1105 and 1135.1 of this title and rules promulgated pursuant thereto.
- G. The Commissioner of Public Safety may promulgate rules regarding vehicle equipment and standards for vehicle equipment required to maintain such equipment in safe condition and in compliance with this chapter.
- H. Any person producing proof within forty-eight (48) hours that a condition or equipment for which the person was cited as defective, missing, prohibited, improper, unauthorized or otherwise in violation of this chapter has been remedied by the person shall be entitled to dismissal of such charge without assessment of court costs.
- I. As used in this chapter:
 - 1. "Lamp" means an electrical device producing artificial illumination by use of one or more lights, each light of which

performs the same function or separate functions as required by this chapter;

2. "Lightweight vehicle" means a motor vehicle that has a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or less, other than:

- a. a vehicle that is being used to transport passengers for hire, or
- b. a vehicle that is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded under 49 C.F.R., Section 177.823;

3. "Nighttime" or "night" means any time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise; and

4. "Passenger car" means a motor vehicle designed for carrying ten persons, including the driver, or less except a low-speed or medium-speed electrical vehicle or motorcycle, as defined in Section 12-601 of this title.

Added by Laws 1961, p. 393, § 12-101, eff. Sept. 1, 1961. Amended by Laws 1993, c. 13, § 2, emerg. eff. March 24, 1993; Laws 2001, c. 243, § 3, eff. Nov. 1, 2001; Laws 2003, c. 411, § 17, eff. Nov. 1, 2003; Laws 2004, c. 5, § 44, emerg. eff. March 1, 2004; Laws 2005, c. 50, § 4, eff. Nov. 1, 2005; Laws 2007, c. 62, § 15, emerg. eff. April 30, 2007; Laws 2008, c. 302, § 2, emerg. eff. June 2, 2008. NOTE: Laws 2003, c. 199, § 9 repealed by Laws 2004, c. 5, § 45, emerg. eff. March 1, 2004.

§47-12-101.1. Sale of improperly equipped vehicle - Improper equipping or operation of improperly equipped vehicle.

A. Unless previously disclosed through written documentation, no person shall knowingly have for sale, sell, or offer for sale any vehicle to be operated on the highways of this state unless it is equipped as required by this chapter.

B. No person shall knowingly equip or operate on the highways of this state any vehicle with equipment unless it complies with the requirements of this chapter.

Added by Laws 2003, c. 411, § 19, eff. Nov. 1, 2003.

§47-12-101.2. Construction of act - Severability.

This act shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this chapter shall be severable and if any phrase, clause, sentence or provision of this chapter is declared to be invalid or to be preempted by federal law or regulation, the validity of the remainder of this chapter shall not be affected thereby, and the remaining provisions shall be in full force and effect.

Added by Laws 2003, c. 411, § 20, eff. Nov. 1, 2003. Amended by Laws 2005, c. 50, § 5, eff. Nov. 1, 2005.

§47-12-102. Renumbered as § 12-428 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-201. Proper display of lamps and other signal devices - Adoption of federal specifications and standards.

A. The United States Department of Transportation specifications and standards for headlamps, auxiliary driving lamps, tail lamps, signal lamps, reflectors, and other lighting equipment and signal devices, pursuant to 49 C.F.R., Section 571.108, are hereby adopted by the State of Oklahoma.

B. Except as otherwise provided in this chapter and subject to exceptions for parked vehicles, every vehicle upon a highway within this state shall properly display all lamps and illuminating devices as required by law:

1. At any time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise, also referred to in this chapter as nighttime; and

2. At any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand (1,000) feet or less.

C. All lamps required by this chapter shall display a steady light except as otherwise prescribed by this chapter. Any required individual lamp may be combined or incorporated with any other required individual lamp if the combined or incorporated lamps meet all of the individual lighting requirements of this chapter for each individual lamp contained therein.

D. No lamp, other than a headlamp, displayed on any vehicle shall project a glaring light; provided, every headlamp shall comply with Section 12-222 of this title.

Added by Laws 1961, p. 394, § 12-201, eff. Sept. 1, 1961. Amended by Laws 1992, c. 57, § 1, eff. Sept. 1, 1992; Laws 1993, c. 255, § 1, eff. Sept. 1, 1993; Laws 2003, c. 411, § 21, eff. Nov. 1, 2003; Laws 2005, c. 50, § 6, eff. Nov. 1, 2005.

§47-12-202. Visibility distance and mounted height of lamps.

A. Any requirement of this chapter as to distance from which certain lamps and devices shall render objects visible, or within which such lamps or devices shall be visible, shall apply during the times stated in subsection B of Section 12-201 of this title in respect to a vehicle without load when upon a straight, level, unlighted highway, under normal atmospheric conditions unless a different time or condition is expressly stated.

B. Any requirement of this chapter as to the mounted height of lamps or devices shall mean from the center of such lamp or device

to the level ground upon which the vehicle stands when such vehicle is without a load.

Added by Laws 1961, p. 394, § 12-202. Amended by Laws 2003, c. 411, § 22, eff. Nov. 1, 2003.

§47-12-203. Head lamps on motor vehicles.

A. Every motor vehicle shall be equipped with at least two headlamps emitting a white light with at least one lamp on each side of the front of the motor vehicle on the same level and as far apart as practicable. The headlamps shall comply with the requirements and limitations set forth in this chapter.

B. Every headlamp upon every motor vehicle shall be located at a height of not more than fifty-four (54) inches nor less than twenty-two (22) inches to be measured as set forth in subsection B of Section 12-202 of this title.

C. The headlamps on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

1. There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least six hundred (600) feet ahead for all conditions of loading;

2. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least two hundred (200) feet ahead; and

3. On a straight, level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

D. Every motor vehicle which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and shall not otherwise be lighted.

Added by Laws 1961, p. 394, § 12-203, eff. Sept. 1, 1961. Amended by Laws 1996, c. 18, § 1, eff. Nov. 1, 1996; Laws 2003, c. 411, § 23, eff. Nov. 1, 2003.

§47-12-203.1. Number of driving lamps required or permitted.

A. At all times specified in subsection B of Section 12-201 of this title, at least two lighted headlamps shall be displayed, one on each side at the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles, as provided in Section 12-214 of this title.

B. Whenever a motor vehicle equipped with headlamps as herein required is also equipped with any auxiliary driving lamps or a spot

lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred (300) candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

C. The driver of any vehicle shall comply with the provisions of Section 12-217 of this title regarding the use of alternate headlamp equipment.

Added by Laws 1961, p. 401, § 12-226. Amended by Laws 2003, c. 411, § 43, eff. Nov. 1, 2003. Renumbered from Title 47, § 12-226 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-203.2. Use of distribution of light or composite beam lighting equipment.

Whenever a motor vehicle is being operated on a roadway, or shoulder adjacent thereto, during the times specified in subsection B of Section 12-201 of this title, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

1. Whenever a driver of a vehicle approaches an oncoming vehicle within one thousand (1,000) feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in paragraph 2 of subsection C of Section 12-203 of this title shall be deemed to avoid glare at all times, regardless of road contour and loading.

2. Whenever the driver of a vehicle follows another vehicle within six hundred (600) feet to the rear, such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in paragraph 1 of subsection C of Section 12-203 of this title.

Added by Laws 1961, p. 400, § 12-222. Amended by Laws 2003, c. 411, § 39, eff. Nov. 1, 2003. Renumbered from Title 47, § 12-222 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-203.3. Headlamps with single distribution of light - Farm tractors and certain other motor vehicles.

Headlamps arranged to provide a single distribution of light shall be permitted on farm tractors and motor vehicles manufactured and sold prior to September 1, 1962, in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

1. The headlamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five (25) feet ahead project higher than a level

of five (5) inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead.

2. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least three hundred (300) feet. Added by Laws 1961, p. 401, § 12-223. Amended by Laws 2003, c. 411, § 40, eff. Nov. 1, 2003. Renumbered from Title 47, § 12-223 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-203.4. Lighting equipment upon motor vehicles operated below certain speed.

Any motor vehicle operated at a speed of twenty (20) miles per hour or less may be operated under the conditions specified in subsection B of Section 12-201 of this title when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects one hundred (100) feet ahead in lieu of lamps required in Section 12-203 or 12-203.3 of this title.

Added by Laws 1961, p. 401, § 11-225, eff. Sept. 1, 1961. Renumbered from § 11-225 of this title by Laws 2000, c. 189, § 13, eff. July 1, 2000. Amended by Laws 2003, c. 411, § 42, eff. Nov. 1, 2003. Renumbered from § 12-225 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003. Amended by Laws 2005, c. 50, § 7, eff. Nov. 1, 2005.

§47-12-204. Tail lamps.

A. Every motor vehicle, trailer, semitrailer and pole trailer, and any vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps mounted on the rear, on the same level and as widely spaced laterally as practicable which, when lighted, shall emit a red light visible from a distance of one thousand (1,000) feet to the rear; provided that, in the case of a combination of vehicles, only the tail lamp on the rearmost vehicle need actually be seen from the distance specified.

B. Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two (72) inches nor less than fifteen (15) inches.

C. Any tail lamps shall be lighted whenever the clearance lamps and:

1. Headlamps;
2. Combination of headlamps and auxiliary driving lamps, as defined in Section 12-217 of this title; or
3. Fog lamps, as defined in Section 12-217 of this title, are lighted.

Added by Laws 1961, p. 394, § 12-204. Amended by Laws 2003, c. 411, § 24, eff. Nov. 1, 2003.

§47-12-204.1. Lamps illuminating rear license plate.

A. No more than two separate lamps with a white light shall be so constructed and placed as to illuminate the rear license plate and render it clearly legible from a distance of fifty (50) feet to the rear.

B. Any separate lamp or lamps for illuminating the rear license plate, shall be lighted whenever the clearance lamps and:

1. Headlamps;
2. Combination of headlamps and auxiliary driving lamps, as defined in Section 12-217 of this title; or
3. Fog lamps, as defined in Section 12-217 of this title, are lighted.

C. The operation of a vehicle upon which the license plate is surrounded or framed, partially or in whole, by any additional lamp or lamps or otherwise lighted by any additional lamp or lamps, shall be a violation of this section. In addition, display and visibility of the rear license plate shall be in compliance with paragraph 2 of subsection A of Section 1113 of this title.

Added by Laws 2003, c. 411, § 25, eff. Nov. 1, 2003. Amended by Laws 2005, c. 50, § 8, eff. Nov. 1, 2005.

§47-12-205. Reflectors.

A. Every motor vehicle, trailer, semitrailer, and pole trailer shall carry on the rear, either as a part of the tail lamps or separately, at least two red reflectors meeting the requirements of this section; provided, that vehicles described in Section 12-208 of this title shall be equipped with reflectors as required in Sections 12-208 and 12-211 of this title.

B. Every such reflector shall be mounted on the vehicle at a height not less than fifteen (15) inches nor more than seventy-two (72) inches measured as set forth in subsection B of Section 12-202 of this title, and shall be of such size and characteristics and so mounted as to be visible at night from all distances within six hundred (600) feet to one hundred (100) feet from such vehicle when directly in front of lawful lower beams of headlamps, except as required in Sections 12-211, 12-215 and 12-216 of this title.

Added by Laws 1961, p. 394, § 12-205. Amended by Laws 2003, c. 411, § 26, eff. Nov. 1, 2003.

§47-12-206. Stop lamps.

A. Every vehicle shall be equipped with at least two stop lamps which shall meet the requirements of this section.

B. The stop lamps required by this section:

1. Shall be mounted on the rear of the vehicle at the same level, as far apart as practicable, and at a height of not more than seventy-two (72) inches nor less than fifteen (15) inches;

2. Shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight; and

3. Shall be actuated upon application of the brakes.

C. If so equipped in its original design and manufacture, every motor vehicle shall be additionally equipped with a center high-mounted stop lamp located on the vertical center line above the level of the stop lamps described in this section which shall display a red light, visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight, and which shall be actuated upon application of the brakes.

Added by Laws 1961, p. 395, § 12-206. Amended by Laws 2003, c. 411, § 27, eff. Nov. 1, 2003.

§47-12-206.1. Turn signal lamps.

A. Every vehicle shall be equipped with turn signal lamps that flash for the purpose of indicating the intention to turn either to the left or to the right.

B. The flashing turn signal lamps required by this section:

1. Shall show to the front and rear of the vehicle;

2. On the front of the vehicle, shall be located on the same level, as widely spaced laterally as practicable, at a height of not more than seventy-two (72) inches nor less than fifteen (15) inches, and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than five hundred (500) feet to the front in normal sunlight; and

3. On the rear of the vehicle, shall be located at the same level and as widely spaced laterally as practicable, at a height of not more than seventy-two (72) inches nor less than fifteen (15) inches, and when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight.

C. A truck-tractor need not be equipped with turn signal lamps mounted on the rear if the turn signals at the front are so constructed and so located that they meet the requirements for double-faced turn signals that meet the standards of the Society of Automotive Engineers (SAE).

Added by Laws 2003, c. 411, § 28, eff. Nov. 1, 2003.

§47-12-207. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-12-208. Vehicles of certain width - Clearance lamps - Side marker lamps - Reflectors.

A. In addition to other equipment required in this chapter, every vehicle, except truck-tractors and pole trailers, which is eighty (80) inches or more in overall width shall be equipped:

1. On the front, with two amber clearance lamps, one at each side located at the same level and as widely spaced laterally and as near the top as practicable;

2. On the rear, with two red clearance lamps, one at each side located at the same level and as widely spaced laterally and as near the top as practicable; provided, trailers or semitrailers are not required to comply with this paragraph;

3. On each side, with two side marker lamps, one at the front amber in color and one at the rear red in color. The marker lamps shall be located at the same level and as widely spaced laterally and as near the top as practicable, but not less than fifteen (15) inches above the surface of the road;

4. On each side, with one intermediate amber side marker lamp, at or near the midpoint between the front and rear side marker lamps, but not less than fifteen (15) inches above the surface of the road. Provided, any vehicle less than thirty (30) feet in overall length is not required to comply with this paragraph;

5. On each side, with two reflex reflectors, one at the front amber in color and one at the rear red in color. The reflex reflectors shall be located at the same level and as widely spaced laterally and as near the top as practicable, but not less than fifteen (15) inches above the surface of the road; and

6. On each side, with one intermediate amber side reflex reflector, at or near the midpoint between the front and rear side reflex reflectors, but not less than fifteen (15) inches nor more than (60) inches above the surface of the road. Provided, any vehicle less than thirty (30) feet in overall length is not required to comply with this paragraph.

B. In addition to other equipment required in this chapter, every truck-tractor shall be equipped on the front, with two amber clearance lamps, one at each side located at the same level and as widely spaced laterally and as near the top as practicable.

C. In addition to other equipment required in this chapter, every pole trailer shall be equipped:

1. On each side, with one red or amber side marker lamp and one amber clearance lamp, which may be in combination, to show to the front, side and rear; and

2. On the rear of the pole trailer or load, with two red reflex reflectors, one at each side located at the same level and as widely spaced laterally and as near the top as practicable, but not less than fifteen (15) inches above the surface of the road; provided, any load overhang of four (4) feet or more shall be lighted in compliance with Section 12-213 of this title.

D. Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this chapter.

E. In addition to other equipment required in this chapter, any motor vehicle eighty (80) inches or more in overall width shall be equipped with:

1. Three identification lamps showing to the front which shall emit an amber light; and

2. Three identification lamps showing to the rear which shall emit a red light.

Such lamps shall be placed horizontally in a row between the clearance lamps on the vertical center line of the vehicle.

Added by Laws 1961, p. 395, § 12-208. Amended by Laws 2003, c. 411, § 29, eff. Nov. 1, 2003.

§47-12-209. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-12-210. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-12-211. Visibility of reflectors, clearance lamps and marker lamps.

A. Every reflector upon any vehicle referred to in Section 12-208 of this title shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred (600) feet to one hundred (100) feet from the vehicle when directly in front of lawful lower beams of headlamps.

B. Front and rear clearance lamps shall be visible at nighttime from a distance of one thousand (1,000) feet from the front and rear, respectively, of the vehicle.

C. Side marker lamps shall be visible at nighttime from a distance of one thousand (1,000) feet from the sides of the vehicles on which mounted.

Added by Laws 1961, p. 396, § 12-211. Amended by Laws 2003, c. 411, § 30, eff. Nov. 1, 2003.

§47-12-212. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-12-213. Lamps, reflectors, and flags on projecting load.

A. Whenever the load upon any vehicle extends to the rear four (4) feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the time specified in subsection B of Section 12-201 of this title:

1. Two red lights and two red reflectors positioned to indicate maximum width; and

2. One red light facing to each side positioned to indicate maximum overhang.

The required lights and reflectors may be mounted in combination at each side of the vehicle and shall be visible from a distance of one thousand (1,000) feet.

B. At any other time on any such vehicle, there shall be displayed at the extreme rear end of such load red flags not less than twelve (12) inches square marking the extremities of such load at each point where a lamp would otherwise be required by this section.

Added by Laws 1961, p. 396, § 12-213. Amended by Laws 2003, c. 411, § 31, eff. Nov. 1, 2003.

§47-12-214. Lamps on parked or stopped motor vehicles.

A. Whenever a motor vehicle or combination of vehicles is parked or stopped, whether attended or unattended, upon a roadway or shoulder adjacent thereto, and there is not sufficient light to reveal the parked or stopped vehicle to the operator of another vehicle within a distance of one thousand (1,000) feet upon such roadway or shoulder, such vehicle so parked or stopped shall display the following:

1. At least two lamps displaying a white or amber light visible from a distance of one thousand (1,000) feet to the front of the vehicle; and

2. At least two lamps displaying a red light visible at a distance of one thousand (1,000) feet to the rear of the vehicle.

B. Subsection A of this section shall not apply to:

1. A vehicle parked or stopped on a street or highway with designated on-street parking or with a speed limit of twenty-five (25) miles per hour or less:

- a. when the vehicle is positioned as close as practicable to the outer edge of the roadway or of the shoulder, if present, or

- b. unless the street or highway is posted as a no-parking area;

2. A vehicle which has lost the ability to display lamps and the vehicle is parked or stopped off the roadway;

3. A vehicle which is disabled, unattended, and parked or stopped off the roadway; or

4. An authorized emergency vehicle of a law enforcement agency, when such vehicle is parked or stopped on the shoulder.

C. Any lighted headlamps upon a parked or stopped vehicle shall be lower beams.

Added by Laws 1961, p. 397, § 12-214. Amended by Laws 2003, c. 411, § 32, eff. Nov. 1, 2003.

§47-12-215. Lamps on farm tractors - Farm equipment and implements of husbandry.

A. Every farm tractor and every self-propelled farm equipment unit or implement of husbandry not equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, be equipped with at least one lamp displaying a white

light visible when lighted from a distance of not less than five hundred (500) feet to the front of such vehicle and shall also be equipped with at least one lamp displaying a red light visible when lighted from a distance of not less than five hundred (500) feet to the rear of such vehicle.

B. Every self-propelled unit of farm equipment not equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, in addition to the lamps required in subsection A of this section, be equipped with two red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet to the rear when directly in front of lawful upper beams of head lamps.

C. Every combination of farm tractor and towed unit of farm equipment or implement of husbandry not equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, be equipped with the following lamps:

1. At least one lamp mounted to indicate as nearly as practicable the extreme left projection of said combination and displaying a white light visible when lighted from a distance of not less than five hundred (500) feet to the front of said combination; and

2. Two lamps each displaying a red light visible when lighted from a distance of not less than five hundred (500) feet to the rear of said combination or, as an alternative, at least one lamp displaying a red light visible when lighted from a distance of not less than five hundred (500) feet to the rear thereof and two red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet to the rear thereof when illuminated by the upper beams of head lamps.

D. Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, be equipped with two single-beam or multiple-beam head lamps meeting the requirements of Section 12-203.3 of this title or, as an alternative, Section 12-602.1 of this title, and at least one red lamp visible when lighted from a distance of not less than five hundred (500) feet to the rear; provided, however, that every such self-propelled unit of farm equipment other than a farm tractor shall have two such red lamps or, as an alternative, one such red lamp and two red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet when directly in front of lawful upper beams of head lamps.

E. Every combination of farm tractor and towed farm equipment or towed implement of husbandry equipped with an electric lighting system shall at all times, as mentioned in Section 12-201 of this title, be equipped with lamps as follows:

1. The farm tractor element of every such combination shall be equipped as required in subsection D of this section.

2. The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped with two red lamps visible when lighted from a distance of not less than five hundred (500) feet to the rear or, as an alternative, two red reflectors visible from all distances within six hundred (600) to one hundred (100) feet to the rear when directly in front of lawful upper beams of head lamps.

3. Said combinations shall also be equipped with a lamp displaying a white or amber light, of any shade of color between white and amber, visible when lighted from a distance of not less than five hundred (500) feet to the front and a lamp displaying a red light visible when lighted from a distance of not less than five hundred (500) feet to the rear.

F. The lamps and reflectors required in subsections A through E of this section shall be so positioned as to show from front and rear as nearly as practicable the extreme projection of the vehicle carrying them on the side of the roadway used in passing such vehicle. If a farm tractor, or a unit of farm equipment, whether self-propelled or towed, is equipped with two or more lamps or reflectors visible from the front or two or more lamps or reflectors visible from the rear, such lamps or reflectors shall be so positioned that the extreme projections both to the left and to the right of said vehicle shall be indicated as nearly as practicable.

G. Every farm tractor and every self-propelled farm equipment unit or implement of husbandry may be equipped with a flashing, strobe-light-type device that when lighted is visible from a distance of not less than five hundred (500) feet to the front of the vehicle or from a distance of not less than five hundred (500) feet to the rear of the vehicle.

Added by Laws 1961, p. 397, § 12-215, eff. Sept. 1, 1961. Amended by Laws 2007, c. 16, § 1, eff. Nov. 1, 2007.

§47-12-216. Lamps, lighting devices, or reflectors on animal-drawn and certain other vehicles.

A. Animal-drawn vehicles and vehicles referred to in subsection C of Section 12-101 of this title, not specifically required by the provisions of this chapter to be equipped with lamps or other lighting devices, shall, at all times specified in subsection B of Section 12-201 of this title, be equipped with at least one lamp emitting a white light visible from a distance of not less than one thousand (1,000) feet to the front of said vehicle, and shall also be equipped with two lamps displaying red light visible from a distance of not less than one thousand (1,000) feet to the rear of said vehicle or, as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand (1,000) feet

to the rear and two red reflectors visible for distances of six hundred (600) feet to one hundred (100) feet to the rear when illuminated by the lower beams of headlamps.

B. The failure on the part of an owner or driver of any vehicle specified in this section to display any lamp, lighting device, or reflector required by this section shall not relieve the operator of a motor vehicle from negligence in the event of a collision. Added by Laws 1961, p. 398, § 12-216. Amended by Laws 2003, c. 411, § 33, eff. Nov. 1, 2003.

§47-12-217. Auxiliary, fog, and off-road lamps.

A. As used in this article:

1. "Auxiliary driving lamp" means a lamp mounted to provide illumination to the front of a motor vehicle;

2. "Daytime running lamp" means a lamp mounted to provide illumination to the front of a motor vehicle that will assist to identify its presence to other vehicles and pedestrians at times other than those specified in subsection B of Section 12-201 of this title;

3. "Front fog lamp" means a lamp mounted to provide illumination to the front of a motor vehicle during conditions of rain, snow, fog, dust, or other atmospheric disturbances;

4. "Rear fog lamp" means a lamp mounted to provide illumination to the rear of a motor vehicle during conditions of rain, snow, fog, dust, or other atmospheric disturbances;

5. "Off-road lamp" means any lamp designed and manufactured solely for off-road use; and

6. "Spot lamp" means a movable lamp which emits a brilliant light with a focused beam for examining objects, street address numbers, and other things alongside the road.

B. Any motor vehicle may be equipped with not to exceed two spot lamps which shall not be used in substitution of headlamps.

C. The operator of any motor vehicle:

1. Which has in use a spot lamp shall, upon the approach of another vehicle from any direction within one thousand (1,000) feet, immediately turn said spot lamp off;

2. Shall not use or turn on a spot lamp when approaching or following another motor vehicle within one thousand (1,000) feet; and

3. Shall not use or turn on a spot lamp to cause a vehicle to yield right-of-way or stop.

The provisions of this subsection shall not apply to operators of authorized emergency vehicles.

D. 1. A motor vehicle may be equipped with not to exceed two front fog lamps or two rear fog lamps which shall only be used when visibility, as described in paragraphs 3 and 4 of subsection A of this section, is limited to one-half (1/2) mile or less.

2. Front fog lamps shall be mounted on the same level on opposite sides of the front of the vehicle at or below the level of the headlamps. Front fog lamps may be used with lower beam headlamps or switch controlled in conjunction with the headlamps and may be used, at the discretion of the driver, with either low or high beam headlamps. Front fog lamps shall not be used in substitution of headlamps, when headlamps are required.

E. A motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted at a height of more than forty-two (42) inches from the ground. The auxiliary driving lamps may be used with lower beam headlamps or switch controlled in conjunction with the headlamps and may be used, at the discretion of the driver, with either low or high beam headlamps.

F. Every fog lamp or auxiliary driving lamp used upon a motor vehicle shall be so adjusted and aimed that no part of the high intensity portion of the beam shall, at a distance of twenty-five (25) feet, rise above the horizontal plane passing through the center of the lamp.

G. Notwithstanding any other provision of law, a vehicle may be equipped with off-road lamps for use as headlamps while the vehicle is operated or driven off of a highway. The lamps shall be:

1. Mounted at a height of not less than forty-two (42) inches from the ground;
2. Wired independently of all other lighting; and
3. Turned off whenever the vehicle is operated or driven upon a highway.

H. 1. A motor vehicle may be equipped with not to exceed two daytime running lamps which conform to 49 C.F.R., Section 571.108, S5.5.11.

2. Daytime running lamps shall not be used in substitution of headlamps.

3. Daytime running lamps shall be mounted on the front of a motor vehicle and shall be wired to be:

- a. automatically activated when the vehicle is started, and
- b. automatically deactivated when the headlamp control is in any "on" position.

Added by Laws 1961, p. 398, § 12-217, eff. Sept. 1, 1961. Amended by Laws 1993, c. 13, § 3, emerg. eff. Mar. 24, 1993; Laws 2003, c. 411, § 34, eff. Nov. 1, 2003; Laws 2008, c. 402, § 2, eff. Nov. 1, 2008.

§47-12-218. Emergency vehicles - Flashing lights.

A. Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this title, be equipped with flashing red or blue lights or a combination of

flashing red and blue lights. The lights shall be visible at five hundred (500) feet in normal sunlight.

B. A law enforcement vehicle when used as an authorized emergency vehicle may but need not be equipped with alternately-flashing red or blue lights specified herein. An unmarked vehicle used as a law enforcement vehicle for routine traffic enforcement shall be equipped with the following combination of lights:

1. Three flashing red, blue, or a combination of red and blue lights emitting the flashing lights to the front of the vehicle;

2. Two flashing white lights emitting the flashing white lights to the front of the vehicle;

3. Flashing red, blue, white or any combination of red, blue or white lights placed at and emitting the flashing lights from the four corners of the vehicle so that they are visible for three hundred sixty (360) degrees; and

4. One flashing red, blue, amber, or any combination of red, blue, or amber lights emitting the flashing light to the rear of the vehicle.

C. The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right-of-way and stop for authorized emergency vehicles, as prescribed in Section 11-405 of this title.

Added by Laws 1961, p. 399, § 12-218, eff. Sept. 1, 1961. Amended by Laws 1993, c. 13, § 4, emerg. eff. March 24, 1993; Laws 1998, c. 55, § 1, eff. Nov. 1, 1998; Laws 1999, c. 24, § 3, eff. July 1, 1999; Laws 1999, c. 189, § 2, eff. July 1, 1999; Laws 2000, c. 35, § 1, eff. July 1, 2000; Laws 2003, c. 411, § 35, eff. Nov. 1, 2003.

§47-12-218.1. Use of lights on wreckers and tow vehicles.

Flashing red or blue lights or a combination of flashing red and blue lights may be used on licensed Class AA wreckers or wrecker support vehicles at the scene of an emergency.

Any licensed Class AA wrecker or wrecker support vehicle may be equipped with a lamp displaying an amber light, visible from a distance of not less than five hundred (500) feet to the front of the vehicle or from a distance of not less than five hundred (500) feet to the rear of the vehicle. Such lamp shall only be used when leaving the scene of a tow service call and for the purpose of warning the operators of other vehicles to exercise care in approaching, overtaking or passing such vehicle.

Added by Laws 2003, c. 411, § 36, eff. Nov. 1, 2003. Amended by Laws 2009, c. 101, § 1, eff. Nov. 1, 2009; Laws 2010, c. 39, § 2, eff. Nov. 1, 2010.

§47-12-218.2. Vehicles operated by rural letter carriers or any highway contract route vehicles delivering mail - Flashing lights.

Any privately owned motor vehicle operated by a rural letter carrier or any highway contract route vehicle while engaged in the delivery of mail may be equipped with no more than two simultaneously flashing amber lights and a sign reading "U.S. MAIL" for the purpose of warning the operators of other vehicles to exercise care in approaching, overtaking, or passing. Such lights shall be activated as the rural carrier stops on or adjacent to the roadway for the purpose of delivering or collecting United States mail. Such lights shall be of double face or two-way type, be visible when turned on for at least five hundred (500) feet to the front and rear of the vehicle in normal sunlight, be mounted on the highest part of the roof of the vehicle and be spaced laterally as far as practicable to each side of the vehicle. The sign and lights shall be installed so that the sign is lowered and lights turned off before the first stop on the route and following the last one. Added by Laws 2003, c. 411, § 37, eff. Nov. 1, 2003.

§47-12-219. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-12-220. Back-up and vehicular hazard warning lamps.

A. Any motor vehicle shall be equipped with not more than two back-up lamps either separately or in combination with other lamps. Any back-up lamp shall not be lighted when the motor vehicle is in forward motion.

B. Every vehicle shall be equipped with vehicular hazard warning lamps required for that vehicle at the time the vehicle was manufactured by standards of the United States Department of Transportation pursuant to 49 C.F.R., Section 571.108. Such lamps shall be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this title. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than five hundred (500) feet in normal sunlight.

C. Any vehicle may be equipped with one or more side marker lamps and any such lamp may be flashed in conjunction with the turn or vehicular hazard warning lamps.

Added by Laws 1961, p. 400, § 12-220. Amended by Laws 2003, c. 411, § 38, eff. Nov. 1, 2003.

§47-12-221. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-12-222. Renumbered as § 12-203.2 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-223. Renumbered as § 12-203.3 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-224. Renumbered as § 12-602.1 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

NOTE: Renumbering by Laws 2003, c. 411, § 85 was editorially renumbered from Title 47, § 12-603 to avoid a duplication in numbering.

§47-12-225. Renumbered as § 12-203.4 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-226. Renumbered as § 12-203.1 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-227. Special restriction on lamps.

A. Any lighted lamp or illuminating device upon a motor vehicle, other than headlamps, spot lamps, auxiliary driving lamps, flashing turn signals, vehicular hazard warning lamps, authorized emergency vehicle lamps, snow removal and construction and maintenance vehicle warning lamps and school bus and church bus warning lamps, which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle.

B. Except as provided in Sections 12-218, 12-218.1, 12-228, and 12-229 of this title, no person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying or capable of displaying a red or blue light visible from directly in front of the center thereof.

C. Flashing lights are prohibited except on:

1. An authorized emergency vehicle, as provided in Section 12-218 of this title;

2. A school bus or a church bus, as provided in Section 12-228 of this title;

3. Any snow-removal, construction and maintenance equipment, as provided in Section 12-229 of this title;

4. A wrecker or tow vehicle while at the scene of an emergency or loading or unloading a vehicle in close proximity to traffic as needed for safety precautions or as a means of indicating the

presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing, as provided in Section 12-218.1 of this title;

5. Any vehicle as a means of indicating a right or left turn, as provided in Sections 12-206.1 and 12-606 of this title;

6. Any vehicle as a means of indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing, as provided in Section 12-220 of this title;

7. Any vehicle displaying side marker lamps which flash in conjunction with turn signal lamps or vehicle hazard warning lamps, as provided in Section 12-220 of this title;

8. A farm tractor or an implement of husbandry, as provided in Section 12-215 of this title;

9. Any vehicle used while performing official duties as a rural or contract route mail carrier of the United States Postal Service, as provided in Section 12-218.2 of this title;

10. Any vehicle being used in the collection of refuse, solid waste or recyclables displaying side marker lamps which flash in conjunction with turn signal lamps or vehicle hazard warning lamps indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing, as provided in Section 12-220 of this title; or

11. Any road-service vehicle, as provided in Section 2 of this act.

D. Blue lights are prohibited except as allowed in Sections 12-218, 12-218.1, and 12-229 of this title.

E. Any person violating the provisions of subsection B, C or D of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

Added by Laws 1961, p. 402, § 12-227, eff. Sept. 1, 1961. Amended by Laws 1978, c. 262, § 3, eff. Oct. 1, 1978; Laws 1993, c. 13, § 5, emerg. eff. March 24, 1993; Laws 1996, c. 22, § 3, eff. July 1, 1996; Laws 1998, c. 26, § 1, eff. Nov. 1, 1998; Laws 1999, c. 189, § 3, eff. July 1, 1999; Laws 2003, c. 411, § 44, eff. Nov. 1, 2003; Laws 2005, c. 50, § 9, eff. Nov. 1, 2005; Laws 2005, c. 193, § 2, eff. Nov. 1, 2005; Laws 2010, c. 39, § 3, eff. Nov. 1, 2010; Laws 2011, c. 81, § 1, eff. Nov. 1, 2011; Laws 2016, c. 187, § 2, eff. Nov. 1, 2016; Laws 2021, c. 301, § 1, eff. Nov. 1, 2021.

§47-12-228. Special lighting equipment and warning devices on school buses and church buses.

A. In addition to any other equipment and distinctive markings required by this title, every school bus and every church bus shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall display to the front two

alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level. These lights shall be visible at five hundred (500) feet in normal sunlight.

B. Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight (8) inches in height, located between the warning signal lights as high as possible without impairing visibility of the lettering, and have no other lettering on the front or rear of the vehicle, except as required by 47 C.F.R., Part 571.

C. Every church bus shall bear upon the front and rear thereof plainly visible signs containing the words "CHURCH BUS" in letters not less than eight (8) inches in height, located between the warning signal lights as high as possible without impairing visibility of the lettering. In addition, such church bus may be equipped with visual signals meeting the requirements of subsection A of this section.

D. Every school bus manufactured on or after September 1, 1992, shall be equipped with a stop signal arm that complies with 49 C.F.R., Section 571.131.

E. In addition to the lights required by subsection A of this section, any school bus shall be equipped with amber signal lamps mounted near each of the four red lamps and at the same level but closer to the vertical center line of the bus, which shall display two alternately flashing amber lights to the front and two alternately flashing amber lights to the rear. These lights shall be visible at five hundred (500) feet in normal sunlight. These lights shall be displayed by the school bus driver at least one hundred (100) feet, but not more than five hundred (500) feet, before every stop at which the alternately flashing red lights required by subsection A will be actuated.

F. The State Board of Education, with the approval of the Commissioner of Public Safety, is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses consistent with, and supplemental to, the provisions of this chapter. Such standards and specifications shall be identical to any Federal Motor Vehicle Safety Standard which regulates the same aspect of performance of the same equipment or device. Where there is no applicable Federal Motor Vehicle Safety Standard, the standards and specifications shall conform to the greatest extent feasible with any other relevant standard issued or endorsed by federal agencies or recognized standard-setting organizations.

G. During the time any school bus or church bus is operating, the school bus or church bus shall have its headlights activated.

H. It shall be unlawful to operate any red flashing warning signal light on any school bus except when any said school bus is stopped on a highway for the purpose of permitting school children to board or discharge from said school bus.

I. It shall be unlawful to operate any red flashing warning signal light on any church bus except when any said bus is stopped on a highway for the purpose of permitting passengers to board or discharge from said bus.

J. The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right-of-way and stop for school buses, as prescribed in Section 11-705 of this title, and for church buses, as prescribed in Section 11-705.1 of this title.

K. The loading lamps on school buses converted for purposes other than transporting pupils to or from school shall be disconnected, except for buses purchased for use by religious organizations as church buses.

Added by Laws 1961, p. 402, § 12-228, eff. Sept. 1, 1961. Amended by Laws 1973, c. 112, § 3; Laws 1978, c. 262, § 4, eff. Oct. 1, 1978; Laws 1991, c. 91, § 1, eff. July 1, 1991; Laws 1992, c. 81, § 1, eff. July 1, 1992; Laws 1999, c. 189, § 4, eff. July 1, 1999; Laws 2003, c. 411, § 45, eff. Nov. 1, 2003.

§47-12-229. Standards and specifications for lights on vehicles or machinery operated by state or other government jurisdictions.

A. The Department of Transportation shall adopt standards and specifications applicable to headlamps, clearance lamps, identification and other lamps on snow-removal equipment, when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this chapter. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow-removal equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Association of State Highway Officials.

B. It shall be unlawful to operate any snow-removal equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

C. Flashing amber lights may be used on vehicles or machinery owned or operated by any agency of the state or by any county or city when engaged in the performance of emergency work or on the construction or maintenance of highways.

D. Rear facing flashing red and blue lights may be used on vehicles or machinery owned or operated by the Oklahoma Department of Transportation, the Oklahoma Turnpike Authority, or by any county

when engaged in the performance of emergency work or on the construction or maintenance of highways.

Added by Laws 1961, p. 402, § 12-229, eff. Sept. 1, 1961. Amended by Laws 2003, c. 411, § 46, eff. Nov. 1, 2003; Laws 2010, c. 39, § 4, eff. Nov. 1, 2010; Laws 2011, c. 81, § 2, eff. Nov. 1, 2011.

§47-12-230. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-12-231. Repealed by Laws 2001, c. 131, § 19, eff. July 1, 2001.

§47-12-232. Vans operated for nonprofit charitable organization equipped with strobe-light-type device.

A. Every multiple-passenger van owned and operated by a nonprofit charitable organization for the purpose of transporting children to or from any destination may be equipped with a flashing, strobe-light-type device that when lighted may be visible from a distance of not less than five hundred (500) feet to the front of the vehicle or from a distance of not less than five hundred (500) feet to the rear of the vehicle.

B. During the time that the multiple-passenger van is operating, the multiple-passenger van may have the strobe-light-type device activated.

C. Each vehicle displaying such lights shall simulate the color of lights used on school buses as provided in Section 12-228 of Title 47 of the Oklahoma Statutes.

D. As used in this section, "nonprofit charitable organization" shall mean any organization that is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 United States Code, Section 501(c)(3).

Added by Laws 2008, c. 360, § 1, eff. Nov. 1, 2008.

§47-12-233. Commercially registered road-service vehicles.

A. Flashing yellow and white lights may be used on commercially registered road-service vehicles when providing road services and repairs to disabled Class A commercial vehicles and passenger vehicles.

B. Any commercially registered road-service vehicles may be equipped with flashing yellow and white lights visible from a distance of not less than five hundred (500) feet to the rear of the vehicle. Such lights shall only be used for the purpose of warning the operators of other vehicles to exercise care in approaching, overtaking or passing such vehicle. Road-service vehicles shall bear a sign on each side of the vehicle that indicates the name of the road-service company and shall be visible from a distance of not less than two hundred (200) feet.

C. As used in this section, "road-service vehicle" means a commercially registered vehicle capable of on-site repairs for Class A commercial vehicles and passenger vehicles.
Added by Laws 2021, c. 301, § 2, eff. Nov. 1, 2021.

§47-12-301. Brake equipment required.

A. Every motor vehicle manufactured prior to September 1, 1961, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

B. 1. Every motor vehicle manufactured on or after September 1, 1961, operated upon the highways shall be equipped with service brakes upon all wheels.

2. A truck or truck-tractor having three or more axles need not be equipped with brakes on the front axle if:

- a. the vehicle was manufactured on or before July 24, 1980, or
- b. the vehicle was manufactured on or after July 25, 1980, but no later than October 26, 1986, and the brake components have not been removed. If the brake components have been removed, the vehicle shall be retrofitted to meet the requirements of this section.

C. 1. Every trailer, semitrailer, and pole trailer of a gross vehicle weight rating of three thousand (3,000) pounds or more when operated upon a highway shall be equipped with brakes:

- a. adequate to control the movement of and to stop and to hold such vehicle,
- b. so designated as to be applied by the driver of the towing motor vehicle from its cab. Provided, braking systems commonly known as "surge brakes" shall be lawful when used on a trailer which is towing or transporting a vessel or vessels, and
- c. so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied.

2. Every trailer, semitrailer, and pole trailer required to be equipped with brakes, except motor vehicles engaged in drive-away tow-away operations as provided in 49 C.F.R., Part 393.42, shall be equipped with brakes which are designed to be applied automatically and promptly upon break-away from the towing vehicle, and means shall be provided to maintain application of the brakes on the trailer in such a case for at least fifteen (15) minutes.

3. Any trailer, semitrailer, or pole trailer having a gross vehicle weight rating of less than three thousand (3,000) pounds need not be equipped with brakes; provided, the trailer, semitrailer, or pole trailer shall be equipped with brakes if the weight of the towed vehicle exceeds forty percent (40%) of the gross vehicle weight rating of the towing vehicle.

D. Every motor vehicle and every combination of vehicles shall be equipped with a parking brake system adequate to hold the vehicle or combination on any grade on which it is operated under all conditions of loading, on a surface free from snow, ice, or loose material.

E. The braking system on the rear axle of any motor vehicle may be used for both service brake and parking brake operation.

F. 1. Air brake systems installed on towed vehicles manufactured shall be designed as provided in 49 C.F.R., Section 393.43.

2. Every truck or truck-tractor, if used to tow a trailer equipped with brakes, shall be equipped with service brakes as provided in 49 C.F.R., Section 393.43.

3. Every truck or truck tractor equipped with air brakes, when used to tow another vehicle equipped with full air brakes, in operations other than drive-away or tow-away, shall, in addition to the above, be equipped with two means of activating the emergency features of the trailer brakes as provided in 49 C.F.R., Section 393.43.

4. Every motor vehicle which is equipped with power brakes, shall comply with 49 C.F.R., Section 393.49.

5. Every truck tractor and truck used for towing other vehicles equipped with vacuum brakes, in operations other than drive-away tow-away, on and after September 1, 1961, shall, in addition to other requirements of state and federal law, comply with 49 C.F.R., Section 393.43.

G. Every bus, truck, and truck-tractor which is equipped with an air or vacuum brake system, shall be equipped with a reservoir as required by 49 C.F.R., Section 393.50, sufficient to insure a brake application capable of stopping the vehicle within the stopping distance requirements of Section 12-302 of this title in the event the engine stops.

H. Every bus, truck and truck-tractor shall be equipped with service brake warning devices and signals as required by 49 C.F.R., Part 393.51.

I. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle. The brakes shall be capable of stopping the vehicle, or a combination of vehicles, within the stopping distance requirements of Section 12-302 of this title.

Added by Laws 1961, p. 403, § 12-301, eff. Sept. 1, 1961. Amended by Laws 1967, c. 140, § 5, emerg. eff. April 27, 1967; Laws 2001, c. 131, § 9, eff. July 1, 2001; Laws 2003, c. 411, § 47, eff. Nov. 1, 2003; Laws 2005, c. 50, § 10, eff. Nov. 1, 2005.

§47-12-302. Performance ability of brakes.

A. Every motor vehicle or combination of vehicles, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:

1. Developing a braking force that is not less than the percentage of its gross weight, as specified in subsection D of this section;

2. Decelerating to a stop from a speed of twenty (20) miles per hour at not less than the rate specified in subsection D of this section; and

3. Stopping from a speed of twenty (20) miles per hour in not more than the distance specified in subsection D of this section, such distance to be measured from the point at which movement of the service brake pedal or control begins.

B. Upon application of the parking brake system and with no other brake system applied, a motor vehicle or combination of motor vehicles shall, at all times and under all conditions of loading, be capable of stopping from a speed of twenty (20) miles per hour in not more than the distance specified in subsection D of this section, such distance to be measured from the point at which movement of the emergency brake control begins.

C. Conformity to the stopping-distance requirements of subsections A and B of this section shall be determined under the following conditions:

1. Any test must be made with the vehicle on a hard surface that is substantially level, dry, smooth, and free of loose material; and

2. The vehicle must be in the center of a twelve-foot-wide lane when the test begins and must not deviate from that lane during the test.

D. Vehicle brake performance table:

Type of Motor Vehicle	Service Brake Systems		Emergency Brake Systems	
	Braking force as percentage of GVWR or GCWR	Deceleration in feet per second per second	Application and braking distance in feet	Application and braking distance in feet
1. Passenger-carrying vehicle:				
a. Vehicles with a seating capacity of				

ten persons or less, including the driver, and built on a passenger chassis:	65.2	21	20	54
b. Vehicles with a seating capacity of more than ten persons, including the driver, and built on a passenger car chassis; vehicles built on a truck or bus chassis and having a manufacturer's GVWR of 10,000 pounds or less:	52.8	17	25	66
c. All other passenger-carrying vehicles:	43.5	14	25	85
2. Property-carrying vehicles:				
a. Single-unit vehicles with a manufacturer's GVWR of 10,000 pounds or less:	52.8	17	25	66
b. Single-unit vehicles with a manufacturer's GVWR of more than 10,000 pounds. Combinations of a 2-axle towing vehicle and trailer having a GVWR of 3,000 pounds or less. All combinations of two or less vehicles in drive-away or tow- away combinations:	43.4	14	35	85
c. All other property- carrying vehicles and combinations of property-carrying vehicles:	43.5	14	40	90

E. Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent

(1%) grade), dry, smooth, hard surface that is free from loose material.

Added by Laws 1961, p. 405, § 12-302. Amended by Laws 2003, c. 411, § 48, eff. Nov. 1, 2003.

§47-12-303. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-12-304. Renumbered as § 12-608 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-305. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-306. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-307. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-308. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-309. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-310. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-311. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-312. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-313. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-314. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-315. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-12-401. Horns and warning devices.

A. Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound. The driver of a motor vehicle shall, when reasonably necessary to ensure safe operation, give audible warning with a horn but shall not otherwise use such horn when upon a highway. No driver of any vehicle shall use a horn when passing a person riding a bicycle, equine or animal-drawn vehicle under normal conditions if no imminent danger of a collision exists.

B. No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, except as otherwise permitted in subsection D of this section.

C. Any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. A theft alarm signal device shall not use a siren, as described in subsection D of this section.

D. Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this title, be equipped with a siren, or similar device, capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet and of a type approved by the Department of Public Safety, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

E. It shall be unlawful for any person to use a device capable of producing auditory warning signals similar to that on an authorized emergency vehicle or to use audible signal equipment from a motor vehicle for the purpose of causing any other motor vehicle operator to yield right-of-way and stop, or which actually causes any other motor vehicle operator to yield the right-of-way and stop, whether intended or not. The provisions of this subsection shall not apply to the operators of authorized emergency vehicles.
Added by Laws 1961, p. 407, § 12-401. Amended by Laws 2003, c. 411, § 50, eff. Nov. 1, 2003; Laws 2021, c. 449, § 5, eff. Nov. 1, 2021.

§47-12-402. Mufflers or other noise-suppressing systems -
Prevention of excessive or unusual noise.

A. Every vehicle shall be equipped, maintained, and operated so as to prevent excessive or unusual noise. Every motor vehicle shall at all times be equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation, and no person shall use a muffler cut-out, bypass or similar device. No person shall modify the exhaust system of a motor vehicle in any manner which will amplify or increase the noise or sound emitted louder than that emitted by the muffler originally installed on the vehicle.

B. The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke, or both.
Added by Laws 1961, p. 407, § 12-402. Amended by Laws 2003, c. 411, § 51, eff. Nov. 1, 2003.

§47-12-403. Mirrors.

A. Every motor vehicle shall be equipped with a mirror mounted on the left side of the vehicle and so positioned and located as to

reflect to the driver a view of the highway to the rear of the motor vehicle.

B. Every motor vehicle shall be equipped with an additional mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side and so positioned and located as to reflect to the driver a view of the highway to the rear of the vehicle.

C. Every school bus and church bus shall be equipped with a mirror system so positioned and located as to reflect to the driver, when seated in the bus driver's position, the presence of a pedestrian directly in front of the bus and beneath the driver's direct line of sight.

Added by Laws 1961, p. 408, § 12-403. Amended by Laws 2003, c. 411, § 52, eff. Nov. 1, 2003.

§47-12-404. Windshields and windows - Obstruction, obscuring, or impairing of driver's view - Electric windshield wiper mechanism.

A. As used in this section:

1. "Critical area" means the area cleaned by the normal sweep of the windshield wiper blade on the driver's side. The area covered by the wiper blade cannot be reduced from manufacturer's original specifications;

2. "Noncritical areas" means all other areas;

3. "Outright breakage" means glass which is severely cracked or shattered to the extent that air passes through it or, if by running a fingertip over the cracked area, the glass moves or sharp edges can be felt;

4. "Star break or shot damage" means a vented break with cracks radiating from the point of impact; and

5. "Stress or hairline crack" means a crack which has no visible point of impact.

B. No person shall operate any motor vehicle which:

1. Is not equipped with a windshield;

2. Has any outright breakage in the windshield or in the window on either side of the driver;

3. Has any star break or shot damage, three (3) inches or more in diameter, located in the critical area; or

4. Has two or more stress or hairline cracks, twelve (12) inches or more in combined length, located in the critical area.

C. No person shall drive any motor vehicle with any sign, poster, other nontransparent material, or debris, including but not limited to snow, ice, or frost, upon the front windshield or the side wings, or side or rear windows or suspend any sign, poster, object, or other material from the interior of the vehicle which materially obstructs, obscures, or impairs the driver's clear view of the highway ahead or to either side or of any intersecting highway.

D. The windshield on every motor vehicle shall be equipped with an electric windshield wiper mechanism for cleaning rain, snow, or other moisture from the windshield.

Every windshield wiper blade and windshield wiper mechanism upon a motor vehicle shall be maintained in good working order. When replacing the wiper blade, the length of the blade shall not be reduced from the manufacturer's specification.

Added by Laws 1961, p. 408, § 12-404. Amended by Laws 2003, c. 411, § 53, eff. Nov. 1, 2003.

§47-12-405. Tires and wheels - Peripheral equipment - Unsafe operating condition.

A. Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one (1) inch thick above the edge of the flange of the entire periphery.

B. A person shall not operate or move on any hard-surfaced highway any vehicle having any metal tire in contact with the roadway, except when authorized by special permit as provided in subsection E of this section.

C. 1. Any tire on a vehicle moved on a highway shall not have on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible:

- a. to use farm tractors or implements of husbandry with tires having protuberances which will not injure the highway,
- b. to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid, or
- c. for pneumatic tires equipped with or having on their periphery studs of metal, porcelain or other material to be sold or used in this state, if constructed to provide resiliency upon contact with the road surface, so that not more than three percent (3%) in the aggregate of the traction surface of such tire be composed of such studs and so that such studs do not project more than three-thirty-seconds (3/32) of an inch beyond the tread of the traction surface of such tire and have a rate of wear which will so limit such projection.

2. The exceptions permitted in paragraph 1 of this subsection shall be subject to the following restrictions:

- a. the use of such tires or tire chains shall be limited to vehicles with rated capacities up to and including two (2) tons,

- b. any tire so equipped shall not be used on a public highway earlier than November 1 of each year or later than April 1 of the following year, and
- c. copies of this subsection shall be posted in all places at which tires or tire chains are sold, and a printed or written warning on the time limitation for the use of such tires or tire chains shall be furnished to each buyer, purchaser, or user by the seller of such studded tires or tire chains.

D. Operator selectable "on demand" studded tires having traction-enhancing studs located outside the normal tread area which allows their operation as conventional tires on dry roads or as studded tires on ice-coated roads by the expedient of reducing or increasing the air pressure within the tires, shall be exempt from the prohibitions of subsection C of this section with the following exceptions:

- 1. The use of such tires shall be limited to vehicles with rated capacities up to and including two (2) tons;
- 2. Any such tire shall not be deflated so that the studs lower and make contact with the road surface earlier than November 1 of each year or later than April 1 of the following year.

E. The Department of Public Safety and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

F. A person shall not operate any vehicle when one or more of the tires in use on that vehicle is in unsafe operating condition or has a tread depth less than two-thirty-seconds ($2/32$) inch measured in any two adjacent tread grooves at three equally spaced intervals around the circumference of the tire; provided, such measurements shall not be made at the location of any tread wear indicator, tie bar, hump, or fillet. In the event a citation is issued under this subsection, the officer shall include the tread depth of the offending tire on the citation. As used in this subsection, an unsafe tire includes, but is not limited to, any tire:

- 1. On which the ply or cord is exposed in the tread area;
- 2. Which has been regrooved or recut below the original groove depth, except tires that have been designed with under-rubber sufficient for regrooving and are so marked;
- 3. Marked "Farm Implement Only", "Not for Highway Use", or any other marking that would indicate that the tire is not for normal highway use; provided, no such marking shall be altered or removed;
- 4. On which any bulges, bumps, or knots show in the tread or sidewall area; or

5. On the front steering axle of a truck-tractor which has tread depth measuring less than four-thirty-seconds (4/32) inch.

G. Every wheel on a vehicle shall not be cracked and shall be securely fastened to the hub of the vehicle with all lug nuts properly affixed.

Added by Laws 1961, p. 408, § 12-405. Amended by Laws 1968, c. 82, § 1, emerg. eff. April 1, 1968; Laws 1981, c. 118, § 7; Laws 1998, c. 171, § 1, eff. Nov. 1, 1998; Laws 1999, c. 41, § 1, eff. Nov. 1, 1999; Laws 2003, c. 411, § 54, eff. Nov. 1, 2003; Laws 2021, c. 114, § 1, eff. Nov. 1, 2021.

§47-12-405.1. Coupling devices - Stay chains, cables or other safety devices.

A. Every trailer, semitrailer, manufactured home, or towed motor vehicle shall be equipped with a coupling device which shall be designed, constructed, and used so that the trailer, semitrailer, manufactured home, or towed motor vehicle will follow substantially in the path of the vehicle drawing it without whipping or swerving from side to side. In addition, every such trailer, semitrailer, manufactured home, or towed motor vehicle, except a semitrailer drawn by a truck-tractor type designed to draw or support the front end of a semitrailer, shall be coupled with:

1. Stay chains or cables to the vehicle by which it is being drawn, which chains or cable shall be of sufficient size and strength to prevent parting from the drawing vehicle, should the regular coupling device break or become otherwise disengaged; or

2. Chains, cables or a safety device which provides strength, security of attachment and directional stability equal to or greater than that provided by safety chains and which prevent parting from the drawing vehicle should the regular coupling device break or otherwise become disengaged. The safety device shall be designed, constructed, and installed so that if the coupling device fails or becomes disconnected the coupling device will not drop to the ground.

B. Nothing in this section shall be construed as excepting commercial vehicles subject to the provisions of 49 C.F.R., Subpart F, Coupling Devices and Towing Methods, from complying with the provisions thereof.

C. No person shall tow any vehicle by sole use of a chain, cable, ropes, or any combination thereof.

Added by Laws 2003, c. 411, § 55, eff. Nov. 1, 2003.

§47-12-405.2. Fuel tanks and intake pipes - Projection beyond side of vehicle - Construction and attachment.

A. No fuel tank or intake pipe on any motor vehicle shall project beyond the side of the motor vehicle. In no case shall the

fuel tank or fuel intake pipe on any bus be located within or above the passenger-carrying portion of the bus.

B. Any fuel tank carried upon a motor vehicle, including any auxiliary tank, shall be of substantial construction, permanently and securely attached to the motor vehicle.

Added by Laws 2003, c. 411, § 56, eff. Nov. 1, 2003.

§47-12-405.3. Aprons.

All vehicles or combination of vehicles operating on the highways, except animal-drawn vehicles, not equipped with fenders over the rearmost wheels shall have attached thereto a rubber or fabric apron directly behind the rearmost wheels, and hanging perpendicular from the body of the vehicle. The apron shall be of such a size as to prevent the bulk of the water or any other substance picked up from the roadway from being thrown from the rear wheels of the vehicle or combination of vehicles at tangents exceeding twenty-two and one half (22 1/2) degrees measured from the road surface. The provisions of this subsection shall not apply to a farm tractor moving over the state highway system at a speed less than twenty (20) miles per hour.

Added by Laws 2003, c. 411, § 57, eff. Nov. 1, 2003.

§47-12-406. Safety glazing material or safety glass - Standards - Identification markings - Sale or replacement.

A. A motor vehicle as specified herein shall not be registered thereafter unless such vehicle is equipped with safety glazing material or safety glass of a type prescribed in this section wherever glazing material or glass is used in doors, windows, and windshields. The foregoing provisions shall apply to all passenger cars, lightweight vehicles, buses, school buses, and church buses, but in respect to trucks, including truck-tractors, the requirements as to safety glazing material or safety glass shall apply to all glazing material and glass used in doors, windows, and windshields in the drivers' compartments of such vehicles.

B. The term "safety glazing materials" or "safety glass" means glazing materials or glass so constructed, treated, or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by the safety glazing materials or safety glass when they may be cracked or broken.

C. All safety glazing materials and safety glass shall bear the manufacturer's trademark and the words "American Standard" or the letters "AS" followed by a number indicating the position in which the glass shall be used. Safety glazing materials or safety glass bearing the following identification markings shall be used in the designated locations:

1. Laminated safety glass marked "AS-1" is required in windshields and is acceptable at any other location in the vehicle;

2. Laminated safety glass marked "AS-14" is required in windshields and is acceptable at any other location in the vehicle;

3. Laminated or tempered safety glass marked "AS-2" is acceptable for use at any location in the vehicle except the windshield;

4. Laminated or tempered safety glass marked "AS-3" is acceptable anywhere on school buses except in windshields and side windows to the immediate right and left of the driver's location;

5. Rigid plastic safety glazing material marked "AS-4" or "AS-5" is acceptable anywhere on school buses except in windshields and side windows to the right or left of the driver's location;

6. Flexible plastic safety glazing material marked "AS-6" or "AS-7" is acceptable for use in rear windows of soft tops, flexible curtains, or readily removable windows; and

7. Wire glass marked "AS-8" or "AS-9" is acceptable for use in folding doors, standee and rearmost windows of buses, or windows to the rear of the driver in trucks and truck-tractors.

D. No person shall sell, or make replacements of glass, safety glazing materials, or safety glass on motor vehicles, or sell glass, safety glazing materials, or safety glass cut to size to fit windshields, door glass, or window glass of a motor vehicle in violation of the provisions of this title.

Added by Laws 1961, p. 409, § 12-406. Amended by Laws 2003, c. 411, § 58, eff. Nov. 1, 2003.

§47-12-407. Certain vehicles to be equipped with flares and other emergency equipment.

A. No person shall operate any truck, bus, truck-tractor, or any drive-away, tow-away operation upon any highway at any time unless such vehicle is equipped with emergency equipment, including, but not limited to, reflectors, flares, fusees, flags, and fire extinguishers, as provided by 49 C.F.R., Section 393.95. This section shall not apply to lightweight vehicles.

B. Every bus which is licensed for the express purpose of transporting persons for hire shall have at least one hand axe and one metal heavy-duty, ten-unit size, first-aid kit.

Added by Laws 1961, p. 409, § 12-407. Amended by Laws 2003, c. 411, § 59, eff. Nov. 1, 2003.

§47-12-408. Display of warning devices when vehicle disabled.

A. Whenever any truck, except a lightweight vehicle, or any bus, truck-tractor, trailer, semitrailer, or pole trailer, or any motor vehicle towing a manufactured home is disabled upon the traveled portion of any highway or the shoulder thereof outside of any municipality at any time when lighted lamps are required on

vehicles, the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in subsection B of this section:

1. A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

2. As soon thereafter as possible but in any event within the burning period of the fusee, the driver shall place three liquid-burning flares, or three lighted red electric lanterns or three portable red emergency reflectors on the traveled portion of the highway in the following order:

- a. one approximately one hundred (100) feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane,
- b. one approximately one hundred (100) feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle, and
- c. one at the traffic side of the disabled vehicle not less than ten (10) feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph 1 of subsection A of this section, it may be used for this purpose.

B. Whenever any vehicle referred to in this section is disabled within five hundred (500) feet of a curve, hillcrest or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than one hundred (100) feet nor more than five hundred (500) feet from the disabled vehicle.

C. Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the times specified in subsection B of Section 12-201 of this title, the appropriate warning devices prescribed in subsections A and E of this section shall be placed as follows:

1. One at a distance of approximately two hundred (200) feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane;

2. One at a distance of approximately one hundred (100) feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; and

3. One at the traffic side of the vehicle and approximately ten (10) feet from the vehicle in the direction of the nearest approaching traffic.

D. Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside of any municipality at any time when the display of fusees, flares, red electric lanterns or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately one hundred (100) feet in advance of the vehicle, and one at a distance of approximately one hundred (100) feet to the rear of the vehicle.

E. Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas is disabled upon a highway of this state at any time or place mentioned in subsection A of this section, the driver of such vehicle shall immediately display the following warning devices: One red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle, and two red electric lanterns or portable red reflectors, one placed approximately one hundred (100) feet to the front and one placed approximately one hundred (100) feet to the rear of this disabled vehicle in the center of the traffic lane occupied by such vehicle. Flares, fusees or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this paragraph.

F. The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this section shall conform with the applicable requirements of Section 12-407 of this title.

G. The provisions of this section shall not apply to vehicles bearing farm tags and used exclusively for the purpose of farming and ranching.

Added by Laws 1961, p. 410, § 12-408. Amended by Laws 1981, c. 118, § 8; Laws 2003, c. 411, § 60, eff. Nov. 1, 2003.

§47-12-409. Vehicles transporting hazardous materials.

Vehicles transporting hazardous materials as a cargo or part of a cargo shall at all times be:

1. Marked or placarded in accordance with 49 C.F.R. Section 177.823; and

2. Equipped with portable fire extinguishers in accordance with 49 C.F.R. Section 393.95(a).

Added by Laws 1961, p. 411, § 12-409, eff. Sept. 1, 1961. Amended by Laws 2001, c. 309, § 3, eff. Nov. 1, 2001.

§47-12-410. Air-conditioning equipment.

A. The term "air-conditioning equipment" as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

B. Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable or which is in violation of regulations of the Environmental Protection Agency pursuant to 40 C.F.R., Part 82 or which is not included in the list published by the Environmental Protection Agency as a safe alternative motor vehicle air conditioning substitute for chlorofluorocarbon-12, pursuant to 42 U.S.C. 7671 k(c).

C. Safety requirements and specifications consistent with the requirements of this section applicable to such equipment shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the Society of Automotive Engineers (SAE).

Added by Laws 1961, p. 412, § 12-410. Amended by Laws 2003, c. 411, § 61, eff. Nov. 1, 2003; Laws 2008, c. 315, § 1, emerg. eff. June 2, 2008.

§47-12-411. Television-type receiving equipment visible from operator's seat prohibited.

A. No motor vehicle shall be operated on the highways of this state in which there is installed any television-type receiving equipment, the viewer, monitor, or screen of which can be seen by any person sitting in the seat from which such motor vehicle is operated.

B. This section shall not be construed to prohibit the use of television-type receiving equipment used exclusively for navigation, safety of vehicle operation, or law enforcement purposes.

Added by Laws 1961, p. 412, § 12-411. Amended by Laws 2003, c. 411, § 62, eff. Nov. 1, 2003.

§47-12-412. Renumbered as § 595 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-413. Seat belts or shoulder harnesses.

It shall be unlawful for any person to sell or offer for sale at retail or trade or transfer from or to Oklahoma residents any passenger vehicle which is manufactured or assembled commencing with the 1966 models, unless such vehicle is equipped with safety belts or safety shoulder harness combinations which are installed for the use of persons in the left front and right front seats thereof.

Laws 1965, c. 86, § 1, emerg. eff. May 5, 1965.

§47-12-413.1. Supplemental restraint system.

A. As used in this section:

1. "Airbag" means an inflatable restraint device for vehicle occupants that is part of a supplemental restraint system in a motor vehicle;

2. "Counterfeit supplemental restraint system component" means a replacement supplemental restraint system component that displays a mark identical or substantially similar to the genuine mark of a motor vehicle manufacturer or supplier of parts to a motor vehicle manufacturer without authorization from that manufacturer or supplier;

3. "Nonfunctional airbag" means a replacement airbag that:

- a. was previously deployed or damaged,
- b. has an electric fault that is detected by the motor vehicles' diagnostic systems when the installation procedure is completed and the motor vehicle is returned to the customer who requested the work to be performed or when ownership is intended to be transferred,
- c. includes a part or object, including a supplemental restraint system component, installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed, or
- d. is prohibited in accordance with 49 U.S.C. Section 301209(j) from being sold or leased;

4. "Supplemental restraint system" means a passive motor vehicle occupant crash protection system designed for use in conjunction with active restraint systems, including, but not limited to, seat belt assemblies, as described in 49 CFR 571.208. Such term shall include:

- a. each airbag installed in accordance with the motor vehicle manufacturer's design, and
- b. all components required to ensure that an airbag operates as designed by the manufacturer in the event of a crash and in accordance with the federal motor vehicle safety standards for the specific make, model and year of the motor vehicle.

B. No person shall knowingly or intentionally manufacture, import, distribute, sell, offer for sale, install, or reinstall a device intended to replace a component of a supplemental restraint system if the device is:

1. A counterfeit supplemental restraint system component;
2. A nonfunctional airbag; or
3. Any object in lieu of a supplemental restraint system component if the object was not designed in accordance with federal

safety regulations for the make, model, and year of the motor vehicle in which such device is or will be installed.

C. Any person violating any of the provisions of this section, shall, upon conviction thereof, be punished as provided in Section 17-101 of Title 47 of the Oklahoma Statutes.

Added by Laws 2025, c. 65, § 1, eff. Nov. 1, 2025.

§47-12-414. Specifications.

All safety belts or safety shoulder harnesses shall be of a type and shall be installed pursuant to 49 C.F.R. §571.208 et seq.

Added by Laws 1965, c. 86, § 2, emerg. eff. May 5, 1965. Amended by Laws 2000, c. 99, § 2, eff. Nov. 1, 2000.

§47-12-415. Penalties.

Any person violating any of the provisions of Section 12-413 of this title shall, upon conviction thereof, be punished as provided in Section 17-101 of this title.

Added by Laws 1965, c. 86, § 3, emerg. eff. May 5, 1965. Amended by Laws 2000, c. 99, § 3, eff. Nov. 1, 2000.

§47-12-416. Short title.

Sections 12-416 through 12-420 of this title shall be known and may be cited as the "Oklahoma Mandatory Seat Belt Use Act".

Added by Laws 1985, c. 123, § 1, eff. Feb. 1, 1987. Amended by Laws 2005, c. 50, § 11, eff. Nov. 1, 2005.

§47-12-417. Operators and front seat passengers required to wear safety belts - Exemptions - Assessment of points prohibited - Fine and court costs limited - Municipal ordinances.

A. 1. Every operator and front seat passenger of a Class A commercial motor vehicle, Class B commercial motor vehicle, Class C commercial motor vehicle or a passenger vehicle operated in this state shall wear a properly adjusted and fastened safety seat belt system, required to be installed in the motor vehicle when manufactured pursuant to 49 C.F.R., Section 571.208.

2. For the purposes of this section, "passenger vehicle" shall mean a Class D motor vehicle, but shall not include trucks, truck-tractors, recreational vehicles, motorcycles, or motorized bicycles, or a vehicle used primarily for farm use which is registered and licensed pursuant to the provisions of Section 1134 of this title.

B. The Commissioner of Public Safety, upon application from a person who, for medical reasons, is unable to wear a safety seat belt system supported by written attestation of such fact from a physician licensed pursuant to Section 495 of Title 59 of the Oklahoma Statutes, may issue to the person an exemption from the provisions of this section. The exemption shall be in the form of a restriction appearing on the driver license of the person and shall

remain in effect until the expiration date of the driver license. Nothing in this subsection shall be construed to prevent the person from applying for another exemption as provided for in this section. The issuance of an attestation by a physician and the subsequent issuance of an exemption by the Commissioner, in good faith, shall not give rise to, nor shall the physician and the state thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of failure of the person to wear a safety seat belt system.

C. This section shall not apply to an operator of a motor vehicle while performing official duties as a route carrier of the U.S. Postal Service.

D. The Department of Public Safety shall not record or assess points for violations of this section on any license holder's traffic record maintained by Service Oklahoma.

E. Fine and court costs for violating the provisions of this section shall not exceed Twenty Dollars (\$20.00).

F. Municipalities may enact and municipal police officers may enforce ordinances prohibiting and penalizing conduct under provisions of this section, but the provisions of those ordinances shall be the same as provided for in this section, and the enforcement provisions under those ordinances shall not be more stringent than those of this section.

Added by Laws 1985, c. 123, § 2, eff. Feb. 1, 1987. Amended by Laws 1988, c. 271, § 2, eff. March 1, 1989; Laws 1997, c. 290, § 1, eff. Nov. 1, 1997; Laws 2000, c. 99, § 4, eff. Nov. 1, 2000; Laws 2002, c. 35, § 1, eff. Nov. 1, 2002; Laws 2005, c. 190, § 10, eff. Sept. 1, 2005; Laws 2012, c. 207, § 7, emerg. eff. May 8, 2012; Laws 2022, c. 282, § 97, emerg. eff. May 19, 2022.

§47-12-418. Repealed by Laws 2008, c. 302, § 13, emerg. eff. June 2, 2008.

§47-12-419. Educational program - Evaluating effectiveness of act - Reports.

A. The Department of Public Safety shall establish an educational program designed to encourage compliance with the Oklahoma Mandatory Seat Belt Use Act.

B. The Department of Public Safety shall evaluate the effectiveness of Sections 12-416 through 12-420 of this title and provide a report. The state shall include this report in the annual evaluation report on its Highway Safety Plan that it submits to the National Highway Traffic Safety Administration and the Federal Highway Administration pursuant to 23 U.S.C. 402.

Added by Laws 1985, c. 123, § 4, eff. Feb. 1, 1987. Amended by Laws 2005, c. 50, § 12, eff. Nov. 1, 2005.

§47-12-420. Civil proceedings - Effect of act.

Sections 12-416 through 12-420 of this title may be used in any civil proceeding in this state and the use or nonuse of seat belts shall be submitted into evidence in any civil suit in Oklahoma unless the plaintiff in such suit is a child under sixteen (16) years of age.

Added by Laws 1985, c. 123, § 5, eff. Feb. 1, 1987. Amended by Laws 2005, c. 50, § 13, eff. Nov. 1, 2005; Laws 2013, 1st Ex. Sess., c. 11, § 4, emerg. eff. Sept. 10, 2013; Laws 2013, 1st Ex. Sess., c. 11, § 5, emerg. eff. Sept. 10, 2013.

NOTE: Laws 2009, c. 228, § 27 was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013) and repealed by Laws 2013, 1st Ex. Sess., c. 11, § 1, emerg. eff. Sept. 10, 2013.

§47-12-421. Repealed by Laws 1991, c. 176, § 2, eff. Sept. 1, 1991.

§47-12-422. Restrictions on use of glass coating materials or sunscreening devices on windshields and windows.

A. As used in this section:

1. "Glass coating material" or "sunscreening devices" means materials, films, applications or devices which are used in conjunction with approved vehicle glazing materials for the purpose of reducing the effects of sun, but shall not include materials, films, applications, or devices with a mirrored or mirror-like finish;

2. "Light transmission" means the percentage of total light which is allowed to pass through a window;

3. "Luminous reflectance" means the ratio of the amount of total light, expressed in percentages, which is reflected outward by the glass coating material or sunscreening device to the amount of total light falling on the glass coating material;

4. "Manufacturer" means:

- a. a person who engages in the manufacturing or assembling of sunscreening devices, or
- b. a person who fabricates, laminates, or tempers glazing materials, incorporating the capacity to reflect or to reduce the transmittance of light during the manufacturing process; and

5. "Window" means the windshield, side or rear glass of a motor vehicle, including any glazing material, glass coating or sunscreening device.

B. It is unlawful, except as provided by this section, for a person to sell, install, or to operate a motor vehicle with any object or material:

1. Placed, displayed, installed, affixed, or applied upon the windshield or side or rear windows; or

2. So placed, displayed, installed, affixed, or applied in or upon the motor vehicle so as to obstruct or reduce a driver's clear view through the windshield or side or rear windows.

C. It is unlawful for any person to place, install, affix, or apply any transparent material upon the windshield or side or rear windows of any motor vehicle if such material alters the color or reduces the light transmittance of such windshield or side or rear windows except as provided in this section.

D. This section shall not apply to:

1. Side or back windows that have a substance or material in conjunction with glazing material that has a light transmission of at least twenty-five percent (25%) and a luminous reflectance of at most twenty-five percent (25%);

2. Front side wing vents and windows that have a substance or material not attached in conjunction with glazing material which is used by a vehicle operator on a moving vehicle during daylight hours;

3. Rearview mirrors;

4. Adjustable nontransparent sun visors which are mounted forward of the side windows and are not attached to the glass;

5. Signs, stickers, or other materials which are displayed in a forty-nine-square-inch area in the lower corner of the windshield farthest removed from the driver or signs, stickers, or other materials which are displayed in a forty-nine-square-inch area in the lower corner of the windshield nearest the driver;

6. Direction, designation, or termination signs on buses, if the signs do not interfere with the driver's clear view of approaching traffic;

7. Rear window wiper motors;

8. Rear window defrosters or defoggers;

9. Rear truck lid handle or hinges;

10. Side windows to the rear of the driver or back windows that have a substance or material in conjunction with glazing material that has a light transmission of at least ten percent (10%) and a luminous reflectance of at most twenty-five percent (25%) on all vehicles manufactured prior to 1996 year models, if the motor vehicle is equipped with outside mirrors on both left and right hand sides of the vehicle that are so located as to reflect to the driver a view of the highway through each mirror for a distance of at least two hundred (200) feet to the rear of the motor vehicle;

11. Transparent material which is installed, affixed, or applied to the topmost portion of the windshield if:

a. it does not extend downward beyond the AS-1 line or more than five (5) inches from the top of the windshield, whichever is closer to the top of the windshield, and

b. the material is not red or amber in color;

12. All windows to the rear of the driver's seat in a vehicle licensed as a bus, as defined by Section 1-105 of this title, or a taxicab, as defined by Section 1-174 of this title;

13. Vehicles not subject to registration in the State of Oklahoma;

14. Implements of husbandry as defined by this title; and

15. Law enforcement vehicles which are owned by the state or a political subdivision of the state.

E. This section shall not prohibit the use and placement of federal, state, or political subdivision certificates on any window as are required by applicable laws.

F. Louvered materials, when installed as designed, shall not reduce the area of the driver's visibility below fifty percent (50%) as measured on a horizontal plane. When such materials are used in conjunction with the rear window, the measurement shall be made based upon the driver's view from inside the rearview mirror.

G. A person who sells or installs any product regulated by this section shall certify in a written statement, which shall be a part of the contract for sale or installation and shall be in bold-face type, that:

1. The product sold or installed is in compliance with the reflectivity and transmittance requirements of this section;

2. The installation of the product to the driver's or passenger's side window may be illegal in some states.

H. The Commissioner of Public Safety, upon application from a person required for medical reasons to be shielded from the direct rays of the sun, supported by written attestation of such fact from a physician licensed pursuant to Section 495 of Title 59 of the Oklahoma Statutes, may issue an exemption from the provisions of this section for a motor vehicle belonging to such person or in which such person is a habitual passenger. Any person may operate a vehicle or alter the color or reduce the light transmitted through the side or rear windows of a vehicle in accordance with an exemption issued by the Commissioner.

I. Any person who violates any provision of this section, upon conviction, shall be guilty of a misdemeanor and shall be punished as provided for in Section 17-101 of this title.

Added by Laws 1991, c. 176, § 1, eff. Sept. 1, 1991. Amended by Laws 1995, c. 229, § 1, emerg. eff. May 24, 1995; Laws 2002, c. 397, § 24, eff. Nov. 1, 2002; Laws 2005, c. 190, § 11, eff. Sept. 1, 2005.

§47-12-423. Emission control system - Disconnection, alteration, modification, or replacement.

A. On any motor vehicle originally designed and equipped with an emission control system such system shall be maintained in good working order.

B. No person shall:

1. Disconnect any part of such system except temporarily in order to make repairs, replacements, or adjustments;
2. Modify or alter such system or its operation in any manner; or
3. Operate, and no owner shall cause or permit to be operated, any motor vehicle originally equipped with such system while any part of that system is known by the owner to be disconnected or while that system or its operation is modified or altered in any manner.

C. The provisions of this section shall not apply to any disconnection, alteration, modification, or replacement of a nature intended to increase effectiveness of the system in controlling the emission of air pollutants.

Added by Laws 2003, c.411, § 64, eff. Nov. 1, 2003.

§47-12-424. Obstruction to turning of steering control -
Definitions.

A. As used in this section:

1. "Jamming" means any obstruction to the turning of the steering control caused by some interference with components of the steering system, including but not limited to:

- a. tires which exceed the manufacturer's specifications, or
- b. damaged fenders that interfere with a full right or left turn; and

2. "Play" means the condition in which the steering control can be turned through some part of a revolution but does not result in movement of the front wheels.

B. No vehicle shall be operated which exhibits jamming, roughness, or binding when turning the wheels from full right to full left.

C. No vehicle shall be operated if the steering wheel:

1. Has more than six (6) inches of play, if the steering wheel is eighteen (18) inches or less in diameter; or
2. Has more than eight (8) inches of play, if the steering wheel is over eighteen (18) inches in diameter.

D. No vehicle shall be operated if any power steering pump is inoperative or is not properly operating.

Added by Laws 2003, c.411, § 65, eff. Nov. 1, 2003.

§47-12-425. Absent, disconnected, or broken parts of suspension system.

No vehicle shall be operated if any shock absorber, spring, or strut of the suspension system is absent, disconnected, or broken.

Added by Laws 2003, c.411, § 66, eff. Nov. 1, 2003.

§47-12-426. Properly operating speedometer.

Every motor vehicle shall be equipped with a properly operating speedometer capable of registering at least the maximum legal speed limit for that vehicle.

Added by Laws 2003, c.411, § 67, eff. Nov. 1, 2003.

§47-12-427. Official slow-moving vehicle emblem.

A. The triangular yellow-orange and red slow moving vehicle emblem which meets the standards and specifications of the American Society of Agricultural Engineers, ASAE S276.3, Slow-Moving Vehicle Identification Emblem, shall be recognized as the official slow-moving vehicle emblem of this state.

B. 1. All farm machinery, other machinery including all road construction and maintenance machinery, and all other vehicles and animal-drawn vehicles designed to operate and operating at a maximum speed of no more than twenty-five (25) miles per hour traveling on a highway during day or night shall display a slow-moving vehicle emblem on the rear of the vehicle.

2. When such road construction and maintenance machinery is engaged in actual construction or maintenance work and there is either a flagman or clearly visible warning signs to warn of such machinery's presence on the roadway are exempt from the requirements of this section.

C. The emblem shall be positioned as near as practicable to the center on the rear of the vehicle or machinery; provided however, that in the case of a string of farm machinery or implements being towed only one clearly visible emblem must be displayed on the rearmost vehicle.

D. The use of such emblem shall be in addition to any lighting devices or other equipment required by law. The failure on the part of an owner or driver of any nonmotor vehicle to display the emblem required in this section shall not relieve the operator of a motor vehicle from negligence in the event of a collision. No person shall use the slow-moving vehicle emblem except as required in this section.

E. The evidence as to the use of such emblem or the lack of the use of such emblem shall not be admissible in the trial of any case.

Added by Laws 1968, c. 216, § 1, emerg. eff. April 23, 1968.

Amended by Laws 1973, c. 270, §§ 1, 2, eff. Jan. 1, 1974; Laws 2003, c. 411, § 84, eff. Nov. 1, 2003. Renumbered from Title 47, § 47-149.1 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-428. Converted school buses - Color.

School buses converted for purposes other than transporting pupils to or from school shall be painted a color other than National School Bus Yellow.

Added by Laws 1973, c. 112, § 6. Amended by Laws 1974, c. 57, § 1; Laws 1978, c. 262, § 2, eff. Oct. 1, 1978; Laws 2003, c. 411, § 18, eff. Nov. 1, 2003. Renumbered from Title 47, § 12-102 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-501. Short title.

Sections 12-501 through 12-507 of this title shall be known and may be cited as the "Odometer Setting Act".

Added by Laws 1982, c. 275, § 1. Amended by Laws 2005, c. 50, § 14, eff. Nov. 1, 2005.

§47-12-502. Definitions.

As used in the Odometer Setting Act:

1. "Odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage for a limited purpose;

2. "Repair and replacement" means to restore to sound working condition by replacing the odometer or any part thereof or by correcting the inoperative part;

3. "Transfer" means to change ownership of a motor vehicle by purchase, sale or any other means wherein there is an exchange of monetary or equivalent compensation;

4. "Transferee" means any person to whom ownership of a motor vehicle is transferred by purchase or any other means wherein there is an exchange of monetary or equivalent compensation;

5. "Transferor" means any person who transfers his ownership in a motor vehicle by sale or any other means wherein there is an exchange of monetary or equivalent compensation; and

6. "True mileage driven" means the amount of mileage a motor vehicle has been driven as registered by the odometer within the designed tolerance of the manufacturer.

Added by Laws 1982, c. 275, § 2.

§47-12-503. Prohibited acts.

No person shall:

1. Advertise for sale, sell, use or install or cause to be installed or request for installation, any device which causes an odometer to register any mileage other than the true mileage driven;

2. Disconnect, reset or alter, or cause or request to be disconnected, reset or altered, the odometer of any motor vehicle with intent to change the number of miles indicated thereon;

3. Knowingly operate a motor vehicle with a disconnected or nonfunctional odometer on any street or highway with the intent of misrepresenting the true mileage driven; and

4. Conspire with any other person to violate any section of the Odometer Setting Act.

Added by Laws 1982, c. 275, § 3.

§47-12-504. Service, repair or replacement of odometer.

A. Nothing in the Odometer Setting Act shall prevent the service, repair or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair or replacement. Where the odometer is incapable of registering the same mileage as before the service, repair or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced.

B. No person shall:

1. Fail to adjust an odometer or affix a notice regarding such adjustment as required by subsection A of this section; and

2. Remove or alter any notice required by subsection A of this section to be affixed to a motor vehicle, with intent to misrepresent the true mileage driven.

Added by Laws 1982, c. 275, § 4.

§47-12-505. Transfer of ownership of motor vehicle - Information required.

A. Any transferor shall give the following written information to the transferee prior to the transfer of ownership of a motor vehicle:

1. The odometer reading at the time of transfer;

2. The date of transfer;

3. The name and current address of the transferor; and

4. The identity of the vehicle, including the make, model, year, body type and vehicle identification number.

B. In the disclosure required under this section, the transferor shall also certify that to the best of his knowledge:

1. the odometer reading reflects the actual mileage; or

2. the odometer reading does not reflect actual mileage; or

3. the mileage is in excess of the mechanical limits of the odometer.

The provisions of this section shall not apply to a transferor whenever transfer of ownership of a motor vehicle shall pass by bequest, descent, devise, gift or other means wherein there is no exchange of monetary or equivalent compensation.

Added by Laws 1982, c. 275, § 5. Amended by Laws 1989, c. 290, § 5, emerg. eff. May 24, 1989.

§47-12-506. Violation - Penalty.

Any person convicted of violating any of the provisions of the Odometer Setting Act with intent to misrepresent the true mileage driven of a motor vehicle shall be guilty of a misdemeanor and shall be punished by a fine of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment for not more than one (1) year, or by both fine and imprisonment. A person violating the provisions of the Odometer Setting Act shall have civil liability for the greater of three times the actual damages or One Thousand Five Hundred Dollars (\$1,500.00). Additionally, the court may award court costs and attorney fees to the prevailing party in a civil action. Added by Laws 1982, c. 275, § 6. Amended by Laws 1998, c. 10, § 1, eff. Nov. 1, 1998; Laws 2016, c. 9, § 1, eff. July 1, 2016.

§47-12-507. Actions - Jurisdiction - Venue - Duty to prosecute.

The district court shall have jurisdiction, for cause shown, to restrain violations of the Odometer Setting Act. The actions may be brought by the district attorney for a district wherein any act, omission or transaction constituting the violation occurred, or in the district wherein the defendant is found, is an inhabitant, or transacts business. If the district attorney fails to act, the Attorney General shall intervene and proceed with the cause of action.

Added by Laws 1982, c. 275, § 7.

§47-12-601. Headlamps and other illuminating devices on certain motorcycles - Definition.

A. Every motorcycle of the model year 1978 or later operating upon a highway within this state shall display at all times:

1. A lighted headlamp or headlamps; and
2. Any other illuminating devices, if manufactured to be displayed at all times.

This subsection shall not apply to motorcycles used in official law enforcement capacities.

B. The provisions of subsections A, C and D of Section 12-201 of this title shall apply to motorcycles; provided, however, notwithstanding the provisions of subsection E of Section 12-201 of this title, a motorcycle may be equipped with a motorcycle headlamp modulation system as authorized by 49 C.F.R., Section 571.108, S7.9.4.

C. As used in Chapter 12 of this title, "motorcycle" shall include, unless otherwise specifically indicated, motorcycles and motor-driven cycles as those terms are defined in Chapter 1 of this title.

Added by Laws 2003, c. 411, § 68, eff. Nov. 1, 2003. Amended by Laws 2004, c. 521, § 17, eff. Nov. 1, 2004; Laws 2005, c. 50, § 15, eff. Nov. 1, 2005.

§47-12-602. Headlamps required - Permissible auxiliary lighting.

A. Every motorcycle shall be equipped with at least one headlamp emitting a white light which shall comply with the applicable requirements and limitations of Section 12-203 of this title and of Sections 12-602.1, 12-203.4, 12-227 and 12-228 of this title.

B. Every headlamp upon every motorcycle shall be located at a height of not more than fifty-four (54) inches nor less than twenty-two (22) inches to be measured as set forth in subsection B of Section 12-202 of this title.

C. Subject to subsections A and B of this section, a motorcycle may be equipped with, and an operator of a motorcycle may use, the following auxiliary lighting:

1. Standard bulb running lights; or
2. Light-emitting diode pods and strips.

D. Lighting under subsection C of this section shall be:

1. Nonblinking;
2. Nonflashing;
3. Nonoscillating; and

4. Directed toward the engine and the drive train of the motorcycle to prevent interference with the driver's operation of the vehicle.

E. For purposes of this section:

1. "Headlamp" shall not include passing lamp; and
2. "Passing lamp" shall mean an auxiliary front low-beam lamp which emits a white light.

Added by Laws 2003, c.411, § 69, eff. Nov. 1, 2003. Amended by Laws 2004, c. 120, § 1, emerg. eff. April 19, 2004; Laws 2016, c. 151, § 1, eff. Nov. 1, 2017.

§47-12-602.1. Headlamps upon motorcycles - Minimum requirements.

Every headlamp upon every motorcycle shall meet the requirements set forth in subsection C of Section 12-203 of this title.

Added by Laws 1961, p. 401, § 12-224. Amended by Laws 2003, c. 411, § 41, eff. Nov. 1, 2003. Renumbered from Title 47, § 12-224 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

NOTE: Renumbering by Laws 2003, c. 411, § 85 was editorially renumbered from Title 47, § 12-603 to avoid a duplication in numbering.

§47-12-603. Tail lamps.

A. Every motorcycle shall be equipped with at least one tail lamp mounted on the rear on the vertical center line of the motorcycle which shall emit a red light plainly visible from a distance of one thousand (1,000) feet to the rear, provided that in the case of a combination of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified.

B. Every tail lamp shall be located at a height of not more than sixty (60) inches nor less than fifteen (15) inches.

C. Either a tail lamp or a separate lamp with a white light shall be so constructed and placed as to illuminate the rear license plate and render it clearly legible from a distance of fifty (50) feet to the rear. Any tail lamp, together with any separate lamp for illuminating the rear license plate, shall be lighted whenever the headlamp or driving lamp is lighted. The operation of a motorcycle upon which the license plate is surrounded or framed, partially or in whole, by any additional lamp or lamps or otherwise lighted by any additional lamp or lamps, shall be a violation of this subsection.

Added by Laws 2003, c.411, § 70, eff. Nov. 1, 2003.

§47-12-604. Reflectors.

A. Every motorcycle shall be equipped with and display at least one reflector meeting the requirements of this section.

B. Every such reflector shall be mounted on the motorcycle at a height not less than fifteen (15) inches nor more than sixty (60) inches measured as set forth in subsection B of Section 12-202 of this title, and shall be of such size and characteristics and so mounted as to be visible at night from all distances within six hundred (600) feet to one hundred (100) feet from the motorcycle when directly in front of lawful lower beams of headlamps.

Added by Laws 2003, c. 411, § 71, eff. Nov. 1, 2003. Amended by Laws 2005, c. 50, § 16, eff. Nov. 1, 2005.

§47-12-605. Stop lamps.

A. Every motorcycle shall be equipped with at least one stop lamp meeting the requirements of this section.

B. The stop lamp required by this section:

1. Shall be mounted on the rear of the motorcycle;
2. Shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight; and
3. Shall be actuated upon application of the brakes.

Added by Laws 2003, c.411, § 72, eff. Nov. 1, 2003.

§47-12-606. Electric flashing turn signal lamps.

A. Every motorcycle of model year 2005 and later shall be equipped with electric flashing turn signal lamps meeting the requirements of this section.

B. The flashing turn signal lamps required by this section:

1. Shall show to the front and rear of the motorcycle;
2. Shall be located on the same level and as widely spaced laterally as practicable on the front of the motorcycle and when in use shall display a white or amber light, or any shade of color

between white and amber, visible from a distance of not less than five hundred (500) feet to the front in normal sunlight;

3. Shall be located at the same level and as widely spaced laterally as practicable on the rear of the motorcycle and when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than five hundred (500) feet to the rear in normal sunlight; and

4. Shall indicate when actuated the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made.

Added by Laws 2003, c.411, § 73, eff. Nov. 1, 2003.

§47-12-608. Brakes on motorcycles.

The brake system on any motorcycle shall comply with performance ability standard set forth in 49 C.F.R., Section 571.121, and shall be adequate to control the movement of the motorcycle and to stop and hold the motorcycle, including two separate means of applying the brakes. One means shall be effective to apply the brakes to the front wheel, and one means shall be effective to apply the brakes to the rear wheel or wheels.

Added by Laws 1961, p. 405, § 12-304. Amended by Laws 2003, c. 411, § 49, eff. Nov. 1, 2003. Renumbered from Title 47, § 12-304 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-12-609. Motorcycles - Required equipment.

A. In addition to other requirements prescribed by this chapter, by federal law or by local ordinance, all motorcycles, except when operated on actual trail rides conducted outside of public roads and highways, shall be equipped with:

1. Two rearview mirrors, containing a reflection surface of not less than three (3) inches in diameter, mounted one on each side of the motorcycle and positioned so as to enable the operator to clearly view the roadway to the rear of the vehicle;

2. A windshield of sufficient quality, size and thickness to protect the operator from foreign objects, except that in lieu of such windshield, the operator shall wear goggles or other protective eyewear which meets American National Standards Institute (ANSI) Standard Z87.1 and provides positive retention, or a face shield of material and design to protect the operator from foreign objects;

3. A properly operating speedometer capable of registering at least the maximum legal speed limit for that motorcycle;

4. A fender over each wheel. All fenders shall be of the type provided by the manufacturer;

5. A horn which shall comply with the requirements of Section 12-401 of this title; and

6. A muffler or other effective noise-suppressing system which shall comply with the requirements of Section 12-402 of this title.

B. No person under eighteen (18) years of age shall operate or ride upon any motorcycle unless such person is properly wearing a crash helmet of a type which complies with standards established by 49 C.F.R., Section 571.218.

Added by Laws 1967, c. 140, § 3. Amended by Laws 1969, c. 131, § 1, emerg. eff. April 7, 1969; Laws 1975, c. 288, § 1; Laws 1976, c. 81, § 1, emerg. eff. May 3, 1976; Laws 2000, c. 228, § 1, eff. July 1, 2000. Amended by Laws 2003, c. 411, § 83, eff. Nov. 1, 2003. Renumbered from Title 47, § 40-105 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003; Laws 2025, c. 136, § 1, eff. Nov. 1, 2025.

§47-12-701. Provisions in chapter applicable to bicycles.

No provision in this chapter shall apply to bicycles or to equipment for use on bicycles except as to provisions in this article or unless a provision has been made specifically applicable to bicyclists, bicycles, electric-assisted bicycles or their equipment. As used in Chapter 12 of this title, "bicycle" shall include, unless otherwise specifically indicated, bicycles, mopeds, motorized bicycles, and electric-assisted bicycles, as those terms are defined in Chapter 1 of this title.

Added by Laws 2003, c. 411, § 74, eff. Nov. 1, 2003. Amended by Laws 2004, c. 521, § 18, eff. Nov. 1, 2004; Laws 2019, c. 43, § 5, eff. Nov. 1, 2019.

§47-12-702. Front lamp.

Every bicycle in use at the times described in subsection B of Section 12-201 of this title shall be equipped with a lamp on the front emitting a white light visible from a distance of at least one thousand (1,000) feet to the front. This section shall not apply to a street or highway with a speed limit of twenty-five (25) miles per hour or less.

Added by Laws 2003, c. 411, § 75, eff. Nov. 1, 2003. Amended by Laws 2005, c. 50, § 17, eff. Nov. 1, 2005.

§47-12-703. Rear lamp.

Every bicycle in use at the times described in subsection B of Section 12-201 of this title shall be equipped with a lamp on the rear emitting a red light visible from a distance of at least one thousand (1,000) feet to the rear. This section shall not apply to a street or highway with a speed limit of twenty-five (25) miles per hour or less.

Added by Laws 2003, c. 411, § 76, eff. Nov. 1, 2003. Amended by Laws 2005, c. 50, § 18, eff. Nov. 1, 2005.

§47-12-704. Reflector.

Every bicycle shall be equipped with a red reflector which shall be visible for six hundred (600) feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle.
Added by Laws 2003, c.411, § 77, eff. Nov. 1, 2003.

§47-12-705. Repealed by Laws 2006, c. 173, § 9, eff. July 1, 2006.

§47-12-706. Reflective material.

Every bicycle when in use at the times described in subsection B of Section 12-201 of this title shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for six hundred (600) feet when directly in front of lawful lower beams of headlamps on a motor vehicle.
Added by Laws 2003, c. 411, § 79, eff. Nov. 1, 2003. Amended by Laws 2005, c. 50, § 19, eff. Nov. 1, 2005.

§47-12-707. Additional lights and reflectors.

A bicycle or its rider may be equipped with lights or reflectors in addition to those required by the foregoing sections; provided, such lights or reflectors shall comply with the provisions and limitations of Article II of Chapter 12 of this title.
Added by Laws 2003, c. 411, § 80, eff. Nov. 1, 2003. Amended by Laws 2005, c. 50, § 20, eff. Nov. 1, 2005.

§47-12-708. Brakes.

Every bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.
Added by Laws 2003, c.411, § 81, eff. Nov. 1, 2003.

§47-12-709. Sirens.

A bicycle shall not be equipped with, nor shall any person use upon a bicycle, any siren.
Added by Laws 2003, c.411, § 82, eff. Nov. 1, 2003.

§47-13-101. Vehicles without required equipment or in unsafe condition.

No person shall drive or cause to be moved on any highway any motor vehicle, trailer, semitrailer or pole trailer, or any combination of vehicles, unless the equipment upon any and every said vehicle is in good working order and adjustment as required in this act and said vehicle is in such safe mechanical condition as not to endanger the driver or occupant or any person upon the highway.
Laws 1961, p. 412, § 13-101.

§47-13-102. Officers may inspect a vehicle and its equipment.

A. Members of the Oklahoma Highway Patrol and other employees of the Department of Public Safety as designated by the Commissioner, may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair or the operator is not properly licensed, require the driver of such vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

B. In the event such vehicle or combination of vehicles is found to be in an unsafe mechanical condition or is not equipped as required by this act, the officer making the inspection may give the driver a notice of arrest or written warning. Any person producing proof within ten (10) working days from the date the citation was issued that a condition or equipment for which the person was cited as defective, missing, prohibited, improper, unauthorized or otherwise in violation of this chapter has been remedied by the person shall be entitled to dismissal of such charges without assessment of court costs.

C. No person shall operate or cause to be operated any vehicle or combination of vehicles after notice of arrest or written warning has been issued of such unsafe condition or that the vehicle is not equipped as required by this act, except as may be necessary to return such vehicle or combination of vehicles to the residence or place of business of the owner or driver if within a distance of twenty (20) miles or to a garage, until said vehicle and its equipment has been made to conform with the requirements of this act.

D. Any vehicle or combination of vehicles found to have major mechanical defects which would be hazardous to other users of the highways if it were driven from the place of inspection as provided for in subsection C of this section shall be towed to a garage for repairs, and any repair charge, tow charge or storage charge for the repair, removal and storing of the vehicle shall be the obligation of the owner or operator.

Added by Laws 1961, p. 412, § 13-102, eff. Sept. 1, 1961. Amended by Laws 2003, c. 199, § 10, eff. Nov. 1, 2003; Laws 2005, c. 50, § 21, eff. Nov. 1, 2005.

§47-13-103. Owner and drivers to submit vehicles for inspection.

Whenever the driver of a vehicle is directed by a member of the Highway Patrol to stop and submit the mechanical condition of the vehicle or its equipment to an inspection or test under the conditions stated in this act, it shall be the duty of such driver to stop and submit to such inspection or test and the failure or refusal to do so is a misdemeanor.

Added by Laws 1961, p. 413, § 13-103, eff. Sept. 1, 1961.

§47-14-101. Scope and effect of chapter - Issuance of annual overweight permits - Movement of certain vehicles at nighttime and on holidays

A. It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter or otherwise in violation of this chapter, and the maximum size and weight of vehicles herein specified shall be lawful throughout this state and local authorities shall have no power or authority to alter the limitations except as express authority may be granted in this chapter.

B. The Executive Director of the Department of Transportation is directed to issue annual overweight permits to:

1. Municipalities and rural fire districts for the transportation of firefighting apparatus at no cost to the municipalities or rural fire districts;
2. Owners of implements of husbandry, which includes tractors that are temporarily moved upon a highway at no cost to the owner;
3. Retail implement dealers while hauling implements of husbandry at no cost to the dealer; and
4. Owners of certain vehicles as provided for in Section 14-103G of this title.

C. If a vehicle is issued a license pursuant to Section 1134.4 of this title, the license shall also serve as the overweight permit required by this section.

D. All size, weight and load provisions covered by this chapter shall be subject to the limitations imposed by Title 23, United States Code, Section 127, and such other rules and regulations developed herein. Provided further that any size and weight provision authorized by the United States Congress for use on the National System of Interstate and Defense Highways, including, but not limited to, height, axle weight, gross weight, combinations of vehicles or load thereon shall be authorized for immediate use on such segments of the National System of Interstate and Defense Highways and any other highways or portions thereof as designated by the Transportation Commission or their duly authorized representative.

E. All size, weight and load provisions covered by Sections 14-101 through 14-123 of this title shall be subject to a gross vehicle weight limit of ninety thousand (90,000) pounds when applied to a vehicle operating off the National System of Interstate and Defense Highways unless such vehicle is operating in full compliance with an overweight permit issued by the Executive Director of the Department of Transportation.

F. Any vehicle permitted for movement on the highways of this state as provided in Section 14-101 et seq. of this title, other than a vehicle permitted solely for overweight movement, shall be moved only during daylight hours. As used in Section 14-101 et seq. of this title, "daylight hours" shall mean one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset. The Executive Director of the Department of Transportation, for good cause and consistent with the safe movement of the vehicle, may endorse a permit for the movement of an oversize vehicle to authorize nighttime travel under such terms and restrictions as the Executive Director of the Department of Transportation may require.

G. 1. Any vehicle permitted for movement on the highways of this state as provided in Section 14-101 et seq. of this title shall not be moved at any time on the following holidays:

- a. New Year's Day (January 1),
- b. Memorial Day (the last Monday in May),
- c. Fourth of July (Independence Day),
- d. Labor Day (the first Monday in September),
- e. Thanksgiving Day (the fourth Thursday in November), and
- f. Christmas Day (December 25).

2. Any vehicle permitted for movement on the highways of this state as provided in Section 14-101 et seq. of this title shall be allowed to move on the following holidays:

- a. Martin Luther King, Jr.'s Birthday (the third Monday in January),
- b. President's Day, also known as Washington's Birthday (the third Monday in February), and
- c. Veteran's Day (November 11).

Added by Laws 1961, p. 413, § 14-101, eff. Sept. 1, 1961. Amended by Laws 1972, c. 52, § 1, emerg. eff. March 15, 1972; Laws 1973, c. 119, § 1, emerg. eff. May 4, 1973; Laws 1977, c. 55, § 1, emerg. eff. May 16, 1977; Laws 1993, c. 252, § 1, emerg. eff. May 26, 1993; Laws 1998, c. 125, § 1, eff. Nov. 1, 1998; Laws 2002, c. 201, § 1, emerg. eff. May 6, 2002; Laws 2003, c. 199, § 11, eff. Nov. 1, 2003; Laws 2005, c. 62, § 1, eff. Nov. 1, 2005; Laws 2007, c. 324, § 1, eff. July 1, 2008; Laws 2009, c. 59, § 1, eff. Nov. 1, 2009; Laws 2012, c. 227, § 2, emerg. eff. May 8, 2012; Laws 2015, c. 294, § 3, eff. July 1, 2015; Laws 2016, c. 121, § 1, eff. July 1, 2016; Laws 2022, c. 116, § 2, eff. July 1, 2022.

§47-14-102. Repealed by Laws 1972, c. 52, § 5, emerg. eff. March 15, 1972.

§47-14-103. Width, height and length of vehicle and load.

A. Except as otherwise provided for by this chapter, no vehicle, with or without load, shall have a total outside width in excess of one hundred two (102) inches excluding:

1. Tire bulge;

2. Approved safety devices;

3. A retracted awning with a width of eight (8) inches or less or other appurtenance of four (4) inches or less which is attached to the side of a recreational vehicle, as defined in Section 1102 of this title; and

4. Pins used as a safety precaution or as a load-assisting device if the pins do not extend the overall width of the vehicle beyond nine (9) feet. The State of Oklahoma hereby declares it has determined, in accordance with 23 C.F.R., Section 658.15, that such pins are necessary for the safe and efficient operation of motor vehicles.

The provisions of this subsection shall not apply to any person engaged in the hauling of round baled hay with a total outside width of eleven (11) feet or less when the hay is owned by such person and is being hauled for any purpose other than resale. The provisions of this subsection shall also not apply to any county official or employee engaged in the hauling or pulling of a trailer or equipment owned by the county on the county roads of such county.

B. Except as otherwise provided for by this chapter:

1. No vehicle, with or without load, shall exceed a height of thirteen and one-half (13 1/2) feet on any county road, or fourteen (14) feet on any turnpike, interstate, U.S. or state highway, unless a greater height is authorized by a special permit issued by the Executive Director of the Department of Transportation or an authorized representative of the Department of Transportation specifying the highways to be used, consistent with public convenience and safety. The prohibitions on movement as prescribed in subsection F of Section 14-101 of this title and paragraph 1 of subsection G of Section 14-101 of this title shall not apply to vehicles operated pursuant to such permits;

2. An official state bridge vertical clearance map providing clearance heights as posted for bridges on the interstate, U.S. and state highway systems shall be available on the Oklahoma Department of Transportation website; and

3. Operators and owners of vehicles which exceed or have loads which exceed thirteen and one-half (13 1/2) feet shall be held liable for all damages to any part of structures spanning the highway or damages suffered by other affected parties caused by the vehicle or load exceeding the posted height.

C. Except as otherwise provided for by this chapter:

1. No single truck, with or without load, shall have an overall length, inclusive of front and rear bumpers, in excess of forty-five (45) feet;

2. No single bus, with or without load, shall have an overall length, inclusive of front and rear bumpers, in excess of forty-five (45) feet;

3. a. On the National Network of Highways which includes the National System of Interstate and Defense Highways and four-lane divided Federal Aid Primary System Highways, no semitrailer operating in a truck-tractor/semitrailer combination shall have a length greater than fifty-three (53) feet, except as provided in subsection C of Section 14-118 of this title which shall apply to semitrailers exceeding fifty-three (53) feet but not exceeding fifty-nine (59) feet six (6) inches. On the National System of Interstate and Defense Highways and four-lane divided Federal Aid Primary System Highways, no semitrailer or trailer operating in a truck-tractor/semitrailer and trailer combination shall have a length greater than fifty-three (53) feet;
- b. On roads and highways not a part of the National System of Interstate and Defense Highways or four-lane divided Federal Aid Primary System Highways, no semitrailer operating in a truck-tractor/semitrailer combination shall have a length greater than fifty-three (53) feet and no semitrailer or trailer operating in a truck-tractor/semitrailer and trailer combination shall have a length greater than twenty-nine (29) feet. Except as provided for in subsection D of Section 14-118 of this title, no other combination of vehicles shall have an overall length, inclusive of front and rear bumpers, in excess of seventy (70) feet on all roads and highways. For the purposes of this paragraph, oil field rig-up trucks shall be considered to be truck-tractors, when towing a trailer or semitrailer;
- c. On the National Network of Highways the overall length limitation of a towaway trailer transporter combination may exceed length restrictions up to eighty-two (82) feet;
- d. As used in this section:
- (1) The term "trailer transporter towing unit" shall mean a power unit that is not used to carry property when operating in a towaway trailer transporter combination, and
 - (2) The term "towaway trailer transporter combination" shall mean a combination of vehicles consisting of a trailer transporter towing unit and two (2) trailers or semitrailers with a total

weight that does not exceed twenty-six thousand (26,000) pounds; and in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor or dealer of such trailers or semitrailers;

4. No combination of vehicles shall consist of more than two units, except:

- a. one truck and semitrailer or truck-tractor/semitrailer combination may tow one complete trailer or semitrailer, or
- b. vans, suburbans, blazers or other similar types of vehicles and self-propelled recreational vehicles with a three-quarter (3/4) ton or more rated capacity may tow a semitrailer and one complete trailer or semitrailer for recreational purposes only, provided the overall length, inclusive of the front and rear bumpers, does not exceed sixty-five (65) feet;

5. Poles and gas lines used to maintain public utility services, not to include new construction, may be moved during daylight hours, and during nighttime hours only in an emergency, subject to traffic and road restrictions promulgated by the Executive Director of the Department of Transportation, when the overall length does not exceed eighty (80) feet. When this length is exceeded, these loads are subject to the requirements of Section 14-118 of this title;

6. For the purposes of paragraphs 1, 3, and 4 of this subsection, the length of unitized equipment, which is defined to be equipment so constructed and attached to a rubber-tired vehicle that the vehicle and load become a unit and are for all practical purposes inseparable, shall be the length of the vehicle itself, and shall not include any protrusion of the equipment load so constructed or attached. The equipment shall not protrude for a distance greater than two-thirds (2/3) of the wheel base of the vehicle, shall not impair the driver's vision, and if less than seven (7) feet above the roadway, shall be safely marked, flagged or illuminated. Any such protruding structure shall be securely held in place to prevent dropping or swaying. Unitized equipment shall carry such safety equipment as shall be determined to be necessary for the safety, health, and welfare of the driving public by the Executive Director of the Department of Transportation;

7. For the purposes of paragraphs 1, 3, and 4 of this subsection, a truck-tractor, when being towed by another vehicle with the wheels of its steering axle raised off the roadway, shall be considered to be a semitrailer as defined in Section 1-162 of this title;

8. The provisions of paragraphs 1 and 3 of this subsection shall not apply to any contractor or subcontractor, or agents or

employees of any contractor or subcontractor, while engaged in transporting material to the site of a project being constructed by, for, or on behalf of this state or any city, town, county, or subdivision of this state; and

9. Special mobilized machinery, as defined in Section 1102 of this title, which exceeds the size provisions of this section shall only use the highways of this state by special permit issued by the Executive Director of the Department of Transportation or an authorized representative of the Executive Director of the Department of Transportation. Such special permit shall be:

- a. a single-trip permit issued under the provisions of Section 14-116 of this title, or
- b. a special annual oversize permit issued for one (1) calendar year period upon payment of a fee of Ten Dollars (\$10.00) plus any amount as provided by subsection H of Section 14-118 of this title.

Added by Laws 1961, p. 413, § 14-103, eff. Sept. 1, 1961. Amended by Laws 1963, c. 124, § 1, emerg. eff. June 3, 1963; Laws 1965, c. 80, § 1, emerg. eff. May 3, 1965; Laws 1971, c. 199, § 1, emerg. eff. June 8, 1971; Laws 1972, c. 52, § 2, emerg. eff. March 15, 1972; Laws 1977, c. 55, § 2, emerg. eff. May 16, 1977; Laws 1983, c. 181, § 1, emerg. eff. June 9, 1983; Laws 1984, c. 64, § 1, eff. Nov. 1, 1984; Laws 1985, c. 290, § 2, operative July 1, 1985; Laws 1986, c. 47, § 1, eff. Nov. 1, 1986; Laws 1990, c. 315, § 3, eff. July 1, 1990; Laws 1991, c. 156, § 2, emerg. eff. May 6, 1991; Laws 1993, c. 252, § 2, emerg. eff. May 26, 1993; Laws 1995, c. 27, § 3, eff. July 1, 1995; Laws 2000, c. 189, § 5, eff. July 1, 2000; Laws 2000, c. 228, § 2, eff. July 1, 2000; Laws 2002, c. 286, § 1, eff. July 1, 2002; Laws 2003, c. 279, § 7, emerg. eff. May 26, 2003; Laws 2018, c. 8, § 1, eff. Nov. 1, 2018; Laws 2019, c. 277, § 1, eff. Nov. 1, 2019; Laws 2019, c. 335, § 1, eff. July 1, 2019; Laws 2022, c. 116, § 3, eff. July 1, 2022.

NOTE: Laws 2000, c. 151, § 1 repealed by Laws 2000, c. 228, § 3, eff. July 1, 2000.

§47-14-103A. Motor vehicle and manufactured home combinations - Overall length and width - Limitations on movement.

A. No combination of a motor vehicle and manufactured home or frame or frames thereof shall have an overall length, inclusive of front and rear bumpers, in excess of seventy (70) feet or a width in excess of eighteen (18) feet while operating on the system of interstate and defense highways. In determining the width of a manufactured home, the overall width shall not exceed the eighteen-foot width limit. Such combination exceeding seventy (70) feet in length or eight and one-half (8 1/2) feet in width must comply with the provisions of Section 14-118 of this title. A front and rear

escort shall be required on the interstate and defense highways for vehicles meeting the parameters of this subsection.

B. If any combination of a motor vehicle and manufactured home or frame thereof exceeds seventy (70) feet in overall length or eight and one-half (8 1/2) feet in width, they shall be moved only during daylight hours on the system of interstate and defense highways. The towing vehicle must be at least three-fourths-ton rated capacity with dual wheels.

Added by Laws 1965, c. 248, §§ 1, 2, emerg. eff. June 17, 1965.

Amended by Laws 1969, c. 313, § 1, emerg. eff. April 29, 1969; Laws 1970, c. 38, § 1, emerg. eff. Feb. 24, 1970; Laws 1971, c. 258, §§ 1, 2, emerg. eff. June 16, 1971; Laws 1976, c. 85, § 1, emerg. eff. May 3, 1976; Laws 1978, c. 81, § 1, eff. Oct. 1, 1978; Laws 1980, c. 125, § 1, emerg. eff. April 16, 1980; Laws 1981, c. 118, § 9; Laws 1984, c. 25, § 1, emerg. eff. March 22, 1984; Laws 1984, c. 270, § 1, eff. Nov. 1, 1984; Laws 1994, c. 127, § 1, eff. Sept. 1, 1994; Laws 1998, c. 125, § 2, eff. Nov. 1, 1998; Laws 2019, c. 140, § 1, eff. Nov. 1, 2019.

§47-14-103B. Automobile transporters - Extension of load - Height.

A. Any automobile transporter vehicle or combination of automobile transporter vehicles operated under the provisions of Section 14-103 of this title may carry an extension of load, the extension not to exceed three (3) feet beyond the front nor more than four (4) feet beyond the rear of the vehicle or combination of vehicles thereof.

B. Any stinger-steered automobile transporter operated under the provisions of Section 14-103 of this title may have an overall length up to eighty (80) feet with an extension of load, with the extension not to exceed four (4) feet beyond the front nor more than six (6) feet beyond the rear of the vehicle or combination of vehicles.

C. No automobile transporter vehicle, unladen or with load, shall exceed a height of fourteen and one-half (14 1/2) feet.

D. An automobile transporter shall not be prohibited from the transport of cargo or general freight on a backhaul, provided it complies with weight limitations for a truck tractor and semitrailer combination. As used in this section, "backhaul" means the return trip of a vehicle transporting cargo or general freight, including when carrying goods back over all or part of the same route.

Added by Laws 1969, c. 52, § 1, emerg. eff. March 4, 1969. Amended by Laws 1981, c. 8, § 1, emerg. eff. April 1, 1981; Laws 2019, c. 277, § 2, eff. Nov. 1, 2019.

§47-14-103C. Special permits - Movement of houses or buildings.

A. The Executive Director of the Department of Transportation shall upon proper application issue a special permit to any person

allowing the movement on state and federal highways of a structure in the form of a house or building, including, but not limited to, industrialized housing as described in Section 14-103A of this title, not exceeding thirty-two (32) feet in width at the base, and thirty-four (34) feet in width at the top and twenty-one (21) feet in height. The permit shall specify the highways to be used, consistent with public convenience and safety, as determined by the Executive Director of the Department of Transportation. In addition to the prohibitions on movement as prescribed in Section 14-101 et seq. of this title, such structures shall not be moved on Saturday or Sunday.

B. If any structure or housing described in subsection A of this section has a width in excess of sixteen (16) feet, the towing vehicle shall be a tandem-axle vehicle of no less than two hundred twenty (220) horsepower.

Added by Laws 1978, c. 81, § 2, eff. Oct. 1, 1978. Amended by Laws 1980, c. 265, § 1, emerg. eff. June 9, 1980; Laws 1995, c. 29, § 1, emerg. eff. March 31, 1995; Laws 1998, c. 125, § 3, eff. Nov. 1, 1998; Laws 2003, c. 53, § 1, eff. Nov. 1, 2003; Laws 2004, c. 390, § 10, eff. July 1, 2004; Laws 2011, c. 166, § 1; Laws 2022, c. 116, § 4, eff. July 1, 2022.

§47-14-103D. Permit to transport or move manufactured home.

A. No person shall transport or move a manufactured home on any public road or highway in this state, except as otherwise provided by law, without a permit issued pursuant to the provisions of Sections 14-103A and 14-103C of this title and subsection B of this section, and without a current calendar year decal or current registration or a repossession affidavit issued pursuant to Sections 1110 and 1126 of this title.

B. In addition to the permit information required by the provisions of Sections 14-103A and 14-103C of this title, the permit shall also include the following:

1. The name of the owner of the manufactured home;
2. The serial number or identification number of the manufactured home;
3. A legal description or the physical address of the location from which the manufactured home is to be moved;
4. A legal description or the physical address of the location to which the manufactured home is to be moved; and
5. The name of the firm or individual repossessing the manufactured home as it appears on the repossession affidavit, if the movement is for repossession purposes and the repossession affidavit is being used in lieu of current license plate and decal, as provided in subsection E of Section 1113 of this title.

C. Except as otherwise provided by law, the Executive Director of the Department of Transportation shall not issue a permit to any

person to transport or move a manufactured home without a current calendar year decal or current registration; provided:

1. Upon proof of possession of a dealer or in-transit license plate, issued by the Oklahoma Tax Commission according to the provisions of subsection D of Section 1128 of this title, the Department of Transportation shall issue a permit to the holder of such license;

2. The Executive Director of the Department of Transportation shall issue a permit to the holder of a perfected security interest in a manufactured home, or a licensed representative thereof, pursuant to a lawful repossession of the manufactured home, if the holder or representative is bonded by the state, to move the manufactured home to a secure location with a repossession affidavit; provided, all registration fees, excise taxes or ad valorem taxes due on such home shall be required to be paid within thirty (30) days of the issuance of the permit; and

3. The Executive Director of the Department of Transportation shall issue a permit to transport or move a manufactured home used for commercial purposes during the second through the sixth day of the first month of the following calendar year if the applicant can provide a special waiver and a commercial move affidavit authorized pursuant to Section 2813 of Title 68 of the Oklahoma Statutes. As used in this paragraph, "manufactured home used for commercial purposes" means a manufactured home owned by any lawfully recognized business entity the primary purpose of which is to provide temporary housing for the employees or contractors of such business entity.

D. For the purposes of subsections A and C of this section, a manufactured home registration receipt and Manufactured Home Registration Decal attached to a certificate of title for a manufactured home or receipts and decal as authorized by subsection C of Section 1117 of this title shall be evidence of payment of the excise tax and registration fees required pursuant to the provisions of Section 1135 of this title and the Ad Valorem Tax Code.

E. The Department of Transportation shall notify the Oklahoma Tax Commission, the county assessor of the county from which the manufactured home is to be moved and the county assessor of the county in which the manufactured home is to be moved of any permits issued pursuant to the provisions of this section.

Added by Laws 1984, c. 253, § 4, operative July 1, 1984. Amended by Laws 1985, c. 238, § 1, emerg. eff. July 8, 1985; Laws 1997, c. 192, § 8, eff. Jan. 1, 1998; Laws 2002, c. 417, § 1, eff. July 1, 2002; Laws 2012, c. 269, § 1, eff. Jan. 1, 2013; Laws 2022, c. 116, § 5, eff. July 1, 2022.

§47-14-103E. Notification of issuance of permit.

A. Upon issuance of a permit pursuant to the provisions of Section 14-103D of this title, the Department of Transportation

shall notify the Oklahoma Tax Commission of the issuance of such permit. The notification shall include the permit information required by subsection B of Section 14-103D of this title.

B. Upon notification of issuance of the permit pursuant to subsection A of this section, the Tax Commission shall notify the county assessor of the county in which the manufactured home is to be located, of the issuance of the permit. Such notification shall include the permit information required by subsection B of Section 14-103D of this title.

Added by Laws 1985, c. 238, § 4, emerg. eff. July 8, 1985. Amended by Laws 2022, c. 116, § 6, eff. July 1, 2022.

§47-14-103F. Manufactured home used in construction, oil field or seasonal farming activities - Special decals.

Any person, firm or corporation owning a manufactured home used in the course of his construction, oil field or seasonal farming activities, may apply for a special decal allowing such person to transport said manufactured home on the highways of this state, provided this section shall not be construed to waive the permit otherwise required by Sections 14-103A and 14-103C of Title 47 of the Oklahoma Statutes.

Such special decal shall be issued by any motor license agent upon proof that said person, firm or corporation has paid all ad valorem taxes due on such manufactured home for the current tax year. The fee for such special decal shall be Four Dollars (\$4.00). Such special decal shall be valid for the taxable year.

Added by Laws 1985, c. 238, § 5, emerg. eff. July 8, 1985.

§47-14-103G. Oversize or overweight load vehicle permits - Annual fleet permits - Permits for movement of oversized portable buildings.

A. 1. The Department of Transportation may issue an annual vehicle permit under the provisions of this subsection to a specific vehicle, for the movement of oversize or overweight loads that cannot reasonably be dismantled. Unless otherwise provided by law, permits issued under this subsection shall be subject to the conditions described in paragraphs 2 through 8 of this subsection.

2. Oversize or overweight loads operating under an annual vehicle permit shall not exceed:

- a. twelve (12) feet in width,
- b. fourteen (14) feet in height,
- c. one hundred ten (110) feet in length, or
- d. one hundred twenty thousand (120,000) pounds gross weight.

3. Oversize or overweight loads operating under an annual vehicle permit under this subsection shall not transport a load that

has more than a twenty-five-foot front overhang, or more than a thirty-foot rear overhang.

4. The fee for an annual vehicle permit shall be Four Thousand Dollars (\$4,000.00) and shall be nonrefundable.

5. The annual vehicle permit shall be issued for one (1) calendar year period and shall commence upon the date specified on the permit.

6. An annual vehicle permit issued pursuant to this subsection shall be nontransferable between permittees.

7. The permitted vehicle or vehicle combination shall be registered in accordance with the provisions of Chapter 14 of this title for maximum weight.

8. An annual vehicle permit issued pursuant to this subsection may be transferred from one vehicle to another vehicle in the fleet of the permittee provided:

- a. the permitted vehicle is destroyed or otherwise becomes permanently inoperable to the extent that the vehicle will no longer be utilized, and the permittee presents proof to the Department of Transportation that the negotiable certificate of title or other qualifying documentation has been surrendered to the Department of Transportation, or
- b. the certificate of title to the permitted vehicle is transferred to someone other than the permittee, and the permittee presents proof to the Department of Transportation that the negotiable certificate of title or other qualifying documentation has been transferred from the permittee.

9. A permit issued for loads specific to turbine blades, used for the purpose of wind generation, may exceed a length of one hundred ten (110) feet.

B. 1. The Department of Transportation may issue an annual vehicle permit under this subsection to a specific motor carrier, for the movement of oversize or overweight loads that cannot reasonably be dismantled. An annual vehicle permit issued under this subsection may be transferred from one vehicle to another vehicle in the fleet of the permittee provided:

- a. that no more than one vehicle is operating at a time, and
- b. the original certified permit is carried in the vehicle that is being operated under the terms of the permit.

2. An annual vehicle permit issued under this subsection shall be sent to the permittee via first-class, registered mail, or at the request and expense of the permittee via overnight delivery service. The annual vehicle permit shall not be duplicated. The annual vehicle permit shall be replaced only if:

- a. the permittee did not receive the original permit within seven (7) business days after the date of issuance,
- b. a request for replacement is submitted to the Department of Transportation within ten (10) business days after the original date of issuance of the permit, and
- c. the request for replacement is accompanied by a notarized statement signed by a principal or officer of the permittee acknowledging that the permittee understands the permit may not be duplicated and that if the original permit is located, the permittee shall return either the original or replacement permit to the Department of Transportation.

3. A request for replacement of an annual vehicle permit issued pursuant to the provisions of this subsection shall be denied if the Department of Transportation can verify that the permittee received the original annual vehicle permit.

4. Lost, misplaced, damaged, destroyed or otherwise unusable annual vehicle permits shall not be replaced. A new permit shall be required and shall be issued by the Department of Transportation.

C. 1. The Department of Transportation may issue an annual fleet permit under this subsection to an electric utility, regulated by the Corporation Commission or a rural electric cooperative solely for the movement of poles. An annual fleet permit issued under this subsection may be used by any vehicle in the fleet of the permittee provided that a certified copy of the permit is carried in each vehicle that is being operated under the terms of the permit.

2. Oversize loads operating under an annual permit issued pursuant to this subsection shall not exceed:

- a. twelve (12) feet in width,
- b. fourteen (14) feet in height, or
- c. fifty-five (55) feet in length.

3. The annual fee for an annual fleet permit issued pursuant to this subsection shall be Four Thousand Dollars (\$4,000.00) and shall be nonrefundable.

4. The annual fleet permit shall be issued for a one-calendar-year period and shall commence upon the date specified on the permit.

5. The annual fleet permit issued under this subsection shall be sent to the permittee via first class, registered mail, or at the request and expense of the permittee via overnight delivery service. The annual permit shall be replaced only if:

- a. the permittee did not receive the original permit within seven (7) business days after the date of the issuance,

- b. a request for replacement is submitted to the Department of Transportation within ten (10) business days after the original date of issuance of the permit, and
- c. the request for replacement is accompanied by a notarized statement signed by an authorized person of the permittee acknowledging that if the original permit is located, the permittee shall either return the original or replacement permit to the Department of Transportation.

6. A request for replacement of an annual permit issued under the provisions of this subsection shall be denied if the Department of Transportation can verify the permittee received the original annual permit.

7. Lost, misplaced, damaged, destroyed or otherwise unusable annual permits shall not be replaced. A new permit shall be required and shall be issued by the Department of Transportation.

8. For the purposes of paragraph 5 of subsection C of Section 14-103 of this title, the term "emergency" means any permitted movement of poles pursuant to the provisions of this subsection that is not for new construction of electric distribution facilities.

D. 1. The Department of Transportation shall issue an annual vehicle permit under this subsection to a transportation company or manufacturer of portable buildings solely for the movement of oversize portable buildings for a specific manufacturer of portable buildings. An annual vehicle permit issued under this subsection may not be transferred from one vehicle to another vehicle in the fleet. The name of the manufacturer shall be on the permit and on any portable building being moved. The original certified permit shall be carried in the vehicle that is being operated under the terms of the permit.

2. Oversize loads operating under an annual vehicle permit issued pursuant to this subsection shall not exceed:

- a. twelve (12) feet in width at the wall with no more than a three-inch-eave overhang, or
- b. fourteen (14) feet in height.

3. The total gross weight of oversize loads operating under an annual vehicle permit issued pursuant to this subsection shall not exceed forty-five thousand (45,000) pounds.

4. The tow vehicle shall be limited to two axles, and the vehicle identification number of the vehicle shall be on the permit.

5. The fee for an annual vehicle permit issued pursuant to this subsection shall be Five Hundred Dollars (\$500.00) and shall be nonrefundable.

6. An annual vehicle permit issued under this subsection shall be sent to the permittee via first-class, registered mail, or at the request and expense of the permittee via overnight delivery service.

The annual vehicle permit shall not be duplicated. The annual vehicle permit shall be replaced only if:

- a. the permittee did not receive the original permit within seven (7) business days after the date of issuance,
- b. a request for replacement is submitted to the Department of Transportation within ten (10) business days after the original date of issuance of the permit, and
- c. the request for replacement is accompanied by a notarized statement signed by a principal or officer of the permittee acknowledging that the permittee understands the permit may not be duplicated and that if the original permit is located, the permittee shall return either the original or replacement permit to the Department of Transportation.

7. A request for replacement of an annual vehicle permit issued pursuant to the provisions of this subsection shall be denied if the Department of Transportation can verify that the permittee received the original annual vehicle permit.

8. A lost, misplaced, damaged, destroyed, or otherwise unusable annual vehicle permit shall be replaced for a fee of Twenty-five Dollars (\$25.00).

Added by Laws 2009, c. 59, § 2, eff. Nov. 1, 2009. Amended by Laws 2009, c. 293, § 1, eff. Nov. 1, 2009; Laws 2013, c. 221, § 1, eff. July 1, 2013; Laws 2014, c. 239, § 1, emerg. eff. May 9, 2014; Laws 2022, c. 116, § 7, eff. July 1, 2022.

§47-14-104. Repealed by Laws 1972, c. 56, § 2, emerg. eff. March 20, 1972.

§47-14-105. Loads on vehicles.

A. No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, blowing or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway.

B. No person shall operate on any highway any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. Any vehicle loaded with sand, cinders, or other loose material susceptible to blowing or otherwise escaping shall have such load covered so as to prevent the blowing or escaping of said load from the vehicle.

C. This section shall not apply to trucks loaded with livestock, poultry, hay or agricultural products, provided that any such truck shall be so constructed or loaded as to prevent such livestock, poultry or hay from escaping therefrom.

Added by Laws 1961, p. 414, § 14-105, eff. Sept. 1, 1961. Amended by Laws 1967, c. 285, § 1, emerg. eff. May 8, 1967; Laws 1979, c. 284, § 2, eff. July 1, 1979; Laws 2010, c. 281, § 1, eff. Nov. 1, 2010.

§47-14-106. Trailers and towed vehicles.

Every trailer, or semitrailer, shall be equipped with a coupling device which shall be so designed and constructed that the trailer, or semitrailer will follow substantially in the path of the vehicle drawing it without whipping or swerving from side to side. In addition, every such trailer or semitrailer except a semitrailer drawn by a truck-tractor type designed to draw or support the front end of a semitrailer, shall be coupled with stay chains or cables to the vehicle by which it is being drawn which chains or cable shall be of sufficient size and strength to prevent parting from the drawing vehicle should the regular coupling device break or become otherwise disengaged.

Added by Laws 1961, p. 415, § 14-106, eff. Sept. 1, 1961.

§47-14-107. Definitions.

As used in this chapter:

1. "Axle load" means the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty (40) inches apart, extending across the full width of the vehicle;

2. "Tandem axle" means any two or more consecutive axles whose centers are more than forty (40) inches apart, but not more than ninety-five (95) inches apart;

3. "Split tandem axle" means any group of two or more consecutive axles where the center of any two adjacent axles exceeds ninety-five (95) inches, but does not exceed one hundred twenty (120) inches;

4. "Nondivisible" means any load or vehicle exceeding applicable length or weight which, if separated into smaller loads or vehicles, would:

- a. compromise the intended use of the vehicle,
- b. destroy the value of the load or vehicle, or
- c. require more than eight (8) hours to dismantle using appropriate equipment;

5. "Dual lane axles" also known as "trunnion axles" means an axle configuration with two individual axles mounted in the same transverse plane, with four tires on each axle, connected at a pivot point that allows each individual axle to oscillate in a vertical

plane to provide constant and equal weight distribution on each individual axle; and

6. "Dual lane axles group" also known as "trunnion axle group" means two or more consecutive trunnion axles that are individually attached to, and/or articulated from, the vehicle, and may include a weight equalizing suspension system.

Added by Laws 1961, p. 415, § 14-107, eff. Sept. 1, 1961. Amended by Laws 1972, c. 52, § 3, emerg. eff. March 15, 1972; Laws 1977, c. 55, § 3, emerg. eff. May 16, 1977; Laws 1999, c. 285, § 1, emerg. eff. May 27, 1999; Laws 2010, c. 281, § 2, eff. Nov. 1, 2010; Laws 2019, c. 317, § 1.

§47-14-109. Single-axle load limit - Gross weight of vehicle and load - Exceptions - Additional fees - "Utility vehicle" defined.

A. On any road or highway:

1. No single axle weight shall exceed twenty thousand (20,000) pounds; and

2. The total gross weight in pounds imposed thereon by a vehicle or combination of vehicles shall not exceed the value calculated in accordance with the Federal Bridge formula imposed by 23 U.S.C., Section 127.

B. Except as to gross limits, the formula of this section shall not apply to a truck-tractor and dump semitrailer when used as a combination unit. In no event shall the maximum load in pounds carried by any set of tandem axles exceed thirty-four thousand (34,000) pounds. Any vehicle operating with split tandem axles or tri-axles shall adhere to the formula.

C. Except for loads moving under special permits as provided in this title, no department or agency of this state or any county, city, or public entity thereof shall pay for any material that exceeds the legal weight limits moving in interstate or intrastate commerce in excess of the legal load limits of this state.

D. 1. An annual special overload permit may be purchased for vehicles transporting roll-off recycle metals, rock, sand, gravel, coal, flour, timber, pulpwood, and chips in their natural state, oil field fluids, oil field equipment or equipment used in oil and gas well drilling or exploration, and vehicles transporting grain, fertilizer, cottonseed, cotton, livestock, peanuts, canola, sunflowers, soybeans, feed, any other raw agricultural products, and any other unprocessed agricultural products, if the following conditions are met:

- a. the vehicles are registered for the maximum allowable rate,
- b. the vehicles do not exceed five percent (5%) of the gross limits set forth in subsection A of this section,

- c. the vehicles do not exceed eight percent (8%) of the axle limits set forth in subsection A of this section,
- d. no component of the vehicles exceeds the manufacturer's component weight rating as shown on the vehicle certification label or tag, and
- e. the vehicles operating pursuant to the provisions of this paragraph will not be allowed to operate on the National System of Interstate and Defense Highways.

2. Vehicles operating pursuant to this section must register for the maximum allowable rate and additionally shall purchase a nontransferable annual special overload permit from the Department of Transportation for a fee of Three Hundred Fifty Dollars (\$350.00). All monies collected shall be deposited to the credit of the Highway Construction and Maintenance Fund.

E. 1. Oversize or overweight vehicles used for specialized transportation if the maximum weight does not exceed twenty-three thousand (23,000) pounds on any single axle and:

- a. is a dual lane trailer with dual lane axles and the width of the transport vehicle or trailer exceeds twelve (12) feet in width, or
- b. the overall gross vehicle weight of a single trailer meets or exceeds three hundred thousand (300,000) pounds, originates or terminates at the Tulsa Port of Catoosa, and the trip is confined within a thirty-mile radius of the Port.

2. Permit fees for oversize or overweight vehicles used for specialized transportation shall be in accordance with subsection A of Section 14-116 of this title.

3. Vehicles operating pursuant to the provisions of this paragraph will not be allowed to operate on the National System of Interstate and Defense Highways.

F. Exceptions to this section will be:

1. Utility or refuse collection vehicles used by counties, cities, or towns or by private companies contracted by counties, cities, or towns if the following conditions are met:

- a. calculation of weight for a utility or refuse collection vehicle shall be "Gross Vehicle Weight". The "Gross Vehicle Weight" of a utility or refuse collection vehicle may not exceed the otherwise applicable weight by more than fifteen percent (15%). The weight on individual axles must not exceed the manufacturer's component rating which includes axle, suspension, wheels, rims, brakes, and tires as shown on the vehicle certification label or tag, and
- b. utility or refuse collection vehicles operated under these exceptions will not be allowed to operate on interstate highways;

2. A combination of a wrecker or tow vehicle and another vehicle or vehicle combination if:

- a. the service provided by the wrecker or tow vehicle is needed to remove disabled, abandoned, or accident-damaged vehicles, and
- b. the wrecker or tow vehicle is towing the other vehicle or vehicle combination directly to the nearest appropriate place of repair, terminal, or vehicle storage facility;

3. A vehicle operating pursuant to the provisions of paragraph 2 of this subsection shall not be allowed to operate on the National System of Interstate and Defense Highways unless it is a covered heavy-duty tow and recovery vehicle that:

- a. is transporting a disabled vehicle from the place where the vehicle became disabled to the nearest appropriate repair facility, and
- b. has a gross vehicle weight that is equal to or exceeds the gross vehicle weight of the disabled vehicle being transported; and

4. On the interstate highway system a vehicle designed to be used under emergency conditions to transport personnel and equipment and to support the suppression of fires and mitigation of other hazardous situations with a vehicle weight limit up to a maximum gross vehicle weight of eighty-six thousand (86,000) pounds with less than:

- a. twenty-four thousand (24,000) pounds on a single steering axle,
- b. thirty-three thousand five hundred (33,500) pounds on a single drive axle,
- c. sixty-two thousand (62,000) pounds on a tandem axle, or
- d. fifty-two thousand (52,000) pounds on a tandem rear drive steer axle.

G. 1. Any vehicle utilizing an auxiliary power or idle reduction technology unit in order to promote reduction of fuel use and emissions because of engine idling shall be allowed an additional four hundred (400) pounds total to the total gross weight limits set by this section.

2. To be eligible for the exception provided in this subsection, the operator of the vehicle must obtain written proof or certification of the weight of the auxiliary power or idle reduction technology unit and be able to demonstrate or certify that the idle reduction technology is fully functional.

3. Written proof or certification of the weight of the auxiliary power or idle reduction technology unit must be available to law enforcement officers if the vehicle is found in violation of applicable weight laws. The additional weight allowed cannot exceed

four hundred (400) pounds or the actual proven or certified weight of the unit, whichever is less.

H. On the Interstate Highway System, a vehicle carrying fluid milk products shall be considered a load that cannot be easily dismantled or divided, or "nondivisible".

I. Utility, refuse collection vehicles or a combination of a wrecker or tow vehicle as described in paragraphs 1 and 2 of subsection F of this section operating under exceptions shall purchase an annual special overload permit from the Department of Transportation for One Hundred Dollars (\$100.00). All monies collected shall be deposited to the credit of the Highway Construction and Maintenance Fund.

Added by Laws 1961, p. 415, § 14-109, eff. Sept. 1, 1961. Amended by Laws 1969, c. 307, § 1, emerg. eff. April 28, 1969; Laws 1972, c. 52, § 4, emerg. eff. March 15, 1972; Laws 1977, c. 55, § 4, emerg. eff. May 16, 1977; Laws 1985, c. 155, § 1, emerg. eff. June 11, 1985; Laws 1985, c. 179, § 62, operative July 1, 1985; Laws 1986, c. 279, § 22, operative July 1, 1986; Laws 1987, c. 6, § 5, emerg. eff. March 16, 1987; Laws 1987, c. 232, § 2, emerg. eff. July 5, 1987; Laws 1990, c. 108, § 1, operative July 1, 1990; Laws 1995, c. 221, § 1, eff. July 1, 1995; Laws 1996, c. 106, § 1, eff. Nov. 1, 1996; Laws 1998, c. 289, § 1, emerg. eff. May 27, 1998; Laws 2001, c. 84, § 1, eff. Nov. 1, 2001; Laws 2001, c. 263, § 1, eff. July 1, 2001; Laws 2002, c. 286, § 2, eff. July 1, 2002; Laws 2007, c. 324, § 2, eff. Nov. 1, 2007; Laws 2008, c. 69, § 2, eff. Nov. 1, 2008; Laws 2009, c. 102, § 1, eff. Nov. 1, 2009; Laws 2014, c. 22, § 1, eff. July 1, 2014; Laws 2014, c. 296, § 1, eff. July 1, 2014; Laws 2015, c. 52, § 1, eff. Nov. 1, 2015; Laws 2018, c. 52, § 1, eff. July 1, 2018; Laws 2019, c. 166, § 1, eff. July 1, 2019; Laws 2019, c. 317, § 2; Laws 2022, c. 116, § 8, eff. July 1, 2022.

§47-14-109.1. Load overweight violations not to be recorded as traffic offenses under certain conditions.

Motor vehicle load overweight violations shall not be recorded as traffic offenses on the driving record of the operator of the vehicle, unless the operator is the owner of the vehicle, or the owner of a majority of the stock of any company which is the owner of the vehicle, on which the violation occurs.

Laws 1977, p. 1004, S.J.R.No.33, § 1.

§47-14-109.2. Weighing as single draft.

A. Except as hereinafter provided, for the purpose of delivering agriculture commodities to and from the farm only, any vehicle or combination of vehicles shall be commercially weighed on a vehicle scale only as a single draft, that is, the total weight of the vehicle or combination of vehicles shall not be determined by adding together the results obtained by separately weighing each end

of the vehicle or combination of vehicles, or by separately weighing individual elements of such vehicle or combination of vehicles. Provided, however, that when a vehicle or combination of vehicles is not weighed as a single draft the weight ticket shall be stamped "multiple draft weight; not guaranteed accurate". Provided further, that any one truck and semitrailer or truck-tractor/semitrailer combination may tow one complete trailer or semitrailer for the purpose of delivering agriculture commodities to and from the farm, such single axle and gross weight limits provided for by Section 14-109 of this title applying fully herein.

B. This section shall not be construed to allow or permit any vehicle or combination of vehicles to exceed:

1. The axle load limit, as prescribed in Section 14-109 of this title, of twenty thousand (20,000) pounds per single axle; or

2. The tandem axle weight, as prescribed in Sections 14-101 and 14-109 of this title; or

3. The overall gross vehicle weight of eighty thousand (80,000) pounds for vehicles or ninety thousand (90,000) pounds for longer combination vehicles as defined in U.S. Code 23, Section 127, operating on the Dwight D. Eisenhower System of Interstate and Defense Highways in accordance with the provisions of Section 14-118 of this title; or

4. The total overall gross weight of ninety thousand (90,000) pounds for all other highways in this state, except those highways prescribed in Section 14-113 of this title.

Added by Laws 1961, p. 4, § 1, emerg. eff. March 7, 1961. Amended by Laws 1995, c. 27, § 6, eff. July 1, 1995. Renumbered from § 127.1 of this title by Laws 1995, c. 27, § 8, eff. July 1, 1995. Amended by Laws 1996, c. 229, § 1, eff. July 1, 1996.

§47-14-109.3. Exemption for vehicles fueled by compressed or liquefied natural gas

A. A motor vehicle, if operated by an engine fueled wholly or partially by compressed or liquefied natural gas, may exceed the gross vehicle weight limits and any axle weight limits by an amount, not to exceed a maximum of two thousand (2,000) pounds, that is equal to the difference between:

1. The weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle; and

2. The weight of a comparable diesel tank and fueling system.

B. The weight exemption allowed under this section shall extend to all state roads and also to interstate highways per the exemption expressly permitted under section 127(s) of Title 23 of the United States Code, as amended by Section 1410 of the Fixing America's Surface Transportation Act of 2015.

Added by Laws 2016, c.65, § 1, eff. July 1, 2016.

§47-14-109.4. Exemption for vehicles fueled by electricity or hydrogen.

A. A motor vehicle or a commercial motor vehicle, if operated by an engine fueled wholly or partially by an electric battery or hydrogen fuel cell electric fueling system, may exceed the gross vehicle weight limits and any axle weight limits by an amount, not to exceed a maximum of two thousand (2,000) pounds, that is equal to the difference between:

1. The weight of the vehicle attributable to electric batteries or hydrogen fuel cell electric fueling system carried by that vehicle; and

2. The weight of a comparable diesel tank and fueling system.

B. The weight exemption allowed under this section shall extend to all state roads and highways; however, vehicles operating pursuant to the provisions of this section shall only be allowed to operate on the National System of Interstate and Defense Highways with a federal exemption.

Added by Laws 2022, c. 195, § 1, emerg. eff. May 4, 2022.

§47-14-110. Carrying registration certificate - Inspection.

The registration certificate for any truck, trailer, semitrailer or combination thereof shall be carried in or on the vehicle at all times and shall be presented on demand of any officer of the Department of Public Safety, Oklahoma Corporation Commission, or any sheriff for inspection, and it shall be accepted in any court as prima facie evidence of weight registration or legally authorized load limit of the vehicle.

Added by Laws 1961, p. 416, § 14-110. Amended by Laws 2004, c. 522, § 6, eff. July 1, 2004.

§47-14-111. Weighing vehicles - Compelling unloading - Certificates - Bills of sale - Proof of ownership - Impounding.

A. Any officer of the Department of Public Safety, the Corporation Commission, any sheriff, or any salaried deputy sheriff is authorized to stop any vehicle upon any road or highway in order to weigh such vehicle by means of portable or stationary scales, or cause the same to be weighed by any official weigher, or upon any privately owned scales and may require that such vehicles be driven to the nearest or most convenient available scales for the purpose of weighing. Any officer weighing a vehicle pursuant to this section by means of portable scales shall allow the driver of the vehicle to move the vehicle to the most level weighing area available within two (2) miles of the stop. In the event that any axle weight or the gross weight of any such vehicle be found to exceed the maximum weight authorized by law, or by permit issued therefor, the officer may require, in the case of separable loads, the driver, operator or owner thereof to unload at the site such

portion of the load as may be necessary to decrease the weight of such vehicle to the maximum weight authorized by law. Provided, however, that if such load consists of livestock, perishable merchandise, or merchandise that may be destroyed by the weather, then the driver shall be permitted to proceed to the nearest practical unloading point in the direction of destination before discharging such excess cargo. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

B. The operator of any truck or other vehicle transporting farm products for hire or other merchandise for hire shall have in his or her possession a certificate carrying the following information: name of the operator; driver license number; vehicle registration number; Corporation Commission permit number; and statement of owner authorizing transportation of the products by above named operator. For the purposes of this section "certificate" includes electronic manifests and other similar documents that include all of the information required pursuant to this section.

Should the vehicle be loaded with livestock, the certificate shall include the number of animals, and should the livestock be the property of more than one person, a certificate signed by each owner carrying the above information including the number of animals owned by each owner shall be carried by the operator. Should the operator be the owner of the merchandise or livestock, the merchandise or livestock having just been purchased, the operator shall have in his or her possession a bill of sale for such merchandise or livestock. Should the operator be the owner of livestock or other farm products produced by the operator, the operator shall be required to show satisfactory identification and ownership of the vehicle. Any officer as outlined in this chapter shall have the authority to stop any vehicle loaded with livestock, merchandise or other farm products and investigate as to the ownership of the merchandise, livestock or other farm products. Should the operator of any vehicle be unable to establish to the satisfaction of the officer the ownership of the merchandise, livestock or other products, or shall not have the certificate as specified in this section for the transportation of such merchandise, livestock or other farm products, the merchandise, livestock or other farm products and the vehicle in which they are being transported shall be impounded by the officer and any expense as to the care of any livestock shall be the responsibility of the owner or operator of the vehicle, and any loss or damage of the merchandise, livestock or other farm products shall be the responsibility of the operator or owner, or both.

The provisions of this subsection shall not apply to a person who is transporting horses or livestock; provided, the person shall not have been hired to transport the horses or livestock.

Added by Laws 1961, p. 416, § 14-111, eff. Sept. 1, 1961. Amended by Laws 2001, c. 309, § 4, eff. Nov. 1, 2001; Laws 2004, c. 522, § 7, eff. July 1, 2004; Laws 2010, c. 118, § 1, eff. July 1, 2010; Laws 2010, c. 363, § 1, emerg. eff. June 7, 2010; Laws 2011, c. 119, § 1; Laws 2012, c. 249, § 2, eff. July 1, 2012.

§47-14-112. Repealed by Laws 1972, c. 56, § 2, emerg. eff. March 20, 1972.

§47-14-113. When the department of highways or local authorities may restrict right to use highways.

The Director of the Department of Transportation with respect to highways on the state highway system, or local authorities with respect to highways under their jurisdiction, as defined in Title 69 of the Oklahoma Statutes, may prohibit the operation of vehicles on any such highways, or impose restrictions as to the weights of vehicles to be operated upon any state or federal highway or any detour established for such highways, or for any bridge located upon such highways or detours, whenever any such highway, detour or bridge by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weight reduced. Such restrictions shall be effective when signs giving notice thereof are erected upon the highway, detour, bridge, or portion thereof affected by such action, and the Department of Public Safety has been notified. The purpose of this provision with respect to local authorities is to give such authorities an opportunity to prevent or minimize an immediate threat of serious harm or destruction to any highway, detour or bridge under their jurisdiction due to rain, snow or other climatic conditions. Nothing stated herein shall be construed to grant local authorities the right to issue permits designed to regulate the use of overweight vehicles upon highways subject to their jurisdiction, and the issuance of such permits is expressly prohibited.

Added by Laws 1961, p. 417, § 14-113. Amended by Laws 2001, c. 249, § 8, eff. July 1, 2001.

§47-14-114. Liability for damage to highway or structure.

(a) The owner and operator of any motor vehicle who shall drive the same into any overpass or underpass and shall damage such overpass or underpass shall be absolutely liable to the owner or owners of such overpass or underpass thereby damaged for the amount of such damage, regardless of the height of such vehicle and regardless of the clearance in such overpass or underpass, and failure of such overpass or underpass to be sufficient in height to clear the vehicles hereby authorized shall not be a defense to any action for such damages. The provisions of this section shall be

enforceable only in the event the overpass or underpass so damaged has a sign on each side thereof clearly legible and correctly stating the clearance thereof in feet and inches.

(b) The driver, owner, and any other person, firm or corporation responsible for a vehicle being on the highways or county roads of this state shall be responsible for all damages which said highways, including the bridges, pavement and all other public property thereon, may sustain as a result of a violation of the provisions of this or any other chapter regulating the usage of the highways, or as a result of the negligent or improper operation of said vehicle, and the county or state agency having charge of said highway may recover the amount of such damages in an action for damages.

The owner, driver, and any other person, firm or corporation responsible for any vehicle operating under an overweight or oversize permit shall be responsible for any damages to highway bridges or roads caused by the operation of such vehicle, whether caused by negligence or not, and no further permits shall be issued to such owner or operator until payment has been made for such damages. The amount of such damages may be recovered in an action for damages brought by the county or state agency having charge of said highway. The issuance of any special permit shall not be considered a warranty of any bridge or highway to support the permitted load.

Laws 1961, p. 417, § 14-114.

§47-14-115. Repealed by Laws 1972, c. 56, § 2, emerg. eff. March 20, 1972.

§47-14-116. Permit fees - Escrow account system - Applications - Emergencies - Provisional permits - Violations - Disposition and allocation of proceeds.

A. The Executive Director of the Department of Transportation shall charge a minimum permit fee of Forty Dollars (\$40.00) for any permit issued pursuant to the provisions of Section 14-101 et seq. of this title. In addition to the permit fee, the Executive Director of the Department of Transportation shall charge a fee of Ten Dollars (\$10.00) for each thousand pounds in excess of the legal load limit. The Executive Director of the Department of Transportation shall establish any necessary rules for collecting the fees.

B. The Department of Transportation is authorized to establish an escrow account system for the payment of permit fees. Authorized motor carriers meeting established credit requirements may participate in the escrow account system for permits purchased from all size and weight permit offices in this state. Carriers not choosing to participate in the escrow account system shall be required to make payment of the required fee or fees upon purchase

of each permit as required by law. All monies collected through the escrow account system shall be deposited to a special account of the Department of Transportation and placed in the custody of the State Treasurer. Proceeds from permits purchased using the escrow account system shall be distributed as provided for in subsection H of this section. However, fees collected through such accounts for the electronic transmission, transfer or delivery of permits, as provided for in Section 14-118 of this title, shall be credited to the Weigh Station Improvement Revolving Fund established pursuant to Section 1167 of this title.

C. 1. Application for permits shall be made a reasonable time in advance of the expected time of movement of such vehicles. For emergencies affecting the health or safety of persons or a community, permits may be issued for immediate movement.

2. Size and weight permit offices in all districts where applicable shall issue permits to authorize carriers by telephone during weekdays.

D. No overweight permit shall be valid until all license taxes due the State of Oklahoma have been paid.

E. No permit violation shall be deemed to have occurred when an oversize or overweight movement is made pursuant to a permit whose stated weight or size exceeds the actual load.

F. Any permit issued for a truck or truck-tractor operating in combination with a trailer or a semitrailer shall contain only the license plate number for the truck or truck-tractor if the permittee provides to the Department of Transportation a list containing the license plate number, and such other information as the Department of Transportation may prescribe by rule, for each trailer or semitrailer which may be used for movement with the permit. When the permittee provides the list described in this subsection, the license plate number for any trailer or semitrailer to be moved with the permit shall not be included on the permit; provided, a trailer or semitrailer which is not on the list shall not be authorized to be used for movement with the permit. It shall be the responsibility of the permittee to ensure the list provided to the Department of Transportation is maintained and updated with any fleet changes. The Department of Transportation shall adopt any rules deemed necessary to administer the provisions of this subsection.

G. The first deliverer of motor vehicles designated truck carriers or well service carriers manufactured in Oklahoma shall not be required to purchase an overweight permit when being delivered to the first purchaser.

H. Except as provided in Section 14-122 of this title, the first One Million Two Hundred Sixteen Thousand Dollars (\$1,216,000.00) of proceeds from both the permit fees and the overweight permit fees imposed pursuant to subsection A of this

section collected monthly shall be apportioned by Service Oklahoma as provided in Section 1104 of this title. For the fiscal year beginning July 1, 2022, and all subsequent years, the next Two Million Five Hundred Thousand Dollars (\$2,500,000.00) of proceeds from both the permit fees and the overweight permit fees imposed pursuant to subsection A of this section collected monthly shall be remitted to the Department of Public Safety for the purpose of staffing the port of entry weigh stations with Department of Public Safety port of entry officers whose powers and duties shall be specified by the Department of Public Safety through the promulgation of rules. For the fiscal year beginning July 1, 2017, and all subsequent years, all proceeds collected from both the permit fees and the overweight permit fees imposed pursuant to subsection A of this section in excess of Three Million Seven Hundred Sixteen Thousand Dollars (\$3,716,000.00) shall be deposited in the Weigh Station Improvement Revolving Fund as provided in Section 1167 of this title for the purpose set forth in that section and may be used for motor carrier permitting systems and motor carrier safety and enforcement.

Added by Laws 1961, p. 418, § 14-116, eff. Sept. 1, 1961. Amended by Laws 1965, c. 364, § 5, emerg. eff. July 1, 1965; Laws 1967, c. 369, § 2, emerg. eff. May 22, 1967; Laws 1969, c. 171, § 1, eff. July 1, 1969; Laws 1970, c. 315, § 1, emerg. eff. April 27, 1970; Laws 1971, c. 75, § 1, emerg. eff. April 13, 1971; Laws 1972, c. 230, § 1, emerg. eff. April 7, 1972; Laws 1974, c. 292, § 1, emerg. eff. May 29, 1974; Laws 1975, c. 308, § 1, emerg. eff. June 7, 1975; Laws 1976, c. 241, § 10, emerg. eff. June 15, 1976; Laws 1977, c. 248, § 13, emerg. eff. June 15, 1977; Laws 1978, c. 270, § 9, emerg. eff. May 10, 1978; Laws 1979, c. 243, § 12, emerg. eff. June 1, 1979; Laws 1980, c. 343, § 10, emerg. eff. June 25, 1980; Laws 1981, c. 264, § 11, emerg. eff. June 25, 1981; Laws 1982, c. 352, § 15, operative July 1, 1982; Laws 1983, c. 286, § 26, operative July 1, 1983; Laws 1984, c. 160, § 1, eff. Nov. 1, 1984; Laws 1985, c. 179, § 63, operative July 1, 1985; Laws 1985, c. 305, § 11, emerg. eff. July 24, 1985; Laws 1986, c. 279, § 23, operative July 1, 1986; Laws 1987, c. 5, § 159, emerg. eff. March 11, 1987; Laws 1993, c. 243, § 54, eff. Sept. 1, 1993; Laws 1994, c. 391, § 1, eff. Jan. 1, 1995; Laws 1995, c. 308, § 1, eff. July 1, 1996; Laws 2002, c. 397, § 25, eff. Nov. 1, 2002; Laws 2007, c. 144, § 1, eff. July 1, 2008; Laws 2010, c. 428, § 1, eff. July 1, 2010; Laws 2012, c. 218, § 1, eff. July 1, 2012; Laws 2012, c. 283, § 10, eff. July 1, 2012; Laws 2016, c. 121 § 2, eff. July 1, 2016; Laws 2016, c. 373, § 3, eff. July 1, 2016; Laws 2022, c. 116, § 9, eff. July 1, 2022; Laws 2025, c. 171, § 6, eff. July 1, 2026.

§47-14-116a. Transportation of manufactured home without permit - Penalties.

Any person, firm, or corporation who moves or transports any load or manufactured home without a permit issued by the Department of Transportation as required by the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as follows:

1. For the first such violation, by a fine of Five Hundred Dollars (\$500.00);
2. For the second such violation, by a fine of One Thousand Dollars (\$1,000.00); and
3. For the third and subsequent violations, by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00).

The permit shall be carried by the operator of the vehicle moving or transporting the load or manufactured home and shall be available for inspection by any law enforcement officer. If said operator is found not to possess a permit, the load or manufactured home shall not continue to be moved or transported. Thereafter, the load or manufactured home shall not be moved or transported further except by the operator of a vehicle moving or transporting the load or manufactured home who is in possession of a permit authorizing the movement of the load or manufactured home.

Added by Laws 1985, c. 238, § 6, emerg. eff. July 8, 1985. Amended by Laws 2004, c. 390, § 11, eff. July 1, 2004; Laws 2022, c. 116, § 10, eff. July 1, 2022.

§47-14-117. Repealed by Laws 1984, c. 49, § 4, operative July 1, 1984.

§47-14-118. Motor carriers - Permits - Oklahoma Load Limit Map - Saddle mounts - Exemptions and restrictions - Driveaway permits.

A. 1. Pursuant to such rules as may be prescribed by Oklahoma agencies of jurisdiction, Oklahoma motor carriers may engage in any activity in which carriers subject to the jurisdiction of the federal government may be authorized by federal legislation to engage. Provided further, the Transportation Commission shall formulate for the State Trunk Highway System, including the National System of Interstate and Defense Highways, and for all other highways or portions thereof, rules governing the movement of vehicles or loads which exceed the size or weight limitations specified by the provisions of this chapter.

2. Such rules shall be the basis for the development of a system by the Executive Director of the Department of Transportation for the issuance of permits for the movement of oversize or overweight vehicles or loads. Such system shall include, but not be limited to, provisions for duration, seasonal factors, hours of the day or days when valid, special requirements as to flags, flagmen and warning or safety devices and other such items as may be

consistent with the intent of this section. The permit system shall include provisions for the collection of permit fees as well as for the issuance of the permits by telephone, electronic transfer or such other methods of issuance as may be deemed feasible.

3. The Department of Transportation is authorized to charge a fee of Two Dollars (\$2.00) for each permit requested to be issued by facsimile machine or by any other means of electronic transmission, transfer or delivery. The fee shall be in addition to any other fee or fees assessed for the permit. The fee shall be deposited in the State Treasury to the credit of the Department of Transportation and the monies shall be expended by the Department of Transportation solely for the purposes provided for in this chapter.

4. It is the purpose of this section to permit the movement of necessary overweight and oversize vehicles or loads consistent with the following obligations:

- a. protection of the motoring public from potential traffic hazards,
- b. protection of highway surfaces, structures, and private property, and
- c. provision for normal flow of traffic with a minimum of interference.

B. The Transportation Commission shall prepare and publish a map of this state showing by appropriate symbols the various highway structures and bridges in terms of maximum size and weight restrictions. This map shall be titled "Oklahoma Load Limit Map" and shall be revised periodically to maintain a reasonably current status and in no event shall a period of two (2) years lapse between revisions and publication of the printed version of the Oklahoma Load Limit Map. This map shall also be made available by the Department of Transportation on the Internet, and in no event shall a period of six (6) months lapse between revisions of the information provided on the Internet. Provided, further, the Secretary of the Department of Transportation shall prepare and publish a map of this state showing the advantages of this state as a marketing, warehousing and distribution network center for motor transportation sensitive industries.

C. The Executive Director of the Department of Transportation, or an authorized representative, shall have the authority, within the limitations formulated under provisions of this chapter, to issue, withhold or revoke special permits for the operation of vehicles or combinations of vehicles or loads which exceed the size or weight limitations of this chapter. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer or authorized agent of any authority granting such permit, and no person shall violate any of the terms or conditions of such special permit.

D. It shall be permissible in the transportation of empty trucks on any road or highway to tow by use of saddlemounts, i.e., mounting the front wheels of one vehicle on the bed of another leaving the rear wheels only of such towed vehicle in contact with the roadway. One vehicle may be fullmounted on the towing or towed vehicles engaged in any driveaway or towaway operation. No more than three saddlemounts may be permitted in such combinations. The towed vehicles shall be securely fastened and operated under the applicable safety requirements of the United States Department of Transportation and such combinations shall not exceed an overall length of seventy-five (75) feet. Provided, a driveaway saddlemount with fullmount vehicle transporter combination may reach an overall length of ninety-seven (97) feet on the National Network of Highways.

E. The Executive Director of the Department of Transportation, upon application of any person engaged in the transportation of forest products in the raw state, which is defined to be tree-length logs moving from the forest directly to the mill, or upon application of any person engaged in the hauling for hire or for resale of round baled hay with a total outside width of eleven (11) feet or less, shall issue an annual permit, upon payment of a fee of Twenty-five Dollars (\$25.00) each year, authorizing the operation by such persons of such motor vehicle load lengths and widths upon the highways of this state except on the National System of Interstate and Defense Highways. Provided, however, the restriction on use of the National System of Interstate and Defense Highways shall not be applicable to persons engaged in the hauling of round baled hay with a total outside width of eleven (11) feet or less.

F. The Executive Director of the Department of Transportation, upon application of any person engaged in the transportation of overwidth or overheight equipment used in soil conservation work with a total outside width of twelve (12) feet or less, shall issue an annual permit, upon payment of a fee of Twenty-five Dollars (\$25.00) each year, authorizing the operation by such persons of such motor vehicle load lengths and widths upon the highways of this state except on the National System of Interstate and Defense Highways.

G. Farm equipment including, but not limited to, implements of husbandry as defined in Section 1-125 of this title shall be exempted from the requirement for special permits due to size. Such equipment may move on any highway, except those highways which are part of the National System of Interstate and Defense Highways, during the hours of darkness and shall be subject to the requirements as provided in Section 12-215 of this title. In addition to those requirements, tractors pulling machinery over thirteen (13) feet wide must have two amber flashing warning lamps symmetrically mounted, laterally and widely spaced as practicable,

visible from both front and rear, mounted at least thirty-nine (39) inches high.

H. Any rubber-tired road construction vehicle including rubber-tired truck cranes and special mobilized machinery either self-propelled or drawn carrying no load other than component parts safely secured to the machinery and its own weight, but which is overweight by any provisions of this chapter, shall be authorized to move on the highways of this state. Movement of such vehicles shall be authorized on the National System of Interstate and Defense Highways only by special permit secured from the Executive Director of the Department of Transportation or an authorized representative upon determination that the objectives of this section will be served by such a permit and that federal weight restrictions will not be violated. The special permit shall be:

1. A single-trip permit issued under the provisions of this section and Section 14-116 of this title; or

2. A special annual overweight permit which shall be issued for one calendar year period upon payment of a fee of Sixty Dollars (\$60.00).

The weight of any such vehicle shall not exceed six hundred fifty (650) pounds multiplied by the nominal width of the tire. The vehicle shall be required to carry the safety equipment adjudged necessary for the health and welfare of the driving public. If any oversized vehicle does not come under the other limitations of the present laws, it shall be deemed that the same shall travel only between the hours of sunrise and sunset. The vehicle, being overweight but of legal dimension, shall be allowed continuous travel. The vehicles, except special mobilized machinery, shall be exempt from the laws of this state relating to motor vehicle registration, licensing or other fees or taxes in lieu of ad valorem taxes.

- I. 1. When such machinery has a width greater than eight and one-half (8 1/2) feet, or a length, exclusive of load, of forty-five (45) feet, or a height in excess of thirteen and one-half (13 1/2) feet, then the permit may restrict movement to a fifty-mile radius from an established operating base, and may designate highways to be traveled, hours of travel and when flagmen may be required to precede or follow the equipment.

2. Possession of a permit shall in no way be construed as exempting such equipment from the authority of the Executive Director of the Department of Transportation to restrict use of particular highways, nor shall it exempt owners or operators of such equipment from the responsibility for damage to highways caused by movement of the equipment. Nothing in this subsection shall apply to machinery used in highway construction or road material production.

3. Upon the issuance of a special mobilized machinery driveway permit as provided in this subsection, special mobilized machinery manufactured in Oklahoma shall be permitted to move upon the highways of this state from the place of manufacture to the state line for delivery and exclusive use outside the state, and may be temporarily returned to Oklahoma for modification and repair, with subsequent movement back out of the state. Special driveway permits for such movements shall be issued by the Executive Director of the Department of Transportation, who may act through designated agents, upon the payment of a fee in the amount of Fifteen Dollars (\$15.00) for each movement.

4. The size of the special mobilized machinery shall not be such as to create a safety hazard in the judgment of the Executive Director of the Department of Transportation. Permits for such special mobilized machinery shall specify a maximum permissible road speed of sixty (60) miles per hour, designate safety equipment to be carried and may exclude use of highways of the interstate system.

5. When such equipment has a width greater than eight and one-half (8 1/2) feet, or a length exclusive of load of forty-five (45) feet, or a height in excess of thirteen and one-half (13 1/2) feet, the permit may designate highways to be traveled, hours of travel and when flagmen may be required to precede or follow the equipment.

6. Possession of a special driveway permit shall in no way be construed as exempting such equipment from the authority of the Executive Director of the Department of Transportation to restrict use of particular highways, nor shall it exempt the owners or operators of such equipment from the responsibility for damage to highways caused by the movement of such equipment.

Added by Laws 1972, c. 56, § 1, emerg. eff. March 20, 1972. Amended by Laws 1977, c. 55, § 5, emerg. eff. May 16, 1977; Laws 1980, c. 125, § 2, emerg. eff. April 16, 1980; Laws 1980, c. 265, § 2, emerg. eff. June 9, 1980; Laws 1985, c. 290, § 3, operative July 1, 1985; Laws 1987, c. 232, § 1, emerg. eff. July 5, 1987; Laws 1991, c. 156, § 3, emerg. eff. May 6, 1991; Laws 1993, c. 252, § 3, emerg. eff. May 26, 1993; Laws 1995, c. 308, § 2, eff. July 1, 1996; Laws 1996, c. 220, § 1, emerg. eff. May 23, 1996; Laws 1998, c. 125, § 4, eff. Nov. 1, 1998; Laws 2000, c. 189, § 6, eff. July 1, 2000; Laws 2001, c. 309, § 5, eff. Nov. 1, 2001; Laws 2002, c. 397, § 26, eff. Nov. 1, 2002; Laws 2006, c. 65, § 1, emerg. eff. April 17, 2006; Laws 2007, c. 55, § 1, eff. Nov. 1, 2007; Laws 2011, c. 153, § 1, eff. Nov. 1, 2011; Laws 2012, c. 162, § 1, eff. Nov. 1, 2012; Laws 2013, c. 15, § 30, emerg. eff. April 8, 2013; Laws 2014, c. 239, § 2, emerg. eff. May 9, 2014; Laws 2022, c. 116, § 11, eff. July 1, 2022. NOTE: Laws 1980, c. 127, § 1 repealed by Laws 1980, c. 265, § 3, emerg. eff. June 9, 1980. Laws 2012, c. 283, § 11 repealed by Laws 2013, c. 15, § 31, emerg. eff. April 8, 2013.

§47-14-118.1. Multi-state oversize and overweight permits.

The Department of Transportation is authorized to enter into agreements with governmental entities outside this state for the issuance of regional and national oversize and overweight permits for single-trip nondivisible loads. The Executive Director of the Department of Transportation shall adopt rules necessary to implement the agreements and shall issue multi-state permits for single-trip nondivisible loads in accordance with the terms of the agreements and shall receive and remit permit fees from a Department of Transportation special account in accordance with the agreements and state law.

Added by Laws 1995, c. 122, § 1, eff. July 1, 1995. Amended by Laws 1996, c. 324, § 5; Laws 2022, c. 116, § 12, eff. July 1, 2022.

§47-14-119. Load capacity violations - Penalties.

Any common, contract, or private motor carrier or any shipper, firm, corporation, or other person who willfully or knowingly transports a load having a capacity greater than the axle or gross weights authorized by statute or by special permit pursuant to the provisions of Sections 14-116 and 14-118 of this title, or who loads or causes or requires a vehicle to be loaded to said capacity, upon conviction, is guilty of a misdemeanor and shall be subject to the penalties and fines provided for in Section 172 of Title 47 of the Oklahoma Statutes or to a fine in the amount provided for in Sections 1115.2 and 1115.3 of Title 22 of the Oklahoma Statutes.

Added by Laws 1984, c. 49, § 1, operative July 1, 1984. Amended by Laws 1995, c. 27, § 4, eff. July 1, 1995.

§47-14-120. Movement of certain manufactured items - Limitations - Permits - Fees - Escorts.

A. Manufactured items, with the exception of manufactured homes as defined in Section 1102 of this title and industrialized housing as described in subsection B of Section 14-103A of this title, exceeding sixteen (16) feet but not exceeding twenty-three (23) feet in width traveling:

1. From a point of manufacture in this state to a point of delivery in this state or to a point of delivery in another state; or

2. From a point of manufacture outside this state to a point of delivery in this state or to a point of delivery in another state shall be permitted, upon receipt of a special movement permit issued under the provisions of subsection B of this section, to travel on any state or U.S. highway in Oklahoma. Provided, however, the Executive Director of the Department of Transportation is authorized to allow such items in excess of twenty-three (23) feet in width to travel on such highway if it is in the best interest of the state and a special moving permit has been issued. Provided, further,

that no such load in excess of the limitations set forth in the applicable United States Code shall be permitted to travel upon any portion of the National System of Interstate and Defense Highways.

B. Every person desiring to transport manufactured items pursuant to the provisions of this section shall apply to the Department of Transportation for a special movement permit on an application form prescribed by the Department. Upon approval of the application by the Department of Transportation, a special movement permit shall be issued for a fee of Five Hundred Dollars (\$500.00). Except as provided in Section 14-122 of this title, monies received from such special movement permit fees shall be deposited in the State Treasury to the credit of the General Revenue Fund. A permit issued pursuant to the provisions of this subsection shall expire upon the completion of one trip specified in subsection A of this section. The special movement permit, and fee related thereto, shall be in addition to the permit and fees required by Section 14-116 of this title.

C. Highway escorts shall be required for transportation of items pursuant to the provisions of this section according to rules and regulations prescribed by the Department of Transportation. Added by Laws 1971, c. 129, § 3, eff. May 5, 1971. Amended by Laws 1972, c. 156, § 1, eff. April 7, 1972; Laws 1984, c. 160, § 2, eff. Nov. 1, 1984. Renumbered from § 116.21 of this title by Laws 1984, c. 160, § 3, eff. Nov. 1, 1984. Amended by Laws 1987, c. 5, § 160, emerg. eff. March 11, 1987; Laws 1987, c. 91, § 1, eff. Nov. 1, 1987; Laws 1995, c. 27, § 5, eff. July 1, 1995; Laws 2010, c. 428, § 2, eff. July 1, 2010; Laws 2022, c. 116, § 13, eff. July 1, 2022.

§47-14-120.1. Vehicles 12 or more feet wide to be escorted.

A. 1. Any vehicle or combination of vehicles with an outside width that exceeds twelve (12) feet operating on highways in the state, including the National System of Interstate and Defense Highways, shall, in addition to being in compliance with provisions of Section 14-101 et seq. of this title, be accompanied by an escort vehicle or vehicles, as prescribed by the Department of Transportation.

2. Escort vehicle requirements shall not apply to retail implement dealers transporting farm implements from a retail distribution point to a farm or other location within a one hundred fifty (150) air-mile radius from the distribution point. For the purposes of this subsection, "retail implement dealers" shall mean a business engaged primarily in the sale of farm tractors as defined in Section 1-118 of this title or implements of husbandry as defined in Section 1-125 of this title or a combination thereof.

B. No person shall operate an escort vehicle for hire, as required by this section, unless the person has been certified by the Department of Transportation as an escort vehicle operator.

C. Any person not required to be certified by the Department of Transportation as an escort vehicle operator may tow a trailer when escorting a manufactured home. Such trailer shall not exceed eight and one-half (8 1/2) feet in width and twenty (20) feet in length with siding not to exceed four (4) feet in height measured from the bed of the trailer.

The trailer may only be used to transport supplies and equipment necessary to carry out the mission of escort vehicle operators.

D. The Executive Director of the Department of Transportation shall promulgate rules for the certification of operators of escort vehicles and the use of escort vehicles, as required by this section.

E. The Executive Director of the Department of Transportation is hereby authorized to enter into reciprocal compacts and agreements with other states for the purpose of recognizing escort vehicle operator certifications issued by those states.

Added by Laws 1998, c. 423, § 2. Amended by Laws 2001, c. 130, § 1, emerg. eff. April 24, 2001; Laws 2011, c. 330, § 1; Laws 2021, c. 389, § 1, emerg. eff. May 3, 2021; Laws 2022, c. 116, § 14, eff. July 1, 2022.

§47-14-120.2. Law enforcement escort - Transport of oversized load or hazardous shipment by road or rail - Fees.

A. Every person required by the Department of Transportation, the Oklahoma Turnpike Authority, or any federal agency or commission to have a law enforcement escort provided by the Oklahoma Highway Patrol Division of the Department of Public Safety for the transport of any oversized load or hazardous shipment by road or rail shall pay to the Department of Public Safety a fee covering the full cost to administer, plan, and carry out the escort within this state.

B. If the Highway Patrol provides an escort to accompany the transport of an oversized load or hazardous shipment by road or rail at the request of any person that is not required to have a law enforcement escort pursuant to subsection A of this section, then the requestor shall pay to the Department of Public Safety a fee covering the full cost to administer, plan, and carry out the escort within this state.

C. The Department of Public Safety shall adopt a schedule of fees necessary to implement this section.

D. All fees collected by the Department of Public Safety pursuant to this section shall be deposited to the credit of the Department of Public Safety Revolving Fund established pursuant to Section 2-144.1 of this title.

Added by Laws 2004, c. 390, § 12, eff. July 1, 2004. Amended by Laws 2012, c. 283, § 12, eff. July 1, 2012; Laws 2022, c. 116, § 15, eff. July 1, 2022; Laws 2023, c. 107, § 1, eff. Nov. 1, 2023.

§47-14-121. Special combination vehicles - Permits.

A. No person shall operate a special combination vehicle within this state without a special combination vehicle permit for the vehicle issued by the Department of Transportation. Such permit may be issued for operation upon Federal Aid Interstate Highways or four-lane divided Federal Aid Primary Highways and for access or egress between points of origin or destination.

B. The Executive Director of the Department of Transportation shall promulgate rules for the issuance of special combination vehicle permits and shall collect an annual fee of Two Hundred Forty Dollars (\$240.00) for each such permit issued. Except as provided in Section 14-122 of this title, fees collected pursuant to this section shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury.

C. For the purposes of this section, a special combination vehicle shall consist of a truck-tractor semitrailer combination towing two complete trailers or semitrailers. No semitrailer or trailer used in such a combination shall have a length greater than twenty-nine (29) feet nor shall a special combination vehicle exceed the weight limitations imposed by Sections 14-109 and 14-116 of this title.

Added by Laws 1986, c. 37, § 1, eff. Sept. 1, 1986. Amended by Laws 1987, c. 5, § 161, emerg. eff. March 11, 1987; Laws 2010, c. 428, § 3, eff. July 1, 2010; Laws 2022, c. 116, § 16, eff. July 1, 2022.

§47-14-122. Apportionment of fees.

A. Notwithstanding the provisions of Section 1104 of Title 47 of the Oklahoma Statutes, the first Twenty Million Dollars (\$20,000,000.00) of the following fees shall be deposited in the General Revenue Fund to be apportioned as follows:

1. Twenty Dollars (\$20.00) of any fee collected for a minimum permit fee pursuant to Section 14-116 of Title 47 of the Oklahoma Statutes;

2. Five Dollars (\$5.00) of any fee collected for excess weight pursuant to Section 14-116 of Title 47 of the Oklahoma Statutes;

3. Two Hundred Fifty Dollars (\$250.00) of any fee collected pursuant to Section 14-120 of Title 47 of the Oklahoma Statutes; and

4. One Hundred Twenty Dollars (\$120.00) of any fee collected pursuant to Section 14-121 of Title 47 of the Oklahoma Statutes.

B. Any fees collected pursuant to Sections 14-116, 14-120 and 14-121 of Title 47 of the Oklahoma Statutes that are in excess of Twenty Million Dollars (\$20,000,000.00) shall be apportioned as otherwise provided for in the sections specified in this subsection. Added by Laws 2010, c. 428, § 4, eff. July 1, 2010.

§47-14-123. Roads and highways - Size, weight, and speed regulations.

Any motor vehicle of any size, except those motor vehicles regulated pursuant to Section 14-101 et seq. of Title 47 of the Oklahoma Statutes, meeting the legal requirements for safety equipment and licensed to operate on public roadways in this state shall be allowed to operate in accordance with all size, weight and speed regulations on any road or highway in this state including the National System for Interstate and Defense Highways.
Added by Laws 2011, c. 174, § 1.

§47-14-124. Commercial class A license - Hazardous material endorsement exception.

Any person driving under a commercial class A license shall not be required to obtain a hazardous material endorsement pursuant to 49 C.F.R. Section 383 if the person is:

1. Acting within the scope of the license holder's employment as an employee of a custom harvester operation; and
2. Operating a service vehicle that is:
 - a. transporting diesel in a quantity of three thousand seven hundred and eight-five (3,785) liters, or one thousand (1,000) gallons or less, and
 - b. clearly marked with a "flammable" or "combustible" placard, as appropriate.

Added by Laws 2018, c. 54, § 1, emerg. eff. April 18, 2018.

§47-14-125. Agricultural vehicles - Exempt from electronic logging devices.

A. Agricultural motor vehicles engaged in intrastate commerce shall be exempt from the requirement for electronic logging devices and hours of services as mandated by Section 32301(b) of the U.S. Commercial Motor Vehicle Safety Enhancement Act.

B. For the purposes of this section, agricultural vehicles shall include, but are not limited to, single axel trucks with a gooseneck or bumper pull trailer for the purpose of hauling horses or livestock, and trailers with living quarters.

Added by Laws 2018, c. 265, § 1, eff. July 1, 2018.

NOTE: Editorially renumbered from § 14-124 of this title to avoid duplication in numbering.

§47-14-126. High-wide corridors.

A. As used in this section:

1. "Affected area" means the entire width of the right-of-way of the route extended to a height of twenty-three (23) feet above the roadway;

2. "High-wide load" means a motor vehicle transporting property on any portion of a route where the vehicle exceeds the limitations on size imposed by Section 14-103 of Title 47 of the Oklahoma Statutes and no portion of the motor vehicle or the transported

property has a greater width than twenty-eight (28) feet or a greater height than twenty-three (23) feet; and

3. "Political subdivision" means a city, village, town or county.

B. The following routes through Oklahoma are designated as Oklahoma high-wide corridors:

1. US-83 in Beaver County, commencing at the Texas border and ending at the Kansas border; and

2. a. commencing at the intersection of US-83 and US-270 in Beaver County, proceeding east on US-270 to SH-51 in Dewey County,
b. at the intersection of US-270 and SH-51, proceeding east on SH-51 to US-77 in Logan County,
c. at the intersection of SH-51 and US-77, proceeding north on US-77 to US-64 in Noble County,
d. at the intersection of US-77 and US-64, proceeding east on US-64 to SH-108 in Payne County,
e. at the intersection of US-64 and SH-108, proceeding south on SH-108 to SH-51,
f. at the intersection of SH-108 and SH-51, proceeding east on SH-51 to SH-97 in Tulsa County, and
g. at the intersection of SH-51 and SH-97, proceeding north on SH-97 and ending at East 21st Street; and
3. a. commencing at the intersection of SH-51 and SH-99 in Creek County, proceeding north on SH-99 to US-60 in Osage County,
b. at the intersection of SH-99 and US-60, proceeding west on US-60 to SH-18, and
c. at the intersection of US-60 and SH-18, proceeding north on SH-18 and ending at the Kansas border; and
4. a. US-169, commencing at the Kansas border in Nowata County and proceeding south on US-169 to SH-266 in Tulsa County, and
b. at the intersection of US-169 and SH-266, proceeding east on SH-266 and ending at SH-66 in Rogers County; and
5. a. commencing at the intersection of SH-51 and SH-351 at the Tulsa/Wagoner County line, proceeding south and east on SH-51 to US-69 in Wagoner County,
b. at the intersection of SH-51 and US-69, proceeding north on US-69 to US-60 in Craig County, and
c. at the intersection of US-69 and US-60 in Ottawa County (2.5 mi. NE of Afton), proceeding east on US-60 and ending at the Missouri border; and

6. US-183, commencing at the Texas border in Tillman County and proceeding north on US-183 and ending at the intersection of SH-51 in Dewey County; and

7.
 - a. commencing at the intersection of US-183 and SH-9 in Kiowa County, proceeding east on SH-9 to SH-146 in Caddo County,
 - b. at the intersection of SH-9 and SH-146, proceeding north on SH-146 to SH-152,
 - c. at the intersection of SH-146 and SH-152, proceeding east on SH-152 to US-81 in Grady County,
 - d. at the intersection of SH-152 and US-81, proceeding south on US-81 to SH-37,
 - e. at the intersection of US-81 and SH-37, proceeding east on SH-37 to SH-4,
 - f. at the intersection of SH-37 and SH-4, proceeding north on SH-4 to SH-152 in Canadian County, and
 - g. at the intersection of SH-152 and SH-4, proceeding east on SH-152 and ending at MacArthur Boulevard in Oklahoma County; and
8.
 - a. commencing at the intersection of US-270 and US-412 in Woodward County, proceeding east on US-412 to SH-132 in Garfield County,
 - b. at the intersection of US-412 and SH-132, proceeding north on SH-132 to SH-45,
 - c. at the intersection of SH-132 and SH-45, proceeding east on SH-45 to US-64,
 - d. at the intersection of SH-45 and US-64, proceeding north on US-64 to US-60 in Grant County,
 - e. at the intersection of US-64 and US-60, proceeding east on US-60 to SH-74,
 - f. at the intersection of US-60 and SH-74, proceeding south on SH-74 to SH-15 in Garfield County,
 - g. at the intersection of SH-74 and SH-15, proceeding east on SH-15 to US-77 in Noble County,
 - h. at the intersection of SH-15 and US-77, proceeding south on US-77 to SH-15,
 - i. at the intersection of US-77 and SH-15, proceeding east on SH-15 to US-177, and
 - j. at the intersection of SH-15 and US-177, proceeding south on US-177 to US-64.

C. No person shall operate a high-wide load on the route described without a permit from the Department of Transportation.

D. Exclusive of incorporated municipal limits, no person may install any structure within the affected area without a permit from the Department of Transportation.

E. Upon the effective date of this section, and exclusive of incorporated municipal limits, no person may do any of the following within the affected area:

1. Install any permanent structure without the authorization of the Department of Transportation; or

2. Take any action that would make any portion of the affected area permanently unavailable for use by a high-wide load.

F. The Department of Transportation shall create additional design standards for improvements to the Oklahoma high-wide routes to prevent interference from permanent structures. These standards shall:

1. Maintain a minimum eighteen feet and zero inches (18'-0") vertical clearance above the road surface for all future overhead obstructions. Where bridges cross over the Oklahoma high-wide routes, they shall be designed, where possible, to allow for high-wide loads to quickly egress and ingress around the bridge utilizing on- and off-ramps;

2. Require all future overhead signage to be of cantilever design, where possible, to allow high-wide loads to shift lanes to prevent interference; and

3. Require all future bridge design or construction on the Oklahoma high-wide routes to accommodate a three hundred fifteen thousand (315,000) pound gross vehicle weight, single-lane design vehicle.

G. Political subdivisions in which any portion of the Oklahoma high-wide route is located shall attempt to reach agreements among the affected parties and with persons using the high-wide route for high-wide loads regarding the allocation of costs and provision of services related to removing permanent structures that interfere with the use of any portion of the affected area by high-wide loads.

H. Political subdivisions in which any portion of the Oklahoma high-wide route is located shall attempt to reach agreements among the affected parties and with persons using the high-wide route for high-wide loads to provide timely vehicle escorts for persons using the high-wide route for high-wide loads.

Added by Laws 2018, c. 53, § 1, eff. Nov. 1, 2018. Amended by Laws 2021, c. 260, § 1, eff. Nov. 1, 2021; Laws 2022, c. 116, § 17, eff. July 1, 2022.

NOTE: Editorially renumbered from § 14-124 of this title to avoid duplication in numbering.

§47-15-101. Provisions uniform throughout state.

The provisions of Chapters 10, 11, 12, 13 and 14 of this act shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any ordinance, rule or regulation in conflict with the provisions of such chapters unless expressly authorized herein. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of such chapters.

Laws 1961, p. 418, § 15-101.

§47-15-101.1. Jurisdiction of cities and towns to regulate traffic on boundary lines.

Any city or town may promulgate, adopt and enforce ordinances governing and regulating the operation of motor vehicles and other traffic upon roads, streets and highways that form the boundary line of such city or town, subject to the provisions of Section 15-101 et seq. of this title.

Added by Laws 1988, c. 124, § 2, emerg. eff. April 8, 1988. Amended by Laws 1996, c. 142, § 1, eff. Nov. 1, 1996; Laws 1997, c. 346, § 1, eff. Nov. 1, 1997. Renumbered from § 108.1 of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.

§47-15-102. Powers of local authorities.

A. The provisions of this title shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

1. Regulating the standing or parking of vehicles;
2. Regulating traffic by means of police officers or traffic-control signals;
3. Regulating or prohibiting processions or assemblages on the highways;
4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;
5. Regulating the speed of vehicles in public parks;
6. Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection or a yield intersection and requiring all vehicles to stop or yield at one or more entrances to such intersection;
7. Restricting the use of highways as authorized in Section 14-113 of this title;
8. Regulating the operating of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee;
9. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;
10. Altering the speed limits as authorized herein; and
11. Adopting such other traffic regulations as are specifically authorized by this title.

B. No local authority shall erect or maintain any stop sign or traffic-control signal at any location so as to require the traffic on any state or federal highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the Department of Highways.

C. No ordinance or regulation enacted under paragraph 4, 5, 6, 7 or 10 of subsection A of this section shall be effective until signs giving notice of such local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate.

Added by Laws 1961, p. 419, § 15-102, eff. Sept. 1, 1961. Amended by Laws 2007, c. 62, § 16, emerg. eff. April 30, 2007.

§47-15-102.1. Cellular phone usage - State preemption of orders, ordinances or regulations.

A. The State Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way inattentive driving and cellular phone usage in automobiles to the complete exclusion of any order, ordinance or regulation by any municipality or other political subdivision of this state. Any existing or future orders, ordinances, or regulations in this field, except as provided for in subsection B of this section, are null and void.

B. Nothing contained in this section shall prohibit any order, ordinance or regulation of any municipality from enacting and enforcing laws prohibiting and penalizing conduct prohibited under provisions of this act, but the provisions of such order, ordinance or regulation by a municipality shall not be more stringent than those of this act.

Added by Laws 2001, c. 153, § 1. Renumbered from § 11-901a of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.

§47-15-103. Rights of owners of real property.

Nothing in this act shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner, and not as a matter of right, from prohibiting such use, or from requiring other or different or additional conditions than those specified in this act, or otherwise regulating such use as may seem best to such owner.

Laws 1961, p. 419, § 15-103.

§47-15-104. State highway commission to adopt sign manual.

The State Highway Commission shall adopt a manual and specifications for a uniform system of traffic-control devices for use upon streets and highways within this state. Such uniform system shall correlate with and, so far as possible, conform to the system then current as approved by the American Association of State Highway Officials, and the manual so adopted may be amended or revised from time to time as the Commission may deem necessary. The manual so adopted and any amendments or revisions thereof shall be published by the State Highway Commission and one copy thereof shall

be distributed free of charge to the local governing bodies of counties and incorporated cities and towns.
Laws 1961, p. 419, § 15-104.

§47-15-105. Department of highways to sign all state and federal highways.

(a) The Department of Highways shall place and maintain such traffic-control devices, conforming to its manual and specifications, upon all state and federal highways as it shall deem necessary to indicate and to carry out the provisions of this act or to regulate, warn or guide traffic.

(b) No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the Department of Highways except by the latter's permission.

Laws 1961 P. 419, Sec. 15-105.

§47-15-106. Local traffic-control devices.

(a) Local authorities in their respective jurisdictions shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this act or local traffic ordinances or to regulate, warn or guide traffic. All such traffic-control devices hereafter erected shall conform to the state manual and specifications.

(b) Local authorities in exercising those functions referred to in the preceding paragraph with regard to streets and highways which are a continuation of state or federal numbered highways shall be subject to the direction and control of the State Highway Commission.

Laws 1961, p. 420, § 15-106.

§47-15-107. Authority to require pedestrian obedience to traffic-control signs.

Local authorities are hereby empowered by ordinance to require that pedestrians shall strictly comply with the directions of any official traffic-control signal and may by ordinance prohibit pedestrians from crossing any roadway in a business district or any designated highways except in a crosswalk.

Laws 1961, p. 420, § 15-107.

§47-15-108. Authority to designate through highways and "stop" and "yield" intersections.

The Department of Highways with reference to state and federal highways and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop or yield signs at specified entrances thereto, or may designate any intersection as a stop intersection or as a yield intersection

and erect stop signs or yield signs at one or more entrances to such intersection.

Laws 1961, p. 420, § 15-108.

§47-15-109. Regulations relative to school buses.

A. The State Board of Education in accordance with the Federal Motor Vehicle Safety Standards, 49 C.F.R., Part 571, shall adopt and enforce regulations not inconsistent with this act to govern the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and such regulations shall by reference be made a part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to said regulations.

B. Any officer or employee of any school district who violates any of said regulations or fails to include obligation to comply with said regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any of said regulations shall be guilty of a breach of contract and such contract shall be canceled after notice and hearing by the responsible officers of such school district.

Added by Laws 1961, p. 420, § 15-109, eff. Sept. 1, 1961. Amended by Laws 2002, c. 397, § 27, eff. Nov. 1, 2002.

§47-15-110. Model Traffic Ordinance - Authorization to adopt.

Insofar as it is consistent with state law, all cities and towns may adopt and maintain the "Model Traffic Ordinance" of the National Committee on Uniform Traffic Laws and Ordinances.

Laws 1967, c. 120, § 1, emerg. eff. April 25, 1967.

§47-15-111. Special parking privileges for physically disabled persons.

A. Municipalities and political subdivisions of the state with authority to regulate the standing or parking of vehicles shall extend special parking privileges to a physically disabled person who displays on a motor vehicle operated by or under the direction and for the use of the physically disabled person:

1. A placard indicating physical disability, issued pursuant to the provisions of Section 15-112 of this title;

2. A physically disabled license plate, issued pursuant to the provisions of Section 1135.1 of this title;

3. A disabled veterans license plate with the international accessibility symbol, issued pursuant to the provisions of Section 1135.2 of this title;

4. A disability sticker issued by the Department of Veterans Affairs and federal military bases; or

5. A physically disabled placard or license plate issued by another state.

B. No such special parking privilege, however, shall excuse the violation of any state statute, nor shall any such privilege be applicable where the standing or parking would create a dangerous situation or impede the normal flow of traffic.

C. Municipalities and political subdivisions of the state with authority to regulate the standing or parking of vehicles shall follow the current version of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) when designing or redesigning disabled parking spaces.

Added by Laws 1971, c. 220, § 1. Amended by Laws 1995, c. 133, § 2, emerg. eff. April 27, 1995; Laws 1996, c. 129, § 1, eff. Nov. 1, 1996; Laws 1999, c. 276, § 2, eff. Nov. 1, 1999; Laws 2004, c. 178, § 1, eff. Nov. 1, 2004; Laws 2007, c. 62, § 17, emerg. eff. April 30, 2007; Laws 2010, c. 302, § 1, emerg. eff. June 5, 2010.

§47-15-112. Physical disability temporary placard - Definitions.

A. As used in this section:

1. "Physician" means any person holding a valid license to practice medicine and surgery, osteopathic medicine, chiropractic, podiatric medicine, or optometry, pursuant to the state licensing provisions of Title 59 of the Oklahoma Statutes;

2. "Physician assistant" means any person holding a valid license as a physician assistant, pursuant to the state licensing provisions of the Physician Assistant Act;

3. "Advanced registered nurse practitioner" means any person who holds a current license as a registered nurse and a current certificate of recognition for practice as an Advanced Registered Nurse Practitioner as set forth in the Oklahoma Nursing Practice Act pursuant to the state licensing provisions contained in paragraph 5 of Section 567.3a of Title 59 of the Oklahoma Statutes; and

4. "Physical disability" means an illness, disease, injury or condition by reason of which a person:

- a. cannot walk two hundred (200) feet without stopping to rest,
- b. cannot walk without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistance device,
- c. is restricted to such an extent that the person's forced (respiratory) expiratory volume for one (1) second, when measured by spirometry, is less than one

- (1) liter, or the arterial oxygen tension is less than sixty (60) mm/hg on room air at rest,
- d. must use portable oxygen,
- e. has functional limitations which are classified in severity as Class III or Class IV according to standards set by the American Heart Association,
- f. is severely limited in the person's ability to walk due to an arthritic, neurological or orthopedic condition, or from complications due to pregnancy,
- g. is certified legally blind, or is missing one or more limbs.

B. Service Oklahoma shall issue a detachable placard indicating physical disability to any person who submits an application on a form furnished by Service Oklahoma and certified by a physician, physician assistant, or advanced registered nurse practitioner attesting that the applicant has a physical disability. The attestation of the physician, physician assistant, or advanced registered nurse practitioner shall denote "temporary" as the type of placard requested and shall indicate an expiration date which the physician, physician assistant, or advanced registered nurse practitioner estimates to be the date of termination of such physical disability; however, if the physician, physician assistant, or advanced registered nurse practitioner certifies that the physical disability is permanent, the physician, physician assistant, or advanced registered nurse practitioner shall denote "five-year" as the type of placard requested.

C. Any placard issued by Service Oklahoma shall remain valid until:

- 1. The placard expires;
- 2. The person to whom the placard was issued requests a replacement placard; or
- 3. The placard is no longer needed by the person to whom the placard was issued for the disability for which the placard was originally issued, whereupon such placard shall be returned to Service Oklahoma.

D. 1. A five-year placard shall expire five (5) years from the last day of the month in which the placard was issued. Upon the expiration of a five-year placard, the person to whom such placard was issued may obtain a subsequent placard by reapplying to Service Oklahoma, in the same manner as provided in subsection B of this section.

2. A temporary placard shall indicate the expiration date which the physician, physician assistant, or advanced registered nurse practitioner certifying the physical disability estimates to be the date of termination of such physical disability, which shall not be later than six (6) months from the date of issuance and upon which date such placard shall expire and shall be returned to Service

Oklahoma; provided, however, nothing in this paragraph shall be construed to prevent the holder from applying for another placard, as provided for in this section.

3. In the event that a placard is lost or destroyed, the person to whom such placard was issued may apply in writing to Service Oklahoma for a replacement placard, which Service Oklahoma shall issue with the same expiration date as the original placard.

4. On and after January 1, 1998, all placards issued prior to October 31, 1990, shall expire on the last day of the month in which the placard was issued, and the person to whom such placard was issued may follow the procedure provided for in subsection B of this section to obtain a second or subsequent placard.

5. On and after January 1, 2000, all placards issued between November 1, 1990, and June 30, 1995, shall expire on the last day of the birth month of the person to whom the placard was issued, and the person to whom such placard was issued may follow the procedure provided for in subsection B of this section to obtain a second or subsequent placard.

E. A physician, physician assistant, or advanced registered nurse practitioner may sign an application certifying that a person has a physical disability, as provided in subsection B of this section, only if care and treatment of the illness, disease, injury or condition causing the physical disability of such person falls within the authorized scope of practice of the physician or physician assistant, or advanced registered nurse practitioner.

F. Service Oklahoma shall have the power to formulate, adopt and promulgate rules as may be necessary to implement and administer the provisions of this section, including, but not limited to, prescribing the manner in which the placard is to be displayed on a motor vehicle.

G. All applications and information submitted in conjunction with an application for a placard are confidential and Service Oklahoma shall not be required to release to any person, applications, or placard information, in whole or in part and in any format, except as otherwise provided for in this subsection. Information contained on the application, including personally identifiable information, shall only be released for the following purposes:

1. For use by a law enforcement agency in carrying out its functions, specifically including parking enforcement; and

2. For use in connection with any civil, criminal, or administrative proceeding in any federal, state, or local court or agency.

H. Nothing in this section shall prohibit the issuance of a temporary placard to a pregnant woman whose condition, as determined by a physician, physician assistant, or advanced registered nurse

practitioner, meets one or more of the categories described in paragraph 4 of subsection A of this section.

Added by Laws 1971, c. 220, § 2. Amended by Laws 1981, c. 264, § 16, emerg. eff. June 25, 1981; Laws 1982, c. 179, § 1, emerg. eff. April 16, 1982; Laws 1987, c. 11, § 1, emerg. eff. April 1, 1987; Laws 1987, c. 91, § 2, emerg. eff. May 15, 1987; Laws 1990, c. 287, § 1, eff. Sept. 1, 1990; Laws 1992, c. 103, § 1, eff. Sept. 1, 1992; Laws 1993, c. 123, § 1, eff. Sept. 1, 1993; Laws 1995, c. 133, § 3, emerg. eff. April 27, 1995; Laws 1995, c. 358, § 3, eff. July 1, 1995; Laws 1996, c. 129, § 2, eff. Nov. 1, 1996; Laws 1997, c. 94, § 1, eff. Nov. 1, 1997; Laws 1999, c. 276, § 3, eff. Nov. 1, 1999; Laws 2000, c. 189, § 7, eff. July 1, 2000; Laws 2001, c. 385, § 1, eff. Nov. 1, 2001; Laws 2002, c. 397, § 28, eff. Nov. 1, 2002; Laws 2004, c. 121, § 1, eff. July 1, 2004; Laws 2007, c. 326, § 17, eff. Nov. 1, 2007; Laws 2008, c. 302, § 3, emerg. eff. June 2, 2008; Laws 2010, c. 63, § 1, emerg. eff. April 9, 2010; Laws 2010, c. 302, § 2, emerg. eff. June 5, 2010; Laws 2022, c. 282, § 98, emerg. eff. May 19, 2022; Laws 2025, c. 330, § 11, eff. July 1, 2025.

NOTE: Laws 1995, c. 15, § 1 repealed by Laws 1995, c. 358, § 12, emerg. eff. June 9, 1995.

§47-15-112.1. Repealed by Laws 1995, c. 133, § 4, emerg. eff. April 27, 1995. (Prior to repeal by Laws 1995, c. 133, this section had been amended in c. 15, Laws 1995.)

§47-15-113. Penalties.

A. Any person who knowingly makes or procures the making of a false statement in an application submitted pursuant to Sections 15-111 through 15-113 of this title is guilty of a misdemeanor and upon conviction shall be punished by a fine of Five Hundred Dollars (\$500.00) for each falsified statement. This penalty shall be stated on all applications.

B. 1. Any person who has not been issued a physically disabled parking placard pursuant to the provisions of Section 15-112 of this title, a physically disabled license plate issued pursuant to the provisions of Section 1135.1 of this title, a disabled veterans license plate pursuant to the provisions of Section 1135.2 of this title, a Purple Heart recipient license plate issued pursuant to the provisions of Section 1135.2 of this title, a disability sticker issued by the Department of Veterans Affairs and federal military bases, or a physically disabled placard or license plate issued by another state, and uses a placard, sticker, or license plate to park in a disabled parking place is guilty of a misdemeanor and upon conviction shall be punished by a fine of Five Hundred Dollars (\$500.00). A person transporting a physically disabled person with an authorized placard, sticker or license plate, as provided in

subsection A of Section 11-1007 of this title, shall be excluded from the provisions of this section.

2. Any person who has been issued a physically disabled parking placard pursuant to the provisions of Section 15-112 of this title, a physically disabled license plate issued pursuant to the provisions of Section 1135.1 of this title, a disabled veterans license plate pursuant to the provisions of Section 1135.2 of this title or a Purple Heart recipient license plate issued pursuant to the provisions of Section 1135.2 of this title, and knowingly allows the placard or license plate to be used by a person not issued the placard or license plate as described in paragraph 1 of this subsection, is guilty of a misdemeanor and upon conviction shall be punished by a fine of Five Hundred Dollars (\$500.00).

C. A person who knowingly makes a counterfeit physically disabled parking placard or physically disabled license plate is guilty of a misdemeanor and upon conviction shall be punished by a fine of Five Hundred Dollars (\$500.00) for each counterfeit placard or license plate made by such person.

Added by Laws 1971, c. 220, § 3. Amended by Laws 1999, c. 276, § 4, eff. Nov. 1, 1999; Laws 2010, c. 302, § 3, emerg. eff. June 5, 2010; Laws 2021, c. 213, § 1, eff. Nov. 1, 2021.

§47-15-114. Operation of motorized scooters - Ordinances or regulations.

Any municipal governing body or board of county commissioners may enact ordinances or regulations governing the operation of motorized scooters upon the roads, streets, alleys, bridges, sidewalks, or other places within its respective jurisdiction in the manner provided by and not inconsistent with, state law.

Added by Laws 2004, c. 521, § 19, eff. Nov. 1, 2004.

§47-15-115. Civilian volunteer disabled parking violation units.

A. A city, town or municipality may, by adoption of a local law or ordinance, establish a civilian volunteer disabled parking violation unit to assist in the enforcement of disabled parking laws or ordinances. Persons appointed to such units shall be volunteers, shall serve without compensation, and shall be authorized to provide evidence of violations of disabled parking laws or ordinances to the appropriate law enforcement authority. Such evidence may include photographing a violation, provided that such photograph is taken in compliance with the requirements of this section. The civilian volunteer disabled parking violation unit shall have the authority to report violations of disabled parking ordinances or rules on both public and private property where the public is invited as provided for in Section 15-116 of this title.

B. A local law or ordinance enacted in accordance with the provisions of this section shall:

1. Establish a training program of no less than two (2) hours in length and require each volunteer to participate in and complete such training program;

2. Provide for the assignment of an identification number to each volunteer, and provide official identification and equipment to assist volunteer personnel in the conduct of their duties;

3. Establish uniform procedures for volunteers to follow in determining whether a violation has occurred;

4. Establish procedures for the uniform reporting of violations, which shall include the identification number of the volunteer making the report;

5. If such local law or ordinance provides for the taking of photographs of violations:

- a. grant only the local law enforcement agency the authority to process or to contract for the processing of all film or digital files submitted by volunteers,
- b. require any photographs evidencing a violation to be available for inspection in any proceeding to adjudicate the liability for such violation,
- c. provide that a certificate, sworn to or affirmed by a technician employed by the municipality in which the charged violation occurred, or a facsimile thereof, based upon inspection of photographs produced from film or digital files submitted by volunteers, shall be prima facie evidence of the facts contained therein, and
- d. prohibit the use of such a photograph for any purpose other than as evidence of a disabled parking violation; and

6. Provide the following with respect to notices of violation:

- a. a notice of violation shall be sent by first class mail to each person alleged to be liable as an owner for a violation of a disabled parking law or ordinance. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein,
- b. a notice of violation shall reference the law which was allegedly violated, and shall contain the name and address of the person alleged to be liable as an owner for a violation of a disabled parking law or ordinance, the license tag number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation, and the identification number of the volunteer who recorded the violation,
- c. a notice of violation shall contain information advising the person charged of the manner and the time

in which he or she may contest the violation alleged in the notice, and shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

C. Upon a conviction of a local law or ordinance which complies with the provisions of subsection B of this section, notwithstanding any other law, the local law enforcement entity shall have the authority to dedicate not less than twelve and one-half percent (12 1/2%) of any fine that resulted from citations or for violations of the disabled parking regulations in accordance with subsection B of Section 15-113 and subsection B of Section 11-1007 of this title, to be deposited in a special dedicated fund to be used by the local municipality for the sole purpose of establishing, maintaining and perpetuating a citizen volunteer disabled parking violation unit. Added by Laws 1999, c. 276, § 5, eff. Nov. 1, 1999. Renumbered from § 11-1007.1 of this title by Laws 2008, c. 302, § 14, emerg. eff. June 2, 2008. Amended by Laws 2010, c. 302, § 4, emerg. eff. June 5, 2010.

§47-15-116. Power of municipality or political subdivision to enforce act.

Upon the enactment of any ordinance, rule or regulation adopted in conformity with this act, the municipality or political subdivision is authorized to investigate and enforce the ordinance, rule, or regulation on public property, or private property where the public is invited such as, but not limited to, the following:

1. Places of lodging including, but not limited to, inns, hotels, and motels;
2. Establishments serving food or drink including, but not limited to, restaurants and bars;
3. Places of exhibition or entertainment including, but not limited to, motion picture houses, theaters, concert halls, and stadiums;
4. Places of public gathering including, but not limited to, auditoriums, convention centers, and lecture halls;
5. Sales or rental establishments including, but not limited to, bakeries, grocery stores, hardware stores, and shopping centers;
6. Service establishments including, but not limited to, laundromats, dry cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral parlors, gas stations, offices of accountants or lawyers, pharmacies, insurance offices, professional offices of health care providers, and hospitals;
7. Public transportation terminals, depots, or stations, not including facilities relating to air transportation;

8. Places of public display or collection including, but not limited to, museums, libraries, and galleries;

9. Places of recreation including, but not limited to, parks, zoos, and amusement parks;

10. Places of education including, but not limited to, nursery schools, elementary, secondary, undergraduate, or postgraduate private schools;

11. Social service center establishments including, but not limited to, day care centers, senior citizen centers, homeless shelters, food banks, and adoption agencies; or

12. Places of exercise or recreation including, but not limited to, gymnasiums, health spas, bowling alleys, and golf courses.

Added by Laws 1980, c. 146, § 2, eff. Oct. 1, 1980. Renumbered from § 11-1008 of this title by Laws 2008, c. 302, § 14, emerg. eff. June 2, 2008. Amended by Laws 2010, c. 302, § 5, emerg. eff. June 5, 2010.

§47-15-131. Speed limits - Traffic control regulations - Violations.

Upon application by the governing board of a public trust, as defined in Sections 164 and 176 of Title 60 of the Oklahoma Statutes, the Transportation Commission may set speed limits and promulgate regulations governing uniform traffic control to comply with the provisions of Title 47 of the Oklahoma Statutes for the reasonable and safe operation of motor vehicles on property situated within the state and owned by or under the control of the public trust.

Speed limits and regulations so established shall be enforceable when appropriate signs giving notice thereof are erected. The cost of such signs shall be borne by the public trust. Any person driving on such property in violation of the speed limit or regulation so established shall, upon conviction, be punished in the same manner as provided for persons convicted of violating other provisions of Sections 11-101 et seq. of Title 47 of the Oklahoma Statutes.

Added by Laws 1977, c. 100, § 1, eff. Oct. 1, 1977. Renumbered from § 11-308a of this title by Laws 2007, c. 62, § 24, emerg. eff. April 30, 2007.

§47-15-132. Public trusts - Contracts and agreements - Enforcement of speed limits and regulations.

A public trust authorized to make application under this section may enter into contracts and agreements with local authorities for the enforcement of speed limits and regulations governing uniform traffic control on property owned or controlled by the public trust.

Added by Laws 1977, c. 100, § 2, eff. Oct. 1, 1977. Renumbered from § 11-308b of this title by Laws 2007, c. 62, § 25, emerg. eff. April 30, 2007.

§47-16-101. Parties to a crime.

(a) Classification of parties. The parties to crimes are classified as: 1. Principals, and 2. Accessories. (b) Principals defined. All persons concerned in the commission of crime, whether it be felony or misdemeanor, and whether they directly commit the act constituting the offense or aid and abet in its commission, though not present, are principals. (c) Accessories defined. All persons who, after the commission of any felony, conceal or aid the offender, with the knowledge that he has committed a felony, and with intent that he may avoid or escape from arrest, trial, conviction, or punishment, are accessories. (d) No accessories to misdemeanor. There are no accessories. (e) Punishment of accessories. Except in cases where a different punishment is prescribed by law, an accessory to a felony is punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or in a county jail not exceeding one (1) year, or by fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

Laws 1961, p. 420, § 16-101.

§47-16-102. Offenses by persons owning or controlling vehicles.

It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.

Laws 1961, p. 420, § 16-102.

§47-16-103. Public officers and employees - Exceptions.

The provisions of Chapters 10, 11, 12, 13 and 14, applicable to drivers of vehicles upon the highways, shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, town, district or any other political subdivision of the state, subject to such specific exceptions as are set forth in this act.

Laws 1961, p. 421, § 16-103.

§47-16-104. Procedure upon arrest for felony.

Whenever a person is arrested for any violation of this act declared herein to be a felony, he shall be dealt with in like manner as upon arrest for the commission of any other felony. For the purposes of this section any offense which may be punishable by imprisonment in a state penitentiary is a felony.

Laws 1961, p. 421, § 16-104.

§47-16-105. Repealed by Laws 1987, c. 226, § 11, operative July 1, 1987.

§47-16-106. Repealed by Laws 1987, c. 226, § 11, operative July 1, 1987.

§47-16-107. Repealed by Laws 1987, c. 226, § 11, operative July 1, 1987.

§47-16-108. Misdemeanor violations - Procedure.

(a) Whenever a person is halted by a peace officer or highway patrolman for any violation of this title punishable as a misdemeanor, the officer shall proceed in accordance with the State and Municipal Traffic Bail Bond Procedure Act, Section 1115 et seq. of Title 22 of the Oklahoma Statutes.

(b) If the person charged with the violation is a minor, then the citing police officer shall ascertain from the minor the name and address of his parents or legal guardian, and said officer shall cause a copy of the "violation" to be mailed to the address of the parents or legal guardian, within three (3) days after the date of violation.

Amended by Laws 1987, c. 226, § 6, operative July 1, 1987.

§47-16-109. Repealed by Laws 1987, c. 226, § 11, operative July 1, 1987.

§47-16-109.1. Authority of officer at scene of accident.

Except for felonies, a police officer at the scene of a traffic accident may issue a written notice to appear to any driver of a vehicle involved in the accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of this title in connection with the accident.

In such cases the officer shall be endorsed as a witness and shall appear if said case is tried.

Added by Laws 1988, c. 124, § 1, emerg. eff. April 8, 1988.

§47-16-110. Repealed by Laws 1987, c. 226, § 11, operative July 1, 1987.

§47-16-111. Repealed by Laws 1987, c. 226, § 11, operative July 1, 1987.

§47-16-112. Failure to obey notice to appear.

(a) It shall be unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a notice

to appear regardless of the disposition of the charge for which such notice to appear was originally issued.

(b) A written promise to appear in court may be complied with by an appearance by counsel.

Laws 1961, p. 422, § 16-112.

§47-16-113. Procedure prescribed herein not exclusive.

The foregoing provisions of this chapter shall govern all police officers in making arrests without a warrant for violations of any provisions of Chapters 10, 11, 12, 13 or 14, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.

Laws 1961, p. 422, § 16-113.

§47-16-114. Arrest of traffic violators without warrant.

A police officer may, without a warrant, arrest a person for any moving traffic violation of which the arresting officer or another police officer in communication with the arresting officer has sensory or electronic perception including perception by radio, radar and reliable speed-measuring devices.

Laws 1972, c. 92, § 1.

§47-17-101. Misdemeanor violations - Penalties.

A. It is a misdemeanor for any person to violate any of the provisions of this title unless such violation is by this title or other law of this state declared to be a felony.

B. 1. Every person convicted of a misdemeanor for a violation of any of the provisions of Sections 10-101 through 14-121 or Sections 16-101 through 16-114 of this title for which another penalty is not provided shall upon conviction thereof be punished by a fine of not less than Five Dollars (\$5.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than ten (10) days; for a second such conviction within one (1) year after the first conviction by imprisonment for not more than twenty (20) days; upon a third or subsequent conviction within one (1) year after the first conviction by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

2. Any person violating the provisions of Sections 10-101 through 14-121 or Sections 16-101 through 16-114 of this title, where a jail sentence is not mandatory may, in the discretion of the district attorney wherein the offense occurred, be permitted to enter a plea of guilty by written statement by the person charged to be presented to the court wherein the case is filed. A remittance covering the fine and costs may be considered and received with the same force and effect as a written plea of guilty.

C. Unless another penalty is in this title or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any other provision of this title shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

D. Provided, however, notwithstanding any provision of law to the contrary, any offense, including traffic offenses, in violation of any of the provisions of this title which is not otherwise punishable by a term of imprisonment or confinement shall be punishable by a term of imprisonment not to exceed one day in the discretion of the court, in addition to any fine prescribed by law.

E. The conviction of any person, as prescribed in this section, when the offense occurred during a period when the driving privileges of the person were under suspension, revocation, cancellation, denial, or disqualification or the person had not been granted driving privileges by Oklahoma or any other state, shall result in the doubling of the appropriate fine, as provided for in subsections B and C of this section, and the doubling of all court costs and all fees collected by the court on behalf of any other entity, unless waived by the court.

F. One-half (1/2) of any fine collected pursuant to the provisions of subsection E of this section, shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2522 of Title 63 of the Oklahoma Statutes.

Added by Laws 1961, p. 422, § 17-101, eff. Sept. 1, 1961. Amended by Laws 1963, c. 312, § 1, emerg. eff. June 19, 1963; Laws 1987, c. 226, § 7, operative July 1, 1987; Laws 2000, c. 285, § 4, eff. July 1, 2000; Laws 2001, c. 133, § 5, emerg. eff. April 24, 2001; Laws 2001, c. 435, § 11, eff. July 1, 2001; Laws 2004, c. 387, § 2, eff. Nov. 1, 2004; Laws 2007, c. 120, § 3, eff. Nov. 1, 2007.

§47-17-102. Felony violations - Penalties.

A. 1. Any person who is convicted of a violation of any of the provisions of the Uniform Vehicle Code declared by the Code or by other laws of this state to constitute a felony except those offenses specified in subsection A of Section 4-102 of this title relating to unauthorized use of a vehicle and subsection A of Section 4-103 of this title, relating to receiving or disposing of a vehicle, shall be guilty of a Class D1 felony offense and shall be punished as provided for in subsections B through F of Section 20N of Title 21 of the Oklahoma Statutes, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

2. Any person who is convicted of a violation of any of the provisions of the Uniform Vehicle Code declared by the Code or by other laws of this state to constitute a Class D1 felony offense

shall, upon conviction, be guilty of a Class D1 felony offense and shall be punished as provided for in subsections B through F of Section 20N of Title 21 of the Oklahoma Statutes.

B. The conviction of any person, as prescribed in this section, when the offense occurred during a period when the driving privileges of the person were under suspension, revocation, cancellation, denial, or disqualification or the person had not been granted driving privileges by Oklahoma or any other state, shall result in the doubling of the appropriate fine, as provided for in subsection A of this section, and the doubling of all court costs and all fees collected by the court on behalf of any other entity, unless waived by the court.

C. One-half (1/2) of any fine collected pursuant to the provisions of subsection B of this section, shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2522 of Title 63 of the Oklahoma Statutes.

Added by Laws 1961, p. 423, § 17-102, eff. Sept. 1, 1961. Amended by Laws 1997, c. 133, § 484, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 350, eff. July 1, 1999; Laws 2004, c. 387, § 3, eff. Nov. 1, 2004; Laws 2007, c. 120, § 4, eff. Nov. 1, 2007; Laws 2018, c. 116, § 18, eff. Nov. 1, 2018; Laws 2025, c. 486, § 518, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 484 from July 1, 1998, to July 1, 1999.

§47-18-101. Record of traffic cases - Report of convictions to department.

A. Every magistrate or judge of a court shall keep or cause to be kept a record of every traffic complaint, traffic citation, or other legal form of traffic charge deposited with or presented to the court or its traffic-violations bureau, and shall keep a record of every official action by the court or its traffic-violations bureau, including, but not limited to, a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture resulting from every traffic complaint, citation or other legal form of traffic charge deposited with or presented to the court or traffic-violations bureau.

B. Within five (5) days after:

1. The conviction of any person holding a Class D driver license; or

2. The conviction, as defined in subsection A of Section 6-205.2 of this title, of any person holding a Class A, B or C driver license; or

3. The forfeiture of bail of a person; upon a charge of violating any law regulating the operation of vehicles on highways every magistrate of the court or clerk of the court of record, in which the conviction was had or bail was

forfeited, shall prepare and immediately forward to Service Oklahoma an abstract of the record covering the case in which the person was convicted or forfeited bail, which shall be certified by the person required to prepare the abstract to be true and correct.

C. A report shall not be made of any conviction:

1. Involving the illegal parking or standing of a vehicle;
2. Rendered by a nonlawyer judge, unless, within a period not to exceed the preceding reporting period for Mandatory Continuing Legal Education, the judge has completed courses held for municipal judges which have been approved by the Oklahoma Bar Association Mandatory Legal Education Commission for at least six (6) hours of continuing judicial education credit, and Service Oklahoma receives verification of such attendance, from the judge. In the case of attendance of a continuing judicial education course, verification may be made by a statement of attendance signed by the course registration personnel; or
3. Involving any offense for which the offender is eligible for participation in an approved drug court program. However, if the offender does not successfully complete the drug court program, the abstract of the record shall be forwarded as provided in subsection B of this section, or if the offender has a prior felony conviction, the abstract of the record shall be forwarded as provided in Section 471.9 of Title 22 of the Oklahoma Statutes.

D. The abstract shall be made upon a form furnished by Service Oklahoma and shall include:

1. The name, address, sex, and date of birth of the person charged;
2. The traffic citation number;
3. The driver license number, if any, of the person charged, and the state or jurisdiction from which the license is issued;
4. The license plate number, make, and model of the vehicle involved;
5. The nature and date of the offense, the date of hearing, the plea, the judgment, or, if bail was forfeited, the amount of the fine or forfeiture; and
6. The name of the court and whether it is a municipal or district court.

E. Every court of record shall also forward a like report to Service Oklahoma upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

F. The failure, refusal or neglect of any judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be ground for removal.

Added by Laws 1961, p. 423, § 18-101, eff. Sept. 1, 1961. Amended by Laws 1987, c. 233, § 1, eff. Nov. 1, 1987; Laws 1995, c. 23, § 14, eff. Nov. 1, 1995; Laws 1995, c. 316, § 1, eff. Nov. 1, 1995; Laws 1996, c. 245, § 2, eff. Nov. 1, 1996; Laws 1997, c. 201, § 3,

eff. Nov. 1, 1997; Laws 2000, c. 159, § 2, emerg. eff. April 28, 2000; Laws 2002, c. 86, § 7, emerg. eff. April 17, 2002; Laws 2004, c. 173, § 7, eff. Nov. 1, 2004; Laws 2004, c. 390, § 13, eff. Sept. 1, 2005; Laws 2005, c. 103, § 1, eff. Nov. 1, 2005; Laws 2006, c. 16, § 31, emerg. eff. March 29, 2006; Laws 2009, c. 290, § 3, eff. Nov. 1, 2009; Laws 2012, c. 207, § 8, emerg. eff. May 8, 2012; Laws 2022, c. 282, § 99, emerg. eff. May 19, 2022.
NOTE: Laws 2005, c. 190, § 12 repealed by Laws 2006, c. 16, § 32, emerg. eff. March 29, 2006.

§47-19-101. Repealed by Laws 2000, c. 189, § 14, eff. July 1, 2000.

§47-19-201. Renumbered as § 11-805.2 of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.

§47-19-211. Renumbered as § 11-805.3 of this title by Laws 2003, c. 279, § 16, emerg. eff. May 26, 2003.

§47-20-101. Uniformity of interpretation.

This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Laws 1961, p. 424, § 20-101.

§47-20-102. Effect of headings.

Chapter, article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article or section hereof.

Laws 1961, p. 424, § 20-102.

§47-20-103. Short title.

This act may be cited as the Uniform Vehicle Code.

Laws 1961, p. 424, § 20-103.

§47-20-104. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§47-20-105. Constitutionality.

The provisions of this act are severable and if any part or provision hereof shall be void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of the act.

Laws 1961, p. 424, § 20-105.

§47-20-106. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§47-20-107. Time of taking effect.

This act shall take effect from and after September 1, 1961.
Laws 1961, p. 425, § 20-107.

§47-21-101. Renumbered as § 2101 of Title 68 by Laws 1965, c. 215, § 3.

§47-21-102. Renumbered as § 2102 of Title 68 by Laws 1965, c. 215, § 3.

§47-21-103. Renumbered as § 2103 of Title 68 by Laws 1965, c. 215, § 3.

§47-21-104. Renumbered as § 2104 of Title 68 by Laws 1965, c. 215, § 3.

§47-21-105. Renumbered as § 2105 of Title 68 by Laws 1965, c. 215, § 3.

§47-21-106. Renumbered as § 2106 of Title 68 by Laws 1965, c. 215, § 3.

§47-21-107. Renumbered as § 2107 of Title 68 by Laws 1965, c. 215, § 3.

§47-21-108. Renumbered as § 2108 of Title 68 by Laws 1965, c. 215, § 3.

§47-21-109. Renumbered as § 2109 of Title 68 by Laws 1965, c. 215, § 3.

§47-22. Repealed by Laws 1985, c. 179, § 99, operative July 1, 1985.

§47-22.1. Repealed by Laws 1985, c. 179, § 99, operative July 1, 1985.

§47-22.2. Repealed by Laws 1979, c. 292, § 8, emerg. eff. July 5, 1979.

§47-22.5n. Repealed by Laws 1985, c. 179, § 99, operative July 1, 1985.

§47-22.5s. Renumbered as § 1133.2 of this title by Laws 2001, c. 309, § 8, eff. Nov. 1, 2001.

§47-22.30n. Repealed by Laws 1985, c. 179, § 99, operative July 1, 1985.

§47-24.4. Repealed by Laws 1985, Chapter 179, § 99, operative July 1, 1985.

§47-40-101. Accident report forms.

The Department shall prescribe standard forms for accident reports for use by all police departments and all other appropriate agencies. The accident reports shall call for sufficiently detailed information to disclose the cause, the conditions then existing, the persons and vehicles involved and such other information as prescribed by the Commissioner.

Added by Laws 1967, c. 139, § 1. Amended by Laws 2011, c. 335, § 9.

§47-40-102. Traffic collision resulting in injury or death or property damage exceeding certain amount - Reports - Confidentiality - Allowing examination or reproduction for commercial solicitation prohibited.

A. 1. Every law enforcement officer who, in the regular course of duty, investigates or receives a report of a traffic collision resulting in injury to or death of a person or total property damage to an apparent extent of Five Hundred Dollars (\$500.00) or more shall prepare a written report of the collision on the standard collision report form supplied by the Department of Public Safety. The reports shall be forwarded within thirty (30) days of the collision or, if the collision results in the death of any person, then within twenty (20) days of the death of the person, whichever time period is lesser, by the law enforcement agency preparing the report to the Department of Public Safety.

2. Reports of collisions shall be kept confidential for a period of sixty (60) days after the date of the collision; provided, the reports shall be made available as soon as practicable upon request to any:

- a. party involved in the collision,
- b. legal representatives of a party involved in the collision,
- c. state, county or city law enforcement agency,
- d. the Department of Transportation or any county or city transportation or road and highway maintenance agency,
- e. licensed insurance agents of a party involved in the collision,
- f. insurer of a party involved in the collision,
- g. insurer to which a party has applied for coverage,
- h. person under contract with an insurer, as described in subparagraph e, f or g of this paragraph, to provide claims or underwriting information,

- i. prosecutorial authority,
- j. newspaper as defined in Section 106 of Title 25 of the Oklahoma Statutes,
- k. radio or television broadcaster,
- l. licensed private investigators employed by a party involved in the collision, or
- m. provider of health services to a party involved in the collision.

3. Any person who knowingly violates this section and obtains or provides information made confidential by this section is guilty of a misdemeanor and shall be fined no more than Two Thousand Five Hundred Dollars (\$2,500.00). Second and subsequent offenses shall carry a penalty of imprisonment in the county jail for not more than thirty (30) days.

B. 1. No public employee or officer shall allow a person to examine or reproduce a collision report or any related investigation report if examination or reproduction of the report is sought for the purpose of making a commercial solicitation. Any person requesting a collision report may be required to state, in writing, under penalty of perjury, that the report will not be examined, reproduced or otherwise used for commercial solicitation purposes. It shall be unlawful and constitute a misdemeanor for any person to obtain or use information from a collision report or a copy thereof for the purpose of making a commercial solicitation.

2. As used in this subsection:

- a. "commercial solicitation" means any attempt to use, or offer for use, personal information contained in a collision report to solicit any person named in the report, or a relative of the person, or to solicit a professional, business, or commercial relationship that is not pursuant to a request under paragraph 2 of subsection A of this section. "Commercial solicitation" does not include publication in a newspaper, as defined in Section 106 of Title 25 of the Oklahoma Statutes, or broadcast of information by news media for news purposes, or obtaining information for the purpose of verification or settlement of claims by insurance companies, and
- b. "collision report" means any report regarding a motor vehicle collision which has been submitted by an individual or investigating officer on a form prescribed or used by the Department of Public Safety or local police department.

3. Publication in a newspaper, as defined in Section 106 of Title 25 of the Oklahoma Statutes, or broadcast by news media for news purposes shall not constitute a resale or use of data for trade or commercial solicitation purposes. Because publication by a

newspaper, broadcast by news media for news purposes, or obtaining information for verification or settlement of claims by insurance companies is not a resale or use of data for commercial solicitation purposes, an affidavit shall not be required as a condition for allowing a member of a newspaper or broadcast news media, or allowing an agent, or business serving as an agent, to insurance companies, to examine or obtain a copy of a collision report. Any agent or business obtaining information for verification or settlement of claims involving persons named in a report shall secure an affidavit annually from each client stating the information provided to the client shall not be used for commercial solicitation purposes under penalty of law.

4. The Department and local police departments shall include the following or a similar notice upon any copy of a collision report furnished to others: "Warning - State Law. Use of contents for commercial solicitation is unlawful."

C. As used in this section:

1. "Newspaper" means a legal newspaper as defined in Section 106 of Title 25 of the Oklahoma Statutes, provided that the primary purpose of the newspaper is not the publication of personally identifying information concerning parties involved in the traffic collision;

2. "Provider of health services" means any person that provides health care services to the injured person under a license, certification or registration issued pursuant to Title 59 of the Oklahoma Statutes, or any hospital or related institution that offers or provides health care services under a license issued pursuant to Section 1-702 et seq. of Title 63 of the Oklahoma Statutes; and

3. "Personal information", as defined in Section 162 of Title 24 of the Oklahoma Statutes, means the first name or first initial and last name in combination with and linked to any one or more of the following data elements that relate to a resident of this state, when the data elements are neither encrypted nor redacted:

- a. social security number,
- b. driver license number or state identification card number issued in lieu of a driver license, or
- c. financial account number or credit or debit card number in combination with any required security code, access code or password that would permit access to the financial accounts of a resident.

Personal information does not include information that is lawfully obtained from publicly available information or from federal, state or local government records lawfully made available to the general public.

Added by Laws 1967, c. 139, § 2. Amended by Laws 1980, c. 100, § 3, eff. Oct. 1, 1980; Laws 1996, c. 232, § 1, eff. Nov. 1, 1996; Laws

1998, c. 344, § 1, eff. Nov. 1, 1998; Laws 1999, c. 14, § 1, eff. Nov. 1, 1999; Laws 2000, c. 324, § 4, eff. July 1, 2000; Laws 2002, c. 444, § 1, eff. Nov. 1, 2002; Laws 2004, c. 418, § 18, eff. July 1, 2004; Laws 2005, c. 1, § 56, emerg. eff. March 15, 2005; Laws 2005, c. 394, § 14, emerg. eff. June 6, 2005; Laws 2008, c. 302, § 4, emerg. eff. June 2, 2008; Laws 2019, c. 248, § 1, eff. Nov. 1, 2019.

NOTE: Laws 2004, c. 18, § 1 repealed by Laws 2005, c. 1, § 57, emerg. eff. March 15, 2005.

§47-40-103. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-40-104. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-40-105. Renumbered as § 12-609 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-40-106. Repealed by Laws 2007, c. 62, § 38, emerg. eff. April 30, 2007.

§47-40-107. Federal Highway Safety Act of 1966 - Securing of benefits under.

The Governor, in addition to other duties and responsibilities conferred upon him by the constitution and laws of this state is hereby empowered to contract and to do all other things necessary to secure the full benefits available to this state and its political subdivisions under the Federal Highway Safety Act of 1966, and in so doing, to cooperate with federal and state agencies, private and public organizations, and with individuals to effectuate the purposes of this enactment, and any and all subsequent amendments thereto, and to accept and take advantage of any federal grants or funds which are, or may hereafter be made available to the state in carrying out the provisions of this act, and in law enforcement training. The Governor shall be responsible for and is hereby empowered to coordinate and administer through such appropriate agencies or officers of this state as he shall designate or appoint an individual coordinator and any clerical assistance necessary to administer the related Highway Safety Programs of this state and those of its political subdivisions, all in accordance with said act and federal rules and regulations in implementation thereof. Laws 1967, c. 347, § 1, emerg. eff. May 18, 1967.

§47-40-108. Repealed by Laws 1993, c. 81, § 5, eff. July 1, 1993.

§47-40-109. Repealed by Laws 1993, c. 81, § 5, eff. July 1, 1993.

§47-40-110. Repealed by Laws 1993, c. 81, § 5, eff. July 1, 1993.

§47-40-111. Repealed by Laws 1993, c. 81, § 5, eff. July 1, 1993.

§47-40-112. Repealed by Laws 1993, c. 81, § 5, eff. July 1, 1993.

§47-40-113. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§47-40-121. Motorcycle Safety and Education Program.

A. There is hereby created in the Department of Public Safety the "Motorcycle Safety and Education Program". The Commissioner of Public Safety may hire an Administrator who shall be responsible for the administration and operation of the Program, as determined by the Commissioner.

B. 1. The Program shall include guidelines and standards for courses of instruction, as established and approved by the Commissioner and which are taught by certified instructors, as prescribed by the Commissioner. The courses shall meet or exceed nationally accepted standards for courses of instruction in motorcycle safety and education. The courses shall include instruction for novice and experienced motorcycle operators and passengers, instruction in motorist awareness and alcohol and drug awareness, and any other instruction the Commissioner deems appropriate for motorcycle safety and education.

2. The Program may include provisions for marketing and promotion, improving motorcycle license testing procedures, and such other provisions as deemed appropriate by the Commissioner.

3. The Commissioner shall evaluate the Program every two (2) years and shall periodically inspect public and private facilities and equipment and periodically evaluate procedures used in the courses of instruction. Evaluation and inspection reports shall be submitted to the Advisory Committee.

C. The cost of administering and operating the Motorcycle Safety and Education Program shall be funded by the Motorcycle Safety and Education Program Revolving Fund, as created in Section 40-123 of this title. The Commissioner shall promulgate rules necessary to implement and administer the provisions of Sections 40-121 through 40-123 of this title.

Added by Laws 1999, c. 342, § 1, eff. Nov. 1, 1999. Amended by Laws 2002, c. 472, § 1, eff. July 1, 2002.

§47-40-122. Advisory Committee for Motorcycle Safety and Education.

A. There is hereby created the Advisory Committee for Motorcycle Safety and Education which shall be comprised of the Administrator of the Motorcycle Safety and Education Program in the Department of Public Safety, who shall serve as chair of the Committee and shall be a nonvoting member, and seven (7) voting

members, six of whom shall be appointed by the Commissioner of Public Safety and one of whom shall be appointed by the Insurance Commissioner. One member shall be a certified instructor of motorcycle safety and education; three members shall be licensed and safety course certified motorcycle operators/owners; one member shall represent private sector motorcycle rider education schools; one member shall be a representative of the Oklahoma Highway Safety Office; and the member appointed by the Insurance Commissioner shall be an employee of the Insurance Commissioner's office. Members shall serve at the pleasure of the appointing authority, except as provided in subsection B of this section.

B. By January 1, 2011, the Commissioner of Public Safety shall appoint three of the members of the Advisory Committee for Motorcycle Safety and Education in accordance with the requirements as modified in subsection A of this section upon the effective date of this act. Once appointed all members shall serve at the pleasure of the appointing authority.

C. The Committee shall meet at the call of the Administrator or the Commissioner. A vice-chair shall be elected by the Committee from among its members. The vice-chair shall act as chair of the Committee only in the absence of the Administrator at officially called meetings of the Committee.

D. The Committee shall advise and assist the Commissioner in the development, administration and operation of the Motorcycle Safety and Education Program and the setting of goals, objectives and priorities for the Program.

E. The provisions of this section shall not be construed to authorize the creation of any additional salaried position within the Department of Public Safety.

F. Members of the Committee who are not state employees shall receive no compensation from the state for serving on the Committee. All members of the Committee shall be entitled to reimbursement for any actual and necessary traveling expenses pursuant to the State Travel Reimbursement Act.

Added by Laws 1999, c. 342, § 2, eff. Nov. 1, 1999. Amended by Laws 2002, c. 472, § 2, eff. July 1, 2002; Laws 2010, c. 70, § 1, emerg. eff. April 9, 2010.

§47-40-123. Motorcycle Safety and Education Program Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Department of Public Safety to be designated the "Motorcycle Safety and Education Program Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all fees, donations, federal funds and grants received for the purpose of motorcycle safety and education programming. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Commissioner of Public

Safety for the purpose of operating the Motorcycle Safety and Education Program. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1999, c. 342, § 3, eff. Nov. 1, 1999. Amended by Laws 2002, c. 472, § 3, eff. July 1, 2002; Laws 2012, c. 304, § 175.

§47-108.1. Renumbered as § 15-101.1 of this title by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.

§47-116.2a. Closing particular highways.

Whenever the occurrence of any disaster, emergency or other condition shall render the use of any state or federal highway or detour dangerous to the public, or whenever the use thereof would interfere with disaster relief or rescue work, the Director of Highways, or such other person or employee as may be designated by said Director, shall have authority to close such highway, or portion thereof, as may be necessary until said emergency condition shall no longer exist. The Commissioner of Public Safety, or any member of the Oklahoma Highway Patrol, shall have like authority with respect to the closing of highways for a period of six (6) hours after the occurrence of such emergency condition, but upon exercising such authority the Commissioner of Public Safety, or highway patrolman, shall forthwith notify the Director of Highways of such action.

Laws 1953, p. 189, § 2.

§47-116.11. Renumbered as Section 2-105.4A of this title by Laws 2001, c. 131, § 17, eff. July 1, 2001.

§47-116.12. Renumbered as Section 2-106.1 of this title by Laws 2001, c. 131, § 17, eff. July 1, 2001.

§47-116.13. Assignment as enforcement officer - Uniforms and badges - Use without authority.

A. Each employee of the Corporation Commission assigned as an enforcement officer, as herein provided, shall at all times while on duty be required to be dressed in a distinctive uniform and display a badge of office, both of which shall be completely different and distinguishable from those of the Oklahoma Highway Patrol. All such badges shall be furnished by the Corporation Commission and each badge shall display a distinctive serial number. The type and detail of the uniforms shall be designated by the Corporation Commission and the Corporation Commission shall furnish the uniforms and replace them when necessary. An expense allowance of One Hundred Dollars (\$100.00) per month for maintenance and cleaning of

uniforms shall be paid to each enforcement officer of the Corporation Commission.

B. Any person who without authority wears the badge or uniform of a Corporation Commission enforcement officer, or who without authority impersonates such an officer, with intent to deceive anyone, shall be guilty of a misdemeanor.

Added by Laws 1949, p. 321, § 13, emerg. eff. May 31, 1949. Amended by Laws 1957, p. 439, § 3, emerg. eff. June 5, 1957; Laws 1978, c. 219, § 1, emerg. eff. April 21, 1978; Laws 1993, c. 146, § 4; Laws 2004, c. 522, § 8, eff. July 1, 2004.

§47-116.14. Vehicles not registered or improperly registered.

In the event any vehicle is found with no registration, not properly registered for the load carried, or improperly registered in any manner under the provisions of Section 116.2a et seq. of this title or any provisions of the motor vehicle license and registration laws of this state, Corporation Commission enforcement officers shall be authorized to seize and take such vehicle into custody until such time as such vehicle is properly registered and the license fee thereon is paid in full together with any penalty provided by law plus the cost of seizure, including the reasonable cost of taking such vehicle into custody and storing it. Any load on such vehicle shall be disposed of by the owner or operator of such vehicle. In the event such license fee and penalty together with the cost of seizure and storage is not paid, the enforcement officer shall proceed to sell such vehicle by posting not less than five notices of sale in five different public places in the county where such property is located, one of such notices to be posted at the place where the vehicle is stored; provided, a copy of such notice shall also be sent by registered mail, return receipt requested, to the last-known address of the registered owner of such vehicle in question. Such vehicle shall be sold at such sale subject to the following terms and conditions:

1. In the event the sale price is equal to, or greater than, the total cost of sale, seizure and the fee and penalty, the purchaser shall be issued a certificate of purchase, license plate and registration certificate;

2. In the event the sale price is less than the total costs of sale, seizure, and the fee and penalty, such vehicle shall be sold as junk to the highest bidder, whereupon the bidder shall receive a certificate of purchase; and if such vehicle be dismantled, the record to such junked vehicle shall be canceled. If not dismantled, the same shall forthwith be registered anew; and

3. Any residual amount remaining unclaimed by the delinquent owner shall be administered in accordance with the Uniform Unclaimed Property Act (1981).

Added by Laws 1949, p. 321, § 14, emerg. eff. May 31, 1949. Amended by Laws 1991, c. 331, § 51, eff. Sept. 1, 1991; Amended by Laws 2004, c. 522, § 9, eff. July 1, 2004.

§47-116.15. Repealed by Laws 2004, c. 522, § 30, eff. July 1, 2004.

§47-121.11. Commercial vehicles to have copy of reports as to defects.

Each driver of a commercial vehicle hauling either passengers or goods, wares and merchandise for hire, shall keep in coach for one (1) month's time a true copy of motor coach defect report made by driver, and a copy of the mechanic's report on such defect or defects for a like period of time.

Laws 1949, p. 512, § 11.

§47-127.1. Renumbered as § 14-109.2 of this title by Laws 1995, c. 27, § 8, eff. July 1, 1995.

§47-127.2. Repealed by Laws 1995, c. 27, § 9, eff. July 1, 1995.

§47-134. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-149.1. Renumbered as § 12-427 of this title by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-149.2. Repealed by Laws 2003, c. 411, § 86, eff. Nov. 1, 2003.

§47-151. Marking of automobiles owned or leased by state.

A. A state agency that owns or leases vehicles shall affix the words "State of Oklahoma" and the name of the department or institution that owns or leases the vehicle in conspicuous letters.

B. 1. In lieu of the provisions of subsection A of this section, Department of Public Safety vehicles used regularly as patrol units shall be distinctively painted black or white and shall bear the wording "Oklahoma Highway Patrol" on each side of the vehicle in letters of such size as to be easily distinguishable, it being the purpose and intention of the Legislature that said patrol units shall be marked in the future in the same manner as those now in use.

2. The Commissioner of Public Safety may designate colors and markings, in lieu of those authorized by the provisions of this section, for patrol units used for patrol purposes and for selective traffic law enforcement.

C. Oklahoma State Bureau of Narcotics and Dangerous Drugs Control vehicles for use in undercover investigations and Oklahoma State Bureau of Investigation vehicles shall not be subject to the provisions of this section.

D. Department of Corrections vehicles designated for use by probation and parole operations and other administrative operations, as approved by the Director of the Department of Corrections, shall not be subject to the provisions of this section.

E. Vehicles utilized by CLEET-certified officers or state employees primarily employed in investigative activities may be exempt from the provisions of this section subject to the approval of the State Fleet Manager.

F. Oklahoma Military Department vehicles designated for use by the Adjutant General or Assistant Adjutant General in performance of his or her duties and Oklahoma Military Department vehicles designated for use in the State Transition and Reintegration System (STARS) program for tracking youth, as approved by the Adjutant General, shall not be subject to the provisions of this section.

G. Office of Juvenile Affairs vehicles designated for use of the Office by the Executive Director of the Office of Juvenile Affairs shall not be subject to the provisions of this section.

H. Office of the Attorney General vehicles designated for use by agents and other employees, as approved by the Attorney General, shall not be subject to the provisions of this section.

Added by Laws 1923-24, 2nd Ex. Sess., c. 86, p. 103, § 1, emerg. eff. March 25, 1924. Amended by Laws 1949, p. 336, § 1, emerg. eff. June 3, 1949; Laws 1980, c. 57, § 1, emerg. eff. April 3, 1980; Laws 1984, c. 240, § 5, operative July 1, 1984; Laws 2001, c. 169, § 1, eff. Nov. 1, 2001; Laws 2007, c. 15, § 1, eff. Nov. 1, 2007; Laws 2012, c. 316, § 1, eff. Nov. 1, 2012; Laws 2016, c. 268, § 5, eff. Nov. 1, 2016; Laws 2018, c. 97, § 1, eff. Nov. 1, 2018; Laws 2019, c. 25, § 22, emerg. eff. April 4, 2019; Laws 2023, c. 174, § 1, emerg. eff. May 2, 2023.

NOTE: Laws 2007, c. 151, § 2 repealed by Laws 2008, c. 3, § 26, emerg. eff. Feb. 28, 2008. Laws 2018, c. 102, § 1 repealed by Laws 2019, c. 25, § 23, emerg. eff. April 4, 2019.

NOTE: Laws 2023, c. 174, § 4 states that the act shall become effective November 1, 2023. However, § 5 contains an emergency clause, and therefore, the act became effective upon the Governor's approval, which occurred on May 2, 2023.

§47-152. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.

§47-153. Driving of unmarked automobiles prohibited - Exception.

It shall be unlawful for any person to drive any state-owned or -leased automobile at any time and for any purpose, on any street or highway within this state, unless the provisions of Section 151 of this title have been strictly complied with, provided, however, the Commissioner of the Department of Public Safety is hereby authorized to set aside automobiles for use by the Department so that the same may be available to the Department without identifying marks

thereon. These vehicles shall not be used for traffic enforcement on a routine basis.

Added by Laws 1923-24, c. 86, p. 103, § 3, emerg. eff. March 25, 1924. Amended by Laws 1949, p. 336, § 2, emerg. eff. June 3, 1949; Laws 1993, c. 181, § 1, eff. Sept. 1, 1993; Laws 2004, c. 418, § 19, eff. July 1, 2004; Laws 2012, c. 316, § 2, eff. Nov. 1, 2012.

§47-153.1. Department of Mental Health and Substance Abuse Services - Unmarked automobiles.

The Commissioner of the Department of Mental Health and Substance Abuse Services is hereby authorized to set aside automobiles for the use of the Department without identifying marks. These vehicles may be used to provide client services.

Added by Laws 1995, c. 77, § 1, eff. Nov. 1, 1995.

§47-154. Repealed by Laws 2002, c. 184, § 2, eff. July 1, 2002.

§47-155. Misdemeanor - Violations of Act - Penalty.

Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not less than thirty (30) days, nor more than six (6) months, or by both such fine and imprisonment.

Laws 1923-24, c. 86, p. 103, § 5.

§47-156. Purchase of passenger automobiles or bus with public funds prohibited - Exceptions.

A. Unless otherwise provided for by law, no state board, commission, department, institution, official, or employee, except the following, shall purchase any passenger automobile or bus with public funds:

1. The Department of Public Safety;
2. The Department of Human Services;
3. The State Department of Rehabilitation Services;
4. The Department of Wildlife Conservation;
5. The Department of Corrections;
6. The State Department of Education;
7. The Oklahoma School of Science and Mathematics;
8. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;
9. The Oklahoma State Bureau of Investigation;
10. The Transportation Commission;
11. The Oklahoma Department of Agriculture, Food, and Forestry;
12. The State Department of Health;
13. The Department of Mental Health and Substance Abuse Services;

14. The J.D. McCarty Center for Children with Developmental Disabilities;

15. The Military Department of the State of Oklahoma;

16. The Oklahoma Tourism and Recreation Department;

17. The Oklahoma Conservation Commission;

18. The Oklahoma Water Resources Board;

19. The Department of Mines;

20. The Office of Juvenile Affairs;

21. The Oklahoma Department of Veterans Affairs;

22. The Oklahoma Supreme Court;

23. The District Attorneys Council and Oklahoma district attorneys, provided adequate funding exists;

24. The Oklahoma Boll Weevil Eradication Organization;

25. The Oklahoma Horse Racing Commission;

26. The Council on Law Enforcement Education and Training;

27. The Office of the Attorney General; and

28. Service Oklahoma.

B. 1. The Oklahoma School for the Deaf at Sulphur, the Oklahoma School for the Blind at Muskogee, and any state institution of higher education may purchase, own, or keep if now owned, or acquire by lease or gift, and use and maintain such station wagons, automobiles, trucks, or buses as are reasonably necessary for the implementation of the educational programs of said institutions.

2. No bus operated, owned, or used by such educational institutions shall be permitted to carry any person other than students, faculty members, employees, or volunteers of such institutions. The provisions of this section shall not be construed to prohibit:

a. the operation of intracampus buses or buses routed directly between portions of the campus of any institution not adjacent to each other, nor to prohibit the collection of fares from such students, faculty members, or employees of such institutions, sufficient in amount to cover the reasonable cost of such transportation, or

b. the Oklahoma School for the Blind or the Oklahoma School for the Deaf from entering into agreements with local public school districts pursuant to the Interlocal Cooperation Act for the mutual use of the schools' and the districts' vehicles. Such use may include, but is not limited to, the transportation of students from local school districts with students from the Oklahoma School for the Blind or the Oklahoma School for the Deaf in vehicles owned by the Oklahoma School for the Blind or the Oklahoma School for the Deaf when traveling to school-related activities.

C. The J.D. McCarty Center for Children with Developmental Disabilities, the Oklahoma Department of Libraries, the Oklahoma Department of Veterans Affairs, and the Oklahoma Veterans Centers may own and maintain such passenger vehicles as those institutions have acquired prior to May 1, 1981.

D. The use of station wagons, automobiles, and buses, other than as provided for in this section, shall be permitted only upon written request for such use by heads of departments of the institution, approved in writing by the president of said institution or by some administrative official of said institution authorized by the president to grant said approval. Such use shall be permitted only for official institutional business or activities connected therewith. Such use shall be subject to the provisions of Section 156.1 of this title forbidding personal use of such vehicles, and to the penalties therein declared.

E. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by fine or imprisonment, or both, as provided for in Section 156.1 of this title.

F. For the purpose of this section and Section 156.3 of this title, a station wagon is classified as a passenger automobile and may not be purchased solely for the use of transporting property. Such vehicles shall include, but not be limited to, all vehicles which have no separate luggage compartment or trunk but which do not have open beds, whether the same are called station wagons, vans, suburbans, town and country, blazers, or any other names. All state boards, commissions, departments, and institutions may own and maintain station wagons purchased solely for the purpose of transporting property if acquired prior to July 1, 1985.

G. The provisions of this section and Section 156.1 of this title shall not apply to public officials who are statewide elected commissioners.

Added by Laws 1941, p. 201, § 1, emerg. eff. May 22, 1941. Amended by Laws 1947, p. 314, § 1, emerg. eff. May 16, 1947; Laws 1949, p. 337, § 3; Laws 1961, p. 308, § 1; Laws 1963, c. 193, § 1, emerg. eff. June 10, 1963; Laws 1978, c. 273, § 11, emerg. eff. May 10, 1978; Laws 1981, c. 291, § 1; Laws 1982, c. 287, § 42, operative July 1, 1982; Laws 1984, c. 161, § 2, emerg. eff. May 1, 1984; Laws 1984, c. 240, § 6, operative July 1, 1984; Laws 1985, c. 43, § 2, operative July 1, 1985; Laws 1986, c. 309, § 12, operative July 1, 1986; Laws 1987, c. 165, § 1, eff. July 1, 1987; Laws 1988, c. 322, § 2; Laws 1990, c. 51, § 112, emerg. eff. April 9, 1990; Laws 1990, c. 263, § 132, operative July 1, 1990; Laws 1991, c. 77, § 1, emerg. eff. April 17, 1991; Laws 1992, c. 307, § 6, eff. July 1, 1992; Laws 1995, c. 128, § 1, eff. July 1, 1995; Laws 1996, c. 326, § 1, eff. July 1, 1996; Laws 1997, c. 2, § 7, emerg. eff. Feb. 26, 1997; Laws 1998, c. 179, § 1, emerg. eff. April 29, 1998; Laws 2000, c. 240, §

2, eff. Nov. 1, 2000; Laws 2001, c. 62, § 1, eff. July 1, 2001; Laws 2001, c. 414, § 5, eff. July 1, 2001; Laws 2002, c. 22, § 13, emerg. eff. March 8, 2002; Laws 2006, c. 213, § 1, eff. Nov. 1, 2006; Laws 2007, c. 1, § 29, emerg. eff. Feb. 22, 2007; Laws 2014, c. 380, § 2, eff. Nov. 1, 2014; Laws 2023, c. 272, § 1, eff. Nov. 1, 2023; Laws 2024, c. 452, § 53, emerg. eff. June 14, 2024; Laws 2025, c. 330, § 12, eff. July 1, 2025.

NOTE: Laws 1986, c. 301, § 19 repealed by Laws 1987, c. 165, § 2, eff. July 1, 1987. Laws 1996, c. 130, § 1 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 2001, c. 36, § 1 repealed by Laws 2001, c. 329, § 12, emerg. eff. June 1, 2001 and by Laws 2001, c. 414, § 14, eff. July 1, 2001. Laws 2001, c. 329, § 2 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002. Laws 2006, c. 211, § 22 repealed by Laws 2007, c. 1, § 30, emerg. eff. Feb. 22, 2007.

§47-156.1. Use of state-owned or state-leased motor vehicles for private use - Penalty - Exceptions - Temporary authorization - Employee status report.

A. It shall be unlawful for any state official, officer or employee, except any essential employees approved by the Governor and those officers or employees authorized in subsection B of this section, to ride to or from the place of residence of the employee in a state-owned or state-leased automobile, truck or pickup, except in the performance of the official duty of the employee, or to use or permit the use of any such automobile, truck, ambulance or pickup for other personal or private purposes. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment in the county jail for a period to not exceed thirty (30) days, or by both said fine and imprisonment, and in addition thereto, shall be discharged from state employment.

B. 1. Any state employee, other than the individuals provided for in paragraph 2 of this subsection and any employee of the Department of Public Safety who is a wrecker inspector or auditor of the Wrecker Services Division as provided for in paragraph 3 of this subsection, who receives emergency telephone calls regularly at the residence of the employee when the employee is not on duty and is regularly called upon to use a vehicle after normal work hours in response to such emergency calls, may be permitted to use a vehicle belonging to the state to provide transportation between the residence of the employee and the assigned place of employment, provided such distance does not exceed seventy-five (75) miles in any round trip or is within the county where the assigned place of employment is located. Provided further, an employee may be permitted to use a state-owned or state-leased vehicle to provide

temporary transportation between a specific work location other than the assigned place of employment and the residence of the employee, if such use shall result in a monetary saving to the agency, and such authorization shall not be subject to the distance or area restrictions provided for in this paragraph. Authorization for temporary use of a state-owned or state-leased vehicle for a specific project shall be in writing stating the justification for this use and the saving expected to result. Such authorization shall be valid for not to exceed sixty (60) days. Any state entity other than law enforcement that avails itself of this provision shall keep a monthly record of all participating employees, the number of emergency calls received and the number of times that a state vehicle was used in the performance of such emergency calls.

2. Any employee of the Department of Public Safety, Oklahoma Department of Corrections, Office of the Attorney General, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, Oklahoma State Bureau of Investigation, Alcoholic Beverage Laws Enforcement Commission, Oklahoma Horse Racing Commission, Oklahoma Department of Agriculture, Food, and Forestry, Office of the Inspector General within the Department of Human Services or Office of the State Fire Marshal, who is a law enforcement officer or criminalist, Public Information officer, Special Investigator or Assistant Director of the Oklahoma State Bureau of Investigation, the Executive Director of CLEET, CLEET-certified Investigator for a state board or any employee of a district attorney who is a law enforcement officer, may be permitted to use a state-owned or state-leased vehicle to provide transportation between the residence of the employee and the assigned place of employment and between the residence and any location other than the assigned place of employment to which the employee travels in the performance of the official duty of the employee.

3. Any employee of the Department of Public Safety who is a wrecker inspector or auditor of the Wrecker Services Division, or a noncommissioned pilot may be permitted, as determined by the Commissioner, to use a state-owned or state-leased vehicle to provide transportation between the residence of the employee and the assigned place of employment and between the residence and any location other than the assigned place of employment to which the employee travels in the performance of the official duty of the employee.

4. The Director, department heads and other essential employees of the Department of Wildlife Conservation, as authorized by the Wildlife Conservation Commission, may be permitted to use a state-owned or state-leased vehicle to provide transportation between the residence of the employee and the assigned place of employment and between the residence and any location other than the assigned place

of employment to which the employee travels in the performance of the official duty of the employee.

5. The Director, department heads, emergency responders and other essential employees of the Department of Corrections, as authorized by the Director, may be permitted to use a state-owned or state-leased vehicle to provide transportation between the residence of the employee and the assigned place of employment and between the residence and any location other than the assigned place of employment to which the employee travels in the performance of the official duty of the employee.

6. Designated Examiner Auditors, Designated Examiner Supervisors, Commercial Driver License Examiners, Commercial Driver License Auditors, Commercial Driver License Supervisors, and Driver License Supervisors, as an employee of Service Oklahoma may be permitted, as determined by the Director of Service Oklahoma, to use a state-owned or state-leased vehicle to provide transportation between the residence of the employee and the assigned place of employment and between the residence and any location other than the assigned place.

7. The Attorney General, division heads, emergency responders, agents, assistant attorneys general, and other essential employees of the Office of the Attorney General, as authorized by the Attorney General, may be permitted to use a state-owned or state-leased vehicle to provide transportation between the residence of the employee and the assigned place of employment and between the residence and any location other than the assigned place of employment to which the employee travels in the performance of the official duty of the employee.

C. The principal administrator of the state agency with which the employee is employed shall so designate the status of the employee in writing or provide a copy of the temporary authorization to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Such employee status report shall also be provided to the State Fleet Manager of the Division of Fleet Management if the motor vehicle for emergency use is provided by said Division.

Added by Laws 1941, p. 202, § 3, emerg. eff. May 22, 1941. Amended by Laws 1981, c. 291, § 2; Laws 1983, c. 304, § 23, eff. July 1, 1983; Laws 1987, c. 38, § 1, emerg. eff. April 23, 1987; Laws 1988, c. 322, § 3; Laws 1995, c. 105, § 1, eff. Nov. 1, 1995; Laws 1995, c. 255, § 2, eff. July 1, 1995; Laws 1996, c. 3, § 10, emerg. eff. March 6, 1996; Laws 2002, c. 184, § 1, eff. July 1, 2002; Laws 2003, c. 456, § 3, emerg. eff. June 6, 2003; Laws 2007, c. 326, § 18, eff. Nov. 1, 2007; Laws 2009, c. 248, § 1, eff. Nov. 1, 2009; Laws 2011, c. 335, § 10; Laws 2012, c. 316, § 3, eff. Nov. 1, 2012; Laws 2021, c. 390, § 1, eff. Nov. 1, 2021; Laws 2023, c. 310, § 21, eff. July 1, 2023; Laws 2024, c. 452, § 55, emerg. eff. June 14, 2024.

NOTE: Laws 1988, c. 289, § 13 repealed by Laws 1989, c. 353, § 14, emerg. eff. June 3, 1989. Laws 1995, c. 235, § 2 repealed by Laws 1996, c. 3, § 25, emerg. eff. March 6, 1996.

§47-156.3. Purchase of motor vehicles necessary for performance of official duties permitted - Color - Marking - Size of lettering.

A. This act, Section 151 et seq. of this title, shall not apply to and shall not be so construed as prohibiting the purchase and use of trucks or pickups by state agencies when the trucks or pickups are necessary for the performance of official duties of the state agency.

B. Trucks and pickups owned and operated by the Department of Transportation shall be painted either yellow or white, and except as otherwise provided by law, shall be plainly marked with the words "State of Oklahoma" followed by the name of the department.

C. The provisions of this section shall not be construed to permit the purchase of any motor vehicle of ten thousand (10,000) pounds or less gross vehicle weight.

D. All acquisitions of any motor vehicle of ten thousand (10,000) pounds or less gross vehicle weight shall be approved by the Director of the Office of Management and Enterprise Services as provided for in Section 78a of Title 74 of the Oklahoma Statutes. Added by Laws 1941, p. 202, § 5, emerg. eff. May 22, 1941. Amended by Laws 1988, c. 305, § 25, operative July 1, 1988; Laws 1994, c. 116, § 1, eff. July 1, 1994; Laws 2001, c. 169, § 2, eff. Nov. 1, 2001; Laws 2012, c. 304, § 176.

§47-156.4. Renumbered as § 78b of Title 74 by Laws 2001, c. 169, § 10, eff. Nov. 1, 2001.

§47-157.1. Insurance on Department of Transportation, Board of Agriculture and Department of Human Services vehicles - Kinds and amounts.

The Department of Transportation, the Board of Agriculture, and the Department of Human Services of the state are hereby authorized to carry insurance on vehicles, motorized machinery, or equipment owned and operated by the Department of Transportation, the Board of Agriculture, and the Department of Human Services, such insurance to be of the following kinds and in amounts not exceeding the following:

1. Bodily injury liability, One Hundred Thousand Dollars (\$100,000.00) each person, Three Hundred Thousand Dollars (\$300,000.00) each accident;
2. Property damage liability, Fifty Thousand Dollars (\$50,000.00) each accident; and
3. Medical and hospital insurance, Five Thousand Dollars (\$5,000.00).

Such insurance shall be on standard policy forms approved by the State Insurance Commissioner and with companies authorized to do business in Oklahoma, and shall be paid for out of administrative funds of such departments. Such insurance may cover not only the department or state agency purchasing the insurance but also the personal liability of the operator. The ownership, maintenance, operation and use of motor vehicles and motorized movable equipment owned, leased, used or operated by such departments or state agencies named in this section is hereby declared to be a public governmental function. An action for damages may be brought against such department or state agency, but the governmental immunity of such department or state agency shall be waived only to the extent of the amount of insurance purchased. Such department or state agency shall be liable for negligence only while such insurance is in force, but in no case in any amount exceeding the limits of coverage of any such insurance policy. No attempt shall be made in the trial of any action brought against any such department or state agency to suggest the existence of any insurance which covers in whole or in part any judgment or award which may be rendered in favor of the plaintiff, and if the verdict rendered by the jury exceeds the limits of the applicable insurance, the court shall reduce the amount of said judgment or award to a sum equal to the applicable limits stated in the policy. To the extent that the insurer has provided indemnity in the contract of insurance to a department or state agency described in this section, the said insurer may not plead as a defense in any action involving insurance purchased by the authority of this section, the governmental immunity of either the state or of any department or agency thereof purchasing insurance pursuant to this section. Venue of all actions provided for herein shall be in the county of the residence of the plaintiff or where the cause of action arose, but summons may be served upon the director, head or governing board or body of the department or state agency being sued and alleged to come within the purview of this section, wherever that person may be found. Such policies shall be filed in the office of the Secretary of State as a public record.

Added by Laws 1961, p. 544, § 1, emerg. eff. July 26, 1961. Amended by Laws 1970, c. 334, § 1, emerg. eff. April 22, 1970; Laws 1980, c. 67, § 1, emerg. eff. April 10, 1980; Laws 2013, c. 254, § 30, eff. Jan. 1, 2015.

§47-157.2. Bids on insurance.

Each of the above named departments shall cause the advertisement for bids to be published once each week for two (2) consecutive weeks in a newspaper published in and having general circulation in Oklahoma County, prescribing the time and place at

which bids will be received. Said insurance contract shall be awarded to the lowest and best bidder.

Laws 1961, p. 545, § 2.

§47-157.3. Actions to be brought against insurer.

Any person or persons suffering damages from the claimed negligent acts of any of such departments, their officers, servants, employees, or agents, arising from the operation of the vehicles, motorized machinery, or equipment so insured is hereby authorized to maintain an action to collect damages against the insurer. The insurer may not plead as a defense in any action involving insurance purchased by the authority of this act the governmental immunity of either the State of Oklahoma, the State Highway Department, the State Department of Agriculture, or the State Department of Public Welfare, or any other subdivision of state government.

Laws 1961, p. 545, § 3.

§47-157.4. Venue of actions.

Venue of all actions provided for herein shall be in the county of the residence of the plaintiff or where the cause of action arose, but summons shall be served upon the director of the department being sued and alleged to come within the purview of this act, wherever he may be found.

Laws 1961, p. 545, § 4.

§47-157.5. Definition.

The term "person" as used in this act shall mean any individual, firm, partnership, corporation, or business entity of any kind or character, or the executor, administrator, trustee, receiver, assignee, or personal representative thereof.

Laws 1961, p. 545, § 5.

§47-158.1. Repealed by Laws 2002, c. 53, § 1, eff. Nov. 1, 2002.

§47-158.2. Maintenance of actions.

The operation of vehicles, motorized machinery and equipment by the Office of Management and Enterprise Services, the State Department of Health, the Department of Public Safety, the Department of Mental Health and Substance Abuse Services, the Department of Corrections, and all other state departments and agencies not otherwise specifically authorized by law, is hereby declared to be a public governmental function. An action for damages may be brought against such departments, but the governmental immunity of such departments shall be waived only to the extent of the amount of insurance purchased. The departments shall be liable for negligence only while such insurance is in force, but in no case in an amount exceeding the limits of the

coverage of any such insurance policy. No attempt shall be made in the trial of any action brought against any such departments to suggest the existence of any insurance which covers in whole or in part any judgment or award which may be rendered in favor of the plaintiff, and if the verdict rendered by the jury exceeds the limits of the applicable insurance, the court shall reduce the amount of said judgment or award to a sum equal to the applicable limits stated in the policy. The insurer may not plead as a defense in any action involving insurance purchases by the authority of this section the governmental immunity of either the State of Oklahoma, the State Department of Health, Department of Public Safety, Department of Mental Health and Substance Abuse Services, or the Department of Corrections.

Added by Laws 1963, c. 293, § 2, emerg. eff. June 18, 1963. Amended by Laws 1990, c. 51, § 114, emerg. eff. April 9, 1990; Laws 2008, c. 302, § 5, emerg. eff. June 2, 2008; Laws 2012, c. 304, § 177.

§47-159.1. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.

§47-159.2. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-159.3. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.

§47-159.4. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.

§47-159.5. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.

§47-159.6. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.

§47-159.7. Repealed by Laws 2002, c. 184, § 2, eff. July 1, 2002.

§47-159.8. Repealed by Laws 2001, c. 169, § 9, eff. Nov. 1, 2001.

§47-159.9. Renumbered as § 78c of Title 74 by Laws 2001, c. 169, § 10, eff. Nov. 1, 2001.

§47-159.10. Renumbered as § 78d of Title 74 by Laws 2001, c. 169, § 10, eff. Nov. 1, 2001.

§47-159.11. Renumbered as § 485.12 of Title 63 by Laws 2002, c. 397, § 35, eff. Nov. 1, 2002.

§47-161. Repealed by Laws 2009, c. 183, § 15, eff. Nov. 1, 2009.

§47-161.1. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-161.2. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-161A. Household Goods Act of 2009 - Definitions.

A. This act shall be known and may be cited as the "Household Goods Act of 2009". The purpose of this act is to regulate intrastate transportation by motor carriers of household goods in such manner as to establish standards for public safety, fair competitive practices, adequate and dependable service, and protection of shippers from deceptive or unfair practices.

B. The provisions of this act, except as specifically limited herein, shall apply to the intrastate transportation of household goods by motor carriers over public highways of this state; and the regulations of such transportation, and the procurement thereof and the provisions of facilities therefor, are hereby vested in the Corporation Commission.

Shipments contracted by the federal government, a state government, a tribal government or any local government or political subdivision thereof shall not be required to obtain a household goods certificate, but shall be regulated by the Commission to achieve compliance with safety requirements and size and weight limitations.

Nothing in this act shall be construed to interfere with the exercise by agencies of the government of the United States of its power of regulation of interstate commerce.

C. As used in this act:

1. "Commission" means the Corporation Commission;
2. "Corporate family" means a group of corporations consisting of a parent corporation and all subsidiaries in which the parent corporation owns directly or indirectly one hundred percent (100%) interest;
3. "Household goods" means used personal effects and property of a dwelling;
4. "Household goods certificate" means a certificate of authority issued by the Corporation Commission to transport household goods within this state;
5. "Intercompany hauling" means the transportation of household goods, by motor vehicle, for compensation, by a carrier which is a member of a corporate family, as defined in this section, when the transportation for compensation is provided for other members of the corporate family;
6. "Motor carrier of household goods" means a person transporting household goods for compensation or other consideration, with an origin and destination within this state;
7. "Motor vehicle" means any automobile, truck, truck-tractor, trailer or semitrailer or any motor bus or self-propelled vehicle not operated or driven upon fixed rails or tracks;
8. "Person" means any individual, firm, copartnership, limited partnership, corporation, limited liability corporation, company,

association, or joint-stock association and includes any trustee, receiver, assignee, or personal representative thereof; and

9. "Public highway" means every public street, road, highway, or thoroughfare in this state, used by the public, whether actually dedicated to the public and accepted by the proper authorities or otherwise.

D. The terms and provisions of this act shall apply to commerce with foreign nations, or commerce among the several states of this Union, insofar as such application may be permitted under the provisions of the Constitution of the United States and the Acts of Congress.

Added by Laws 2009, c. 183, § 1, eff. Nov. 1, 2009.

§47-162. Powers and duties of Commission.

A. The Corporation Commission is authorized to:

1. Supervise and regulate every motor carrier of household goods;

2. Protect the shipping and general public by requiring liability insurance and cargo insurance of all motor carriers of household goods;

3. Ensure motor carriers of household goods are complying with applicable size and weight laws and safety requirements;

4. Supervise and regulate such motor carriers in all other matters affecting the relationship between such carriers and the traveling and shipping public including, but not limited to, consumer protection measures and loss and damage claim procedures; and

5. Enforce the provisions of this act.

B. The Commission is authorized to promulgate rules applicable to persons transporting household goods.

C. 1. The Commission is authorized to administer a hazardous material transportation registration and permitting program for motor carriers engaged in transporting hazardous material upon or over the public highways and within the borders of the state.

2. The Commission shall promulgate rules implementing the provisions of this subsection. Rules promulgated pursuant to this subsection shall be consistent with, and equivalent in scope, coverage, and content to requirements applicable to operators of vehicles transporting hazardous materials contained in the report submitted to the Secretary of the United States Department of Transportation, pursuant to 49 U.S.C. 5119(b), by the Alliance for Uniform Hazardous Material Transportation Procedures.

D. Nothing in this section shall be construed to remove or affect the jurisdiction of the Department of Environmental Quality to implement hazardous waste transportation requirements for federal hazardous waste program delegation to this state under the federal Resource Conservation and Recovery Act.

E. The Commission is authorized to promulgate rules and set fees applicable to interstate motor carriers, pertaining to carrier registration, operation of equipment and filing of proper proof of liability insurance.

Added by Laws 1929, c. 253, p. 352, § 2. Amended by Laws 1968, c. 190, § 2, eff. Sept. 30, 1968; Laws 1984, c. 60, § 1; Laws 1995, c. 143, § 14, eff. Nov. 1, 1995; Laws 2000, c. 130, § 3, emerg. eff. April 24, 2000; Laws 2005, c. 418, § 2, emerg. eff. June 6, 2005; Laws 2009, c. 183, § 2, eff. Nov. 1, 2009.

§47-162.1. Participation in Unified Carrier Registration System.

The Corporation Commission is authorized to promulgate rules necessary to enable this state to participate in the Unified Carrier Registration System for interstate motor carriers, brokers, forwarders and leasing companies and interstate motor carriers holding intrastate authority as set forth in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Subtitle C-Unified Carrier Registration Act of 2005. Added by Laws 1993, c. 171, § 1, emerg. eff. May 10, 1993. Amended by Laws 2006, c. 238, § 2, emerg. eff. June 6, 2006; Laws 2008, c. 168, § 1, emerg. eff. May 12, 2008; Laws 2009, c. 182, § 1, eff. Nov. 1, 2009.

§47-163. Certification to transport household goods.

A. No person shall transport household goods for compensation or other consideration in intrastate commerce without a valid certificate issued by the Corporation Commission.

B. The Commission shall promulgate rules ensuring consumer protection and loss and damage claim procedures.

C. Every motor carrier, subject to this act, receiving household goods for transportation in intrastate commerce shall issue a receipt or bill of lading therefor, the form of which shall be prescribed by the Commission.

D. Record-keeping documents, as required by the Commission, shall be maintained by the motor carrier of household goods for a minimum of three (3) years. The Commission is authorized to require certain documents to be retained for a longer period of time pending a claim for any other reason the Commission deems necessary.

E. Any person, motor carrier, or shipper who shall willfully violate any provision of this act or the Commission's rules pursuant thereto may be found in violation by the Commission. After proper notice and hearing, violators may be assessed penalties in an amount not to exceed One Thousand Dollars (\$1,000.00) for the first violation and for the second violation within a year a penalty not to exceed Five Thousand Dollars (\$5,000.00).

Added by Laws 1929, c. 253, p. 353, § 3. Amended by Laws 1968, c. 190, § 3, eff. Sept. 30, 1968; Laws 1995, c. 143, § 15, eff. Nov. 1, 1995; Laws 2009, c. 183, § 3, eff. Nov. 1, 2009.

§47-163.1. Repealed by Laws 2009, c. 183, § 16, eff. Nov. 1, 2009.

§47-163.2. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-165. Application and filing fees.

A. Upon the filing of an application to operate as a motor carrier of household goods, the applicant shall pay to the Corporation Commission a filing fee as set by Commission rule.

B. Upon the filing by an interstate motor carrier of an application to register interstate authority, or supplement thereto, the applicant shall pay the Commission a filing fee as established by the Commission and in full compliance with applicable federal laws.

C. The Commission shall, upon the receipt of any such fee, deposit the same in the State Treasury to the credit of the Corporation Commission Revolving Fund.

Added by Laws 1929, c. 253, p. 353, § 5. Amended by Laws 1933, c. 156, p. 355, § 2, emerg. eff. April 12, 1933; Laws 1968, c. 190, § 5, eff. Sept. 30, 1968; Laws 1971, c. 114, § 1, emerg. eff. April 28, 1971; Laws 1982, c. 354, § 4, operative July 1, 1982; Laws 1982, c. 358, § 16, emerg. eff. June 2, 1982; Laws 1985, c. 205, § 1, eff. May 1, 1985; Laws 1985, c. 325, § 7, emerg. eff. July 29, 1985; Laws 1995, c. 143, § 17, eff. Nov. 1, 1995; Laws 2009, c. 183, § 4, eff. Nov. 1, 2009.

§47-166. Certificates or permits.

A. It is hereby declared unlawful for any person to transport household goods in intrastate commerce without a valid certificate issued by the Corporation Commission.

B. Motor carriers engaged in intercorporate hauling must obtain a certificate in the motor carrier's name.

C. Applicants for intrastate authority to transport household goods shall file an application as required by this act and as prescribed by the Commission. A household goods certificate shall be issued to the applicant upon completion of all requirements.

D. The Commission may consider any written protests or written complaints filed prior to granting or renewing a household goods certificate. If the Commission elects not to grant or renew a household goods certificate, the application shall be set for public hearing in accordance with Commission rules.

E. Household goods certificates may not be assigned or transferred.

F. The Commission shall exercise any additional power that may from time to time be conferred upon the state by any Act of Congress.

G. The Commission shall adopt rules prescribing the manner and form in which motor carriers shall apply for a household goods certificate.

Added by Laws 1929, c. 253, p. 353, § 6. Amended by Laws 1965, c. 183, § 2; Laws 1968, c. 190, § 6, eff. Sept. 30, 1968; Laws 1995, c. 143, § 18, eff. Nov. 1, 1995; Laws 2009, c. 183, § 5, eff. Nov. 1, 2009.

§47-166.1. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-166.1a. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-166.1b. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-166.2. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-166.3. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-166.4. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-166.5. Conflicting constitutional provisions - Amendment and alteration.

If this act or the Motor Carrier Act of 1995 or any provision hereof is, or may be deemed to be, in conflict or inconsistent with any of the provisions of Section 18 through Section 34, inclusive, of Article IX of the Constitution of the State of Oklahoma, then, to the extent of any such conflicts or inconsistencies, it is hereby expressly declared that this entire act and this section are amendments to and alterations of the sections of the Constitution, as authorized by Section 35 of Article IX of said Constitution.

Added by Laws 1980, c. 13, § 5, emerg. eff. March 20, 1980. Amended by Laws 1995, c. 143, § 19, eff. Nov. 1, 1995.

§47-166a. Definitions - Operation of equipment not owned by motor carrier - Leases - Application of provisions.

A. As used in this section:

1. "Authorized carrier" means a motor carrier of household goods;

2. "Equipment" means a motor vehicle, straight truck, tractor, semitrailer, full trailer, any combination of these and any other type of equipment used by authorized carriers in the transportation of household goods;

3. "Owner" means a person to whom title to equipment has been issued, or who, without title, has the right to exclusive use of equipment for a period longer than thirty (30) days;

4. "Lease" means a contract or arrangement in which the owner grants the use of equipment, with or without driver, for a specified period to an authorized carrier for use in the regulated transportation of household goods in exchange for compensation;

5. "Lessor", in a lease, means the party granting the use of equipment with or without driver to another;

6. "Lessee", in a lease, means the party acquiring the use of equipment with or without driver from another;

7. "Addendum" means a supplement to an existing lease which is not effective until signed by the lessor and lessee; and

8. "Shipper" means a person who sends or receives household goods which are transported in intrastate commerce in this state.

B. An authorized carrier may perform authorized transportation in equipment it does not own only under the following conditions:

1. There shall be a written lease granting the use of the equipment and meeting the requirements as set forth in subsection C of this section;

2. The authorized carrier acquiring the use of equipment under this section shall identify the equipment in accordance with the Commission's requirements; and

3. Upon termination of the lease, the authorized carrier shall remove all identification showing it as the operating carrier before giving up possession of the equipment.

C. The written lease required pursuant to subsection B of this section shall contain the following provisions. The required lease provisions shall be adhered to and performed by the authorized carrier as follows:

1. The lease shall be made between the authorized carrier and the owner of the equipment. The lease shall be signed by these parties or by their authorized representatives;

2. The lease shall specify the time and date or the circumstances on which the lease begins and ends and include a description of the equipment which shall be identified by vehicle serial number, make, year, model and current license plate number;

3. The period for which the lease applies shall be for thirty (30) days or more when the equipment is to be operated for the authorized carrier by the owner or an employee of the owner;

4. The lease shall provide that the authorized carrier lessee shall have exclusive possession, control and use of the equipment for the duration of the lease. The lease shall further provide that the authorized carrier lessee shall assume complete responsibility for the operation of the equipment for the duration of the lease;

5. The amount to be paid by the authorized carrier for equipment and driver's services shall be clearly stated on the face

of the lease or in an addendum which is attached to the lease. The amount to be paid may be expressed as a percentage of gross revenue, a flat rate per mile, a variable rate depending on the direction traveled or the type of commodity transported, or by any other method of compensation mutually agreed upon by the parties to the lease. The compensation stated on the lease or in the attached addendum may apply to equipment and driver's services either separately or as a combined amount;

6. The lease shall clearly specify the responsibility of each party with respect to the cost of fuel, fuel taxes, empty mileage, permits of all types, tolls, detention and accessorial services, base plates and licenses, and any unused portions of such items. Except when the violation results from the acts or omissions of the lessor, the authorized carrier lessee shall assume the risks and costs of fines for overweight and oversize trailers when the trailers are preloaded, sealed, or the load is containerized, or when the trailer or lading is otherwise outside of the lessor's control, and for improperly permitted over-dimension and overweight loads and shall reimburse the lessor for any fines paid by the lessor. If the authorized carrier is authorized to receive a refund or a credit for base plates purchased by the lessor from, and issued in the name of, the authorized carrier, or if the base plates are authorized to be sold by the authorized carrier to another lessor, the authorized carrier shall refund to the initial lessor on whose behalf the base plate was first obtained a prorated share of the amount received;

7. The lease shall specify that payment to the lessor shall be made by the authorized carrier within fifteen (15) days after submission of the necessary delivery documents and other paperwork concerning a trip in the service of the authorized carrier. The paperwork required before the lessor can receive payment is limited to those documents necessary for the authorized carrier to secure payment from the shipper. The authorized carrier may require the submission of additional documents by the lessor but not as a prerequisite to payment;

8. The lease shall clearly specify the right of those lessors whose revenue is based on a percentage of the gross revenue for a shipment to examine copies of the authorized carrier's freight bill before or at the time of settlement. The lease shall clearly specify the right of the lessor, regardless of method of compensation, to examine copies of the carrier's tariff;

9. The lease shall clearly specify all items that may be initially paid for by the authorized carrier, but ultimately deducted from the lessor's compensation at the time of payment or settlement together with a recitation as to how the amount of each item is to be computed. The lessor shall be afforded copies of

those documents which are necessary to determine the validity of the charge;

10. The lease shall specify that the lessor is not required to purchase or rent any products, equipment, or services from the authorized carrier as a condition of entering into the lease arrangement;

11. As it relates to insurance:

- a. the lease shall clearly specify the legal obligation of the authorized carrier to maintain insurance coverage for the protection of the public, and
- b. the lease shall clearly specify the conditions under which deductions for cargo or property damage may be made from the lessor's settlements. The lease shall further specify that the authorized carrier must provide the lessor with a written explanation and itemization of any deductions for cargo or property damage made from any compensation of money owed to the lessor. The written explanation and itemization must be delivered to the lessor before any deductions are made; and

12. An original and two copies of each lease shall be signed by the parties. The authorized carrier shall keep the original and shall place a copy of the lease in the equipment during the period of the lease. The owner of the equipment shall keep the other copy of the lease.

D. The provisions of this section shall apply to the leasing of equipment with which to perform household goods transportation by motor carriers.

Added by Laws 1984, c. 60, § 2. Amended by Laws 1995, c. 143, § 20, eff. Nov. 1, 1995; Laws 2009, c. 183, § 6, eff. Nov. 1, 2009.

§47-167.1. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-169. Filing of certificates of insurance coverage as condition precedent to certificate or permit - Actions by injured party - Failure to maintain coverage.

A. No certificate shall be issued by the Corporation Commission to any motor carrier of household goods until after such motor carrier shall have filed with the Commission a liability insurance policy or bond covering public liability and property damage, issued by some insurance or bonding company or insurance carrier authorized as set forth below, and which has complied with all of the requirements of the Commission, which bond or policy shall be approved by the Commission, and shall be in such sum and amount as fixed by a proper order of the Commission; and such liability and property damage insurance policy or bond shall bind the obligor thereunder to make compensation for injuries to, or death of,

persons, and loss or damage to property, resulting from the operation of any such motor carrier for which such carrier is legally liable. After judgment against the carrier for any damage, the injured party may maintain an action upon the policy or bond to recover the same, and shall be a proper party to maintain such action.

B. Every motor carrier of household goods shall file with the Commission a cargo insurance policy or bond covering any goods or property being transported, issued by some insurance or bonding company or insurance carrier authorized as set forth below, and which has complied with all of the requirements of the Commission, which bond or policy shall be approved by the Commission, and shall be in a sum and amount as fixed by Commission rule. The cargo insurance must be filed with the Commission prior to a certificate being issued by the Commission.

C. No carrier, whose principal place of business is in Oklahoma, shall conduct any operations in this state unless the operations are covered by a valid primary bond or insurance policy issued by an insurer authorized or approved by the Oklahoma Insurance Department. No carrier whose principal place of business is not in Oklahoma shall conduct any operations in this state unless the operations are covered by a valid bond or insurance policy issued by an insurer licensed or approved by the insurance regulatory authority of the state of their principal place of business or the Oklahoma Insurance Department.

D. Each motor carrier shall maintain on file, in full force, all insurance required by the laws of the State of Oklahoma and the rules of the Commission during such motor carrier's operation and that the failure for any cause to maintain such coverage in full force and effect shall immediately, without any notice from the Commission, suspend such carrier's rights to operate until proper insurance is provided. Any carrier suspended for failure to maintain proper insurance shall have a reasonable time, not exceeding sixty (60) days, within which to provide proper insurance and to have the carrier's authority reactivated, upon showing:

1. No operation during the period in which the carrier did not have insurance; and

2. Furnishing of proper insurance coverage.

E. Any carrier who fails to reactivate the carrier's certificate within sixty (60) days after such suspension, as above provided, shall have the certificate canceled, by operation of law, without any notice from the Commission. No certificate so canceled shall be reinstated or otherwise made operative except that the Commission may reinstate the authority of a motor carrier upon proper showing that the motor carrier was actually covered by proper insurance during the suspension or cancellation period, and that failure to file with the Commission was not due to the motor

carrier's fault. Any carrier desiring to file for reinstatement of the carrier's certificate shall do so within ninety (90) days of its cancellation by law.

F. The Commission shall, in its discretion, permit the filing of certificates of insurance coverage on such form as may be prescribed by the Commission, in lieu of copies of insurance policies or bonds, with the proviso that if the certificates are authorized, the insurance company or carrier so filing it, upon request of the Commission, shall, at any time, furnish an authenticated copy of the policy which the certificate represents, and further provided that thirty (30) days prior to effective cancellation or termination of the policy of insurance for any cause, the insurer shall so notify the Commission in writing of the facts or as deemed necessary by the Commission.

Added by Laws 1929, c. 253, p. 358, § 10. Amended by Laws 1933, c. 156, p. 360, § 4, emerg. eff. April 12, 1933; Laws 1937, p. 444, § 16; Laws 1965, c. 183, § 4, emerg. eff. June 3, 1965; Laws 1968, c. 190, § 9, eff. Sept. 30, 1968; Laws 1970, c. 80, § 1, emerg. eff. March 23, 1970; Laws 1995, c. 143, § 21, eff. Nov. 1, 1995; Laws 2009, c. 183, § 7, eff. Nov. 1, 2009.

§47-169.1. Motor carriers - Liability for loss, damage or injury to goods or property.

Every motor carrier of household goods shall be liable for all loss, damage or injury to goods or property due to any negligence while the same is entrusted to it during operations as a household goods carrier.

Added by Laws 1982, c. 24, § 1, operative Oct. 1, 1982. Amended by Laws 1995, c. 143, § 22, eff. Nov. 1, 1995; Laws 2009, c. 183, § 8, eff. Nov. 1, 2009.

§47-169.2. Claims - Procedure.

Every motor carrier of household goods, upon receipt of a claim in writing for loss of or damage to cargo during transportation, some portion of which was performed by that carrier, regardless of the form in which the claim is presented, shall:

1. Acknowledge receipt of the claim in writing within thirty (30) days after receipt thereof by the motor carrier;
2. Commence an investigation in good faith to determine whether the carrier acknowledges or denies liability for the loss or damage;
3. Either pay the claim in full, or as agreed to by mutual compromise, or deny liability for loss or damage, in writing, within ninety (90) days after receipt of the original claim by the carrier. Such action shall not be withheld or postponed pending receipt of payment or acknowledgment of liability from connecting carriers; and
4. Acknowledgment of liability shall be accompanied by payment in full for the value of property lost or damaged except where

subject to limited liability or released value. When a shipper, without prior approval from the consignee, elects to release a shipment at a value less than the full value of the property shipped, in the event of loss or damage, the shipper will indemnify to the consignee the difference between the released or limited valuation paid by the carrier and the full value of the property shipped. A carrier's liability is limited to the released value or limited liability as agreed as stated in the bill of lading covering the shipment.

Added by Laws 1982, c. 24, § 2, operative Oct. 1, 1982. Amended by Laws 1995, c. 143, § 23, eff. Nov. 1, 1995; Laws 2009, c. 183, § 9, eff. Nov. 1, 2009.

§47-169.3. Nonliability - Burden of proof.

Where shipments of household goods are received by the carrier from the shipper in apparent good order and with no exceptions noted on the bill of lading, and delivered by the carrier with written exceptions covering loss or damage thereto, the carrier shall have the burden of proof to establish nonliability for such loss or damage. Terms and conditions of the bill of lading contract referring to excepted causes shall remain applicable.

Added by Laws 1982, c. 24, § 3, operative Oct. 1, 1982. Amended by Laws 1995, c. 143, § 24, eff. Nov. 1, 1995; Laws 2009, c. 183, § 10, eff. Nov. 1, 2009.

§47-169.4. Concealed loss or damage - Claim - Inspection - Evidence.

Where shipments of household goods are received by the carrier from the shipper in apparent good order and with no exceptions noted on the bill of lading, and delivered by the carrier in the same manner, with no exceptions noted, such concealed loss or damage claims must be submitted to the carrier by the shipper. Inspections covering loss or damage found after delivery must be requested to the delivering carrier in writing within fifteen (15) days after the delivery of the shipment involved. If more than fifteen (15) days have passed, it is incumbent upon the consignee to offer reasonable evidence to the carrier or a representative of the carrier that loss or damage was not incurred by the consignee after delivery by the carrier.

Added by Laws 1982, c. 24, § 4, operative Oct. 1, 1982. Amended by Laws 1995, c. 143, § 25, eff. Nov. 1, 1995; Laws 2009, c. 183, § 11, eff. Nov. 1, 2009.

§47-169.5. Failure to process claim or express declination of claim in writing - Penalty.

If the carrier fails to process loss or damage claims as provided in Sections 169.2 through 169.4 of this title, or to

express declinations of the claims in writing with proof of nonliability, the carrier may be found in contempt by the Corporation Commission after proper notice and hearing. Failure to pay any fine or otherwise resolve the complaint may result in a hearing by the Corporation Commission to determine if the operating authority of the carrier shall be revoked.

Added by Laws 1982, c. 24, § 5, operative Oct. 1, 1982. Amended by Laws 1995, c. 143, § 26, eff. Nov. 1, 1995; Laws 2009, c. 183, § 12, eff. Nov. 1, 2009.

§47-169.6. Other remedies and rights of action - Attorney fees - Costs.

Nothing in Sections 169.1 through 169.5 of this title shall deprive any holder of a receipt of bill of lading any remedy or right of action under existing law. Where litigation is pursued under other existing rights, the prevailing party shall be allowed reasonable attorney fees and court costs.

Added by Laws 1982, c. 24, § 6, operative Oct. 1, 1982. Amended by Laws 1995, c. 143, § 27, eff. Nov. 1, 1995.

§47-169.7. Statements of liability or indemnity agreements not required - Exceptions.

A motor carrier shall not be required to sign any statement of liability or enter into any contract for the indemnification of any person for any acts or omissions not arising from damage or loss from a wrongful or negligent act or omission from the motor carrier.

The provisions of this section shall not apply to railroad intermodal or transload facilities or to contracts with railroads or ocean carriers.

Added by Laws 2004, c. 458, § 1, emerg. eff. June 4, 2004.

§47-170. Weight and size of vehicles - Advertising - Suspension or revocation - Personal character of certificates or permits.

A. Nothing contained in this act shall be construed to authorize the operation of any freight vehicle in excess of the gross weight, width, length or height authorized by law.

B. Any person who willfully advertises to perform transportation services for which the person does not hold a proper certificate shall be in violation of this act and subject to the penalties prescribed for contempt of the Corporation Commission.

C. Household goods certificates may be suspended or revoked for any violation of state law or Commission rule.

D. Certificates shall be considered personal to the holder thereof and shall be issued only to some definite legal entity operating motor vehicles as a motor carrier of household goods, and shall not be subject to lease, nor shall the holder thereof sublet

or permit the exercise, by another, in anywise, of the rights or privileges granted thereunder.

Added by Laws 1929, c. 253, p. 359, § 11. Amended by Laws 1933, c. 156, p. 361, § 5, emerg. eff. April 12, 1933; Laws 1968, c. 190, § 10, eff. Sept. 30, 1968; Laws 1995, c. 143, § 28, eff. Nov. 1, 1995; Laws 2009, c. 183, § 13, eff. Nov. 1, 2009.

§47-170.1. Complaints - Notice and hearing - Orders - Revocation - Liability of complaining party - Appeal.

A. Upon any complaint in writing under oath being made by any person, or by the Commission of its own motion, setting forth any act or thing done or omitted to be done by any person in violation, or claimed violation, of any provision of law, or of any order or rule of the Commission, the Commission shall enter same upon its docket and shall immediately serve a copy thereof upon each defendant together with a notice directed to each defendant requiring that the matter complained of be answered, in writing, within ten (10) days of the date of service of such notice, provided that the Commission may, in its discretion, require particular cases to be answered within a shorter time, and the Commission may, for good cause shown, extend the time in which an answer may be filed.

Upon the filing of the answer herein provided for, the Commission shall set a time and place for the hearing, and notice of the time and place of the hearing shall be served not less than ten (10) days before the time set therefor, unless the Commission shall find that public necessity requires the hearing at an earlier date.

B. The Commission may, in all matters within its jurisdiction, issue subpoenas, subpoenas duces tecum, and all necessary process in proceedings pending before the Commission; may administer oaths, examine witnesses, compel the production of records, books, papers, files, documents, contracts, correspondence, agreements, or accounts necessary for any investigation being conducted, and certify official acts.

C. In case of failure on the part of any person to comply with any lawful order of the Commission, or of any Commissioner, or with any subpoena or subpoena duces tecum, or to testify concerning any matter on which he may be lawfully interrogated, the Commission may compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena, or of the refusal to testify.

D. Witnesses who are summoned before the Commission shall be paid the same fees and mileage as are paid to witnesses in courts of record. Any party to a proceeding at whose instance a subpoena is issued and served shall pay the costs incident thereto and the fees for mileage of all his witnesses.

E. In event any process shall be directed to any nonresident who is authorized to do business in this state, the process may be

served upon the agent designated by the nonresident for the service of process, and service upon the agent shall be as sufficient and as effective as if served upon the nonresident.

F. All process issued by the Commission shall extend to all parts of the state and any such process, together with the service of all notices issued by the Commission, as well as copies of complaints, rules, orders and regulations of the Commission, may be served by any person authorized to serve process issued out of courts of record, or by certified mail.

G. After the conclusion of any hearing, the Commission shall, within sixty (60) days, make and file its findings and order, with its opinion. Its findings shall be in sufficient detail to enable any court in which any action of the Commission is involved to determine the controverted questions presented by the proceeding. A copy of such order, certified under the seal of the Commission, shall be served upon the person against whom it runs, or the attorney of the person, and notice thereof shall be given to the other parties to the proceedings or their attorneys. The order shall take effect and become operative within fifteen (15) days after the service thereof, unless otherwise provided. If an order cannot, in the judgment of the Commission, be complied with within fifteen (15) days, the Commission may grant and prescribe such additional time as in its judgment is reasonably necessary to comply with the order, and may, on application and for good cause shown, extend the time for compliance fixed in the order.

H. In the event the Commission finds that the defendant is guilty upon any complaint filed and proceeding had and that the provisions of law, or the rules, regulations or orders of this Commission have been willfully and knowingly violated and the violator holds a permit or certificate or license issued by the Commission authorizing it to engage in the transportation of persons or property for hire, then such permit or certificate or license may also be revoked by the Commission.

I. Where a complaint is instituted by any person other than the Commission of its own motion and in the event the Commission should find that the complaint was not in good faith, the complaining party shall be required to pay the defendant's attorney's fee, the fee to be prescribed by the Commission in accordance with applicable Oklahoma Bar Association standards.

J. Any person aggrieved by any findings and order of the Commission may appeal to the Supreme Court in the way and manner now or hereafter provided for appeals from the district court to the Supreme Court.

Added by Laws 1968, c. 190, § 26. Amended by Laws 1969, c. 93, § 1, emerg. eff. March 25, 1969; Laws 1995, c. 143, § 29, eff. Nov. 1, 1995.

§47-170.2. Report of load capacity violations to Corporation Commission - Contempt of Commission motor carrier rules, tariffs and regulations - Penalties - Complaint procedure.

A. The Department of Public Safety, monthly, shall notify the Oklahoma Corporation Commission of any ticket issued for a violation of the provisions of Section 14-119 of this title, or any provisions of Chapter 14 of this title or the terms of any special permit authorized pursuant to the provisions of Chapter 14 of this title concerning overweight or overweight special permits.

B. Truck overweight violations by motor carriers or private carriers shall be considered contempt of Commission motor carrier rules, tariffs and regulations. The Commission shall establish a specific rule whereby such overweight violations by motor carriers or private carriers shall be grounds for issuance of a show-cause order for consideration of temporary or permanent cancellation of operating authority or license. In establishing the rule, consideration shall be given to the frequency of violations, pattern of violations, fleet size, type of operation, amount of overweight, and other such factors that may indicate intent. Any person, firm, or corporation that assists in the commission of such overweight violation or refuses to comply with any rule, regulation, or order of the Commission relating thereto shall be guilty of contempt of the Commission and shall be subject to a fine to be imposed by said Commission in a sum not to exceed Five Hundred Dollars (\$500.00) on each violation. In the specific instance of an overweight violation, the transportation of each load shall constitute a separate violation. The same fine assessed against the motor carrier or private carrier shall apply to any other person, firm, or corporation that aids or abets such violations. Provided however, no motor carrier, private carrier, shipper or person loading or causing a motor vehicle to be loaded shall be subject to a fine for contempt unless the gross weight of the motor vehicle is more than five thousand (5,000) pounds overweight.

C. The Commission, in its discretion and on its own motion, may make a contempt complaint in writing under oath setting forth the violation, enter the complaint on its docket, and proceed with the matter in accordance with the provisions of Sections 161 et seq. of this title or the Motor Carrier Act of 1995.

Added by Laws 1984, c. 49, § 3, operative July 1, 1984. Amended by Laws 1985, c. 124, § 1, eff. July 1, 1985; Laws 1995, c. 143, § 30, eff. Nov. 1, 1995.

§47-171. Appropriation - Extra help for Corporation Commission.

All monies accruing to the "Corporation Commission Revolving Fund" are hereby appropriated to the Corporation Commission.

The Corporation Commission is hereby authorized and empowered to employ such extra help as may be necessary to carry out the

provisions of this act for the enforcement of the law and the collection of taxes set forth herein, said employees to be paid from the appropriations made in this section. Provided, such employees shall be paid such salaries or compensation as is paid for similar service in this state in the same or other departments of the state. The Corporation Commission is hereby authorized to pay from the "Corporation Commission Revolving Fund" such extra operating expenses as may be attributable to the enforcement of this act, in the same manner and form as other expenses are paid.

Provided further, such employees shall be such extra help as may be in the judgment of the Corporation Commission necessary to aid in the enforcement of this act in addition to the positions hereinafter created; the salaries and expenses of the positions hereinafter created shall be paid out of funds appropriated by the general departmental appropriations act.

Amended by Laws 1985, c. 325, § 8, emerg. eff. July 29, 1985.

§47-171.1. Expenditure of Corporation Commission Revolving Funds - Uses.

In addition to other uses authorized by law, funds provided to the Corporation Commission Revolving Fund pursuant to Sections 165, 177.2 and 180h of this title shall be expended as follows:

1. The Corporation Commission Transportation Division shall employ four special motor carrier enforcement officers and one supervisor-officer who shall have the primary duty of investigating and assisting in the prosecution of persons engaged in unauthorized transportation or disposal of deleterious substances as contemplated under the provisions of the Oklahoma Motor Carrier Act and any other applicable provisions of law. Such employees shall be compensated as for similar service in the same or other departments of the state and an expense allowance of One Hundred Dollars (\$100.00) per month for maintenance and cleaning of uniforms and other related expenses shall be paid to such employees. Nothing in this section regarding expense allowances shall be construed to mean that such employees shall receive any additional compensation beyond what is provided for maintenance and cleaning of uniforms and other related expenses by the Corporation Commission on the effective date of this act.

2. The Commission shall purchase a sufficient number of motor vehicles to provide each motor carrier enforcement officer employed in the Transportation Division a motor vehicle suitable to carry out the enforcement provisions of applicable law. Said vehicles shall be appropriately marked as official vehicles and radio equipped. All costs for operation, maintenance and replacement of the motor vehicles authorized in this section shall be provided for from the Corporation Commission Revolving Fund.

3. The Commission shall employ a hearing officer whose primary responsibility shall be the adjudication of enforcement proceedings

and complaints brought against persons engaged in unauthorized transportation or disposal of deleterious substances or other unauthorized transportation in violation of the Oklahoma Motor Carrier Act or the rules and regulations of motor carriers as promulgated by the Corporation Commission.

Added by Laws 1982, c. 354, § 7, operative July 1, 1982. Amended by Laws 1985, c. 325, § 9, emerg. eff. July 29, 1985; Laws 1993, c. 185, § 1, eff. Sept. 1, 1993.

§47-171.2. Motor carrier enforcement officers.

Motor carrier enforcement officers as authorized in Section 171.1 of this title shall have authority and powers as provided for those motor carrier officers authorized under the provisions of Section 172 of this title.

Added by Laws 1983, c. 151, § 4, emerg. eff. May 26, 1983.

§47-172. Violations of act - Penalty - Report of violations - Civil or criminal proceedings - Official misconduct - Contempt - Personnel, salaries and powers - Oath and bond.

A. Every owner of any motor vehicle, the agents or employees of the owner, and every other person who violates or fails to comply with or procures, aids, or abets in the violation of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, or who fails to obey, observe, or comply with any order, decision, rule or regulation, direction, demand, or requirement of the Corporation Commission, or who procures, aids or abets any corporation or person in the person's, or its, refusal or willful failure to obey, observe or comply with any such order, decision, rule, direction, demand, or regulation shall be deemed guilty of a misdemeanor. Upon conviction in a criminal court of competent jurisdiction, such misdemeanor is punishable by a fine of not exceeding One Thousand Dollars (\$1,000.00).

B. The Corporation Commission shall report to the Attorney General of this state and the district attorney of the proper county having jurisdiction of such offense, any violation of any of the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995 or any rule of the Corporation Commission promulgated pursuant to the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, by any motor vehicle owner, agent or employee of such owner, or any other person. Upon receipt of such report, the Attorney General or the district attorney of the proper county having jurisdiction of such offense shall institute criminal or civil proceedings against such offender in the proper court having jurisdiction of such offense. Any willful failure on the part of members of the Corporation Commission, the Attorney General or any district attorney, to comply with the provisions of this section, shall be deemed official

misconduct. The Corporation Commission shall report such complaints so made to the Governor of this state who shall direct and cause the laws of this state to be enforced.

C. Any person failing, neglecting or refusing to comply with the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, or with any rule, regulation, or requirement of the Corporation Commission promulgated pursuant to the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, shall be guilty of contempt of the Corporation Commission, and shall be subject to a fine to be imposed by the Corporation Commission in a sum not exceeding Five Hundred Dollars (\$500.00). Each day on which such contempt occurs shall be deemed a separate and distinct offense. The maximum fine to be assessed on each day shall be Five Hundred Dollars (\$500.00). All fines collected pursuant to the provisions of this section shall be deposited in the State Treasury to the credit of the Corporation Commission Trucking One-Stop Shop Fund, as created in Section 1167 of this title. This subsection shall not apply in the specific instance of load capacity violations or violations applicable to the transportation or discharge of deleterious substances provided for by specific statutory provisions.

D. The Corporation Commission shall appoint a director of transportation, a deputy director, an insurance supervisor, an insurance clerk, two stenographers, a secretary to the director, an identification device supervisor and an assistant identification device supervisor at such salaries as the Legislature may from time to time prescribe. The employees shall be allowed actual and necessary travel expenses pursuant to the provisions of the State Travel Reimbursement Act. All of the expense claims shall be presented and paid monthly.

E. Enforcement officers, appointed by the Corporation Commission, are hereby declared to be peace officers of this state. Such officers shall be vested with all powers of peace officers in enforcing the provisions of Sections 161 through 180m of this title and the Motor Carrier Act of 1995 in all parts of this state.

The powers and duties conferred upon said enforcement officers shall in no way limit the powers and duties of sheriffs or other peace officers of the state, or any political subdivision thereof, or of members of the Division of Highway Patrol, subject to the Department of Public Safety.

F. The enforcement officers when on duty, upon reasonable belief that any motor vehicle is being operated in violation of any provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, shall be authorized to require the driver of the vehicle to stop and submit to an inspection of the identification device, or devices, in the vehicle, and to submit to such enforcement officer bills of lading, waybills, or other

evidences of the character of the commerce being transported in such vehicle, and to submit to an inspection of the contents of such vehicle for the purpose of comparing same with bills of lading or shipping documentation, waybills, or other evidences of transportation carried by the driver of the vehicle. The officers shall not have the right to plea bargain.

G. The enforcement officers are authorized to serve all warrants, writs, and notices issued by the Corporation Commission relating to the enforcement of the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995 and the rules, regulations, and requirements prescribed by the Corporation Commission promulgated pursuant to Sections 161 through 180m of this title or the Motor Carrier Act of 1995.

H. The enforcement officers shall not have the power or right of search, nor shall they have the right of power of seizure, except as provided in Sections 161 through 180m of this title or the Motor Carrier Act of 1995. The enforcement officers are authorized to hold and detain any motor vehicle operating upon the highways of this state, if, the enforcement officer has reason to believe that the vehicle is being operated contrary to the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, or the rules, regulations, and requirements of the Corporation Commission promulgated pursuant to Sections 161 through 180m of this title or the Motor Carrier Act of 1995.

I. No state official, other than members of the Corporation Commission, shall have any power, right, or authority to command, order, or direct any enforcement officer to perform any duty or service authorized by Sections 161 through 180m of this title or the Motor Carrier Act of 1995.

J. Each of the enforcement officers shall, before entering upon the discharge of their duties, take and subscribe to the usual oath of office and shall execute to the State of Oklahoma a bond in the sum of Twenty-five Thousand Dollars (\$25,000.00) each, with sufficient surety for the faithful performance of their duty. The bond shall be approved and filed as provided by law.

K. No enforcement officer or employee of the Oklahoma Corporation Commission shall have the right to plea bargain in motor carrier or motor transportation matters except the chief legal counsel of the Commission or an assign of the legal staff of the chief legal counsel.

Added by Laws 1929, c. 253, p. 360, § 13. Amended by Laws 1933, c. 156, p. 362, § 6, emerg. eff. April 12, 1933; Laws 1937, p. 444, § 17, emerg. eff. May 1, 1937; Laws 1953, p. 206, emerg. eff. May 29, 1953; Laws 1969, c. 91, § 1, emerg. eff. March 25, 1969; Laws 1983, c. 263, § 13, eff. July 1, 1983; Laws 1985, c. 124, § 2, eff. July 1, 1985; Laws 1985, c. 325, § 10, emerg. eff. July 29, 1985; Laws

1995, c. 143, § 31, eff. Nov. 1, 1995; Laws 2006, c. 238, § 3, emerg. eff. June 6, 2006.

§47-172.1. Qualifications for enforcement officers.

A. Future applicants for the position of enforcement officer shall be high school graduates and shall have had at least three (3) years' practical experience in the transportation industry or in the field of law enforcement and be certified by the Council on Law Enforcement Education and Training (CLEET) within twelve (12) months from the date of employment. Applicants shall have attained the age of twenty-one (21) years.

B. The applicants shall pass a written test or examination on motor carrier law and the rules of the Commission pertaining thereto, for the purpose of establishing the applicant's fitness and ability to perform the duties of an enforcement officer.

Added by Laws 1968, c. 190, § 25, eff. Sept. 30, 1968. Amended by Laws 1969, c. 90, § 1, emerg. eff. March 25, 1969; Laws 1971, c. 229, § 7, emerg. eff. June 12, 1971; Laws 1995, c. 143, § 32, eff. Nov. 1, 1995.

§47-173. Venue of actions against motor carriers - Issuance of summons.

Any action against a motor carrier for damages by reason of any breach of duty, whether contractual or otherwise, may be brought, in addition to the other counties in which such action may be brought, in the county where the cause of action or some part thereof arose, and summons shall be issued to any other county against any one or more of the defendants at the plaintiff's request.

Laws 1929, c. 253, p. 360, § 14.

§47-173.1. State Task Force on Motor Carrier Regulation and Enforcement.

A. There is hereby created, until July 1, 2024, the State Task Force on Motor Carrier Regulation and Enforcement. The Task Force shall be composed of the following seven (7) members:

1. The Commissioner of Public Safety or designee;
2. One member of the Oklahoma Corporation Commission or designee;
3. The Cabinet Secretary of Public Safety or designee;
4. The Cabinet Secretary of Transportation or designee;
5. One member selected by the Governor, who shall serve as the chair of the Task Force;
6. One member designated by the Speaker of the Oklahoma House of Representatives, who shall be a current member of the Oklahoma House of Representatives; and

7. One member designated by the President Pro Tempore of the Oklahoma State Senate, who shall be a current member of the Oklahoma State Senate.

B. A majority of the members shall constitute a quorum for the purpose of conducting the business of the Task Force. The Task Force shall meet monthly and at such other times as may be called by the chair.

C. Members of the Task Force shall receive no compensation for serving on the Task Force but shall receive travel reimbursement for necessary travel expenses incurred in the performance of their duties by their respective agencies in accordance with the State Travel Reimbursement Act.

D. The State Task Force on Motor Carrier Regulation and Enforcement shall:

1. Study, evaluate, and make recommendations regarding the adequacy, scope, and effectiveness of regulatory, licensing, and permitting programs applicable to the motor carrier industry;

2. Study, evaluate, and make recommendations regarding strategies to enhance the efficiency and effectiveness of state law enforcement's regulation of public safety and enforcement of laws applicable to the motor carrier industry;

3. Study, evaluate, and make recommendations regarding the adequacy, scope, and effect of civil and criminal enforcement mechanisms of state laws governing the motor carrier industry;

4. Study, evaluate, and make recommendations regarding combining within a state agency any motor carrier regulatory programs or law enforcement functions; and

5. Study, evaluate, and make recommendations regarding any other matters determined by the Task Force to be relevant to the purpose of this act.

E. The Corporation Commission, the Department of Public Safety, and the Department of Transportation shall make all information and records available to the Task Force as the Task Force may require. These agencies shall also make their employees available to the Task Force for the Task Force to interview and gather information.

F. On or before December 1, 2023, the Task Force shall prepare a report of its findings and recommendations to be submitted to the Governor, the Speaker of the Oklahoma House of Representatives, the President Pro Tempore of the Oklahoma State Senate, and the Chair of the Public Safety and Transportation Committees in both the Oklahoma House of Representatives and the Oklahoma State Senate, and the minority leaders of both the Oklahoma House of Representatives and the Oklahoma Senate.

G. Staffing for the Task Force shall be provided by the Oklahoma House of Representatives.

Added by Laws 2023, c. 232, § 1.

§47-176. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-177.2. License and permit for transporting deleterious substances - Proof of access to approved disposal well - List of permits - Fees - Provisions supplemental to other applicable motor carrier laws.

A. No motor carrier shall engage in the business of transporting any salt water, mineral brines, waste oil and other deleterious substances produced from or obtained or used in connection with the drilling, development, producing and operating of oil and gas wells and brine wells, for any valuable consideration whatever, or in any quantity over twenty (20) gallons, without a license authorizing such operation and a deleterious substance transport permit to be issued by the Commission. Provided, transportation of such substances by private carrier of property by motor vehicle shall require a deleterious substance transport permit.

B. No carrier shall transport deleterious substances under a carrier license issued by the Commission until such time as the carrier has been issued a deleterious substance transport permit.

C. No deleterious substance transport permit shall be issued to a motor carrier or private carrier until the carrier has furnished written proof of access to a Class II disposal well or wells. Said written proof of access shall be provided by the owner of such disposal well. Such disposal well must first be approved by the Corporation Commission as adequate to meet the need for proper disposal of all substances which the applicant may reasonably be expected to transport as a motor carrier or private carrier. Provided that nothing in this section shall be construed as prohibiting the disposition of such deleterious substances in a disposal well that is owned by a person other than the transporter.

D. The Commission shall maintain a current list of such permits. The Commission shall charge such annual deleterious substance transport permitting fees as will cover the cost of issuing such licenses and an annual fee of Two Hundred Fifty Dollars (\$250.00) for each such deleterious substance transport license. Proceeds from the fees shall be deposited by the Commission in the State Treasury to the credit of the Corporation Commission Revolving Fund. The provisions of this section are supplemental and are in addition to the laws applicable to motor carriers.

Added by Laws 1965, c. 422, § 2, emerg. eff. July 8, 1965. Amended by Laws 1968, c. 190, § 12, eff. Sept. 30, 1968; Laws 1982, c. 354, § 5, operative July 1, 1982; Laws 1983, c. 151, § 1, emerg. eff. May 26, 1983; Laws 1985, c. 325, § 11, emerg. eff. July 29, 1985; Laws 1988, c. 322, § 6; Laws 1993, c. 145, § 253, eff. July 1, 1993; Laws 1995, c. 143, § 33, eff. Nov. 1, 1995.

NOTE: Laws 1982, c. 358, § 17 repealed by Laws 1983, c. 151, § 5, emerg. eff. May 26, 1983.

§47-177.3. Violations - Penalties.

A. It shall be unlawful for a motor carrier, whether private, common, or contract, to dump, disperse, or otherwise release substances described in Section 177.2 of this title upon a public highway or elsewhere except on property or in wells, reservoirs, or other receptacles owned, held, leased, or otherwise rightfully and legally available to the motor carrier for such use and purpose.

B. It shall be unlawful for any motor truck or tank vehicle used to transport substances described in Section 177.2 of this title to have a release device located or operated in any manner from within the cab of such a motor vehicle.

C. Any violation of the provisions of subsections A or B of this section shall constitute a misdemeanor. It shall be the duty of the prosecuting attorney of the county in which a violation of the provisions of this section occurs to file and prosecute the aforementioned misdemeanor charge and advise the Commission of such action and the results thereof.

D. The Oklahoma Corporation Commission may initiate contempt proceedings for any violation concerning disposal by a carrier of a substance described in Section 177.2 of this title. The first violation proven by the Commission in any calendar year shall result in a motor carrier or private carrier being warned by the Commission and, upon conviction, fined up to Two Thousand Five Hundred Dollars (\$2,500.00). A second violation proven by the Commission in any calendar year shall result in a motor carrier or private carrier being placed on probation and fined up to Five Thousand Dollars (\$5,000.00) by the Commission. A third violation proven by the Commission in any calendar year shall result in a fine of up to Twenty Thousand Dollars (\$20,000.00), and, at the discretion of the Commission, cancellation of the carrier's license for a period up to one (1) year and cancellation of a motor carrier or private carrier deleterious substance transport permit. The driver of a truck, who is not the owner of the vehicle used in violation of this section or any of the rules and regulations of the Oklahoma Corporation Commission, shall be adjudicated a codefendant and subject to a fine equal to ten percent (10%) of the fine assessed to the owner of such vehicle, up to Five Hundred Dollars (\$500.00).

Added by Laws 1965, c. 422, § 3, emerg. eff. July 8, 1965. Amended by Laws 1968, c. 190, § 13, eff. Sept. 30, 1968; Laws 1983, c. 151, § 2, emerg. eff. May 26, 1983; Laws 1985, c. 124, § 3, eff. July 1, 1985; Laws 1993, c. 145, § 254, eff. July 1, 1993; Laws 1995, c. 143, § 34, eff. Nov. 1, 1995.

§47-180. Definitions.

The following words and phrases, when used in this act, shall have the meanings respectively ascribed to like words and phrases by the motor carrier statutes of Oklahoma, except as herein provided:

1. The term "identification application" shall mean the application as provided by the Commission, for making application for motor carrier vehicle identification devices; and

2. The term "identification device" shall mean the motor carrier vehicle identification device issued by the Commission under the provisions of this act for the purpose of identifying powered motor carrier vehicles operated under and coming within the provisions of this act or the Motor Carrier Act of 1995.

Added by Laws 1939, p. 58, § 2. Amended by Laws 1968, c. 190, § 14, eff. Sept. 30, 1968; Laws 1969, c. 92, § 1, emerg. eff. March 25, 1969; Laws 1971, c. 102, § 1, emerg. eff. April 26, 1971; Laws 1995, c. 143, § 35, eff. Nov. 1, 1995.

§47-180a. Display of identification device on motor carriers.

It is hereby declared unlawful for any motor carrier, his or its agents or employees to operate any powered motor vehicle, as a motor carrier for hire, within this state, without the identification device issued by the Commission, said device to be displayed as provided by the rules of the Commission.

Laws 1939, p. 58, § 3; Laws 1968, c. 190, § 15, eff. Sept. 30, 1968; Laws 1969, c. 92, § 2, emerg. eff. March 25, 1969; Laws 1971, c. 102, § 2, emerg. eff. April 26, 1971.

§47-180b. Device subject to seizure.

The identification device shall be the property of the Commission at all times, and shall be subject to seizure and confiscation by the Commission for any good cause and at the will of the Commission.

Laws 1939, p. 59, § 4; Laws 1968, c. 190, § 16, eff. Sept. 30, 1968.

§47-180c. Seizure and confiscation of devices - Grounds.

The Commission may issue an order for the seizure and confiscation and return to the Commission of any identification device or devices, for any of the following reasons, and to direct said order or orders to any officer of the State of Oklahoma charged with the duties of enforcing the provisions of this act and/or any other section of the motor carrier law now in force or hereinafter enacted:

1. In all cases where the motor carrier has permitted the insurance coverage, as required by law to be filed with the Commission, to lapse or become cancelled or for any reason to become void and fail to meet the requirements as provided by law;

2. For failure on the part of any motor carrier, his or its agents or employees to comply with any part or provision of this

act, or any other act or law or part or provision thereof relative to the legal operation of a for-hire motor carrier or to obey, observe or comply with any order, decision, rule or regulation, direction, demand or requirement, or any part or provision thereof, of the Commission;

3. Upon the cancellation or revocation of the certificate or permit or IRC or license under which said identification device or devices were issued; or

4. For operating any powered motor vehicle in violation of the terms and provisions of this act or the Motor Carrier Act of 1995 and all applicable size and weight laws and safety standards of this state.

Added by Laws 1939, p. 59, § 5. Amended by Laws 1968, c. 190, § 17, eff. Sept. 30, 1968; Laws 1969, c. 92, § 3, emerg. eff. March 25, 1969; Laws 1971, c. 102, § 3, emerg. eff. April 26, 1971; Laws 1995, c. 143, § 36, eff. Nov. 1, 1995.

§47-180d. Rules and regulations.

The Commission shall have the power and authority by general order or otherwise to promulgate rules and regulations for the administration and enforcement of the provisions of this act or the Motor Carrier Act of 1995.

Added by Laws 1939, p. 59, § 6. Amended by Laws 1968, c. 190, § 18, eff. Sept. 30, 1968; Laws 1995, c. 143, § 37, eff. Nov. 1, 1995.

§47-180e. Commission to provide for suitable methods of identification.

The Commission, in its discretion, is authorized to provide for decals, cab cards, or other suitable methods of identification to be displayed on or carried in the truck or powered motor vehicle. Laws 1939, p. 59, § 7; Laws 1968, c. 190, § 19, eff. Sept. 30, 1968; Laws 1971, c. 102, § 4, emerg. eff. April 26, 1971.

§47-180f. Purchase of devices and other equipment.

The Commission is hereby authorized to purchase said identification devices in sufficient amounts to supply the demand, and to purchase such other officer supplies and equipment as is necessary to administer and enforce the provisions of this act or the Motor Carrier Act of 1995, and to pay for, or cause the same to be paid for, out of the appropriation provided therefor.

Added by Laws 1939, p. 60, § 8. Amended by Laws 1953, p. 207, § 1; Laws 1968, c. 190, § 20, eff. Sept. 30, 1968; Laws 1995, c. 143, § 38, eff. Nov. 1, 1995.

§47-180g. Issuance of identification devices.

It shall be the duty of the Commission to provide identification devices upon written application of any authorized motor carrier.

Upon written application of any authorized motor carrier holding a certificate or permit or license issued by the Commission, the Commission shall issue to the motor carrier a sufficient number of identification devices so that each powered vehicle owned or to be operated by the motor carrier in the state shall bear one identification device. Identification devices shall be issued on an annual basis, and applications shall be made annually on the form prescribed by the Commission, and any motor carrier operating a powered vehicle without a current identification device shall be in violation of the provisions of Sections 180 through 180m of this title or the Motor Carrier Act of 1995.

It is hereby declared unlawful for any motor carrier, or agents or employees of any motor carrier, to use or transfer an identification device except as provided by rules of the Commission. Added by Laws 1939, p. 60, § 9. Amended by Laws 1968, c. 190, § 21, eff. Sept. 30, 1968; Laws 1969, c. 92, § 4, emerg. eff. March 25, 1969; Laws 1971, c. 102, § 5, emerg. eff. April 26, 1971; Laws 1983, c. 151, § 3, emerg. eff. May 26, 1983; Laws 1995, c. 143, § 39, eff. Nov. 1, 1995.

§47-180h. Fee for registration.

The Corporation Commission is hereby authorized to collect from applicants for motor carrier and private carrier identification devices a fee of Seven Dollars (\$7.00) for registration of each of its vehicles registered under the provisions of this act or the Motor Carrier Act of 1995; and the fee shall be in addition to any other fees now provided for by law for the registration of said motor vehicles and shall be deposited in the State Treasury to the credit of the Trucking One-Stop Shop Fund.

Added by Laws 1953, p. 208, § 2, emerg. eff. May 29, 1953. Amended by Laws 1968, c. 190, § 22, eff. Sept. 30, 1968; Laws 1971, c. 102, § 6, emerg. eff. April 26, 1971; Laws 1982, c. 358, § 18, emerg. eff. June 2, 1982; Laws 1985, c. 205, § 2, eff. July 1, 1985; Laws 1985, c. 325, § 12, emerg. eff. July 29, 1985; Laws 1987, c. 232, § 4, emerg. eff. July 5, 1987; Laws 1995, c. 143, § 40, eff. Nov. 1, 1995; Laws 2006, c. 238, § 4, emerg. eff. June 6, 2006.

NOTE: Laws 1982, c. 354, § 6 repealed by Laws 1985, c. 205, § 4, eff. July 1, 1985.

§47-180i. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-180j. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-180k. Records.

All records of the Corporation Commission under this act shall be maintained in, and classified as all other records in the Transportation Division of the Corporation Commission.

Amended by Laws 1988, c. 322, § 7.

§47-1801. Reciprocal compacts and agreements with other states.

The Commission is hereby authorized and empowered, on behalf of the State of Oklahoma, and when it shall deem it to be in the best interest of the residents of this state so to do, to enter into reciprocal compacts and agreements with other states, or the authorized agencies thereof, when such states have made provisions substantially similar to this section, respecting the regulation of motor vehicles engaged in interstate or foreign commerce upon and over the public highways. And such compacts and agreements may provide for the granting, to the residents of such states, privileges substantially similar to those granted thereby to Oklahoma residents: Provided: (1) That no such compact or agreement shall supersede or suspend the operation of any law, rule or regulation of the State of Oklahoma which shall apply to vehicles operated intrastate in the State of Oklahoma; (2) That any privileges, the granting of which shall be provided by any such compact or agreement, shall extend only in cases of full compliance with the laws of the state joining in such compact or agreement; (3) That no such compact or agreement shall supersede or suspend the operation of any law of the State of Oklahoma other than those applying to the payment of fees for registration certificates or identification devices; and (4) That the powers and authority of the Oklahoma Tax Commission to administer and enforce the tax laws of this state, pertaining to the taxation of motor vehicles, shall be in no manner superseded or suspended.

Laws 1939, p. 62, § 14; Laws 1953, p. 208, § 3; Laws 1968, c. 190, § 24, eff. Sept. 30, 1968.

§47-180m. Enforcement of act.

In addition to all other duties as provided by law, it is hereby declared to be, and shall be the duty of all sheriffs, deputy sheriffs, district attorneys, enforcement officers appointed by the Corporation Commission of the State of Oklahoma, and all highway patrolmen within the State of Oklahoma:

1. To enforce the provisions of Sections 180 through 180m of this title or the Motor Carrier Act of 1995;

2. To apprehend and detain any motor vehicle or vehicles and driver or operator and their aides who are operating any motor vehicle, upon or along the highways of this state, for a reasonable length of time, for the purpose of investigating and determining whether such vehicle is being operated in violation of any of the provisions of Sections 180 through 180m of this title or the Motor Carrier Act of 1995;

3. To make arrests for the violation of the provisions of Sections 180 through 180m of this title or the Motor Carrier Act of 1995, without the necessity of procuring a warrant;

4. To sign the necessary complaint and to cause the violator or violators to be promptly arraigned before a court of competent jurisdiction for trial;

5. To aid and assist in the prosecution of the violator or violators in the name of the State of Oklahoma to the end that this law shall be enforced;

6. To report all such arrests for violations of Sections 180 through 180m of this title to the Corporation Commission of Oklahoma within ten (10) days after making such arrest and to furnish such information concerning same as the Commission may request; and

7. At the request of the Corporation Commission, to seize and confiscate any and all identification devices and to forward the same to the Corporation Commission for cancellation.

Added by Laws 1939, p. 62, § 15. Amended by Laws 1953, p. 208, § 4, emerg. eff. May 29, 1953; Laws 1995, c. 143, § 41, eff. Nov. 1, 1995; Laws 1995, c. 358, § 4, eff. Nov. 1, 1995.

NOTE: Laws 1995, c. 23, § 15 repealed by Laws 1995, c. 358, § 12, emerg. eff. June 9, 1995.

§47-224. Auto buses not operating under certificate or permit or license of Corporation Commission - Authority of city to regulate.

Any city of this state may, by a duly-adopted ordinance, in any manner deemed best for the interest of the city, regulate the operation within the corporate limits of the city of auto buses not operated under a certificate of convenience and necessity or permit or license issued by the Corporation Commission for the transportation of passengers for hire to or from a point or points outside the corporate limits of the city, and to or from points within the corporate limits of the city.

Added by Laws 1947, p. 320, § 1, emerg. eff. May 16, 1947. Amended by Laws 1995, c. 143, § 42, eff. Nov. 1, 1995.

§47-225. Auto buses operating under certificate or permit or license - Prohibiting stopping, loading, unloading and parking.

Any city of this state may, by a duly adopted ordinance, prohibit any auto bus being operated under a certificate of convenience and necessity or permit or license issued by the Corporation Commission of Oklahoma transporting passengers for hire to, from or through said city from stopping, except in cases of accident or other emergencies, on the streets or alleys within a specified area of the city where the traffic is congested, and loading and unloading passengers while so stopped; and also prohibit the parking of any such automobile or auto bus on the streets or alleys in such congested area. Nothing contained in this act shall

authorize any city or town to designate the location of passenger terminals or bus stations.

Added by Laws 1947, p. 321, § 2, emerg. eff. May 16, 1947. Amended by Laws 1995, c. 143, § 43, eff. Nov. 1, 1995.

§47-226.1. Power of city or town to grant franchise.

Any city or town of this state may, pursuant to and subject to the applicable provisions of the Constitution and laws of Oklahoma, grant to any person, firm or corporation a franchise for the operation of auto buses, as herein defined, for the transportation of passengers for hire within the corporate limits of said city or town.

Laws 1947, p. 315, § 1.

§47-226.2. Operation without franchise unlawful when franchise granted to another.

Where any city or town has granted a franchise for the operation of auto buses, as provided in Section 1, and auto buses are being operated under such franchise by the holder thereof, it is hereby declared to be unlawful for any other person, firm or corporation to operate such auto buses without a franchise therefor.

Laws 1947, p. 315, § 2.

§47-226.3. Violations.

Any person, firm or corporation operating or causing to be operated an auto bus, as herein defined, contrary to the provisions of Section 2 hereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in an amount not to exceed One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for a period not to exceed one (1) year or by both such fine and imprisonment, and each day any auto bus is operated in violation of this act shall be a separate offense.

Laws 1947, p. 315, § 3.

§47-226.4. Definition of franchise.

An "auto bus" as the term is used herein means a self-propelled vehicle not operated on fixed tracks, with a manufacturer's rated seating capacity of seven (7) or more passengers, operating over a fixed route and/or between fixed termini and/or on scheduled trips.

Laws 1947, p. 315, § 4.

§47-226.5. Validation of existing franchises.

Any franchise which has heretofore been granted by any city or town in this state for the operation of auto buses for the transportation of passengers for hire within the corporate limits of said city or town is hereby ratified, legalized and confirmed.

Laws 1947, p. 315, § 5.

§47-228.1. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-228.2. Repealed by Laws 1995, c. 143, § 45, eff. Nov. 1, 1995.

§47-228.3. Intrastate motor transportation fuel surcharge.

The Oklahoma Corporation Commission shall establish an intrastate motor transportation fuel surcharge for common carriers of household goods or used emigrant movables by motor vehicles over irregular routes that shall in no instance be less than that established by the Interstate Commerce Commission for interstate transportation by like carriers.

Added by Laws 1980, c. 11, § 6, emerg. eff. March 13, 1980. Amended by Laws 1995, c. 143, § 44, eff. Nov. 1, 1995.

§47-228.4. Application of Sections 161 through 180m.

Except as provided herein, the provisions of Sections 161 through 180m of Title 47 of the Oklahoma Statutes are expressly made applicable to any certificate or permit issued under this act. Laws 1980, c. 11, § 7, emerg. eff. March 13, 1980.

§47-230.1. Short title.

This act shall be known and may be cited as the "Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act".

Added by Laws 1986, c. 80, § 1, eff. Nov. 1, 1986.

§47-230.2. Legislative intent.

A. The Legislature finds:

1. That the volume of hazardous and nonhazardous materials transported by motor carriers within this state is substantial and the need exists to improve the enforcement of safety related aspects of motor carrier transportation for both interstate and intrastate motor carriers which is consistent with federal standards and regulations.

2. That hazardous materials are essential for various industrial, commercial, and other purposes, that their transportation is a necessary incident to their use, and that the transportation is required for the economic prosperity of the people of the State of Oklahoma.

3. That the highway movement of hazardous and nonhazardous materials poses a substantial danger to the health and safety of the citizens of this state unless such materials are handled and transported in a safe and prudent manner.

4. That it is in the public interest and within the police power of the state to provide for the regulation of the safety related aspects of motor carrier transportation and the handling and transportation of hazardous materials.

B. It is therefore declared to be the policy of the State of Oklahoma to provide regulatory and enforcement authority to the Oklahoma Department of Public Safety to improve safety related aspects of motor carrier transportation and to protect the people against the risk to life and property inherent in the transportation of property, including hazardous materials, over highways and the handling and storage incidental thereto, by keeping such risk to a minimum consistent with technical feasibility and economic reasonableness and to provide uniform regulation of intrastate transportation of property, including hazardous materials, consistent with federal regulation of interstate transportation.

C. It is not the intent of the Legislature to regulate the movement of hazardous materials in such quantities that would not pose a substantial danger to the public health and safety, and the Department may provide for exemptions as provided for in federal regulations for farm use, and other appropriate exemptions consistent with federal regulations.

Added by Laws 1986, c. 80, § 2, eff. Nov. 1, 1986.

§47-230.3. Definitions.

As used in the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act:

1. "Commerce" means trade, traffic, commerce or transportation within this state;

2. "Commissioner" means the Commissioner of Public Safety;

3. "Department" means the Oklahoma Department of Public Safety;

4. "Discharge" means leakage, seepage or other release of hazardous materials;

5. "Hazardous material" means a substance or material in a quantity and form determined by the United States Department of Transportation to be capable of posing an unreasonable risk to health and safety or property when transported in commerce;

6. "Person" means any natural person or individual, governmental body, firm, association, partnership, copartnership, joint venture, company, corporation, joint stock company, trust, estate or any other legal entity or their legal representative, agent or assigns; and

7. "Transports" or "transportation" means any movement of property over the highway and any loading, unloading or storage incidental to such movement.

Added by Laws 1986, c. 80, § 3, eff. Nov. 1, 1986.

§47-230.4. Powers and duties of Commissioner.

To the extent necessary to administer the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act, and consistent with budget and manpower limitations, the Commissioner:

1. shall adopt and promulgate rules and regulations in order to carry out the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act relating to motor carrier safety in the transportation of property and hazardous materials in intrastate and interstate commerce, and to coordinate the implementation of a transportation emergency response system;

2. may adopt by reference and enforce all or any portion of the federal motor carrier safety regulations and the hazardous materials regulations of the United States Department of Transportation, as now or hereafter amended;

3. shall conduct a continuing review of all aspects of motor carrier safety and the transportation of property, including hazardous materials, in order to determine and recommend appropriate steps to assure safe transportation;

4. may authorize any officer, employee or agent of the Department to:

a. conduct investigations; make reports; issue subpoenas; conduct hearings; require the production of relevant documents, records and property; take depositions; and conduct directly or indirectly research, development, demonstration and training activities,

b. enter upon, inspect and examine at reasonable times and in a reasonable manner, the records and properties of persons to the extent such records and properties relate to motor carrier safety or the transportation or shipment of hazardous materials in commerce, and to inspect and copy records and papers of carriers and other persons to carry out the purposes of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act,

c. stop and inspect any driver or commercial motor vehicle for any violation of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act or rules and regulations issued pursuant thereto,

d. declare and mark any transport vehicle or container as out of service if its condition, filling, equipment or protective devices would be hazardous to life or property during transportation, or if records thereof reflect such hazard, or if required records are incomplete,

e. prohibit any commercial driver from transporting hazardous materials if such driver is unqualified or disqualified under any federal or department regulation, and

f. administer and enforce the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act and any rules and regulations issued pursuant thereto.

Any such officer, employee or agent shall, upon request, display proper credentials prescribed or approved by the Commissioner.

Added by Laws 1986, c. 80, § 4, eff. Nov. 1, 1986.

§47-230.5. Examination and inspection of record, equipment, etc.

Motor carriers and other persons subject to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act shall make available for inspection and copying their accounts, books, records, memoranda, correspondence, and other documents, and shall allow their lands, buildings and equipment to be examined and inspected by any officer, employee, or agent of the Department of Public Safety, including members of the Oklahoma Highway Patrol, upon demand and display of the credentials issued by the Commissioner.

Added by Laws 1986, c. 80, § 5, eff. Nov. 1, 1986.

§47-230.6. Certain uses and activities of vehicles and containers prohibited.

A. No person prohibited from operating a commercial vehicle shall operate such commercial motor vehicle, nor shall any person authorize or require a person who has been prohibited from such operation of a motor vehicle to operate a commercial motor vehicle.

B. No person shall operate, authorize to operate, or require the operation of any vehicle or the use of any container when the person has been placed out-of-service or the vehicle or container has been marked out-of-service until all requirements of the out-of-service order of the person have been met or all required corrections for the vehicle or container have been made; provided, upon approval of the Department, the vehicle or container may be moved to another location for the purpose of repair or correction.

C. No person shall remove an out-of-service marking from a transport vehicle or container unless all required corrections have been made and the vehicle or container has been inspected and approved by an authorized officer, employee, or agent of the Department. No person shall return to duty unless all requirements of the out-of-service order have been met and the person has been approved to return to duty by an authorized officer, employee or agent of the Department.

D. No employer shall knowingly allow, require, permit or authorize an employee to operate a commercial motor vehicle:

1. During any period in which the employee:

- a. has had driving privileges to operate a commercial motor vehicle suspended, revoked, canceled, denied or disqualified,
- b. has had driving privileges to operate a commercial motor vehicle disqualified,
- c. is not licensed to operate a commercial motor vehicle; provided, this subparagraph shall not apply to any person who is the holder of a valid commercial learner permit issued by the Department in conjunction with a Class D driver license,

- d. has more than one commercial driver license; provided, this subparagraph shall not apply to any person who is the holder of a valid commercial learner permit issued by Service Oklahoma in conjunction with a Class A, B or C driver license,
- e. does not have the proper class or endorsements on the driver license or commercial learner permit, or
- f. is in violation of any restriction on the driver license or commercial learner permit;

2. During any period in which the employee, the commercial motor vehicle which the employee is operating, the motor carrier business or operation, or the employer is subject to an out-of-service order; or

3. In violation:

- a. of a federal, state, or local law, regulation, or ordinance pertaining to railroad-highway grade crossings, or
- b. of any restriction on the driver license or commercial learner permit of the employee.

E. An employer who is determined by the Commissioner to have committed a violation of subsection D of this section shall be subject to an administrative penalty of not less than Two Thousand Seven Hundred Fifty Dollars (\$2,750.00) nor more than Twenty-five Thousand Dollars (\$25,000.00).

F. An employee who is determined by the Commissioner to have committed a violation of any provision of this section shall be subject to an administrative penalty of not less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars (\$5,000.00).

Added by Laws 1986, c. 80, § 6, eff. Nov. 1, 1986. Amended by Laws 1998, c. 345, § 3, eff. Nov. 1, 1998; Laws 2001, c. 309, § 6, eff. Nov. 1, 2001; Laws 2002, c. 169, § 4, eff. Oct. 1, 2002; Laws 2004, c. 390, § 14, eff. Sept. 1, 2005; Laws 2012, c. 207, § 9, emerg. eff. May 8, 2012; Laws 2013, c. 259, § 8, eff. Nov. 1, 2013; Laws 2022, c. 282, § 100, emerg. eff. May 19, 2022.

§47-230.7. Discharge of hazardous material prohibited.

No person shall intentionally discharge or cause to be discharged the contents of any transport vehicle containing hazardous material between the points of origin and the points of billed destination, except as may be authorized by the Department or a representative of the Department.

Added by Laws 1986, c. 80, § 7, eff. Nov. 1, 1986.

§47-230.8. Reporting of incidents and accidents.

A. Each person involved in an incident or accident during the transportation, loading, unloading, or related storage in any place

of a hazardous material subject to the provisions of Oklahoma Motor Carrier Safety and Hazardous Material Transportation Act shall immediately report, by telephone, to the Department if that incident or accident involves:

1. a fatality due to fire, explosion, or exposure to any hazardous material;
2. the hospitalization of any person due to fire, explosion, or exposure to any hazardous material;
3. a continuing danger to life, health, or property at the place of the incident or accident; or
4. an estimated property damage of an amount to be determined by the Commissioner by regulation.

B. A written report shall be submitted by the person to the Department on a form prescribed by the Department, or in lieu thereof, a copy of the written report submitted to the United States Department of Transportation. Each report submitted shall contain the time and date of the incident or accident, a description of any injuries to persons or property, any continuing danger to life at the place of the accident or incident, the identity and classification of the material, and any other pertinent details.

C. In the case of an incident or accident involving hazardous materials which is not subject to the Oklahoma Motor Carrier Safety and Hazardous Material Transportation Act but which is subject to Title 46 or Title 49 of the Code of Federal Regulations, the carrier shall send a copy of the report filed with the United States Department of Transportation to the Department of Public Safety. Added by Laws 1986, c. 80, § 8, eff. Nov. 1, 1986.

§47-230.9. Compliance with act - Violations - Penalties.

A. The transportation of any property in commerce, including hazardous materials or the transportation of passengers for compensation or for hire by bus, that is not in compliance with the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act or the rules issued pursuant thereto, is prohibited.

B. Pursuant to the provisions of this section and except as otherwise provided by subsection D of this section, any person who is determined by the Commissioner of Public Safety to have committed:

1. An act which is a violation of a recordkeeping requirement of this title or of any rule or regulation promulgated thereto or the Federal Motor Carrier Safety Act of 1984, such person shall be liable to the State of Oklahoma for an administrative penalty not to exceed One Hundred Dollars (\$100.00) for each offense, provided that the total of all administrative penalties assessed against any violator pursuant to this paragraph for all offenses related to any single violation shall not exceed Five Hundred Dollars (\$500.00);

2. An act or acts other than recordkeeping requirements, which evidences a serious pattern of safety violations, as determined by the Commissioner, such person shall be liable to the State of Oklahoma for an administrative penalty not to exceed Two Hundred Dollars (\$200.00) for each offense, provided the maximum fine for each pattern of safety violations shall not exceed One Thousand Dollars (\$1,000.00). The Commissioner may consider present and prior offenses in determining a serious pattern of safety violations; or

3. An act or acts which evidences to the Commissioner, that a substantial health or safety violation exists or has occurred which could reasonably lead to or has resulted in serious personal injury or death, such person shall be liable to the State of Oklahoma for an administrative penalty not to exceed One Thousand Dollars (\$1,000.00) for each offense.

C. Each day of violation as specified in subsection B of this section shall constitute a separate single violation/offense.

D. Except for recordkeeping violations, no administrative penalty shall be assessed pursuant to the provisions of this section, against an employee of any person subject to the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act for a violation unless the Commissioner determines that such actions of the employee constituted gross negligence or reckless disregard for safety in which case such employee shall be liable for an administrative penalty not to exceed One Thousand Dollars (\$1,000.00).

E. In determining the amount of any administrative penalty and the reasonable amount of time for abatement of the violation, the Commissioner shall include, but not be limited to, consideration of the nature, circumstances and gravity of the violation, and with respect to the person found to have committed the violation, the degree of culpability, history of prior offenses, effect on ability to continue to do business and such other matters as justice and public safety may require. In each case, the penalty shall be calculated to induce further compliance.

F. The Commissioner or his designated representative shall assess the amount of any administrative penalty, after notice and an opportunity for hearing, by written notice to the violator together with notice of findings in the case. An appeal therefrom may be made to the district court of Oklahoma County pursuant to the provisions of Sections 318 through 323 of Title 75 of the Oklahoma Statutes.

G. An administrative penalty assessed by the Commissioner may be recovered:

1. In an action brought by the Attorney General on behalf of the State of Oklahoma. However, before referral to the Attorney

General, the administrative penalty may be compromised by the Commissioner;

2. By the Commissioner in the appropriate district court of the State of Oklahoma; or

3. By the Commissioner in an administrative hearing conducted by the Department of Public Safety.

H. The first One Hundred Thousand Dollars (\$100,000.00) of the administrative penalties collected each fiscal year pursuant to the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act shall be deposited in the General Revenue Fund of the State of Oklahoma. All other monies collected in excess of One Hundred Thousand Dollars (\$100,000.00) each fiscal year shall be deposited to the credit of the Department of Public Safety Restricted Revolving Fund for the purpose of administering the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act.

Added by Laws 1986, c. 80, § 9, eff. Nov. 1, 1986. Amended by Laws 1987, c. 176, § 1, operative July 1, 1987; Laws 1992, c. 179, § 2, eff. July 1, 1992; Laws 1993, c. 259, § 45, operative Sept. 1, 1993; Laws 2002, c. 474, § 1, emerg. eff. June 6, 2002; Laws 2004, c. 390, § 15, eff. July 1, 2004; Laws 2012, c. 283, § 13, eff. July 1, 2012.

§47-230.10. Exemptions.

The Department shall exempt any vehicle in which hazardous material is transported or any person who transports any hazardous material if such exemption is identical to an exemption issued by the Secretary of the United States Department of Transportation and may exempt any person who transports any hazardous material intrastate under similar provisions. The Department may seek exemptions pursuant to federal law for transportation of those quantities of hazardous materials which do not pose a substantial danger to the public health and safety.

Added by Laws 1986, c. 80, § 10, eff. Nov. 1, 1986.

§47-230.11. Cooperation with other agencies.

A. Other state agencies, departments and bureaus shall cooperate with the Oklahoma Department of Public Safety in regulating motor carrier safety and the transportation of hazardous materials. Such agencies, departments and bureaus may enter into interagency agreements with the Department for the purpose of implementing, administering and enforcing any provision of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act and the rules and regulations of the Department issued pursuant thereto.

B. The Department may enter into a cooperative agreement with the United States Department of Transportation and any other federal department or agency to enforce the provisions of the Oklahoma Motor

Carrier Safety and Hazardous Materials Transportation Act, or regulations adopted pursuant thereto, federal motor carrier safety regulations, and federal regulations governing the transportation of hazardous material. The Department may receive grants, gifts and other funds, equipment and services from the federal government or other sources for this purpose.

C. All files, records and data gathered by the Department pursuant to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act may be made available to the Department of Environmental Quality, other agencies of state government, the United States Department of Transportation and other jurisdictions in any cooperative effort relating to motor carrier safety or the transportation of hazardous materials.

Added by Laws 1986, c. 80, § 11, eff. Nov. 1, 1986. Amended by Laws 1993, c. 145, § 272, eff. July 1, 1993.

§47-230.12. Immunity from civil liability.

A. No person who provides assistance or advice in mitigating or attempting to mitigate the effects of an actual or threatened discharge of hazardous material, or in preventing, cleaning up, or disposing or in attempting to prevent, clean up or dispose of any such discharge, shall be subject to any civil liability or administrative penalties as a result of such assistance or advice.

B. The immunities provided in subsection A of this section shall not apply:

1. To any person whose act or omission caused in whole or in part such actual or threatened discharge and who would otherwise be liable therefor;

2. To any person who receives compensation, other than reimbursement for out-of-pocket expenses, for services in rendering such assistance or advice; or

3. To a common carrier relative to its handling or transporting of hazardous materials.

C. Nothing contained in subsection A of this section shall be construed to limit or otherwise affect the liability of any person for damages resulting from such person's gross negligence, or from such person's reckless, wanton or intentional misconduct.

Added by Laws 1986, c. 80, § 12, eff. Nov. 1, 1986. Amended by Laws 2002, c. 474, § 2, emerg. eff. June 6, 2002.

§47-230.13. Enforcement of act.

The Department of Public Safety and the Oklahoma Highway Patrol Division shall enforce the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act and the rules promulgated thereto.

Added by Laws 1986, c. 80, § 13, eff. Nov. 1, 1986. Amended by Laws 2001, c. 309, § 7, eff. Nov. 1, 2001.

§47-230.14. Conflicts with other laws.

The Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act is not intended to affect any law of this state now in effect with respect to matters relating to the transportation of hazardous materials but in the case of any conflict relating to motor carrier safety involving the transportation of property, or the transportation of hazardous materials, the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act shall prevail.

Added by Laws 1986, c. 80, § 14, eff. Nov. 1, 1986.

§47-230.15. Report of violations to Corporation Commission - Liability and damage insurance - Administrative penalties - Driving hours - Conflicting regulations.

A. Whenever the Department of Public Safety has determined that any person who is regulated as a motor carrier pursuant to Sections 166 through 180m of this title has violated any provision of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act or any rule promulgated thereto, the Department of Public Safety shall report such violations to the Corporation Commission for the purposes of determining if such person has violated any provisions of the permit or certificate issued by the Commission pursuant to any provision of Sections 166 through 180m of this title or of any rule promulgated thereto.

B. Every motor carrier subject to this section shall maintain liability and property damage insurance covering each motor vehicle operated by the motor carrier and file proof of that insurance with the Oklahoma Corporation Commission. The Commission shall set the amount of necessary insurance for the transportation of all commodities other than hazardous materials. The Commission may allow a motor carrier to meet its liability and property damage insurance requirements through self-insurance if the motor carrier has adequate financial assets to assume liability and is in substantial compliance with all motor carrier safety regulations adopted by the Department. Any person who transports or who causes the transportation of any hazardous material shall be required to comply with the financial responsibility requirements specified by the federal motor carrier safety regulations and the hazardous materials regulations of the United States Department of Transportation provided that in no event shall the financial responsibility requirement exceed One Million Dollars (\$1,000,000.00) except as otherwise specifically required by federal law, or any federal rule or regulation promulgated thereto.

C. Any person who causes or requires any person subject to the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act to drive at a speed or carry a load in

excess of those authorized by law pursuant to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act shall be subject to the administrative penalties pursuant to the provisions of this act.

D. In adopting rules pursuant to the provisions of this act, the Department of Public Safety shall establish limitations on driving hours for motor vehicles subject thereto that are consistent with the hours of service requirements adopted by the United States Department of Transportation in the applicable part of Title 49 of the Code of Federal Regulations, as those regulations now exist or are hereafter amended. Driving hours and on-duty status shall not begin following less than eight (8) consecutive hours off duty. Drivers shall be regulated from the time a driver first reports for duty for any employer. The rules adopted pursuant to this section shall establish the following exceptions:

1. The maximum driving time within a work period is twelve (12) hours if the vehicle is engaged solely in intrastate commerce and is not transporting hazardous materials as defined by regulations of the United States Department of Transportation in the applicable section of Title 49 of the Code of Federal Regulations, as that section now exists or is hereafter amended; except in the event of an emergency and upon notification of the nearest Oklahoma Highway Patrol troop headquarters of the Department of Public Safety, the Commissioner or his designated agent shall declare an emergency and there shall be no hour restrictions for rural electric cooperatives, public utilities, public service corporations or municipal employees as long as an emergency exists for providing service to restore heat, light, power, water, telephone or other emergency restoration facilities that are necessary to ensure the health, welfare and safety of the public; and

2. No rule shall be adopted that enforces the provisions of 49 CFR Section 395.3(a)(3)(ii) relating to rest breaks, if the driver or motor carrier is engaged solely in intrastate commerce.

E. Except as provided in subsection F of this section, any regulation relating to motor carrier safety or to the transportation of hazardous materials adopted by a local government, authority, or state agency or office shall be consistent with corresponding federal regulations. To the extent of any conflict between said regulations and rules adopted by the Department of Public Safety under this section, rules adopted by the Department shall control.

F. 1. Amendments to the hours of service regulations promulgated on April 28, 2003, by the United States Department of Transportation at Section 22456 of Volume 68 of the Federal Register and effective June 27, 2003, shall not apply to utility service vehicles as defined in Section 395.2 of Title 49 of the Code of Federal Regulations, not including television cable or community antenna service vehicles, which are owned or operated by utilities

regulated by the Corporation Commission or electric cooperatives and which are engaged solely in intrastate commerce in this state until June 27, 2006, provided the amendments are valid and remain in effect as of that date. Hours of service regulations, which are applicable in this state immediately prior to June 27, 2003, shall remain applicable to utility service vehicles engaged solely in intrastate commerce in this state until June 27, 2006. If the United States Department of Transportation issues an official finding that this provision may result in the loss of federal Motor Carrier Safety Assistance Program funding, the Department of Public Safety may promulgate rules providing for earlier implementation of the amendments to the federal hours of service regulations. If federal law or regulations are amended at any time to exempt utility service vehicles from the hours of service requirements, any exemption shall be effective in this state immediately for the duration of the federal exemption.

2. The Department of Public Safety may promulgate rules suspending the effective date for up to three (3) years after the adoption of any motor carrier safety regulation by the United States Department of Transportation as applied to vehicles engaged solely in intrastate commerce in this state if the suspension does not result in the loss of federal Motor Carrier Safety Assistance Program funding.

3. The Department of Public Safety may enter into agreements with state and local emergency management agencies and private parties establishing procedures for complying with Section 31502(e) of Title 49 of the United States Code and federal regulations promulgated at Section 390.23 of Title 49 of the Code of Federal Regulations, which provide an exemption from the hours of service regulations during certain emergencies.

4. The Department of Public Safety may promulgate rules granting any waiver, variance, or exemption permitted under Section 31104(h) of Title 49 of the United States Code and federal regulations promulgated at Sections 350.339, 350.341, 350.343 and 350.345 of Title 49 of the Code of Federal Regulations if the waiver, variance, or exemption does not result in the loss of federal Motor Carrier Safety Assistance Program funding and does not take effect unless approved by the United States Department of Transportation, if approval is required.

Added by Laws 1987, c. 176, § 2, operative July 1, 1987. Amended by Laws 1991, c. 309, § 9, eff. July 1, 1991; Laws 2004, c. 64, § 1, emerg. eff. April 7, 2004; Laws 2016, c. 182, § 1, emerg. eff. April 26, 2016.

§47-230.16. Repealed by Laws 1998, c. 364, § 38, emerg. eff. June 8, 1998.

§47-230.17. Hazardous materials endorsement exemption for commercial Class A license holders.

A. Any person driving under a commercial Class A license shall not be required to obtain a hazardous materials endorsement pursuant to 49 C.F.R. Section 383 if the person is:

1. Acting within the scope of the license holder's employment as an employee of a custom harvester operation, agrichemical business, farm retail outlet and supplier or livestock feeder;

2. Is operating a service vehicle that is transporting diesel in a quantity of three thousand seven hundred eighty-five (3,785) liters or one thousand (1,000) gallons or less; and

3. Is clearly marked with a "flammable" or "combustible" placard as appropriate.

Added by Laws 2019, c. 123, § 1, eff. July 1, 2019.

§47-230.18. Motor carrier safety improvement – Effect on employment status.

A. As used in this section, "motor carrier safety improvement" means any device, equipment, software, technology, procedure, training, policy, program, or operational practice intended and primarily used to improve or facilitate compliance with traffic safety or motor carrier safety laws, safety of a motor vehicle, safety of the operator of a motor vehicle, or safety of third-party users of public roadways.

B. The deployment, implementation, or use of a motor carrier safety improvement by or as required by a motor carrier or its related entity, including by contract, shall not be considered when evaluating an individual's status as an employee or independent contractor, or as a jointly employed employee, under any state law. Added by Laws 2024, c. 235, § 1, eff. Nov. 1, 2024.

§47-230.21. Short title.

The provisions of this act shall be known and may be cited as the "Motor Carrier Act of 1995".

Added by Laws 1995, c. 143, § 1, eff. Nov. 1, 1995.

§47-230.22. Public policy and interest – Revocation of existing certificates and permits – Application of act.

A. It is hereby declared that it is necessary in the public interest to regulate transportation by motor carriers and private carriers in such manner as to recognize the need to require all motor carriers and private carriers to have adequate insurance; for motor carriers and private carriers to provide service in a safe and efficient manner; and to establish that the operations of motor carriers and private carriers will not have a detrimental impact on the environment.

B. The public policy of this state, as declared by the Legislature, requires that all existing intrastate certificates and permits granted by the Oklahoma Corporation Commission, except household goods and used emigrant movables, prior to January 1, 1995, are hereby revoked.

C. The provisions of the Motor Carrier Act of 1995, except as hereinafter specifically limited, shall apply to the transportation of passengers or property by motor carriers and private carriers, except motor carriers of household goods and used emigrant movables, over public highways of this state; and the regulations of such transportation, and the procurement thereof and the provisions of facilities therefor, are hereby vested in the Oklahoma Corporation Commission.

D. Nothing herein shall be construed to interfere with the exercise by agencies of the government of the United States of its power of regulation of interstate commerce.

E. The terms and provisions of the Motor Carrier Act of 1995 shall apply to commerce with foreign nations, or commerce among the several states of this Union, insofar as such application may be permitted under the provisions of the Constitution of the United States and the Acts of Congress.

Added by Laws 1995, c. 143, § 2, eff. Nov. 1, 1995.

§47-230.23. Definitions.

As used in the Motor Carrier Act of 1995:

1. "Person" means any individual, firm, copartnership, limited partnership, corporation, limited liability corporation, company, association, or joint-stock association and includes any trustee, receiver, assignee, or personal representative thereof;

2. "Commission" means the Oklahoma Corporation Commission;

3. "License" means the license issued under authority of the laws of the State of Oklahoma to motor carriers and private carriers;

4. "Interstate Registration Certificate" (IRC) means a document issued by the Commission granting permission to operate upon the highways of the State of Oklahoma in interstate commerce exempt from federal motor carrier regulation;

5. "Motor vehicle" means any automobile, truck, truck-tractor, trailer or semitrailer or any motor bus or any self-propelled vehicle not operated or driven upon fixed rails or tracks;

6. "Motor carrier of persons or property" means any person, except a carrier of household goods or used emigrant movables, operating upon any public highway for the transportation of passengers or property for compensation or for hire or for commercial purposes, and not operating exclusively within the limits of an incorporated city or town within this state. Provided, the provisions of the Motor Carrier Act of 1995 shall not apply to the

following vehicles and equipment when such vehicles and equipment are being used for the following:

- a. taxicabs and bus companies engaged in the transportation of passengers and their baggage, not operated between two or more cities and towns, when duly licensed by a municipal corporation in which they might be doing business,
- b. any person or governmental authority furnishing transportation for school children to and from public schools or to and from public-school-related extracurricular activities under contract with, and sponsored by, a public school board; provided, that motor vehicles and equipment operated for the purposes shall qualify in all respects for the transportation of school children under the Oklahoma School Code and the rules of the State Board of Education adopted pursuant thereto.
- c. transport trucks transporting liquefied petroleum gases intrastate which are owned or operated by a person subject to and licensed by the Oklahoma Liquefied Petroleum Gas Regulation Act, and
- d. transportation of livestock and farm products in the raw state, when any of such commodities move from farm to market or from market to farm on a vehicle or on vehicles owned and operated by a bona fide farmer not engaged in motor vehicle transportation on a commercial scale;

7. "Corporate family" means a group of corporations consisting of a parent corporation and all subsidiaries in which the parent corporation owns directly or indirectly one hundred percent (100%) interest;

8. "Intercompany hauling" means the transportation of property, by motor vehicle, for compensation, by a carrier which is a member of a corporate family, as defined in the Motor Carrier Act of 1995, when the transportation for compensation is provided for other members of the corporate family;

9. "Private carrier" means any person engaged in transportation upon public highways, of persons or property, or both, but not as a motor carrier, and includes any person who transports property by motor vehicle where such transportation is incidental to or in furtherance of any commercial enterprise of such person, other than transportation;

10. "Market" means the point at which livestock and farm products in the raw state were first delivered by the producer of the livestock and farm products in the raw state, upon the sale thereof;

11. "Public highway" means every public street, road or highway, or thoroughfare in this state, used by the public, whether actually dedicated to the public and accepted by the proper authorities or otherwise; and

12. "Commercial enterprise" means all undertakings entered into for private gain or compensation, including all industrial pursuits, whether the undertakings involve the handling of or dealing in commodities for sale or otherwise.

Added by Laws 1995, c. 143, § 3, eff. Nov. 1, 1995. Amended by Laws 1999, c. 366, § 7, eff. July 1, 1999; Laws 2005, c. 190, § 13, eff. Sept. 1, 2005.

§47-230.24. Powers and duties of Corporation Commission.

A. The Corporation Commission is hereby vested with power and authority, and it shall be its duty:

1. To supervise and regulate every motor carrier whether operating between fixed termini or over a regular route or otherwise and not operating exclusively within the limits of an incorporated city or town in this state and all private carriers operating vehicles having a gross registered weight of greater than 26,000 pounds and not operating exclusively within the limits of an incorporated city or town in this state;

2. To protect the shipping and general public by supervising and requiring insurance of all motor carriers and private carriers;

3. To ensure motor carriers and private carriers are complying with the applicable size and weight laws of this state and safety requirements;

4. To establish there will be no detrimental environmental impact; and

5. To supervise and regulate motor carriers in all other matters affecting the relationship between such carriers and the traveling and shipping public provided those matters do not exceed federal standards as they apply to this state.

B. The Commission shall have the power and authority by general order or otherwise to prescribe rules applicable to any or all motor carriers and private carriers as applicable.

C. The Commission shall cooperate and coordinate with the Oklahoma Department of Public Safety in regulating carrier safety, size and weight regulations of motor vehicles and the transportation of hazardous materials. The Commission may enter into interagency agreements with the Department of Public Safety for the purpose of implementing, administering and enforcing any provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act and the rules and regulations of the Department of Public Safety issued pursuant thereto. Any license issued by the Commission may be suspended or revoked due to operations conducted in violation of any laws or rules and regulations pertaining to motor carriers,

private carriers, carrier safety, size and weight regulations of motor vehicles and the transportation of hazardous materials.

Added by Laws 1995, c. 143, § 4, eff. Nov. 1, 1995.

§47-230.25. Shipping documentation - Penalty for violation of act.

A. Every motor carrier, subject to the Motor Carrier Act of 1995, receiving property for transportation in intrastate commerce shall issue a receipt or bill of lading therefor, the form of which shall be prescribed by the Commission.

B. Any person, motor carrier, or shipper who shall willfully violate any provisions of the Motor Carrier Act of 1995 by any means shall be deemed guilty of a misdemeanor and upon conviction thereof be fined as provided by law.

Added by Laws 1995, c. 143, § 5, eff. Nov. 1, 1995.

§47-230.26. Contempt proceedings.

When the Commission, upon complaint, has reason to believe that any person, motor carrier, or shipper is violating or has willfully violated any provision of the Motor Carrier Act of 1995, the Commission shall, upon its own initiative, file a contempt proceeding and set a date for the proceeding to be heard before the Commission, and upon conviction the Commission shall invoke such contempt penalties as provided herein.

Added by Laws 1995, c. 143, § 6, eff. Nov. 1, 1995.

§47-230.27. Fees.

A. Upon the filing by an intrastate motor carrier or private carrier of an application for a license, the applicant shall pay to the Corporation Commission a filing fee in the sum of One Hundred Dollars (\$100.00) with an original or subapplication. Any valid license issued will remain in force, unless otherwise revoked by the Commission in accordance with the provisions of the Motor Carrier Act of 1995, for one (1) year from date of issuance.

B. Every motor carrier or private carrier wishing to continue operations under the original license, shall pay to the Corporation Commission an annual renewal fee of Fifty Dollars (\$50.00). An intrastate license may be renewed for up to three (3) years.

C. The Commission shall, upon the receipt of any fee, deposit the same in the State Treasury to the credit of the Trucking One-Stop Shop Fund.

Added by Laws 1995, c. 143, § 7, eff. Nov. 1, 1995. Amended by Laws 2006, c. 238, § 5, emerg. eff. June 6, 2006.

§47-230.28. Motor carrier license required - Guidelines for granting license - Suspension and revocation - Additional powers of Commission - Application requirements - Hearing - Notice.

A. It shall be unlawful for any motor carrier to operate or furnish service within this state without first having obtained from the Commission a license declaring that all insurance requirements have been met and that the carrier will operate within all existing rules and state laws pertaining to safety standards, size and weight requirements and, when applicable, lawful handling and disposal of hazardous materials and deleterious substances, and will operate in such a manner as to ensure there will be no detrimental environmental impact. It shall also be unlawful for any private carrier to operate or furnish service within this state without first having obtained from the Corporation Commission a license declaring that all insurance requirements have been met and that the carrier will operate within all existing rules and state laws pertaining to safety standards, size and weight requirements and, when applicable, lawful handling and disposal of hazardous materials and deleterious substances, and will operate in such a manner as to ensure there will be no detrimental environmental impact. The Commission shall have power, and it shall be its duty, to issue the license or set the application for hearing within thirty (30) days of the Commission determining that the application is complete. Any such hearing shall be scheduled to occur on a date within an additional forty-five (45) business days of such determination. The mere filing of an application does not authorize any person to operate as a carrier.

B. In granting applications for licenses, the Commission shall take into consideration the reliability of the applicant; the proper equipment meeting minimum safety criteria as adequate to perform the service; and the applicant's sense of responsibility toward the public and the environment.

C. The Commission may, at any time after a public hearing and for good cause, suspend or revoke any license. Provided, the record owner of the license shall be entitled to have ten (10) days' written notice by certified mail from the Commission of any hearing affecting the license, except as otherwise provided in the Motor Carrier Act of 1995. The right of appeal from such order or orders shall be given as in other cases appealed from orders of the Commission.

D. The Commission shall be authorized to exercise any additional power that may from time to time be conferred upon the state by any Act of Congress. The Commission shall adopt rules prescribing the manner and form in which motor carriers and private carriers shall apply for licenses required by the Motor Carrier Act of 1995. Among other rules adopted, the application shall be in writing and shall set forth the following facts:

1. The name and address of the applicant and the names and addresses of its officers, if any;

2. Full information concerning the physical properties of the applicant; and

3. Such other information as the Commission may consider pertinent to the application.

Added by Laws 1995, c. 143, § 8, eff. Nov. 1, 1995. Amended by Laws 2004, c. 522, § 10, eff. July 1, 2004; Laws 2005, c. 418, § 3, emerg. eff. June 6, 2005.

§47-230.29. Operation of equipment not owned by motor carrier - Required lease provisions.

A. As used in this section:

1. "Authorized carrier" means a person or persons authorized to engage in the transportation of passengers or property as a licensed motor carrier;

2. "Equipment" means a motor vehicle, straight truck, tractor, semitrailer, full trailer, any combination of these and any other type of equipment used by authorized carriers in the transportation of passengers or property for hire;

3. "Owner" means a person to whom title to equipment has been issued, or who, without title, has the right to exclusive use of equipment for a period longer than thirty (30) days;

4. "Lease" means a contract or arrangement in which the owner grants the use of equipment, with or without driver, for a specified period to an authorized carrier for use in the regulated transportation of passengers or property, in exchange for compensation;

5. "Lessor", in a lease, means the party granting the use of equipment, with or without driver, to another;

6. "Lessee", in a lease, means the party acquiring the use of equipment, with or without driver, from another;

7. "Addendum" means a supplement to an existing lease which is not effective until signed by the lessor and lessee; and

8. "Shipper" means a person who sends or receives passengers or property which is transported in intrastate commerce in this state.

B. An authorized carrier may perform authorized transportation in equipment it does not own only under the following conditions:

1. There shall be a written lease granting the use of the equipment and meeting the requirements as set forth in subsection C of this section;

2. The authorized carrier acquiring the use of equipment under this section shall identify the equipment in accordance with the requirements of the Commission; and

3. Upon termination of the lease, the authorized carrier shall remove all identification showing it as the operating carrier before giving up possession of the equipment.

C. The written lease required pursuant to subsection B of this section shall contain the following provisions. The required lease

provisions shall be adhered to and performed by the authorized carrier as follows:

1. The lease shall be made between the authorized carrier and the owner of the equipment. The lease shall be signed by these parties or by their authorized representatives;

2. The lease shall specify the time and date or the circumstances on which the lease begins and ends and include a description of the equipment which shall be identified by vehicle serial number, make, year model and current license plate number;

3. The period for which the lease applies shall be for thirty (30) days or more when the equipment is to be operated for the authorized carrier by the owner or an employee of the owner;

4. The lease shall provide that the authorized carrier lessee shall have exclusive possession, control and use of the equipment for the duration of the lease. The lease shall further provide that the authorized carrier lessee shall assume complete responsibility for the operation of the equipment for the duration of the lease;

5. The amount to be paid by the authorized carrier for equipment and driver's services shall be clearly stated on the face of the lease or in an addendum which is attached to the lease;

6. The lease shall clearly specify the responsibility of each party with respect to the cost of fuel, fuel taxes, empty mileage, permits of all types, tolls, detention and accessorial services, base plates and licenses, and any unused portions of such items. Except when the violation results from the acts or omissions of the lessor, the authorized carrier lessee shall assume the risks and costs of fines for overweight and oversize trailers when the trailers are preloaded, sealed, or the load is containerized, or when the trailer or lading is otherwise outside of the lessor's control, and for improperly permitted overdimension and overweight loads and shall reimburse the lessor for any fines paid by the lessor. If the authorized carrier is authorized to receive a refund or a credit for base plates purchased by the lessor from, and issued in the name of, the authorized carrier, or if the base plates are authorized to be sold by the authorized carrier to another lessor the authorized carrier shall refund to the initial lessor on whose behalf the base plate was first obtained a prorated share of the amount received;

7. The lease shall specify that payment to the lessor shall be made by the authorized carrier within fifteen (15) days after submission of the necessary delivery documents and other paperwork concerning a trip in the service of the authorized carrier. The paperwork required before the lessor can receive payment is limited to those documents necessary for the authorized carrier to secure payment from the shipper. The authorized carrier may require the submission of additional documents by the lessor but not as a prerequisite to payment;

8. The lease shall clearly specify the right of the lessor, regardless of method of compensation, to examine copies of the documentation of the carrier upon which charges are assessed;

9. The lease shall clearly specify all items that may be initially paid for by the authorized carrier, but ultimately deducted from the compensation of the lessor at the time of payment or settlement together with a recitation as to how the amount of each item is to be computed. The lessor shall be afforded copies of those documents which are necessary to determine the validity of the charge;

10. The lease shall specify that the lessor is not required to purchase or rent any products, equipment, or services from the authorized carrier as a condition of entering into the lease arrangement;

11. As it relates to insurance:

- a. the lease shall clearly specify the legal obligation of the authorized carrier to maintain insurance coverage for the protection of the public, and
- b. the lease shall clearly specify the conditions under which deductions for cargo or property damage may be made from the lessor's settlements. The lease shall further specify that the authorized carrier must provide the lessor with a written explanation and itemization of any deductions for cargo or property damage made from any compensation of money owed to the lessor. The written explanation and itemization must be delivered to the lessor before any deductions are made; and

12. An original and two copies of each lease shall be signed by the parties. The authorized carrier shall keep the original and shall place a copy of the lease in the equipment during the period of the lease. The owner of the equipment shall keep the other copy of the lease.

D. The provisions of this section shall apply to the leasing of equipment with which to perform transportation regulated by the Corporation Commission by motor carriers holding a license from the Commission to transport passengers or property.

Added by Laws 1995, c. 143, § 9, eff. Nov. 1, 1995.

§47-230.30. Liability and cargo insurance or bond.

A. No license shall be issued by the Commission to any carrier until after the carrier shall have filed with the Commission a liability insurance policy or bond covering public liability and property damage, issued by some insurance or bonding company or insurance carrier authorized pursuant to this section and which has complied with all of the requirements of the Commission, which bond or policy shall be approved by the Commission, and shall be in a sum

and amount as fixed by a proper order of the Commission; and the liability and property damage insurance policy or bond shall bind the obligor thereunder to make compensation for injuries to, or death of, persons, and loss or damage to property, resulting from the operation of any carrier for which the carrier is legally liable. A copy of the policy or bond shall be filed with the Commission, and, after judgment against the carrier for any damage, the injured party may maintain an action upon the policy or bond to recover the same, and shall be a proper party to maintain such action.

B. Every motor carrier shall file with the Commission a cargo insurance policy or bond covering any goods or property being transported, issued by some insurance or bonding company or insurance carrier authorized as set forth below, and which has complied with all of the requirements of the Commission, which bond or policy shall be approved by the Commission, and shall be in a sum and amount as fixed by a proper order of the Commission. The cargo insurance must be filed with the Commission prior to a license being issued by the Commission, unless the motor carrier has been exempted from this requirement.

Intrastate motor carriers of sand, rock, gravel, asphaltic mixtures or other similar road building materials shall not be required to file cargo insurance and shall be required to maintain liability insurance limits of Three Hundred Fifty Thousand Dollars (\$350,000.00) combined single limit.

No carrier, whose principal place of business is in Oklahoma, shall conduct any operations in this state unless the operations are covered by a valid primary bond or insurance policy issued by a provider authorized or approved by the State Insurance Commissioner. No carrier shall conduct any operations in this state unless the operations are covered by a valid bond or insurance policy issued by a provider authorized and approved by a National Association of Insurance Commissioners and certified by the State Insurance Commission.

C. Each carrier shall maintain on file, in full force, all insurance required by the laws of this state and the rules of the Commission during the operation of the carrier and that the failure for any cause to maintain the coverage in full force and effect shall immediately, without any notice from the Commission, suspend the rights of the carrier to operate until proper insurance is provided. Any carrier suspended for failure to maintain proper insurance shall have a reasonable time, not exceeding sixty (60) days, to have its license reactivated, and to provide proper insurance upon showing:

1. No operation during the period in which it did not have insurance; and
2. Furnishing of proper insurance coverage.

D. Any carrier who fails to reactivate its license within sixty (60) days after the suspension, as above provided, shall have the license canceled, by operation of law, without any notice from the Commission. No license so canceled shall be reinstated or otherwise made operative except that the Commission may reinstate the license of a carrier upon proper showing that the carrier was actually covered by proper insurance during the suspension or cancellation period, and that failure to file with the Commission was not due to the negligence of the carrier. Any carrier desiring to file for reinstatement of its license shall do so within ninety (90) days of its cancellation by law.

E. The Commission shall, in its discretion, permit the filing of certificates of insurance coverage or such form as may be prescribed by the Commission, in lieu of copies of insurance policies or bonds, with the proviso that if the certificates are authorized the insurance company or carrier so filing it, upon request of the Commission, will, at any time, furnish an authenticated copy of the policy which the certificate represents, and further provided that thirty (30) days prior to effective cancellation or termination of the policy of insurance for any cause, the insurer shall so notify the Commission in writing of the facts or as deemed necessary by the Commission.

Added by Laws 1995, c. 143, § 10, eff. Nov. 1, 1995.

§47-230.31. Operation of vehicles in excess of weight or size limits prohibited - Certain advertisements prohibited - Authority to suspend or cancel license - Licenses personal to holder.

A. Nothing contained in the Motor Carrier Act of 1995 shall be construed to authorize the operation of any passenger or freight vehicle in excess of the gross weight, width, length or height authorized by law.

B. Any person who willfully advertises to perform transportation services for which the person does not hold a license shall be in violation of the Motor Carrier Act of 1995 and subject to the penalties prescribed for contempt of the Commission.

C. All licenses issued by the Commission under any law of the state relating to motor carriers or private carriers shall contain the provision that the Commission reserves to itself authority to suspend or cancel any such license for the violation, on the part of the applicant or any operator or operators of any motor vehicle to be operated thereunder, of any law of this state or any rule adopted by the Commission.

D. Licenses shall be considered personal to the holder of the license and shall be issued only to some definite legal entity operating motor vehicles as a motor carrier or private carrier, and shall not be subject to lease, nor shall the holder of the license

sublet or permit the exercise, by another, of the rights or privileges granted under the license.

Added by Laws 1995, c. 143, § 11, eff. Nov. 1, 1995.

§47-230.32. Rules and regulations.

The Commission shall have the power and authority by general order or otherwise to promulgate rules and regulations for the administration and enforcement of the provisions of the Motor Carrier Act of 1995.

Added by Laws 1995, c. 143, § 12, eff. Nov. 1, 1995.

§47-230.33. Heavy road - building vehicles - Inapplicability of Motor Carrier Act - Insurance.

A. The provisions of the Motor Carrier Act of 1995 shall not apply to persons who operate motor vehicles in excess of twenty-six thousand (26,000) pounds who have contracted or subcontracted with any federal, state or local entity to conduct activities associated with the building or maintenance of streets, roads, bridges, turnpikes or any other project associated with road building.

B. Provided however, any person, contractor, or subcontractor who operates a motor vehicle in excess of twenty-six thousand (26,000) pounds in the furtherance of any contract let by any federal, state or local entity for the building or maintenance of roads, bridges, turnpikes or any other projects associated with road building shall obtain an annual policy for motor vehicle insurance or general liability insurance in an amount equal to or greater than Three Hundred Fifty Thousand Dollars (\$350,000.00).

Added by Laws 1996, c. 220, § 2, emerg. eff. May 23, 1996. Amended by Laws 2006, c. 238, § 6, emerg. eff. June 6, 2006.

§47-230.34. Short title.

This act shall be known and may be cited as the "Motor Carrier Harvest Permit Act of 2006".

Added by Laws 2006, c. 140, § 1, emerg. eff. May 10, 2006.

§47-230.34a. Issuance of harvest permit - Duration - Application - Fees - Violation and bond - Rules.

A. Any person, firm, partnership, limited liability company, or corporation owning or possessing a vehicle and required to register the vehicle under the laws of this state for the purpose of transporting farm products in a raw state may receive a harvest permit from the Oklahoma Corporation Commission.

B. The harvest permit shall be recognized in lieu of registration, fuel permit and intrastate operating authority in this state. The harvest permit shall be issued to the operating motor carrier.

C. Each permit shall be valid for a period of thirty (30) or sixty (60) days. The permit shall identify the time and date of its issuance and shall additionally reflect its effective and expiration dates.

D. The following information shall be required of an applicant for a harvest permit and shall apply to each vehicle to be operated under the permit:

1. Owner of the vehicle;
2. Vehicle registrant;
3. Make, model, year, license plate number, state of registration and VIN of each vehicle which will be operated under the permit; and
4. The operating carrier must provide a certificate that each vehicle is operating under a liability insurance policy valid in Oklahoma for Three Hundred Fifty Thousand Dollars (\$350,000.00) or more.

E. There shall be a fee of Twenty Dollars (\$20.00) per axle for a thirty-day permit or Thirty-five Dollars (\$35.00) per axle for a sixty-day permit, for each vehicle registered pursuant to the Motor Carrier Harvest Permit Act of 2006. Revenue derived from this fee shall be apportioned as follows:

1. One-half (1/2) of the revenue shall be deposited in the Weigh Station Improvement Revolving Fund as set forth in Section 1167 of Title 47 of the Oklahoma Statutes; and
2. The remaining amount shall be deposited in the One-Stop Trucking Fund as set forth in Section 1167 of Title 47 of the Oklahoma Statutes.

F. A harvest permit may be extended in fifteen-day increments. The permit holder shall be required to pay the additional prorated portion of the tag fee at Eight Dollars and seventy-five cents (\$8.75) per axle per fifteen-day extension.

G. An application for a harvest permit shall be made to the Corporation Commission. The Corporation Commission shall allow applications to be submitted by facsimile and electronically. The Commission must provide reasonable access for persons to obtain a harvest permit before taking enforcement action.

H. If found to be in violation of the Motor Carrier Harvest Permit Act of 2006 for failure to obtain or maintain a current harvest permit, the operating carrier shall post bond in the amount of the cost of the harvest permit and shall be allowed seventy-two (72) hours to apply for the permit. If the operating carrier makes application within seventy-two (72) hours, the bond amount will be applied toward the harvest permit fee.

I. A harvest permit does not exempt its holder from federal or state safety regulations nor from the state's size and weight laws or rules.

J. The Corporation Commission may enter into an agreement with any person or corporation located within or outside of the state for transmission of harvest permits by way of facsimile or other device when the Corporation Commission determines that such agreements are in the best interest of the state.

K. The Corporation Commission may promulgate rules to administer the provisions of the Motor Carrier Harvest Permit Act of 2006.

Added by Laws 2006, c. 140, § 2, emerg. eff. May 10, 2006.

§47-230.34b. Proximity of portable scale to commercial grain elevator – Exceptions.

A portable scale used at any location other than an official weigh station by the Department of Public Safety or the Corporation Commission to weigh any vehicle transporting grain shall not be located within two (2) highway miles of any commercial grain elevator. This section shall not apply if the vehicle is:

1. Involved in a collision;
2. Being subjected to a Commercial Vehicle Safety Alliance (CVSA) inspection by the Department of Public Safety; or
3. Operated on any highway of the national defense highway system.

Added by Laws 2006, c. 140, § 3, emerg. eff. May 10, 2006. Amended by 2006, c. 243, § 1, emerg. eff. June 6, 2006.

§47-251. Special identification, right to.

Any person who is the holder of an unrevoked and unexpired technician class or better license issued by the Federal Communications Commission to operate an amateur radio station in Oklahoma shall be entitled to special identification as herein provided.

Laws 1953, p. 215, § 1; Laws 1979, c. 95, § 1.

§47-252. Special personal identification card.

Such person shall upon proper application be entitled to a special personal identification card, the style of which shall be fixed by the Department of Public Safety; provided, every such card shall bear the applicant's name, the date of issuance of such card, a serial number to be assigned by the Department of Public Safety, the official call letters of the radio station assigned to the applicant by the Federal Communications Commission, and such other information as the Commissioner of Public Safety shall direct.

Every such card shall be issued by the Department of Public Safety, and application therefor shall be made on forms provided by the Department of Public Safety.

Laws 1953, p. 215, § 2.

§47-253. Repealed by Laws 2004, c. 504, § 24, eff. July 1, 2004.

§47-254. Purpose of law.

It is hereby declared the purpose of this act to provide special identification for individuals who hold an unrevoked and unexpired technician class or better license, issued by the Federal Communication Commission, to operate an amateur radio station in Oklahoma, in order to encourage such persons to assist in providing and maintaining a means of communication in emergency areas, national or local.

Laws 1953, p. 215, § 4; Laws 1979, c. 95, § 3.

§47-255. List of licensed operators to be secured and maintained.

It shall be the duty of the Department of Public Safety to secure from the Federal Communication Commission and maintain each month a current list of the technician class or better licensed amateur radio station operators in Oklahoma.

Laws 1953, p. 216, § 5; Laws 1979, c. 95, § 4.

§47-256. Expiration of amateur license - Notice and delivery of identification - Violations.

Upon the revocation or expiration of the amateur radio station operator's license of any person in Oklahoma who has been issued identification as herein provided, said person shall immediately notify the Oklahoma Tax Commission and the Department of Public Safety and shall, within five (5) days thereafter, deliver the identification to the Oklahoma Tax Commission and/or the Department of Public Safety.

Any person violating the provisions of this section, or any person who knowingly permits another person to make use of the identification herein provided for to obtain entry into any restricted area in this state, or any person who by misrepresentation obtains any identification herein provided for, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or be sentenced to imprisonment in the county jail for not more than one (1) year, or both. Venue for prosecutions shall be in the district court of any county in which such violation is committed.

Laws 1953, p. 216, § 6.

§47-309.8. Renumbered as Section 2-309.8 of this title by Laws 2001, c. 131, § 18, eff. July 1, 2001.

§47-376. Repealed by Laws 2000, c. 189, § 14, eff. July 1, 2000.

§47-377.1. Repealed by Laws 1998, c. 245, § 10, eff. July 1, 1998.

§47-421. Definitions - Persons not included - Sworn statement showing exemption.

(a) When used in this act:

(1) "Motor vehicle" means any automobile, automobile trucks, truck, or any other self-propelled vehicle not operated or driven upon fixed rails or track; provided, that in this act the term shall always include as one vehicle a tractor-semitrailer or tractor-trailor combination.

(2) "Highway" shall mean any thoroughfare defined by any statute or ordinance as a public highway or street.

(3) "Person" shall mean a natural person, firm, partnership, association, corporation, trust, lessee, trustee, or receiver, as the context may require, regardless of the gender of the pronoun used in conjunction therewith.

(4) The words "sale," "sell," or any grammatical forms thereof, when used in this act, shall mean and include barter, trade, or exchange, in addition to the usual and ordinary meanings of said words; and this definition shall not be construed to diminish any meanings of said words but shall extend such meanings.

(5) "Commission" shall mean the Oklahoma Tax Commission.

(6) "Established place of business" shall mean any permanent warehouse, building, structure, or residence, at which a permanent business is carried on as such during usual business hours throughout the year or usual production season in good faith and not for the purpose of evading this Act, and at which stocks of the property being transported are produced, stored or kept in quantities reasonably adequate for, and usually carried for, the requirements of such business, and which is recognized, and licensed or taxed, as a permanent business at such place, and shall not mean premises or buildings appurtenant thereto, tents, temporary stands or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement.

(7) Except as otherwise herein provided, "itinerant merchant" shall mean any person who sells, or offers to sell, in this state, at wholesale or retail, any personal property, and transports the same on any highway in this state by use of a motor vehicle.

(b) The term "itinerant merchant" shall not mean or include the following:

(1) A person who does not at any time transport in a motor vehicle a net load exceeding three thousand (3,000) pounds, except a person transporting baby chicks.

(2) A person using a motor vehicle owned by him, whether operated by him or his agent, for the transportation of milk, dairy products, grain, fruits, vegetables, livestock, poultry, or other agricultural products, produced or fed by him on a farm operated by

him either within or without this state, or for the transportation of newspapers, magazines, or periodicals.

(3) A person transporting property owned by him or by his agent, in a motor vehicle owned by him or by his agent, whether operated by him or his agent, when such transportation is incident to a business conducted by him or by his agent at an established place of business operated by him or by his agent, either within or without this state, and when said property is being transported to or from said established place of business.

(4) A person transporting property for his own consumption or use, or to be processed by him and not for sale.

(5) A person authorized to act as a common or contract carrier of property by motor vehicle under Part 2 of the Interstate Commerce Act, or a person operating a motor vehicle for hire under the laws of this state.

(6) A person transporting any petroleum products owned by him, by motor vehicle operated by him, or his agent, when such products are transported to or from an established oil bulk plant operated by him, or his agent, either within or without the state.

(7) This act shall not apply to bona fide residents of the State of Oklahoma having a motor vehicle license in this state and used in the conduct of business as an itinerant merchant.

(c) No person shall be exempt from the requirements of this act by reason of the provisions of subsection (b) of this section unless he or the driver of the motor vehicle upon which his property is being transported shall, upon request of any state, county, or township officer, sworn to preserve the peace, sign and swear to under oath before some person authorized by the laws of this state to administer oaths, or under authority of this act, and deliver to said officer such sworn statement in writing clearly showing that the person claiming the exemption is entitled to one or more of the exemptions provided in this section. Any highway patrolman, sheriff, or peace officer, for the purpose of the enforcement of this act, shall have authority to administer oaths and take acknowledgments thereof. If the person claiming the exemption is not a natural person, such statement shall be signed and sworn to by some natural person authorized to act for it, or by the driver of the motor vehicle carrying the property. Such statement shall not be sufficient unless it shall contain, in addition to any other necessary facts, the following of such facts as are material to the particular exemption claimed: Name of the person claiming the exemption and name of the person signing such statement, and the business and residence addresses of both; where and when the products described in paragraph (2) of subsection (b) of this section were produced or fed, and the place where they are to be delivered if known; acreage operated by him; the location of the established place of business, how long there established, and

whether the premises where located are owned or leased by the person claiming the exemption; the kind of business there conducted. The officer receiving said statement shall promptly forward it to the Commission where it shall be filed and shall be a public record. Any person knowingly making any false, material statement in said statement shall be guilty of perjury and shall, upon conviction thereof, be punished as provided by law.
Laws 1941, p. 204, § 1.

§47-422. Compliance with act required - License necessary.

No person shall engage in business or use any motor vehicle in this state as an itinerant merchant as defined and fixed in Section 1 of this act, without complying with this act and without obtaining from the Commission or its agents the license required by this act.
Laws 1941, p. 205, § 2.

§47-423. Application for license - Separate application and license for each motor vehicle.

An application for a license as an itinerant merchant shall be made to the Commission or through any of its authorized agents upon forms to be prepared by the Commission. A separate application and license shall be required for each motor vehicle to be operated. In addition to any other essential information required by the Commission, said application shall state the following: Name and legal status of the applicant; his business address, if a natural person; his residence address, if not a natural person; the names and business and residence addresses of the principal and managing officers, agents or partners; a general description of the business to be conducted and the area in this state in which it will be conducted; an exact description of the motor vehicle to be used including the make, type, manufacturer's rated loading capacity, motor number, serial number, place where registered, and registration or license number. The application shall be signed and sworn to by the applicant or his duly-authorized agent, if a natural person; if not a natural person, by some agent, officer or partner authorized to act for it.
Laws 1941, p. 205, § 3.

§47-424. License fees - Period covered by license.

(a) The fee for each license shall be Twenty Dollars (\$20.00) per year; provided, that if the license is issued after June 30 in any year such license fee shall be Ten Dollars (\$10.00). The proper fee shall accompany the application.

(b) All licenses issued and license fees paid shall be for the calendar year only in which issued or paid, and shall expire at the end of such calendar year.
Laws 1941, p. 205, § 4.

§47-425. Insurance policies and bonds - Parties to actions.

(a) No license shall be issued by the Commission until the applicant shall have filed with each application, and the same have been approved by the Commission, the following insurance policies and bonds issued by an insurance carrier or bonding company authorized to do business within this state. In lieu of such policies, the applicant may file the written certificate or certificates of any insurance carrier duly authorized to do business in this state, certifying that it has issued to, or for the benefit of, the applicant, named as the insured therein, a policy or policies meeting the requirements of this section as hereinafter provided, and that said policy or policies are then in full force and effect. Such certificate or certificates shall give the dates of issuance and expiration of such policy or policies, and shall designate by explicit designation or by appropriate reference all motor vehicles covered thereby.

(1) A bond in the penal sum of Five Hundred Dollars (\$500.00) in such form as may be prescribed by the Commission for the purpose of protecting the public against fraud, conditioned upon the delivery of correct weights, measures, footage, or grades, if the commodities handled by the itinerant merchant are those customarily sold by weights, measures, footage, or grades, accurate representation as to quality or class of such commodities, the actual payment of checks, drafts or other obligations delivered by the itinerant merchant in exchange for the purchase of commodities, and conditioned to pay any judgment or judgments that may be obtained against the itinerant merchant for civil liability arising out of the conduct of his business, and further providing for the prompt payment of license fees and taxes to this state or any governmental subdivision thereof, including the matters hereinbefore specified in this paragraph, but not including any causes of action covered by the insurance policies described in paragraph (2) of this subsection. Said bond shall further provide that any person dealing with said itinerant merchant, any person using the commodities handled by him, and any person holding checks, drafts, or other obligations, shall have cause of action upon said bond by reason of any violation of the terms of said bond with respect to such dealing, said commodities, or said checks, drafts or other obligations.

(2) A liability insurance policy or bond which shall bind the obligors to pay compensation for injuries to persons and damage to property resulting from the negligent operation of the motor vehicle operated under authority of the itinerant merchant's license, said policy or bond to be conditioned to pay any sum up to Twenty-five Thousand Dollars (\$25,000.00) for personal injury to or death of one individual, and up to Fifty Thousand Dollars (\$50,000.00) for personal injuries or deaths resulting from any single accident, and

up to Twenty-five Thousand Dollars (\$25,000.00) for damage to property in any single accident.

(b) Every insurance policy and bond or certificate thereof filed with the Commission under the provisions of this act shall contain an endorsement or provision that the same shall not be cancelled by the obligor, shall not expire, and shall not become reduced in amount, until thirty (30) days after notice by registered United States mail has been sent to the Commission of the intention to cancel the same, or that the same is to expire or is to be reduced in amount. Upon receipt of such notice the Commission shall immediately notify the itinerant merchant by registered United States mail, return receipt requested, of the receipt of such notice, and shall advise him that unless a new insurance policy or bond is filed to replace the one to be canceled, or to expire, or to be reduced in amount, prior to the time such cancellation, expiration or reduction becomes effective, the license of such itinerant merchant in connection with which said policy or bond was issued shall be revoked at the time such cancellation, expiration or reduction becomes effective. If a new policy or bond is not filed or the amount of the reduction restored prior to the time such cancellation, expiration or reduction becomes effective, the Commission must revoke said license at said time, and licensee shall return license and license plate to the Commission.

(c) Any person having a cause of action against the itinerant merchant arising out of the matters described in paragraphs (1) and (2) of subsection (a) of this section may join said itinerant merchant and the surety on his bond in the same action, or may sue said surety without joining said itinerant merchant in the action if the itinerant merchant is deceased or if it is impossible to obtain jurisdiction of his person within the state where the cause of action arose.

Added by Laws 1941, p. 206, § 5. Amended by Laws 2004, c. 519, § 35, eff. Nov. 1, 2004.

§47-426. Appointment of Secretary of Commission as agent to accept service of summons.

Before a license shall be issued the applicant shall sign and file with the Commission an irrevocable power of attorney appointing the Secretary of the Commission his agent to accept service of summons for all causes of action against him arising out of the conduct of his business as an itinerant merchant and the operation of the motor vehicle described in the application.

Laws 1941, p. 207, § 6.

§47-427. Summons or notice of suit - Form - Service.

The original summons or notice of suit filed with the Secretary of the Commission, as provided in Section 6 hereof, in all actions

arising under the provisions of this act, shall be in form and substance the same as now provided in suits against residents of this State, except that that part of said summons pertaining to the return day shall be in substantially the following form, to-wit:

"and unless you appear thereto and defend in the District Court of Oklahoma in and for _____ county at the Court House in _____, Oklahoma, before noon of the sixtieth day following the filing of this summons with the Secretary of the Oklahoma Tax Commission of this State, default will be entered and judgment rendered against you by the Court in the amount of \$____, if said Court is then in session in said county, and if the Court is not then in session, said default will be entered and judgment rendered by the Court on the first day of the succeeding term, or as soon thereafter as the same may be reached."

Plaintiff in any such action shall cause the original summons to be served as follows:

(a) By serving a copy of said original summons upon the Secretary of the Oklahoma Tax Commission, and

(b) By mailing to the defendant and each of the defendants, if more than one, within ten (10) days after the filing of said summons with the Secretary of the Oklahoma Tax Commission by restricted registered mail addressed to the defendant at his last-known residence or place of abode a notification of said filing with the Secretary of the Oklahoma Tax Commission.

The notification provided for in this section shall be in substantially the following form, to-wit:

"To _____ (here insert the name of the defendant and his residence or last known place of abode as definitely as known): You will take notice that an original summons in a suit against you, a copy of which is hereto attached, was duly served upon you at Oklahoma City, Oklahoma, by filing copy of said summons on the _____ day of _____, 19__, with the Secretary of the Oklahoma Tax Commission of the State of Oklahoma. Dated at _____, Oklahoma, this _____ day of _____, 19__.

Plaintiff _____

By _____
Attorney for Plaintiff"

The term "restricted registered mail", as used herein, means mail which carries on the face thereof, in a conspicuous place where it will not be obliterated, the endorsement "Deliver to addressee only", and which also requires a return receipt.

Proof of the filing of a copy of said summons with the Secretary of the Oklahoma Tax Commission and proof of the mailing of said notification to said itinerant merchant shall be made by affidavit by the party doing said acts. All affidavits of service shall be endorsed upon or attached to the originals of the papers to

which they relate. All proofs of service, including the return registry receipt, shall be forthwith filed with the clerk of the district court in which said cause of action is pending.

The foregoing provisions relating to service of the original summons on itinerant merchants shall not be deemed to prevent actual personal service in this state upon such itinerant merchants in the time, manner, form and under the conditions otherwise provided by law.

Laws 1941, p. 207, § 7.

§47-428. License - Issuance - Contents - Carried in vehicle - License plate.

Upon the approval and issuance of the application and upon compliance with the terms of this act, the Commission shall issue to the applicant a license as an itinerant merchant. Such license shall be numbered, shall show the amount of fees paid, shall, specifically describe the itinerant merchant and the motor vehicle as they are described in the application, and shall at all times be carried in the cab of the motor vehicle described and shall at all times be subject to inspection by any person authorized to enforce this act. The Commission shall also issue to the itinerant merchant a license plate containing the same number as the license, of distinctive color and size, which shall at all times be displayed on the rear of the motor vehicle described in the license.

Laws 1941, p. 208, § 8.

§47-429. Transfer of license or license plate.

No license or license plate issued pursuant to this Act may be sold or transferred, and no license or license plate may be transferred from one vehicle to another.

Laws 1941, p. 208, § 9.

§47-430. Revocation of license.

Upon such notice and hearing as the Commission may deem proper, it may revoke any license issued under the provisions of this act for failure to comply with any of the laws of this state, or if any judgment recovered against any itinerant merchant remains unpaid for a period of sixty (60) days, provided such judgment be not superseded by bond upon appeal from such judgment.

Laws 1941, p. 208, § 10.

§47-431. Rules for administration of act.

The Commission shall make and enforce such rules for the administration of this act as may be necessary and proper.

Laws 1941, p. 208, § 11.

§47-432. Custody and operation of motor vehicle used in violation of act.

Any motor vehicle operated in violation of this act shall be kept in the custody of any state or county officer sworn to preserve the peace, and shall not be operated except under his authority and solely for the purpose of taking it to the nearest convenient place of custody, until the provisions of this act have been complied with.

Laws 1941, p. 208, § 12.

§47-433. Disposition of fees.

All fees paid under Section 4(a) of this act to the Oklahoma Tax Commission shall be paid to the State Treasurer and placed in the General Revenue Fund of the state, and be paid out only by direct appropriation of the Legislature.

Laws 1941, p. 208, § 13.

§47-434. Authority of county or municipal corporation not affected.

Nothing in this act shall be construed to repeal or amend any statute delegating authority to any county or municipal corporation to license, tax, or regulate peddlers or itinerant merchants.

Laws 1941, p. 208, § 14.

§47-435. Violation a misdemeanor - Punishment.

Any person violating any provision of this act shall be guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than one (1) year; or by both such fine and imprisonment.

Laws 1941, p. 208, § 15.

§47-436. Actions for injunctions.

(a) The Attorney General, or any district attorney, shall commence an action in any court of competent jurisdiction, in the name of the state as plaintiff on the relation of the Attorney General or such district attorney, to enjoin any person from violating any of the provisions of this act. Such action may be maintained upon due showing that the defendant has violated or is threatening to violate any of the provisions of this act.

(b) Upon being presented with the petition of any resident of this state, verified upon oath, stating facts showing that such resident has reasonable grounds to believe that some person has violated or is threatening to violate any of the provisions of this act, it shall be the duty of any district attorney of this state to commence such action for injunction within his county against the person complained of in said petition.

Laws 1941, p. 209, § 16.

§47-437. Highway Patrol and peace officers to enforce Act.

It shall be the duty of the highway patrol and all peace officers to enforce this act.

Laws 1941, p. 209, § 17.

§47-438. Partial invalidity.

It is hereby declared the intention of the Legislature that no section, paragraph, sentence, clause, phrase or word of this act is an inducement to the enactment of any other part or portion of the same; and if any part or portion of this act should be held by any court of competent jurisdiction to be unconstitutional, such decision shall not affect the validity of the remainder of this act.

Laws 1941, p. 209, § 18.

§47-461. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-462. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-463. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-464. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-465. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-466. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-467. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-468. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-469. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-470. Repealed by Laws 2018, c. 27, § 59, eff. Nov. 1, 2018.

§47-561. Necessity for regulation - Legislative finding.

The Legislature finds and declares that the distribution and sale of new motor vehicles and powersport vehicles in this state vitally affects the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare, and in the exercise of its police powers, it is necessary to regulate and to license motor vehicle manufacturers, factories, distributors, and their respective representatives, new motor vehicle dealers, and powersport vehicle dealers, and to register salespersons of new motor vehicles and powersport vehicles doing business in Oklahoma, in order to prevent

frauds, impositions and other abuses upon its citizens and to protect and preserve the investments and properties of the citizens of this state, and in order to avoid undue control of the independent new motor vehicle dealer or powersport vehicle dealer by the new motor vehicle or powersport vehicle manufacturing and distributing organizations, and in order to foster and keep alive vigorous and healthy competition by prohibiting unfair practices by which fair and honest competition is destroyed or prevented, and to protect the public against the creation or perpetuation of monopolies and practices detrimental to the public welfare, to prevent the practice of requiring the buying of special features, appliances and equipment not desired or requested by the purchaser, to prevent false and misleading advertising, to prevent unfair practices by new motor vehicle dealers , powersports vehicle dealers, manufacturers, factories, and distributing organizations, to promote the public safety and prevent disruption of the franchise or dealership system of distribution of new motor vehicles and powersports vehicles to the public and prevent deterioration of facilities for servicing new motor vehicles or powersport vehicles and keeping the same safe and properly functioning, and prevent bankrupting of new motor vehicle dealers and powersport dealers, who might otherwise be caused to fail because of such unfair practices. Added by Laws 1953, p. 179, § 1, emerg. eff. May 26, 1953. Amended by Laws 1959, p. 205, § 1, emerg. eff. July 16, 1959; Laws 1969, c. 241, § 1, emerg. eff. April 21, 1969; Laws 1970, c. 197, § 1, emerg. eff. April 13, 1970; Laws 1985, c. 229, § 3, eff. Nov. 1, 1985; Laws 2024, c. 240, § 1, eff. Nov. 1, 2024; Laws 2025, c. 448, § 1, eff. Nov. 1, 2025.

§47-562. See the following versions:

OS 47-562v1 (HB 2158, Laws 2025, c. 119, § 1)

OS 47-562v2 (HB 2160, Laws 2025, c. 448, § 2)

§47-562v1. Definitions.

The following words, terms, and phrases, when used in Sections 561 through 567, 572, 578.1, 579, and 579.1 of this title, shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Motor vehicle" means any motor-driven vehicle required to be registered under the Oklahoma Vehicle License and Registration Act. The term motor vehicle does not include:

- a. recreational vehicles, as defined in the Recreational Vehicle Franchise Act, or
- b. powersport vehicles;

2. "New motor vehicle dealer" means any person, firm, association, corporation, or trust not excluded by this paragraph who sells, offers for sale, advertises to sell, receives deposits

for vehicles, leases, or displays new motor vehicles and holds a bona fide contract or franchise in effect with a manufacturer or distributor authorized by the manufacturer to make predelivery preparation of such vehicles sold to purchasers and to perform post-sale work pursuant to the manufacturer's or distributor's warranty. As used herein, "authorized predelivery preparation" means the rendition by the dealer of services and safety adjustments on each new motor vehicle in accordance with the procedure and safety standards required by the manufacturer of the vehicle to be made before its delivery to the purchaser. "Performance of authorized post-sale work pursuant to the warranty", as used herein, means the rendition of services which are required by the terms of the warranty that stands extended to the vehicle at the time of its sale and are to be made in accordance with the safety standards prescribed by the manufacturer. The term includes premises or facilities at which a person engages only in the repair of motor vehicles if repairs are performed pursuant to the terms of a franchise and motor vehicle manufacturer's warranty. For the purpose of Sections 561 through 567, 572, 578.1, 579, and 579.1 of this title, the terms new motor vehicle dealer and "new motor vehicle dealership" shall be synonymous. The term new motor vehicle dealer does not include:

- a. receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under judgment or order of any court,
- b. public officers while performing or in operation of their duties,
- c. employees of persons, corporations, or associations enumerated in subparagraph a of this paragraph when engaged in the specific performance of their duties as such employees, or
- d. a powersports vehicle dealer;

3. "Motor vehicle salesperson" means any person, resident or nonresident, who, for gain or compensation of any kind, either directly or indirectly, regularly or occasionally, by any form of agreement or arrangement, sells or negotiates for the sale, lease, or conveyance or arranges the financing of any new motor vehicle or powersports vehicle as an employee for any new motor vehicle dealer or powersports dealer to any one or more third parties;

4. "Commission" means the Oklahoma New Motor Vehicle Commission;

5. "Manufacturer" means any person, firm, association, corporation, partnership, trust, joint venture, or common entity thereof, resident or nonresident, that manufactures or assembles new and unused motor vehicles or new and unused powersport vehicles or that engages in the fabrication or assembly of motorized vehicles of a type required to be registered in this state;

6. "Distributor" means any person, firm, association, corporation, partnership, trust, joint venture, or common entity thereof, resident or nonresident, that, being authorized by the original manufacturer, in whole or in part sells or distributes new and unused motor vehicles to new motor vehicle dealers or powersport dealers, or that maintains distributor representatives;

7. "Factory branch" means any branch office maintained by a person, firm, association, corporation, partnership, trust, joint venture, or common entity thereof that manufactures or assembles motor vehicles or powersport vehicles for the sale of motor vehicles or powersport vehicles to distributors, or for the sale of motor vehicles to new motor vehicle dealers, or for the sale of powersport vehicles to new powersport vehicle dealers, or for directing or supervising, in whole or in part, its representatives;

8. "Distributor branch" means any branch office similarly maintained by a distributor for the same purposes a factory branch is maintained;

9. "Factory representative" means any officer or agent engaged as a representative of a manufacturer of motor vehicles or powersport vehicles or by a factory branch, for the purpose of making or promoting the sale of its motor vehicles or powersport vehicles, or for supervising or contacting its dealers or prospective dealers;

10. "Distributor representative" means any person, firm, association, corporation, partnership, trust, joint venture, or common entity thereof, and each officer and employee thereof engaged as a representative of a distributor or distributor branch of motor vehicles or powersport vehicles, for the purpose of making or promoting the sale of its motor vehicles or powersport vehicles, or for supervising or contacting its dealers or prospective dealers;

11. "Franchise" means any contract or agreement between a new motor vehicle dealer or a powersports vehicle dealer and a manufacturer of a new motor vehicle or powersports vehicle or its distributor or factory branch by which the new motor vehicle dealer or new powersports vehicle dealer is authorized to engage in the activities of a new motor vehicle dealer or new powersports vehicle dealer as defined by this section;

12. "New or unused motor vehicle" means a vehicle which is in the possession of the manufacturer or distributor or has been sold only to the holder of a valid franchise granted by the manufacturer or distributor for the sale of that make of new vehicle so long as the manufacturer's statement of origin has not been assigned to anyone other than a licensed franchised new motor vehicle dealer of the same line-make;

13. "Area of responsibility" means the geographical area, as designated by the manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor

representative, in which the new motor vehicle dealer or powersports dealer is held responsible for the promotion and development of sales and rendering of service for the make of motor vehicle or powersports vehicle for which the new motor vehicle dealer or new powersports vehicle dealer holds a franchise or selling agreement;

14. "Off premises" means at a location other than the address designated on the new motor vehicle dealer's or new powersports vehicle dealer's license;

15. "Sponsoring entity" means any person, firm, association, corporation, or trust which has control, either permanently or temporarily, over the real property upon which the off-premises sale or display is conducted;

16. "Product" means new motor vehicles and new motor vehicle parts or new powersports vehicle and new powersports vehicle parts;

17. "Service" means motor vehicle or powersports vehicle warranty repairs including both parts and labor;

18. "Lead" means a consumer contact in response to a factory program designed to generate interest in purchasing or leasing a new motor vehicle or new powersports vehicle;

19. "Sell" or "sale" means to sell or lease;

20. "Factory" means a manufacturer, distributor, factory branch, distributor branch; or any common entity of a manufacturer, distributor, factory branch or distributor branch; or factory representative, or distributor representative, which manufactures or distributes vehicle products;

21. "Powersports vehicle" means any new or unused motorcycles, scooters, mopeds, all-terrain vehicles, and utility vehicles required to be registered under the Oklahoma Vehicle License and Registration Act, with the exception of all-terrain vehicles, utility vehicles, and motorcycles used exclusively for off-road use which are sold by a retail implement dealer;

22. "Powersports vehicle dealer" means any person, firm, or corporation, resident or nonresident, that is in the business of selling any new powersports vehicles except for retail implement dealers;

23. "Retail implement dealer" means a business engaged primarily in the sale of farm tractors as defined in Section 1-118 of this title or implements of husbandry as defined in Section 1-125 of this title or a combination thereof and is exempt from licensing by the Commission for the sale of all-terrain vehicles, utility vehicles, and motorcycles used exclusively for off-road use;

24. "Consumer data" means nonpublic personal information as defined in 15 U.S.C., Section 6809(4) as it existed on January 1, 2023, that is:

a. collected by a new motor vehicle dealer, and

- b. provided by the new motor vehicle dealer directly to a manufacturer or third party acting on behalf of a manufacturer.

The term shall not include the same or similar data obtained by a manufacturer from any source other than the new motor vehicle dealer or new motor vehicle dealer's data management system;

25. "Fleet vehicle" means a new motor vehicle sold and titled or registered to a business and used for business purposes only; and

26. a. "Common entity" means any person, firm, association, corporation, partnership, trust, or joint venture acting as a new motor vehicle dealer as defined by paragraph 20 of this section:

- (1) which is directly or indirectly controlled by or has more than thirty percent (30%) of its equity interest directly or indirectly owned, beneficially or of record, through any form of ownership structure, by a factory, manufacturer, manufacturer branch, distributor, or distributor branch, or
- (2) which has more than thirty percent (30%) of its equity interest directly or indirectly controlled or owned, beneficially or of record, through any form of ownership structure, by one or more persons who also directly or indirectly control or own, beneficially or of record, more than thirty percent (30%) of the equity interests of a factory, manufacturer, manufacturer branch, distributor, or distributor branch.

- b. Notwithstanding subdivision (1) or (2) of subparagraph a of this paragraph, an entity that would otherwise be considered a common entity of a distributor under subdivision (1) or (2) of subparagraph a of this paragraph because of its relation to a distributor is not considered a common entity of that distributor if:

- (1) the distributor to which the entity is related was a licensed distributor on March 1, 2025,
- (2) the entity is not a common entity of a manufacturer or an importer, and
- (3) the distributor to which the entity is related is not, and has never been, a common entity of a manufacturer or an importer.

Added by Laws 1953, p. 179, § 2, emerg. eff. May 26, 1953. Amended by Laws 1959, p. 205, § 2, emerg. eff. July 16, 1959; Laws 1967, c. 251, §§ 1 and 2, emerg. eff. May 8, 1967; Laws 1970, c. 197, § 2, emerg. eff. April 13, 1970; Laws 1973, c. 189, § 1, emerg. eff. May 17, 1973; Laws 1977, c. 14, § 1, emerg. eff. March 18, 1977; Laws 1980, c. 85, § 9, eff. Jan. 1, 1981; Laws 1985, c. 229, § 4, eff.

Nov. 1, 1985; Laws 1998, c. 269, § 1, eff. Nov. 1, 1998; Laws 2000, c. 80, § 1, emerg. eff. April 14, 2000; Laws 2000, c. 341, § 1, eff. Nov. 1, 2000; Laws 2001, c. 148, § 1, emerg. eff. April 30, 2001; Laws 2005, c. 284, § 11, eff. July 1, 2005; Laws 2006, c. 213, § 2, eff. Nov. 1, 2006; Laws 2008, c. 315, § 2, emerg. eff. June 2, 2008; Laws 2009, c. 182, § 7, eff. Nov. 1, 2009; Laws 2011, c. 272, § 20, eff. Jan. 1, 2012; Laws 2013, c. 191, § 1, eff. Nov. 1, 2013; Laws 2023, c. 29, § 3, eff. Nov. 1, 2023; Laws 2024, c. 240, § 2, eff. Nov. 1, 2024; Laws 2025, c. 119, § 1, eff. Nov. 1, 2025.

§47-562v2. Definitions.

The following words, terms, and phrases, when used in Sections 561 through 567, 572, 578.1, 579, and 579.1 of this title, shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Motor vehicle" means any motor-driven vehicle required to be registered under the Oklahoma Vehicle License and Registration Act. The term motor vehicle does not include:

- a. recreational vehicles, as defined in the Recreational Vehicle Franchise Act, or
- b. powersport vehicles;

2. "New motor vehicle dealer" means any person, firm, association, corporation, or trust not excluded by this paragraph who sells, offers for sale, advertises to sell, leases, or displays new motor vehicles and holds a bona fide contract or franchise in effect with a manufacturer or distributor authorized by the manufacturer to make predelivery preparation of such vehicles sold to purchasers and to perform post-sale work pursuant to the manufacturer's or distributor's warranty. As used herein, "authorized predelivery preparation" means the rendition by the dealer of services and safety adjustments on each new motor vehicle in accordance with the procedure and safety standards required by the manufacturer of the vehicle to be made before its delivery to the purchaser. "Performance of authorized post-sale work pursuant to the warranty", as used herein, means the rendition of services which are required by the terms of the warranty that stands extended to the vehicle at the time of its sale and are to be made in accordance with the safety standards prescribed by the manufacturer. The term includes premises or facilities at which a person engages only in the repair of motor vehicles if repairs are performed pursuant to the terms of a franchise and motor vehicle manufacturer's warranty. For the purpose of Sections 561 through 567, 572, 578.1, 579, and 579.1 of this title, the terms new motor vehicle dealer and "new motor vehicle dealership" shall be synonymous. The term new motor vehicle dealer does not include:

- a. receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under judgment or order of any court,
- b. public officers while performing or in operation of their duties,
- c. employees of persons, corporations, or associations enumerated in subparagraph a of this paragraph when engaged in the specific performance of their duties as such employees, or
- d. a powersports vehicle dealer;

3. "Salesperson" means any person, resident or nonresident, who, for gain or compensation of any kind, either directly or indirectly, regularly or occasionally, by any form of agreement or arrangement, sells or negotiates for the sale, lease, or conveyance or arranges the financing of any new motor vehicle or powersports vehicle as an employee for any new motor vehicle dealer or powersports vehicle dealer to any one or more third parties;

4. "Commission" means the Oklahoma New Motor Vehicle Commission;

5. "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, that manufactures or assembles new and unused motor vehicles or new and unused powersport vehicles or that engages in the fabrication or assembly of motorized vehicles of a type required to be registered in this state;

6. "Distributor" means any person, firm, association, corporation, or trust, resident or nonresident, that, being authorized by the original manufacturer, in whole or in part sells or distributes new and unused motor vehicles to new motor vehicle dealers or new and unused powersport vehicles to powersport vehicle dealers, or that maintains distributor representatives;

7. "Factory branch" means any branch office maintained by a person, firm, association, corporation, or trust that manufactures or assembles motor vehicles or powersport vehicles for the sale of motor vehicles or powersport vehicles to distributors, or for the sale of motor vehicles to new motor vehicle dealers, or for the sale of powersport vehicles to new powersport vehicle dealers, or for directing or supervising, in whole or in part, its representatives;

8. "Distributor branch" means any branch office similarly maintained by a distributor for the same purposes a factory branch is maintained;

9. "Factory representative" means any officer, agent, employee, or person engaged as a representative of a manufacturer of motor vehicles or powersport vehicles or by a factory branch, for the purpose of making or promoting the sale of its motor vehicles or powersport vehicles, or for supervising or contacting its dealers or prospective dealers;

10. "Distributor representative" means any person, officer, agent, or employee engaged as a representative of a distributor or distributor branch of motor vehicles or powersport vehicles, for the purpose of making or promoting the sale of its motor vehicles or powersport vehicles, or for supervising or contacting its dealers or prospective dealers;

11. "Franchise" means any contract or agreement between a new motor vehicle dealer or a powersports vehicle dealer and a manufacturer of a new motor vehicle or powersports vehicle or its distributor or factory branch by which the new motor vehicle dealer or new powersports vehicle dealer is authorized to engage in the activities of a new motor vehicle dealer or new powersports vehicle dealer as defined by this section;

12. "New or unused motor vehicle" means a vehicle which is in the possession of the manufacturer or distributor or has been sold only to the holder of a valid franchise granted by the manufacturer or distributor for the sale of that make of new vehicle so long as the manufacturer's statement of origin has not been assigned to anyone other than a licensed franchised new motor vehicle dealer of the same line-make;

13. "Area of responsibility" means the geographical area, as designated by the manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative, in which the new motor vehicle dealer or powersports dealer is held responsible for the promotion and development of sales and rendering of service for the make of motor vehicle or powersports vehicle for which the new motor vehicle dealer or new powersports vehicle dealer holds a franchise or selling agreement;

14. "Off premises" means at a location other than the address designated on the new motor vehicle dealer's or new powersports vehicle dealer's license;

15. "Sponsoring entity" means any person, firm, association, corporation, or trust which has control, either permanently or temporarily, over the real property upon which the off-premises sale or display is conducted;

16. "Product" means new motor vehicles and new motor vehicle parts or new powersports vehicle and new powersports vehicle parts;

17. "Service" means motor vehicle or powersports vehicle warranty repairs including both parts and labor;

18. "Lead" means a consumer contact in response to a factory program designed to generate interest in purchasing or leasing a new motor vehicle or new powersports vehicle;

19. "Sell" or "sale" means to sell or lease;

20. "Factory" means a manufacturer, distributor, factory branch, distributor branch, factory representative, or distributor representative, which manufactures or distributes vehicle products,

motor vehicles or powersports vehicles, or that maintains factory representatives;

21. "Powersports vehicle" means any new or unused motorcycles, scooters, mopeds, all-terrain vehicles, and utility vehicles required to be registered under the Oklahoma Vehicle License and Registration Act, with the exception of all-terrain vehicles, utility vehicles, and motorcycles used exclusively for off-road use which are sold by a retail implement dealer;

22. "Powersports vehicle dealer" means any person, firm, or corporation, resident or nonresident, that is in the business of selling any new powersports vehicles except for retail implement dealers;

23. "Retail implement dealer" means a business engaged primarily in the sale of farm tractors as defined in Section 1-118 of this title or implements of husbandry as defined in Section 1-125 of this title or a combination thereof and is exempt from licensing by the Commission for the sale of all-terrain vehicles, utility vehicles, and motorcycles used exclusively for off-road use;

24. "Consumer data" means nonpublic personal information as defined in 15 U.S.C., Section 6809(4) as it existed on January 1, 2023, that is:

- a. collected by a new motor vehicle dealer, and
- b. provided by the new motor vehicle dealer directly to a manufacturer or third party acting on behalf of a manufacturer.

The term shall not include the same or similar data obtained by a manufacturer from any source other than the new motor vehicle dealer or new motor vehicle dealer's data management system; and

25. "Fleet vehicle" means a new motor vehicle sold and titled or registered to a business and used for business purposes only. Added by Laws 1953, p. 179, § 2, emerg. eff. May 26, 1953. Amended by Laws 1959, p. 205, § 2, emerg. eff. July 16, 1959; Laws 1967, c. 251, §§ 1 and 2, emerg. eff. May 8, 1967; Laws 1970, c. 197, § 2, emerg. eff. April 13, 1970; Laws 1973, c. 189, § 1, emerg. eff. May 17, 1973; Laws 1977, c. 14, § 1, emerg. eff. March 18, 1977; Laws 1980, c. 85, § 9, eff. Jan. 1, 1981; Laws 1985, c. 229, § 4, eff. Nov. 1, 1985; Laws 1998, c. 269, § 1, eff. Nov. 1, 1998; Laws 2000, c. 80, § 1, emerg. eff. April 14, 2000; Laws 2000, c. 341, § 1, eff. Nov. 1, 2000; Laws 2001, c. 148, § 1, emerg. eff. April 30, 2001; Laws 2005, c. 284, § 11, eff. July 1, 2005; Laws 2006, c. 213, § 2, eff. Nov. 1, 2006; Laws 2008, c. 315, § 2, emerg. eff. June 2, 2008; Laws 2009, c. 182, § 7, eff. Nov. 1, 2009; Laws 2011, c. 272, § 20, eff. Jan. 1, 2012; Laws 2013, c. 191, § 1, eff. Nov. 1, 2013; Laws 2023, c. 29, § 3, eff. Nov. 1, 2023; Laws 2024, c. 240, § 2, eff. Nov. 1, 2024; Laws 2025, c. 448, § 2, eff. Nov. 1, 2025.

§47-563. See the following versions:

OS 47-563v1 (SB 2035, Laws 2024, c. 236, § 3)

OS 47-563v2 (HB 2160, Laws 2025, c. 448, § 3)

§47-563v1. Oklahoma New Motor Vehicle Commission.

A. There is hereby created the Oklahoma New Motor Vehicle Commission, to be composed of nine (9) members. Seven of the members shall have been engaged in the manufacture, distribution, or sale of new motor vehicles and two members shall be lay members, all to be appointed by the Governor of this state, with the advice and consent of the Senate. Appointments shall be made within thirty (30) days after November 1, 1985. Each of the Commissioners thus appointed shall, at the time of the appointment, be a resident in good faith of this state, shall be of good moral character, and each of the industry-related Commissioners shall have been actually engaged in the manufacture, distribution, or sale of new motor vehicles for not less than ten (10) years preceding the appointment. The members of the Commission shall serve at the pleasure of the Governor.

B. 1. The Commissioners shall elect a chair from amongst them whose term shall be for one (1) year with the right to succeed himself or herself.

2. There shall be three at-large members of the Commission. Six members of the Commission shall be appointed from the following geographical areas with at least one member from each area:

- a. four areas of the state shall be the northwest, northeast, southwest, and southeast sections designated by Interstate 35 dividing the state east and west and Interstate 40 dividing the state north and south, excluding Oklahoma County and Tulsa County, and
- b. two additional areas shall be Oklahoma County and Tulsa County.

There shall not be more than two members of the Commission from any one area.

C. The terms of office of the members first appointed to the Commission shall be as follows:

1. The members appointed from the northwest, northeast, and southwest areas shall serve until June 30, 1987;
2. The members appointed from the southeast area and Oklahoma County and Tulsa County shall serve until June 30, 1989; and
3. The members appointed at large shall serve until June 30, 1991.

Each member shall serve until a successor is appointed and qualifies. Thereafter, the term of office of each member of the Commission shall be for six (6) years. The term of office of any member will automatically expire if the member moves out of the geographical area from which the member was appointed. In event of

death, resignation, removal, or term automatically expiring of any person serving on the Commission, the vacancy shall be filled by appointment as provided for the unexpired portion of the term. The Commission shall meet in Oklahoma City and complete its organization immediately after the membership has been appointed and has qualified. The chair and each member of the Commission shall take and subscribe to the oath of office required of public officers.

D. The members of the Commission shall receive reimbursement for subsistence and traveling expenses necessarily incurred in the performance of their duties as provided by the State Travel Reimbursement Act.

E. The Commission shall appoint a qualified person to serve as Executive Director thereof, which person shall have had not less than ten (10) years of experience in the motor vehicle industry. The Executive Director shall be appointed for a term of six (6) years, and shall not be subject to dismissal or removal without cause. The Commission shall fix the salary and prescribe the duties of the Executive Director. The Executive Director shall devote such time as necessary to fulfill the duties thereof, and before entering upon such duties shall take and subscribe to the oath of office. The Executive Director may employ such clerical, technical, and other help and legal services and incur such expenses as may be necessary for the proper discharge of the duties of the Executive Director under Section 561 et seq. of this title. The Commission shall maintain its office and transact its business in Oklahoma City, and it is authorized to adopt and use a seal. The Executive Director is hereby authorized to hire, retain, or otherwise acquire the services of an attorney to represent the Commission in any and all state and federal courts, and assist the Commission in any and all business or legal matters that may come before it. The attorney so representing the Commission shall discharge the duties under the direction of the Executive Director.

F. The Commission is hereby vested with the powers necessary to enable it to fully and effectively carry out the provisions and objects of Section 561 et seq. of this title and Section 2 of this act, and is hereby authorized and empowered to make and enforce all reasonable rules and to adopt and prescribe all forms necessary to accomplish such purpose. All forms used by a new motor vehicle dealer to facilitate the delivery of a vehicle pending approval of financing shall be approved by the Commission. Spot delivery agreement forms shall be required for all new motor vehicle deliveries subject to dealers finding lending institutions to purchase the retail installment contracts executed by the purchasing and selling parties.

G. All fees, charges, and fines collected under the provisions of Section 561 et seq. of this title and Section 2 of this act shall be deposited by the Executive Director in the State Treasury in

accordance with the depository laws of this state in a special fund to be known as the "Oklahoma New Motor Vehicle Commission Fund", which is hereby created, and except as hereinafter provided the monies in the fund shall be used by the Commission for the purpose of carrying out and enforcing the provisions of Section 561 et seq. of this title and Section 2 of this act. Expenditures from the fund shall be made upon vouchers approved by the Commission or its authorized officers.

At the close of each fiscal year, the Commission shall file with the Governor and the State Auditor and Inspector a true and correct report of all fees, fines, and charges collected and received by it during the preceding fiscal year and shall at the same time pay into the General Revenue Fund of the state a sum equal to ten percent (10%) of the fees, fines, and charges collected and received.

All expenses incurred by the Commission in carrying out the provisions of Section 561 et seq. of this title and Section 2 of this act, including but not limited to per diem, wages, salaries, rent, postage, advertising, supplies, bond premiums, travel, and subsistence for the Commissioners, the Executive Director, employees, and legal counsel, and printing and utilities, shall be a proper charge against such fund, exclusive of the portion thereof to be paid into the General Revenue Fund as above set out. In no event shall liability ever accrue hereunder against this state in any sum whatsoever, or against the Oklahoma New Motor Vehicle Commission Fund, in excess of the ninety percent (90%) of the fees, fines, and charges deposited therein.

Added by Laws 1953, p. 180, § 3, emerg. eff. May 26, 1953. Amended by Laws 1959, p. 206, §§ 3, 4 and 5, emerg. eff. July 16, 1959; Laws 1967, c. 251, §§ 3, 4 and 5, emerg. eff. May 8, 1967; Laws 1969, c. 241, § 2, emerg. eff. April 21, 1969; Laws 1970, c. 197, § 3, emerg. eff. April 13, 1970; Laws 1977, c. 14, § 2, emerg. eff. March 18, 1977; Laws 1979, c. 30, § 14, emerg. eff. April 6, 1979; Laws 1985, c. 229, § 5, eff. Nov. 1, 1985; Laws 1998, c. 269, § 2, eff. Nov. 1, 1998; Laws 2023, c. 29, § 4, eff. Nov. 1, 2023; Laws 2024, c. 236, § 3, eff. Sept. 1, 2024.

NOTE: Laws 1985, c. 178, § 21 repealed by Laws 1989, c. 353, § 14, emerg. eff. June 3, 1989.

§47-563v2. Oklahoma New Motor Vehicle Commission.

A. There is hereby created the Oklahoma New Motor Vehicle Commission, to be composed of nine (9) members. Seven of the members shall have been engaged in the manufacture, distribution, or sale of new motor vehicles and two members shall be lay members, all to be appointed by the Governor of the State of Oklahoma, with the advice and consent of the Senate. Appointments shall be made within thirty (30) days after November 1, 1985. Each of the Commissioners thus appointed shall, at the time of the appointment, be a resident

in good faith of this state, shall be of good moral character, and each of the industry related Commissioners shall have been actually engaged in the manufacture, distribution, or sale of new motor vehicles, new powersport vehicles or new recreational vehicles for not less than ten (10) years preceding the appointment. The members of the Commission shall serve at the pleasure of the Governor.

B. 1. The Commissioners shall elect a chair from amongst them whose term shall be for one (1) year with the right to succeed himself or herself.

2. There shall be three at large members of the Commission. Six members of the Commission shall be appointed from the following geographical areas with at least one member from each area:

- a. four areas of the state shall be the northwest, northeast, southwest, and southeast sections designated by Interstate 35 dividing the state east and west and Interstate 40 dividing the state north and south, excluding Oklahoma County and Tulsa County, and
- b. two additional areas shall be Oklahoma County and Tulsa County.

There shall not be more than two members of the Commission from any one area.

C. The terms of office of the members first appointed to the Commission shall be as follows:

1. The members appointed from the northwest, northeast, and southwest areas shall serve until June 30, 1987;

2. The members appointed from the southeast area and Oklahoma County and Tulsa County shall serve until June 30, 1989; and

3. The members appointed at large shall serve until June 30, 1991.

Each member shall serve until a successor is appointed and qualifies. Thereafter, the term of office of each member of the Commission shall be for six (6) years. The term of office of any member will automatically expire if the member moves out of the geographical area from which the member was appointed. In event of death, resignation, removal, or term automatically expiring of any person serving on the Commission, the vacancy shall be filled by appointment as provided for the unexpired portion of the term. The Commission shall meet at Oklahoma City and complete its organization immediately after the membership has been appointed and has qualified. The chair and each member of the Commission shall take and subscribe to the oath of office required of public officers.

D. The members of the Commission shall receive reimbursement for subsistence and traveling expenses necessarily incurred in the performance of their duties as provided by the State Travel Reimbursement Act.

E. The Commission shall appoint a qualified person to serve as Executive Director thereof, which person shall have had not less than ten (10) years of experience in the motor vehicle industry. The Executive Director shall be appointed for a term of six (6) years, and shall not be subject to dismissal or removal without cause. The Commission shall fix the salary and prescribe the duties of the Executive Director. The Executive Director shall devote such time as necessary to fulfill the duties thereof, and before entering upon such duties shall take and subscribe to the oath of office. The Executive Director may employ such clerical, technical, and other help and legal services and incur such expenses as may be necessary for the proper discharge of the duties of the Executive Director under Section 561 et seq. of this title. The Commission shall maintain its office and transact its business in Oklahoma City, and it is authorized to adopt and use a seal. The Executive Director is hereby authorized to hire, retain, or otherwise acquire the services of an attorney to represent the Commission in any and all state and federal courts, and assist the Commission in any and all business or legal matters that may come before it. The attorney so representing the Commission shall discharge the duties under the direction of the Executive Director.

F. The Commission is hereby vested with the powers necessary to enable it to fully and effectively carry out the provisions and objects of Section 561 et seq. of this title, and is hereby authorized and empowered to make and enforce all reasonable rules and to adopt and prescribe all forms necessary to accomplish such purpose. All forms used by a new motor vehicle dealer or powersports vehicle dealer to facilitate the delivery of a vehicle pending approval of financing shall be approved by the Commission. Spot delivery agreement forms shall be required for all new motor vehicle or powersport vehicle deliveries subject to dealers finding lending institutions to purchase the retail or lease installment contracts executed by the purchasing and selling parties.

G. All fees, charges and fines collected under the provisions of Section 561 et seq. of this title shall be deposited by the Executive Director in the State Treasury in accordance with the depository laws of this state in a special fund to be known as the "Oklahoma New Motor Vehicle Commission Fund", which is hereby created, and except as hereinafter provided the monies in the fund shall be used by the Commission for the purpose of carrying out and enforcing the provisions of Section 561 et seq. of this title. Expenditures from the fund shall be made upon vouchers approved by the Commission or its authorized officers.

At the close of each fiscal year, the Commission shall file with the Governor and the State Auditor and Inspector a true and correct report of all fees, fines and charges collected and received by it during the preceding fiscal year and shall at the same time pay into

the General Revenue Fund of the state a sum equal to ten percent (10%) of the fees, fines, and charges collected and received.

All expenses incurred by the Commission in carrying out the provisions of Section 561 et seq. of this title, including but not limited to per diem, wages, salaries, rent, postage, advertising, supplies, bond premiums, travel, and subsistence for the Commissioners, the Executive Director, employees, and legal counsel, and printing and utilities, shall be a proper charge against such fund, exclusive of the portion thereof to be paid into the General Revenue Fund as above set out. In no event shall liability ever accrue hereunder against this state in any sum whatsoever, or against the Oklahoma New Motor Vehicle Commission Fund, in excess of the ninety percent (90%) of the fees, fines, and charges deposited therein.

Added by Laws 1953, p. 180, § 3, emerg. eff. May 26, 1953. Amended by Laws 1959, p. 206, §§ 3, 4 and 5, emerg. eff. July 16, 1959; Laws 1967, c. 251, §§ 3, 4 and 5, emerg. eff. May 8, 1967; Laws 1969, c. 241, § 2, emerg. eff. April 21, 1969; Laws 1970, c. 197, § 3, emerg. eff. April 13, 1970; Laws 1977, c. 14, § 2, emerg. eff. March 18, 1977; Laws 1979, c. 30, § 14, emerg. eff. April 6, 1979; Laws 1985, c. 229, § 5, eff. Nov. 1, 1985; Laws 1998, c. 269, § 2, eff. Nov. 1, 1998; Laws 2023, c. 29, § 4, eff. Nov. 1, 2023; Laws 2024, c. 240, § 3, eff. Nov. 1, 2024; Laws 2025, c. 448, § 3, eff. Nov. 1, 2025.

NOTE: Laws 1985, c. 178, § 21 repealed by Laws 1989, c. 353, § 14, emerg. eff. June 3, 1989.

§47-564. See the following versions:

OS 47-564v1 (HB 2158, Laws 2025, c. 119, § 2)

OS 47-564v2 (HB 2160, Laws 2025, c. 448, § 4)

§47-564.1. Off-premises displays of new motor vehicles and new powersports vehicles.

A. The Oklahoma New Motor Vehicle Commission shall provide for off-premises displays of new motor vehicles by currently licensed new motor vehicle dealers. An off-premises event may be held for display purposes only, without the need for permits, under the following conditions:

1. The new motor vehicles are for display purposes only and not for sale at the off-premises display event;
2. No selling activities shall be conducted;
3. The display is in the new motor vehicle dealer's factory-approved area of sales and service responsibility;
4. The new motor vehicle dealer shall obtain written approval from the manufacturer or distributor; and
5. The new motor vehicle dealer is required to obtain approval for the display location from the sponsoring entity.

B. The Oklahoma New Motor Vehicle Commission shall provide for off-premises displays or sales of powersports vehicles by currently licensed new powersports vehicle dealers. An off-premises event may be held for display or sale purposes only under the following conditions:

1. The event is in the new powersport vehicle dealer's factory-approved area of sales and service responsibility;

2. The new powersport vehicle dealer must obtain written approval from the manufacturer or distributor;

3. The new powersport vehicle dealer must submit an application to obtain off-premises sales permits for new powersports being offered for sale at the event, at least seven (7) days prior to the event, and the permit fee is Fifteen Dollars (\$15.00) for each new powersport at the event;

4. The sponsor of the event must submit an application to obtain an off-premises sponsoring entity sales permit, at least seven (7) days prior to the event, and the permit fee is Two Hundred Dollars (\$200.00) for the event; and

5. No permit application or fee is required by the new powersports vehicle dealer nor sponsoring entity for an off-premises display only event.

C. The Oklahoma New Motor Vehicle Commission is authorized to provide a variance to the conditions specified in this section, for any off-premises display or sales event if the off-premises display is conducted within municipal, county, or state-owned or controlled facilities or within the grounds of any county, district, or state fair.

Added by Laws 1985, c. 229, § 7, eff. Nov. 1, 1985. Amended by Laws 1986, c. 101, § 1, emerg. eff. April 5, 1986; Laws 1993, c. 56, § 1, eff. Sept. 1, 1993; Laws 2001, c. 91, § 1, eff. Nov. 1, 2001; Laws 2005, c. 228, § 2, eff. Nov. 1, 2005; Laws 2008, c. 315, § 3, emerg. eff. June 2, 2008; Laws 2011, c. 272, § 21, eff. Jan. 1, 2012; Laws 2023, c. 29, § 6, eff. Nov. 1, 2023; Laws 2024, c. 240, § 5, eff. Nov. 1, 2024.

§47-564.2. Certificate of registration for new motor vehicle or powersports vehicle salesperson – Penalties.

It shall be punishable by an administrative fine not to exceed Five Hundred Dollars (\$500.00) for any person, resident, or nonresident to engage in business as, or serve in the capacity of, a new motor vehicle salesperson or powersports vehicle salesperson in this state without first obtaining a certificate of registration with the Oklahoma New Motor Vehicle Commission. The cost of registration for each new salesperson shall be set at Twenty-five Dollars (\$25.00) to be renewed annually. The cost of registration and any administrative fine is to be borne by the salesperson's employing entity. The Commission shall promulgate rules and

procedures necessary for the implementation and creation of the registry and the issuance of certificates of registration. Added by Laws 2019, c. 79, § 7, eff. Nov. 1, 2019. Amended by Laws 2021, c. 444, § 1, eff. Nov. 1, 2021; Laws 2023, c. 29, § 7, eff. Nov. 1, 2023; Laws 2024, c. 240, § 6, eff. Nov. 1, 2024; Laws 2025, c. 448, § 5, eff. Nov. 1, 2025.

§47-564.3. Dealer management system providers—Authorized actions—Restrictions—Authorized integrators.

A. As used in this section:

1. "Access fee" means a requirement to pay money for access to protected dealer data that is in addition to an amount specified in a written and executed contract for goods and services;

2. "Authorized integrator" means a person who a dealer has a contractual relationship with or the dealer otherwise gives express written authorization to have access to protected dealer data stored on a dealer data system or to write protected dealer data to the dealer data system for the purpose of performing a specific function for the dealer;

3. "Dealer data system" means software, hardware, or firmware that a dealer leases or rents from a dealer management system provider for the purpose of storing protected dealer data;

4. "Dealer management system provider" means a person who, for compensation, maintains and provides access to a dealer data system in which a dealer stores protected dealer data;

5. "Protected dealer data" means:

a. consumer data that a dealer generated or that the consumer provided to the dealer that is not otherwise publicly available and the consumer has not otherwise provided consent or acknowledgment to share the information, and

b. any other dealer data in connection with the dealer's daily business operations in which a dealer has rights in a dealer data system; and

6. Authorized integrator and dealer management system provider do not include:

a. a factory or any entity that acts on behalf of, a factory, including any subsidiary or affiliate of a factory, or

b. a governmental body or other person that is acting in accordance with federal, state, or local law, or a valid court order.

B. A dealer management system provider may:

1. Condition access and ability of a dealer or authorized integrator to receive, share, copy, use, write, or transmit protected dealer data from or to a dealer data system on the

dealer's or authorized integrator's compliance with commercially reasonable data security standards;

2. Require an authorized integrator to have express written authorization from a dealer before allowing the authorized integrator to gain access to, receive, share, copy, use, or transmit protected dealer data; and

3. Deny access to a dealer data system to a dealer if the dealer fails to pay an amount due to the dealer management system provider under a lease, contract, or other agreement concerning the dealer's access to or use of the dealer data system.

C. Except as provided in subsection B of this section, a dealer management system provider shall not take any action that would limit or prohibit the ability of a dealer or an authorized integrator to receive, protect, store, copy, share, or use protected dealer data using means that include, but are not limited to:

1. Imposing an access fee on a dealer or authorized integrator; and

2. Restricting a dealer or an authorized integrator from sharing protected dealer data or writing data or having access to a dealer data system. Prohibited restrictions pursuant to this paragraph include, but are not limited to:

- a. limits on the scope or nature of protected dealer data to which a dealer or authorized integrator has access or may share or write to a dealer data system, and
- b. a requirement for a dealer or authorized integrator to provide sensitive or confidential business information or information that a dealer or authorized integrator uses for competitive purposes in return for access to protected dealer data or an authorization to share or write protected dealer data to a dealer data system.

D. Except as otherwise provided in this section, any term or condition of a contract with a dealer management system provider that conflicts with the requirements set forth in subsection C of this section is void and unenforceable to the extent of the conflict.

E. An authorized integrator shall:

1. Obtain express written authorization from a dealer before gaining access to, receiving, sharing, copying, using, writing, or transmitting protected dealer data;

2. Comply with security standards in gaining access to, receiving, sharing, copying, using, writing, or transmitting protected dealer data; and

3. Allow a dealer to withdraw, revoke, or amend any express written authorization the dealer provides under paragraph 1 of this subsection:

- a. at the sole discretion of the dealer, if the dealer gives a thirty-day prior notice to an authorized integrator, or
- b. immediately, for good cause.

F. 1. This section does not prevent a dealer, a dealer management system provider, or an authorized integrator from discharging the obligations of a dealer, dealer management system provider, or of an authorized integrator under federal, state, or local law to secure and prevent unauthorized access to protected dealer data, or from limiting the scope of the obligations, in accordance with federal, state, or local law.

2. A dealer management system provider is not liable for any action that a dealer takes directly with respect to securing or preventing unauthorized access to protected dealer data, or for actions that an authorized integrator takes in appropriately following the written instructions of the dealer for securing or preventing unauthorized access to protected dealer data, to the extent that the actions prevent the dealer management system provider from meeting a legal obligation to secure or prevent unauthorized access to protected dealer data.

3. A dealer is not liable for any action that an authorized integrator takes directly with respect to securing or preventing unauthorized access to protected dealer data, or for actions that the authorized integrator takes in appropriately following the written instructions of the dealer for securing or preventing unauthorized access to protected dealer data, to the extent that the actions prevent the dealer from meeting a legal obligation to secure or prevent unauthorized access to protected dealer data.

4. An authorized integrator is not liable for any action that a dealer takes directly with respect to securing or preventing unauthorized access to protected dealer data, or for actions that the dealer takes in appropriately following the written instructions of the authorized integrator for securing or preventing unauthorized access to protected dealer data, to the extent that the actions prevent the authorized integrator from meeting a legal obligation to secure or prevent unauthorized access to protected dealer data.

5. A factory or any entity that acts on behalf of a factory, including any subsidiary or affiliate of a factory, is not liable for any action that a dealer, dealer management system provider, authorized integrator, or other third party, except for a third party who the manufacturer has provided the data to as provided for in paragraph 7 of this subsection, takes directly with respect to securing or preventing unauthorized access to protected dealer data or for actions that an authorized integrator, dealer management system provider, or other third party takes in appropriately following the written instructions of the dealer for securing or preventing unauthorized access to protected dealer data.

6. Notwithstanding any other agreement, an authorized integrator shall indemnify and hold the new motor vehicle dealer harmless from any third-party claims asserted against or damages incurred by the new motor vehicle dealer to the extent caused by access to, use of, or disclosure of consumer data in violation of this section.

7. Notwithstanding any other agreement, a factory or any entity that acts on behalf of a factory, including any subsidiary or affiliate of a factory, shall indemnify the dealer for any third-party claims asserted against or damages incurred by the dealer to the extent the claims or damages are caused by the access to and unlawful disclosure of protected dealer data resulting from a breach caused by the manufacturer or distributor or a third party to which the manufacturer or distributor has provided the protected dealer data in violation of this section, the written consent granted by the dealer, or other applicable state or federal law.

G. A factory or entity that acts on behalf of, a factory, including any subsidiary or affiliate of a factory, may not prohibit an Authorized Integrator that has satisfied or is compliant with commercially reasonable data security standards and that the dealer has identified as one of its authorized integrators from integrating into the dealer's dealer data system or place an unreasonable restriction on integration by an authorized integrator or other third party that the dealer wishes to be an authorized integrator. For the purposes of this subsection, "unreasonable restriction" includes:

1. Imposing an access fee on a dealer or authorized integrator;
2. An unreasonable limitation or condition on the scope or nature of the data that is shared with an authorized integrator;
3. An unreasonable limitation on the ability of the authorized integrator to write data to a dealer data system;
4. An unreasonable limitation or condition on an authorized integrator that accesses or shares protected dealer data or that writes data to a dealer data system; and
5. Requiring unreasonable access to an authorized integrator's sensitive, competitive, or other confidential business information as a condition for accessing protected dealer data or sharing protected dealer data with an authorized integrator.

Notwithstanding paragraph 1 of this subsection, a factory, or entity that acts on behalf of a factory, including any subsidiary or affiliate of a factory may charge a motor vehicle dealer or authorized integrator for actual costs associated with modifications to a franchisor's electronic systems to enable a functional and secure interface with the authorized integrator's system and software.

Added by Laws 2023, c. 29, § 1, eff. Nov. 1, 2023. Amended by Laws 2025, c. 119, § 3, eff. Nov. 1, 2025.

§47-564v1. Licenses.

A. It shall be unlawful for any person, firm, association, corporation, partnership, trust, joint venture, or common entity thereof, to engage in business as, or serve in the capacity of, or act as a new motor vehicle dealer, powersports dealer, or manufacturer or distributor of new motor vehicles or powersports vehicles, or factory branch, distributor branch or factory representative or distributor representative, as defined in Section 562 of this title, in this state without first obtaining a license therefor as provided for by law. Any person, firm, association, corporation, partnership, trust, joint venture, or common entity thereof, engaging in more than one of such capacities or having more than one place where such business is carried on or conducted in this state shall be required to obtain and hold a current license for each thereof. Provided that, a new motor vehicle dealer's license shall authorize one person to sell in the event such person shall be the owner of a proprietorship, or the person designated as principal in the dealer's franchise or the managing officer or one partner if no principal person is named in the franchise. It is further provided that a factory shall not be permitted to engage in the activities of a dealer as defined in paragraph 2 of Section 562 of this title or to be licensed as a new motor vehicle dealer in this state, except as provided by subparagraph b of paragraph 12 of Section 565 of this title.

B. Applications for licenses required to be obtained under the provisions of Section 561 et seq. of this title shall be verified by the oath or affirmation of the applicant and shall be on forms prescribed by the Oklahoma New Motor Vehicle Commission and furnished to the applicants, and shall contain information as the Commission deems necessary to enable it to fully determine the qualifications and eligibility of the several applicants to receive the license or licenses applied for. The Commission shall require in such application, or otherwise, information relating to the applicant's current financial standing, the applicant's business integrity, whether the applicant has an established place of business and is primarily engaged in the pursuit, avocation, or business for which a license, or licenses, are applied for, and whether the applicant is able to properly conduct the business for which a license, or licenses, are applied for, and such other pertinent information consistent with the safeguarding of the public interest and the public welfare. All applications for license or licenses shall be accompanied by the appropriate fee or fees therefor in accordance with the schedule thereof hereinafter set out. In the event any application is denied and the license applied for is not issued, the entire license fee shall be returned to the applicant. All licenses issued under the provisions of Section 561

et seq. of this title shall expire on June 30, following the date of issue and shall be nontransferable. All applications for renewal of a license for a new motor vehicle dealer, powersports dealer, manufacturer, distributor, or manufacturer's or distributor's representative shall be submitted by June 1 of each year, and such license or licenses will be issued by July 1. If applications have not been made for renewal of licenses at the times described in this subsection, it shall be illegal for any person to represent himself or herself and act as a dealer, manufacturer, distributor, or manufacturer's or distributor's representative. Service Oklahoma and licensed operators will be notified not to accept such dealers' titles until such time as licenses have been issued by the Commission.

C. The schedule of license fees to be charged and received by the Commission for the licenses issued hereunder shall be as follows:

1. For each factory branch or distributor branch, Four Hundred Dollars (\$400.00) initial fee with annual renewal fee of Three Hundred Dollars (\$300.00);

2. For each manufacturer or distributor of new motor vehicles or new powersport vehicles, Four Hundred Dollars (\$400.00) initial fee with annual renewal fee of Three Hundred Dollars (\$300.00);

3. For each factory representative or distributor representative, One Hundred Dollars (\$100.00) annually;

4. For each new motor vehicle dealer, except powersports vehicle dealers, initial fee of Three Hundred Dollars (\$300.00) per franchise sold at each location licensed, with an annual renewal fee of One Hundred Dollars (\$100.00) per franchise sold at each location licensed per year; and

5. For each powersports vehicle dealer, initial fee of Three Hundred Dollars (\$300.00) per manufacturer represented by the dealer at each location licensed, with an annual renewal fee of One Hundred Dollars (\$100.00) per manufacturer represented by the dealer at each location licensed per year.

D. The licenses issued to each new motor vehicle dealer, new powersports vehicle dealer, manufacturer, distributor, factory branch, or distributor branch shall specify the location of the factory, office, or branch thereof. In case such location is changed, the Commission may endorse the change of location on the license without charge unless the change of address triggers a relocation of a new motor vehicle dealer or new powersports vehicle dealer pursuant to the provisions of Section 578.1 of this title. The licenses of each new vehicle dealer shall be posted in a conspicuous place in the dealer's place or places of business.

Every motor vehicle factory representative or distributor representative shall physically possess the license when engaged in business and shall display such upon request. The name of the

employer of such factory representative or distributor representative shall be stated on the license.

E. The new powersports dealer license shall only allow the sale of the specific types of powersports vehicles authorized by the manufacturer and agreed to by the powersports dealer.

Added by Laws 1953, p. 181, § 4, emerg. eff. May 26, 1953. Amended by Laws 1959, p. 207, § 6, emerg. eff. July 16, 1959; Laws 1967, c. 251, § 6, emerg. eff. May 8, 1967; Laws 1969, c. 241, § 3, emerg. eff. April 21, 1969; Laws 1977, c. 14, § 3, emerg. eff. March 18, 1977; Laws 1980, c. 85, § 10, eff. Jan. 1, 1981; Laws 1982, c. 239, § 1, emerg. eff. May 4, 1982; Laws 1985, c. 229, § 6, eff. Nov. 1, 1985; Laws 2001, c. 148, § 2, emerg. eff. April 30, 2001; Laws 2009, c. 425, § 1, eff. Nov. 1, 2009; Laws 2013, c. 191, § 2, eff. Nov. 1, 2013; Laws 2019, c. 79, § 1, eff. Nov. 1, 2019; Laws 2023, c. 29, § 5, eff. Nov. 1, 2023; Laws 2024, c. 240, § 4, eff. Nov. 1, 2024; Laws 2025, c. 119, § 2, eff. Nov. 1, 2025.

§47-564v2. Licenses.

A. It shall be unlawful for any person, firm, association, corporation, or trust to engage in business as, or serve in the capacity of, or act as a new motor vehicle dealer, powersports vehicle dealer, or new motor vehicle manufacturer, or distributor, factory branch, distributor branch, factory representative, or distributor representative, as defined in Section 562 of this title, in this state without first obtaining a license therefor as provided for by law. Any person, firm, association, corporation, or trust engaging in more than one of such capacities or having more than one place where such business is carried on or conducted in this state shall be required to obtain and hold a current license for each thereof. Provided that, a new motor vehicle dealer's or powersports vehicle dealer's license shall authorize one person to sell without the necessity of registering as a salesperson, so long as such person is an owner of the dealership, or the person designated as principal in the dealer's franchise or the managing officer or one partner if no principal person is named in the franchise. It is further provided that a factory or an entity affiliated by any ownership or control by the factory shall not be permitted to be licensed as a new motor vehicle dealer in this state, except as provided by subparagraph b of paragraph 12 of Section 565 of this title.

B. Applications for licenses required to be obtained under the provisions of Section 561 et seq. of this title shall be verified by the oath or affirmation of the applicant and shall be on forms prescribed by the Oklahoma New Motor Vehicle Commission and furnished to the applicants, and shall contain information as the Commission deems necessary to enable it to fully determine the qualifications and eligibility of the several applicants to receive

the license or licenses applied for. The Commission shall require in such application, or otherwise, information relating to the applicant's current financial standing, the applicant's business integrity, the applicant's criminal convictions or criminal or civil court proceedings history, whether the applicant has an established place of business and is primarily engaged in the pursuit, avocation, or business for which a license, or licenses, are applied for, and whether the applicant is able to properly conduct the business for which a license, or licenses, are applied for, and such other pertinent information consistent with the safeguarding of the public interest and the public welfare. All applications for license or licenses shall be accompanied by the appropriate fee or fees therefor in accordance with the schedule thereof hereinafter set out. In the event any application is denied and the license applied for is not issued, the entire license fee shall be returned to the applicant. All licenses issued under the provisions of Section 561 et seq. of this title shall expire on June 30, following the date of issue and shall be nontransferable. All applications for renewal of a license for a new motor vehicle dealer, powersports vehicle dealer, manufacturer, distributor, factory branch, distributor branch, or manufacturer's or distributor's representative shall be submitted by June 1 of each year, and such license or licenses will be issued by July 1. If applications have not been made for renewal of licenses at the times described in this subsection, it shall be illegal for any person to represent himself or herself and act as a dealer, manufacturer, distributor, or manufacturer's or distributor's representative. Service Oklahoma and licensed operators will be notified not to accept manufacturers' statements or certificates of origin for unlicensed dealers until such time as their licenses have been issued by the Commission.

C. The schedule of license fees to be charged and received by the Commission for the licenses issued hereunder shall be as follows:

1. For each manufacturer, distributor, factory branch, or distributor branch of new motor vehicles or powersports vehicles, Four Hundred Dollars (\$400.00) initial fee with annual renewal fee of Three Hundred Dollars (\$300.00);

2. For each factory representative or distributor representative, One Hundred Dollars (\$100.00) annually;

3. For each new motor vehicle dealer, initial fee of Three Hundred Dollars (\$300.00) per franchise sold at each location licensed, with an annual renewal fee of One Hundred Dollars (\$100.00) per franchise sold at each location licensed per year; and

4. For each powersports vehicle dealer, initial fee of Three Hundred Dollars (\$300.00) per manufacturer represented by the dealer at each location licensed, with an annual renewal fee of One Hundred

Dollars (\$100.00) per manufacturer represented by the dealer at each location licensed per year.

D. The licenses issued to each new motor vehicle dealer, new powersports vehicle dealer, manufacturer, distributor, factory branch, or distributor branch shall specify the location thereof. In case such location is changed, the Commission may endorse the change of location on the license without charge unless the change of address triggers a relocation of a new motor vehicle dealer or new powersports vehicle dealer pursuant to the provisions of Section 578.1 of this title. The licenses shall be posted in a conspicuous place in the licensee's place or places of business.

Every representative of a factory or distributor shall physically possess the license when engaged in business and shall display such upon request. The name of the employer shall be stated on the representative's license.

E. The new powersports vehicle dealer license shall only allow the sale of the specific types of powersports vehicles authorized by the manufacturer and agreed to by the powersports dealer.

Added by Laws 1953, p. 181, § 4, emerg. eff. May 26, 1953. Amended by Laws 1959, p. 207, § 6, emerg. eff. July 16, 1959; Laws 1967, c. 251, § 6, emerg. eff. May 8, 1967; Laws 1969, c. 241, § 3, emerg. eff. April 21, 1969; Laws 1977, c. 14, § 3, emerg. eff. March 18, 1977; Laws 1980, c. 85, § 10, eff. Jan. 1, 1981; Laws 1982, c. 239, § 1, emerg. eff. May 4, 1982; Laws 1985, c. 229, § 6, eff. Nov. 1, 1985; Laws 2001, c. 148, § 2, emerg. eff. April 30, 2001; Laws 2009, c. 425, § 1, eff. Nov. 1, 2009; Laws 2013, c. 191, § 2, eff. Nov. 1, 2013; Laws 2019, c. 79, § 1, eff. Nov. 1, 2019; Laws 2023, c. 29, § 5, eff. Nov. 1, 2023; Laws 2024, c. 240, § 4, eff. Nov. 1, 2024; Laws 2025, c. 448, § 4, eff. Nov. 1, 2025.

§47-565. See the following versions:

OS 47-565v1 (HB 2158, Laws 2025, c. 119, § 4)

OS 47-565v2 (HB 2160, Laws 2025, c. 448, § 6)

§47-565.1. Manufacturer's or distributor's prevention or refusal to honor succession to dealership by legal heir or devisee of new motor vehicle or new powersports vehicle dealer – Procedure.

A. For the purposes of this section, "designated successor" means a person who the new motor vehicle dealer or new powersports vehicle dealer has designated to take over operation of the dealership or a legal heir or devisee under the will of a new motor vehicle dealer or new powersports vehicle dealer or under the laws of descent and distribution of this state.

B. Notwithstanding the terms of any franchise agreement, and subject to the following conditions contained in paragraphs 1 through 5 of this subsection, any manufacturer or distributor who prevents or refuses to honor the succession to the operation of a

dealership by a designated successor without good cause or good faith, as defined in this section, shall be subject to the following procedure:

1. Within one hundred twenty (120) days after the death or departure of the new motor vehicle dealer or new powersports vehicle dealer, the manufacturer shall receive a written notice from the dealership of the designated successor who intends to become the successor dealership operator. If timely notice is not received, this paragraph shall not apply, and any succession shall be governed solely by the terms of the franchise;

2. Within thirty (30) days of receipt of the dealership's timely written notice, the manufacturer may request, and the designated successor shall, within a reasonable time, provide any information which is reasonably necessary for the manufacturer to evaluate the designated successor dealer and dealership, including applications and financing;

3. Within sixty (60) days of receipt of such information, the manufacturer shall approve or disapprove the designated successor dealer, and in case of disapproval shall communicate in writing such disapproval and grounds for disapproval to the dealership;

4. Failure of the manufacturer to act in a timely manner with respect to any time period described above shall constitute a waiver of the manufacturer's right to disapprove the proposed succession; and

5. Within ten (10) days of the dealership's receipt of the manufacturer's notice of disapproval, the dealership may file a protest of the manufacturer's decision with the Oklahoma New Motor Vehicle Commission and request a hearing. Such hearing shall be heard in a substantially similar manner as provided by Section 566 of this title, except that the Commission shall render a final decision within sixty (60) days of the filing of the protest. The manufacturer shall have the burden of proof to show that its disapproval was for a good cause and in good faith. A denial shall not be for good cause and in good faith unless the factory establishes that the designated successor is not of good moral character or fails to meet the written, reasonable, and uniformly applied requirements of the manufacturer or distributor relating to financial qualifications, general business experience, and other requirements relating to prospective franchisees. However, a designated successor who is a family member and who is of good moral character in accordance with reasonable factory qualifications and meets the factory's financial qualifications may rely on controlling executive management that is of good moral character and meets the factory's qualifications for general business experience. Any denial of the designated successor based upon a failure to agree to terms other than those contained in the existing franchise agreement, related addendums and agreements, and any written notice

provided to the existing dealer prior to the manufacturer's or distributor's receipt of any written notice from the existing dealer of the proposed transfer shall not be considered good cause for such denial. However, any proposed change to the franchise pursuant to written notice from the manufacturer or distributor, to be valid, must be in compliance with existing law. The disapproval by the manufacturer shall be final if the dealership fails to file a timely protest of the disapproval. In the event that the Commission finds that the manufacturer's disapproval was not made for good cause, then it shall issue a final order requiring the manufacturer to honor the successor designated in the notice sent by the dealership. Notwithstanding anything to the contrary in this section, a new motor vehicle or new powersports vehicle dealer may designate any person as successor by filing a written instrument pursuant to the franchise with the manufacturer during the new motor vehicle or new powersports vehicle dealer's lifetime. In such a case, the written instrument and franchise shall govern the dealership succession.

The suspension, revocation, or refusal to issue or renew a license or the imposition of any other penalty by the Commission shall be in addition to any penalty which might be imposed upon any licensee upon judgment or conviction in a court of competent jurisdiction for any violation of the provisions of Sections 561 through 567, 572, 578.1, 579, and 579.1 of this title.

Added by Laws 1985, c. 229, § 9, eff. Nov. 1, 1985. Amended by Laws 2001, c. 148, § 4, emerg. eff. April 30, 2001; Laws 2014, c. 402, § 2, eff. Nov. 1, 2014; Laws 2023, c. 29, § 9, eff. Nov. 1, 2023; Laws 2024, c. 240, § 8, eff. Nov. 1, 2024.

§47-565.2. See the following versions:

OS 47-565.2v1 (HB 3104, Laws 2024, c. 145, § 2).

OS 47-565.2v2 (HB 3105, Laws 2024, c. 240, § 9).

§47-565.2v1. Termination, cancellation or nonrenewal of new motor vehicle dealer franchise.

A. Irrespective of the terms, provisions, or conditions of any franchise, or the terms or provisions of any waiver, no manufacturer shall terminate, cancel, or fail to renew any franchise with a licensed new motor vehicle dealer unless the manufacturer has satisfied the notice requirements as provided in this section and has good cause for cancellation, termination, or nonrenewal. The manufacturer shall not attempt to cancel or fail to renew the franchise agreement of a new motor vehicle dealer in this state unfairly and without just provocation or without due regard to the equities of the dealer or without good faith as defined herein. As used herein, "good faith" means the duty of each party to any franchise agreement to act in a fair and equitable manner toward

each other, with freedom from coercion or intimidation or threats thereof from each other.

B. Irrespective of the terms, provisions, or conditions of any franchise, or the terms or provisions of any waiver, good cause shall exist for the purpose of a termination, cancellation, or nonrenewal when:

1. The new motor vehicle dealer has failed to comply with a provision of the franchise, which provision is both reasonable and of material significance to the franchise relationship, or the new motor vehicle dealer has failed to comply with reasonable performance criteria for sales or service established by the manufacturer, and the new motor vehicle dealer has been notified by written notice from the manufacturer; and

2. The new motor vehicle dealer has received written notification of failure to comply with the manufacturer's reasonable sales performance standards, capitalization requirements, facility commitments, business-related equipment acquisitions, or other such remediable failings exclusive of those reasons enumerated in paragraph 1 of subsection C of this section, and the new motor vehicle dealer has been afforded a reasonable opportunity of not less than six (6) months to comply with such a provision or criteria.

C. Irrespective of the terms, provisions, or conditions of any franchise agreement prior to the termination, cancellation, or nonrenewal of any franchise, the manufacturer shall furnish notification of such termination, cancellation, or nonrenewal to the new motor vehicle dealer and the Oklahoma New Motor Vehicle Commission as follows:

1. Not less than ninety (90) days prior to the effective date of the termination, cancellation, or nonrenewal unless for a cause described in paragraph 2 of this subsection;

2. Not less than fifteen (15) days prior to the effective date of the termination, cancellation, or nonrenewal with respect to any of the following:

- a. insolvency of the new motor vehicle dealer, or the filing of any petition by or against the new motor vehicle dealer under any bankruptcy or receivership law,
- b. failure of the new motor vehicle dealer to conduct its customary sales and service operations during its customary business hours for seven (7) consecutive business days, provided that such failure to conduct business shall not be due to an act of God or circumstances beyond the direct control of the new motor vehicle dealer, or

- c. conviction of the new motor vehicle dealer of any felony which is punishable by imprisonment or a violation of the Federal Odometer Act; and

3. Not less than one hundred eighty (180) days prior to the effective date of the termination or cancellation where the manufacturer or distributor is discontinuing the sale of the product line.

The notification required by this subsection shall be by certified mail, return receipt requested, and shall contain a statement of intent to terminate, to cancel, or to not renew the franchise, a statement of the reasons for the termination, cancellation, or nonrenewal and the date the termination shall take effect.

D. Upon the affected new motor vehicle dealer's receipt of the aforementioned notice of termination, cancellation, or nonrenewal, the new motor vehicle dealer shall have the right to file a protest of such threatened termination, cancellation, or nonrenewal with the Commission within thirty (30) days and request a hearing. The hearing shall be held within one hundred eighty (180) days of the date of the timely protest by the dealer and in accordance with the provisions of the Administrative Procedures Act, Sections 250 through 323 of Title 75 of the Oklahoma Statutes, to determine if the threatened cancellation, termination, or nonrenewal of the franchise has been for good cause and if the factory has complied with its obligations pursuant to subsections A, B, and C of this section and the factory shall have the burden of proof. Either party may request an additional one-hundred-eighty-day extension of the hearing date from the Commission. Approval of the requested extension may not be unreasonably withheld or delayed. If the Commission finds that the threatened cancellation, termination, or nonrenewal of the franchise has not been for good cause or violates subsection A, B, or C of this section, then it shall issue a final order stating that the threatened termination is wrongful. A factory shall have the right to appeal such order. During the pendency of the hearing and after the decision, through any appeal, the franchise shall remain in full force and effect, including the right to transfer the franchise. If the Commission finds that the threatened cancellation, termination, or nonrenewal is for good cause and does not violate subsection A, B, or C of this section, the new motor vehicle dealer shall have the right to an appeal. During the pendency of the action, including the final decision or appeal, the franchise shall remain in full force and effect, including the right to transfer the franchise. If the new motor vehicle dealer prevails in the threatened termination action, the Commission shall award to the new motor vehicle dealer the attorney fees and costs incurred to defend the action.

E. If the factory prevails in an action to terminate, cancel, or not renew any franchise, the new motor vehicle dealer shall be allowed fair and reasonable compensation by the manufacturer for:

1. New, current, and previous model year vehicle inventory which has been acquired from the manufacturer, and which is unused and has not been damaged or altered while in the new motor vehicle dealer's possession;

2. Supplies and parts which have been acquired from the manufacturer, for the purpose of this section, limited to any and all supplies and parts that are listed on the current parts price sheet available to the new motor vehicle dealer;

3. Equipment and furnishings, provided the new motor vehicle dealer purchased them from the manufacturer or its approved sources; and

4. Special tools, with such fair and reasonable compensation to be paid by the manufacturer within ninety (90) days of the effective date of the termination, cancellation, or nonrenewal, provided the new motor vehicle dealer has clear title to the inventory and other items and is in a position to convey that title to the manufacturer.

a. For the purposes of paragraph 1 of this subsection, fair and reasonable compensation shall be no less than the net acquisition price of the vehicle paid by the new motor vehicle dealer.

b. For the purposes of paragraphs 2, 3, and 4 of this subsection, fair and reasonable compensation shall be the net acquisition price paid by the new motor vehicle dealer less a twenty-percent (20%) straight-line depreciation for each year following the dealer's acquisition of the supplies, parts, equipment, furnishings, and/or special tools.

F. 1. If a factory prevails in an action to terminate, cancel, or not renew any franchise and the new motor vehicle dealer is leasing the dealership facilities, the manufacturer shall pay a reasonable rent to the lessor in accordance with and subject to the provisions of this subsection. Nothing in this section shall be construed to relieve a new motor vehicle dealer of its duty to mitigate damages.

Such reasonable rental value shall be paid only to the extent the dealership premises are recognized in the franchise and only if they are:

a. used solely for performance in accordance with the franchise. If the facility is used for the operation of more than one franchise, the reasonable rent shall be paid based upon the portion of the facility utilized by the franchise being terminated, canceled, or nonrenewed, and

- b. not substantially in excess of facilities recommended by the manufacturer.

2. If the facilities are owned by the new motor vehicle dealer, a related entity as defined in 26 U.S.C.A., Section 267(b), or a member, partner or shareholder of the dealership, within ninety (90) days following the effective date of the termination, cancellation, or nonrenewal, except a termination, cancellation, or nonrenewal for a cause listed in paragraph 2 of subsection C of this section, at the dealer or related entity's written request, the manufacturer shall either:

- a. locate a qualified purchaser who will offer to purchase the dealership facilities at a reasonable price,
- b. locate a qualified lessee who will offer to lease the premises for the remaining lease term at the rent set forth in the lease, or
- c. lease the dealership facilities at a reasonable rental value for the portion of the facility that is recognized in the franchise agreement one and one-half (1.5) years, or
- d. purchase the dealer's existing dealership facility and real estate at its fair market value. If the factory and dealer cannot agree on the fair market value of the terminated franchise or agree to a process to determine the fair market value, then the factory and dealer shall utilize the process described in paragraph 6 of subsection G of this section. If a manufacturer or distributor purchases a dealership facility and real estate, then it shall be entitled to sole ownership, possession, use, and control of any items, buildings, or property that were included in the contract to purchase.

3. If the facilities are leased by the new motor vehicle dealer from an entity other than a related entity as defined in 26 U.S.C.A., Section 267(b), or a member, partner, or shareholder of the dealership, within ninety (90) days following the effective date of the termination, cancellation, or nonrenewal the manufacturer will either:

- a. locate a tenant or tenants satisfactory to the lessor, who will sublet or assume the balance of the lease,
- b. arrange with the lessor for the cancellation of the lease without penalty to the new motor vehicle dealer, or
- c. failing the foregoing, lease the dealership facilities at a reasonable rent for the portion of the facility that is recognized in the franchise agreement for one

(1) year or the remainder of the lease, whichever is less.

4. The manufacturer shall not be obligated to provide assistance under this section if the new motor vehicle dealer:

- a. fails to accept a bona fide offer from a prospective purchaser, sublessee, or assignee,
- b. refuses to execute a settlement agreement with the manufacturer or lessor if such agreement with the manufacturer or lessor would be without cost to the new motor vehicle dealer, or
- c. fails to make written request for assistance under this section within ninety (90) days after the effective date of the termination, cancellation, or nonrenewal.

5. The manufacturer shall be entitled to occupy and use any space for which it pays rent required by this section.

G. In addition to the repurchase requirements set forth in subsections E and F of this section, in the event the termination, cancellation, or nonrenewal is the result of a discontinuance of a product line, the manufacturer or distributor shall compensate the new motor vehicle dealer as follows:

1. In an amount equivalent to the fair market value of the terminated franchise as of the date immediately preceding the manufacturer's or distributor's announcement or provide the new motor vehicle dealer with a replacement franchise on substantially similar terms and conditions as those offered to other same line-make dealers;

2. If the facilities are owned by the new motor vehicle dealer or a related entity as defined in 26 U.S.C.A., Section 267(b), or a member, partner, or shareholder of the dealership, and the owner has not sold the existing dealership facility and real estate within the later of one hundred eighty (180) days of listing the property for sale or ninety (90) days after the effective date of the termination, then, upon the written request of the dealer, the manufacturer or distributor shall purchase the dealer's existing dealership facility and real estate. The facility and real estate shall be valued as if a new motor vehicle dealership continues to operate on the property. If the factory and dealer cannot agree on the value of the terminated franchise or agree to a process to determine the value, then the factory and dealer shall utilize the process described in paragraph 6 of this subsection. If a manufacturer or distributor purchases a dealership facility and real estate, then it shall be entitled to sole ownership, possession, use, and control of any items, buildings, or property that were included in the contract to purchase;

3. If the facilities are leased by the new motor vehicle dealer from an entity other than a related entity as defined in 26

U.S.C.A., Section 267(b), or a member, partner or shareholder of the dealership, lease the dealership facilities at a reasonable rent for the remainder of the lease;

4. Any amount of pecuniary loss to the new motor vehicle dealership proximately caused by the discontinuation of a product line, including, but not limited to, the cost of terminating services such as the dealership management system contract;

5. The new motor vehicle dealer may immediately request payment under this section following the announcement in exchange for canceling any further franchise rights, except payments owed to the new motor vehicle dealer in the ordinary course of business, or may request payment under this section upon the final termination, cancellation, or nonrenewal of the franchise. In either case, payment under this section shall be made not later than ninety (90) days after the fair market value is determined, or the lease agreement is provided and other reasonable documentation is provided to the manufacturer or distributor sufficient to establish other pecuniary losses, whichever is later; and

6. If the factory and new motor vehicle dealer cannot agree on the value of the terminated franchise or real estate, or agree to a process to determine the value, then, within thirty (30) days of a written request by dealer, the factory shall select one appraiser, and the dealer shall select one appraiser who shall make an independent appraisal. The appraisers will be state-certified general real estate appraisers and be in good standing with the Oklahoma Real Estate Appraisal Board. Before entering upon their duties, such appraisers shall take and subscribe an oath, before a notary public or some other person authorized to administer oaths, that they will perform their duties faithfully and impartially to the best of their ability. If the appraisals are within ten percent (10%) of each other, the average of the two appraisals shall constitute the value. If the two appraisals differ by more than ten percent (10%), the two appraisers may appoint a third appraiser who shall review the two appraisals. The third appraisal, when taken with the first two appraisals and averaged among the three, shall establish the value. The cost of the third appraiser shall be shared equally by the factory and dealer. The appraisers shall make a valuation and determine the amount of compensation to be paid by the factory to the dealer. The factory will then have ninety (90) days to complete the transaction, unless otherwise agreed to by the parties. The factory and the dealer shall each be responsible for the appraiser it retains.

Added by Laws 1985, c. 229, § 10, eff. Nov. 1, 1985. Amended by Laws 2000, c. 341, § 3, eff. Nov. 1, 2000; Laws 2014, c. 402, § 3, eff. Nov. 1, 2014; Laws 2023, c. 29, § 10, eff. Nov. 1, 2023; Laws 2024, c. 145, § 2, eff. Nov. 1, 2024.

§47-565.2v2. Termination, cancellation or nonrenewal of new motor vehicle or new powersports vehicle dealer franchise.

A. Irrespective of the terms, provisions, or conditions of any franchise, or the terms or provisions of any waiver, no manufacturer shall terminate, cancel, or fail to renew any franchise with a licensed new motor vehicle dealer or new powersports vehicle dealer unless the manufacturer has satisfied the notice requirements as provided in this section and has good cause for cancellation, termination, or nonrenewal. The manufacturer shall not attempt to cancel or fail to renew the franchise agreement of a new motor vehicle dealer in this state unfairly and without just provocation or without due regard to the equities of the dealer or without good faith as defined herein. As used herein, "good faith" means the duty of each party to any franchise agreement to act in a fair and equitable manner toward each other, with freedom from coercion or intimidation or threats thereof from each other.

B. Irrespective of the terms, provisions, or conditions of any franchise, or the terms or provisions of any waiver, good cause shall exist for the purpose of a termination, cancellation, or nonrenewal when:

1. The new motor vehicle dealer or new powersports vehicle dealer has failed to comply with a provision of the franchise, which provision is both reasonable and of material significance to the franchise relationship, or the new motor vehicle dealer or new powersports vehicle dealer has failed to comply with reasonable performance criteria for sales or service established by the manufacturer, and the new motor vehicle dealer or new powersports vehicle dealer has been notified by written notice from the manufacturer; and

2. The new motor vehicle dealer or new powersports vehicle dealer has received written notification of failure to comply with the manufacturer's reasonable sales performance standards, capitalization requirements, facility commitments, business-related equipment acquisitions, or other such remediable failings exclusive of those reasons enumerated in paragraph 1 of subsection C of this section, and the new motor vehicle dealer or new powersports vehicle dealer has been afforded a reasonable opportunity of not less than six (6) months to comply with such a provision or criteria.

C. Irrespective of the terms, provisions, or conditions of any franchise agreement prior to the termination, cancellation, or nonrenewal of any franchise, the manufacturer shall furnish notification of such termination, cancellation, or nonrenewal to the new motor vehicle dealer or new powersports vehicle dealer and the Oklahoma New Motor Vehicle Commission as follows:

1. Not less than ninety (90) days prior to the effective date of the termination, cancellation, or nonrenewal unless for a cause described in paragraph 2 of this subsection;

2. Not less than fifteen (15) days prior to the effective date of the termination, cancellation, or nonrenewal with respect to any of the following:

- a. insolvency of the new motor vehicle dealer or new powersports vehicle dealer, or the filing of any petition by or against the new motor vehicle dealer or new powersports vehicle dealer under any bankruptcy or receivership law,
- b. failure of the new motor vehicle dealer or new powersports vehicle dealer to conduct its customary sales and service operations during its customary business hours for seven (7) consecutive business days, provided that such failure to conduct business shall not be due to an act of God or circumstances beyond the direct control of the new vehicle dealer, or
- c. conviction of the new vehicle dealer or new powersports vehicle dealer of any felony which is punishable by imprisonment or a violation of the Federal Odometer Act; and

3. Not less than one hundred eighty (180) days prior to the effective date of the termination or cancellation where the manufacturer or distributor is discontinuing the sale of the product line.

The notification required by this subsection shall be by certified mail, return receipt requested, and shall contain a statement of intent to terminate, to cancel, or to not renew the franchise, a statement of the reasons for the termination, cancellation, or nonrenewal and the date the termination shall take effect.

D. Upon the affected new motor vehicle or new powersports vehicle dealer's receipt of the aforementioned notice of termination, cancellation, or nonrenewal, the new motor vehicle dealer shall have the right to file a protest of such threatened termination, cancellation, or nonrenewal with the Commission within thirty (30) days and request a hearing. The hearing shall be held within one hundred eighty (180) days of the date of the timely protest by the dealer and in accordance with the provisions of the Administrative Procedures Act, Sections 250 through 323 of Title 75 of the Oklahoma Statutes, to determine if the threatened cancellation, termination, or nonrenewal of the franchise has been for good cause and if the factory has complied with its obligations pursuant to subsections A, B, and C of this section and the factory shall have the burden of proof. Either party may request an additional one-hundred-eighty-day extension of the hearing date from the Commission. Approval of the requested extension may not be unreasonably withheld or delayed. If the Commission finds that the

threatened cancellation, termination, or nonrenewal of the franchise has not been for good cause or violates subsection A, B, or C of this section, then it shall issue a final order stating that the threatened termination is wrongful. A factory shall have the right to appeal such order. During the pendency of the hearing and after the decision, the franchise shall remain in full force and effect, including the right to transfer the franchise. If the Commission finds that the threatened cancellation, termination, or nonrenewal is for good cause and does not violate subsection A, B, or C of this section, the new motor vehicle or new powersports vehicle dealer shall have the right to an appeal. During the pendency of the action, including the final decision or appeal, the franchise shall remain in full force and effect, including the right to transfer the franchise. If the dealer prevails in the threatened termination action, the Commission shall award to the dealer the attorney fees and costs incurred to defend the action.

E. If the factory prevails in an action to terminate, cancel, or not renew any franchise, the new motor vehicle or new powersports vehicle dealer shall be allowed fair and reasonable compensation by the manufacturer for:

1. New, current, and previous model year vehicle inventory which has been acquired from the manufacturer, and which is unused and has not been damaged or altered while in the dealer's possession;

2. Supplies and parts which have been acquired from the manufacturer, for the purpose of this section, limited to any and all supplies and parts that are listed on the current parts price sheet available to the dealer;

3. Equipment and furnishings, provided the dealer purchased them from the manufacturer or its approved sources; and

4. Special tools, with such fair and reasonable compensation to be paid by the manufacturer within ninety (90) days of the effective date of the termination, cancellation, or nonrenewal, provided the dealer has clear title to the inventory and other items and is in a position to convey that title to the manufacturer.

- a. For the purposes of paragraph 1 of this subsection, fair and reasonable compensation shall be no less than the net acquisition price of the vehicle paid by the dealer.
- b. For the purposes of paragraphs 2, 3, and 4 of this subsection, fair and reasonable compensation shall be the net acquisition price paid by the dealer less a twenty-percent (20%) straight-line depreciation for each year following the dealer's acquisition of the supplies, parts, equipment, furnishings, and/or special tools.

F. If a factory prevails in an action to terminate, cancel, or not renew any franchise and the new motor vehicle or new powersports vehicle dealer is leasing the dealership facilities, the manufacturer shall pay a reasonable rent to the lessor in accordance with and subject to the provisions of subsection G of this section. Nothing in this section shall be construed to relieve a new motor vehicle or new powersports vehicle dealer of its duty to mitigate damages.

G. 1. Such reasonable rental value shall be paid only to the extent the dealership premises are recognized in the franchise and only if they are:

- a. used solely for performance in accordance with the franchise. If the facility is used for the operation of more than one franchise, the reasonable rent shall be paid based upon the portion of the facility utilized by the franchise being terminated, canceled, or nonrenewed, and
- b. not substantially in excess of facilities recommended by the manufacturer.

2. If the facilities are owned by the new motor vehicle or new powersports vehicle dealer, within ninety (90) days following the effective date of the termination, cancellation, or nonrenewal, the manufacturer will either:

- a. locate a qualified purchaser who will offer to purchase the dealership facilities at a reasonable price,
- b. locate a qualified lessee who will offer to lease the premises for the remaining lease term at the rent set forth in the lease, or
- c. failing the foregoing, lease the dealership facilities at a reasonable rental value for the portion of the facility that is recognized in the franchise agreement for one (1) year.

3. If the facilities are leased by the new motor vehicle or new powersports vehicle dealer, within ninety (90) days following the effective date of the termination, cancellation, or nonrenewal the manufacturer will either:

- a. locate a tenant or tenants satisfactory to the lessor, who will sublet or assume the balance of the lease,
- b. arrange with the lessor for the cancellation of the lease without penalty to the dealer, or
- c. failing the foregoing, lease the dealership facilities at a reasonable rent for the portion of the facility that is recognized in the franchise agreement for one (1) year.

4. The manufacturer shall not be obligated to provide assistance under this section if the new motor vehicle or new powersports vehicle dealer:

- a. fails to accept a bona fide offer from a prospective purchaser, sublessee, or assignee,
- b. refuses to execute a settlement agreement with the lessor if such agreement with the lessor would be without cost to the dealer, or
- c. fails to make written request for assistance under this section within ninety (90) days after the effective date of the termination, cancellation, or nonrenewal.

5. The manufacturer shall be entitled to occupy and use any space for which it pays rent required by this section.

H. In addition to the repurchase requirements set forth in subsections E and G of this section, in the event the termination or cancellation is the result of a discontinuance of a product line, the manufacturer or distributor shall compensate the new motor vehicle or new powersports vehicle dealer in an amount equivalent to the fair market value of the terminated franchise as of the date immediately preceding the manufacturer's or distributor's announcement or provide the dealer with a replacement franchise on substantially similar terms and conditions as those offered to other same line-make dealers. The dealer may immediately request payment under this section following the announcement in exchange for canceling any further franchise rights, except payments owed to the new motor vehicle dealer in the ordinary course of business, or may request payment under this section upon the final termination, cancellation, or nonrenewal of the franchise. In either case, payment under this section shall be made not later than ninety (90) days after the fair market value is determined. If the factory and dealer cannot agree on the fair market value of the terminated franchise or agree to a process to determine the fair market value, then the factory and dealer shall utilize a neutral third-party mediator to resolve the disagreement.

Added by Laws 1985, c. 229, § 10, eff. Nov. 1, 1985. Amended by Laws 2000, c. 341, § 3, eff. Nov. 1, 2000; Laws 2014, c. 402, § 3, eff. Nov. 1, 2014; Laws 2023, c. 29, § 10, eff. Nov. 1, 2023; Laws 2024, c. 240, § 9, eff. Nov. 1, 2024.

§47-565.3. Notice to manufacturer or distributor of proposed sale, transfer, or assignment of franchise.

A. A franchised new motor vehicle or new powersports vehicle dealer proposing a sale, transfer, or assignment of a franchise agreement or the business and assets of a dealership or an interest in a dealership to another person, hereinafter transferee, shall notify the manufacturer or distributor whose vehicles the dealer is

franchised to sell of the proposed action of the dealer. The manufacturer or distributor may make written request to the proposed transferee to submit completed application forms and related information generally utilized by a manufacturer to evaluate such a proposal and a copy of all agreements related to the proposed sale, transfer, or assignment.

B. The approval by the manufacturer or distributor of the sale, transfer, or assignment shall not be unreasonably withheld unless the proposed transferee is not of good moral character or fails to meet the written, reasonable, and uniformly applied requirements of the manufacturer or distributor relating to prospective franchisees. Approval of the transfer shall not be made contingent upon the transferee meeting unreasonable facility requirements or performance standards different than those contained in the transferor's franchise agreement and related addendum and agreements, and any written notices provided to the existing dealer prior to the manufacturer's or distributor's receipt of any written notice from the existing dealer of the proposed transfer. However, to be valid, any proposed change to the franchise pursuant to written notice from the manufacturer or distributor shall be in compliance with existing law. The burden of proof shall be upon the manufacturer or distributor to show good cause existed to withhold approval. The manufacturer or distributor that has made such a determination shall send a letter by certified mail to the dealer and the applicant of its refusal to approve the proposal, which shall include a statement of the specific grounds for refusal, within sixty (60) days after the later of:

1. Receipt by the manufacturer or distributor of the notice of the proposed sale, transfer, or assignment; or

2. Receipt by the manufacturer or distributor of the information requested from the proposed transferee pursuant to subsection A of this section if the manufacturer or distributor has requested such information within fifteen (15) days of receipt of written notice of the proposed sale, transfer, or assignment.

C. Failure of the manufacturer or distributor to send its notice of refusal pursuant to subsection B of this section shall mean that the application for the proposed sale, transfer, or assignment is approved.

D. If the proposed sale, transfer, or assignment is to an existing owner's family member or other existing owner, the manufacturer or distributor's evaluation of the proposal is limited to the written, reasonable, and uniformly applied requirements of the manufacturer or distributor relating to good moral character and financial qualifications. Notwithstanding the foregoing, a change in dealer operator shall be addressed pursuant to the provisions of Section 565.1 of this title.

E. A dealership or dealership owner receiving notice of refusal of the sale, transfer, or assignment shall have the right to file a protest with the Oklahoma New Motor Vehicle Commission within thirty (30) days of receipt of the refusal. In the event a protest is filed, the manufacturer or distributor shall have the burden of proof to establish the proposed transferee or the proposed transferee's controlling executive management is not of good moral character or fails to meet the written reasonable and uniformly applied requirements of the manufacturer or distributor relating to prospective franchisees or that the facility requirements are not different than those contained in the transferor's franchise agreement.

F. Notwithstanding any other provision of this section, the dealer shall submit a signed copy of the dealer sales and service agreement resulting from any completed sale, transfer, or assignment of a franchise to the Oklahoma New Motor Vehicle Commission within fifteen (15) business days.

Added by Laws 1999, c. 132, § 1, emerg. eff. April 27, 1999.

Amended by Laws 2014, c. 402, § 4, eff. Nov. 1, 2014; Laws 2023, c. 29, § 11, eff. Nov. 1, 2023; Laws 2024, c. 240, § 10, eff. Nov. 1, 2024.

§47-565.4. Authority of new motor vehicle or new powersports vehicle dealers to offer remote software upgrades.

Any manufacturer or distributor who has new motor vehicle or new powersports vehicle sales and service agreements with new motor vehicle or new powersports vehicle dealers in this state shall allow its dealers to offer consumers any remote software upgrade or change to vehicle functions and features to a new motor vehicle or new powersports vehicle which is of a line-make the dealer holds an active sales and service contract for, as any offered to consumers by the manufacturer or distributor, and such upgrade or change shall be available for an authorized dealer to offer to consumers at any time during the life cycle of the vehicle, and subject to the manufacturer or distributor's requirements, provided the same continues to be made available and offered to consumers in this state by the manufacturer or distributor. This section does not apply to remote software upgrades or changes administered at no cost to the consumer or related solely to the safety, regulatory requirements, cybersecurity, recall of a motor vehicle or powersports vehicle, Oklahoma Statutes, or federal statutes. Nothing in this section shall be construed to limit or impair a manufacturer or distributor's intellectual property rights, or to grant a new vehicle dealer authority to sell, copy, modify, or use the manufacturer's or distributor's intellectual property in a manner that has not been authorized by the manufacturer or distributor. Nothing in this section shall obligate a manufacturer,

distributor, or other person to support or maintain any software or change to vehicle functions and features.

Added by Laws 2023, c. 29, § 2, eff. Nov. 1, 2023. Amended by Laws 2024, c. 240, § 11, eff. Nov. 1, 2024.

§47-565v1. Denial, revocation or suspension of license - Right of first refusal.

A. The Oklahoma New Motor Vehicle Commission may deny an application for a license, revoke or suspend a license, or impose a fine against any person or entity, not to exceed Ten Thousand Dollars (\$10,000.00) per occurrence, that violates any provision of Sections 561 through 567, 572, 578.1, 579, and 579.1 of this title or for any of the following reasons:

1. On satisfactory proof of unfitness of the applicant in any application for any license under the provisions of Section 561 et seq. of this title;

2. For any material misstatement made by an applicant in any application for any license under the provisions of Section 561 et seq. of this title;

3. For any failure to comply with any provision of Section 561 et seq. of this title or any rule promulgated by the Commission under authority vested in it by Section 561 et seq. of this title;

4. A change of condition after license is granted resulting in failure to maintain the qualifications for license;

5. Being a new motor vehicle dealer who:

- a. has required a purchaser of a new motor vehicle, as a condition of sale and delivery thereof, to also purchase special features, appliances, accessories, or equipment not desired or requested by the purchaser and installed by the new motor vehicle dealer,
- b. uses any false or misleading advertising in connection with business as a new motor vehicle dealer,
- c. has committed any unlawful act which resulted in the revocation of any similar license in another state,
- d. has failed or refused to perform any written agreement with any retail buyer involving the sale of a motor vehicle,
- e. has been convicted of a felony crime that substantially relates to the occupation of a new motor vehicle dealer and poses a reasonable threat to public safety,
- f. has committed a fraudulent act in selling, purchasing, or otherwise dealing in new motor vehicles or has misrepresented the terms and conditions of a sale, purchase or contract for sale or purchase of a new motor vehicle or any interest therein including an option to purchase such vehicle,

- g. has failed to meet or maintain the conditions and requirements necessary to qualify for the issuance of a license, or
 - h. completes any sale or transaction of an extended service contract, extended maintenance plan, or similar product using contract forms that do not conspicuously disclose the identity of the service contract provider;
- 6. Being a motor vehicle salesperson who is not employed as such by a licensed new motor vehicle dealer;
- 7. Being a new motor vehicle dealer who:
 - a. does not have an established place of business,
 - b. does not provide for a suitable repair shop separate from the display room with ample space to repair or recondition one or more vehicles at the same time, and which is staffed with properly trained and qualified repair technicians and is equipped with such parts, tools, and equipment as may be requisite for the servicing of motor vehicles in such a manner as to make them comply with the safety laws of this state and to properly fulfill the dealer's or manufacturer's warranty obligation,
 - c. does not hold a franchise in effect with a manufacturer or distributor of new or unused motor vehicles for the sale of the same and is not authorized by the manufacturer or distributor to render predelivery preparation of such vehicles sold to purchasers and to perform any authorized post-sale work pursuant to the manufacturer's or distributor's warranty,
 - d. employs a person without obtaining a certificate of registration for the person, or utilizes the services of used motor vehicle lots or dealers or other unlicensed persons in connection with the sale of new motor vehicles,
 - e. does not properly service a new motor vehicle before delivery of same to the original purchaser thereof, or
 - f. fails to order and stock a reasonable number of new motor vehicles necessary to meet consumer demand for each of the new motor vehicles included in the new motor vehicle dealer's franchise agreement, unless the new motor vehicles are not readily available from the manufacturer or distributor due to limited production;
- 8. Being a factory that has:
 - a. either induced or attempted to induce by means of coercion or intimidation, any new motor vehicle dealer:

- (1) to accept delivery of any motor vehicle or vehicles, parts, or accessories therefor, or any other commodities including advertising material which shall not have been ordered by the new motor vehicle dealer,
 - (2) to order or accept delivery of any motor vehicle with special features, appliances, accessories, or equipment not included in the list price of the motor vehicles as publicly advertised by the manufacturer thereof, or
 - (3) to order or accept delivery of any parts, accessories, equipment, machinery, tools, appliances, or any commodity whatsoever,
- b. induced under threat or discrimination by the withholding from delivery to a new motor vehicle dealer certain models of motor vehicles, changing or amending unilaterally the new motor vehicle dealer's allotment of motor vehicles, and/or withholding and delaying delivery of the vehicles out of the ordinary course of business, in order to induce by such coercion any new motor vehicle dealer to participate or contribute to any local or national advertising fund controlled directly or indirectly by the factory or for any other purposes such as contest, "giveaways", or other so-called sales promotional devices, and/or change of quotas in any sales contest; or has required new motor vehicle dealers, as a condition to receiving their vehicle allotment, to order a certain percentage of the vehicles with optional equipment not specified by the new motor vehicle dealer; however, nothing in this section shall prohibit a factory from supporting an advertising association which is open to all new motor vehicle dealers on the same basis,
- c. used a performance standard, sales objective, or program for measuring dealer performance that may have a material effect on a right of the dealer to vehicle allocation; or payment under any incentive or reimbursement program that is unfair, unreasonable, inequitable, and not based on accurate information,
- d. used a performance standard for measuring sales or service performance which results in penalizing any new motor vehicle dealer under the terms of the franchise agreement which:
 - (1) is unfair, unreasonable, arbitrary, or inequitable,

- (2) does not consider the relevant and material local and state or regional criteria, prevailing economic conditions affecting the sales or service performance of a vehicle dealer, and any relevant and material data and facts presented by the dealer in writing within thirty (30) days of the written notice of the manufacturer to the dealer of its intention to cancel, terminate, or not renew the dealer's franchise agreement, and
 - (3) does not consider the actual vehicle allocation offered or otherwise made available to the dealer by the manufacturer or distributor, as well as the dealer's inventory levels relevant to achieve any minimum performance standards to which the manufacturer or distributor holds the dealer accountable,
 - e. failed or refused to sell, or offer for sale, new motor vehicles to all of its authorized same line-make franchised new motor vehicle dealers at the same price for a comparably equipped motor vehicle, on the same terms, with no differential in functionally available discount, allowance, credit, or bonus, except as provided in subparagraph e of paragraph 9 of this subsection,
 - f. failed to provide reasonable compensation to a new motor vehicle dealer substantially equivalent to the actual cost of providing a manufacturer required loaner or rental vehicle to any consumer who is having a vehicle serviced at the dealership. For purposes of this paragraph, actual cost is the average cost in the new motor vehicle dealer's region for the rental of a substantially similar make and model as the vehicle being serviced, or
 - g. failed to make available to its new motor vehicle dealers a fair and proportional share of all new vehicles distributed to same line-make dealers in this state, subject to the same reasonable terms, including any vehicles distributed from a common new vehicle inventory pool outside of the factory's ordinary allocation process such as any vehicles the factory reserves to distribute on a discretionary basis;
9. Being a factory that:
- a. has attempted to coerce or has coerced any new motor vehicle dealer to enter into any agreement or to cancel any agreement; has failed to act in good faith and in a fair, equitable, and nondiscriminatory manner; has directly or indirectly coerced,

- intimidated, threatened, or restrained any new motor vehicle dealer; has acted dishonestly; or has failed to act in accordance with the reasonable standards of fair dealing,
- b. has failed to compensate its dealers for the work and services they are required to perform in connection with the dealer's delivery and preparation obligations according to the agreements on file with the Commission which must be found by the Commission to be reasonable, or has failed to adequately and fairly compensate its dealers for labor, parts, and other expenses incurred by the dealer to perform under and comply with manufacturer's warranty agreements and recall repairs which shall include diagnostic work as applicable and assistance requested by a consumer whose vehicle was subjected to an over-the-air or remote change, repair, or update to any part, system, accessory, or function by the manufacturer and performed by the dealer in order to satisfy the consumer. Time allowances for the diagnosis and performance of repair work shall be reasonable and adequate for the work to be performed. Adequate and fair compensation, which under this provision shall be no less than the rates customarily charged for retail consumer repairs as calculated herein, for parts and labor for warranty and recall repairs shall, at the option of the new motor vehicle dealer, be established by the new motor vehicle dealer submitting to the manufacturer or distributor one hundred sequential nonwarranty consumer-paid service repair orders which contain warranty-like repairs, or ninety (90) consecutive days of nonwarranty consumer-paid service repair orders which contain warranty-like repairs, whichever is less, covering repairs made no more than one hundred eighty (180) days before the submission and declaring the average percentage labor rate and/or markup rate. A new motor vehicle dealer may not submit a request to establish its retail rates more than once in a twelve-month period. That request may establish a parts markup rate, labor rate, or both. The new motor vehicle dealer shall calculate its retail parts rate by determining the total charges for parts from the qualified repair orders submitted, dividing that amount by the new motor vehicle dealer's total cost of the purchase of those parts, subtracting one (1), and multiplying by one hundred (100) to produce a percentage. The new motor vehicle dealer

shall calculate its retail labor rate by dividing the amount of the new motor vehicle dealer's total labor sales from the qualified repair orders by the total labor hours charged for those sales. When submitting repair orders to establish a retail parts and labor rate, a new motor vehicle dealer need not include repairs for:

- (1) routine maintenance including but not limited to the replacement of bulbs, fluids, filters, batteries, and belts that are not provided in the course of and related to a repair,
- (2) factory special events, specials, or promotional discounts for retail consumer repairs,
- (3) parts sold or repairs performed at wholesale,
- (4) factory-approved goodwill or policy repairs or replacements,
- (5) repairs with aftermarket parts, when calculating the retail parts rate but not the retail labor rate,
- (6) repairs on aftermarket parts,
- (7) replacement of or work on tires including front-end alignments and wheel or tire rotations,
- (8) repairs of motor vehicles owned by the new motor vehicle dealer or employee thereof at the time of the repair,
- (9) vehicle reconditioning, or
- (10) items that do not have individual part numbers including, but not limited to, nuts, bolts, and fasteners.

A manufacturer or distributor may, not later than forty-five (45) days after submission, rebut that declared retail parts and labor rate in writing by reasonably substantiating that the rate is not accurate or is incomplete pursuant to the provisions of this section. If the manufacturer or distributor determines the set of repair orders submitted by the new motor vehicle dealer pursuant to this section for a retail labor rate or retail parts markup rate is substantially higher than the new motor vehicle dealer's current warranty rates, the manufacturer or distributor may request, in writing, within forty-five (45) days after the manufacturer's or distributor's receipt of the new motor vehicle dealer's initial submission, all repair orders closed within the period of thirty (30) days immediately preceding, or thirty (30) days immediately following, the set of repair orders initially submitted by the new motor vehicle

dealer. All time periods under this section shall be suspended until the supplemental repair orders are provided. If the manufacturer or distributor requests supplemental repair orders, the manufacturer or distributor may, within thirty (30) days after receiving the supplemental repair orders and in accordance with the formula described in this subsection, calculate a proposed adjusted retail labor rate or retail parts markup rate, as applicable, based upon any set of the qualified repair orders submitted by the franchisee and following the formula set forth herein to establish the rate. The retail labor and parts rates shall go into effect thirty (30) days following the approval by the manufacturer or distributor. If the declared rate is rebutted, the manufacturer or distributor shall provide written notice stating the reasons for the rebuttal, an explanation of the reasons for the rebuttal, and a copy of all calculations used by the franchisor in determining the manufacturer or distributor's position and propose an adjustment in writing of the average percentage markup or labor rate based on that rebuttal not later than forty-five (45) days after submission. If the new motor vehicle dealer does not agree with the proposed average percentage markup or labor rate, the new motor vehicle dealer may file a protest with the Commission not later than thirty (30) days after receipt of that proposal by the manufacturer or distributor. In the event a protest is filed, the manufacturer or distributor shall have the burden of proof to establish the new motor vehicle dealer's submitted parts markup rate or labor rate was inaccurate or not complete pursuant to the provisions of this section. A manufacturer or distributor may not retaliate against any new motor vehicle dealer seeking to exercise its rights under this section. A manufacturer or distributor may require a dealer to submit repair orders in accordance with this section in order to validate the reasonableness of a dealer's retail rate for parts or labor not more often than once every twelve (12) months. A manufacturer or distributor may not otherwise recover its costs from new motor vehicle dealers within this state including a surcharge imposed on a new motor vehicle dealer solely intended to recover the cost of reimbursing a new motor vehicle dealer for parts and labor pursuant to this section; provided, a manufacturer or

distributor shall not be prohibited from increasing prices for vehicles or parts in the normal course of business or from auditing and charging back claims in accordance with this section. All claims made by dealers for compensation for delivery, preparation, warranty, or recall repair work shall be paid within thirty (30) days after approval and shall be approved or disapproved within thirty (30) days after receipt. When any claim is disapproved, the dealer shall be notified in writing of the grounds for disapproval. The dealer's delivery, preparation, and warranty obligations as filed with the Commission shall constitute the dealer's sole responsibility for product liability as between the dealer and manufacturer. A factory may reasonably and periodically audit a new motor vehicle dealer to determine the validity of paid claims for new motor vehicle dealer compensation or any charge-backs for warranty parts or service compensation. Except in cases of suspected fraud, audits of warranty payments shall only be for the one-year period immediately following the date of the payment. A manufacturer shall reserve the right to reasonable, periodic audits to determine the validity of paid claims for dealer compensation or any charge-backs for consumer or dealer incentives. Except in cases of suspected fraud, audits of incentive payments shall only be for a one-year period immediately following the date of the payment. A factory shall not deny a claim or charge a new motor vehicle dealer back subsequent to the payment of the claim unless the factory can show that the claim was false or fraudulent or that the new motor vehicle dealer failed to reasonably substantiate the claim by the written reasonable procedures of the factory. A factory shall not deny a claim or implement a charge-back against a new motor vehicle dealer after payment of a claim in the event a purchaser of a new vehicle that is the subject of a claim fails to comply with titling or registration laws of this state and is not prevented from compliance by any action of the new motor vehicle dealer; provided, that the factory may require the new motor vehicle dealer to provide, within thirty (30) days of notice of charge-back, withholding of payment, or denial of claim, the documentation to demonstrate the vehicle sale, delivery, and customer qualification for an incentive as reported, including consumer name

and address and written attestation signed by the dealer operator or general manager stating the consumer was not on the export control list and the dealer did not know or have reason to know the vehicle was being exported or resold.

The factory shall provide written notice to a dealer of a proposed charge-back that is the result of an audit along with the specific audit results and proposed charge-back amount. A dealer that receives notice of a proposed charge-back pursuant to a factory's audit has the right to file a protest with the Commission within thirty (30) days after receipt of the notice of the charge-back or audit results, whichever is later. The factory is prohibited from implementing the charge-back or debiting the dealer's account until either the time frame for filing a protest has passed or a final adjudication is rendered by the Commission, whichever is later, unless the dealer has agreed to the charge-back or charge-backs, fails to compensate the new motor vehicle dealer for a used motor vehicle:

- c.
 - (1) that is of the same make and model manufactured, imported, or distributed by the factory and is a line-make that the new motor vehicle dealer is franchised to sell or on which the new motor vehicle dealer is authorized to perform recall repairs,
 - (2) that is subject to a stop-sale or do-not-drive order issued by the factory or an authorized governmental agency,
 - (3) that is held by the new motor vehicle dealer in the dealer's inventory at the time the stop-sale or do-not-drive order is issued or that is taken by the new motor vehicle dealer into the dealer's inventory after the recall notice as a result of a retail consumer trade-in or a lease return to the dealer inventory in accordance with an applicable lease contract,
 - (4) that cannot be repaired due to the unavailability, within thirty (30) days after issuance of the stop-sale or do-not-drive order, of a remedy or parts necessary for the new motor vehicle dealer to make the recall repair, and
 - (5) that is not at least in the prorated amount of one percent (1.00%) of the value of the vehicle per month beginning on the date that is thirty (30) days after the date on which the stop-sale

order was provided to the new motor vehicle dealer until the earlier of either of the following:

- (a) the date the recall remedy or parts are made available, or
- (b) the date the new motor vehicle dealer sells, trades, or otherwise disposes of the affected used motor vehicle.

For the purposes of division (5) of this subparagraph, the value of a used vehicle shall be the average Black Book value for the year, make, and model of the recalled vehicle. A factory may direct the manner and method in which a new motor vehicle dealer must demonstrate the inventory status of an affected used motor vehicle to determine eligibility under this subparagraph; provided, that the manner and method may not be unduly burdensome and may not require information that is unduly burdensome to provide. All reimbursement claims made by new motor vehicle dealers pursuant to this section for recall remedies or repairs, or for compensation where no part or repair is reasonably available and the vehicle is subject to a stop-sale or do-not-drive order, shall be subject to the same limitations and requirements as a warranty reimbursement claim made under subparagraph b of this paragraph. In the alternative, a manufacturer may compensate its franchised new motor vehicle dealers under a national recall compensation program; provided, the compensation under the program is equal to or greater than that provided under division (5) of this subparagraph, or as the manufacturer and new motor vehicle dealer otherwise agree. Nothing in this section shall require a factory to provide total compensation to a new motor vehicle dealer which would exceed the total average Black Book value of the affected used motor vehicle as originally determined under division (5) of this subparagraph. Any remedy provided to a new motor vehicle dealer under this subparagraph is exclusive and may not be combined with any other state or federal compensation remedy,

- d. unreasonably fails or refuses to offer to its same line-make franchised dealers a reasonable supply and mix of all models manufactured for that line-make, or unreasonably requires a dealer to pay any extra fee, purchase unreasonable advertising displays or other materials, or enter into a separate agreement which adversely alters the rights or obligations contained

within the new motor vehicle dealer's existing franchise agreement or which waives any right of the new motor vehicle dealer as protected by Section 561 et seq. of this title, or remodel, renovate, or recondition the new motor vehicle dealer's existing facilities as a prerequisite to receiving a model or series of vehicles, except as may be necessary to sell or service the model or series of vehicles as provided by subparagraph e of this paragraph. It shall be a violation of this section for new vehicle allocation to be withheld subject to any requirement to purchase or sell any number of used or off-lease vehicles. The failure to deliver any such new motor vehicle shall not be considered a violation of the section if the failure is not arbitrary or is due to lack of manufacturing capacity or to a strike or labor difficulty, a shortage of materials, a freight embargo, or other cause over which the manufacturer has no control. However, this subparagraph shall not apply to recreational vehicles, limited production model vehicles, a vehicle not advertised by the factory for sale in this state, vehicles that are subject to allocation affected by federal environmental laws or environmental laws of this state, or vehicles allocated in response to an unforeseen event or circumstance,

- e. except as necessary to comply with a health or safety law, or to comply with a technology requirement which is necessary to sell or service a motor vehicle that the franchised new motor vehicle dealer is authorized or licensed by the franchisor to sell or service, requires a new motor vehicle dealer to construct a new facility or substantially renovate the new motor vehicle dealer's existing facility unless the facility construction or renovation is justified by the economic conditions existing at the time, as well as the reasonably foreseeable projections, in the new motor vehicle dealer's market and in the automotive industry. However, this subparagraph shall not apply if the new motor vehicle dealer voluntarily agrees to facility construction or renovation in exchange for money, credit, allowance, reimbursement, or additional vehicle allocation to a new motor vehicle dealer from the factory to compensate the new motor vehicle dealer for the cost of, or a portion of the cost of, the facility construction or renovation. Except as necessary to comply with a health or safety law, or to

comply with a technology or safety requirement which is necessary to sell or service a motor vehicle that the franchised new motor vehicle dealer is authorized or licensed by the franchisor to sell or service, a new motor vehicle dealer which completes a facility construction or renovation pursuant to factory requirements shall not be required to construct a new facility or renovate the existing facility if the same area of the facility or premises has been constructed or substantially altered within the last ten (10) years and the construction or alteration was approved by the manufacturer as a part of a facility upgrade program, standard, or policy. For purposes of this subparagraph, "substantially altered" means to perform an alteration that substantially impacts the architectural features, characteristics, or integrity of a structure or lot. The term shall not include routine maintenance reasonably necessary to maintain a dealership in attractive condition. If a facility upgrade program, standard, or policy under which the dealer completed a facility construction or substantial alteration does not contain a specific time period during which the manufacturer or distributor shall provide payments or benefits to a participating dealer, or the time frame specified under the program is reduced or canceled prematurely in the unilateral discretion of the manufacturer or distributor, the manufacturer or distributor shall not deny the participating dealer any payment or benefit under the terms of the program, standard, or policy as it existed when the dealer began to perform under the program, standard, or policy for the balance of the ten-year period, regardless of whether the manufacturer's or distributor's program, standard, or policy has been changed or canceled, unless the manufacturer and dealer agree, in writing, to the change in payment or benefit. During the ten-year period following facility construction or substantial alteration, the manufacturer shall not fail to make available to the dealer a fair and proportionate share of all new vehicles distributed to dealers of the same line-make in this state, subject to the same reasonable terms, including vehicles distributed from a common new vehicle inventory pool outside of the factory's ordinary allocation process, such as any vehicles the factory reserves to distribute on a discretionary basis,

- f. requires a new motor vehicle dealer to establish an exclusive facility or to change the location of the dealership, unless supported by reasonable business, market, and economic considerations; provided, that this section shall not restrict the terms of any agreement for such exclusive facility voluntarily entered into and supported by valuable consideration separate from the new motor vehicle dealer's right to sell and service motor vehicles for the franchisor. If a dealer is required by the manufacturer or distributor to change an existing, previously approved location of the dealership and has not sold its existing dealership facility and real estate within the later of one hundred eighty (180) days of listing the property for sale or ninety (90) days after the facility relocation, then, upon the written request of the dealer, the manufacturer or distributor shall purchase the dealer's existing dealership facility and real estate as if the new motor vehicle dealership continues to operate on the property. If the factory and dealer cannot agree on the value of the dealership facilities and real estate, then the factory and dealer shall utilize the process described in paragraph 6 of subsection G of Section 565.2 of this title. If a manufacturer or distributor purchases a dealership facility and real estate, then it shall be entitled to sole ownership, possession, use, and control of any items, buildings, or property that were included in the contract to purchase,
- g. requires a new motor vehicle dealer to enter into a site-control agreement covering any or all of the new motor vehicle dealer's facilities or premises; provided, that this section shall not restrict the terms of any site-control agreement voluntarily entered into and supported by valuable consideration separate from the new motor vehicle dealer's right to sell and service motor vehicles for the franchisor. Notwithstanding the foregoing or the terms of any site-control agreement, a site-control agreement automatically extinguishes if all of the factory's franchises that operated from the location that are the subject of the site-control agreement are terminated by the factory as part of the discontinuance of a product line,
- h. refuses to pay, or claims reimbursement from, a new motor vehicle dealer for sales, incentives, or other payments related to a motor vehicle sold by the new

motor vehicle dealer because the purchaser of the motor vehicle exported or resold the motor vehicle in violation of the policy of the factory unless the factory can show that, at the time of the sale, the new motor vehicle dealer knew or reasonably should have known of the purchaser's intention to export or resell the motor vehicle. There is a rebuttable presumption that the new motor vehicle dealer did not know or could not have known that the vehicle would be exported if the vehicle is titled and registered in any state of the United States, or

- i. (1) notwithstanding the terms of a franchise agreement or other agreement except as provided by this subsection, requires a new motor vehicle dealer to purchase or utilize goods or services, or contract with any vendor, identified, selected or designated by the factory for the:
 - (a) operation of the dealership including electronic services such as websites, data management or storage systems, digital retail platforms, software, or other digital services or platforms, or
 - (b) construction, renovation, or improvement of the new motor vehicle dealer's facility if goods or services available from a vendor that the new motor vehicle dealer chooses, are of substantially similar quality, function, and design, and comply with all applicable laws; provided, however, that such goods are not subject to the factory's intellectual property or trademark rights and the new motor vehicle dealer has received the factory's approval, which approval may not be unreasonably withheld. Nothing in this subparagraph may be construed to allow a new motor vehicle dealer to impair or eliminate a factory's intellectual property, trademark rights, or trade dress usage guidelines. Nothing in this subdivision or subdivision a of this division prohibits the enforcement of a voluntary agreement between the factory and the new motor vehicle dealer where separate and valuable consideration has been offered and accepted. It is a violation of this subdivision or subdivision a of this division for a factory, or any entity that

- acts on behalf of, a factory to coerce a new motor vehicle dealer to purchase or utilize certain goods or services by the withholding vehicle allocation the new motor vehicle dealer is otherwise eligible to receive, and
- (2) for the purposes of this subparagraph, "goods and services" do not include:
- (a) moveable displays, brochures, promotional materials, or electronic or digital media containing material subject to the intellectual property rights of a factory or parts to be used in repairs under warranty obligations of a factory, or
 - (b) special tools or training required by the factory to perform warranty or recall repairs;
10. Being a factory that:
- a. establishes a system of motor vehicle allocation or distribution which is unfair, inequitable, or unreasonably discriminatory. A manufacturer and distributor shall maintain for three (3) years records that describe its methods or formula of allocation and distribution of its motor vehicles and records of its actual allocation and distribution of motor vehicles to its motor vehicle dealers. Upon the written request of any new motor vehicle dealer franchised by the manufacturer or distributor, received by the manufacturer or distributor within thirty (30) days of the manufacturer's or distributor's written notice to the dealer of its intention to cancel or terminate, or written notice from the manufacturer or distributor of a sales performance deficiency requiring the dealer to take action to cure the alleged performance deficiency, a manufacturer or distributor shall disclose in writing to the new motor vehicle dealer the basis upon which new motor vehicles are allocated, scheduled, and delivered, by vehicle model, to new motor vehicle dealers of the same line-make for that manufacturer or distributor for the prior three (3) years, and the basis upon which the current allocation or distribution is being made or will be made based on existing information to such dealer, or
 - b. changes an established plan or system of motor vehicle distribution. A new motor vehicle dealer franchise agreement shall continue in full force and operation notwithstanding a change, in whole or in part, of an established plan or system of distribution of the

motor vehicles offered or previously offered for sale under the franchise agreement. The appointment of a new importer or distributor for motor vehicles offered for sale under the franchise agreement shall be deemed to be a change of an established plan or system of distribution. The discontinuation of a line-make shall not be deemed to be a change of an established plan or system of motor vehicle distribution. The creation of a line-make shall not be deemed to be a change of an established plan or system of motor vehicle distribution as long as the new line-make is not selling the same, or substantially the same vehicle or vehicles previously sold through another line-make by new motor vehicle dealers with an active franchise agreement for the other line-make in the state if such new motor vehicle dealers are no longer authorized to sell the comparable vehicle previously sold through their line-make. Changing a vehicle's powertrain is not sufficient to show it is substantially different. Upon the occurrence of such change, the manufacturer or distributor shall be prohibited from obtaining a license to distribute vehicles under the new plan or system of distribution unless the manufacturer or distributor offers to each new motor vehicle dealer who is a party to the franchise agreement a new franchise agreement containing substantially the same provisions which were contained in the previous franchise agreement;

11. Being a factory that sells directly or indirectly new motor vehicles to any retail consumer in the state except through a new motor vehicle dealer holding a franchise for the line-make that includes the new motor vehicle. This paragraph does not apply to factory sales of new motor vehicles to its employees, family members of employees, retirees and family members of retirees, not-for-profit organizations, or the federal, state, or local governments. The provisions of this paragraph shall not preclude a factory from providing information to a consumer for the purpose of marketing or facilitating a sale of a new motor vehicle or from establishing a program to sell or offer to sell new motor vehicles through participating dealers subject to the limitations provided in paragraph 2 of Section 562 of this title;

12. a. Being a factory which directly or indirectly:

- (1) owns any ownership interest or has any financial interest in a new motor vehicle dealer or any person who sells products or services pursuant to the terms of the franchise agreement,

- (2) operates or controls a new motor vehicle dealer, or
 - (3) acts in the capacity of a new motor vehicle dealer.
- b.
 - (1) This paragraph does not prohibit a factory from owning or controlling a new motor vehicle dealer while in a bona fide relationship with a dealer development candidate who has made a substantial initial investment in the franchise and whose initial investment is subject to potential loss. The dealer development candidate can reasonably expect to acquire full ownership of a new motor vehicle dealer within a reasonable period of time not to exceed ten (10) years and on reasonable terms and conditions. The ten-year acquisition period may be expanded for good cause shown.
 - (2) This paragraph does not prohibit a factory from owning, operating, controlling, or acting in the capacity of a new motor vehicle dealer for a period not to exceed twelve (12) months during the transition from one independent dealer to another independent dealer if the dealership is for sale at a reasonable price and on reasonable terms and conditions to an independent qualified buyer. On showing by a factory of good cause, the Oklahoma New Motor Vehicle Commission may extend the time limit set forth above; extensions may be granted for periods not to exceed twelve (12) months.
 - (3) This paragraph does not prohibit a factory from owning, operating, or controlling or acting in the capacity of a new motor vehicle dealer which was in operation prior to January 1, 2000.
 - (4) This paragraph does not prohibit a factory from owning, directly or indirectly, a minority interest in an entity that owns, operates, or controls motor vehicle dealerships of the same line-make franchised by the manufacturer, provided that each of the following conditions are met:
 - (a) all of the new motor vehicle dealerships selling the motor vehicles of that manufacturer in this state trade exclusively in the line-make of that manufacturer,
 - (b) all of the franchise agreements of the manufacturer confer rights on the dealer of the line-make to develop and operate, within

- a defined geographic territory or area, as many dealership facilities as the dealer and manufacturer shall agree are appropriate,
- (c) at the time the manufacturer first acquires an ownership interest or assumes operation, the distance between any dealership thus owned or operated and the nearest unaffiliated new motor vehicle dealership trading in the same line-make is not less than seventy (70) miles,
 - (d) during any period in which the manufacturer has such an ownership interest, the manufacturer has no more than three franchise agreements with new motor vehicle dealers licensed by the Oklahoma New Motor Vehicle Commission to do business within the state, and
 - (e) prior to January 1, 2000, the factory shall have furnished or made available to prospective new motor vehicle dealers an offering circular in accordance with the Trade Regulation Rule on Franchising of the Federal Trade Commission, and any guidelines and exemptions issued thereunder, which disclose the possibility that the factory may from time to time seek to own or acquire, directly or indirectly, ownership interests in retail dealerships;

13. Being a factory which directly or indirectly makes available for public disclosure any proprietary information provided to the factory by a new motor vehicle dealer, other than in composite form to new motor vehicle dealers in the same line-make or in response to a subpoena or order of the Commission or a court. Proprietary information includes, but is not limited to, information:

- a. derived from monthly financial statements provided to the factory, and
- b. regarding any aspect of the profitability of a particular new motor vehicle dealer;

14. Being a factory which does not provide or direct leads in a fair, equitable, and timely manner. Nothing in this paragraph shall be construed to require a factory to disregard the preference of a consumer in providing or directing a lead;

15. Being a factory which used the consumer list of a new motor vehicle dealer for the purpose of unfairly competing with dealers;

16. Being a factory which prohibits a new motor vehicle dealer from relocating after a written request by such new motor vehicle dealer if:

- a. the facility and the proposed new location satisfies or meets the written reasonable guidelines of the factory. Reasonable guidelines do not include exclusivity or site control unless agreed to as set forth in subparagraphs f and g of paragraph 9 of this subsection,
- b. the proposed new location is within the area of responsibility of the new motor vehicle dealer pursuant to Section 578.1 of this title, and
- c. the factory has sixty (60) days from receipt of the new motor vehicle dealer's relocation request to approve or deny the request. The failure to approve or deny the request within the sixty-day time frame shall constitute approval of the request;

17. Being a factory which prohibits a new motor vehicle dealer from adding additional line-makes to its existing facility, if, after adding the additional line-makes, the facility satisfies the written reasonable capitalization standards and facility guidelines of each factory. Reasonable facility guidelines do not include a requirement to maintain exclusivity or site control unless agreed to by the dealer as set forth in subparagraphs f and g of paragraph 9 of this subsection;

18. Being a factory that increases prices of new motor vehicles which the new motor vehicle dealer had ordered for retail consumers and notified the factory prior to the new motor vehicle dealer's receipt of the written official price increase notification. A sales contract signed by a retail consumer accompanied with proof of order submission to the factory shall constitute evidence of each such order, provided that the vehicle is in fact delivered to the consumer. Price differences applicable to new models or series motor vehicles at the time of the introduction of new models or series shall not be considered a price increase for purposes of this paragraph. Price changes caused by any of the following shall not be subject to the provisions of this paragraph:

- a. the addition to a motor vehicle of required or optional equipment pursuant to state or federal law,
- b. revaluation of the United States dollar in the case of foreign-made vehicles or components, or
- c. an increase in transportation charges due to increased rates imposed by common or contract carriers;

19. Being a factory that requires a new motor vehicle dealer to participate monetarily in an advertising campaign or contest, or purchase any promotional materials, showroom, or other display decoration or materials at the expense of the new motor vehicle

dealer without consent of the new motor vehicle dealer, which consent shall not be unreasonably withheld;

20. Being a factory that denies any new motor vehicle dealer the right of free association with any other new motor vehicle dealer for any lawful purpose, unless otherwise permitted by this chapter;

21. Being a factory that requires a new motor vehicle dealer to sell, offer to sell, or sell exclusively an extended service contract, extended maintenance plan, or similar product, such as gap products offered, endorsed, or sponsored by the factory by the following means:

- a. by an act or statement from the factory that will in any manner adversely impact the new motor vehicle dealer, or
- b. by measuring the new motor vehicle dealer's performance under the franchise based on the sale of extended service contracts, extended maintenance plans, or similar products offered, endorsed, or sponsored by the manufacturer or distributor;

22. Being a factory that requires or coerces a new motor vehicle dealer in this state to purchase or lease any electric vehicle charging stations at the new motor vehicle dealer's expense unless the franchise agreement, including any related addendums, with the new motor vehicle dealer identifies electric vehicle models among the vehicles available for sale under the dealer's franchised line-make, or the new motor vehicle dealer has notified the manufacturer or distributor of the new motor vehicle dealer's intention to begin selling and servicing electric vehicles manufactured or distributed by that factory. If the new motor vehicle dealer's franchise identifies electric vehicle models or the dealer is actually offering for sale to the public or providing warranty service on electric vehicles manufactured or distributed by that factory, the new motor vehicle dealer may not be required to purchase or lease, at the new motor vehicle dealer's expense:

- a. more than the number and type of electric vehicle charging stations based upon the reasonable estimate dealer sales and service volume for those vehicles in the dealer's market, or
- b. to make electric vehicle charging stations located at the new motor vehicle dealership available for use by the general public. Nothing in this paragraph shall prohibit a factory from offering financial assistance through a lump-sum payment to new motor vehicle dealers that purchase or install electric charging stations; and

23. Being a factory that withdraws all or a material part of its stated electric vehicle distribution plan and fails or refuses,

at the written request of the new motor vehicle dealer, to accept the return or otherwise fully reimburse a new motor vehicle dealer for the cost of parts, tools, equipment, chargers and other returnable items required as a part of that distribution plan, program, policy or other initiative related to the sale or service of electric motor vehicles, provided that:

- a. the dealer demonstrates that the volume of electric motor vehicle sales or service is no longer adequate to allow the dealer to realize a positive return on the investment over the useful life of the parts, tools, equipment, chargers, or other returnable items, and
- b. the dealer submits its request to the manufacturer or distributor in writing and within twenty-four (24) months of dealer's receipt of the part, tools, equipment, charger or other returnable items.

B. Notwithstanding the terms of any franchise agreement, in the event of a proposed sale or transfer of a dealership, the manufacturer or distributor shall be permitted to exercise a right of first refusal to acquire the assets or ownership interest of the dealer of the new motor vehicle dealership, if such sale or transfer is conditioned upon the manufacturer or dealer entering into a dealer agreement with the proposed new owner or transferee, only if all the following requirements are met:

1. To exercise its right of first refusal, the factory must notify the new motor vehicle dealer in writing within sixty (60) days of receipt of the completed proposal for the proposed sale transfer;

2. The exercise of the right of first refusal will result in the new motor vehicle dealer and the owner of the dealership receiving the same or greater consideration as they have contracted to receive in connection with the proposed change of ownership or transfer;

3. The proposed sale or transfer of the dealership does not involve the transfer or sale to a member or members of the family of one or more dealer owners, or to a qualified manager or a partnership or corporation controlled by such persons; and

4. The factory agrees to pay the reasonable expenses, including attorney fees which do not exceed the usual, customary, and reasonable fees charged for similar work done for other clients incurred by the proposed new owner and transferee prior to the exercise by the factory of its right of first refusal in negotiating and implementing the contract for the proposed sale or transfer of the dealership or dealership assets. Notwithstanding the foregoing, no payment of expenses and attorney fees shall be required if the proposed new dealer or transferee has not submitted or caused to be submitted an accounting of those expenses within thirty (30) days of

receipt of the written request of the factory for such an accounting. The accounting may be requested by a factory before exercising its right of first refusal.

C. Nothing in this section shall prohibit, limit, restrict, or impose conditions on:

1. Business activities, including without limitation the dealings with motor vehicle manufacturers and the representatives and affiliates of motor vehicle manufacturers, of any person that is primarily engaged in the business of short-term, not to exceed twelve (12) months, rental of motor vehicles and industrial and construction equipment and activities incidental to that business, provided that:

- a. any motor vehicle sold by that person is limited to used motor vehicles that have been previously used exclusively and regularly by that person in the conduct of business and used motor vehicles traded in on motor vehicles sold by that person,
- b. warranty repairs performed by that person on motor vehicles are limited to those motor vehicles that the person owns, previously owned, or takes in trade, and
- c. motor vehicle financing provided by that person to retail consumers for motor vehicles is limited to used vehicles sold by that person in the conduct of business; or

2. The direct or indirect ownership, affiliation, or control of a person described in paragraph 1 of this subsection.

D. As used in this section:

1. "Substantially relates" means the nature of criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the occupation; and

2. "Poses a reasonable threat" means the nature of criminal conduct for which the person was convicted involved an act or threat of harm against another and has a bearing on the fitness or ability to serve the public or work with others in the occupation.

Added by Laws 1953, p. 182, § 5, emerg. eff. May 26, 1953. Amended by Laws 1959, p. 208, § 7, emerg. eff. July 16, 1959; Laws 1969, c. 241, § 4, emerg. eff. April 21, 1969; Laws 1970, c. 197, § 4, emerg. eff. April 13, 1970; Laws 1973, c. 189, § 2, emerg. eff. May 17, 1973; Laws 1980, c. 85, § 11, eff. Jan. 1, 1981; Laws 1980, c. 134, § 1, emerg. eff. April 15, 1980; Laws 1985, c. 229, § 8, eff. Nov. 1, 1985; Laws 1998, c. 269, § 3, eff. Nov. 1, 1998; Laws 2000, c. 341, § 2, eff. Nov. 1, 2000; Laws 2001, c. 148, § 3, emerg. eff. April 30, 2001; Laws 2005, c. 141, § 1, emerg. eff. May 5, 2005; Laws 2008, c. 315, § 4, emerg. eff. June 2, 2008; Laws 2014, c. 402, § 1, eff. Nov. 1, 2014; Laws 2019, c. 79, § 2, eff. Nov. 1, 2019; Laws 2021, c. 444, § 2, eff. Nov. 1, 2021; Laws 2022, c. 192, § 3,

eff. Nov. 1, 2022; Laws 2023, c. 29, § 8, eff. Nov. 1, 2023; Laws 2024, c. 145, § 1, eff. Nov. 1, 2024; Laws 2025, c. 119, § 4, eff. Nov. 1, 2025.

§47-565v2. Denial, revocation or suspension of license - Right of first refusal.

A. The Oklahoma New Motor Vehicle Commission may deny an application for a license, revoke or suspend a license, or impose a fine against any person or entity, not to exceed Ten Thousand Dollars (\$10,000.00) per occurrence, that violates any provision of Sections 561 through 567, 572, 578.1, 579, and 579.1 of this title or for any of the following reasons:

1. On satisfactory proof of unfitness of the applicant in any application for any license under the provisions of Section 561 et seq. of this title;

2. For any material misstatement made by an applicant in any application for any license under the provisions of Section 561 et seq. of this title;

3. For any failure to comply with any provision of Section 561 et seq. of this title or any rule promulgated by the Commission under authority vested in it by Section 561 et seq. of this title;

4. A change of condition after license is granted resulting in failure to maintain the qualifications for license;

5. Being a new motor vehicle dealer or new powersports vehicle dealer who:

- a. has required a purchaser of a new motor vehicle or new powersports vehicle, as a condition of sale and delivery thereof, to also purchase special features, appliances, accessories, or equipment not desired or requested by the purchaser and installed by the new motor vehicle dealer or new powersports vehicle dealer,
- b. uses any false or misleading advertising in connection with business as a new motor vehicle dealer or new powersports vehicle dealer,
- c. has committed any unlawful act which resulted in the revocation of any similar license in another state,
- d. has failed or refused to perform any written agreement with any retail buyer involving the sale of a motor vehicle or powersports vehicle,
- e. has been convicted of a felony crime that substantially relates to the occupation of a new motor vehicle dealer or new powersports vehicle dealer and poses a reasonable threat to public safety,
- f. has committed a fraudulent act in selling, purchasing, or otherwise dealing in new motor vehicles or new powersports vehicles or has misrepresented the terms

and conditions of a sale, purchase or contract for sale or purchase of a new motor vehicle or new powersports vehicle or any interest therein including an option to purchase such vehicle,

- g. has failed to meet or maintain the conditions and requirements necessary to qualify for the issuance of a license, or
- h. completes any sale or transaction of an extended service contract, extended maintenance plan, or similar product using contract forms that do not conspicuously disclose the identity of the service contract provider;

6. Being a vehicle salesperson who is not employed as such by a licensed new motor vehicle dealer or powersports vehicle dealer;

7. Being a new motor vehicle dealer or new powersports vehicle dealer who:

- a. does not have an established place of business,
- b. does not provide for a suitable repair shop separate from the display room with ample space to repair or recondition one or more vehicles at the same time, and which is staffed with properly trained and qualified repair technicians and is equipped with such parts, tools, and equipment as may be requisite for the servicing of motor vehicles in such a manner as to make them comply with the safety laws of this state and to properly fulfill the dealer's or manufacturer's warranty obligation,
- c. does not hold a franchise in effect with a manufacturer or distributor of new or unused vehicles for the sale of the same and is not authorized by the manufacturer or distributor to render predelivery preparation of such vehicles sold to purchasers and to perform any authorized post-sale work pursuant to the manufacturer's or distributor's warranty,
- d. employs or utilizes the services of used motor vehicle lots or dealers or other unlicensed persons or unregistered persons in connection with the sale of new vehicles,
- e. does not properly service a new motor vehicle or new powersports vehicle before delivery of same to the original purchaser thereof, or
- f. fails to order and stock a reasonable number of new motor vehicles necessary to meet consumer demand for each of the new motor vehicles included in the new motor vehicle dealer's franchise agreement, unless the new motor vehicles are not readily available from the manufacturer or distributor due to limited production;

8. Being a factory that has:
- a. either induced or attempted to induce by means of coercion or intimidation, any new motor vehicle dealer or powersports vehicle dealer:
 - (1) to accept delivery of any vehicle or vehicles, parts, or accessories therefor, or any other commodities including advertising material which shall not have been ordered by the new motor vehicle dealer,
 - (2) to order or accept delivery of any motor vehicle or powersports vehicle with special features, appliances, accessories, or equipment not included in the list price of the vehicles as publicly advertised by the manufacturer thereof, or
 - (3) to order or accept delivery of any parts, accessories, equipment, machinery, tools, appliances, or any commodity whatsoever,
 - b. induced under threat or discrimination by the withholding from delivery to a new motor vehicle dealer or new powersports vehicle dealer certain models of motor vehicles, changing or amending unilaterally the new motor vehicle dealer's allotment of motor vehicles, and/or withholding and delaying delivery of the vehicles out of the ordinary course of business, in order to induce by such coercion any new motor vehicle dealer or new powersports vehicle dealer to participate or contribute to any local or national advertising fund controlled directly or indirectly by the factory or for any other purposes such as contest, "giveaways", or other so-called sales promotional devices, and/or change of quotas in any sales contest; or has required new motor vehicle dealers, as a condition to receiving their vehicle allotment, to order a certain percentage of the vehicles with optional equipment not specified by the dealer; however, nothing in this section shall prohibit a factory from supporting an advertising association which is open to all new motor vehicle dealers or new powersports vehicle dealers on the same basis,
 - c. used a performance standard, sales objective, or program for measuring dealer performance that may have a material effect on a right of the dealer to vehicle allocation; or payment under any incentive or reimbursement program that is unfair, unreasonable, inequitable, and not based on accurate information,

- d. used a performance standard for measuring sales or service performance of any new motor vehicle dealer or new powersports vehicle dealer under the terms of the franchise agreement which:
 - (1) is unfair, unreasonable, arbitrary, or inequitable, and
 - (2) does not consider the relevant and material local and state or regional criteria, including prevailing economic conditions affecting the sales or service performance of a vehicle dealer or any relevant and material data and facts presented by the dealer in writing within thirty (30) days of the written notice of the manufacturer to the dealer of its intention to cancel, terminate, or not renew the dealer's franchise agreement,
 - e. failed or refused to sell, or offer for sale, new motor vehicles to all of its authorized same line-make franchised new motor vehicle dealers or new powersports vehicle dealers at the same price for a comparably equipped motor vehicle, on the same terms, with no differential in functionally available discount, allowance, credit, or bonus, except as provided in subparagraph e of paragraph 9 of this subsection,
 - f. failed to provide reasonable compensation to a new motor vehicle dealer substantially equivalent to the actual cost of providing a manufacturer required loaner or rental vehicle to any consumer who is having a vehicle serviced at the dealership. For purposes of this paragraph, actual cost is the average cost in the new motor vehicle dealer's region for the rental of a substantially similar make and model as the vehicle being serviced, or
 - g. failed to make available to its new motor vehicle dealers a fair and proportional share of all new vehicles distributed to same line-make dealers in this state, subject to the same reasonable terms, including any vehicles distributed from a common new vehicle inventory pool outside of the factory's ordinary allocation process such as any vehicles the factory reserves to distribute on a discretionary basis;
9. Being a factory that:
- a. has attempted to coerce or has coerced any new motor vehicle dealer or new powersports vehicle dealer to enter into any agreement or to cancel any agreement; has failed to act in good faith and in a fair,

- equitable, and nondiscriminatory manner; has directly or indirectly coerced, intimidated, threatened, or restrained any new motor vehicle dealer; has acted dishonestly; or has failed to act in accordance with the reasonable standards of fair dealing,
- b. has failed to compensate its dealers for the work and services they are required to perform in connection with the dealer's delivery and preparation obligations according to the agreements on file with the Commission which must be found by the Commission to be reasonable, or has failed to adequately and fairly compensate its dealers for labor, parts, and other expenses incurred by the dealer to perform under and comply with manufacturer's warranty agreements and recall repairs which shall include diagnostic work as applicable and assistance requested by a consumer whose vehicle was subjected to an over-the-air or remote change, repair, or update to any part, system, accessory, or function by the manufacturer and performed by the dealer in order to satisfy the consumer. Time allowances for the diagnosis and performance of repair work shall be reasonable and adequate for the work to be performed. Adequate and fair compensation, which under this provision shall be no less than the rates customarily charged for retail consumer repairs as calculated herein, for parts and labor for warranty and recall repairs shall, at the option of the new motor vehicle dealer, be established by the new motor vehicle dealer submitting to the manufacturer or distributor one hundred sequential nonwarranty consumer-paid service repair orders which contain warranty-like repairs, or ninety (90) consecutive days of nonwarranty consumer-paid service repair orders which contain warranty-like repairs, whichever is less, covering repairs made no more than one hundred eighty (180) days before the submission and declaring the average percentage labor rate and/or markup rate. A motor vehicle dealer may not submit a request to establish its retail rates more than once in a twelve-month period. That request may establish a parts markup rate, labor rate, or both. The new motor vehicle dealer or new powersports vehicle dealer shall calculate its retail parts rate by determining the total charges for parts from the qualified repair orders submitted, dividing that amount by the new motor vehicle dealer's total cost of the purchase of those parts, subtracting one (1), and multiplying by

one hundred (100) to produce a percentage. The new motor vehicle dealer or new powersports vehicle dealer shall calculate its retail labor rate by dividing the amount of the new vehicle dealer's total labor sales from the qualified repair orders by the total labor hours charged for those sales. When submitting repair orders to establish a retail parts and labor rate, a new motor vehicle dealer or new powersports vehicle dealer need not include repairs for:

- (1) routine maintenance including but not limited to the replacement of bulbs, fluids, filters, batteries, and belts that are not provided in the course of and related to a repair,
- (2) factory special events, specials, or promotional discounts for retail consumer repairs,
- (3) parts sold or repairs performed at wholesale,
- (4) factory-approved goodwill or policy repairs or replacements,
- (5) repairs with aftermarket parts, when calculating the retail parts rate but not the retail labor rate,
- (6) repairs on aftermarket parts,
- (7) replacement of or work on tires including front-end alignments and wheel or tire rotations,
- (8) repairs of vehicles owned by the new motor vehicle dealer or new powersports vehicle dealer or employee thereof at the time of the repair,
- (9) vehicle reconditioning, or
- (10) items that do not have individual part numbers including, but not limited to, nuts, bolts, and fasteners.

A manufacturer or distributor may, not later than forty-five (45) days after submission, rebut that declared retail parts and labor rate in writing by reasonably substantiating that the rate is not accurate or is incomplete pursuant to the provisions of this section. If the manufacturer or distributor determines the set of repair orders submitted by the new motor vehicle dealer or new powersports vehicle dealer pursuant to this section for a retail labor rate or retail parts markup rate is substantially higher than the new vehicle dealer's current warranty rates, the manufacturer or distributor may request, in writing, within forty-five (45) days after the manufacturer's or distributor's receipt of the new vehicle dealer's initial submission, all repair orders closed within the period of thirty (30) days

immediately preceding, or thirty (30) days immediately following, the set of repair orders initially submitted by the new motor vehicle dealer. All time periods under this section shall be suspended until the supplemental repair orders are provided. If the manufacturer or distributor requests supplemental repair orders, the manufacturer or distributor may, within thirty (30) days after receiving the supplemental repair orders and in accordance with the formula described in this subsection, calculate a proposed adjusted retail labor rate or retail parts markup rate, as applicable, based upon any set of the qualified repair orders submitted by the franchisee and following the formula set forth herein to establish the rate. The retail labor and parts rates shall go into effect thirty (30) days following the approval by the manufacturer or distributor. If the declared rate is rebutted, the manufacturer or distributor shall provide written notice stating the reasons for the rebuttal, an explanation of the reasons for the rebuttal, and a copy of all calculations used by the franchisor in determining the manufacturer or distributor's position and propose an adjustment in writing of the average percentage markup or labor rate based on that rebuttal not later than forty-five (45) days after submission. If the new motor vehicle dealer or new powersports vehicle dealer does not agree with the proposed average percentage markup or labor rate, the new vehicle dealer may file a protest with the Commission not later than thirty (30) days after receipt of that proposal by the manufacturer or distributor. In the event a protest is filed, the manufacturer or distributor shall have the burden of proof to establish the new vehicle dealer's submitted parts markup rate or labor rate was inaccurate or not complete pursuant to the provisions of this section. A manufacturer or distributor may not retaliate against any new motor vehicle dealer or new powersports vehicle dealer seeking to exercise its rights under this section. A manufacturer or distributor may require a dealer to submit repair orders in accordance with this section in order to validate the reasonableness of a dealer's retail rate for parts or labor not more often than once every twelve (12) months. A manufacturer or distributor may not otherwise recover its costs from new vehicle dealers within this state including a surcharge

imposed on a new motor vehicle dealer solely intended to recover the cost of reimbursing a dealer for parts and labor pursuant to this section; provided, a manufacturer or distributor shall not be prohibited from increasing prices for vehicles or parts in the normal course of business or from auditing and charging back claims in accordance with this section. All claims made by dealers for compensation for delivery, preparation, warranty, or recall repair work shall be paid within thirty (30) days after approval and shall be approved or disapproved within thirty (30) days after receipt. When any claim is disapproved, the dealer shall be notified in writing of the grounds for disapproval. The dealer's delivery, preparation, and warranty obligations as filed with the Commission shall constitute the dealer's sole responsibility for product liability as between the dealer and manufacturer. A factory may reasonably and periodically audit a new motor vehicle dealer or new powersports vehicle dealer to determine the validity of paid claims for dealer compensation or any charge-backs for warranty parts or service compensation. Except in cases of suspected fraud, audits of warranty payments shall only be for the one-year period immediately following the date of the payment. A manufacturer shall reserve the right to reasonable, periodic audits to determine the validity of paid claims for dealer compensation or any charge-backs for consumer or dealer incentives. Except in cases of suspected fraud, audits of incentive payments shall only be for a one-year period immediately following the date of the payment. A factory shall not deny a claim or charge a new motor vehicle dealer back subsequent to the payment of the claim unless the factory can show that the claim was false or fraudulent or that the new motor vehicle dealer or new powersports vehicle dealer failed to reasonably substantiate the claim by the written reasonable procedures of the factory. A factory shall not deny a claim or implement a charge-back against a new vehicle dealer after payment of a claim in the event a purchaser of a new vehicle that is the subject of a claim fails to comply with titling or registration laws of this state and is not prevented from compliance by any action of the dealer; provided, that the factory may require the dealer to provide, within thirty (30) days of notice of charge-back, withholding

of payment, or denial of claim, the documentation to demonstrate the vehicle sale, delivery, and customer qualification for an incentive as reported, including consumer name and address and written attestation signed by the dealer operator or general manager stating the consumer was not on the export control list and the dealer did not know or have reason to know the vehicle was being exported or resold. The factory shall provide written notice to a dealer of a proposed charge-back that is the result of an audit along with the specific audit results and proposed charge-back amount. A dealer that receives notice of a proposed charge-back pursuant to a factory's audit has the right to file a protest with the Commission within thirty (30) days after receipt of the notice of the charge-back or audit results, whichever is later. The factory is prohibited from implementing the charge-back or debiting the dealer's account until either the time frame for filing a protest has passed or a final adjudication is rendered by the Commission, whichever is later, unless the dealer has agreed to the charge-back or charge-backs,

c. fails to compensate the new motor vehicle dealer for a used motor vehicle:

- (1) that is of the same make and model manufactured, imported, or distributed by the factory and is a line-make that the new motor vehicle dealer is franchised to sell or on which the new motor vehicle dealer is authorized to perform recall repairs,
- (2) that is subject to a stop-sale or do-not-drive order issued by the factory or an authorized governmental agency,
- (3) that is held by the new motor vehicle dealer in the dealer's inventory at the time the stop-sale or do-not-drive order is issued or that is taken by the new motor vehicle dealer into the dealer's inventory after the recall notice as a result of a retail consumer trade-in or a lease return to the dealer inventory in accordance with an applicable lease contract,
- (4) that cannot be repaired due to the unavailability, within thirty (30) days after issuance of the stop-sale or do-not-drive order, of a remedy or parts necessary for the new motor vehicle dealer to make the recall repair, and

(5) that is not at least in the prorated amount of one percent (1.00%) of the value of the vehicle per month beginning on the date that is thirty (30) days after the date on which the stop-sale order was provided to the new motor vehicle dealer until the earlier of either of the following:

- (a) the date the recall remedy or parts are made available, or
- (b) the date the new motor vehicle dealer sells, trades, or otherwise disposes of the affected used motor vehicle.

For the purposes of division (5) of this subparagraph, the value of a used vehicle shall be the average Black Book value for the year, make, and model of the recalled vehicle. A factory may direct the manner and method in which a new motor vehicle dealer must demonstrate the inventory status of an affected used motor vehicle to determine eligibility under this subparagraph; provided, that the manner and method may not be unduly burdensome and may not require information that is unduly burdensome to provide. All reimbursement claims made by new motor vehicle dealers pursuant to this section for recall remedies or repairs, or for compensation where no part or repair is reasonably available and the vehicle is subject to a stop-sale or do-not-drive order, shall be subject to the same limitations and requirements as a warranty reimbursement claim made under subparagraph b of this paragraph. In the alternative, a manufacturer may compensate its franchised new motor vehicle dealers under a national recall compensation program; provided, the compensation under the program is equal to or greater than that provided under division (5) of this subparagraph, or as the manufacturer and new motor vehicle dealer otherwise agree. Nothing in this section shall require a factory to provide total compensation to a new motor vehicle dealer which would exceed the total average Black Book value of the affected used motor vehicle as originally determined under division (5) of this subparagraph. Any remedy provided to a new motor vehicle dealer under this subparagraph is exclusive and may not be combined with any other state or federal compensation remedy,

d. unreasonably fails or refuses to offer to its same line-make franchised dealers a reasonable supply and mix of all models manufactured for that line-make, or

unreasonably requires a dealer to pay any extra fee, purchase unreasonable advertising displays or other materials, or enter into a separate agreement which adversely alters the rights or obligations contained within the dealer's existing franchise agreement or which waives any right of the new motor vehicle dealer or new powersports vehicle dealer as protected by Section 561 et seq. of this title, or remodel, renovate, or recondition the dealer's existing facilities as a prerequisite to receiving a model or series of vehicles, except as may be necessary to sell or service the model or series of vehicles as provided by subparagraph e of this paragraph. It shall be a violation of this section for new vehicle allocation to be withheld subject to any requirement to purchase or sell any number of used or off-lease vehicles. The failure to deliver any such new motor vehicle shall not be considered a violation of the section if the failure is not arbitrary or is due to lack of manufacturing capacity or to a strike or labor difficulty, a shortage of materials, a freight embargo, or other cause over which the manufacturer has no control. However, this subparagraph shall not apply to limited production model vehicles, a vehicle not advertised by the factory for sale in this state, vehicles that are subject to allocation affected by federal environmental laws or environmental laws of this state, or vehicles allocated in response to an unforeseen event or circumstance,

- e. except as necessary to comply with a health or safety law, or to comply with a technology requirement which is necessary to sell or service a vehicle that the franchised new motor vehicle dealer or new powersports vehicle dealer is authorized or licensed by the franchisor to sell or service, requires a dealer to construct a new facility or substantially renovate the dealer's existing facility unless the facility construction or renovation is justified by the economic conditions existing at the time, as well as the reasonably foreseeable projections, in the new motor vehicle dealer's market and in the automotive industry. However, this subparagraph shall not apply if the new motor vehicle dealer or new powersports vehicle dealer voluntarily agrees to facility construction or renovation in exchange for money, credit, allowance, reimbursement, or additional vehicle allocation to a dealer from the factory to

compensate the dealer for the cost of, or a portion of the cost of, the facility construction or renovation. Except as necessary to comply with a health or safety law, or to comply with a technology or safety requirement which is necessary to sell or service a motor vehicle or powersports vehicle that the franchised dealer is authorized or licensed by the franchisor to sell or service, a new vehicle dealer which completes a facility construction or renovation pursuant to factory requirements shall not be required to construct a new facility or renovate the existing facility if the same area of the facility or premises has been constructed or substantially altered within the last ten (10) years and the construction or alteration was approved by the manufacturer as a part of a facility upgrade program, standard, or policy. For purposes of this subparagraph, "substantially altered" means to perform an alteration that substantially impacts the architectural features, characteristics, or integrity of a structure or lot. The term shall not include routine maintenance reasonably necessary to maintain a dealership in attractive condition. If a facility upgrade program, standard, or policy under which the dealer completed a facility construction or substantial alteration does not contain a specific time period during which the manufacturer or distributor shall provide payments or benefits to a participating dealer, or the time frame specified under the program is reduced or canceled prematurely in the unilateral discretion of the manufacturer or distributor, the manufacturer or distributor shall not deny the participating dealer any payment or benefit under the terms of the program, standard, or policy as it existed when the dealer began to perform under the program, standard, or policy for the balance of the ten-year period, regardless of whether the manufacturer's or distributor's program, standard, or policy has been changed or canceled, unless the manufacturer and dealer agree, in writing, to the change in payment or benefit,

- f. requires a new motor vehicle dealer or new powersports vehicle dealer to establish an exclusive facility, unless supported by reasonable business, market, and economic considerations; provided, that this section shall not restrict the terms of any agreement for such exclusive facility voluntarily entered into and

- supported by valuable consideration separate from the new motor vehicle dealer's right to sell and service motor vehicles for the franchisor,
- g. requires a new motor vehicle dealer or new powersports vehicle dealer to enter into a site-control agreement covering any or all of the new motor vehicle dealer's facilities or premises; provided, that this section shall not restrict the terms of any site-control agreement voluntarily entered into and supported by valuable consideration separate from the new motor vehicle dealer's right to sell and service motor vehicles for the franchisor. Notwithstanding the foregoing or the terms of any site-control agreement, a site-control agreement automatically extinguishes if all of the factory's franchises that operated from the location that are the subject of the site-control agreement are terminated by the factory as part of the discontinuance of a product line,
 - h. refuses to pay, or claims reimbursement from, a new motor vehicle dealer or new powersports vehicle dealer for sales, incentives, or other payments related to a vehicle sold by the dealer because the purchaser of the new vehicle exported or resold the vehicle in violation of the policy of the factory unless the factory can show that, at the time of the sale, the new vehicle dealer knew or reasonably should have known of the purchaser's intention to export or resell the vehicle. There is a rebuttable presumption that the new vehicle dealer did not know or could not have known that the vehicle would be exported if the vehicle is titled and registered in any state of the United States, or
 - i. requires a new motor vehicle dealer or new powersports vehicle dealer to purchase goods or services for the construction, renovation, or improvement of the new dealer's facility from a vendor chosen by the factory if goods or services available from other sources are of substantially similar quality and design and comply with all applicable laws; provided, however, that such goods are not subject to the factory's intellectual property or trademark rights and the new vehicle dealer has received the factory's approval, which approval may not be unreasonably withheld. Nothing in this subparagraph may be construed to allow a new motor vehicle dealer or new powersports vehicle dealer to impair or eliminate a factory's intellectual property, trademark rights, or trade dress usage

guidelines. Nothing in this section prohibits the enforcement of a voluntary agreement between the factory and the new vehicle dealer where separate and valuable consideration has been offered and accepted;

10. Being a factory that:

- a. establishes a system of motor vehicle allocation or distribution which is unfair, inequitable, or unreasonably discriminatory. Upon the request of any new motor vehicle dealer or new powersports vehicle dealer franchised by it, a factory shall disclose in writing to the dealer the basis upon which new vehicles are allocated, scheduled, and delivered among the new motor vehicle dealers of the same line-make for that factory, or
- b. changes an established plan or system of new motor vehicle or new powersports vehicle distribution. A new motor vehicle dealer or new powersports vehicle dealer franchise agreement shall continue in full force and operation notwithstanding a change, in whole or in part, of an established plan or system of distribution of the motor vehicles or new powersports vehicles offered or previously offered for sale under the franchise agreement. The appointment of a new importer or distributor for motor vehicles or new powersports vehicle offered for sale under the franchise agreement shall be deemed to be a change of an established plan or system of distribution. The discontinuation of a line-make shall not be deemed to be a change of an established plan or system of motor vehicle or new powersports vehicle distribution. The creation of a line-make shall not be deemed to be a change of an established plan or system of motor vehicle distribution as long as the new line-make is not selling the same, or substantially the same vehicle or vehicles previously sold through another line-make by new motor vehicle dealers or new powersports vehicle dealers with an active franchise agreement for the other line-make in the state if such dealers are no longer authorized to sell the comparable vehicle previously sold through their line-make. Changing a vehicle's powertrain is not sufficient to show it is substantially different. Upon the occurrence of such change, the manufacturer or distributor shall be prohibited from obtaining a license to distribute vehicles under the new plan or system of distribution unless the manufacturer or distributor offers to each vehicle dealer who is a

party to the franchise agreement a new franchise agreement containing substantially the same provisions which were contained in the previous franchise agreement;

11. Being a factory that sells directly or indirectly new motor vehicles or new powersports vehicles to any retail consumer in the state except through a new motor vehicle dealer or new powersports vehicle dealer holding a franchise for the line-make that includes the new motor vehicle or new powersports vehicle. This paragraph does not apply to factory sales of new vehicles to its employees, family members of employees, retirees and family members of retirees, not-for-profit organizations, or the federal, state, or local governments. The provisions of this paragraph shall not preclude a factory from providing information to a consumer for the purpose of marketing or facilitating a sale of a new vehicle or from establishing a program to sell or offer to sell new motor vehicles or new powersports vehicle through participating dealers subject to the limitations provided in paragraph 2 of Section 562 of this title;

12. a. Being a factory which directly or indirectly:

- (1) owns any ownership interest or has any financial interest in a new motor vehicle dealer or new powersports vehicle dealer or any person who sells products or services pursuant to the terms of the franchise agreement,
- (2) operates or controls a new motor vehicle dealer or new powersports vehicle dealer, or
- (3) acts in the capacity of a new motor vehicle dealer or new powersports vehicle dealer.

- b. (1) This paragraph does not prohibit a factory from owning or controlling a new motor vehicle dealer or new powersports vehicle dealer while in a bona fide relationship with a dealer development candidate who has made a substantial initial investment in the franchise and whose initial investment is subject to potential loss. The dealer development candidate can reasonably expect to acquire full ownership of a new vehicle dealer within a reasonable period of time not to exceed ten (10) years and on reasonable terms and conditions. The ten-year acquisition period may be expanded for good cause shown.
- (2) This paragraph does not prohibit a factory from owning, operating, controlling, or acting in the capacity of a new motor vehicle dealer or new powersports vehicle dealer for a period not to exceed twelve (12) months during the transition

from one independent dealer to another independent dealer if the dealership is for sale at a reasonable price and on reasonable terms and conditions to an independent qualified buyer. On showing by a factory of good cause, the Oklahoma New Motor Vehicle Commission may extend the time limit set forth above; extensions may be granted for periods not to exceed twelve (12) months.

- (3) This paragraph does not prohibit a factory from owning, operating, or controlling or acting in the capacity of a new motor vehicle dealer or new powersports vehicle dealer which was in operation prior to January 1, 2000.
- (4) This paragraph does not prohibit a factory from owning, directly or indirectly, a minority interest in an entity that owns, operates, or controls motor vehicle dealerships or powersports vehicle dealerships of the same line-make franchised by the manufacturer, provided that each of the following conditions are met:
 - (a) all of the new motor vehicle or new powersports vehicle dealerships selling the vehicles of that manufacturer in this state trade exclusively in the line-make of that manufacturer,
 - (b) all of the franchise agreements of the manufacturer confer rights on the dealer of the line-make to develop and operate, within a defined geographic territory or area, as many dealership facilities as the dealer and manufacturer shall agree are appropriate,
 - (c) at the time the manufacturer first acquires an ownership interest or assumes operation, the distance between any dealership thus owned or operated and the nearest unaffiliated new motor vehicle or new powersports vehicle dealership trading in the same line-make is not less than seventy (70) miles,
 - (d) during any period in which the manufacturer has such an ownership interest, the manufacturer has no more than three franchise agreements with new motor vehicle dealers or new powersports vehicle dealers licensed by the Oklahoma New Motor Vehicle Commission to do business within the state, and

- (e) prior to January 1, 2000, the factory shall have furnished or made available to prospective new vehicle dealers an offering circular in accordance with the Trade Regulation Rule on Franchising of the Federal Trade Commission, and any guidelines and exemptions issued thereunder, which disclose the possibility that the factory may from time to time seek to own or acquire, directly or indirectly, ownership interests in retail dealerships;

13. Being a factory which directly or indirectly makes available for public disclosure any proprietary information provided to the factory by a new motor vehicle dealer or new powersports vehicle dealer, other than in composite form to new vehicle dealers in the same line-make or in response to a subpoena or order of the Commission or a court. Proprietary information includes, but is not limited to, information:

- a. derived from monthly financial statements provided to the factory, and
- b. regarding any aspect of the profitability of a particular new motor vehicle dealer or new powersports vehicle dealer;

14. Being a factory which does not provide or direct leads in a fair, equitable, and timely manner. Nothing in this paragraph shall be construed to require a factory to disregard the preference of a consumer in providing or directing a lead;

15. Being a factory which used the consumer list of a new motor vehicle dealer or new powersports vehicle dealer for the purpose of unfairly competing with dealers;

16. Being a factory which prohibits a new motor vehicle dealer or new powersports vehicle dealer from relocating after a written request by such dealer if:

- a. the facility and the proposed new location satisfies or meets the written reasonable guidelines of the factory. Reasonable guidelines do not include exclusivity or site control unless agreed to as set forth in subparagraphs f and g of paragraph 9 of this subsection,
- b. the proposed new location is within the area of responsibility of the new motor vehicle dealer or new powersports vehicle dealer pursuant to Section 578.1 of this title, and
- c. the factory has sixty (60) days from receipt of the new motor vehicle dealer's or powersports vehicle dealer's relocation request to approve or deny the request. The failure to approve or deny the request

within the sixty-day time frame shall constitute approval of the request;

17. Being a factory which prohibits a new motor vehicle dealer or new powersports vehicle dealer from adding additional line-makes to its existing facility, if, after adding the additional line-makes, the facility satisfies the written reasonable capitalization standards and facility guidelines of each factory. Reasonable facility guidelines do not include a requirement to maintain exclusivity or site control unless agreed to by the dealer as set forth in subparagraphs f and g of paragraph 9 of this subsection;

18. Being a factory that increases prices of new motor vehicles or new powersports vehicles which the dealer had ordered for retail consumers and notified the factory prior to the dealer's receipt of the written official price increase notification. A sales contract signed by a retail consumer accompanied with proof of order submission to the factory shall constitute evidence of each such order, provided that the vehicle is in fact delivered to the consumer. Price differences applicable to new models or series motor vehicles at the time of the introduction of new models or series shall not be considered a price increase for purposes of this paragraph. Price changes caused by any of the following shall not be subject to the provisions of this paragraph:

- a. the addition to a motor vehicle or powersports vehicle of required or optional equipment pursuant to state or federal law,
- b. revaluation of the United States dollar in the case of foreign-made vehicles or components, or
- c. an increase in transportation charges due to increased rates imposed by common or contract carriers;

19. Being a factory that requires a new motor vehicle dealer or new powersports vehicle dealer to participate monetarily in an advertising campaign or contest, or purchase any promotional materials, showroom, or other display decoration or materials at the expense of the new motor vehicle or powersports vehicle dealer without consent of the dealer, which consent shall not be unreasonably withheld;

20. Being a factory that denies any new motor vehicle dealer or new powersports vehicle dealer the right of free association with any other dealer for any lawful purpose, unless otherwise permitted by this chapter; or

21. Being a factory that requires a new motor vehicle dealer or new powersports vehicle dealer to sell, offer to sell, or sell exclusively an extended service contract, extended maintenance plan, or similar product, such as gap products offered, endorsed, or sponsored by the factory by the following means:

- a. by an act or statement from the factory that will in any manner adversely impact the new motor vehicle dealer, or
- b. by measuring dealer's performance under the franchise based on the sale of extended service contracts, extended maintenance plans, or similar products offered, endorsed, or sponsored by the manufacturer or distributor.

B. Notwithstanding the terms of any franchise agreement, in the event of a proposed sale or transfer of a new motor vehicle dealership, the manufacturer or distributor shall be permitted to exercise a right of first refusal to acquire the assets or ownership interest of the dealer of the new motor vehicle dealership, if such sale or transfer is conditioned upon the manufacturer or dealer entering into a dealer agreement with the proposed new owner or transferee, only if all the following requirements are met:

1. The manufacturer or distributor must notify the new motor vehicle dealer of its intent to exercise the right of first refusal in writing within sixty (60) days of receipt of the completed proposal for the proposed sale or transfer;

2. The exercise of the right of first refusal will result in the new motor vehicle dealer and the owner of the dealership receiving the same or greater consideration as they have contracted to receive in connection with the proposed change of ownership or transfer. If the proposed new motor vehicle dealership sale or transfer includes the sale, transfer, or lease of the real property and improvements thereon, then the right of first refusal shall include the same terms for the purchase or lease of the real property and all improvements thereon for not less than the consideration the new motor vehicle dealer has contracted to receive in connection with the proposed sale or transfer;

3. The proposed sale or transfer of the dealership does not involve the transfer or sale to a member or members of the family of one or more dealer owners, or to a qualified manager or a partnership or corporation controlled by such persons;

4. The factory agrees to pay the reasonable expenses, including attorney fees which do not exceed the usual, customary, and reasonable fees charged for similar work done for other clients incurred by the proposed new owner and transferee prior to the exercise by the factory of its right of first refusal in negotiating and implementing the contract for the proposed sale or transfer of the dealership or dealership assets. Notwithstanding the foregoing, no payment of expenses and attorney fees shall be required if the proposed new dealer or transferee has not submitted or caused to be submitted an accounting of those expenses within thirty (30) days of receipt of the written request of the factory for such an

accounting. The accounting may be requested by a factory before exercising its right of first refusal; and

5. a. For the purposes of this paragraph, "multi-dealership transaction" means any proposed sale, transfer, or assignment that involves two or more new motor vehicle dealerships that are being sold as part of the same overall transaction or a series of related transactions intended by the parties to constitute a single deal.

b. In a multi-dealership transaction, the selling dealer may withdraw the proposed sale, transfer, or assignment of the dealership that is subject to the manufacturer's or distributor's right of first refusal in response to the manufacturer's or distributor's timely received notice of intent to exercise the right of first refusal as follows:

(1) the selling dealer shall provide written notice to the manufacturer or distributor within thirty (30) days of receipt of the manufacturer's or distributor's timely received notice of intent to exercise the right of first refusal, stating that either:

(a) the entire multi-dealership transaction has been withdrawn, or

(b) the specific dealership subject to the timely received notice of manufacturer's or distributor's intent to exercise the right of first refusal has been excluded from the multi-dealership transaction,

(2) upon the manufacturer's or distributor's receipt of the selling dealer's withdrawal notice under division (1) of this subparagraph, the proposed sale, transfer, or assignment of the dealership subject to the manufacturer's or distributor's timely received notice of intent to exercise the right of first refusal shall be deemed withdrawn, and the manufacturer's or distributor's right of first refusal with respect to that dealership shall be deemed extinguished, and

(3) if the selling dealer does not provide the withdrawal notice within the thirty-day period, the manufacturer or distributor may proceed with exercising the right of first refusal.

C. Nothing in this section shall prohibit, limit, restrict, or impose conditions on:

1. Business activities, including without limitation the dealings with manufacturers and the representatives and affiliates

of manufacturers, of any person that is primarily engaged in the business of short-term, not to exceed twelve (12) months, rental of motor vehicles, powersports vehicles, and industrial and construction equipment and activities incidental to that business, provided that:

- a. any motor vehicle or powersports vehicle sold by that person is limited to used motor vehicles or powersports vehicles that have been previously used exclusively and regularly by that person in the conduct of business and used motor vehicles or used powersports vehicles traded in on motor vehicles or powersports vehicles sold by that person,
- b. warranty repairs performed by that person on motor vehicles or powersports vehicles are limited to those vehicles that the person owns, previously owned, or takes in trade, and
- c. motor vehicle or powersports vehicle financing provided by that person to retail consumers for motor vehicles or powersports vehicles is limited to used vehicles sold by that person in the conduct of business; or

2. The direct or indirect ownership, affiliation, or control of a person described in paragraph 1 of this subsection.

D. As used in this section:

1. "Substantially relates" means the nature of criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the occupation; and

2. "Poses a reasonable threat" means the nature of criminal conduct for which the person was convicted involved an act or threat of harm against another and has a bearing on the fitness or ability to serve the public or work with others in the occupation.

E. Nothing in this section shall prohibit a manufacturer or distributor from requiring a dealer to be in compliance with the franchise agreement and authorized to sell a make and model based on applicable reasonable standards and requirements that include but are not limited to any facility, technology, or training requirements necessary to sell or service a vehicle, in order to be eligible for delivery or allotment of a make or model of a new motor vehicle or new powersports vehicle or an incentive.

Added by Laws 1953, p. 182, § 5, emerg. eff. May 26, 1953. Amended by Laws 1959, p. 208, § 7, emerg. eff. July 16, 1959; Laws 1969, c. 241, § 4, emerg. eff. April 21, 1969; Laws 1970, c. 197, § 4, emerg. eff. April 13, 1970; Laws 1973, c. 189, § 2, emerg. eff. May 17, 1973; Laws 1980, c. 85, § 11, eff. Jan. 1, 1981; Laws 1980, c. 134, § 1, emerg. eff. April 15, 1980; Laws 1985, c. 229, § 8, eff. Nov. 1, 1985; Laws 1998, c. 269, § 3, eff. Nov. 1, 1998; Laws 2000, c.

341, § 2, eff. Nov. 1, 2000; Laws 2001, c. 148, § 3, emerg. eff. April 30, 2001; Laws 2005, c. 141, § 1, emerg. eff. May 5, 2005; Laws 2008, c. 315, § 4, emerg. eff. June 2, 2008; Laws 2014, c. 402, § 1, eff. Nov. 1, 2014; Laws 2019, c. 79, § 2, eff. Nov. 1, 2019; Laws 2021, c. 444, § 2, eff. Nov. 1, 2021; Laws 2022, c. 192, § 3, eff. Nov. 1, 2022; Laws 2023, c. 29, § 8, eff. Nov. 1, 2023; Laws 2024, c. 240, § 7, eff. Nov. 1, 2024; Laws 2025, c. 448, § 6, eff. Nov. 1, 2025.

§47-566. Procedure for denial, suspension or revocation of license or registration or imposing fine.

The Oklahoma New Motor Vehicle Commission may deny any application for license or registration, or suspend or revoke a license or registration issued or impose a fine, only after a hearing of which the applicant, registrant, or licensee affected, shall be given at least ten (10) days' written notice specifying the reason for denying the applicant a license or registration, or, in the case of a revocation or suspension or imposition of a fine, the offenses of which the licensee or registrant is charged. The notices may be served as provided by law for the service of notices, or mailing a copy by certified mail to the last-known residence or business address of the applicant, registrant, or licensee. The hearing on the charges shall be at such time and place as the Commission may prescribe and the aforementioned notice shall further specify the time and place. If the applicant, registrant, or licensee is a salesperson, or factory , or distributor representative, the Commission shall in like manner also notify the person, firm, association, corporation, or trust with whom he or she is associated, or in whose association he or she is about to enter. The Commission shall have the power to compel the production of all records, papers, and other documents which may be deemed relevant to the proceeding bearing upon the complaints. The Commission shall have the power to subpoena and bring before it any person, or take testimony of any such person by deposition, with the same fees and mileage and in the same manner as prescribed in proceedings before courts of the state in civil cases. Any party to the hearing shall have the right to the attendance of witnesses on his or her behalf upon designating to the Commission the person or persons sought to be subpoenaed.

Added by Laws 1953, p. 183, § 6, emerg. eff. May 26, 1953. Amended by Laws 1959, p. 209, § 8, emerg. eff. July 16, 1959; Laws 1980, c. 85, § 12, eff. Jan. 1, 1981; Laws 1985, c. 229, § 11, eff. Nov. 1, 1985; Laws 2023, c. 29, § 12, eff. Nov. 1, 2023; Laws 2024, c. 240, § 12, eff. Nov. 1, 2024; Laws 2025, c. 448, § 7, eff. Nov. 1, 2025.

§47-566.1. Application of Administrative Procedures Act.

All rulings, orders, decisions, procedures, or acts of the Oklahoma New Motor Vehicle Commission shall be subject to the provisions of the Administrative Procedures Act, Sections 250 through 323 of Title 75 of the Oklahoma Statutes. Added by Laws 1985, c. 229, § 12, eff. Nov. 1, 1985. Amended by Laws 2023, c. 29, § 13, eff. Nov. 1, 2023.

§47-567. Injunctions.

The Oklahoma New Motor Vehicle Commission is hereby authorized, without cost bond or deposit, to institute injunctive actions in courts of competent jurisdiction, in the name of this state on the relation of the Commission, to enforce the provisions of Sections 561 through 567, 572, 578.1, 579, and 579.1 of this title. Any licensee or other person who violates or threatens to violate any provision of this chapter or rule promulgated thereunder or order of the Commission may be enjoined from so doing.

Added by Laws 1953, p. 184, § 7, emerg. eff. May 26, 1953. Amended by Laws 1959, p. 210, § 9, emerg. eff. July 16, 1959; Laws 1970, c. 197, § 5, emerg. eff. April 13, 1970; Laws 1985, c. 229, § 13, eff. Nov. 1, 1985; Laws 2001, c. 148, § 5, emerg. eff. April 30, 2001; Laws 2023, c. 29, § 14, eff. Nov. 1, 2023.

§47-572. Venue in damage actions.

Any action brought to recover any damages that may be sustained by any motor vehicle or powersports vehicle dealer may be brought in the county in which said dealer is located and in addition to the action for damages he shall be entitled to sue for and have injunctive relief against the threatened loss, damage or injury to his business or property because of any violation of Sections 565 through 566 and 579 of this title or the threatened cancellation, termination or failure to renew any franchise agreement between any factory and said dealer, and the court may grant such injunctive relief, including temporary restraining orders, as it deems just and proper, notwithstanding any other provisions of law, and in addition to any other remedy which may be afforded under any other statute of this state.

Added by Laws 1970, c. 197, § 9, emerg. eff. April 13, 1970. Amended by Laws 1985, c. 229, § 14, eff. Nov. 1, 1985; Laws 2000, c. 341, § 4, eff. Nov. 1, 2000; Laws 2024, c. 240, § 13, eff. Nov. 1, 2024.

§47-573. Liberal construction.

All provisions in this chapter shall be liberally interpreted to protect the public from fraud in the business of purchasing or selling new vehicles and to protect the investments of its citizens in new vehicles and dealerships and to protect the transportation

system of the state and shall further be interpreted to affect existing as well as future franchise agreements.

Added by Laws 1970, c. 197, § 10, emerg. eff. April 13, 1970.

Amended by Laws 2024, c. 240, § 14, eff. Nov. 1, 2024.

§47-576. Petty cash fund - Creation.

There is hereby created a petty cash fund not to exceed One Hundred Dollars (\$100.00) for the Oklahoma New Motor Vehicle Commission, which may be expended for small authorized expenses of the Commission.

Added by Laws 1975, c. 116, § 1, emerg. eff. May 9, 1975. Amended by Laws 2023, c. 29, § 15, eff. Nov. 1, 2023.

§47-577. Administration.

The Director of the Office of Management and Enterprise Services is authorized to prescribe forms, systems and procedures for its administration. The petty cash fund may be reimbursed from time to time by the filing of proper claims, accompanied by valid receipts for expenditures made.

Added by Laws 1975, c. 116, § 2, emerg. eff. May 9, 1975. Amended by Laws 2012, c. 304, § 178.

§47-578. Repealed by Laws 2000, c. 341, § 8, eff. Nov. 1, 2000.

§47-578.1. Procedures for establishing or relocating new motor vehicle or new powersports vehicle dealers within certain areas.

A. Notwithstanding the terms of a franchise and notwithstanding the terms of a waiver, if a factory intends or proposes to enter into a franchise to establish an additional new motor vehicle or powersports vehicle dealer or to relocate an existing new motor vehicle or powersports vehicle dealer within or into a relevant market area in which the same line-make of motor vehicle is currently represented, the factory shall provide at least sixty (60) days advance written notice to the Commission and to each new motor vehicle or powersports vehicle dealer of the same line-make in the relevant market area, of the intention of the factory to establish an additional dealer or to relocate an existing dealer within or into the relevant market area. For purposes of this section, any mileage distance shall be measured on a straight line from the nearest property boundary points for the dealership properties at issue. Further, for purposes of this section, the "relevant market area" means the area within a radius of fifteen (15) miles around the site of the proposed new motor vehicle or powersports vehicle dealership measured from the property boundary of primary dealership property. The notice shall be sent by certified mail to each party and shall include the following information:

1. The specific location at which the additional or relocated dealer will be established;

2. The date on or after which the additional or relocated dealer intends to commence business at the proposed location;

3. The identity of all dealers who are franchised to sell the same line-make vehicles as the proposed dealer and who have licensed locations within the relevant market area;

4. The names and addresses of the person intended to be franchised as the proposed additional or relocated dealership, the principal investors in the proposed additional or relocated dealership, and the proposed dealer operator of the proposed additional or relocated dealership; and

5. The specific grounds or reasons for the proposed establishment of an additional dealer or relocation of an existing dealer.

B. The notification requirements prescribed in subsection A of this section shall not apply if:

1. The relocation of an existing dealer is within the relevant market area of that dealer; provided, that the relocation not be at a site within ten (10) miles of a licensed dealer for the same line-make of vehicle;

2. A proposed additional dealer which is to be established at or within two (2) miles of a location at which a former licensed dealer for the same line-make of vehicle had ceased operating within the previous two (2) years;

3. The relocation of an existing dealer is within two (2) miles of the existing site of the dealership; or

4. The proposed site for the relocation of an existing dealer is farther away from all other dealers of the same line-make in that relevant market area.

C. Within thirty (30) days after receipt of the notice, or within thirty (30) days after the end of an appeal procedure provided by the factory, whichever is greater, a new motor vehicle dealer or new powersports vehicle dealer so notified or entitled to notice may file a petition with the Commission protesting the proposed establishment or relocation. The petition shall contain a short statement setting forth the reasons for the objection of the new motor vehicle dealer to the proposed establishment or relocation. Upon filing of a protest, the Commission shall promptly notify the factory that a timely protest has been filed and shall schedule a hearing, which shall be held within one hundred twenty (120) days of the filing of a timely protest. The factory shall not establish or relocate the dealer until the Commission has held a hearing and has determined that there is good cause for permitting the proposed establishment or relocation. When more than one protest is filed against the establishment or relocation of the same

dealer, the Commission shall consolidate the hearings to expedite disposition of the matter.

D. The burden of proof to establish that good cause exists for permitting the proposed establishment of a new motor vehicle or new powersports vehicle dealer or relocating an existing dealership shall be on the applicant who seeks to establish a dealership or the relocation of an existing dealership.

Added by Laws 2000, c. 341, § 5, eff. Nov. 1, 2000. Amended by Laws 2023, c. 29, § 16, eff. Nov. 1, 2023; Laws 2024, c. 240, § 15, eff. Nov. 1, 2024; Laws 2025, c. 448, § 8, eff. Nov. 1, 2025.

§47-579. Considerations in determining good cause for establishment or relocation of additional franchise.

In determining whether good cause has been established for permitting the proposed establishment or relocation of an additional franchise for the same line-make, the Oklahoma New Motor Vehicle Commission shall take into consideration, and must be persuaded, that good cause exists for entering into or relocating an additional franchise for the same line-make by the greater weight of facts and the existing circumstances, including but not limited to:

1. Permanency of the investment of the proposed dealership;
2. Effect on the retail new motor vehicle or new powersports vehicle business and the consuming public in the relevant market area;

3. Whether it is injurious to the public welfare for an additional dealership to be established;

4. Whether the dealers of the same line-make in that relevant market area are providing adequate competition and convenient consumer care for the motor vehicle or powersports vehicle sales and service facilities, equipment, supply of vehicle parts, and qualified service personnel; and

5. Whether the establishment of an additional dealership would increase competition, and therefore be in the public interest.

Added by Laws 1980, c. 134, § 4, emerg. eff. April 15, 1980.

Amended by Laws 1985, c. 229, § 16, eff. Nov. 1, 1985; Laws 2000, c. 341, § 6, eff. Nov. 1, 2000; Laws 2023, c. 29, § 17, eff. Nov. 1, 2023; Laws 2024, c. 240, § 16, eff. Nov. 1, 2024.

§47-579.1. Certain vehicle brokering unlawful - Penalties.

A. It shall be unlawful to be a broker.

B. For the purposes of this section, "broker" means a person who, for a fee, commission or other valuable consideration, arranges or offers to arrange a transaction involving the sale of a new motor vehicle or new powersports vehicle, and who is not:

1. A new motor vehicle or new powersports vehicle dealer or employee of such a dealer;

2. A distributor or employee of such a distributor;

3. A motor vehicle manufacturer or employee of such a manufacturer; or

4. An auctioneer or any other person engaged in the auto auction business.

However, an individual shall not be deemed to be a broker if the individual is the owner of the new or used motor vehicle or new or used powersports vehicle which is the object of the brokering transaction.

C. Any person convicted of being a broker as defined by this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year and a fine of not more than One Thousand Dollars (\$1,000.00). Any person convicted of a second or subsequent offense shall be guilty of a Class D3 felony offense, and the fine for a felony violation of this section shall be not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00). Added by Laws 1985, c. 229, § 17, eff. Nov. 1, 1985. Amended by Laws 1995, c. 324, § 1, eff. Nov. 1, 1995; Laws 1998, c. 269, § 4, eff. Nov. 1, 1998; Laws 2000, c. 341, § 7, eff. Nov. 1, 2000; Laws 2024, c. 240, § 17, eff. Nov. 1, 2024; Laws 2025, c. 486, § 717, eff. Jan. 1, 2026.

§47-580. Denial, revocation or suspension of license.

The Commission may deny an application for a license, or revoke or suspend a license after it has been granted, if any party fails to comply with Section 3 or 4 of this act.
Laws 1980, c. 134, § 5, emerg. eff. April 15, 1980.

§47-580.2. Insurance coverage on vehicles on loan from authorized motor vehicle or powersports vehicle dealer.

During the time a person is operating a motor vehicle or powersports vehicle with the express or implied permission of a new motor vehicle or new powersports vehicle dealer, as defined in Section 562 of this title, such person's motor vehicle liability policy shall have primary coverage with the motor vehicle liability policy of the dealer having secondary coverage until the vehicle is returned. As used herein, "motor vehicle liability policy" means motor vehicle insurance against legal liability for the death, injury, or disability of any human being, or for damage to real or personal property. The motor vehicle liability policy of any person who has been loaned a motor vehicle or powersports vehicle by a dealer pursuant to the terms of this section shall provide primary coverage for any death or injury of any human being or for any real or personal property damage, including damage to the loaned vehicle, with the motor vehicle insurance policy of the dealer having secondary coverage for any death or injury of any human being or for any real or personal property damage, including damage to the loaned

vehicle. The change in financial responsibility shall be evidenced by a release signed by the person operating the vehicle with the express or implied permission of the dealer with the release to be returned to the person upon the return of the motor vehicle or powersports vehicle to the dealer. The motor vehicle liability policy of such person shall meet the minimum financial responsibility requirements found in Section 7-324 of this title.

This section shall apply only to the loan of a motor vehicle or powersports vehicle by a new motor vehicle or new powersports vehicle dealer which occurs without financial remuneration in the form of a fee or lease charge.

Added by Laws 1980, c. 167, § 1, eff. Oct. 1, 1980. Amended by Laws 2023, c. 29, § 18, eff. Nov. 1, 2023; Laws 2024, c. 240, § 18, eff. Nov. 1, 2024.

§47-581. Definitions.

As used in Section 581 et seq. of this title:

1. "Commission" means the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission;
2. "Compensation" means anything of value including money, merchandise, rebates on purchases, trading stamps or any other thing of value;
3. "Consignment sale" means the sale of used motor vehicles belonging to another by a used motor vehicle dealer, whether or not title is transferred from the consignor to the used motor vehicle dealer;
4. "Factory" means a manufacturer, distributor, factory branch, distributor branch, factory representative or distributor representative, which manufactures or distributes vehicle products;
5. "Manufactured home" means a residential dwelling in one or more sections built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq. and rules promulgated pursuant thereto;
6. a. "Manufactured home dealer" means any person who:
 - (1) works for a commission or with intent to make a profit or gain of money or other thing of value, sells, offers to sell, or attempts to negotiate a sale or exchange of interest in, new or used manufactured homes,
 - (2) is engaged wholly or in part in the business of selling any new and unused, or used, or both new and used manufactured homes, or
 - (3) is engaged wholly or in part in the business of leasing any new and unused, or used, or both new and used manufactured homes, that are considered personal property, with an option to purchase or

own in any form at any time after beginning of the lease term.

A valid franchise letter as proof of authorization to sell any new manufactured home product line or lines shall be attached to the application for a dealer license to sell manufactured homes.

"Manufactured home dealer" shall include a manufactured home auction. A manufactured home auction shall mean any person selling more than five manufactured homes in an auction or liquidation format. Only licensed manufactured home dealers shall be authorized to purchase manufactured homes at such auctions.

- b. "Manufactured home dealer" shall not include any person who sells or contracts for the sale of a personally titled manufactured home or homes which they have used as their personal residence, or any person acting as an auctioneer who has been engaged by a seller to direct, conduct, control, or be responsible for the sale of such manufactured homes as a part of an auction or liquidation of an estate, or any Oklahoma licensed real estate broker or sales associate when buying or selling manufactured homes which have become real property as a part of a real estate business. No person shall be considered a manufactured home dealer as to any manufactured home purchased or acquired by the person for purposes other than resale or lease-purchase in any form; provided, that the restriction set forth in this sentence shall not prevent an otherwise qualified person from utilizing a single manufactured home as a sales office.
- c. A holder of a lien on a personally titled manufactured home may sell the repossessed manufactured home and shall not be required to be licensed pursuant to this title. Any person other than a bona fide full-time employee of the lienholder who participates in the sale of the repossessed manufactured home shall be licensed as a manufactured home dealer pursuant to this title.
- d. "Manufactured home dealer" shall not include a restricted manufactured home park dealer;

7. "Manufactured home salesperson" means any person who has been engaged by a manufactured home dealer or restricted manufactured home park dealer to buy, sell, exchange, negotiate, or act as an agent for the purchase, sale, or exchange of an interest in a manufactured home;

8. "Manufactured home installer" means a person who is engaged in the business of installing or setting up manufactured homes and/or mobile homes as defined herein;

9. "Manufactured home manufacturer" means a person who manufactures, assembles, sells or distributes new manufactured homes, whether directly or indirectly, to new manufactured home retailers or a restricted manufactured home park dealer for resale or use in this state;

10. "Mobile home" means a residential dwelling fabricated in an off-site manufacturing facility, designed to be a permanent residence, but which is still transportable, that was built prior to the enacting of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq.;

11. "Person" means an individual, business, corporation, partnership, association, limited liability corporation, trust, firm, or company or legal entity, but does not include any political subdivision;

12. "Ready for occupancy" means a mobile or manufactured home which is installed and anchored properly by a manufactured home installer licensed in this state and has utilities connected to service;

13. "Rebuilder" means a used motor vehicle dealer who is engaged in the business of rebuilding repairable motor vehicles and who has paid the fee for and been issued a rebuilder certificate as provided by Section 591.5 of this title;

14. "Restricted manufactured home park dealer" means any person operating a mobile or manufactured home park who, for a commission or with intent to make a profit or gain of money or other thing of value, sells, offers to sell, or attempts to negotiate a sale or exchange of interest in, new or used manufactured homes, or that is engaged wholly or in part in the business of selling or leasing manufactured homes which are personal property with an option to purchase or own in any form at any time after the beginning of the lease term any new and unused, or used, or both new and used manufactured homes; provided, every mobile or manufactured home sold pursuant to a restricted manufactured home park dealer license shall be located in the licensed mobile or manufactured home park and ready for occupancy. Provided further, manufactured home dealer license plates shall not be issued to a restricted manufactured home park dealer;

15. "Retail implement dealer" means a business engaged primarily in the sale of farm tractors as defined in Section 1-118 of this title or implements of husbandry as defined in Section 1-125 of this title or a combination thereof;

16. "Sale" or "sell" means the act of selling, brokering, exchanging, exchanging of an interest in, or renting with the option to purchase or own in any form at any time after the beginning of the lease term, a new or used manufactured home for commission, profit, gain of money or other thing of value;

17. "Used motor vehicle" means any motor vehicle, as that term is defined in the Oklahoma Vehicle License and Registration Act, but not including any all-terrain vehicles, utility vehicles, and motorcycles used exclusively for off-road use which are sold by a retail implement dealer, which has been sold, bargained, exchanged, given away or the title thereto transferred from the person who first took title from the manufacturer, importer, or dealer or agent of the manufacturer or importer, or so used as to have become what is commonly known as a "secondhand motor vehicle". In the event of transfer, on the statement of origin, from the original franchised dealer to any other dealer or individual other than a franchised dealer of the same make of vehicle, the vehicle shall be considered a used motor vehicle and must be titled in the new owner's name;

18. "Used motor vehicle auction" means any business other than salvage pools which regularly engages in the sale or trade, or negotiates the sale or trade, of used motor vehicles by auction, whether by open or closed bid or by sale to or purchase by used motor vehicle dealers or individuals;

19. a. "Used motor vehicle dealer" means any person who, for a commission or with intent to make a profit or gain of money or other thing of value, sells, brokers, exchanges, rents with option to purchase, or offers or attempts to negotiate a sale or exchange of an interest in used motor vehicles, or who is engaged wholly or in part in the business of selling used motor vehicles, whether or not such motor vehicles are owned by the person.

b. "Used motor vehicle dealer" shall not include:

- (1) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting pursuant to the judgment or order of any court,
- (2) public officers while performing their official duties,
- (3) employees of persons enumerated in the definition of "used motor vehicle dealer" when engaged in the specific performance of their duties as such employees,
- (4) mortgagees or secured parties as to sales of motor vehicles constituting collateral on a mortgage or security agreement, if the mortgagees or secured parties shall not realize for their own account from such sales any monies in excess of the outstanding balance secured by such mortgage or security agreement, plus the costs of collection,

- (5) any person acting as an auctioneer who has been engaged by a seller to direct, conduct, control, or be responsible for the sale of used motor vehicles as part of an estate auction or liquidation,
- (6) any person, firm, corporation, or other legal entity who sells, or contracts for the sale of, the vehicles of the person, firm, corporation, or other legal entity when such vehicles are sold in liquidation, and any person, firm, corporation, or other legal entity who serves as an agent in such sale. The exclusion provided in this paragraph shall not extend to any person, firm, corporation, or other legal entity whose business is the purchase, sale, or rental with option to purchase, of motor vehicles, or to a location used for such purposes,
- (7) any person acting as an auctioneer who has been engaged by a seller to direct, conduct, control, or be responsible for the sale of used motor vehicles as part of an auction held at a licensed used motor vehicle dealer location. The exclusion provided in this division shall not extend to a person who auctions five or more used motor vehicles in a nonliquidation sale held at a licensed used motor vehicle dealer location which is not regularly used as a vehicle auction, or
- (8) any retail implement dealer that sells all-terrain vehicles, utility vehicles, and motorcycles used exclusively for off-road use;

20. "Used motor vehicle salesperson" means a person employed by a licensed used motor vehicle dealer to sell, broker, exchange, or negotiate a purchase, sale, or rental with option to purchase, used motor vehicles or an interest in used motor vehicles. The term

"used motor vehicle salesperson" shall not include any person who:

- a. uses the person's own funds for such transactions, or
- b. operates independently as a used motor vehicle dealer using a licensed used motor vehicle dealer's license number; and

21. "Wholesale used motor vehicle dealer" means any person who, for a commission or with intent to make a profit or gain of money or other thing of value, sells, brokers, exchanges, rents with option to purchase, or offers or attempts to negotiate a sale or exchange of interest in used motor vehicles exclusively to used motor vehicle dealers, or who is engaged in the business of selling used motor vehicles exclusively to used motor vehicle dealers, whether or not such motor vehicles are owned by the person.

Added by Laws 1980, c. 85, § 16, eff. Jan. 1, 1981. Amended by Laws 1982, c. 188, § 1, operative Oct. 1, 1982; Laws 1984, c. 89, § 1, eff. Nov. 1, 1984; Laws 1989, c. 57, § 1, operative July 1, 1989; Laws 1992, c. 200, § 3, eff. July 1, 1992; Laws 1992, c. 373, § 9, eff. July 1, 1992; Laws 1993, c. 281, § 1, emerg. eff. June 3, 1993; Laws 1994, c. 115, § 1, emerg. eff. April 24, 1994; Laws 1996, c. 332, § 1, eff. Nov. 1, 1996; Laws 1997, c. 168, § 1, eff. Nov. 1, 1997; Laws 1998, c. 289, § 2, emerg. eff. May 27, 1998; Laws 1999, c. 155, § 1, eff. July 1, 1999; Laws 2000, c. 150, § 1, eff. July 1, 2000; Laws 2001, c. 148, § 6, emerg. eff. April 30, 2001; Laws 2003, c. 483, § 1, eff. June 16, 2003; Laws 2005, c. 298, § 1, eff. Nov. 1, 2005; Laws 2013, c. 145, § 1, eff. Nov. 1, 2013; Laws 2015, c. 223, § 1, eff. Nov. 1, 2015; Laws 2019, c. 79, § 3, eff. Nov. 1, 2019; Laws 2021, c. 379, § 1, eff. Nov. 1, 2021; Laws 2022, c. 107, § 1, eff. Nov. 1, 2022.

NOTE: Laws 1992, c. 140, § 1 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992.

§47-582. Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission.

A. There is hereby created the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission, to be composed of ten (10) members who shall be selected as follows:

1. One member shall be appointed from each congressional district and any remaining members, including the chair, shall be appointed from the state at large. However, when congressional districts are redrawn, each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member; provided, the chair shall be appointed at large without regard to congressional district representation on the board;

2. All members shall be appointed by the Governor, by and with the advice and consent of the Senate;

3. a. Each of the members appointed from a congressional district shall, at the time of appointment, be a resident in good faith of the congressional district from which appointed, and
- b. Each of the members appointed from the state at large shall, at the time of appointment and during the period of service, be residents in good faith of the state;

4. Each member shall be of good moral character and, for the ten-year period immediately preceding appointment, each of the used motor vehicle dealer representatives shall have been licensed for and actually engaged in the distribution or sale of used motor vehicles; each of the dismantler representatives shall have actually been licensed for and engaged in the principal business of dismantling or disassembling motor vehicles for the purpose of selling the parts thereof; and the manufactured housing representative shall have been licensed for and actually engaged in the principal business of selling manufactured homes; and

5. Eight members plus the chair shall be engaged in the used motor vehicle industry or the automotive dismantler industry. There shall not be fewer than five members engaged in the principal business of the sale of used motor vehicles and there shall not be fewer than two members engaged in the principal business of dismantling or disassembling motor vehicles for the purpose of selling the parts thereof. One of the at-large members shall be engaged in the principal business of selling manufactured homes as a licensed manufactured home dealer. Being engaged in one or more of such pursuits shall not disqualify a person otherwise qualified from serving on the Commission.

B. 1. The term of the chair shall be coterminous with that of the Governor making the appointment, and until a successor is appointed and is qualified.

2. The terms of office of each member of the Commission shall be subject to the following:

- a. the Commission shall determine and certify the trade associations of manufactured home dealers that represent ten percent (10%) or more of the number of licensed manufactured home dealers in the state and shall certify each such association to the Governor. The Governor shall request a minimum of ten names from each such association and shall select one member from the manufactured home industry from the names provided,
- b. each member actively serving July 1, 2000, who was appointed on or before June 30, 2000, shall remain and fulfill the term of his or her membership as set forth at the appointment,
- c. except for the chair, the term of office of each member of the Commission shall be for six (6) years,
- d. except for the chair and the at-large members, the term of office of any member will automatically expire if the member moves out of the congressional district from which appointed; however, if the congressional districts are modified each member shall complete the current term of office as provided in this section,

- e. in event of death, resignation, or removal of any person serving on the Commission, the vacancy shall be filled by appointment as aforesaid for the unexpired portion of the term, and
- f. except for the chair, when the term of a member automatically expires, the vacancy shall be filled by appointment of a qualified successor for a term of six (6) years as aforesaid, except that the member shall serve until a successor is appointed and qualified.

3. The chair and each member of the Commission shall take and subscribe to the oath of office required of public officers.

C. The chair and members of the Commission shall receive Thirty Dollars (\$30.00) for each and every day actually and necessarily spent in attending the meetings of the Commission, and shall be reimbursed for subsistence and traveling expenses incurred in the performance of their duties hereunder as provided by the State Travel Reimbursement Act; provided that such meeting payments shall not exceed the sum of Six Hundred Dollars (\$600.00) per annum to any one person.

- D. 1. a. The Commission shall appoint a qualified person to serve as Executive Director who shall have had sufficient management and organizational experience in the automotive industry to direct the functions of the Commission.
- b. The Executive Director shall be appointed for a term of six (6) years, and shall not be subject to dismissal or removal without cause.
- c. The Commission shall fix the salary and define and prescribe the duties of the Executive Director.
- d. The Executive Director shall be in charge of the Commission's office, shall devote such time as necessary to fulfill the duties thereof, and, before entering upon these duties, shall take and subscribe to the oath of office.

2. The Commission may employ such clerical, technical, legal, and other help and incur such expenses as may be necessary for the proper discharge of its duties under Section 581 et seq. of this title and Section 2 of this act.

3. The Commission shall maintain its office and transact its business in Oklahoma City, and is authorized to adopt and use a seal.

- E. 1. a. The Commission is hereby vested with the powers and duties necessary and proper to enable it to fully and effectively carry out the provisions and objectives of Section 581 et seq. of this title and Section 2 of this act, and is hereby authorized and empowered, pursuant to the Administrative Procedures Act, to make

and enforce all reasonable rules and to adopt and prescribe all forms necessary to accomplish such purpose.

- b. The Commission shall promulgate rules for the licensing of manufactured home installers and the installation, which is the blocking, anchoring, and leveling of mobile and manufactured homes that meet the standards of the manufacturer's manual or the Commission.
- c. The Commission shall promulgate rules to prescribe the contents of manufactured home sales agreements and to require that each manufactured home manufacturer issue with each new manufactured home a warranty comparable to warranties generally in use in the industry warranting the manufactured home to be free from material defects.
- d. The enumeration of any power or authority herein shall not be construed to deny, impair, disparage, or limit any others necessary to the attainment thereof.
- e. A copy of all rules adopted by the Commission shall be filed and recorded in the Office of the Secretary of State and the State Librarian and State Archivist, and same may be amended, modified, or repealed from time to time.

2. The Commission's powers and duties shall include, but not be limited to, the following:

- a. to license used motor vehicle dealers, wholesale used motor vehicle dealers, dismantlers, manufactured home dealers, manufactured home manufacturers, and manufactured home installers,
- b. to inspect used motor vehicle dealer, dismantler and manufactured home dealer locations, and manufactured home manufacturers' factories or assembly sites to ensure that they are in an approved location, meet local zoning or other municipal requirements, and have sufficient facilities which shall include, but not be limited to, for retail businesses, a business sign, a listed and usable telephone number, a restroom, and a sales office,
- c. to inspect wholesale used motor vehicle dealer locations to ensure that they are in an approved location, meet local zoning or other municipal requirements, and have sufficient facilities which shall include, but not be limited to, a listed and usable telephone number in the dealer's name and a business office where records of the business are kept,

- d. to require all dealer sales to have a condition of sale such as a warranty disclaimer, implied or written warranty, or a service contract approved by the Commission,
- e. to work with consumers and dealers to hear complaints on used vehicles and manufactured homes, including installation, and
- f. to serve as a dispute resolution panel for binding arbitration in accordance with Section 1851 et seq. of Title 12 of the Oklahoma Statutes in contract controversies between licensed used motor vehicle dealers, dismantlers, and manufactured housing dealers, manufactured home dealers, installers, and manufacturers and their consumers when, by mutual written agreement executed after the dispute between the parties has arisen, both parties have agreed to use the Commission as their arbitration panel for contract disputes.

F. 1. All fees and charges collected under the provisions of Section 581 et seq. of this title and Section 2 of this act shall be deposited by the Executive Director in the State Treasury in accordance with the depository laws of this state in a special fund to be known as the "Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission Fund", which fund is hereby created. Except as hereinafter provided, the monies in the fund shall be used by the Commission for the purpose of carrying out and enforcing the provisions of Section 581 et seq. of this title and Section 2 of this act. Expenditures from the fund shall be warrants issued by the State Treasurer against claims submitted by the Commission to the Director of the Office of Management and Enterprise Services for approval.

2. At the close of each fiscal year, the Commission shall file with the Governor and the State Auditor and Inspector a true and correct report of all fees and charges collected and received by it during the preceding fiscal year and shall at the same time pay into the General Revenue Fund of the state a sum equal to ten percent (10%) of the gross fees and charges so collected and received.

3. All expenses incurred by the Commission in carrying out the provisions of Section 581 et seq. of this title and Section 2 of this act including, but not limited to, per diem, wages, salaries, rent, postage, advertising, supplies, bond premiums, travel, and subsistence for the Commissioners, the Executive Director, employees, and legal counsel, and printing and utilities, shall be a proper charge against the fund, exclusive of the portion thereof to be paid into the General Revenue Fund as above set out; provided, that in no event shall liability ever accrue hereunder against the state in any sum whatsoever, or against the Oklahoma Used Motor

Vehicle, Dismantler, and Manufactured Housing Commission Fund, in excess of the ninety percent (90%) of the fees and charges deposited therein.

Added by Laws 1980, c. 85, § 17, eff. Jan. 1, 1981. Amended by Laws 1989, c. 57, § 2, operative July 1, 1989; Laws 1992, c. 140, § 2, eff. Sept. 1, 1992; Laws 1993, c. 281, § 2, emerg. eff. June 3, 1993; Laws 1997, c. 212, § 1, eff. Nov. 1, 1997; Laws 1999, c. 155, § 2, eff. July 1, 1999; Laws 2000, c. 150, § 2, eff. July 1, 2000; Laws 2002, c. 375, § 5, eff. Nov. 5, 2002; Laws 2003, c. 229, § 1, emerg. eff. May 20, 2003; Laws 2005, c. 298, § 2, eff. Nov. 1, 2005; Laws 2006, c. 305, § 1, eff. July 1, 2006; Laws 2012, c. 304, § 179; Laws 2019, c. 79, § 4, eff. Nov. 1, 2019; Laws 2022, c. 107, § 2, eff. Nov. 1, 2022; Laws 2024, c. 236, § 4, eff. Sept. 1, 2024.

§47-582.1. Manufactured Home Advisory Committee.

A. There is hereby created the Manufactured Home Advisory Committee which shall consist of five (5) members who shall be appointed as follows:

1. The members shall be appointed by the Governor from a list of not less than twenty names submitted by the Trade Association of Manufactured Home Dealers, as certified by the Commission, as set forth herein;

2. The members shall be appointed for terms of three (3) years; except that, for the first committee appointed, two members shall be appointed for two (2) years with terms ending June 30, 2002, two members shall be appointed for three (3) years with terms ending June 30, 2003, and one member shall be appointed for four (4) years with a term ending June 30, 2004; and

3. The members shall be licensed and primarily engaged in the manufactured housing industry.

B. The Manufactured Home Advisory Committee shall choose from their membership a person to act as the chair and shall meet as necessary.

C. The Manufactured Home Advisory Committee shall provide specific recommendations and advice to the Commission on manufactured home industry issues including, but not limited to:

1. Claims or complaints concerning noncompliances, defects, serious defects, or imminent safety hazards filed by consumers and to resolve such claims or complaints;

2. Adoption of guidelines for the installation of manufactured homes and mobile homes; and

3. Licensure requirements for manufactured home dealers, manufactured home manufacturers, and manufactured home installers.

Added by Laws 2000, c. 150, § 5, eff. July 1, 2000.

§47-583. License required - Application - Fees - Specifications and display - Bond - Liability insurance.

A. 1. It shall be unlawful and constitute a misdemeanor for any person to engage in business as, or serve in the capacity of, or act as a used motor vehicle dealer, wholesale used motor vehicle dealer, manufactured home dealer, restricted manufactured home park dealer, manufactured home installer, or manufactured home manufacturer selling directly to a licensed manufactured home dealer in this state without first obtaining a license or following other requirements therefor as provided in this section.

2. a. Any person engaging, acting, or serving in the capacity of a used motor vehicle dealer, a manufactured home dealer, restricted manufactured home park dealer, a manufactured home installer, or a manufactured home manufacturer, or having more than one place where any such business, or combination of businesses, is carried on or conducted shall be required to obtain and hold a current license for each such business, in which engaged.

b. If after a hearing in accordance with the provisions of Section 585 of this title, the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission shall find any person installing a mobile or manufactured home to be in violation of any of the provisions of Section 581 et seq. of this title, such person may be subject to an administrative fine not more than Five Hundred Dollars (\$500.00) for each violation. Each day a person is in violation of Section 581 et seq. of this title may constitute a separate violation. All administrative fines collected pursuant to the provisions of this subparagraph shall be deposited in the fund established in Section 582 of this title. Administrative fines imposed pursuant to this subparagraph may be enforceable in the district courts of this state.

3. Any person, except persons penalized by administrative fine, violating the provisions of this section shall, upon conviction, be punished by a fine not to exceed Five Hundred Dollars (\$500.00). A second or subsequent conviction shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00); provided that each day such unlicensed person violates this section shall constitute a separate offense, and any vehicle involved in a violation of this subsection shall be considered a separate offense.

B. 1. Applications for licenses required to be obtained under the provisions of the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission shall be verified by the oath or affirmation of the applicant and shall be on forms prescribed by the Commission and furnished to the applicants, and shall contain such

information as the Commission deems necessary to enable it to fully determine the qualifications and eligibility of the several applicants to receive the license or licenses applied for. The Commission shall require in the application, or otherwise, information relating to:

- a. the applicant's financial standing,
- b. the applicant's business integrity,
- c. whether the applicant has an established place of business and is engaged in the pursuit, avocation, or business for which a license, or licenses, is applied for,
- d. whether the applicant is able to properly conduct the business for which a license, or licenses, is applied for, and
- e. such other pertinent information consistent with the safeguarding of the public interest and the public welfare.

2. All applications for license or licenses shall be accompanied by the appropriate fee or fees in accordance with the schedule hereinafter provided. In the event any application is denied and the license applied for is not issued, the entire license fee shall be returned to the applicant.

3. All bonds and licenses issued under the provisions of Section 581 et seq. of this title shall expire on December 31, following the date of issue and shall be nontransferable. All applications for renewal of licenses shall be submitted by November 1 of each year of expiration, and licenses for completed renewals received by November 1 shall be issued by January 10. If applications have not been made for renewal of licenses, such licenses shall expire on December 31 and it shall be illegal for any person to represent himself or herself and act as a dealer thereafter. Tag agents shall be notified not to accept dealers' titles until such time as licenses have been issued. Beginning January 1, 2016, all licenses shall be issued for a period of two (2) years and the appropriate fees shall be assessed. The Commission shall adopt rules necessary to implement the two-year licensing provisions.

4. A certificate of registration shall permit the registered person to engage in the activities of a used motor vehicle salesperson. A salesperson shall be deemed to be temporarily approved and allowed to sell vehicles when applications and fees are on file with the Commission.

C. The schedule of license and inspection fees to be charged and received by the Commission for the licenses and inspections issued hereunder shall be as follows:

1. For each used motor vehicle dealer's license and each wholesale used motor vehicle dealer's license, Six Hundred Dollars

(\$600.00). If a used motor vehicle dealer or a wholesale used motor vehicle dealer has once been licensed by the Commission in the classification for which he or she applies for a renewal of the license, the fee for each subsequent renewal shall be Three Hundred Dollars (\$300.00); provided, if an applicant holds a license to conduct business as an automotive dismantler and parts recycler issued pursuant to Section 591.1 et seq. of this title, the initial fee shall be Two Hundred Dollars (\$200.00) and the renewal fee shall be Two Hundred Dollars (\$200.00). If an applicant is applying simultaneously for a license under this paragraph and a license under paragraph 1 of Section 591.5 of this title, the initial application fee shall be Four Hundred Dollars (\$400.00). For the reinstatement of a used motor vehicle dealer's license after revocation for cancellation or expiration of insurance pursuant to subsection F of this section, the fee shall be Two Hundred Dollars (\$200.00);

2. For a used motor vehicle dealer's license, for each place of business in addition to the principal place of business, Two Hundred Dollars (\$200.00);

3. For each holder who possesses a valid new motor vehicle dealer's license from the Oklahoma Motor New Vehicle Commission, Two Hundred Dollars (\$200.00) shall be the initial fee for a used motor vehicle license and the fee for each subsequent renewal shall be Two Hundred Dollars (\$200.00);

4. a. For each manufactured home dealer's license or a restricted manufactured home park dealer's license, Six Hundred Dollars (\$600.00), and for each place of business in addition to the principal place of business, Four Hundred Dollars (\$400.00), and

b. For each renewal of a manufactured home dealer's license or a restricted manufactured home park dealer's license, and renewal for each place of business in addition to the principal place of business, Three Hundred Dollars (\$300.00);

5. a. For each manufactured home installer's license, Four Hundred Dollars (\$400.00), and

b. For each renewal of a manufactured home installer's license, Four Hundred Dollars (\$400.00);

6. a. For each manufactured home manufacturer selling directly to a licensed manufactured home dealer in this state, One Thousand Five Hundred Dollars (\$1,500.00), and

b. For each renewal of a manufactured home manufacturer's license, One Thousand Five Hundred Dollars (\$1,500.00);

7. Any manufactured home manufacturer who sells a new manufactured home to be shipped to or sited in this state shall pay

an installation inspection fee of Seventy-five Dollars (\$75.00) for each new single-wide manufactured home and One Hundred Twenty-five Dollars (\$125.00) for each new multi-floor manufactured home; and

8. A used manufactured home inspection fee of Seventy-five Dollars (\$75.00) shall be paid by the installer at or before the time of installation of any used manufactured home sited and installed in this state.

D. 1. The license issued to each used motor vehicle dealer, each wholesale used motor vehicle dealer, each restricted manufactured home park dealer and each manufactured home dealer shall specify the location of the place of business. If the business location is changed, the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission shall be notified immediately of the change and the Commission may endorse the change of location on the license. The fee for a change of location shall be One Hundred Dollars (\$100.00), and the fee for a change of name, Twenty-five Dollars (\$25.00). The license of each licensee shall be posted in a conspicuous place in the place or places of business of the licensee.

2. The license issued to each manufactured home installer and each manufactured home manufacturer shall specify the location of the place of business. If the business location is changed, the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission shall be notified immediately of the change and the Commission may endorse the change of location on the license without charge. The license of each licensee shall be posted in a conspicuous place in the place or places of business of the licensee.

3. Every manufactured home installer shall have the license available for inspection at the primary place of business of the licensee. This license shall be valid for the licensee and all of the employees of the licensee. Any person who is not an employee of the licensee must obtain a separate manufactured home installer license regardless of whether such person is acting in the capacity of a contractor or subcontractor.

E. 1. a. Each applicant for a used motor vehicle dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Twenty-five Thousand Dollars (\$25,000.00). Each new applicant for a used motor vehicle dealer's license for the purpose of conducting a used motor vehicle auction shall procure and file with the Commission a good and sufficient bond in the amount of Fifty Thousand Dollars (\$50,000.00). An applicant who intends to conduct a used motor vehicle auction who provides proof that the applicant has check and title insurance in an amount not less than Fifty Thousand Dollars

(\$50,000.00) shall only be required to have a bond in the amount of Twenty-five Thousand Dollars (\$25,000.00).

- b. Each new applicant for a used motor vehicle dealer license for the purpose of conducting a used motor vehicle business which will consist primarily of non-auction consignment sales which are projected to equal Five Hundred Thousand Dollars (\$500,000.00) or more in gross annual sales shall procure and file with the Commission a good and sufficient bond in the amount of Fifty Thousand Dollars (\$50,000.00). The Commission shall prescribe by rule the method of operation of the non-auction consignment dealer in order to properly protect the interests of all parties to the transaction and to provide sanctions against dealers who fail to comply with the rules.
- c. Each applicant for a wholesale used motor vehicle dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Twenty-five Thousand Dollars (\$25,000.00).
- d. Any used motor vehicle dealer who, for the purpose of being a rebuilder, applies for a rebuilder certificate, as provided in Section 591.5 of this title, whether as a new application or renewal, shall procure and file with the Commission a good and sufficient bond in the amount of Fifteen Thousand Dollars (\$15,000.00), in addition to any other bonds required.
- e. Each applicant for a manufactured home dealer's license or a restricted manufactured home park dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Thirty Thousand Dollars (\$30,000.00).
- f. Each manufactured home manufacturing facility selling directly to a licensed manufactured home dealer or restricted manufactured home park dealer in this state shall procure and file with the Commission a good and sufficient bond in the amount of Thirty Thousand Dollars (\$30,000.00). In addition to all other conditions and requirements set forth herein, the bond shall require the availability of prompt and full warranty service by the manufacturer to comply with all warranties expressed or implied in connection with each manufactured home which is manufactured for resale or use in this state. A manufacturer may not sell, exchange, or lease-purchase with an option to own in any form a manufactured home to a person in

this state directly or indirectly through a distributor or third party who is not a licensed manufactured home dealer or a restricted manufactured home park dealer.

- g. The bond shall be approved as to form by the Attorney General and conditioned that the applicant shall not practice fraud, make any fraudulent representation, or violate any of the provisions of Section 581 et seq. of this title in the conduct of the business for which the applicant is licensed. One of the purposes of the bond is to provide reimbursement for any loss or damage suffered by any person by reason of issuance of a certificate of title by a used motor vehicle dealer, a wholesale used motor vehicle dealer, a restricted manufactured home park dealer or a manufactured home dealer.

2. The bonds as required by this section shall be maintained throughout the period of licensure. Should the bond be canceled for any reason, the license shall be revoked as of the date of cancellation unless a new bond is furnished prior to such date.

F. Any used motor vehicle dealer or wholesale used motor vehicle dealer is required to furnish and keep in force a minimum of Twenty-five Thousand Dollars (\$25,000.00) of single liability insurance coverage on all vehicles offered for sale or used in any other capacity in demonstrating or utilizing the streets and roadways in accordance with the financial responsibility laws of this state.

G. Any manufactured home dealer or restricted manufactured home park dealer is required to furnish and keep in force a minimum of One Hundred Thousand Dollars (\$100,000.00) of garage liability or general liability with products and completed operations insurance coverage.

H. Any manufactured home installer is required to furnish and keep in force a minimum of Twenty-five Thousand Dollars (\$25,000.00) of general liability with products and completed operations insurance coverage.

Added by Laws 1980, c. 85, § 18, eff. Jan. 1, 1981. Amended by Laws 1980, c. 273, § 17, eff. Jan. 1, 1981; Laws 1989, c. 57, § 3, operative July 1, 1989; Laws 1992, c. 242, § 1, eff. July 1, 1992; Laws 1992, c. 373, § 10, eff. July 1, 1992; Laws 1996, c. 332, § 2, eff. Nov. 1, 1996; Laws 1997, c. 2, § 8, emerg. eff. Feb. 26, 1997; Laws 1999, c. 155, § 3, eff. July 1, 1999; Laws 2000, c. 150, § 3, eff. July 1, 2000; Laws 2000, c. 334, § 4, eff. July 1, 2000; Laws 2001, c. 60, § 1, eff. July 1, 2001; Laws 2005, c. 298, § 3, eff. Nov. 1, 2005; Laws 2006, c. 213, § 3, eff. Nov. 1, 2006; Laws 2013, c. 145, § 2, eff. Nov. 1, 2013; Laws 2014, c. 4, § 11, emerg. eff. April 2, 2014; Laws 2015, c. 386, § 1, eff. Nov. 1, 2015; Laws 2019,

c. 79, § 5, eff. Nov. 1, 2019; Laws 2020, c. 161, § 24, emerg. eff. May 21, 2020; Laws 2021, c. 379, § 2, eff. Nov. 1, 2021; Laws 2021, c. 444, § 3, eff. Nov. 1, 2021; Laws 2022, c. 107, § 3, eff. Nov. 1, 2022; Laws 2023, c. 29, § 19, eff. Nov. 1, 2023.

NOTE: Laws 1992, c. 140, § 3 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992. Laws 1996, c. 249, § 8 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 2000, c. 75, § 1 and Laws 2000, c. 126, § 1 repealed by Laws 2000, c. 334, § 8, eff. July 1, 2000. Laws 2013, c. 164, § 1 repealed by Laws 2014, c. 4, § 12, emerg. eff. April 2, 2014. Laws 2013, c. 196, § 1 repealed by Laws 2014, c. 4, § 13, emerg. eff. April 2, 2014. Laws 2019, c. 221, § 1 repealed by Laws 2020, c. 161, § 25, emerg. eff. May 21, 2020.

§47-583.1. Certificate of registration for used motor vehicle or manufactured home salesperson – Penalties.

A. It shall be punishable by an administrative fine not to exceed Five Hundred Dollars (\$500.00) for any person, firm, association, corporation, or trust to engage in business as, or serve in the capacity of, a used motor vehicle salesperson in this state without first obtaining a certificate of registration with the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission. However, a person may sell used motor vehicles without obtaining a separate used motor vehicle salesperson's certificate of registration if the person has a certificate of registration from the Oklahoma New Motor Vehicle Commission to sell new or unused motor vehicles at a new motor vehicle dealer's licensed franchise location which also sells used vehicles; provided, such a person shall only be authorized to sell used motor vehicles for the dealer at the new motor vehicle dealer's licensed franchise location and to represent the new motor vehicle dealer at used motor vehicle auctions. The cost of the registration for each salesperson shall be Fifty Dollars (\$50.00) to be renewed biennially and, for a transfer, Twenty-five Dollars (\$25.00). The cost of registration is to be borne by the employing entity of the salesperson. The Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission shall promulgate rules and procedures necessary for the implementation and creation of a registry of salespersons and the issuance of certificates of registration.

B. It shall be punishable by an administrative fine not to exceed Five Hundred Dollars (\$500.00) for any person, firm, association, corporation, or trust to engage in business as, or serve in the capacity of, a manufactured home salesperson in this state without first obtaining a certificate of registration with the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission. The cost of the registration for each salesperson shall be Fifty Dollars (\$50.00) to be renewed biennially and, for a transfer, Twenty-five Dollars (\$25.00). The cost of registration is

to be borne by the employing entity of the salesperson. The Commission shall promulgate rules and procedures necessary for the implementation and creation of a registry of salespersons and the issuance of certificates of registration.

Added by Laws 2019, c. 79, § 8, eff. Nov. 1, 2019. Amended by Laws 2021, c. 444, § 4, eff. Nov. 1, 2021; Laws 2022, c. 107, § 4, eff. Nov. 1, 2022; Laws 2023, c. 29, § 20, eff. Nov. 1, 2023.

§47-584. Denial, revocation or suspension of license - Fine - Grounds.

A. The Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission may deny an application for a license, impose a fine not to exceed One Thousand Dollars (\$1,000.00) per occurrence and/or revoke or suspend a license after it has been granted, when any provision of Sections 581 through 588 of this title is violated or for any of the following reasons:

1. On satisfactory proof of unfitness of the applicant or the licensee, as the case may be, under the standards established by Sections 581 through 588 of this title;

2. For fraud practices or any material misstatement made by an applicant in any application for license under the provisions of Sections 581 through 588 of this title;

3. For any willful failure to comply with any provision of Section 581 et seq. of this title or with any rule promulgated by the Commission under authority vested in it by Sections 581 through 588 of this title;

4. Change of condition after license is granted resulting in failure to maintain the qualifications for license;

5. Continued or flagrant violation of any of the rules of the Commission;

6. Being a used motor vehicle dealer, a used motor vehicle salesperson, a wholesale used motor vehicle dealer, or a manufactured home dealer, a restricted manufactured home park dealer, a manufactured home installer, a manufactured home salesperson or a manufactured home manufacturer who:

- a. resorts to or uses any false or misleading advertising in connection with business as a used motor vehicle dealer, wholesale used motor vehicle dealer or a restricted manufactured home park dealer or manufactured home dealer, installer or manufacturer,
- b. has committed any unlawful act which resulted in the revocation of any similar license in another state,
- c. has been convicted of a felony crime that substantially relates to the occupation of a used motor vehicle dealer, a wholesale used motor vehicle dealer, a manufactured home dealer, a restricted manufactured home park dealer, a manufactured home

- installer or a manufactured home manufacturer and poses a reasonable threat to public safety,
 - d. has committed a fraudulent act in selling, purchasing or otherwise dealing in motor vehicles or manufactured homes or has misrepresented the terms and conditions of a sale, purchase or contract for sale or purchase of a motor vehicle or manufactured home or any interest therein including an option to purchase such motor vehicles or manufactured homes,
 - e. has engaged in business under a past or present license issued pursuant to Sections 581 through 588 of this title, in such a manner as to cause injury to the public or to those with whom the licensee is dealing,
 - f. has failed to meet or maintain the conditions and requirements necessary to qualify for the issuance of a license,
 - g. has failed or refused to furnish and keep in force any bond required under Sections 581 through 588 of this title,
 - h. has installed or attempted to install a manufactured home in an unworkmanlike manner, or
 - i. employs a person in connection with the sale of manufactured homes without first obtaining a certificate of registration for the person;
7. Being a used motor vehicle dealer who:
- a. does not have an established place of business,
 - b. employs a person in connection with the sale of used vehicles without first obtaining a certificate of registration for the person,
 - c. fails or refuses to furnish or keep in force single limit liability insurance on any vehicle offered for sale and otherwise required under the financial responsibility laws of this state, or
 - d. is not operating from the address shown on the license if this change has not been reported to the Commission; or
8. Being a manufactured home dealer or a restricted manufactured home park dealer who:
- a. does not have an established place of business,
 - b. fails or refuses to furnish or keep in force garage liability and completed operations insurance, or
 - c. is not operating from the address shown on the license if this change has not been reported to the Commission.
- B. 1. The Commission shall deny an application for a license, or revoke or suspend a license after it has been granted, if a

manufactured home dealer does not meet the following guidelines and restrictions:

- a. a display area for manufactured homes which is easily accessible, with sufficient parking for the public,
- b. an office for conducting business where the books, records, and files are kept, with access to a restroom for the public,
- c. a place of business which meets all zoning, occupancy and other requirements of the appropriate local government and regular occupancy by a person, firm, or corporation engaged in the business of selling manufactured homes, and
- d. a place of business which is separate and apart from any other dealer's location.

2. The Commission shall deny an application for a restricted manufactured home park dealer license, or revoke or suspend a license after it has been granted, if a manufactured home park dealer does not satisfy the following guidelines and restrictions:

- a. only mobile or manufactured homes that are "ready for occupancy" are sold or offered for sale,
- b. maintains an office for conducting business where the books, records, and files are kept, with access to a restroom for the public,
- c. maintains a place of business which meets all zoning, occupancy and other requirements of the appropriate local government and regular occupancy by a person, firm or corporation engaged in the business of selling manufactured homes inside a park, and
- d. maintains a place of business which is separate and apart from any other dealer's location.

C. The Commission shall deny an application for a license, or revoke or suspend a license after it has been granted, if a manufactured home installer:

1. Installs or attempts to install a manufactured home in a manner that is not in compliance with installation standards as set by the Commission pursuant to rule; or

2. Violates or fails to comply with any applicable rule as promulgated by the Commission concerning manufactured home installers.

D. The Commission shall deny an application for a license, or revoke or suspend a license after it has been granted, if a manufactured home manufacturer violates or fails to comply with any applicable rule as promulgated by the Commission concerning manufactured home manufacturers.

E. The Commission shall deny an application for a license by a motor vehicle manufacturer or factory if the application is for the purpose of selling used motor vehicles to any retail consumer in the

state, other than through its retail franchised dealers, or acting as a broker between a seller and a retail buyer. This subsection does not prohibit a manufacturer from selling used motor vehicles where the retail customer is a nonprofit organization or a federal, state, or local government or agency. This subsection does not prohibit a manufacturer from providing information to a consumer for the purpose of marketing or facilitating the sale of used motor vehicles or from establishing a program to sell or offer to sell used motor vehicles through the manufacturer's retail franchised dealers as provided for in Sections 561 through 580.2 of this title. This subsection shall not prevent a factory from obtaining a wholesale used motor vehicle dealer's license or the factory's financing subsidiary from obtaining a wholesale used motor vehicle dealer's license.

F. If the Commission denies issuance of a license the Commission shall provide the grounds for the action to the applicant in writing and allow the applicant sixty (60) days to resolve any issues that are the grounds for the action.

G. Each of the aforementioned grounds for suspension, revocation, or denial of issuance or renewal of license shall also constitute a violation of Sections 581 through 588 of this title, unless the person involved has been tried and acquitted of the offense constituting such grounds.

The suspension, revocation or refusal to issue or renew a license or the imposition of any other penalty by the Commission shall be in addition to any penalty which might be imposed upon any licensee upon a conviction at law for any violation of Sections 581 through 588 of this title.

H. As used in this section:

1. "Substantially relates" means the nature of criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the occupation; and

2. "Poses a reasonable threat" means the nature of criminal conduct for which the person was convicted involved an act or threat of harm against another and has a bearing on the fitness or ability to serve the public or work with others in the occupation.

Added by Laws 1980, c. 85, § 19, eff. Jan. 1, 1981. Amended by Laws 1989, c. 57, § 4, operative July 1, 1989; Laws 1992, c. 140, § 4, eff. Sept. 1, 1992; Laws 2000, c. 150, § 4, eff. July 1, 2000; Laws 2001, c. 148, § 7, emerg. eff. April 30, 2001; Laws 2005, c. 298, § 4, eff. Nov. 1, 2005; Laws 2009, c. 39, § 1, eff. Nov. 1, 2009; Laws 2013, c. 145, § 3, eff. Nov. 1, 2013; Laws 2019, c. 79, § 6, eff. Nov. 1, 2019; Laws 2021, c. 444, § 5, eff. Nov. 1, 2021; Laws 2022, c. 192, § 4, eff. Nov. 1, 2022; Laws 2024, c. 452, § 58, emerg. eff. June 14, 2024.

§47-585. Denial, suspension or revocation of license - Fine - Appeal.

A. The Commission may deny any application for license, or suspend or revoke a license issued, or impose a fine, in accordance with the provisions of the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes. If the applicant or licensee is a used motor vehicle salesperson, the Commission shall in like manner also notify the person, firm, association, corporation or trust with whom associated, or in whose association the applicant or licensee is about to enter. The Commission shall have the power to compel the production of records and papers bearing upon the complaints. The Commission shall have the power to subpoena and bring before it any person in this state, or take testimony of any such person by deposition, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure before courts of the state in civil cases. Any party to the hearing shall have the right to the attendance of witnesses in his behalf upon designating to the Commission the person or persons sought to be subpoenaed. If the Commission shall determine that any licensee is guilty of violation of any of the provisions of this act, the license of the licensee shall be suspended or revoked, or a fine imposed as authorized by this act.

B. The Commission may assess a fine not to exceed One Hundred Dollars (\$100.00) against a used motor vehicle dealer who:

1. Willfully fails to deliver certificates of title to purchasers of used motor vehicles within thirty (30) days of the sale of the vehicles;

2. Fails to properly reassign the certificate of title to a used motor vehicle as required by law upon the sale or transfer of ownership of the used motor vehicle;

3. Sells an extended insurance warranty to a purchaser, but fails to provide a copy of the warranty to the purchaser or fails to disclose who the third party insurer will be; or

4. Delivers a used motor vehicle to a potential purchaser with the intent to sell the vehicle, but does not complete the transaction within fifteen (15) calendar days of the delivery of the used motor vehicle.

C. An appeal from the decision of the Commission to suspend or revoke a license or to impose a fine shall be taken in accordance with Article II of the Administrative Procedures Act, Section 308a et seq. of Title 75 of the Oklahoma Statutes.

D. Any applicant or licensee who knowingly or willfully makes or causes to be made any false statement of a fact required under the provisions of Section 581 et seq. of this title shall be subject to an administrative fine not to exceed One Thousand Dollars (\$1,000.00).

Added by Laws 1980, c. 85, § 20, eff. Jan. 1, 1981. Amended by Laws 1994, c. 121, § 1, eff. Sept. 1, 1994; Laws 1996, c. 332, § 3, eff. Nov. 1, 1996; Laws 2000, c. 126, § 2, eff. July 1, 2000; Laws 2005, c. 298, § 5, eff. Nov. 1, 2005; Laws 2009, c. 385, § 1, eff. Nov. 1, 2009.

§47-586. Injunctions.

The Commission is hereby authorized, without cost bond or deposit, to institute injunctive actions in courts of competent jurisdiction, in the name of the state on the relation of said Commission, to enforce the provisions of Sections 16 through 20 of this act. Any licensee or other person who violates or threatens to violate any provision of this act or rule or regulation enacted thereunder may be enjoined from committing or continuing the violation or engaging in the business for which a license has been issued under this act, in an action brought by any person who will be or is damaged or aggrieved by the violation or threatened violation.

Laws 1980, c. 85, § 21, eff. Jan. 1, 1981.

§47-587. Petty cash fund.

A. There is hereby created a petty cash fund not to exceed One Hundred Dollars (\$100.00) for the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission, which may be expended for small authorized expenses of the Commission.

B. The Director of the Office of Management and Enterprise Services is authorized to prescribe forms, systems and procedures for its administration. The petty cash fund may be reimbursed from time to time by the filing of proper claims, accompanied by valid receipts for expenditures made.

Added by Laws 1980, c. 85, § 22, eff. Jan. 1, 1981. Amended by Laws 2012, c. 304, § 180; Laws 2022, c. 107, § 6, eff. Nov. 1, 2022.

§47-588. Owner-installed manufactured homes.

Nothing in Section 581 et seq. of Title 47 of the Oklahoma Statutes shall be construed as prohibiting a person who has purchased a manufactured home to be used by the person for his or her own personal use from installing the manufactured home without holding a license; provided, nothing in this section shall be construed as continuing or extending any warranty otherwise terminated or voided by the owner's installation or attempted installation.

Added by Laws 2000, c. 150, § 6, eff. July 1, 2000.

§47-591.1. Short Title.

This act shall be known and may be cited as the "Automotive Dismantlers and Parts Recycler Act".

Laws 1980, c. 273, § 1, eff. Jan. 1, 1981.

§47-591.2. Definitions.

As used in Section 591.1 et seq. of this title:

1. "Automotive dismantler and parts recycler" means a person, firm or corporation engaged in the business of purchasing, dismantling, or disassembling used motor vehicles for the purpose of selling the parts thereof, but shall not include a person who is primarily engaged in the business of rebuilding repairable motor vehicles;

2. "Motor vehicle" means every automobile, motorcycle, mobile trailer, semitrailer, truck, truck-tractor, trailer and other device which is self-propelled or drawn, in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except such as is moved by animal power or used exclusively upon stationary rails or tracks, or an implement of husbandry;

3. "Place of business" means the place owned or leased and regularly occupied by a person, firm or corporation engaged in the business of an automotive dismantler and parts recycler, where the products for sale are displayed and offered for sale, and where the books and records required for the conduct of the business are maintained and kept;

4. "Salvage pool" means any person or business which regularly conducts a salvage disposal sale;

5. "Salvage disposal sale" means a scheduled sale at auction or by private bid of wrecked or repairable motor vehicles by insurance underwriters, or insurance companies, used motor vehicle dealers or automotive dismantlers and parts recyclers, either retail or wholesale; and

6. "Commission" means the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission; and

7. "License" means the license issued pursuant to Section 591.1 et seq. of this title to operate an automotive dismantler and parts recycler business.

Added by Laws 1980, c. 273, § 2, eff. Jan. 1, 1981. Amended by Laws 1986, c. 220, § 1, eff. Nov. 1, 1986; Laws 1988, c. 92, § 1, emerg. eff. March 29, 1988; Laws 1996, c. 332, § 4, eff. Nov. 1, 1996; Laws 2022, c. 107, § 7, eff. Nov. 1, 2022.

§47-591.3. License required - Power and authority of Commission.

A. No person, firm or corporation in this state, unless licensed pursuant to the Automotive Dismantlers and Parts Recycler Act, shall be engaged in the business of an automotive dismantler and parts recycler.

B. The Commission is hereby vested with the powers and duties necessary and proper to enable it to fully and effectively carry out the provisions and objectives of this act, and is hereby authorized

and empowered to make and enforce all reasonable rules and regulations and to adopt and prescribe all forms necessary to accomplish said purpose provided this authority shall in no manner restrict or alter compliance by the Commission with the Oklahoma Central Purchasing Act. The enumeration of any power or authority herein shall not be construed to deny, impair, disparage or limit any others necessary to the attainment thereof. A copy of all rules and regulations adopted by the Commission shall be filed and recorded in the office of the Secretary of State and the State Librarian and Archivist, and same may be amended, modified or repealed from time to time.
Amended by Laws 1986, c. 220, § 2, eff. Nov. 1, 1986; Laws 1987, c. 231, § 3, eff. July 1, 1987.

§47-591.4. Application for license - Form - Grounds for refusal to issue license or B.I.D. card.

A. Every person, firm or corporation desiring to engage in the business of an automotive dismantler and parts recycler shall apply in writing, on a form to be prescribed by the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission, which form shall contain:

1. The name of the applicant;
2. The street address of the applicant's principal place of business;
3. The type of business organization of the applicant;
4. The applicant's financial statement;
5. The legal description of the proposed place of business, together with written verification from the appropriate local authorities that the place of business meets the licensing and zoning requirements of the municipality or county where located; and
6. Such additional information as may be required by the Commission.

B. Notwithstanding subsection A of this section, the Commission may decline to issue an original license to any person, firm or corporation that does not, in good faith, meet the requirements of the Automotive Dismantlers and Parts Recycler Act; or whose proposed place of business does not meet the applicable zoning requirements; or whose proposed use is deemed inappropriate by the Commission due to surrounding property uses or objections from the immediate surrounding neighbors, such that the place of business would be deemed to be a private or public nuisance; or whose place of business is not properly screened by natural objects, plantings, opaque fences of a height not less than six (6) nor more than eight (8) feet or other appropriate sightproofing, so as to screen where possible vehicles and parts stored outside of buildings from view from immediately adjacent property.

Added by Laws 1980, c. 273, § 4, eff. Jan. 1, 1981. Amended by Laws 1986, c. 220, § 3, eff. Nov. 1, 1986; Laws 2004, c. 519, § 26, eff. Nov. 1, 2004; Laws 2015, c. 386, § 2, eff. Nov. 1, 2015; Laws 2022, c. 107, § 8, eff. Nov. 1, 2022.

§47-591.5. Fees - Amendment of application - Term of license.

An application for a license shall be accompanied by the following fees:

1. Six Hundred Dollars (\$600.00) for an initial license for an applicant's established principal place of business, Three Hundred Dollars (\$300.00) for a renewal license for an applicant's established place of business and Two Hundred Dollars (\$200.00) for each additional place of business, if any, to which the application pertains; provided, if an applicant holds a used motor vehicle dealer's license issued pursuant to paragraph 1 of subsection C of Section 583 of this title, for an applicant's established place of business the initial license fee shall be Two Hundred Dollars (\$200.00) and the renewal fee shall be Two Hundred Dollars (\$200.00); provided further, if an applicant is applying simultaneously for a license under this paragraph and under paragraph 1 of subsection C of Section 583 of this title, the initial application fee shall be Four Hundred Dollars (\$400.00). If an applicant for or holder of a used motor vehicle dealer's license also applies for a rebuilder certificate, the initial fee for the certificate shall be Six Hundred Dollars (\$600.00) and the renewal fee shall be Three Hundred Dollars (\$300.00). License fees shall be returnable only in the event that the application is denied by the Commission.

2. Any change which renders no longer accurate any information contained in an application for a license filed with the Commission shall be amended within thirty (30) days after the occurrence of the change on a form prescribed by the Commission by rule, accompanied by a fee of One Hundred Dollars (\$100.00), provided, the fee for a change of name shall be Fifty Dollars (\$50.00).

3. Every license issued to an automobile dismantler and parts recycler shall expire on December 31 of each year and shall be renewed on or before January 1 of the following year.

Added by Laws 1980, c. 273, § 5, eff. Jan. 1, 1981. Amended by Laws 1992, c. 242, § 2, eff. July 1, 1992; Laws 1998, c. 289, § 3, emerg. eff. May 27, 1998; Laws 2005, c. 163, § 1, eff. July 1, 2005; Laws 2006, c. 213, § 4, eff. Nov. 1, 2006; Laws 2015, c. 386, § 3, eff. Nov. 1, 2015.

§47-591.6. Register of purchases and sales - Inspection of parts.

Every automotive dismantler and parts recycler shall keep a register of all purchases and sales of motor vehicles for three (3) years from the date of purchase or sale, showing the make, model,

year, style, vehicle identification number, and name and address of the purchaser or seller of the motor vehicle. Such registers shall be made available for inspection by properly identified employees or agents of the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission or identified law enforcement officers of the state, county and municipality where the business of the automotive dismantler and parts recycler is located, during reasonable business hours on business days. The inspection authority shall include the right to inspect any motor vehicle or parts thereof owned by or stored at the automotive dismantler and parts recycler's place of business.

Added by Laws 1980, c. 273, § 6, eff. Jan 1, 1981. Amended by Laws 1986, c. 220, § 4, eff. Nov. 1, 1986; Laws 2022, c. 107, § 9, eff. Nov. 1, 2022.

§47-591.7. Certain licenses not required.

An automotive dismantler and parts recycler may, as an end result of the conduct of his principal business, accumulate nonrecyclable hulks and parts and may scrap such nonrecyclable hulks and parts without first obtaining a separate license as a scrap processor or as a junk dealer. A licensed automotive dismantler and parts recycler shall not be required to obtain a separate license as an automobile dealer, an automobile accessory dealer, an automobile garage or shop, or a storage garage or yard, to engage in the business of an automotive dismantler and parts recycler as set forth herein.

Laws 1980, c. 273, § 7, eff. Jan. 1, 1981.

§47-591.8. Transfer of certificate of title - Salvage or junked title - Inspection of certificates of title and vehicles - Destruction of license plates - Reporting of vehicle identification numbers - Time limit.

A. An automotive dismantler and parts recycler, duly licensed by this act, shall have the authority to transfer the certificate of title to a motor vehicle as a dealer. Prior to the sale of any motor vehicles at salvage pools or salvage disposal sales, a salvage title or junked title shall be issued for any salvage or junked vehicle as defined in Section 1105 of this title.

B. Any and all certificates of title, whether original, salvage, rebuilt, or junked titles, salvage certificates, other certificates of ownership, or ownership records, as approved by the Oklahoma Tax Commission, to vehicles owned by a licensed automotive dismantler and parts recycler, which vehicles have been dismantled, destroyed, or otherwise processed so that the vehicles are no longer capable of being used as motor vehicles, shall be inspected by properly identified employees or agents of the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission, at least

annually, at the place of business of the licensed automotive dismantler and parts recycler. Upon verification that the vehicle is no longer capable of being used as a motor vehicle, the employee or agent of the Commission shall remove the license plate and the certificate of title, salvage certificate, other certificate of ownership or ownership record from the licensed automotive dismantler and parts recycler. The Commission shall destroy the license plate and deliver the certificates and ownership records to the Oklahoma Tax Commission.

C. Each licensed automotive dismantler and parts recycler that dismantles, destroys, or otherwise processes vehicles so that the vehicles are no longer capable of being used as motor vehicles, each month, shall report the vehicle identification numbers of the vehicles to the Oklahoma Tax Commission, upon forms prescribed by the Oklahoma Tax Commission. The report shall include any vehicle which is a hull, junked, abandoned or not a complete, self-propelling vehicle, if there is a vehicle identification number for the incomplete vehicle. The Oklahoma Tax Commission shall cancel said certificates of title. The vehicle identification numbers on the certificates of titles, salvage titles, other certificates of ownership or ownership records to motor vehicles no longer capable of being used as motor vehicles shall be preserved in the computer files of the Oklahoma Tax Commission for at least five (5) years from the date the certificates of title are delivered by the Commission to the Oklahoma Tax Commission.

D. Each vehicle or incomplete vehicle required to be reported to the Oklahoma Tax Commission by this section shall be reported on or before the fifteenth day of the next succeeding month after the month in which the vehicle or incomplete vehicle was received by the licensed automotive dismantler and parts recycler. Each vehicle or incomplete vehicle, which is incapable of operation or use on the public roads or has no resale value except as a source of parts, scrap or junk or has an eighty percent (80%) loss in fair market value, possessed by a licensed automotive dismantler and parts recycler on the effective date of this act shall be reported to the Oklahoma Tax Commission within ninety (90) days. The vehicle identification numbers on all reported vehicles shall be preserved in the computer of the Oklahoma Tax Commission for at least five (5) years, even if the ownership records may have been previously destroyed or surrendered to the Oklahoma Tax Commission.

E. If the vehicle identification number for a vehicle, which is incapable of operation or use on the public roads and has no resale value except as a source of parts, scrap or junk or has an eighty percent (80%) loss in fair market value, is not reported to the Oklahoma Tax Commission, the licensed automotive dismantler and parts recycler shall be required to obtain a junked title for said vehicle. An Oklahoma licensed automotive dismantler and parts

recycler shall not be required to obtain a junked title for a junked vehicle or any other vehicle which is dismantled, destroyed or otherwise processed so that the vehicle is no longer capable of being operated or used on the public roads, if the vehicle is reported to the Oklahoma Tax Commission.

Added by Laws 1980, c. 273, § 8, eff. Jan 1, 1981. Amended by Laws 1988, c. 201, § 6, eff. Jan. 1, 1989; Laws 1989, c. 290, § 8, emerg. eff. May 24, 1989; Laws 2022, c. 107, § 10, eff. Nov. 1, 2022.

§47-591.9. Refusal, cancellation, suspension or revocation of license or buyer's identification card (B.I.D.).

The Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission is authorized to refuse, cancel, suspend or revoke a license to any person, firm or corporation for the following reasons:

1. Failure to meet the requirements of the Automotive Dismantlers and Parts Recycler Act;

2. Failure to continue to meet the requirements of this act or of the rules promulgated by the Commission pursuant to the provisions of the Automotive Dismantlers and Parts Recycler Act;

3. Upon satisfactory proof of unfitness of the applicant or the licensee, as the case may be, under the standards established by the Automotive Dismantlers and Parts Recycler Act;

4. For the felony conviction of a state or federal law by an applicant, licensee, partner of an applicant or licensee, director, officer, or stockholder in the case of a corporate applicant or licensee, or an employee, manager, or any person having a pecuniary interest in the business involving:

- a. theft,
- b. violation of the Oklahoma certificate of title law or similar laws of other states,
- c. alteration, obliteration, or removal of a vehicle identification number, or
- d. any other act directly relating to the ability of the applicant or licensee to conduct an automotive dismantler and parts recycling business;

5. Commission of any unlawful act which resulted in the revocation of any similar license in another state; or

6. Engaging in business under a past or present license issued pursuant to the Automotive Dismantlers and Parts Recycler Act in such a manner as to cause injury to the public or to those with whom the licensee has dealt.

Added by Laws 1980, c. 273, § 9, eff. Jan. 1, 1981. Amended by Laws 1986, c. 220, § 5, eff. Nov. 1, 1986; Laws 1996, c. 332, § 5, eff. Nov. 1, 1996; Laws 2004, c. 519, § 27, eff. Nov. 1, 2004; Laws 2006, c. 213, § 5, eff. Nov. 1, 2006; Laws 2015, c. 386, § 4, eff. Nov. 1, 2015; Laws 2022, c. 107, § 11, eff. Nov. 1, 2022.

§47-591.10. Notification of refusal, cancellation, suspension or revocation of license or buyer's identification card (B.I.D.) - Hearing - Appeal - Fines.

A. Any person, firm or corporation who is refused a license or whose license is canceled, suspended or revoked shall be notified in person or by mail with return receipt requested to the address given on the application of the applicant or licensee and, upon written request within fifteen (15) days of receipt of such notice, shall be given a hearing upon the proposed action. The hearing may be conducted by the Commission and shall be held no more than thirty (30) days from receipt of the written request for a hearing. The hearing may be informal and the rules of evidence of the courts of Oklahoma shall not be required. Appeals from the decision of the Commission shall be governed by the Administrative Procedures Act.

B. In addition to the cancellation, suspension, revocation or refusal to issue or renew a license or the imposition of any other penalty by the Commission, the Commission is hereby authorized to impose administrative fines for violations of the Automotive Dismantlers and Parts Recycler Act in the amounts not to exceed Five Hundred Dollars (\$500.00) for a first violation, One Thousand Dollars (\$1,000.00) for a second violation and Five Thousand Dollars (\$5,000.00) for a third violation.

Added by Laws 1980, c. 273, § 10, eff. Jan. 1, 1981. Amended by Laws 2004, c. 519, § 28, eff. Nov. 1, 2004; Laws 2006, c. 213, § 6, eff. Nov. 1, 2006; Laws 2015, c. 386, § 5, eff. Nov. 1, 2015.

§47-591.11. Salvage pool or salvage disposal sales - Sales to unqualified buyers prohibited - Insurance company sales - Payment - Register - Consignment auction.

A. Sales at a salvage pool or salvage disposal sale may be opened only to:

1. A person who is a resident of this state;
2. A company representative of a business that is based in this state; or
3. A person who may legally purchase salvage vehicles in his or her home state or country.

B. It shall be the duty of the owner, manager or person in charge of any salvage pool or salvage disposal sale to prohibit the bidding by any person who is not qualified to purchase salvage vehicles as provided in subsection A of this section and, further, to refuse to sell to any person any wrecked or repairable motor vehicle if such person is not qualified to purchase salvage vehicles as provided in subsection A of this section.

C. Any salvage pool or salvage disposal sale that is facilitating in the sale of a motor vehicle for an insurance company must provide on its website the full seventeen-digit vehicle

identification number (VIN) and the name of the insurance company that is selling the motor vehicle.

D. The salvage pool or salvage disposal sale shall show the buyer's identification number of the winning bidder on any sale that takes place on the Internet or by online bidding for all salvage motor vehicles being sold for an insurance company.

E. It shall be the duty of the owner, manager or person in charge of any salvage pool or salvage disposal sale to remit payments to the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission. Such payments shall be calculated by multiplying the total number of salvage vehicle sales transactions during a certain period times Two Dollars (\$2.00). The first payment shall not be calculated on any sales transactions prior to November 1, 2007. The payments shall not be made more often than one payment each month. The payments shall be transmitted to the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission at any time during the thirty (30) days immediately following the period for which the payment was calculated.

F. Every salvage pool shall keep a register of all sales of salvage vehicles showing the make, model, year, style, vehicle identification number, and names and addresses of the purchaser and seller of the motor vehicle. Such registers shall be submitted to the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission on a regular basis.

G. The provisions of this section shall not apply to a regularly scheduled vehicle consignment auction conducted by a used motor vehicle dealer which sells salvage vehicles, damaged vehicles, wrecked vehicles or repairable vehicles for someone other than a public insurance company. Such auction may sell these vehicles as an incident to the sale of operable vehicles, but shall not constitute a primary part of the business.

Added by Laws 1980, c. 273, § 11, eff. Jan. 1, 1981. Amended by Laws 1992, c. 242, § 3, eff. July 1, 1992; Laws 1996, c. 332, § 6, eff. Nov. 1, 1996; Laws 2004, c. 519, § 29, eff. Nov. 1, 2004; Laws 2006, c. 107, § 1, eff. Nov. 1, 2006; Laws 2006, c. 213, § 7, eff. Nov. 1, 2006; Laws 2007, c. 56, § 1, eff. Nov. 1, 2007; Laws 2008, c. 333, § 1, eff. Nov. 1, 2008; Laws 2015, c. 386, § 6, eff. Nov. 1, 2015; Laws 2022, c. 107, § 12, eff. Nov. 1, 2022.

§47-591.12. Repealed by Laws 2007, c. 56, § 3, eff. Nov. 1, 2007.

§47-591.13. Violations - Penalties.

Any person violating any provision of the Automotive Dismantlers and Parts Recycler Act or operating as a rebuilder as used in Section 581 et seq. of this title without a rebuilder certificate shall be guilty of a misdemeanor and upon the first conviction

thereof shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) with impoundment of the vehicle until all taxes and fees are paid and upon the second conviction thereof shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) with impoundment of the vehicle until all taxes and fees are paid and upon the third or subsequent conviction thereof shall be punished by a fine of not less than One Thousand Five Hundred Dollars (\$1,500.00) with impoundment of the vehicle until all taxes and fees are paid or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment. If a vehicle is impounded pursuant to the provisions of this section, the vehicle shall not be released to the owner until the owner provides proof of security or an affidavit that the vehicle will not be used on public highways or public streets, as required pursuant to Section 7-600 et seq. of this title. Each vehicle involved in a violation of this section shall be considered a separate offense. The penalties collected from the payment of the fines shall, after deduction of court costs, be paid to the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission Fund as created by Section 582 of this title. Added by Laws 1980, c. 273, § 13, eff. Jan. 1, 1981. Amended by Laws 2007, c. 56, § 2, eff. Nov. 1, 2007; Laws 2022, c. 107, § 13, eff. Nov. 1, 2022.

§47-591.14. Automotive dismantlers and parts recyclers - Engaging in business without license - Injunction - Venue.

When any person, firm or corporation is engaged in the business of an automotive dismantler and parts recycler without being licensed as required by Section 591.4 of Title 47 of the Oklahoma Statutes, the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission may institute, in the name of the State of Oklahoma ex rel. Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission, any necessary action to enjoin such person, firm or corporation from continuing in the business of an automotive dismantler and parts recycler until a license has been issued to such person, firm or corporation by the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission. Upon proper evidence, a temporary restraining order shall be issued. An injunction shall issue without requirement of a bond of any kind from the state. The venue of any action authorized by this section shall be in the county wherein the business activity complained of is conducted.

Added by Laws 1989, c. 290, § 7, emerg. eff. May 24, 1989. Amended by Laws 2022, c. 107, § 14, eff. Nov. 1, 2022.

§47-592.1. Short title - Oklahoma Crusher Act.

This act shall be known and may be cited as the "Oklahoma Crusher Act".

Added by Laws 2014, c. 376, § 1, eff. Nov. 1, 2014.

§47-592.2. Definitions.

As used in the Oklahoma Crusher Act:

1. "Commission" means the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission;

2. "Crusher" means a person engaged in the business of crushing or shredding used motor vehicles, trailers, or nonmotorized recreational vehicles; and

3. "Person" means an individual, partnership, corporation, limited liability company, joint venture, trust, association, or any other legal entity however organized.

Added by Laws 2014, c. 376, § 2, eff. Nov. 1, 2014. Amended by Laws 2022, c. 107, § 15, eff. Nov. 1, 2022.

§47-592.3. License required - Exemption.

A. No person shall engage in business as a crusher without first obtaining a license from the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission specifically authorizing engagement in such business.

B. A person licensed as a scrap metal dealer in this state who is engaged primarily in the business of a scrap metal dealer and who crushes vehicles only at its licensed scrap metal dealer location shall be exempt from the licensing requirements of this act. A person licensed as a scrap metal dealer who fails to keep records of crushed vehicles as required by the Scrap Metal Dealers Act shall not be entitled to the exemption herein. Any crusher who is an independent contractor employed to crush vehicles for a scrap metal dealer shall not be exempt from the requirements of this act. Any law enforcement officer or employee of the Commission shall be authorized to inspect the records of any licensed scrap metal dealer pertaining to crushed vehicles to verify compliance with this provision.

Added by Laws 2014, c. 376, § 3, eff. Nov. 1, 2014. Amended by Laws 2022, c. 107, § 16, eff. Nov. 1, 2022.

§47-592.4. License eligibility.

A. To be eligible for a crusher license, an applicant shall:

1. Be of good moral character;

2. Have net assets of at least Twenty-five Thousand Dollars (\$25,000.00); and

3. Show that the crusher operation will be operated lawfully and fairly within the purpose of the Oklahoma Crusher Act.

B. The Commission shall find ineligible an applicant who:

1. Has a felony conviction which relates to the duties and responsibilities of the occupation of crusher, or has any felony conviction less than five (5) years before the date of application for a license;

2. Is unfit to conduct the business of a crusher as determined by the Commission, taking into consideration the business integrity, financial standing, moral character, or ability to conduct the business of a crusher of the applicant; and

3. Fails to provide any information requested by the Commission in any initial or renewal application for license.

Added by Laws 2014, c. 376, § 4, eff. Nov. 1, 2014.

§47-592.5. License application.

A. Applications for a crusher license shall be under oath and shall state the full name and place of residence of the applicant. If the applicant has more than one member, the full name and residence of each member shall be stated. The application shall give the location of the business headquarters, and shall contain such relevant information as the Commission shall require.

B. Each applicant for a crusher license at the time of filing the application shall file with the Commission a bond in the amount of Twenty-five Thousand Dollars (\$25,000.00) for each license with a surety company qualified to do business in this state. The bond shall be approved as to form by the Attorney General and conditioned that the applicant shall not practice fraud, make any fraudulent representation, or violate any of the provisions of the Oklahoma Crusher Act or any of the rules made by the Commission hereunder in the conduct of the business for which the applicant is licensed and will pay to the state and to any person or persons any and all amounts of money that may become due or owing to the state or to such person or persons from the obligor under and by virtue of the provisions of the Oklahoma Crusher Act during the time such bond is in effect. The bond shall run to the benefit of the state and of any person or persons who may have cause of action against the obligor of the bond under the provisions of the Oklahoma Crusher Act up to the maximum amount of the bond.

C. Each licensee shall maintain on file with the Commission a written appointment of a resident of this state as his or her agent for service of all judicial or other process or legal notice, unless the licensee has appointed an agent under another statute of this state. In case of noncompliance, such service may be made on the Commission.

Added by Laws 2014, c. 376, § 5, eff. Nov. 1, 2014.

§47-592.6. License investigation - Fees.

A. Upon the filing of an application and bond and payment of the annual fee and an investigation fee, the Commission shall

conduct an investigation. If the Commission finds that the financial responsibility, experience, character and general fitness of the applicant are such as to warrant belief that the business will be operated lawfully and fairly, within the purposes of this act, and the applicant meets the eligibility requirements of this act and the rules of the Commission, the Commission shall grant the application and issue to the applicant a license which will be evidence of the authority of the applicant to do business pursuant to the Oklahoma Crusher Act.

B. If the Commission does not find facts sufficient to warrant issuance of a license, the Commission may deny the application. In the event of denial of the application, the investigation fee shall be retained by the Commission, but the annual license fee shall be returned to the applicant.

C. The Commission shall prescribe by rule a fee for each initial application, investigation fee, renewal application, late fee for renewals not received by June 1, and fee for each license change, duplicate license or returned check.

Added by Laws 2014, c. 376, § 6, eff. Nov. 1, 2014.

§47-592.7. License display - Transferability - Annual fee.

A. Each license shall state the name of the licensee and the address at which the business office is located and where the records of the business are to be permanently maintained. The license shall be displayed at the business location. The license shall not be transferable.

B. Each license shall remain in full force and effect until relinquished, suspended, revoked or expired. Every licensee, on or before June 1, shall pay the Commission an annual fee for the succeeding one-year licensing period, July 1 through June 30. If the annual fee remains unpaid by June 15, the license shall thereupon expire on June 30. If the renewal application is received after June 15, a late fee shall be charged.

Added by Laws 2014, c. 376, § 7, eff. Nov. 1, 2014.

§47-592.8. Proof of ownership - Restrictions - Vehicle report.

A. Prior to the purchase of a used motor vehicle, trailer, or nonmotorized recreational vehicle, the crusher shall require the following proof of ownership from the person selling the used motor vehicle, trailer, or nonmotorized recreational vehicle:

1. A certificate of title in the name of the seller that shows no outstanding liens;

2. A notarized power of attorney from the individual on the certificate of title authorizing the seller to dispose of the vehicle on behalf of the owner;

3. A bill of sale from the owner as identified by the certificate of title to the person presenting the vehicle to be crushed or shredded;

4. A statement of ownership from the seller stating that the vehicle to be crushed was purchased from the lawful owner, accompanied by a bill of sale from the lawful owner including a statement that there are no outstanding liens on the vehicle, and a statement that the vehicle is inoperable or incapable of operation or use on the highway and has no resale value except as scrap; or

5. Paperwork from a licensed wrecker operator showing that the wrecker operator has properly foreclosed its lien on the used motor vehicle, trailer or nonmotorized recreational vehicle to be crushed or shredded, and that the person selling the vehicle is the owner of the vehicle as shown on the return of sale in the foreclosure form. Provided, if the paperwork is subsequently proven to be fraudulent or falsified by the wrecker operator, the license of the wrecker operator may be suspended or revoked.

B. A crusher shall not:

1. Accept any vehicle to be crushed or shredded from a person under the age of eighteen (18) years;

2. Buy a vehicle from a person unable to supply verification of identity by photo I.D. by either a state-issued identification card, driver license or federal-government-issued identification card or by readable fingerprint of right or left index finger on the purchase document to be retained in the records of the crusher; or

3. Crush or shred any vehicle purchased until making the report and waiting the time period required herein.

C. A crusher shall:

1. Make available a copy or report within three (3) days of any purchase of a vehicle to the local law enforcement agency of the municipality or other political subdivision in which the crusher is located or temporarily operating. Such copy or report shall be shown upon request to the representative of the Commission or to any authorized peace officer;

2. Hold the vehicle in the state and condition in which it was purchased for a period of three (3) days after submitting the report required in paragraph 1 of this subsection; and

3. Include in the report:

- a. the name, address and telephone number of the crusher whereby the crusher may be immediately contacted,
- b. the name, address, race, sex, weight, height, date of birth and identifying number of the seller as verified by either a state-issued identification card, driver license or federal-government-issued identification card or by readable fingerprint of right or left index finger on the purchase document to be retained in the records of the crusher, and

- c. a description of the vehicle, the manufacturer of the vehicle, the vehicle identification numbers of the vehicle, and the date and time of the purchase of the vehicle.

D. A licensed automotive dismantler engaging the services of a crusher shall not be required to produce proof of ownership to the crusher before selling to the crusher vehicles or other property purchased by the automotive dismantler in the ordinary course of business.

E. A crusher shall not have the right of reassignment of a certificate of title.

Added by Laws 2014, c. 376, § 8, eff. Nov. 1, 2014.

§47-592.9. Rule authority - Criminal penalties - Injunctive actions.

A. Rulemaking Power. The Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission may adopt, amend and repeal such rules as are necessary for the enforcement of the provisions of the Oklahoma Crusher Act and consistent with its provisions.

B. Criminal Penalties.

1. Any person who engages in the business of operating as a crusher without first obtaining the license prescribed in the Oklahoma Crusher Act or any person who receives, obtains or possesses and crushes any vehicle or other property which the person knows to be subject to an outstanding lien shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not in excess of One Thousand Dollars (\$1,000.00), by confinement in the county jail for not more than six (6) months, or by both.

2. Any person who engages in the business of operating as a crusher without first obtaining the license prescribed in the Oklahoma Crusher Act and who receives, obtains or possesses any vehicle or other property which he or she knows to be stolen shall be guilty of a Class C2 felony offense of receiving, obtaining or possessing stolen property and, upon conviction, shall be subject to the penalties provided for in subsections B through F of Section 20M of Title 21 of the Oklahoma Statutes.

3. Any person selling a vehicle or other property to a crusher who uses false or altered identification or makes a false declaration of ownership or lien status as related to the provisions of the Oklahoma Crusher Act shall be guilty of a Class C2 felony offense, and upon conviction shall be punished by imprisonment as provided for in subsections B through F of Section 20M of Title 21 of the Oklahoma Statutes, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

4. Any person who fails to repay a crusher the full amount received from the sale of a vehicle or other property after being

officially notified by a peace officer or the Commission that the vehicle or other property the person sold to the crusher was stolen shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a term of not to exceed six (6) months, or a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

C. Injunctive Action. The Commission may institute, in the name of the State of Oklahoma ex rel. Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission, any necessary action to enjoin any person, firm, or corporation from engaging in the business of a crusher without a license, or for any violations of this act. An injunction shall issue without the requirement of a bond of any kind from the state. The venue of any action authorized by this section shall be in the county wherein the business activity complained of is conducted.

Added by Laws 2014, c. 376, § 9, eff. Nov. 1, 2014. Amended by Laws 2022, c. 107, § 17, eff. Nov. 1, 2022; Laws 2025, c. 486, § 270, eff. Jan. 1, 2026.

§47-592.10. Violations.

The Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission may deny an application for a license, impose a fine not to exceed One Thousand Dollars (\$1,000.00) per occurrence, or revoke or suspend a license after it has been granted, when any provision of this act is violated or for any of the following reasons:

1. On satisfactory proof of unfitness of the applicant or licensee, as the case may be;
2. For fraud practices or any material misstatement made by an applicant in any application for licensure pursuant to this act;
3. For willful failure to comply with any provisions of this act or with any rule promulgated by the Commission pursuant to this act;
4. Change of condition after license is granted resulting in failure to maintain the qualifications for license;
5. Continued or flagrant violation of any of the rules of the Commission promulgated pursuant to this act; or
6. Being a crusher or shredder who:
 - a. has committed any unlawful act which resulted in the revocation of any similar license in this state or another state,
 - b. has been convicted of a crime involving moral turpitude,
 - c. has committed a fraudulent act in buying, selling or otherwise dealing in used motor vehicles, trailers, or nonmotorized vehicles to be crushed or shredded, or disposed of as crushed or shredded,

- d. has engaged in business under a past or present license in such a manner as to cause injury to the public or to those with whom the licensee is dealing, or
- e. has failed to meet or maintain the conditions and requirements necessary to qualify for the issuance of a license.

Added by Laws 2014, c. 376, § 10, eff. Nov. 1, 2014. Amended by Laws 2022, c. 107, § 18, eff. Nov. 1, 2022.

§47-595. Batteries - "Rebuilt" molded into container.

Whoever assembles or rebuilds an electric storage battery for use on automobiles, in whole or in part, out of second-hand or used material such as containers, separators, plates, groups or other battery parts and sells same or offers same for sale in the State of Oklahoma without the word "rebuilt" molded into the side of the container in letters which are at least one (1) inch high and five-eighths (5/8) inch wide, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or be imprisoned for a term not exceeding six (6) months, or both.

Added by Laws 1961, p. 412, § 12-412. Amended by Laws 2003, c. 411, § 63, eff. Nov. 1, 2003. Renumbered from Title 47, § 12-412 by Laws 2003, c. 411, § 85, eff. Nov. 1, 2003.

§47-596. Short title.

Sections 2 through 19 of this act shall be known and may be cited as the "Recreational Vehicle Franchise Act".

Added by Laws 2011, c. 272, § 2, eff. Jan. 1, 2012.

§47-596.1. Definitions.

As used in the Recreational Vehicle Franchise Act:

1. "Area of sales responsibility" means a geographical area agreed to by a dealer and the manufacturer in a dealer agreement in which the dealer has the exclusive right to display or sell the new recreational vehicles of a manufacturer of a particular line-make to the public;

2. "Camping trailer" means a vehicular unit that is mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use;

3. "Commission" means the Oklahoma New Motor Vehicle Commission;

4. "Dealer" means any person, firm, corporation, or business entity licensed or required to be licensed pursuant to the provisions of the Recreational Vehicle Franchise Act to sell new recreational vehicles;

5. "Dealer agreement" means a written agreement or contract entered into between a manufacturer and a dealer that establishes the legal rights and obligations of the parties to that agreement or contract and pursuant to which the dealer is authorized to sell new recreational vehicles manufactured or distributed by the manufacturer;

6. "Established place of business" means a permanently enclosed building or structure, easily accessible to the public, with a paved or graveled lot for customer parking and for the showing and storage of vehicles. Established place of business shall not mean tents, temporary stands, lots, or other temporary quarters. The established place of business shall have a sign visible from the outside of the business which identifies the recreational vehicle dealership. The established place of business shall have an indoor office with public areas sufficient to conduct sales transactions with customers and have restroom facilities available for the public. The established place of business shall include a service and parts area, separated from the public areas, equipped with tools, equipment, and replacement parts necessary for reasonably expected warranty and service needs;

7. "Factory campaign" means an effort by a warrantor to contact recreational vehicle owners or recreational vehicle dealers in order to address an issue concerning a recreational vehicle problem, defective part, or equipment;

8. "Factory representative" means any officer or agent engaged as a representative of a manufacturer of recreational vehicles or a factory branch for the purpose of making or promoting the sale of recreational vehicles of the manufacturer or for supervising or contacting dealers or prospective dealers of the manufacturer;

9. "Family member" means any of the following:

- a. a spouse of an individual,
- b. a child, grandchild, parent, sibling, niece, or nephew of an individual, or
- c. the spouse of a child, grandchild, parent, sibling, niece, or nephew of an individual;

10. "Fifth wheel trailer" means a vehicular unit mounted on wheels that is designed to provide temporary living quarters for recreational, camping, or travel use of such size and weight as to not require a special highway movement permit and is designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the rear axle of the tow vehicle;

11. "Line-make" means a specific series of recreational vehicle products that meet all of the following:

- a. are identified by a common series trade name or trademark,

- b. are targeted to a particular market segment based on the decor, features, equipment, size, weight, and price range,
- c. have dimensions and interior floor plans that distinguish the recreational vehicles from recreational vehicles that have substantially the same decor, features, equipment, weight, and price,
- d. belong to a single, distinct classification of recreational vehicle product type that has a substantial degree of commonality in the construction of the chassis, frame, and body, and
- e. are authorized for sale by the dealer in the dealer agreement;

12. "Manufacturer" means a person that manufactures or wholesales recreational vehicles or that distributes or wholesales recreational vehicles to dealers;

13. "Motor home" means a motorized, vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use;

14. "Person" means an individual, partnership, corporation, limited liability company, association, trust, estate, or other legal entity;

15. "Proprietary part" means a recreational vehicle part manufactured by or for a manufacturer and sold exclusively by a manufacturer;

16. "Recreational vehicle" means a vehicle that:

- a. is primarily designed as a vehicle that also provides temporary living quarters for noncommercial, recreational, or camping use,
- b. is built to the standards of the National Fire Protection Association for recreational vehicles,
- c. has its own motive power or is mounted on or towed by another vehicle,
- d. is regulated by the National Highway Traffic Safety Administration as a vehicle or vehicle equipment,
- e. does not require a special highway use permit for operation on the highways, and
- f. an individual can easily transport and set up on a daily basis.

Recreational vehicles include motor homes, travel trailers, fifth wheel travel trailers, folding camping trailers, and truck campers;

17. "Recreational vehicle salesperson" means any person who, for gain or compensation of any kind, either directly or indirectly, regularly or occasionally, by any form of agreement or arrangement, sells or negotiates for the sale of any new recreational vehicle for

any new recreational vehicle dealer to any one or more third parties;

18. "Transient customer" means a person who:

- a. owns a recreational vehicle,
- b. is temporarily traveling through the area of sales responsibility of a dealer,
- c. engages the dealer to perform service work on that recreational vehicle, and
- d. requires repairs that relate to the safe operations of that recreational vehicle or, if not undertaken, are of a nature that would render that recreational vehicle unusable;

19. "Travel trailer" means a vehicular unit mounted on wheels that is designed to provide temporary living quarters for recreational, camping, or travel use of such size and weight as to not require a special highway movement permit when towed by a motorized vehicle;

20. "Truck camper" means a portable unit that is constructed to provide temporary living quarters for recreational, camping, or travel use and consists of a roof, floor, and sides and is designed to be loaded onto and unloaded from the back of a pickup truck; and

21. "Warrantor" means a manufacturer or any other person that provides a warranty to the consumer in connection with a new recreational vehicle or parts, accessories, or components of a new recreational vehicle. The term does not include a person that provides a service contract, mechanical or other insurance, or an extended warranty sold for separate consideration by a dealer or other person not controlled by a warrantor.

Added by Laws 2011, c. 272, § 3, eff. Jan. 1, 2012. Amended by Laws 2023, c. 29, § 21, eff. Nov. 1, 2023.

§47-596.2. New recreational vehicle dealer - Licensure - License fees.

A. It shall be unlawful for any person, firm, association, corporation, or trust to engage in business as, serve in the capacity of, or act as a new recreational vehicle dealer, new recreational vehicle manufacturer, new recreational vehicle factory representative, or new recreational vehicle salesperson in this state without first obtaining a license or salesperson registration as provided for by law.

B. The Oklahoma New Motor Vehicle Commission shall issue new recreational vehicle dealer, manufacturer and factory representative licenses, and recreational vehicle salesperson registrations upon application. The Commission shall promulgate rules and forms to implement and enforce the provisions of this section.

C. The schedule of license fees and salesperson registration fees to be charged and received by the Oklahoma New Motor Vehicle Commission for the licenses issued hereunder shall be as follows:

1. For each manufacturer or distributor of new recreational vehicles, an initial fee of Four Hundred Dollars (\$400.00) with an annual renewal fee of Three Hundred Dollars (\$300.00);

2. For each factory representative, an initial fee of One Hundred Dollars (\$100.00) with an annual renewal fee of One Hundred Dollars (\$100.00);

3. For each new motor home dealer, an initial fee of Three Hundred Dollars (\$300.00) per franchise sold at each licensed location with an annual renewal fee of One Hundred Dollars (\$100.00) per franchise sold at each licensed location;

4. For each fifth wheel trailer, travel trailer, camping trailer, and truck camper dealer, an initial fee of Three Hundred Dollars (\$300.00) per manufacturer represented at each licensed location with an annual renewal fee of One Hundred Dollars (\$100.00) per manufacturer represented at each location; and

5. For each salesperson registration, an initial fee of Twenty-five Dollars (\$25.00) with an annual renewal fee of Twenty-five Dollars (\$25.00).

D. A manufacturer shall not sell or display for sale a recreational vehicle in this state except to a dealer or through a dealer that is licensed by the Commission to sell recreational vehicles in this state. The manufacturer shall also be required to have a dealer agreement with the dealer that meets the requirements of the Recreational Vehicle Franchise Act and is signed by both parties.

E. A dealer shall not sell or display for sale a new recreational vehicle in this state unless the dealer is licensed by the Commission to sell recreational vehicles in this state. The dealer shall also be required to have a dealer agreement with the manufacturer of the recreational vehicle that meets the requirements of the Recreational Vehicle Franchise Act and is signed by both parties.

Added by Laws 2011, c. 272, § 4, eff. Jan. 1, 2012. Amended by Laws 2021, c. 444, § 6, eff. Nov. 1, 2021; Laws 2023, c. 29, § 22, eff. Nov. 1, 2023.

§47-596.3. Dealer sales responsibility.

A. All of the following conditions shall apply to the area of sales responsibility of a dealer included in a dealer agreement between a manufacturer and a dealer:

1. The manufacturer shall designate in the dealer agreement the area of sales responsibility exclusively assigned to the dealer;

2. The manufacturer shall not change the area of sales responsibility of a dealer or establish another dealer for the same line-make in that area during the term of the dealer agreement;

3. The area of sales responsibility may not be reviewed or changed without the consent of both parties until one (1) year after the execution of the dealer agreement; and

4. The areas within municipal, county, or state-owned or state-controlled facilities or within the grounds of any county, district, or state fair shall be exempt from manufacturer-designated areas of sales responsibility, only for the purposes of sponsored off-premises sales events.

B. A dealer promoting its own private off-premises sales event, wherein that dealer is the sole participating dealer, shall not conduct sales activity or display for sale recreational vehicles outside of its manufacturer-designated area of sales responsibility.

C. A dealer participating in a sponsored off-premises sales event with other participating dealers may conduct sales activity or display for sale recreational vehicles inside or outside the area of sales responsibility of the dealer.

1. A sponsored recreational vehicle show may be held only under the following conditions:

- a. the sponsoring entity of the sales event shall obtain a permit from the Oklahoma New Motor Vehicle Commission at the rate of Two Hundred Dollars (\$200.00) per event. The permit shall be for a period not to exceed ten (10) consecutive days,
- b. dealer permits for a sponsored recreational vehicle show described in this paragraph shall be obtained from the Commission at a rate of Fifteen Dollars (\$15.00) for each recreational vehicle at the show,
- c. a dealer participating in a sponsored off-premises sales show shall not be denied a permit on the grounds that the promotion is to be held within the relevant market area of another dealer of the same-line make,
- d. new recreational vehicle dealers shall obtain written approval from the manufacturer or distributor to participate in the sponsored recreational vehicle show, and
- e. the sponsored recreational vehicle show shall be conducted within municipal, county, or state-owned or -controlled facilities or within the grounds of any county, district, or state fair.

2. A private recreational vehicle show where only one dealer may sell recreational vehicles off-premises may be held under the following conditions:

- a. dealer permits for a private recreational vehicle show described in this paragraph shall be obtained from the

- Commission at a rate of Fifteen Dollars (\$15.00) for each recreational vehicle at the show,
- b. the location of the private recreational vehicle show shall be within the manufacturer-approved area of responsibility,
 - c. the private recreational vehicle show shall occur no more than five (5) consecutive days per event, excluding county, district, or state fairs,
 - d. each dealer may participate in no more than eight private recreational vehicle shows per calendar year,
 - e. private recreational vehicle shows, if held on privately owned property, shall be no closer than two and one-half (2 1/2) miles to any other recreational vehicle dealer; provided, however, a private recreational vehicle show may be held on county or municipally owned property with no mileage barrier restriction,
 - f. a dealer shall obtain written approval from the manufacturer or distributor to participate in a private recreational vehicle show, and
 - g. the sponsoring entity of the private sales event must provide written permission for the dealer to conduct the event on the sponsor's property.

D. A dealer may display a recreational vehicle within the designated area of responsibility of the dealer for promotional purposes. At an off-premises display event, no sales activities shall be conducted including, but not limited to, negotiations, financing, and accepting credit applications. Sales or finance personnel shall not be permitted to participate at an off-premises display event. A permit for the off-premises display event shall not be required.

E. A dealer agreement shall include a designated principal of the dealer. A dealer agreement may identify a family member as the successor of the principal or include a succession plan of the dealer. A dealer may at any time change a designation or succession plan made in the dealer agreement by providing written notice to the manufacturer.

Added by Laws 2011, c. 272, § 5, eff. Jan. 1, 2012. Amended by Laws 2023, c. 29, § 23, eff. Nov. 1, 2023; Laws 2025, c. 371, § 1, eff. Nov. 1, 2025.

§47-596.4. Dealer agreement renewal.

In a renewal of a dealer agreement, the manufacturer may not impose on the dealer stocking requirements or retail sales targets that are inconsistent with market growth or contraction in the area of sales responsibility of the dealer.

Added by Laws 2011, c. 272, § 6, eff. Jan. 1, 2012.

§47-596.5. Manufacturer termination of dealer agreement - Good cause - Notice - Repurchase of inventory.

A. A manufacturer, directly or through any officer, agent, or employee, may terminate or not renew a dealer agreement without good cause. If the manufacturer terminates or does not renew the dealer agreement without good cause, the manufacturer shall comply with the provisions of subsections D and E of this section. If the manufacturer terminates or does not renew the dealer agreement with good cause, the provisions of subsections D and E of this section shall not apply.

B. A manufacturer has the burden of showing good cause for terminating or not renewing a dealer agreement. All of the following factors shall be considered in determining whether there is good cause for a proposed termination or nonrenewal of a dealer agreement by a manufacturer:

1. The extent of the penetration of the dealer in the relevant market area;

2. The extent and quality of the service of the dealer under recreational vehicle warranties;

3. The nature and extent of the investment of the dealer in business of the dealer;

4. The adequacy of the service facilities, equipment, parts, supplies, and personnel of the dealer;

5. The effect of the proposed action on the community;

6. Whether the dealer fails to follow agreed-upon procedures or standards related to the overall operation of the dealership; and

7. The performance by the dealer under the terms of dealer agreement.

C. Except as otherwise provided in this section, a manufacturer shall provide a dealer with written notice of a termination or nonrenewal of a dealer agreement. All of the following conditions apply to a notice described in this subsection:

1. Except as provided in paragraph 4 or 5 of this subsection, the manufacturer shall provide written notice at least ninety (90) days before the effective date of the termination or nonrenewal of the dealer agreement;

2. The notice shall state all of the reasons for the termination or nonrenewal of the dealer agreement;

3. The notice shall state that if the dealer provides to the manufacturer a written notification of the intent of the dealer to cure all claimed deficiencies within thirty (30) days after the dealer receives the notice, the dealer shall have one hundred twenty (120) days after the date of the notice to correct the claimed deficiencies. If all of the deficiencies are corrected within the one-hundred-twenty-day time period, the notice shall be deemed void and the manufacturer shall not terminate or not renew the dealer

agreement because of the claimed deficiencies stated in the notice. If the dealer does not provide a notification of intent to cure deficiencies within the thirty-day time period, the termination or nonrenewal of the dealer agreement shall take effect sixty (60) days after the dealer received the notice from the manufacturer;

4. A manufacturer may reduce the notice period described in paragraph 1 of this subsection from ninety (90) days to thirty (30) days and shall not be required to allow the dealer an opportunity to correct the deficiencies if the grounds for termination or nonrenewal of the dealer agreement by the manufacturer are any of the specific categories of good cause described in subsection F of this section; and

5. A manufacturer shall not be required to provide notice or an opportunity to correct deficiencies under this subsection if the grounds for termination or nonrenewal of the dealer agreement by the manufacturer includes one of the following:

- a. the dealer becomes insolvent,
- b. the dealer is bankrupt, or
- c. the dealer makes an assignment for the benefit of creditors.

D. If a manufacturer terminates or does not renew a dealer agreement for good cause under this section, the dealer, at its option, may require the manufacturer to repurchase any of the following from the dealer:

1. All new, untitled recreational vehicles that were acquired from the manufacturer within eighteen (18) months before the effective date of the notice of termination of the dealer agreement that have not been used, except for demonstration purposes and have not been altered or damaged, may be repurchased at one hundred percent (100%) of the net invoice cost of the recreational vehicles, including transportation, less applicable rebates and discounts to the dealer;

2. All current and undamaged accessories and proprietary parts sold to the dealer for resale within the eighteen (18) months prior to the effective date of the termination of the dealer agreement that are accompanied by the original invoice may be repurchased at one hundred five percent (105%) of the original net price paid to the manufacturer to compensate the dealer for handling, packing, and shipping the accessories and parts; and

3. Any properly functioning diagnostic equipment, special tools, current signage, and other equipment and machinery, purchased by the dealer within the five (5) years prior to the effective date of the termination of the dealer agreement at the request of the manufacturer, if the equipment or machinery cannot be used in the normal course of the ongoing business of the dealer, may be repurchased at one hundred percent (100%) of the net cost of the

dealer, plus freight, destination, delivery, and distribution charges and sales taxes.

E. The dealer shall promptly return or arrange for the return of all of the items the manufacturer is required to repurchase under subsection D of this section at the expense of the manufacturer.

F. As used in this section, "good cause" includes, but is not limited to, any of the following:

1. A conviction of a felony or a plea of guilty or nolo contendere to a felony by a dealer or an owner of a dealership of a crime that was committed during the time frame of the current dealer agreement; provided, there is full disclosure, in writing, of any felony conviction or plea of guilty or nolo contendere to any such felony crime that occurred within ten (10) years of entering into the dealer agreement;

2. Abandonment or permanent closing of the business operations of a dealer for twenty-one (21) consecutive business days without contacting the manufacturer prior to the closing unless the closing is due to an act of God, strike, labor difficulty, or other cause over which the dealer has no control;

3. A material misrepresentation to a manufacturer by a dealer that severely affects the business relationship between the dealer and the manufacturer;

4. Suspension or revocation of the license of a dealer or refusal to renew the license of the dealer by the Oklahoma New Motor Vehicle Commission;

5. A material violation of any of the provisions of the Recreational Vehicle Franchise Act by a dealer; or

6. The dealer becomes insolvent, is bankrupt, or makes an assignment for the benefit of creditors.

Added by Laws 2011, c. 272, § 7, eff. Jan. 1, 2012. Amended by Laws 2023, c. 29, § 24, eff. Nov. 1, 2023.

§47-596.6. Dealer termination of dealer agreement - Good cause - Notice - Repurchase of inventory.

A. A dealer may terminate a dealer agreement with a manufacturer with or without good cause. If the dealer terminates or does not renew the dealer agreement with good cause, the manufacturer shall comply with the provisions of paragraphs D and E of this section. If the dealer terminates or does not renew the dealer agreement without good cause, the provisions of paragraphs D and E of this section shall not apply. A dealer that terminates a dealer agreement shall provide the manufacturer with written notice at least ninety (90) days prior to the effective date of the termination of the dealer agreement.

B. All of the following conditions shall apply to a termination of a dealer agreement under this section for good cause:

1. The notice described in subsection A of this section shall state all reasons for the proposed termination;

2. The notice described in subsection A of this section shall state that if the manufacturer provides to the dealer a written notification of intent to cure all claimed deficiencies within thirty (30) days after the manufacturer receives the notice, the manufacturer shall have one hundred twenty (120) days after the date of the notice to correct the deficiencies. If all of the deficiencies are corrected within the one-hundred-twenty-day period, the notice shall be deemed void and the dealer shall not terminate the dealer agreement because of the claimed deficiencies stated in the notice. If the manufacturer does not provide a notification of intent to cure deficiencies within thirty (30) days of receiving the notice to terminate the dealer agreement, the termination shall take effect sixty (60) days after the manufacturer received from the dealer the notice to terminate;

3. A dealer may reduce the notice period described in subsection A of this section from ninety (90) days to thirty (30) days and shall not be required to allow the manufacturer an opportunity to correct the deficiencies if the grounds for termination or nonrenewal of the dealer agreement by the dealer are any of the specific categories of good cause described in subsection C of this section; and

4. A dealer is not required to provide notice or an opportunity to correct deficiencies under this section if the grounds for termination or nonrenewal of the dealer agreement by the dealer includes one of the following:

- a. the manufacturer becomes insolvent,
- b. the manufacturer is bankrupt, or
- c. the manufacturer makes an assignment for the benefit of creditors.

C. The dealer has the burden of showing good cause. Any one of the following categories is considered good cause for a proposed termination of a dealer agreement by a dealer:

1. A conviction of a felony or a plea of guilty or nolo contendere to a felony by a manufacturer of a crime that was committed during the time frame of the current dealer agreement; provided, there is full disclosure, in writing, of any felony conviction or plea of guilty or nolo contendere to any such felony crime that occurred within ten (10) years of entering into such dealer agreement;

2. Abandonment or permanent closing of the business operations of the manufacturer for twenty-one (21) consecutive business days without contacting the dealer prior to the closing unless the closing is due to an act of God, strike, labor difficulty, or other cause over which the manufacturer has no control;

3. A material misrepresentation to the dealer by the manufacturer that severely affects the business relationship between the dealer and manufacturer;

4. A material violation of any of the provisions of the Recreational Vehicle Franchise Act by the manufacturer;

5. A material breach of the dealer agreement by the manufacturer; or

6. The manufacturer becomes insolvent, is bankrupt, or makes an assignment for the benefit of creditors.

D. If the manufacturer fails to cure any claimed deficiencies pursuant to subsection B of this section, the dealer may require that the manufacturer repurchase any of the following from the dealer:

1. All new, untitled recreational vehicles that were acquired from the manufacturer within eighteen (18) months prior to the effective date of the notice of termination of the dealer agreement that have not been used, except for demonstration purposes, and that have not been altered or damaged, may be repurchased at one hundred percent (100%) of the net invoice cost of the recreational vehicles, including transportation, less applicable rebates and discounts to the dealer;

2. All current and undamaged accessories and proprietary parts sold to the dealer for resale within eighteen (18) months prior to the effective date of the termination of the dealer agreement that are accompanied by the original invoice may be repurchased at one hundred five percent (105%) of the original net price paid to the manufacturer to compensate the dealer for handling, packing, and shipping the accessories and parts; and

3. Any properly functioning diagnostic equipment, special tools, current signage, and other equipment and machinery, purchased by the dealer within five (5) years prior to the effective date of the termination of the dealer agreement if such equipment or machinery cannot be used in the normal course of the ongoing business of the dealer, may be repurchased at one hundred percent (100%) of the net cost of the dealer, plus freight, destination, delivery, and distribution charges and sales taxes.

E. The dealer shall promptly return or arrange for the return of all of the items the manufacturer is required to repurchase under subsection D of this section at the expense of the manufacturer.

Added by Laws 2011, c. 272, § 8, eff. Jan. 1, 2012.

§47-596.7. Sale of inventory after termination of dealer agreement.

The Oklahoma New Motor Vehicle Commission shall not prohibit a dealer from selling the remaining in stock inventory of a particular line-make after a dealer agreement has been terminated or not renewed pursuant to the provisions of Sections 596.5 and 596.6 of this title. If recreational vehicles of a line-make are not

returned or required to be returned to the manufacturer, the dealer may continue to sell all line-makes that were subject to the dealer agreement and are currently in stock until those line-makes are no longer in the dealer inventory.

Added by Laws 2011, c. 272, § 9, eff. Jan. 1, 2012. Amended by Laws 2023, c. 29, § 25, eff. Nov. 1, 2023.

§47-596.8. Sale of business assets - Conditions.

A. All of the following conditions shall apply to a proposed sale of the business assets, transfer of the stock, or other transaction that will result in a change of ownership of a dealer, except a transaction described in subsection B of this section:

1. The dealer shall provide written notice to the manufacturer at least ninety (90) days prior to the proposed closing of the transaction;

2. If the dealer is not in breach of the dealer agreement or in violation of the provisions of the Recreational Vehicle Franchise Act at the time the dealer provides the notice described in paragraph 1 of this subsection, the manufacturer shall not object to the proposed transaction, unless the prospective transferee meets one or more of the following:

- a. the prospective transferee was previously a party to a dealer agreement with the manufacturer that the manufacturer terminated,
- b. in the preceding ten (10) years, the prospective transferee was convicted of a felony crime or any crime of fraud, deceit, or moral turpitude,
- c. the prospective transferee does not have an application for a recreational vehicle dealer license pending with the Oklahoma New Motor Vehicle Commission or a tentative dealer agreement with a recreational vehicle manufacturer to conduct business as a dealer in this state,
- d. the prospective transferee does not have an active line of credit sufficient to purchase recreational vehicles from the manufacturer according to the terms of the dealer agreement, or
- e. in the preceding ten (10) years, the prospective transferee was bankrupt or insolvent, made a general assignment for the benefit of creditors, or a receiver, trustee, or conservator was appointed to take possession of the business or property of the prospective transferee;

3. If the manufacturer objects to the proposed transaction, the manufacturer shall give written notice of an objection, including the reasons by the manufacturer for objecting, to the dealer within thirty (30) days after receiving the notice described in paragraph 1

of this subsection. If the manufacturer does not give notice of an objection within the thirty-day time period, the proposed transaction shall be considered approved by the manufacturer; and

4. For purposes of paragraph 3 of this subsection, the manufacturer has the burden of demonstrating why the manufacturer objects to the proposed transaction.

B. All of the following conditions apply concerning the death, incapacity, or retirement of the designated principal of a dealer:

1. The manufacturer shall provide the dealer an opportunity to designate, in writing, a family member as a successor to the dealer in the event of the death, incapacity, or retirement of the designated principal;

2. The manufacturer shall not prevent or refuse to honor the succession to a dealership by a family member of the deceased, incapacitated, or retired designated principal of that dealer unless the manufacturer previously provided written notice to the dealer of any objections to the succession plan of the dealer within thirty (30) days after receiving the succession plan of the dealer or any modification of the succession plan of the dealer;

3. Except as provided in paragraph 5 of this subsection, unless the dealer is in breach of the dealer agreement, a manufacturer shall not object to the succession to a dealership by a family member of the deceased, incapacitated, or retired designated principal, unless the successor meets one or more of the following:

- a. in the preceding ten (10) years, the successor was convicted of a felony crime or any crime of fraud, deceit, or moral turpitude,
- b. in the preceding ten (10) years, the successor was bankrupt, insolvent, or made an assignment for the benefit of creditors,
- c. the successor was previously a party to a dealer agreement with the manufacturer that the manufacturer terminated for a breach of a dealer agreement,
- d. the successor does not have an active line of credit sufficient to purchase recreational vehicles from the manufacturer according to the terms of the dealer agreement, or
- e. the successor does not have an application for a recreational vehicle dealer license pending with the Commission or a tentative dealer agreement with a recreational vehicle manufacturer to conduct business as a dealer in this state;

4. The manufacturer has the burden of proof regarding any objection to the succession to a dealership by a family member of the deceased, incapacitated, or retired designated principal; and

5. The consent of the manufacturer shall be required for the succession to a dealership by a family member of the deceased,

incapacitated, or retired designated principal if the succession involves a relocation of the business or an alteration of the terms and conditions of the dealer agreement.

Added by Laws 2011, c. 272, § 10, eff. Jan. 1, 2012. Amended by Laws 2023, c. 29, § 26, eff. Nov. 1, 2023.

§47-596.9. Warrantor obligations - Approval of claims.

A. A warrantor has all of the following obligations to each dealer engaged in the sale or lease of products that are covered by a warranty from that warrantor:

1. To specify in writing to the dealer the obligations of the dealer, if any, for preparation, delivery, and warranty service on its products;

2. To compensate the dealer for warranty service required of the dealer by the warrantor;

3. To provide the dealer with a schedule of compensation the warrantor will pay for warranty work and the time allowances of the warrantor for the performance of that work. All of the following conditions apply to the schedule of compensation required under this paragraph:

a. reasonable compensation for diagnostic work and warranty labor,

b. time allowances in the schedule for the diagnosis and performance of warranty labor shall be reasonable for the work to be performed, and

c. the compensation of a dealer for warranty labor shall be the actual retail labor rates charged by the dealer in the community in which the dealer is doing business;

4. To reimburse the dealer for warranty parts at actual wholesale cost, plus a minimum thirty percent (30%) handling charge and any freight costs to return warranty parts to the warrantor; and

5. To deny dealer claims for warranty compensation only for cause, including, but not limited to, performance of nonwarranty repairs, material noncompliance with the published policies and procedures of the warrantor, lack of material documentation of claims, fraud, or misrepresentation.

B. A warrantor may conduct audits of the records of a dealer that sells or leases its warranted products on a reasonable basis.

C. A dealer shall submit warranty claims to a warrantor within sixty (60) days after completing all warranty work on a warranted product.

D. A dealer shall notify the warrantor in writing if the dealer is unable to perform material or repetitive warranty repairs as soon as is reasonably possible.

E. A warrantor shall approve or disapprove a warranty claim on a warranted product in writing within thirty (30) days after the

date the dealer submits the claim, if the claim is submitted in the manner and in the form prescribed by the warrantor. If a claim that is properly submitted is not specifically disapproved in writing by a warrantor within the thirty-day time period, the claim shall be considered approved by the warrantor and the warrantor shall pay the amount of the claim to the dealer within sixty (60) days after the dealer submitted the claim.

Added by Laws 2011, c. 272, § 11, eff. Jan. 1, 2012.

§47-596.10. Warrantor prohibited acts.

A. A warrantor shall not do any of the following:

1. Fail to perform all of its warranty obligations with respect to a warranted product;

2. In any written notice of a factory campaign to recreational vehicle owners and dealers, fail to include the expected date by which necessary parts and equipment, including tires and chassis or chassis parts if required, will be available to dealers to perform the factory campaign work. The warrantor shall provide sufficient parts to the dealer to perform the factory campaign work. If the number of parts provided to the dealer pursuant to this paragraph exceed the requirements of the dealer to perform the factory campaign work, the dealer may return unused parts to the warrantor for credit after completion of the factory campaign;

3. Subject to the provisions of Section 14 of this act, fail to compensate a dealer for authorized repairs of warranted products damaged during the manufacturing process or damaged while in transit to the dealer if the warrantor selected the carrier;

4. Fail to compensate a dealer for authorized warranty service under this section in accordance with the applicable schedule of compensation provided to the dealer pursuant to Section 11 of this act if the warranty service is performed in a timely and competent manner;

5. Intentionally misrepresent in any way to a purchaser of a warranted product that any warranty concerning the manufacture, performance, or design of the warranted product is made by the dealer either as a warrantor or cowarrantor; or

6. Require a dealer to make warranties to customers in any manner related to the manufacture of a warranted product.

B. A warrantor shall indemnify the dealer for any money paid or costs incurred by a dealer in connection with a claim or cause of action asserted against the dealer to the extent that payment or costs incurred are based on the negligence or intentional misconduct of the warrantor. A warrantor shall not limit the obligation to indemnify described in this subsection by agreement with the dealer. The dealer shall provide a warrantor with a copy of any claim or complaint in which an allegation described in this subsection is made within ten (10) days after receiving that claim or complaint.

C. As used in this section and Section 13 of this act:

1. "Products" mean new recreational vehicles or parts, accessories, or components of new recreational vehicles; and
2. "Warranted products" mean products subject to a warranty from a specific warrantor.

Added by Laws 2011, c. 272, § 12, eff. Jan. 1, 2012.

§47-596.11. Dealer prohibited acts.

A. A dealer shall not do any of the following:

1. If a transient customer requests service work on a recreational vehicle of a line-make that the dealer is authorized to display and sell, fail to perform any warranty service work authorized by a warrantor in a reasonably competent and timely manner if failure to make such repairs would result in a safety related issue or might render the recreational vehicle unusable;
2. Make a fraudulent warranty claim to a warrantor; or
3. Misrepresent the terms of any warranty.

B. A dealer shall indemnify a warrantor for any money paid or costs incurred by a warrantor in connection with a claim or cause of action asserted against the warrantor to the extent that payment or costs incurred are based on the negligence or intentional misconduct of the dealer. A dealer shall not limit the obligation to indemnify described in this subsection by agreement with the warrantor. The warrantor shall provide a dealer with a copy of any claim or complaint in which an allegation described in this subsection is made within ten (10) days after receiving the claim or complaint.
Added by Laws 2011, c. 272, § 13, eff. Jan. 1, 2012.

§47-596.12. Damaged recreational vehicle prior to shipment.

A. All of the following conditions apply if a new recreational vehicle is damaged before it is shipped to a dealer, or is damaged in transit to the dealer and the manufacturer selected the carrier or means of transportation:

1. The dealer shall notify the manufacturer of the damage within the time period specified in the dealer agreement and do one of the following:
 - a. in the notice, request authorization to replace the components, parts, and accessories damaged, or otherwise correct the damage, from the manufacturer, or
 - b. reject the recreational vehicle within the time period specified in the dealer agreement;
2. If the manufacturer refuses or fails to authorize repair of the damage within ten (10) days after receiving notice under paragraph 1 of this subsection or if the dealer rejects the recreational vehicle because of the damage within the time period

specified in the dealer agreement, ownership of the recreational vehicle reverts to the manufacturer; and

3. The dealer shall exercise due care in the custody of the damaged recreational vehicle; provided, the dealer shall have no financial or other obligation with respect to that recreational vehicle.

B. A dealer agreement shall include a time period for inspection and rejection of damaged recreational vehicles under subsection A of this section that is not less than two (2) business days after the physical delivery of the recreational vehicle to the dealer.

C. If a dealer determines that a new recreational vehicle has an unreasonable number of miles on the odometer at the time the recreational vehicle is delivered to the dealer, the dealer may reject the recreational vehicle and said ownership of the recreational vehicle shall revert to the manufacturer. However, if the number of miles on the odometer of the recreational vehicle is less than the sum of the distance between the dealer and the factory of the manufacturer or point of distribution plus one hundred (100) miles, the dealer may not consider the number of miles on the odometer unreasonable for purposes of this subsection.
Added by Laws 2011, c. 272, § 14, eff. Jan. 1, 2012.

§47-596.13. Coercion by manufacturer.

A. A manufacturer shall not coerce or attempt to coerce a dealer to purchase a product or service that the dealer did not order.

B. A manufacturer shall not coerce or attempt to coerce a dealer to enter into any agreement with the manufacturer.

C. A manufacturer shall not coerce or attempt to coerce a dealer to enter into an agreement with the manufacturer or any other person that requires the dealer to submit any disputes by the dealer to binding arbitration or otherwise waive the rights or responsibilities of the dealer under the provisions of this act.

D. As used in this section, the term "coerce" includes, but is not limited to:

1. Threatening to terminate or not renew a dealer agreement without good cause;

2. Threatening to withhold line-makes or other product lines the dealer is entitled to display and sell under the dealer agreement; or

3. Delay delivery of recreational vehicles as an inducement to amend the dealer agreement.

Added by Laws 2011, c. 272, § 15, eff. Jan. 1, 2012.

§47-596.14. Denial of application for license.

The Oklahoma New Motor Vehicle Commission may deny an application for a license, revoke or suspend a license, impose a fine against a manufacturer or distributor in an amount not to exceed Ten Thousand Dollars (\$10,000.00) per occurrence, or impose a fine against a dealer in an amount not to exceed One Thousand Dollars (\$1,000.00) per occurrence if any provision of the Recreational Vehicle Franchise Act is violated or for any of the following reasons:

1. On satisfactory proof of unfitness of the applicant in any application for any license under the provisions of the Recreational Vehicle Franchise Act;

2. For any material misstatement made by an applicant in any application for any license under the provisions of the Recreational Vehicle Franchise Act;

3. For any failure to comply with any provision of the Recreational Vehicle Franchise Act or any rule promulgated by the Commission under authority vested pursuant to the Recreational Vehicle Franchise Act;

4. A change of condition after a license is granted resulting in the failure to maintain the qualifications for a license;

5. Being a new recreational vehicle dealer who:

- a. has required a purchaser of a new recreational vehicle, as a condition of sale and delivery thereof, to also purchase special features, appliances, accessories, or equipment not desired or requested by the purchaser and installed by the dealer,
- b. uses any false or misleading advertising in connection with business as a new recreational vehicle dealer or vehicle salesperson,
- c. has committed any unlawful act which resulted in the revocation of any similar license in another state,
- d. has failed or refused to perform any written agreement with any retail buyer involving the sale of a recreational vehicle,
- e. has been convicted of a crime involving moral turpitude,
- f. has committed a fraudulent act in selling, purchasing, or otherwise dealing in new recreational vehicles or has misrepresented the terms and conditions of a sale, purchase, or contract for sale or purchase of a new recreational vehicle or any interest therein including an option to purchase such vehicle,
- g. has failed to meet or maintain the conditions and requirements necessary to qualify for the issuance of a license, or
- h. has employed an unregistered new recreational vehicle salesperson;

6. Being a new recreational vehicle dealer who:
 - a. does not have an established place of business,
 - b. does not provide for a suitable repair shop separate from the display room with ample space to repair or recondition one or more recreational vehicles at the same time and equipped with tools, equipment, and replacement parts as may be necessary for the servicing of recreational vehicles in such a manner as to make such vehicles comply with the safety laws of this state and properly fulfill the warranty obligation of the dealer or manufacturer,
 - c. does not hold a dealer agreement in effect with a manufacturer or distributor of new or unused recreational vehicles for the sale of the same and is not authorized by the manufacturer or distributor to render predelivery preparation of such vehicles sold to purchasers and perform authorized postsale work pursuant to the warranty of the manufacturer or distributor, or
 - d. employs unregistered salespersons or employs or utilizes the services of used recreational vehicle lots, dealers, or other unregistered persons in connection with the sale of new recreational vehicles;
7. Being a factory that has:
 - a. induced or attempted to induce by means of coercion or intimidation any new recreational vehicle dealer:
 - (1) to accept delivery of any recreational vehicle or vehicles, parts, or accessories for recreational vehicles, or any other commodities including advertising material which shall not have been ordered by the new recreational vehicle dealer,
 - (2) to order or accept delivery of any recreational vehicle with special features, appliances, accessories, or equipment not included in the list price of the recreational vehicles as publicly advertised by the manufacturer of the recreational vehicle, or
 - (3) to order or accept delivery of any parts, accessories, equipment, machinery, tools, appliances, or any commodity whatsoever,
 - b. induced under threat or discrimination by the withholding from delivery to a recreational vehicle dealer certain models of recreational vehicles, changing or amending unilaterally the allotment of recreational vehicles of a dealer or withholding and delaying delivery of such vehicles out of the ordinary course of business, in order to induce a dealer by

- such coercion to participate or contribute to any local or national advertising fund controlled directly or indirectly by the factory or for any other purposes including contests, giveaways, other sales promotional devices, or change of quotas in any sales contest, or
- c. required recreational vehicle dealers, as a condition of receiving the vehicle allotment of the dealer, to order a certain percentage of the recreational vehicles with optional equipment not specified by the new recreational vehicle dealer; however, nothing in this paragraph shall prohibit a factory from supporting an advertising association which is open to all dealers on the same basis; or

8. Has employed unlicensed factory representatives.

The Commission may deny any application for license, or suspend or revoke a license issued, or impose a fine, only after a hearing for which the applicant or licensee affected shall be given at least ten (10) days' written notice specifying the reason for denying the applicant a license, or, in the case of a revocation or suspension or imposition of a fine, the offense which the licensee is alleged to have committed. The notice may be served as provided by law for the service of notices or mailing a copy by registered mail to the last-known residence or business address of the applicant or licensee. The hearing on alleged violations shall be at such time and place as the Commission may prescribe and the aforementioned notice shall further specify the time and place. If the applicant or licensee is a motor vehicle salesperson, factory representative, or distributor representative, the Commission shall in like manner additionally notify the person, firm, association, corporation, or trust with whom he or she is associated, or in whose association he or she is about to enter. The Commission shall have the power to compel the production of all records, papers, and other documents which may be deemed relevant to the proceeding bearing upon the complaints. The Commission shall have the power to subpoena and bring before it any person, or take testimony of any person by deposition, with the same fees and mileage and in the same manner as prescribed in the proceedings before courts of the state in civil cases. Any party to the hearing shall have the right to the attendance of witnesses on his or her behalf upon designating to the Commission the person or persons sought to be subpoenaed.

Added by Laws 2011, c. 272, § 16, eff. Jan. 1, 2012. Amended by Laws 2021, c. 444, § 7, eff. Nov. 1, 2021; Laws 2023, c. 29, § 27, eff. Nov. 1, 2023.

§47-596.15. Cause of action - Damages - Mediation.

A. A dealer, manufacturer, or warrantor injured by another party who has violated a provision of the Recreational Vehicle

Franchise Act may bring a civil action in court for the recovery of actual damages. The court shall award attorney fees and costs to the prevailing party in a civil action under this section.

B. Venue for a civil action filed pursuant to this section shall be the county in which the business of the dealer is located. In an action involving more than one dealer, any county in which the business of any dealer that is party to the action is located is a proper venue for that action.

C. Before bringing a civil action under this section, the party bringing suit for an alleged violation of the Recreational Vehicle Franchise Act shall serve a written demand for mediation on the offending party. The demand for mediation shall include a brief statement of the dispute and the relief sought by the party making the demand. The party making the demand for mediation shall serve the demand by certified mail to one of the following addresses:

1. In an action between a dealer and a manufacturer, the address stated in the dealer agreement between the parties;

2. In an action between a dealer and a warrantor that is not a manufacturer, the address stated in any agreement between the parties; or

3. In an action between two dealers, the address of the offending dealer in the records of the Oklahoma New Motor Vehicle Commission.

D. Within twenty (20) days after a demand for mediation is served under subsection C of this section, the parties shall mutually select an independent mediator who is approved by the Oklahoma New Motor Vehicle Commission, and meet with that mediator for the purpose of attempting to resolve the dispute at a location in this state selected by the mediator. The mediator may extend the date of the meeting for good cause shown by either party or if the parties agree to the extension.

E. The service of a demand for mediation under subsection C of this section tolls the time for the filing of any complaint, petition, protest, or other action under the Recreational Vehicle Franchise Act until representatives of both parties have met with the mediator selected pursuant to subsection D of this section for the purpose of attempting to resolve the dispute. If a complaint, petition, protest, or other action is filed before that meeting, the court shall enter an order suspending the proceeding or action until the mediation meeting has occurred and may, if all of the parties to the proceeding or action stipulate in writing that they wish to continue to mediate under this section, enter an order suspending the proceeding or action for as long a period as the court considers appropriate. The court may modify, extend, or revoke a suspension order issued under this subsection if it considers that action appropriate.

F. Each of the parties to the mediation under this section is responsible for its own attorney fees. The parties shall equally divide the cost of the mediator.

Added by Laws 2011, c. 272, § 17, eff. Jan. 1, 2012. Amended by Laws 2023, c. 29, § 28, eff. Nov. 1, 2023.

§47-596.16. Remedies.

A. In addition to any remedy available under the provisions of the Recreational Vehicle Franchise Act or otherwise available by law, a manufacturer, warrantor, or dealer may apply to the court for the grant, after a hearing and for cause shown, of a temporary or permanent injunction or other equitable relief restraining any person from doing any of the following:

1. Acting as a dealer without a proper license;

2. Violating or continuing to violate the provisions of the Recreational Vehicle Franchise Act. A single violation of the provisions of the Recreational Vehicle Franchise Act shall be a sufficient basis for the court to grant equitable relief under this section; or

3. Failing or refusing to comply with any requirement of the provisions of the Recreational Vehicle Franchise Act.

B. The court shall not require a bond as a condition to the grant of equitable relief under this section.

C. If, on January 1, 2011, a dealership does not meet the requirements of the definition of established place of business as defined in Section 596.1 of this title, the dealership shall be eligible for licensing by the Oklahoma New Motor Vehicle Commission for that location. If the dealership moves the dealership to a new location, the new dealership shall comply with the requirements of the definition of established place of business as defined in Section 596.1 of this title.

Added by Laws 2011, c. 272, § 18, eff. Jan. 1, 2012. Amended by Laws 2023, c. 29, § 29, eff. Nov. 1, 2023.

§47-601. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-602. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-603. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-604. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-605. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-606. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-607. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-608. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-609. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-610. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-611. Repealed by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

§47-701. Guaranteed arrest bond certificates - Automobile clubs or associations.

(a) Any automobile club or other association may issue guaranteed arrest bond certificates valid for one (1) year from date of issue as provided in this act in an amount not to exceed Five Hundred Dollars (\$500.00) on each undertaking, provided such certificates have been fully guaranteed or reinsured by an insurer then licensed by the Insurance Commissioner to transact surety business in this state and such guarantee or reinsurance by the insurer covers all certificates issued by the automobile club or other association during the term of the guarantee or reinsurance written by the insurer. Such insurer shall first file with the Insurance Commissioner an undertaking thus to become surety. Such guaranteed arrest bond certificates may be issued also in conjunction with automobile liability insurance policies by any insurer authorized to then write automobile liability insurance within this state upon such insurer filing with the Insurance Commissioner an undertaking thus to become such surety.

(b) Such undertaking shall be in the form prescribed by the Commissioner of Insurance and shall state the following:

(1) The name and address of the automobile clubs, association or companies with respect to the guaranteed arrest bond certificates of which the surety company undertakes to be surety.

(2) The unqualified obligation of the surety company to pay the fine or forfeiture in an amount not to exceed Five Hundred Dollars (\$500.00) of any person who, after posting a guaranteed arrest bond certificate with respect to which the surety company has undertaken to be surety, fails to make the appearance to guarantee which, the guaranteed arrest bond certificate was posted.

(3) The term "guaranteed arrest bond certificate" as used herein means any printed card or other certificate issued by an automobile club, association or insurance company to any of its members or insureds, which card or certificate is signed by the member or insured and contains a printed statement that such automobile club, association or insurance company and a surety company or an insurance company authorized to transact both automobile liability insurance and surety business, guarantee the appearance of the person whose signature appears on the card or certificate and that

they will in the event of failure of the person to appear in court at the time of trial, pay any fine or forfeiture imposed on the person in an amount not exceeding Five Hundred Dollars (\$500.00).

(c) Any guaranteed arrest bond certificate with respect to which a surety company has become surety, or a guaranteed arrest bond certificate issued by an insurance company authorized to transact both automobile liability insurance and surety business within this state, as herein provided, shall, when posted by the person whose signature appears thereon, be accepted in lieu of cash bail or other bond in an amount not to exceed Five Hundred Dollars (\$500.00) as a bail bond, to guarantee the appearance of such person in any court in this state, including all municipal courts in this state, at such time as may be required by such court, when the person is arrested for violation of any motor vehicle law of this state or any motor vehicle ordinance of any municipality in this state, except for the offense of driving under the influence of intoxicating liquors or of drugs or for any felony committed prior to the date of expiration on such guaranteed arrest bond certificates; provided, that any such guaranteed arrest bond certificates so posted as bail bond in any court in this state shall be subject to the forfeiture and enforcement provisions with respect to bail bonds in criminal cases as otherwise provided by law or as hereafter may be provided by law, and that any such guaranteed arrest bond certificate posted as a bail bond in any municipal court of this state shall be subject to the forfeiture and enforcement provisions, if any, of the charter or ordinance of the particular municipality pertaining to bail bonds posted.

(d) The State Insurance Commissioner shall notify in writing each chief of municipal police department, each county sheriff and each judge of the district court of this state, the name of each surety, insurance company, automobile club or association authorized to issue guaranteed arrest bond certificates, as provided in this act. The Insurance Commissioner shall also inform such officials of each additional organization which may thereafter become qualified to issue such certificates and in the event any such organization shall be disqualified from issuing such certificates, the Commissioner shall forthwith inform such officials of such disqualification.

Amended by Laws 1987, c. 226, § 8, operative July 1, 1987.

§47-702. Guaranteed arrest bond certificates - Trucking associations.

(a) Any trucking association may issue guaranteed arrest bond certificates valid for one (1) year from January 1 of the year of issue as provided in this act in an amount not to exceed One Thousand Dollars (\$1,000.00) on each undertaking, provided such certificates have been fully guaranteed by the trucking association

or reinsured by an insurer then licensed by the Insurance Commissioner to transact surety business in this state and such guarantee or reinsurance by the insurer covers all certificates issued by the trucking association or other association during the term of the guarantee or reinsurance written by the insurer. Such insurer shall first file with the Insurance Commissioner an undertaking thus to become surety. The guarantee by the trucking association shall, at the discretion of the Insurance Commissioner, be secured by a deposit with the Insurance Commissioner of up to Fifty Thousand Dollars (\$50,000.00), either cash or bond at the discretion of the Commissioner, to guarantee performance of said undertaking. Such guaranteed arrest bond certificates may be issued also in conjunction with automobile liability policies by any insurer authorized to then write automobile liability insurance within this state upon such insurer filing with the Insurance Commissioner an undertaking thus to become such surety.

(b) Such undertaking shall be in the form prescribed by the Commissioner of Insurance and shall state the following:

(1) The name and address of the trucking association, association or companies with respect to the guaranteed arrest bond certificates of which the surety company undertakes to be surety.

(2) The unqualified obligation of the surety company to pay the fine or forfeiture in an amount not to exceed One Thousand Dollars (\$1,000.00) of any person who, after posting a guaranteed arrest bond certificate with respect to which the surety company has undertaken to be surety, fails to make the appearance to guarantee which, the guaranteed arrest bond certificate was posted.

(3) The term "guaranteed arrest bond certificate" as used herein means any printed card or other certificate issued by a trucking association, association or insurance company to any of its members or insured, which card or certificate is signed by the member or insured and contains a printed statement that such trucking association, association or insurance company and a surety company or an insurance company authorized to transact automobile liability insurance business, guarantee the appearance of the person whose signature appears on the card or certificate and that they will, in the event of failure of the person to appear in court at the time of trial, pay any fine or forfeiture imposed on the person in an amount not exceeding One Thousand Dollars (\$1,000.00).

(c) Any guaranteed arrest bond certificate with respect to which a surety company has become surety, or a guaranteed arrest bond certificate issued by an insurance company authorized to transact automobile liability insurance business within this state, as herein provided, shall, when posted by the person whose signature appears thereon, be accepted in lieu of cash bail or other bond in an amount not to exceed One Thousand Dollars (\$1,000.00) as a bail bond, to guarantee the appearance of such person in any court in this state,

including all municipal courts in this state, at such time as may be required by such court, when the person is arrested for violation of any motor vehicle law of this state or any motor vehicle ordinance of any municipality in this state, committed prior to the date of expiration on such guaranteed arrest bond certificates, except for the offense of driving under the influence of intoxicating liquors or of drugs or for any felony; provided, that any such guaranteed arrest bond certificates so posted as bail bond in any court in this state shall be subject to the forfeiture and enforcement provisions with respect to bail bonds in criminal cases as otherwise provided by law or as hereafter may be provided by law, and that any such guaranteed arrest bond certificate posted as a bail bond in any municipal court of this state shall be subject to the forfeiture and enforcement provisions, if any, of the charter or ordinance of the particular municipality pertaining to bail bonds posted.

(d) The State Insurance Commissioner shall notify in writing the State Commissioner of Public Safety, each chief of municipal police department, each county sheriff of this state, the name of each surety, insurance company, trucking association, or association authorized to issue guaranteed arrest bond certificates, as provided in this act. The Insurance Commissioner shall also inform such officials of each additional organization which may thereafter become qualified to issue such certificates and in the event any such organization shall be disqualified from issuing such certificates, the Commissioner shall forthwith inform such officials of such disqualification, at least ten (10) days prior to such disqualification.

Amended by Laws 1987, c. 226, § 9, operative July 1, 1987.

§47-751. Implied consent to breath test, blood test or other test for determining presence or concentration of alcohol or other intoxicating substance.

A. 1. Any person who operates a motor vehicle upon the public roads, highways, streets, turnpikes or other public place or upon any private road, street, alley or lane which provides access to one or more single or multi-family dwellings within this state shall be deemed to have given consent to a test or tests of such person's blood or breath, for the purpose of determining the alcohol concentration as defined in Section 756 of this title, and such person's blood, saliva or urine for determining the presence or concentration of any other intoxicating substance therein as defined in this section, if arrested for any offense arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle upon the public roads, highways, streets, turnpikes or other public place or upon any private road, street, alley or lane which provides access to one or more single or multi-family dwellings while under the influence of

alcohol or other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, or if the person is involved in a traffic accident that resulted in the immediate death or serious injury of any person and is removed from the scene of the accident to a hospital or other health care facility outside the State of Oklahoma before a law enforcement officer can effect an arrest.

2. A law enforcement officer, having reasonable grounds to believe that such person was operating or in actual physical control of a motor vehicle while under the influence may direct the administration of or administer the test or tests.

As used in this title, the term "other intoxicating substance" shall mean any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act and any other substance, other than alcohol, which is capable of being ingested, inhaled, injected or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing or other sensory or motor functions.

B. The law enforcement agency by which the arresting officer is employed may designate, in accordance with the rules of the Board of Tests for Alcohol and Drug Influence, hereinafter referred to as the Board, whether blood or breath is to be tested for the alcohol concentration thereof, and whether blood, saliva or urine is to be tested for the presence or concentration of any other intoxicating substance therein.

In the event that law enforcement agency does not designate the test to be administered, breath shall be the substance tested for alcohol concentration. Blood may also be tested to determine the alcohol concentration thereof in the event that breath cannot be tested to determine the alcohol concentration thereof because of the lack of an approved device or qualified person to administer a breath test or because such breath test for any other reason cannot be administered in accordance with the rules of the Board.

In the event the law enforcement agency does not designate the test to be administered, blood, saliva or urine shall be the substance tested for the presence or concentration of any other intoxicating substance or the combination of alcohol and any other intoxicating substance.

C. In the event the person is incapable of submitting to and successfully completing, by reason of illness or injury or other physical disability, the test to be administered, an alternate test may be administered in accordance with the rules of the Board.

D. Any person who is unconscious or otherwise incapable of refusing to submit to a test of such person's blood or breath to determine the alcohol concentration thereof, or to a test of such person's blood, saliva or urine to determine the presence or concentration of any other intoxicating substance therein, shall be

deemed not to have withdrawn the consent provided by subsection A of this section, and such test may be administered as provided herein.

An unconscious person who has been issued a citation by a law enforcement officer for one of the offenses listed in subsection A of this section is arrested for purposes of this section. The arresting officer must leave a copy of the citation with the arrested person which may be accomplished by handing it to the arrested person, or by leaving it with the personal effects of the arrested party, so as to inform the unconscious person of the arrest.

Any person who has been arrested for one of the offenses listed in subsection A of this section who is unconscious or injured and who requires immediate medical treatment as determined by a treating physician may be released on the person's own recognizance for medical reasons by the arresting officer. The arresting officer who releases an arrested person on the person's own recognizance must indicate the release on the face of the citation. Any person released on his or her own recognizance for medical reasons shall remain at liberty pending the filing of charges.

E. In addition to any test designated by the arresting officer, the arrested person may also designate any additional test to be administered to determine the concentration of alcohol, or the presence or concentration of any other intoxicating substance or the combination of alcohol and any other intoxicating substance. The cost of such additional test shall be at the expense of the arrested person.

A sufficient quantity of any specimen obtained at the designation of the arrested person shall be available to the law enforcement agency employing the arresting officer. Such specimens shall be treated in accordance with the rules applicable to the specimens obtained by an arresting officer.

F. When a law enforcement officer has determined that the blood alcohol content of an individual is to be tested for the presence or concentration of alcohol, other intoxicating substance, or the combination of alcohol and any other intoxicating substance, the law enforcement officer shall inform the individual to be tested that the withdrawal of blood shall only be performed by certain medical personnel as provided for in Section 752 of this title.

G. The results of the tests provided for in this title shall be admissible in all civil actions, including administrative hearings regarding driving privileges.

Added by Laws 1967, c. 86, § 1, eff. Jan. 1, 1969. Amended by Laws 1975, c. 119, § 1, emerg. eff. May 13, 1975; Laws 1982, c. 273, § 4, operative Oct. 1, 1982; Laws 1982, c. 294, § 2, operative July 1, 1982; Laws 1994, c. 387, § 6, eff. July 1, 1995; Laws 1995, c. 313, § 4, eff. July 1, 1995; Laws 1999, c. 106, § 6, emerg. eff. April 19, 1999; Laws 2002, c. 410, § 1, eff. Nov. 1, 2002; Laws 2004, c.

548, § 2, emerg. eff. June 9, 2004; Laws 2005, c. 1, § 58, emerg. eff. March 15, 2005; Laws 2005, c. 189, § 2, eff. Nov. 1, 2005; Laws 2006, c. 173, § 4, eff. July 1, 2006; Laws 2017, c. 392, § 10, eff. Nov. 1, 2017; Laws 2019, c. 400, § 12, eff. Nov. 1, 2019.
NOTE: Laws 2004, c. 418, § 20 repealed by Laws 2005, c. 1, § 59, emerg. eff. March 15, 2005.

§47-752. See the following versions:

OS 47-752v1 (HB 1222, Laws 2025, c. 172, § 4)

OS 47-752v2 (HB 1751, Laws 2025, c. 330, § 13)

§47-752v1. Administration of tests - Authorization - Liability - Laboratories - Independent analysis - Costs.

A. Only a licensed medical doctor, licensed osteopathic physician, licensed chiropractic physician, registered nurse, licensed practical nurse, physician's assistant, certified by any state's appropriate licensing authority, an employee of a hospital or other health care facility authorized by the hospital or health care facility to withdraw blood, or individuals licensed in accordance with Section 1-2505 of Title 63 of the Oklahoma Statutes as an Intermediate Emergency Medical Technician, an Advanced Emergency Medical Technician or a Paramedic, acting within the scope of practice prescribed by their medical director, acting at the request of a law enforcement officer may withdraw blood for the purpose of having a determination made of its concentration of alcohol or the presence or concentration of other intoxicating substance. Only qualified persons authorized by the Board may collect breath, saliva or urine, or administer tests of breath under the provisions of this title.

B. If the person authorized to withdraw blood as specified in subsection A of this section is presented with a written statement:

1. Authorizing blood withdrawal signed by the person whose blood is to be withdrawn;

2. Signed by a duly authorized peace officer that the person whose blood is to be withdrawn has agreed to the withdrawal of blood;

3. Signed by a duly authorized peace officer that there are exigent circumstances which necessitate the withdrawal of blood; or

4. In the form of an order from a district court that blood be withdrawn, the person authorized to withdraw the blood and the hospital or other health care facility where the withdrawal occurs may rely on such a statement or order as evidence that the person has consented to or has been required to submit to the clinical procedure and shall not require the person to sign any additional consent or waiver form. In such a case, the person authorized to perform the procedure, the employer of such person and the hospital

or other health care facility shall not be liable in any action alleging lack of consent or lack of informed consent.

C. No person specified in subsection A of this section, no employer of such person and no hospital or other health care facility where blood is withdrawn shall incur any civil or criminal liability as a result of the proper withdrawal of blood when acting at the request of a law enforcement officer by the provisions of Section 751 or 753 of this title, or when acting in reliance upon a signed statement or court order as provided in this section, if the act is performed in a reasonable manner according to generally accepted clinical practice. No person specified in subsection A of this section shall incur any civil or criminal liability as a result of the proper collection of breath, saliva or urine when acting at the request of a law enforcement officer under the provisions of Section 751 or 753 of this title or when acting pursuant to a court order.

D. The blood, breath, saliva or urine specimens obtained shall be tested by the appropriate test as determined by the Board, or tested by a laboratory that is exempt from the Board rules pursuant to Section 759 of this title, to determine the alcohol concentration thereof, or the presence or concentration of any other intoxicating substance which might have affected the ability of the person tested to operate a motor vehicle safely.

E. When blood is withdrawn for testing of its alcohol concentration or other intoxicating substance presence or concentration, at the request of a law enforcement officer, a sufficient quantity of the same specimen shall be obtained to enable the tested person, at his or her own option and expense, to have an independent analysis made of such specimen. The excess blood specimen shall be retained by a laboratory approved by the Board in accordance with the rules and regulations of the Board or by a laboratory that is exempt from the Board rules pursuant to Section 759 of this title, for sixty (60) days from the date of collection. At any time within that period, the tested person or his or her attorney may direct that such blood specimen be sent or delivered to a laboratory of his or her own choosing and approved by the Board for an independent analysis. Neither the tested person, nor any agent of such person, shall have access to the additional blood specimen prior to the completion of the independent analysis, except the analyst performing the independent analysis and agents of the analyst.

F. The costs of collecting blood specimens for the purpose of determining the alcohol or other intoxicating substance thereof, by or at the direction of a law enforcement officer, shall be borne by the law enforcement agency employing such officer; provided, if the person is convicted for any offense involving the operation of a motor vehicle while under the influence of or while impaired by

alcohol or an intoxicating substance, or both, as a direct result of the incident which caused the collection of blood specimens, an amount equal to the costs shall become a part of the court costs of the person and shall be collected by the court and remitted to the law enforcement agency bearing the costs. The cost of collecting, retaining and sending or delivering to an independent laboratory the excess specimens of blood for independent analysis at the option of the tested person shall also be borne by such law enforcement agency. The cost of the independent analysis of such specimen of blood shall be borne by the tested person at whose option such analysis is performed. The tested person, or his or her agent, shall make all necessary arrangements for the performance of such independent analysis other than the forwarding or delivery of such specimen.

G. Tests of blood or breath for the purpose of determining the alcohol concentration thereof, and tests of blood for the purpose of determining the presence or concentration of any other intoxicating substance therein, under the provisions of this title, whether administered by or at the direction of a law enforcement officer or administered independently, at the option of the tested person, on the excess specimen of such person's blood to be considered valid and admissible in evidence under the provisions of this title, shall have been administered in accordance with Section 759 of this title.

H. Any person who has been arrested for any offense arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle while under the influence of alcohol, any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance who is not requested by a law enforcement officer to submit to a test shall be entitled to have an independent test of his or her blood for the purpose of determining its alcohol concentration or the presence or concentration of any other intoxicating substance therein, performed by a person of his or her own choosing who is qualified as stipulated in this section. The arrested person shall bear the responsibility for making all necessary arrangements for the administration of such independent test and for the independent analysis of any specimens obtained, and bear all costs thereof. The failure or inability of the arrested person to obtain an independent test shall not preclude the admission of other competent evidence bearing upon the question of whether such person was under the influence of alcohol, or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance.

I. Any agency or laboratory certified by the Board or any agency or laboratory that is exempt from the Board rules pursuant to Section 759 of this title, which analyses blood shall make available

a written report of the results of the test administered by or at the direction of the law enforcement officer to:

1. The tested person, or his or her attorney;
2. The Commissioner of Public Safety;
3. The Director of Service Oklahoma; and
4. The Fatality Analysis Reporting System (FARS) analyst of the state, upon request.

The results of the tests provided for in this title shall be admissible in all civil actions, including administrative hearings regarding driving privileges.

Added by Laws 1967, c. 86, § 2, eff. Jan. 1, 1969. Amended by Laws 1982, c. 273, § 5, operative Oct. 1, 1982; Laws 1982, c. 294, § 3, operative July 1, 1982; Laws 1986, c. 75, § 1, eff. Nov. 1, 1986; Laws 1987, c. 118, § 4, operative July 1, 1987; Laws 1989, c. 134, § 1, eff. Nov. 1, 1989; Laws 1990, c. 274, § 1, emerg. eff. May 25, 1990; Laws 1991, c. 87, § 1, emerg. eff. April 22, 1991; Laws 1992, c. 382, § 8, emerg. eff. June 9, 1992; Laws 2002, c. 410, § 2, eff. Nov. 1, 2002; Laws 2004, c. 418, § 21, eff. July 1, 2004; Laws 2005, c. 394, § 15, emerg. eff. June 6, 2005; Laws 2006, c. 173, § 5, eff. July 1, 2006; Laws 2009, c. 214, § 1, eff. Nov. 1, 2009; Laws 2011, c. 335, § 11; Laws 2017, c. 392, § 11, eff. Nov. 1, 2017; Laws 2019, c. 400, § 13, eff. Nov. 1, 2019; Laws 2021, c. 283, § 1, eff. Nov. 1, 2021; Laws 2023, c. 310, § 22, eff. July 1, 2023; Laws 2025, c. 172, § 4, eff. Nov. 1, 2025.

§47-752v2. Administration of tests - Authorization - Liability - Laboratories - Independent analysis - Costs.

A. Only a licensed medical doctor, licensed osteopathic physician, licensed chiropractic physician, registered nurse, licensed practical nurse, physician's assistant, certified by any state's appropriate licensing authority, an employee of a hospital or other health care facility authorized by the hospital or health care facility to withdraw blood, or individuals licensed in accordance with Section 1-2505 of Title 63 of the Oklahoma Statutes as an Intermediate Emergency Medical Technician, an Advanced Emergency Medical Technician or a Paramedic, acting within the scope of practice prescribed by their medical director, acting at the request of a law enforcement officer may withdraw blood for the purpose of having a determination made of its concentration of alcohol or the presence or concentration of other intoxicating substance. Only qualified persons authorized by the Board may collect breath, saliva or urine, or administer tests of breath under the provisions of this title.

B. If the person authorized to withdraw blood as specified in subsection A of this section is presented with a written statement:

1. Authorizing blood withdrawal signed by the person whose blood is to be withdrawn;

2. Signed by a duly authorized peace officer that the person whose blood is to be withdrawn has agreed to the withdrawal of blood;

3. Signed by a duly authorized peace officer that the person whose blood is to be withdrawn has been placed under arrest and that the officer has probable cause to believe that the person, while intoxicated, has operated a motor vehicle in such manner as to have caused the death or serious physical injury of another person, or the person has been involved in a traffic accident and has been removed from the scene of the accident that resulted in the death or great bodily injury, as defined in subsection B of Section 646 of Title 21 of the Oklahoma Statutes, of any person to a hospital or other health care facility outside the State of Oklahoma before the law enforcement officer was able to effect an arrest for such offense; or

4. In the form of an order from a district court that blood be withdrawn, the person authorized to withdraw the blood and the hospital or other health care facility where the withdrawal occurs may rely on such a statement or order as evidence that the person has consented to or has been required to submit to the clinical procedure and shall not require the person to sign any additional consent or waiver form. In such a case, the person authorized to perform the procedure, the employer of such person and the hospital or other health care facility shall not be liable in any action alleging lack of consent or lack of informed consent.

C. Collection of a person's blood, to be considered valid and admissible in evidence, whether performed by or at the direction of a law enforcement officer or at the request of the tested person, shall have been performed by a person authorized to collect blood pursuant to the provisions of subsection A of this section. Analysis of a person's blood, to be considered valid and admissible in evidence, whether performed by or at the direction of a law enforcement officer or at the request of the tested person, shall have been performed by a laboratory accredited in accordance with ISO/IEC 17025 as defined in Section 150.37 of Title 74 of the Oklahoma Statutes.

D. Collection of a person's breath, to be considered valid and admissible in evidence:

1. Shall have been performed by an individual possessing a valid permit issued by the Board of Tests for Alcohol and Drug Influence for this purpose;

2. Shall have been performed on a breath alcohol measurement device appearing on the most current conforming products list of such devices published by the United States Department of Transportation in the Federal Register, and utilizing a calibrating unit appearing on the most current conforming products list of such

devices published by the United States Department of Transportation in the Federal Register;

3. Shall have been performed on a device maintained by the Board of Tests for Alcohol and Drug Influence; and

4. Shall have been performed in accordance with the operating procedure prescribed by the State Director of Tests or the Board of Tests for Alcohol and Drug Influence.

E. No person specified in subsection A of this section, no employer of such person and no hospital or other health care facility where blood is withdrawn shall incur any civil or criminal liability as a result of the proper withdrawal of blood when acting at the request of a law enforcement officer by the provisions of Section 751 or 753 of this title, or when acting in reliance upon a signed statement or court order as provided in this section, if the act is performed in a reasonable manner according to generally accepted clinical practice. No person specified in subsection A of this section shall incur any civil or criminal liability as a result of the proper collection of breath, saliva or urine when acting at the request of a law enforcement officer under the provisions of Section 751 or 753 of this title or when acting pursuant to a court order.

F. The blood, breath, saliva or urine specimens obtained shall be tested by the appropriate test as determined by the Board, or tested by a laboratory that is exempt from the Board rules pursuant to Section 759 of this title, to determine the alcohol concentration thereof, or the presence or concentration of any other intoxicating substance which might have affected the ability of the person tested to operate a motor vehicle safely.

G. When blood is withdrawn for testing of its alcohol concentration or other intoxicating substance presence or concentration, at the request of a law enforcement officer, a sufficient quantity of the same specimen shall be obtained to enable the tested person, at his or her own option and expense, to have an independent analysis made of such specimen. The excess blood specimen shall be retained by a laboratory approved by the Board in accordance with the rules and regulations of the Board or by a laboratory that is exempt from the Board rules pursuant to Section 759 of this title, for sixty (60) days from the date of collection. At any time within that period, the tested person or his or her attorney may direct that such blood specimen be sent or delivered to a laboratory of his or her own choosing and approved by the Board for an independent analysis. Neither the tested person, nor any agent of such person, shall have access to the additional blood specimen prior to the completion of the independent analysis, except the analyst performing the independent analysis and agents of the analyst.

H. The costs of collecting blood specimens for the purpose of determining the alcohol or other intoxicating substance thereof, by or at the direction of a law enforcement officer, shall be borne by the law enforcement agency employing such officer; provided, if the person is convicted for any offense involving the operation of a motor vehicle while under the influence of or while impaired by alcohol or an intoxicating substance, or both, as a direct result of the incident which caused the collection of blood specimens, an amount equal to the costs shall become a part of the court costs of the person and shall be collected by the court and remitted to the law enforcement agency bearing the costs. The cost of collecting, retaining and sending or delivering to an independent laboratory the excess specimens of blood for independent analysis at the option of the tested person shall also be borne by such law enforcement agency. The cost of the independent analysis of such specimen of blood shall be borne by the tested person at whose option such analysis is performed. The tested person, or his or her agent, shall make all necessary arrangements for the performance of such independent analysis other than the forwarding or delivery of such specimen.

I. Tests of blood or breath for the purpose of determining the alcohol concentration thereof, and tests of blood for the purpose of determining the presence or concentration of any other intoxicating substance therein, under the provisions of this title, whether administered by or at the direction of a law enforcement officer or administered independently, at the option of the tested person, on the excess specimen of such person's blood to be considered valid and admissible in evidence under the provisions of this title, shall have been administered in accordance with Section 759 of this title.

J. Any person who has been arrested for any offense arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle while under the influence of alcohol, any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance who is not requested by a law enforcement officer to submit to a test shall be entitled to have an independent test of his or her blood for the purpose of determining its alcohol concentration or the presence or concentration of any other intoxicating substance therein, performed by a person of his or her own choosing who is qualified as stipulated in this section. The arrested person shall bear the responsibility for making all necessary arrangements for the administration of such independent test and for the independent analysis of any specimens obtained, and bear all costs thereof. The failure or inability of the arrested person to obtain an independent test shall not preclude the admission of other competent evidence bearing upon the question of whether such person was under the influence of alcohol, or any other

intoxicating substance or the combined influence of alcohol and any other intoxicating substance.

K. Any agency or laboratory certified by the Board or any agency or laboratory that is exempt from the Board rules pursuant to Section 759 of this title, which analyses blood shall make available a written report of the results of the test administered by or at the direction of the law enforcement officer to:

1. The tested person, or his or her attorney;
2. The Commissioner of Public Safety;
3. The Director of Service Oklahoma; and
4. The Fatality Analysis Reporting System (FARS) analyst of the state, upon request.

The results of the tests provided for in this title shall be admissible in all civil actions, including administrative hearings regarding driving privileges.

Added by Laws 1967, c. 86, § 2, eff. Jan. 1, 1969. Amended by Laws 1982, c. 273, § 5, operative Oct. 1, 1982; Laws 1982, c. 294, § 3, operative July 1, 1982; Laws 1986, c. 75, § 1, eff. Nov. 1, 1986; Laws 1987, c. 118, § 4, operative July 1, 1987; Laws 1989, c. 134, § 1, eff. Nov. 1, 1989; Laws 1990, c. 274, § 1, emerg. eff. May 25, 1990; Laws 1991, c. 87, § 1, emerg. eff. April 22, 1991; Laws 1992, c. 382, § 8, emerg. eff. June 9, 1992; Laws 2002, c. 410, § 2, eff. Nov. 1, 2002; Laws 2004, c. 418, § 21, eff. July 1, 2004; Laws 2005, c. 394, § 15, emerg. eff. June 6, 2005; Laws 2006, c. 173, § 5, eff. July 1, 2006; Laws 2009, c. 214, § 1, eff. Nov. 1, 2009; Laws 2011, c. 335, § 11; Laws 2017, c. 392, § 11, eff. Nov. 1, 2017; Laws 2019, c. 400, § 13, eff. Nov. 1, 2019; Laws 2021, c. 283, § 1, eff. Nov. 1, 2021; Laws 2023, c. 310, § 22, eff. July 1, 2023; Laws 2025, c. 330, § 13, eff. July 1, 2025.

§47-753. Refusal to submit to test.

A. If a conscious person under arrest refuses to submit to testing of his or her blood or breath for the purpose of determining the alcohol concentration thereof, or to a test of his or her blood, saliva or urine for the purpose of determining the presence or concentration of any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, none shall be given except upon the issuance of a search warrant or unless the investigating officer has probable cause to believe that the person under arrest, while intoxicated, has operated the motor vehicle in such a manner as to have caused the death or serious physical injury of any other person or persons. In such event, such test otherwise authorized by law may be made in the same manner as if a search warrant had been issued for such test or tests. The sample shall be taken in a medically acceptable manner as authorized by Section 752 of this title. The Director of Service Oklahoma, upon the receipt of a sworn report of the law enforcement officer

that the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public roads, highways, streets, turnpikes or other public place of this state while under the influence of alcohol, any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, and that the person had refused to submit to the test or tests, shall revoke the license to drive and any nonresident operating privilege for a period provided by Section 6-205.1 of this title. If the person is a resident or nonresident without a license or permit to operate a motor vehicle in this state, the Director of Service Oklahoma shall deny to the person the issuance of a license or permit for a period provided by Section 6-205.1 of this title subject to a review as provided in Section 754 of this title. The revocation or denial shall become effective forty-five (45) days after the arrested person is given written notice thereof by the officer or by Service Oklahoma as provided in Section 754 of this title.

B. Service Oklahoma shall immediately reinstate the driving privilege of the person if:

1. The arrested person was required to submit to the testing of his or her blood or breath pursuant to the provisions of a search warrant despite his or her refusal to submit to testing; and

2. Service Oklahoma receives a written blood or breath test report that reflects the arrested person did not have any measurable quantity of alcohol, or any other intoxicating substance, or the combination of alcohol and any other intoxicating substance in the blood or breath of the arrested person.

Added by Laws 1967, c. 86, § 3, eff. Jan. 1, 1969. Amended by Laws 1975, c. 119, § 2, emerg. eff. May 13, 1975; Laws 1982, c. 273, § 6, operative Oct. 1, 1982; Laws 1982, c. 294, § 4, operative July 1, 1982; Laws 1985, c. 118, § 1, eff. Nov. 1, 1985; Laws 1988, c. 242, § 10, eff. Nov. 1, 1988; Laws 1993, c. 238, § 6, emerg. eff. May 26, 1993; Laws 1999, c. 106, § 7, emerg. eff. April 19, 1999; Laws 2006, c. 173, § 6, eff. July 1, 2006; Laws 2015, c. 131, § 1, eff. Nov. 1, 2015; Laws 2017, c. 392, § 12, eff. Nov. 1, 2017; Laws 2019, c. 400, § 14, eff. Nov. 1, 2019; Laws 2022, c. 376, § 6, eff. Nov. 1, 2022; Laws 2023, c. 310, § 23, eff. July 1, 2023; Laws 2025, c. 418, § 2, emerg. eff. May 28, 2025.

§47-754. Seizure of license - Temporary driving privileges - Administrative revocation.

A. The sworn report of the officer stating the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public roads, highways, streets, turnpikes or other public place of this state while under the influence of alcohol, any other intoxicating substance or the combined influence of alcohol and any other

intoxicating substance, shall be submitted by mail, by electronic means approved by Service Oklahoma or in person to Service Oklahoma within seventy-two (72) hours of the issuance of the report. The failure of the officer to timely file this report shall not affect the authority of Service Oklahoma to revoke the driving privilege of the arrested person. However, Service Oklahoma shall take no action on a sworn report as described in this section if the sworn report is not received by Service Oklahoma after the expiration of one hundred eighty (180) days of the arrest of the person.

B. Upon receipt of a written blood or breath test report reflecting that the arrested person, if under twenty-one (21) years of age, had any measurable quantity of alcohol in the blood or breath of the person, or, if the arrested person is twenty-one (21) years of age or older, a blood or breath alcohol concentration of eight-hundredths (0.08) or more, accompanied by a sworn report from a law enforcement officer that the officer had reasonable grounds to believe the arrested person had been operating or was in actual physical control of a motor vehicle while under the influence of alcohol as prohibited by law, Service Oklahoma shall revoke or deny the driving privilege of the arrested person for a period as provided by Section 6-205.1 of this title, unless the person has successfully completed or is currently participating in the Impaired Driver Accountability Program in relation to the arrest which is the subject of the report. Revocation or denial of the driving privilege of the arrested person shall become effective forty-five (45) days after the arrested person is given written notice thereof by the officer or by Service Oklahoma.

C. The appeal hearing before the district court shall be conducted in accordance with Section 6-211 of this title. The hearing shall cover the issues of whether the officer had reasonable grounds to believe the person had been operating or was in actual physical control of a vehicle upon the public roads, highways, streets, turnpikes or other public place of this state while under the influence of alcohol, any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance as prohibited by law, and whether the person was placed under arrest.

1. If the revocation or denial is based upon a breath or blood test result and a sworn report from a law enforcement officer, the scope of the hearing shall also cover the issues as to whether:

- a. if timely requested by the person, the person was not denied a breath or blood test,
- b. the specimen was obtained from the person within two (2) hours of the arrest of the person,
- c. the person, if under twenty-one (21) years of age, was advised that driving privileges would be revoked or

- denied if the test result reflected the presence of any measurable quantity of alcohol,
- d. the person, if twenty-one (21) years of age or older, was advised that driving privileges would be revoked or denied if the test result reflected an alcohol concentration of eight-hundredths (0.08) or more, and
 - e. the test result in fact reflects the alcohol concentration.

2. If the revocation or denial is based upon the refusal of the person to submit to a breath or blood test, reflected in a sworn report by a law enforcement officer, the scope of the hearing shall also include whether:

- a. the person refused to submit to the test or tests, and
- b. the person was informed that driving privileges would be revoked or denied if the person refused to submit to the test or tests.

D. After the hearing, the district court shall order the revocation or denial either rescinded or sustained.

Added by Laws 1967, c. 86, § 4, eff. Jan. 1, 1969. Amended by Laws 1975, c. 119, § 3, emerg. eff. May 13, 1975; Laws 1982, c. 273, § 7, operative Oct. 1, 1982; Laws 1982, c. 294, § 5, operative July 1, 1982; Laws 1986, c. 279, § 24, operative July 1, 1986; Laws 1988, c. 242, § 11, eff. Nov. 1, 1988; Laws 1993, c. 238, § 7, emerg. eff. May 26, 1993; Laws 1994, c. 387, § 7, eff. July 1, 1995; Laws 1995, c. 313, § 5, eff. July 1, 1995; Laws 1996, c. 309, § 7, eff. Nov. 1, 1996; Laws 1997, c. 2, § 9, emerg. eff. Feb. 26, 1997; Laws 1997, c. 227, § 1, emerg. eff. May 20, 1997; Laws 1999, c. 106, § 8, emerg. eff. April 19, 1999; Laws 2001, c. 437, § 24, eff. July 1, 2001; Laws 2004, c. 418, § 22, eff. July 1, 2004; Laws 2005, c. 394, § 16, emerg. eff. June 6, 2005; Laws 2017, c. 392, § 13, eff. Nov. 1, 2017; Laws 2019, c. 400, § 15, eff. Nov. 1, 2019; Laws 2021, c. 283, § 2, eff. Nov. 1, 2021; Laws 2022, c. 376, § 7, eff. Nov. 1, 2022; Laws 2023, c. 310, § 24, eff. July 1, 2023.

NOTE: Laws 1996, c. 199, § 4 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997.

§47-754.1. Amended by Laws 2022, c. 376, § 8, eff. Nov. 1, 2022.

§47-754.2. Amended by Laws 2022, c. 376, § 8, eff. Nov. 1, 2022.

§47-755. Amended by Laws 2022, c. 376, § 8, eff. Nov. 1, 2022.

§47-756. Admission of evidence shown by tests.

A. Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a motor vehicle while under the influence of alcohol or any other intoxicating substance, or the

combined influence of alcohol and any other intoxicating substance, evidence of the alcohol concentration in the blood or breath of the person as shown by analysis of the blood or breath of the person performed in accordance with the provisions of Sections 752 and 759 of this title or evidence of the presence or concentration of any other intoxicating substance as shown by analysis of such person's blood, breath, saliva, or urine specimens in accordance with the provisions of Sections 752 and 759 of this title is admissible. Evidence that the person has refused to submit to a test or tests is also admissible. For the purpose of this title, when the person is under the age of twenty-one (21) years, evidence that there was, at the time of the test, any measurable quantity of alcohol is prima facie evidence that the person is under the influence of alcohol in violation of Section 11-906.4 of this title. For persons twenty-one years of age or older:

1. Evidence that there was, at the time of the test, an alcohol concentration of five-hundredths (0.05) or less is prima facie evidence that the person was not under the influence of alcohol;

2. Evidence that there was, at the time of the test, an alcohol concentration in excess of five-hundredths (0.05) but less than eight-hundredths (0.08) is relevant evidence that the person's ability to operate a motor vehicle was impaired by alcohol.

However, no person shall be convicted of the offense of operating or being in actual physical control of a motor vehicle while such person's ability to operate such vehicle was impaired by alcohol solely because there was, at the time of the test, an alcohol concentration in excess of five-hundredths (0.05) but less than eight-hundredths (0.08) in the blood or breath of the person in the absence of additional evidence that such person's ability to operate such vehicle was affected by alcohol to the extent that the public health and safety was threatened or that the person had violated a state statute or local ordinance in the operation of a motor vehicle; and

3. Evidence that there was, at the time of the test, an alcohol concentration of eight-hundredths (0.08) or more shall be admitted as prima facie evidence that the person was under the influence of alcohol.

B. For purposes of this title, "alcohol concentration" means grams of alcohol per one hundred (100) milliliters of blood if the blood was tested, or grams of alcohol per two hundred ten (210) liters of breath if the breath was tested.

C. To be admissible in a proceeding, the evidence must first be qualified by establishing that the test was administered to the person within two (2) hours after the arrest of the person.

D. Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a motor vehicle while under

the influence of alcohol, the following may be considered as evidence that the test of the breath of the person was validly administered in accordance with the rules of the Board of Tests for Alcohol and Drug Influence:

1. A report, test result or other documentation indicating the test was performed by an operator holding a permit issued by the Board of Tests for Alcohol and Drug Influence;

2. A report, test result or other documentation indicating the test was performed after the installation of a dry gas cylinder by the Board of Tests for Alcohol and Drug Influence and before the expiration date of the cylinder;

3. A report, test result or other documentation reflecting the results of two breath samples within 0.03g/210L of each other; or

4. A report, test result or other documentation reflecting a control test within 0.01g/210L of the target value of the control.

E. Results of the test of a the breath or blood of the person, if admissible, shall be admitted without reference to measurement uncertainty.

F. 1. At any hearing, documents retained by the Board of Tests of Alcohol and Drug Influence to reflect maintenance on an instrument maintained by the Board for the measurement of alcohol concentration in a person's breath, which have been made available to the accused by the office of the district attorney at least ten (10) days prior to the hearing, when certified as correct by the persons making the report shall be received as evidence of the facts and findings stated, if relevant and otherwise admissible in evidence. If a report is deemed relevant by the state or the accused, the court shall admit the report without the testimony of the person making the report, unless the court, pursuant to paragraph 2 of this subsection, orders the person making the report to appear.

2. The court, upon motion of the state or the accused at least five (5) days prior to the hearing, shall order the attendance of the person making a report intended to be submitted as evidence, pursuant to paragraph 1 of this subsection, when it appears there is a substantial likelihood that material evidence not contained in such report may be produced by the testimony of the person having prepared the report.

Added by Laws 1967, c. 86, § 6, eff. Jan. 1, 1969. Amended by Laws 1972, c. 192, § 1; Laws 1982, c. 294, § 6, operative July 1, 1982; Laws 1984, c. 217, § 1, eff. Nov. 1, 1984; Laws 1994, c. 387, § 8, eff. July 1, 1995; Laws 1995, c. 313, § 8, eff. July 1, 1995; Laws 1996, c. 309, § 10, eff. Nov. 1, 1996; Laws 2000, 1st Ex. Sess., c. 8, § 21, eff. July 1, 2000; Laws 2001, c. 437, § 25, eff. July 1, 2001; Laws 2006, c. 173, § 7, eff. July 1, 2006; Laws 2017, c. 392, § 15, eff. Nov. 1, 2017.

§47-757. Other competent evidence - Admissibility.

The provisions of Sections 751 through 761 of this title do not limit the introduction of any other competent evidence bearing on the question of whether the person was under the influence of alcohol or any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance.

Amended by Laws 1982, c. 294, § 7, operative July 1, 1982.

§47-758. Repealed by Laws 2000, c. 189, § 14, eff. July 1, 2000.

§47-759. See the following versions:

OS 47-759v1 (HB 1777, Laws 2021, c. 208, § 1)

OS 47-759v2 (HB 1751, Laws 2025, c. 330, § 14)

§47-759.1. Abolition of Alcohol Drug Countermeasures Unit - Transfer of powers, duties, and responsibilities.

A. Notwithstanding any other provision of law, effective July 1, 2003, the Alcohol Drug Countermeasures Unit of the Department of Public Safety is hereby abolished. The powers, duties, and responsibilities exercised by the Unit listed in this section pursuant to law shall be transferred to the Board of Tests for Alcohol and Drug Influence. All records, property, matters pending, obligations and funds of the Unit shall be transferred to the Board of Tests for Alcohol and Drug Influence pursuant to the provisions of this section.

B. The employees of the Alcohol Drug Countermeasures Unit of the Department of Public Safety whose duties are transferred pursuant to this section shall be transferred to the Board of Tests for Alcohol and Drug Influence or may accept another position with the Department of Public Safety. Employees transferred pursuant to this section shall not be required to accept a lesser grade or salary than entitled to on the effective date of the transfer. No entrance exam shall be required for any employee transferred pursuant to this section. All employees transferred shall retain sick and annual time accrued and any retirement benefits which have accrued during their tenure with the Department of Public Safety. The transfer of employees pursuant to this section between agencies shall be coordinated with the Office of Personnel Management.
Added by Laws 2003, c. 461, § 9, eff. July 1, 2003.

§47-759v1. Board of Tests for Alcohol and Drug Influence - Powers and duties - Revolving fund.

A. There is hereby re-created, to continue until July 1, 2022, in accordance with the provisions of the Oklahoma Sunset Law, the Board of Tests for Alcohol and Drug Influence to be composed of the following members beginning July 1, 2015:

1. The Dean of the Oklahoma State University College of Osteopathic Medicine, or a designee;
2. The Dean of the University of Oklahoma College of Medicine, or a designee;
3. The Commissioner of Public Safety, or a designee;
4. The Director of the Oklahoma State Bureau of Investigation, or a designee;
5. The State Commissioner of Health, or a designee;
6. The Director of the Council on Law Enforcement Education and Training, or a designee;
7. One certified peace officer who is a member of a local law enforcement agency selected by the Oklahoma Sheriffs and Peace Officers Association; and
8. One person selected by the Oklahoma Association of Chiefs of Police.

Members shall serve without pay other than reimbursement of necessary and actual expenses as provided in the State Travel Reimbursement Act. Each member shall receive an appointment in writing which shall become a permanent part of the records of the Board. The chair and vice-chair shall be elected from the membership of the Board every two (2) years. The Board is authorized to appoint a State Director of Tests for Alcohol and Drug Influence and other employees, including, but not limited to, persons to conduct training and provide administrative assistance as necessary for the performance of its functions, subject to available funding and authorized full-time-equivalent employee limitations. The Board may expend appropriated funds for purposes consistent with Sections 751 through 761 of this title and Sections 301 through 308 of Title 3 of the Oklahoma Statutes. The Legislature shall appropriate funds to the Department of Public Safety for the support of the Board of Tests for Alcohol and Drug Influence and its employees, if any. Upon the transfer of any employees from the Alcohol Drug Countermeasures Unit of the Department of Public Safety to the Board of Tests for Alcohol and Drug Influence on July 1, 2003, all funds of the Unit appropriated and budgeted shall be transferred to the Board, and may be budgeted and expended to support the functions and personnel of the Board.

B. Collection and analysis of a person's blood, breath, saliva or urine, to be considered valid and admissible in evidence, whether performed by or at the direction of a law enforcement officer or at the request of the tested person, shall have been performed in compliance with the rules adopted by the Board of Tests for Alcohol and Drug Influence and by an individual possessing a valid permit issued by the Board for this purpose or shall have been performed by a laboratory accredited in Toxicology by an accrediting body as described in Section 150.37 of Title 74 of the Oklahoma Statutes or accredited by the American Board of Forensic Toxicology (ABFT).

C. The Board of Tests for Alcohol and Drug Influence is authorized to approve laboratories for the analysis, provided by the provisions of this title, of specimens of blood, breath, saliva and urine, and to administer a program for regular monitoring of such laboratories. The Board is authorized to prescribe uniform standards and conditions for, and to approve satisfactory methods, procedures, techniques, devices, equipment and records for tests and analyses and to prescribe and approve the requisite education and training for the performance of such tests and analyses. The Board shall establish standards for and ascertain the qualifications and competence of individuals to administer and conduct such tests and analyses, and to issue permits to laboratories and to individuals which shall be subject to suspension or revocation at the discretion of the Board. The Board is authorized to prescribe uniform standards, conditions, methods, procedures, techniques, devices, equipment and records for the collection, handling, retention, storage, preservation and delivery of specimens of blood, breath, saliva and urine obtained for the purpose of determining the alcohol concentration thereof or the presence or concentration of any other intoxicating substance therein. The Board may take such other actions as may be reasonably necessary or appropriate to effectuate the purposes of Sections 751 through 761 of this title and Sections 301 through 308 of Title 3 of the Oklahoma Statutes, and may adopt, amend and repeal such other rules consistent with this chapter as the Board shall determine proper. Laboratories accredited in Toxicology by an accrediting body as described in Section 150.37 of Title 74 of the Oklahoma Statutes or accredited by the American Board of Forensic Toxicology (ABFT) are exempt from the provisions of this subsection.

D. The Board shall promulgate rules adopting uniform standards and conditions and rules approving devices, equipment, methods, procedures, techniques, and records for screening tests administered for the purpose of determining the presence or concentration of alcohol or any other intoxicating substance in a person's blood, breath, saliva or urine. Such screening tests shall be performed in compliance with the rules adopted by the Board of Tests for Alcohol and Drug Influence.

E. The Board may set rules and charge appropriate fees for operations incidental to its required duties and responsibilities.

F. There is hereby created in the State Treasury a revolving fund for the Board of Tests for Alcohol and Drug Influence to be designated the "Board of Tests for Alcohol and Drug Influence Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies received pursuant to the provisions of subsection E of this section and any funds previously deposited in the Board of Tests for Alcohol and Drug Influence Revolving Fund. All monies accruing to the credit of

the fund are hereby appropriated and may be budgeted and expended by the Board of Tests for Alcohol and Drug Influence for operating expenses of the Board. Expenditures from the funds shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

G. The provisions of subsections B and C of this section shall be retroactive.

Added by Laws 1967, c. 86, § 9, eff. Jan. 1, 1969. Amended by Laws 1969, c. 244, § 1, emerg. eff. April 21, 1969; Laws 1978, c. 282, § 1, emerg. eff. May 10, 1978; Laws 1982, c. 294, § 8, operative July 1, 1982; Laws 1988, c. 225, § 6; Laws 1991, c. 248, § 9, eff. Sept. 1, 1991; Laws 1994, c. 107, § 1, eff. July 1, 1994; Laws 2000, c. 90, § 1; Laws 2003, c. 461, § 12, eff. July 1, 2003; Laws 2004, c. 129, § 1, eff. Nov. 1, 2004; Laws 2004, c. 418, § 24, eff. July 1, 2004; Laws 2006, c. 55, § 1; Laws 2006, c. 173, § 8, eff. July 1, 2006; Laws 2012, c. 304, § 181; Laws 2013, c. 15, § 32, emerg. eff. April 8, 2013; Laws 2015, c. 125, § 1, eff. July 1, 2015; Laws 2021, c. 208, § 1, eff. Nov. 1, 2021.

NOTE: Laws 2012, c. 61, § 1 repealed by Laws 2013, c. 15, § 33, emerg. eff. April 8, 2013.

§47-759v2. Board of Tests for Alcohol and Drug Influence - Powers and duties - Revolving fund.

A. There is hereby re-created, to continue until July 1, 2026, in accordance with the provisions of the Oklahoma Sunset Law, the Board of Tests for Alcohol and Drug Influence to be composed of the following members beginning July 1, 2015:

1. The Dean of the Oklahoma State University College of Osteopathic Medicine, or a designee;

2. The Dean of the University of Oklahoma College of Medicine, or a designee;

3. The Commissioner of Public Safety, or a designee;

4. The Director of the Oklahoma State Bureau of Investigation, or a designee;

5. The State Commissioner of Health, or a designee;

6. The Director of the Council on Law Enforcement Education and Training, or a designee;

7. One certified peace officer who is a member of a local law enforcement agency selected by the Oklahoma Sheriffs and Peace Officers Association; and

8. One person selected by the Oklahoma Association of Chiefs of Police.

Members shall serve without pay other than reimbursement of necessary and actual expenses as provided in the State Travel Reimbursement Act. Each member shall receive an appointment in writing which shall become a permanent part of the records of the

Board. The chair and vice-chair shall be elected from the membership of the Board every two (2) years. The Board is authorized to appoint a State Director of Tests for Alcohol and Drug Influence and other employees, including, but not limited to, persons to conduct training and provide administrative assistance as necessary for the performance of its functions, subject to available funding and authorized full-time equivalent employee limitations. The Board may expend appropriated funds for purposes consistent with Sections 751 through 761 of this title and Sections 301 through 308 of Title 3 of the Oklahoma Statutes. The Legislature shall appropriate funds to the Department of Public Safety for the support of the Board of Tests For Alcohol and Drug Influence and its employees, if any. Upon the transfer of any employees from the Alcohol Drug Countermeasures Unit of the Department of Public Safety to the Board of Tests For Alcohol and Drug Influence on July 1, 2003, all funds of the Unit appropriated and budgeted shall be transferred to the Board, and may be budgeted and expended to support the functions and personnel of the Board.

B. The Board is authorized to prescribe uniform standards and conditions for, and to approve satisfactory methods, procedures, techniques, devices, equipment and records for, tests and analyses and to prescribe and approve the requisite education and training for the performance of tests or analyses of breath to determine the breath alcohol concentration. The Board shall establish standards for and ascertain the qualifications and competence of individuals to administer tests and analyses of breath to determine the breath alcohol concentration, and to issue permits to individuals which shall be subject to suspension or revocation at the discretion of the Board. The Board is authorized to prescribe uniform standards, conditions, methods, procedures, techniques, devices, equipment and records for the collection, handling, retention, storage, preservation and delivery of specimens of blood, breath, saliva and urine obtained for the purpose of determining the alcohol concentration thereof or the presence or concentration of any other intoxicating substance therein. The Board may take such other actions as may be reasonably necessary or appropriate to effectuate the purposes of Sections 751 through 761 of this title and Sections 301 through 308 of Title 3 of the Oklahoma Statutes, and may adopt, amend and repeal such other rules consistent with this chapter as the Board shall determine proper. The Board is authorized to delegate authority granted in this section to the State Director of Tests as it deems appropriate.

C. The Board shall promulgate rules adopting uniform standards and conditions and rules approving devices, equipment, methods, procedures, techniques, and records for screening tests administered for the purpose of determining the presence or concentration of alcohol or any other intoxicating substance in a person's blood,

breath, saliva or urine. Such screening tests shall be performed in compliance with the rules adopted by the Board of Tests for Alcohol and Drug Influence. For purposes of this subsection, "screening test" means the use of devices, equipment, methods, procedures, techniques and records by law enforcement officers at roadside to assist in the development of probable cause.

D. The Board may set rules and charge appropriate fees for operations incidental to its required duties and responsibilities.

E. There is hereby created in the State Treasury a revolving fund for the Board of Tests for Alcohol and Drug Influence to be designated the "Board of Tests for Alcohol and Drug Influence Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies received pursuant to the provisions of subsection D of this section and any funds previously deposited in the Board of Tests for Alcohol and Drug Influence Revolving Fund. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Board of Tests for Alcohol and Drug Influence for operating expenses of the Board. Expenditures from the funds shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1967, c. 86, § 9, eff. Jan. 1, 1969. Amended by Laws 1969, c. 244, § 1, emerg. eff. April 21, 1969; Laws 1978, c. 282, § 1, emerg. eff. May 10, 1978; Laws 1982, c. 294, § 8, operative July 1, 1982; Laws 1988, c. 225, § 6; Laws 1991, c. 248, § 9, eff. Sept. 1, 1991; Laws 1994, c. 107, § 1, eff. July 1, 1994; Laws 2000, c. 90, § 1; Laws 2003, c. 461, § 12, eff. July 1, 2003; Laws 2004, c. 129, § 1, eff. Nov. 1, 2004; Laws 2004, c. 418, § 24, eff. July 1, 2004; Laws 2006, c. 55, § 1; Laws 2006, c. 173, § 8, eff. July 1, 2006; Laws 2012, c. 304, § 181; Laws 2013, c. 15, § 32, emerg. eff. April 8, 2013; Laws 2015, c. 125, § 1, eff. July 1, 2015; Laws 2021, c. 283, § 3, eff. Nov. 1, 2021; Laws 2023, c. 93, § 1, emerg. eff. April 26, 2023; Laws 2025, c. 330, § 14, eff. July 1, 2025.

NOTE: Laws 2012, c. 61, § 1 repealed by Laws 2013, c. 15, § 33, emerg. eff. April 8, 2013

§47-761. Operation of motor vehicle while impaired - Penalties - Suspensions - Violations not bondable.

A. Any person who operates a motor vehicle while his ability to operate such motor vehicle is impaired by the consumption of alcohol, or any other substance, other than alcohol, which is capable of being ingested, inhaled, injected or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing or other sensory or motor functions shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or imprisonment in the

county jail for not more than six (6) months, or by both such fine and imprisonment.

B. Upon the receipt of any person's record of conviction of driving while impaired, when such conviction has become final, Service Oklahoma shall suspend the driving privilege of such person, as follows:

1. The first suspension shall be for thirty (30) days;

2. The second suspension shall be for a period of six (6) months, which may be modified; provided, any modification under this paragraph shall apply to Class D motor vehicles only; and

3. The third or subsequent suspension shall be for twelve (12) months, which may be modified; provided, any modification under this paragraph shall apply to Class D motor vehicles only.

Provided, however, Service Oklahoma shall not suspend such privilege pursuant to this subsection if said person's driving privilege has been revoked based upon a test result or test refusal pursuant to Section 753 or Section 754 of this title arising from the same circumstances which resulted in the conviction.

C. The violations as set out in this section shall not be bondable under Section 1115.3 of Title 22 of the Oklahoma Statutes.

D. Any person who is found guilty of a violation of the provisions of this section or pleading guilty or nolo contendere for a violation of any provision of this section shall be ordered to participate in, prior to sentencing, an alcohol and drug assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services for the purpose of evaluating the receptivity to treatment and prognosis of the person. The court shall order the person to reimburse the agency or assessor for the assessment and evaluation. The fee for an assessment and evaluation shall be the amount provided in subsection C of Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation shall be conducted at a certified assessment agency, the office of a certified assessor or at another location as ordered by the court. The agency or assessor shall, within seventy-two (72) hours from the time the person is assessed, submit a written report to the court for the purpose of assisting the court in its final sentencing determination. If such report indicates that the evaluation shows that the defendant would benefit from a ten-hour or twenty-four-hour alcohol and drug substance abuse course or a treatment program or both, the court shall, as a condition of any sentence imposed, including a deferred sentence and a suspended sentence, require the person to follow all recommendations identified by the assessment and evaluation and ordered by the court. No person, agency or facility operating an alcohol and drug substance abuse evaluation program certified by the Department of Mental Health and Substance Abuse Services shall solicit or refer any person evaluated pursuant to this section for

any treatment program or alcohol and drug substance abuse service in which such person, agency or facility has a vested interest; however, this provision shall not be construed to prohibit the court from ordering participation in or any person from voluntarily utilizing a treatment program or alcohol and drug substance abuse service offered by such person, agency or facility. Any evaluation report submitted to the court pursuant to this subsection shall be handled in a manner which will keep such report confidential from the general public's review. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence and any other sanction authorized by law for failure or refusal to comply with an order of the court.

Added by Laws 1972, c. 192, § 2. Amended by Laws 1975, c. 119, § 5, emerg. eff. May 13, 1975; Laws 1978, c. 109, § 1; Laws 1987, c. 224, § 16, eff. Nov. 1, 1987; Laws 1992, c. 217, § 17, eff. July 1, 1992; Laws 1994, c. 387, § 9, eff. July 1, 1995; Laws 1995, c. 1, § 18, emerg. eff. March 2, 1995; Laws 1999, c. 395, § 2, eff. Nov. 1, 1999; Laws 2003, c. 178, § 4, eff. July 1, 2003; Laws 2010, c. 345, § 4, eff. Nov. 1, 2010; Laws 2023, c. 310, § 25, eff. July 1, 2023. NOTE: Laws 1994, c. 308, § 4 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995.

§47-762. Repealed by Laws 1995, c. 313, § 10, eff. July 1, 1995.

§47-781. Enactment - Text.

The Driver License Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

DRIVER LICENSE COMPACT

ARTICLE 1. FINDINGS AND DECLARATION OF POLICY

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

ARTICLE II. DEFINITIONS

As used in this Compact:

(a) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of a bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

ARTICLE III. REPORTS OF CONVICTION

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code, or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

ARTICLE IV. EFFECT OF CONVICTION

(a) The licensing authority in the home state, for the purpose of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this Compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this article, such party state shall construe the denominations and descriptions appearing in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature, and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this article.

ARTICLE V. APPLICATIONS FOR NEW LICENSES

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one (1) year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

ARTICLE VI. APPLICABILITY OF OTHER LAWS

Except as expressly required by provisions of this Compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

ARTICLE VII. COMPACT ADMINISTRATOR AND INTERCHANGE OF INFORMATION

(a) The head of the licensing authority of each party state shall be the administrator of this Compact for his state. The administrators, acting jointly, shall have the power to formulate

all necessary and proper procedures for the exchange of information under this Compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this Compact.

ARTICLE VIII. ENTRY INTO FORCE AND WITHDRAWAL

(a) This Compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this Compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six (6) months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all the party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the Compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the Constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any state party thereto, the Compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. Added by Laws 1967, c. 162, § 1, eff. July 1, 1967.

§47-782. Licensing authority.

As used in the Compact, the term "licensing authority" with reference to this state, shall mean Service Oklahoma. Service Oklahoma shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV and V of the Compact.

Added by Laws 1967, c. 162, § 2, eff. July 1, 1967. Amended by Laws 2022, c. 282, § 101, emerg. eff. May 19, 2022.

§47-783. Compensation and expenses of administrator.

The Compact administrator provided for in Article VII of the Compact shall not be entitled to any additional compensation on account of his service as such administrator, but shall be entitled to expenses incurred in connection with his duties and

responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office of employment.
Laws 1967, c. 162, § 3, eff. July 1, 1967.

§47-784. Executive head.

As used in the Compact, with reference to this state, the term "executive head" shall mean the Governor.
Laws 1967, c. 162, § 4, eff. July 1, 1967.

§47-785. Reports to Department of Public Safety.

Any court or other agency of this state, or a subdivision thereof, which has jurisdiction to take any action suspending, revoking or otherwise limiting a license to drive, shall report any such action and the adjudication upon which it is based to Service Oklahoma within ten (10) days on forms furnished by Service Oklahoma.

Added by Laws 1967, c. 162, § 5, eff. July 1, 1967. Amended by Laws 2022, c. 282, § 102, emerg. eff. May 19, 2022.

§47-786. Enforcement of Article IV.

Service Oklahoma shall enforce the provisions of Article IV of this Compact under authority granted by 47 O.S. 1961, Sections 6-202, 6-203, 6-205 and 6-206.

Added by Laws 1967, c. 162, § 6, eff. July 1, 1967. Amended by Laws 2022, c. 282, § 103, emerg. eff. May 19, 2022.

§47-787. Review of act or omission.

Any act or omission of any official or employee of this state done or omitted pursuant to, or in enforcing, the provisions of the Driver License Compact shall be subject to review in the district court of Oklahoma County, but any review of the validity of any conviction reported pursuant to the compact shall be limited to establishing the identity of the person so convicted.

Laws 1967, c. 162, § 7, eff. July 1, 1967.

§47-789. Short title.

This act may be known and may be cited as the "Nonresident Violator Compact".

Added by Laws 1985, c. 70, § 1, eff. Jan. 1, 1986.

§47-790. Nonresident Violator Compact.

The Nonresident Violator Compact, hereinafter called "the compact", is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

ARTICLE I. FINDINGS, DECLARATION OF POLICY AND PURPOSE

A. The party jurisdictions find that:

1. In most instances, a motorist who is cited for a traffic violation in a jurisdiction other than his home jurisdiction:

- a. must post collateral or bond to secure appearance for trial at a later date; or
- b. if unable to post collateral or bond, is taken into custody until the collateral or bond is posted; or
- c. is taken directly to court for his trial to be held.

2. In some instances, the motorist's driver's license may be deposited as collateral to be returned after he has complied with the terms of the citation.

3. The purpose of the practices described in paragraphs 1 and 2 is to ensure compliance with the terms of a traffic citation by the motorist who, if permitted to continue on his way after receiving the traffic citation, could return to his home jurisdiction and disregard his duty under the terms of the traffic citation.

4. A motorist receiving a traffic citation in his home jurisdiction is permitted, except for certain violations, to accept the citation from the officer at the scene of the violation and to immediately continue on his way after promising or being instructed to comply with the terms of the citation.

5. The practice described in paragraph 1 causes unnecessary inconvenience and, at times, a hardship for the motorist who is unable at the time to post collateral, furnish a bond, stand trial, or pay the fine, and thus is compelled to remain in custody until some arrangement can be made.

6. The deposit of a driver's license as a bail bond, as described in paragraph 2, is viewed with disfavor.

7. The practices described herein consume an undue amount of law enforcement time.

B. It is the policy of the party jurisdictions to:

1. Seek compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles in each of the jurisdictions.

2. Allow motorists to accept a traffic citation for certain violations and proceed on their way without delay whether or not the motorist is a resident of the jurisdiction in which the citation was issued.

3. Extend cooperation to its fullest extent among the jurisdictions for obtaining compliance with the terms of a traffic citation issued in one jurisdiction to a resident of another jurisdiction.

4. Maximize effective utilization of law enforcement personnel and assist court systems in the efficient disposition of traffic violations.

C. The purpose of this compact is to:

1. Provide a means through which the party jurisdictions may participate in a reciprocal program to effectuate the policies enumerated, in paragraph B, in a uniform and orderly manner.

2. Provide for the fair and impartial treatment of traffic violators operating within party jurisdictions in recognition of the motorist's right of due process and the sovereign status of a party jurisdiction.

ARTICLE II. DEFINITIONS

A. In the Nonresident Violator Compact, the following words have the meaning indicated, unless the context requires otherwise.

B. 1. "Citation" means any summons, ticket, or other official document issued by a police officer for a traffic violation containing an order which requires the motorist to respond.

2. "Collateral" means any cash or other security deposited to secure an appearance for trial, following the issuance by a police officer of a citation for a traffic violation.

3. "Court" means a court of law or traffic tribunal.

4. "Driver's license" means any license or privilege to operate a motor vehicle issued under the laws of the home jurisdiction.

5. "Home jurisdiction" means the jurisdiction that issued the driver's license of the traffic violator.

6. "Issuing jurisdiction" means the jurisdiction in which the traffic citation was issued to the motorist.

7. "Jurisdiction" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

8. "Motorist" means a driver of a motor vehicle operating in a party jurisdiction other than the home jurisdiction.

9. "Personal recognizance" means an agreement by a motorist made at the time of issuance of the traffic citation that he will comply with the terms of that traffic citation.

10. "Police officer" means any individual authorized by the party jurisdiction to issue a citation for a traffic violation.

11. "Terms of the citation" means those options expressly stated upon the citation.

ARTICLE III. PROCEDURE FOR ISSUING JURISDICTION

A. When issuing a citation for a traffic violation, a police officer shall issue the citation to a motorist who possesses a driver's license issued by a party jurisdiction and shall not, subject to the exceptions noted in paragraph B of this article, require the motorist to post collateral to secure appearance, if the officer receives the motorist's personal recognizance that he or she will comply with the terms of the citation.

B. Personal recognizance is acceptable only if not prohibited by law. If mandatory appearance is required, it must take place immediately following issuance of the citation.

C. Upon failure of a motorist to comply with the terms of a traffic citation, the appropriate official shall report the failure to comply to the licensing authority of the jurisdiction in which the traffic citation was issued. The report shall be made in accordance with procedures specified by the issuing jurisdiction and shall contain information as specified in the Compact Manual as minimum requirements for effective processing by the home jurisdiction.

D. Upon receipt of the report, the licensing authority of the issuing jurisdiction shall transmit to the licensing authority in the home jurisdiction of the motorist the information in a form and content as contained in the Compact Manual.

E. The licensing authority of the issuing jurisdiction may not suspend the privilege of a motorist for whom a report has been transmitted.

F. The licensing authority of the issuing jurisdiction shall not transmit a report on any violation if the date of transmission is more than six months after the date on which the traffic citation was issued.

G. The licensing authority of the issuing jurisdiction shall not transmit a report on any violation where the date of issuance of the citation predates the most recent of the effective dates of entry for the two jurisdictions affected.

ARTICLE IV. PROCEDURE FOR HOME JURISDICTION

A. Upon receipt of a report of a failure to comply from the licensing authority of the issuing jurisdiction, the licensing authority of the home jurisdiction shall notify the motorist and initiate a suspension action, in accordance with the home jurisdiction's procedures, to suspend the motorist's driver's license until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the home jurisdiction licensing authority.

B. The licensing authority of the home jurisdiction shall maintain a record of actions taken and make reports to issuing jurisdictions as provided in the Compact Manual.

ARTICLE V. APPLICABILITY OF OTHER LAWS

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party jurisdiction to apply any of its other laws relating to licenses to drive to any person or circumstance, or to invalidate or prevent any driver license agreement or other cooperative arrangement between a party jurisdiction and a nonparty jurisdiction.

ARTICLE VI. COMPACT ADMINISTRATOR PROCEDURES

A. For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a Board of Compact Administrators is established. The board shall be composed of one representative from each party jurisdiction to be known as the compact administrator. The compact administrator shall be appointed by the jurisdiction executive and will serve and be subject to removal in accordance with the laws of the jurisdiction he represents. A compact administrator may provide for the discharge of his duties and the performance of his functions as a board member by an alternate. An alternate may not be entitled to serve unless written notification of his identity has been given to the board.

B. Each member of the Board of Compact Administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of votes on the board are cast in favor. Action by the board shall be only at a meeting at which a majority of the party jurisdictions are represented.

C. The board shall elect annually, from its membership, a chairman and a vice-chairman.

D. The board shall adopt bylaws, not inconsistent with the provisions of this compact or the laws of a party jurisdiction, for the conduct of its business and shall have the power to amend and rescind its bylaws.

E. The board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any jurisdiction, the United States, or any other governmental agency, and may receive, utilize and dispose of the same.

F. The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, person, firm or corporation, or any private nonprofit organization or institution.

G. The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action shall be contained in the Compact Manual.

ARTICLE VII. ENTRY INTO COMPACT AND WITHDRAWAL

A. This compact shall become effective when it has been adopted by at least two jurisdictions.

B. 1. Entry into the compact shall be made by a Resolution of Ratification executed by the authorized officials of the applying jurisdiction and submitted to the chairman of the board.

2. The resolution shall be in a form and content as provided in the Compact Manual and shall include statements that in substance are as follows:

a. a citation of the authority by which the jurisdiction is empowered to become a party to this compact.

b. agreement to comply with the terms and provisions of the compact.

c. that compact entry is with all jurisdictions then party to the compact and with any jurisdiction that legally becomes a party to the compact.

3. The effective date of entry shall be specified by the applying jurisdiction, but it shall not be less than sixty (60) days after notice has been given, by the chairman of the Board of Compact Administrators or by the secretariat of the board to each party jurisdiction that the resolution from the applying jurisdiction has been received.

C. A party jurisdiction may withdraw from this compact by official written notice to the other party jurisdictions, but a withdrawal shall not take effect until ninety (90) days after notice of withdrawal is given. The notice shall be directed to the compact administrator of each member jurisdiction. No withdrawal shall affect the validity of this compact as to the remaining party jurisdictions.

ARTICLE VIII. EXCEPTIONS

The provisions of this compact shall not apply to parking or standing violations, highway weight limit violations, and violations of law governing the transportation of hazardous materials.

ARTICLE IX. AMENDMENTS TO THE COMPACT

A. This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the Board of Compact Administrators and may be initiated by one or more party jurisdictions.

B. Adoption of an amendment shall require endorsement of all party jurisdictions and shall become effective thirty (30) days after the date of the last endorsement.

C. Failure of a party jurisdiction to respond to the compact chairman within one hundred twenty (120) days after receipt of the proposed amendment shall constitute endorsement.

ARTICLE X. CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party jurisdiction or of the United States or the applicability thereof to any government, agency, person or circumstance the compact shall not be affected thereby. If this compact shall be held contrary to the constitution of any jurisdiction party thereto, the compact shall

remain in full force and effect as to the remaining jurisdictions and in full force and effect as to the jurisdiction affected as to all severable matters.

Added by Laws 1985, c. 70, § 2, eff. Jan. 1, 1986.

§47-801. Definitions.

As used in Section 801 et seq. of this title:

1. "Commercial driver training school" or "school" means a business enterprise conducted by an individual, association, partnership, or corporation, for the education and training of persons, either practically or theoretically, or both, to operate or drive motor vehicles and/or to prepare an applicant for an examination given by the state for a driver license including a restricted Class D license for persons fifteen and one-half (15 1/2) years old or for a permit to operate farm vehicles as provided for in Section 6-105 of this title, and charging a consideration or tuition for such services; and

2. "Instructor" means any person, whether acting for himself or herself as operator of a commercial driver training school or for any such school for compensation, who teaches, conducts classes of, gives demonstrations to, or supervises practice of persons learning to operate or drive motor vehicles or preparing to take an examination for a driver license including a restricted Class D license for persons fifteen and one-half (15 1/2) years old or for a permit to operate vehicles issued under Section 6-105 of this title, and any person who supervises the work of any other such instructor. Added by Laws 1967, c. 167, § 1. Amended by Laws 1993, c. 314, § 5, emerg. eff. June 7, 1993; Laws 1995, c. 23, § 16, eff. Nov. 1, 1995; Laws 2024, c. 450, § 6, eff. Nov. 1, 2024.

§47-802. Administration and enforcement - Human trafficking information and course of study.

A. Service Oklahoma, in conjunction with the Department of Public Safety, shall adopt and prescribe such regulations concerning the administration and enforcement of Section 801 et seq. of this title as are necessary to carry out the intent of this act and to protect the public. Service Oklahoma or his or her authorized representative shall inspect the school facilities and equipment of applicants and licensees and examine applicants for instructor's licenses.

B. Service Oklahoma shall administer and enforce the provisions of this act, and may call upon the State Superintendent of Public Instruction for assistance in developing and formulating appropriate regulations.

C. 1. Service Oklahoma, in conjunction with the Department of Public Safety, may require that the course of study for training students for Class A, B or C commercial licenses shall include

training on the recognition, prevention and reporting of human trafficking. If required, Service Oklahoma, in conjunction with the Department of Public Safety, shall regularly review and update the training to take into account changes and trends in human trafficking. Service Oklahoma shall collaborate with organizations that specialize in the recognition and prevention of human trafficking.

2. Service Oklahoma, in conjunction with the Department of Public Safety, may identify and establish industry specific materials for use in the instruction required on the recognition, prevention and effective reporting of human trafficking by people training to obtain a Class A, B or C commercial license. Added by Laws 1967, c. 167, § 2. Amended by Laws 2018, c. 48, § 1, eff. Nov. 1, 2018; Laws 2019, c. 279, § 1, eff. Nov. 1, 2019; Laws 2023, c. 310, § 26, eff. July 1, 2023.

§47-803. School license.

A. No commercial driver training school shall be established nor any such existing school continued on or after August 10, 1967, unless such school applies for and obtains from Service Oklahoma a license in the manner and form prescribed by Service Oklahoma.

B. Regulations adopted by Service Oklahoma, in conjunction with the Department of Public Safety, shall state the requirements for a school license, including requirements concerning location, equipment, courses of instruction, instructors, previous records of the school and instructors, financial statements, schedule of fees and charges, character and reputation of the operators and instructors, insurance in such sum and with such provisions as Service Oklahoma, in conjunction with the Department of Public Safety, deems necessary to protect adequately the interests of the public, and such other matters as Service Oklahoma may prescribe for the protection of the public. Such regulations shall allow the use of electronic signatures on all documents submitted by a school or instructor.

C. Every school offering instruction for a restricted Class D license for persons fifteen and one-half (15 1/2) years old or a permit to operate vehicles issued under Section 6-105 of this title must provide for a minimum number of hours of actual classroom and field driving instruction as determined by Service Oklahoma, in conjunction with the Department of Public Safety. Added by Laws 1967, c. 167, § 3. Amended by Laws 1993, c. 314, § 6, emerg. eff. June 7, 1993; Laws 2023, c. 310, § 27, eff. July 1, 2023; Laws 2024, c. 450, § 7, eff. Nov. 1, 2024.

§47-804. Instructor's license.

A. No person shall act as an instructor unless such person applies for and obtains from Service Oklahoma a license in the manner and form prescribed by Service Oklahoma.

B. Rules promulgated by Service Oklahoma, in conjunction with the Department of Public Safety, shall state the requirements for an instructor's license, including requirements concerning moral character, physical condition, knowledge of the courses of instruction, motor vehicle laws and safety principles and practices, previous personnel and employment records, and such other matters as Service Oklahoma, in conjunction with the Department of Public Safety, may prescribe for the protection of the public.

Added by Laws 1967, c. 167, § 4. Amended by Laws 1995, c. 320, § 4, eff. July 1, 1995; Laws 1997, c. 201, § 4, eff. Nov. 1, 1997; Laws 2001, c. 131, § 10, eff. July 1, 2001; Laws 2023, c. 310, § 28, eff. July 1, 2023.

§47-805. License fees.

All school and instructor's licenses shall expire on the last day of the calendar year and may be renewed upon application to Service Oklahoma as prescribed by its regulation. Each application for an original or renewal school license shall be accompanied by a fee of Twenty-five Dollars (\$25.00) for a one-year license or One Hundred Dollars (\$100.00) for a four-year license. Each application for an original or renewal instructor's license shall be accompanied by a fee of Five Dollars (\$5.00) for a one-year license or Twenty Dollars (\$20.00) for a four-year license. The license fees collected pursuant to Sections 801 through 808 of this title shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury. No license fee shall be refunded in the event that the license is rejected, suspended, or revoked.

Added by Laws 1967, c. 167, § 5. Amended by Laws 1983, c. 286, § 28, operative July 1, 1983; Laws 1987, c. 5, § 163, emerg. eff. March 11, 1987; Laws 2023, c. 310, § 29, eff. July 1, 2023; Laws 2024, c. 450, § 8, eff. Nov. 1, 2024.

§47-806. Suspension or revocation of license.

Service Oklahoma may cancel, suspend, revoke, or refuse to issue or renew a school or instructor's license in any case where he finds the licensee or applicant has not complied with, or has violated, any of the provisions of this Act or any regulation adopted by Service Oklahoma hereunder. Any canceled, suspended or revoked license shall be returned to Service Oklahoma by the licensee, and its holder shall not be eligible to apply for a license under this act until three (3) months have elapsed since the date of suspension or revocation.

Added by Laws 1967, c. 167, § 6. Amended by Laws 2023, c. 310, § 30, eff. July 1, 2023

§47-807. Persons and schools exempt.

The provisions of this act shall not apply to any person giving driver training lessons without charge, to employers maintaining driver training schools without charge for their employees only, or to schools or classes conducted by colleges, universities and high schools for regularly enrolled, full-time students as a part of the normal program for such institutions.

Laws 1967, c. 167, § 7.

§47-808. Penalties.

Violation of any provision of this act or any regulation promulgated pursuant hereto, shall constitute a misdemeanor, and any person, firm, or corporation, upon conviction therefor, shall be punished by a fine of not more than One Hundred Dollars (\$100.00) or imprisonment for not more than thirty (30) days in the county jail, or by both such fine and imprisonment.

Laws 1967, c. 167, § 8.

§47-851. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-852. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-853. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-854. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-854.1. Renumbered as § 2-143 of this title by Laws 2001, c. 435, § 15, eff. July 1, 2001.

NOTE: Renumbering by Laws 2001, c. 435, § 15 was editorially renumbered from § 2-142 of this title to avoid duplication in numbering.

§47-855. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-855.1. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001 and by Laws 2002, c. 397, § 36, eff. Nov. 1, 2002.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

NOTE: Laws 2001, c. 153, § 9 repealed this section without reference to amendment by Laws 2001, c. 33, § 38, eff. July 1, 2001, which reads as follows:

§47-855.1. Official inspectors - License - Revocation or suspension.

A. 1. The Commissioner of Public Safety shall designate official inspectors and shall issue licenses for and furnish instructions and all necessary forms to said official inspectors for the inspection of vehicles and the issuance of official certificates of inspection or rejection.

2. Application for a license as an official inspector shall be made upon an official form and shall be granted only when the Commissioner of Public Safety, after appropriate training, examination and investigation, is satisfied that the applicant is eligible in accordance with the requirements as prescribed by the Commissioner to make such inspections. The Commissioner shall prescribe by rule the training requirements for all official inspectors, and the applicant shall complete all training requirements, including any subsequent additional training requirements which the Commissioner deems necessary for licensed official inspectors.

3. The Commissioner and the Oklahoma Department of Career and Technology Education may enter into an interlocal agreement to carry out the requirements of this subsection.

B. Any employee of a station, facility or conversion center which converts motor vehicles to have the capability of being fueled by alternative fuels, as defined by Section 130.2 of Title 74 of the Oklahoma Statutes, may be authorized by the Commissioner to perform inspections as provided in Chapter 70 of this title. Subject to the application requirements specified in this section, the Commissioner of Public Safety shall issue an official inspector license to any such person who qualifies for a license as an official inspector.

C. The Commissioner of Public Safety shall properly supervise and cause inspections to be made of the performance of persons licensed under this section and shall suspend or revoke and require the surrender of the license issued to the person who is not properly conducting inspections.

D. No license shall be revoked or suspended except upon notice to the licensee and to the employer of the licensee and after an opportunity to be heard by the Commissioner. A license may be temporarily suspended without notice pending any investigation or hearing. Whenever any license has been revoked, no license shall be reissued to an applicant until after the expiration of a period of one (1) year from the date of such revocation.

§47-856. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-856.1. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-856.1A. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-856.2. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-856.3. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-856.4. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-856.5. Repealed by Laws 1996, c. 287, § 3.

§47-857. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-858. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-858.1. Repealed by Laws 1998, c. 158, § 5, eff. Nov. 1, 1998.

§47-859. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-860. Repealed by Laws 2001, c. 153, § 9, emerg. eff. June 4, 2001.

NOTE: Effective date for Laws 2001, c. 153, § 9 added by Laws 2001, c. 361, § 14, emerg. eff. June 4, 2001.

§47-901. Abandonment unlawful - Determination.

It shall be unlawful to abandon a motor vehicle on a highway or other public property. Any member of the Oklahoma Highway Patrol or any qualified sheriff, deputy sheriff or any member of any city police department shall deem a vehicle abandoned and shall have the authority to remove or direct the removal of a vehicle when found upon any portion of the highway, shoulder, or right-of-way, if after a period of forty-eight (48) hours there is no evidence of an apparent owner who intends to remove the vehicle.

Laws 1967, c. 363, § 1, emerg. eff. May 22, 1967.

§47-902. Authorization to remove abandoned vehicle.

If such officer has reasonable cause to believe a vehicle has been abandoned in a location which would be hazardous to the free flow of traffic or be highly susceptible to damage from vandalism or other harm, he shall have the authority to remove or direct the removal of the vehicle immediately. At the time of ordering the removal of an abandoned vehicle, the authorizing officer shall also determine the sale value of the vehicle and certify that amount on the removal order.

Amended by Laws 1987, c. 233, § 2, eff. Nov. 1, 1987.

§47-903. Notice of impoundment - Civil liability.

Any such officer who has directed the impoundment of any vehicle, or an authorized person in the employing agency of the officer, shall within seventy-two (72) hours of the impoundment notify the Department of Public Safety of such impoundment. The notice of impoundment shall contain the name and address of the owner, if known, the make, model, vehicle identification number, registration number, date stored, place stored and the estimated value of the vehicle as determined by the officer. Upon receipt of such notice of impoundment, the Department of Public Safety shall, within seventy-two (72) hours, request Service Oklahoma or other appropriate licensed operators to furnish the name and address of the owner of and any lienholder on the vehicle and shall within three (3) days from receipt of the requested information send a notice to the owner and any lienholder by regular mail, postage prepaid, at the addresses furnished by Service Oklahoma or the licensed operator, of the location of the vehicle. This section shall not be construed to create any civil liability upon the state, any agency of the state or employee thereof for failure to provide such notice to the owner or lienholder.

Added by Laws 1967, c. 363, § 3, emerg. eff. May 22, 1967. Amended by Laws 1985, c. 140, § 1, emerg. eff. June 7, 1985; Laws 1987, c. 233, § 3, eff. Nov. 1, 1987; Laws 1988, c. 290, § 17, operative July 1, 1988; Laws 2010, c. 440, § 5, eff. Nov. 1, 2010; Laws 2022, c. 282, § 104, emerg. eff. May 19, 2022.

§47-903A. Contest of removal or storage - Hearing - Exemptions.

A. After the removal or storage of any abandoned or wrecked vehicle at the request of a public agency, the registered or legal owner of the vehicle, or their agent, may contest the validity of the removal or storage, by filing a written request for a hearing with the public agency. The written request may be filed before or after the vehicle is retrieved from the storage operator. Provided, however, the public agency shall not be required to conduct a hearing if the request is received more than ten (10) days following actual or constructive notice to the owner or driver of the vehicle that said vehicle has been so removed or stored. Any such hearing shall be scheduled within seventy-two (72) hours of the request, excluding weekends and holidays. The public agency may authorize its own officer or employee to conduct the hearing, so long as the hearing officer is not the same person who directed the removal or storage of the vehicle. The public agency may, with the consent of the person requesting the hearing, schedule the hearing by telephone and conduct the hearing on the merits by telephone conference call.

The hearing officer shall apply the law to the evidence and make a determination whether the vehicle removal and storage was justified. If deemed unjustified, the public agency shall bear the cost of hookup and tow mileage, and the operator shall waive all storage costs in such cases as a condition of eligibility to respond to a service call request from a public agency. The vehicle owner or agent shall not be charged any type of fee or costs relating to impoundment or storage in such case. If the tow and storage is deemed justified, the owner or agent shall bear the cost of reasonable tow and storage. In either case, prior to the release of the vehicle to the owner or agent, proof of security or an affidavit that the vehicle will not be used on public highways or public streets, as required pursuant to Section 7-600 et seq. of this title, shall be furnished to the public agency.

B. Failure of either the registered or legal owner, or their agent, to timely request or to timely appear upon a scheduled hearing shall satisfy the hearing requirement of this section.

C. The hearing conducted by the public agency pursuant to this section shall not be governed by the Administrative Procedures Act, Section 301 et seq. of Title 75 of the Oklahoma Statutes. The owner of a stored vehicle may, either in lieu of such hearing or after such hearing, file a petition in the district court of the county wherein the vehicle is stored. The district court is vested with

original jurisdiction to conduct a de novo hearing and determine the validity of removal and storage.

D. The provisions of this section shall not apply to the removal of vehicles abated pursuant to Section 954A of this title. Added by Laws 1986, c. 144, § 8, emerg. eff. April 21, 1986. Amended by Laws 1987, c. 233, § 5, eff. Nov. 1, 1987. Renumbered from § 963 by Laws 1987, c. 233, § 6, eff. Nov. 1, 1987. Amended by Laws 1993, c. 153, § 2, eff. Sept. 1, 1993.

§47-904. Payment of cost of removal and storage.

The owner of a motor vehicle or lienholder of the vehicle abandoned in violation of Section 901 et seq. of this title, or the owner of any vehicle or lienholder of the vehicle or insurer accepting liability for paying a claim on a vehicle or purchasing the vehicle as a total loss vehicle from the registered owner which shall have been lawfully removed from any highway or other public property may regain possession of the vehicle in accordance with regulations of the Department of Public Safety upon payment of the reasonable cost of removal and storage of such vehicle. The operator is authorized to collect all lawful fees from the owner, lienholder that seeks possession of a vehicle under a security interest, agent, or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle from the registered owner of the towed vehicle for the performance of any and all such services. An operator shall release the vehicle from storage upon authorization from the owner, agent or lienholder of the vehicle or in the case of a total loss, the insurer accepting liability for paying the claim on the vehicle or purchasing the vehicle where the vehicle is to be moved to an insurance pool yard for sale. In the case of death or incapacitation of the owner of a motor vehicle, the operator may release the vehicle to a legal representative or an immediate family member who is within the first or second degree of consanguinity or affinity. The legal representative or family member shall provide a notarized affidavit describing his or her relationship to the owner of the motor vehicle and proof of identity in accordance with the Department's rules related to establishing identity.

The cost of removal and storage shall be paid to the wrecker or towing service.

Added by Laws 1967, c. 363, § 4, emerg. eff. May 22, 1967. Amended by Laws 1985, c. 140, § 2, emerg. eff. June 7, 1985; Laws 1987, c. 233, § 4, eff. Nov. 1, 1987; Laws 1988, c. 290, § 18, operative July 1, 1988; Laws 1993, c. 153, § 3, eff. Sept. 1, 1993; Laws 1996, c. 175, § 1, eff. July 1, 1997; Laws 2000, c. 303, § 1, eff. July 1, 2000; Laws 2002, c. 133, § 2, eff. Nov. 1, 2002; Laws 2006, c. 158, § 1, emerg. eff. May 15, 2006; Laws 2021, c. 334, § 1, eff. Nov. 1, 2021.

NOTE: Laws 1987, c. 205, § 70 repealed by Laws 1988, c. 290, § 25, operative July 1, 1988.

§47-904.1. Lienholder defined.

A lienholder as used in Sections 903, 904 and 954A of this title shall mean those lienholders as shown on the vehicle title. Added by Laws 1985, c. 140, § 4, emerg. eff. June 7, 1985. Amended by Laws 2002, c. 387, § 1.

§47-907. Special liens.

Every person lawfully in possession of an abandoned vehicle shall have a special lien thereon for the compensation due him from the owner of such abandoned vehicle for all expenses incurred. Laws 1968, c. 167, § 1, emerg. eff. April 11, 1968.

§47-908. Foreclosure of lien - Notice.

Said lien may be foreclosed by a sale of such abandoned vehicle upon giving notice and in the manner following: The notice shall contain:

(a) The name of the party bringing action and the name of the owner or any person claiming any interest therein.

(b) A full description of the vehicle, giving all available information as to the make, year, serial number, license tag with year and the state from which the tag was issued.

(c) A full statement of all the facts.

(d) The amount of the claim, giving a full description of the work, labor, storage or any other costs involved.

(e) The date, time and place of the sale.

(f) The notice shall be posted in three public places in the county in which the vehicle is to be sold at least ten (10) days before the time specified therein for such sale, and a copy of said notice shall be mailed to the owner and any other person claiming any interest in the abandoned motor vehicle, at their last-known mailing address, by registered mail on the same date of posting said notice.

Laws 1968, c. 167, § 2, emerg. eff. April 11, 1968.

§47-909. Time to commence proceedings.

Proceedings for such sale under this act shall not be commenced until ten (10) days after said lien has accrued.

Laws 1968, c. 167, § 3, emerg. eff. April 11, 1968.

§47-910. Return of sale.

A return of such sale shall be made at the time of sale and proof of posting and mailing of the notice of sale of abandoned vehicle.

Laws 1968, c. 167, § 4, emerg. eff. April 11, 1968.

§47-911. Disposition of proceeds of sale.

The proceeds from the sale of an abandoned vehicle made pursuant to Section 908 of this title shall be applied in the following order:

1. To the reasonable cost incurred in the sale of the abandoned vehicle;
2. To the satisfaction of the special lien provided for in Section 907 of this title;
3. To the satisfaction of any indebtedness secured by a subordinate security interest or lien in the vehicle;
4. To the owner if such owner is known, and if such owner or the address of such owner is not known, to Service Oklahoma to be remitted to the State Treasurer and by him deposited in the General Revenue Fund.

Added by Laws 1968, c. 167, § 5, emerg. eff. April 11, 1968.

Amended by Laws 1988, c. 67, § 1, emerg. eff. March 25, 1988; Laws 2022, c. 282, § 105, emerg. eff. May 19, 2022.

§47-951. Definitions.

As used in Sections 951 through 965 of this title and Sections 1 through 3 of this act:

1. "Wrecker or wrecker vehicle" means any motor vehicle that is equipped with any device designed to tow another vehicle or combination of vehicles. The use of the term "wrecker" or "wrecker vehicle" shall be construed to include a combination wrecker or combination wrecker vehicle, as defined in paragraph 2 of this section, unless a specific differentiation is otherwise described;
2. "Combination wrecker" or "combination wrecker vehicle" means any wrecker vehicle which is designed and equipped with two separate and distinct devices to tow simultaneously two or more other vehicles or combinations of vehicles, whether or not both devices are in use simultaneously. One of the devices shall allow another vehicle to be loaded onto and transported upon the wrecker vehicle, and one of the devices shall allow another vehicle to be attached to and pulled by the wrecker vehicle;
3. "Tow" or "towing" means the use of a wrecker vehicle to lift, pull, move, haul or otherwise transport any other vehicle by means of:
 - a. attaching the vehicle to and pulling the vehicle with the wrecker vehicle, or
 - b. loading the vehicle onto and transporting the vehicle upon the wrecker vehicle;
4. "Rollback equipment" means a towing device or equipment upon which the towed vehicle is loaded and transported, removing the towed vehicle completely from the surface of the roadway. The term "rollback equipment" shall include car haulers;

5. "Dolly" means a towing device or equipment which lifts and suspends one axle of the towed vehicle above the surface of the roadway;

6. "Wrecker or towing service" means engaging in the business of or performing the act of towing or offering to tow any vehicle, except:

- a. where the operator owns the towed vehicle and displays on both sides of the wrecker vehicle in plainly visible letters not less than two (2) inches in height the words "NOT FOR HIRE",
- b. where the service is performed by a transporter as defined in Section 1-181 of this title,
- c. where service is performed in conjunction with the transportation of household goods and property,
- d. where the wrecker vehicle is owned or operated by the United States government, the State of Oklahoma, or any department or political subdivision thereof, or
- e. where the service is performed by an out-of-state wrecker service at the request of the vehicle owner or operator, the vehicle is not involved in a collision, and is being towed:
 - (1) in either direction across the border between Oklahoma and a neighboring state, or
 - (2) through Oklahoma in transit to another state;provided, the out-of-state wrecker service shall comply with all other requirements regarding interstate commerce as set forth in law;

7. "Commissioner" means the Commissioner of Public Safety;

8. "Commission" means the Corporation Commission;

9. "Department" means the Department of Public Safety;

10. "Nonconsensual tow" means the transportation of a vehicle without the consent or knowledge of the vehicle's owner, possessor, agent, insurer, lienholder, or any other person in possession of or in charge of any vehicle and includes the transportation or towing of the vehicle under lawful circumstances or necessity for the public interest including removing from the roadway for public safety or public convenience, or accidents, by any law enforcement officer or property agent or removal from public or private property as a result of abandonment or unauthorized parking by the property owner, agent, possessor, or other legal entity for the property owner;

11. "Operator" means any person owning or operating a wrecker vehicle or wrecker or towing service;

12. "Officer" means any duly authorized law enforcement officer;

13. "Roadway" means any public street, road, highway or turnpike or the median, easement or shoulder of a roadway;

14. "Service call" means the act of responding to a request for service with a wrecker vehicle in which a service is performed; and

15. "Vehicle" shall:

- a. have the same meaning as defined in Section 1-186 of this title, and
- b. for the purposes of this chapter when referring to a vehicle or combination of vehicles being towed or stored, include a vessel. The term "vessel" shall have the same meaning as defined in Section 4002 of Title 63 of the Oklahoma Statutes.

Added by Laws 1970, c. 323, § 1. Amended by Laws 1982, c. 170, § 1, operative Oct. 1, 1982; Laws 1983, c. 109, § 1, eff. Nov. 1, 1983; Laws 1986, c. 144, § 1, emerg. eff. April 21, 1986; Laws 1988, c. 290, § 19, operative July 1, 1988; Laws 1995, c. 50, § 1, emerg. eff. April 10, 1995; Laws 1999, c. 125, § 2, emerg. eff. April 26, 1999; Laws 2002, c. 66, § 1; Laws 2003, c. 279, § 8, emerg. eff. May 26, 2003; Laws 2004, c. 418, § 25, eff. July 1, 2004; Laws 2011, c. 355, § 4, eff. Nov. 1, 2011.

§47-952. Rulemaking authority - Requests for service by political subdivisions - Official rotation logs.

A. Except for the rates established by the Corporation Commission and other provisions as provided for by law, the Department of Public Safety shall have the power and authority necessary to license, supervise, govern and control wrecker vehicles and wrecker or towing services.

B. The Department of Public Safety shall adopt and prescribe such rules as are necessary to carry out the intent of Section 951 et seq. of this title.

The rules shall state the requirements for facilities, for storage of vehicles, necessary towing equipment, the records to be kept by operators, liability insurance and insurance covering the vehicle and its contents while in storage in such sum and with such provisions as the Department deems necessary to adequately protect the interests of the public, and such other matters as the Department may prescribe for the protection of the public.

C. Unless otherwise regulated by the governing body of the political subdivision, the wrecker vehicle used to perform wrecker or towing services requested by a political subdivision of this state for removal of a vehicle from public property for reasons listed in Section 955 of this title shall be from the licensed wrecker or towing service whose location is nearest to the vehicle to be towed. Requests for service may be alternated or rotated among all such licensed wrecker or towing services which are located within a reasonable radius of each other. In cities of less than fifty thousand (50,000) population, all such licensed wrecker or towing services located near or in the city limits of such cities

shall be considered as being equal distance and shall be called on an equal basis as nearly as possible. The police chief of any municipality and the county sheriff of each county shall keep rotation logs on all requested tows, except where there are insufficient licensed wrecker or towing services available to rotate such services or services are contracted after a competitive bid process. Rotation logs shall be made available for public inspection upon request. Any calls made from cell phones or two-way radios by any law enforcement officer or employee of any municipality or county to any wrecker service shall be listed on the rotation or call logs and made available for public inspection. A wrecker service shall not be removed from rotation without notification to the wrecker operator stating the reason for removal from the rotation log. All notification for removal from a rotation log shall be mailed to the wrecker service owner at least ten (10) days before removal from the rotation log and shall state the procedure and requirements for reinstatement.

D. Except as otherwise provided in this subsection, the Department and any municipality, county or other political subdivision of this state shall not place any wrecker or towing service upon an official rotation log for the performance of services carried out pursuant to the request of or at the direction of any officer of the Department or municipality, county or political subdivision unless the service meets the following requirements:

1. Principal business facilities are located within Oklahoma;
2. Tow trucks are registered and licensed in Oklahoma; and
3. Owner is a resident of the State of Oklahoma or the service is an Oklahoma corporation.

In the event a licensed wrecker or towing service is not located within a county, a wrecker or towing service that is located outside of the county or this state and does not meet the above qualifications may be placed on the rotation log for the county or any municipality or political subdivision located within the county.

When performing services at the request of any officer, no operator or wrecker or towing service upon the rotation logs shall charge fees in excess of the maximum rates for services performed within this state, including incorporated and unincorporated areas, as established by the Commission.

E. The Department shall place a licensed Class AA wrecker service on the Highway Patrol Rotation Log in a highway patrol troop district in which the place of business and the primary storage facility of the wrecker service are located upon written request filed by the wrecker service with the Department. Upon further request of the wrecker service, the Commissioner of Public Safety or the Department employee with statewide responsibility for administration of wrecker services may place a wrecker service on

the Highway Patrol Rotation Log in a district adjacent to the district in which the place of business and the primary storage facility of the wrecker service are located if the wrecker service is in proximity to and within a reasonable radius of the boundary of the district. When a wrecker service is placed on the rotation log in a district, the Department shall notify the wrecker service and the troop commander of the district.

F. The Commissioner of Public Safety or the Department employee with statewide responsibility for administration of wrecker services shall be responsible for establishing geographical areas of rotation within the troop districts and for notifying each wrecker service of the geographical areas of rotation to which the service is assigned.

G. The Department shall make all rotation logs available for public inspection at the state office and shall make rotation logs for a highway patrol troop district available for public inspection at the district office.

Added by Laws 1970, c. 323, § 2. Amended by Laws 1982, c. 170, § 2, operative Oct. 1, 1982; Laws 1983, c. 109, § 2, eff. Nov. 1, 1983; Laws 1986, c. 144, § 2, emerg. eff. April 21, 1986; Laws 1995, c. 50, § 2, emerg. eff. April 10, 1995; Laws 2001, c. 255, § 2, eff. July 1, 2001; Laws 2002, c. 387, § 2; Laws 2003, c. 316, § 1, emerg. eff. May 28, 2003; Laws 2005, c. 193, § 1, eff. Nov. 1, 2005; Laws 2011, c. 355, § 5, eff. Nov. 1, 2011.

§47-953. Licenses - Fees - Renewal - Disciplinary actions - Civil enforcement actions.

A. No operator shall be permitted nor shall any employee of any operator be permitted, allowed or caused to solicit business or make service calls without the operator first having obtained from the Department of Public Safety a license to operate a wrecker or towing service. The number of the license shall be displayed, in conformance with rules of the Department, on both sides of every wrecker vehicle operated by the wrecker or towing service.

B. The license fee required by this section shall be in lieu of the motor carrier filing fee as required in Section 165 of this title. No applicant for a wrecker license shall be required to prove public convenience and necessity, file notices, nor shall a public hearing be held. The fee for such license shall be Five Hundred Dollars (\$500.00), of which Ninety Dollars (\$90.00) shall be deposited in the General Revenue Fund and Four Hundred Ten Dollars (\$410.00) shall be deposited in the Department of Public Safety Restricted Revolving Fund created pursuant to Section 2-145 of this title for the administration of the Department's Wrecker Services Division and modernization of computer programs. No license fee shall be refunded in the event the license is suspended or revoked.

C. All licenses shall expire on the last day of the calendar year and may be renewed annually at a cost of Two Hundred Fifty

Dollars (\$250.00) upon application to the Department as prescribed by rule. Two Hundred Dollars (\$200.00) of the fees collected in this subsection shall be deposited in the Department of Public Safety Restricted Revolving Fund created in Section 2-145 of this title for the modernization of computer programs and the administration of the Department's Wrecker Services Division and Fifty Dollars (\$50.00) shall be deposited in the General Revenue Fund. No license fee shall be refunded in the event the license is suspended or revoked.

D. The Department shall issue a letter of reprimand, cancel, suspend, revoke, or refuse to issue or renew the license of an operator when it finds the licensee or applicant has not complied with or has violated any of the provisions of the Nonconsensual Towing Act of 2011, or any rules adopted by the Department. A suspension or revocation shall be for a period of time deemed appropriate by the Department for the violation. Any canceled, suspended, or revoked license shall be returned to the Department by the operator, and the operator shall not be eligible to apply for another license until the period of suspension or revocation has elapsed.

E. The provisions of the Administrative Procedures Act are expressly made applicable to the Nonconsensual Towing Act of 2011.

F. In any civil action to enforce the equal application of the alternation or rotation of wrecker or towing services regulated by a political subdivision of the state, the prevailing party shall be allowed attorney fees determined by the court, to be taxed and collected as costs.

G. Fees collected pursuant to the provisions of this section shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury except as provided by subsection H of this section.

H. Fees allocated to the Department by this section shall be deposited in the Department of Public Safety Restricted Revolving Fund.

Added by Laws 1970, c. 323, § 3. Amended by Laws 1977, c. 73, § 1, emerg. eff. May 25, 1977; Laws 1980, c. 11, § 1, eff. Oct. 1, 1980; Laws 1982, c. 170, § 3, operative Oct. 1, 1982; Laws 1983, c. 286, § 32, operative July 1, 1983; Laws 1984, c. 264, § 9, operative July 1, 1984; Laws 1986, c. 144, § 3, emerg. eff. April 21, 1986; Laws 1987, c. 5, § 167, emerg. eff. March 11, 1987; Laws 1995, c. 50, § 3, emerg. eff. April 10, 1995; Laws 2004, c. 418, § 26, eff. July 1, 2004; Laws 2012, c. 283, § 15, eff. July 1, 2012; Laws 2021, c. 334, § 2, eff. Nov. 1, 2021.

§47-953.1. Maximum fees and charges.

A. The rates established by the Corporation Commission shall determine the nonconsensual tow maximum fees and charges for wrecker

or towing services performed in this state, including incorporated and unincorporated areas, by a wrecker or towing service licensed by the Department of Public Safety when that service appears on the rotation log of the Department or on the rotation log of any municipality, county or other political subdivision of this state, and the services performed are at the request or at the direction of any officer of the Department or of a municipality, county, or political subdivision. No wrecker or towing service in the performance of transporting or storing vehicles or other property towed as a result of a nonconsensual tow shall charge any fee which exceeds the maximum rates established by the Commission. Such rates shall be in addition to any other rates, fees or charges authorized, allowed or required by law and costs to collect such fees. Any wrecker or towing service is authorized to collect from the owner, lienholder, agent or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle from the registered owner of any towed or stored vehicle, the fee required by Section 904 of this title including environmental remediation fees and services.

B. When wrecker or towing services are performed as provided in subsection A of this section:

1. Each performance of a wrecker or towing service shall be recorded by the operator on a bill or invoice as prescribed by rules of the Department and by order of the Commission;

2. Nothing herein shall limit the right of an operator who has provided or caused to be provided wrecker or towing services to require prepayment, in part or in full, or guarantee of payment of any charges incurred for providing such services;

3. This section shall not be construed to require an operator to charge a fee for the performance of any wrecker or towing services; and

4. The operator is authorized to collect all lawful fees from the owner, lienholder or agent or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle from the registered owner of the towed vehicle for the performance of any and all such services and costs to collect such fees. An operator shall release the vehicle from storage upon authorization from the owner, agent or lienholder of the vehicle or, in the case of a total loss, the insurer accepting liability for paying the claim for the vehicle or purchasing the vehicle where the vehicle is to be moved to an insurance pool yard for sale.

C. The rates in subsections D through G of this section shall be applicable until superseded by rates established by the Commission.

D. Distance rates.

1. Rates in this subsection shall apply to the distance the towed vehicle is transported and shall include services of the

operator of the wrecker vehicle. Hourly rates, as provided in subsection E of this section, may be applied in lieu of distance rates. Hourly rates may be applied from the time the wrecker vehicle is assigned to the service call until the time it is released from service either upon return to the premises of the wrecker or towing service or upon being assigned to perform another wrecker or towing service, whichever occurs first. When the hourly rate is applied in lieu of distance towing rates, the operator may not apply the two-hour minimum prescribed in subsection E of this section nor may hookup or mileage charges, as prescribed in this section, be applied.

Such distance rates shall be computed via the shortest highway mileage as determined from the latest official Oklahoma Department of Transportation state highway map, except as follows:

- a. for distances or portions of distances not specifically provided for in the governing highway map, the actual mileage via the shortest practical route will apply,
- b. in computing distances, fractions of a mile will be retained until the final and full mileage is determined, at which time any remaining fraction shall be increased to the next whole mile,
- c. when, due to circumstances beyond the control of the wrecker or towing service, roadway conditions make it impractical to travel via the shortest route, distance rates shall be computed based on the shortest practical route over which the wrecker vehicle and the vehicle it is towing can be moved, which route shall be noted on the bill or invoice, or
- d. when the wrecker or towing service is performed upon any turnpike or toll road, the turnpike or toll road mileage shall be used to determine the distance rates charged and the turnpike or toll road fees may be added to the bill or invoice.

2. Maximum distance rates shall be as follows:

Weight of Towed Vehicle (In pounds, including equipment and lading)	Distance Towed	Rate Per Mile
Single vehicle: 8,000 or less	25 miles or less	\$3.00
Single vehicle: 8,000 or less	Over 25 miles	\$2.50
Single vehicle: 8,001 to 12,000	25 miles or less	\$3.40
Single vehicle: 8,001 to 12,000	Over 25 miles	\$3.00
Single vehicle: 12,001 to 40,000	Any	\$5.75
Single vehicle: 40,000 or over	Any	\$6.75
Combination of vehicles	Any	\$6.75

E. Hourly Rates.

1. Rates in this subsection shall apply for the use of a wrecker vehicle and shall include services of the operator of such wrecker, except as provided in paragraph 4 of this subsection. Rates shall apply for all wrecker or towing services performed that are not otherwise provided for in this section, including, but not limited to, waiting and standby time, but shall not include the first fifteen (15) minutes of service following the hookup of a vehicle when a hookup fee is assessed, as provided in subsection F of this section.

Hourly rates shall apply from the time the vehicle or labor is assigned to the service call until the time it is released from service either upon return to the premises of the wrecker or towing service or upon being assigned to perform another wrecker or towing service, whichever occurs first. Whenever a wrecker vehicle is used to tow a vehicle subject to distance rates, as provided in subsection D of this section, hourly rates shall apply only for the time such wrecker is used in the performance of services other than transportation, except when such hourly rates are used in lieu of such distance rates.

As used in this subsection, rates stated per hour apply for whole hours and, for fractions of an hour, rates stated per fifteen (15) minutes apply for each fifteen (15) minutes or fraction thereof over seven and one-half (7 1/2) minutes. However, if the service subject to an hourly rate is performed in less than two (2) hours, the charge applicable for two (2) hours may be assessed, except as provided for in subsection D of this section.

2. Maximum hourly rates for wrecker or towing services performed for passenger vehicles, when rates for such services are not otherwise provided for by law, shall be as follows:

Weight of Towed Passenger Vehicle (In pounds)	Rate Per Hour	Rate Per 15 Minutes
Single vehicle: 8,000 or less	\$60.00	\$15.00
Single vehicle: 8,001 to 24,000	\$80.00	\$20.00
Single vehicle: 24,001 to 44,000	\$120.00	\$30.00
Single vehicle: 44,001 or over	\$180.00	\$45.00
Combination of vehicles	\$180.00	\$45.00

3. Maximum hourly rates for all other wrecker or towing services, when rates for such other services are not otherwise provided for by law, shall be determined based upon the gross vehicle weight rating of each wrecker vehicle used as follows:

GVWR of Wrecker Vehicle (In pounds)	Rate Per Hour	Rate Per 15 Minutes
8,000 or less	\$60.00	\$15.00
8,001 to 24,000	\$80.00	\$20.00
24,001 to 44,000	\$120.00	\$30.00
44,001 or over	\$180.00	\$45.00
Combination wrecker vehicle		

with GVWR of 24,000 or over \$180.00 \$45.00

4. a. Maximum hourly rates for extra labor shall be Thirty Dollars (\$30.00) per person per hour.
- b. Maximum hourly rates for skilled or specialized labor and/or equipment shall be the actual customary and ordinary rates charged for such labor and/or equipment. When skilled or specialized labor or equipment is required, the wrecker operator's cost for such skilled or specialized labor or equipment plus a twenty-five percent (25%) gross profit markup to cover overhead costs for such labor will be added to the invoice or freight bill to be collected in addition to all other applicable charges.

F. Hookup Rates.

1. Rates in this subsection shall apply to the hookup of a vehicle to a wrecker vehicle when such hookup is performed in connection with a wrecker or towing service described in this section. Such hookup rate shall include the first fifteen (15) minutes of such service, for which there shall be no additional fee charged, but shall not include the use of a dolly or rollback equipment or a combination wrecker vehicle to accomplish such hookup, for which an additional fee may be charged as provided in subsection G of this section. Hookup shall include, but not be limited to, the attachment of a vehicle to or the loading of a vehicle onto a wrecker vehicle.

2. Maximum hookup rates shall be as follows:

Weight of Vehicle Being Hooked Up (In pounds, including equipment and lading)	Rate
Single vehicle: 8,000 or less	\$65.00
Single vehicle: 8,001 to 12,000	\$75.00
Single vehicle: 12,001 to 24,000	\$85.00
Single vehicle: 24,001 or over	\$95.00
Combination of vehicles	\$95.00

G. Additional Service Rates.

1. Rates in this subsection shall apply to the performance of the following services:

- a. the disconnection and reconnection of a towed vehicle's drive line when necessary to prevent mechanical damage to such vehicle,
- b. the removal and replacement of a towed vehicle's axle when necessary to prevent mechanical damage to such vehicle, or
- c. the use of a dolly or rollback equipment when essential to prevent mechanical damage to a towed vehicle or when neither end of such vehicle is capable

of being towed safely while in contact with the roadway.

2. Maximum additional service rates shall be as follows:

Weight of Towed Vehicle (In pounds, including equipment and lading)	Service Performed		
	Disconnect Drive Line; Remove Axle	Reconnect Drive Line; Replace Axle	Use of Dolly or Rollback Equipment
	Rate Per Service Performed		
8,000 or less	\$10.00	\$15.00	\$25.00
8,001 to 12,000	\$15.00	\$20.00	\$30.00
	Rate Per 15 Minutes of Service Performed		
12,001 or over	\$20.00	\$20.00	Not applicable

H. An operator shall be required to provide reasonable documentation to substantiate all lawful fees charged the owner, lienholder, agent or insurer paying the claim for the towed vehicle. Fees for which the operator is being reimbursed or having paid to a third party, shall include copies of the invoice or other appropriate documents to substantiate such payment to said third party.

I. Wrecker fees, including maximum distance, hourly, and hookup rates shall be adjusted weekly by adding a fuel surcharge as provided in this section. The fuel surcharge shall be based on the Department of Energy "weekly retail on-highway diesel prices" for the "Midwest region" using Two Dollars (\$2.00) per gallon as the base price with no fees added. The wrecker fees shall be adjusted to allow a one-percent increase in fees for every ten-cent increase in fuel cost starting at Two Dollars and ten cents (\$2.10) per gallon.

J. When skilled or specialized labor or equipment is required, the cost incurred by the wrecker operator for such skilled or specialized labor or equipment plus an additional twenty-five percent (25%) gross profit markup or gross profit margin shall be allowed to cover overhead costs for such labor and will be added to the invoice or freight bill to be collected in addition to all other applicable charges. This applies to labor and equipment not regulated by the Commission.

K. Wrecker operators shall be allowed to obtain ownership and insurer information, including accident reports and other public records, from the Oklahoma Tax Commission or other states' motor vehicle agencies or from law enforcement agencies for the purpose of determining ownership and responsibility for wrecker fees. In the event a state of origin is not known, the Department of Public Safety and the Oklahoma Tax Commission shall assist in providing such information. The wrecker operator is authorized to collect lawful fees for such costs and services from the owner, lienholder that seeks possession of a vehicle under a security interest, agent, or insurer accepting liability for paying the claim for a vehicle or

purchasing the vehicle as a total loss vehicle from the owner of any towed or stored vehicle.

Added by Laws 1995, c. 50, § 4, emerg. eff. April 10, 1995. Amended by Laws 1998, c. 413, § 1, eff. Nov. 1, 1998; Laws 2000, c. 303, § 2, eff. July 1, 2000; Laws 2002, c. 133, § 3, eff. Nov. 1, 2002; Laws 2004, c. 360, § 2, emerg. eff. May 27, 2004; Laws 2006, c. 158, § 2, emerg. eff. May 15, 2006; Laws 2011, c. 355, § 6, eff. Nov. 1, 2011.

§47-953.2. Fees and charges for storage and after-hours release by towing services or repair facilities.

A. The rates established by order of the Corporation Commission shall determine the maximum fees and charges for the storage and after-hours release of nonconsensual towed vehicles, including incorporated and unincorporated areas, by a wrecker or towing service licensed by the Department of Public Safety and repair facilities as defined in Section 953 of Title 15 of the Oklahoma Statutes. No wrecker or towing service or repair facilities shall charge any fee for nonconsensual towed vehicles and storage which exceeds the maximum rates established by the Commission. Such rates shall be in addition to any other rates, fees or charges authorized, allowed or required by law, including environmental remediation fees and services.

B. 1. Storage or after-hours release of a towed vehicle, or both, provided by a wrecker or towing service or by a repair facility shall be recorded by the operator on a bill or invoice as prescribed by rules of the Department.

2. Nothing herein shall limit the right of an operator or repair facility who has provided or caused to be provided storage or after-hours release of a towed vehicle, or both, to require prepayment, in part or in full, or guarantee of payment of any charges incurred for providing such services.

3. This section shall not be construed to require an operator or repair facility to charge a fee for the storage or after-hours release, or both, of any towed vehicle.

4. The operator or repair facility is authorized to collect all lawful fees in acceptable forms of payment such as through check, credit card, automated clearing house transfer, or debit card from the owner, lienholder or agent of the towed vehicle or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle from the registered owner for the performance of any and all such services. An operator or repair facility shall make the towed vehicle available for inspection by the owner, lien holder, agent of the towed vehicle, or insurer accepting liability for paying the claim for a vehicle and shall release the vehicle from storage upon authorization from the owner, agent or lienholder of the vehicle or in the case of a total loss,

the insurer accepting liability for paying the claim for the vehicle or purchasing the vehicle where the vehicle is to be moved to an insurance pool yard for sale.

C. The rates in subsections D through F of this section shall be applicable until superseded by rates established by the Commission.

D. Outdoor Storage Rates.

1. Rates in this subsection shall apply to the outdoor storage of a towed vehicle. Rates may be applied from the time the towed vehicle is brought onto the outdoor storage facility premises. Rates shall apply to each calendar day of outdoor storage; provided, the maximum twenty-four-hour fee, as provided for in this section, may be charged for any towed vehicle which is stored for a portion of a twenty-four-hour period.

2. Maximum outdoor storage rates shall be as follows:

Type of Towed Vehicle	Rate per Each 24-hour Period or Portion Thereof
Single vehicle: motorcycle, automobile, or light truck up to 20 feet in length	\$15.00
Single vehicle or combination of vehicles over 20 feet in length but less than 30 feet in length	\$20.00
Single vehicle or combination of vehicles over 30 feet in length and up to 8 feet in width	\$25.00
Single vehicle or combination of vehicles over 30 feet in length and over 8 feet in width	\$35.00

E. Indoor Storage Rates.

1. Rates in this subsection shall apply to the indoor storage of a towed vehicle. Rates may be applied from the time the towed vehicle is brought into the indoor storage facility premises. Rates shall apply to each calendar day of indoor storage; provided, the maximum twenty-four-hour fee, as provided for in this section, may be charged for any towed vehicle which is stored for a portion of a twenty-four-hour period.

2. Maximum indoor storage rates shall be as follows:

Type of Towed Vehicle	Rate per Each 24-hour Period or Portion Thereof
Single vehicle: motorcycle, automobile, or light truck up to 20 feet in length	\$25.00
Single vehicle or combination of vehicles over 20 feet in length but less than 30 feet in length	\$30.00

Single vehicle or combination of vehicles
over 30 feet in length and up to 8 feet
in width \$35.00

Single vehicle or combination of vehicles
over 30 feet in length and over 8 feet
in width \$45.00

3. For purposes of this subsection, "indoor storage" means the vehicle is kept in an enclosed facility.

F. After-Hours Release Rate.

1. The rate in this subsection shall apply to the release of a towed vehicle to the owner, lienholder, or agent when such release occurs at a time other than normal business hours.

2. As used in this subsection:

- a. "after-hours release rate" shall mean the rate charged for the release of a towed vehicle between the hours of midnight and 8:00 a.m., or between the hours of 4:00 p.m. and midnight Monday through Friday, or any time on Saturday, Sunday or a national holiday, and
- b. "national holiday" shall mean New Year's Day, Martin Luther King Day, George Washington's Birthday, on the third Monday in February, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day, and shall further include the Friday before such national holiday which falls on a Saturday and the Monday following such national holiday which falls on a Sunday.

3. The maximum after-hours release rate shall be Fifteen Dollars (\$15.00) per quarter hour for the release of any single vehicle or combination of vehicles.

G. An operator or repair facility shall be required to provide reasonable documentation to substantiate all lawful fees charged the owner, lienholder, agent or insurer accepting liability for paying the claim for the towed vehicle or purchasing the towed vehicle. Fees for which the operator or repair facility is being reimbursed, or having paid to a third party, shall include copies of the invoice or other appropriate documents to substantiate the payment to the third party.

Added by Laws 1998, c. 413, § 2, eff. Nov. 1, 1998. Amended by Laws 2000, c. 303, § 3, eff. July 1, 2000; Laws 2002, c. 133, § 4, eff. Nov. 1, 2002; Laws 2002, c. 387, § 3; Laws 2004, c. 360, § 3, emerg. eff. May 27, 2004; Laws 2011, c. 355, § 7, eff. Nov. 1, 2011; Laws 2023, c. 316, § 1, eff. Nov. 1, 2023.

§47-954. Enforcement.

A. The Department of Public Safety shall be charged with the duty of enforcing the provisions of Section 951 et seq. of this

title for licensed wreckers and towing services operating in this state.

B. Duly appointed peace officers of the political subdivisions of this state shall have authority to detain and arrest any person operating a wrecker or tow truck or offering towing services to the public for a charge without a valid license issued pursuant to the provisions of Section 951 et seq. of this title. Such officers, upon reasonable belief that any wrecker or tow truck is being operated without proper authority or without a valid license issued pursuant to Section 951 et seq. of this title, shall be authorized to require the operator thereof to stop and exhibit such documentation as may be required to establish his or her authority to tow or transport another vehicle or to prove possession of a valid wrecker or tow service license issued in this state. Any person convicted of operating a wrecker or tow truck or offering towing services to the public for a charge in this state without a license shall be guilty of a misdemeanor and punished with a fine of One Thousand Dollars (\$1,000.00). Law enforcement shall impound the tow truck being used in violation of this section. Added by Laws 1970, c. 323, § 4. Amended by Laws 1980, c. 11, § 2, eff. Oct. 1, 1980; Laws 1986, c. 144, § 4, emerg. eff. April 21, 1986; Laws 2010, c. 211, § 1, eff. July 1, 2010; Laws 2019, c. 391, § 2, eff. Nov. 1, 2019.

§47-954A. Abandoned motor vehicle - Removal.

A. In addition to any procedure provided by local ordinance, whenever the owner or legal possessor of real property or an authorized agent has reasonable cause to believe that a vehicle has been abandoned thereon, said vehicle having been on said property for a minimum of forty-eight (48) hours, or whenever a vehicle is left upon said real property without express or implied permission, such vehicle may be removed as provided in this section.

B. 1. The owner, legal possessor or authorized agent may request any licensed Class AA wrecker service within the county wherein the real property is located to remove the abandoned vehicle from the premises by signing a Tow Request and Authorization Form prescribed by the Department of Public Safety and furnished to licensed Class AA wrecker service operators as hereinafter provided.

2. If the owner, legal possessor or authorized agent of the property owner is unable to obtain the services of a licensed Class AA wrecker service to remove the abandoned vehicle in a reasonable amount of time, the owner, legal possessor or authorized agent may contact and request that a licensed Class AA wrecker service from an adjacent county perform the service. A notation shall be made on the Tow Request and Authorization Form that a licensed Class AA wrecker service in the county in which the real property is located

was contacted but the licensed Class AA wrecker service was not able to perform the removal in a reasonable amount of time.

C. A licensed Class AA wrecker service removing an abandoned vehicle pursuant to this section shall be subject to the maximum rates established by the Corporation Commission.

D. The Department shall design and promulgate a suitable Tow Request and Authorization Form containing space for the following information:

1. A description of the vehicle, including the type of vehicle, year of manufacture, name of the manufacturer, vehicle color or colors, identification number and license tag number;

2. The name, address and business telephone number of the licensed Class AA wrecker service;

3. The name, address, telephone number and driver license number or state-issued identification card number of the real property owner, legal possessor or authorized agent;

4. Inventory of personal property within the vehicle to be towed;

5. Time and date the form is completed; and

6. Signatures of the driver of the wrecker vehicle and of the owner, legal possessor or authorized agent of the real property.

The Department or the Commission may require additional information on the Tow Request and Authorization Form. The driver license number or state-issued identification card number of the real property owner, legal possessor or authorized agent shall not be disclosed by the Department or the Commission to any entity inquiring about services performed without a court order or without written consent from the property owner, legal possessor or authorized agent.

E. The real property owner, legal possessor or authorized agent and the wrecker vehicle driver shall jointly, and each in the presence of the other, inventory personal property found within or upon the vehicle and each shall accordingly sign a statement on the form reflecting this requirement has been fulfilled. In the event an inventory cannot be completed, the reasons therefor shall be clearly stated on the form.

F. A copy of the completed Tow Request and Authorization Form shall be retained by the signatories and the licensed Class AA wrecker service shall maintain the wrecker vehicle driver's copy for not less than one (1) year, or longer if required by the Department or the Commission. The licensed Class AA wrecker service shall forthwith send the completed original Tow Request and Authorization Form to the Department and the remaining copy of the completed form to the local police department of the municipality in which the real property is located, or the sheriff's office of the county from which the vehicle was towed, if the real property is located outside of an incorporated municipality. A facsimile copy of the Tow

Request and Authorization Form shall be considered the original form if a printed or digital confirmation of the facsimile transmission is available.

G. Within three (3) business days of the time indicated on the form, the licensed Class AA wrecker service shall request the Oklahoma Tax Commission or other appropriate motor license agent to furnish the name and address of the current owner of and any lienholder upon the vehicle. The Tax Commission or appropriate motor license agent shall respond in person or by certified mail to the licensed Class AA wrecker service within five (5) business days from the receipt of the request for information. The Department and the Oklahoma Tax Commission shall render assistance to ascertain ownership, if needed. The licensed Class AA wrecker service shall, within seven (7) days from receipt of the requested information from the Oklahoma Tax Commission or other motor license agent, send a notice of the location of the vehicle by certified mail, or if by Department notification, the Department may notify by first-class mail, postage prepaid, at the addresses furnished, to the owner and any lienholder of the vehicle. The owner or lienholder may regain possession of the vehicle in accordance with rules of the Department upon payment of the licensed Class AA wrecker services, costs of certified mailing and the reasonable cost of towing and storage of the vehicle. If the licensed Class AA wrecker service has not complied with the notification procedures required by this subsection, the owner or lienholder shall not be required to pay for storage of the vehicle.

H. No licensed Class AA wrecker service or operator of a licensed Class AA wrecker service shall tow or cause to be towed a vehicle pursuant to this section until the form furnished by the Department has been appropriately completed by the parties as required by rules of the Department.

Added by Laws 1982, c. 170, § 6, operative Oct. 1, 1982. Amended by Laws 1983, c. 109, § 3, eff. Nov. 1, 1983; Laws 1985, c. 140, § 3, emerg. eff. June 7, 1985; Laws 1995, c. 50, § 5, emerg. eff. April 10, 1995; Laws 1999, c. 215, § 1, eff. July 1, 1999; Laws 2001, c. 175, § 1, eff. July 1, 2001; Laws 2010, c. 82, § 1, eff. Nov. 1, 2010; Laws 2011, c. 355, § 8, eff. Nov. 1, 2011; Laws 2013, c. 137, § 1, eff. Nov. 1, 2013; Laws 2021, c. 334, § 3, eff. Nov. 1, 2022.

§47-955. Towing of vehicle from roadway - Grounds and licensed wrecker liability.

A. Any officer of the Department of Public Safety or any other political subdivision of this state is hereby authorized to cause to be towed any vehicle found upon public roads, highways, streets, turnpikes, private parking lots accessible to the public, other public places or upon any private road, street, alley or lane which

provides access to one or more single-family or multifamily dwellings when:

1. A report has been made that the vehicle has been stolen or taken without the consent of its owner;

2. The officer has reason to believe the vehicle has been abandoned as defined in Sections 901 and 902 of this title;

3. The person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested or summoned before a proper magistrate without unnecessary delay;

4. At the scene of an accident, if the owner or driver is not in a position to take charge of the vehicle and direct or request its proper removal;

5. The officer has probable cause that the person operating the vehicle has not been granted driving privileges or that the driving privileges of the person are currently suspended, revoked, canceled, denied, or disqualified;

6. The officer has probable cause that the vehicle has been used in the commission of a felony offense and the officer has obtained a search warrant authorizing the search and seizure of the vehicle;

7. The officer has probable cause that the vehicle is not insured as required by the Compulsory Insurance Law of this state;

or

8. The vehicle is involved in a fatal motor vehicle collision and is needed for evidentiary purposes; or

9. A vehicle is left unattended upon any street, sidewalk, alley or thoroughfare and constitutes a hazard or obstruction to the normal movement of public transit along a rail fixed guideway. An unattended vehicle shall be deemed to constitute an obstruction if any portion of the vehicle remains in that lane utilized for the rail fixed guideway as designated by traffic lane markings or if any portion of the vehicle is outside of the designated parking location and protrudes into the lane of traffic utilized for the rail fixed guideway. For purposes of this paragraph, the head of a political subdivision's transportation division may authorize employees to cause to be towed any vehicle which constitutes a hazard or obstruction to the normal movement of public transit along a rail fixed guideway.

No vehicle shall be released after impoundment unless the owner provides to the storing facility proof of valid insurance or an affidavit of nonuse on the roadway, or in the event of a release request from an insurer or the representative of the insurer who has accepted liability for the vehicle, no such proof of insurance or affidavit of nonuse on the roadway shall be required.

B. A licensed wrecker operator is not liable for damage to a vehicle, vessel, or cargo that obstructs the normal movement of

traffic or creates a hazard to traffic and is removed in compliance with the request of a law enforcement officer, unless there is failure to exercise reasonable care in the performance of the act or for conduct that is willful or malicious.

C. Each officer of the Department shall use the services of the licensed wrecker operator whose location is nearest to the vehicle to be towed in all instances in subsection A of this section. The requests for services may be alternated or rotated among all licensed wrecker operators who are located within a reasonable radius of each other. In like manner, the officer shall advise any person requesting information as to the availability of a wrecker or towing service, the name of the nearest licensed wrecker operator, giving equal consideration to all licensed wrecker operators located within a reasonable radius of each other. In cities of less than fifty thousand (50,000) population, all licensed wrecker operators located near or in the city limits of such cities shall be considered as being equal distance and shall be called on an equal basis as nearly as possible. In counties bordering other states, if the officer deems safety and time considerations warrant, the officer may call a wrecker or towing service that is not on the rotation log.

D. Any officer of the Department who has been requested by a person in need of wrecker or towing service to call a specific wrecker or towing service for such person, and who calls a different wrecker or towing service other than the one requested, without the consent of the person, except where hazardous conditions exist, shall be subject to progressive discipline issued by the Department except in instances where a vehicle is removed from the roadway under the authority of paragraphs 3, 4 and 6 of subsection A of this section.

E. Operators conducting a tow under this section shall release all personal property within the vehicle to an insurer or representative of the insurer who has accepted liability for the vehicle, or to the registered owner or the owner's personal representative as designated by the registered owner on a form approved by the Department. The registered owner or representative of the registered owner shall provide proof of identity in accordance with the Department's rules related to establishing identity. Upon the release of personal property to an insurer or representative of the insurer, wrecker operators shall be exempt from all liability and shall be held harmless for any losses or claims of loss. Personal property shall include everything in a vehicle except the vehicle, the attached or installed equipment, vehicle keys or devices to start and unlock the vehicle, and the spare tire and tools to change the tire. Interlock devices may be removed pursuant to Section 11-902a of this title. If release of personal property occurs during normal business hours as prescribed

by the Corporation Commission, it shall be at no cost to the registered owner or the owner prior to the repossession. After-hour fees may be assessed as prescribed by this Chapter or by the Corporation Commission, when the release of property is made after the prescribed normal business hours.

F. The operator of a wrecker or towing service may request a person offering proof of ownership of personal property and any interlock device to execute a form provided by the operator exempting the operator from liability for such release.

Added by Laws 1970, c. 323, § 5. Amended by Laws 1982, c. 170, § 4, operative Oct. 1, 1982; Laws 1995, c. 50, § 6, emerg. eff. April 10, 1995; Laws 2002, c. 387, § 4; Laws 2005, c. 220, § 1, eff. Nov. 1, 2005; Laws 2009, c. 14, § 1, eff. Nov. 1, 2009; Laws 2010, c. 369, § 1, eff. Nov. 1, 2010; Laws 2011, c. 1, § 17, emerg. eff. March 18, 2011; Laws 2013, c. 222, § 1, eff. Nov. 1, 2013; Laws 2014, c. 283, § 1, eff. Nov. 1, 2014; Laws 2021, c. 334, § 4, eff. Nov. 1, 2021; Laws 2022, c. 228, § 12, emerg. eff. May 5, 2022.

NOTE: Laws 2010, c. 440, § 6 repealed by Laws 2011, c. 1, § 18, emerg. eff. March 18, 2011. Laws 2021, c. 155, § 1 repealed by Laws 2022, c. 228, § 13, emerg. eff. May 5, 2022.

§47-956. Gifts prohibited - Financial interest of officers.

A. No operator, employee, or contractor of a wrecker or towing service or of a person or business that derives any business or income from a wrecker or towing service shall offer, and no officer or employee of the Corporation Commission, Department of Public Safety or any political subdivision of the state shall accept, directly or indirectly, any compensation, gift, loan, favor or service given for the purpose of influencing the officer or employee in the discharge of official duties of the person.

B. Except as provided in subsection C of this section, no officer of the Commission, Department or any law enforcement officer of any political subdivision of the state shall have any interest, financial or otherwise, in a wrecker or towing service, or with a person or in a business that derives business or income from a wrecker or towing service, nor shall a wrecker or towing service or a person or business that derives any business or income from a wrecker or towing service employ such officer.

C. An officer of the Commission, Department or a law enforcement officer of any political subdivision may have an interest, financial or otherwise, in or may be employed by a wrecker or towing service when the sole purpose and only business of the wrecker or towing service is to perform repossessions of vehicles which are subject to lien and are being repossessed by the lien holder of record.

Added by Laws 1970, c. 323, § 6. Amended by Laws 1982, c. 170, § 5, operative Oct. 1, 1982; Laws 1983, c. 109, § 4, eff. Nov. 1, 1983;

Laws 1995, c. 50, § 7, emerg. eff. April 10, 1995; Laws 2002, c. 474, § 3, emerg. eff. June 6, 2002; Laws 2005, c. 179, § 1, eff. July 1, 2005; Laws 2011, c. 355, § 9, eff. Nov. 1, 2011.

§47-957. Independent employment of wrecker or towing services.

The provisions of Section 951 et seq. of this title shall not preclude any person from employing or contracting with any wrecker or towing service of his own choice, except where hazardous conditions exist.

Added by Laws 1970, c. 323, § 7. Amended by Laws 1995, c. 50, § 8, emerg. eff. April 10, 1995.

§47-958. Violations and penalties.

Violation of any provision of Section 951 et seq. of this title or any regulation promulgated pursuant hereto shall constitute a misdemeanor, and any person, upon conviction therefor, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) or imprisonment for not more than thirty (30) days in the county jail, or both such fine and imprisonment.

Amended by Laws 1986, c. 144, § 5, emerg. eff. April 21, 1986.

§47-961. Referral fees - Misdemeanor.

It shall be unlawful and constitute a misdemeanor offense for any person, firm, corporation or association to charge, directly or indirectly, any wrecker service operator any fee or other compensation for referral of service calls to such operator.

Laws 1977, c. 73, § 2, emerg. eff. May 25, 1977.

§47-962. Possessory lien - Foreclosure - Collection of wrecker or towing fees.

A. Every person legally entitled to compensation for the removal or storage of any vehicle subject to registration, which vehicle's removal has been authorized by any public agency, has a lien on the vehicle, dependent on possession. The lien is deemed to arise on the date of possession of the vehicle. Any person perfecting a lien under this section shall foreclose this lien according to the provisions for sale under Sections 908 through 911 of this title.

B. Every owner of such vehicle towed or stored pursuant to Section 955 of this title shall be responsible for the total amount of the debt for services rendered.

C. Any wrecker or towing service is authorized to collect from the owner, lienholder that seeks possession of a vehicle under a security interest, agent, or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle, the fee authorized by Section 904 of this title.

Added by Laws 1986, c. 144, § 7, emerg. eff. April 21, 1986.
Amended by Laws 2003, c. 214, §2, eff. July 1, 2003; Laws 2006, c. 158, § 3, emerg. eff. May 15, 2006.

§47-964. Report of vehicles parked or stored more than 30 days.

Whenever a vehicle that is subject to registration in this state has been stored, parked or left in a garage, trailer park, or any type of storage or parking lot for a period of thirty (30) days, the owner of the garage, trailer park or lot shall, within five (5) days after the expiration of that period, report the make, motor and serial number of the vehicle to the Department of Public Safety. Provided, these provisions shall not apply where arrangements have been made for continuous storage or parking by the owner of the motor vehicle so parked or stored, and where the owner of said motor vehicle so parked or stored is personally known to the owner or operator of the garage, trailer park, storage or parking lot. Any person who fails to report a vehicle as required under this section shall forfeit all claims for storage of the vehicle, and shall be subject to a fine not to exceed Twenty-five Dollars (\$25.00), and each day's failure to make a report as required by this section shall constitute a separate offense.

Added by Laws 1986, c. 144, § 9, emerg. eff. April 21, 1986.
Amended by Laws 2003, c. 279, § 9, emerg. eff. May 26, 2003.

§47-965. Notification of law enforcement after repossession.

Any wrecker or towing service that repossesses a vehicle at the request of the lienholder of record shall, within two (2) hours of the time the vehicle is repossessed, notify either the local law enforcement authority or sheriff's office of the county where the vehicle was located. The wrecker or towing service operator shall furnish the law enforcement agency with information concerning the tow including, but not limited to, a description of the vehicle, the physical address or approximate location of where the vehicle was repossessed, the name of the owner of the vehicle and the name of the lienholder of the vehicle. The wrecker or towing service operator shall further be required to provide to the law enforcement agency the name, address and business telephone number of the wrecker or towing service provider.

Added by Laws 2010, c. 39, § 5, eff. Nov. 1, 2010.

§47-966. Nonconsensual Towing Act of 2011 - Application of act - Rates.

A. This act shall be known and may be cited as the "Nonconsensual Towing Act of 2011".

B. The provisions of this act shall apply to every wrecker operating within the State of Oklahoma removing and storing vehicles

from Oklahoma roads and highways or private property as a result of a nonconsensual tow.

C. The Corporation Commission, by Commission order, shall have the power and authority necessary:

1. To establish wrecker rates for the transportation and storage of motor vehicles removed due to a nonconsensual tow from Oklahoma roads and highways or private property;
2. To supervise and enforce such rates; and
3. To mediate and adjudicate complaints that may arise from charges assessed as a result of such vehicle removal.

D. Rates as specified in Sections 953.1 and 953.2 of Title 47 of the Oklahoma Statutes shall remain in effect until rates are established by order of the Commission.

E. Rates established by the Commission shall be fair and reasonable.

F. The Commission may assess fines or other penalties to any wrecker or towing service for failure to comply with prescribed rates as established by the Commission, failure to pay a levied assessment or comply with any applicable order of the Commission. Repeat violations by a wrecker or towing service are cause for revocation of its license issued by the Department of Public Safety.

G. The Department shall cooperate with the Commission to implement this act and may enter into agreements to facilitate this act.

Added by Laws 2011, c. 355, § 1, eff. Nov. 1, 2011.

§47-967. Assessments - Budgetary limits.

A. The Corporation Commission is hereby authorized to assess a fee upon each wrecker or towing service licensed by the Department of Public Safety and placed upon an official rotation log, as specified in Section 952 of Title 47 of the Oklahoma Statutes, to perform nonconsensual tows.

B. Each wrecker or towing service shall pay the assessment, levied pursuant to this section, on an annual basis.

C. The assessment shall be predicated upon the number of wrecker or towing vehicles utilized by the wrecker or towing service to conduct its Department-licensed operations.

D. Commencing with assessments made after June 30, 2017, failing to pay the wrecker or towing services assessment by the due date established by the Corporation Commission shall result in an additional penalty of twenty-five percent (25%) per vehicle. The Transportation Division Director, or designee, may waive the penalty for good cause shown. Failure to pay the assessment and penalty within thirty (30) days of the notice of penalty issued by the Corporation Commission shall result in revocation of the wrecker or towing license issued by the Department.

E. Beginning fiscal year 2013, the Legislature shall establish budgetary limits for the Commission to fulfill the duties of the Nonconsensual Towing Act of 2011. The total assessments levied pursuant to this section shall not exceed the amount of the budgetary limits and indirect costs for related support functions established by the Legislature for any fiscal year. Annual budgetary limits shall stay in effect unless superseded by action of the Legislature.

Added by Laws 2011, c. 355, § 2, eff. Nov. 1, 2011. Amended by Laws 2017, c. 141, § 1, eff. July 1, 2017.

§47-968. Appointment of unclassified employees.

The Corporation Commission is authorized to appoint unclassified employees to perform the duties and responsibilities associated with the Nonconsensual Towing Act of 2011.

Added by Laws 2011, c. 355, § 3, eff. Nov. 1, 2011.

§47-1001. Short title.

This act shall be known as the "Oklahoma Ridesharing Act".

Laws 1980, c. 184, § 1, eff. Oct. 1, 1980.

§47-1002. Ridesharing arrangement defined.

As used in this act, ridesharing arrangement means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of the driver. The term shall include ridesharing arrangements known as carpools, vanpools and buspools. Provided, however, a ridesharing arrangement shall not be construed for any purpose as a common carrier or common carrier for hire.

Laws 1980, c. 184, § 2, eff. Oct. 1, 1980.

§47-1003. Non-liability of employer.

An employer shall not be liable for injuries to passengers and other persons because he provides information, incentives or otherwise encourages his employees to participate in ridesharing arrangements.

Laws 1980, c. 184, § 3, eff. Oct. 1, 1980.

§47-1004. Money or other benefits received by driver not to constitute income for tax purposes.

Money and other benefits, other than salary, received by a driver in a ridesharing arrangement using a motor vehicle with a seating capacity for not more than fifteen (15) persons, including the driver, shall not constitute income for the purpose of Sections 2351 et seq. of Title 68, imposing taxes on income.

Laws 1980, c. 184, § 4, eff. Oct. 1, 1980.

§47-1005. Certain ridesharing vehicles not to be construed as motor bus or taxicab for registration purposes.

A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen (15) persons, including the driver, shall not be construed as a motor bus or taxicab for purposes of registration, equipment requirements or rules of the road under Chapter 56 of Title 47.

Laws 1980, c. 184, § 5, eff. Oct. 1, 1980.

§47-1006. Rideshare drivers not deemed commercial operators or drivers.

The driver in a ridesharing arrangement shall not be deemed a commercial operator or driver nor shall he be deemed to be transporting persons for compensation under the driver licensing provisions of Title 47 of the Oklahoma Statutes.

Added by Laws 1980, c. 184, § 6, eff. Oct. 1, 1980. Amended by Laws 1995, c. 23, § 17, eff. Nov. 1, 1995.

§47-1010. Short title - Oklahoma Transportation Network Company Services Act.

This act shall be known and may be cited as the "Oklahoma Transportation Network Company Services Act".

Added by Laws 2015, c. 279, § 1, eff. July 1, 2015.

§47-1011. Definitions.

As used in the Oklahoma Transportation Network Company Services Act:

1. "Digital network" means any online-enabled application, software, website or system offered or utilized by a TNC that enables the prearrangement of rides with TNC drivers;

2. "Personal vehicle" means a vehicle that is used by a TNC driver in connection with providing prearranged rides and is:

- a. owned, leased or otherwise authorized for use by the TNC driver, and
- b. not a taxicab, limousine, or other similar for-hire vehicle of a motor carrier service;

3. "Prearranged ride" means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle. A prearranged ride does not include shared expense carpool or vanpool arrangements or transportation provided using a taxi, limousine, or other for-hire vehicle pursuant to state law;

4. "Transportation network company (TNC)" means a business entity licensed pursuant to this act and operating in Oklahoma that

uses a digital network or software application service to connect passengers to transportation network company services provided by transportation network company drivers. A TNC does not provide taxicab, limousine, or other similar for-hire motor carrier service. A TNC shall not be deemed to control, direct or manage the personal vehicles or participating drivers that connect to its digital network, except where agreed to by written contract. Further, a transportation network company shall not include an individual, corporation, partnership, sole proprietorship, or other entity solely arranging nonemergency medical transportation for individuals qualifying for Medicaid or Medicare pursuant to a contract with a governmental entity or managed care organization;

5. "Transportation network company driver (TNC driver)" means an individual who:

- a. receives connections to potential passengers and related services from a TNC in exchange for payment of a fee to the TNC, and
- b. uses a personal vehicle to provide prearranged rides to passengers upon connection through a digital network controlled by a TNC in return for compensation or payment of a fee; and

6. "Transportation network company passenger (TNC passenger)" means an individual or persons who use a digital network to connect with a TNC driver who provides prearranged rides to the passenger in the driver's personal vehicle between points chosen by the passenger.

Added by Laws 2015, c. 279, § 2, eff. July 1, 2015.

§47-1012. Application of act to persons and entities.

Transportation network companies or transportation network company drivers shall not be considered motor carriers of persons as defined in Section 230.23 of Title 47 of the Oklahoma Statutes, nor shall TNCs or TNC drivers be considered to provide taxicab, limousine, or similar for-hire motor carrier service.

Added by Laws 2015, c. 279, § 3, eff. July 1, 2015.

§47-1013. Permits - Rules - Commission authority.

A. A person shall not operate a transportation network company in Oklahoma without first having obtained a permit from the Oklahoma Corporation Commission (Commission).

B. The Commission shall issue a permit to each applicant that presents proof, in a form prescribed by the Commission, that the applicant meets the requirements for a TNC set forth in this act, and proof of insurance required by this act and pays to the Commission an annual permit fee of Five Thousand Dollars (\$5,000.00).

C. The Commission shall promulgate rules as needed to implement the provisions of this act. The Commission may also set additional fees and assess fines for noncompliance with this act or with promulgated rules.

D. The authority of the Commission shall be limited to permitting and regulation of TNCs to ensure compliance by TNCs with the provisions of this act and shall not include jurisdiction to adjudicate private causes of action arising from the provision of prearranged rides.

E. The Commission shall have the authority to examine the records of TNCs for the purpose of enforcement of this act, including a random sample of the TNC's records related to prearranged rides and TNC drivers at the Oklahoma City offices of the Commission, unless an alternative location is agreed to by the Commission and the TNC. Such examinations shall not occur more than two times per year unless necessary to investigate a complaint. Records obtained by the Commission pursuant to this act shall not be subject to disclosure under the Oklahoma Open Records Act and shall be kept confidential by the Commission, except as may be required in a Commission proceeding.

F. Failure of a TNC to comply with the provisions of this act may result in the denial or revocation of the TNC permit or fines as assessed by the Commission.

Added by Laws 2015, c. 279, § 4, eff. July 1, 2015.

§47-1014. Agent for service of process.

Transportation network companies shall maintain an agent for service of process in the State of Oklahoma.

Added by Laws 2015, c. 279, § 5, eff. July 1, 2015.

§47-1015. Fares and rates.

Transportation network companies may determine and charge a fare for the services provided to passengers; provided, that if a fare is charged the TNC shall disclose to passengers the fare-calculation method on its website or within the software application service. The TNC shall also provide passengers with the applicable rates being charged and the option to receive an estimated fare before the passenger enters the TNC driver's vehicle.

Added by Laws 2015, c. 279, § 6, eff. July 1, 2015.

§47-1016. Driver photograph - License plate information - Company logo or emblem.

A transportation network company's software application or website shall display a picture of the TNC driver and the license plate number of the motor vehicle utilized for providing the prearranged ride before the passenger enters the TNC driver's vehicle. A TNC that voluntarily elects to require TNC drivers to

display the TNC company emblem or logo while in operation to identify the TNC vehicle and driver shall not in any way alter the contractual relationship between the parties or create an employer/employee relationship where one was not intended to exist by the parties.

Added by Laws 2015, c. 279, § 7, eff. July 1, 2015. Amended by Laws 2017, c. 290, § 1, eff. Nov. 1, 2017.

§47-1017. Electronic receipt.

Within a reasonable period of time, as established by the Oklahoma Corporation Commission, following the completion of a trip, the transportation network company shall transmit an electronic receipt to the passenger that lists:

1. The origin and destination of the trip;
2. The total time and distance of the trip; and
3. An itemization of the total fare paid, if any.

Added by Laws 2015, c. 279, § 8, eff. July 1, 2015.

§47-1018. Zero tolerance policy for drugs or alcohol - Complaints.

A. Transportation network companies shall implement a zero-tolerance policy against TNC drivers operating under the influence of drugs or alcohol while providing prearranged rides or while logged into the TNC's digital network but not providing prearranged rides, and shall provide notice of this policy on its digital network, as well as procedures to report a complaint about a driver with whom a passenger was matched and who the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

B. Upon receipt of such passenger complaint alleging a violation of the zero-tolerance policy, the TNC shall immediately suspend such TNC driver's access to the TNC's digital network, and shall conduct an investigation into the reported incident. The suspension shall last the duration of the investigation.

C. TNCs shall maintain records relevant to the enforcement of this requirement for a period of at least two (2) years from the date that a passenger complaint is received by the TNC.

Added by Laws 2015, c. 279, § 9, eff. July 1, 2015.

§47-1019. Driver applications - Background check - Updates.

A. Prior to permitting an individual to act as a transportation network company driver on its digital network, the TNC shall:

1. Require the individual to submit an application to the TNC, which includes information regarding his or her address, age, driver license, driving history, motor vehicle registration, automobile liability insurance, and other information required by the TNC;

2. Conduct, or have a third party conduct, a local and national criminal background check for each applicant that shall include a check of:

- a. the Multi-State/Multi-Jurisdictional Criminal Records Locator or other similar commercial nationwide database with validation through a primary source search, and
- b. the National Sex Offender Registry database; and

3. Obtain and review a driving history research report for such individual.

B. TNCs shall not permit an individual to act as a TNC driver on its digital network who:

1. Has had more than three moving violations in the prior three-year period, or one major violation, including but not limited to attempting to evade the police, reckless driving, or driving on a suspended or revoked license, in the prior three-year period;

2. Has been convicted, within the past seven (7) years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, theft, acts of violence, or acts of terror;

3. Is a match in the National Sex Offender Registry database;

4. Does not possess a valid driver license;

5. Does not possess current proof of motor vehicle registration for the motor vehicle(s) used to provide prearranged rides;

6. Does not possess proof of the automobile liability insurance required by law or rule for the motor vehicle(s) used to provide prearranged rides; or

7. Is not at least nineteen (19) years of age.

C. TNCs shall implement a procedure for periodic information updates for each TNC driver's vehicle(s) and motor vehicle insurance and for rechecks of each TNC driver for the criminal background and driving record information required by paragraph A of this section to ensure continued compliance by each driver with the requirements of paragraph B of this section.

Added by Laws 2015, c. 279, § 10, eff. July 1, 2015.

§47-1020. Vehicle equipment standards.

Transportation network companies shall require that any motor vehicle(s) that a TNC driver will use to provide prearranged rides meets the equipment standards required of private motor vehicles under Section 12-101 et seq. of Title 47 of the Oklahoma Statutes. Added by Laws 2015, c. 279, § 11, eff. July 1, 2015.

§47-1021. Acceptance of rides - Payments.

A. Transportation network companies shall implement a policy requiring TNC drivers to exclusively accept rides booked through a

TNC's digital network or software application service and prohibiting solicitation of street hails or acceptance of unsolicited street hails.

B. TNCs shall implement a policy prohibiting solicitation or acceptance of cash payments from passengers. A TNC may accept payment for prearranged rides made electronically using the TNC's digital network or software application or by check mailed to the TNC at an address provided by the TNC.

Added by Laws 2015, c. 279, § 12, eff. July 1, 2015. Amended by Laws 2019, c. 129, § 1, emerg. eff. April 23, 2019.

§47-1022. Seating capacity - Passengers.

Transportation network companies shall adopt a policy prohibiting the provision of prearranged rides in any vehicle with a manufacturer's designed seating capacity of more than fifteen persons, including the driver, and prohibiting the transportation of multiple passengers in numbers exceeding the manufacturer's designed seating capacity.

Added by Laws 2015, c. 279, § 13, eff. July 1, 2015.

§47-1023. Nondiscrimination and accessibility.

A. Transportation network companies shall adopt a policy of nondiscrimination on the basis of destination, race, color, national origin, religious belief, religious affiliation, sex, disability, or age with respect to passengers and potential passengers and notify TNC drivers of such policy.

B. TNCs shall require TNC drivers to comply with all applicable laws regarding nondiscrimination against passengers or potential passengers on the basis of destination, race, color, national origin, religious belief, religious affiliation, sex, disability, or age.

C. TNCs shall require TNC drivers to comply with all applicable laws relating to accommodation of service animals.

D. TNCs shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.

E. TNCs shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a TNC cannot arrange a wheelchair-accessible prearranged ride in any instance, it shall direct the passenger to an alternate provider of wheelchair-accessible service, if available.

Added by Laws 2015, c. 279, § 14, eff. July 1, 2015.

§47-1024. Recordkeeping.

Transportation network companies shall maintain:

1. Individual trip records for at least two (2) years from the date each trip was provided; and

2. TNC driver records at least until the two-year anniversary of the date on which a TNC driver's activation on the TNC digital network has ended.

Added by Laws 2015, c. 279, § 15, eff. July 1, 2015.

§47-1025. Insurance requirements.

A. On or before July 1, 2015, and thereafter, a transportation network company driver or TNC on the TNC driver's behalf shall maintain primary automobile insurance that recognizes that the driver is a TNC driver or otherwise uses a vehicle to transport passengers for compensation and covers the driver:

1. While the driver is both logged on to and available to receive transportation requests on the TNC's digital network; or
2. While the driver is engaged in providing prearranged rides.

B. The following automobile insurance requirements shall apply while a TNC driver is both logged on to the TNC's digital network and available to receive transportation requests but is not engaged in prearranged rides:

1. Primary automobile liability insurance in the amount of at least Fifty Thousand Dollars (\$50,000.00) for death and bodily injury per person, One Hundred Thousand Dollars (\$100,000.00) for death and bodily injury per incident, and Twenty-five Thousand Dollars (\$25,000.00) for property damage;

2. Uninsured motorist coverage where not waived pursuant to Section 3636 of Title 36 of the Oklahoma Statutes; and

3. The coverage requirements of this subsection may be satisfied by any of the following:

- a. automobile insurance maintained by the TNC driver,
- b. automobile insurance maintained by the TNC, or
- c. any combination of subparagraphs a and b of this paragraph.

C. The following automobile insurance requirements shall apply while a TNC driver is engaged in a prearranged ride:

1. Primary automobile liability insurance that provides at least One Million Dollars (\$1,000,000.00) for death, bodily injury, and property damage;

2. Uninsured motorist coverage where not waived pursuant to Section 3636 of Title 36 of the Oklahoma Statutes; and

3. The coverage requirements of this subsection may be satisfied by any of the following:

- a. automobile insurance maintained by the TNC driver,
- b. automobile insurance maintained by the TNC, or
- c. any combination of subparagraphs a and b of this paragraph.

D. If insurance maintained by a TNC driver in subsection B or C of this section has lapsed or does not provide the required coverage, insurance maintained by a TNC shall provide the coverage

required by this section beginning with the first dollar of a claim and have the duty to defend such claim.

E. Coverage under an automobile insurance policy maintained by the TNC shall not be dependent on a personal automobile insurer first denying a claim nor shall a personal automobile insurance policy be required to first deny a claim.

F. Insurance required by this section may be placed with an insurer authorized to do business in this state or with a surplus lines insurer eligible under Section 1100 et seq. of Title 36 of the Oklahoma Statutes.

G. Insurance satisfying the requirements of this section shall be deemed to satisfy the financial responsibility requirement for a motor vehicle under Chapter 7 of the Oklahoma Highway Safety Code of Section 7-101 et seq. of this title, while the TNC driver is logged into the network.

H. A TNC driver shall carry proof of coverage satisfying subsections B and C of this section with him or her at all times during his or her use of a vehicle in connection with a transportation network company's digital network. Proof of coverage may be presented in electronic format. In the event of an accident, a TNC driver shall provide this insurance coverage information to the directly interested parties, automobile insurers and investigating police officers, upon request pursuant to Section 7-102 et seq. of this title. Upon such request, a TNC driver shall also disclose to directly interested parties, automobile insurers, and investigating police officers whether he or she was logged on to the TNC's digital network or on a prearranged ride at the time of an accident.

Added by Laws 2015, c. 279, § 16, eff. July 1, 2015. Amended by Laws 2017, c. 290, § 2, eff. Nov. 1, 2017.

§47-1026. Insurance disclosures to drivers.

The transportation network company shall disclose in writing to TNC drivers the following before they are allowed to accept a request for a prearranged ride on the TNC's digital network:

1. The insurance coverage, including the types of coverage and the limits for each coverage, that the TNC provides while the TNC driver uses a personal vehicle in connection with a TNC's digital network; and

2. That the TNC driver's own automobile insurance policy might not provide any coverage while the driver is logged on to the TNC's digital network and is available to receive transportation requests or is engaged in prearranged rides depending on its terms.

Added by Laws 2015, c. 279, § 17, eff. July 1, 2015.

§47-1027. Coverage exclusions by insurers.

A. Insurers that write automobile insurance in Oklahoma may exclude any and all coverage afforded under the owner's insurance policy for any loss or injury that occurs while a transportation network company driver is logged on to a TNC's digital network or while a driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in an automobile insurance policy including, but not limited to:

1. Liability coverage for bodily injury and property damage;
2. Uninsured and underinsured motorist coverage;
3. Medical payments coverage;
4. Comprehensive physical damage coverage; and
5. Collision physical damage coverage.

B. Such exclusions shall apply notwithstanding any requirement under Chapter 7 of the Oklahoma Highway Safety Code of Section 7-101 et seq. of Title 47 of the Oklahoma Statutes. Nothing in this section implies or requires that a personal automobile insurance policy provide coverage while the TNC driver is logged on to the TNC's digital network, while the TNC driver is engaged in a prearranged ride or while the driver otherwise uses a vehicle to transport passengers for compensation.

Nothing shall be deemed to preclude an insurer from providing coverage for the TNC driver's vehicle, if it chooses to do so by contract or endorsement.

C. Automobile insurers that exclude coverage as permitted in Section 16 of this act shall have no duty to defend or indemnify any claim expressly excluded thereunder. Nothing in this article shall be deemed to invalidate or limit an exclusion contained in a policy already in use or approved for use in this state prior to the enactment of this act that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public.

An automobile insurer that defends or indemnifies a claim against a TNC driver that is excluded under the terms of its policy shall have a right of contribution against other insurers that provide automobile insurance to the same TNC driver in satisfaction of the coverage requirements of Section 16 of this act at the time of loss.

D. In a claims coverage investigation, TNCs and any insurer potentially providing coverage under Section 16 of this act shall cooperate to facilitate the exchange of relevant information with directly involved parties and any insurer of the TNC driver if applicable, including the precise times that a TNC driver logged on and off of the TNC's digital network in the twelve-hour period immediately preceding and in the twelve-hour period immediately following the accident and disclose to one another a clear description of the coverage, exclusions and limits provided under any automobile insurance maintained under Section 16 of this act.

Added by Laws 2015, c. 279, § 18, eff. July 1, 2015.

§47-1028. Claim payments.

If a transportation network company's insurer makes a payment for a claim covered under comprehensive or collision insurance coverage, the TNC shall cause its insurer to issue the payment directly to the business repairing the vehicle or jointly to the owner of the vehicle and the primary lienholder.

Added by Laws 2015, c. 279, § 19, eff. July 1, 2015.

§47-1029. Disclosure of passenger information.

Transportation network companies shall not disclose a passenger's personally identifiable information to a third party unless:

1. The passenger consents;
2. Disclosure is required by a legal obligation; or
3. Disclosure is required to protect or defend the terms of use of the service or to investigate violations of those terms.

In addition, a TNC shall be permitted to share a passenger's name and telephone number with the TNC driver providing prearranged rides to such passenger only to facilitate correct identification of the passenger by the TNC driver, or to facilitate communication between the passenger and the driver regarding prearranged rides. TNCs shall prohibit the use by TNC drivers of a passenger's name, telephone number, or other personal information for any purpose other than those listed in this section.

Added by Laws 2015, c. 279, § 20, eff. July 1, 2015.

§47-1030. Exclusive jurisdiction of the Oklahoma Corporation Commission.

A. Notwithstanding any other provision of law, the regulation, licensing or permitting of transportation network companies for the provisions of prearranged rides is within the exclusive jurisdiction of the Oklahoma Corporation Commission as set forth in the Oklahoma Transportation Network Company Services Act and any rules promulgated by the Commission consistent with the act. No political subdivision of the state may impose a tax on, or require a license for, a Transportation Network Company (TNC) or a TNC driver for the provision of prearranged rides or subject a TNC to the political subdivision's rate requirement, entry requirement, operational requirement or other requirements.

B. All TNC drivers shall be independent contractors and not employees of the TNC if all of the following conditions are met:

1. The TNC does not prescribe specific hours during which a TNC driver must be logged into the TNC's digital network;
2. The TNC imposes no restrictions on the TNC driver's ability to utilize digital networks from other TNCs;

3. The TNC does not restrict a TNC driver from engaging in any other occupation or business; and

4. The TNC and TNC driver agree in writing that the driver is an independent contractor with respect to the TNC.

Added by Laws 2015, c. 279, § 21, eff. July 1, 2015. Amended by Laws 2023, c. 58, § 2, eff. Nov. 1, 2023.

§47-1050. Short title - Peer-to-Peer Car Sharing Program Act.

Sections 1 through 15 of this act shall be known and may be cited as the "Peer-to-Peer Car Sharing Program Act".

Added by Laws 2021, c. 280, § 1, eff. Nov. 1, 2021.

§47-1051. Definitions.

As used in the Peer-to-Peer Car Sharing Program Act:

1. "Peer-to-peer car sharing" or "sharing" means the authorized use of a vehicle by an individual other than the vehicle's owner through a peer-to-peer car sharing program;

2. "Peer-to-peer car sharing program" or "program" means a business platform that connects vehicle owners with drivers to enable the sharing of vehicles for financial consideration. A peer-to-peer car sharing program is not engaged in "renting motor vehicles without a driver" in Oklahoma within the meaning of Section 2110 of Title 68 of the Oklahoma Statutes, except as specifically provided in that section. A peer-to-peer car sharing program is not "engaged in the business of renting motor vehicles without drivers" under the provisions of Section 8-101 of Title 47 of the Oklahoma Statutes. A peer-to-peer car sharing program is not a service provider who is solely providing hardware or software as a service to a person or entity that is not effectuating payment of financial consideration for the use of a shared vehicle. A peer-to-peer car sharing program shall not be considered a transportation network company as defined in Section 1011 of Title 47 of the Oklahoma Statutes;

3. "Peer-to-peer car sharing program agreement" or "agreement" means the terms and conditions applicable to a shared vehicle owner and a shared vehicle driver that govern the use of a shared vehicle through a peer-to-peer car sharing program. A peer-to-peer car sharing program agreement is not a rental agreement within the meaning of Section 2110 of Title 68 of the Oklahoma Statutes, except as specifically provided in that section. A peer-to-peer car sharing program agreement is not an agreement to rent a motor vehicle without a driver under the provisions of Section 8-101 of Title 47 of the Oklahoma Statutes;

4. "Shared vehicle" or "vehicle" means a vehicle that is available for sharing through a peer-to-peer car sharing program. A shared vehicle is not a "motor vehicle that is rented" within the meaning of Section 2110 of Title 68 of the Oklahoma Statutes, except

as specifically provided in that section. A shared vehicle is not a "motor vehicle engaged in the business of renting a motor vehicle without a driver" as described pursuant to Section 8-101 of Title 47 of the Oklahoma Statutes;

5. "Shared vehicle driver" or "driver" means an individual who has been authorized to drive the shared vehicle by the shared vehicle owner under a car sharing program agreement;

6. "Shared vehicle owner" or "owner" means the registered owner, or a person or entity designated by the registered owner, of a vehicle made available for sharing to shared vehicle drivers through a peer-to-peer car sharing program;

7. "Car sharing delivery period" or "delivery period" means the period of time during which a shared vehicle is being delivered to the location of the car sharing start time, if applicable, as documented by the governing car sharing program agreement;

8. "Car sharing period" or "sharing period" means the period of time that commences with the car sharing delivery period or, if there is no car sharing delivery period, that commences with the car sharing start time and, in either case, ends at the car sharing termination time;

9. "Car sharing start time" or "start time" means the time when the shared vehicle becomes subject to the control of the shared vehicle driver, at or after the time the reservation of a shared vehicle is scheduled to begin, as documented in the records of a peer-to-peer car sharing program; and

10. "Car sharing termination time" or "termination time" means the earliest of the following events:

- a. the expiration of the agreed-upon period of time established for the use of a shared vehicle according to the terms of the car sharing program agreement, if the shared vehicle is delivered to the location agreed upon in the car sharing program agreement,
- b. when the shared vehicle is returned to a location as alternatively agreed upon by the shared vehicle owner and the shared vehicle driver as communicated through a peer-to-peer car sharing program agreement, which alternatively agreed upon location shall be incorporated into the car sharing program agreement, or
- c. when the shared vehicle owner, or the shared vehicle owner's authorized designee, takes possession and control of the shared vehicle.

Added by Laws 2021, c. 280, § 2, eff. Nov. 1, 2021.

§47-1052. Assumption of liability.

A. A peer-to-peer car sharing program shall assume liability, except as provided in subsection B of this section, of a shared

vehicle owner for bodily injury or property damage to third parties or uninsured and underinsured motorist or personal injury protection losses during the car sharing period, in an amount stated in the peer-to-peer car sharing program agreement, which shall not be less than those set forth in Section 7-600 et seq. of Title 47 of the Oklahoma Statutes.

B. Notwithstanding the definition of "car sharing termination time" as set forth in Section 2 of this act, the assumption of liability under subsection A of this section shall not apply to any shared vehicle owner when a shared vehicle owner:

1. Makes an intentional or fraudulent material misrepresentation or omission to the peer-to-peer car sharing program before the car sharing period in which the loss occurred; or
2. Acts in concert with a shared vehicle driver who fails to return the shared vehicle pursuant to the terms of the car sharing program agreement.

C. Notwithstanding the definition of "car sharing termination time" as set forth in Section 2 of this act, the assumption of liability under subsection A of this section shall apply to bodily injury, property damage, uninsured and underinsured motorist or personal injury protection losses by damaged third parties required by Section 7-600 et seq. of Title 47 of the Oklahoma Statutes.

Added by Laws 2021, c. 280, § 3, eff. Nov. 1, 2021.

§47-1053. Motor vehicle liability insurance policy required.

A. A peer-to-peer car sharing program shall ensure that, during each car sharing period, the shared vehicle owner and the shared vehicle driver are insured under a motor vehicle liability insurance policy that provides insurance coverage in amounts no less than the minimum amounts set forth in Section 7-600 et seq. of Title 47 of the Oklahoma Statutes, and:

1. Recognizes that the shared vehicle insured under the policy is made available and used through a peer-to-peer car sharing program; or
2. Does not exclude use of a shared vehicle by a shared vehicle driver.

B. The insurance required under subsection A of this section may be satisfied by motor vehicle liability insurance maintained by:

1. A shared vehicle owner;
2. A shared vehicle driver;
3. A peer-to-peer car sharing program; or
4. Any combination of a shared vehicle owner, a shared vehicle driver and a peer-to-peer car sharing program.

C. The insurance required in subsection B of this section, that is satisfying the requirement of subsection A of this section, shall be primary during each car sharing period, and in the event that a claim occurs in another state with minimum financial responsibility

limits higher than those provided pursuant to Section 7-600 et seq. of Title 47 of the Oklahoma Statutes, during the car sharing period, the coverage maintained under subsection E of this section shall satisfy the difference in minimum coverage amounts, up to the applicable policy limits.

D. The insurer, insurers, or peer-to-peer car sharing program providing coverage under subsection A or B of this section shall assume primary liability for a claim when:

1. A dispute exists as to who was in control of the shared motor vehicle at the time of the loss and the peer-to-peer car sharing program does not have available, did not retain, or fails to provide the information required by Section 5 of this act; or

2. A dispute exists as to whether the shared vehicle was returned to the alternatively agreed upon location as required under Section 2 of this act.

E. If insurance maintained by a shared vehicle owner or shared vehicle driver in accordance with subsection B of this section has lapsed or does not provide the required coverage, insurance maintained by a peer-to-peer car sharing program shall provide the coverage required by subsection A of this section beginning with the first dollar of a claim and shall have the duty to defend such claim except under circumstances as set forth in subsection B of Section 3 of this act.

F. Coverage under an automobile insurance policy maintained by the peer-to-peer car sharing program shall not be dependent on another automobile insurer first denying a claim, nor shall another automobile insurance policy be required to first deny a claim.

G. Nothing in the Peer-to-Peer Car Sharing Program Act shall:

1. Limit the liability of the peer-to-peer car sharing program for any act or omission of the program itself that results in injury to any person as a result of the use of a shared vehicle through a peer-to-peer car sharing program; or

2. Limit the ability of the peer-to-peer car sharing program to, by contract, seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement.

Added by Laws 2021, c. 280, § 4, eff. Nov. 1, 2021.

§47-1054. Notice to shared vehicle owners.

At the time a vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program and prior to the time the shared vehicle owner makes a shared vehicle available for car sharing on the peer-to-peer car sharing program, the program shall notify the shared vehicle owner that, if the shared vehicle has a lien against it, the use of the shared vehicle through a peer-to-

peer car sharing program, including use without physical damage coverage, may violate the terms of the contract with the lienholder. Added by Laws 2021, c. 280, § 5, eff. Nov. 1, 2021.

§47-1055. Exclusions and limitations by insurers.

A. An authorized insurer that writes motor vehicle liability insurance in this state may exclude any and all coverage and the duty to defend or indemnify for any claim afforded under a shared vehicle owner's motor vehicle liability insurance policy including, but not limited to:

1. Liability coverage for bodily injury and property damage;
2. Personal injury protection coverage;
3. Uninsured and underinsured motorist coverage;
4. Medical payments coverage;
5. Comprehensive physical damage coverage; and
6. Collision physical damage coverage.

B. Nothing in the Peer-to-Peer Car Sharing Program Act shall invalidate or limit an exclusion contained in a motor vehicle liability insurance policy including any insurance policy in use or approved for use, that excludes coverage for motor vehicles made available for rent, sharing, hire or for any business use.

C. Nothing in the Peer-to-Peer Car Sharing Program Act invalidates, limits or restricts an insurer's ability under existing law to underwrite any insurance policy. Nothing in the Peer-to-Peer Car Sharing Program Act invalidates, limits or restricts an insurer's ability under existing law to cancel and non-renew policies.

Added by Laws 2021, c. 280, § 6, eff. Nov. 1, 2021.

§47-1056. Vehicle use records.

A peer-to-peer car sharing program shall collect and verify records pertaining to the use of a vehicle, including, but not limited to, times used, car sharing period pickup and drop off locations, fees paid by the shared vehicle driver and revenues received by the shared vehicle owner, and provide that information upon request to the shared vehicle owner, the shared vehicle owner's insurer or the shared vehicle driver's insurer to facilitate a claim coverage investigation, settlement, negotiation or litigation. The peer-to-peer car sharing program shall retain the records for a time period not less than the applicable personal injury statute of limitations.

Added by Laws 2021, c. 280, § 7, eff. Nov. 1, 2021.

§47-1057. Exemption from vicarious liability.

A peer-to-peer car sharing program and a shared vehicle owner shall be exempt from vicarious liability consistent with 49 U.S.C.,

Section 30106, and under any state or local law that imposes liability solely based on vehicle ownership.

Added by Laws 2021, c. 280, § 8, eff. Nov. 1, 2021.

§47-1058. Contributions.

A motor vehicle insurer that defends or indemnifies a claim against a shared vehicle that is excluded under the terms of its policy shall have the right to seek contribution against the motor vehicle insurer of the peer-to-peer car sharing program if the claim is:

1. Made against the shared vehicle owner or the shared vehicle driver for loss or injury that occurs during the car sharing period; and
2. Excluded under the terms of its policy.

Added by Laws 2021, c. 280, § 9, eff. Nov. 1, 2021.

§47-1059. Insurable interest.

A. Notwithstanding any other law, statute, rule or regulation to the contrary, a peer-to-peer car sharing program shall have an insurable interest in a shared vehicle during the car sharing period.

B. Nothing in this section shall create liability on a peer-to-peer car sharing program to maintain the coverage mandated by Section 4 of this act.

C. A peer-to-peer car sharing program may own and maintain as the named insured one or more policies of motor vehicle liability insurance that provide coverage for:

1. Liabilities assumed by the peer-to-peer car sharing program under a peer-to-peer car sharing program agreement;
2. Liability of the shared vehicle owner;
3. Damage or loss to the shared motor vehicle; or
4. Liability of the shared vehicle driver.

Added by Laws 2021, c. 280, § 10, eff. Nov. 1, 2021.

§47-1060. Agreement disclosures.

Each car sharing program agreement made in this state shall disclose to the shared vehicle owner and the shared vehicle driver:

1. Any right of the peer-to-peer car sharing program to seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement;
2. That a motor vehicle liability insurance policy issued to the shared vehicle owner for the shared vehicle, or to the shared vehicle driver, does not provide a defense or indemnification for any claim asserted by the peer-to-peer car sharing program;

3. That the peer-to-peer car sharing program's insurance coverage on the shared vehicle owner and the shared vehicle driver is in effect only during each car sharing period and that, for any use of the shared vehicle by the shared vehicle driver after the car sharing termination time, the shared vehicle driver and the shared vehicle owner may not have insurance coverage;

4. The daily rate, fees and, if applicable, any insurance or protection package costs that are charged to the shared vehicle owner or the shared vehicle driver;

5. That the shared vehicle owner's motor vehicle liability insurance may not provide coverage for a shared vehicle;

6. An emergency telephone number to personnel capable of fielding roadside assistance and other customer service inquiries; and

7. If there are conditions under which a shared vehicle driver must maintain a personal automobile insurance policy with certain applicable coverage limits on a primary basis in order to book a shared motor vehicle.

Added by Laws 2021, c. 280, § 11, eff. Nov. 1, 2021.

§47-1061. Requirements for drivers.

A. A peer-to-peer car sharing program may not enter into a peer-to-peer car sharing program agreement with a driver unless the driver who will operate the shared vehicle:

1. Holds a driver license issued under Section 6-101 et seq. of Title 47 of the Oklahoma Statutes that authorizes the driver to operate vehicles of the class of the shared vehicle;

2. Is a nonresident who:

a. has a driver license issued by the state or country of the driver's residence that authorizes the driver in that state or country to drive vehicles of the class of the shared vehicle, and

b. is at least the same age as that required of a resident to drive; or

3. Otherwise is specifically authorized by Section 6-101 et seq. of Title 47 of the Oklahoma Statutes to drive vehicles of the class of the shared vehicle.

B. A peer-to-peer car sharing program shall keep a record of:

1. The name and address of the shared vehicle driver;

2. The number of the driver license of the shared vehicle driver and each other person, if any, who will operate the shared vehicle; and

3. The place of issuance of the driver license.

Added by Laws 2021, c. 280, § 12, eff. Nov. 1, 2021.

§47-1062. Responsibility for special equipment added to vehicles.

A peer-to-peer car sharing program shall have sole responsibility for any equipment, such as a Global Positioning System or other special equipment, that is put in or on the vehicle to monitor or facilitate the car sharing transaction, and shall agree to indemnify and hold harmless the vehicle owner for any damage to or theft of such equipment during the sharing period not caused by the vehicle owner. The peer-to-peer car sharing program has the right to seek indemnity from the shared vehicle driver for any loss or damage to such equipment that occurs during the sharing period.

Added by Laws 2021, c. 280, § 13, eff. Nov. 1, 2021.

§47-1063. Verification and notice of vehicle safety recalls.

A. At the time a vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program, and prior to the time when the shared vehicle owner makes a shared vehicle available for car sharing on the peer-to-peer car sharing program, the peer-to-peer car sharing program shall:

1. Verify that the shared vehicle does not have any safety recalls on the vehicle for which the repairs have not been made; and
2. Notify the shared vehicle owner of the requirements under subsection B of this section.

B. 1. If the shared vehicle owner has received an actual notice of a safety recall on the vehicle, a shared vehicle owner may not make a vehicle available as a shared vehicle on a peer-to-peer car sharing program until the safety recall repair has been made.

2. If a shared vehicle owner receives an actual notice of a safety recall on a shared vehicle while the shared vehicle is made available on the peer-to-peer car sharing program, the shared vehicle owner shall remove the shared vehicle as available on the peer-to-peer car sharing program, as soon as practicably possible after receiving the notice of the safety recall and until the safety recall repair has been made.

3. If a shared vehicle owner receives an actual notice of a safety recall while the shared vehicle is being used in the possession of a shared vehicle driver, as soon as practicably possible after receiving the notice of the safety recall, the shared vehicle owner shall notify the peer-to-peer car sharing program about the safety recall so that the shared vehicle owner may address the safety recall repair.

Added by Laws 2021, c. 280, § 14, eff. Nov. 1, 2021.

§47-1070. Short title - Oklahoma Courier Application Services Act.

This act shall be known and may be cited as the "Oklahoma Courier Application Services Act".

Added by Laws 2021, c. 466, § 1, eff. Nov. 1, 2021.

NOTE: Editorially renumbered from § 1050 of this title to avoid a duplication in numbering.

§47-1071. Definitions.

As used in the Oklahoma Courier Application Services Act:

A. "Digital network" means any online-enabled application, software, website or system offered or utilized by a courier application service (CAS) that enables the prearrangement of courier services with CAS drivers.

B. "Personal vehicle" means a vehicle that is used by a CAS driver in connection with providing courier services and is:

1. Owned, leased or otherwise authorized for use by the CAS driver; and

2. Has an actual weight of less than eight thousand (8,000) pounds; and

3. Has no more than two axles or axle combination.

C. "Courier application services (CAS)" means a business entity operating in Oklahoma that uses a digital network to connect business entities including itself, its affiliates or people to CAS drivers for the purpose of providing courier services on an on-demand basis. Courier services are provided on an on-demand basis if the CAS drivers are free to accept or reject courier requests and the CAS does not require the CAS driver to accept any specific delivery request as a condition of maintaining access to the CAS digital network. A CAS does not provide other for-hire motor carrier services. A CAS shall not be deemed to control, direct or manage the personal vehicles or participating drivers that connect to its digital network, except where agreed to by written contract.

D. "Courier application service driver (CAS driver)" means an individual who uses a personal vehicle to provide courier services for business or people upon connection through a digital network controlled by a CAS in return for compensation or payment of a fee.

E. "Courier service" means the for-hire transportation of property in a personal vehicle, with each individual piece of property weighing less than one hundred (100) pounds, beginning either when:

1. A CAS driver accepts a courier request through a digital network controlled by a CAS; or

2. If a CAS driver accepts such courier request for delivery during a fixed block of time, when the CAS driver picks up the property for delivery.

The courier service continues while the CAS driver is actively transporting the requested property to the recipient and ends when the property has been delivered. A courier service does not include shared expense or transporting property not for profit, or other for-hire motor carrier operations authorized by the laws of this state.

Added by Laws 2021, c. 466, § 2, eff. Nov. 1, 2021.

NOTE: Editorially renumbered from § 1051 of this title to avoid a duplication in numbering.

§47-1072. Not to be considered motor carriers of property nor for-hire motor carrier.

Courier application service companies or courier application service drivers shall not be considered motor carriers of property, nor shall CAS or CAS drivers be considered for-hire motor carrier, as defined in Section 230.23 of Title 47 of the Oklahoma Statutes. Added by Laws 2021, c. 466, § 3, eff. Nov. 1, 2021.

NOTE: Editorially renumbered from § 1052 of this title to avoid a duplication in numbering.

§47-1073. Zero tolerance policy for operating under the influence of drugs or alcohol.

Courier application service companies shall implement a zero-tolerance policy against CAS drivers operating under the influence of drugs or alcohol while providing courier services and shall provide notice of this policy on its digital network. Upon receipt of a credible complaint alleging a violation of the zero-tolerance policy, the CAS shall suspend the CAS driver's access to the CAS's digital network and shall conduct an investigation into the reported incident. The suspension shall last the duration of the investigation.

Added by Laws 2021, c. 466, § 4, eff. Nov. 1, 2021.

NOTE: Editorially renumbered from § 1053 of this title to avoid a duplication in numbering.

§47-1074. Information required from prospective drivers.

A. Prior to permitting an individual to act as a courier application service driver on its digital network, the courier application service shall require the individual to submit to the CAS information regarding his or her address, age, driver license and other information required by the CAS.

B. A CAS shall not knowingly permit an individual to act as a CAS driver on its digital network who:

1. Does not possess a valid driver license;
2. Does not possess current proof of motor vehicle registration for the motor vehicles used to provide courier services; and
3. Is not at least eighteen (18) years of age.

C. Every CAS operating in this state shall implement a procedure for periodic information updates to ensure continued compliance by each driver with the requirements of this section.

Added by Laws 2021, c. 466, § 5, eff. Nov. 1, 2021.

NOTE: Editorially renumbered from § 1054 of this title to avoid a duplication in numbering.

§47-1075. Vehicles to comply with equipment standards.

Every courier application service shall require that any motor vehicles that a CAS driver will use to provide courier services meets the equipment standards required of private motor vehicles under Section 12-101 et seq. of Title 47 of the Oklahoma Statutes. Added by Laws 2021, c. 466, § 6, eff. Nov. 1, 2021.

NOTE: Editorially renumbered from § 1055 of this title to avoid a duplication in numbering.

§47-1076. Restaurant deliveries – Agreement required.

Every courier application service, as defined in Section 1071 of Title 47 of the Oklahoma Statutes, shall have an agreement with a restaurant in order to transport for delivery. If no agreement is in place, the restaurant may file a complaint with the Consumer Services Division of the Oklahoma Corporation Commission. The Commission shall follow the current protocol and fine schedule for violations of this section.

Amended by Laws 2024, c. 301, § 1, eff. Nov. 1, 2024.

§47-1101. Short title.

Sections 4 through 58 of this act shall be known and may be cited as the "Oklahoma Vehicle License and Registration Act".

Added by Laws 1985, c. 179, § 4, operative July 1, 1985.

§47-1102. See the following versions:

OS 47-1102v1 (SB 2035, Laws 2024, c. 236, § 5).

OS 47-1102v2 (SB 2038, Laws 2024, c. 452, § 60).

§47-1102v1. Definitions.

As used in the Oklahoma Vehicle License and Registration Act:

1. "All-terrain vehicle" means a vehicle manufactured and used exclusively for off-highway use traveling on four or more non-highway tires, and being fifty (50) inches or less in width;

2. "Carrying capacity" means the carrying capacity of a vehicle as determined or declared in tons of cargo or payload by the owner; provided, that such declared capacity shall not be less than the minimum tonnage capacity fixed, listed or advertised by the manufacturer of any vehicle;

3. "Certificate of title" means a document which is proof of legal ownership of a motor vehicle as described and provided for in Section 1105 of this title;

4. "Chips and oil" or the term "road oil and crushed rock" means, with respect to materials authorized for use in the surfacing of roads or highways as provided for in this title or in any equivalent statute pertaining to road or highway surfacing in this state, any asphaltic materials. Wherever chips and oil or road oil

and crushed rock are authorized for use in the surfacing of roads or highways in this state, whether by the Department of Transportation, or by the county commissioners, or other road building authority subject to the Oklahoma Vehicle License and Registration Act, asphaltic materials are also authorized for use in such surfacing and construction;

5. "Combined laden weight" means the weight of a truck or station wagon and its cargo or payload transported thereon, or the weight of a truck or truck-tractor plus the weight of any trailers or semitrailers together with the cargo or payload transported thereon;

6. "Commercial trailer" means any trailer, as defined in Section 1-180 of this title, or semitrailer, as defined in Section 1-162 of this title, when such trailer or semitrailer is used primarily for business or commercial purposes;

7. "Commercial trailer dealer" means any person, firm or corporation engaged in the business of selling any new and unused, or used, or both new and used commercial trailers;

8. "Commercial vehicle" means any vehicle over eight thousand (8,000) pounds combined laden weight used primarily for business or commercial purposes. Each motor vehicle being registered pursuant to the provisions of this section shall have the name of the commercial establishment or the words "Commercial Vehicle" permanently and prominently displayed upon the outside of the vehicle in letters not less than two (2) inches high. Such letters shall be in sharp contrast to the background and shall be of sufficient shape and color as to be readily legible during daylight hours, from a distance of fifty (50) feet while the vehicle is not in motion;

9. "Commission" or "Tax Commission" means the Oklahoma Tax Commission;

10. "Construction machinery" means machines or devices drawn as trailers which are designed and used for construction, tree trimming and waste maintenance projects, which derive no revenue from the transportation of persons or property, whose use of the highway is only incidental and which are not mounted or affixed to another vehicle; provided, construction machinery shall not include implements of husbandry as defined in Section 1-125 of this title;

11. "Dealer" means any person, firm, association, corporation or trust that sells, solicits or advertises the sale of new and unused motor vehicles and holds a bona fide contract or franchise in effect with a manufacturer or distributor of a particular make of new or unused motor vehicle or vehicles for the sale of same;

12. "Dealer seller" means a new motor vehicle dealer as defined in Section 562 of this title, a powersports vehicle dealer as defined in Section 562 of this title, and used motor vehicle dealer as defined in Section 581 of this title. This definition shall not

include individuals involved in a private sale as defined in this section;

13. "Mini-truck" means a foreign-manufactured import or domestic-manufactured vehicle powered by an internal combustion engine with a piston or rotor displacement of one thousand cubic centimeters (1,000 cc) or less, which is sixty-seven (67) inches or less in width, with an unladen dry weight of three thousand four hundred (3,400) pounds or less, traveling on four or more tires, having a top speed of approximately fifty-five (55) miles per hour, equipped with a bed or compartment for hauling, and having an enclosed passenger cab;

14. "Interstate commerce" means any commerce moving between any place in a state and any place in another state or between places in the same state through another state;

15. "Laden weight" means the combined weight of a vehicle when fully equipped for use and the cargo or payload transported thereon; provided, that in no event shall the laden weight be less than the unladen weight of the vehicle fully equipped for use, plus the manufacturer's rated carrying capacity;

16. "Local authorities" means every county, municipality or local board or body having authority to adopt police regulations under the Constitution and laws of this state;

17. "Low-speed electrical vehicle" means any four-wheeled electrical vehicle that is powered by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour and is manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles in 49 C.F.R., Section 571.500;

18. "Manufactured home" means a residential dwelling built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and rules promulgated pursuant thereto and the rules promulgated by the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission pursuant to Section 582 of this title. Manufactured home shall not mean a park model recreational vehicle as defined in this section;

19. "Manufactured home dealer" means any person, firm or corporation engaged in the business of selling any new and unused, or used, or both new and used manufactured homes. Such information and a valid franchise letter as proof of authorization to sell any such new manufactured home product line or lines shall be attached to the application for a dealer license to sell manufactured homes. Manufactured home dealer shall not include any person, firm or corporation who sells or contracts for the sale of the dealer's own personally titled manufactured home or homes. No person, firm or

corporation shall be considered a manufactured home dealer as to any manufactured home purchased or acquired by such person, firm or corporation for purposes other than resale; provided, that the restriction set forth in this sentence shall not prevent an otherwise qualified person, firm or corporation from utilizing a single manufactured home as a sales office;

20. "Medium-speed electrical vehicle" means any self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one (1) mile is more than thirty (30) miles per hour but not greater than thirty-five (35) miles per hour;

21. "Licensed operator" means any person licensed by the Service Oklahoma Operator Board or designated or authorized to collect the fees and enforce the provisions related to the fulfillment of designated services to be rendered by Service Oklahoma;

22. "New vehicle" or "unused vehicle" means a vehicle which has been in the possession of the manufacturer, distributor or wholesaler or has been sold only by the manufacturer, distributor or wholesaler to a dealer;

23. "Nonresident" means any person who is not a resident of this state;

24. "Off-road motorcycle" means any motorcycle, as defined in Section 1-135 of this title, when such motorcycle has been manufactured for and used exclusively off roads, highways and any other paved surfaces;

25. "Owner" means any person owning, operating or possessing any vehicle herein defined;

26. "Park model recreational vehicle" means a vehicle that is:

- a. designed and marketed as temporary living quarters for camping, recreational, seasonal or travel use,
- b. not permanently affixed to real property for use as a permanent dwelling,
- c. built on a single chassis mounted on wheels with a gross trailer area not exceeding four hundred (400) square feet in the setup mode, and
- d. certified by the manufacturer as complying with standard A119.5 of the American National Standards Institute, Inc.;

27. "Person" means any individual, copartner, joint venture, association, corporation, limited liability company, estate, trust, business trust, syndicate, the State of Oklahoma, Service Oklahoma, or any county, city, municipality, school district or other political subdivision thereof, or any group or combination acting as a unit, or any receiver appointed by the state or federal court;

28. "Pre-registration" means the submission of requisite information and documentation to Service Oklahoma or a licensed

operator within two (2) business days following the sale or transfer of a motor vehicle, as required by Section 1112.2 of this title;

29. "Private sale" means the sale or transfer of a motor vehicle where neither the seller nor the purchaser is a dealer seller as defined in this section;

30. "Rebodied vehicle" means a vehicle:

- a. which has been assembled using a new body or new major component which is of the identical type as the original vehicle and is licensed by the manufacturer of the original vehicle and other original, new or reconditioned parts. For purposes of this paragraph, "new body or new major component" means a new body, cab, frame, front end clip or rear end clip,
- b. which is not a salvage, rebuilt, or junked vehicle as defined by paragraph 1, 2, or 6 of subsection A of Section 1105 of this title, and
- c. for which Service Oklahoma has assigned or will assign a new identifying number;

31. "Recreational off-highway vehicle" means a vehicle manufactured and used exclusively for off-highway use, traveling on four or more non-highway tires, and being sixty-five (65) inches or less in width;

32. "Recreational vehicle" means every vehicle which is built on or permanently attached to a self-propelled motor chassis or chassis cab which becomes an integral part of the completed vehicle and is capable of being operated on the highways. In order to qualify as a recreational vehicle pursuant to this paragraph such vehicle shall be permanently constructed and equipped for human habitation, having its own sleeping and kitchen facilities, including permanently affixed cooking facilities, water tanks and holding tank with permanent toilet facilities. Recreational vehicle shall not include manufactured homes or any vehicle with portable sleeping, toilet and kitchen facilities which are designed to be removed from such vehicle. Recreational vehicle shall include park model recreational vehicles as defined in this section;

33. "Remanufactured vehicle" means a vehicle which has been assembled by a vehicle remanufacturer using a new body and which may include original, reconditioned, or remanufactured parts, and which is not a salvage, rebuilt, or junked vehicle as defined by paragraphs 1, 2, and 6, respectively, of subsection A of Section 1105 of this title;

34. "Rental trailer" means all small or utility trailers or semitrailers constructed and suitable for towing by a passenger automobile and designed only for carrying property, when the trailers or semitrailers are owned by, or are in the possession of, any person engaged in renting or leasing such trailers or

semitrailers for intrastate or interstate use or combined intrastate and interstate use;

35. "Special mobilized machinery" means special purpose machines or devices, either self-propelled or drawn as trailers or semitrailers, which derive no revenue from the transportation of persons or property, whose use of the highway is only incidental, and whose useful revenue producing service is performed at destinations in an area away from the traveled surface of an established open highway;

36. "State" means the State of Oklahoma;

37. "Station wagon" means any passenger vehicle which does not have a separate luggage compartment or trunk and which does not have open beds, and has one or more rear seats readily lifted out or folded, whether same is called a station wagon or ranch wagon;

38. "Street-legal utility vehicle" means a vehicle meeting the description and specifications of Section 1-171.1 of this title;

39. "Temporary decal" means the decal issued by Service Oklahoma or a licensed operator to be affixed to a license plate and valid for the period of time between the pre-registration of a motor vehicle, pursuant to the requirements of Section 1112.2 of this title, and the registration thereof;

40. "Travel trailer" means any vehicular portable structure built on a chassis, used as a temporary dwelling for travel, recreational or vacation use, and, when factory-equipped for the road, it shall have a body width not exceeding eight (8) feet and an overall length not exceeding forty (40) feet, including the hitch or coupling;

41. "Travel trailer dealer" means any person, firm or corporation engaged in the business of selling any new and unused, or used, or both new and used travel trailers. Such information and a valid franchise letter as proof of authorization to sell any such new travel trailer product line or lines shall be attached to the application for a dealer license to sell travel trailers. Travel trailer dealer shall not include any person, firm or corporation who sells or contracts for the sale of his or her own personally titled travel trailer or trailers. No person, firm or corporation shall be considered as a travel trailer dealer as to any travel trailer purchased or acquired by such person, firm or corporation for purposes other than resale;

42. "Used motor vehicle dealer" means a used motor vehicle dealer as defined in Section 581 of this title;

43. "Used vehicle" means any vehicle which has been sold, bargained, exchanged or given away, or used to the extent that it has become what is commonly known, and generally recognized, as a "secondhand" vehicle. This shall also include any vehicle other than a remanufactured vehicle, regardless of age, owned by any person who is not a dealer;

44. "Utility vehicle" means a vehicle powered by an internal combustion engine, manufactured and used exclusively for off-highway use, equipped with seating for two or more people and a steering wheel, traveling on four or more wheels;

45. "Vehicle" means any type of conveyance or device in, upon or by which a person or property is or may be transported from one location to another upon the avenues of public access within the state. Vehicle does not include bicycles, trailers except travel trailers and rental trailers, or implements of husbandry as defined in Section 1-125 of this title. All implements of husbandry used as conveyances shall be required to display the owner's driver license number or license plate number of any vehicle owned by the owner of the implement of husbandry on the rear of the implement in numbers not less than two (2) inches in height. The use of the owner's Social Security number on the rear of the implement of husbandry shall not be required; and

46. "Vehicle remanufacturer" means a commercial entity which assembles remanufactured vehicles.

Added by Laws 1985, c. 179, § 5, operative July 1, 1985. Amended by Laws 1988, c. 167, § 1, emerg. eff. May 24, 1988; Laws 1988, c. 281, § 22, operative July 1, 1988; Laws 1991, c. 308, § 1, eff. July 1, 1991; Laws 1992, c. 104, § 1, eff. Sept. 1, 1992; Laws 1993, c. 93, § 1, eff. July 1, 1993; Laws 1994, c. 278, § 3, eff. Sept. 1, 1994; Laws 1998, c. 199, § 1, eff. Nov. 1, 1998; Laws 2000, c. 150, § 7, eff. July 1, 2000; Laws 2001, c. 5, § 25, emerg. eff. March 21, 2001; Laws 2001, c. 243, § 4, eff. Nov. 1, 2001; Laws 2002, c. 22, § 14, emerg. eff. March 8, 2002; Laws 2004, c. 534, § 1, eff. Nov. 1, 2004; Laws 2005, c. 284, § 1, eff. July 1, 2005; Laws 2006, c. 295, § 2, eff. July 1, 2006; Laws 2007, c. 177, § 1, eff. Nov. 1, 2007; Laws 2008, c. 98, § 5, eff. July 1, 2008; Laws 2008, c. 127, § 1, eff. Nov. 1, 2008; Laws 2008, c. 302, § 6, emerg. eff. June 2, 2008; Laws 2010, c. 312, § 1, eff. Nov. 1, 2010; Laws 2011, c. 110, § 1, eff. Nov. 1, 2011; Laws 2011, c. 148, § 1, eff. Nov. 1, 2011; Laws 2013, c. 52, § 1, eff. Nov. 1, 2013; Laws 2013, c. 191, § 3, eff. Nov. 1, 2013; Laws 2014, c. 229, § 1, eff. July 1, 2014; Laws 2016, c. 57, § 1, eff. Nov. 1, 2016; Laws 2021, c. 328, § 3, emerg. eff. April 28, 2021; Laws 2022, c. 282, § 106, emerg. eff. May 19, 2022; Laws 2024, c. 11, § 13, emerg. eff. April 18, 2024; Laws 2024, c. 236, § 5, eff. Sept. 1, 2024.

NOTE: Laws 2000, c. 80, § 2 repealed by Laws 2001, c. 5, § 26, emerg. eff. March 21, 2001. Laws 2001, c. 149, § 1 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002. Laws 2008, c. 297, § 2 repealed by Laws 2009, c. 2, § 11, emerg. eff. March 12, 2009.

§47-1102v2. Definitions.

As used in the Oklahoma Vehicle License and Registration Act:

1. "All-terrain vehicle" means a vehicle manufactured and used exclusively for off-highway use traveling on four or more non-highway tires, and being fifty (50) inches or less in width;

2. "Carrying capacity" means the carrying capacity of a vehicle as determined or declared in tons of cargo or payload by the owner; provided, that such declared capacity shall not be less than the minimum tonnage capacity fixed, listed or advertised by the manufacturer of any vehicle;

3. "Certificate of title" means a document which is proof of legal ownership of a motor vehicle as described and provided for in Section 1105 of this title;

4. "Chips and oil" or the term "road oil and crushed rock" means, with respect to materials authorized for use in the surfacing of roads or highways as provided for in this title or in any equivalent statute pertaining to road or highway surfacing in the State of Oklahoma, any asphaltic materials. Wherever chips and oil or road oil and crushed rock are authorized for use in the surfacing of roads or highways in this state, whether by the Department of Transportation, or by the county commissioners, or other road building authority subject to the Oklahoma Vehicle License and Registration Act, asphaltic materials are also authorized for use in such surfacing and construction;

5. "Combined laden weight" means the weight of a truck or station wagon and its cargo or payload transported thereon, or the weight of a truck or truck-tractor plus the weight of any trailers or semitrailers together with the cargo or payload transported thereon;

6. "Commercial trailer" means any trailer, as defined in Section 1-180 of this title, or semitrailer, as defined in Section 1-162 of this title, when such trailer or semitrailer is used primarily for business or commercial purposes;

7. "Commercial trailer dealer" means any person, firm or corporation engaged in the business of selling any new and unused, or used, or both new and used commercial trailers;

8. "Commercial vehicle" means any vehicle over eight thousand (8,000) pounds combined laden weight used primarily for business or commercial purposes. Each motor vehicle being registered pursuant to the provisions of this section shall have the name of the commercial establishment or the words "Commercial Vehicle" permanently and prominently displayed upon the outside of the vehicle in letters not less than two (2) inches high. Such letters shall be in sharp contrast to the background and shall be of sufficient shape and color as to be readily legible during daylight hours, from a distance of fifty (50) feet while the vehicle is not in motion;

9. "Commission" or "Tax Commission" means the Oklahoma Tax Commission;

10. "Construction machinery" means machines or devices drawn as trailers which are designed and used for construction, tree trimming and waste maintenance projects, which derive no revenue from the transportation of persons or property, whose use of the highway is only incidental and which are not mounted or affixed to another vehicle; provided, construction machinery shall not include implements of husbandry as defined in Section 1-125 of this title;

11. "Dealer" means any person, firm, association, corporation or trust who sells, solicits or advertises the sale of new and unused motor vehicles and holds a bona fide contract or franchise in effect with a manufacturer or distributor of a particular make of new or unused motor vehicle or vehicles for the sale of same;

12. "Mini-truck" means a foreign-manufactured import or domestic-manufactured vehicle powered by an internal combustion engine with a piston or rotor displacement of one thousand cubic centimeters (1,000 cc) or less, which is sixty-seven (67) inches or less in width, with an unladen dry weight of three thousand four hundred (3,400) pounds or less, traveling on four or more tires, having a top speed of approximately fifty-five (55) miles per hour, equipped with a bed or compartment for hauling, and having an enclosed passenger cab;

13. "Interstate commerce" means any commerce moving between any place in a state and any place in another state or between places in the same state through another state;

14. "Laden weight" means the combined weight of a vehicle when fully equipped for use and the cargo or payload transported thereon; provided, that in no event shall the laden weight be less than the unladen weight of the vehicle fully equipped for use, plus the manufacturer's rated carrying capacity;

15. "Local authorities" means every county, municipality or local board or body having authority to adopt police regulations under the Constitution and laws of this state;

16. "Low-speed electrical vehicle" means any four-wheeled electrical vehicle that is powered by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour and is manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles in 49 C.F.R. 571.500;

17. "Manufactured home" means a residential dwelling built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and rules promulgated pursuant thereto and the rules promulgated by the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission pursuant to Section 582 of this title. Manufactured home

shall not mean a park model recreational vehicle as defined in this section;

18. "Manufactured home dealer" means any person, firm or corporation engaged in the business of selling any new and unused, or used, or both new and used manufactured homes. Such information and a valid franchise letter as proof of authorization to sell any such new manufactured home product line or lines shall be attached to the application for a dealer license to sell manufactured homes. "Manufactured home dealer" shall not include any person, firm or corporation who sells or contracts for the sale of the dealer's own personally titled manufactured home or homes. No person, firm or corporation shall be considered a manufactured home dealer as to any manufactured home purchased or acquired by such person, firm or corporation for purposes other than resale; provided, that the restriction set forth in this sentence shall not prevent an otherwise qualified person, firm or corporation from utilizing a single manufactured home as a sales office;

19. "Medium-speed electrical vehicle" means any self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one (1) mile is more than thirty (30) miles per hour but not greater than thirty-five (35) miles per hour;

20. "Licensed operator" means any person appointed, designated or authorized by Service Oklahoma to collect the fees and to enforce the provisions provided for in the Oklahoma Vehicle License and Registration Act;

21. "New vehicle" or "unused vehicle" means a vehicle which has been in the possession of the manufacturer, distributor or wholesaler or has been sold only by the manufacturer, distributor or wholesaler to a dealer;

22. "Nonresident" means any person who is not a resident of this state;

23. "Off-road motorcycle" means any motorcycle, as defined in Section 1-135 of this title, when such motorcycle has been manufactured for and used exclusively off roads, highways and any other paved surfaces;

24. "Owner" means any person owning, operating or possessing any vehicle herein defined;

25. "Park model recreational vehicle" means a vehicle that is:

- a. designed and marketed as temporary living quarters for camping, recreational, seasonal or travel use,
- b. not permanently affixed to real property for use as a permanent dwelling,
- c. built on a single chassis mounted on wheels with a gross trailer area not exceeding four hundred (400) square feet in the setup mode, and

- d. certified by the manufacturer as complying with standard A119.5 of the American National Standards Institute, Inc.;

26. "Person" means any individual, copartner, joint venture, association, corporation, limited liability company, estate, trust, business trust, syndicate, the State of Oklahoma, or any county, city, municipality, school district or other political subdivision thereof, or any group or combination acting as a unit, or any receiver appointed by the state or federal court;

27. "Rebodied vehicle" means a vehicle:

- a. which has been assembled using a new body or new major component which is of the identical type as the original vehicle and is licensed by the manufacturer of the original vehicle and other original, new or reconditioned parts. For purposes of this paragraph, "new body or new major component" means a new body, cab, frame, front end clip or rear end clip,
- b. which is not a salvage, rebuilt, or junked vehicle as defined by paragraph 1, 2, or 6 of subsection A of Section 1105 of this title, and
- c. for which Service Oklahoma has assigned or will assign a new identifying number;

28. "Recreational off-highway vehicle" means a vehicle manufactured and used exclusively for off-highway use, traveling on four or more non-highway tires, and being sixty-five (65) inches or less in width;

29. "Recreational vehicle" means every vehicle which is built on or permanently attached to a self-propelled motor chassis or chassis cab which becomes an integral part of the completed vehicle and is capable of being operated on the highways. In order to qualify as a recreational vehicle pursuant to this paragraph such vehicle shall be permanently constructed and equipped for human habitation, having its own sleeping and kitchen facilities, including permanently affixed cooking facilities, water tanks and holding tank with permanent toilet facilities. Recreational vehicle shall not include manufactured homes or any vehicle with portable sleeping, toilet and kitchen facilities which are designed to be removed from such vehicle. Recreational vehicle shall include park model recreational vehicles as defined in this section;

30. "Remanufactured vehicle" means a vehicle which has been assembled by a vehicle remanufacturer using a new body and which may include original, reconditioned, or remanufactured parts, and which is not a salvage, rebuilt, or junked vehicle as defined by paragraphs 1, 2, and 6, respectively, of subsection A of Section 1105 of this title;

31. "Rental trailer" means all small or utility trailers or semitrailers constructed and suitable for towing by a passenger

automobile and designed only for carrying property, when the trailers or semitrailers are owned by, or are in the possession of, any person engaged in renting or leasing such trailers or semitrailers for intrastate or interstate use or combined intrastate and interstate use;

32. "Special mobilized machinery" means special purpose machines or devices, either self-propelled or drawn as trailers or semitrailers, which derive no revenue from the transportation of persons or property, whose use of the highway is only incidental, and whose useful revenue producing service is performed at destinations in an area away from the traveled surface of an established open highway;

33. "State" means the State of Oklahoma;

34. "Station wagon" means any passenger vehicle which does not have a separate luggage compartment or trunk and which does not have open beds, and has one or more rear seats readily lifted out or folded, whether same is called a station wagon or ranch wagon;

35. "Street-legal utility vehicle" means a vehicle meeting the description and specifications of Section 1-171.1 of this title;

36. "Travel trailer" means any vehicular portable structure built on a chassis, used as a temporary dwelling for travel, recreational or vacation use, and, when factory-equipped for the road, it shall have a body width not exceeding eight (8) feet and an overall length not exceeding forty (40) feet, including the hitch or coupling;

37. "Travel trailer dealer" means any person, firm or corporation engaged in the business of selling any new and unused, or used, or both new and used travel trailers. Such information and a valid franchise letter as proof of authorization to sell any such new travel trailer product line or lines shall be attached to the application for a dealer license to sell travel trailers. "Travel trailer dealer" shall not include any person, firm or corporation who sells or contracts for the sale of his or her own personally titled travel trailer or trailers. No person, firm or corporation shall be considered as a travel trailer dealer as to any travel trailer purchased or acquired by such person, firm or corporation for purposes other than resale;

38. "Used motor vehicle dealer" means "used motor vehicle dealer" as defined in Section 581 of this title;

39. "Used vehicle" means any vehicle which has been sold, bargained, exchanged or given away, or used to the extent that it has become what is commonly known, and generally recognized, as a "secondhand" vehicle. This shall also include any vehicle other than a remanufactured vehicle, regardless of age, owned by any person who is not a dealer;

40. "Utility vehicle" means a vehicle powered by an internal combustion engine, manufactured and used exclusively for off-highway

use, equipped with seating for two or more people and a steering wheel, traveling on four or more wheels;

41. "Vehicle" means any type of conveyance or device in, upon or by which a person or property is or may be transported from one location to another upon the avenues of public access within the state. "Vehicle" does not include bicycles, trailers except travel trailers and rental trailers, or implements of husbandry as defined in Section 1-125 of this title. All implements of husbandry used as conveyances shall be required to display the owner's driver license number or license plate number of any vehicle owned by the owner of the implement of husbandry on the rear of the implement in numbers not less than two (2) inches in height. The use of the owner's Social Security number on the rear of the implement of husbandry shall not be required; and

42. "Vehicle remanufacturer" means a commercial entity which assembles remanufactured vehicles.

Added by Laws 1985, c. 179, § 5, operative July 1, 1985. Amended by Laws 1988, c. 167, § 1, emerg. eff. May 24, 1988; Laws 1988, c. 281, § 22, operative July 1, 1988; Laws 1991, c. 308, § 1, eff. July 1, 1991; Laws 1992, c. 104, § 1, eff. Sept. 1, 1992; Laws 1993, c. 93, § 1, eff. July 1, 1993; Laws 1994, c. 278, § 3, eff. Sept. 1, 1994; Laws 1998, c. 199, § 1, eff. Nov. 1, 1998; Laws 2000, c. 150, § 7, eff. July 1, 2000; Laws 2001, c. 5, § 25, emerg. eff. March 21, 2001; Laws 2001, c. 243, § 4, eff. Nov. 1, 2001; Laws 2002, c. 22, § 14, emerg. eff. March 8, 2002; Laws 2004, c. 534, § 1, eff. Nov. 1, 2004; Laws 2005, c. 284, § 1, eff. July 1, 2005; Laws 2006, c. 295, § 2, eff. July 1, 2006; Laws 2007, c. 177, § 1, eff. Nov. 1, 2007; Laws 2008, c. 98, § 5, eff. July 1, 2008; Laws 2008, c. 127, § 1, eff. Nov. 1, 2008; Laws 2008, c. 302, § 6, emerg. eff. June 2, 2008; Laws 2010, c. 312, § 1, eff. Nov. 1, 2010; Laws 2011, c. 110, § 1, eff. Nov. 1, 2011; Laws 2011, c. 148, § 1, eff. Nov. 1, 2011; Laws 2013, c. 52, § 1, eff. Nov. 1, 2013; Laws 2013, c. 191, § 3, eff. Nov. 1, 2013; Laws 2014, c. 229, § 1, eff. July 1, 2014; Laws 2016, c. 57, § 1, eff. Nov. 1, 2016; Laws 2021, c. 328, § 3, emerg. eff. April 28, 2021; Laws 2022, c. 282, § 106, emerg. eff. May 19, 2022; Laws 2024, c. 452, § 60, emerg. eff. June 14, 2024.

NOTE: Laws 2000, c. 80, § 2 repealed by Laws 2001, c. 5, § 26, emerg. eff. March 21, 2001. Laws 2001, c. 149, § 1 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002. Laws 2008, c. 297, § 2 repealed by Laws 2009, c. 2, § 11, emerg. eff. March 12, 2009.

§47-1103. Legislative intent.

A. It is the intent of the Legislature that the owner or owners of every vehicle in this state shall possess a certificate of title as proof of ownership and that every vehicle shall be registered in the name of the owner or owners thereof. All registration and license fees and mileage taxes imposed by the Oklahoma Vehicle

License and Registration Act shall be for the purpose of providing funds for the general governmental functions of the state, counties, municipalities and schools and for the maintenance and upkeep of the avenues of public access of this state. Such registration and license fees shall apply to every vehicle operated upon, over, along or across any avenue of public access within this state and when paid in full, shall be in lieu of all other taxes, general and local, unless otherwise specifically provided.

B. Unless otherwise provided, all fees to be retained by the licensed operator pursuant to the Oklahoma Vehicle License and Registration Act, shall be retained by the licensed operator pursuant to subsection E of Section 1141.1 of this title.

1. This section shall apply to subsection H of Section 1105, Section 1115, 1132, 1132.1, 1132.4, 1135.1, 1135.2, 1135.3, subsection H of Section 1140, and Section 1151 of this title, and Section 2103 of Title 68 of the Oklahoma Statutes, beginning July 1, 2023. Except that the five-dollar fee for the license plate issued pursuant to paragraph 31 of subsection B of Section 1135.2 of this title shall be retained by the licensed operator.

2. This section shall apply to subsections G, L, M, N, and R of Section 1105, Sections 1107.4, 1110, 1116, 1126, 1135.4, 1135.7, 1135.9, and 1143 of this title, and Section 4021 of Title 63 of the Oklahoma Statutes, beginning July 1, 2025.

Added by Laws 1985, c. 179, § 6, operative July 1, 1985. Amended by Laws 2023, 1st Ex. Sess., c. 47, § 9, eff. July 1, 2023; Laws 2025, c. 330, § 15, eff. July 1, 2025.

§47-1104. See the following versions:

OS 47-1104v1 (SB 1108, Laws 2025, c. 171, § 7)

OS 47-1104v2 (HB 1751, Laws 2025, c. 330, § 18)

§47-1104.1. University or college supporter license plate fees - Adoptive Grant Program for Oklahomans with Intellectual Disabilities - Revolving fund - Annual report.

A. Twenty-three Dollars (\$23.00) of the fee authorized by Section 1135.5 of this title for university or college supporter license plates which are received each year by Service Oklahoma or its licensed operators shall be apportioned as follows:

1. Twenty Dollars (\$20.00) of the fee for each license plate designating a particular state university or college shall be apportioned to the particular state university or college so designated on the license plate. Twenty Dollars (\$20.00) of the fee for each license plate designating a particular private university or college shall be apportioned to the particular private university or college so designated on the license plate and may be used by the private university or college as compensation for use of the

symbols, words, or letters authorized by the private university or college for use on the license plate; and

2. Three Dollars (\$3.00) shall be deposited to the Adaptive Grant Program for Oklahomans with Intellectual Disabilities Revolving Fund created by this section to be used for educational purposes.

B. There is hereby created in the State Treasury a revolving fund for the Department of Human Services to be designated the "Adaptive Grant Program for Oklahomans with Intellectual Disabilities Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all funds deposited therein pursuant to the provisions of paragraph 2 of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department of Human Services for the administration of the Adaptive Grant Program for Oklahomans with Intellectual Disabilities.

C. The Director of the Department of Human Services is hereby directed to promulgate rules to create the Adaptive Grant Program for Oklahomans with Intellectual Disabilities Program to provide financial assistance in adaptation of furnishings, fixtures, vehicles, equipment or structures in order to meet any special needs of Oklahomans with intellectual disabilities; provided, recipients of grants awarded pursuant to the program shall be limited to those programs, projects or persons not otherwise qualifying for state or federal funding. The Department of Human Services is authorized to contract with a statewide private, nonprofit foundation certified to be a 501(c)(3) organization by the Internal Revenue Service for administration of the program.

D. The Director of Human Services shall prepare an annual report on the Program. Such report shall be submitted to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

Added by Laws 1990, c. 228, § 2, eff. Sept. 1, 1990. Amended by Laws 1996, c. 313, § 2, eff. Nov. 1, 1996; Laws 2004, c. 504, § 1, eff. July 1, 2004; Laws 2010, c. 413, § 11, eff. July 1, 2010; Laws 2019, c. 475, § 32, eff. Nov. 1, 2019; Laws 2022, c. 282, § 108, emerg. eff. May 19, 2022; Laws 2025, c. 171, § 8, eff. July 1, 2026.

§47-1104.2. Environmental Education Revolving Fund.

A. Twenty-four Dollars (\$24.00) of the fee authorized by Section 1135.5 of this title for environmental awareness license plates which are received each year by Service Oklahoma or its licensed operators shall be deposited to the Environmental Education Revolving Fund created by this section.

B. There is hereby created in the State Treasury a revolving fund for the Department of Environmental Quality to be designated

the "Environmental Education Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all funds deposited therein pursuant to the provisions of subsection A of this section. All monies accruing to the credit of such fund are hereby appropriated and may be budgeted and expended by the Department of Environmental Quality for environmental education programs.

Added by Laws 1992, c. 112, § 2, eff. Sept. 1, 1992. Amended by Laws 1993, c. 145, § 352, eff. July 1, 1993; Laws 2004, c. 504, § 2, eff. July 1, 2004; Laws 2022, c. 282, § 109, emerg. eff. May 19, 2022; Laws 2025, c. 171, § 9, eff. July 1, 2026.

§47-1104.3. Agricultural awareness special license plate fee - Ag in the Classroom Education Revolving Fund.

A. Twenty-four Dollars (\$24.00) of the fee authorized by Section 1135.5 of this title for Agricultural Awareness license plates shall be deposited by Service Oklahoma to the Ag in the Classroom Education Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Agriculture to be designated the "Ag in the Classroom Education Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department pursuant to the provisions of subsection A of this section. All monies accruing to the credit of such fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of Ag in the Classroom Education Program. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1999, c. 367, § 3, eff. Nov. 1, 1999. Amended by Laws 2004, c. 504, § 3, eff. July 1, 2004; Laws 2012, c. 304, § 182; Laws 2025, c. 171, § 10, eff. July 1, 2026.

§47-1104.4. OSU Extension Service License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for Four-H license plates shall be deposited by Service Oklahoma in the OSU Extension Service License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for Oklahoma State University Extension Service to be designated the "OSU Extension Service License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma State University Extension Service pursuant to the provisions of Section 1135.5 of this title. All monies accruing to

the credit of such fund are hereby appropriated and may be budgeted and expended by the Oklahoma State University Extension Service for the purpose of expenses related to agricultural programs for youth. Expenditures from such fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2000, c. 233, § 2, eff. Nov. 1, 2000. Amended by Laws 2004, c. 504, § 4, eff. July 1, 2004; Laws 2012, c. 304, § 183; Laws 2025, c. 171, § 11, eff. July 1, 2026.

§47-1104.5. Special license plate fee - Urban Forestry and Beautification Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for Urban Forestry and Beautification license plates shall be deposited by Service Oklahoma to the Urban Forestry and Beautification Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Forestry Division of the State Department of Agriculture to be designated "Urban Forestry and Beautification Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department pursuant to the provisions of paragraph 1 of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Division for the purpose of contracting with or providing grants to nonprofit organizations that develop and operate programs to encourage urban forestry and beautification. Such organizations may apply to the Department for grants to be paid from the fund, or the Department may solicit bids for contracts for particular services related to urban forestry and beautification to be paid from the fund. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2001, c. 323, § 2, eff. Nov. 1, 2001. Amended by Laws 2004, c. 504, § 5, eff. July 1, 2004; Laws 2012, c. 304, § 184; Laws 2025, c. 171, § 12, eff. July 1, 2026.

§47-1104.6. Choose Life Assistance Program Revolving Fund - Applications for funds - Restrictions on use of funds.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for Choose Life license plates shall be deposited by Service Oklahoma to the Choose Life Assistance Program created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Department of Human Services to be designated the Choose Life Assistance Program. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all the monies received by the Department of Human Services pursuant to the provisions of Section 1135.5 of this title. All monies accruing to the credit of the fund are appropriated and shall be distributed at the beginning of each fiscal year in a pro rata share to all nonprofit organizations that provide services to the community that include counseling and meeting the physical needs of pregnant women who are committed to placing their children for adoption. Any unused funds in excess of ten percent (10%) of the funds allocated to a nonprofit organization shall be returned to the Choose Life Assistance Program Revolving Fund at the end of the fiscal year to be aggregated and distributed with the next fiscal year distribution.

C. To apply for and receive the funds available through the Choose Life Assistance Program, an organization must deliver to the Department of Human Services an affidavit signed by a duly appointed representative of the organization that states the following:

1. The organization is a nonprofit organization;
2. The organization does not discriminate for any reason, including, but not limited to, race, marital status, gender, religion, national origin, handicap or age;
3. The organization counsels pregnant women who are committed to placing their children for adoption;
4. The organization is not involved or associated with any abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising;
5. The organization does not charge women for any services received;
6. The organization understands that sixty percent (60%) of the funds received by an organization can only be used to provide for the material needs of pregnant women who are committed to placing their children for adoption, including clothing, housing, medical care, food, utilities, and transportation. Such funds may also be expended on infants awaiting placement with adoptive parents. Forty percent (40%) of the funds may be used for adoption, counseling, training, or advertising, but may not be used for administrative expenses, legal expenses, or capital expenditures;
7. The organization understands that no funds may be used for administrative expenses, legal expenses, or capital expenditures;
8. The organization understands that any unused funds at the end of the fiscal year that exceed ten percent (10%) of the funds received by the organization during the fiscal year must be returned to the Choose Life Assistance Program Revolving Fund to be

aggregated and distributed with the next fiscal year distribution; and

9. The organization understands that each organization that receives such funds must submit to an annual audit of such funds verifying that the funds received were used in the manner prescribed by statute.

D. Funds may not be distributed to any organization that is involved or associated with abortion activities, including counseling for or referral to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising, and funds may not be distributed to any organization that charges women for services received.

E. Sixty percent (60%) of the funds received by an organization can only be used to provide for the material needs of pregnant women who are committed to placing their children for adoption, including clothing, housing, medical care, food, utilities, and transportation. Such funds may also be expended on infants awaiting placement with adoptive parents. Forty percent (40%) of the funds may be used for adoption, counseling, training, or advertising, but may not be used for administrative expenses, legal expenses, or capital expenditures.

F. Each organization that receives funds must submit to an annual audit of such funds verifying that the funds received were used in the manner prescribed in this section.

Added by Laws 2002, c. 179, § 2, eff. Nov. 1, 2002. Amended by Laws 2004, c. 504, § 6, eff. July 1, 2004; Laws 2025, c. 171, § 13, eff. July 1, 2026.

§47-1104.7. Future Farmers of America special license plate - Fee.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for Future Farmers of America license plates shall be deposited by Service Oklahoma to the Oklahoma Department of Career and Technology Education Agriculture Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Department of Career and Technology Education to be designated the "Oklahoma Department of Career and Technology Education Agriculture Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of funding programs and services to encourage students to consider agriculture as a career choice. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as

prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2002, c. 319, § 2, eff. July 1, 2002. Amended by Laws 2004, c. 504, § 7, eff. July 1, 2004; Laws 2012, c. 304, § 185; Laws 2025, c. 171, § 14, eff. July 1, 2026.

§47-1104.8. Color Oklahoma Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for Color Oklahoma license plates shall be deposited by Service Oklahoma to the Color Oklahoma Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Native Plant Society to be designated the "Color Oklahoma Revolving Fund" and administered by the Oklahoma Department of Tourism and Recreation. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Department of Tourism and Recreation pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Department of Tourism and Recreation pursuant to a contract with the Oklahoma Native Plant Society for the purpose of preserving and planting wildflowers and native plants in Oklahoma and promoting wildflower heritage through education. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2004, c. 504, § 8, eff. July 1, 2004. Amended by Laws 2005, c. 416, § 1, eff. Nov. 1, 2005; Laws 2012, c. 304, § 186; Laws 2025, c. 171, § 15, eff. July 1, 2026.

§47-1104.9. Oklahoma Central Cancer Registry Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for Fight Cancer license plates shall be deposited by Service Oklahoma to the Oklahoma Central Cancer Registry Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Oklahoma Central Cancer Registry Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the implementation of the Oklahoma Central Cancer Registry. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as

prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2004, c. 504, § 9, eff. July 1, 2004. Amended by Laws 2012, c. 304, § 187; Laws 2025, c. 171, § 16, eff. July 1, 2026.

§47-1104.10. Animal Friendly Revolving Fund.

A. The fee authorized by Section 1135.5 of this title shall be deposited by Service Oklahoma to the Animal Friendly Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Department of Agriculture, Food, and Forestry to be designated the "Animal Friendly Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Department of Agriculture, Food, and Forestry for the purpose of contracting with or providing grants to organizations of veterinary clinics that develop and operate programs that provide dog or cat spaying and neutering services and nonprofit organizations that provide shelter to unwanted stray dogs and cats. Such organizations may apply to the Department for grants to be paid from the fund. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2004, c. 504, § 18, eff. July 1, 2004. Amended by Laws 2012, c. 304, § 188; Laws 2025, c. 171, § 17, eff. July 1, 2026.

§47-1104.11. Patriot License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for the Patriot License Plate shall be deposited by Service Oklahoma in the Patriot License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Military Department of Oklahoma to be designated the "Patriot License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Military Department of Oklahoma pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Military Department of Oklahoma for any deployment-related purpose for members of the Oklahoma National Guard or the production of historical documents, displays, videos, and books that capture the

National Guard's involvement in overseas deployments and domestic operations within the United States for members of the Oklahoma National Guard, Oklahoma public school libraries, and civic leaders, as determined by the Adjutant General. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2005, c. 416, § 2, eff. Nov. 1, 2005. Amended by Laws 2012, c. 304, § 189; Laws 2015, c. 316, § 1, emerg. eff. May 12, 2015; Laws 2025, c. 171, § 18, eff. July 1, 2026.

§47-1104.12. Oklahoma Quarter Horse Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for the Oklahoma Quarter Horse License Plate shall be deposited by Service Oklahoma in the Oklahoma Quarter Horse Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Horse Racing Commission to be designated the "Oklahoma Quarter Horse Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Horse Racing Commission pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Horse Racing Commission for the support of any statewide organization dedicated to promoting the American Quarter Horse in Oklahoma through sharing information, events, and activities for the amateur, youth, and professional horsemen. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2006, c. 152, § 3, eff. July 1, 2006. Amended by Laws 2012, c. 304, § 190; Laws 2025, c. 171, § 19, eff. July 1, 2026.

§47-1104.13. Oklahoma Zoological Society Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for Oklahoma City Zoo license plates shall be deposited by Service Oklahoma to the Oklahoma Zoological Society Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Department of Wildlife Conservation to be designated the "Oklahoma Zoological Society Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department of Wildlife Conservation pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department of

Wildlife Conservation for grants to the Oklahoma Zoological Society for the purpose of contributing to an understanding and preservation of the earth's natural resources through positive recreational and educational experiences and conducting and participating in scientifically-based conservation programs that benefit animal and plant communities. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2006, c. 275, § 4, emerg. eff. June 7, 2006. Amended by Laws 2012, c. 304, § 191; Laws 2025, c. 171, § 20, eff. July 1, 2026.

NOTE: Laws 2012, c. 304, § 1 was purportedly repealed by Laws 2025, c. 358, § 2 but without reference to Laws 2025, c. 171, § 20, which amended it.

§47-1104.14. Oklahoma Prevent Birth Defects, Premature Birth and Infant Mortality Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for the Oklahoma March of Dimes license plate shall be deposited by Service Oklahoma to the Oklahoma Prevent Birth Defects, Premature Birth and Infant Mortality Fund established in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund to be designated the "Oklahoma Prevent Birth Defects, Premature Birth and Infant Mortality Fund" and administered by the State Department of Health. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all the monies received by the State Department of Health pursuant to the provisions of Section 1135.5 of this title. All monies accruing to the credit of the fund are appropriated and may be budgeted and expended by the State Department of Health at the beginning of each fiscal year for the purpose of providing grants to the Oklahoma Chapter of March of Dimes for purposes of preventing birth defects, premature birth and infant mortality. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2006, c. 275, § 5, emerg. eff. June 7, 2006. Amended by Laws 2012, c. 304, § 192; Laws 2025, c. 171, § 21, eff. July 1, 2026.

§47-1104.15. Oklahoma Association for the Deaf License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for the Oklahoma Association for the Deaf License Plate shall be deposited by Service Oklahoma in the Oklahoma

Association for the Deaf License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Department of Rehabilitation Services to be designated the "Oklahoma Association for the Deaf License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department of Rehabilitation Services pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department of Rehabilitation Services to promote the interests of the deaf and to advance the social, educational, cultural, and economic well being of the deaf. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2006, c. 311, § 22, emerg. eff. June 8, 2006. Amended by Laws 2012, c. 304, § 193; Laws 2025, c. 171, § 22, eff. July 1, 2026.

NOTE: This section was editorially renumbered from § 1104.13 of this title to avoid duplication in numbering.

§47-1104.16. Buffalo Soldier License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for Buffalo Soldier license plates shall be deposited by Service Oklahoma to the Buffalo Soldier License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Department of Veterans Affairs to be designated the "Buffalo Soldier License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Department of Veterans Affairs pursuant to subsection A of this section. All monies accruing to the credit of such fund are hereby appropriated and may be budgeted and expended by the Oklahoma Department of Veterans Affairs for the purpose of providing grants to nonprofit organizations exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), whose primary purpose is to establish and maintain a plaza in this state as a lasting tribute and memorial to the African-American members of the 9th and 10th Horse Cavalry and to interface with regional museums and sites to gather and share historical and artistic data to honor those soldiers. Expenditures from such fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2010, c. 366, § 4, eff. Nov. 1, 2010. Amended by Laws 2012, c. 304, § 194; Laws 2025, c. 171, § 23, eff. July 1, 2026.

§47-1104.17. Prevent Blindness Oklahoma License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for Prevent Blindness Oklahoma license plates shall be deposited by Service Oklahoma to the Prevent Blindness Oklahoma License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Prevent Blindness Oklahoma License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health pursuant to subsection A of this section. All monies accruing to the credit of such fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the purpose of providing grants to nonprofit organizations exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), whose primary purpose is providing vision screenings to school age children in all seventy-seven counties in this state. Expenditures from such fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2010, c. 366, § 5, eff. Nov. 1, 2010. Amended by Laws 2012, c. 304, § 195; Laws 2025, c. 171, § 24, eff. July 1, 2026.

§47-1104.18. Oklahoma Friends of the Capitol License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for the Oklahoma State Capitol Restoration License Plate shall be deposited by Service Oklahoma in the Oklahoma Friends of the Capitol License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Office of Management and Enterprise Services to be designated the "Oklahoma Friends of the Capitol License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Office of Management and Enterprise Services pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and shall be budgeted and expended by the Office of Management and Enterprise Services for restoration of the Oklahoma State Capitol. Before the Office makes any expenditure from the fund, the expenditure shall be approved by

the State Capitol Preservation Commission created pursuant to Section 4102 of Title 74 of the Oklahoma Statutes. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2010, c. 366, § 6, eff. Nov. 1, 2010. Amended by Laws 2012, c. 304, § 196; Laws 2025, c. 171, § 25, eff. July 1, 2026.

§47-1104.19. Pancreatic Cancer Research License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by paragraph 47 of subsection B of Section 1135.5 of this title for pancreatic cancer research license plates shall be deposited by Service Oklahoma to the Pancreatic Cancer Research License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Pancreatic Cancer Research License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health pursuant to subsection A of this section. All monies accruing to the credit of such fund are hereby appropriated and may be budgeted and expended by the State Department of Health to provide grants to the University of Oklahoma Foundation, Pancreatic Cancer Research Fund for the purpose of funding research into early detection and treating and curing of pancreatic cancer in this state. Expenditures from such fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

C. The Oklahoma Legislature hereby finds that the University of Oklahoma Foundation, Pancreatic Cancer Research Fund provides an important service to the inhabitants of this state as a community and further finds that the services performed by the University of Oklahoma Foundation, Pancreatic Cancer Research Fund are adequate consideration for the funds received pursuant to this section.

Added by Laws 2011, c. 248, § 3, eff. Nov. 1, 2011. Amended by Laws 2012, c. 304, § 197; Laws 2025, c. 171, § 26, eff. July 1, 2026.

§47-1104.20. Alzheimer's Research License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for Alzheimer's Research license plates shall be deposited by Service Oklahoma to the Alzheimer's Research License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the

"Alzheimer's Research License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health pursuant to subsection A of this section. All monies accruing to the credit of such fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the purpose of providing grants to the Oklahoma Chapter of the Alzheimer's Association for purposes of eliminating Alzheimer's disease through the advancement of research, to provide and enhance care and support those with Alzheimer's and to reduce the risk of dementia through the promotion of brain health. Expenditures from such fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

C. The Oklahoma Legislature hereby finds that the Alzheimer's Association provides an important service to the inhabitants of this state as a community and further finds that the services performed by the Alzheimer's Association are adequate consideration for the funds received pursuant to this section.

Added by Laws 2011, c. 248, § 4, eff. Nov. 1, 2011. Amended by Laws 2012, c. 304, § 198; Laws 2025, c. 171, § 27, eff. July 1, 2026.

§47-1104.21. Hospice and Palliative Care License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for Hospice and Palliative Care license plates shall be deposited by Service Oklahoma to the Hospice and Palliative Care License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Hospice and Palliative Care License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health pursuant to subsection A of this section. All monies accruing to the credit of such fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the purpose of providing grants to the Oklahoma Hospice and Palliative Care Association for the purposes of leading the efforts to unify Oklahoma hospices with the resources and information that will promote each hospice to provide quality hospice care to their community. Expenditures from such fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

C. The Oklahoma Legislature hereby finds that the Oklahoma Hospice and Palliative Care Association provides an important service to the inhabitants of this state as a community and further finds that the services performed by the Oklahoma Hospice and Palliative Care Association are adequate consideration for the funds received pursuant to this section.

Added by Laws 2011, c. 248, § 5, eff. Nov. 1, 2011. Amended by Laws 2012, c. 304, § 199; Laws 2025, c. 171, § 28, eff. July 1, 2026.

§47-1104.22. Juvenile Diabetes Research License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of this title for Juvenile Diabetes Research license plates shall be deposited by Service Oklahoma to the Juvenile Diabetes Research License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Juvenile Diabetes Research License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health pursuant to subsection A of this section. All monies accruing to the credit of such fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the purpose of providing grants to the Oklahoma Chapters of the Juvenile Diabetes Research Foundation for purposes of finding a cure for type 1 diabetes and its complications through the support of research and working to develop new and better treatments to improve the lives of people who have type 1 diabetes and keep them as healthy as possible. Expenditures from such fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

C. The Oklahoma Legislature hereby finds that the Juvenile Diabetes Research Foundation provides an important service to the inhabitants of this state as a community and further finds that the services performed by the Juvenile Diabetes Research Foundation are adequate consideration for the funds received pursuant to this section.

Added by Laws 2011, c. 248, § 6, eff. Nov. 1, 2011. Amended by Laws 2012, c. 304, § 200; Laws 2025, c. 171, § 29, eff. July 1, 2026.

§47-1104.23. Deer Creek Schools Foundation License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for Deer Creek Schools Foundation license plates shall be deposited by Service Oklahoma to

the Deer Creek Schools Foundation License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Education to be designated the "Deer Creek Schools Foundation License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Education pursuant to subsection A of this section. All monies accruing to the credit of such fund are hereby appropriated and may be budgeted and expended by the State Department of Education for the purpose of providing grants to the Deer Creek Schools Foundation for purposes of promoting and funding the academic and artistic achievement of all students and teachers of Deer Creek Public Schools. Expenditures from such fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

C. The Oklahoma Legislature hereby finds that the Deer Creek Schools Foundation provides an important service to the inhabitants of this state as a community and further finds that the services performed by the Deer Creek Schools Foundation are adequate consideration for the funds received pursuant to this section. Added by Laws 2013, c. 197, § 3, eff. Nov. 1, 2013. Amended by Laws 2025, c. 171, § 30, eff. July 1, 2026.

§47-1104.24. Oklahoma Lupus License Plate Revolving Fund.

A. Twenty-five Dollars (\$25.00) of the fee authorized by Section 1135.5 of this title for Lupus Awareness and Education license plates shall be deposited by Service Oklahoma to the Oklahoma Lupus License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund to be designated the "Oklahoma Lupus License Plate Revolving Fund" and administered by the State Department of Health. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health pursuant to the provisions of subsection A of this section. All monies accruing to the credit of such fund are hereby appropriated and shall be budgeted and expended by the State Department of Health for the purpose of providing grants to the Lupus Foundation of Oklahoma for the purpose of lupus awareness, education, outreach, referral, research or treatment in this state. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

C. The Oklahoma Legislature hereby finds that the Lupus Foundation of Oklahoma provides an important service to the inhabitants of this state as a community and further finds that the services performed by the Lupus Foundation of Oklahoma are adequate consideration for the funds received pursuant to this section. Added by Laws 2013, c. 197, § 4, eff. Nov. 1, 2013. Amended by Laws 2025, c. 171, § 31, eff. July 1, 2026.

§47-1104.25. Oklahoma Association of Chiefs of Police License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by paragraph 51 of subsection B of Section 1135.5 of Title 47 of the Oklahoma Statutes for Chiefs of Police license plates shall be deposited by Service Oklahoma to the Oklahoma Association of Chiefs of Police License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Public Safety to be designated the "Oklahoma Association of Chiefs of Police License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Public Safety pursuant to subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Public Safety to assist with funding for training and education for law enforcement agencies throughout the state. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2013, c. 365, § 1, eff. Nov. 1, 2013. Amended by Laws 2025, c. 171, § 32, eff. July 1, 2026.

NOTE: Editorially renumbered from Title 47, § 1104.23 to avoid a duplication in numbering.

§47-1104.26. Oklahoma Nurses License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for Oklahoma Nurses license plates shall be deposited by Service Oklahoma to the Oklahoma Nurses License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Board of Nursing to be designated the "Oklahoma Nurses License Plate Revolving Fund". The fund shall consist of all monies received by the Oklahoma Board of Nursing pursuant to subsection A of this section. All monies accruing to the credit of such fund are hereby appropriated and may be budgeted

and expended by the Oklahoma Board of Nursing for the purpose of providing grants to the Oklahoma Nurses Foundation to fulfill its mission. Expenditures from such fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2014, c. 372, § 4, eff. Nov. 1, 2014. Amended by Laws 2025, c. 171, § 33, eff. July 1, 2026.

§47-1104.27. Oklahoma Concerns of Police Survivors License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for Remembering Fallen Heroes license plates shall be deposited by Service Oklahoma to the Oklahoma Concerns of Police Survivors License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Department of Public Safety to be designated the "Oklahoma Concerns of Police Survivors License Plate Revolving Fund". The fund shall consist of all monies received pursuant to subsection A of this section. All monies accruing to the credit of such fund are hereby appropriated and may be budgeted and expended by the Oklahoma Department of Public Safety for the purpose of providing programs and services to surviving families of Oklahoma's fallen law enforcement officers. Expenditures from such fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2015, c. 378, § 3, eff. Nov. 1, 2015. Amended by Laws 2025, c. 171, § 34, eff. July 1, 2026.

§47-1104.28. Piedmont Public Schools Education Foundation License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for Piedmont Education Foundation license plates shall be deposited by Service Oklahoma to the Piedmont Public Schools Education Foundation License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Education to be designated the "Piedmont Public Schools Education Foundation License Plate Revolving Fund". The fund shall consist of all monies received pursuant to subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Education for grants to the Piedmont Public Schools Education Foundation to fund scholarships and teacher grants to Piedmont School District's students and

teachers. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2017, c.97, § 3 eff. Nov. 1, 2017. Amended by Laws 2025, c. 171, § 35, eff. July 1, 2026.

§47-1104.29. Prisoner of War and Missing in Action License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for the Prisoner of War and Missing in Action License Plate shall be deposited by Service Oklahoma in the Prisoner of War and Missing in Action License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Department of Veterans Affairs to be designated the "Prisoner of War and Missing in Action License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department for any purpose related to Oklahoma residents who are American veterans. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2017, c. 331, § 5, eff. Nov. 1, 2017. Amended by Laws 2025, c. 171, § 36, eff. July 1, 2026

NOTE: Editorially renumbered from § 1104.28 of this title to avoid duplication in numbering.

§47-1104.30. Down Syndrome Association of Central Oklahoma License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for the Down Syndrome Association of Central Oklahoma license plates shall be deposited by Service Oklahoma to the Down Syndrome Association of Central Oklahoma License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Human Services to be designated the "Down Syndrome Association of Central Oklahoma License Plate Revolving Fund". The fund shall consist of all monies received pursuant to subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Human Services for grants to

the Down Syndrome Association of Central Oklahoma to raise awareness and provide resources, as well as promote acceptance and inclusion for people with Down Syndrome. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment. Added by Laws 2018, c. 226, § 3, eff. Nov. 1, 2018. Amended by Laws 2025, c. 171, § 37, eff. July 1, 2026.

§47-1104.31. Elk City Education Foundation License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for the Elk City Education Foundation plates shall be deposited by Service Oklahoma to the Elk City Education Foundation License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Education to be designated the "Elk City Education Foundation License Plate Revolving Fund". The fund shall consist of all monies received pursuant to subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Education for grants to the Elk City Education Foundation to fund scholarships and teacher grants to Elk City School District's students and teachers. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment. Added by Laws 2018, c. 226, § 4, eff. Nov. 1, 2018. Amended by Laws 2025, c. 171, § 38, eff. July 1, 2026.

§47-1104.32. Extraordinary Educators License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for the Extraordinary Educators License Plate shall be deposited by Service Oklahoma in the Extraordinary Educators License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Education to be designated the "Extraordinary Educators License Plate Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department pursuant to the provisions of subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of providing grants to school superintendents for distribution to educators who propose extraordinary activities, projects or lessons

for students from kindergarten through eighth grade. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2018, c. 226, § 5, eff. Nov. 1, 2018. Amended by Laws 2025, c. 171, § 39, eff. July 1, 2026.

§47-1104.33. Diabetes Awareness License Plate Revolving Fund.

A. Twenty Dollars (\$20.00) of the fee authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes for the Diabetes Awareness license plates shall be deposited by Service Oklahoma to the Diabetes Awareness License Plate Revolving Fund created in subsection B of this section.

B. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Diabetes Awareness License Plate Revolving Fund". The fund shall consist of all monies received pursuant to subsection A of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Health for grants to Diabetes Solutions of Oklahoma to raise awareness and provide resources, as well as promote acceptance and inclusion for people with diabetes. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2022, c. 397, § 1, eff. Nov. 1, 2022. Amended by Laws 2025, c. 171, § 40, eff. July 1, 2026.

§47-1104v1. Apportionment of fees, taxes and penalties collected.

A. Unless otherwise provided by law, all fees, taxes and penalties collected or received pursuant to the Oklahoma Vehicle License and Registration Act or Section 1-101 et seq. of this title shall be apportioned and distributed monthly by Service Oklahoma in accordance with this section. Service Oklahoma shall provide to the Oklahoma Tax Commission monthly reports of waste tire collections and sales tax amounts. The reports shall be delivered electronically pursuant to the current calendar year apportionment disbursement schedule provided to Service Oklahoma by the Oklahoma Tax Commission on or before December 1st annually.

One percent (1%) of fees collected shall be apportioned to the Licensed Operator Performance Fund created in Section 3-106 of this title, in accordance with the applicable metrics determined by Service Oklahoma.

B. 1. The following percentages of the monies referred to in subsection A of this section shall be apportioned to the various school districts in accordance with paragraph 2 of this subsection:

- a. from October 1, 2000, until June 30, 2001, thirty-five and forty-six one-hundredths percent (35.46%),
- b. for the year beginning July 1, 2001, and ending June 30, 2002, thirty-five and ninety-one one-hundredths percent (35.91%),
- c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, thirty-six and twenty one-hundredths percent (36.20%),
- d. for the year beginning July 1, 2015, through the year ending on June 30, 2019, thirty-six and twenty one-hundredths percent (36.20%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and
- e. for the year beginning July 1, 2019, and all subsequent years, thirty-six and twenty one-hundredths percent (36.20%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through e of paragraph 1 of this subsection shall be apportioned to the various school districts so that each district shall receive an amount based upon the proportion that each district's average daily attendance bears to the total average daily attendance of those districts entitled to receive funds pursuant to this section as certified by the State Department of Education.

Each district's allocation of funds shall be remitted to the county treasurer of the county wherein the administrative headquarters of the district are located.

No district shall be eligible for the funds herein provided unless the district makes an ad valorem tax levy of fifteen (15) mills and maintains nine (9) years of instruction and pursuant to the rules of the State Board of Education, is authorized to maintain ten (10) years of instruction.

C. The following percentages of the monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the General Revenue Fund of the State Treasury:

1. From October 1, 2000, until June 30, 2001, forty-five and ninety-seven one-hundredths percent (45.97%);

2. For the year beginning July 1, 2001, and ending June 30, 2002, forty-five and twenty-nine one-hundredths percent (45.29%);

3. For the year beginning July 1, 2002, and for the subsequent fiscal years ending June 30, 2007, forty-four and eighty-four one-hundredths percent (44.84%);

4. For the year beginning July 1, 2007, and ending June 30, 2008, thirty-nine and eighty-four one-hundredths percent (39.84%);

5. For the year beginning July 1, 2008, and ending June 30, 2009, thirty-four and eighty-four one-hundredths percent (34.84%);

6. For the period beginning July 1, 2009, and ending December 31, 2012, twenty-nine and eighty-four one-hundredths percent (29.84%);

7. For the period beginning January 1, 2013, and ending June 30, 2013, twenty-nine and thirty-four one-hundredths percent (29.34%);

8. For the year beginning July 1, 2013, and ending June 30, 2014, twenty-six and eighty-four one-hundredths percent (26.84%); and

9. For the year beginning July 1, 2014, through the year ending June 30, 2019, twenty-four and eighty-four one-hundredths percent (24.84%).

D. The following percentages of the monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the State Transportation Fund:

1. From October 1, 2000, until June 30, 2001, thirty one-hundredths percent (0.30%);

2. For the year beginning July 1, 2001, through the year ending on June 30, 2015, thirty-one one-hundredths percent (0.31%);

3. For the year beginning July 1, 2015, through the year ending on June 30, 2019, thirty-one one-hundredths percent (0.31%), but in no event shall the amount apportioned in any fiscal year pursuant to this paragraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund; and

4. For the year beginning July 1, 2019, and all subsequent years, thirty-one one-hundredths percent (0.31%), but in no event shall the amount apportioned in any fiscal year pursuant to this paragraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

E. 1. The following percentages of the monies referred to in subsection A of this section shall be apportioned to the various counties as set forth in paragraph 2 of this subsection:

- a. from October 1, 2000, until June 30, 2001, seven and nine one-hundredths percent (7.09%),
- b. for the year beginning July 1, 2001, and ending June 30, 2002, seven and eighteen one-hundredths percent (7.18%),
- c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, seven and twenty-four one-hundredths percent (7.24%),
- d. for the year beginning July 1, 2015, through the year ending on June 30, 2019, seven and twenty-four one-hundredths percent (7.24%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and
- e. for the year beginning July 1, 2019, and all subsequent years, seven and twenty-four one-hundredths percent (7.24%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through e of paragraph 1 of this subsection shall be apportioned as follows: forty percent (40%) of such sum shall be distributed to the various counties in that proportion which the county road mileage of each county bears to the entire state road mileage as certified by the Transportation Commission and the remaining sixty percent (60%) of such sum shall be distributed to the various counties on the basis which the population and area of each county bears to the total population and area of the state. The population shall be as shown by the last Federal Decennial Census or the most recent annual estimate provided by the United States Bureau of the Census. The funds shall be used for the purpose of constructing and maintaining county highways; provided, however, the county treasurer may deposit so much of the funds in the sinking fund as may be necessary for the retirement of interest and annual accrual of indebtedness created by the issuance of county or township bonds for road purposes. Such deposits to the sinking fund shall not exceed forty percent (40%) of the funds allocated to a county pursuant to this paragraph.

F. 1. The following percentages of the monies referred to in subsection A of this section shall be remitted to the county treasurers of the respective counties and by them deposited in a

separate special revenue fund to be used by the county commissioners in accordance with paragraph 2 of this subsection:

- a. from October 1, 2000, until June 30, 2001, two and fifty-three one-hundredths percent (2.53%),
- b. for the year beginning July 1, 2001, and ending June 30, 2002, two and fifty-six one-hundredths percent (2.56%),
- c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, two and fifty-nine one-hundredths percent (2.59%),
- d. for the year beginning July 1, 2015, through the year ending on June 30, 2019, two and fifty-nine one-hundredths percent (2.59%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and
- e. for the year beginning July 1, 2019, and all subsequent years, two and fifty-nine one-hundredths percent (2.59%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through e of paragraph 1 of this subsection shall be used for the primary purpose of matching federal funds for the construction of federal aid projects on county roads, or constructing and maintaining county or township highways and permanent bridges of such counties. The distribution of monies apportioned by this paragraph shall be made upon the basis of the current formula based upon road mileage, area and population as related to county road improvement and maintenance costs. Provided, however, the Department of Transportation may update the formula factors from time to time as necessary to account for changing conditions.

G. 1. The following percentages of the monies referred to in subsection A of this section shall be transmitted by Service Oklahoma to the various counties as set forth in paragraph 2 of this subsection:

- a. from October 1, 2000, until June 30, 2001, three and fifty-five one-hundredths percent (3.55%),

- b. for the year beginning July 1, 2001, and ending June 30, 2002, three and fifty-nine one-hundredths percent (3.59%),
- c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, three and sixty-two one-hundredths percent (3.62%),
- d. for the year beginning July 1, 2015, through the year ending on June 30, 2019, three and sixty-two one-hundredths percent (3.62%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and
- e. for the year beginning July 1, 2019, and all subsequent years, three and sixty-two one-hundredths percent (3.62%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through e of paragraph 1 of this subsection shall be transmitted to the various counties on the basis of a formula to be developed by the Department of Transportation. Such formula shall be similar to that currently used for the distribution of County Bridge Program Funds, but also taking into consideration the effect of terrain and traffic volume as related to county road improvement and maintenance costs. Provided, however, the Department of Transportation may update the formula factors from time to time as necessary to account for changing conditions. The funds shall be transmitted to the various county treasurers to be deposited in the county highway fund of their respective counties.

H. 1. The following percentages of the monies referred to in subsection A of this section shall be apportioned to the various counties as set forth in paragraph 2 of this subsection:

- a. from October 1, 2000, until June 30, 2001, eighty-one one-hundredths percent (0.81%),
- b. for the year beginning July 1, 2001, and ending June 30, 2002, eighty-two one-hundredths percent (0.82%),
- c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, eighty-three one-hundredths percent (0.83%),

- d. for the year beginning July 1, 2015, through the year ending on June 30, 2019, eighty-three one-hundredths percent (0.83%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and
- e. for the year beginning July 1, 2019, and all subsequent years, eighty-three one-hundredths percent (0.83%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through e of paragraph 1 of this subsection shall be apportioned to the various counties based upon the proportion that each county's population bears to the total state population.

Each county's allocation of funds shall be remitted to the various county treasurers to be deposited in the general fund of the county and used for the support of county government.

I. 1. The following percentages of the monies referred to in subsection A of this section shall be apportioned to the various cities and incorporated towns as set forth in paragraph 2 of this subsection:

- a. from October 1, 2000, until June 30, 2001, three and four one-hundredths percent (3.04%),
- b. for the year beginning July 1, 2001, and ending June 30, 2002, three and eight one-hundredths percent (3.08%),
- c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, three and ten one-hundredths percent (3.10%),
- d. for the year beginning July 1, 2015, through the year ending on June 30, 2019, three and ten one-hundredths percent (3.10%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and
- e. for the year beginning July 1, 2019, and all subsequent years, three and ten one-hundredths percent

(3.10%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through e of paragraph 1 of this subsection shall be apportioned to the various cities and incorporated towns based upon the proportion that each city or incorporated town's population bears to the total population of all cities and incorporated towns in the state. Such funds shall be remitted to the various county treasurers for allocation to the various cities and incorporated towns. All such funds shall be used for the construction, maintenance, repair, improvement and lighting of streets and alleys. Provided, however, the governing board of any city or town may, with the approval of the county excise board, transfer any surplus funds to the general revenue fund of such city or town whenever an emergency requires such a transfer.

J. The following percentages of the monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the Oklahoma Law Enforcement Retirement Fund:

1. From October 1, 2000, until June 30, 2001, one and twenty-two one-hundredths percent (1.22%);

2. For the year beginning July 1, 2001, and ending June 30, 2002, one and twenty-three one-hundredths percent (1.23%); and

3. For the year beginning July 1, 2002, and all subsequent years, one and twenty-four one-hundredths percent (1.24%).

K. Three one-hundredths of one percent (3/100 of 1%) of the monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the Wildlife Conservation Fund. Seventy-five percent (75%) of the funds shall be used for fish habitat restoration and twenty-five percent (25%) of the funds shall be used in the fish hatchery system for fish production.

L. 1. For the year beginning July 1, 2007, and ending June 30, 2008, five percent (5%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes.

2. For the year beginning July 1, 2008, and ending June 30, 2009, ten percent (10%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes.

3. For the period beginning July 1, 2009, and ending December 31, 2012, fifteen percent (15%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes.

4. For the period beginning January 1, 2013, and ending June 30, 2013, fifteen and fifty one-hundredths percent (15.50%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes.

5. For the year beginning July 1, 2013, and ending June 30, 2014, eighteen percent (18%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes.

6. For the year beginning July 1, 2014, twenty percent (20%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes.

7. For the year beginning July 1, 2015, through the year ending on June 30, 2019, twenty percent (20%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes, but in no event shall the total amount apportioned in any fiscal year pursuant to this paragraph exceed One Hundred Twenty Million Dollars (\$120,000,000.00). Any amounts in excess of One Hundred Twenty Million Dollars (\$120,000,000.00) shall be placed to the credit of the General Revenue Fund.

8. a. Except as provided in subparagraph b of this paragraph, for the year beginning July 1, 2019, and all subsequent years, twenty percent (20%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes, but in no event shall the total amount apportioned in any fiscal year pursuant to this paragraph exceed the fiscal year limitations provided in subparagraph c of this paragraph. Any amounts in excess of the fiscal year limitations provided in subparagraph c of this paragraph shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

- b. (1) For the fiscal year beginning July 1, 2021, through the fiscal year ending June 30, 2026, the Oklahoma Tax Commission shall remit twenty-five percent (25%) of the monthly allocation, otherwise scheduled to be credited to the County Improvements for Roads and Bridges Fund, to the various counties of the state. The Commission shall distribute such funds monthly to each county treasurer as follows:
 - (a) one-third (1/3) of such funds shall be distributed to the various counties in the proportion which the area of each county bears to the total area of the state,
 - (b) one-third (1/3) of such funds shall be distributed to the various counties in the proportion which the certified county road miles of each county bear to the total sum of county road miles in the state, and
 - (c) one-third (1/3) of such funds shall be distributed to the various counties in the proportion which the total replacement cost for obsolete or deficient bridges according to the most recent ODOT yearly Bridge Summary Report for County Bridges for each county bears to the total amount of such cost for all such county bridges in the state, and
- (2) For the fiscal year beginning July 1, 2026, and all subsequent fiscal years thereafter, Service Oklahoma shall remit twenty-five percent (25%) of the monthly allocation, otherwise scheduled to be credited to the County Improvements for Roads and Bridges Fund, to the various counties of the state. Service Oklahoma shall distribute such funds monthly to each county treasurer as follows:
 - (a) one-third (1/3) of such funds shall be distributed to the various counties in the proportion which the area of each county bears to the total area of the state,
 - (b) one-third (1/3) of such funds shall be distributed to the various counties in the proportion which the certified county road miles of each county bear to the total sum of county road miles in the state, and
 - (c) one-third (1/3) of such funds shall be distributed to the various counties in the

proportion which the number of county bridges in each county according to the ODOT 2020 Bridge Summary Report for County Bridges bears to the total sum of county bridges in the state according to such report.

Each county treasurer shall deposit such funds to the county's county highway fund and such funds shall be used for maintenance and operations. In no event shall the total amount apportioned in any fiscal year pursuant to the provisions of subparagraphs a and b of this paragraph exceed the fiscal year limitations provided in subparagraph c of this paragraph.

c. The total amount apportioned each fiscal year pursuant to this paragraph shall be limited as follows:

(1) for fiscal years 2020 through 2022	\$120,000,000.00,
(2) for fiscal year 2023	\$125,000,000.00,
(3) for fiscal year 2024	\$130,000,000.00,
(4) for fiscal year 2025	\$135,000,000.00,
(5) for fiscal year 2026	\$140,000,000.00,
(6) for fiscal year 2027	\$145,000,000.00,
(7) for fiscal year 2028 and all subsequent fiscal years thereafter	\$150,000,000.00.

M. Twenty-four and eighty-four one-hundredths percent (24.84%) of the monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

N. Monies allocated to counties by this section may be estimated by the county excise board in the budget for the county as anticipated revenue to the extent of ninety percent (90%) of the previous year's income from such source; provided, not more than fifteen percent (15%) can be encumbered during any month.

O. Notwithstanding any other provisions of this section, for the fiscal year beginning July 1, 2003, the first One Hundred Thousand Dollars (\$100,000.00) of the monies collected or received by the Tax Commission pursuant to the registration of motorcycles and mopeds in this state shall be placed to the credit of the Oklahoma Tax Commission Revolving Fund. Beginning January 1, 2023, the first One Hundred Thousand Dollars (\$100,000.00) of the monies collected or received by Service Oklahoma pursuant to the registration of motorcycles and mopeds in this state shall be placed to the credit of the Service Oklahoma Revolving Fund.

Added by Laws 1985, c. 179, § 7, operative July 1, 1985. Amended by Laws 1985, c. 197, § 1, operative July 1, 1985; Laws 1985, c. 351, §

13, emerg. eff. July 31, 1985; Laws 1986, c. 72, § 1, emerg. eff. April 2, 1986; Laws 1986, c. 152, § 1, operative July 1, 1986; Laws 1986, c. 223, § 27, operative July 1, 1986; Laws 1986, c. 295, § 1, eff. July 1, 1986; Laws 1987, c. 5, § 139, operative March 31, 1987; Laws 1989, c. 58, § 1, operative July 1, 1989; Laws 1989, c. 352, § 1, operative July 1, 1989; Laws 1989, 1st Ex. Sess., c. 1, § 6, eff. July 1, 1990; Laws 1989, 1st Ex. Sess., c. 2, § 94, emerg. eff. April 25, 1990; Laws 1990, c. 298, § 9; Laws 1991, c. 261, § 1, eff. Sept. 1, 1991; Laws 1995, c. 305, § 1, eff. July 1, 1995; Laws 1997, c. 294, § 1, eff. July 1, 1997; Laws 2000, c. 250, § 2, eff. Oct. 1, 2000, and adopted by State Question No. 691, Legislative Referendum No. 319, at election held Aug. 22, 2000; Laws 2003, c. 139, § 1, eff. July 1, 2003; Laws 2006, 2nd Ex. Sess., c. 45, § 1, eff. July 1, 2007; Laws 2012, c. 347, § 1, eff. July 1, 2012; Laws 2015, c. 350, § 1, eff. July 1, 2015; Laws 2017, c. 272, § 1; Laws 2018, 2nd Ex. Sess., c. 18, § 2, eff. July 1, 2019; Laws 2020, c. 153, § 2, eff. July 1, 2020; Laws 2021, c. 532, § 1, eff. July 1, 2021; Laws 2022, c. 363, § 1, eff. July 1, 2022; Laws 2023, 1st Ex. Sess., c. 47, § 10, eff. July 1, 2023; Laws 2024, c. 452, § 62, emerg. eff. June 14, 2024; Laws 2025, c. 171, § 7, eff. July 1, 2026.

NOTE: Section 4 of House Bill No. 1014, c. 18, of the 2nd Extraordinary Session of the 56th Oklahoma Legislature states that the provisions of this section shall be contingent upon the enactment of the provisions of House Bill No. 1010, c. 8, of the 2nd Extraordinary Session of the 56th Oklahoma Legislature. House Bill No. 1010 was signed by the Governor on March 29, 2018.

NOTE: Laws 1986, c. 284, § 2 repealed by Laws 1998, c. 5, § 29, emerg. eff. March 4, 1998. Laws 1989, c. 44, § 1 repealed by Laws 1989, c. 290, § 14, emerg. eff. May 24, 1989 and by Laws 1989, c. 346, § 76, eff. Jan. 1, 1990 and by Laws 1989, c. 352, § 10, operative July 1, 1989. Laws 1989, c. 290, § 9 repealed by Laws 1989, 1st Ex. Sess., c. 1, § 19, eff. July 1, 1990 and by Laws 1990, c. 337, § 26. Laws 1989, c. 346, § 71 repealed by Laws 1989, 1st Ex. Sess., c. 1, § 19, eff. July 1, 1990 and by Laws 1990, c. 337, § 26.

§47-1104v2. Apportionment of fees, taxes and penalties collected.

A. Unless otherwise provided by law, all fees, taxes, and penalties collected or received pursuant to the Oklahoma Vehicle License and Registration Act or Section 1-101 et seq. of this title shall be apportioned and distributed monthly by the Oklahoma Tax Commission in accordance with this section. Service Oklahoma shall provide to the Oklahoma Tax Commission monthly reports of motor vehicle collection information, including, but not limited to, motor vehicle monthly apportionment information, refunds, canceled vouchers, waste tire collections, organ donor program amounts, driver license records, prorated amounts, and sales tax amounts. The reports shall be delivered electronically pursuant to the current

calendar year apportionment disbursement schedule provided to Service Oklahoma by the Oklahoma Tax Commission on or before December 1st annually.

One percent (1%) of the monies referred to in this section shall be apportioned to the Licensed Operator Performance Fund created in Section 3-106 of this title, in accordance with the applicable metrics determined by Service Oklahoma.

B. 1. The following percentages of the monies referred to in subsection A of this section shall be apportioned to the various school districts in accordance with paragraph 2 of this subsection:

- a. from October 1, 2000, until June 30, 2001, thirty-five and forty-six one-hundredths percent (35.46%),
- b. for the year beginning July 1, 2001, and ending June 30, 2002, thirty-five and ninety-one one-hundredths percent (35.91%),
- c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, thirty-six and twenty one-hundredths percent (36.20%),
- d. for the year beginning July 1, 2015, through the year ending on June 30, 2019, thirty-six and twenty one-hundredths percent (36.20%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and
- e. for the year beginning July 1, 2019, and all subsequent years, thirty-six and twenty one-hundredths percent (36.20%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through e of paragraph 1 of this subsection shall be apportioned to the various school districts so that each district shall receive an amount based upon the proportion that each district's average daily attendance bears to the total average daily attendance of those districts entitled to receive funds pursuant to this section as certified by the State Department of Education.

Each district's allocation of funds shall be remitted to the county treasurer of the county wherein the administrative headquarters of the district are located.

No district shall be eligible for the funds herein provided unless the district makes an ad valorem tax levy of fifteen (15) mills and maintains nine (9) years of instruction and pursuant to the rules of the State Board of Education, is authorized to maintain ten (10) years of instruction.

C. The following percentages of the monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the General Revenue Fund of the State Treasury:

1. From October 1, 2000, until June 30, 2001, forty-five and ninety-seven one-hundredths percent (45.97%);

2. For the year beginning July 1, 2001, and ending June 30, 2002, forty-five and twenty-nine one-hundredths percent (45.29%);

3. For the year beginning July 1, 2002, and for the subsequent fiscal years ending June 30, 2007, forty-four and eighty-four one-hundredths percent (44.84%);

4. For the year beginning July 1, 2007, and ending June 30, 2008, thirty-nine and eighty-four one-hundredths percent (39.84%);

5. For the year beginning July 1, 2008, and ending June 30, 2009, thirty-four and eighty-four one-hundredths percent (34.84%);

6. For the period beginning July 1, 2009, and ending December 31, 2012, twenty-nine and eighty-four one-hundredths percent (29.84%);

7. For the period beginning January 1, 2013, and ending June 30, 2013, twenty-nine and thirty-four one-hundredths percent (29.34%);

8. For the year beginning July 1, 2013, and ending June 30, 2014, twenty-six and eighty-four one-hundredths percent (26.84%); and

9. For the year beginning July 1, 2014, through the year ending June 30, 2019, twenty-four and eighty-four one-hundredths percent (24.84%).

D. The following percentages of the monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the State Transportation Fund:

1. From October 1, 2000, until June 30, 2001, thirty one-hundredths percent (0.30%);

2. For the year beginning July 1, 2001, through the year ending on June 30, 2015, thirty-one one-hundredths percent (0.31%);

3. For the year beginning July 1, 2015, through the year ending on June 30, 2019, thirty-one one-hundredths percent (0.31%), but in no event shall the amount apportioned in any fiscal year pursuant to this paragraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund; and

4. For the year beginning July 1, 2019, and all subsequent years, thirty-one one-hundredths percent (0.31%), but in no event shall the amount apportioned in any fiscal year pursuant to this paragraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

E. 1. The following percentages of the monies referred to in subsection A of this section shall be apportioned to the various counties as set forth in paragraph 2 of this subsection:

- a. from October 1, 2000, until June 30, 2001, seven and nine one-hundredths percent (7.09%),
- b. for the year beginning July 1, 2001, and ending June 30, 2002, seven and eighteen one-hundredths percent (7.18%),
- c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, seven and twenty-four one-hundredths percent (7.24%),
- d. for the year beginning July 1, 2015, through the year ending on June 30, 2019, seven and twenty-four one-hundredths percent (7.24%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and
- e. for the year beginning July 1, 2019, and all subsequent years, seven and twenty-four one-hundredths percent (7.24%), but in no event shall the amount apportioned in fiscal years 2019 through 2024 pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015, and in no event shall the amount apportioned in fiscal year 2026 and subsequent fiscal years exceed the amount apportioned for the fiscal year ending on June 30, 2025. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through e of paragraph 1 of this subsection shall be apportioned as follows: forty percent (40%) of such sum shall be distributed to the various counties in that proportion which the county road mileage of each county bears to the entire state road mileage as certified by the Transportation Commission and the remaining sixty percent (60%) of

such sum shall be distributed to the various counties on the basis which the population and area of each county bears to the total population and area of the state. The population shall be as shown by the last Federal Decennial Census or the most recent annual estimate provided by the United States Bureau of the Census. The funds shall be used for the purpose of constructing and maintaining county highways; provided, however, the county treasurer may deposit so much of the funds in the sinking fund as may be necessary for the retirement of interest and annual accrual of indebtedness created by the issuance of county or township bonds for road purposes. Such deposits to the sinking fund shall not exceed forty percent (40%) of the funds allocated to a county pursuant to this paragraph.

F. 1. The following percentages of the monies referred to in subsection A of this section shall be remitted to the county treasurers of the respective counties and by them deposited in a separate special revenue fund to be used by the county commissioners in accordance with paragraph 2 of this subsection:

- a. from October 1, 2000, until June 30, 2001, two and fifty-three one-hundredths percent (2.53%),
- b. for the year beginning July 1, 2001, and ending June 30, 2002, two and fifty-six one-hundredths percent (2.56%),
- c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, two and fifty-nine one-hundredths percent (2.59%),
- d. for the year beginning July 1, 2015, through the year ending on June 30, 2019, two and fifty-nine one-hundredths percent (2.59%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and
- e. for the year beginning July 1, 2019, and all subsequent years, two and fifty-nine one-hundredths percent (2.59%), but in no event shall the amount apportioned in fiscal years 2019 through 2024 pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015, and in no event shall the amount apportioned in fiscal year 2026 and subsequent fiscal years exceed the amount apportioned for the fiscal year ending on June 30, 2025. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through e of paragraph 1 of this subsection shall be used for the primary purpose of matching federal funds for the construction of federal aid projects on county roads, or constructing and maintaining county or township highways and permanent bridges of such counties. The distribution of monies apportioned by this paragraph shall be made upon the basis of the current formula based upon road mileage, area and population as related to county road improvement and maintenance costs. Provided, however, the Department of Transportation may update the formula factors from time to time as necessary to account for changing conditions.

G. 1. The following percentages of the monies referred to in subsection A of this section shall be transmitted by the Tax Commission to the various counties as set forth in paragraph 2 of this subsection:

- a. from October 1, 2000, until June 30, 2001, three and fifty-five one-hundredths percent (3.55%),
- b. for the year beginning July 1, 2001, and ending June 30, 2002, three and fifty-nine one-hundredths percent (3.59%),
- c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, three and sixty-two one-hundredths percent (3.62%),
- d. for the year beginning July 1, 2015, through the year ending on June 30, 2019, three and sixty-two one-hundredths percent (3.62%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and
- e. for the year beginning July 1, 2019, and all subsequent years, three and sixty-two one-hundredths percent (3.62%), but in no event shall the amount apportioned in fiscal years 2019 through 2024 pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015, and in no event shall the amount apportioned in fiscal year 2026 and subsequent fiscal years exceed the amount apportioned for the fiscal year ending on June 30, 2025. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through e of paragraph 1 of this subsection shall be transmitted to the

various counties on the basis of a formula to be developed by the Department of Transportation. Such formula shall be similar to that currently used for the distribution of County Bridge Program funds, but also taking into consideration the effect of terrain and traffic volume as related to county road improvement and maintenance costs. Provided, however, the Department of Transportation may update the formula factors from time to time as necessary to account for changing conditions. The funds shall be transmitted to the various county treasurers to be deposited in the county highway fund of their respective counties.

H. 1. The following percentages of the monies referred to in subsection A of this section shall be apportioned to the various counties as set forth in paragraph 2 of this subsection:

- a. from October 1, 2000, until June 30, 2001, eighty-one one-hundredths percent (0.81%),
- b. for the year beginning July 1, 2001, and ending June 30, 2002, eighty-two one-hundredths percent (0.82%),
- c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, eighty-three one-hundredths percent (0.83%),
- d. for the year beginning July 1, 2015, through the year ending on June 30, 2019, eighty-three one-hundredths percent (0.83%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and
- e. for the year beginning July 1, 2019, and all subsequent years, eighty-three one-hundredths percent (0.83%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through e of paragraph 1 of this subsection shall be apportioned to the various counties based upon the proportion that each county's population bears to the total state population.

Each county's allocation of funds shall be remitted to the various county treasurers to be deposited in the general fund of the county and used for the support of county government.

I. 1. The following percentages of the monies referred to in subsection A of this section shall be apportioned to the various

cities and incorporated towns as set forth in paragraph 2 of this subsection:

- a. from October 1, 2000, until June 30, 2001, three and four one-hundredths percent (3.04%),
- b. for the year beginning July 1, 2001, and ending June 30, 2002, three and eight one-hundredths percent (3.08%),
- c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, three and ten one-hundredths percent (3.10%),
- d. for the year beginning July 1, 2015, through the year ending on June 30, 2019, three and ten one-hundredths percent (3.10%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and
- e. for the year beginning July 1, 2019, and all subsequent years, three and ten one-hundredths percent (3.10%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through e of paragraph 1 of this subsection shall be apportioned to the various cities and incorporated towns based upon the proportion that each city or incorporated town's population bears to the total population of all cities and incorporated towns in the state. Such funds shall be remitted to the various county treasurers for allocation to the various cities and incorporated towns. All such funds shall be used for the construction, maintenance, repair, improvement and lighting of streets and alleys. Provided, however, the governing board of any city or town may, with the approval of the county excise board, transfer any surplus funds to the general revenue fund of such city or town whenever an emergency requires such a transfer.

J. The following percentages of the monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the Oklahoma Law Enforcement Retirement Fund:

1. From October 1, 2000, until June 30, 2001, one and twenty-two one-hundredths percent (1.22%);

2. For the year beginning July 1, 2001, and ending June 30, 2002, one and twenty-three one-hundredths percent (1.23%); and

3. For the year beginning July 1, 2002, and all subsequent years, one and twenty-four one-hundredths percent (1.24%).

K. Three one-hundredths of one percent (3/100 of 1%) of the monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the Wildlife Conservation Fund. Seventy-five percent (75%) of the funds shall be used for fish habitat restoration and twenty-five percent (25%) of the funds shall be used in the fish hatchery system for fish production.

L. 1. For the year beginning July 1, 2007, and ending June 30, 2008, five percent (5%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes.

2. For the year beginning July 1, 2008, and ending June 30, 2009, ten percent (10%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes.

3. For the period beginning July 1, 2009, and ending December 31, 2012, fifteen percent (15%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes.

4. For the period beginning January 1, 2013, and ending June 30, 2013, fifteen and fifty one-hundredths percent (15.50%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes.

5. For the year beginning July 1, 2013, and ending June 30, 2014, eighteen percent (18%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes.

6. For the year beginning July 1, 2014, twenty percent (20%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes.

7. For the year beginning July 1, 2015, through the year ending on June 30, 2019, twenty percent (20%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes, but in no event shall the total amount apportioned in any

fiscal year pursuant to this paragraph exceed One Hundred Twenty Million Dollars (\$120,000,000.00). Any amounts in excess of One Hundred Twenty Million Dollars (\$120,000,000.00) shall be placed to the credit of the General Revenue Fund.

8. a. Except as provided in subparagraph b of this paragraph, for the year beginning July 1, 2019, and all subsequent years, twenty percent (20%) of monies referred to in subsection A of this section shall be remitted to the State Treasurer to be credited to the County Improvements for Roads and Bridges Fund as created in Section 507 of Title 69 of the Oklahoma Statutes, but in no event shall the total amount apportioned in any fiscal year pursuant to this paragraph exceed the fiscal year limitations provided in subparagraph c of this paragraph. Any amounts in excess of the fiscal year limitations provided in subparagraph c of this paragraph shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes,

b. (1) for the fiscal year beginning July 1, 2021, through the fiscal year ending June 30, 2026, the Oklahoma Tax Commission shall remit twenty-five percent (25%) of the monthly allocation, otherwise scheduled to be credited to the County Improvements for Roads and Bridges Fund, to the various counties of the state. The Commission shall distribute such funds monthly to each county treasurer as follows:

- (a) one-third (1/3) of such funds shall be distributed to the various counties in the proportion which the area of each county bears to the total area of the state,
- (b) one-third (1/3) of such funds shall be distributed to the various counties in the proportion which the certified county road miles of each county bear to the total sum of county road miles in the state, and
- (c) one-third (1/3) of such funds shall be distributed to the various counties in the proportion which the total replacement cost for obsolete or deficient bridges according to the most recent Department of Transportation yearly Bridge Summary Report for County Bridges for each county bears to the total amount of such cost for all such county bridges in the state, and

- (2) for the fiscal year beginning July 1, 2026, and all subsequent fiscal years thereafter, the Oklahoma Tax Commission shall remit twenty-five percent (25%) of the monthly allocation, otherwise scheduled to be credited to the County Improvements for Roads and Bridges Fund, to the various counties of the state. The Commission shall distribute such funds monthly to each county treasurer as follows:
- (a) one-third (1/3) of such funds shall be distributed to the various counties in the proportion which the area of each county bears to the total area of the state,
 - (b) one-third (1/3) of such funds shall be distributed to the various counties in the proportion which the certified county road miles of each county bear to the total sum of county road miles in the state, and
 - (c) one-third (1/3) of such funds shall be distributed to the various counties in the proportion which the number of county bridges in each county according to the Department of Transportation 2020 Bridge Summary Report for County Bridges bears to the total sum of county bridges in the state according to such report.

Each county treasurer shall deposit such funds to the county's county highway fund and such funds shall be used for maintenance and operations. In no event shall the total amount apportioned in any fiscal year pursuant to the provisions of subparagraphs a and b of this paragraph exceed the fiscal year limitations provided in subparagraph c of this paragraph, and

c. the total amount apportioned each fiscal year pursuant to this paragraph shall be limited as follows:

- (1) for fiscal years 2020 through 2022 \$120,000,000.00,
- (2) for fiscal year 2023 \$125,000,000.00,
- (3) for fiscal year 2024 \$130,000,000.00,
- (4) for fiscal year 2025 \$135,000,000.00,
- (5) for fiscal year 2026 \$140,000,000.00,
- (6) for fiscal year 2027 \$145,000,000.00,
- (7) for fiscal year 2028 and all subsequent fiscal years thereafter \$150,000,000.00.

M. Twenty-four and eighty-four one-hundredths percent (24.84%) of the monies referred to in subsection A of this section shall be

remitted to the State Treasurer to be credited to the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

N. Monies allocated to counties by this section may be estimated by the county excise board in the budget for the county as anticipated revenue to the extent of ninety percent (90%) of the previous year's income from such source; provided, not more than fifteen percent (15%) can be encumbered during any month.

O. Notwithstanding any other provisions of this section, for the fiscal year beginning July 1, 2003, the first One Hundred Thousand Dollars (\$100,000.00) of the monies collected or received by the Tax Commission pursuant to the registration of motorcycles and mopeds in this state shall be placed to the credit of the Oklahoma Tax Commission Revolving Fund.

Added by Laws 1985, c. 179, § 7, operative July 1, 1985. Amended by Laws 1985, c. 197, § 1, operative July 1, 1985; Laws 1985, c. 351, § 13, emerg. eff. July 31, 1985; Laws 1986, c. 72, § 1, emerg. eff. April 2, 1986; Laws 1986, c. 152, § 1, operative July 1, 1986; Laws 1986, c. 223, § 27, operative July 1, 1986; Laws 1986, c. 295, § 1, eff. July 1, 1986; Laws 1987, c. 5, § 139, operative March 31, 1987; Laws 1989, c. 58, § 1, operative July 1, 1989; Laws 1989, c. 352, § 1, operative July 1, 1989; Laws 1989, 1st Ex. Sess., c. 1, § 6, eff. July 1, 1990; Laws 1989, 1st Ex. Sess., c. 2, § 94, emerg. eff. April 25, 1990; Laws 1990, c. 298, § 9; Laws 1991, c. 261, § 1, eff. Sept. 1, 1991; Laws 1995, c. 305, § 1, eff. July 1, 1995; Laws 1997, c. 294, § 1, eff. July 1, 1997; Laws 2000, c. 250, § 2, eff. Oct. 1, 2000, and adopted by State Question No. 691, Legislative Referendum No. 319, at election held Aug. 22, 2000; Laws 2003, c. 139, § 1, eff. July 1, 2003; Laws 2006, 2nd Ex. Sess., c. 45, § 1, eff. July 1, 2007; Laws 2012, c. 347, § 1, eff. July 1, 2012; Laws 2015, c. 350, § 1, eff. July 1, 2015; Laws 2017, c. 272, § 1; Laws 2018, 2nd Ex. Sess., c. 18, § 2, eff. July 1, 2019; Laws 2020, c. 153, § 2, eff. July 1, 2020; Laws 2021, c. 532, § 1, eff. July 1, 2021; Laws 2022, c. 363, § 1, eff. July 1, 2022; Laws 2023, 1st Ex. Sess., c. 47, § 10, eff. July 1, 2023; Laws 2024, c. 442, § 1, eff. July 1, 2024; Laws 2025, c. 330, § 18, eff. July 1, 2025.

NOTE: Section 4 of House Bill No. 1014, c. 18, of the 2nd Extraordinary Session of the 56th Oklahoma Legislature states that the provisions of this section shall be contingent upon the enactment of the provisions of House Bill No. 1010, c. 8, of the 2nd Extraordinary Session of the 56th Oklahoma Legislature. House Bill No. 1010 was signed by the Governor on March 29, 2018.

NOTE: Laws 1986, c. 284, § 2 repealed by Laws 1998, c. 5, § 29, emerg. eff. March 4, 1998. Laws 1989, c. 44, § 1 repealed by Laws 1989, c. 290, § 14, emerg. eff. May 24, 1989 and by Laws 1989, c. 346, § 76, eff. Jan. 1, 1990 and by Laws 1989, c. 352, § 10, operative July 1, 1989. Laws 1989, c. 290, § 9 repealed by Laws

1989, 1st Ex. Sess., c. 1, § 19, eff. July 1, 1990 and by Laws 1990, c. 337, § 26. Laws 1989, c. 346, § 71 repealed by Laws 1989, 1st Ex. Sess., c. 1, § 19, eff. July 1, 1990 and by Laws 1990, c. 337, § 26.

§47-1105. Definitions - Certificate of title - Application - Evidence of ownership and compliance with federal law - Liens and encumbrances - Fees - Notice of nonuse or theft.

A. As used in the Oklahoma Vehicle License and Registration Act:

1. "Salvage vehicle" means any vehicle which is within the last ten (10) model years and which has been damaged by collision or other occurrence to the extent that the cost of repairing the vehicle for safe operation on the highway exceeds sixty percent (60%) of its fair market value, as defined by Section 1111 of this title, immediately prior to the damage. For purposes of this section, actual repair costs shall only include labor and parts for actual damage to the suspension, motor, transmission, frame or unibody and designated structural components;

2. "Rebuilt vehicle" means any salvage vehicle which has been rebuilt and inspected for the purpose of registration and title;

3. "Flood-damaged vehicle" means a salvage or rebuilt vehicle which was damaged by flooding or a vehicle which was submerged at a level to or above the dashboard of the vehicle and on which an amount of loss was paid by the insurer;

4. "Unrecovered-theft vehicle" means a vehicle which has been stolen and not yet recovered;

5. "Recovered-theft vehicle" means a vehicle, including a salvage or rebuilt vehicle, which was recovered from a theft; and

6. "Junked vehicle" means any vehicle which is incapable of operation or use on the highway, has no resale value except as a source of parts or scrap and has an eighty percent (80%) loss in fair market value.

B. The owner of every vehicle in this state shall possess a certificate of title as proof of ownership of such vehicle, except those vehicles registered pursuant to Section 1120 of this title and trailers registered pursuant to Section 1133 of this title, previously titled by anyone in another state and engaged in interstate commerce, and except as provided in subsection M of this section. Except for owners that possess an agricultural exemption permit pursuant to Section 1358.1 of Title 68 of the Oklahoma Statutes, the owner of an all-terrain vehicle or a motorcycle used exclusively off roads or highways in this state which is purchased or the ownership of which is transferred on or after July 1, 2005, and the owner of a utility vehicle used exclusively off roads and highways in this state which is purchased or the ownership of which is transferred on or after July 1, 2008, shall possess a certificate

of title as proof of ownership. Any person possessing an agricultural exemption permit and owning an all-terrain vehicle or a motorcycle used exclusively off roads or highways in this state which is purchased or the ownership of which is transferred on or after July 1, 2008, shall possess a certificate of title as proof of ownership. Upon receipt of proper application information by such owner, Service Oklahoma shall issue an original or transfer certificate of title. Until July 1, 2008, any security interest in an all-terrain vehicle that attached and was perfected before July 1, 2005, and that has not otherwise terminated shall remain perfected, and shall take priority over any subsequently perfected security interest in the same all-terrain vehicle, notwithstanding that a certificate of title may have been issued with respect to the same all-terrain vehicle on or after July 1, 2005, and that a lien may have been recorded on said certificate of title. There shall be eight types of certificates of title:

1. Original title for any motor vehicle which is not a remanufactured, salvage, unrecovered-theft, rebuilt, rebodied or junked vehicle;
2. Salvage title for any motor vehicle which is a salvage vehicle or is specified as a salvage vehicle or the equivalent thereof on a certificate of title from another state;
3. Rebuilt title for any motor vehicle which is a rebuilt vehicle;
4. Junked title for any motor vehicle which is a junked vehicle or is specified as a junked vehicle or the equivalent thereof on a certificate of title from another state;
5. Classic title for any motor vehicle, except a junked vehicle, which is twenty-five (25) model years or older;
6. Remanufactured title for any vehicle which is a remanufactured vehicle;
7. Unrecovered-theft title for any motor vehicle which has been stolen and not recovered; and
8. Rebodied title for any motor vehicle which is a rebodied vehicle.

Application for a certificate of title, whether the initial certificate of title or a duplicate, may be made to Service Oklahoma or any licensed operator. When application is made with a licensed operator, the application information shall be transmitted either electronically or by mail to Service Oklahoma by the licensed operator. If the application information is transmitted electronically, the licensed operator shall forward the required application along with evidence of ownership, where required, by mail. Where the transmission of application information cannot be performed electronically, Service Oklahoma is authorized to provide postage paid envelopes to licensed operators for the purpose of mailing the application along with evidence of ownership, where

required. Service Oklahoma shall upon receipt of proper application information issue an Oklahoma certificate of title. The certificates may be mailed to the applicant. Upon issuance of a certificate of title, Service Oklahoma shall provide the appropriate licensed operator with confirmation of such issuance.

C. 1. The application for certificate of title shall be upon a blank form furnished by Service Oklahoma, containing:

- a. a full description of the vehicle,
- b. the manufacturer's serial or other identification number,
- c. the motor number and the date on which first sold by the manufacturer or dealer to the owner,
- d. any distinguishing marks,
- e. a statement of the applicant's source of title,
- f. any security interest upon the vehicle, and
- g. such other information as Service Oklahoma may require.

2. The application for a certificate of title for a vehicle which is within the last seven (7) model years shall require a declaration as to whether the vehicle has been damaged by collision or other occurrence and whether the vehicle has been recovered from theft and the extent of the damage to the vehicle. The declaration shall be made by the owner of a vehicle if:

- a. the vehicle has been damaged or stolen,
- b. the owner did or did not receive any payment for the loss from an insurer, or
- c. the vehicle is titled or registered in a state that does not classify the vehicle or brand the title because of damage to or loss of the vehicle similar to the classifications or brands utilized by this state.

The declaration shall be based upon the best information and knowledge of the owner and shall be in addition to the requirements specified in paragraph 1 of this subsection. Service Oklahoma shall not issue a certificate of title for a vehicle which is subject to the provisions of this paragraph without the required declaration, completed and signed by the owner of the vehicle. Upon receipt of an application without the properly completed declaration, Service Oklahoma shall return the application to the applicant with notice that the title may not be issued without the required declaration. Nothing in this paragraph shall prohibit Service Oklahoma from recognizing the type of or brand on a title or other ownership document issued by another state or the inspection conducted in another state and issuing the appropriate certificate of title for the vehicle.

3. The certificate of title shall have the following security features:

- a. intaglio printing or security thread, with or without watermark,
- b. latent images,
- c. fluorescent inks,
- d. micro print,
- e. void background, and
- f. color coding.

4. Each title issued pursuant to the provisions of the Oklahoma Vehicle License and Registration Act shall be color coded as determined by Service Oklahoma.

5. The certificate of title shall be of such size and design and color as Service Oklahoma may direct pursuant to the provisions of this section. The title shall be on colored paper or other material as designated by Service Oklahoma and be of such intensity or hue as will allow easy identification as to whether the title is an original title, a salvage title, a rebuilt title, remanufactured title, rebodied title or a junked title. The type of title shall be identified on the front of the certificate of title. The original title, rebuilt title, remanufactured title, an unrecovered-theft title, rebodied title or classic title shall be identified by the word "Original", "Rebuilt", "Remanufactured", "Unrecovered Theft", "Rebodied" or "Classic" printed in the upper right quadrant of the certificate of title, in the space which is currently captioned "type of title". A rebodied title shall also identify on the front of the title the year, make and model of the originally manufactured vehicle which has been rebodied and display a notation that reads as follows: "This vehicle has been assembled with new major components licensed by the original manufacturer."

D. 1. To obtain an original certificate of title for a vehicle that is being registered for the first time in this state which has not been previously registered in any other state, the applicant shall be required to deliver, as evidence of ownership, a manufacturer's certificate of origin properly assigned by the manufacturer, distributor, or dealer licensed in this or any other state shown thereon to be the last transferee to the applicant upon a form to be prescribed and approved by Service Oklahoma. A manufacturer's certificate of origin shall contain:

- a. the manufacturer's serial or other identification number,
- b. date on which first sold by the manufacturer to the dealer,
- c. any distinguishing marks including model and the year same was made,
- d. a statement of any security interests upon the vehicle, and
- e. such other information as Service Oklahoma may require.

2. The manufacturer's certificate of origin shall have the following security features:

- a. intaglio printing or security thread, with or without watermark,
- b. latent images,
- c. fluorescent inks,
- d. micro print, and
- e. void background.

E. In the absence of a dealer's or manufacturer's number, Service Oklahoma may assign such identifying number to the vehicle, which shall be permanently stamped, burned or pressed or attached into the vehicle, and a certificate of title shall be delivered to the applicant upon payment of all fees and taxes, and the remaining copies shall be permanently filed and indexed by Service Oklahoma. Service Oklahoma shall assign an identifying number to any rebuilt vehicle if the vehicle identification number displayed on the rebuilt vehicle does not accurately describe the vehicle as rebuilt. The licensed operator, at the time of inspection of the rebuilt vehicle pursuant to Section 1111 of this title, shall identify the make, model, and year for the body to accurately describe the rebuilt vehicle. At the time of the inspection, an appropriate identifying number shall be permanently stamped, burned, pressed, or attached on the rebuilt vehicle. The assigned identifying number shall be recorded on the certificate of title for the rebuilt vehicle. The dealer's or manufacturer's vehicle identification number on the rebuilt vehicle shall be preserved in the computer files of Service Oklahoma for at least five (5) years.

F. When registering for the first time in this state a vehicle which was not originally manufactured for sale in the United States, to obtain a certificate of title, Service Oklahoma shall require the applicant to deliver:

1. As evidence of ownership, if the vehicle has not previously been titled in the United States, the documents constituting valid proof of ownership in the country in which the vehicle was originally purchased, together with a notarized translation of any such documents; and

2. As evidence of compliance with federal law, copies of the bond release letters for the vehicle issued by the United States Environmental Protection Agency and the United States Department of Transportation, together with a receipt issued by the Internal Revenue Service indicating that the applicable federal gas guzzler tax has been paid.

Service Oklahoma shall not issue a certificate of title for a vehicle which is subject to the provisions of this paragraph without the required documentation from agencies of the United States and evidence of ownership. Upon receipt of an application without the required documentation, Service Oklahoma shall return the

application to the applicant with notice that the certificate of title may not be issued without the required documentation. Nothing in this paragraph shall prohibit Service Oklahoma from issuing certificates of title for antique or classic vehicles not driven upon the public streets, roads, or highways, for mini-trucks registered pursuant to Section 1151.3 of this title, or for medium-speed electric vehicles.

G. When registering in this state a vehicle which was titled in another state and which title contains the name of a secured party on the face of the other state certificate of title, or such state certificate is being held by the secured party in that state or any other state, Service Oklahoma or the licensed operator shall complete a lien entry form as prescribed by Service Oklahoma. The owner of such vehicle shall file an affidavit with Service Oklahoma or the licensed operator stating that title to the vehicle is being held by a secured party, has not been issued pursuant to the laws of the state where titled, and that there is an existing lien or encumbrance on the vehicle. The current name and address of the secured party or lienholder shall also be stated in the affidavit. The form of the affidavit shall be prescribed by Service Oklahoma and contain any other information deemed necessary by Service Oklahoma. A statement of the lien or encumbrance shall be included on the Oklahoma certificate of title and the lien or encumbrance shall be deemed continuously perfected as though it had been perfected pursuant to Section 1110 of this title. For completing the lien entry form and recording the security interest on the certificate of title, Service Oklahoma or the licensed operator shall collect a fee of Three Dollars (\$3.00) which shall be in addition to other fees provided by the Oklahoma Vehicle License and Registration Act. The fee, if collected by the licensed operator pursuant to this subsection, shall be retained by the licensed operator.

H. The charge for each certificate of title issued, except for junked titles as defined in paragraph 4 of subsection B of this section, shall be Eleven Dollars (\$11.00), which charge shall be in addition to any other fees or taxes imposed by law for such vehicle. One Dollar (\$1.00) of each such charge shall be deposited in the Oklahoma Tax Commission Reimbursement Fund through December 31, 2022, and beginning January 1, 2023, it shall be deposited in the Service Oklahoma Reimbursement Fund. However, the charge shall not apply to any vehicle which is to be registered in this state pursuant to the provisions of Section 1120 or 1133 of this title and which was registered in another state at least sixty (60) days prior to the time it is required to be registered in this state. When an insurer requests a salvage or junk title in the name of the insurer resulting from the settlement of a total loss claim and upon presentation of appropriate proof of loss documentation as required

by Service Oklahoma, such transfer may be processed as one title transaction, without first requiring issuance of a replacement certificate of title in the name of the vehicle owner. The fee shall be Twenty-two Dollars (\$22.00). Two Dollars (\$2.00) of this fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund.

I. The vehicle identification number of a junked vehicle shall be preserved in the computer files of Service Oklahoma for a period of not less than five (5) years. The charge of junked titles as defined in paragraph 4 of subsection B of this section shall be Four Dollars (\$4.00). The fee remitted to the Tax Commission shall be deposited in the Oklahoma Tax Commission Reimbursement Fund through December 31, 2022, and beginning January 1, 2023, this fee shall be deposited in the Service Oklahoma Reimbursement Fund.

J. If a vehicle is sold to a resident of another state destroyed, dismantled, or ceases to be used as a vehicle, the owner shall immediately notify Service Oklahoma. Absent evidence to the contrary, failure to notify Service Oklahoma shall be prima facie evidence that the vehicle has been in continuous operation in this state.

K. If a vehicle is stolen, the owner shall immediately notify the appropriate law enforcement agency. Immediately after receiving such notification, the law enforcement agency shall notify Service Oklahoma.

L. Except for all-terrain vehicles, utility vehicles and motorcycles used exclusively for off-road use, no title for an out-of-state vehicle, except any commercial truck or truck-tractor registered pursuant to Section 1120 of this title which is engaged in interstate commerce or any trailer or semitrailer registered pursuant to Section 1133 of this title which is engaged in interstate commerce, shall be issued without an inspection of such vehicle and payment of a fee of Four Dollars (\$4.00) for such inspection; provided, Service Oklahoma may enter into reciprocal agreements with other states for such inspections to be performed at locations outside the boundaries of this state for vehicles which:

1. Are offered for sale at auction;
2. Have been solely used as vehicles for rent under the ownership of a licensed motor vehicle dealer or a person engaged in the business of renting motor vehicles; or
3. Have not been registered in this or any other state for more than one (1) year.

The inspection shall include a comparison of the vehicle identification number on the vehicle with the number recorded on the ownership records and the recording of the actual odometer reading on the vehicle. An establishment engaged in vehicle rentals or leasing as defined or classified in the NAICS Manual under Industry No. 532111 or 532112, shall be exempt from the inspection required

pursuant to this subsection; provided, the establishment shall be required to submit payment of any fees required pursuant to this subsection when the title is issued. The four-dollar fee shall be collected by the licensed operator or Service Oklahoma when the title is issued. The licensed operator shall retain Two Dollars (\$2.00). The remaining Two Dollars (\$2.00) shall be deposited in the Service Oklahoma Reimbursement Fund.

Service Oklahoma may allow the inspection to be performed at a location out-of-state by another state's department of motor vehicles or state police.

M. No title for any out-of-state vehicle offered for sale at salvage pools, salvage disposal sales, or an auction, or by a dealer or a licensed automotive dismantler and parts recycler, shall be issued without an inspection to compare the vehicle identification number on the vehicle with the number recorded on the ownership record and to record the actual odometer reading on the vehicle. Upon request of the seller, person or entity conducting an auction, dealer or licensed dismantler, the inspection shall be conducted at the location or place of business of the sale, auction, dealer, or the dismantler. The inspection shall be conducted by any licensed operator or a duly authorized employee thereof; provided, if the vehicle identification number on the vehicle offered for sale at salvage pools, salvage disposal sales or a classic or antique auction does not match the number recorded on the ownership record, the inspection may be conducted at the location of or place of business of such sale or auction by any state, county or city law enforcement officer. Service Oklahoma may enter into reciprocal agreements with other states for such inspections to be performed at locations outside the boundaries of this state for vehicles which:

1. Are offered for sale at auction;
2. Have been solely used as vehicles for rent under the ownership of a licensed motor vehicle dealer or a person engaged in the business of renting motor vehicles; or
3. Have not been registered in this or any other state for more than one (1) year.

The inspection shall be certified upon forms prescribed by Service Oklahoma. The name and other identification of the authorized person conducting the inspection shall be legibly printed or typed on the form. Prior to any inspection by any employee of a licensed operator, the licensed operator shall notify Service Oklahoma of the name and any other identification information requested by Service Oklahoma of the authorized person. A signature specimen of the authorized person shall be submitted to Service Oklahoma by the employing licensed operator. If the authorization to inspect vehicles is withdrawn or the employer-employee relationship is terminated, the licensed operator, immediately, shall notify Service Oklahoma and return any remaining inspection forms to Service

Oklahoma. The fee for the inspection shall be Four Dollars (\$4.00). The licensed operator shall retain Three Dollars (\$3.00) of the fee. Fees received by a licensed operator or an authorized employee thereof shall be handled and accounted for in the manner as prescribed by law for any other fees paid to or received by a licensed operator. Out-of-state vehicles brought into this state by a person licensed in another state to sell new or used vehicles to be sold within this state at a motor vehicle auction which is limited to dealer-to-dealer transactions shall not be required to be inspected, unless the vehicle is purchased by an Oklahoma dealer. Any person licensed in another state to sell new or used motor vehicles, who offers a motor vehicle for sale within this state at a motor vehicle auction which is limited to dealer-to-dealer transactions, shall not be within the definition of "owner" in Section 1102 of this title, for purposes of Section 1101 et seq. of this title.

N. A licensed motor vehicle dealer, upon payment of a fee of Fifteen Dollars (\$15.00), may reassign an out-of-state certificate of title to a used motor vehicle provided such dealer obtains the appropriate inspection form required by either subsection L or M of this section and attaches the form to the out-of-state certificate of title. Licensed operators shall be allowed to retain Two Dollars and twenty-five cents (\$2.25) of the fee plus an additional Two Dollars (\$2.00) or Three Dollars (\$3.00) as provided in subsections L and M of this section for performance of the inspection. Two Dollars (\$2.00) of the fee shall be deposited in the Service Oklahoma Reimbursement Fund. An out-of-state vehicle which has been rebuilt shall be inspected pursuant to the provisions of Section 1111 of this title. Service Oklahoma shall train licensed operators in interpreting vehicle identification numbers to assure that it accurately describes the vehicle and to detect rollback or alteration of the odometer. Failure of a licensed operator to inspect the vehicle and make the required notations shall be a misdemeanor punishable by a fine of not more than One Thousand Dollars (\$1,000.00) for the first offense and Five Thousand Dollars (\$5,000.00) for the second offense or subsequent offense, or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

O. The ownership of any unrecovered vehicle which has been declared a total loss by an insurer because of theft shall be transferred to the insurer by an unrecovered-theft vehicle title; provided, the ownership of any such vehicle which has been declared a total loss by an insurer licensed by the Insurance Department of the State of Oklahoma and maintaining a multi-state motor vehicle salvage processing center in this state shall be transferred to the insurer by a salvage or an unrecovered-theft title without the requirement of a visual inspection of the vehicle identification

number by the insurer. Upon recovery of the vehicle, the ownership shall be transferred by an original title, salvage title, or junked title, as may be appropriate based upon an estimate of the amount of loss submitted by the insurer.

P. When an insurance company makes a total loss settlement on a total loss vehicle and the insurance company or a salvage pool authorized by the insurance company is unable to obtain the properly endorsed certificate of ownership or other evidence of ownership acceptable to Service Oklahoma within thirty (30) days following acceptance by the owner of an offer of an amount in settlement of a total loss, that insurance company or salvage pool, on a form provided by Service Oklahoma and signed under penalty of perjury, may request Service Oklahoma to issue the applicable salvage title for the vehicle. The request shall include information declaring that the requester has made at least two written attempts to obtain the certificate of ownership or other acceptable evidence of title.

Q. The owner of any vehicle which is incapable of operation or use on the public roads and has no resale value, except as parts, scrap, or junk, may deliver the certificate of title to the vehicle to Service Oklahoma for cancellation. Upon verification that any perfected lien against the vehicle has been released, the certificate of title shall be canceled without any fee, charge, or cost required from the owner. The vehicle identification numbers on the certificates of title shall be preserved in the computer files of Service Oklahoma for at least five (5) years from the date of cancellation of the certificate of title. Service Oklahoma shall prescribe and provide an affidavit form to be completed by the owner of any vehicle for which the certificate of title is canceled. No title or registration shall subsequently be issued for a vehicle for which the certificate of title has been surrendered pursuant to this subsection. Service Oklahoma shall prescribe a form for the transfer of ownership of a vehicle for which the certificate of title has been canceled.

R. The owner of a vehicle which is not within the last ten (10) model years, not roadworthy and not capable of repair for operation or use on the roads and highways, or a vehicle which is being sold to a scrap metal dealer pursuant to Section 11-92 of Title 2 of the Oklahoma Statutes, shall transfer the vehicle only upon a certificate of ownership prescribed by Service Oklahoma, if the certificate of title to the vehicle is lost, has been canceled, or otherwise not available. The prescribed ownership form shall include the names and addresses of the buyer and seller, the driver license number or Social Security number of the seller, the make and model of the vehicle, and the public vehicle identification number. If there is no public vehicle identification number, the vehicle shall be inspected by a law enforcement officer to verify the absence of the number on the vehicle and the prescribed ownership

form shall include a signed statement, by such officer, verifying the absence of the number.

The certificate of ownership shall be completed in triplicate. The buyer and seller shall each retain a copy. Within thirty (30) days of the transaction, the seller shall submit one copy to Service Oklahoma or a licensed operator accompanied with a fee of Four Dollars (\$4.00). One Dollar (\$1.00) shall be retained by the licensed operator and Three Dollars (\$3.00) shall be deposited in the Oklahoma Tax Commission Reimbursement Fund in the State Treasury through December 31, 2022, and beginning January 1, 2023, this fee shall be deposited in the Service Oklahoma Reimbursement Fund.

Upon receipt of the certificate, Service Oklahoma shall verify that any perfected lien upon the vehicle has been released. If the lien is not released, Service Oklahoma shall mail notice of the transfer to the lienholder at the lienholder's last-known address. If a certificate of title has been issued, it shall be canceled and the vehicle identification number shall be preserved in the computer of Service Oklahoma for at least five (5) years. The buyer of the vehicle may not be sued and shall not be liable for monetary damages to the lienholder, however, the vehicle shall be subject to a valid repossession by a lienholder.

S. Service Oklahoma shall notify the chief administrative officer of the agency or department responsible for issuing motor vehicle certificates of title in each state in the United States of the types of motor vehicle certificate of title effective in Oklahoma on and after January 1, 1989.

T. When registering for the first time in this state a remanufactured vehicle which has not been registered in any other state since its remanufacture, before issuing a certificate of title, Service Oklahoma shall require the applicant to deliver a statement of origin from the remanufacturer.

U. If a vehicle is sold to a foreign buyer pursuant to the provisions of the Automotive Dismantlers and Parts Recycler Act, the licensed seller shall stamp the title with: "EXPORT ONLY. NONTRANSFERABLE IN THE UNITED STATES." The licensed seller shall supply Service Oklahoma the title number, the vehicle identification number and the foreign buyer's bid identification number on a form prescribed by Service Oklahoma. Service Oklahoma shall cancel the title, and the vehicle identification number shall be preserved in the computer files of Service Oklahoma for a period of not less than five (5) years.

V. Service Oklahoma shall not be considered a necessary party to any lawsuit which is instigated for the purpose of determining ownership of a vehicle, wherein Service Oklahoma's only involvement would be to issue title, and the court shall issue an order dismissing Service Oklahoma from the pending action. In the event no other party or lienholder can be identified as to ownership or

claim, Service Oklahoma shall accept an affidavit of ownership from the party claiming ownership and issue proper title thereon.

Added by Laws 1985, c. 179, § 8, operative July 1, 1985. Amended by Laws 1986, c. 147, § 4, eff. Nov. 1, 1986; Laws 1988, c. 163, § 3, emerg. eff. May 16, 1988; Laws 1988, c. 201, § 7, eff. Jan. 1, 1989; Laws 1988, c. 240, § 2, eff. Jan. 1, 1989; Laws 1989, c. 58, § 2, operative July 1, 1989; Laws 1989, c. 290, § 10, emerg. eff. May 24, 1989; Laws 1989, c. 349, § 1, emerg. eff. June 3, 1989; Laws 1990, c. 181, § 1, eff. Sept. 1, 1990; Laws 1991, c. 74, § 3, eff. Sept. 1, 1991; Laws 1991, c. 153, § 2, eff. Sept. 1, 1991; Laws 1992, c. 375, § 2, eff. Sept. 1, 1992; Laws 1994, c. 301, § 1, eff. Sept. 1, 1994; Laws 1995, c. 101, § 1, eff. Nov. 1, 1995; Laws 1995, c. 208, § 2, eff. July 1, 1995; Laws 1998, c. 413, § 3, eff. Nov. 1, 1998; Laws 2000, c. 80, § 3, emerg. eff. April 14, 2000; Laws 2000, c. 250, § 3, eff. Oct. 1, 2000 and adopted by State Question No. 691, Legislative Referendum No. 319, at election held Aug. 22, 2000; Laws 2002, c. 454, § 1, eff. July 1, 2002; Laws 2003, c. 233, § 1, eff. Nov. 1, 2003; Laws 2003, c. 431, § 4, eff. Nov. 1, 2003; Laws 2004, c. 519, § 30, eff. Nov. 1, 2004; Laws 2005, c. 1, § 62, emerg. eff. March 15, 2005; Laws 2005, c. 284, § 2, eff. July 1, 2005; Laws 2006, c. 295, § 3, eff. July 1, 2006; Laws 2007, c. 202, § 1, eff. Nov. 1, 2007; Laws 2008, c. 60, § 1, eff. Nov. 1, 2008; Laws 2008, c. 98, § 6, eff. July 1, 2008; Laws 2008, c. 127, § 2, eff. Nov. 1, 2008; Laws 2008, c. 297, § 3, eff. Nov. 1, 2008; Laws 2011, c. 148, § 2, eff. Nov. 1, 2011; Laws 2012, c. 158, § 1, eff. July 1, 2012; Laws 2016, c. 133, § 2, eff. Nov. 1, 2016; Laws 2022, c. 282, § 110, emerg. eff. May 19, 2022; Laws 2024, c. 452, § 64, emerg. eff. June 14, 2024; Laws 2025, c. 148, § 1, eff. Nov. 1, 2025.

NOTE: Laws 1988, c. 179, § 3 repealed by Laws 1989, c. 290, § 14, emerg. eff. May 24, 1989. Laws 1991, c. 25, § 1 repealed by Laws 1991, c. 153, § 3, eff. Sept. 1, 1991. Laws 2004, c. 534, § 2 repealed by Laws 2005, c. 1, § 63, emerg. eff. March 15, 2005; Laws 2025, c. 148, § 1, eff. Nov. 1, 2025.

NOTE: Laws 2008, c. 297, § 5 repeals Laws 2008, c. 60, § 1; however, Laws 2008, c. 60, § 1 was previously superseded by Laws 2008, c. 98, § 6 then Laws 2008, c. 127, § 2 and then Laws 2008, c. 297, § 3.

§47-1105.1. Definitions.

In addition to the terms defined by the Oklahoma Vehicle License and Registration Act, for the purposes of Sections 1 and 2 of this act:

1. "Completed vehicle" means a multi-stage vehicle that does not require any additional manufacturing operations to perform its intended functions, except addition of readily attachable components or minor finishing operations;

2. "Final-stage manufacturer" means a person who performs manufacturing operations on an incomplete vehicle so that it becomes a completed vehicle;

3. "First-stage manufacturer" means a person who initially manufactures an incomplete vehicle;

4. "Incomplete vehicle" means an assemblage of power train, steering system, and braking system to the extent that those systems are to be a part of the completed vehicle and that requires additional manufacturing operations, except addition of readily attachable components or minor finishing operation, to become a completed vehicle;

5. "Minor finishing operations" includes painting, upholstering, or other cosmetic modifications;

6. "Multi-stage vehicle" means a vehicle that requires manufacturing operations, performed by separate manufacturers, to produce a completed vehicle;

7. "Multi-stage manufacturer" means a person who performs manufacturing operations on an incomplete vehicle;

8. "Readily attachable components" includes any mirror, extra light, or tire and rim assembly; and

9. "Vehicle identification number" or "VIN" means the number assigned to the vehicle by the first-stage manufacturer.

Added by Laws 1986, c. 147, § 1, eff. Nov. 1, 1986.

§47-1105.2. Vehicle identification numbers and certificate of origin for multi-stage vehicles - Transfer of ownership - Certificate of title.

A. The first-stage manufacturer of a vehicle shall assign a vehicle identification number (VIN) to each completed or incomplete vehicle it manufactures.

B. The VIN identifying the completed vehicle after multi-stage manufacture shall be the first-stage manufacturer's VIN, and shall be the only VIN which is recorded or data-entered in the files of Service Oklahoma.

C. Transfer of ownership of a completed vehicle shall be made on the final-stage manufacturer's certificate of origin prescribed by Service Oklahoma pursuant to Section 1101 et seq. of this title. All manufacturer's certificates of origin for a multi-stage vehicle shall accompany the application for title and the title document shall reflect the first-stage manufacturer's VIN and the final-stage manufacturer's make, name and model year.

D. Transfer of ownership of a multi-stage vehicle by first-stage manufacturer, multi-stage manufacturers, and final-stage manufacturers shall be made as provided in this subsection.

1. At the time that any first-stage manufacturer transfers to a multi-stage manufacturer an incomplete vehicle that is to be sold, or registered for the first time in this state, the first-stage

manufacturer shall give the multi-stage manufacturer a manufacturer's certificate of origin for the incomplete vehicle assigned to the multi-stage manufacturer by the first-stage manufacturer. Ownership of the incomplete vehicle shall be transferred to the multi-stage manufacturer on the manufacturer's certificate of origin issued by the first-stage manufacturer; and

2. At the time that any final-stage manufacturer transfers to a dealer, distributor, or other purchaser a completed vehicle that is to be sold, or registered for the first time in this state, the final-stage manufacturer shall give the dealer, distributor, or other purchaser all manufacturer's certificates of origin. Ownership of the completed vehicle shall be transferred from the final-stage manufacturer to its dealers or distributors or any other purchaser on the manufacturer's certificate of origin issued by the final-stage manufacturer. Subsequent transfers between a dealer and a retail purchaser shall occur on the manufacturer's certificate of origin issued by the final-stage manufacturer.

E. To obtain an original certificate of title for a multi-stage vehicle that is being registered for the first time in this state a vehicle that has not been previously registered in any other state, the applicant shall be required to deliver, as evidence of ownership, all manufacturer's certificates of origin and shall otherwise comply with the provisions of Section 1105 of Title 47 of the Oklahoma Statutes.

Added by Laws 1986, c. 147, § 2, eff. Nov. 1, 1986. Amended by Laws 2022, c. 282, § 111, emerg. eff. May 19, 2022.

§47-1105.3. Necessity of vehicle identification number - Obliteration, erasure, etc.

Every vehicle shall have and contain a vehicle identification number, which number shall not be obliterated, erased, mutilated, removed, or missing. This section shall not affect those persons authorized by law to have in their possession a motor vehicle on which the manufacturer's number or numbers have been obliterated, erased, mutilated, removed, or missing.

Added by Laws 1986, c. 147, § 3, eff. Nov. 1, 1986.

§47-1105.4. Repealed by Laws 2019, c. 172, § 2, eff. Nov. 1, 2019.

§47-1105.5. Background checks.

The Oklahoma Tax Commission and Service Oklahoma shall be authorized to require employees of the Commission and Service Oklahoma in positions that have access to sensitive law enforcement data to supply all information and documentation required in order to be subjected to a criminal history search by the Oklahoma State Bureau of Investigation, as well as be fingerprinted for submission of the fingerprints through the Oklahoma State Bureau of

Investigation to the Federal Bureau of Investigation for a national criminal history check. The Commission and Service Oklahoma shall be the recipients of the results of the record check.

No employee of the Commission or Service Oklahoma shall be eligible to enroll in the Oklahoma Law Enforcement Telecommunications System training course until the Oklahoma State Bureau of Investigation and the Federal Bureau of Investigation have reported to the Commission and Service Oklahoma that the person has no felony record and the Commission and Service Oklahoma have reported to the Department of Public Safety that the applicant does not have a felony record and is not participating in a deferred sentence or deferred prosecution agreement for a felony. In accordance with Section 150.9 of Title 74 of the Oklahoma Statutes, this includes a national criminal history record with a fingerprint analysis.

The Commission and Service Oklahoma shall request searches of the online and off-line files of the National Crime Information Center (NCIC), or any successor federal agency which supplies such information, to identify vehicles which have been reported stolen. Such searches will be requested only by Commission and Service Oklahoma employees who have satisfied the background check provisions of this section.

The Commission and Service Oklahoma are authorized to promulgate rules necessary to implement the provisions of this section. Added by Laws 2013, c. 333, § 1, eff. Nov. 1, 2013. Amended by Laws 2022, c. 282, § 112, emerg. eff. May 19, 2022.

§47-1105A. See the following versions:

OS 47-1105Av1 (SB 1108, Laws 2025, c. 171, § 41)

OS 47-1105Av2 (HB 1751, Laws 2025, c. 330, § 16)

§47-1106. Refusal or revocation of title.

A. 1. If Service Oklahoma determines at any time that an applicant for a certificate of title of a vehicle is not entitled thereto, it may refuse to issue such certificate or to register such vehicle.

2. a. If Service Oklahoma determines that a previously issued certificate of title or registration was issued in contradiction of any statutory requirement or that the applicant was not entitled to such certificate or registration, it may revoke such certificate of title or registration by sending a notice of revocation hearing. Said notice shall be mailed to the last known address reflected on the motor vehicle records of Service Oklahoma and must be mailed at least ten (10) days prior to the revocation hearing date with a certificate of mailing stating the date it was mailed

by Service Oklahoma. Such certificate of mailing shall be presumed to demonstrate compliance with the notice requirement in this section.

- b. Any person or entity to whom notice was sent pursuant to this section who fails to appear at such hearing may be found in default and subject to revocation of a certificate of title or registration without further notice or process.
- c. The hearing shall be subject to the hearing requirements in Article II of the Administrative Procedures Act, Section 308a et seq. of Title 75 of the Oklahoma Statutes.
- d. Service Oklahoma may promulgate administrative code rules describing the hearing process.

B. 1. Service Oklahoma may refuse registration and issuance of a certificate of title of a commercial motor vehicle, or any transfer of title and registration of a commercial motor vehicle, to a commercial motor carrier whose ability to operate has been terminated or denied by a federal agency.

2. Service Oklahoma may revoke the registration, certificate of title, and license plate of a commercial motor vehicle if the vehicle has been assigned to be operated by a commercial motor carrier whose ability to operate has been terminated or denied by a federal agency.

C. The Corporation Commission may revoke, suspend or deny registration of and/or issuance of license plates for a commercial motor vehicle licensed pursuant to the jurisdiction of the Corporation Commission and whose ability to operate has been terminated or denied by a state or federal agency.

Added by Laws 1985, c. 179, § 9, operative July 1, 1985. Amended by Laws 2004, c. 390, § 18, eff. July 1, 2004; Laws 2006, c. 238, § 7, emerg. eff. June 6, 2006; Laws 2016, c. 235, § 1, eff. July 1, 2016; Laws 2022, c. 282, § 114, emerg. eff. May 19, 2022; Laws 2025, c. 330, § 17, eff. July 1, 2025.

§47-1107. Sale or transfer of ownership of vehicle - Violations - Penalties.

A. In the event of the sale or transfer of the ownership of a vehicle for which a certificate of title has been issued as provided by Section 1105 of this title, the holder of such certificate shall endorse on the back of same a complete assignment thereof with warranty of title in form printed thereon with a statement of all liens or encumbrances on the vehicle, sworn to before a notary public or some other person authorized by law to take acknowledgments, and deliver same to the purchaser or transferee at the time of delivery to the purchaser or transferee of the vehicle; provided, a transfer of the ownership of a vehicle to an insurer

resulting from the settlement of a total loss claim shall not require a notarized signature on the certificate of title. In the event that any other documents used for a transfer of the ownership of a vehicle to an insurer resulting from the settlement of a total loss claim require a notarized signature, the documents shall be permitted to be signed electronically pursuant to Section 15-109 of Title 12A of the Oklahoma Statutes. These supporting documents shall include but are not limited to vehicle powers of attorney forms and an odometer statement. The purchaser or transferee, unless such person is a bona fide used motor vehicle dealer licensed by this state, a retail implement dealer in connection with the purchase or transfer of off-road vehicles or a charitable organization shall, within thirty (30) days from the time of delivery to the purchaser or transferee of the vehicle, present the assigned certificate of title and the insurance security verification to the vehicle to Service Oklahoma, or one of its licensed operators, accompanied by a fee of Eleven Dollars (\$11.00), together with any motor vehicle excise tax or license fee that may be due, whereupon a new certificate of title, shall be issued to the assignee. One Dollar (\$1.00) of each fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund through December 31, 2022, and beginning January 1, 2023, this fee shall be deposited in the Service Oklahoma Reimbursement Fund. Any charitable organization utilizing the exemption authorized by this subsection shall receive training as prescribed by the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission.

B. A licensed dealer, a retail implement dealer in connection with the sale or disposal of off-road vehicles or a charitable organization shall, on selling or otherwise disposing of a vehicle, execute and deliver to the purchaser thereof the certificate of title properly and completely reassigned. Thereupon, the purchaser of the vehicle shall present the reassigned certificate to Service Oklahoma, or a licensed operator, accompanied by a fee of Eleven Dollars (\$11.00), and any motor vehicle excise tax or license fee that may be due, whereupon a new certificate of title will be issued to the purchaser. One Dollar (\$1.00) of each fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund through December 31, 2022, and beginning January 1, 2023, this fee shall be deposited in the Service Oklahoma Reimbursement Fund. The certificate, when so assigned and returned to Service Oklahoma, together with any subsequent assignment or reissue thereof, shall be appropriately filed and indexed so that at all times it will be possible to trace title to the vehicle designated therein. Provided, when the ownership of any motor vehicle shall pass by operation of law, the person owning the vehicle may, upon furnishing satisfactory proof to Service Oklahoma of ownership, procure a title to the motor vehicle, regardless of whether a certificate of title has ever been issued.

The dealer shall execute and deliver to the purchaser bills of sale on forms prescribed by Service Oklahoma for all new vehicles sold by the dealer. On presentation of a bill of sale executed on forms prescribed by Service Oklahoma, by a manufacturer or dealer for a new vehicle sold in this state, accompanied by remittance in the sum of Eleven Dollars (\$11.00), together with any motor vehicle excise tax or license fee that may be due, a certificate of title shall be issued in accordance with the provisions of the Oklahoma Vehicle License and Registration Act. One Dollar (\$1.00) of each fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund through December 31, 2022, and beginning January 1, 2023, this fee shall be deposited in the Service Oklahoma Reimbursement Fund. For purposes of this subsection, "charitable organization" shall mean any organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3) and which is registered as a charitable organization with the Oklahoma Secretary of State and the Oklahoma Attorney General's office; "off-road vehicles" means all-terrain vehicles, utility vehicles, and motorcycles used exclusively for off-road use; "retail implement dealer" means a business engaged primarily in the sale of farm tractors as defined in Section 1-118 of this title or implements of husbandry as defined in Section 1-125 of this title or a combination thereof.

C. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon the first conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00), with impoundment of the vehicle until all taxes and fees are paid. A second or subsequent conviction shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00), with impoundment of the vehicle until all taxes and fees are paid. If a vehicle is impounded pursuant to the provisions of this section, the vehicle shall not be released to the owner until the owner provides proof of security or an affidavit that the vehicle will not be used on public highways or public streets, as required pursuant to Section 7-600 et seq. of this title. Each vehicle involved in a violation of this section shall be considered a separate offense.

Added by Laws 1985, c. 179, § 10, operative July 1, 1985. Amended by Laws 1985, c. 197, § 2, operative July 1, 1985; Laws 1986, c. 172, § 1, eff. July 1, 1986; Laws 1988, c. 163, § 4, emerg. eff. May 16, 1988; Laws 1988, c. 201, § 8, eff. Jan. 1, 1989; Laws 1989, c. 290, § 1, emerg. eff. May 24, 1989; Laws 1990, c. 337, § 10; Laws 1993, c. 153, § 4, eff. Sept. 1, 1993; Laws 1996, c. 128, § 1, eff. Nov. 1, 1996; Laws 1999, c. 178, § 1, eff. Nov. 1, 1999; Laws 2005, c. 381, § 5, eff. July 1, 2005; Laws 2015, c. 223, § 2, eff. Nov. 1, 2015; Laws 2016, c. 210, § 21, emerg. eff. April 26, 2016; Laws 2022, c. 282, § 115, emerg. eff. May 19, 2022; Laws 2023, c. 366, §

2, emerg. eff. June 7, 2023; Laws 2024, c. 452, § 68, emerg. eff. June 14, 2024.

NOTE: Laws 1989, c. 57, § 5 repealed by Laws 1990, c. 337, § 26. Laws 2015, c. 318, § 1 repealed by Laws 2016, c. 210, § 22, emerg. eff. April 26, 2016.

§47-1107.1. Verification and certification of mileage - Disclosure statement.

A. In addition to requirements of Section 1107 of this title, the transferor of any vehicle shall verify the mileage at the time of transfer of such vehicle and the mileage so stated shall be shown on the face of the certificate of title to be issued to the transferee. The transferor shall disclose the mileage to the transferee in writing on the title or separate document attached to the title in a form to be determined by Service Oklahoma.

B. In the disclosure required under this section, the transferor shall also certify that to the best of his knowledge:

1. The odometer reading reflects the actual mileage; or
2. The odometer reading does not reflect actual mileage; or
3. The mileage is in excess of the mechanical limits of the

odometer.

C. The transferor and transferee shall sign the disclosure statement and print their name.

Added by Laws 1989, c. 290, § 2, emerg. eff. May 24, 1989. Amended by Laws 2022, c. 282, § 116, emerg. eff. May 19, 2022.

§47-1107.2. Odometer disclosure statement - Exempted vehicles.

A transferor of any of the following vehicles shall not be required to execute an odometer disclosure statement;

1. A vehicle having a gross vehicle weight rating of more than sixteen thousand (16,000) pounds;
2. A vehicle that is not self-propelled;
3. A vehicle that was manufactured in or before the 2010 model year;
4. A vehicle manufactured in or after the 2011 model year that is transferred at least twenty (20) years after January 1 of the calendar year corresponding to its designated model year;
5. A vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications;
6. An all-terrain vehicle;
7. A motorcycle used exclusively off-road;
8. A new motor vehicle prior to its transfer to the first retail purchaser; or
9. A utility vehicle.

Added by Laws 1989, c. 290, § 3, emerg. eff. May 24, 1989. Amended by Laws 2005, c. 284, § 3, eff. July 1, 2005; Laws 2008, c. 98, § 7, eff. July 1, 2008; Laws 2023, c. 172, § 1, emerg. eff. May 2, 2023.

§47-1107.3. Certificate of title - Terms to stamp in accordance with odometer disclosure statement.

Service Oklahoma or the licensed operator shall use the following terms to stamp the certificate of title in accordance with the odometer disclosure statement:

1. ACTUAL;
2. NOT ACTUAL;
3. EXCEEDS MECHANICAL LIMITS; OR
4. ODOMETER DISCREPANCY.

The stamp "ODOMETER DISCREPANCY" shall be used if the mileage verified in any disclosure statement is an amount less than the mileage depicted on the title to be transferred.

Added by Laws 1989, c. 290, § 4, emerg. eff. May 24, 1989. Amended by Laws 2022, c. 282, § 117, emerg. eff. May 19, 2022.

§47-1107.4. Written notice of transfer - Fee - Presumptions.

A. Upon the transfer of a vehicle, the transferor may file a written notice of transfer with Service Oklahoma or a licensed operator. On receipt of a written notice of transfer, Service Oklahoma shall indicate the transfer on the vehicle records maintained by Service Oklahoma. The written notice of transfer shall contain the following information:

1. The vehicle identification number of the vehicle;
2. The number of the license plate issued to the vehicle, if any;
3. The full name and address of the transferor;
4. The full name and address of the transferee;
5. The date the transferor delivered possession of the vehicle to the transferee; and
6. The signature of the transferor.

B. There shall be assessed a fee of Ten Dollars (\$10.00) when filing the notice of transfer. Seven Dollars (\$7.00) of the fee shall be retained by the licensed operator. Three Dollars (\$3.00) of the fee shall be apportioned to the Service Oklahoma Reimbursement Fund.

C. After the date of the transfer of the vehicle as shown on the records of Service Oklahoma, the transferee of the vehicle shown on the records is rebuttably presumed to be:

1. The owner of the vehicle; and
2. Subject to civil and criminal liability arising out of the use, operation, or abandonment of a vehicle, to the extent that ownership of the vehicle subjects the owner of the vehicle to civil or criminal liability pursuant to law.

D. This section does not impose or establish any civil or criminal liability on the owner of a vehicle who transfers ownership

of the vehicle but does not file a written notice of transfer with Service Oklahoma.

Added by Laws 2005, c. 381, § 6, eff. July 1, 2005. Amended by Laws 2022, c. 282, § 118, emerg. eff. May 19, 2022.

§47-1107.5. Transfer of title in transfer-on-death form

A. The title of a motor vehicle that is not subject to any lien or other encumbrance may be transferred in transfer-on-death form by filing with Service Oklahoma a written notice of transfer signed by the transferor and designating the transferee. Such notice shall transfer ownership of the vehicle to the transferee upon the death of the transferor. The notice shall include:

1. The vehicle identification number of the vehicle;
2. The number of the license plate issued to the vehicle, if any;
3. The full name and address of the transferor;
4. The full name and address of the transferee; and
5. The signature of the transferor. The signature or consent of or notice to the transferee shall not be required for any purpose during the lifetime of the transferor.

B. A designation of the transferee may be revoked or changed at any time prior to the death of the transferor by filing an amended notice with Service Oklahoma.

C. To accept a certificate of title of a motor vehicle pursuant to notice filed under subsection A of this act, the designated transferee shall execute an affidavit verifying the death of the transferor owner and submit to Service Oklahoma. After the date of the transfer of the vehicle as evidenced by the submitted affidavit and the records of Service Oklahoma, Service Oklahoma shall issue a title reflecting the transfer of ownership.

Added by Laws 2016, c. 105, § 1, eff. Nov. 1, 2016. Amended by Laws 2022, c. 282, § 119, emerg. eff. May 19, 2022.

§47-1108. Lost title - Replacement.

With the exception of an insurer applying for a salvage or junk certificate of title resulting from the settlement of a total loss claim, as provided in subsection H of Section 1105 of this title, in case of a lost certificate of title, the loss of which is accounted for to the satisfaction of Service Oklahoma or one of its licensed operators, Service Oklahoma or one of its licensed operators may issue duplicates. There shall be a replacement fee of Eleven Dollars (\$11.00) for such duplicate title. One Dollar (\$1.00) of each such fee shall be deposited in the Service Oklahoma Reimbursement Fund.

Added by Laws 1985, c. 179, § 11, operative July 1, 1985. Amended by Laws 1988, c. 201, § 9, eff. Jan. 1, 1989; Laws 2012, c. 158, § 2,

eff. July 1, 2012; Laws 2022, c. 282, § 120, emerg. eff. May 19, 2022.

§47-1109. Confidentiality of information - Disclosure - Fees - Construction - Penalty for violation.

A. All information contained in certificates of title, applications therefor, vehicle registration records, records related to boats and motors, and computer data files is hereby declared to be confidential information and shall not be copied by anyone or disclosed to anyone other than employees of Service Oklahoma or the Corporation Commission in the regular course of their employment, except as provided in subsection B of this section. As used in this section, "personal information" means information that identifies an individual including name, address (excluding the five-digit ZIP code) and telephone number, but does not include information on vehicular accidents, driving violations and driver's status.

B. Personal information referred to in subsection A of this section shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls or advisories, and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purpose of Titles I and IV of the Anti Car Theft Act of 1992, the Automobile Information Disclosure Act (15 U.S.C., Section 1231 et seq.), the Clean Air Act (42 U.S.C., Section 7401 et seq.) and Chapters 301, 305 and 321-331 of Title 49 of the United States Code and may be disclosed as follows:

1. For use by any governmental agency, including but not limited to any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, state or local governmental agency in carrying out its functions. Information relating to motor vehicle insurance, including the insurer and insurance policy numbers, may be released to law enforcement officers investigating an accident pursuant to the provisions of Section 10-104 of this title;

2. For use by any motor vehicle manufacturer or an authorized representative thereof in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls or advisories, performance monitoring of motor vehicles, motor vehicle parts and dealers, motor vehicle market research activities, including survey research, and removal of non-owner records from the original owner records of motor vehicle manufacturers. The confidentiality of the information shall be protected, as set out above, and used only for the purpose stated; provided, further, that Service Oklahoma or the Corporation Commission shall be authorized to review the use of and the measures employed to safeguard the information; and provided, further, that

the manufacturer or representative shall bear the cost incurred by Service Oklahoma or the Corporation Commission in the production of the information requested. If the confidentiality provisions, as set out above, are violated, the provisions of subsection D of Section 205 of Title 68 of the Oklahoma Statutes shall apply and the privilege of obtaining information shall be terminated. Any manufacturer or representative violating the provisions of this paragraph, upon conviction, shall be punishable by a fine not to exceed Fifty Thousand Dollars (\$50,000.00);

3. For use by any person compiling and publishing motor vehicle statistics, provided that such statistics do not disclose the names and addresses of individuals. Such information shall be provided upon payment of a reasonable fee as determined by Service Oklahoma or the Corporation Commission;

4. For use by a wrecker or towing service licensed pursuant to the provisions of Section 951 et seq. of this title for use in providing notice to the owners and secured parties of towed or impounded vehicles, upon payment of a fee of One Dollar (\$1.00) per vehicle record page to Service Oklahoma, the Corporation Commission or any licensed operator;

5. For use by a legitimate business or its agents, employees, or contractors for use in the normal course of business, upon payment of a fee of One Dollar (\$1.00) per vehicle record page to Service Oklahoma, the Corporation Commission or any licensed operator, but only:

- a. to verify the accuracy of personal information submitted by the individual to whom the information pertains to the business or its agents, employees, or contractors, or
- b. to obtain the correct information, if such information submitted by the individual to whom the information pertains to the business is not correct, or is no longer correct, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against the individual;

6. For use in connection with any civil, criminal, administrative or arbitral proceeding in any federal, state or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state or local court, upon payment of a fee of One Dollar (\$1.00) per vehicle record page to Service Oklahoma, the Corporation Commission or any licensed operator;

7. For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, anti-fraud

activities, rating or underwriting, upon payment of a fee of One Dollar (\$1.00) per vehicle record page to Service Oklahoma, the Corporation Commission or any licensed operator;

8. For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection, upon payment of a fee of One Dollar (\$1.00) per vehicle record page to Service Oklahoma, the Corporation Commission or any licensed operator;

9. For use by a requester, upon payment of a fee of One Dollar (\$1.00) per vehicle record page to Service Oklahoma, the Corporation Commission or any licensed operator, if the requester demonstrates that it has obtained the written consent of the individual to whom the information pertains;

10. For use in connection with the operation of private toll transportation facilities; or

11. For furnishing the name and address of all commercial entities who have current registrations of any particular model of vehicle; provided, this exception shall not allow the release of personal information pursuant to the provisions of the Driver's Privacy Protection Act, 18 U.S.C., Sections 2721 through 2725.

Service Oklahoma shall collect a reasonable fee to recover the costs of providing the data. As used in this section, the term "vehicle record page" means a computer-generated printout of the motor vehicle inquiry screen. Information provided on the motor vehicle inquiry screen printout shall include the current vehicle owner name and address, vehicle make, model and year, identifying numbers for the vehicle license plate, certificate of title and vehicle identification number, relevant dates relating to the vehicle registration and certificate of title, lienholder information and lien status.

C. In addition to the information provided on the vehicle record page, Service Oklahoma or the Corporation Commission may, upon written request, release to any requester authorized by the provisions of this section to obtain individual motor vehicle information, corresponding copies of vehicle certificates of title, applications therefor, vehicle registration records and computer data files.

There shall be an informational search and retrieval fee of Five Dollars (\$5.00) per vehicle computer record search. If Service Oklahoma or the Corporation Commission performs a manual search, the fee shall be Seven Dollars and fifty cents (\$7.50) per vehicle. Service Oklahoma is authorized to promulgate rules whereby licensed operators, when requesting such documentation in the performance of their duties, are exempt from this retrieval fee. Certified copies of vehicle certificates of title and applications therefor shall be included within the informational search and retrieval by Service Oklahoma or the Corporation Commission for a fee of Ten Dollars

(\$10.00). Such duly certified copies may be received in evidence with the same effect as the original when the original is not in the possession or under the control of the party desiring to use the same.

D. Requesters authorized by this section to receive information shall submit to Service Oklahoma, the Corporation Commission or any licensed operator an affidavit supported by such documentation as Service Oklahoma or the Corporation Commission may require, on a form prescribed by Service Oklahoma or the Corporation Commission certifying that the information is requested for a lawful and legitimate purpose and will not be further disseminated.

E. Notwithstanding the foregoing, Service Oklahoma or the Corporation Commission may allow the release of information from its motor vehicle records upon magnetic tape consisting only of the following information:

1. The date of the certificate of title;
2. The certificate of title number;
3. The type of title issued for the vehicle;
4. The odometer reading from the certificate of title;
5. The year in which the vehicle was manufactured;
6. The vehicle identification number for the vehicle;
7. The make of the vehicle; and
8. The location in which the vehicle is registered.

Service Oklahoma or the Corporation Commission shall allow the release of such information upon payment of a reasonable fee to be determined by Service Oklahoma or the Corporation Commission. The information released as authorized by this subsection may only be used for purposes of detecting odometer rollback or odometer tampering, for determining the issuance in this state or any other state of salvage or rebuilt titles for vehicles or for determining whether a vehicle has been reported stolen in this state or any other state.

F. Notwithstanding the provisions of this section or of Section 205 of Title 68 of the Oklahoma Statutes, Service Oklahoma or the Corporation Commission may inform a secured party that taxes and fees are delinquent with respect to a vehicle upon which the secured party has a perfected lien.

G. Fees received by a licensed operator pursuant to the provisions of this section shall not be included in the maximum sum that may be retained by licensed operators as compensation pursuant to the provisions of Section 1143 of this title.

H. All funds collected by the Tax Commission pursuant to the provisions of this section shall be deposited in the Oklahoma Tax Commission Revolving Fund. Beginning January 1, 2023, all funds collected by Service Oklahoma pursuant to the provisions of this section shall be deposited in the Service Oklahoma Revolving Fund. All funds collected by the Corporation Commission pursuant to the

provisions of this section shall be apportioned as provided in subsection C of Section 1161 of this title.

I. It is further provided that the provisions of this section shall be strictly interpreted and shall not be construed as permitting the disclosure of any other information contained in the files and records of Service Oklahoma or the Corporation Commission.

J. It shall be unlawful for any person to commit any of the following acts:

1. To knowingly obtain or disclose personal information from a motor vehicle record for any use not expressly permitted by this section; or

2. To make false representation to obtain any personal information from an individual's motor vehicle record.

Any violation of the provisions of this section shall constitute a misdemeanor and shall be punishable by the imposition of a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a term not exceeding one (1) year, or by both such fine and imprisonment. Where applicable, a person convicted of a violation of the provisions of this section shall be removed or dismissed from office or state employment. No liability whatsoever, civil or criminal, shall attach to any member or employee of Service Oklahoma or the Corporation Commission for any error or omission in the disclosure of such information.

Added by Laws 1985, c. 179, § 12, operative July 1, 1985. Amended by Laws 1986, c. 147, § 5, eff. Nov. 1, 1986; Laws 1988, c. 67, § 2, emerg. eff. March 25, 1988; Laws 1989, c. 159, § 1, eff. July 1, 1989; Laws 1991, c. 261, § 2, eff. Sept. 1, 1991; Laws 1997, c. 294, § 2, eff. July 1, 1997; Laws 1998, c. 355, § 1, emerg. eff. June 5, 1998; Laws 2000, c. 314, § 2, eff. July 1, 2000; Laws 2004, c. 534, § 3, eff. Nov. 1, 2004; Laws 2005, c. 1, § 64, emerg. eff. March 15, 2005; Laws 2006, c. 295, § 4, eff. July 1, 2006; Laws 2007, c. 330, § 2; Laws 2010, c. 389, § 1, emerg. eff. June 7, 2010; Laws 2022, c. 282, § 121, emerg. eff. May 19, 2022; Laws 2023, c. 310, § 31, eff. July 1, 2023.

NOTE: Laws 2004, c. 522, § 11 repealed by Laws 2005, c. 1, § 65, emerg. eff. March 15, 2005.

§47-1110. See the following versions:

OS 47-1110v1 (HB 3618, Laws 2024, c. 323, § 1)

OS 47-1110v2 (SB 527, Laws 2025, c. 403, § 1)

§47-1110v1. Perfection of security interest - Release - Filing and indexing - Effectiveness, duration, assignment or termination - Priority in manufactured home.

A. 1. Except for a security interest in vehicles held by a dealer for sale or lease, a vehicle registered by a federally recognized Indian tribe as provided in subsection G of this section,

and a vehicle being registered in this state which was previously registered in another state and which title contains the name of a secured party on the face of the other state certificate or title, and except as otherwise provided in subsection B of Section 1105 of this title, a security interest in a vehicle as to which a certificate of title may be properly issued by the Oklahoma Tax Commission shall be perfected only when a lien entry form, and the existing certificate of title, if any, or application for a certificate of title and manufacturer's certificate of origin containing the name and address of the secured party and the date of the security agreement and the required fee are delivered to the Tax Commission or to a motor license agent. As used in this section, the term "dealer" shall be defined as provided in Section 1-112 of this title and the term "security interest" shall be defined as provided in paragraph (35) of Section 1-201 of Title 12A of the Oklahoma Statutes. When a vehicle title is presented to a motor license agent for transferring or registering and the documents reflect a lienholder, the motor license agent shall perfect the lien pursuant to subsection G of Section 1105 of this title. For the purposes of this section, the term "vehicle" shall not include special mobilized machinery, machinery used in highway construction or road material construction, and rubber-tired road construction vehicles including rubber-tired cranes. The filing and duration of perfection of a security interest, pursuant to the provisions of Title 12A of the Oklahoma Statutes including, but not limited to, Section 1-9-311 of Title 12A of the Oklahoma Statutes, shall not be applicable to perfection of security interests in vehicles as to which a certificate of title may be properly issued by the Tax Commission, except as to vehicles held by a dealer for sale or lease and except as provided in subsection D of this section. In all other respects Title 12A of the Oklahoma Statutes shall be applicable to such security interests in vehicles as to which a certificate of title may be properly issued by the Tax Commission.

2. Whenever a person creates a security interest in a vehicle, the person shall surrender to the secured party the certificate of title or the signed application for a new certificate of title, on the form prescribed by the Tax Commission, and the manufacturer's certificate of origin. The secured party shall deliver the lien entry form and the required lien filing fee within twenty-five (25) days as provided hereafter with certificate of title or the application for certificate of title and the manufacturer's certificate of origin to the Tax Commission or to a motor license agent. If the lien entry form, the lien filing fee and the certificate of title or application for certificate of title and the manufacturer's certificate of origin are delivered to the Tax Commission or to a motor license agent within twenty-five (25) days after the date of the lien entry form, perfection of the security

interest shall begin from the date of the execution of the lien entry form, but otherwise, perfection of the security interest shall begin from the date of the delivery to the Tax Commission or to a motor license agent.

3. a. For each security interest recorded on a certificate of title, or manufacturer's certificate of origin, such person shall pay a fee of Ten Dollars (\$10.00), which shall be in addition to other fees provided for in the Oklahoma Vehicle License and Registration Act. Upon the receipt of the lien entry form and the required fees with either the certificate of title or an application for certificate of title and manufacturer's certificate of origin, a motor license agent shall, by placement of a clearly distinguishing mark, record the date and number shown in a conspicuous place, on each of these instruments. Of the ten-dollar fee, the motor license agent shall retain Two Dollars (\$2.00) for recording the security interest lien.

b. It shall be unlawful for any person to solicit, accept, or receive any gratuity or compensation for acting as a messenger and for acting as the agent or representative of another person in applying for the recording of a security interest or for the registration of a motor vehicle and obtaining the license plates or for the issuance of a certificate of title therefor unless the Tax Commission has appointed and approved the person to perform such acts; and before acting as a messenger, any such person shall furnish to the Tax Commission a surety bond in such amount as the Tax Commission shall determine appropriate.

4. The certificate of title or the application for certificate of title and manufacturer's certificate of origin with the record of the date of receipt clearly marked thereon shall be returned to the debtor together with a notice that the debtor is required to register and pay all additional fees and taxes due within thirty (30) days from the date of purchase of the vehicle.

5. Any person creating a security interest in a vehicle that has been previously registered in the debtor's name and on which all taxes due the state have been paid shall surrender the certificate of ownership to the secured party. The secured party shall have the duty to record the security interest as provided in this section and shall, at the same time, obtain a new certificate of title which shall show the secured interest on the face of the certificate of title.

6. The lien entry form with the date and assigned number thereof clearly marked thereon shall be returned to the secured party. If the lien entry form is received and authenticated, as herein provided, by a motor license agent, the agent shall make a report thereof to the Tax Commission upon the forms and in the manner as may be prescribed by the Tax Commission.

7. The Tax Commission shall have the duty to record the lien upon the face of the certificate of title issued at the time of registering and paying all fees and taxes due on the vehicle.

8. When there is an active lien from a commercial lender in place on a vehicle, motor license agents shall be prohibited from transferring the certificate of title on that vehicle until the lien is satisfied, except when the title is transferred:

- a. to a person whose name is included on the loan for which the lien is placed pursuant to an agreement by the lender and any party to the title,
- b. to a trust created by a person whose name is included on the loan for which the lien is placed,
- c. from a person who has died, upon the submission of a death certificate, or
- d. upon attestation by the managing member indicating ownership, to a business entity from a person who owns at least fifty percent (50%) of the business entity receiving title. As part of such transfer, the business entity receiving title and at the discretion of the financial institution holding the lien, the individual transferring title and the receiving business entity may be added as an obligor to the original note secured by the collateral to which the transferring individual is a borrower. This shall not be construed to require refinancing of the original note. Service Oklahoma shall provide notification of the transaction to the lienholder, ninety (90) days prior to effectuating the title transfer and shall develop an appropriate affidavit and notice necessary to effectuate a transfer of title. A title transfer initiated pursuant to this subparagraph shall not preclude the lienholder from exercising all remedies available to it in accordance with an agreement between the lienholder and the individual transferring title, up to and including repossession of the vehicle and civil action against the individual transferring title and receiving business entity. Further, until the original lien is satisfied, the receiving business entity shall be prohibited from transferring title to another entity or person. Types of business entities

that may receive a transfer of title pursuant to this subparagraph shall be limited to:

- (1) sole proprietorships,
- (2) general partnerships,
- (3) limited partnerships,
- (4) limited liability companies,
- (5) professional limited partnerships, and
- (6) professional limited liability companies.

No individual may perform a transfer, pursuant to this subparagraph, to any business entity that is currently engaging in any activity which is prohibited by federal or state law.

The provisions of this paragraph shall not be construed to release any lien or debt based solely upon a transfer of certificate of title.

B. 1. A secured party shall, within seven (7) business days after the satisfaction of the security interest, furnish directly or by mail a release of a security interest to the Tax Commission and mail a copy thereof to the last-known address of the debtor. If the security interest has been satisfied by payment from a licensed used motor vehicle dealer to whom the motor vehicle has been transferred, the secured party shall also, within seven (7) business days after such satisfaction, mail an additional copy of the release to the dealer. If the secured party fails to furnish the release as required, the secured party shall be liable to the debtor for a penalty of One Hundred Dollars (\$100.00). Following the seven (7) business days after satisfaction of the lien and upon receipt by the lienholder of written communication demanding the release of the lien, thereafter the penalty shall increase to One Hundred Dollars (\$100.00) per day for each additional day beyond seven (7) business days until accumulating to One Thousand Five Hundred Dollars (\$1,500.00) or the value of the vehicle, whichever is less, and, in addition, any loss caused to the debtor by such failure.

2. Upon release of a security interest the owner may obtain a new certificate of title omitting reference to the security interest, by submitting to the Tax Commission or to a motor license agent:

- a. a release signed by the secured party, an application for new certificate of title and the proper fees, or
- b. by submitting to the Tax Commission or the motor license agent an affidavit, supported by such documentation as the Tax Commission may require, by the owner on a form prescribed by the Tax Commission stating that the security interest has been satisfied and stating the reasons why a release cannot be obtained, an application for a new certificate of title and the proper fees.

Upon receiving such affidavit that the security interest has been satisfied, the Tax Commission shall issue a new certificate of title eliminating the satisfied security interest and the name and address of the secured parties who have been paid and satisfied. The Tax Commission shall accept a release of a security interest in any form that identifies the debtor, the secured party, and the vehicle, and contains the signature of the secured party. The Tax Commission shall not require any particular form for the release of a security interest.

The words "security interest" when used in the Oklahoma Vehicle License and Registration Act do not include liens dependent upon possession.

C. The Tax Commission shall file and index certificates of title so that at all times it will be possible to trace a certificate of title to the vehicle designated therein, identify the lien entry form, and the names and addresses of secured parties, or their assignees, so that all or any part of such information may be made readily available to those who make legitimate inquiry of the Tax Commission as to the existence or nonexistence of security interest in the vehicle.

D. 1. Any security interest in a vehicle properly perfected prior to July 1, 1979, may be continued as to its effectiveness or duration as provided by Sections 1-9-510 and 1-9-515 of Title 12A of the Oklahoma Statutes, or may be terminated, assigned or released as provided by Sections 1-9-512, 1-9-513 and 1-9-514 of Title 12A of the Oklahoma Statutes, as fully as if this section had not been enacted, or, at the option of the secured party, may also be perfected under this section, and, if so perfected, the time of perfection under this section shall be the date the security interest was originally perfected under the prior law.

2. Upon request of the secured party, the debtor, or any other holder of the certificate of title shall surrender the certificate of title to the secured party and shall do such other acts as may be required to perfect the security interest under this section.

E. If a manufactured home is permanently affixed to real estate, an Oklahoma certificate of title may be surrendered to the Tax Commission or a motor license agent for cancellation. When the document of title is surrendered, the owner shall provide the legal description or the appropriate tract or parcel number of the real estate and other information as may be required on a form provided by the Tax Commission. The Tax Commission may not cancel a document of title if a lien has been registered or recorded. The Tax Commission or motor license agent shall notify the owner and any lienholder that the title has been surrendered to the Tax Commission and that the Tax Commission may not cancel the title until the lien is released. Such notification shall include a description of the lien and such notification to the owner shall be accompanied by the

return of title surrendered. Permanent attachment to real estate does not affect the validity of a lien recorded or registered with the Tax Commission before the document of title is canceled pursuant to this section. The rights of a prior lienholder pursuant to a security agreement or the provisions of a credit transaction and the rights of the state pursuant to a tax lien are preserved. The Tax Commission or motor license agent shall forward the information to the county assessor of the county where the real estate is located and indicate whether the original document of title has been canceled. A fee of Five Dollars (\$5.00) shall accompany the application for cancellation of title. When the fee is paid by a person making an application directly with the Tax Commission, the fee shall be deposited in the Oklahoma Tax Commission Revolving Fund. A fee paid to a motor license agent shall be retained by the agent. The owner of a manufactured home upon which the document of title has been properly surrendered, may apply to the Tax Commission for issuance of a new original certificate of title upon submission of:

1. An attestation from the homeowner indicating ownership of the manufactured home and the nonexistence of any security interest or lien of record in the manufactured home; and

2. A title opinion by a licensed attorney, determining that the owner of the manufactured home has marketable title to the real property upon which the manufactured home is located and that no documents filed of record in the county clerk's office concerning the real property contain a mortgage, recorded financial statement, judgment, or lien of record. Persons or entities to whom the title opinion is addressed may rely on the title opinion. A security interest in a manufactured home perfected pursuant to this section shall have priority over a conflicting interest of a mortgagee or other lien encumbrancer, or the owner of the real property upon which the manufactured home became affixed or otherwise permanently attached. The holder of the security interest in the manufactured home, upon default, may remove the manufactured home from such real property. The holder of the security interest in the manufactured home shall reimburse the owner of the real property who is not the debtor and who has not otherwise agreed to access the real property for the cost of repair of any physical injury to the real property, but shall not be liable for any diminution in value to the real property caused by the removal of the manufactured home, trespass, or any other damages caused by the removal. The debtor shall notify the holder of the security interest in the manufactured home of the street address, if any, and the legal description of the real property upon which the manufactured home is affixed or otherwise permanently attached and shall sign such other documents, including any appropriate mortgage, as may reasonably be requested by the holder of such security interest.

F. In the case of motor vehicles or trailers, notwithstanding any other provision of law, a transaction does not create a sale or security interest merely because it provides that the rental price is permitted or required to be adjusted under the agreement either upward or downward by reference to the amount realized upon sale or other disposition of the motor vehicle or trailer.

G. A security interest in vehicles registered by a federally recognized Indian tribe shall be deemed valid under Oklahoma law if validly perfected under the applicable tribal law and the lien is noted on the face of the tribal certificate of title.

Added by Laws 1985, c. 179, § 13, operative July 1, 1985. Amended by Laws 1988, c. 167, § 2, emerg. eff. May 24, 1988; Laws 1989, c. 58, § 3, operative July 1, 1989; Laws 1991, c. 117, § 134, eff. Jan. 1, 1992; Laws 1991, c. 335, § 16, emerg. eff. June 15, 1991; Laws 1995, c. 126, § 1; Laws 1996, c. 38, § 1, eff. Nov. 1, 1996; Laws 1999, c. 92, § 3, eff. Nov. 1, 1999; Laws 2000, c. 371, § 173, eff. July 1, 2001; Laws 2001, c. 25, § 1, eff. July 1, 2001; Laws 2001, c. 358, § 4, eff. July 1, 2001; Laws 2002, c. 417, § 2, eff. July 1, 2002; Laws 2004, c. 85, § 1, emerg. eff. April 13, 2004; Laws 2007, c. 37, § 1, eff. Nov. 1, 2007; Laws 2007, c. 202, § 2, eff. Nov. 1, 2007; Laws 2015, c. 224, § 1, eff. Nov. 1, 2015; Laws 2021, c. 154, § 1, eff. Nov. 1, 2021; Laws 2021, c. 379, § 3, eff. Nov. 1, 2021; Laws 2022, c. 204, § 1, emerg. eff. May 4, 2022; Laws 2024, c. 323, § 1, eff. Nov. 1, 2024.

NOTE: Laws 1988, c. 166, § 12 repealed by Laws 1989, c. 58, § 4, operative July 1, 1989. Laws 1991, c. 107, § 1 repealed by Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991.

NOTE: Laws 2022, c. 204, § 1 was purportedly repealed by Laws 2024, c. 452, § 71 but without reference to Laws 2024, c. 323, § 1, which amended it.

§47-1110v2. Perfection of security interest - Release - Filing and indexing - Effectiveness, duration, assignment or termination - Priority in manufactured home.

A. 1. Except for a security interest in vehicles held by a dealer for sale or lease, a vehicle registered by a federally recognized Indian tribe as provided in subsection G of this section, and a vehicle being registered in this state which was previously registered in another state and which title contains the name of a secured party on the face of the other state certificate or title, and except as otherwise provided in subsection B of Section 1105 of this title, a security interest in a vehicle as to which a certificate of title may be properly issued by Service Oklahoma shall be perfected only when a lien entry form, and the existing certificate of title, if any, or application for a certificate of title and manufacturer's certificate of origin containing the name and address of the secured party and the date of the security

agreement and the required fee are delivered to Service Oklahoma or to a licensed operator. As used in this section, the term "dealer" shall be defined as provided in Section 1-112 of this title and the term "security interest" shall be defined as provided in paragraph (35) of Section 1-201 of Title 12A of the Oklahoma Statutes. When a vehicle title is presented to a licensed operator for transferring or registering and the documents reflect a lienholder, the licensed operator shall perfect the lien pursuant to subsection G of Section 1105 of this title. For the purposes of this section, the term "vehicle" shall not include special mobilized machinery, machinery used in highway construction or road material construction and rubber-tired road construction vehicles including rubber-tired cranes. The filing and duration of perfection of a security interest, pursuant to the provisions of Title 12A of the Oklahoma Statutes, including, but not limited to, Section 1-9-311 of Title 12A of the Oklahoma Statutes, shall not be applicable to perfection of security interests in vehicles as to which a certificate of title may be properly issued by Service Oklahoma, except as to vehicles held by a dealer for sale or lease and except as provided in subsection D of this section. In all other respects Title 12A of the Oklahoma Statutes shall be applicable to such security interests in vehicles as to which a certificate of title may be properly issued by Service Oklahoma.

2. Whenever a person creates a security interest in a vehicle, the person shall surrender to the secured party the certificate of title or the signed application for a new certificate of title, on the form prescribed by Service Oklahoma, and the manufacturer's certificate of origin. The secured party shall deliver the lien entry form and the required lien filing fee within forty-five (45) days as provided hereafter with certificate of title or the application for certificate of title and the manufacturer's certificate of origin to Service Oklahoma or to a licensed operator. If the lien entry form, the lien filing fee and the certificate of title or application for certificate of title and the manufacturer's certificate of origin are delivered to Service Oklahoma or to a licensed operator within forty-five (45) days after the date of the lien entry form, perfection of the security interest shall begin from the date of the execution of the lien entry form, but otherwise, perfection of the security interest shall begin from the date of the delivery to Service Oklahoma or to a licensed operator.

3. a. For each security interest recorded on a certificate of title or manufacturer's certificate of origin, such person shall pay a fee of Ten Dollars (\$10.00), which shall be in addition to other fees provided for in the Oklahoma Vehicle License and Registration Act. Upon the receipt of the lien entry form and the required fees with either the certificate of title or an

application for certificate of title and manufacturer's certificate of origin, a licensed operator shall, by placement of a clearly distinguishing mark, record the date and number shown in a conspicuous place on each of these instruments. Of the ten-dollar fee, the licensed operator shall retain Two Dollars (\$2.00) for recording the security interest lien.

- b. It shall be unlawful for any person to solicit, accept, or receive any gratuity or compensation for acting as a messenger and for acting as the agent or representative of another person in applying for the recording of a security interest or for the registration of a motor vehicle and obtaining the license plates or for the issuance of a certificate of title therefor unless Service Oklahoma has appointed and approved the person to perform such acts; and before acting as a messenger, any such person shall furnish to Service Oklahoma a surety bond in such amount as Service Oklahoma shall determine appropriate.

4. The certificate of title or the application for certificate of title and manufacturer's certificate of origin with the record of the date of receipt clearly marked thereon shall be returned to the debtor together with a notice that the debtor is required to register and pay all additional fees and taxes due within thirty (30) days from the date of purchase of the vehicle.

5. Any person creating a security interest in a vehicle that has been previously registered in the debtor's name and on which all taxes due the state have been paid shall surrender the certificate of ownership to the secured party. The secured party shall have the duty to record the security interest as provided in this section and shall, at the same time, obtain a new certificate of title which shall show the secured interest on the face of the certificate of title.

6. The lien entry form with the date and assigned number thereof clearly marked thereon shall be returned to the secured party. If the lien entry form is received and authenticated, as herein provided, by a licensed operator, the licensed operator shall make a report thereof to Service Oklahoma upon the forms and in the manner as may be prescribed by Service Oklahoma.

7. Service Oklahoma shall have the duty to record the lien upon the face of the certificate of title issued at the time of registering and paying all fees and taxes due on the vehicle.

8. When there is an active lien from a commercial lender in place on a vehicle, licensed operators shall be prohibited from

transferring the certificate of title on that vehicle until the lien is satisfied, except when the title is transferred:

- a. to a person whose name is included on the loan for which the lien is placed pursuant to an agreement by the lender and any party to the title,
- b. to a trust created by a person whose name is included on the loan for which the lien is placed, or
- c. from a person who has died, upon the submission of a death certificate.

The provisions of this paragraph shall not be construed to release any lien or debt based solely upon a transfer of certificate of title.

B. 1. A secured party shall, within seven (7) business days after the satisfaction of the security interest, furnish directly or by mail a release of a security interest to Service Oklahoma and mail a copy thereof to the last-known address of the debtor. If the security interest has been satisfied by payment from a licensed used motor vehicle dealer to whom the motor vehicle has been transferred, the secured party shall also, within seven (7) business days after receipt of a written request from such licensed used motor vehicle dealer, mail an additional copy of the release to the dealer. If the secured party fails to furnish the release as required, the secured party shall be liable to the debtor for a penalty of One Hundred Dollars (\$100.00). Following the seven (7) business days after satisfaction of the lien and upon receipt by the lienholder of written communication demanding the release of the lien, thereafter the penalty shall increase to One Hundred Dollars (\$100.00) per day for each additional day beyond seven (7) business days until accumulating to One Thousand Five Hundred Dollars (\$1,500.00) or the value of the vehicle, whichever is less, and, in addition, any loss caused to the debtor by such failure.

2. Upon release of a security interest the owner may obtain a new certificate of title omitting reference to the security interest, by submitting to Service Oklahoma or to a licensed operator:

- a. a release signed by the secured party, an application for new certificate of title, and the proper fees, or
- b. by submitting to Service Oklahoma or the licensed operator an affidavit, supported by such documentation as Service Oklahoma may require, by the owner on a form prescribed by Service Oklahoma stating that the security interest has been satisfied and stating the reasons why a release cannot be obtained, an application for a new certificate of title and the proper fees.

Upon receiving such affidavit that the security interest has been satisfied, Service Oklahoma shall issue a new certificate of title

eliminating the satisfied security interest and the name and address of the secured parties who have been paid and satisfied. Service Oklahoma shall accept a release of a security interest in any form that identifies the debtor, the secured party, and the vehicle, and contains the signature of the secured party. Service Oklahoma shall not require any particular form for the release of a security interest.

The words "security interest" when used in the Oklahoma Vehicle License and Registration Act do not include liens dependent upon possession.

C. Service Oklahoma shall file and index certificates of title so that at all times it will be possible to trace a certificate of title to the vehicle designated therein, identify the lien entry form, and the names and addresses of secured parties, or their assignees, so that all or any part of such information may be made readily available to those who make legitimate inquiry of Service Oklahoma as to the existence or nonexistence of security interest in the vehicle.

D. 1. Any security interest in a vehicle properly perfected prior to July 1, 1979, may be continued as to its effectiveness or duration as provided by Sections 1-9-510 and 1-9-515 of Title 12A of the Oklahoma Statutes, or may be terminated, assigned, or released as provided by Sections 1-9-512, 1-9-513, and 1-9-514 of Title 12A of the Oklahoma Statutes, as fully as if this section had not been enacted, or, at the option of the secured party, may also be perfected under this section, and, if so perfected, the time of perfection under this section shall be the date the security interest was originally perfected under the prior law.

2. Upon request of the secured party, the debtor or any other holder of the certificate of title shall surrender the certificate of title to the secured party and shall do such other acts as may be required to perfect the security interest under this section.

E. If a manufactured home is permanently affixed to real estate, an Oklahoma certificate of title may be surrendered to Service Oklahoma or a licensed operator for cancellation. When the document of title is surrendered, the owner shall provide the legal description or the appropriate tract or parcel number of the real estate and other information as may be required on a form provided by Service Oklahoma. Service Oklahoma may not cancel a document of title if a lien has been registered or recorded. Service Oklahoma or the licensed operator shall notify the owner and any lienholder that the title has been surrendered to Service Oklahoma and that Service Oklahoma may not cancel the title until the lien is released. Such notification shall include a description of the lien and such notification to the owner shall be accompanied by the return of title surrendered. Permanent attachment to real estate does not affect the validity of a lien recorded or registered with

Service Oklahoma before the document of title is canceled pursuant to this section. The rights of a prior lienholder pursuant to a security agreement or the provisions of a credit transaction and the rights of the state pursuant to a tax lien are preserved. Service Oklahoma or the licensed operator shall forward the information to the county assessor of the county where the real estate is located and indicate whether the original document of title has been canceled. A fee of Five Dollars (\$5.00) shall accompany the application for cancellation of title. When the fee is paid by a person making an application directly with Service Oklahoma, the fee shall be deposited in the Oklahoma Tax Commission Fund. Beginning January 1, 2023, the fee shall be deposited in the Service Oklahoma Revolving Fund. A fee paid to a licensed operator shall be retained by the licensed operator. The owner of a manufactured home upon which the document of title has been properly surrendered may apply to Service Oklahoma for issuance of a new original certificate of title upon submission of:

1. An attestation from the homeowner indicating ownership of the manufactured home and the nonexistence of any security interest or lien of record in the manufactured home; and

2. A title opinion by a licensed attorney, determining that the owner of the manufactured home has marketable title to the real property upon which the manufactured home is located and that no documents filed of record in the county clerk's office concerning the real property contain a mortgage, recorded financial statement, judgment, or lien of record. Persons or entities to whom the title opinion is addressed may rely on the title opinion. A security interest in a manufactured home perfected pursuant to this section shall have priority over a conflicting interest of a mortgagee or other lien encumbrancer, or the owner of the real property upon which the manufactured home became affixed or otherwise permanently attached. The holder of the security interest in the manufactured home, upon default, may remove the manufactured home from such real property. The holder of the security interest in the manufactured home shall reimburse the owner of the real property who is not the debtor and who has not otherwise agreed to access the real property for the cost of repair of any physical injury to the real property, but shall not be liable for any diminution in value to the real property caused by the removal of the manufactured home, trespass, or any other damages caused by the removal. The debtor shall notify the holder of the security interest in the manufactured home of the street address, if any, and the legal description of the real property upon which the manufactured home is affixed or otherwise permanently attached and shall sign such other documents, including any appropriate mortgage, as may reasonably be requested by the holder of such security interest.

F. In the case of motor vehicles or trailers, notwithstanding any other provision of law, a transaction does not create a sale or security interest merely because it provides that the rental price is permitted or required to be adjusted under the agreement either upward or downward by reference to the amount realized upon sale or other disposition of the motor vehicle or trailer.

G. A security interest in vehicles registered by a federally recognized Indian tribe shall be deemed valid under Oklahoma law if validly perfected under the applicable tribal law and the lien is noted on the face of the tribal certificate of title.

Added by Laws 1985, c. 179, § 13, operative July 1, 1985. Amended by Laws 1988, c. 167, § 2, emerg. eff. May 24, 1988; Laws 1989, c. 58, § 3, operative July 1, 1989; Laws 1991, c. 117, § 134, eff. Jan. 1, 1992; Laws 1991, c. 335, § 16, emerg. eff. June 15, 1991; Laws 1995, c. 126, § 1; Laws 1996, c. 38, § 1, eff. Nov. 1, 1996; Laws 1999, c. 92, § 3, eff. Nov. 1, 1999; Laws 2000, c. 371, § 173, eff. July 1, 2001; Laws 2001, c. 25, § 1, eff. July 1, 2001; Laws 2001, c. 358, § 4, eff. July 1, 2001; Laws 2002, c. 417, § 2, eff. July 1, 2002; Laws 2004, c. 85, § 1, emerg. eff. April 13, 2004; Laws 2007, c. 37, § 1, eff. Nov. 1, 2007; Laws 2007, c. 202, § 2, eff. Nov. 1, 2007; Laws 2015, c. 224, § 1, eff. Nov. 1, 2015; Laws 2021, c. 154, § 1, eff. Nov. 1, 2021; Laws 2021, c. 379, § 3, eff. Nov. 1, 2021; Laws 2022, c. 282, § 122, emerg. eff. May 19, 2022; Laws 2024, c. 452, § 70, emerg. eff. June 14, 2024; Laws 2025, c. 403, § 1, eff. July 1, 2025.

NOTE: Laws 1988, c. 166, § 12 repealed by Laws 1989, c. 58, § 4, operative July 1, 1989. Laws 1991, c. 107, § 1 repealed by Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991.

§47-1111. Salvage title - New title.

A. As used in this section:

1. "Loss" means the cost, in dollars, to repair or replace a vehicle which has been damaged by collision or other occurrence. The amount paid by an insurer to a holder of the certificate of title for repair of a damaged vehicle shall be prima facie evidence of the amount of the loss. The amount paid by an insurer to a holder of the certificate of title for replacement of a damaged vehicle less the resale value of the damaged vehicle shall be prima facie evidence of the amount of the loss;

2. "Fair market value" means the value of a vehicle as listed in the current National Auto Dealers Association guidebook or other similar guidebook or the actual cash value, whichever is greater;

3. "Resale value" means the amount, in dollars, paid to the holder of a certificate of title by a willing buyer for a vehicle damaged by collision or other occurrence or recovered from theft;

4. "Total loss" means a loss which is equal to the fair market value of the vehicle immediately prior to the damage to or theft of the vehicle; and

5. "Vehicle" means a vehicle, as defined in paragraph 40 of Section 1102 of this title, manufactured within the last ten (10) model years.

B. Any insurance company that pays a total loss on a claim for any vehicle including, but not limited to, a flood-damaged vehicle or recovered-theft vehicle, any junk dealer who receives a motor vehicle which is to be used for junk or for parts, or any other person permanently dismantling or junking a vehicle shall receive the certificate of title from the current holder of the certificate of title, shall detach the license plate from the vehicle, and shall return the license plate and the certificate of title to Service Oklahoma or a licensed operator within thirty (30) days from receipt of the certificate, or insurance companies may provide alternate documentation within thirty (30) days pursuant to subsection P of Section 1105 of this title. Service Oklahoma shall cancel the certificate of title to the vehicle used for junk or parts and shall preserve the vehicle identification numbers on the certificate of title in the computer files for at least five (5) years. No certificate of title may be reissued on a junked vehicle as defined in Section 1105 of this title, unless reissued pursuant to paragraph 3 of subsection C of this section. Service Oklahoma shall transfer ownership of a stolen vehicle, not recovered from theft at the time of transfer, by salvage or unrecovered-theft title to the insurer. Service Oklahoma shall transfer ownership of a vehicle damaged by flooding or other occurrence to the insurer by an original title, salvage title, or junked title, as may be appropriate, based upon an estimate of the amount of loss submitted by the insurer. All license plates surrendered to Service Oklahoma shall be destroyed.

C. 1. If an insurance company pays a claim for a loss which is less than a total loss but the cost of repairing the vehicle for safe operation on the highway exceeds sixty percent (60%) of the fair market value of the vehicle, or if any vehicle not insured is damaged to the extent that the cost of repair for safe operation on the highway exceeds sixty percent (60%) of the fair market value of the vehicle, any holder of the certificate of title for the vehicle shall return the certificate of title to Service Oklahoma or a licensed operator within thirty (30) days from receipt of payment for the loss.

2. Upon receipt of the certificate, Service Oklahoma or the licensed operator shall issue a salvage title for the vehicle. The title for any vehicle damaged by flooding shall be stamped with the words "Flood Damaged", and for any such vehicle which was recovered from a theft, the salvage title or rebuilt title shall be stamped with the words "Recovered Theft". A licensed dealer subject to the

provisions of the Automotive Dismantlers and Parts Recycler Act, Section 591.1 et seq. of this title, shall not be required to pay registration fees, excise taxes, back taxes, or penalties on a vehicle as a prerequisite to obtaining a salvage title.

3. If the actual documented cost of repairing the vehicle for safe operation on the highway does not exceed sixty percent (60%) of the fair market value of the vehicle as defined in this section, the certificate of title shall be reissued to the holder and the vehicle shall not be subject to inspection as required under this section. The actual documented cost of repairing the vehicle pursuant to this paragraph shall be certified by the insurance company paying the loss.

D. If a motor vehicle with a salvage title is placed in operative condition, application shall be made to Service Oklahoma or a licensed operator for a rebuilt title. A visual inspection of the vehicle and examination of the vehicle identification numbers shall be conducted prior to the issuance of a rebuilt title. At the time of issuance, the salvage title shall be returned to Service Oklahoma by the owner, or by the licensed operator if the licensed operator issues the rebuilt title. A visual inspection shall also be made of any out-of-state vehicle to be registered and titled in this state if the vehicle is within the class of vehicles for which a rebuilt title is required and a similar inspection has not been conducted by another state. The certificate of title for the rebuilt vehicle shall be stamped with the words, "This Rebuilt Vehicle Has Been Inspected by the Appropriate State Official."

E. 1. The visual inspections and examination of vehicle identification numbers shall include, but not be limited to:

- a. comparison of the vehicle identification numbers with the number recorded on the ownership records,
- b. inspection of the vehicle identification numbers and the VIN plate to detect possible alteration or other fraud,
- c. interpretation of the vehicle identification number recorded on the ownership documents to assure that it accurately describes the motor vehicle in question, and
- d. inspection of the odometer of the vehicle to detect rollback or alteration.

2. All vehicle damage shall be repaired before the examination is conducted. The following paperwork shall be presented to the licensed operator: the salvage title and original receipts for all parts placed on the vehicle. Components such as doors, motor, and transmission shall indicate the serial number or the vehicle identification number (VIN) of the auto the part was purchased from or removed from.

F. The visual inspection and vehicle identification numbers examination shall be performed by a licensed operator at the location designated by the licensed operator. If the location of the inspection is not the place of business of the rebuilder, the licensed operator shall issue a permit authorizing the applicant to operate the vehicle upon the public streets, roads, and highways in route to and from the designated location for the inspection. The inspection and examination shall be performed within ten (10) working days after the owner of the vehicle requests the inspection and examination. Requests shall be made by completing the request form prescribed and provided by Service Oklahoma.

G. Inspection and examination of a rebuilt vehicle shall be performed by a person employed by a licensed operator.

H. The fee for the examination by the licensed operator shall be Twenty-five Dollars (\$25.00), which shall be paid at the time of issuance of the certificate of title for the rebuilt vehicle. The licensed operator shall retain Five Dollars (\$5.00) and shall remit Twenty Dollars (\$20.00) to the Tax Commission which shall retain Ten Dollars (\$10.00) and transmit Ten Dollars (\$10.00) to the State Treasurer for deposit in the Department of Public Safety Revolving Fund through December 31, 2022. Beginning January 1, 2023, through June 30, 2026, the licensed operator shall retain Five Dollars (\$5.00) and shall remit Twenty Dollars (\$20.00) to the Tax Commission which shall retain Ten Dollars (\$10.00) and transmit Ten Dollars (\$10.00) to the State Treasurer for deposit in the Service Oklahoma Revolving Fund. Beginning July 1, 2026, the licensed operator shall retain Five Dollars (\$5.00) and shall remit Twenty Dollars (\$20.00) to Service Oklahoma which shall retain Ten Dollars (\$10.00) and transmit Ten Dollars (\$10.00) to the State Treasurer for deposit in the Service Oklahoma Revolving Fund. The licensed operator and its employees and agents may not be sued for and shall not be liable for any damages allegedly arising out of the inspection of a vehicle or any acts or omissions in the performance of the inspection. The licensed operator may be held liable for any damages to the vehicle caused by the negligent acts or omissions in the performance of the inspection. Any person may be liable for any damages to a vehicle caused by the intentional acts or omissions in the performance of the inspection.

I. The rebuilt title and any subsequent transfers of such title shall also reflect that the vehicle was a salvage vehicle, flood-damaged vehicle or recovered-theft vehicle, if applicable, and also shall include the salvage date.

J. Any title for a motor vehicle issued pursuant to the laws of any other state which reflects that such vehicle is a salvage vehicle, a rebuilt vehicle or a junked vehicle or has any other brand or classification notation by that state shall be retained on the new title issued by Service Oklahoma unless the actual

documented cost of repairing the vehicle for safe operation on the highway does not exceed sixty percent (60%) of the fair market value of the vehicle as provided by this section.

K. When the insurance company pays a loss on a vehicle which is registered at the time of mishap, accident, burning, or flooding, the appropriate certificate of title shall be issued without the payment of additional registration fees or excise taxes, upon the submission of a police report or insurance adjuster's report and a declaration by the insurer that the vehicle is held for sale to a dealer. If the owner of the vehicle or other insured retains ownership of the damaged vehicle, Service Oklahoma shall notify the owner or insured of the requirements of this section.

L. Any insurance company that pays a claim for a loss where the cost of repairing the vehicle for safe operation on the highway exceeds sixty percent (60%) of the market value of the vehicle or pays a claim for a flood-damaged vehicle as defined in Section 1105 of this title shall notify, in writing, the holder of the certificate of title of the requirements of this section and shall notify Service Oklahoma of the payment of such claim. The notice shall include the estimated total damage percentage determination of the actual cash value made by the insurance company to repair the vehicle for safe operation on the highway. The insurance company shall also send a copy of the notification to the holder of the title. Service Oklahoma shall provide notice to the owner of the vehicle in writing requiring the owner to surrender the title along with the fee to Service Oklahoma or one of its licensed operators within thirty (30) days from the receipt of notice for the issuance of the appropriate title based on the amount of loss. Service Oklahoma shall reissue the appropriate title with the words "Flood Damaged" on the face of the title in the case of a flood-damaged vehicle; provided, no insurance company shall pay a claim for less than the amount to which the holder of the certificate of title is rightfully entitled in order to avoid compliance with this section.

M. Except as provided for in subsection N of this section, any person, firm, corporation, or other legal entity convicted of violating any provision of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than Three Hundred Dollars (\$300.00) or by incarceration in the county jail for not more than six (6) months, or by both the fine and incarceration.

N. Any owner of a titled vehicle who has knowledge that the title is not the proper type for the vehicle and, with intent to misrepresent the vehicle, fails to make the appropriate title changes, shall be guilty of a misdemeanor. Any person who has knowledge that the title is not the proper type for the vehicle, and with intent to misrepresent the vehicle, buys or receives any vehicle for which the appropriate title changes have not been made as required by the Oklahoma Vehicle License and Registration Act

shall be guilty of a misdemeanor. Any person found guilty in accordance with the provisions of this subsection shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) for the first offense or Five Thousand Dollars (\$5,000.00) for the second or subsequent offense, or by imprisonment in the county jail for a term not exceeding six (6) months, or by both such fine and imprisonment.

O. Any owner of a salvage or junked vehicle shall submit the certificate of title to Service Oklahoma or the licensed operator for issuance of an appropriate title. Any holder of a certificate of title issued by this state, to a vehicle which no longer exists, shall surrender the certificate of title to Service Oklahoma for cancellation. The vehicle identification number on the canceled certificate of title shall be preserved in the computer of Service Oklahoma for at least five (5) years.

Nothing in this section shall be construed to prevent the transfer of ownership of a vehicle by assignment of the title to a used car dealer, wholesale used car dealer, or a licensed automotive dismantler or parts recycler.

Added by Laws 1985, c. 179, § 14, operative July 1, 1985. Amended by Laws 1985, c. 352, § 1, eff. Nov. 1, 1985; Laws 1988, c. 163, § 5, emerg. eff. May 16, 1988; Laws 1988, c. 201, § 10, eff. Jan. 1, 1989; Laws 1988, c. 240, § 3, eff. Jan. 1, 1989; Laws 1989, c. 290, § 11, emerg. eff. May 24, 1989; Laws 1989, c. 349, § 3, emerg. eff. June 3, 1989; Laws 1994, c. 301, § 2, eff. Sept. 1, 1994; Laws 1995, c. 208, § 3, eff. July 1, 1995; Laws 1995, c. 324, § 2, eff. Nov. 1, 1995; Laws 1998, c. 289, § 4, emerg. eff. May 27, 1998; Laws 2001, c. 358, § 5, eff. July 1, 2001; Laws 2005, c. 355, § 2, eff. Nov. 1, 2005; Laws 2008, c. 60, § 2, eff. Nov. 1, 2008; Laws 2010, c. 321, § 2, eff. Nov. 1, 2010; Laws 2012, c. 158, § 3, eff. July 1, 2012; Laws 2019, c. 172, § 1, eff. Nov. 1, 2019; Laws 2022, c. 282, § 123, emerg. eff. May 19, 2022; Laws 2025, c. 171, § 42, eff. July 1, 2026.

§47-1112. Application for registration - Information required - False statements.

A. Every owner of a vehicle possessing a certificate of title shall, before using the same in this state, make an application for the registration of such vehicle with a licensed operator. The application shall contain such information as shall be required by Service Oklahoma. Every owner, when making application for registration, shall furnish the following information:

1. A full description of the vehicle including the make, model, color, manufacturer's serial or other identification number, any security interest upon the vehicle, an odometer reading of the vehicle when applicable, and the insurance security verification to the vehicle;

2. The correct name and address, the name of the city, county and state in which the person in whose name the vehicle is to be registered resides, the driver license number of the owner if the owner has a driver license or the Federal Employers Identification Number of the owner if such owner is not an individual, and such other information as may be prescribed by Service Oklahoma; and

3. a. The name of the carrier of the owner's insurance policy for such vehicle,
- b. The policy number of the owner's policy for such vehicle, if available, or the name of the agent or office where the existence of security may be verified, if other than the carrier,
- c. The effective dates of the owner's policy for such vehicle, and
- d. A statement of the existence of a nonuse affidavit if filed by the vehicle owner pursuant to the provisions of Section 7-607 of this title.

B. Any owner or lessee of a noncommercial vehicle possessing a certificate of title may, at the time of initial application for registration or application for renewal, inform Service Oklahoma that the owner, lessee or someone who may be operating the vehicle is deaf, hard-of-hearing, autistic or suffers from Apraxia or a communication disorder. That information, if provided, shall be available to law enforcement through Service Oklahoma's vehicle registration system to assist law enforcement in identifying the operator of the vehicle as possibly being deaf, hard-of-hearing, autistic or suffering from Apraxia or a communication disorder. As used in this section, "communication disorder" is defined as impairment in the ability to receive, send, process and comprehend concepts or verbal, nonverbal and graphic symbol systems.

C. In every case where a vehicle has been registered upon an application containing any false statement of a fact required in this section to be shown in an application for the registration thereof, Service Oklahoma shall give written notice of at least five (5) days to the owner of the vehicle, and shall require the owner to appear before it for the purpose of showing cause why the registration should not be canceled. Unless satisfactory explanation is given by the owner concerning such false statement, Service Oklahoma shall cancel the registration. The owner of the vehicle shall then be required to immediately reregister the vehicle and pay the required fees. The owner shall not be entitled to refund or credit for the fees paid for registration of the motor vehicle made under the application which contained any false statement of fact.

D. Service Oklahoma shall insert in the application forms appropriate notice to the applicant that any false statement of a

fact required to be shown in such application for registration subjects the applicant to prosecution.

Added by Laws 1985, c. 179, § 15, operative July 1, 1985. Amended by Laws 1989, c. 290, § 12, emerg. eff. May 24, 1989; Laws 1990, c. 298, § 10; Laws 1991, c. 342, § 4, emerg. eff. June 15, 1991; Laws 2000, c. 250, § 4, eff. Oct. 1, 2000, and adopted by State Question No. 691, Legislative Referendum No. 319, at election held Aug. 22, 2000. Amended by Laws 2018, c. 208, § 1, eff. July 1, 2019; Laws 2019, c. 325, § 1, eff. Nov. 1, 2019; Laws 2022, c. 282, § 124, emerg. eff. May 19, 2022.

§47-1112.1. Motor vehicle dealers - Disclosure of certain vehicle damage.

A. Every dealer shall disclose in writing to the purchaser of a new or previously unregistered motor vehicle, prior to entering into a contract for the vehicle or, if unknown at that time, prior to delivery of the vehicle, the following information:

1. Any material damage known by the dealer to have been sustained by the vehicle and subsequently repaired; and

2. Any damage, including but not limited to material damage or flood damage, known by the dealer to have been sustained by the vehicle and not repaired.

B. For purposes of this section, "material damage" means damage sustained by a motor vehicle as follows:

1. The damage required repairs having a value, including parts and labor calculated at the repairer's cost, exceeding three percent (3%) of the manufacturer's suggested retail price of the vehicle or Five Hundred Dollars (\$500.00), whichever is greater. The replacement of damaged or stolen components, excluding the cost of repainting or refinishing those components, if replaced by the installation of new original manufacturer's equipment, parts, or accessories that are bolted or otherwise attached as a unit to the vehicle, including but not limited to, the hood, bumpers, fenders, mechanical parts, instrument panels, moldings, glass, tires, wheels, and electronic instruments, shall be excluded from damage calculation, except that any damage having a cumulative repair or replacement value which exceeds ten percent (10%) of the manufacturer's suggested retail price of the vehicle shall be deemed material damage;

2. The damage was to the frame or drive train of the motor vehicle;

3. The damage occurred in connection with a theft of the entire vehicle; or

4. The damage was to the suspension of the vehicle requiring repairs other than wheel balancing or alignment.

Added by Laws 1991, c. 49, § 1, eff. July 1, 1991.

§47-1112.1A. Registration of vintage vehicles.

A. As used in this section "vintage vehicle" means a passenger automobile or truck having no more than two axles and for which no Oklahoma certificate of title exists in the records of Service Oklahoma prior to January 1, 1980, and which has not been registered in the records of Service Oklahoma or any other state for a period of fifteen (15) or more years prior to the date as of which the application for the certificate of title is made.

B. A person or other legal entity may register a vintage vehicle and obtain an Oklahoma certificate of title for the vehicle upon payment of a fee of Two Hundred Fifty Dollars (\$250.00) and providing a verified statement, under oath, submitted to Service Oklahoma with the following information:

1. The name of the person or other legal entity to which the certificate of title will be issued;

2. The personal or business address at which the vehicle will be located when not in use on the roads and highways of the state;

3. The manufacturer of the vehicle whether or not the manufacturer is still conducting business;

4. The model of the vehicle using either the designation provided by the original manufacturer or an equivalent designation;

5. The Vehicle Identification Number (VIN) if the vehicle had a VIN at the time of its original manufacture;

6. The price at which the vintage vehicle was acquired by the person or other legal entity making application for a vintage vehicle title; and

7. A statement that the vehicle is not currently subject to the lien of any person or other legal entity for the purchase price of the vehicle, for expenses associated with repair or refurbishment of the vehicle, storage charges or any other purpose.

C. The fee prescribed by subsection B of this section shall be nonrefundable even if Service Oklahoma denies the issuance of a certificate of title for the vintage vehicle for any reason.

D. Upon review of the information contained in the application for a certificate of title, Service Oklahoma shall determine whether or not the title may be issued.

E. If a vintage vehicle certificate of title is issued, the person or other legal entity making application shall make payment of the motor vehicle excise tax required by Section 2103 of Title 68 of the Oklahoma Statutes and the applicable rate of sales tax imposed pursuant to Section 1354 of Title 68 of the Oklahoma Statutes.

F. Once a certificate of title has been issued for a vintage vehicle as provided by this section, the vehicle shall be subject to the annual registration requirements in the same manner and subject to the same fees as provided by law for other motor vehicles.

Added by Laws 2019, c. 47, § 1, eff. Nov. 1, 2019. Amended by Laws 2022, c. 282, § 125, emerg. eff. May 19, 2022.

§47-1112.2. Transferability of license plates.

A. The license plate and certificate of registration shall be issued to, and remain in the name of, the owner of the vehicle registered and the license plates shall not be transferable between motor vehicle owners. When a vehicle is sold or transferred in the state, the following registration procedures shall apply:

1. When a current and valid Oklahoma motor vehicle license plate has been obtained for use on a motor vehicle and the vehicle has been sold or otherwise transferred to a new owner, the license plate shall be removed from the vehicle and retained by the original plate owner;

2. In the event an owner purchases, trades, exchanges, or otherwise acquires another vehicle of the same license registration classification, Service Oklahoma shall authorize the transfer of the current and valid license plate previously obtained by the owner to the replacement vehicle for the remainder of the current registration period. In the event the owner acquires a vehicle requiring payment of additional registration fees, the owner shall request a transfer of the license plate to the newly acquired vehicle and pay the difference in registration fees. The fee shall be calculated on a monthly prorated basis. The owner shall not be entitled to a refund:

- a. when the registration fee for the vehicle to which the plate(s) is to be assigned is less than the registration fee for that vehicle to which the license plate(s) was last assigned, or
- b. if the owner does not have or does not acquire another vehicle to which the license plate may be transferred;

3. Except as provided in paragraph 4 of this subsection, in the event the owner of a license plate or a dealer seller purchases, trades, exchanges, or otherwise acquires a vehicle for which a license plate has been issued during the current registration period, and the license plate has not been removed by the previous owner in accordance with this section, the new owner of the vehicle shall remove and destroy or otherwise discard the license plate. However, if the license plate has expired, the new owner shall not be required to destroy or otherwise discard the license plate;

4. When a lender or lender's agent repossesses a vehicle and the license plate has not been removed in accordance with this section, the lender or lender's agent shall not be subject to the provisions of this section and the license plate shall be considered removable personal property and may be reclaimed from the repossessed vehicle;

5. If a person purchases a motor vehicle from which the number plates have been removed pursuant to this section, the person may operate the motor vehicle for five (5) calendar days from the date of purchase without number plates if a dated, notarized bill of sale is carried in the motor vehicle. If the vehicle is subject to a lien, the person may obtain a ten-day temporary plate issued either from the dealer seller or by a licensed operator pursuant to the promulgation of rules by Service Oklahoma; and

6. a. Within two (2) business days of the date of sale or transfer of the motor vehicle, either the seller or the purchaser of the motor vehicle shall complete the pre-registration of the vehicle by submitting documentation to Service Oklahoma or a licensed operator identifying the motor vehicle subject to the sale or transfer, purchaser information, and any associated state-issued license plate on the vehicle. Pre-registration may be accomplished either in person at Service Oklahoma or a licensed operator location or by means of an electronic transaction or online system established by Service Oklahoma in accordance with Section 1132B of this title. Service Oklahoma or the licensed operator shall:

- (1) provide information and instructions to the purchaser to complete the registration transaction as required by the Oklahoma Vehicle License and Registration Act,
- (2) if no license plate was transferred to the motor vehicle as a result of the purchase or transfer, issue a license plate with a temporary decal to the purchaser, and
- (3) if there was an existing license plate transferred to the motor vehicle, issue a temporary decal to the existing license plate, and

b. upon the effective date of this act, Service Oklahoma is authorized to set the licensed operator compensation pursuant to Section 3-103 of this title for processing the documentation submitted and issuing the license plate and/or decal pursuant to this subsection.

B. 1. The new owner of a motor vehicle shall, within two (2) months from the date of vehicle purchase or acquisition, make application to record the registration of the vehicle with Service Oklahoma or the licensed operator and shall pay all taxes and fees provided by law.

2. Any person failing to register a motor vehicle by timely transferring the license plate as provided by this section shall pay the penalty levied in Section 1132 of this title.

C. A surviving spouse, desiring to operate a vehicle devolving from a deceased spouse, shall present an application for certificate of title to Service Oklahoma or the licensed operator in his or her name within two (2) months of obtaining ownership. Service Oklahoma or the licensed operator shall then transfer the license plate to the surviving spouse.

D. Service Oklahoma shall be authorized to promulgate such rules as may be required to implement the license plate transfers authorized by this section including, but not limited to, such rules as may be required for a system under which the license plate is registered to an individual and not a vehicle for all license plates issued on or after July 1, 2019.

E. Service Oklahoma, the Oklahoma Motor Vehicle Commission and the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission are authorized to enter into contracts and agreements for the implementation of an electronic system to facilitate the entry of required vehicle purchaser information on new and used vehicle purchases and the issuance of temporary license plates. Service Oklahoma and the Oklahoma Turnpike Authority are authorized to enter into contracts and agreements to facilitate the Oklahoma Turnpike Authority's access to an owner's vehicle registration information used by the Oklahoma Turnpike Authority to charge and collect tolls from owners of vehicles imaged using the turnpike system, and to charge the Oklahoma Turnpike Authority for services in connection with the Oklahoma Turnpike Authority's need to access owner registration information at such rates and miscellaneous costs as may be agreed to by Service Oklahoma and the Oklahoma Turnpike Authority. Service Oklahoma, in cooperation with the Oklahoma Turnpike Authority as provided in this subsection, and appropriate state agencies, commissions, and other organizations, is directed to develop, promote, and coordinate a public awareness program to be utilized in making Oklahomans aware of the requirements of this section.

Added by Laws 2018, c. 208, § 2, eff. July 1, 2019. Amended by Laws 2020, c. 29, § 1, eff. Nov. 1, 2020; Laws 2021, c. 10, § 1, eff. Nov. 1, 2021; Laws 2022, c. 282, § 126, emerg. eff. May 19, 2022; Laws 2024, c. 236, § 6, eff. Sept. 1, 2024.

§47-1112.3. Documentation required in possession or in vehicle.

A. Except as otherwise provided in subsection B of this section, at all times while a vehicle is being used or operated on the roads of this state, the operator of the vehicle shall have in his or her possession or carry in the vehicle and exhibit upon

demand to any peace officer of the state or duly authorized employee of the Department of Public Safety, either a:

1. Registration certificate, an electronic version of the registration certificate, or an official copy thereof. In addition, the vehicle operator may redact home address information printed on the registration certificate;

2. True copy of rental or lease documentation issued for a motor vehicle;

3. Registration certificate, an electronic version of the registration certificate, or an official copy thereof issued for a replacement vehicle in the same registration period. In addition, the vehicle operator may redact home address information printed on the registration certificate;

4. Temporary receipt printed upon self-initiated electronic renewal of a registration via the Internet; or

5. Cab card issued for a vehicle registered under the International Registration Plan.

B. The provisions of subsection A of this section shall not apply to the first two (2) months after purchase of a replacement vehicle.

Added by Laws 2018, c. 208, § 3, eff. July 1, 2019. Amended by Laws 2020, c. 29, § 2, eff. Nov. 1, 2020; Laws 2024, c. 236, § 7, eff. Sept. 1, 2024.

§47-1113. See the following versions:

OS 47-1113v1 (SB 2035, Laws 2024, c. 236, § 8).

OS 47-1113v2 (SB 2038, Laws 2024, c. 452, § 72).

§47-1113.2. Reissue of official vehicle license plates.

A. Service Oklahoma shall initiate the reissue of the official vehicle license plates and substitute therefor a new license plate designed by the Oklahoma Tourism and Recreation Department with the approval of the Department of Public Safety.

B. 1. In addition to all other vehicle registration fees specified by law, beginning July 1, 2016, there is levied and there shall be paid to the Oklahoma Tax Commission a fee of Five Dollars (\$5.00) upon every vehicle to be registered.

2. Beginning July 1, 2017, all monies collected under the provisions of this subsection shall be deposited by Service Oklahoma to the credit of the State Public Safety Fund created in Section 2-147 of this title.

C. In addition to the monies apportioned by Section 1104 of this title, the following amounts of monies shall be placed to the credit of Service Oklahoma Fund for the purpose of conducting a new general issue of license plates commencing January 1, 2017:

1. For the fiscal year beginning July 1, 2016, and ending June 30, 2017, the first One Million Eight Hundred Thousand Dollars

(\$1,800,000.00) collected or received by Service Oklahoma pursuant to the registration of vehicles as provided by the Oklahoma Vehicle License and Registration Act; and

2. For the fiscal year beginning July 1, 2017, and ending June 30, 2018, the first Two Million Dollars (\$2,000,000.00) collected or received by Service Oklahoma pursuant to the registration of vehicles as provided by the Oklahoma Vehicle License and Registration Act.

D. Subject to the Service Oklahoma Fund receiving credit for the funds referenced in subsection C of this section, the Executive Director shall devise a numbering system suitable for a new general issue of license plates commencing January 1, 2017. Unless otherwise provided by the Oklahoma Vehicle License and Registration Act, new license plates will be issued to all registrants applying for an original or renewal registration on or after January 1, 2017, and will continue until all previously issued license plates have been replaced. Upon receipt of the new general issue license plate, registrants shall replace any previously issued Oklahoma general issue license plate currently displayed on their vehicle.

E. Service Oklahoma shall have the authority to promulgate any rules necessary to implement such a new general issue.

F. Except for vehicles registered pursuant to the provisions of Section 1120 of this title and certain official special license plates, the new license plate design provided for in subsection A of this section shall be a part of all license plates issued on or after January 1, 2017. Service Oklahoma may establish procedures for the purpose of allowing current registrants to reserve their present general issue or personalized license plate numbers for a fee of Fifteen Dollars (\$15.00), provided payment of the fees is received by Service Oklahoma on or before November 1, 2016. The fees shall be deposited into the Service Oklahoma Reimbursement Fund for the purpose of conducting the new general issue of license plates.

G. The license plates shall be issued with identification numbers and letters in a color that provides a distinct contrast with a light-colored background in the plate identification area. All license plates and decals shall be made with reflectorized material as a background to the letters, numbers and characters displayed thereon. The reflectorized material shall be of such a nature as to provide effective and dependable brightness during the service period for which the license plate or decal is issued.

H. In furtherance of the public safety of Oklahoma drivers, the Department of Public Safety may request that Service Oklahoma initiate subsequent reissues of the official vehicle license plate. Provided however, such request shall not occur more frequently than five (5) years following the most recent reissue. Upon such request

and subject to Service Oklahoma receiving the necessary funds
Service Oklahoma shall initiate the reissue.

Added by Laws 2008, c. 335, § 1, eff. July 1, 2008. Amended by Laws 2016, c. 359, § 1; Laws 2017, c. 1, § 7, emerg. eff. March 2, 2017; Laws 2022, c. 282, § 129, emerg. eff. May 19, 2022.

§47-1113.3. Repealed by Laws 2025, c. 330, § 24, eff. July 1, 2025.

§47-1113A. Definitions.

A. As used in this section:

1. "First vehicle" means the vehicle from which a license plate is removed and transferred to a second vehicle;

2. "Second vehicle" means the vehicle to which a license plate is transferred after removal from a first vehicle; and

3. "Vehicle" means a passenger vehicle and does not include farm or commercial vehicles.

B. A person may retain the license plate of any vehicle registered to such person for purposes of transferring such license plate to a second vehicle registered to such person. The license plate removed from the first vehicle may be transferred to a new or used second vehicle. The procedure for transfer shall be as follows:

1. If the license plate removed from the first vehicle is transferred to a new motor vehicle, the owner shall obtain a replacement license plate from Service Oklahoma or one of its licensed operators within ten (10) days of removal of the license plate and upon payment of the fee required for a replacement plate and an additional Ten Dollars (\$10.00). The replacement plate shall bear an expiration date that corresponds to the expiration date on the license plate removed from the first vehicle. The replacement plate shall be affixed to the first vehicle immediately upon removal of the existing license plate. The license plate removed from the first vehicle shall be affixed to the second vehicle immediately. Additionally, within two (2) business days of the date of the sale or transfer of the motor vehicle, the parties must submit the requisite documentation to Service Oklahoma or a licensed operator identifying the motor vehicle subject to the sale or transfer, purchaser information, and any associated license plate on the vehicle, pursuant to the requirements of Section 1112.2 of this title. For sales involving a dealer seller, the dealer must submit the requisite documentation to Service Oklahoma or a licensed operator within two (2) business days. Transfer of a license plate to a new motor vehicle as authorized by this paragraph shall not relieve the owner of payment for registration or license fees applicable to such new motor vehicle as required by this title.

2. If the license plate removed from the first vehicle is transferred to a second vehicle already displaying a license plate,

the owner shall obtain the replacement license plate required by paragraph 1 of this subsection. The replacement plate shall be affixed to the first vehicle and shall bear the expiration date of the license plate removed from the first vehicle. The license plate from the second vehicle shall be removed and returned to Service Oklahoma or one of its licensed operators. The license plate removed from the first vehicle shall then be affixed to the second vehicle. The removed plate from the first vehicle shall bear an expiration date identical to the plate removed from the second vehicle. Additionally, within two (2) business days of the date of the sale or transfer of the motor vehicle, the parties must submit the requisite documentation to Service Oklahoma or a licensed operator identifying the motor vehicle subject to the sale or transfer, purchaser information, and any associated license plate on the vehicle, pursuant to the requirements of Section 1112.2 of this title.

C. Service Oklahoma shall be authorized to promulgate such rules or regulations as may be required to implement the license plate transfers authorized by this section.

D. In the event a person fails to obtain a replacement license plate as provided for in this section within the time prescribed for the registration of the new or used second vehicle, a penalty of twenty-five cents (\$0.25) per day shall be assessed from the day following the period prescribed for registration to the date of acquisition of the replacement license plate, such penalty to accrue for no more than thirty (30) days, at the end of which time the penalty shall be twice the registration cost of such vehicle.

Added by Laws 1986, c. 198, § 2, eff. July 1, 1987. Amended by Laws 2022, c. 282, § 128, emerg. eff. May 19, 2022; Laws 2024, c. 236, § 9, eff. Sept. 1, 2024.

§47-1113v1. Issuance of certificate of registration, license plates and decals - Requirements and specifications for license plates - Issuance of license plates without documentary evidence of ownership - Registration certificate to be in possession of commercial vehicle operator - Manufactured homes.

A. 1. Except for all-terrain vehicles, utility vehicles and motorcycles used exclusively off roads and highways, upon the filing of a registration application and the payment of the fees provided for in the Oklahoma Vehicle License and Registration Act, Service Oklahoma or the Corporation Commission, as applicable, shall assign to the vehicle described in the application a distinctive number, and issue to the owner of the vehicle a certificate of registration, one license plate and a yearly decal, unless otherwise previously issued pursuant to the Oklahoma Vehicle License and Registration Act. Service Oklahoma shall assign an all-terrain vehicle, utility vehicle or motorcycle used exclusively off roads and highways a

distinctive number and issue to the owner a certificate of registration and a decal but not a license plate. For each subsequent registration year, Service Oklahoma shall issue a yearly decal to be affixed to the license plate, except for an all-terrain vehicle, utility vehicle or motorcycle used exclusively off roads and highways. The initial decal for an all-terrain vehicle, utility vehicle or motorcycle shall be attached to the front of the vehicle and shall be in clear view. The decal shall be on the front or on the front fork of the motorcycle used exclusively off roads and highways and the decal shall be in clear view. The yearly decal shall have an identification number and the last two numbers of the registration year for which it shall expire. Except as provided by Section 1113A of this title, the license plate shall be affixed to the exterior of the vehicle until a replacement license plate is applied for. If the owner applies for a replacement license plate, Service Oklahoma shall charge the fee provided for in Section 1114 of this title. The yearly decal will validate the license plate for each registration period other than the year the license plate is issued. The license plate and decal shall be of such size, color, design, and numbering as Service Oklahoma may direct. However, yearly decals issued to the owner of a vehicle who has filed an affidavit with the appropriate licensed operator in accordance with Section 7-607 of this title shall be a separate and distinct color from all other decals issued under this section.

2. a. The operation of a street-legal utility vehicle on the streets and highways of this state requires the vehicle be issued a certificate of registration and license plate to be renewed annually. Upon the filing of a registration application and the payment of the fees provided for in the Oklahoma Vehicle License and Registration Act, Service Oklahoma or the Corporation Commission, as applicable, shall assign to the vehicle described in the application a distinctive number, and issue to the owner of the vehicle a certificate of registration, one license plate and a yearly decal. For each subsequent registration year, Service Oklahoma shall issue a yearly decal to be affixed to the license plate. The initial decal for a street-legal utility vehicle shall be attached to the front of the vehicle and shall be in clear view. The yearly decal shall have an identification number and the last two numbers of the registration year for which it shall expire. Except as provided by Section 1113A of this title, the license plate shall be affixed to the exterior of the vehicle until a replacement license plate is issued. If the owner applies for a replacement license plate, Service Oklahoma shall

charge the fee provided for in Section 1114 of this title. The yearly decal will validate the license plate for each registration period other than the year the license plate is issued. The license plate and decal shall be of such size, color, design, and numbering as Service Oklahoma may direct. However, yearly decals issued to the owner of a vehicle who has filed an affidavit with the appropriate licensed operator in accordance with Section 7-607 of this title shall be a separate and distinct color from all other decals issued under this section.

- b. Service Oklahoma shall design and issue a temporary tag to out-of-state owners of street-legal utility vehicles. The temporary tag shall be recognized in lieu of registration in this state. The temporary tag shall clearly indicate the date of issuance and the date of expiration, which shall be five (5) days, including the day of issuance. Upon application for a temporary tag, the out-of-state owner shall show proof of insurance coverage that satisfies the requirements of the Compulsory Insurance Law pursuant to Section 7-600 et seq. of this title. Service Oklahoma is authorized to promulgate rules and procedures to implement the provisions of this paragraph.

3. The license plate shall be securely attached to the rear of the vehicle, except truck-tractor plates which shall be attached to the front of the vehicle. Service Oklahoma may, with the concurrence of the Department of Public Safety, by Joint Rule, change and direct the manner, place, and location of display of any vehicle license plate when such action is deemed in the public interest. The license plate, decal and all letters and numbers shall be clearly visible at all times. The operation of a vehicle in this state, regardless of where such vehicle is registered, upon which the license plate is covered, overlaid, or otherwise screened with any material, whether such material be clear, translucent, tinted or opaque, shall be a violation of this paragraph.

4. Upon payment of the annual registration fee provided in Section 1133 of this title, Service Oklahoma or the Corporation Commission, as applicable, or a licensed operator may issue a permanent nonexpiring license plate to an owner of one hundred or more commercial motor vehicles and for vehicles registered under the provisions of Section 1120 of this title. Upon payment of the annual registration fee, Service Oklahoma or the Corporation Commission shall issue a certificate of registration that shall be carried at all times in the vehicle for which it is issued. Provided, if the registrant submits its application through electronic means, such qualified owners of one hundred or more

commercial motor vehicles, properly registered pursuant to the provisions of Section 1133 of this title, may elect to receive a permanent certificate of registration that shall be carried at all times in the vehicle for which it is issued.

5. Every vehicle owned by an agency of this state shall be exempt from the payment of registration fees required by this title. Provided, such vehicle shall be registered and shall otherwise comply with the provisions of the Oklahoma Vehicle License and Registration Act.

B. The license plates required under the provisions of this title shall conform to the requirements and specifications listed hereinafter:

1. Each license plate shall have a space for the placement of the yearly decals for each succeeding year of registration after the initial issue;

2. The provisions of the Oklahoma Vehicle License and Registration Act regarding the issuance of yearly decals shall not apply to the issuance of apportioned license plates, including license plates for state vehicles, and exempt plates for governmental entities and fire departments organized pursuant to Section 592 of Title 18 of the Oklahoma Statutes;

3. All license plates and decals shall be made with reflectorized material as a background to the letters, numbers and characters displayed thereon. The reflectorized material shall be of such a nature as to provide effective and dependable brightness during the service period for which the license plate or decal is issued;

4. Except as otherwise provided in this subsection, Service Oklahoma shall design appropriate official license plates for all state vehicles. Such license plates shall be permanent in nature and designed in such manner as to remain with the vehicle for the duration of the vehicle's life span or until the title is transferred to a nongovernmental owner;

5. Within the limits prescribed in this section, Service Oklahoma shall design appropriate official license plates for vehicles of the Oklahoma Highway Patrol. The license plates shall have the legend "Oklahoma OK" and shall contain the letters "OHP" followed by the state seal and the badge number of the Highway Patrol officer to whom the vehicle is assigned. The words "Oklahoma Highway Patrol" shall also be included on such license plates;

6. Within the limits prescribed in this section, Service Oklahoma shall design appropriate official license plates for vehicles of the Military Department of the State of Oklahoma. Such license plates shall have the legend "Oklahoma OK" and shall contain the letters "OMD" followed by the state seal and three numbers or letters as designated by the Adjutant General. The words "Oklahoma Military Department" shall also be included on such license plates;

7. Within the limits prescribed in this section, Service Oklahoma shall design appropriate official license plates for vehicles of the Department of Corrections. Such license plates shall contain the letters "DOC" followed by the Department of Corrections badge and three numbers or letters or combination of both as designated by the Director of the agency. The words "Department of Corrections" shall also be included on such license plates; and

8. Within the limits prescribed in this section, the Oklahoma Tourism and Recreation Department shall design any license plates required by the initiation of a license plate reissuance by Service Oklahoma at the request of the Department of Public Safety pursuant to the provisions of Section 1113.2 of this title. Any such new designs shall be submitted by the Oklahoma Tourism and Recreation Department to the Department of Public Safety for its approval prior to being issued by Service Oklahoma.

C. Where the applicant has satisfactorily shown that the applicant owns the vehicle sought to be registered but is unable to produce documentary evidence of the ownership, a license plate may be issued upon approval by Service Oklahoma or the Corporation Commission, as applicable. In such instances the reason for not issuing a certificate of title shall be indicated on the receipt given to the applicant. It shall still be the duty of the applicant to immediately take all necessary steps to obtain the Oklahoma certificate of title and it shall be unlawful for the applicant to sell the vehicle until the certificate has been obtained in the applicant's name.

D. The certificate of registration provided for in this section shall be in convenient form, and the certificate of registration, or a certified copy or photostatic copy thereof, duly authenticated by Service Oklahoma or the Corporation Commission, as applicable, shall be carried at all times in or upon all vehicles so registered, in such manner as to permit a ready examination thereof upon demand by any peace officer of the state or duly authorized employee of the Department of Public Safety. Any such officer or agent may seize and hold such vehicle when the operator of the same does not have the registration certificate in the operator's possession or when any such officer or agent determines that the registration certificate has been obtained by misrepresentation of any essential or material fact or when any number or identifying information appearing on such certificate has been changed, altered, obliterated or concealed in any way, until the proper registration or identification of such vehicle has been made or produced by the owner thereof.

E. The purchaser of a new or used manufactured home shall, within thirty (30) days of the date of purchase, register the home with Service Oklahoma or a licensed operator pursuant to the

provisions of Section 1117 of this title. For a new manufactured home, it shall be the responsibility of the dealer selling the home to place a temporary license plate on the home in the same manner as provided in Section 1128 of this title for other new motor vehicles. For the first year that any manufactured home is registered in this state, Service Oklahoma shall issue a metal license plate which shall be affixed to the manufactured home. The temporary dealer license plate or the metal license plate shall be displayed on the manufactured home at all times when upon a public roadway; provided, a repossession affidavit issued pursuant to Sections 1110 and 1126 of this title shall be permissible in lieu of a current license plate and decal for the purposes of removing a repossessed manufactured home to a secure location. Manufactured homes previously registered and subject to ad valorem taxation as provided by law shall have a decal affixed at the time ad valorem taxes are paid for such manufactured home; provided, for a manufactured home permanently affixed to real estate, no decal or license plate shall be required to be affixed and the owner thereof shall be given a receipt upon payment of ad valorem taxes due on the home. Service Oklahoma shall make sufficient plates and decals available to the various licensed operators of the state in order for an owner of a manufactured home to acquire the plate or decal. A one-dollar fee shall be charged for issuance of any plate or decal. The fee shall be apportioned each month to the General Revenue Fund of the State Treasury.

F. The decal shall be easily visible for purposes of verification by a county assessor that the manufactured home is properly assessed for ad valorem taxation. In the first year of registration, a decal shall be issued for placement on the license plate indicating payment of applicable registration fees and excise taxes. A duplicate manufactured home registration decal shall be affixed inside the window nearest the front door of the manufactured home. In the second and all subsequent years for which the manufactured home is subject to ad valorem taxation, an annual decal shall be affixed inside the window nearest the front door as evidence of payment of ad valorem taxes. Service Oklahoma shall issue decals to the various county treasurers of the state in order for a manufactured home owner to obtain such decal each year. Upon presentation of a valid ad valorem tax receipt, the manufactured home owner shall be issued the annual decal.

G. Upon the registration of a manufactured home in this state for the first time or upon discovery of a manufactured home previously registered within this state for which the information required by this subsection is not known, Service Oklahoma shall obtain:

1. The name of the owner of the manufactured home;

2. The serial number or identification number of the manufactured home;
3. A legal description or address of the location for the home;
4. The actual retail selling price of the manufactured home excluding Oklahoma taxes;
5. The certificate of title number for the home; and
6. Any other information which Service Oklahoma deems to be necessary.

The application for registration shall also include the school district in which the manufactured home is located or is to be located. The information shall be entered into a computer data system which shall be used by Service Oklahoma to provide information to county assessors upon request by the assessor. The assessor may request any information from the system in order to properly assess a manufactured home for ad valorem taxation.

Added by Laws 1985, c. 179, § 16, operative July 1, 1985. Amended by Laws 1986, c. 198, § 1, eff. July 1, 1987; Laws 1987, c. 216, § 1, eff. Nov. 1, 1987; Laws 1988, c. 80, § 1, eff. Jan. 1, 1989; Laws 1988, c. 281, § 18, operative Jan. 1, 1989; Laws 1990, c. 116, § 1, operative July 1, 1990; Laws 1992, c. 368, § 1, eff. July 1, 1992; Laws 1993, c. 266, § 1, eff. Sept. 1, 1993; Laws 1994, c. 2, § 16, emerg. eff. March 2, 1994; Laws 1995, c. 101, § 2, eff. Nov. 1, 1995; Laws 1995, c. 358, § 5, eff. Nov. 1, 1995; Laws 1996, c. 22, § 4, eff. July 1, 1996; Laws 1997, c. 192, § 1, eff. Jan. 1, 1998; Laws 1998, c. 403, § 1, emerg. eff. June 10, 1998; Laws 1999, c. 1, § 14, emerg. eff. Feb. 24, 1999; Laws 1999, c. 367, § 1, eff. Nov. 1, 1999; Laws 2000, c. 189, § 8, eff. July 1, 2000; Laws 2000, c. 314, § 3, eff. July 1, 2000; Laws 2001, c. 131, § 11, eff. July 1, 2001; Laws 2002, c. 417, § 3, eff. July 1, 2002; Laws 2004, c. 222, § 3, eff. Nov. 1, 2004; Laws 2004, c. 534, § 4, eff. Nov. 1, 2004; Laws 2005, c. 1, § 66, emerg. eff. March 15, 2005; Laws 2005, c. 190, § 14, eff. Sept. 1, 2005; Laws 2005, c. 284, § 4, eff. July 1, 2005; Laws 2008, c. 98, § 8, eff. July 1, 2008; Laws 2008, c. 335, § 3, eff. July 1, 2008; Laws 2009, c. 183, § 14, eff. Nov. 1, 2009; Laws 2009, c. 426, § 1, eff. Nov. 1, 2009; Laws 2017, c. 98, § 1; Laws 2017, c. 331, § 1, eff. Nov. 1, 2017; Laws 2018, c. 208, § 4, eff. July 1, 2019; Laws 2021, c. 328, § 4, emerg. eff. April 28, 2021; Laws 2022, c. 282, § 127, emerg. eff. May 19, 2022; Laws 2024, c. 236, § 8, eff. Sept. 1, 2024.

NOTE: Laws 1993, c. 262, § 1 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994. Laws 1995, c. 18, § 1 repealed by Laws 1995, c. 358, § 12, emerg. eff. June 9, 1995. Laws 1995, c. 58, § 1 repealed by Laws 1995, c. 358, § 13, eff. Nov. 1, 1995. Laws 1998, c. 355, § 2 repealed by Laws 1999, c. 1, § 45, emerg. eff. Feb. 24, 1999. Laws 2004, c. 522, § 12 repealed by Laws 2005, c. 1, § 67, emerg. eff. March 15, 2005.

§47-1113v2. Issuance of certificate of registration, license plates and decals - Requirements and specifications for license plates - Issuance of license plates without documentary evidence of ownership - Registration certificate to be in possession of commercial vehicle operator - Manufactured homes.

A. 1. Except for all-terrain vehicles, utility vehicles and motorcycles used exclusively off roads and highways, upon the filing of a registration application and the payment of the fees provided for in the Oklahoma Vehicle License and Registration Act, Service Oklahoma or the Corporation Commission, as applicable, shall assign to the vehicle described in the application a distinctive number, and issue to the owner of the vehicle a certificate of registration, one license plate and a yearly decal. Service Oklahoma shall assign an all-terrain vehicle, utility vehicle or motorcycle used exclusively off roads and highways a distinctive number and issue to the owner a certificate of registration and a decal but not a license plate. For each subsequent registration year, Service Oklahoma shall issue a yearly decal to be affixed to the license plate, except for an all-terrain vehicle, utility vehicle or motorcycle used exclusively off roads and highways. The initial decal for an all-terrain vehicle, utility vehicle or motorcycle shall be attached to the front of the vehicle and shall be in clear view. The decal shall be on the front or on the front fork of the motorcycle used exclusively off roads and highways and the decal shall be in clear view. The yearly decal shall have an identification number and the last two numbers of the registration year for which it shall expire. Except as provided by Section 1113A of this title, the license plate shall be affixed to the exterior of the vehicle until a replacement license plate is applied for. If the owner applies for a replacement license plate, Service Oklahoma shall charge the fee provided for in Section 1114 of this title. The yearly decal will validate the license plate for each registration period other than the year the license plate is issued. The license plate and decal shall be of such size, color, design and numbering as Service Oklahoma may direct. However, yearly decals issued to the owner of a vehicle who has filed an affidavit with the appropriate licensed operator in accordance with Section 7-607 of this title shall be a separate and distinct color from all other decals issued under this section. Before the effective date of this act, Service Oklahoma shall also issue a monthly decal which shall include a two-letter abbreviation corresponding to the county in which the vehicle is registered. Service Oklahoma shall issue all decals in the possession of Service Oklahoma on the effective date of this act before issuing any decals which do not contain the county abbreviation.

2. a. The operation of a street-legal utility vehicle on the streets and highways of this state requires the

vehicle be issued a certificate of registration and license plate to be renewed annually. Upon the filing of a registration application and the payment of the fees provided for in the Oklahoma Vehicle License and Registration Act, Service Oklahoma or the Corporation Commission, as applicable, shall assign to the vehicle described in the application a distinctive number, and issue to the owner of the vehicle a certificate of registration, one license plate and a yearly decal. For each subsequent registration year, Service Oklahoma shall issue a yearly decal to be affixed to the license plate. The initial decal for a street-legal utility vehicle shall be attached to the front of the vehicle and shall be in clear view. The yearly decal shall have an identification number and the last two numbers of the registration year for which it shall expire. Except as provided by Section 1113A of this title, the license plate shall be affixed to the exterior of the vehicle until a replacement license plate is issued. If the owner applies for a replacement license plate, Service Oklahoma shall charge the fee provided for in Section 1114 of this title. The yearly decal will validate the license plate for each registration period other than the year the license plate is issued. The license plate and decal shall be of such size, color, design and numbering as Service Oklahoma may direct. However, yearly decals issued to the owner of a vehicle who has filed an affidavit with the appropriate licensed operator in accordance with Section 7-607 of this title shall be a separate and distinct color from all other decals issued under this section.

- b. Service Oklahoma shall design and issue a temporary tag to out-of-state owners of street-legal utility vehicles. The temporary tag shall be recognized in lieu of registration in this state. The temporary tag shall clearly indicate the date of issuance and the date of expiration, which shall be five (5) days, including the day of issuance. Upon application for a temporary tag, the out-of-state owner shall show proof of insurance coverage that satisfies the requirements of the Compulsory Insurance Law pursuant Section 7-600 et seq. of this title. Service Oklahoma is authorized to promulgate rules and procedures to implement the provisions of this paragraph.

- 3. a. The operation of a military surplus vehicle, as defined by Section 1-133.1a of this title, on the

streets and highways of this state requires that the vehicle be issued a certificate of registration and license plate to be renewed annually. Upon the filing of a registration application and the payment of the fees provided for in the Oklahoma Vehicle License and Registration Act, Service Oklahoma or the Corporation Commission, as applicable, shall design and assign license plates of a distinctive design in lieu of the usual license plates that shall show, in addition to the identification number, that the vehicle meets the qualifications of a military surplus vehicle, as the case may be, owned by an Oklahoma military surplus vehicle collector. The registration shall be valid for one (1) year and may be renewed by payment of such annual fee. The yearly decal shall have an identification number and the last two numbers of the registration year for which it shall expire. Except as provided by Section 1113A of this title, the license plate shall be affixed to the exterior of the vehicle until a replacement license plate is issued. If the owner applies for a replacement license plate, Service Oklahoma shall charge the fee provided for in Section 1114 of this title. The yearly decal will validate the license plate for each registration period other than the year the license plate is issued. The license plate and decal shall be of such size, color, design, and numbering as Service Oklahoma may direct. However, yearly decals issued to the owner of a vehicle who has filed an affidavit with the appropriate licensed operator in accordance with Section 7-607 of this title shall be a separate and distinct color from all other decals issued under this section.

- b. Each military surplus vehicle collector, as defined by Section 1-133.1b of this title, who applies for military surplus vehicle license plates will be issued a military surplus collector's identification number that will appear on each license plate. Second and all subsequent registrations under this section by the same collector will bear the same collector's identification number followed by a suffix letter for vehicle identification.
- c. A military surplus vehicle collector must own and have registered one or more vehicles with regular Oklahoma license plates that are used for regular transportation.

- d. There shall be a one-time processing fee of Twenty Dollars (\$20.00) to defray the cost of issuing the original military surplus vehicle collector's military surplus vehicle designation license plates to ensure that each collector will be issued only one collector's identification number.

4. The license plate shall be securely attached to the rear of the vehicle, except truck-tractor plates which shall be attached to the front of the vehicle. Service Oklahoma may, with the concurrence of the Department of Public Safety, by Joint Rule, change and direct the manner, place and location of display of any vehicle license plate when such action is deemed in the public interest. The license plate, decal and all letters and numbers shall be clearly visible at all times. The operation of a vehicle in this state, regardless of where such vehicle is registered, upon which the license plate is covered, overlaid or otherwise screened with any material, whether such material be clear, translucent, tinted or opaque, shall be a violation of this paragraph.

5. Upon payment of the annual registration fee provided in Section 1133 of this title, Service Oklahoma or the Corporation Commission, as applicable, or a licensed operator may issue a permanent nonexpiring license plate to an owner of one hundred or more commercial motor vehicles and for vehicles registered under the provisions of Section 1120 of this title. Upon payment of the annual registration fee, Service Oklahoma or the Corporation Commission shall issue a certificate of registration that shall be carried at all times in the vehicle for which it is issued. Provided, if the registrant submits its application through electronic means, such qualified owners of one hundred or more commercial motor vehicles, properly registered pursuant to the provisions of Section 1133 of this title, may elect to receive a permanent certificate of registration that shall be carried at all times in the vehicle for which it is issued.

6. Every vehicle owned by an agency of this state shall be exempt from the payment of registration fees required by this title. Provided, such vehicle shall be registered and shall otherwise comply with the provisions of the Oklahoma Vehicle License and Registration Act.

B. The license plates required under the provisions of this title shall conform to the requirements and specifications listed hereinafter:

1. Each license plate shall have a space for the placement of the yearly decals for each succeeding year of registration after the initial issue;

2. The provisions of the Oklahoma Vehicle License and Registration Act regarding the issuance of yearly decals shall not apply to the issuance of apportioned license plates, including

license plates for state vehicles, and exempt plates for governmental entities and fire departments organized pursuant to Section 592 of Title 18 of the Oklahoma Statutes;

3. All license plates and decals shall be made with reflectorized material as a background to the letters, numbers and characters displayed thereon. The reflectorized material shall be of such a nature as to provide effective and dependable brightness during the service period for which the license plate or decal is issued;

4. Except as otherwise provided in this subsection, Service Oklahoma shall design appropriate official license plates for all state vehicles. Such license plates shall be permanent in nature and designed in such manner as to remain with the vehicle for the duration of the vehicle's life span or until the title is transferred to a nongovernmental owner;

5. Within the limits prescribed in this section, Service Oklahoma shall design appropriate official license plates for vehicles of the Oklahoma Highway Patrol. The license plates shall have the legend "Oklahoma OK" and shall contain the letters "OHP" followed by the state seal and the badge number of the Highway Patrol officer to whom the vehicle is assigned. The words "Oklahoma Highway Patrol" shall also be included on such license plates;

6. Within the limits prescribed in this section, Service Oklahoma shall design appropriate official license plates for vehicles of the Oklahoma Military Department. Such license plates shall have the legend "Oklahoma OK" and shall contain the letters "OMD" followed by the state seal and three numbers or letters as designated by the Adjutant General. The words "Oklahoma Military Department" shall also be included on such license plates;

7. Within the limits prescribed in this section, Service Oklahoma shall design appropriate official license plates for vehicles of the Oklahoma Department of Corrections. Such license plates shall contain the letters "DOC" followed by the Department of Corrections badge and three numbers or letters or combination of both as designated by the Director of the agency. The words "Department of Corrections" shall also be included on such license plates; and

8. Within the limits prescribed in this section, the Oklahoma Tourism and Recreation Department shall design any license plates required by the initiation of a license plate reissuance by Service Oklahoma at the request of the Department of Public Safety pursuant to the provisions of Section 1113.2 of this title. Any such new designs shall be submitted by the Oklahoma Tourism and Recreation Department to the Department of Public Safety for its approval prior to being issued by Service Oklahoma.

C. Where the applicant has satisfactorily shown that the applicant owns the vehicle sought to be registered but is unable to

produce documentary evidence of the ownership, a license plate may be issued upon approval by Service Oklahoma or the Corporation Commission, as applicable. In such instances the reason for not issuing a certificate of title shall be indicated on the receipt given to the applicant. It shall still be the duty of the applicant to immediately take all necessary steps to obtain the Oklahoma certificate of title and it shall be unlawful for the applicant to sell the vehicle until the certificate has been obtained in the applicant's name.

D. The certificate of registration provided for in this section shall be in convenient form, and the certificate of registration, or a certified copy or photostatic copy thereof, duly authenticated by Service Oklahoma or the Corporation Commission, as applicable, shall be carried at all times in or upon all vehicles so registered, in such manner as to permit a ready examination thereof upon demand by any peace officer of the state or duly authorized employee of the Department of Public Safety. Any such officer or agent may seize and hold such vehicle when the operator of the same does not have the registration certificate in the operator's possession or when any such officer or agent determines that the registration certificate has been obtained by misrepresentation of any essential or material fact or when any number or identifying information appearing on such certificate has been changed, altered, obliterated or concealed in any way, until the proper registration or identification of such vehicle has been made or produced by the owner thereof.

E. The purchaser of a new or used manufactured home shall, within thirty (30) days of the date of purchase, register the home with Service Oklahoma or a licensed operator pursuant to the provisions of Section 1117 of this title. For a new manufactured home, it shall be the responsibility of the dealer selling the home to place a temporary license plate on the home in the same manner as provided in Section 1128 of this title for other new motor vehicles. For the first year that any manufactured home is registered in this state, Service Oklahoma shall issue a metal license plate which shall be affixed to the manufactured home. The temporary dealer license plate or the metal license plate shall be displayed on the manufactured home at all times when upon a public roadway; provided, a repossession affidavit issued pursuant to Sections 1110 and 1126 of this title shall be permissible in lieu of a current license plate and decal for the purposes of removing a repossessed manufactured home to a secure location. Manufactured homes previously registered and subject to ad valorem taxation as provided by law shall have a decal affixed at the time ad valorem taxes are paid for such manufactured home; provided, for a manufactured home permanently affixed to real estate, no decal or license plate shall be required to be affixed and the owner thereof shall be given a

receipt upon payment of ad valorem taxes due on the home. Service Oklahoma shall make sufficient plates and decals available to the various licensed operators of the state in order for an owner of a manufactured home to acquire the plate or decal. A one-dollar fee shall be charged for issuance of any plate or decal. The fee shall be apportioned each month to the General Revenue Fund of the State Treasury.

F. The decal shall be easily visible for purposes of verification by a county assessor that the manufactured home is properly assessed for ad valorem taxation. In the first year of registration, a decal shall be issued for placement on the license plate indicating payment of applicable registration fees and excise taxes. A duplicate manufactured home registration decal shall be affixed inside the window nearest the front door of the manufactured home. In the second and all subsequent years for which the manufactured home is subject to ad valorem taxation, an annual decal shall be affixed inside the window nearest the front door as evidence of payment of ad valorem taxes. Service Oklahoma shall issue decals to the various county treasurers of the state in order for a manufactured home owner to obtain such decal each year. Upon presentation of a valid ad valorem tax receipt, the manufactured home owner shall be issued the annual decal.

G. Upon the registration of a manufactured home in this state for the first time or upon discovery of a manufactured home previously registered within this state for which the information required by this subsection is not known, Service Oklahoma shall obtain:

1. The name of the owner of the manufactured home;
2. The serial number or identification number of the manufactured home;
3. A legal description or address of the location for the home;
4. The actual retail selling price of the manufactured home excluding Oklahoma taxes;
5. The certificate of title number for the home; and
6. Any other information which Service Oklahoma deems to be necessary.

The application for registration shall also include the school district in which the manufactured home is located or is to be located. The information shall be entered into a computer data system which shall be used by Service Oklahoma to provide information to county assessors upon request by the assessor. The assessor may request any information from the system in order to properly assess a manufactured home for ad valorem taxation.

Added by Laws 1985, c. 179, § 16, operative July 1, 1985. Amended by Laws 1986, c. 198, § 1, eff. July 1, 1987; Laws 1987, c. 216, § 1, eff. Nov. 1, 1987; Laws 1988, c. 80, § 1, eff. Jan. 1, 1989; Laws 1988, c. 281, § 18, operative Jan. 1, 1989; Laws 1990, c. 116, § 1,

operative July 1, 1990; Laws 1992, c. 368, § 1, eff. July 1, 1992; Laws 1993, c. 266, § 1, eff. Sept. 1, 1993; Laws 1994, c. 2, § 16, emerg. eff. March 2, 1994; Laws 1995, c. 101, § 2, eff. Nov. 1, 1995; Laws 1995, c. 358, § 5, eff. Nov. 1, 1995; Laws 1996, c. 22, § 4, eff. July 1, 1996; Laws 1997, c. 192, § 1, eff. Jan. 1, 1998; Laws 1998, c. 403, § 1, emerg. eff. June 10, 1998; Laws 1999, c. 1, § 14, emerg. eff. Feb. 24, 1999; Laws 1999, c. 367, § 1, eff. Nov. 1, 1999; Laws 2000, c. 189, § 8, eff. July 1, 2000; Laws 2000, c. 314, § 3, eff. July 1, 2000; Laws 2001, c. 131, § 11, eff. July 1, 2001; Laws 2002, c. 417, § 3, eff. July 1, 2002; Laws 2004, c. 222, § 3, eff. Nov. 1, 2004; Laws 2004, c. 534, § 4, eff. Nov. 1, 2004; Laws 2005, c. 1, § 66, emerg. eff. March 15, 2005; Laws 2005, c. 190, § 14, eff. Sept. 1, 2005; Laws 2005, c. 284, § 4, eff. July 1, 2005; Laws 2008, c. 98, § 8, eff. July 1, 2008; Laws 2008, c. 335, § 3, eff. July 1, 2008; Laws 2009, c. 183, § 14, eff. Nov. 1, 2009; Laws 2009, c. 426, § 1, eff. Nov. 1, 2009; Laws 2017, c. 98, § 1; Laws 2017, c. 331, § 1, eff. Nov. 1, 2017; Laws 2018, c. 208, § 4, eff. July 1, 2019; Laws 2021, c. 328, § 4, emerg. eff. April 28, 2021; Laws 2022, c. 282, § 127, emerg. eff. May 19, 2022; Laws 2024, c. 452, § 72, emerg. eff. June 14, 2024.

NOTE: Laws 1993, c. 262, § 1 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994. Laws 1995, c. 18, § 1 repealed by Laws 1995, c. 358, § 12, emerg. eff. June 9, 1995. Laws 1995, c. 58, § 1 repealed by Laws 1995, c. 358, § 13, eff. Nov. 1, 1995. Laws 1998, c. 355, § 2 repealed by Laws 1999, c. 1, § 45, emerg. eff. Feb. 24, 1999. Laws 2004, c. 522, § 12 repealed by Laws 2005, c. 1, § 67, emerg. eff. March 15, 2005.

§47-1114. Lost, mutilated or destroyed license plate or decal - Replacement - Prohibition of issuance.

In the event of loss, mutilation, or destruction of a license plate or decal, the owner of such registered vehicle shall file an affidavit showing such fact and obtain another plate or decal. Provided, that Service Oklahoma shall have the authority to prohibit the issuance of any replacement plate or decal if the license plate was seized pursuant to subparagraph b of paragraph 1 of subsection A of Section 7-606 of this title for failure to comply with the Compulsory Insurance Law until the owner or operator of the vehicle from which the license plate was seized complies with division (2) of subparagraph b of paragraph 1 of subsection A of Section 7-606 of this title. The charge shall be Four Dollars (\$4.00) for each replacement plate or decal.

Added by Laws 1985, c. 179, § 17, operative July 1, 1985. Amended by Laws 2014, c. 404, § 1, emerg. eff. June 3, 2014; Laws 2022, c. 282, § 130, emerg. eff. May 19, 2022.

§47-1114.1. Computation of annual license fee.

In computing the annual registration and licensing fees for any vehicle in this state, the amount of such fee plus any other statutory fees shall be rounded to the nearest dollar.
Amended by Laws 1989, c. 346, § 72, eff. Jan. 1, 1990

§47-1114.2. Repealed by Laws 2023, c. 310, § 39, eff. July 1, 2023.

§47-1115. See the following versions:

OS 47-1115v1 (SB 1108, Laws 2025, c. 171, § 43)

OS 47-1115v2 (HB 1684, Laws 2025, c. 370, § 2)

§47-1115.1. Seizure of vehicles not bearing or displaying proper license plate - Sale.

In addition to the penalties provided in the Oklahoma Vehicle License and Registration Act, after ninety (90) days from the expiration date for annual registration of a vehicle, the Corporation Commission, Department of Public Safety, county sheriffs, and all other duly authorized peace officers of this state may seize and take into custody every vehicle owned within this state not bearing or displaying a proper license plate required by the Oklahoma Vehicle License and Registration Act. The vehicle shall not be released to the owner until it is duly registered and the license, registration, or title fee and penalties due are paid in full, proof of security or an affidavit that the vehicle will not be used on public highways or public streets, as required pursuant to Section 7-600 et seq. of this title, is furnished, and the cost of seizure, including the reasonable cost of taking the vehicle into custody and storing the vehicle, have been paid. In the event the owner of any vehicle seized fails to pay such fees and penalties due, together with cost of seizure and storage, and fails to provide proof of security or an affidavit that the vehicle will not be used on public highways or public streets, the Office of Management and Enterprise Services shall proceed to sell the vehicle by posting not fewer than five notices of sale in five different public places in the county where the vehicle is located, one of such notices to be posted at the place where the vehicle is stored. A copy of the notice shall also be sent by certified mail, restricted delivery, with return receipt requested, to the last-known address of the registered owner of the vehicle. The vehicle shall be sold at such sale subject to the following terms and conditions:

1. In the event the sale price is equal to, or greater than, the total costs of sale, seizure and the fee and penalty, the purchaser shall be issued a certificate of purchase, license plate, manufactured home registration receipt and decal and registration certificate;

2. In the event the sale price is less than the total costs of sale, seizure, and the fee and penalty, the vehicle shall be sold as

junk to the highest bidder, whereupon the bidder shall receive a certificate of purchase; and if the vehicle be dismantled, the record to the junked vehicle shall be canceled. If not dismantled, the vehicle shall be immediately registered; and

3. Any residual amount remaining unclaimed by the delinquent owner shall be administered in accordance with the Uniform Unclaimed Property Act.

Added by Laws 1986, c. 144, § 10, emerg. eff. April 21, 1986.

Amended by Laws 1987, c. 6, § 7, emerg. eff. March 16, 1987; Laws 1991, c. 331, § 52, eff. Sept. 1, 1991; Laws 1993, c. 153, § 5, eff. Sept. 1, 1993; Laws 1998, c. 423, § 1; Laws 1999, c. 1, § 15, emerg. eff. Feb. 24, 1999; Laws 2004, c. 522, § 14, eff. July 1, 2004; Laws 2009, c. 181, § 1, eff. July 1, 2009; Laws 2012, c. 304, § 201.

NOTE: Laws 1998, c. 293, § 2 repealed by Laws 1999, c. 1, § 45, emerg. eff. Feb. 24, 1999.

§47-1115.2. Preemption of orders, ordinances, or regulations of municipalities or other political subdivisions - Exceptions.

A. The Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way the enforcement of registration and licensing of automobiles to the complete exclusion of any order, ordinance, or regulation by any municipality or other political subdivision of this state. Any existing or future orders, ordinances, or regulations in this field, except as provided for in subsection B of this section, are null and void.

B. Nothing contained in this section shall prohibit any order, ordinance, or regulation of any municipality from enacting and enforcing laws prohibiting and penalizing conduct prohibited by Sections 1101 through 1151.1 of Title 47 of the Oklahoma Statutes, but the provisions of such order, ordinance, or regulation by a municipality shall not be more stringent than those of the Oklahoma Vehicle License and Registration Act.

Added by Laws 2004, c. 178, § 3, eff. Nov. 1, 2004.

§47-1115.3. All-terrain vehicles, utility vehicles, and motorcycles - Registration.

A. Except as otherwise provided by this section, all-terrain vehicles, utility vehicles and motorcycles used exclusively off roads or highways shall be registered once with Service Oklahoma within thirty (30) days after purchase.

B. For all-terrain vehicles or motorcycles used exclusively off roads or highways purchased prior to July 1, 2005, registration, as otherwise required by Section 1115 of this title, shall not be required, but shall be allowed at the option of the owner of the all-terrain vehicle or motorcycle used exclusively off roads or highways.

C. For utility vehicles used exclusively off roads or highways purchased prior to July 1, 2008, registration, as otherwise required by Section 1115 of this title, shall not be required but shall be allowed at the option of the owner of the utility vehicle used exclusively off roads or highways.

D. All-terrain vehicles, utility vehicles or motorcycles used exclusively off roads or highways owned or purchased by a person that possesses an agricultural exemption pursuant to Section 1358.1 of Title 68 of the Oklahoma Statutes may be registered as provided by this section, but shall not require registration.

E. Vehicles meeting the specifications and description of a street-legal utility vehicle as described in Section 1-171.1 of this title shall be required to receive a certificate of registration, license plate and yearly decal before operation on the streets, county roads and state highways.

Added by Laws 2005, c. 284, § 5, eff. July 1, 2005. Amended by Laws 2008, c. 98, § 9, eff. July 1, 2008; Laws 2021, c. 328, § 5, emerg. eff. April 28, 2021; Laws 2022, c. 282, § 133, emerg. eff. May 19, 2022.

§47-1115v1. Vehicles required to be registered - Registration schedule - Delinquent registration - Penalties.

A. Unless provided otherwise by statute, the following vehicles shall be annually registered with Service Oklahoma: manufactured homes, vehicles registered with a permanent nonexpiring license plate pursuant to Section 1113 of this title, and commercial vehicles registered pursuant to the installment plan provided in subsection H of Section 1133 of this title. The following schedule shall apply for such vehicle purchased in this state or brought into this state by residents of this state:

1. Between January 1 and March 31, the payment of the full annual fee shall be required;
2. Between April 1 and June 30, the payment of three-fourths (3/4) the annual fee shall be required;
3. Between July 1 and September 30, the payment of one-half (1/2) the annual fee shall be required; and
4. Between October 1 and November 30, one-fourth (1/4) the annual fee shall be required.

License plates or decals for each year shall be made available on December 1 of each preceding year for such vehicles. Any person who purchases such vehicle or manufactured home between December 1 and December 31 of any year shall register it within thirty (30) days from date of purchase and obtain a license plate or Manufactured Home License Registration Decal, as appropriate, for the following calendar year upon payment of the full annual fee. Unless provided otherwise by statute, all annual license, registration and other fees for such vehicles shall be due and

payable on January 1 of each year and if not paid by February 1 shall be deemed delinquent.

B. 1. All vehicles, other than those required to be registered pursuant to the provisions of subsection A of this section, shall be registered on a staggered system of registration and licensing on a monthly series basis to distribute the work of registering such vehicles as uniformly and expeditiously as practicable throughout the calendar year unless otherwise provided in this section. After the end of the month following the expiration date, the license and registration fees for the new registration period shall become delinquent. At the time of registration or renewal, the owner of the vehicle may choose either an annual or a biennial registration of the vehicle.

2. All fleet vehicles registered pursuant to new applications approved pursuant to the provisions of Section 1120 of this title shall be registered on a staggered system monthly basis.

3. Applicants seeking to establish Oklahoma as the base jurisdiction for registering apportioned fleet vehicles shall have a one-time option of registering for a period of not less than six (6) months nor greater than eighteen (18) months. Subsequent renewals for these registrants will be for twelve (12) months, expiring on the last day of the month chosen by the registrant under the one-time option as provided herein. In addition, registrants with multiple fleets may designate a different registration month of expiration for each fleet.

As used in this section, "fleet" shall have the same meaning as set forth in the International Registration Plan.

4. Effective January 1, 2004, all motorcycles and mopeds shall be registered on a staggered system of registration. Service Oklahoma shall notify in writing, prior to December 1, 2003, all owners of motorcycles or mopeds registered as of such date, who shall have a one-time option of registering for a period of not less than three (3) months nor greater than fifteen (15) months. Subsequent renewals for these registrants will be for twelve (12) months, expiring on the last day of the month chosen by the registrant under the one-time option as provided herein. All motorcycles and mopeds registered pursuant to new applications received on or after December 1, 2003, shall also be registered pursuant to the provisions of this paragraph.

5. Any three or more commercial vehicles owned by the same person and previously registered in this state may be registered at the same time regardless of the month or months in which they were previously registered. The month in which the commercial vehicles are newly registered shall be the month in which their registration is renewed annually. If a commercial vehicle is registered pursuant to this paragraph in the same calendar year in which it was previously registered, license and registration fees shall be

prorated to account for the difference between the previous renewal month and the new renewal month and those fees shall be due at the time of registration pursuant to this paragraph.

C. The following penalties shall apply for delinquent registration fees:

1. For fleet vehicles required to be registered pursuant to the provisions of Section 1120 of this title for which a properly completed application for registration has not been received by the Corporation Commission by the last day of the month following the registration expiration date, a penalty of thirty percent (30%) of the Oklahoma portion of the annual registration fee, or Two Hundred Dollars (\$200.00), whichever is greater, shall be assessed. The license and registration cards issued by the Corporation Commission for each fleet vehicle shall be valid until two (2) months after the registration expiration date;

2. For commercial vehicles registered under the provisions of subsection B of this section, except those vehicles registered pursuant to Section 1133.1 of this title, a penalty shall be assessed after the last day of the month following the registration expiration date. A penalty of twenty-five cents (\$0.25) per day shall be added to the license fee of such vehicle and shall accrue for one (1) month. Thereafter, the penalty shall be thirty percent (30%) of the annual registration fee, or Two Hundred Dollars (\$200.00), whichever is greater;

3. For new or used manufactured homes, not registered within thirty (30) days from date of purchase or date such manufactured home was brought into this state, a penalty equal to the registration fee shall be assessed; or

4. For all vehicles a penalty shall be assessed after the last day of the month following the expiration date and no penalty shall be waived by Service Oklahoma or any licensed operator except as provided for in subsection H of Section 1133, subsection C of Section 1127 of this title, or when the vehicle was stolen as certified by a police report or other documentation as required by Service Oklahoma. A penalty of One Dollar (\$1.00) per day shall be added to the license fee of such vehicle, provided that the penalty shall not exceed One Hundred Dollars (\$100.00). Of each dollar penalty collected pursuant to this subsection:

- a. twenty-one cents (\$0.21) shall be apportioned as provided in Section 1104 of this title,
- b. twenty-one cents (\$0.21) shall be retained by the licensed operator, and
- c. fifty-eight cents (\$0.58) shall be deposited in the General Revenue Fund.

D. In addition to all other penalties provided in the Oklahoma Vehicle License and Registration Act, the following penalties shall be imposed and collected by any Enforcement Officer of the

Corporation Commission upon finding any commercial vehicle being operated in violation of the provisions of the Oklahoma Vehicle License and Registration Act.

The penalties shall apply to any commercial vehicle found to be operating in violation of the following provisions:

1. A penalty of not less than Fifty Dollars (\$50.00) shall be imposed upon any person found to be operating a commercial vehicle sixty (60) days after the end of the month in which the license plate or registration credentials expire without the current year license plate or registration credential displayed. Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section 1167 of this title. Revenue from such penalties shall be apportioned as provided in Section 1167 of this title;

2. A penalty of not less than Fifty Dollars (\$50.00) shall be imposed for any person operating a commercial vehicle subject to the provisions of Section 1120 or Section 1133 of this title without the proper display of, or, carrying in such commercial vehicle, the identification credentials issued by the Corporation Commission as evidence of payment of the fee or tax as provided in Section 1120 or Section 1133 of this title. Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section 1167 of this title. Revenue from such penalties shall be apportioned as provided in Section 1167 of this title; and

3. A penalty of not less than One Hundred Dollars (\$100.00) shall be imposed for any person that fails to register any commercial vehicle subject to the Oklahoma Vehicle License and Registration Act. Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section 1167 of this title. Revenue from such penalties shall be apportioned as provided in Section 1167 of this title.

E. Service Oklahoma, or the Corporation Commission with respect to vehicles registered under Section 1120 or Section 1133 of this title, shall assess the registration fees and penalties for the year or years a vehicle was not registered. For vehicles not registered for two (2) or more years, the registration fees and penalties shall be due only for the current year and one (1) previous year.

F. In addition to any other penalty prescribed by law, there shall be a penalty of not less than Twenty Dollars (\$20.00) upon a finding by an enforcement officer that:

1. The registration of a vehicle registered pursuant to Section 1132 of this title is expired and it is sixty (60) or more days after the end of the month of expiration; or

2. The registration fees for a vehicle that is subject to the registration fees pursuant to Section 1132 of this title have not been paid.

Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section 1167 of this title. Revenue from such penalties shall be apportioned as provided in Section 1167 of this title.

G. If a vehicle is donated to a nonprofit charitable organization, the nonprofit charitable organization shall be exempt from paying any current or past due registration fees, excise tax, transfer fees, and penalties and interest. However, after the donation, if the person donating the vehicle, or someone on behalf of such person, purchases the same vehicle back from the nonprofit charitable organization to which the vehicle was donated, such person shall be liable for all current and past-due registration fees, excise tax, title or transfer fees, and penalties and interest on such vehicle.

H. Service Oklahoma shall promulgate rules and any necessary procedures to establish an option for a biennial registration for vehicles registered pursuant to paragraph 1 of subsection B of this section.

1. Regardless of whether the vehicle owner elects annual or biennial registration, the vehicle is still subject to all fees, fines, and penalties provided in the Oklahoma Vehicle License and Registration Act.

2. For vehicle owners who elect biennial registration, the annual registration fee shall be twice the annual registration fee provided in the Oklahoma Vehicle License and Registration Act.

3. When processing biennial registrations, licensed operators shall be entitled to retain twice the amounts provided in paragraphs 1 and 2 of subsection A of Section 1141.1 of this title and twice the amount provided in paragraph 14 of subsection A of Section 1141.1 of this title for processing insurance verification information.

Added by Laws 1985, c. 179, § 18, operative July 1, 1985. Amended by Laws 1985, c. 197, § 3, operative July 1, 1985; Laws 1987, c. 6, § 6, emerg. eff. March 16, 1987; Laws 1987, c. 232, § 3, emerg. eff. July 5, 1987; Laws 1988, c. 163, § 6, emerg. eff. May 16, 1988; Laws 1988, c. 201, § 11, emerg. eff. June 10, 1988; Laws 1988, c. 240, § 4, emerg. eff. June 24, 1988; Laws 1990, c. 116, § 2, operative July 1, 1990; Laws 1997, c. 13, § 1, eff. Nov. 1, 1997; Laws 1999, c. 232, § 2, eff. July 1, 1999; Laws 2000, c. 6, § 12, emerg. eff. March 20, 2000; Laws 2000, c. 288, § 1, eff. July 1, 2000; Laws 2003, c. 139, § 2, eff. July 1, 2003; Laws 2004, c. 534, § 5, eff. Nov. 1, 2004; Laws 2005, c. 1, § 68, emerg. eff. March 15, 2005; Laws 2006, c. 238, § 8, emerg. eff. June 6, 2006; Laws 2009, c. 443, § 1, eff. July 1, 2009; Laws 2010, c. 412, § 18, eff. July 1, 2010;

Laws 2011, c. 1, § 19, emerg. eff. March 18, 2011; Laws 2011, c. 376, § 1; Laws 2012, c. 337, § 1; Laws 2019, c. 14, § 1, eff. Nov. 1, 2019; Laws 2021, c. 376, § 1, eff. Nov. 1, 2021; Laws 2022, c. 282, § 132, emerg. eff. May 19, 2022; Laws 2023, c. 246, § 1, eff. Nov. 1, 2023; Laws 2025, c. 171, § 43, eff. July 1, 2026.

NOTE: Laws 1999, c. 178, § 2 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000. Laws 2004, c. 522, § 13 repealed by Laws 2005, c. 1, § 69, emerg. eff. March 15, 2005. Laws 2010, c. 335, § 1 repealed by Laws 2011, c. 1, § 20, emerg. eff. March 18, 2011.

§47-1115v2. Vehicles required to be registered - Registration schedule - Delinquent registration - Penalties.

A. Unless provided otherwise by statute, the following vehicles shall be registered annually: manufactured homes, vehicles registered with a permanent nonexpiring license plate pursuant to Section 1113 of this title, and commercial vehicles registered pursuant to the installment plan provided in subsection H of Section 1133 of this title. The following schedule shall apply for such vehicle purchased in this state or brought into this state by residents of this state:

1. Between January 1 and March 31, the payment of the full annual fee shall be required;
2. Between April 1 and June 30, the payment of three-fourths (3/4) the annual fee shall be required;
3. Between July 1 and September 30, the payment of one-half (1/2) the annual fee shall be required; and
4. Between October 1 and November 30, one-fourth (1/4) the annual fee shall be required.

License plates or decals for each year shall be made available on December 1 of each preceding year for such vehicles. Any person who purchases such vehicle or manufactured home between December 1 and December 31 of any year shall register it within thirty (30) days from date of purchase and obtain a license plate or Manufactured Home License Registration Decal, as appropriate, for the following calendar year upon payment of the full annual fee. Unless provided otherwise by statute, all annual license, registration and other fees for such vehicles shall be due and payable on January 1 of each year and if not paid by February 1 shall be deemed delinquent.

B. 1. All vehicles, other than those required to be registered pursuant to the provisions of subsection A of this section, shall be registered on a staggered system of registration and licensing on a monthly series basis to distribute the work of registering such vehicles as uniformly and expeditiously as practicable throughout the calendar year unless otherwise provided in this section. After the end of the month following the expiration date, the license and

registration fees for the new registration period shall become delinquent. At the time of registration or renewal, the owner of the vehicle may choose either an annual or a biennial registration of the vehicle.

2. All fleet vehicles registered pursuant to new applications approved pursuant to the provisions of Section 1120 of this title shall be registered on a staggered system monthly basis.

3. Applicants seeking to establish Oklahoma as the base jurisdiction for registering apportioned fleet vehicles shall have a one-time option of registering for a period of not less than six (6) months nor greater than eighteen (18) months. Subsequent renewals for these registrants will be for twelve (12) months, expiring on the last day of the month chosen by the registrant under the one-time option as provided herein. In addition, registrants with multiple fleets may designate a different registration month of expiration for each fleet.

As used in this section, "fleet" shall have the same meaning as set forth in the International Registration Plan.

4. Effective January 1, 2004, all motorcycles and mopeds shall be registered on a staggered system of registration. Service Oklahoma shall notify in writing, prior to December 1, 2003, all owners of motorcycles or mopeds registered as of such date, who shall have a one-time option of registering for a period of not less than three (3) months nor greater than fifteen (15) months. Subsequent renewals for these registrants will be for twelve (12) months, expiring on the last day of the month chosen by the registrant under the one-time option as provided herein. All motorcycles and mopeds registered pursuant to new applications received on or after December 1, 2003, shall also be registered pursuant to the provisions of this paragraph.

5. Any three or more commercial vehicles owned by the same person and previously registered in this state may be registered at the same time regardless of the month or months in which they were previously registered. The month in which the commercial vehicles are newly registered shall be the month in which their registration is renewed annually. If a commercial vehicle is registered pursuant to this paragraph in the same calendar year in which it was previously registered, license and registration fees shall be prorated to account for the difference between the previous renewal month and the new renewal month and those fees shall be due at the time of registration pursuant to this paragraph.

C. The following penalties shall apply for delinquent registration fees:

1. For fleet vehicles required to be registered pursuant to the provisions of Section 1120 of this title for which a properly completed application for registration has not been received by the Corporation Commission by the last day of the month following the

registration expiration date, a penalty of thirty percent (30%) of the Oklahoma portion of the annual registration fee, or Two Hundred Dollars (\$200.00), whichever is greater, shall be assessed. The license and registration cards issued by the Corporation Commission for each fleet vehicle shall be valid until two (2) months after the registration expiration date;

2. For commercial vehicles registered under the provisions of subsection B of this section, except those vehicles registered pursuant to Section 1133.1 of this title, a penalty shall be assessed after the last day of the month following the registration expiration date. A penalty of twenty-five cents (\$0.25) per day shall be added to the license fee of such vehicle and shall accrue for one (1) month. Thereafter, the penalty shall be thirty percent (30%) of the annual registration fee, or Two Hundred Dollars (\$200.00), whichever is greater;

3. For new or used manufactured homes, not registered within thirty (30) days from date of purchase or date such manufactured home was brought into this state, a penalty equal to the registration fee shall be assessed; or

4. For all vehicles a penalty shall be assessed after the last day of the month following the expiration date and no penalty shall be waived by Service Oklahoma or any licensed operator except as provided for in subsection H of Section 1133, subsection C of Section 1127 of this title, Section 1-133.1a of this title, or when the vehicle was stolen as certified by a police report or other documentation as required by Service Oklahoma. A penalty of One Dollar (\$1.00) per day shall be added to the license fee of such vehicle, provided that the penalty shall not exceed One Hundred Dollars (\$100.00). Of each dollar penalty collected pursuant to this subsection:

- a. twenty-one cents (\$0.21) shall be apportioned as provided in Section 1104 of this title,
- b. twenty-one cents (\$0.21) shall be retained by the licensed operator, and
- c. fifty-eight cents (\$0.58) shall be deposited in the General Revenue Fund.

D. In addition to all other penalties provided in the Oklahoma Vehicle License and Registration Act, the following penalties shall be imposed and collected by any Enforcement Officer of the Corporation Commission upon finding any commercial vehicle being operated in violation of the provisions of the Oklahoma Vehicle License and Registration Act.

The penalties shall apply to any commercial vehicle found to be operating in violation of the following provisions:

1. A penalty of not less than Fifty Dollars (\$50.00) shall be imposed upon any person found to be operating a commercial vehicle sixty (60) days after the end of the month in which the license

plate or registration credentials expire without the current year license plate or registration credential displayed. Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section 1167 of this title. Revenue from such penalties shall be apportioned as provided in Section 1167 of this title;

2. A penalty of not less than Fifty Dollars (\$50.00) shall be imposed for any person operating a commercial vehicle subject to the provisions of Section 1120 or Section 1133 of this title without the proper display of, or, carrying in such commercial vehicle, the identification credentials issued by the Corporation Commission as evidence of payment of the fee or tax as provided in Section 1120 or Section 1133 of this title. Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section 1167 of this title. Revenue from such penalties shall be apportioned as provided in Section 1167 of this title; and

3. A penalty of not less than One Hundred Dollars (\$100.00) shall be imposed for any person that fails to register any commercial vehicle subject to the Oklahoma Vehicle License and Registration Act. Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section 1167 of this title. Revenue from such penalties shall be apportioned as provided in Section 1167 of this title.

E. Service Oklahoma, or the Corporation Commission with respect to vehicles registered under Section 1120 or Section 1133 of this title, shall assess the registration fees and penalties for the year or years a vehicle was not registered. For vehicles not registered for two (2) or more years, the registration fees and penalties shall be due only for the current year and one (1) previous year.

F. In addition to any other penalty prescribed by law, there shall be a penalty of not less than Twenty Dollars (\$20.00) upon a finding by an enforcement officer that:

1. The registration of a vehicle registered pursuant to Section 1132 of this title is expired and it is sixty (60) or more days after the end of the month of expiration; or

2. The registration fees for a vehicle that is subject to the registration fees pursuant to Section 1132 of this title have not been paid.

Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section 1167 of this title. Revenue from such penalties shall be apportioned as provided in Section 1167 of this title.

G. If a vehicle is donated to a nonprofit charitable organization, the nonprofit charitable organization shall be exempt from paying any current or past due registration fees, excise tax,

transfer fees, and penalties and interest. However, after the donation, if the person donating the vehicle, or someone on behalf of such person, purchases the same vehicle back from the nonprofit charitable organization to which the vehicle was donated, such person shall be liable for all current and past-due registration fees, excise tax, title or transfer fees, and penalties and interest on such vehicle.

H. Service Oklahoma shall promulgate rules and any necessary procedures to establish an option for a biennial registration for vehicles registered pursuant to paragraph 1 of subsection B of this section.

1. Regardless of whether the vehicle owner elects annual or biennial registration, the vehicle is still subject to all fees, fines, and penalties provided in the Oklahoma Vehicle License and Registration Act.

2. For vehicle owners who elect biennial registration, the annual registration fee shall be twice the annual registration fee provided in the Oklahoma Vehicle License and Registration Act.

3. When processing biennial registrations, licensed operators shall be entitled to retain twice the amounts provided in paragraphs 1 and 2 of subsection A of Section 1141.1 of this title and twice the amount provided in paragraph 14 of subsection A of Section 1141.1 of this title for processing insurance verification information.

Added by Laws 1985, c. 179, § 18, operative July 1, 1985. Amended by Laws 1985, c. 197, § 3, operative July 1, 1985; Laws 1987, c. 6, § 6, emerg. eff. March 16, 1987; Laws 1987, c. 232, § 3, emerg. eff. July 5, 1987; Laws 1988, c. 163, § 6, emerg. eff. May 16, 1988; Laws 1988, c. 201, § 11, emerg. eff. June 10, 1988; Laws 1988, c. 240, § 4, emerg. eff. June 24, 1988; Laws 1990, c. 116, § 2, operative July 1, 1990; Laws 1997, c. 13, § 1, eff. Nov. 1, 1997; Laws 1999, c. 232, § 2, eff. July 1, 1999; Laws 2000, c. 6, § 12, emerg. eff. March 20, 2000; Laws 2000, c. 288, § 1, eff. July 1, 2000; Laws 2003, c. 139, § 2, eff. July 1, 2003; Laws 2004, c. 534, § 5, eff. Nov. 1, 2004; Laws 2005, c. 1, § 68, emerg. eff. March 15, 2005; Laws 2006, c. 238, § 8, emerg. eff. June 6, 2006; Laws 2009, c. 443, § 1, eff. July 1, 2009; Laws 2010, c. 412, § 18, eff. July 1, 2010; Laws 2011, c. 1, § 19, emerg. eff. March 18, 2011; Laws 2011, c. 376, § 1; Laws 2012, c. 337, § 1; Laws 2019, c. 14, § 1, eff. Nov. 1, 2019; Laws 2021, c. 376, § 1, eff. Nov. 1, 2021; Laws 2022, c. 282, § 132, emerg. eff. May 19, 2022; Laws 2023, c. 246, § 1, eff. Nov. 1, 2023; Laws 2025, c. 370, § 2, eff. Nov. 1, 2025.

NOTE: Laws 1999, c. 178, § 2 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000. Laws 2004, c. 522, § 13 repealed by Laws 2005, c. 1, § 69, emerg. eff. March 15, 2005. Laws 2010, c. 335, § 1 repealed by Laws 2011, c. 1, § 20, emerg. eff. March 18, 2011.

§47-1116. See the following versions:

OS 47-1116v1 (HB 2375, Laws 2021, c. 188, § 1).

OS 47-1116v2 (SB 313, Laws 2021, c. 276, § 1).

OS 47-1116v3 (HB 3419, Laws 2022, c. 282, § 134).

§47-1116.1. New vehicles - Dealer license plate or decal -
Registration period.

A license plate or decal bearing an expiration date of four (4) months from the date of registration shall be issued for a vehicle registered in the name of a manufacturer or dealer of new motor vehicles. Such license plate or decal shall be issued if the vehicle so registered is exempt from the vehicle excise tax pursuant to the provisions of paragraph 12 of Section 2105 of Title 68 of the Oklahoma Statutes. It shall be unlawful for any person other than a manufacturer, licensed dealer, person contemplating purchase of the vehicle, or person holding a valid salesman's license issued by the Oklahoma New Motor Vehicle Commission to operate the vehicle after the expiration of the four-month registration period.

Added by Laws 1988, c. 34, § 2, emerg. eff. March 17, 1988. Amended by Laws 2023, c. 29, § 30, eff. Nov. 1, 2023.

§47-1116.2. Operation of golf carts by persons with physical disability.

A. Notwithstanding any other provision of law, any person with a physical disability as defined by Section 15-112 of Title 47 of the Oklahoma Statutes shall be authorized to operate golf carts to the extent that the physically disabled person is capable as determined by a physician as defined by Section 15-112 of Title 47 of the Oklahoma Statutes if:

1. Such operation is within the boundaries of a park owned by this state;

2. Operation occurs during daylight hours only;

3. The golf cart does not exceed the speed limit in such area as determined by the Oklahoma Tourism and Recreation Department;

4. The golf cart is not operated on roadways within park boundaries with posted speed limits greater than twenty-five (25) miles per hour;

5. The operator of such golf cart possesses a valid driver license; and

6. The operator of such golf cart shall provide certified proof of his or her disability.

B. The Tourism and Recreation Commission shall designate areas of operation for golf carts in each state park as appropriate, and establish rules for the safe operation of golf carts pursuant to this act.

Added by Laws 2002, c. 318, § 1, eff. Nov. 1, 2002. Renumbered from Title 47, § 1151.2 by Laws 2008, c. 302, § 14, emerg. eff. June 2, 2008.

§47-1116v1. Registration periods.

A. Twelve registration periods shall be established for vehicles required to be registered on a staggered basis. The registration periods shall start on the first day of each calendar month and shall end on the last day of that month. Unless otherwise provided, all such vehicles where the date of execution of transfer of ownership occurs in this state at any time during a calendar month shall be subject to registration and payment of the fee for the registration period commencing the first day of the month of such date of execution of transfer.

B. 1. A person who registers more than one vehicle may have all of such vehicles initially registered at the same time or at separate times. Any person who obtains a vehicle may, upon registration, have the registration period adjusted to allow future registration of all such vehicles at the same period or at a different period.

2. Upon the payment of a five-dollar one-time convenience fee, any two or more noncommercial vehicles owned by the same person and previously registered in this state may be registered at the same time regardless of the month or months in which the vehicles were previously registered. The month in which the noncommercial vehicles are newly registered shall be the month in which the registration is renewed annually. If a noncommercial vehicle is registered pursuant to this subsection in the same calendar year in which it was previously registered, license and registration fees shall be prorated to account for the difference between the previous renewal month and the new renewal month and those fees shall be due at the time of registration pursuant to this subsection. Of the monies collected pursuant to the convenience fee created by this paragraph, Two Dollars and fifty cents (\$2.50) shall be deposited to the credit of the Oklahoma Tax Commission Fund created pursuant to Section 221 of Title 62 of the Oklahoma Statutes and Two Dollars and fifty cents (\$2.50) shall be retained by the motor license agent.

C. If a special or personalized license plate is issued pursuant to Sections 1135.1 through 1135.7 of this title, any registration fee required for such plate and the fee required pursuant to subsection A of Section 1132 of this title shall be remitted at the same time and subject to a single registration period. The Oklahoma Tax Commission shall promulgate rules establishing a method for making required fee adjustments when a special or personalized license plate is obtained during a twelve-month period for which a registration fee has already been remitted pursuant to this subsection. The combination of fees in a single

remittance shall not alter the apportionment otherwise provided for by law.

Added by Laws 1985, c. 179, § 19, operative July 1, 1985. Amended by Laws 2021, c. 188, § 1, eff. Nov. 1, 2021.

§47-1116v2. Registration periods.

A. Twelve registration periods shall be established for vehicles required to be registered on a staggered basis. The registration periods shall start on the first day of each calendar month and shall end on the last day of that month. Unless otherwise provided, all such vehicles where the date of execution of transfer of ownership occurs in this state at any time during a calendar month shall be subject to registration and payment of the fee for the registration period commencing the first day of the month of such date of execution of transfer.

B. A person who registers more than one vehicle may have all of such vehicles initially registered at the same time or at separate times. Any person who obtains a vehicle may, upon registration, have the registration period adjusted to allow future registration of all such vehicles at the same period or at a different period.

C. On and after January 1, 2022, if a special or personalized license plate is issued pursuant to this title for a vehicle which is subject to the requirements of Section 1132 of this title, the registration periods for the vehicle may be combined into a single registration period. The Oklahoma Tax Commission shall determine, by rule, a method for adjusting the twelve-month period.

Added by Laws 1985, c. 179, § 19, operative July 1, 1985. Amended by Laws 2021, c. 276, § 1, eff. Jan. 1, 2022.

§47-1116v3. Registration periods.

A. Twelve registration periods shall be established for vehicles required to be registered on a staggered basis. The registration periods shall start on the first day of each calendar month and shall end on the last day of that month. Unless otherwise provided, all such vehicles where the date of execution of transfer of ownership occurs in this state at any time during a calendar month shall be subject to registration and payment of the fee for the registration period commencing the first day of the month of such date of execution of transfer.

B. A person who registers more than one vehicle may have all of such vehicles initially registered at the same time or at separate times. Any person who obtains a vehicle may, upon registration, have the registration period adjusted to allow future registration of all such vehicles at the same period or at a different period.

C. On and after January 1, 2022, if a physically disabled license plate is issued pursuant to paragraph 3 of subsection B of Section 1135.1 of this title for a vehicle which is subject to the

requirements of Section 1132 of this title, the registration periods for the vehicle may be combined into a single registration period. Service Oklahoma shall determine, by rule, a method for adjusting the twelve-month period.

Added by Laws 1985, c. 179, § 19, operative July 1, 1985. Amended by Laws 2021, c. 543, § 1, eff. Nov. 1, 2021; Laws 2022, c. 282, § 134, emerg. eff. May 19, 2022.

§47-1117. Manufactured home - Registration - Certificate of title.

A. Unless otherwise provided by law, any person purchasing a new or used manufactured home or owning a manufactured home which has not been registered in this state shall register such manufactured home pursuant to the provisions of subsection B of this section and obtain a certificate of title as provided in Section 1105 of this title.

B. The application for registration and certificate of title shall be made to Service Oklahoma or to a licensed operator. Such application shall be accompanied by the registration fees required by Section 1135 of this title and any penalties thereon. The application for registration and certificate of title shall include:

1. The name of the owner of the manufactured home;
2. The serial number or identification number of the manufactured home;
3. A legal description or address of the location;
4. The actual retail selling price of the manufactured home excluding Oklahoma taxes; and
5. Any other information which Service Oklahoma deems to be necessary.

The application for registration shall also include the school district in which the manufactured home is located or is to be located.

Upon the filing of an application for registration and certificate of title, the payment of fees as required by Section 1133 of this title, the excise tax as provided for in Section 2104.3 of Title 68 of the Oklahoma Statutes and the furnishing of proof satisfactory to Service Oklahoma or a licensed operator that all ad valorem taxes have been paid, Service Oklahoma or a licensed operator shall assign the manufactured home a distinctive number and shall issue to the owner of the manufactured home a certificate of title, a manufactured home registration receipt, Manufactured Home Registration Decal, a vehicle registration decal and an excise tax receipt. The certificate of title number shall be recorded in the computer data system required by Section 1113 of this title in order to collect and store information concerning the subsequent ad valorem tax payments for such manufactured home. The receipts and Manufactured Home Registration Decal shall be permanently attached to the title by Service Oklahoma or a licensed operator. An excise

tax receipt so attached shall constitute evidence of payment of the excise tax required by the provisions of Section 2104.3 of Title 68 of the Oklahoma Statutes. Thereafter, the owner of a manufactured home shall be assessed the ad valorem tax as provided in Section 2801 et seq. of Title 68 of the Oklahoma Statutes. A duplicate Manufactured Home Registration Decal shall be affixed inside the window nearest the front door of the manufactured home before it is moved upon any public roadway.

C. If an applicant has satisfactorily shown to Service Oklahoma or to a licensed operator that the applicant owns the manufactured home sought to be registered, but is unable to produce the documentary evidence of title, Service Oklahoma or a licensed operator may issue a manufactured home registration receipt, Manufactured Home Registration Decal, vehicle registration decal and excise tax receipt to the applicant. In such instances, Service Oklahoma or a licensed operator shall indicate on the receipt given the applicant the reason for not issuing a certificate of title. It shall be the duty of the applicant to immediately take all necessary steps to obtain an Oklahoma certificate of title. It shall be unlawful for such applicant to sell the manufactured home until such title has been obtained by the applicant. After receiving a certificate of title, the applicant shall then take such title, registration and excise tax receipts and Manufactured Home Registration Decal to Service Oklahoma or a licensed operator for permanent attachment of the receipts to the title.

D. The Department of Public Safety shall issue a permit immediately to the holder of a perfected security interest or licensed representative thereof, if the holder or representative is bonded by the state, to move the manufactured home to a secure location with a repossession affidavit. However, all excise taxes and ad valorem taxes due on such a manufactured home shall be required to be paid within thirty (30) days of the issuance of the permit. A certificate of title for a manufactured home shall not be issued pursuant to a repossession prior to the furnishing of proof satisfactory to Service Oklahoma or a licensed operator that all ad valorem taxes due have been paid.

E. The Department shall issue a permit immediately to a licensed manufactured home dealer to move a trade-in to a secure location with a trade-in affidavit. However, all excise taxes and ad valorem taxes due on such a manufactured home trade-in shall be required to be paid within thirty (30) days of the issuance of the permit. A certificate of title for a manufactured home trade-in shall not be issued prior to the furnishing of proof satisfactory to Service Oklahoma or a licensed operator that all ad valorem taxes due have been paid. A receipt evidencing payment of ad valorem taxes for the current year shall constitute satisfactory proof that all ad valorem taxes due have been paid.

Added by Laws 1985, c. 179, § 20, operative July 1, 1985. Amended by Laws 1988, c. 80, § 2, eff. Jan. 1, 1989; Laws 1990, c. 24, § 1, operative July 1, 1990; Laws 1997, c. 192, § 2, eff. Jan. 1, 1998; Laws 1998, c. 403, § 2, emerg. eff. June 10, 1998; Laws 2002, c. 417, § 4, eff. July 1, 2002; Laws 2022, c. 282, § 135, emerg. eff. May 19, 2022.

§47-1118. Issuance of certificates of title for manufactured homes - School district maps - Commission not party in lawsuits to determine ownership.

A. Service Oklahoma and licensed operators shall issue a certificate of title which conforms to the provisions of Section 1117 of this title to any person applying for a certificate of title for a manufactured home.

B. Service Oklahoma shall provide each licensed operator with a school district map of the county designating the boundaries of each school district and the code number of each district.

C. The State Department of Education shall provide Service Oklahoma with a school district map designating the boundaries of each school district and the code number of each district.

D. Service Oklahoma shall not be considered a necessary party to any lawsuit which is instigated for the purpose of determining ownership of a manufactured home, wherein Service Oklahoma's only involvement would be to issue title, and the court shall issue an order dismissing Service Oklahoma from the pending action.

Added by Laws 1985, c. 179, § 21, operative July 1, 1985. Amended by Laws 1988, c. 80, § 3, eff. Jan. 1, 1989; Laws 1997, c. 192, § 3, eff. Jan. 1, 1998; Laws 2006, c. 295, § 5, eff. July 1, 2006; Laws 2022, c. 282, § 136, emerg. eff. May 19, 2022.

§47-1119. Manufactured home - Information to be furnished county assessor in county of location.

Upon proper registration and receipt of a certificate of title pursuant to the provisions of Section 1117 of this title by the person owning a new or used manufactured home, Service Oklahoma shall furnish by June 1 and by December 31 of each year to the county assessor in the county in which the manufactured home is or is to be located the following information:

1. The name of the owner of the manufactured home;
 2. The serial number or identification number of the manufactured home;
 3. The legal description, the address, or the location where the manufactured home is to be located;
 4. The actual retail selling price of the manufactured home, excluding Oklahoma state taxes;
 5. The registration number issued for the manufactured home;
- and

6. Any other information necessary to enable the county assessor to list and assess the proper ad valorem tax required by Section 2801 et seq. of Title 68 of the Oklahoma Statutes. If ownership of such a manufactured home has passed by operation of law and a new certificate of title has been issued for such home, Service Oklahoma shall also furnish such information to the appropriate county assessors.

Added by Laws 1985, c. 179, § 22, operative July 1, 1985. Amended by Laws 1985, c. 238, § 2, emerg. eff. July 8, 1985; Laws 1988, c. 80, § 4, eff. Jan. 1, 1989; Laws 1997, c. 192, § 4, eff. Jan. 1, 1998; Laws 2022, c. 282, § 137, emerg. eff. May 19, 2022.

§47-1120. Proportional registration

A. The Corporation Commission may, when in the interest of the State of Oklahoma and its residents, enter into the International Registration Plan or other compacts or agreements with other states to permit motor vehicle registration and license taxes on any truck, bus, or truck-tractor on a proportional basis commensurate with the use of Oklahoma highways. Proportional registration under such plans may be permitted for vehicles engaged in interstate commerce or combined interstate and intrastate commerce. Any action taken by the Oklahoma Tax Commission with respect to the International Registration Plan or other such compacts or agreements prior to July 1, 2004, shall remain in effect unless altered by the Corporation Commission pursuant to its authority to do so after the effective date of this act.

B. The Corporation Commission shall require that such proportional registration be based on the percentage of miles actually operated by such vehicles or fleets of vehicles in the State of Oklahoma in the reporting period in proportion to the total fleet miles operated both within and without Oklahoma. If the registrant did not incur mileage during the preceding reporting period, the registrant shall pay fees for its future operations in accordance with the International Registration Plan. Such percentage figure, so determined by the Corporation Commission, shall be the Oklahoma mileage factor. In computing the taxes under the foregoing formula, the Corporation Commission shall first compute the license fees for the entire fleet and then multiply the amount by the Oklahoma mileage factor on a dollar basis.

C. Upon receipt of the Oklahoma license and registration tax, which shall be paid by cash and/or certified funds, as computed under the provisions of the Oklahoma Vehicle License and Registration Act, the Corporation Commission shall register all such fleet vehicles, and shall issue a license plate, cab card or decal for each of such vehicles identifying it as part of an interstate fleet. The Corporation Commission may, upon satisfactory review of

the payment history of an applicant, waive the requirement for payment in cash or certified funds.

D. Vehicles so registered on a prorated basis shall be considered fully licensed in Oklahoma and shall be exempt from all further registration or license fees under the provisions of the Oklahoma Vehicle License and Registration Act; provided that such fleet vehicles are proportionally licensed in some other state, territory or possession of the United States or some foreign province, state or country with which the Corporation Commission has entered into a prorationing compact or agreement.

If a vehicle is permanently withdrawn from a proportionally registered fleet and a replacement vehicle is added to the fleet in the same calendar month, the replacement vehicle shall be considered fully registered as provided in Section 1133 of this title and Section 14-109 of this title, if the replacement vehicle is registered for a weight equal to or less than the vehicle permanently withdrawn, or if additional registration fees are paid when the replacement vehicle is registered for a weight greater than the vehicle withdrawn. If a vehicle is permanently withdrawn from a proportionally registered fleet and is not replaced by another vehicle in the same calendar month, credit shall be allowed as otherwise provided in this section.

E. Vehicles subsequently added to a proportionally registered fleet after commencement of the registration year shall be proportionally registered by applying the mileage percentage used in the original application for such fleet for such registration period to the regular registration fees due with respect to such vehicle for the remainder of the registration year.

F. If a vehicle is permanently withdrawn from a proportionally registered fleet because it has been destroyed, sold or otherwise completely removed from service, credit shall be allowed. Such credit shall be a sum equal to the amount paid with respect to such vehicle when it was first proportionally registered in the registration year, reduced by those months elapsing since the beginning of the registration year. The credit may be applied against subsequent additions to the fleet, with the exception of vehicles removed from a renewal fleet and later added back to the same fleet, to be prorated or for other additional registration fees assessed. In no event shall credit be allowed for fees beyond such registration year, nor shall any such amount be subject to refund. Provided, further, that vehicles removed from a prorated fleet or sold to a nonprorated fleet for operation in Oklahoma shall be registered in Oklahoma for the remaining portion of the year.

G. The records of total mileage operated in all states upon which the application is made for a period of three (3) years following the year upon which the application is based shall be preserved. Upon request of the Corporation Commission, such records

shall be made available for audit as to accuracy of computation and payments. The Corporation Commission may enter into agreements with agencies of other states administering motor vehicle registration laws for joint audits of any such records.

H. The Corporation Commission may enter into compacts or agreements with other states or other countries or subdivisions of such countries allowing reciprocal privileges to vehicles based in such other states and operating in interstate commerce if the vehicles are properly registered therein.

I. Interchanged vehicles properly registered in another state may be granted reciprocal privileges when engaged in a continuous movement in interstate commerce, but must register in this state if used in intrastate commerce.

J. In addition to those taxes or fees imposed by the Oklahoma Vehicle License and Registration Act, the same or substantially the same type or category of tax or fee may be imposed upon an out-of-state resident as is imposed upon residents of Oklahoma for the same or substantially similar use of a vehicle in such other state in the amount, or approximate total amount, of any fee or tax, including property, motor fuel, excise, sales, use or mileage tax required by the laws of such other state to be paid by a resident of this state making the same or similar use of a like vehicle in such state.

The Corporation Commission shall have the authority to promulgate rules which provide procedures for implementation of comparable regulatory fees and taxes for vehicles used in this state by residents of other states.

Any revenue derived from this subsection shall be apportioned in the same manner as provided in Section 1104 of this title.

It is the intention of the Legislature that the motor vehicle registration and licensing fees assessed against residents of other states operating similar vehicles in Oklahoma be comparably the same as the motor vehicle registration and licensing fees assessed against residents of Oklahoma operating a similar vehicle for a similar purpose in such other state; and that the Corporation Commission diligently monitor the motor vehicle registration and licensing fees assessed against residents of Oklahoma by other states and to provide for uniform treatment of Oklahoma residents operating vehicles in other states and for residents of other states operating vehicles in Oklahoma.

Added by Laws 1985, c. 179, § 23, operative July 1, 1985. Amended by Laws 1987, c. 6, § 9, emerg. eff. March 16, 1987; Laws 1989, c. 218, § 2, emerg. eff. May 9, 1989; Laws 1995, c. 24, § 1, eff. Nov. 1, 1995; Laws 1997, c. 294, § 3, eff. July 1, 1997; Laws 1999, c. 232, § 3, eff. July 1, 1999; Laws 2001, c. 358, § 6, eff. July 1, 2001; Laws 2004, c. 522, § 15, eff. July 1, 2004; Laws 2008, c. 168, § 2, emerg. eff. May 12, 2008; Laws 2009, c. 182, § 2, eff. Nov. 1, 2009; Laws 2016, c. 235, § 2, eff. July 1, 2016.

NOTE: Laws 2004, c. 534, § 6 repealed by Laws 2005, c. 1, § 70, emerg. eff. March 15, 2005.

§47-1120.1. Entry into International Registration Plan or other compacts or agreements - Assessment and payment of fees.

A. The Corporation Commission, when in the interest of this state and its residents, may enter into the International Registration Plan or other compacts or agreements with other states to permit motor vehicle registration and license taxes on any motor vehicle to be used as a rental motor vehicle as defined in the International Registration Plan.

B. Service Oklahoma or the Corporation Commission, as applicable, shall require that each rental motor vehicle be assessed the following registration fees in lieu of the fee schedule set forth in Section 1132 of this title:

1. A fee of Fifteen Dollars (\$15.00) shall be assessed for the first year of registration in this or any other state; and

2. A fee of Ten Dollars (\$10.00) shall be assessed in the first year and each subsequent year of registration in this or any other state.

C. Upon registration and payment of the fees required by this section, the owner shall receive a license plate which shall be valid until the vehicle is permanently withdrawn from the rental fleet of the owner.

Added by Laws 1991, c. 331, § 61, eff. Sept. 1, 1991. Amended by Laws 2004, c. 534, § 7, eff. Nov. 1, 2004; Laws 2005, c. 1, § 71, emerg. eff. March 15, 2005; Laws 2025, c. 171, § 44, eff. July 1, 2026.

NOTE: Laws 2004, c. 522, § 16 repealed by Laws 2005, c. 1, § 72, emerg. eff. March 15, 2005.

§47-1120.2. Transfer of International Registration Plan revenues collected.

On a monthly basis, the Corporation Commission shall transfer to Service Oklahoma the amount of net revenue collected under the International Registration Plan to be apportioned by Service Oklahoma in accordance with the provisions of Section 1104 of Title 47 of the Oklahoma Statutes.

Added by Laws 2005, c. 479, § 2, eff. July 1, 2005. Amended by Laws 2025, c. 171, § 45, eff. July 1, 2026.

NOTE: Laws 2005, c. 411, § 1 repealed by Laws 2006, c. 16, § 33, emerg. eff. March 29, 2006.

§47-1121. Dishonored checks - Collection - Cancellation of license.

A. When, at the time of registration of any vehicle, payment is made by check for fees and taxes and the check is not paid by the bank on which drawn for any reason, after said check has been

presented for payment a second time, such certificate of registration and other such instruments issued at the time of registration of such vehicle shall be invalid. The licensed operator shall transmit all documents and the dishonored check to Service Oklahoma for credit to the licensed operator's account. Service Oklahoma may enter into a contract for the collection of dishonored checks and canceled instruments. In all such cases, such vehicles shall be subject to the license fees and penalties provided in this act as though no attempt to register the vehicle had been made and the licensed operator shall charge the person issuing the check a fee of Twenty-five Dollars (\$25.00) for each check to cover the costs of processing each returned check. An individual who subsequently purchases any such vehicle shall not be required, as a condition for registration of the vehicle, to pay any tax, fee or penalty due resulting from the dishonored check.

A mortgagee who repossesses any such vehicle shall not be required, as a condition for registration of said vehicle, to pay the dishonored check penalties which had accrued as of the date of such repossession.

B. Whenever payment is made by check for any Oklahoma driver license and the check is not paid by the bank on which drawn for any reason, after said check has been presented for payment a second time, such driver license shall be invalid and all driving privileges of the holder of the driver license shall be canceled. The licensed operator shall transmit the dishonored check to Service Oklahoma for credit to the licensed operator's account. Service Oklahoma may enter into a contract for the collection of dishonored checks. The licensed operator shall charge the person issuing the check a fee of Twenty-five Dollars (\$25.00) for each check to cover the cost of processing each returned check. The licensed operator shall transmit a copy of all documents associated with the application and issuance of the driver license and a copy of the dishonored check to the Department of Public Safety.

Added by Laws 1985, c. 179, § 24, operative July 1, 1985. Amended by Laws 1987, c. 43, § 1, eff. Nov. 1, 1987; Laws 1989, c. 284, § 1, emerg. eff. May 22, 1989; Laws 1993, c. 294, § 1, eff. Sept. 1, 1993; Laws 1994, c. 128, § 1, eff. July 1, 1994; Laws 2008, c. 378, § 1, eff. July 1, 2009; Laws 2022, c. 282, § 138, emerg. eff. May 19, 2022.

§47-1122. Temporary license - Fee.

A. Whenever any nonresident owning any motor bus, truck, truck-tractor, trailer or semitrailer, which has been registered under the laws of another state and bears a current registration from such state, brings such vehicle into this state, for the purpose of using the vehicle for hire or other commercial purpose, for a temporary period of time not to exceed ninety (90) days, such person may,

immediately after entering this state, upon the filing of an application therefor with Service Oklahoma, and the payment of a license fee equal to one-eighth (1/8) of the annual license fee required of such vehicle, register same for a period of thirty (30) days in lieu of obtaining an annual registration and license therefor; he may upon payment of one-fourth (1/4) of the annual license fee register it for a period of sixty (60) days or for ninety (90) days upon the payment of three-eighths (3/8) of the annual license fee in lieu of obtaining annual registration and license therefor. Upon failure of any person to obtain or renew this temporary license when first available, the fee due for the remaining portion of the year shall become due and must be paid.

B. It will not be necessary for such person to obtain an Oklahoma certificate of title evidencing ownership of such vehicle, if the applicant therefor has been issued a valid certificate of title or ownership for such vehicle by his home state. Service Oklahoma will issue a certificate of registration covering each temporary license provided by the terms of this section.

C. Provided, however, that the provisions of this section for temporary licenses shall not apply to the residents of any other state when the laws of such other state do not provide temporary licensing for approximately comparable license fees for vehicles being used in such other state by residents of Oklahoma under the same or substantially similar purposes, terms and conditions; and, provided further that, irrespective of the amount of the temporary license fees provided in this section, the amount of any temporary license fee for a vehicle of a resident of any such state shall be determined and fixed by Service Oklahoma in the amount, or the approximate total amount, of any license fee and any other taxes, including property and mileage taxes, required by the laws of such other state to be paid by a resident of Oklahoma making the same use of a similar vehicle in such state.

Added by Laws 1985, c. 179, § 25, operative July 1, 1985. Amended by Laws 2022, c. 282, § 139, emerg. eff. May 19, 2022.

§47-1123. Reciprocal compacts and agreements.

Service Oklahoma is hereby authorized and empowered to enter into and make reciprocal compacts and agreements when Service Oklahoma deems same to be in the interest of the residents of the State of Oklahoma, with the proper authorities of other states, concerning all motor vehicles engaged in foreign and interstate commerce upon and over the public highways.

Such compacts and agreements shall grant to the residents of other states privileges substantially like and equal to those granted by such states to Oklahoma residents; provided, that such compacts and agreements shall not supersede or suspend any laws, rules or regulations of this state applying to vehicles operated

intrastate in this state. Privileges so granted shall extend only to persons who comply with the laws of the state of their residence. Such compacts and agreements shall not operate to supersede or suspend the application of any laws of this state, except insofar as they apply to the payment of vehicle license fees or other motor vehicle taxes charged residents of the states with which such compacts and agreements are made; provided, however, that the power and authority and discretion of the Corporation Commission to make and enforce rules and regulations governing motor carriers for hire, or to grant or deny certificates or permits to motor carriers for hire shall not be superseded or suspended by any such compact and agreement.

Added by Laws 1985, c. 179, § 26, operative July 1, 1985. Amended by Laws 2022, c. 282, § 140, emerg. eff. May 19, 2022.

§47-1124. Temporary permit - Fee.

A. Any person, firm or corporation owning or possessing a commercial vehicle who:

1. Is a resident of the United States;
2. Is required to register the vehicle under the laws of this state;
3. Is not authorized to drive the vehicle on the public roads of this state for lack of registration or reciprocity of this state's laws with the laws of the state in which the vehicle is registered; and

4. Operates the vehicle for commercial purposes;

may receive a temporary permit from the Corporation Commission. The permit shall be recognized in lieu of registration in this state. The permit shall indicate the time and date of its issuance and shall be valid for a period not to exceed seventy-two (72) hours from such indicated time.

B. A fee of Twelve Dollars (\$12.00) shall be charged for the issuance of the temporary permit which shall be apportioned in the same manner as other vehicle license fees are apportioned under the terms of the motor vehicle license and registration laws of this state.

C. The temporary permit shall not be issued to any person, firm or corporation owning or possessing a commercial vehicle, truck, truck-tractor, trailer, semitrailer or motor bus, who has been apprehended for violating the registration laws of this state. If apprehended, the vehicle shall be immediately subject to such registration laws. Possession of the temporary permit shall not affect any liability or duty which the owner or operator of a vehicle might otherwise have by law. An operator of a vehicle possessing an expired, altered or undated temporary permit shall be deemed to be operating an unregistered motor vehicle and shall be subject to registration and penalties therefor as provided by law.

D. The Corporation Commission may enter into an agreement with any person or corporation located within or without the state for transmission of temporary permits for a commercial vehicle by way of a facsimile machine or other device when the Corporation Commission determines that such agreement is in the best interests of the state.

E. The Corporation Commission may enter into an agreement with any state for transmission of that state's temporary permits for a commercial vehicle by way of a facsimile machine or other device when the Corporation Commission determines that such agreement is in the best interests of the state.

F. Any provision of this act providing for proportional registration under reciprocal agreements and the International Registration Plan that relate to the promulgation of rules shall not be subject to the provisions of Section 1151 of this title. The Corporation Commission may promulgate such rules as it deems necessary to administer the provisions of this section. The Corporation Commission may prescribe an application form for the temporary permit and such other forms as it deems appropriate.

G. The provisions of this section shall not apply to vehicles entering this state for the express purpose of transporting the resources and equipment necessary to support production activities of the motion picture, television and video film industries operating within the state. Any such vehicle properly registered under the laws of another state or not registered with this state pursuant to the provisions of the International Registration Plan and used for the above-stated purpose shall not be subject to the registration requirements as set forth in Section 1101 et seq. of this title while conducting said business.

Added by Laws 1985, c. 179, § 27, operative July 1, 1985. Amended by Laws 1987, c. 6, § 8, emerg. eff. March 16, 1987; Laws 1989, c. 218, § 3, emerg. eff. May 9, 1989; Laws 1995, c. 11, § 1, emerg. eff. Mar. 27, 1995; Laws 2004, c. 522, § 17, eff. July 1, 2004; Laws 2008, c. 168, § 3, emerg. eff. May 12, 2008; Laws 2009, c. 182, § 3, eff. Nov. 1, 2009.

§47-1124.1. Temporary permit or authorization for vehicle subject to proportional registration.

The Corporation Commission is authorized to issue temporary permits or authorization for any vehicle to be proportionally registered in this state or which is currently proportionally registered in this state under the provisions of the International Registration Plan. Temporary permits may be issued for vehicles added to the fleet, duplicate cab cards, corrected cab cards, replacement license plates, adding jurisdictions, and weight increases to established accounts in good standing. New accounts may be issued temporary permits only after all fees are paid. Such

temporary permit or authorization shall authorize a vehicle to be driven on the public roads of this state pending completion by the Corporation Commission of an application for proportional registration of such vehicle. The temporary permit or authorization shall be recognized in lieu of registration in this state. The temporary permit or authorization shall clearly indicate the date of issuance and the date of expiration, which shall be forty-five (45) days, including the day of issuance. The Corporation Commission may enter into reciprocal agreements with other states for recognition of temporary permits or authorizations.

The Corporation Commission may assign the temporary permits or authorization to registrants subject to proportional registration and such registrants may issue the temporary permits or authorization as needed for the operation of vehicles that will be operated as a fleet of proportionally registered vehicles. Registrants shall be accountable for all temporary permits or authorization assigned to them by the Corporation Commission and shall be subject to audit by the Corporation Commission.

The Corporation Commission may enter into an agreement with any person located within or without the state for the distribution and issuance of temporary permits or authorizations for any vehicle which is currently proportionally registered in this state under the provisions of the International Registration Plan when the Corporation Commission determines that such agreement is in the best interest of the state. Any such person or corporation shall be accountable for all temporary permits or authorizations assigned to them by the Corporation Commission and shall be subject to audit by the Corporation Commission.

The phrase "currently proportionally registered", as used in this section, shall be defined as any prorated account for which a properly completed original application has been received by the Corporation Commission and all corresponding and assessed fees have been paid in full.

Self-issue temporary permits or authorizations may be issued to a maximum of twenty-five percent (25%) of the size of the registrant's fleet, and any registrant with a fleet of fewer than six vehicles may be assigned one self-issue permit.

An application shall be filed with the Corporation Commission within fifteen (15) days to proportionally register any vehicle for which a temporary permit or authorization has been issued.

Any registrant that has entered into such an agreement with the Corporation Commission, that is unable to produce, or refuses to produce, upon request by the Corporation Commission, any unissued temporary permit or authorization assigned to such registrant, shall be subject to the following penalty:

A fee of One Hundred Eighty Dollars (\$180.00) which is an amount equal to the fee for the number of seventy-two-hour temporary

permits, provided for in Section 1124 of this title, that would be required for the operation of a vehicle for a forty-five-day period.

If, as the result of an audit, it is determined that any registrant that has entered into such an agreement with the Corporation Commission has used temporary permits or authorizations to avoid payment of proportional registration fees, all remaining unissued temporary permits or authorizations in the possession of such registrant that has entered into such an agreement with the Corporation Commission shall be returned to the Corporation Commission, and the Corporation Commission may deny further use of temporary permits or authorizations by such registrant that has entered into such an agreement with the Corporation Commission for a minimum period of six (6) months.

Added by Laws 1986, c. 269, § 9, operative July 1, 1986. Amended by Laws 1987, c. 6, § 10, emerg. eff. March 16, 1987; Laws 1997, c. 294, § 4, eff. July 1, 1997; Laws 2001, c. 358, § 7, eff. July 1, 2001; Laws 2004, c. 534, § 8, eff. Nov. 1, 2004; Laws 2005, c. 1, § 73, emerg. eff. March 15, 2005; Laws 2008, c. 168, § 4, emerg. eff. May 12, 2008.

NOTE: Laws 2004, c. 522, § 18 repealed by Laws 2005, c. 1, § 74, emerg. eff. March 15, 2005.

§47-1124.2. Hunters permits.

A. The Corporation Commission shall be authorized to issue permits, commonly known as "hunters permits", for any vehicles to be proportionally registered pursuant to the provisions of Section 1120 of this title. This temporary registration shall be honored by all member jurisdictions of the International Registration Plan.

B. The permit authorized by this section shall be issued in a manner that will allow an owner, not operating as a lessor, to move an empty vehicle from one lessee-carrier fleet to another without violating general registration laws.

C. The permit authorized by this section shall be valid for a period of forty-five (45) days, including the day of issuance. A fee in the amount of Twenty-five Dollars (\$25.00) shall be charged for the issuance of the permit. All fees collected from the issuance of the permits shall be apportioned pursuant to Section 1104 of this title.

D. A separate permit shall be required for each proportionally registered power unit and trailer and shall not be issued for a registered gross weight in excess of the empty weight of such vehicle or trailer.

E. The permits authorized by this section may be obtained from the Corporation Commission, or any person or corporation located within or without the state if the Corporation Commission has entered into an agreement for transmission of these permits with

such person or corporation upon determination that an agreement shall be in the best interest of the state.

Added by Laws 2001, c. 358, § 8, eff. July 1, 2001. Amended by Laws 2008, c. 168, § 5, emerg. eff. May 12, 2008.

§47-1125. Certain nonresident vehicle owners required to register vehicle - Exceptions.

A. If the owner of a vehicle becomes employed in this state, the vehicle is deemed to be subject to tax in this state and, within thirty (30) days from the date of employment, shall be registered upon the same terms and conditions that resident owners are required to register such vehicles in this state. However, the owner of the vehicle who is employed in this state and commutes daily from an adjoining state shall be exempt from the provisions in this section. The penalty for failure to register the vehicle in the manner provided in this subsection shall be equal to the license or registration fee due, and any such vehicle may be seized and held at any time for any such delinquency and sold for nonpayment of the license or registration fees in the same manner that domestic vehicles may be seized and sold at any time of the year upon ten (10) days' notice.

If the vehicle is detained by a law enforcement officer of this state and it is determined that the owner of such vehicle has failed to comply with the provisions of this subsection, a penalty of Ten Dollars (\$10.00) shall be assessed in addition to the penalties previously provided in this section. This penalty of Ten Dollars (\$10.00) shall be paid to the pension fund of the law enforcement officer, as defined in Section 1-147 of Title 47 of the Oklahoma Statutes, who detained the vehicle.

B. Any student certified as a full-time-equivalent student by an institution of higher learning in this state and being a nonresident of Oklahoma, presently attending any institution of higher learning, shall not be required to purchase an Oklahoma license plate, provided that the state of residence of such student affords a similar exemption to Oklahoma students attending institutions of higher learning in such state. This exception for nonresident students does not apply when such student registers to vote as a resident in Oklahoma.

C. Any vehicle, including a manufactured home, other than a commercial truck which is owned by a visiting nonresident and is properly registered in its native state for the current year and remains here for any period in excess of sixty (60) days shall be registered upon the same terms and conditions that resident owners are required to register such vehicles in this state. Any vehicle within this state, owned by a nonresident which is not properly registered in its native state for the current year, shall be

registered under the same terms and conditions as such domestic vehicles are required to be registered.

Added by Laws 1985, c. 179, § 28, operative July 1, 1985. Amended by Laws 1987, c. 212, § 1, eff. Nov. 1, 1987; Laws 1988, c. 290, § 20, operative July 1, 1988.

§47-1126. Repossessed vehicle - Registration.

A. At any time that a mortgagee repossesses a vehicle on which the registration has become delinquent as of the date of such repossession, the mortgagee shall not be required, as a condition for registration of said vehicle, to pay the penalties which had accrued as of the date of such repossession otherwise prescribed in this act. Provided that said penalties shall not be waived unless such vehicle is registered by the mortgagee within five (5) days after it is repossessed. Provided further, that if the mortgagor, or spouse, becomes the owner of the vehicle within ninety (90) days from the date of repossession, the penalty shall reattach and be paid when the new title is applied for.

B. Upon each vehicle repossessed by a mortgagee, a fee of Forty-six Dollars (\$46.00) shall be assessed. This fee shall be in lieu of any applicable vehicle excise tax and registration fees. Each motor license agent accepting applications for certificates of title for such vehicles shall receive Seven Dollars (\$7.00) to be deducted from the license fee specified in this subsection for each application accepted.

Added by Laws 1985, c. 179, § 30, operative July 1, 1985. Amended by Laws 1987, c. 205, § 71, operative July 1, 1987; Laws 1988, c. 240, § 5, eff. July 1, 1988; Laws 1989, c. 277, § 1, eff. Nov. 1, 1989; Laws 1991, c. 261, § 3, eff. Sept. 1, 1991.

§47-1127. Military personnel - Registration of vehicles - Exemption from penalties.

A. All vehicles owned by members of the Armed Forces of the United States, the Reserve Corps of the Armed Forces of the United States, and the Oklahoma National Guard or their spouses assigned to duty in this state in compliance with official military or naval orders or owned by the spouse, who resides in Oklahoma, of a member of the Armed Forces of the United States serving in a foreign country, which vehicles are not being used in a trade or business or for any commercial purpose, are hereby classified specially for vehicle license and registration purposes in this state. Any such vehicle which is not registered and licensed for the current year in the state of residence or domicile of the service member, Guardsman, or Reservist or of the spouse owning the vehicle must be registered for the current year in Oklahoma as herein provided, except that any such vehicle which has been licensed in some other state by such service member, Guardsman, Reservist, or spouse while the service

member, Guardsman, or Reservist was stationed in the other state may be operated in this state for the remainder of the year or period for which it is licensed. If such vehicle currently is registered with the Armed Forces of the United States rather than being registered in a state and the service member, Guardsman, or Reservist is transferred to a duty station within this state pursuant to military orders, the service member, Guardsman, Reservist, or spouse owning the vehicle shall not be required to register the vehicle in this state for a period of thirty (30) days after the date the service member, Guardsman, or Reservist is required to report for duty pursuant to the military.

The service member, Guardsman, Reservist, or spouse applying for the registration of any such vehicle shall submit an appropriate statement, to be attached to the vehicle registration application, showing the following: A description of the vehicle owned by the applicant; the state and address of the applicant's legal residence or domicile; and that the applicant or applicant's spouse is actively serving in the Armed Forces of the United States assigned or stationed at a named location in compliance with official military orders. The statement shall be signed by the applicant and certified to by a proper officer of the organization to which the service member, Guardsman, or Reservist is assigned for duty. Provided, in lieu of certification by an officer, the applicant may submit copies of written orders documenting that the service member, Guardsman, or Reservist is actively serving at the time of application for registration. The application shall be accompanied by a registration fee of Fifteen Dollars (\$15.00).

B. Any Oklahoma resident who is stationed out of state due to an official assignment of the Armed Forces of the United States or their spouse shall be entitled to register his or her vehicle or vehicles in this state for the same registration fee afforded members of the Armed Forces of the United States assigned to duty in this state pursuant to subsection A of this section. Such Oklahoma resident or their spouse who is stationed out of state due to an official assignment of the Armed Forces of the United States shall be exempt from the vehicle inspection requirements of Section 1105 of this title; provided, such Oklahoma resident or his or her spouse who is stationed out of state presents valid documentation acceptable to Service Oklahoma evidencing that such inspection has been made by an out-of-state authority acceptable to Service Oklahoma.

Any Oklahoma resident who is stationed out of state due to an official assignment of the Armed Forces of the United States may authorize a designated representative to register his or her vehicle or vehicles as provided for in this subsection if the service member, Guardsman, or Reservist is not able to register the vehicle at the appropriate time.

C. Any Oklahoma resident who is a member of the Armed Forces of the United States, Reserve Corps of the Armed Forces of the United States or the Oklahoma National Guard stationed outside of the state due to official assignment of the Armed Forces of the United States, or his or her spouse, shall be exempt from the penalties assessed pursuant to paragraph 4 of subsection C of Section 1115, subsection F of Section 1132 and subsection C of Section 1151 of this title for the duration of such official assignment and for a period of sixty (60) days after such assignment ends. If registration is not completed after the sixtieth day, the expiration date and the period for assessment of penalties shall commence on the sixty-first day. The exemption provided for in this section shall be granted only if the service member, Guardsman, Reservist, or spouse registering such vehicle submits an appropriate statement, to be attached to the vehicle registration application, showing the following: A description of the vehicle owned by the applicant; the state and address of the applicant's legal residence or domicile; and that the applicant or applicant's spouse is actively serving in the Armed Forces of the United States assigned or stationed at a named location outside the state in compliance with official military orders. The statement shall be signed by the applicant and certified to by a proper officer of the organization to which the service member, Guardsman, or Reservist is assigned for duty. Provided, in lieu of certification by an officer, the applicant may submit copies of written orders documenting that the service member, Guardsman, or Reservist is actively serving at the time of application for registration.

D. The reduced registration fee provided herein shall not apply to vehicles owned by retired members of the Armed Forces, inactive members of the Reserve Corps of the Armed Forces, inactive members of the Oklahoma National Guard and other members and former members of the Armed Forces of the United States who are not actively serving.

Added by Laws 1985, c. 179, § 30, operative July 1, 1985. Amended by Laws 1987, c. 205, § 71, operative July 1, 1987; Laws 1988, c. 240, § 5, eff. July 1, 1988; Laws 1989, c. 277, § 1, eff. Nov. 1, 1989; Laws 1990, c. 337, § 11; Laws 1993, c. 17, § 1, eff. July 1, 1993; Laws 2006, c. 60, § 1, eff. Nov. 1, 2006; Laws 2010, c. 335, § 2, eff. Nov. 1, 2010; Laws 2014, c. 413, § 1, eff. Nov. 1, 2014; Laws 2016, c. 209, § 1, eff. Nov. 1, 2016; Laws 2017, c. 273, § 2, eff. Nov. 1, 2017; Laws 2022, c. 282, § 141, emerg. eff. May 19, 2022.

NOTE: Laws 1989, c. 161, § 2 repealed by Laws 1990, c. 337, § 26.

§47-1128. See the following versions:

OS 47-1128v1 (HB 3271, Laws 2022, c. 107, § 21).

OS 47-1128v2 (SB 593, Laws 2023, c. 29, § 31).

§47-1129. Special mobilized machinery - Registration procedure - Exemptions.

A. Special mobilized machinery shall not be subject to any section or provision of the Oklahoma Vehicle License and Registration Act, Section 1101 et seq. of this title, except the provisions of this section.

Special mobilized machinery shall be permitted on the use of the highways of this state when proper registration and permits, as provided in this section, are in the possession of the operator.

B. Owners of qualifying equipment hereunder may elect to register such equipment either under this section or under other applicable provisions of this act. Application covering qualifying equipment may be made to Service Oklahoma or their authorized licensed operators for registering special mobilized machinery. Upon payment of a registration fee of Twenty-five Dollars (\$25.00), the applicant shall be granted a certificate of registration in acknowledgment of qualification by Service Oklahoma. The certificate of registration must at all times be carried with the equipment and be available for inspection by an investigating officer.

C. In addition to the registration fee, Service Oklahoma shall collect at time of registration an additional fee of Five Hundred Fifty Dollars (\$550.00) per unit for equipment qualifying under the terms of this section. This fee of Five Hundred Fifty Dollars (\$550.00) shall include the constitutional ad valorem tax and shall be allocated by Service Oklahoma in the same manner and percentage as registration and permit fees are presently allocated under the provisions of this act. Payment of this fee shall be due on January 1 of each calendar year and must be paid in no event later than February 1 of each calendar year. The penalty for noncompliance with this provision shall be a double fee in the amount of One Thousand One Hundred Dollars (\$1,100.00). For qualifying equipment purchased during the calendar year, Service Oklahoma shall collect a fee which shall be pro rata of the annual fee as hereinbefore defined. Provided, however, the fee for qualifying equipment registered in another state and utilized for emergency or temporary service, not to exceed thirty (30) days, shall be calculated in the same manner as set forth in subsection A of Section 1122 of this title.

D. Other provisions of this section relating to registration and other laws of this state relating to registration, fees, or licensing shall not apply to such special mobilized equipment when the same is manufactured in Oklahoma and sold for delivery and exclusive use without the state or when returned temporarily for modification or repair. In addition, the registration, fees, and licensing provisions of the laws of this state shall not apply to

special mobilized equipment temporarily brought into the state, with subsequent movement back out of the state, solely for fabrication, repair, testing, alteration, modification, refurbishing, or maintenance. This subsection shall in no way exempt the equipment described herein from the levy of ad valorem taxes.

Added by Laws 1985, c. 179, § 32, operative July 1, 1985. Amended by Laws 1993, c. 252, § 4, emerg. eff. May 26, 1993; Laws 1996, c. 220, § 3, emerg. eff. May 23, 1996; Laws 2000, c. 189, § 9, eff. July 1, 2000; Laws 2004, c. 390, § 19, eff. July 1, 2004; Laws 2022, c. 282, § 143, emerg. eff. May 19, 2022.

§47-1130. Service Oklahoma Revolving Fund - Deposit of fees for use in mailings.

Any fees received by Service Oklahoma designated by law to be used for mailing of vehicle title registration or licenses as a result of the vehicle notification program shall be placed to the credit of the Service Oklahoma Revolving Fund.

Added by Laws 1985, c. 179, § 33, operative July 1, 1985. Amended by Laws 1986, c. 269, § 14, operative July 1, 1986; Laws 2022, c. 282, § 144, emerg. eff. May 19, 2022.

§47-1131. Order renewal - Notification.

Service Oklahoma shall annually notify all persons within the state who have a previous registration on record of the period for registration renewal. Service Oklahoma shall send the notifications to the electronic mail address provided by the person. If a person does not provide an electronic mail address then Service Oklahoma shall notify the person through the mail. The notifications shall contain all necessary information for such registration and licensing including a breakdown of all charges to be paid by the owner and shall contain instructions as to the procedure for renewal upon presentation to a licensed operator or by return mail to Service Oklahoma's state office. The content and form of the notice shall be determined by Service Oklahoma. Use of a postcard or electronic mail type renewal notice is specifically permitted. Service Oklahoma shall provide information on its public website instructing persons on the procedure for obtaining an annual notification via electronic mail, outlining all charges and fees associated with the registration of a vehicle, as well as an explanation of the apportionment of vehicle fees and penalties. The cost of mailing shall be One Dollar (\$1.00) for license plates and fifty cents (\$0.50) for decals, titles or other forms or devices provided in this act. Provided, that Service Oklahoma may adjust any mailing costs as deemed appropriate to allow for increased or additional fees charged by the United States Postal Service.

Failure by any applicant to receive notification of renewal as provided by this act shall not excuse the applicant from properly

obtaining any registration or license at the proper time by presenting proof of ownership to Service Oklahoma's state office or to a licensed operator.

Added by Laws 1985, c. 179, § 34, operative July 1, 1985. Amended by Laws 1990, c. 264, § 112, operative June 1, 1990; Laws 2010, c. 389, § 2, emerg. eff. June 7, 2010; Laws 2022, c. 282, § 145, emerg. eff. May 19, 2022.

§47-1132. See the following versions:

OS 47-1132v1 (SB 2035, Laws 2024, c. 236, § 10).

OS 47-1132v2 (SB 2038, Laws 2024, c. 452, § 75).

§47-1132.1. License and registration fee.

A. There is levied and there shall be paid to Service Oklahoma a fee of Three Dollars (\$3.00) upon every vehicle to be registered or licensed, except for those licensed pursuant to subsection (c) of Section 1210.34 of Title 70 of the Oklahoma Statutes. Said fee shall accrue and shall be collectible upon each vehicle under the same circumstances and shall be payable in the same manner and times as apply to vehicle licenses and registrations under the provisions of the Oklahoma Vehicle License and Registration Act; provided, said fee shall be paid in full for the then current year at the time any vehicle is first registered in a calendar year.

B. Two-thirds (2/3) of the monies collected pursuant to this section shall be transferred by Service Oklahoma each month to the State Treasurer for deposit in the General Revenue Fund. For the fiscal year beginning July 1, 1999, of the remaining one-third (1/3) of the monies collected pursuant to this section each fiscal year, the first Four Hundred Thousand Dollars (\$400,000.00) shall be transferred by Service Oklahoma to the State Treasurer for deposit in the Motor Vehicle Driver Education Revolving Fund created in Section 1132.2 of this title and any amount in excess of Four Hundred Thousand Dollars (\$400,000.00) shall be transferred by Service Oklahoma to the State Treasurer for deposit in the General Revenue Fund. For the fiscal year beginning July 1, 2000, and for each fiscal year thereafter, of the remaining one-third (1/3) of the monies collected pursuant to this section each fiscal year, the first Nine Hundred Thousand Dollars (\$900,000.00) shall be transferred by Service Oklahoma to the State Treasurer for deposit in the Motor Vehicle Driver Education Revolving Fund created in Section 1132.2 of this title and any amount in excess of Nine Hundred Thousand Dollars (\$900,000.00) shall be transferred by Service Oklahoma to the State Treasurer for deposit in the General Revenue Fund.

C. The collection and payment of said fee shall be a prerequisite to license or registration of any vehicle, except for

those licensed pursuant to subsection (c) of Section 1210.34 of Title 70 of the Oklahoma Statutes.

Added by Laws 1987, c. 204, § 126, operative July 1, 1987. Amended by Laws 1994, c. 243, § 2, eff. Sept. 1, 1994; Laws 1998, c. 424, § 1, eff. July 1, 1998; Laws 2022, c. 282, § 147, emerg. eff. May 19, 2022.

§47-1132.2. Motor Vehicle Driver Education Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Board of Education to be designated the "Motor Vehicle Driver Education Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies apportioned to the fund pursuant to the provisions of Section 1132.1 of this title. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Board of Education to assist in defraying the cost of motor vehicle driver education. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1998, c. 424, § 2, eff. July 1, 1998. Amended by Laws 2012, c. 304, § 202.

§47-1132.3. Credit for registration fee for replacement of vehicles destroyed by tornadoes.

A. There shall be a credit allowed with respect to the fee for registration of a vehicle which is a replacement for a vehicle which was destroyed by a tornado and which was registered pursuant to the provisions of Section 1132 of this title on the date of destruction. For the purposes of this section, "tornado" means a tornado which occurred in calendar year 2013 or any subsequent tornado for which a Presidential Major Disaster Declaration was issued. The credit shall be a prorated amount based on the fee paid for the registration of the destroyed vehicle for the period of registration remaining as of the date of destruction, and shall be applied to the registration fee for the replacement vehicle pursuant to the provisions of Section 1132 of this title. In no event will the credit be refunded.

B. There shall be a credit allowed with respect to the fee for registration of a vehicle which is a replacement for a vehicle which was destroyed by a tornado in calendar year 2012 or calendar year 2013 for which a Presidential Major Disaster Declaration was not issued, and which was registered pursuant to the provisions of Section 1132 of this title on the date of destruction. The credit shall be a prorated amount based on the fee paid for the registration of the destroyed vehicle for the period of registration remaining as of the date of destruction and shall be applied to the

registration fee for the replacement vehicle pursuant to the provisions of Section 1132 of this title.

Added by Laws 1999, c. 186, § 1, emerg. eff. May 21, 1999. Amended by Laws 2002, c. 454, § 3, eff. July 1, 2002; Laws 2003, c. 374, § 1, emerg. eff. June 4, 2003; Laws 2013, c. 370, § 1, emerg. eff. May 29, 2013; Laws 2014, c. 215, § 1, emerg. eff. May 2, 2014; Laws 2014, c. 329, § 1, emerg. eff. May 23, 2014.

§47-1132.4. Additional fee - Apportionment of revenue.

A. In addition to other vehicle registration fees specified by law, there is levied and there shall be paid to Service Oklahoma a fee of One Dollar (\$1.00) upon every vehicle to be registered. The fee shall accrue and shall be collectible upon each vehicle under the same circumstances and shall be payable in the same manner and times as apply to vehicle registrations under the provisions of the Oklahoma Vehicle License and Registration Act; provided, the fee shall be paid in full for the then current year at the time any vehicle is first registered in a calendar year.

B. Revenue from the fee levied in subsection A of this section shall be apportioned as follows:

1. Fifty percent (50%) of the revenues shall be credited to the General Revenue Fund in the State Treasury; and

2. Fifty percent (50%) of the revenues shall be deposited to the Oklahoma Law Enforcement Retirement Fund; provided, the first Eight Hundred Fifty Thousand Dollars (\$850,000.00) of the revenues apportioned pursuant to the provisions of this paragraph each fiscal year shall be deposited to the Department of Public Safety Patrol Vehicle Revolving Fund created in Section 2-143 of this title for the purpose of purchasing patrol vehicles and aircraft.

C. The collection and payment of the fees specified in this section shall be a prerequisite to license or registration of any vehicles.

Added by Laws 2001, c. 153, § 8, eff. July 1, 2001. Amended by Laws 2002, c. 397, § 30, eff. Nov. 1, 2002; Laws 2003, c. 461, § 13, eff. July 1, 2003; Laws 2022, c. 282, § 148, emerg. eff. May 19, 2022.

NOTE: Effective date for Laws 2001, c. 153, § 8 added by Laws 2001, c. 246, § 1, emerg. eff. May 23, 2001, and by Laws 2001, c. 361, § 13, eff. July 1, 2001.

§47-1132.5. Repealed by Laws 2023, 1st Ex. Sess., c. 47, § 14, eff. July 1, 2023.

§47-1132.6. Registered motorcycle fee.

A. In addition to other vehicle registration fees specified by law, there is levied and there shall be paid to Service Oklahoma a fee of Three Dollars (\$3.00) upon every motorcycle registered pursuant to Section 1132 of Title 47 of the Oklahoma Statutes for

use on roads and highways. The fee shall accrue and shall be collectible upon each motorcycle registered for use on roads and highways under the same circumstances and shall be payable in the same manner and times as apply to the registration of motorcycles for use on roads and highways under the provisions of the Oklahoma Vehicle License and Registration Act; provided, the fee shall be paid in full for the then current year at the time any vehicle is first registered in a calendar year.

B. Revenue from the fee levied in subsection A of this section shall be transferred each month to the Department of Public Safety for deposit in the Motorcycle Safety and Education Program Revolving Fund created pursuant to Section 40-123 of Title 47 of the Oklahoma Statutes.

C. The collection and payment of the fee specified in this section shall be a prerequisite to licensing or registration of any motorcycle.

Added by Laws 2010, c. 59, § 1, eff. Nov. 1, 2010. Amended by Laws 2022, c. 282, § 150, emerg. eff. May 19, 2022.

§47-1132.7. Motor Fuels Tax Fee for electric-drive and hybrid-drive motor vehicles.

A. In addition to other vehicle registration fees specified by law, for the year beginning January 1, 2018, and for each year thereafter, there is hereby levied and there shall be paid to Service Oklahoma a Motor Fuels Tax Fee of:

1. One Hundred Dollars (\$100.00) upon every electric-drive motor vehicle to be registered; and

2. Thirty Dollars (\$30.00) upon every hybrid-drive motor vehicle to be registered.

The fee shall accrue and shall be collectible upon each electric-drive motor vehicle and hybrid-drive motor vehicle under the same circumstances and shall be payable in the same manner and times as apply to vehicle registrations under the provisions of the Oklahoma Vehicle License and Registration Act; provided, the fee shall be paid in full for the then current year at the time any electric-drive motor vehicle or hybrid-drive motor vehicle is first registered in a calendar year.

B. The collection and payment of the fee specified in this section shall be a prerequisite to licensing or registration of any electric-drive motor vehicle or hybrid-drive motor vehicle.

C. Revenue from the fee provided for in subsection A of this section shall be deposited in the State Treasury to the credit of the State Highway Construction and Maintenance Fund created in Section 1501 of Title 69 of the Oklahoma Statutes.

D. For purposes of this section:

1. "Electric-drive motor vehicle" means a vehicle subject to a registration fee as provided for in subsection A of Section 1132 of

this title that is propelled solely by electrical energy and is not capable of using gasoline, diesel or any other fuel for propulsion; and

2. "Hybrid-drive motor vehicle" means a vehicle subject to a registration fee as provided for in subsection A of Section 1132 of this title that is capable of being propelled at least in part by electrical energy through the use of a battery storage system of at least four (4) kilowatt-hours, is capable of being recharged from an external source of electricity and is also capable of using gasoline, diesel fuel or alternative fuel to propel the vehicle. Added by Laws 2017, c. 347, § 1, eff. Nov. 1, 2017. Amended by Laws 2022, c. 282, § 151, emerg. eff. May 19, 2022.

§47-1132A. See the following versions:

OS 47-1132Av1 (HB 3423, Laws 2022, c. 264, § 1).

OS 47-1132Av2 (HB 3419, Laws 2022, c. 282, § 152).

§47-1132B. Administration of electronic transactions - Licensed operator fees.

A. If any service or transaction which a licensed operator is authorized by law to provide is administered through any state agency by means of an electronic transaction or online system, such agency shall include a step where the individual must select between any licensed operator in the state and the agency for processing the service or transaction. This section shall not apply to registrations processed pursuant to Section 1120 of Title 47 of the Oklahoma Statutes.

B. Licensed operators selected as provided in subsection A of this section shall receive all fees provided by statute for the service or transaction processed by the licensed operator through any electronic transaction or online system administered by a state agency.

Added by Laws 2013, c. 206, § 1, eff. Nov. 1, 2013. Amended by Laws 2022, c. 282, § 153, emerg. eff. May 19, 2022.

§47-1132v1. Vehicle registration fees - Assessment - Computation.

A. For all vehicles, unless otherwise specifically provided by the Oklahoma Vehicle License and Registration Act, a registration fee shall be assessed at the time of initial registration by the owner and annually thereafter, for the use of the avenues of public access within this state in the following amounts:

1. For the first through the fourth year of registration in this state or any other state, Eighty-five Dollars (\$85.00);

2. For the fifth through the eighth year of registration in this state or any other state, Seventy-five Dollars (\$75.00);

3. For the ninth through the twelfth year of registration in this state or any other state, Fifty-five Dollars (\$55.00);

4. For the thirteenth through the sixteenth year of registration in this state or any other state, Thirty-five Dollars (\$35.00); and

5. For the seventeenth and any following year of registration in this state or any other state, Fifteen Dollars (\$15.00).

The registration fee provided for in this subsection shall be in lieu of all other taxes, general or local, unless otherwise specifically provided.

On and after January 1, 2022, if a physically disabled license plate is issued pursuant to paragraph 3 of subsection B of Section 1135.1 of this title, any registration fee required for such license plate and the fee required pursuant to this subsection shall be remitted at the same time and subject to a single registration period. Upon receipt of a physically disabled license plate, the standard-issue license plate must be surrendered to Service Oklahoma or the licensed operator. The physically disabled license plate must be properly displayed as required for a standard-issue license plate and will be the sole license plate issued and assigned to the vehicle. Service Oklahoma shall determine, by rule, a method for making required fee adjustments when a physically disabled license plate is obtained during a twelve-month period for which a registration fee has already been remitted pursuant to this subsection. The combination of fees in a single remittance shall not alter the apportionment otherwise provided for by law.

B. For all-terrain vehicles and motorcycles used exclusively for use off roads or highways purchased on or after July 1, 2005, and for all-terrain vehicles and motorcycles used exclusively for use off roads or highways purchased prior to July 1, 2005, which the owner chooses to register pursuant to the provisions of Section 1115.3 of this title, an initial and nonrecurring registration fee of Eleven Dollars (\$11.00) shall be assessed at the time of initial registration by the owner. Nine Dollars (\$9.00) of the registration fee shall be deposited in the Tax Commission Reimbursement Fund through December 31, 2022, and beginning January 1, 2023, this fee shall be deposited in the Service Oklahoma Reimbursement Fund. Two Dollars (\$2.00) of the registration fee shall be retained by the licensed operator. The fees required by subsection A of this section shall not be required for all-terrain vehicles or motorcycles used exclusively off roads and highways.

C. For utility vehicles used exclusively for use off roads or highways purchased on or after July 1, 2008, and for utility vehicles used exclusively for use off roads or highways purchased prior to July 1, 2008, which the owner chooses to register pursuant to the provisions of Section 1115.3 of this title, an initial and nonrecurring registration fee of Eleven Dollars (\$11.00) shall be assessed at the time of initial registration by the owner. Nine Dollars (\$9.00) of the registration fee shall be deposited in the

Tax Commission Reimbursement Fund through December 31, 2022, and beginning January 1, 2023, this fee shall be deposited in the Service Oklahoma Reimbursement Fund. Two Dollars (\$2.00) of the registration fee shall be retained by the licensed operator. The fees required by subsection A of this section shall not be required for utility vehicles used exclusively off roads and highways.

D. There shall be a credit allowed with respect to the fee for registration of a new vehicle which is a replacement for:

1. A new original vehicle which is stolen from the purchaser/registrant within ninety (90) days of the date of purchase of the original vehicle as certified by a police report or other documentation as required by Service Oklahoma; or

2. A defective new original vehicle returned by the purchaser/registrant to the seller within six (6) months of the date of purchase of the defective new original vehicle as certified by the manufacturer.

The credit shall be in the amount of the fee for registration which was paid for the new original vehicle and shall be applied to the registration fee for the replacement vehicle. In no event will the credit be refunded.

E. Upon every transfer or change of ownership of a vehicle, the new owner shall obtain title for and, except in the case of salvage vehicles and manufactured homes, register the vehicle within two (2) months of change of ownership and pay a transfer fee of Fifteen Dollars (\$15.00) in addition to any other fees provided for in the Oklahoma Vehicle License and Registration Act. Additionally, within two (2) business days of the date of the sale or transfer of the motor vehicle, the parties must submit the requisite documentation to Service Oklahoma or a licensed operator identifying the motor vehicle subject to the sale or transfer, purchaser information, and any associated license plate on the vehicle, pursuant to the requirements of Section 1112.2 of this title. No new decal shall be issued to the registrant for an existing license plate. Thereafter, the owner shall register the vehicle annually on the anniversary date of its initial registration in this state and shall pay the fees provided in subsection A of this section and receive a decal evidencing such payment. Provided, used motor vehicle dealers shall be exempt from the provisions of this section.

F. In the event a new or used vehicle is not registered, titled, and tagged within two (2) months from the date of transfer of ownership, the penalty for the failure of the owner of the vehicle to register the vehicle within two (2) months shall be One Dollar (\$1.00) per day, provided that in no event shall the penalty exceed One Hundred Dollars (\$100.00). No penalty shall be waived by Service Oklahoma or any licensed operator except as provided in subsection C of Section 1127 of this title. Of each one-dollar penalty collected pursuant to this subsection:

1. Twenty-one cents (\$0.21) shall be apportioned as provided in Section 1104 of this title;

2. Twenty-one cents (\$0.21) shall be retained by the licensed operator; and

3. Fifty-eight cents (\$0.58) shall be deposited in the General Revenue Fund.

Added by Laws 1985, c. 179, § 35, operative July 1, 1985. Amended by Laws 1986, c. 172, § 3, eff. July 1, 1986; Laws 1986, c. 294, § 1, emerg. eff. June 24, 1986; Laws 1988, c. 156, § 1, emerg. eff. May 5, 1988; Laws 1988, c. 201, § 12, emerg. eff. June 10, 1988; Laws 1995, c. 10, § 1, eff. July 1, 1995; Laws 2000, c. 250, § 5, eff. Oct. 1, 2000; Laws 2005, c. 284, § 6, eff. July 1, 2005; Laws 2008, c. 98, § 10, eff. July 1, 2008; Laws 2009, c. 443, § 2, eff. July 1, 2009; Laws 2010, c. 412, § 19, eff. July 1, 2010; Laws 2011, c. 1, § 21, emerg. eff. March 18, 2011; Laws 2011, c. 376, § 2; Laws 2012, c. 337, § 2; Laws 2021, c. 543, § 2, eff. Nov. 1, 2021; Laws 2022, c. 282, § 146, emerg. eff. May 19, 2022; Laws 2024, c. 236, § 10, eff. Sept. 1, 2024.

NOTE: Laws 2000, c. 250, § 11 provides: "This act shall become effective October 1, 2000, upon approval by the people." State Question No. 691, Legislative Referendum No. 319, was approved by the people Aug. 22, 2000.

NOTE: Laws 2010, c. 335, § 3 repealed by Laws 2011, c. 1, § 22, emerg. eff. March 18, 2011. Laws 2021, c. 376, § 2 repealed by Laws 2022, c. 228, § 15, emerg. eff. May 5, 2022.

§47-1132v2. Vehicle registration fees - Assessment - Computation.

A. For all vehicles, unless otherwise specifically provided by the Oklahoma Vehicle License and Registration Act, a registration fee shall be assessed at the time of initial registration by the owner and annually thereafter, for the use of the avenues of public access within this state in the following amounts:

1. For the first through the fourth year of registration in this state or any other state, Eighty-five Dollars (\$85.00);

2. For the fifth through the eighth year of registration in this state or any other state, Seventy-five Dollars (\$75.00);

3. For the ninth through the twelfth year of registration in this state or any other state, Fifty-five Dollars (\$55.00);

4. For the thirteenth through the sixteenth year of registration in this state or any other state, Thirty-five Dollars (\$35.00); and

5. For the seventeenth and any following year of registration in this state or any other state, Fifteen Dollars (\$15.00).

The registration fee provided for in this subsection shall be in lieu of all other taxes, general or local, unless otherwise specifically provided.

On and after January 1, 2022, if a physically disabled license plate is issued pursuant to paragraph 3 of subsection B of Section 1135.1 of this title, any registration fee required for such license plate and the fee required pursuant to this subsection shall be remitted at the same time and subject to a single registration period. Upon receipt of a physically disabled license plate, the standard issue license plate must be surrendered to Service Oklahoma or the licensed operator. The physically disabled license plate must be properly displayed as required for a standard issue license plate and will be the sole license plate issued and assigned to the vehicle. Service Oklahoma shall determine, by rule, a method for making required fee adjustments when a physically disabled license plate is obtained during a twelve-month period for which a registration fee has already been remitted pursuant to this subsection. The combination of fees in a single remittance shall not alter the apportionment otherwise provided for by law.

B. For all-terrain vehicles and motorcycles used exclusively for use off roads or highways purchased on or after July 1, 2005, and for all-terrain vehicles and motorcycles used exclusively for use off roads or highways purchased prior to July 1, 2005, which the owner chooses to register pursuant to the provisions of Section 1115.3 of this title, an initial and nonrecurring registration fee of Eleven Dollars (\$11.00) shall be assessed at the time of initial registration by the owner. Nine Dollars (\$9.00) of the registration fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund through December 31, 2022, and beginning January 1, 2023, this fee shall be deposited in the Service Oklahoma Reimbursement Fund. Two Dollars (\$2.00) of the registration fee shall be retained by the licensed operator. The fees required by subsection A of this section shall not be required for all-terrain vehicles or motorcycles used exclusively off roads and highways.

C. For utility vehicles used exclusively for use off roads or highways purchased on or after July 1, 2008, and for utility vehicles used exclusively for use off roads or highways purchased prior to July 1, 2008, which the owner chooses to register pursuant to the provisions of Section 1115.3 of this title, an initial and nonrecurring registration fee of Eleven Dollars (\$11.00) shall be assessed at the time of initial registration by the owner. Nine Dollars (\$9.00) of the registration fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund through December 31, 2022, and beginning January 1, 2023, this fee shall be deposited in the Service Oklahoma Reimbursement Fund. Two Dollars (\$2.00) of the registration fee shall be retained by the licensed operator. The fees required by subsection A of this section shall not be required for utility vehicles used exclusively off roads and highways.

D. There shall be a credit allowed with respect to the fee for registration of a new vehicle which is a replacement for:

1. A new original vehicle which is stolen from the purchaser/registrant within ninety (90) days of the date of purchase of the original vehicle as certified by a police report or other documentation as required by Service Oklahoma; or

2. A defective new original vehicle returned by the purchaser/registrant to the seller within six (6) months of the date of purchase of the defective new original vehicle as certified by the manufacturer.

The credit shall be in the amount of the fee for registration which was paid for the new original vehicle and shall be applied to the registration fee for the replacement vehicle. In no event will the credit be refunded.

E. Upon every transfer or change of ownership of a vehicle, the new owner shall obtain title for and, except in the case of salvage vehicles and manufactured homes, register the vehicle within thirty (30) days of change of ownership and pay a transfer fee of Fifteen Dollars (\$15.00) in addition to any other fees provided for in the Oklahoma Vehicle License and Registration Act. No new decal shall be issued to the registrant. Thereafter, the owner shall register the vehicle annually on the anniversary date of its initial registration in this state and shall pay the fees provided in subsection A of this section and receive a decal evidencing such payment. Provided, used motor vehicle dealers shall be exempt from the provisions of this section.

F. In the event a new or used vehicle is not registered, titled and tagged within thirty (30) days from the date of transfer of ownership, the penalty for the failure of the owner of the vehicle to register the vehicle within thirty (30) days shall be One Dollar (\$1.00) per day, provided that in no event shall the penalty exceed One Hundred Dollars (\$100.00). No penalty shall be waived by Service Oklahoma or any licensed operator except as provided in subsection C of Section 1127 of this title, or when it can be shown the vehicle was stolen as certified by a police report or other documentation as required by the Oklahoma Tax Commission. Of each dollar penalty collected pursuant to this subsection:

1. Twenty-one cents (\$0.21) shall be apportioned as provided in Section 1104 of this title;

2. Twenty-one cents (\$0.21) shall be retained by the licensed operator; and

3. Fifty-eight cents (\$0.58) shall be deposited in the General Revenue Fund.

Added by Laws 1985, c. 179, § 35, operative July 1, 1985. Amended by Laws 1986, c. 172, § 3, eff. July 1, 1986; Laws 1986, c. 294, § 1, emerg. eff. June 24, 1986; Laws 1988, c. 156, § 1, emerg. eff. May 5, 1988; Laws 1988, c. 201, § 12, emerg. eff. June 10, 1988; Laws 1995, c. 10, § 1, eff. July 1, 1995; Laws 2000, c. 250, § 5, eff. Oct. 1, 2000; Laws 2005, c. 284, § 6, eff. July 1, 2005; Laws

2008, c. 98, § 10, eff. July 1, 2008; Laws 2009, c. 443, § 2, eff. July 1, 2009; Laws 2010, c. 412, § 19, eff. July 1, 2010; Laws 2011, c. 1, § 21, emerg. eff. March 18, 2011; Laws 2011, c. 376, § 2; Laws 2012, c. 337, § 2; Laws 2021, c. 543, § 2, eff. Nov. 1, 2021; Laws 2022, c. 282, § 146, emerg. eff. May 19, 2022; Laws 2024, c. 452, § 75, emerg. eff. June 14, 2024.

NOTE: Laws 2000, c. 250, § 11 provides: "This act shall become effective October 1, 2000, upon approval by the people." State Question No. 691, Legislative Referendum No. 319, was approved by the people Aug. 22, 2000.

NOTE: Laws 2010, c. 335, § 3 repealed by Laws 2011, c. 1, § 22, emerg. eff. March 18, 2011. Laws 2021, c. 376, § 2 repealed by Laws 2022, c. 228, § 15, emerg. eff. May 5, 2022.

§47-1133. Registration of commercial vehicles.

A. The following license fees shall be paid annually to Service Oklahoma or the Corporation Commission, as applicable, upon the registration of the following vehicles:

Except as provided in this subsection, for each commercial vehicle over eight thousand (8,000) pounds as defined in Section 1102 of this title, the license fee shall be based on the combined laden weight of the vehicle or combination of vehicles. The license fees shall be computed and assessed at the following rates:

1. From 8,001 pounds to 15,000 pounds	\$ 95.00
2. From 15,001 pounds to 18,000 pounds	120.00
3. From 18,001 pounds to 21,000 pounds	155.00
4. From 21,001 pounds to 24,000 pounds	190.00
5. From 24,001 pounds to 27,000 pounds	225.00
6. From 27,001 pounds to 30,000 pounds	260.00
7. From 30,001 pounds to 33,000 pounds	295.00
8. From 33,001 pounds to 36,000 pounds	325.00
9. From 36,001 pounds to 39,000 pounds	350.00
10. From 39,001 pounds to 42,000 pounds	375.00
11. From 42,001 pounds to 45,000 pounds	400.00
12. From 45,001 pounds to 48,000 pounds	425.00
13. From 48,001 pounds to 51,000 pounds	450.00
14. From 51,001 pounds to 54,000 pounds	475.00
15. From 54,001 pounds to 57,000 pounds	648.00
16. From 57,001 pounds to 60,000 pounds	681.00
17. From 60,001 pounds to 63,000 pounds	713.00
18. From 63,001 pounds to 66,000 pounds	746.00
19. From 66,001 pounds to 69,000 pounds	778.00
20. From 69,001 pounds to 72,000 pounds	817.00
21. From 72,001 pounds to 73,280 pounds	857.00
22. From 73,281 pounds to 74,000 pounds	870.00
23. From 74,001 pounds to 75,000 pounds	883.00
24. From 75,001 pounds to 76,000 pounds	896.00

25.	From 76,001 pounds to 77,000 pounds	909.00
26.	From 77,001 pounds to 78,000 pounds	922.00
27.	From 78,001 pounds to 79,000 pounds	935.00
28.	From 79,001 pounds to 80,000 pounds	948.00
29.	From 80,001 pounds to 81,000 pounds	961.00
30.	From 81,001 pounds to 82,000 pounds	974.00
31.	From 82,001 pounds to 83,000 pounds	987.00
32.	From 83,001 pounds to 84,000 pounds	1000.00
33.	From 84,001 pounds to 85,000 pounds	1013.00
34.	From 85,001 pounds to 86,000 pounds	1026.00
35.	From 86,001 pounds to 87,000 pounds	1039.00
36.	From 87,001 pounds to 88,000 pounds	1052.00
37.	From 88,001 pounds to 89,000 pounds	1065.00
38.	From 89,001 pounds to 90,000 pounds	1078.00

For the purposes of this section, the license fee of a wrecker or tow vehicle shall be based on the gross weight of the wrecker or tow vehicle alone without any inclusion of weight for a vehicle towed by the wrecker or tow vehicle.

B. After the fifth year's registration in this or any other state, the license fee upon any truck registered on a basis of the combined laden weight not in excess of fifteen thousand (15,000) pounds shall be assessed at fifty percent (50%) of the fee computed and assessed for each of the first five (5) years. On the seventh and all subsequent years of registration in this or any other state, on such truck, such license fees shall be assessed and computed at fifty percent (50%) of the amount due on the sixth year's registration. In no event shall such annual license fee on any truck be less than Ten Dollars (\$10.00) nor shall the annual license fee of any truck-tractor be less than Ninety-five Dollars (\$95.00).

C. In addition to the fees required by subsection A of this section, there shall be paid a registration fee of Forty Dollars (\$40.00) upon the first registration in this state after July 1, 1985, and upon the transfer of ownership of any frac tank, as defined by Section 54 of Title 17 of the Oklahoma Statutes, construction machinery, as defined by Section 1102 of this title, rental trailer, commercial trailer, or semitrailer designed to be pulled and usually pulled by a truck or truck-tractor.

Thereafter, a fee of Four Dollars (\$4.00) shall be paid annually for each frac tank, construction machinery, rental trailer, commercial trailer, or semitrailer. The fee of Four Dollars (\$4.00) shall be due and payable on January 1 of each year on any frac tank, construction machinery, rental trailer, commercial trailer, or semitrailer registered under this section.

Upon the payment of the registration fee of Forty Dollars (\$40.00), a nonexpiring registration certificate and identification plate shall be issued for each frac tank, construction machinery, rental trailer, commercial trailer, or semitrailer. The nonexpiring

identification plate shall remain displayed on the frac tank, construction machinery, rental trailer, commercial trailer, or semitrailer for which the identification plate is issued until such frac tank, construction machinery, trailer, or semitrailer is sold or removed from service.

A receipt shall be issued upon the payment of the annual fee. The receipt shall show the total fee paid for one or more frac tanks, construction machinery units, rental trailers, commercial trailers, or semitrailers. The receipt shall be retained by the owner of any frac tank, construction machinery, rental trailer, commercial trailer, or semitrailer for a period of three (3) years and shall be subject to audit by Service Oklahoma or the Corporation Commission.

Any frac tank, construction machinery, commercial trailer, or semitrailer licensed pursuant to this section shall not be permitted to be operated on the highways of this state when such frac tank, construction machinery, commercial trailer, or semitrailer is being operated by a resident of this state, or is being operated by a person operating a vehicle or vehicles domiciled in this state and required by law to be licensed in Oklahoma, unless the pulling truck or truck-tractor has been licensed pursuant to this section or is twenty-four thousand (24,000) pounds or less and operating under a valid temporary license plate provided by Section 1137.1 or 1137.3 of this title. In no event shall any truck, truck-tractor, frac tank, construction machinery, trailer, or semitrailer used in the furtherance of any commercial enterprise be permitted to operate on the highways of this state or register at a smaller license fee than that prescribed in this section except as provided in this section.

D. For each fiscal year, notwithstanding the provisions of Section 1104 of this title, the first Four Hundred Thousand Dollars (\$400,000.00) of all monies collected pursuant to subsections A, B, and C of this section shall be paid by Service Oklahoma to the State Treasurer who shall deposit same each fiscal year, or such lesser amount as may accrue each fiscal year, under the provisions of this section to the credit of the General Revenue Fund of the State Treasury. All monies collected in excess of Four Hundred Thousand Dollars (\$400,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title.

E. If any vehicle is used for a purpose other than that for which it has been registered, the owner of the vehicle shall be required to immediately reregister the vehicle at the appropriate rate. If any vehicle is placed or operated upon any street, road, or highway of this state with a laden weight in excess of that for which it is licensed, the license fee for such increased laden weight shall become due, and the owner of the vehicle shall be required to immediately reregister the vehicle at the increased rate. Provided, that in either event there shall be credited upon

the increased license fee for such reregistration for any portion of the year or period remaining after the change in use or increase in laden weight shall have occurred a proportionate part of the license fees previously paid. If this reregistration is made voluntarily by the owner, the ratable proportion of the credit allowed shall be determined as of the date the reregistration is voluntarily made. If the reregistration is not voluntarily made but occurs as a result of the discovery by any enforcement officer of an improper operation of the vehicle, that shall be considered prima facie evidence that it has been improperly registered for the entire portion of the year covered by the improper registration. Provided further, that the ratable credit shall be allowed only on the first reregistration of any vehicle during any calendar year. If, during the calendar year, subsequent changes of license plate are desired, the ratable credit shall not be allowed but the owner of the vehicle shall be required to pay the license fee due for that portion of the calendar year remaining without benefit of any additional credits. No owner of a motor vehicle shall possess at any time more than one license plate for any vehicle owned by such person. No reregistration shall be made until the current license plate previously issued has been surrendered.

Any person who has paid a fee under the terms and provisions of this subsection may at any time within one (1) year after the payment of such fee file with Service Oklahoma or the Corporation Commission a claim under oath for refund stating the grounds therefor. However, Service Oklahoma or the Corporation Commission shall allow refunds only where the amount of tax paid has been erroneously computed or determined through clerical errors or miscalculations. No refund shall be allowed by Service Oklahoma or the Corporation Commission of a tax paid by the person where such payment is made through a mistake as to the legal misinterpretation or construction of the provisions of this section. Any refunds made by Service Oklahoma or the Corporation Commission pursuant to this subsection shall be made out of any monies collected pursuant to this subsection and which have not been apportioned.

F. The annual license fee required by this section is intended to cover only the motor vehicle for which it is issued. Service Oklahoma or the Corporation Commission upon application, when a licensed truck-tractor has been destroyed by fire or accident, shall credit the unused portion of the annual license fee of the vehicle toward the license fee of a replacement vehicle of equal registered weight. The amount of credit shall not exceed the license fee due on the replacement vehicle. Service Oklahoma or the Corporation Commission shall not be required to make a refund. If the replacement vehicle is to be registered at a greater weight, the applicant shall pay an additional sum equivalent to the difference between the unused portion of the annual license fee for the

original motor vehicle and the license fee due for the replacement motor vehicle.

G. The license fees provided for in this section shall be paid each year whether or not the vehicle is operated on the public highway.

H. Notwithstanding the provision of any other statute in respect to the time for payment of license fees on motor vehicles, if the total amount of the annual license fees due from any resident owner, either individual, partnership, or Oklahoma corporation, upon the registration, on or before January 15 of any year, of commercial trucks, truck-tractors, frac tanks, construction machinery, trailers or semitrailers exceeds the sum of One Thousand Dollars (\$1,000.00), the license fees may be paid in equal semiannual installments. The first installment shall be paid at the time of the application for registration of the vehicles and not later than January 15 of each year, and the second installment shall be paid on or before the first day of July of such year.

This subsection shall not operate to reduce the amount of the license fees due. If any installment is not paid on or before the date due, all unpaid installments of license fees for such year on each vehicle shall be deemed delinquent and immediately due and payable, and there shall be added a penalty of twenty-five cents (\$0.25) per day to the balance of the license fee due on each vehicle for each day the balance remains unpaid up to thirty (30) days, after which the penalty due on each vehicle shall be Twenty-five Dollars (\$25.00). The penalty for vehicles registered by weight in excess of eight thousand (8,000) pounds shall be an amount equal to the license fee. On and after the thirtieth day each such vehicle involved shall be considered as improperly licensed and as not currently registered, and all of the provisions of the Oklahoma Vehicle License and Registration Act relating to enforcement, including the provisions for the seizure and sale of vehicles not registered and not displaying current license plates, shall apply to the vehicles.

All fees and taxes levied by the Oklahoma Vehicle License and Registration Act shall become and remain a first lien upon the vehicle upon which the fees or taxes are due until paid. The lien shall have priority to all other liens. No title to any vehicle may be transferred until the unpaid balance on the vehicle has been paid in full. Provided, that any unpaid balance of the license fees shall remain and become a lien against any and all property of the owner, both real and personal, for so long as any license tag fee balance shall remain unpaid. Any unpaid balance under these provisions shall be immediately due and payable by the owner if any vehicle is sold, wrecked, or otherwise retired from service.

Any person electing to pay license fees on a semiannual installment basis, as herein authorized, shall be required to

purchase a new license tag for the last half and shall pay the sum of Four Dollars (\$4.00) for each tag to cover the costs of the license tags. The license tags for each half shall be plainly marked in designating the half for which they were issued. A validation sticker may be used in lieu of a metal tag where appropriate. Such license tag fee shall be, in addition to the license fees or any other fees, collected on each application as provided by statute and shall be apportioned according to the provisions of Section 1104 of this title.

I. Any person pulling or towing any vehicle intended to be resold, into or through this state, shall pay a fee of Three Dollars (\$3.00) for the vehicle towing and Three Dollars (\$3.00) for the one being towed. It shall be unlawful to operate any series of such units on the public highways of this state at a distance closer than five hundred (500) feet from each other. All fees and taxes levied by the terms and provisions of this section shall become and remain a first lien upon the vehicle upon which the fees or taxes are due until paid. The lien shall be prior, superior, and paramount to all other liens of whatsoever kind or character.

J. In addition to any other penalties prescribed by law, the following penalty shall be imposed by enforcement officers upon any owner or operator of a commercial vehicle registered under the provisions of this section when the laden weight or combined laden weight of such vehicle is found to be in excess of that for which registered. The penalty shall be imposed each and every time a vehicle is found to be in violation of the registered laden weight or combined laden weight.

The penalty shall be not less than Twenty Dollars (\$20.00) when such vehicle exceeds the laden weight or combined laden weight by two thousand one (2,001) pounds; thereafter, an additional penalty of not less than Twenty Dollars (\$20.00) shall be imposed for each additional one thousand (1,000) pounds or fraction thereof of weight in excess of the registered laden weight or combined laden weight. Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section 1167 of this title. Revenue from such penalties shall be apportioned as provided in Section 1167 of this title.

K. Service Oklahoma shall promulgate rules for the mass renewal of commercial vehicle registration for businesses that possess at least ten vehicles registered as commercial vehicles under the provisions of this section, provided that such mass renewal shall not be mandatory for such businesses. For such mass renewal, the annual license fees described in subsections A and B of this section shall be due and payable on January 1 of each year on such commercial vehicles.

Added by Laws 1985, c. 179, § 36, operative July 1, 1985. Amended by Laws 1987, c. 6, § 11, emerg. eff. March 16, 1987; Laws 1988, c.

179, § 4, operative July 1, 1988; Laws 1992, c. 179, § 3, eff. July 1, 1992; Laws 1993, c. 259, § 46, operative Sept. 1, 1993; Laws 1997, c. 294, § 5, eff. July 1, 1997; Laws 1998, c. 5, § 15, emerg. eff. March 4, 1998; Laws 2004, c. 555, § 1, eff. Nov. 1, 2004; Laws 2005, c. 1, § 75, emerg. eff. March 15, 2005; Laws 2008, c. 168, § 6, emerg. eff. May 12, 2008; Laws 2012, c. 295, § 1, eff. Nov. 1, 2012; Laws 2013, c. 52, § 2, eff. Nov. 1, 2013; Laws 2014, c. 296, § 2, eff. July 1, 2014; Laws 2024, c. 167, § 1, eff. Nov. 1, 2024; Laws 2025, c. 171, § 46, eff. July 1, 2026.

NOTE: Laws 1997, c. 13, § 2 repealed by Laws 1998, c. 5, § 29, emerg. eff. March 4, 1998. Laws 2004, c. 522, § 19 repealed by Laws 2005, c. 1, § 76, emerg. eff. March 15, 2005.

§47-1133.1. Vehicles having combined laden weight of 8,000 pounds or less primarily used for business - Registration as commercial vehicles having combined laden weight of more than 8,000 and less than 15,001 pounds.

A. Any vehicle, including a station wagon as defined in paragraph 26 of Section 1102 of this title, which has a combined laden weight of eight thousand (8,000) pounds or less and is used primarily for business or commercial purposes may be registered, pursuant to Section 1133 of this title, as a commercial vehicle having a combined laden weight over eight thousand (8,000) pounds and less than fifteen thousand and one (15,001) pounds. Such vehicles or station wagons registered pursuant to this section shall be assessed the license fees for such commercial vehicle pursuant to Section 1133 of this title.

B. Upon initial registration by a person of a vehicle or station wagon pursuant to the provisions of this section, and upon transfer of ownership of any such vehicle or station wagon, any person claiming the right to register a vehicle or station wagon pursuant to subsection A of this section shall make further proof that the person does in fact conduct a business or commercial enterprise or is employed by a person conducting a business or commercial enterprise that uses the vehicle or station wagon primarily for the use of that business or commercial enterprise by presenting a permit to do business pursuant to Section 1364 of Title 68 of the Oklahoma Statutes or a Federal Employers Identification Number or, if a sole proprietor, a copy of Schedule C from their most recent federal income tax return.

C. The failure of any owner of a vehicle or station wagon to properly label the vehicle or station wagon or to properly utilize the vehicle or station wagon for the purposes required by this section shall result in the issuance of a new license plate at the rate specified in Section 1132 of this title and in addition a penalty of fifty percent (50%) of the cost of such license shall be assessed against the owner.

D. In addition to the requirements of Section 1133 of this title, any commercial vehicle having a combined laden weight over eight thousand (8,000) pounds and less than fifteen thousand and one (15,001) pounds shall be subject to the requirements of this section.

Added by Laws 1986, c. 25, § 1, eff. Nov. 1, 1986. Amended by Laws 1986, c. 294, § 2, emerg. eff. June 24, 1986; Laws 1988, c. 281, § 23, operative July 1, 1988; Laws 1989, c. 161, § 1, operative July 1, 1989; Laws 1992, c. 104, § 2, eff. Sept. 1, 1992; Laws 1994, c. 19, § 1, eff. Sept. 1, 1994; Laws 2001, c. 149, § 3, eff. Nov. 1, 2001; Laws 2004, c. 534, § 9, eff. Nov. 1, 2004.

§47-1133.2. Commercial vehicles - Display of registrant's name - Violations - Nonresident vehicles.

A. Every commercial motor vehicle, whether private, contract or for hire:

1. Of twenty-six thousand one (26,001) pounds or greater weight;

2. Designed to transport more than eight (8) passengers, including the driver, for compensation;

3. Designed to transport more than fifteen (15) passengers, including the driver, not for compensation; or

4. Transporting hazardous materials in a quantity requiring placarding in accordance with 49 Code of Federal Regulations, Part 172, Subpart F, shall display the name of the vehicle registrant on each side of the vehicle in two-inch letters or greater which shall be legible from a distance of fifty (50) feet. The city or town serving as the registrant's principal place of business or postal address shall be displayed in two-inch letters or greater on each side of the vehicle adjacent to the registrant's name. Provided however, if the motor carrier holds a valid United States Department of Transportation number, whether for interstate or solely intrastate purposes, the motor carrier's markings shall be in compliance with 49 CFR 390.21.

B. Those not complying with the provisions of this section shall be assessed a fine of not less than One Hundred Dollars (\$100.00). Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of Section 1166 et seq. of this title. Revenue from such fines shall be apportioned as provided in Section 1166 et seq. of this title. Any person in violation of the provisions of this section may be cited by the Oklahoma Highway Patrol, the Corporation Commission, or any county sheriff or municipal law enforcement officer. Any fines collected by a county sheriff or municipal law enforcement officer shall be deposited in the respective county or municipal treasury.

C. After a fine has been assessed pursuant to the provisions of subsection B of this section, the offender shall have ten (10) days

to display the name of the registrant on the vehicle as provided in subsection A of this section.

D. The name on the side of the vehicle may differ from the name on the vehicle registration only if a bona fide legal lease is in the vehicle.

Added by Laws 1985, c. 205, § 3, eff. July 1, 1985. Renumbered from Title 47, § 22.5s by Laws 2001, c. 309, § 8, eff. Nov. 1, 2001. Amended by Laws 2004, c. 522, § 20, eff. July 1, 2004; Laws 2014, c. 296, § 3, eff. July 1, 2014.

§47-1133.3. Noncommercial boat trailers and utility-type trailers - Annual registration.

At the option of the owner, Service Oklahoma is authorized to register boat trailers and utility-type trailers, which are not being utilized in a commercial capacity, on an annual basis for a fee of One Dollar (\$1.00).

Added by Laws 2008, c. 378, § 3, eff. July 1, 2008. Amended by Laws 2022, c. 282, § 154, emerg. eff. May 19, 2022.

§47-1133.4. Single or combination farm use vehicle.

A. No state agency, unless required under federal law, shall require any single or combination farm use vehicle included in this section to participate in the United States Department of Transportation identification numbering system.

B. For the purposes of this section, single or combination farm use vehicle is a vehicle or vehicles with a gross combined weight rating of more than twenty-six thousand one (26,001) pounds if:

1. It is entitled to be registered with a farm tag and has a farm tag attached thereto;

2. It is controlled and operated by a farmer or rancher, his or her family or employees;

3. It is used to transport either agricultural products, livestock, farm machinery, farm supplies or any combination of those materials to or from a farm;

4. It is not used in the operations of a common or contract motor carrier; and

5. It is not transporting hazardous materials as defined under the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act.

Added by Laws 2019, c. 67, § 1, eff. Nov. 1, 2019.

§47-1134. Farm vehicles - License fees - Exemptions.

A. Upon each pickup, truck or truck-tractor owned and operated by one or more farmers and used primarily for farm use, and not for commercial or industrial purposes, the license fee shall be Thirty Dollars (\$30.00). As used in this section, the term "pickup" shall mean a small, light truck with an open back or box used for hauling

and designed primarily for the carrying of property rather than people. The term "truck" shall mean a motor vehicle designed or converted primarily for carrying or hauling farm commodities, property, livestock, or equipment, rather than people.

B. The fees assessed pursuant to this section shall not apply to trailers or semitrailers or combinations thereof used primarily for farm use and for the transportation of products of the farm by the producer thereof. Such fee shall not apply to any trailer or semitrailer or combinations thereof when used primarily for the transportation of any article or articles owned by the operator of the trailer or semitrailer or combinations thereof and not used in the furtherance of or incident to any commercial or industrial enterprise. The provisions of Section 1134.2 of this title shall apply to any trailers or semitrailers when used primarily for the transportation of logs, ties, stave bolts and posts, direct from forest to sawmill.

C. For the purpose of this section, a trailer or semitrailer or combination thereof owned by a farmer and used primarily for the purpose of transporting farm products to market or for the purpose of transporting to the farm material or things to be used thereon, and not for commercial or industrial purposes, may be registered for One Dollar (\$1.00); provided, any such trailer used by the holder of a certificate of convenience and necessity issued by the Oklahoma Corporation Commission or the Interstate Commerce Commission shall be conclusively presumed to be used in and for a commercial use, and must be licensed as such, paying the license fees provided in Section 1133 of this title.

D. Before a party shall be allowed to purchase a license plate or claim an exception or exemption under this section, the party shall:

1. Show an income tax Schedule F for the preceding year; or
2. Present a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of the Oklahoma Statutes.

A violation shall be grounds for revocation of driver's license. Any person who signs the affidavit as required by this section when the person does not believe that the information in the affidavit is true or knows it is not true, upon conviction, shall be guilty of perjury and shall be punished as provided for by law.

E. Any person owning a truck upon which the farm truck license fee has been paid in Oklahoma for the current year and whose truck may be needed during grain harvests or other seasonal farming activities for hauling farm products other than his or her own, or for hauling gravel, shale or other road materials for rural roads, may make application with Service Oklahoma for a short term commercial license for such truck for a period of time not to exceed ninety (90) days as provided for in subsection F of this section, or

may make application in accordance with the Motor Carrier Harvest Permit Act of 2006 if applicable.

F. Upon such application, Service Oklahoma shall issue a temporary commercial truck license and register the truck upon payment of the following fees:

1. For thirty (30) days a fee equal to one-eighth (1/8) of the annual commercial license fee required for such truck.

2. For sixty (60) days a fee equal to one-fourth (1/4) of the annual commercial license fee required for such truck.

3. For ninety (90) days a fee equal to three-eighths (3/8) of the annual commercial license fee required for such truck.

G. Provided, however, the provisions of this section shall not apply to the transportation of persons or property for hire.

Added by Laws 1985, c. 179, § 37, operative July 1, 1985. Amended by Laws 1986, c. 294, § 3, emerg. eff. June 24, 1986; Laws 1987, c. 232, § 6, emerg. eff. July 5, 1987; Laws 1988, c. 167, § 4, emerg. eff. May 24, 1988; Laws 1991, c. 164, § 1, eff. Sept. 1, 1991; Laws 1992, c. 187, § 1, emerg. eff. May 7, 1992; Laws 1995, c. 27, § 7, eff. July 1, 1995; Laws 1996, c. 229, § 2, eff. July 1, 1996; Laws 1999, c. 158, § 1, eff. Nov. 1, 1999; Laws 2006, c. 140, § 4, emerg. eff. May 10, 2006; Laws 2022, c. 282, § 155, emerg. eff. May 19, 2022.

§47-1134.1. Taxicabs, privately owned school buses, intercity and intracity motorbuses - License fee.

The following license fees shall be paid annually to Service Oklahoma or the Oklahoma Corporation Commission, as applicable, upon the registration of the following vehicles:

1. For each taxicab with a seating capacity of ten (10) or less people, the license fee shall be Twenty-five Dollars (\$25.00) and paid to Service Oklahoma;

2. For each school bus privately owned and used exclusively for transporting school children, the fee shall be based on seating capacity. For each such school bus with a seating capacity of fifteen (15) or less people, the fee shall be Twenty Dollars (\$20.00). For each such school bus with a seating capacity of more than fifteen (15) people, the fee shall be Twenty-five Dollars (\$25.00) and paid to Service Oklahoma;

3. For each intercity motor bus, the fee shall be based on seating capacity and paid to Service Oklahoma, or for those buses registered under Section 1120 of this title, paid to the Oklahoma Corporation Commission. For each intercity motor bus with a seating capacity of eleven (11) or less people, the fee shall be Seven Dollars and fifty cents (\$7.50) per seat. For each intercity motor bus with a seating capacity of over eleven (11) but not more than twenty-three (23) people, the fee shall be Nine Dollars (\$9.00) per seat. For each intercity motor bus with a seating capacity of more

than twenty-three (23) people, the fee shall be Ten Dollars (\$10.00) per seat. The seating capacity shall be determined by the number of seats available for passengers where separate seats are used, or by allowing sixteen (16) inches of seating space where separate seats are not used. Provided, that upon all intercity motor buses the license fees provided herein shall after the first year's registration in this or any other state be assessed at eighty percent (80%) of the fee computed and assessed as provided herein; and thereafter shall be assessed at eighty percent (80%) of the previous year's fee so computed for seven (7) successive years, but in no event shall the fee be thus reduced below Ten Dollars (\$10.00). Provided, that Service Oklahoma shall issue intercity motor bus registration certificates for motor buses having a seating capacity of not exceeding five (5) seats upon application and payment of necessary fee without further requirements;

4. For each intracity motor bus, the fee shall be based on seating capacity and paid to Service Oklahoma. For each intracity motor bus having a seating capacity of not to exceed eight (8) people, the fee shall be Forty Dollars (\$40.00). For each intracity motor bus having a seating capacity in excess of eight (8) and not more than fifteen (15) people, the fee shall be Five Dollars (\$5.00) per seat. For each intracity motor bus having a seating capacity in excess of fifteen (15) and not more than twenty-five (25) people, the fee shall be Six Dollars (\$6.00) per seat. For each intracity motor bus having a seating capacity in excess of twenty-five (25) people, the fee shall be Seven Dollars (\$7.00) per seat. Provided that after the first year's registration of any intracity bus in this or any other state, the license fee thereon shall be assessed at eighty percent (80%) of the fee computed and assessed for the first year, and thereafter, the fee shall be assessed and computed at eighty percent (80%) of the previous year's fee, and shall be so computed and assessed for the next seven (7) consecutive years, after the first year; provided further, that the fee shall not be reduced to less than Twenty-five Dollars (\$25.00).

Added by Laws 1985, c. 197, § 4, operative July 1, 1985. Amended by Laws 1993, c. 11, § 2, eff. Sept. 1, 1993; Laws 2014, c. 296, § 4, eff. July 1, 2014; Laws 2015, c. 21, § 1, eff. Nov. 1, 2015; Laws 2022, c. 282, § 156, emerg. eff. May 19, 2022.

§47-1134.2. Vehicles used primarily for transporting unfinished and unprocessed forest products - License fee - Affidavit.

A. For each motor vehicle used primarily for the purpose of transporting unfinished and unprocessed forest products, logs, ties, stave bolts and posts, originating and produced in this state from the point of production or harvesting to the point at which they shall first undergo any processing, preparation for processing,

conversion or transformation from their raw or natural state, the annual license fee shall be Two Hundred Fifty Dollars (\$250.00).

B. Service Oklahoma shall design appropriate license plates for all vehicles registered pursuant to the provisions of this section. Such license plates shall be permanent in nature and shall be designed in such manner as to remain with the vehicle for the duration of the vehicle's life span or until the title is transferred or the vehicle is no longer used for the purposes specified in subsection A of this section.

C. For purposes of this section, the term "motor vehicle" means a truck or truck-tractor or the combination of a truck or truck-tractor pulling a trailer or semitrailer. When a truck or truck-tractor pulling a trailer or semitrailer is licensed pursuant to the provisions of this section, a separate license plate shall be issued for each truck or truck-tractor and for each trailer or semitrailer for the fee prescribed in subsection A of this section.

D. Before a person shall be allowed to license a vehicle pursuant to the provisions of this section, the person shall sign an affidavit attesting to the fact that he is familiar with the purposes for which vehicles may be used and that he will not use such vehicle for any other purpose. Any person who signs such an affidavit when such person does not believe that the information in the affidavit is true or knows it is not true, upon conviction, shall be guilty of perjury and shall be punished as provided for by law. A violation of the provisions of this section shall also be grounds for revocation of driver's license.

Added by Laws 1992, c. 187, § 2, emerg. eff. May 7, 1992. Amended by Laws 2022, c. 282, § 157, emerg. eff. May 19, 2022.

§47-1134.3. Wrecker or towing vehicles - License plates - Registration.

A. Each operator of a wrecker or towing service licensed pursuant to Sections 951 through 957 of this title operating a wrecker, wrecker vehicle, combination wrecker, combination wrecker vehicle, or any other motor vehicle which:

1. Is required to be registered in this state pursuant to the Oklahoma Vehicle License and Registration Act except for any vehicle which is properly registered on a proportional basis pursuant to Section 1120 of this title; and

2. Is used primarily for towing other motor vehicles shall register such vehicle in accordance with this section.

B. Service Oklahoma shall design an appropriate license plate for all wrecker vehicles registered pursuant to this section. Such license plates shall be permanent in nature and shall be designed in such manner as to remain with the vehicle for the duration of the vehicle's life span or until the title is transferred or the vehicle

is no longer used for the purposes specified in Sections 951 through 957 of this title.

C. When registering the vehicle, a person shall be required to submit to Service Oklahoma or a licensed operator a copy of the license issued pursuant to law to operate a wrecker or towing service. In addition, a security verification form as required pursuant to Sections 7-601.1 and 7-602 of this title shall be presented clearly setting forth on the face of such verification the vehicle identification number (VIN) of the vehicle being registered.

D. The owner of any wrecker or towing vehicle not properly registered pursuant to this section or the Oklahoma Vehicle License and Registration Act shall be immediately notified in writing by Service Oklahoma, and such owner shall be subject to any penalties and fines imposed by law for improper registration of a vehicle, for failure to register a vehicle, or for failure to display a proper commercial license plate and decal. The owner shall also be subject to revocation of the owner's license to operate a wrecker or towing service.

E. Whenever a term defined in Section 951 of this title is used in this section, it shall have the meaning provided in that section. Added by Laws 1998, c. 134, § 1, eff. Nov. 1, 1998. Amended by Laws 1999, c. 25, § 1, eff. Nov. 1, 1999; Laws 2022, c. 282, § 158, emerg. eff. May 19, 2022.

§47-1134.4. Transporting cotton modules - License fees - Penalties.

A. For each motor vehicle registered in this state and used for the purpose of transporting cotton modules from the point of production to the first point of delivery or cotton gin, the annual license fee shall be Sixty Dollars (\$60.00). Fees collected by Service Oklahoma pursuant to this section shall be apportioned pursuant to Section 1104 of Title 47 of the Oklahoma Statutes.

B. Service Oklahoma shall design appropriate license plates for all vehicles registered pursuant to this section. The license plates shall be permanent in nature and shall be designed in a manner as to remain with the vehicle for the duration of the vehicle's life span or until the title is transferred or the vehicle is no longer used for the purposes specified in subsection A of this section.

C. Any person, firm or corporation who transports cotton modules without the license required in this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as follows:

1. For the first such violation, by a fine of Five Hundred Dollars (\$500.00);

2. For the second such violation, by a fine of One Thousand Dollars (\$1,000.00); and

3. For the third and subsequent violations, by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00).

D. A motor vehicle subject to the license requirement in this section shall be exempt from the license required pursuant to Section 1133 of Title 47 of the Oklahoma Statutes.

Added by Laws 2012, c. 227, § 1, emerg. eff. May 8, 2012. Amended by Laws 2022, c. 282, § 159, emerg. eff. May 19, 2022; Laws 2025, c. 171, § 47, eff. July 1, 2026.

§47-1135. Manufactured homes - License fees.

License fees for a manufactured home registered pursuant to the provisions of Section 20 of this act shall be as follows:

1. Where the actual retail selling price, excluding Oklahoma state taxes, is One Thousand Five Hundred Dollars (\$1,500.00) or less, the registration fee shall be Twenty-five Dollars (\$25.00);

2. Where the actual retail selling price, excluding Oklahoma state taxes, is in excess of One Thousand Five Hundred Dollars (\$1,500.00), the registration fee shall be Twenty-five Dollars (\$25.00) plus seventy-five cents (\$0.75) for each One Hundred Dollars (\$100.00) or any fraction thereof, in excess of One Thousand Five Hundred Dollars (\$1,500.00).

Added by Laws 1985, c. 179, § 38, operative July 1, 1985.

§47-1135.1. See the following versions:

OS 47-1135.1v1 (SB 1209, Laws 2024, c. 228, § 1)

OS 47-1135.1v2 (SB 1108, Laws 2025, c. 171, § 48)

§47-1135.1v1. Special license plates - Political subdivisions - Tax exemption or nonprofit - Physical disability - Indian tribe - Hearing impaired - Antique vehicles - Honorary consul.

A. The Oklahoma Tax Commission is hereby authorized to design and issue appropriate official special license plates to persons as provided by this section.

Special license plates shall not be transferred to any other person but shall be removed from the vehicle upon transfer of ownership and retained. The special license plate may then be used on another vehicle but only after such other vehicle has been registered for the current year.

Except as provided in subsection B of this section, special license plates shall be renewed each year by the Tax Commission or a motor license agent. The Tax Commission shall annually notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon presentation to a motor license agent or the Tax Commission. The license plates shall be issued on a

staggered system. The motor license agent fees shall be paid out of the Oklahoma Tax Commission Reimbursement Fund.

On and after January 1, 2022, if a special license plate is issued pursuant to this section, except for Legislative License Plates issued pursuant to paragraph 30 of subsection B of Section 1135.2 of this title, any registration fee required for such plate pursuant to this section and the fee required pursuant to Section 1132 of this title shall be remitted at the same time and subject to a single registration period. The Tax Commission shall determine, by rule, a method for making required fee and registration period adjustments if a special license plate is obtained during a twelve-month period for which a registration fee has already been remitted pursuant to Section 1132 of this title. The combination of fees in a single remittance shall not alter the apportionment otherwise provided for in this section.

On and after January 1, 2022, if a physically disabled license plate is issued pursuant to paragraph 3 of subsection B of this section, any registration fee required for such plate pursuant to this section and the fee required pursuant to Section 1132 of this title shall be remitted at the same time and subject to a single registration period. The Tax Commission shall determine, by rule, a method for making required fee and registration period adjustments when a physically disabled license plate is obtained during a twelve-month period for which a registration fee has already been remitted pursuant to Section 1132 of this title. The combination of fees in a single remittance shall not alter the apportionment otherwise provided for in this section.

B. The special license plates provided by this section are as follows:

1. Political Subdivision Plates - such plates shall be designed for any vehicle owned by any political subdivision of this state having obtained a proper Oklahoma certificate of title. Such political subdivisions shall file an annual report with the Tax Commission stating the agency where such vehicle is located. Such license plates shall be permanent in nature and designed in such a manner as to remain with the vehicle for the duration of the life span of the vehicle or until the title is transferred to an owner who is not a political subdivision.

The registration fee shall be Eight Dollars (\$8.00) and shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

2. Tax-Exempt or Nonprofit License Plates - such plates shall be designed for:

- a. any motor bus, manufactured home, or mobile chapel and power unit owned and operated by a religious corporation or society of this state holding a valid exemption from taxation issued pursuant to Section

- 501(a) of the Internal Revenue Code, 26 U.S.C., Section 501(a), and listed as an exempt organization in Section 501(c)(3) of the Internal Revenue Code, as amended, 26 U.S.C., Section 501(c)(3), and that is used by the corporation or society solely for the furtherance of its religious functions,
- b. any vehicle owned and operated only by nonprofit organizations devoted exclusively to youth programs including, but not limited to, the Girl Scouts and Boy Scouts of America,
 - c. any vehicle, except passenger automobiles, owned or operated by nonprofit organizations actually involved in programs for the employment of the handicapped and used exclusively in the transportation of goods or materials for such organization,
 - d. any vehicle owned and operated by a nonprofit organization that provides older persons transportation to and from medical, dental and religious services and relief from business and social isolation,
 - e. any vehicle owned and operated by a private nonprofit organization that:
 - (1) warehouses and distributes surplus foods to other nonprofit agencies and organizations,
 - (2) holds a valid exemption from taxation issued pursuant to Section 501(c) of the Internal Revenue Code, as amended, 26 U.S.C., Section 501(c), and listed as an exempt organization in Section 501(c)(3) of the Internal Revenue Code, as amended, and
 - (3) uses such vehicle exclusively for the transportation of such surplus foods,
 - f. any vehicle which:
 - (1) is owned and operated by a private, nonprofit organization which is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), and which is primarily funded by a fraternal or civic service organization with at least one hundred local chapters or clubs, and
 - (2) is designed and used to provide mobile health screening services to the general public at no cost to the recipient, and for which no reimbursement of any kind is received from any health insurance provider, health maintenance organization or governmental program, or

- g. any vehicle owned and operated by the Civil Air Patrol, a congressionally chartered corporation that also serves an auxiliary of the United States Air Force and which is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), and is used exclusively for its corporate missions of aerospace education, cadet programs and emergency services. Such license plates shall be permanent in nature and designed in such a manner as to remain with the vehicle for the duration of the life span of the vehicle or until the title to such vehicle is transferred to an owner who is not subject to this exemption. Such vehicles shall be exempt from the registration fees levied under Section 1132 of this title, except that an initial registration fee of Twenty-five Dollars (\$25.00) shall apply to each vehicle.

Any person claiming to be eligible for a tax-exempt or nonprofit license plate under the provisions of this paragraph must have the name of the tax-exempt or nonprofit organization prominently displayed upon the outside of the vehicle, except those vehicles registered pursuant to the provisions of subparagraph b of this paragraph, unless such display is prohibited by federal or state law or by state agency rules. No vehicle shall be licensed as a tax-exempt or nonprofit vehicle unless the vehicle has affixed on each side thereof, in letters not less than two (2) inches high and two (2) inches wide, the name of the tax-exempt or nonprofit organization or the insignia or other symbol of such organization which shall be of sufficient size, shape and color as to be readily legible during daylight hours from a distance of fifty (50) feet while the vehicle is not in motion.

Except as provided in subparagraph g of this paragraph, the registration fee shall be Eight Dollars (\$8.00) and shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

3. Physically Disabled License Plates - such plates shall be designed for persons who are eligible for a physically disabled placard under the provisions of Section 15-112 of this title. It shall prominently display the international accessibility symbol, which is a stylized human figure in a wheelchair. The Tax Commission shall also design physically disabled license plates for motorcycles owned by persons who are eligible for a physically disabled placard pursuant to the provisions of Section 15-112 of this title. Upon the death of the physically disabled person, the disabled license plate shall be returned to the Tax Commission. There shall be no fee for such plate in addition to the rate

provided by the Oklahoma Vehicle License and Registration Act for the registration of the vehicle. For an additional fee of Ten Dollars (\$10.00), a person eligible for a physically disabled license plate shall have the option of purchasing a duplicate physically disabled special license plate which shall be securely attached to the front of the vehicle. The original physically disabled special license plate shall be securely attached to the rear of the vehicle at all times.

Any person who is eligible for a physically disabled license plate and whose vehicle has had modifications because of the physical disability of the owner or of a family member within the second degree of consanguinity of the owner, may register the vehicle for a flat fee of Twenty-five Dollars (\$25.00). This fee shall be in lieu of all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

4. Indian Tribal License Plates - such plates shall be designed for any vehicle of a Native American Indian Tribal Association exempted in Sections 201 through 204 of Public Law 97-473 and used by the tribal association exclusively for the furtherance of its tribal functions.

The registration fee shall be Eight Dollars (\$8.00) and shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

5. Hearing Impaired License Plates - such plates shall be designed for persons who are hearing impaired. Such persons may apply for a hearing-impaired license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon the presentment of an application on a form furnished by the Tax Commission and certified by a physician holding a valid license to practice pursuant to the licensing provisions of Title 59 of the Oklahoma Statutes, attesting that the person is hearing impaired. The license plate shall be designed so that such persons may be readily identified as being hearing impaired. There shall be no additional fee for the plate, but all other registration fees provided by the Oklahoma Vehicle License and Registration Act shall apply; and

6. Antique or Classic Vehicles License Plates - such plates shall be designed and issued for any vehicle twenty-five (25) years of age or older, based upon the date of manufacture thereof and which travels on the highways of this state primarily incidental to historical or exhibition purposes only.

The registration fee shall be Eight Dollars (\$8.00) and shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title. Any person registering an antique or classic vehicle may elect to have the vehicle registered for a ten-year period. The registration fee for the elected ten-year registration shall be Seventy-five Dollars (\$75.00). The motor license agent registering the antique or

classic vehicle for a ten-year period shall receive one hundred percent (100%) of the fees the motor license agent would have otherwise received pursuant to subsection A of Section 1141.1 of this title if the antique or classic vehicle had been registered on an annual basis.

C. Special license plates provided by this section shall be designed in such a manner as to identify the use or ownership of the vehicle. Use of any vehicle possessing a special license plate provided by this section for any purpose not specified herein shall be grounds for revocation of the special license plate and registration certificate.

D. The fees provided by this section shall be deposited in the Oklahoma Tax Commission Reimbursement Fund.

Added by Laws 2004, c. 504, § 10, eff. July 1, 2004. Amended by Laws 2007, c. 272, § 1, eff. Nov. 1, 2007; Laws 2010, c. 302, § 6, emerg. eff. June 5, 2010; Laws 2016, c. 26, § 1, eff. Nov. 1, 2016; Laws 2021, c. 276, § 3, eff. Jan. 1, 2022; Laws 2022, c. 392, § 1, eff. Nov. 1, 2022; Laws 2024, c. 228, § 1, emerg. eff. April 30, 2024.

§47-1135.1v2. Special license plates - Political subdivisions - Tax exemption or nonprofit - Physical disability - Indian tribe - Hearing impaired - Antique vehicles - Honorary consul.

A. Service Oklahoma is hereby authorized to design and issue appropriate official special license plates to persons as provided by this section.

Special license plates shall not be transferred to any other person but shall be removed from the vehicle upon transfer of ownership and retained. The special license plate may then be used on another vehicle but only after such other vehicle has been registered for the current year.

Except as provided in subsection B of this section, special license plates shall be renewed each year by Service Oklahoma or a licensed operator. Service Oklahoma shall annually notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon presentation to a licensed operator or Service Oklahoma. The license plates shall be issued on a staggered system. The licensed operator fees shall be paid out of the Oklahoma Tax Commission Reimbursement Fund. Beginning January 1, 2023, the licensed operator fees shall be paid out of the Service Oklahoma Reimbursement Fund.

On and after January 1, 2022, if a special license plate is issued pursuant to this section, except for Legislative License Plates issued pursuant to paragraph 30 of subsection B of Section 1135.2 of this title, any registration fee required for such plate pursuant to this section and the fee required pursuant to Section

1132 of this title shall be remitted at the same time and subject to a single registration period. Service Oklahoma shall determine, by rule, a method for making required fee and registration period adjustments if a special license plate is obtained during a twelve-month period for which a registration fee has already been remitted pursuant to Section 1132 of this title. The combination of fees in a single remittance shall not alter the apportionment otherwise provided for in this section.

On and after January 1, 2022, if a physically disabled license plate is issued pursuant to paragraph 3 of subsection B of this section, any registration fee required for such plate pursuant to this section and the fee required pursuant to Section 1132 of this title shall be remitted at the same time and subject to a single registration period. Service Oklahoma shall determine, by rule, a method for making required fee and registration period adjustments when a physically disabled license plate is obtained during a twelve-month period for which a registration fee has already been remitted pursuant to Section 1132 of this title. The combination of fees in a single remittance shall not alter the apportionment otherwise provided for in this section.

B. The special license plates provided by this section are as follows:

1. Political Subdivision Plates - such plates shall be designed for any vehicle owned by any political subdivision of this state having obtained a proper Oklahoma certificate of title. Such political subdivisions shall file an annual report with Service Oklahoma stating the agency where such vehicle is located. Such license plates shall be permanent in nature and designed in such a manner as to remain with the vehicle for the duration of the life span of the vehicle or until the title is transferred to an owner who is not a political subdivision.

The registration fee shall be Eight Dollars (\$8.00) and shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

2. Tax-Exempt or Nonprofit License Plates - such plates shall be designed for:

- a. any motor bus, manufactured home, or mobile chapel and power unit owned and operated by a religious corporation or society of this state holding a valid exemption from taxation issued pursuant to Section 501(a) of the Internal Revenue Code, 26 U.S.C., Section 501(a), and listed as an exempt organization in Section 501(c)(3) of the Internal Revenue Code, as amended, 26 U.S.C., Section 501(c)(3), and that is used by the corporation or society solely for the furtherance of its religious functions,

- b. any vehicle owned and operated only by nonprofit organizations devoted exclusively to youth programs including, but not limited to, the Girl Scouts and Boy Scouts of America,
- c. any vehicle, except passenger automobiles, owned or operated by nonprofit organizations actually involved in programs for the employment of the handicapped and used exclusively in the transportation of goods or materials for such organization,
- d. any vehicle owned and operated by a nonprofit organization that provides older persons transportation to and from medical, dental and religious services and relief from business and social isolation,
- e. any vehicle owned and operated by a private nonprofit organization that:
 - (1) warehouses and distributes surplus foods to other nonprofit agencies and organizations, and
 - (2) holds a valid exemption from taxation issued pursuant to Section 501(c) of the Internal Revenue Code, as amended, 26 U.S.C., Section 501(c), and listed as an exempt organization in Section 501(c)(3) of the Internal Revenue Code, as amended, and
 - (3) uses such vehicle exclusively for the transportation of such surplus foods,
- f. any vehicle which:
 - (1) is owned and operated by a private, nonprofit organization which is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), and which is primarily funded by a fraternal or civic service organization with at least one hundred local chapters or clubs, and
 - (2) is designed and used to provide mobile health screening services to the general public at no cost to the recipient, and for which no reimbursement of any kind is received from any health insurance provider, health maintenance organization or governmental program, or
- g. any vehicle owned and operated by the Civil Air Patrol, a congressionally chartered corporation that also serves an auxiliary of the United States Air Force and which is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), and is used exclusively for its corporate missions of

aerospace education, cadet programs and emergency services. Such license plates shall be permanent in nature and designed in such a manner as to remain with the vehicle for the duration of the life span of the vehicle or until the title to such vehicle is transferred to an owner who is not subject to this exemption. Such vehicles shall be exempt from the registration fees levied under Section 1132 of this title, except that an initial registration fee of Twenty-five Dollars (\$25.00) shall apply to each vehicle.

Any person claiming to be eligible for a tax-exempt or nonprofit license plate under the provisions of this paragraph must have the name of the tax-exempt or nonprofit organization prominently displayed upon the outside of the vehicle, except those vehicles registered pursuant to the provisions of subparagraph b of this paragraph, unless such display is prohibited by federal or state law or by state agency rules. No vehicle shall be licensed as a tax-exempt or nonprofit vehicle unless the vehicle has affixed on each side thereof, in letters not less than two (2) inches high and two (2) inches wide, the name of the tax-exempt or nonprofit organization or the insignia or other symbol of such organization which shall be of sufficient size, shape and color as to be readily legible during daylight hours from a distance of fifty (50) feet while the vehicle is not in motion.

Except as provided in subparagraph g of this paragraph, the registration fee shall be Eight Dollars (\$8.00) and shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

3. Physically Disabled License Plates - such plates shall be designed for persons who are eligible for a physically disabled placard under the provisions of Section 15-112 of this title. It shall prominently display the international accessibility symbol, which is a stylized human figure in a wheelchair. Service Oklahoma shall also design physically disabled license plates for motorcycles owned by persons who are eligible for a physically disabled placard pursuant to the provisions of Section 15-112 of this title. Upon the death of the physically disabled person, the disabled license plate shall be returned to Service Oklahoma. There shall be no fee for such plate in addition to the rate provided by the Oklahoma Vehicle License and Registration Act for the registration of the vehicle. For an additional fee of Ten Dollars (\$10.00), a person eligible for a physically disabled license plate shall have the option of purchasing a duplicate physically disabled special license plate which shall be securely attached to the front of the vehicle. The original physically disabled special license plate shall be securely attached to the rear of the vehicle at all times.

Any person who is eligible for a physically disabled license plate and whose vehicle has had modifications because of the physical disability of the owner or of a family member within the second degree of consanguinity of the owner, may register the vehicle for a flat fee of Twenty-five Dollars (\$25.00). This fee shall be in lieu of all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

4. Indian Tribal License Plates - such plates shall be designed for any vehicle of a Native American Indian Tribal Association exempted in Sections 201 through 204 of Public Law 97-473 and used by the tribal association exclusively for the furtherance of its tribal functions.

The registration fee shall be Eight Dollars (\$8.00) and shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

5. Hearing Impaired License Plates - such plates shall be designed for persons who are hearing impaired. Such persons may apply for a hearing-impaired license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon the presentment of an application on a form furnished by Service Oklahoma and certified by a physician holding a valid license to practice pursuant to the licensing provisions of Title 59 of the Oklahoma Statutes, attesting that the person is hearing impaired. The license plate shall be designed so that such persons may be readily identified as being hearing impaired. There shall be no additional fee for the plate, but all other registration fees provided by the Oklahoma Vehicle License and Registration Act shall apply;

6. Antique or Classic Vehicles License Plates - such plates shall be designed and issued for any vehicle twenty-five (25) years of age or older, based upon the date of manufacture thereof and which travels on the highways of this state primarily incidental to historical or exhibition purposes only.

The registration fee shall be Eight Dollars (\$8.00) and shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title. Any person registering an antique or classic vehicle may elect to have the vehicle registered for a ten-year period. The registration fee for the elected ten-year registration shall be Seventy-five Dollars (\$75.00). The licensed operator registering the antique or classic vehicle for a ten-year period shall receive one hundred percent (100%) of the fees the licensed operator would have otherwise received pursuant to subsection A of Section 1141.1 of this title if the antique or classic vehicle had been registered on an annual basis; and

7. Honorary Consul License Plates - such plates shall be designed to include the words "Honorary Consul" and issued to persons who are honorary consuls authorized by the United States to

perform consular duties. Persons applying for such license plates must show proof of standing as an honorary consul. The fee for such plate shall be Eight Dollars (\$8.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The owner of the vehicle that possesses such license plates shall return the special license plates to Service Oklahoma if the owner disposes of the vehicle during the registration year or ceases to be authorized to perform consular duties.

C. Special license plates provided by this section shall be designed in such a manner as to identify the use or ownership of the vehicle. Use of any vehicle possessing a special license plate provided by this section for any purpose not specified herein shall be grounds for revocation of the special license plate and registration certificate.

D. Until December 31, 2022, the fees provided by this section shall be deposited in the Oklahoma Tax Commission Reimbursement Fund. Beginning January 1, 2023, the fees provided by this section shall be deposited by Service Oklahoma in the Service Oklahoma Reimbursement Fund.

Added by Laws 2004, c. 504, § 10, eff. July 1, 2004. Amended by Laws 2007, c. 272, § 1, eff. Nov. 1, 2007; Laws 2010, c. 302, § 6, emerg. eff. June 5, 2010; Laws 2016, c. 26, § 1, eff. Nov. 1, 2016; Laws 2021, c. 276, § 3, eff. Jan. 1, 2022; Laws 2022, c. 392, § 1, eff. Nov. 1, 2022; Laws 2024, c. 452, § 77, emerg. eff. June 14, 2024; Laws 2025, c. 171, § 48, eff. July 1, 2026.

§47-1135.2. Special license plates - Armed forces - Medals of honor - Police and sheriff - Legislators and officials - Volunteers - Victims and survivors - Amateur radio operators - Alumni.

A. Service Oklahoma is hereby authorized to design and issue appropriate official special license plates to persons in recognition of their service or awards as provided by this section.

Special license plates shall not be transferred to any other person but shall be removed from the vehicle upon transfer of ownership and retained. The special license plate may then be used on another vehicle but only after such other vehicle has been registered for the current year.

Special license plates shall be renewed each year by Service Oklahoma or a licensed operator. Service Oklahoma shall annually notify all persons issued special license plates. Service Oklahoma shall send the notifications to the electronic mail address provided by the person. If a person does not provide an electronic mail address, Service Oklahoma shall notify the person by mail. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon presentation to a licensed operator or Service Oklahoma. The license plates shall be

issued on a staggered system except for legislative plates and amateur radio operator license plates.

On and after January 1, 2022, if a special license plate is issued pursuant to this section, any registration fee required for such plate pursuant to this section and the fee required pursuant to Section 1132 of this title shall be remitted at the same time and subject to a single registration period. Service Oklahoma shall determine, by rule, a method for making required fee and registration period adjustments if a special license plate is obtained during a twelve-month period for which a registration fee has already been remitted pursuant to Section 1132 of this title. The combination of fees in a single remittance shall not alter the apportionment otherwise provided for in this section.

Service Oklahoma is hereby directed to develop and implement a system whereby licensed operators are permitted to accept applications for special license plates authorized under this section. The licensed operator shall confirm the applicant's eligibility, if applicable, collect and deposit any amount specifically authorized by law, accept and process the necessary information directly into such system and generate a receipt accordingly. For performance of these duties, licensed operators shall retain the fee provided in Section 1141.1 of this title for registration of a motor vehicle. Until December 31, 2022, the licensed operator fees for acceptance of applications and renewals shall be paid out of the Oklahoma Tax Commission Reimbursement Fund. Beginning January 1, 2023, the licensed operator fees for acceptance of applications and renewals shall be paid out of the Service Oklahoma Reimbursement Fund.

B. The special license plates provided by this section are as follows:

1. Prisoner of War License Plates - such plates shall be designed for honorably discharged or present members of the United States Armed Forces and civilians who were former prisoners of war held by a foreign country and who can provide proper certification of that status. Such persons may apply for a prisoner of war license plate for no more than two vehicles with each vehicle having a rated carrying capacity of one (1) ton or less. The surviving spouse of any deceased former prisoner of war, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a prisoner of war license plate for one vehicle with a rated carrying capacity of one (1) ton or less. The fee provided by this section for the special license plate authorized by this paragraph shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

2. National Guard License Plates - such plates shall be designed for active or retired members of the Oklahoma National

Guard. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually;

3. Air National Guard License Plates - such plates shall be designed for active or retired members of the Oklahoma Air National Guard. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually;

4. United States Armed Forces License Plates - such plates shall be designed for active, retired, former or reserve members of the United States Armed Forces, and shall identify which branch of service, and carry the emblem and name of either the Army, Navy, Air Force, Marines or Coast Guard, according to the branch of service to which the member belongs or did belong. Former members who have been dishonorably discharged shall not be eligible for such plates. Persons applying for such license plate must show proof of present or past military service by presenting a valid Uniformed Services Identity Card or the United States Department of Defense form DD 214. Retired or former members who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually;

5. Congressional Medal of Honor Recipient License Plates - such plates shall be designed for any resident of this state who has been awarded the Congressional Medal of Honor. Such persons may apply for a Congressional Medal of Honor recipient license plate for each vehicle with a rated carrying capacity of one (1) ton or less. There shall be no registration fee for the issuance of this plate;

6. Missing In Action License Plates - such plates shall be designed to honor members of the United States Armed Forces who are missing in action. The spouse of such missing person, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, and each parent of the missing person may apply for a missing in action license plate upon presenting proper certification that the person is missing in action and that the person making the application is the qualifying spouse or the parent of the missing person. The qualifying spouse and each parent of the missing person may each apply for the missing in action license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

7. Purple Heart Recipient License Plates - such plates shall be designed for any resident of this state presenting proper certification from the United States Department of Veterans Affairs or the Armed Forces of the United States certifying that such resident has been awarded the Purple Heart military decoration. Such persons may apply for a Purple Heart recipient license plate for vehicles having a rated carrying capacity of one (1) ton or less. The surviving spouse of any deceased veteran who has been

awarded the Purple Heart military decoration, if such spouse has not since remarried, or if remarried, the remarriage has been terminated by death, divorce or annulment, may apply for such plate for one vehicle with a rated carrying capacity of one (1) ton or less. The license plate created by this paragraph shall be exempt from the fee provided by this section for special license plates;

8. Pearl Harbor Survivor License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States as being:

- a. a member of the United States Armed Forces on December 7, 1941,
- b. stationed on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three (3) miles, and
- c. a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for a Pearl Harbor Survivor license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

9. Iwo Jima License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States as being:

- a. a member of the United States Armed Forces in February of 1945,
- b. stationed in February of 1945 on or in the immediate vicinity of the island of Iwo Jima, and
- c. a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for an Iwo Jima license plate for each vehicle with a rated carrying capacity of one (1) ton or less.

Such license plate shall have the legend "Oklahoma OK" and shall contain three letters and three numbers. Between the letters and numbers shall be a logo of the flag-raising at Iwo Jima. Below the letters, logo and numbers, the plate shall contain the words "FEB." at the left, "Iwo Jima" in the center and "1945" at the right. Such plates shall not be subject to the design requirements of any other license plates prescribed by law other than the space for the placement of the yearly decals for each succeeding year of registration after the initial issue;

10. D-Day Survivor License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States as being:

- a. a member of the United States Armed Forces on June 6, 1944,
- b. a participant in the Allied invasion of the coast of Normandy on June 6, 1944; provided, if such participation cannot be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States, Service Oklahoma may, in its discretion, accept evidence of such participation from the person applying for the license plate, and
- c. a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for a D-Day Survivor license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

11. Killed in Action License Plates - such plates shall be designed to honor members of the United States Armed Forces who were killed in action. The spouse of the deceased person, if the spouse has not remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a killed in action license plate upon presenting proper certification that the person was killed in action and that the person making the application is the qualifying spouse of the deceased person. The qualifying spouse may apply for a killed in action license plate for no more than two vehicles with each vehicle with a rated carrying capacity of one (1) ton or less. The fee provided by this section for the special license plate authorized by this paragraph shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title. Beginning November 1, 2021, the killed in action license plate shall be designed to honor members of the United States Armed Forces who were killed in action while engaged in combat with a hostile force. The parents, siblings, half-siblings, grandparents or spouse of the deceased person, if the spouse has not remarried, or if remarried, the remarriage is terminated by death, divorce or annulment, may apply for a killed in action license plate upon presenting proper certification that the person was killed in action and that the person making the application is the qualifying spouse or family member of the deceased person. The qualifying spouse or family member may apply for a killed in action license plate for no more than two vehicles with each vehicle with a rated carrying capacity of one (1) ton or less. The license plate shall have a white background and the legend "Killed in Action" and shall contain any combination of numbers and letters from one to a maximum of seven in black, as for personalized license plates. To the left of the numbers and letters shall be the Battlefield Cross in gold. The killed in action license plate shall be exempt from any minimum issuance criteria related to license plate applications;

12. Gold Star Families License Plates - such plates shall be designed to honor members of the United States Armed Forces who were killed while on active duty. The parents, siblings, half-siblings or grandparents of the deceased person may apply for a gold star license plate upon presenting proper certification that the person was killed while on active duty and that the person making the application is the parent, sibling, half-sibling or grandparent of the deceased person. The family member may apply for a gold star families license plate for no more than two vehicles with each vehicle having a rated carrying capacity of one (1) ton or less. The fee provided by this section for the special license plate authorized by this paragraph shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

13. Military Decoration License Plates - such plates shall be designed for any resident of this state who has been awarded the Distinguished Service Medal, the Distinguished Service Cross, the Distinguished Flying Cross, the Bronze Star military decoration or the Silver Star military decoration. Such persons may apply for a military decoration license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

14. Vietnam Veteran License Plates - such plates shall be designed for honorably discharged or present members of the United States Armed Forces who served in the Vietnam Conflict. Such persons may apply for a Vietnam veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

15. Police Officer License Plates - such plates shall be designed for any currently employed, reserve or retired municipal police officer or full-time, reserve or retired university police officer certified by the Council on Law Enforcement Education and Training or common education police officer certified by the Council on Law Enforcement Education and Training. Police officers may apply for police officer license plates for vehicles with a rated capacity of one (1) ton or less or for a motorcycle upon proof of employment by or retirement from a municipal, university or common education police department by either an identification card or letter from the chief of the police department or the Oklahoma Police Pension and Retirement Board. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application but shall not be required to provide proof of eligibility annually. The license plates shall be designed in consultation with municipal police departments of this state; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate;

16. World War II Veteran License Plates - such plates shall be designed to honor honorably discharged former members of the United

States Armed Forces who are residents of this state and who can be verified by the Military Department of the State of Oklahoma, the Department of Veterans Affairs or the Armed Forces of the United States as having served on federal active duty anytime during the period from September 16, 1940, to December 7, 1945. The former members may apply for a World War II Veteran license plate for vehicles with a rated carrying capacity of one (1) ton or less.

The license plate shall have the legend "Oklahoma" and shall contain, in the center of the plate, either the Thunderbird Insignia of the 45th Infantry Division in the prescribed red and gold coloring or the emblem of the Army, Navy, U.S. Army Air Corps, Marines or Coast Guard according to the branch of service to which the member belonged. For the purpose of license plate identification, the plate shall contain four digits, two digits at the left and two digits at the right of the insignia or emblem. Centered on the bottom of the license plate shall be the words "WORLD WAR II";

17. Korean War Veteran License Plates - such plates shall be designed to honor honorably discharged former members of the United States Armed Forces who are residents of this state and who can be verified by the Military Department of the State of Oklahoma, the Department of Veterans Affairs or the Armed Forces of the United States as having served on federal active duty anytime during the period from June 27, 1950, to January 31, 1955, both dates inclusive. The former members may apply for a Korean War Veteran license plate for vehicles with a rated carrying capacity of one (1) ton or less.

The license plate shall have the legend "OKLAHOMA" and shall contain, in the center of the plate, either the Thunderbird Insignia of the 45th Infantry Division in the prescribed red and gold coloring or the emblem of the Army, Navy, Air Force, Marines or Coast Guard according to the branch of service to which the member belonged. For the purpose of license plate identification, the plate shall contain four digits, two digits at the left and two digits at the right of the insignia or emblem. Centered on the bottom of the license plate shall be the word "KOREA";

18. Municipal Official License Plates - such plates shall be designed for persons elected to a municipal office in this state and shall designate the name of the municipality and the district or ward in which the municipal official serves. The plates shall only be produced upon application;

19. Red Cross Volunteer License Plates - such plates shall be designed to honor American Red Cross volunteers and staff who are residents of this state. Such persons must present an identification card issued by the American Red Cross and bearing a photograph of the person. The license plate shall be designed with the assistance of the American Red Cross and shall have the legend

"Oklahoma OK!" in the color Pantone 186C Red. Below the legend the symbol of the American Red Cross and no more than three letters and three numbers shall be in the color Pantone 186C Red. Below the symbol and letters and numbers shall be the words "American Red Cross" in black. The plates shall not be subject to the design requirements of any other license plates prescribed by law other than the space for the placement of the yearly decals for each succeeding year of registration after the initial issue;

20. Desert Storm License Plates - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who served in the Persian Gulf Crisis and the Desert Storm operation. Such persons may apply for a Desert Storm license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

21. Military Reserve Unit License Plates - such plates shall be designed and issued to any honorably discharged or present member of a reserve unit of the United States Armed Forces. Such persons may apply for a Military Reserve Unit license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

22. Oklahoma City Bombing Victims and Survivors License Plates - such plates shall be designed and issued to any victim or survivor of the bombing attack on the Alfred P. Murrah Federal Building in downtown Oklahoma City on April 19, 1995;

23. Civil Air Patrol License Plates - such plates shall be designed and issued to any person who is a member of the Civil Air Patrol. Such persons may apply for a Civil Air Patrol license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of membership in the Civil Air Patrol. The license plate shall be designed in consultation with the Civil Air Patrol;

24. Ninety-Nines License Plates - such plates shall be designed and issued to members of the Ninety-Nines. Persons applying for such license plate must show proof of membership in the Ninety-Nines. The license plates shall be designed in consultation with the Ninety-Nines;

25. Combat Infantryman Badge License Plates - such plates shall be designed to honor recipients of the Combat Infantryman Badge. The plate shall have the legend "Oklahoma OK". Below the legend shall be the Combat Infantryman Badge and three numbers. Below the badge and the numbers shall be the words "Combat Infantryman Badge". Such persons may apply for a Combat Infantryman Badge license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

26. Somalia Combat Veterans License Plates - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who saw combat in the United Nations relief effort. Such persons may apply for a Somalia Combat

Veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

27. Police Chaplain License Plates - such plates shall be designed and issued to members of the International Conference of Police Chaplains (ICPC) who have completed the ICPC requirements for basic certification as a police chaplain. The license plates shall be designed in consultation with the ICPC;

28. Joint Service Commendation Medal License Plates - such plates shall be designed and issued to any resident of this state who has been awarded the Joint Service Commendation Medal by the United States Secretary of Defense;

29. Merchant Marine License Plates - such plates shall be designed, subject to criteria to be presented to Service Oklahoma by the Oklahoma Department of Veterans Affairs, and issued to any person who during combat was a member of the Merchant Marines as certified by the Oklahoma Department of Veterans Affairs. Such license plate may be issued for each vehicle with a rated carrying capacity of one (1) ton or less;

30. Legislative License Plates - such plates shall be designed for persons elected to the Oklahoma Legislature and shall designate the house of the Legislature in which the legislator serves and the district number;

31. Disabled Veterans License Plates - such plates shall be designed for persons presenting proper certification from the United States Department of Veterans Affairs or the Armed Forces of the United States certifying such veteran has a service-connected disability rating of fifty percent (50%) or more, regardless which agency pays the disability benefits, or that such veteran has been awarded a vehicle by the United States government or receives a grant from the United States Department of Veterans Affairs for the purchase of an automobile due to a service-connected disability rating or due to the loss of use of a limb or an eye. Such persons may apply to Service Oklahoma for a disabled veterans license plate or to a licensed operator for a regular license plate for no more than two vehicles with each vehicle having a rated carrying capacity of one (1) ton or less. The surviving spouse of any deceased disabled veteran, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, or a surviving spouse in receipt of Dependency and Indemnity Compensation from the United States Department of Veterans Affairs, may apply for a disabled veterans license plate for one vehicle with a rated carrying capacity of one (1) ton or less. The fee provided by this section for the special license plate authorized by this paragraph shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title. The total expense of this license plate shall not exceed Five Dollars (\$5.00).

If the person qualifies for a disabled veterans license plate and is also eligible for a physically disabled placard under the provisions of Section 15-112 of this title, the person shall be eligible to receive a disabled veterans license plate that also displays the international accessibility symbol, which is a stylized human figure in a wheelchair. Upon the death of the disabled veteran with a disabled veterans license plate with the international accessibility symbol, the plate shall be returned to Service Oklahoma;

32. United States Air Force Association License Plates - such plates shall be designed for members of the United States Air Force Association. Persons applying for such license plate must show proof of membership in the Association. The license plates shall be designed in consultation with the Association;

33. Oklahoma Military Academy Alumni License Plates - such plates shall be designed and issued to any resident of this state who is an alumnus of the Oklahoma Military Academy. Such persons may apply for an Oklahoma Military Academy Alumnus license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The license plates shall be designed in consultation with the Oklahoma Military Academy and shall contain the shield of the Academy;

34. Amateur Radio Operator License Plates - such plates shall be designed and issued to any person, holding a valid operator's license, technician class or better, issued by the Federal Communications Commission, and who is also the owner of a motor vehicle currently registered in Oklahoma, in which has been installed amateur mobile transmitting and receiving equipment. Eligible persons shall be entitled to two special vehicle identification plates as herein provided. Application for such identification plates shall be on a form prescribed by Service Oklahoma and the plates issued to such applicant shall have stamped thereon the word "Oklahoma" and bear the official call letters of the radio station assigned by the Federal Communications Commission to the individual amateur operator thereof. All applications for such plates must be made to Service Oklahoma on or before the first day of October of any year for such plates for the following calendar year and must be accompanied by the fee required in this section together with a certificate, or such other evidence as Service Oklahoma may require, of proof that applicant has a valid technician class or better amateur operator's license and proof of applicant's ownership of a vehicle in which radio receiving and transmitting equipment is installed. Applicants shall only be entitled to one set of special identification plates in any one (1) year, and such calendar year shall be stamped thereon. The right to such special identification plates herein provided for shall

continue until the amateur radio operator's license of the person to whom such plates are issued expires or is revoked;

35. American Legion License Plates - such plates shall be designed for members of the American Legion. Persons applying for such license plate must show proof of membership. The license plates shall be designed in consultation with the American Legion of Oklahoma;

36. Deputy Sheriff License Plates - such plates shall be designed for any currently employed or retired county sheriff or deputy sheriff. County sheriffs or deputy sheriffs may apply for such plates for vehicles with a rated capacity of one (1) ton or less upon proof of employment by or retirement from a county sheriff's office by either an identification card or letter from the county sheriff or a government-sponsored retirement board from which the county sheriff or deputy sheriff may be receiving a pension. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application but shall not be required to provide proof of eligibility annually. The license plates shall be designed in consultation with the county sheriff offices of this state;

37. Gold Star Surviving Spouse License Plates - such plates shall be designed to honor the surviving spouses and children of qualified veterans. As used in this paragraph, "qualified veteran" shall mean:

- a. any person honorably discharged from any branch of the United States Armed Forces or as a member of the Oklahoma National Guard, who died as a direct result of the performance of duties for any branch of the United States Armed Forces or Oklahoma National Guard while on active military duty, or
- b. any person honorably discharged from any branch of the United States Armed Forces or as a member of the Oklahoma National Guard, who died as a result of injury, illness or disease caused by the performance of such duties while on active duty, whether the death occurred while on active duty or after the honorable discharge of such person.

The fee provided by this section for the special license plate authorized by this paragraph shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

38. Korea Defense Service Medal License Plates - such plates shall be designed and issued to any resident of this state who has been awarded the Korea Defense Service Medal by the United States Secretary of Defense. Such persons may apply for a Korea Defense Service Medal license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

39. 180th Infantry License Plates - such plates shall be designed for members and prior members of the 180th Infantry. Persons applying for such license plate must obtain and provide proof of their membership from the 180th Infantry Association. The license plates shall be designed in consultation with the 180th Infantry;

40. Operation Iraqi Freedom Veteran License Plates - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who served in Operation Iraqi Freedom. Such person may apply for an Operation Iraqi Freedom Veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less, or for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate;

41. United States Air Force Academy Alumni License Plates - such plates shall be designed and issued to any resident of this state who is an alumnus of the United States Air Force Academy. Such persons may apply for a United States Air Force Academy Alumnus license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

42. Operation Enduring Freedom Veteran License Plate - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who served in Operation Enduring Freedom on or after September 11, 2001. The license plate shall be designed in consultation with the Military Department of the State of Oklahoma. Such person may apply for an Operation Enduring Freedom Veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less, or for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate;

43. Military Multi-Decoration License Plate - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who qualifies for more than one military decoration license plate pursuant to the provisions of this section. Service Oklahoma shall develop and implement a system whereby the designs of the eligible license plates can be included together on a single license plate. Such person may apply for a Military Multi-Decoration license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

44. Global War on Terror Expeditionary License Plate - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who has earned a Global War on Terror Expeditionary decoration. The license plate shall be designed in consultation with the United States Institute

of Heraldry and the Military Department of the State of Oklahoma. Such person may apply for a Global War on Terror Expeditionary license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

45. Legion of Merit Medal Recipient License Plates - such plates shall be designed for any resident of this state presenting proper certification from the United States Department of Veterans Affairs or the Armed Forces of the United States certifying that such resident has been awarded the Legion of Merit military decoration. Such persons may apply for a Legion of Merit recipient license plate for vehicles having a rated carrying capacity of one (1) ton or less. The license plate shall be designed in consultation with the Military Department of the State of Oklahoma;

46. 1-179th License Plates - such plates shall be designed for members, prior members and members of the household of a member or former member of the 1-179th Infantry. Persons applying for such license plate must obtain and provide proof of their membership association with the 1-179th Infantry Association. The license plate shall be designed in consultation with the 1-179th Infantry;

47. 2-179th License Plates - such plates shall be designed for members, prior members and members of the household of a member or former member of the 2-179th Infantry. Persons applying for such license plate must obtain and provide proof of their membership association with the 2-179th Infantry Association. The license plate shall be designed in consultation with the 2-179th Infantry;

48. Combat Action Ribbon Recipient License Plates - such plates shall be designed to honor recipients of the Combat Action Ribbon who present proper certification from the United States Department of the Navy. The license plate shall include the Combat Action Ribbon earned by the recipient. Such persons may apply for a Combat Action Ribbon Recipient license plate for vehicles having a rated carrying capacity of one (1) ton or less;

49. Oklahoma Submarine Veterans License Plate - such plates shall be designed for any resident of this state who is a United States submarine veteran and presents either a Department of Defense form 214 or other documentation certifying such service. Such persons may apply for an Oklahoma Submarine Veterans license plate for vehicles having a rated capacity of one (1) ton or less. The license plate design shall include both gold and silver dolphins to represent both officer and enlisted service members;

50. United States Navy Seabees and Civil Engineer Corps License Plate - such plates shall be designed and issued to any honorably discharged or present member of the United States Navy Seabees or Civil Engineer Corps. Such persons may apply for a United States Navy Seabees and Civil Engineer Corps license plate for vehicles having a rated carrying capacity of one (1) ton or less. The

license plate shall be designed in consultation with the Military Department of the State of Oklahoma;

51. Combat Action Badge Recipient License Plate - such plates shall be designed to honor recipients of the Combat Action Badge who present proper certification from the United States Army. The license plate shall include the Combat Action Badge earned by the recipient. Such persons may apply for a Combat Action Badge Recipient license plate for vehicles having a rated carrying capacity of one (1) ton or less, or for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate;

52. Iraq Combat Veteran License Plate - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who saw combat in Operation Iraqi Freedom. Such persons may apply for an Iraq Combat Veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less, or for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate;

53. Afghanistan Combat Veteran License Plate - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who saw combat in Operation Enduring Freedom. Such persons may apply for an Afghanistan Combat Veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less, or for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate;

54. Special Forces Association License Plates - such plates shall be designed and issued to any honorably discharged or present member of the Army Special Forces qualified and authorized to wear upon the person's United States military uniform the Army Special Forces Tab. Persons applying for the Special Forces Association license plate must provide a copy of the orders awarding the Special Forces Tab or authorizing its wear upon a United States military uniform. The license plate shall be designed in consultation with the Special Forces Association, Chapter 32-50. Service Oklahoma shall produce up to two distinct designs for the Special Forces Association license plate. Qualified persons may select one design at the time of application. The plates shall be issued to any qualified person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates;

55. Veterans of the United States Armed Forces License Plates - such plates shall be designed for veterans of the United States Armed Forces, and shall identify the branch of service, carry the

emblem and name of either the Army, Navy, Air Force, Marines or Coast Guard, according to the branch of service to which the member belonged, and shall reflect veteran status. Former members who have been dishonorably discharged shall not be eligible for such plates. Persons applying for such license plates must show proof of past military service by presenting a valid United States Department of Defense Form (DD)214 upon initial application but shall not be required to provide proof of eligibility annually;

56. Navy Chief License Plates - such plates shall be designed and issued to any resident of this state who has achieved the rank of E7 through E9 in the United States Navy and presents proper certification that the resident has achieved such rank and was either honorably discharged or is an active or retired member of the United States Navy. Such persons may apply for a Navy Chief license plate for vehicles having a rated carrying capacity of one (1) ton or less, or for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate;

57. Air Medal License Plate - such plates shall be designed and issued to any resident of this state who has earned the Air Medal and presents proper certification that the resident has been awarded such medal. The license plate shall include an image of the Air Medal earned by the recipient. Such persons may apply for an Air Medal license plate for vehicles having a rated carrying capacity of one (1) ton or less, or for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate;

58. a. U.S. Army Ranger License Plate - such plates shall be designed and issued to any resident of this state who is an active, retired, or honorably discharged member of a U.S. Army Ranger unit, or who is a graduate of the U.S. Army Ranger School. Persons applying for the U.S. Army Ranger License Plate shall provide military orders or official documentation proving the applicant's eligibility, including:
- (1) military orders detailing a past or current assignment to a U.S. Army Ranger unit,
 - (2) military orders awarding the Ranger Tab authorized by the U.S. Army,
 - (3) certificate of release or discharge from active duty, DD Form 214, or report of separation and record of service, NGB form 22, indicating the awarding of the Ranger Tab, or
 - (4) diploma issued to the applicant from the U.S. Army Ranger School.

- b. In addition to the documentation listed above, an active military member shall present a valid military identification card or a document that shows sufficient proof that the applicant is an active member of the military. A retired or honorably discharged member of the military shall present:
- (1) a certified copy of the member's release or discharge from active duty, DD Form 214, honorable discharge certificate, United States Department of Defense Form 256, or report of separation and record of service, NGB form 22, which has an honorable discharge characterization, or
 - (2) a valid form DD2 (retired) military identification card. Such persons may apply for a U.S. Army Ranger License Plate for vehicles having a rated carrying capacity of one (1) ton or less, or for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate. The license plate shall be designed in consultation with the Military Department of the State of Oklahoma;

59. 45th Infantry Brigade Combat Team License Plate - such plates shall be designed for members, former members, and members of the household of a member or former member of the 45th Infantry Brigade Combat Team. Persons applying for such license plate shall obtain and provide suitable proof of their membership association with the 45th Infantry Brigade Combat Team. Such persons may apply for a 45th Infantry Brigade Combat Team License Plate for vehicles having a rated carrying capacity of one (1) ton or less, or for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate. The license plate shall be designed in consultation with the Military Department of the State of Oklahoma; and

60. Meritorious Service Medal License Plate - such plates shall be designed and issued to any resident of this state who has earned the Meritorious Service Medal and presents proper certification that the resident has been awarded such medal. The license plate shall include an image of the Meritorious Service Medal earned by the recipient. Such persons may apply for a Meritorious Service Medal license plate for vehicles having a rated carrying capacity of one (1) ton or less, or for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for

motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate.

C. Unless otherwise provided by this section, the fee for such plates shall be Eight Dollars (\$8.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Until December 31, 2022, such fees shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act. Beginning January 1, 2023, such fees shall be deposited by Service Oklahoma in the Service Oklahoma Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act.

Added by Laws 2004, c. 504, § 11, eff. July 1, 2004. Amended by Laws 2005, c. 416, § 3, eff. Nov. 1, 2005; Laws 2006, c. 152, § 1, eff. July 1, 2006; Laws 2006, c. 272, § 5, eff. Nov. 1, 2006; Laws 2007, c. 1, § 31, eff. July 1, 2007; Laws 2009, c. 311, § 1, eff. Nov. 1, 2009; Laws 2010, c. 366, § 1, eff. Nov. 1, 2010; Laws 2011, c. 1, § 23, emerg. eff. March 18, 2011; Laws 2012, c. 204, § 1, eff. Nov. 1, 2012; Laws 2013, c. 365, § 2, eff. Nov. 1, 2013; Laws 2014, c. 79, § 1, eff. Nov. 1, 2014; Laws 2014, c. 249, § 1, eff. Nov. 1, 2014; Laws 2014, c. 372, § 1, eff. Nov. 1, 2014; Laws 2015, c. 54, § 12, emerg. eff. April 10, 2015; Laws 2019, c. 434, § 1, eff. Nov. 1, 2019; Laws 2021, c. 543, § 4, eff. Nov. 1, 2021; Laws 2022, c. 397, § 2, eff. Nov. 1, 2022; Laws 2023, c. 294, § 1, eff. Nov. 1, 2023; Laws 2024, c. 452, § 80, emerg. eff. June 14, 2024; Laws 2025, c. 171, § 49, eff. July 1, 2026.

NOTE: Laws 2006, c. 275, § 1 repealed by Laws 2007, c. 1, § 32, eff. July 1, 2007. Laws 2006, c. 311, § 23 repealed by Laws 2007, c. 1, § 33, eff. July 1, 2007. Laws 2006, 2nd Ex. Sess., c. 44, § 22 repealed by Laws 2007, c. 1, § 34, eff. July 1, 2007. Laws 2010, c. 302, § 7 repealed by Laws 2011, c. 1, § 24, emerg. eff. March 18, 2011. Laws 2014, c. 351, § 1 repealed by Laws 2015, c. 54, § 13, emerg. eff. April 10, 2015.

§47-1135.3. See the following versions:

OS 47-1135.3v1 (HB 3517, Laws 2024, c. 98, § 1)

OS 47-1135.3v2 (SB 1108, Laws 2025, c. 171, § 50)

OS 47-1135.3v3 (HB 1487, Laws 2025, c. 325, § 1)

§47-1135.3v1. Special license plates - Associations, fraternities, sororities, orders, clubs, schools - Commemoration of occasions - Demonstration of support or affiliation.

A. Service Oklahoma is hereby authorized to design and issue appropriate official special license plates to persons wishing to demonstrate support, interest or membership to or for an organization, occupation, cause or other subject as provided by this section.

Special license plates shall not be transferred to any other person but shall be removed from the vehicle upon transfer of ownership and retained. The special license plate may then be used on another vehicle but only after such other vehicle has been registered for the current year.

Special license plates shall be renewed each year by Service Oklahoma or a licensed operator, unless authorized by Service Oklahoma to be renewed for a period greater than one (1) year. Service Oklahoma shall notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon presentation to a licensed operator or Service Oklahoma. The license plates shall be issued on a staggered system.

Service Oklahoma is hereby directed to develop and implement a system whereby licensed operators are permitted to accept applications for special license plates authorized under this section. The licensed operator shall confirm the applicant's eligibility, if applicable, collect and deposit any amount specifically authorized by law, accept and process the necessary information directly into such system and generate a receipt accordingly. For performance of these duties, licensed operators shall retain the fee provided in Section 1141.1 of this title for registration of a motor vehicle. The licensed operator fees for acceptance of applications and renewals shall be paid out of the Oklahoma Tax Commission Reimbursement Fund. Beginning January 1, 2023, the licensed operator fees for acceptance of applications and renewals shall be paid out of the Service Oklahoma Reimbursement Fund.

If fewer than one hundred of any type of special license plates authorized prior to January 1, 2004, are issued prior to January 1, 2006, Service Oklahoma shall discontinue issuance and renewal of that type of special license plate. Any such authorized special license plate registrant shall be allowed to display the license plate upon the designated vehicle until the registration expiration date. After such time the expired special license plate shall be removed from the vehicle.

Except as otherwise provided in law, for special license plates authorized on or after July 1, 2004, no special license plates shall be developed or issued by Service Oklahoma until Service Oklahoma receives one hundred (100) prepaid applications therefor. The prepaid applications must be received by Service Oklahoma within one hundred eighty (180) days of the effective date of the authorization or the authority to issue shall be null and void. In the event one hundred (100) prepaid applications are not received by Service Oklahoma within such prescribed time period any payment so received shall be refunded accordingly.

B. The special license plates provided by this section are as follows:

1. Round and Square Dance License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for round and square dancing;

2. National Association for the Advancement of Colored People License Plate - such plates shall be designed, subject to the criteria to be presented to Service Oklahoma by the NAACP, and issued to any person wishing to demonstrate support for the NAACP;

3. National Rifle Association License Plate - such plates shall be designed, subject to the criteria to be presented to Service Oklahoma by the National Rifle Association, and issued to any person wishing to demonstrate support for the National Rifle Association;

4. Masonic Fraternity License Plate - such plates shall be designed and issued to any resident of this state who is a member of a Masonic Fraternity of Oklahoma. Such persons may apply for a Masonic Fraternity license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Masonic Fraternity membership or upon the presentment of an application for a Masonic Fraternity license plate authorized and approved by the Grand Lodge of Oklahoma. The license plates shall be designed in consultation with the Masonic Fraternities of Oklahoma and shall contain the Masonic emblem;

5. Shriners Hospitals for Children License Plate - such plates shall be designed to demonstrate support for Shriners Hospitals for Children and shall be issued to any resident of this state who is a member of a Shriners Temple in Oklahoma. The license plate shall be designed in consultation with the Shriner's Temples in Oklahoma and shall contain the Shriners emblem;

6. Balloonists License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for hot air ballooning in this state;

7. Order of the Eastern Star License Plate - such plates shall be designed and issued to any resident of this state who is a member of an Order of the Eastern Star. Such persons may apply for an Order of the Eastern Star license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of an Order of the Eastern Star membership or upon the presentment of an application for an Order of the Eastern Star license plate authorized and approved by the organization. The license plate shall be designed in consultation with the Order of the Eastern Star and shall contain the Order of the Eastern Star emblem;

8. Knights of Columbus License Plate - such plates shall be designed and issued to any resident of this state who is a member of the Knights of Columbus. Such persons may apply for a Knights of Columbus license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Knights of Columbus

membership or upon the presentment of an application for a Knights of Columbus license plate authorized and approved by the organization. The license plate shall be designed in consultation with the Knights of Columbus and shall contain the Knights of Columbus emblem;

9. Jaycees License Plate - such plates shall be designed and issued to members of the Jaycees. Persons applying for such license plate must show proof of membership in the Jaycees. The license plates shall be designed in consultation with the Jaycees;

10. Kiwanis International License Plate - such plates shall be designed and issued to members of Kiwanis International. Persons applying for such license plate must show proof of membership in Kiwanis International. The license plates shall be designed in consultation with Kiwanis International;

11. Certified Public Accountants License Plate - such plates shall be designed and issued to any resident of this state who is a Certified Public Accountant. Such persons may apply for a Certified Public Accountant license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of status as a Certified Public Accountant. The license plates shall be designed in consultation with the Oklahoma Society of Certified Public Accountants;

12. Civil Emergency Management License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the state civil emergency management system. Persons applying for such license plate must show proof of official affiliation by presenting a nonexpired proof of employment, affiliation or retirement in the form of an identification card or letter on official letterhead from a municipal, county or state emergency management department head;

13. Civilian Conservation Corps License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma, by the Civilian Conservation Corps Association, and issued to any person wishing to demonstrate support of the Civilian Conservation Corps;

14. Rotarian License Plate - such plates shall be designed and issued to any resident of this state who is a member of a Rotary Club of Oklahoma. Such persons may apply for a Rotarian license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Rotary Club membership or upon the presentment of an application for a Rotarian license plate authorized and approved by a Rotary Club of Oklahoma. The license plates shall be designed in consultation with the five Rotarian District Governors and shall contain the Rotarian emblem;

15. Benevolent and Protective Order of Elks License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma, by the Benevolent and Protective Order of Elks,

and issued to any resident of this state who is a member of the Benevolent and Protective Order of Elks;

16. Humane Society License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Humane Society of the United States. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official Humane Society logo;

17. Oklahoma Mustang Club License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma, by the Oklahoma Mustang Club, and issued to any resident of this state who is a member of the Oklahoma Mustang Club. Such persons may apply for an Oklahoma Mustang Club license plate upon presentment of proof of membership in the Oklahoma Mustang Club. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates;

18. American Business Clubs (AMBUCS) License Plate - such plates shall be designed and issued to members of American Business Clubs. Persons applying for such license plate must show proof of membership in AMBUCS. The license plates shall be designed in consultation with American Business Clubs;

19. West Point 200th Anniversary License Plate - such plates shall be designed and issued to any person wishing to commemorate the Two Hundredth Anniversary of the founding of the United States Military Academy at West Point, New York. The license plates shall be designed in consultation with the West Point Society of Central Oklahoma;

20. Oklahoma Aquarium License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the Oklahoma Aquarium. The license plates shall be designed in consultation with the Oklahoma Aquarium. Subject to the provisions of subsection A of this section, the Oklahoma Aquarium License Plate is hereby reauthorized effective November 1, 2021;

21. The Pride of Broken Arrow License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for The Pride of Broken Arrow marching band. The plates shall be designed in consultation with the Broken Arrow Public School System;

22. Fellowship of Christian Athletes License Plate - such plates shall be designed in consultation with the Fellowship of Christian Athletes and issued to members and supporters of the Fellowship of Christian Athletes;

23. Parrothead Club License Plate - such plates shall be designed and issued to members and supporters of the Parrothead Club. The license plate shall be issued to any person in any combination of numbers and letters from one to a maximum of seven as for personalized license plates;

24. Oklahoma Bicycling Coalition License Plate - such plates shall be designed and issued to any person who is a member of the Oklahoma Bicycling Coalition. The license plates shall be designed in consultation with the Oklahoma Bicycling Coalition;

25. Electric Lineman License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for Oklahoma's electric linemen. The license plates shall be designed in consultation with the Oklahoma Electric Superintendent's Association;

26. Alpha Kappa Alpha License Plate - such plates shall be designed and issued to any person who is a member of Alpha Kappa Alpha Sorority. The license plates shall be designed in consultation with the Oklahoma Chapter of Alpha Kappa Alpha Sorority;

27. The National Pan-Hellenic Council Incorporated License Plate - such plates shall be designed and issued to any person wishing to demonstrate support to any of the nine sororities and fraternities recognized by the National Pan-Hellenic Council Incorporated. The license plates shall be designed in consultation with the Oklahoma Chapter of the National Pan-Hellenic Council Incorporated;

28. Organ, Eye and Tissue License Plate - such plates shall be designed and issued to persons wishing to demonstrate support and increase awareness for organ, eye and tissue donation. The license plates shall be designed in consultation with the State Department of Health;

29. Central Oklahoma Habitat for Humanity License Plate - such plates shall be designed and issued to persons wishing to demonstrate support and increase awareness for Habitat for Humanity. The license plate shall be designed in consultation with Central Oklahoma Habitat for Humanity;

30. Family Career and Community Leaders of America Incorporated License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for Family Career and Community Leaders of America Incorporated. The license plates shall be designed in consultation with Family Career and Community Leaders of America Incorporated;

31. Delta Sigma Theta License Plate - such plates shall be designed and issued to any person who is a member of Delta Sigma Theta Sorority. The license plates shall be designed in consultation with the Oklahoma Chapter of Delta Sigma Theta Sorority Incorporated;

32. Omega Psi Phi License Plate - such plates shall be designed and issued to any person who is a member of Omega Psi Phi Fraternity. The license plates shall be designed in consultation with the Oklahoma Chapter of Omega Psi Phi Fraternity Incorporated;

33. Alpha Phi Alpha License Plate - such plates shall be designed and issued to any person who is a member of Alpha Phi Alpha Fraternity. The license plates shall be designed in consultation with the Oklahoma Chapter of Alpha Phi Alpha Fraternity Incorporated;

34. 50th Anniversary of the Interstate System of Highways License Plate - such plates shall be designed and issued to persons wishing to commemorate the 50th Anniversary of the Interstate System of Highways. The license plates shall be designed in consultation with the American Association of State Highway and Transportation Officials;

35. Kappa Alpha Psi License Plate - such plates shall be designed and issued to any person who is a member of Kappa Alpha Psi Fraternity. The license plates shall be designed in consultation with the Oklahoma Chapter of Kappa Alpha Psi Fraternity Incorporated;

36. Sigma Gamma Rho License Plate - such plates shall be designed and issued to any person who is a member of Sigma Gamma Rho Sorority. The license plates shall be designed in consultation with the Oklahoma Chapter of Sigma Gamma Rho Sorority Incorporated. Subject to the provisions of subsection A of this section, the Sigma Gamma Rho License Plate is hereby reauthorized effective November 1, 2013;

37. Multiple Sclerosis License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for and increase awareness of multiple sclerosis. The license plates shall be designed in consultation with the Oklahoma Chapter of the National Multiple Sclerosis Society;

38. Frederick A. Douglass High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Frederick A. Douglass High School located in Oklahoma City. The plates shall be designed in consultation with representatives of Frederick A. Douglass High School National Alumni Association;

39. United States Air Force Academy License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the United States Air Force Academy;

40. In God We Trust License Plate - such plates shall be designed to include the motto, "In God We Trust", and shall be issued to any person wishing to demonstrate support for the motto;

41. National Weather Center License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the National Weather Center in Norman. The plates shall be designed in consultation with representatives of the National Weather Center Directors;

42. Make-A-Wish Foundation License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for

the Make-A-Wish Foundation. The license plates shall be designed in consultation with the Oklahoma Chapter of the National Make-A-Wish Foundation;

43. South Central Section of the PGA Foundation License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the South Central Section of the PGA Foundation. The license plates shall be designed in consultation with the South Central Section of the PGA Foundation;

44. Putnam City High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Putnam City High School. The plates shall be designed in consultation with representatives of Putnam City High School Alumni Association, Inc.;

45. Autism Awareness License Plate - such plates shall be designed and issued to any person wishing to increase awareness of autism. The license plate shall be designed in consultation with the Oklahoma Autism Network;

46. Oklahoma Blood Institute License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Blood Institute. The license plates shall be designed in consultation with the Oklahoma Blood Institute;

47. Zeta Phi Beta and Phi Beta Sigma License Plate - such plates shall be designed and issued to any person who is a member of Zeta Phi Beta Sorority or Phi Beta Sigma Fraternity. The license plates shall be designed in consultation with the Oklahoma chapters of Zeta Phi Beta Sorority Incorporated and Phi Beta Sigma Fraternity Incorporated;

48. Star Spencer High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Star Spencer High School located in Oklahoma City. The plates shall be designed in consultation with representatives of the Star Spencer High School Alumni Association. Subject to the provisions of subsection A of this section, the Star Spencer High School License Plate is hereby reauthorized effective November 1, 2015;

49. Northeast High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Northeast High School located in Oklahoma City. The plates shall be designed in consultation with representatives of the Northeast High School Alumni Association;

50. Oklahoma City Central High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma City Central High School Alumni Association. The plates shall be designed in consultation with representatives of the Oklahoma City Central High School Alumni Association;

51. Oklahoma Rifle Association License Plate - such plates shall be designed and issued to any person wishing to demonstrate

support for the Oklahoma Rifle Association. The plates shall be designed in consultation with representatives of the Oklahoma Rifle Association;

52. Oklahoma City Thunder License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma City Thunder. The license plate shall be designed in consultation with the Oklahoma City Thunder organization;

53. Ovarian Cancer Awareness License Plate - such plates shall be designed and issued to any person wishing to increase awareness of ovarian cancer. The license plate shall be designed in consultation with the HOPE in Oklahoma organization;

54. BMW Car Club of America License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the BMW Car Club of America. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The license plate shall be designed in consultation with the Sunbelt Chapter of the BMW Car Club of America. Subject to the provisions of subsection A of this section, the BMW Car Club of America License Plate is hereby reauthorized effective November 1, 2013;

55. Don't Tread On Me License Plate - such plates shall be designed to include the yellow background and rattlesnake emblem above the motto "DON'T TREAD ON ME" as found on the historic Gadsden flag, and shall be issued to any person wishing to demonstrate support for the freedom and liberty of the Republic;

56. Oklahomans for the Arts License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for arts, culture and creative industries as well as arts education. The plates shall be designed in consultation with Oklahomans for the Arts;

57. Tulsa Oilers License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Tulsa Oilers. The license plate shall be designed in consultation with the Tulsa Oilers organization;

58. Tulsa Drillers License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Tulsa Drillers. The license plate shall be designed in consultation with the Tulsa Drillers organization;

59. Millwood School District License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Millwood School District. The license plate shall be designed in consultation with representatives of the Millwood School District;

60. Booker T. Washington High School License Plate - such plates shall be issued to persons wishing to demonstrate support for Booker T. Washington High School and shall be designed in

consultation with the Booker T. Washington High School National Alumni Association;

61. Oklahoma Current State Flag License Plate - such plates shall be designed to include the current Oklahoma state flag and issued to any person wishing to demonstrate support for the current Oklahoma state flag. The plates shall be designed in consultation with the Friends of the Oklahoma History Center;

62. Oklahoma Original State Flag License Plate - such plates shall be designed to include the original Oklahoma state flag and issued to any person wishing to demonstrate support for the original Oklahoma state flag. The plates shall be designed in consultation with the Friends of the Oklahoma History Center. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. Subject to the provisions of subsection A of this section, the Oklahoma Original State Flag License Plate is hereby reauthorized effective November 1, 2015;

63. Tulsa 66ers License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Tulsa 66ers. The plates shall be designed in consultation with the Tulsa 66ers Organization;

64. Frederick Bombers License Plate - such plates shall be issued to persons wishing to demonstrate support for the Frederick School District and shall be designed in consultation with representatives of the Frederick School District;

65. 911 Dispatcher License Plate - such plates shall be issued to persons wishing to demonstrate support for 911 dispatchers. Persons applying for such license plate must show proof of current employment as a 911 dispatcher or sign an attestation that they are a currently employed or retired 911 dispatcher;

66. Oklahoma Fosters License Plate - such plates shall be issued to persons wishing to demonstrate support for the Oklahoma Fosters Initiative and shall be designed in consultation with the Oklahoma Fosters Initiative;

67. Red Dirt Jeep License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Red Dirt Jeep and such plates shall be designed in consultation with Red Dirt Jeep, L.L.C.;

68. Sons of the American Revolution License Plate - such plates shall be issued to persons wishing to demonstrate support for the Sons of the American Revolution for a vehicle or motorcycle in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. Such plates shall be designed in consultation with the Oklahoma Society of the Sons of the American Revolution. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate;

69. Daughters of the American Revolution License Plate - such plates shall be issued to persons wishing to demonstrate support for the Daughters of the American Revolution for a vehicle or motorcycle in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. Such plates shall be designed in consultation with the Oklahoma Society of the Daughters of the American Revolution. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate;

70. Air Medal License Plate - such plates shall be designed and issued to Air Medal recipients. An individual requesting the license plate is required, at the time of application, to show proof he or she is a recipient of the Air Medal or sign an attestation stating that he or she is a medal recipient. The plates shall be designed to include the Air Medal emblem and shall include the words "Air Medal" on the plate;

71. Oklahoma Institute for Child Advocacy License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Institute for Child Advocacy. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plates shall be designed in consultation with the Oklahoma Institute for Child Advocacy. Subject to the provisions of subsection A of this section, the Oklahoma Institute for Child Advocacy License Plate is hereby reauthorized effective November 1, 2021;

72. The Pride of Oklahoma Marching Band License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Pride of Oklahoma marching band. The plates shall be designed in consultation with the University of Oklahoma;

73. The Spirit of Oklahoma State Marching Band License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Spirit of Oklahoma State marching band. The plates shall be designed in consultation with Oklahoma State University;

74. Southeast Spartans License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Southeast High School Spartans and such plates shall be designed in consultation with the Southeast High School Alumni Association;

75. Catoosa High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Catoosa High School located in Catoosa. The plates shall bear the image of the Catoosa High School mascot and be designed in consultation with representatives of Catoosa High School;

76. Toastmasters International License Plate - such plates shall be issued to persons wishing to demonstrate support for

Toastmasters International and shall be designed in consultation with District 16 of Toastmasters International;

77. Millwood High School Alumni License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Millwood High School Alumni. The license plate shall be designed in consultation with representatives of the Millwood High School Alumni Association;

78. Patriot Guard Riders License Plate - such plates shall be issued to persons wishing to demonstrate support for Patriot Guard Riders and shall be designed in consultation with the Patriot Guard Riders of Oklahoma;

79. Bixby School District License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Bixby School District. The license plate shall be designed in consultation with representatives of the Bixby School District;

80. Oklahoma Renewable Energy License Plate - such plates shall be designed in consultation with the Advanced Power Alliance and issued to any person wishing to demonstrate support for renewable energy;

81. Scottish Rite Masons License Plate - such plates shall be designed and issued to any resident of this state who is a member of the Scottish Rite Masons. Such persons may apply for a Scottish Rite Masons license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Scottish Rite membership. The license plates shall be designed in consultation with the Scottish Rite Masons in Oklahoma and shall contain the Scottish Rite emblem;

82. New State Brand License Plate - such plates shall be designed, subject to the criteria to be presented to Service Oklahoma by the Oklahoma Tourism and Recreation Department, and issued to any person wishing to demonstrate support for the new Oklahoma brand. The license plates shall contain the new state brand;

83. Tulsa Flag License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the City of Tulsa. The license plates shall be designed in consultation with the Tulsa Community Foundation;

84. Hallett Motor Racing Circuit License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Hallett Motor Racing Circuit for a vehicle or motorcycle in a pre-numbered format or any combination of numbers and letters from one to a maximum of six for vehicles or one to a maximum of five for motorcycles, as for personalized plates. The license plates shall be designed in consultation with the Hallett Motor Racing Circuit;

85. University of Kansas License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for

the University of Kansas. The license plates shall be designed in consultation with the University of Kansas and/or the University of Kansas Alumni Association;

86. Clinton Red Tornadoes License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Clinton Red Tornadoes. The license plates shall be designed in consultation with the Clinton Public School System;

87. ROAD License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Recovering Oklahomans After Disaster for a vehicle or motorcycle in a pre-numbered format or any combination of numbers and letters from one to a maximum of six for vehicles or one to a maximum of five for motorcycles, as for personalized plates. The license plates shall be designed in consultation with the Recovering Oklahomans After Disaster organization;

88. Tulsa Icon License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Tulsa community for a vehicle or motorcycle in a pre-numbered format or any combination of numbers and letters from one to a maximum of six for vehicles or one to a maximum of five for motorcycles, as for personalized plates. The plate design for vehicles will include Tulsa's iconic Golden Driller and Route 66 Rising sculpture. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate; and

89. ORA License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Rifle Association. The license plates shall be designed in consultation with the Oklahoma Rifle Association.

C. The fee for such plates shall be Fifteen Dollars (\$15.00) per year of renewal and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Unless otherwise provided in this section, the fee shall be apportioned as follows: Eight Dollars (\$8.00) per year of renewal of the special license plate fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act and the remaining Seven Dollars (\$7.00) per year of renewal of the special license plate fee shall be apportioned as provided in Section 1104 of this title. Beginning January 1, 2023, Eight Dollars (\$8.00) per year of renewal of the special license plate fee shall be deposited in the Service Oklahoma Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act and the remaining Seven Dollars (\$7.00) per year of renewal of the special license plate fee shall be apportioned as provided in Section 1104 of this title.

Added by Laws 2004, c. 504, § 12, eff. July 1, 2004. Amended by Laws 2005, c. 416, § 4, eff. Nov. 1, 2005; Laws 2006, c. 311, § 24, emerg. eff. June 8, 2006; Laws 2007, c. 1, § 35, emerg. eff. Feb. 22, 2007; Laws 2009, c. 311, § 2, eff. Nov. 1, 2009; Laws 2010, c. 366, § 2, eff. Nov. 1, 2010; Laws 2011, c. 248, § 1, eff. Nov. 1, 2011; Laws 2013, c. 197, § 1, eff. Nov. 1, 2013; Laws 2013, c. 365, § 3, eff. Nov. 1, 2013; Laws 2014, c. 4, § 14, emerg. eff. April 2, 2014; Laws 2014, c. 351, § 2, eff. Nov. 1, 2014; Laws 2015, c. 54, § 14, emerg. eff. April 10, 2015; Laws 2015, c. 372, § 1, eff. Nov. 1, 2015; Laws 2016, c. 210, § 23, emerg. eff. April 26, 2016; Laws 2017, c. 97, § 1, eff. Nov. 1, 2017; Laws 2017, c. 331, § 2, eff. Nov. 1, 2017; Laws 2018, c. 226, § 1, eff. Nov. 1, 2018; Laws 2019, c. 25, § 24, emerg. eff. April 4, 2019; Laws 2019, c. 236, § 1, eff. Nov. 1, 2019; Laws 2019, c. 434, § 2, emerg. eff. May 23, 2019; Laws 2021, c. 543, § 5, eff. Nov. 1, 2021; Laws 2022, c. 282, § 162, emerg. eff. May 19, 2022; Laws 2023, c. 294, § 2, eff. Nov. 1, 2023; Laws 2024, c. 98, § 1, eff. Nov. 1, 2024.

NOTE: Editorially renumbered from § 1135.3 of Title 68 to provide consistency in numbering.

NOTE: Laws 2006, c. 275, § 2 repealed by Laws 2007, c. 1, § 36, emerg. eff. Feb. 22, 2007. Laws 2013, c. 229, § 2 repealed by Laws 2014, c. 4, § 15, emerg. eff. April 2, 2014. Laws 2014, c. 372, § 2 repealed by Laws 2015, c. 54, § 15, emerg. eff. April 10, 2015. Laws 2015, c. 378, § 1 repealed by Laws 2016, c. 210, § 24, emerg. eff. April 26, 2016. Laws 2018, c. 293, § 1 repealed by Laws 2019, c. 25, § 25, emerg. eff. April 4, 2019.

NOTE: Laws 2023, c. 294, § 2 was purportedly repealed by Laws 2024, c. 452, § 88 but without reference to Laws 2024, c. 98, § 1, which amended it.

§47-1135.3v2. Special license plates - Associations, fraternities, sororities, orders, clubs, schools - Commemoration of occasions - Demonstration of support or affiliation.

A. Service Oklahoma is hereby authorized to design and issue appropriate official special license plates to persons wishing to demonstrate support, interest or membership to or for an organization, occupation, cause or other subject as provided by this section.

Special license plates shall not be transferred to any other person but shall be removed from the vehicle upon transfer of ownership and retained. The special license plate may then be used on another vehicle but only after such other vehicle has been registered for the current year.

Special license plates shall be renewed each year by Service Oklahoma or a licensed operator, unless authorized by Service Oklahoma to be renewed for a period greater than one (1) year. Service Oklahoma shall notify by mail all persons issued special

license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon presentation to a licensed operator or Service Oklahoma. The license plates shall be issued on a staggered system.

On and after January 1, 2022, if a special license plate is issued pursuant to this section, any registration fee required for such plate pursuant to this section and the fee required pursuant to Section 1132 of this title shall be remitted at the same time and subject to a single registration period. Service Oklahoma shall determine, by rule, a method for making required fee and registration period adjustments if a special license plate is obtained during a twelve-month period for which a registration fee has already been remitted pursuant to Section 1132 of this title. The combination of fees in a single remittance shall not alter the apportionment otherwise provided for in this section.

Service Oklahoma is hereby directed to develop and implement a system whereby licensed operators are permitted to accept applications for special license plates authorized under this section. The licensed operator shall confirm the applicant's eligibility, if applicable, collect and deposit any amount specifically authorized by law, accept and process the necessary information directly into such system and generate a receipt accordingly. For performance of these duties, licensed operators shall retain the fee provided in Section 1141.1 of this title for registration of a motor vehicle. Until December 31, 2022, the licensed operator fees for acceptance of applications and renewals shall be paid out of the Oklahoma Tax Commission Reimbursement Fund. Beginning January 1, 2023, the licensed operator fees for acceptance of applications and renewals shall be paid out of the Service Oklahoma Reimbursement Fund.

If fewer than one hundred of any type of special license plates authorized prior to January 1, 2004, are issued prior to January 1, 2006, Service Oklahoma shall discontinue issuance and renewal of that type of special license plate. Any such authorized special license plate registrant shall be allowed to display the license plate upon the designated vehicle until the registration expiration date. After such time the expired special license plate shall be removed from the vehicle.

Except as otherwise provided in law, for special license plates authorized on or after July 1, 2004, no special license plates shall be developed or issued by Service Oklahoma until Service Oklahoma receives one hundred (100) prepaid applications therefor. The prepaid applications must be received by Service Oklahoma within one hundred eighty (180) days of the effective date of the authorization or the authority to issue shall be null and void. In the event one hundred (100) prepaid applications are not received by Service

Oklahoma within such prescribed time period any payment so received shall be refunded accordingly.

B. The special license plates provided by this section are as follows:

1. Round and Square Dance License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for round and square dancing;

2. National Association for the Advancement of Colored People License Plate - such plates shall be designed, subject to the criteria to be presented to Service Oklahoma by the NAACP, and issued to any person wishing to demonstrate support for the NAACP;

3. National Rifle Association License Plate - such plates shall be designed, subject to the criteria to be presented to Service Oklahoma by the National Rifle Association, and issued to any person wishing to demonstrate support for the National Rifle Association;

4. Masonic Fraternity License Plate - such plates shall be designed and issued to any resident of this state who is a member of a Masonic Fraternity of Oklahoma. Such persons may apply for a Masonic Fraternity license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Masonic Fraternity membership or upon the presentment of an application for a Masonic Fraternity license plate authorized and approved by the Grand Lodge of Oklahoma. The license plates shall be designed in consultation with the Masonic Fraternities of Oklahoma and shall contain the Masonic emblem;

5. Shriners Hospitals for Children License Plate - such plates shall be designed to demonstrate support for Shriners Hospitals for Children and shall be issued to any resident of this state who is a member of a Shriners Temple in Oklahoma. The license plate shall be designed in consultation with the Shriners Temples in Oklahoma and shall contain the Shriners emblem;

6. Balloonists License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for hot air ballooning in this state;

7. Order of the Eastern Star License Plate - such plates shall be designed and issued to any resident of this state who is a member of an Order of the Eastern Star. Such persons may apply for an Order of the Eastern Star license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of an Order of the Eastern Star membership or upon the presentment of an application for an Order of the Eastern Star license plate authorized and approved by the organization. The license plate shall be designed in consultation with the Order of the Eastern Star and shall contain the Order of the Eastern Star emblem;

8. Knights of Columbus License Plate - such plates shall be designed and issued to any resident of this state who is a member of the Knights of Columbus. Such persons may apply for a Knights of

Columbus license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Knights of Columbus membership or upon the presentment of an application for a Knights of Columbus license plate authorized and approved by the organization. The license plate shall be designed in consultation with the Knights of Columbus and shall contain the Knights of Columbus emblem;

9. Jaycees License Plate - such plates shall be designed and issued to members of the Jaycees. Persons applying for such license plate must show proof of membership in the Jaycees. The license plates shall be designed in consultation with the Jaycees;

10. Kiwanis International License Plate - such plates shall be designed and issued to members of Kiwanis International. Persons applying for such license plate must show proof of membership in Kiwanis International. The license plates shall be designed in consultation with Kiwanis International;

11. Certified Public Accountants License Plate - such plates shall be designed and issued to any resident of this state who is a Certified Public Accountant. Such persons may apply for a Certified Public Accountant license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of status as a Certified Public Accountant. The license plates shall be designed in consultation with the Oklahoma Society of Certified Public Accountants;

12. Civil Emergency Management License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the state civil emergency management system. Persons applying for such license plate must show proof of official affiliation by presenting a nonexpired proof of employment, affiliation or retirement in the form of an identification card or letter on official letterhead from a municipal, county or state emergency management department head;

13. Civilian Conservation Corps License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma, by the Civilian Conservation Corps Association, and issued to any person wishing to demonstrate support of the Civilian Conservation Corps;

14. Rotarian License Plate - such plates shall be designed and issued to any resident of this state who is a member of a Rotary Club of Oklahoma. Such persons may apply for a Rotarian license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Rotary Club membership or upon the presentment of an application for a Rotarian license plate authorized and approved by a Rotary Club of Oklahoma. The license plates shall be designed in consultation with the five Rotarian District Governors and shall contain the Rotarian emblem;

15. Benevolent and Protective Order of Elks License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma, by the Benevolent and Protective Order of Elks, and issued to any resident of this state who is a member of the Benevolent and Protective Order of Elks;

16. Humane Society License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Humane Society of the United States. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official Humane Society logo;

17. Oklahoma Mustang Club License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma, by the Oklahoma Mustang Club, and issued to any resident of this state who is a member of the Oklahoma Mustang Club. Such persons may apply for an Oklahoma Mustang Club license plate upon presentment of proof of membership in the Oklahoma Mustang Club. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates;

18. American Business Clubs (AMBUCS) License Plate - such plates shall be designed and issued to members of American Business Clubs. Persons applying for such license plate must show proof of membership in AMBUCS. The license plates shall be designed in consultation with American Business Clubs;

19. West Point 200th Anniversary License Plate - such plates shall be designed and issued to any person wishing to commemorate the Two Hundredth Anniversary of the founding of the United States Military Academy at West Point, New York. The license plates shall be designed in consultation with the West Point Society of Central Oklahoma;

20. Oklahoma Aquarium License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the Oklahoma Aquarium. The license plates shall be designed in consultation with the Oklahoma Aquarium. Subject to the provisions of subsection A of this section, the Oklahoma Aquarium License Plate is hereby reauthorized effective November 1, 2021;

21. The Pride of Broken Arrow License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for The Pride of Broken Arrow marching band. The plates shall be designed in consultation with the Broken Arrow Public School System;

22. Fellowship of Christian Athletes License Plate - such plates shall be designed in consultation with the Fellowship of Christian Athletes and issued to members and supporters of the Fellowship of Christian Athletes;

23. Parrothead Club License Plate - such plates shall be designed and issued to members and supporters of the Parrothead

Club. The license plate shall be issued to any person in any combination of numbers and letters from one to a maximum of seven as for personalized license plates;

24. Oklahoma Bicycling Coalition License Plate - such plates shall be designed and issued to any person who is a member of the Oklahoma Bicycling Coalition. The license plates shall be designed in consultation with the Oklahoma Bicycling Coalition;

25. Electric Lineman License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for Oklahoma's electric linemen. The license plates shall be designed in consultation with the Oklahoma Electric Superintendent's Association;

26. Alpha Kappa Alpha License Plate - such plates shall be designed and issued to any person who is a member of Alpha Kappa Alpha Sorority. The license plates shall be designed in consultation with the Oklahoma Chapter of Alpha Kappa Alpha Sorority;

27. The National Pan-Hellenic Council Incorporated License Plate - such plates shall be designed and issued to any person wishing to demonstrate support to any of the nine sororities and fraternities recognized by the National Pan-Hellenic Council Incorporated. The license plates shall be designed in consultation with the Oklahoma Chapter of the National Pan-Hellenic Council Incorporated;

28. Organ, Eye and Tissue License Plate - such plates shall be designed and issued to persons wishing to demonstrate support and increase awareness for organ, eye and tissue donation. The license plates shall be designed in consultation with the State Department of Health;

29. Central Oklahoma Habitat for Humanity License Plate - such plates shall be designed and issued to persons wishing to demonstrate support and increase awareness for Habitat for Humanity. The license plate shall be designed in consultation with Central Oklahoma Habitat for Humanity;

30. Family Career and Community Leaders of America Incorporated License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for Family Career and Community Leaders of America Incorporated. The license plates shall be designed in consultation with Family Career and Community Leaders of America Incorporated;

31. Delta Sigma Theta License Plate - such plates shall be designed and issued to any person who is a member of Delta Sigma Theta Sorority. The license plates shall be designed in consultation with the Oklahoma Chapter of Delta Sigma Theta Sorority Incorporated;

32. Omega Psi Phi License Plate - such plates shall be designed and issued to any person who is a member of Omega Psi Phi

Fraternity. The license plates shall be designed in consultation with the Oklahoma Chapter of Omega Psi Phi Fraternity Incorporated;

33. Alpha Phi Alpha License Plate - such plates shall be designed and issued to any person who is a member of Alpha Phi Alpha Fraternity. The license plates shall be designed in consultation with the Oklahoma Chapter of Alpha Phi Alpha Fraternity Incorporated;

34. 50th Anniversary of the Interstate System of Highways License Plate - such plates shall be designed and issued to persons wishing to commemorate the 50th Anniversary of the Interstate System of Highways. The license plates shall be designed in consultation with the American Association of State Highway and Transportation Officials;

35. Kappa Alpha Psi License Plate - such plates shall be designed and issued to any person who is a member of Kappa Alpha Psi Fraternity. The license plates shall be designed in consultation with the Oklahoma Chapter of Kappa Alpha Psi Fraternity Incorporated;

36. Sigma Gamma Rho License Plate - such plates shall be designed and issued to any person who is a member of Sigma Gamma Rho Sorority. The license plates shall be designed in consultation with the Oklahoma Chapter of Sigma Gamma Rho Sorority Incorporated. Subject to the provisions of subsection A of this section, the Sigma Gamma Rho License Plate is hereby reauthorized effective November 1, 2013;

37. Multiple Sclerosis License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for and increase awareness of multiple sclerosis. The license plates shall be designed in consultation with the Oklahoma Chapter of the National Multiple Sclerosis Society;

38. Frederick A. Douglass High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Frederick A. Douglass High School located in Oklahoma City. The plates shall be designed in consultation with representatives of Frederick A. Douglass High School National Alumni Association;

39. United States Air Force Academy License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the United States Air Force Academy;

40. In God We Trust License Plate - such plates shall be designed to include the motto, "In God We Trust", and shall be issued to any person wishing to demonstrate support for the motto;

41. National Weather Center License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the National Weather Center in Norman. The plates shall be designed in consultation with representatives of the National Weather Center Directors;

42. Make-A-Wish Foundation License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the Make-A-Wish Foundation. The license plates shall be designed in consultation with the Oklahoma Chapter of the National Make-A-Wish Foundation;

43. South Central Section of the PGA Foundation License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the South Central Section of the PGA Foundation. The license plates shall be designed in consultation with the South Central Section of the PGA Foundation;

44. Putnam City High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Putnam City High School. The plates shall be designed in consultation with representatives of Putnam City High School Alumni Association, Inc.;

45. Autism Awareness License Plate - such plates shall be designed and issued to any person wishing to increase awareness of autism. The license plate shall be designed in consultation with the Oklahoma Autism Network;

46. Oklahoma Blood Institute License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Blood Institute. The license plates shall be designed in consultation with the Oklahoma Blood Institute;

47. Zeta Phi Beta and Phi Beta Sigma License Plate - such plates shall be designed and issued to any person who is a member of Zeta Phi Beta Sorority or Phi Beta Sigma Fraternity. The license plates shall be designed in consultation with the Oklahoma chapters of Zeta Phi Beta Sorority Incorporated and Phi Beta Sigma Fraternity Incorporated;

48. Star Spencer High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Star Spencer High School located in Oklahoma City. The plates shall be designed in consultation with representatives of the Star Spencer High School Alumni Association. Subject to the provisions of subsection A of this section, the Star Spencer High School License Plate is hereby reauthorized effective November 1, 2015;

49. Northeast High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Northeast High School located in Oklahoma City. The plates shall be designed in consultation with representatives of the Northeast High School Alumni Association;

50. Oklahoma City Central High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma City Central High School Alumni Association. The plates shall be designed in consultation with representatives of the Oklahoma City Central High School Alumni Association;

51. Oklahoma Rifle Association License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Rifle Association. The plates shall be designed in consultation with representatives of the Oklahoma Rifle Association;

52. Oklahoma City Thunder License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma City Thunder. The license plate shall be designed in consultation with the Oklahoma City Thunder organization;

53. Ovarian Cancer Awareness License Plate - such plates shall be designed and issued to any person wishing to increase awareness of ovarian cancer. The license plate shall be designed in consultation with the HOPE in Oklahoma organization;

54. BMW Car Club of America License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the BMW Car Club of America. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The license plate shall be designed in consultation with the Sunbelt Chapter of the BMW Car Club of America. Subject to the provisions of subsection A of this section, the BMW Car Club of America License Plate is hereby reauthorized effective November 1, 2013;

55. Don't Tread On Me License Plate - such plates shall be designed to include the yellow background and rattlesnake emblem above the motto "DON'T TREAD ON ME" as found on the historic Gadsden flag, and shall be issued to any person wishing to demonstrate support for the freedom and liberty of the Republic;

56. Oklahomans for the Arts License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for arts, culture and creative industries as well as arts education. The plates shall be designed in consultation with Oklahomans for the Arts;

57. Tulsa Oilers License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Tulsa Oilers. The licenseplate shall be designed in consultation with the Tulsa Oilers organization;

58. Tulsa Drillers License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Tulsa Drillers. The license plate shall be designed in consultation with the Tulsa Drillers organization;

59. Millwood School District License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Millwood School District. The license plate shall be designed in consultation with representatives of the Millwood School District;

60. Booker T. Washington High School License Plate - such plates shall be issued to persons wishing to demonstrate support for

Booker T. Washington High School and shall be designed in consultation with the Booker T. Washington High School National Alumni Association;

61. Oklahoma Current State Flag License Plate - such plates shall be designed to include the current Oklahoma state flag and issued to any person wishing to demonstrate support for the current Oklahoma state flag. The plates shall be designed in consultation with the Friends of the Oklahoma History Center;

62. Oklahoma Original State Flag License Plate - such plates shall be designed to include the original Oklahoma state flag and issued to any person wishing to demonstrate support for the original Oklahoma state flag. The plates shall be designed in consultation with the Friends of the Oklahoma History Center. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. Subject to the provisions of subsection A of this section, the Oklahoma Original State Flag License Plate is hereby reauthorized effective November 1, 2015;

63. Tulsa 66ers License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Tulsa 66ers. The plates shall be designed in consultation with the Tulsa 66ers Organization;

64. Frederick Bombers License Plate - such plates shall be issued to persons wishing to demonstrate support for the Frederick School District and shall be designed in consultation with representatives of the Frederick School District;

65. 911 Dispatcher License Plate - such plates shall be issued to persons wishing to demonstrate support for 911 dispatchers. Persons applying for such license plate must show proof of current employment as a 911 dispatcher or sign an attestation that they are a currently employed or retired 911 dispatcher;

66. Oklahoma Fosters License Plate - such plates shall be issued to persons wishing to demonstrate support for the Oklahoma Fosters Initiative and shall be designed in consultation with the Oklahoma Fosters Initiative;

67. Red Dirt Jeep License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Red Dirt Jeep and such plates shall be designed in consultation with Red Dirt Jeep, L.L.C.;

68. Sons of the American Revolution License Plate - such plates shall be issued to persons wishing to demonstrate support for the Sons of the American Revolution for a vehicle or motorcycle in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. Such plates shall be designed in consultation with the Oklahoma Society of the Sons of the American Revolution. The license plate for a motorcycle may be of

similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate;

69. Daughters of the American Revolution License Plate - such plates shall be issued to persons wishing to demonstrate support for the Daughters of the American Revolution for a vehicle or motorcycle in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. Such plates shall be designed in consultation with the Oklahoma Society of the Daughters of the American Revolution. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate;

70. Air Medal License Plate - such plates shall be designed and issued to Air Medal recipients. An individual requesting the license plate is required, at the time of application, to show proof he or she is a recipient of the Air Medal or sign an attestation stating that he or she is a medal recipient. The plates shall be designed to include the Air Medal emblem and shall include the words "Air Medal" on the plate;

71. Oklahoma Institute for Child Advocacy License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Institute for Child Advocacy. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plates shall be designed in consultation with the Oklahoma Institute for Child Advocacy. Subject to the provisions of subsection A of this section, the Oklahoma Institute for Child Advocacy License Plate is hereby reauthorized effective November 1, 2021;

72. The Pride of Oklahoma Marching Band License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Pride of Oklahoma marching band. The plates shall be designed in consultation with the University of Oklahoma;

73. The Spirit of Oklahoma State Marching Band License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Spirit of Oklahoma State marching band. The plates shall be designed in consultation with Oklahoma State University;

74. Southeast Spartans License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Southeast High School Spartans and such plates shall be designed in consultation with the Southeast High School Alumni Association;

75. Catoosa High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Catoosa High School located in Catoosa. The plates shall bear the image of the Catoosa High School mascot and be designed in consultation with representatives of Catoosa High School;

76. Toastmasters International License Plate - such plates shall be issued to persons wishing to demonstrate support for Toastmasters International and shall be designed in consultation with District 16 of Toastmasters International;

77. Millwood High School Alumni License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Millwood High School Alumni. The license plate shall be designed in consultation with representatives of the Millwood High School Alumni Association;

78. Patriot Guard Riders License Plate - such plates shall be issued to persons wishing to demonstrate support for Patriot Guard Riders and shall be designed in consultation with the Patriot Guard Riders of Oklahoma;

79. Bixby School District License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Bixby School District. The license plate shall be designed in consultation with representatives of the Bixby School District;

80. Oklahoma Renewable Energy License Plate - such plates shall be designed in consultation with the Advanced Power Alliance and issued to any person wishing to demonstrate support for renewable energy;

81. Scottish Rite Masons License Plate - such plates shall be designed and issued to any resident of this state who is a member of the Scottish Rite Masons. Such persons may apply for a Scottish Rite Masons license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Scottish Rite membership. The license plates shall be designed in consultation with the Scottish Rite Masons in Oklahoma and shall contain the Scottish Rite emblem;

82. New State Brand License Plate - such plates shall be designed, subject to the criteria to be presented to Service Oklahoma by the Oklahoma Tourism and Recreation Department, and issued to any person wishing to demonstrate support for the new Oklahoma brand. The license plates shall contain the new state brand;

83. Tulsa Flag License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the City of Tulsa. The license plates shall be designed in consultation with the Tulsa Community Foundation;

84. ROAD License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Recovering Oklahomans After Disaster. The license plates shall be designed in consultation with the Recovering Oklahomans After Disaster organization;

85. Tulsa Icon License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Tulsa community for a vehicle or motorcycle in a pre-numbered format

or any combination of numbers and letters from one to a maximum of six for vehicles or one to a maximum of five for motorcycles, as for personalized plates. The plate design for vehicles will include Tulsa's iconic Golden Driller and Route 66 Rising sculpture. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate;

86. ORA License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Rifle Association. The license plates shall be designed in consultation with the Oklahoma Rifle Association;

87. Hallett Motor Racing Circuit License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Hallett Motor Racing Circuit. The license plates shall be designed in consultation with the Hallett Motor Racing Circuit;

88. University of Kansas License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the University of Kansas. The license plates shall be designed in consultation with the University of Kansas and/or the University of Kansas Alumni Association; and

89. Clinton Red Tornadoes License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Clinton Red Tornadoes. The license plates shall be designed in consultation with the Clinton Public School System.

C. The fee for such plates shall be Fifteen Dollars (\$15.00) per year of renewal and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Unless otherwise provided in this section, until December 31, 2022, the fee shall be apportioned as follows: Eight Dollars (\$8.00) per year of renewal of the special license plate fee shall be deposited in the Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act and the remaining Seven Dollars (\$7.00) per year of renewal of the special license plate fee shall be apportioned as provided in Section 1104 of this title. Beginning January 1, 2023, Eight Dollars (\$8.00) per year of renewal of the special license plate fee shall be deposited by Service Oklahoma in the Service Oklahoma Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act and the remaining Seven Dollars (\$7.00) per year of renewal of the special license plate fee shall be apportioned by Service Oklahoma as provided in Section 1104 of this title.

Added by Laws 2004, c. 504, § 12, eff. July 1, 2004. Amended by Laws 2005, c. 416, § 4, eff. Nov. 1, 2005; Laws 2006, c. 311, § 24, emerg. eff. June 8, 2006; Laws 2007, c. 1, § 35, emerg. eff. Feb. 22, 2007; Laws 2009, c. 311, § 2, eff. Nov. 1, 2009; Laws 2010, c.

366, § 2, eff. Nov. 1, 2010; Laws 2011, c. 248, § 1, eff. Nov. 1, 2011; Laws 2013, c. 197, § 1, eff. Nov. 1, 2013; Laws 2013, c. 365, § 3, eff. Nov. 1, 2013; Laws 2014, c. 4, § 14, emerg. eff. April 2, 2014; Laws 2014, c. 351, § 2, eff. Nov. 1, 2014; Laws 2015, c. 54, § 14, emerg. eff. April 10, 2015; Laws 2015, c. 372, § 1, eff. Nov. 1, 2015; Laws 2016, c. 210, § 23, emerg. eff. April 26, 2016; Laws 2017, c. 97, § 1, eff. Nov. 1, 2017; Laws 2017, c. 331, § 2, eff. Nov. 1, 2017; Laws 2018, c. 226, § 1, eff. Nov. 1, 2018; Laws 2019, c. 25, § 24, emerg. eff. April 4, 2019; Laws 2019, c. 236, § 1, eff. Nov. 1, 2019; Laws 2019, c. 434, § 2, emerg. eff. May 23, 2019; Laws 2021, c. 543, § 5, eff. Nov. 1, 2021; Laws 2022, c. 282, § 162, emerg. eff. May 19, 2022; Laws 2023, c. 275, § 2, eff. Nov. 1, 2023; Laws 2024, c. 452, § 85, emerg. eff. June 14, 2024; Laws 2025, c. 171, § 50, eff. July 1, 2026.

NOTE: Editorially renumbered from § 1135.3 of Title 68 to provide consistency in numbering.

NOTE: Laws 2006, c. 275, § 2 repealed by Laws 2007, c. 1, § 36, emerg. eff. Feb. 22, 2007. Laws 2013, c. 229, § 2 repealed by Laws 2014, c. 4, § 15, emerg. eff. April 2, 2014. Laws 2014, c. 372, § 2 repealed by Laws 2015, c. 54, § 15, emerg. eff. April 10, 2015. Laws 2015, c. 378, § 1 repealed by Laws 2016, c. 210, § 24, emerg. eff. April 26, 2016. Laws 2018, c. 293, § 1 repealed by Laws 2019, c. 25, § 25, emerg. eff. April 4, 2019.

NOTE: Laws 2022, c. 275, § 2 was purportedly repealed by Laws 2024, c. 98, § 2 but without reference to Laws 2024, c. 452, § 85, which amended it.

§47-1135.3v3. Special license plates - Associations, fraternities, sororities, orders, clubs, schools - Commemoration of occasions - Demonstration of support or affiliation.

A. Service Oklahoma is hereby authorized to design and issue appropriate official special license plates to persons wishing to demonstrate support, interest or membership to or for an organization, occupation, cause or other subject as provided by this section.

Special license plates shall not be transferred to any other person but shall be removed from the vehicle upon transfer of ownership and retained. The special license plate may then be used on another vehicle but only after such other vehicle has been registered for the current year.

Special license plates shall be renewed each year by Service Oklahoma or a licensed operator, unless authorized by Service Oklahoma to be renewed for a period greater than one (1) year. Service Oklahoma shall notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon

presentation to a licensed operator or Service Oklahoma. The license plates shall be issued on a staggered system.

On and after January 1, 2022, if a special license plate is issued pursuant to this section, any registration fee required for such plate pursuant to this section and the fee required pursuant to Section 1132 of this title shall be remitted at the same time and subject to a single registration period. Service Oklahoma shall determine, by rule, a method for making required fee and registration period adjustments if a special license plate is obtained during a twelve-month period for which a registration fee has already been remitted pursuant to Section 1132 of this title. The combination of fees in a single remittance shall not alter the apportionment otherwise provided for in this section.

Service Oklahoma is hereby directed to develop and implement a system whereby licensed operators are permitted to accept applications for special license plates authorized under this section. The licensed operator shall confirm the applicant's eligibility, if applicable, collect and deposit any amount specifically authorized by law, accept and process the necessary information directly into such system and generate a receipt accordingly. For performance of these duties, licensed operators shall retain the fee provided in Section 1141.1 of this title for registration of a motor vehicle. The licensed operator fees for acceptance of applications and renewals shall be paid out of the Oklahoma Tax Commission Reimbursement Fund. Beginning January 1, 2023, the licensed operator fees for acceptance of applications and renewals shall be paid out of the Service Oklahoma Reimbursement Fund.

If fewer than one hundred of any type of special license plates authorized prior to January 1, 2004, are issued prior to January 1, 2006, Service Oklahoma shall discontinue issuance and renewal of that type of special license plate. Any such authorized special license plate registrant shall be allowed to display the license plate upon the designated vehicle until the registration expiration date. After such time the expired special license plate shall be removed from the vehicle.

Except as otherwise provided in law, for special license plates authorized on or after July 1, 2004, no special license plates shall be developed or issued by Service Oklahoma until Service Oklahoma receives one hundred (100) prepaid applications therefor. The prepaid applications must be received by Service Oklahoma within one hundred eighty (180) days of the effective date of the authorization or the authority to issue shall be null and void. In the event one hundred (100) prepaid applications are not received by Service Oklahoma within such prescribed time period any payment so received shall be refunded accordingly.

B. The special license plates provided by this section are as follows:

1. Round and Square Dance License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for round and square dancing;

2. National Association for the Advancement of Colored People License Plate - such plates shall be designed, subject to the criteria to be presented to Service Oklahoma by the NAACP, and issued to any person wishing to demonstrate support for the NAACP;

3. National Rifle Association License Plate - such plates shall be designed, subject to the criteria to be presented to Service Oklahoma by the National Rifle Association, and issued to any person wishing to demonstrate support for the National Rifle Association;

4. Masonic Fraternity License Plate - such plates shall be designed and issued to any resident of this state who is a member of a Masonic Fraternity of Oklahoma. Such persons may apply for a Masonic Fraternity license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Masonic Fraternity membership or upon the presentment of an application for a Masonic Fraternity license plate authorized and approved by the Grand Lodge of Oklahoma. The license plates shall be designed in consultation with the Masonic Fraternities of Oklahoma and shall contain the Masonic emblem;

5. Shriners Hospitals for Children License Plate - such plates shall be designed to demonstrate support for Shriners Hospitals for Children and shall be issued to any resident of this state who is a member of a Shriners Temple in Oklahoma. The license plate shall be designed in consultation with the Shriners Temples in Oklahoma and shall contain the Shriners emblem;

6. Balloonists License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for hot air ballooning in this state;

7. Order of the Eastern Star License Plate - such plates shall be designed and issued to any resident of this state who is a member of an Order of the Eastern Star. Such persons may apply for an Order of the Eastern Star license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of an Order of the Eastern Star membership or upon the presentment of an application for an Order of the Eastern Star license plate authorized and approved by the organization. The license plate shall be designed in consultation with the Order of the Eastern Star and shall contain the Order of the Eastern Star emblem;

8. Knights of Columbus License Plate - such plates shall be designed and issued to any resident of this state who is a member of the Knights of Columbus. Such persons may apply for a Knights of Columbus license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Knights of Columbus

membership or upon the presentment of an application for a Knights of Columbus license plate authorized and approved by the organization. The license plate shall be designed in consultation with the Knights of Columbus and shall contain the Knights of Columbus emblem;

9. Jaycees License Plate - such plates shall be designed and issued to members of the Jaycees. Persons applying for such license plate must show proof of membership in the Jaycees. The license plates shall be designed in consultation with the Jaycees;

10. Kiwanis International License Plate - such plates shall be designed and issued to members of Kiwanis International. Persons applying for such license plate must show proof of membership in Kiwanis International. The license plates shall be designed in consultation with Kiwanis International;

11. Certified Public Accountants License Plate - such plates shall be designed and issued to any resident of this state who is a Certified Public Accountant. Such persons may apply for a Certified Public Accountant license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of status as a Certified Public Accountant. The license plates shall be designed in consultation with the Oklahoma Society of Certified Public Accountants;

12. Civil Emergency Management License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the state civil emergency management system. Persons applying for such license plate must show proof of official affiliation by presenting a nonexpired proof of employment, affiliation or retirement in the form of an identification card or letter on official letterhead from a municipal, county or state emergency management department head;

13. Civilian Conservation Corps License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma, by the Civilian Conservation Corps Association, and issued to any person wishing to demonstrate support of the Civilian Conservation Corps;

14. Rotarian License Plate - such plates shall be designed and issued to any resident of this state who is a member of a Rotary Club of Oklahoma. Such persons may apply for a Rotarian license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Rotary Club membership or upon the presentment of an application for a Rotarian license plate authorized and approved by a Rotary Club of Oklahoma. The license plates shall be designed in consultation with the five Rotarian District Governors and shall contain the Rotarian emblem;

15. Benevolent and Protective Order of Elks License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma, by the Benevolent and Protective Order of Elks,

and issued to any resident of this state who is a member of the Benevolent and Protective Order of Elks;

16. Humane Society License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Humane Society of the United States. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official Humane Society logo;

17. Oklahoma Mustang Club License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma, by the Oklahoma Mustang Club, and issued to any resident of this state who is a member of the Oklahoma Mustang Club. Such persons may apply for an Oklahoma Mustang Club license plate upon presentment of proof of membership in the Oklahoma Mustang Club. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates;

18. American Business Clubs (AMBUCS) License Plate - such plates shall be designed and issued to members of American Business Clubs. Persons applying for such license plate must show proof of membership in AMBUCS. The license plates shall be designed in consultation with American Business Clubs;

19. West Point 200th Anniversary License Plate - such plates shall be designed and issued to any person wishing to commemorate the Two Hundredth Anniversary of the founding of the United States Military Academy at West Point, New York. The license plates shall be designed in consultation with the West Point Society of Central Oklahoma;

20. Oklahoma Aquarium License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the Oklahoma Aquarium. The license plates shall be designed in consultation with the Oklahoma Aquarium. Subject to the provisions of subsection A of this section, the Oklahoma Aquarium License Plate is hereby reauthorized effective November 1, 2021;

21. The Pride of Broken Arrow License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for The Pride of Broken Arrow marching band. The plates shall be designed in consultation with the Broken Arrow Public School System;

22. Fellowship of Christian Athletes License Plate - such plates shall be designed in consultation with the Fellowship of Christian Athletes and issued to members and supporters of the Fellowship of Christian Athletes;

23. Parrothead Club License Plate - such plates shall be designed and issued to members and supporters of the Parrothead Club. The license plate shall be issued to any person in any combination of numbers and letters from one to a maximum of seven as for personalized license plates;

24. Oklahoma Bicycling Coalition License Plate - such plates shall be designed and issued to any person who is a member of the Oklahoma Bicycling Coalition. The license plates shall be designed in consultation with the Oklahoma Bicycling Coalition;

25. Electric Lineman License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for Oklahoma's electric linemen. The license plates shall be designed in consultation with the Oklahoma Electric Superintendent's Association;

26. Alpha Kappa Alpha License Plate - such plates shall be designed and issued to any person who is a member of Alpha Kappa Alpha Sorority. The license plates shall be designed in consultation with the Oklahoma Chapter of Alpha Kappa Alpha Sorority;

27. The National Pan-Hellenic Council Incorporated License Plate - such plates shall be designed and issued to any person wishing to demonstrate support to any of the nine sororities and fraternities recognized by the National Pan-Hellenic Council Incorporated. The license plates shall be designed in consultation with the Oklahoma Chapter of the National Pan-Hellenic Council Incorporated;

28. Organ, Eye and Tissue License Plate - such plates shall be designed and issued to persons wishing to demonstrate support and increase awareness for organ, eye and tissue donation. The license plates shall be designed in consultation with the State Department of Health;

29. Central Oklahoma Habitat for Humanity License Plate - such plates shall be designed and issued to persons wishing to demonstrate support and increase awareness for Habitat for Humanity. The license plate shall be designed in consultation with Central Oklahoma Habitat for Humanity;

30. Family Career and Community Leaders of America Incorporated License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for Family Career and Community Leaders of America Incorporated. The license plates shall be designed in consultation with Family Career and Community Leaders of America Incorporated;

31. Delta Sigma Theta License Plate - such plates shall be designed and issued to any person who is a member of Delta Sigma Theta Sorority. The license plates shall be designed in consultation with the Oklahoma Chapter of Delta Sigma Theta Sorority Incorporated;

32. Omega Psi Phi License Plate - such plates shall be designed and issued to any person who is a member of Omega Psi Phi Fraternity. The license plates shall be designed in consultation with the Oklahoma Chapter of Omega Psi Phi Fraternity Incorporated;

33. Alpha Phi Alpha License Plate - such plates shall be designed and issued to any person who is a member of Alpha Phi Alpha Fraternity. The license plates shall be designed in consultation with the Oklahoma Chapter of Alpha Phi Alpha Fraternity Incorporated;

34. 50th Anniversary of the Interstate System of Highways License Plate - such plates shall be designed and issued to persons wishing to commemorate the 50th Anniversary of the Interstate System of Highways. The license plates shall be designed in consultation with the American Association of State Highway and Transportation Officials;

35. Kappa Alpha Psi License Plate - such plates shall be designed and issued to any person who is a member of Kappa Alpha Psi Fraternity. The license plates shall be designed in consultation with the Oklahoma Chapter of Kappa Alpha Psi Fraternity Incorporated;

36. Sigma Gamma Rho License Plate - such plates shall be designed and issued to any person who is a member of Sigma Gamma Rho Sorority. The license plates shall be designed in consultation with the Oklahoma Chapter of Sigma Gamma Rho Sorority Incorporated. Subject to the provisions of subsection A of this section, the Sigma Gamma Rho License Plate is hereby reauthorized effective November 1, 2013;

37. Multiple Sclerosis License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for and increase awareness of multiple sclerosis. The license plates shall be designed in consultation with the Oklahoma Chapter of the National Multiple Sclerosis Society;

38. Frederick A. Douglass High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Frederick A. Douglass High School located in Oklahoma City. The plates shall be designed in consultation with representatives of Frederick A. Douglass High School National Alumni Association;

39. United States Air Force Academy License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the United States Air Force Academy;

40. In God We Trust License Plate - such plates shall be designed to include the motto, "In God We Trust", and shall be issued to any person wishing to demonstrate support for the motto;

41. National Weather Center License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the National Weather Center in Norman. The plates shall be designed in consultation with representatives of the National Weather Center Directors;

42. Make-A-Wish Foundation License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for

the Make-A-Wish Foundation. The license plates shall be designed in consultation with the Oklahoma Chapter of the National Make-A-Wish Foundation;

43. South Central Section of the PGA Foundation License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the South Central Section of the PGA Foundation. The license plates shall be designed in consultation with the South Central Section of the PGA Foundation;

44. Putnam City High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Putnam City High School. The plates shall be designed in consultation with representatives of Putnam City High School Alumni Association, Inc.;

45. Autism Awareness License Plate - such plates shall be designed and issued to any person wishing to increase awareness of autism. The license plate shall be designed in consultation with the Oklahoma Autism Network;

46. Oklahoma Blood Institute License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Blood Institute. The license plates shall be designed in consultation with the Oklahoma Blood Institute;

47. Zeta Phi Beta and Phi Beta Sigma License Plate - such plates shall be designed and issued to any person who is a member of Zeta Phi Beta Sorority or Phi Beta Sigma Fraternity. The license plates shall be designed in consultation with the Oklahoma chapters of Zeta Phi Beta Sorority Incorporated and Phi Beta Sigma Fraternity Incorporated;

48. Star Spencer High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Star Spencer High School located in Oklahoma City. The plates shall be designed in consultation with representatives of the Star Spencer High School Alumni Association. Subject to the provisions of subsection A of this section, the Star Spencer High School License Plate is hereby reauthorized effective November 1, 2015;

49. Northeast High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Northeast High School located in Oklahoma City. The plates shall be designed in consultation with representatives of the Northeast High School Alumni Association;

50. Oklahoma City Central High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma City Central High School Alumni Association. The plates shall be designed in consultation with representatives of the Oklahoma City Central High School Alumni Association;

51. Oklahoma Rifle Association License Plate - such plates shall be designed and issued to any person wishing to demonstrate

support for the Oklahoma Rifle Association. The plates shall be designed in consultation with representatives of the Oklahoma Rifle Association;

52. Oklahoma City Thunder License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma City Thunder. The license plate shall be designed in consultation with the Oklahoma City Thunder organization;

53. Ovarian Cancer Awareness License Plate - such plates shall be designed and issued to any person wishing to increase awareness of ovarian cancer. The license plate shall be designed in consultation with the HOPE in Oklahoma organization;

54. BMW Car Club of America License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the BMW Car Club of America. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The license plate shall be designed in consultation with the Sunbelt Chapter of the BMW Car Club of America. Subject to the provisions of subsection A of this section, the BMW Car Club of America License Plate is hereby reauthorized effective November 1, 2013;

55. Don't Tread On Me License Plate - such plates shall be designed to include the yellow background and rattlesnake emblem above the motto "DON'T TREAD ON ME" as found on the historic Gadsden flag, and shall be issued to any person wishing to demonstrate support for the freedom and liberty of the Republic;

56. Oklahomans for the Arts License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for arts, culture and creative industries as well as arts education. The plates shall be designed in consultation with Oklahomans for the Arts;

57. Tulsa Oilers License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Tulsa Oilers. The license plate shall be designed in consultation with the Tulsa Oilers organization;

58. Tulsa Drillers License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Tulsa Drillers. The license plate shall be designed in consultation with the Tulsa Drillers organization;

59. Millwood School District License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Millwood School District. The license plate shall be designed in consultation with representatives of the Millwood School District;

60. Booker T. Washington High School License Plate - such plates shall be issued to persons wishing to demonstrate support for Booker T. Washington High School and shall be designed in

consultation with the Booker T. Washington High School National Alumni Association;

61. Oklahoma Current State Flag License Plate - such plates shall be designed to include the current Oklahoma state flag and issued to any person wishing to demonstrate support for the current Oklahoma state flag. The plates shall be designed in consultation with the Friends of the Oklahoma History Center;

62. Oklahoma Original State Flag License Plate - such plates shall be designed to include the original Oklahoma state flag and issued to any person wishing to demonstrate support for the original Oklahoma state flag. The plates shall be designed in consultation with the Friends of the Oklahoma History Center. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. Subject to the provisions of subsection A of this section, the Oklahoma Original State Flag License Plate is hereby reauthorized effective November 1, 2015;

63. Tulsa 66ers License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Tulsa 66ers. The plates shall be designed in consultation with the Tulsa 66ers Organization;

64. Frederick Bombers License Plate - such plates shall be issued to persons wishing to demonstrate support for the Frederick School District and shall be designed in consultation with representatives of the Frederick School District;

65. 911 Dispatcher License Plate - such plates shall be issued to persons wishing to demonstrate support for 911 dispatchers. Persons applying for such license plate must show proof of current employment as a 911 dispatcher or sign an attestation that they are a currently employed or retired 911 dispatcher;

66. Oklahoma Fosters License Plate - such plates shall be issued to persons wishing to demonstrate support for the Oklahoma Fosters Initiative and shall be designed in consultation with the Oklahoma Fosters Initiative;

67. Red Dirt Jeep License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Red Dirt Jeep and such plates shall be designed in consultation with Red Dirt Jeep, L.L.C.;

68. Sons of the American Revolution License Plate - such plates shall be issued to persons wishing to demonstrate support for the Sons of the American Revolution for a vehicle or motorcycle in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. Such plates shall be designed in consultation with the Oklahoma Society of the Sons of the American Revolution. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate;

69. Daughters of the American Revolution License Plate - such plates shall be issued to persons wishing to demonstrate support for the Daughters of the American Revolution for a vehicle or motorcycle in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. Such plates shall be designed in consultation with the Oklahoma Society of the Daughters of the American Revolution. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate;

70. Air Medal License Plate - such plates shall be designed and issued to Air Medal recipients. An individual requesting the license plate is required, at the time of application, to show proof he or she is a recipient of the Air Medal or sign an attestation stating that he or she is a medal recipient. The plates shall be designed to include the Air Medal emblem and shall include the words "Air Medal" on the plate;

71. Oklahoma Institute for Child Advocacy License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Institute for Child Advocacy. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plates shall be designed in consultation with the Oklahoma Institute for Child Advocacy. Subject to the provisions of subsection A of this section, the Oklahoma Institute for Child Advocacy License Plate is hereby reauthorized effective November 1, 2021;

72. The Pride of Oklahoma Marching Band License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Pride of Oklahoma marching band. The plates shall be designed in consultation with the University of Oklahoma;

73. The Spirit of Oklahoma State Marching Band License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Spirit of Oklahoma State marching band. The plates shall be designed in consultation with Oklahoma State University;

74. Southeast Spartans License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Southeast High School Spartans and such plates shall be designed in consultation with the Southeast High School Alumni Association;

75. Catoosa High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Catoosa High School located in Catoosa. The plates shall bear the image of the Catoosa High School mascot and be designed in consultation with representatives of Catoosa High School;

76. Toastmasters International License Plate - such plates shall be issued to persons wishing to demonstrate support for

Toastmasters International and shall be designed in consultation with District 16 of Toastmasters International;

77. Millwood High School Alumni License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Millwood High School Alumni. The license plate shall be designed in consultation with representatives of the Millwood High School Alumni Association;

78. Patriot Guard Riders License Plate - such plates shall be issued to persons wishing to demonstrate support for Patriot Guard Riders and shall be designed in consultation with the Patriot Guard Riders of Oklahoma;

79. Bixby School District License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Bixby School District. The license plate shall be designed in consultation with representatives of the Bixby School District;

80. Oklahoma Renewable Energy License Plate - such plates shall be designed in consultation with the Advanced Power Alliance and issued to any person wishing to demonstrate support for renewable energy;

81. Scottish Rite Masons License Plate - such plates shall be designed and issued to any resident of this state who is a member of the Scottish Rite Masons. Such persons may apply for a Scottish Rite Masons license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Scottish Rite membership. The license plates shall be designed in consultation with the Scottish Rite Masons in Oklahoma and shall contain the Scottish Rite emblem;

82. New State Brand License Plate - such plates shall be designed, subject to the criteria to be presented to Service Oklahoma by the Oklahoma Tourism and Recreation Department, and issued to any person wishing to demonstrate support for the new Oklahoma brand. The license plates shall contain the new state brand;

83. Tulsa Flag License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the City of Tulsa. The license plates shall be designed in consultation with the Tulsa Community Foundation;

84. ROAD License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Recovering Oklahomans After Disaster. The license plates shall be designed in consultation with the Recovering Oklahomans After Disaster organization;

85. Tulsa Icon License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Tulsa community for a vehicle or motorcycle in a pre-numbered format or any combination of numbers and letters from one to a maximum of six for vehicles or one to a maximum of five for motorcycles, as for

personalized plates. The plate design for vehicles will include Tulsa's iconic Golden Driller and Route 66 Rising sculpture. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate;

86. ORA License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Rifle Association. The license plates shall be designed in consultation with the Oklahoma Rifle Association;

87. Hallett Motor Racing Circuit License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Hallett Motor Racing Circuit. The license plates shall be designed in consultation with the Hallett Motor Racing Circuit;

88. University of Kansas License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the University of Kansas. The license plates shall be designed in consultation with the University of Kansas and/or the University of Kansas Alumni Association;

89. Clinton Red Tornadoes License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Clinton Red Tornadoes. The license plates shall be designed in consultation with the Clinton Public School System; and

90. Tulsa Air and Space Museum and Planetarium License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Tulsa Air and Space Museum and Planetarium. The license plates shall be designed in consultation with the Tulsa Air and Space Museum and Planetarium.

C. The fee for such plates shall be Fifteen Dollars (\$15.00) per year of renewal and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Unless otherwise provided in this section, the fee shall be apportioned as follows: Eight Dollars (\$8.00) per year of renewal of the special license plate fee shall be deposited in the Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act and the remaining Seven Dollars (\$7.00) per year of renewal of the special license plate fee shall be apportioned as provided in Section 1104 of this title. Beginning January 1, 2023, Eight Dollars (\$8.00) per year of renewal of the special license plate fee shall be deposited in the Service Oklahoma Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act and the remaining Seven Dollars (\$7.00) per year of renewal of the special license plate fee shall be apportioned as provided in Section 1104 of this title.

Added by Laws 2004, c. 504, § 12, eff. July 1, 2004. Amended by Laws 2005, c. 416, § 4, eff. Nov. 1, 2005; Laws 2006, c. 311, § 24,

emerg. eff. June 8, 2006; Laws 2007, c. 1, § 35, emerg. eff. Feb. 22, 2007; Laws 2009, c. 311, § 2, eff. Nov. 1, 2009; Laws 2010, c. 366, § 2, eff. Nov. 1, 2010; Laws 2011, c. 248, § 1, eff. Nov. 1, 2011; Laws 2013, c. 197, § 1, eff. Nov. 1, 2013; Laws 2013, c. 365, § 3, eff. Nov. 1, 2013; Laws 2014, c. 4, § 14, emerg. eff. April 2, 2014; Laws 2014, c. 351, § 2, eff. Nov. 1, 2014; Laws 2015, c. 54, § 14, emerg. eff. April 10, 2015; Laws 2015, c. 372, § 1, eff. Nov. 1, 2015; Laws 2016, c. 210, § 23, emerg. eff. April 26, 2016; Laws 2017, c. 97, § 1, eff. Nov. 1, 2017; Laws 2017, c. 331, § 2, eff. Nov. 1, 2017; Laws 2018, c. 226, § 1, eff. Nov. 1, 2018; Laws 2019, c. 25, § 24, emerg. eff. April 4, 2019; Laws 2019, c. 236, § 1, eff. Nov. 1, 2019; Laws 2019, c. 434, § 2, emerg. eff. May 23, 2019; Laws 2021, c. 543, § 5, eff. Nov. 1, 2021; Laws 2022, c. 282, § 162, emerg. eff. May 19, 2022; Laws 2023, c. 275, § 2, eff. Nov. 1, 2023; Laws 2024, c. 452, § 85, emerg. eff. June 14, 2024; Laws 2025, c. 325, § 1, eff. Nov. 1, 2025.

NOTE: Editorially renumbered from § 1135.3 of Title 68 to provide consistency in numbering.

NOTE: Laws 2006, c. 275, § 2 repealed by Laws 2007, c. 1, § 36, emerg. eff. Feb. 22, 2007. Laws 2013, c. 229, § 2 repealed by Laws 2014, c. 4, § 15, emerg. eff. April 2, 2014. Laws 2014, c. 372, § 2 repealed by Laws 2015, c. 54, § 15, emerg. eff. April 10, 2015. Laws 2015, c. 378, § 1 repealed by Laws 2016, c. 210, § 24, emerg. eff. April 26, 2016. Laws 2018, c. 293, § 1 repealed by Laws 2019, c. 25, § 25, emerg. eff. April 4, 2019.

NOTE: Laws 2022, c. 275, § 2 was purportedly repealed by Laws 2024, c. 98, § 2 but without reference to Laws 2024, c. 452, § 85, which amended it.

§47-1135.4. Personalized license plates.

A. Service Oklahoma is hereby authorized to design and issue personalized license plates. The personalized license plates shall be issued on a staggered system except for vintage decals.

Personalized special license plates shall not be transferred to any other person but shall be removed from the vehicle upon transfer of ownership and retained. The personalized special license plate may then be used on another vehicle but only after such other vehicle has been registered for the current year.

Personalized special license plates shall be renewed each year by Service Oklahoma or a licensed operator, unless authorized by Service Oklahoma to be renewed for a period greater than one (1) year. Service Oklahoma shall notify by mail all persons issued special license plates. Service Oklahoma shall send the notifications to the electronic mail address provided by the person. If a person does not provide an electronic mail address, Service Oklahoma shall notify the person by mail. The notice shall contain all necessary information and shall contain instructions for the

renewal procedure upon presentation to a licensed operator or Service Oklahoma. Until December 31, 2022, licensed operator fees for renewals shall be paid out of the Oklahoma Tax Commission Reimbursement Fund. Beginning January 1, 2023, the licensed operator fees for acceptance of applications and renewals shall be paid out of the Service Oklahoma Reimbursement Fund.

On and after January 1, 2022, if a personalized license plate is issued pursuant to this section, any registration fee required for such plate pursuant to this section and the fee required pursuant to Section 1132 of this title shall be remitted at the same time and subject to a single registration period. Service Oklahoma shall determine, by rule, a method for making required fee and registration period adjustments if a special license plate is obtained during a twelve-month period for which a registration fee has already been remitted pursuant to Section 1132 of this title. The combination of fees in a single remittance shall not alter the apportionment otherwise provided for in this section.

B. Such plates shall be designed and issued for the following:

1. Any person in any combination of numbers or letters from one to a maximum of seven;

2. Persons eligible for two or more of the military decoration special license plates provided for in this title. Such plates may be issued in any combination of emblems. However, such plates shall only display up to three emblems and shall also display any combination of letters or numbers from one to a maximum of three;

3. Motorcycles in any combination of numbers or letters from one to a maximum of six;

4. Persons eligible for Korean War Veteran license plates provided for in this title. Such plates may display any combination of letters or numbers up to three on each side of the insignia or emblem;

5. Persons eligible for World War II Veteran license plates provided for in this title. Such plates may display any combination of letters or numbers up to three on each side of the insignia or emblem; and

6. Persons owning vehicles which are twenty-one (21) years and older are qualified to submit for approval by Service Oklahoma or a licensed operator a vintage but expired official Oklahoma license plate which is twenty-one (21) years and older. Upon approval of such personalized plate, the owner shall be issued the annual registration decal which Service Oklahoma or the licensed operator shall direct to be affixed.

C. The fee for such plates shall be Twenty Dollars (\$20.00) per year of renewal and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Eight Dollars (\$8.00) per year of renewal of the personalized tag fee shall be deposited in the Oklahoma Tax Commission Reimbursement

Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act. Twelve Dollars (\$12.00) per year of renewal of the personalized tag fee shall be apportioned as provided in Section 1104 of this title. Beginning January 1, 2023, Eight Dollars (\$8.00) per year of renewal of the personalized tag fee shall be deposited by Service Oklahoma in the Service Oklahoma Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act. Twelve Dollars (\$12.00) per year of renewal of the personalized tag fee shall be apportioned by Service Oklahoma as provided in Section 1104 of this title.

Added by Laws 2004, c. 504, § 13, eff. July 1, 2004. Amended by Laws 2018, c. 69, § 3, eff. Nov. 1, 2018; Laws 2021, c. 276, § 6, eff. Jan. 1, 2022; Laws 2022, c. 282, § 163, emerg. eff. May 19, 2022; Laws 2024, c. 452, § 89, emerg. eff. June 14, 2024; Laws 2025, c. 171, § 51, eff. July 1, 2026.

§47-1135.5. See the following versions:

OS 47-1135.5v1 (SB 1108, Laws 2025, c. 171, § 52)

OS 47-1135.5v2 (HB 1487, Laws 2025, c. 325, § 2)

OS 47-1135.5v3 (SB 837, Laws 2025, c. 358, § 1)

§47-1135.5v1. Special license plates - Demonstration of support and financial assistance to specific causes.

A. Service Oklahoma is hereby authorized to design and issue appropriate official special license plates to persons wishing to demonstrate support and provide financial assistance as provided by this section.

Special license plates shall not be transferred to any other person but shall be removed from the vehicle upon transfer of ownership and retained. The special license plate may then be used on another vehicle but only after such other vehicle has been registered for the current year with a licensed operator.

Special license plates shall be renewed each year by Service Oklahoma or a licensed operator, unless authorized by Service Oklahoma to be renewed for a period greater than one (1) year. Service Oklahoma shall notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon presentation to a licensed operator or Service Oklahoma. The license plates shall be issued on a staggered system.

On and after January 1, 2022, if a special license plate is issued pursuant to this section, any registration fee required for such plate pursuant to this section and the fee required pursuant to Section 1132 of this title shall be remitted at the same time and subject to a single registration period. Service Oklahoma shall determine, by rule, a method for making required fee and registration period adjustments if a special license plate is

obtained during a twelve-month period for which a registration fee has already been remitted pursuant to Section 1132 of this title. The combination of fees in a single remittance shall not alter the apportionment otherwise provided for in this section.

Service Oklahoma is hereby directed to develop and implement a system whereby licensed operators are permitted to accept applications for special license plates authorized under this section. The licensed operator shall confirm the applicant's eligibility, if applicable, collect and deposit any amount specifically authorized by law, accept and process the necessary information directly into such system and generate a receipt accordingly. For performance of these duties, licensed operators shall retain the fee provided in Section 1141.1 of this title for registration of a motor vehicle through June 30, 2025. Through June 30, 2025, the licensed operator fees for acceptance of applications and renewals shall be paid out of the Service Oklahoma Reimbursement Fund. Beginning July 1, 2023, fees shall not be retained by the licensed operator pursuant to subsection E of Section 1141.1 of this title.

If fewer than fifty (50) of any type of special license plates authorized prior to January 1, 2004, are issued prior to January 1, 2006, Service Oklahoma shall discontinue issuance and renewal of that type of special license plate. Any such authorized special license plate registrant shall be allowed to display the license plate upon the designated vehicle until the registration expiration date. After such time the expired special license plate shall be removed from the vehicle.

For special license plates authorized on or after July 1, 2004, no special license plates shall be developed or issued by Service Oklahoma until Service Oklahoma receives one hundred prepaid applications therefor. The prepaid applications must be received by Service Oklahoma within one hundred eighty (180) days of the effective date of the authorization or the authority to issue shall be null and void. In the event one hundred prepaid applications are not received by Service Oklahoma within such prescribed time period any payment so received shall be refunded accordingly.

B. The special license plates provided by this section are as follows:

1. University or College Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support to any state-supported or private university or college. As provided in this section, an amount of the fee collected shall be apportioned as provided in Section 1104.1 of this title;

2. Environmental Awareness License Plate - such plates shall be designed, subject to the criteria to be presented to Service Oklahoma by the Department of Environmental Quality in consultation with the Oklahoma Arts Council, and issued to any person wishing to

demonstrate support to implement the statewide general public Environmental Education Program created pursuant to the provisions of the Oklahoma Environmental Quality Code. Such plates shall be designed and issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. A dealer's license plate issued pursuant to Section 1116.1 or 1128 of this title may be designated an Environmental Awareness License Plate upon payment of the fee imposed by this section and any other registration fees required by the Oklahoma Vehicle License and Registration Act. As provided in this section, an amount of the fee collected shall be apportioned pursuant to Section 1104.2 of this title;

3. Firefighter License Plate - such plates shall be designed for any career or retired firefighter, volunteer or paid. Firefighters may apply for firefighter plates for up to four vehicles with a rated capacity of one (1) ton or less or for a motorcycle upon proof of a fire department membership by either an identification card or letter from the chief of the fire department. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The surviving spouse of any deceased firefighter, if the spouse has not since remarried, may apply for a firefighter license plate for one vehicle with a rated carrying capacity of one (1) ton or less or for a motorcycle upon proof that the deceased firefighter was a member of a fire department by either an identification card or letter from the chief of the fire department. The license plate shall be designed in consultation with the Oklahoma State Firefighters Association.

As provided in this section, an amount of the fee collected shall be deposited to the Oklahoma State Firemen's Museum Building & Memorial Fund for support of the Oklahoma State Firefighters Museum and the Oklahoma Fallen and Living Firefighters Memorial;

4. Wildlife Conservation License Plate - such plates shall be designed, subject to the criteria to be presented to Service Oklahoma by the Department of Wildlife Conservation in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support for wildlife conservation in this state through the Wildlife Diversity Fund, provided for in Section 3-310 of Title 29 of the Oklahoma Statutes. Such plates may be designed and issued to any person as for personalized license plates.

As provided in this section, an amount of the fee collected shall be apportioned pursuant to subsection D of Section 3-310 of Title 29 of the Oklahoma Statutes;

5. Child Abuse Prevention License Plate - such plates shall be designed, subject to the criteria to be presented to Service Oklahoma by the Office of Child Abuse Prevention in the State Department of Health and the Child Abuse Prevention Action

Committee, and issued to any person wishing to demonstrate support for the prevention of child abuse.

As provided in this section, an amount of the fee collected shall be deposited in the Child Abuse Prevention Fund;

6. United States Olympic and Paralympic Committee Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the United States Olympic and Paralympic Committee. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official United States Olympic and Paralympic Committee logo. Service Oklahoma shall be authorized, if necessary, to enter into a licensing agreement with the United States Olympic and Paralympic Committee for any licensing fees which may be required in order to use the United States Olympic and Paralympic Committee logo or design. The licensing agreement shall provide for a payment not more than Twenty-five Dollars (\$25.00) for each license plate issued;

7. Oklahoma History License Plate - such plates shall be designed and issued to any person wishing to demonstrate interest in Oklahoma history. As provided in this section, an amount of the fee collected shall be deposited to the Oklahoma Historical Society Revolving Fund to be used for educational purposes;

8. Historic Route 66 License Plate - such:

- a. vehicle plates shall be designed to honor historic Route 66, also known as the "Mother Road". As provided in this section, an amount of the fee collected for each vehicle license plate shall be apportioned to the Oklahoma Historical Society Revolving Fund to be distributed to the Route 66 Museum located in Clinton, Oklahoma, and
- b. motorcycle plates shall be designed in consultation with the Oklahoma Route 66 Association, Inc. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Route 66 Association, Inc., for any licensing fees which may be required in order to use the Oklahoma Route 66 Association, Inc., logo or design. The licensing agreement shall provide for a payment to the Oklahoma Route 66 Association, Inc., of not more than Twenty Dollars (\$20.00) for each motorcycle license plate issued;

9. Heart of the Heartland License Plate - such plates shall be designed and issued to any person wishing to honor the victims of the terrorist bombing attack on the Alfred P. Murrah Federal Building in downtown Oklahoma City on April 19, 1995. As provided in this section, an amount of the fee collected shall be deposited

in the Heart of the Heartland Scholarship Fund, as established in Section 2282 of Title 70 of the Oklahoma Statutes;

10. Emergency Medical Technician License Plate - such plates shall be designed and issued to any person who is an emergency medical technician. Such persons may apply for an emergency medical technician license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of an emergency medical technician's license. The license plate shall be designed in consultation with the Oklahoma Emergency Medical Technicians Association. As provided in this section, an amount of the fee collected shall be apportioned to the Emergency Medical Personnel Death Benefit Revolving Fund created in Section 1-2505.2 of Title 63 of the Oklahoma Statutes;

11. Fight Breast Cancer License Plate - such plates shall be designed to demonstrate support for the prevention and treatment of breast cancer in this state;

12. Crime Victims Awareness License Plate - such plates shall be designed and issued to any person wishing to demonstrate awareness of and support for victims of crimes. The license plates shall be designed in consultation with the Crime Victims Compensation Program. As provided in this section, an amount of the fee collected shall be apportioned to the Attorney General's Revolving Fund for the Office of the Attorney General, which is hereby directed to use such funds to contract with a statewide nonprofit organization to provide services to crime victims;

13. Safe Kids Oklahoma License Plate - such plates shall be designed and issued to any person wishing to demonstrate support and awareness of Safe Kids Oklahoma. The license plate shall be designed in consultation with the Safe Kids Oklahoma. As provided in this section, an amount of the fee collected shall be deposited in the Children's Hospital - Safe Kids Oklahoma Revolving Fund to be distributed to Safe Kids Oklahoma program;

14. Oklahoma Four-H Club License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma by the Four-H Foundation, and issued to any person wishing to demonstrate support of the Oklahoma Four-H Club. Such plates may be designed and issued to any person as for personalized license plates. As provided in this section, an amount of the fee collected shall be apportioned to the OSU Extension Service License Plate Revolving Fund created in Section 1104.4 of this title;

15. Agricultural Awareness License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma, by the Oklahoma Department of Agriculture, Food, and Forestry in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support of the Department's Ag in the Classroom Education Program. As provided in this section, an amount

of the fee collected shall be apportioned as provided in Section 1104.3 of this title;

16. Oklahoma Statehood Centennial License Plate - such plates shall be designed and issued to any person wishing to commemorate the centennial of Oklahoma's admission to statehood in 1907. The license plates shall be designed in consultation with the Oklahoma Capitol Complex and Centennial Commemoration Commission. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Department of Commerce Revolving Fund created in Section 5012 of Title 74 of the Oklahoma Statutes;

17. Support Education License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma by the State Department of Education in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support for education in this state. All licensed operators shall display a sample of the Support Education License plate in the area of the business accessed by the public. Twenty-three Dollars (\$23.00) of the fee collected shall be apportioned as follows:

- a. five percent (5%) shall be deposited to the Education Reform Revolving Fund,
- b. five percent (5%) shall be deposited to the Oklahoma State Regents for Higher Education Revolving Fund,
- c. five percent (5%) shall be deposited to the State Career-Technology Fund, and
- d. eighty-five percent (85%) shall be deposited to the Retirement Benefit Fund as set forth in Section 17-108 of Title 70 of the Oklahoma Statutes.

However, when the Retirement Benefit Fund attains a seventy percent (70%) funded ratio based on an annual actuarial valuation as required by law, the amount of the fee shall be apportioned equally pursuant to subparagraphs a, b and c of this paragraph;

18. Retired Oklahoma Highway Patrol Officers License Plate - such plates shall be designed and issued to any retired officer of the Oklahoma Highway Patrol. The license plate shall have the legend "Oklahoma" and shall contain, in the center of the plate, the Highway Patrol Officers patch using the same colors and pattern as used in the patch. Centered on the bottom of the license plate shall be the word "Retired". The letters "TRP" shall be used in combination with three numbers on either side of the insignia or emblem. The color of the letters and numbers shall be brown. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The surviving spouse of any deceased retired officer of the Oklahoma Highway Patrol, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a Retired Oklahoma Highway Patrol Officers license plate. As provided in this

section, an amount of the fee collected shall be deposited into the Oklahoma Law Enforcement Retirement Fund;

19. Boy Scouts of America Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Boy Scouts of America. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official Boy Scouts of America logo. Service Oklahoma shall be authorized, if necessary, to enter into a licensing agreement with the Boy Scouts of America for any licensing fees which may be required in order to use the Boy Scouts of America logo or design. The licensing agreement shall provide for a payment to the Boy Scouts of America of not more than Twenty Dollars (\$20.00) for each license plate issued;

20. Urban Forestry and Beautification License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma, by the Oklahoma Department of Agriculture, Food, and Forestry in consultation with nonprofit organizations in this state that develop and operate programs to encourage urban forestry and beautification, and issued to any person wishing to demonstrate support of such programs. As provided in this section, an amount of the fee collected shall be apportioned as provided in Section 1104.5 of this title;

21. Oklahoma State Parks Supporter License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma by the Oklahoma Tourism and Recreation Department, and issued to any person wishing to demonstrate support for the Oklahoma state parks system. Twenty-three Dollars (\$23.00) of the fee collected shall be deposited in the Oklahoma Tourism and Recreation Department Revolving Fund. Such money shall be designated for and may only be expended for the support of Oklahoma state parks;

22. Adoption Creates Families License Plate - such plates shall be issued to any person wishing to demonstrate support of pregnant women who are committed to placing their children for adoption and wishing to provide assistance to guardians, adoptive parents and other created families to assist in the adoption and placement of children in permanent, safe homes. The license plates shall be designed and final terminology delivered in consultation with the Oklahoma Adoption Coalition and the Department of Human Services. Twenty-five Dollars (\$25.00) of the fee collected shall be deposited in a revolving fund established in the State Treasury for and to be used by the Department of Human Services for the implementation of the Investing in Stronger Oklahoma Families Act specifically for created families;

23. Choose Life License Plate - such plates shall be designed, subject to criteria presented to Service Oklahoma, by Choose Life America, Inc., and issued to any person who wishes to demonstrate

support of organizations that encourage adoption as a positive choice for women with unplanned pregnancies. As provided in this section, an amount of the fee collected shall be deposited in the Choose Life Assistance Program Revolving Fund established in Section 1104.6 of this title;

24. Future Farmers of America License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the Oklahoma FFA Association (formerly known as Future Farmers of America). The license plates shall be designed in consultation with the Oklahoma FFA Association Board of Directors. As provided in this section, an amount of the fee collected shall be apportioned as provided in Section 1104.7 of this title;

25. Lions Club License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the Lions Clubs of Oklahoma. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The license plates shall be designed in consultation with the Oklahoma Lions Service Foundation and shall contain the official logo of the International Association of Lions Clubs. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Lions Service Foundation. The licensing agreement shall provide for a payment to the Oklahoma Lions Service Foundation of not more than Ten Dollars (\$10.00) for each license plate issued;

26. Color Oklahoma License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma by the Oklahoma Native Plant Society, and issued to any person wishing to demonstrate support for preserving and planting wildflowers and native plants in this state and to promote Oklahoma's wildflower heritage through education. As provided in this section, an amount of the fee collected shall be apportioned as provided in Section 1104.8 of this title;

27. Girl Scouts of the United States of America Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Girl Scouts of the United States of America. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official Girl Scouts of the United States of America logo. Service Oklahoma shall be authorized, if necessary, to enter into a licensing agreement with the Girl Scouts of the United States of America for any licensing fees which may be required in order to use the Girl Scouts of the United States of America logo or design. The licensing agreement shall provide for a payment to the Magic Empire Council of Girl Scouts, acting on behalf of all Oklahoma Girl Scout councils, of not more than Twenty Dollars (\$20.00) for each license plate issued;

28. Oklahoma City Memorial Marathon License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma City Memorial Marathon. The plate shall be designed in consultation with the Oklahoma City Memorial Marathon. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma City Memorial Marathon for any licensing fees which may be required in order to use the Oklahoma City Memorial Marathon logo or design. The licensing agreement shall provide for a payment to the Oklahoma City Memorial Marathon of not more than Twenty Dollars (\$20.00) for each license plate issued;

29. Oklahoma Scenic Rivers License Plate - such plates shall be designed to demonstrate support for the Grand River Dam Authority. The plates shall be designed in consultation with the Oklahoma Scenic Rivers operations of the Grand River Dam Authority. Twenty-five Dollars (\$25.00) of the fee shall be apportioned to the Grand River Dam Authority for the purposes of the Oklahoma Scenic Rivers operations;

30. Fight Cancer License Plate - such plates shall be designed to demonstrate support for the Oklahoma Central Cancer Registry. The plate shall contain the American Cancer Society logo. The American Cancer Society logo shall be used in accordance with the American Cancer Society's branding guidelines and shall only be utilized to support the Oklahoma Central Cancer Registry. Twenty Dollars (\$20.00) of the fee shall be apportioned to the Oklahoma Central Cancer Registry Revolving Fund;

31. Animal Friendly License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for controlling the overpopulation of dogs and cats through educational and sterilization efforts. The plates shall be designed in consultation with the Veterinary Medical Association. Twenty Dollars (\$20.00) of the fee collected shall be designated by the purchaser of the plate to be deposited in the Oklahoma Pet Overpopulation Fund created in Section 2368.13 of Title 68 of the Oklahoma Statutes or the Animal Friendly Revolving Fund created in Section 1104.10 of this title;

32. Patriot License Plate - such plates shall be designed in consultation with the Military Department of the State of Oklahoma and issued to any person wishing to demonstrate support for Oklahoma residents who are members of the Oklahoma National Guard and deployed on active duty. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, a portion of the fee collected shall be deposited in the Patriot License Plate Revolving Fund created in Section 1104.11 of this title;

33. Global War on Terrorism License Plate - such plate shall be designed in consultation with the Military Department of the State

of Oklahoma and issued to any person wishing to demonstrate support for Oklahoma residents who are members of the Armed Forces of the United States or Oklahoma National Guard that have served in the Global War on Terrorism. The plate shall be issued to any person in any combination of numbers and letters from one to a maximum of six. As provided in this section, a portion of the fee collected shall be deposited in the Oklahoma National Guard Museum Fund created in Section 235.1 of Title 44 of the Oklahoma Statutes;

34. Boys and Girls Clubs of America Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Boys and Girls Clubs of America. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official Boys and Girls Clubs of America logo. Service Oklahoma, if necessary, may enter into a licensing agreement with the Boys and Girls Clubs of America for any licensing fees which may be required in order to use the Boys and Girls Clubs of America logo or design. The licensing agreement shall provide for a payment to the Boys and Girls Clubs of America of not more than Twenty Dollars (\$20.00) for each license plate issued;

35. Oklahoma Quarter Horse License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the American Quarter Horse in this state. The plate shall be designed in consultation with the Oklahoma Quarter Horse Association. As provided in this section, a portion of the fee collected shall be deposited in the Oklahoma Quarter Horse Revolving Fund created in Section 1104.12 of this title;

36. Oklahoma Association for the Deaf License Plate - such plates shall be designed in consultation with the Oklahoma Association for the Deaf and issued to any person wishing to demonstrate support for Oklahoma residents who are deaf. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, a portion of the fee collected shall be deposited in the Oklahoma Association for the Deaf License Plate Revolving Fund created in Section 1104.15 of this title;

37. Oklahoma City Zoo License Plate - such plates shall be issued to any person wishing to demonstrate support for the Oklahoma City Zoo. The license plates shall be designed in consultation with the Oklahoma Zoological Society, Inc. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Zoological Society Revolving Fund created in Section 1104.13 of this title;

38. March of Dimes License Plate - such plates shall be issued to persons wishing to demonstrate support for the March of Dimes mission to improve the health of babies by preventing birth defects,

premature birth and infant mortality. The license plates shall be designed in consultation with the Oklahoma Chapter March of Dimes. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Prevent Birth Defects, Premature Birth and Infant Mortality Fund established in Section 1104.14 of this title;

39. Support Our Troops Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Support Our Troops Incorporated. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of six. The plate shall contain the official Support Our Troops Incorporated logo which includes the mark "Support Our Troops" across the bottom of the plate. Service Oklahoma, if necessary, may enter into a licensing agreement with Support Our Troops Incorporated for any licensing fees which may be required in order to use the Support Our Troops Incorporated logo or design. The licensing agreement shall provide for a payment to Support Our Troops Incorporated of Twenty-five Dollars (\$25.00) for each license plate issued;

40. Folds of Honor Supporter License Plate - such plates shall be authorized to be designed and issued to any person wishing to demonstrate support for the Oklahoma City Chapter of Folds of Honor Incorporated, a nonprofit charitable organization exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), providing educational scholarships to spouses and children of America's fallen and disabled military service members. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of six. Such person may apply for a Folds of Honor Supporter license plate for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate. The plate shall be designed in consultation with the Oklahoma City Chapter of Folds of Honor Incorporated and shall contain the official Folds of Honor Incorporated logo which includes the mark "Folds of Honor" across the bottom of the plate. Service Oklahoma, if necessary, may enter into a licensing agreement with Folds of Honor Incorporated for any licensing fees which may be required in order to use the Folds of Honor Incorporated logo or design. The licensing agreement shall provide for a payment to Folds of Honor Incorporated of Twenty-five Dollars (\$25.00) for each license plate issued. Subject to the provisions of subsection A of this section, the Folds of Honor Supporter License Plate is hereby reauthorized effective November 1, 2019;

41. Armed Forces Veterans Motorcycle License Plate - such plates shall be designed for use on a motorcycle in consultation with A Brotherhood Aiming Toward Education of Oklahoma, Inc. (ABATE), and issued to any honorably discharged former member of the

United States Armed Forces wishing to demonstrate support for the Oklahoma National Guard Museum. Persons applying for such license plate must show proof of past military service. As provided in this section, a portion of the fee collected shall be deposited in the Oklahoma National Guard Museum Fund created in Section 235.1 of Title 44 of the Oklahoma Statutes;

42. Buffalo Soldier License Plate - such plates shall be issued to any person wishing to honor and celebrate the history and contribution of the Buffalo Soldiers. The license plates shall be designed in consultation with the Lawton-Fort Sill Chapter of the Buffalo Soldiers 9th and 10th (Horse) Cavalry Association. As provided in this section, an amount of the fee collected shall be deposited in the Buffalo Soldier License Plate Revolving Fund created in Section 1104.16 of this title;

43. Prevent Blindness Oklahoma License Plate - such plates shall be issued to any person wishing to provide financial support for vision screening of school age children in this state. The license plates shall be designed in consultation with Prevent Blindness Oklahoma. As provided in this section, an amount of the fee collected shall be deposited in the Prevent Blindness Oklahoma License Plate Revolving Fund created in Section 1104.17 of this title;

44. Oklahoma State Capitol Restoration License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for restoration of the Oklahoma State Capitol building. The license plates shall be designed in consultation with the Friends of the Capitol corporation, created pursuant to Section 15.4 of Title 73 of the Oklahoma Statutes and the State Capitol Preservation Commission created pursuant to Section 4102 of Title 74 of the Oklahoma Statutes. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Friends of the Capitol License Plate Revolving Fund established in Section 1104.18 of this title;

45. Eastern Red Cedar Tree License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma and issued to any person wishing to demonstrate support for the removal of Eastern Redcedar trees from lands in the state and to develop marketable uses for the harvested trees. The license plate shall be designed in consultation with the Oklahoma Department of Agriculture, Food, and Forestry. Twenty-three Dollars (\$23.00) of the fee collected shall be deposited in the Eastern Redcedar Revolving Fund created in Section 18-407 of Title 2 of the Oklahoma Statutes. The money shall be designated for and may only be expended for the purposes as set forth in the Eastern Redcedar Management Act;

46. Pancreatic Cancer Research License Plate - such plates shall be issued to any person wishing to provide financial support

for the University of Oklahoma Foundation, Pancreatic Cancer Research Fund. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of six. The license plates shall be designed in consultation with the University of Oklahoma Foundation, Pancreatic Cancer Research Fund. As provided in this section, an amount of the fee collected shall be deposited in the Pancreatic Cancer Research License Plate Revolving Fund created in Section 1104.19 of this title;

47. Alzheimer's Research License Plate - such plates shall be issued to any person wishing to provide financial support for the Oklahoma Chapter of the Alzheimer's Association. The license plates shall be designed in consultation with the Oklahoma Chapter of the Alzheimer's Association. As provided in this section, an amount of the fee collected shall be deposited in the Alzheimer's Research License Plate Revolving Fund created in Section 1104.20 of this title;

48. Hospice and Palliative Care License Plate - such plates shall be issued to any person wishing to provide financial support for the Oklahoma Hospice and Palliative Care Association. The license plates shall be designed in consultation with the Oklahoma Hospice and Palliative Care Association. As provided in this section, an amount of the fee collected shall be deposited in the Hospice and Palliative Care License Plate Revolving Fund created in Section 1104.21 of this title;

49. Juvenile Diabetes Research License Plate - such plates shall be issued to any person wishing to provide financial support for the Oklahoma Chapters of the Juvenile Diabetes Research Foundation. The license plates shall be designed in consultation with the Oklahoma Chapters of the Juvenile Diabetes Research Foundation. As provided in this section, an amount of the fee collected shall be deposited in the Juvenile Diabetes Research License Plate Revolving Fund created in Section 1104.22 of this title;

50. Deer Creek Schools Foundation License Plate - such plates shall be issued to any person wishing to provide financial support for the Deer Creek Schools Foundation. The license plates shall be designed in consultation with the Deer Creek Schools Foundation. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Deer Creek Schools Foundation License Plate Revolving Fund created in Section 1104.23 of this title;

51. Lupus Awareness and Education License Plate - such plates shall be issued to any person wishing to provide financial support for the Oklahoma Chapter of the Lupus Foundation of America. The license plates shall be designed in consultation with the Oklahoma

Chapter of the Lupus Foundation of America. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Lupus License Plate Revolving Fund created in Section 1104.24 of this title. Subject to the provisions of subsection A of this section, the Lupus Awareness and Education License Plate is hereby reauthorized effective November 1, 2018;

52. Chiefs of Police License Plate - such plates shall be issued to any person wishing to provide financial support for the Oklahoma Association of Chiefs of Police for a vehicle or motorcycle in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The license plates shall be designed in consultation with the Oklahoma Association of Chiefs of Police. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Association of Chiefs of Police for any licensing fees which may be required in order to use the association's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Association of Chiefs of Police of not more than Twenty Dollars (\$20.00) for each license plate issued. Subject to the provisions of subsection A of this section, the Chiefs of Police License Plate is hereby reauthorized effective November 1, 2015;

53. Crossings Christian School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Crossings Christian School located in Oklahoma City. The license plates shall be designed in consultation with the administration of Crossings Christian School. Service Oklahoma shall be authorized to enter into a licensing agreement with Crossings Christian School for any licensing fees which may be required in order to use the school's logo or design. The licensing agreement shall provide for a payment to the Crossings Christian School of not more than Twenty Dollars (\$20.00) for each license plate issued;

54. Hilldale Education Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Hilldale Education Foundation. The license plates shall be designed in consultation with the administration of the Hilldale Education Foundation. Service Oklahoma shall be authorized to enter into a licensing agreement with the Hilldale Education Foundation for any licensing fees which may be required in order to use the foundation's logo or design. The licensing agreement shall provide for a payment to the Hilldale Education Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

55. Oklahoma Nurses License Plate - such plates shall be issued to any person licensed pursuant to the Oklahoma Nursing Practice Act and providing such documentation of current licensure as may be

required by Service Oklahoma. The license plates shall be designed in consultation with the Oklahoma Nurses Association. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Nurses License Plate Revolving Fund created in Section 1104.26 of this title;

56. Oklahoma Sports Hall of Fame License Plate - such plates shall be issued to any person wishing to demonstrate support for the Oklahoma Sports Hall of Fame. The license plates shall be designed in consultation with the administration of the Oklahoma Sports Hall of Fame. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Sports Hall of Fame for any licensing fees which may be required in order to use the Hall of Fame's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Sports Hall of Fame of not more than Twenty Dollars (\$20.00) for each license plate issued;

57. Childhood Cancer Awareness License Plate - such plates shall be issued to any person wishing to demonstrate support for the Oklahoma Children's Cancer Association. The license plates shall be designed in consultation with the administration of the Oklahoma Children's Cancer Association. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Children's Cancer Association for any licensing fees which may be required in order to use the Oklahoma Children's Cancer Association's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Children's Cancer Association of not more than Twenty Dollars (\$20.00) for each license plate issued;

58. Oklahoma Educational Television Authority License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Educational Television Authority and such plates shall be designed in consultation with the Authority. As provided in this section, an amount of the fee collected shall be deposited in The Educational Television Authority Revolving Fund created in Section 156 of Title 62 of the Oklahoma Statutes;

59. Remembering Fallen Heroes License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Concerns of Police Survivors, Inc. Such plates shall be designed in consultation with the Oklahoma Chapter of Concerns of Police Survivors, Inc. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Concerns of Police Survivors License Plate Revolving Fund created in Section 1104.27 of this title;

60. Disabled American Veterans License Plate - such plates shall be designed in consultation with the Disabled American Veterans of Oklahoma and issued to any member of the organization wishing to demonstrate support. Service Oklahoma shall be authorized to enter into a licensing agreement with the Disabled

American Veterans of Oklahoma for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Disabled American Veterans of Oklahoma of not more than Twenty Dollars (\$20.00) for each license plate issued. The plates shall incorporate a numbering system agreed upon by the Disabled American Veterans of Oklahoma and Service Oklahoma;

61. Owasso Rams Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Owasso Rams, and shall be designed in consultation with representatives of Owasso Public Schools. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

62. Collinsville Cardinals Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Collinsville Cardinals, and shall be designed in consultation with representatives of Collinsville Public Schools. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

63. Sperry Pirates Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Sperry Pirates, and shall be designed in consultation with representatives of Sperry Schools. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

64. Skiatook Bulldogs Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Skiatook Bulldogs, and shall be designed in consultation with representatives of Skiatook Public Schools. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

65. Rejoice Christian Eagles Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Rejoice Christian Eagles, and shall be

designed in consultation with representatives of Rejoice Christian Schools. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

66. East Central Cardinals Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the East Central Cardinals, and shall be designed in consultation with representatives of East Central High School. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

67. Southeast Spartans Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Southeast Spartans, and shall be designed in consultation with the Southeast High School Alumni Association. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

68. Sooner State ABATE License Plate - such plates shall be issued to any person wishing to provide financial support for Sooner State ABATE (A Brotherhood Against Totalitarian Enactments). The license plates shall be designed in consultation with Sooner State ABATE. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized plates. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate. Service Oklahoma shall be authorized to enter into a licensing agreement with Sooner State ABATE for any licensing fees, which may be required in order to use the association's logo or design. The licensing agreement shall provide for a payment to Sooner State ABATE of not more than Twenty Dollars (\$20.00) for each license plate issued. Subject to the provisions of subsection A of this section, the Sooner State ABATE License Plate is hereby reauthorized effective November 1, 2019;

69. Oklahoma License to Educate License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Oklahoma educators. Such plates shall be designed in consultation with the State Department of Education. As provided in

this section, an amount of the fee collected shall be deposited in the Oklahoma Teacher Recruitment Revolving Fund created in Section 6-132 of Title 70 of the Oklahoma Statutes;

70. Piedmont Education Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Piedmont Public Schools Education Foundation. Such plates shall be designed in consultation with the Foundation. As provided in this section, an amount of the fee collected shall be deposited in the Piedmont Public Schools Education Foundation License Plate Revolving Fund created in Section 1104.28 of this title;

71. The Pride of Oklahoma License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Pride of Oklahoma marching band and shall be designed in consultation with the Pride of Oklahoma marching band. Service Oklahoma shall be authorized to enter into a licensing agreement with the University of Oklahoma or the Pride of Oklahoma marching band for any licensing fees which may be required in order to use the applicable logo or design. The licensing agreement shall provide for a payment to the Pride of Oklahoma Fund at the University of Oklahoma Foundation, Inc. of not more than Twenty Dollars (\$20.00) for each license plate issued;

72. Jenks Trojans License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Jenks school district. The license plates shall be designed in consultation with the administration of the Jenks school district. Service Oklahoma shall be authorized to enter into a licensing agreement with the Jenks school district for any licensing fees which may be required in order to use the school district's logo or design. The licensing agreement shall provide for a payment to the Jenks school district not more than Twenty Dollars (\$20.00) for each license plate issued;

73. Bixby Spartans License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Bixby school district. The license plates shall be designed in consultation with the administration of the Bixby school district. Service Oklahoma shall be authorized to enter into a licensing agreement with the Bixby school district for any licensing fees which may be required in order to use the school district's logo or design. The licensing agreement shall provide for a payment to the Bixby school district not more than Twenty Dollars (\$20.00) for each license plate issued;

74. Oklahoma Department of Aerospace and Aeronautics License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma aviation industry and to promote awareness of aviation and aerospace. Such plates shall be designed in consultation with the Oklahoma Department of

Aerospace and Aeronautics and shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. Twenty-four Dollars (\$24.00) of the fee collected shall be deposited in the Oklahoma Department of Aerospace and Aeronautics Revolving Fund, for expenditure as provided in Section 91 of Title 3 of the Oklahoma Statutes;

75. Ducks Unlimited License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Ducks Unlimited. Such plates shall be designed in consultation with Ducks Unlimited. Service Oklahoma shall be authorized to enter into a licensing agreement with Ducks Unlimited for any licensing fee which may be required in order to use the Ducks Unlimited logo or design. The licensing agreement shall provide for a payment to Ducks Unlimited of not more than Twenty Dollars (\$20.00) for each license plate issued;

76. Prisoner of War and Missing in Action License Plate - such plates shall be issued to any person wishing to increase awareness of those who are currently prisoners of war or missing in action and provide financial support for current veterans. The license plates shall be designed in consultation with Rolling Thunder Oklahoma. As provided in this section, an amount of the fee collected shall be deposited in the Prisoner of War and Missing in Action License Plate Revolving Fund created in Section 1104.29 of this title;

77. Woodward Boomers License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Woodward school district. The license plates shall be designed in consultation with the administration of the Woodward school district. Service Oklahoma shall be authorized to enter into a licensing agreement with the Woodward school district for any licensing fees which may be required in order to use the school district's logo or design. The licensing agreement shall provide for a payment to the Woodward school district not more than Twenty Dollars (\$20.00) for each license plate issued;

78. Clinton Public School Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Clinton Public School Foundation. The license plates shall be designed in consultation with the Clinton Public School Foundation. Service Oklahoma shall be authorized to enter into a licensing agreement with the Clinton Public School Foundation for any licensing fees which may be required in order to use the school foundation's logo or design. The licensing agreement shall provide for a payment to the Clinton Public School Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

79. Navajo School Foundation License Plate - such plates shall be issued to any person wishing to demonstrate support for the Navajo School Foundation. The license plates shall be designed in

consultation with the administration of the Navajo School Foundation. Service Oklahoma shall be authorized to enter into a licensing agreement with the Navajo School Foundation for any licensing fees which may be required in order to use the Foundation's logo or design. The licensing agreement shall provide for a payment to the Navajo School Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

80. Oklahoma Music Hall of Fame Inc. License Plate - such plates shall be designed in consultation with the Oklahoma Music Hall of Fame Inc. and issued to any member of the organization wishing to demonstrate support. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Music Hall of Fame Inc. for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Music Hall of Fame Inc. of not more than Twenty Dollars (\$20.00) for each license plate issued. The plates shall incorporate a numbering system agreed upon by the Oklahoma Music Hall of Fame Inc. and Service Oklahoma. Subject to the provisions of subsection A of this section, the Oklahoma Music Hall of Fame Inc. License Plate is hereby reauthorized effective November 1, 2019;

81. Techlahoma Foundation License Plate - such plates shall be issued to any person wishing to provide financial support for the Techlahoma Foundation. The license plate shall be designed in consultation with the Techlahoma Foundation. The plate shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. Service Oklahoma shall be authorized to enter into a licensing agreement with the Techlahoma Foundation for any licensing fees, which may be required in order to use the association's logo or design. The licensing agreement shall provide for a payment to the Techlahoma Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

82. Bethany Public Schools Foundation License Plate - such plates shall be issued to any person wishing to demonstrate support for the Bethany Public Schools Foundation. The license plates shall be designed in consultation with the administration of the Bethany Public Schools Foundation. Service Oklahoma shall be authorized to enter into a licensing agreement with the Bethany Public Schools Foundation for any licensing fees which may be required in order to use the Foundation's logo or design. The licensing agreement shall provide for a payment to the Bethany Public Schools Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

83. Cystic Fibrosis Foundation License Plate - such plates shall be issued to any person wishing to demonstrate support for the Cystic Fibrosis Foundation. The license plates shall be designed in consultation with the administration of the Cystic Fibrosis

Foundation. Service Oklahoma shall be authorized to enter into a licensing agreement with the Cystic Fibrosis Foundation for any licensing fees which may be required in order to use the Foundation's logo or design. The licensing agreement shall provide for a payment to the Cystic Fibrosis Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

84. Down Syndrome Association of Central Oklahoma License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Down Syndrome Association of Central Oklahoma. Such plates shall be designed in consultation with the Association. As provided in this section, an amount of the fee collected shall be deposited in the Down Syndrome Association of Central Oklahoma License Plate Revolving Fund created in Section 1104.30 of this title;

85. Elk City Education Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Elk City Education Foundation. Such plates shall be designed in consultation with the Foundation. As provided in this section, an amount of the fee collected shall be deposited in the Elk City Education Foundation License Plate Revolving Fund created in Section 1104.31 of this title;

86. A Brotherhood Aiming Toward Education of Oklahoma (ABATE) License Plate - such plates shall be designed and issued to any person wishing to provide financial support for ABATE of Oklahoma. Such plates shall be designed in consultation with ABATE of Oklahoma. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized plates. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate. Service Oklahoma shall be authorized to enter into a licensing agreement with ABATE of Oklahoma for any licensing fees which may be required in order to use the ABATE of Oklahoma logo or design. The licensing agreement shall provide for a payment to ABATE of Oklahoma of not more than Twenty Dollars (\$20.00) for each license plate issued;

87. Downed Bikers Association License Plate - such plates shall be designed for a vehicle or motorcycle in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates, and issued to any person wishing to demonstrate support for the Downed Bikers Association, a nonprofit charitable organization exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), which provides emotional and financial support for downed bikers. The license plate shall be designed in consultation with the Central Oklahoma Chapter of the Downed Bikers Association and shall contain any official logo or design of the organization. The license plate for a motorcycle may be of similar design as space

permits or a new design in order to meet the space requirements of a motorcycle license plate. Service Oklahoma, if necessary, may enter into a licensing agreement with the Downed Bikers Association for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Downed Bikers Association of not more than Twenty Dollars (\$20.00) for each license plate;

88. Eagle Scout License Plate - such plates shall be designed to demonstrate support for Eagle Scouts of the Boy Scouts of America and shall include the Eagle Scout logo. Plates may be issued to any person who can show proof of having obtained the rank of Eagle Scout. Service Oklahoma shall be authorized to enter into a licensing agreement with the various Oklahoma local councils for any licensing fees which may be required in order to use the applicable logo or design. The licensing agreement shall provide for a payment of not more than Twenty Dollars (\$20.00) for each license plate issued to the specific Oklahoma local area council designated by the applicant;

89. Extraordinary Educators License Plate - such plates shall be designed and issued to any person wishing to provide financial support for common education in this state. Such plates shall be designed in consultation with the State Department of Education. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Extraordinary Educators License Plate Revolving Fund created in Section 1104.32 of this title;

90. Former Oklahoma Legislator License Plate - such plates shall be designed and issued to any person who previously served as a member of the House of Representatives or Senate. The license plates shall be designed in consultation with the Oklahoma Historical Society. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Historical Society Capital Improvement and Operations Revolving Fund created in Section 1.10a of Title 53 of the Oklahoma Statutes. Service Oklahoma shall create and maintain a list of former members of the Oklahoma House of Representatives and Oklahoma State Senate eligible to be issued such plates; provided, that no former member of the House of Representatives and Senate shall be eligible to possess more than two of such plates at any one time. Service Oklahoma shall confer as needed with the Chief Clerk of the House of Representatives and the Secretary of the Senate to confirm that such list is complete and accurate;

91. Monarch Butterfly License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the operations of The Nature Conservancy of Oklahoma. Such plates

shall be designed in consultation with the Oklahoma Chapter of The Nature Conservancy. Service Oklahoma shall be authorized to enter into a licensing agreement with The Nature Conservancy of Oklahoma for any licensing fees which may be required in order to use the foundation's logo or design. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The licensing agreement shall provide for a payment to The Nature Conservancy of Oklahoma not more than Twenty Dollars (\$20.00) for each license plate issued;

92. Oklahoma Tennis Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Tennis Foundation. The license plates shall be designed in consultation with the Oklahoma Tennis Foundation. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Tennis Foundation for any licensing fees which may be required in order to use the foundation's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Tennis Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

93. Oklahoma Veterans of Foreign Wars License Plate - such plates shall be designed to honor the Oklahoma Veterans of Foreign Wars Chapters and shall be issued to any resident of this state upon proof of membership in the Oklahoma Veterans of Foreign Wars organization. The license plates shall be designed in consultation with the Oklahoma Veterans of Foreign Wars organization. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Veterans of Foreign Wars organization for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Veterans of Foreign Wars organization of not more than Twenty Dollars (\$20.00) for each license plate issued. Service Oklahoma shall reinstate any Veterans of Foreign Wars license plates issued prior to November 1, 2021, and shall reimburse any individual who held a Veterans of Foreign Wars License Plate on October 31, 2021, for fees incurred for the replacement of such plate;

94. Oklahoma Women Veterans Organization License Plate - such plates shall be designed and issued to any female veteran of any branch of the United States Armed Forces wishing to demonstrate support for the Oklahoma Women Veterans Organization. The license plates shall be designed in consultation with the Oklahoma Women Veterans Organization. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Women Veterans Organization for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Women Veterans

Organization of not more than Twenty Dollars (\$20.00) for each license plate issued;

95. FIRST (For Inspiration and Recognition of Science and Technology) in Oklahoma License Plate - such plates shall be issued to any person wishing to demonstrate support for FIRST in Oklahoma Robotics programs. The license plates shall be designed in consultation with the administration of FIRST in Oklahoma. Service Oklahoma shall be authorized to enter into a licensing agreement with FIRST in Oklahoma for any licensing fees which may be required in order to use the FIRST in Oklahoma logo or design. The licensing agreement shall provide for a payment to FIRST in Oklahoma not more than Twenty Dollars (\$20.00) for each license plate issued;

96. Pittsburg State University License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Pittsburg State University. The license plates shall be designed in consultation with Pittsburg State University. Service Oklahoma shall be authorized to enter into a licensing agreement with Pittsburg State University for any licensing fees which may be required in order to use the school foundation's logo or design. The licensing agreement shall provide for a payment to the Pittsburg State University of not more than Twenty Dollars (\$20.00) for each license plate issued;

97. Greenwood Historical District License Plate - such plates shall be issued to persons wishing to demonstrate support for the Tulsa Juneteenth Festival held in the Greenwood Historical District in Tulsa, Oklahoma. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The license plates shall be designed in consultation with the Black Wall Street Chamber of Commerce. Service Oklahoma shall be authorized to enter into a licensing agreement with the Tulsa Juneteenth Festival for any licensing fees which may be required in order to use the Festival's logo or design. For each license plate issued, the licensing agreement shall provide for a payment of Twenty-five Dollars (\$25.00) of the fee collected to the Tulsa Juneteenth Festival and an additional Two Dollars (\$2.00) of the fee collected shall be deposited in the Public School Classroom Support Revolving Fund, for expenditure as provided in Section 1-123 of Title 70 of the Oklahoma Statutes;

98. Oklahoma Veterans of Foreign Wars Auxiliary Chapters License Plate - such plates shall be designed to honor the Oklahoma Veterans of Foreign Wars Auxiliary Chapters and issued to any resident of this state upon proof of membership in the Oklahoma Veterans of Foreign Wars Auxiliary organization in this state. The license plates shall be designed in consultation with the Oklahoma Veterans of Foreign Wars Auxiliary organization. Service Oklahoma shall be authorized to enter into a licensing agreement with the

Oklahoma Veterans of Foreign Wars Auxiliary organization for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Veterans of Foreign Wars Auxiliary organization of not more than Twenty Dollars (\$20.00) for each license plate issued;

99. Transportation to Transportation License Plate - such plates shall be designed and issued to persons wishing to support county roads and bridges. The license plates shall be designed in consultation with the Association of County Commissioners of Oklahoma. Twenty Dollars (\$20.00) of the fee collected shall be paid to the county treasurer for the county in which the license plate was purchased to be credited to the county highway fund created pursuant to Section 1503 of Title 69 of the Oklahoma Statutes;

100. Blue Star Mothers License Plate - such plates shall be designed and issued to any person showing proof of membership in an Oklahoma Chapter of Blue Star Mothers of America, Inc. The license plates shall be designed in consultation with Blue Star Mothers of America, Inc., Oklahoma Chapter One. Service Oklahoma shall be authorized to enter into a licensing agreement with Blue Star Mothers of America, Inc., Oklahoma Chapter One for any licensing fees which may be required in order to use the Blue Star Mothers of America logo or design. The licensing agreement shall provide for a payment to Blue Star Mothers of America, Inc., Oklahoma Chapter One not more than Twenty Dollars (\$20.00) for each license plate issued;

101. Oklahoma Golf License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the sport of golf in this state. The license plates shall be designed in consultation with the South Central Section of the Professional Golfers' Association of America and issued to any person wishing to demonstrate support for the sport of golf in this state. Service Oklahoma shall be authorized to enter into a licensing agreement with the South Central Section of the Professional Golfers' Association of America for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the South Central Section of the Professional Golfers' Association of America of not more than Twenty Dollars (\$20.00) for each license plate issued;

102. Paramedic License Plate - such plates shall be designed and issued to any person who is a paramedic. Such persons may apply for a paramedic license plate for each vehicle with a rated carrying capacity of one (1) ton or less or a motorcycle upon proof of a paramedic license. The license plates shall be designed in consultation with the Oklahoma State University-Oklahoma City Paramedicine program and the Oklahoma Emergency Medical Technicians

Association. The letters "PM" shall be placed on the plate followed by four random numbers, or such numbers as requested by such persons applying for the plate. Twenty Dollars (\$20.00) of the fees collected shall be deposited in the Emergency Medical Personnel Death Benefit Revolving Fund created in Section 1-2505.2 of Title 63 of the Oklahoma Statutes. Subject to the provisions of subsection A of this section, the Paramedic License Plate is hereby reauthorized effective November 1, 2022;

103. National Defense Service Medal License Plate - such plates shall be designed and issued to those persons who have received the National Defense Service Medal and wish to demonstrate support for the Oklahoma Department of Veterans Affairs. The license plates shall be designed in consultation with the Oklahoma Department of Veterans Affairs. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Department of Veterans Affairs for any licensing fees which may be required in order to use the Department's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Department of Veterans Affairs of not more than Twenty Dollars (\$20.00) for each license plate issued;

104. University of Oklahoma RUF/NEKS License Plate - such plates shall be designed and issued to any past or present member of the University of Oklahoma RUF/NEKS upon providing proof of membership in the organization as may be required by Service Oklahoma. The license plates shall be designed in consultation with the University of Oklahoma RUF/NEKS. Service Oklahoma shall be authorized to enter into a licensing agreement with the University of Oklahoma RUF/NEKS for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Mike James RUF/NEKS Memorial Scholarship of not more than Twenty Dollars (\$20.00) for each license plate issued;

105. Tulsa Community College License Plate - such plates shall be issued to persons wishing to support Tulsa Community College. The plates shall be designed in consultation with Tulsa Community College. Service Oklahoma shall be authorized to enter into a licensing agreement with Tulsa Community College for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to Tulsa Community College of not more than Twenty Dollars (\$20.00) for each license plate issued;

106. Street Kings Car Club License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Street Kings Car Club in Guthrie. The license plates shall be designed in consultation with the Street Kings Car Club. Service Oklahoma shall be authorized to enter into a licensing agreement with the Street Kings Car Club for any licensing fees which may be

required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Street Kings Car Club not more than Twenty Dollars (\$20.00) for each license plate issued;

107. Epilepsy Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Epilepsy Foundation. The license plates shall be designed in consultation with the Epilepsy Foundation of Oklahoma. Service Oklahoma shall be authorized to enter into licensing agreements with the Epilepsy Foundation for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Epilepsy Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

108. America First License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the proclamation of "America First". The license plates shall be designed in consultation with Warriors for Freedom and the Honoring America's Warriors Foundations. Service Oklahoma shall be authorized to enter into licensing agreements with the Warriors for Freedom and Honoring America's Warriors Foundations for any licensing fees which may be required in order to use the Foundations' logos or designs. The licensing agreements shall provide for a payment to the Honoring America's Warriors Foundation of not more than Ten Dollars (\$10.00) and a payment to the Warriors for Freedom Foundation of not more than Ten Dollars (\$10.00) for each license plate issued;

109. Diabetes Awareness License Plate - such plates shall be designed and issued to any person wishing to provide financial support for Diabetes Solutions of Oklahoma. The license plates shall be designed in consultation with Diabetes Solutions of Oklahoma. Service Oklahoma shall be authorized to enter into licensing agreements with Diabetes Solutions of Oklahoma for any licensing fees which may be required in order to use the Diabetes Solutions of Oklahoma logos or designs. The licensing agreements shall provide for a deposit to the Diabetes Awareness License Plate Revolving Fund established in Section 1104.33 of this title;

110. Alliance of Mental Health Providers of Oklahoma License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Alliance of Mental Health Providers of Oklahoma. The license plates shall be designed in consultation with the Alliance of Mental Health Providers of Oklahoma. Service Oklahoma shall be authorized to enter into licensing agreements with the Alliance of Mental Health Providers of Oklahoma for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Alliance of Mental Health

Providers of Oklahoma of not more than Twenty Dollars (\$20.00) for each license plate issued;

111. Stillwater Public Schools License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Stillwater school district. The license plates shall be designed in consultation with the administration of the Stillwater school district. Service Oklahoma shall be authorized to enter into a licensing agreement with the Stillwater school district for any licensing fees which may be required in order to use the school district's logo or design. The licensing agreement shall provide for a payment to the Stillwater school district of not more than Twenty Dollars (\$20.00) for each license plate issued; and

112. Ally's House License Plate - such plates shall be designed and issued to those persons who live in Oklahoma, have had a child diagnosed with a form of cancer and wish to demonstrate support for Ally's House. The license plates shall be designed in consultation with Ally's House. Service Oklahoma shall be authorized to enter into a license agreement with Ally's House for any licensing fees which may be required in order to use the Ally's House logo or design. The licensing agreement shall provide for a payment to Ally's House of not more than Twenty Dollars (\$20.00) for each license plate issued.

C. The fee for such plates shall be Thirty-five Dollars (\$35.00) per year of renewal and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. The fee shall be apportioned as follows through June 30, 2023:

1. Twenty Dollars (\$20.00) per year of renewal or any other amount as provided in this title of the fee shall be apportioned as provided or deposited in a fund as specified within the paragraph authorizing the special license plate;

2. Eight Dollars (\$8.00) per year of renewal of the fee shall be deposited in the Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act. Beginning January 1, 2023, Eight Dollars (\$8.00) per year of renewal of the fee shall be deposited in the Service Oklahoma Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act; and

3. Any remaining amounts of the fee shall be apportioned as provided in Section 1104 of this title.

D. Upon the effective date of this act, all apportionments and deposits of fee collections required pursuant to this section shall be made by Service Oklahoma.

Added by Laws 2004, c. 504, § 14, eff. July 1, 2004. Amended by Laws 2005, c. 416, § 5, eff. Nov. 1, 2005; Laws 2006, c. 200, § 1, eff. Nov. 1, 2006; Laws 2006, 2nd Ex. Sess., c. 44, § 25, eff. July 1, 2007; Laws 2009, c. 311, § 3, eff. Nov. 1, 2009; Laws 2010, c. 2,

§ 19, emerg. eff. March 3, 2010; Laws 2010, c. 190, § 1, eff. Nov. 1, 2010; Laws 2010, c. 366, § 3, eff. Nov. 1, 2010; Laws 2011, c. 1, § 25, emerg. eff. March 18, 2011; Laws 2011, c. 248, § 2, eff. Nov. 1, 2011; Laws 2013, c. 197, § 2, eff. Nov. 1, 2013; Laws 2013, c. 365, § 4, eff. Nov. 1, 2013; Laws 2014, c. 351, § 3, eff. Nov. 1, 2014; Laws 2015, c. 54, § 16, emerg. eff. April 10, 2015; Laws 2015, c. 378, § 2, eff. Nov. 1, 2015; Laws 2016, c. 210, § 25, emerg. eff. April 26, 2016; Laws 2017, c. 284, § 1, eff. Nov. 1, 2017; Laws 2017, c. 331, § 3, eff. Nov. 1, 2017; Laws 2018, c. 69, § 4, eff. Nov. 1, 2018; Laws 2018, c. 293, § 2, eff. Nov. 1, 2018; Laws 2019, c. 25, § 26, emerg. eff. April 4, 2019; Laws 2019, c. 434, § 3, eff. Nov. 1, 2019; Laws 2021, c. 543, § 6, emerg. eff. May 28, 2021; Laws 2022, c. 282, § 164, emerg. eff. May 19, 2022; Laws 2023, c. 310, § 32, eff. July 1, 2023; Laws 2024, c. 452, § 92, emerg. eff. June 14, 2024; Laws 2025, c. 171, § 52, eff. July 1, 2026.

NOTE: Laws 2006, c. 152, § 2 repealed by Laws 2006, 2nd Ex. Sess., c. 44, § 26, eff. July 1, 2007. Laws 2006, c. 311, § 25 repealed by Laws 2006, 2nd Ex. Sess., c. 44, § 27, eff. July 1, 2007. Laws 2006, c. 275, § 3 repealed by Laws 2006, 2nd Ex. Sess., c. 44, § 28, eff. July 1, 2007. Laws 2009, c. 256, § 1 repealed by Laws 2010, c. 2, § 20, emerg. eff. March 3, 2010. Laws 2010, c. 454, § 11 repealed by Laws 2011, c. 1, § 26, emerg. eff. March 18, 2011. Laws 2014, c. 372, § 3 repealed by Laws 2015, c. 54, § 17, emerg. eff. April 10, 2015. Laws 2015, c. 372, § 2 repealed by Laws 2016, c. 210, § 26, emerg. eff. April 26, 2016. Laws 2017, c. 97, § 2 repealed by Laws 2017, c. 331, § 6, eff. Nov. 1, 2017 and by Laws 2017, c. 339, § 2, eff. Nov. 1, 2017. Laws 2017, c. 273, § 1 repealed by Laws 2017, c. 331, § 6, eff. Nov. 1, 2017 and by Laws 2017, c. 339, § 3, eff. Nov. 1, 2017. Laws 2018, c. 181, § 1 repealed by Laws 2019, c. 25, § 27, emerg. eff. April 4, 2019. Laws 2018, c. 226, § 2 repealed by Laws 2019, c. 25, § 28, emerg. eff. April 4, 2019. Laws 2018, c. 304, § 15 repealed by Laws 2019, c. 25, § 29, emerg. eff. April 4, 2019.

NOTE: Laws 2017, c. 339, § 1 was purportedly repealed by Laws 2018, c. 304, § 16, but without reference to Laws 2018, c. 226, § 2, which amended that section.

§47-1135.5v2. Special license plates - Demonstration of support and financial assistance to specific causes.

A. Service Oklahoma is hereby authorized to design and issue appropriate official special license plates to persons wishing to demonstrate support and provide financial assistance as provided by this section.

Special license plates shall not be transferred to any other person but shall be removed from the vehicle upon transfer of ownership and retained. The special license plate may then be used

on another vehicle but only after such other vehicle has been registered for the current year with a licensed operator.

Special license plates shall be renewed each year by Service Oklahoma or a licensed operator, unless authorized by Service Oklahoma to be renewed for a period greater than one (1) year. Service Oklahoma shall notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon presentation to a licensed operator or Service Oklahoma. The license plates shall be issued on a staggered system.

On and after January 1, 2022, if a special license plate is issued pursuant to this section, any registration fee required for such plate pursuant to this section and the fee required pursuant to Section 1132 of this title shall be remitted at the same time and subject to a single registration period. Service Oklahoma shall determine, by rule, a method for making required fee and registration period adjustments if a special license plate is obtained during a twelve-month period for which a registration fee has already been remitted pursuant to Section 1132 of this title. The combination of fees in a single remittance shall not alter the apportionment otherwise provided for in this section.

Service Oklahoma is hereby directed to develop and implement a system whereby licensed operators are permitted to accept applications for special license plates authorized under this section. The licensed operator shall confirm the applicant's eligibility, if applicable, collect and deposit any amount specifically authorized by law, accept and process the necessary information directly into such system and generate a receipt accordingly. For performance of these duties, licensed operators shall retain the fee provided in Section 1141.1 of this title for registration of a motor vehicle through June 30, 2025. Through June 30, 2025, the licensed operator fees for acceptance of applications and renewals shall be paid out of the Service Oklahoma Reimbursement Fund. Beginning July 1, 2023, fees shall not be retained by the licensed operator pursuant to subsection E of Section 1141.1 of this title.

If fewer than fifty (50) of any type of special license plates authorized prior to January 1, 2004, are issued prior to January 1, 2006, Service Oklahoma shall discontinue issuance and renewal of that type of special license plate. Any such authorized special license plate registrant shall be allowed to display the license plate upon the designated vehicle until the registration expiration date. After such time the expired special license plate shall be removed from the vehicle.

For special license plates authorized on or after July 1, 2004, no special license plates shall be developed or issued by Service Oklahoma until Service Oklahoma receives one hundred prepaid

applications therefor. The prepaid applications must be received by Service Oklahoma within one hundred eighty (180) days of the effective date of the authorization or the authority to issue shall be null and void. In the event one hundred prepaid applications are not received by Service Oklahoma within such prescribed time period any payment so received shall be refunded accordingly.

B. The special license plates provided by this section are as follows:

1. University or College Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support to any state-supported or private university or college. As provided in this section, an amount of the fee collected shall be apportioned as provided in Section 1104.1 of this title;

2. Environmental Awareness License Plate - such plates shall be designed, subject to the criteria to be presented to Service Oklahoma by the Department of Environmental Quality in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support to implement the statewide general public Environmental Education Program created pursuant to the provisions of the Oklahoma Environmental Quality Code. Such plates shall be designed and issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. A dealer's license plate issued pursuant to Section 1116.1 or 1128 of this title may be designated an Environmental Awareness License Plate upon payment of the fee imposed by this section and any other registration fees required by the Oklahoma Vehicle License and Registration Act. As provided in this section, an amount of the fee collected shall be apportioned pursuant to Section 1104.2 of this title;

3. Firefighter License Plate - such plates shall be designed for any career or retired firefighter, volunteer or paid. Firefighters may apply for firefighter plates for up to four vehicles with a rated capacity of one (1) ton or less or for a motorcycle upon proof of a fire department membership by either an identification card or letter from the chief of the fire department. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The surviving spouse of any deceased firefighter, if the spouse has not since remarried, may apply for a firefighter license plate for one vehicle with a rated carrying capacity of one (1) ton or less or for a motorcycle upon proof that the deceased firefighter was a member of a fire department by either an identification card or letter from the chief of the fire department. The license plate shall be designed in consultation with the Oklahoma State Firefighters Association.

As provided in this section, an amount of the fee collected shall be deposited to the Oklahoma State Firemen's Museum Building &

Memorial Fund for support of the Oklahoma State Firefighters Museum and the Oklahoma Fallen and Living Firefighters Memorial;

4. Wildlife Conservation License Plate - such plates shall be designed, subject to the criteria to be presented to Service Oklahoma by the Department of Wildlife Conservation in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support for wildlife conservation in this state through the Wildlife Diversity Fund, provided for in Section 3-310 of Title 29 of the Oklahoma Statutes. Such plates may be designed and issued to any person as for personalized license plates.

As provided in this section, an amount of the fee collected shall be apportioned pursuant to subsection D of Section 3-310 of Title 29 of the Oklahoma Statutes;

5. Child Abuse Prevention License Plate - such plates shall be designed, subject to the criteria to be presented to Service Oklahoma by the Office of Child Abuse Prevention in the State Department of Health and the Child Abuse Prevention Action Committee, and issued to any person wishing to demonstrate support for the prevention of child abuse.

As provided in this section, an amount of the fee collected shall be deposited in the Child Abuse Prevention Fund;

6. United States Olympic and Paralympic Committee Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the United States Olympic and Paralympic Committee. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official United States Olympic and Paralympic Committee logo. Service Oklahoma shall be authorized, if necessary, to enter into a licensing agreement with the United States Olympic and Paralympic Committee for any licensing fees which may be required in order to use the United States Olympic and Paralympic Committee logo or design. The licensing agreement shall provide for a payment not more than Twenty-five Dollars (\$25.00) for each license plate issued;

7. Oklahoma History License Plate - such plates shall be designed and issued to any person wishing to demonstrate interest in Oklahoma history. As provided in this section, an amount of the fee collected shall be deposited to the Oklahoma Historical Society Revolving Fund to be used for educational purposes;

8. Historic Route 66 License Plate - such:

- a. vehicle plates shall be designed to honor historic Route 66, also known as the "Mother Road". As provided in this section, an amount of the fee collected for each vehicle license plate shall be apportioned to the Oklahoma Historical Society

Revolving Fund to be distributed to the Route 66 Museum located in Clinton, Oklahoma, and

- b. motorcycle plates shall be designed in consultation with the Oklahoma Route 66 Association, Inc. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Route 66 Association, Inc., for any licensing fees which may be required in order to use the Oklahoma Route 66 Association, Inc., logo or design. The licensing agreement shall provide for a payment to the Oklahoma Route 66 Association, Inc., of not more than Twenty Dollars (\$20.00) for each motorcycle license plate issued;

9. Heart of the Heartland License Plate - such plates shall be designed and issued to any person wishing to honor the victims of the terrorist bombing attack on the Alfred P. Murrah Federal Building in downtown Oklahoma City on April 19, 1995. As provided in this section, an amount of the fee collected shall be deposited in the Heart of the Heartland Scholarship Fund, as established in Section 2282 of Title 70 of the Oklahoma Statutes;

10. Emergency Medical Technician License Plate - such plates shall be designed and issued to any person who is an emergency medical technician. Such persons may apply for an emergency medical technician license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of an emergency medical technician's license. The license plate shall be designed in consultation with the Oklahoma Emergency Medical Technicians Association. As provided in this section, an amount of the fee collected shall be apportioned to the Emergency Medical Personnel Death Benefit Revolving Fund created in Section 1-2505.2 of Title 63 of the Oklahoma Statutes;

11. Fight Breast Cancer License Plate - such plates shall be designed to demonstrate support for the prevention and treatment of breast cancer in this state;

12. Crime Victims Awareness License Plate - such plates shall be designed and issued to any person wishing to demonstrate awareness of and support for victims of crimes. The license plates shall be designed in consultation with the Crime Victims Compensation Program. As provided in this section, an amount of the fee collected shall be apportioned to the Attorney General's Revolving Fund for the Office of the Attorney General, which is hereby directed to use such funds to contract with a statewide nonprofit organization to provide services to crime victims;

13. Safe Kids Oklahoma License Plate - such plates shall be designed and issued to any person wishing to demonstrate support and awareness of Safe Kids Oklahoma. The license plate shall be designed in consultation with the Safe Kids Oklahoma. As provided in this section, an amount of the fee collected shall be deposited

in the Children's Hospital - Safe Kids Oklahoma Revolving Fund to be distributed to Safe Kids Oklahoma program;

14. Oklahoma Four-H Club License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma by the Four-H Foundation, and issued to any person wishing to demonstrate support of the Oklahoma Four-H Club. Such plates may be designed and issued to any person as for personalized license plates. As provided in this section, an amount of the fee collected shall be apportioned to the OSU Extension Service License Plate Revolving Fund created in Section 1104.4 of this title;

15. Agricultural Awareness License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma, by the Oklahoma Department of Agriculture, Food, and Forestry in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support of the Department's Ag in the Classroom Education Program. As provided in this section, an amount of the fee collected shall be apportioned as provided in Section 1104.3 of this title;

16. Oklahoma Statehood Centennial License Plate - such plates shall be designed and issued to any person wishing to commemorate the centennial of Oklahoma's admission to statehood in 1907. The license plates shall be designed in consultation with the Oklahoma Capitol Complex and Centennial Commemoration Commission. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Department of Commerce Revolving Fund created in Section 5012 of Title 74 of the Oklahoma Statutes;

17. Support Education License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma by the State Department of Education in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support for education in this state. All licensed operators shall display a sample of the Support Education License plate in the area of the business accessed by the public. Twenty-three Dollars (\$23.00) of the fee collected shall be apportioned as follows:

- a. five percent (5%) shall be deposited to the Education Reform Revolving Fund,
- b. five percent (5%) shall be deposited to the Oklahoma State Regents for Higher Education Revolving Fund,
- c. five percent (5%) shall be deposited to the State Career-Technology Fund, and
- d. eighty-five percent (85%) shall be deposited to the Teachers' Retirement Benefit Fund as set forth in Section 17-108 of Title 70 of the Oklahoma Statutes.

However, when the Teachers' Retirement Benefit Fund attains a seventy percent (70%) funded ratio based on an annual actuarial valuation as required by law, the amount of the fee shall be

apportioned equally pursuant to subparagraphs a, b and c of this paragraph;

18. Retired Oklahoma Highway Patrol Officers License Plate - such plates shall be designed and issued to any retired officer of the Oklahoma Highway Patrol. The license plate shall have the legend "Oklahoma" and shall contain, in the center of the plate, the Highway Patrol Officers patch using the same colors and pattern as used in the patch. Centered on the bottom of the license plate shall be the word "Retired". The letters "TRP" shall be used in combination with three numbers on either side of the insignia or emblem. The color of the letters and numbers shall be brown. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The surviving spouse of any deceased retired officer of the Oklahoma Highway Patrol, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a Retired Oklahoma Highway Patrol Officers license plate. As provided in this section, an amount of the fee collected shall be deposited into the Oklahoma Law Enforcement Retirement Fund;

19. Boy Scouts of America Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Boy Scouts of America. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official Boy Scouts of America logo. Service Oklahoma shall be authorized, if necessary, to enter into a licensing agreement with the Boy Scouts of America for any licensing fees which may be required in order to use the Boy Scouts of America logo or design. The licensing agreement shall provide for a payment to the Boy Scouts of America of not more than Twenty Dollars (\$20.00) for each license plate issued;

20. Urban Forestry and Beautification License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma, by the Oklahoma Department of Agriculture, Food, and Forestry in consultation with nonprofit organizations in this state that develop and operate programs to encourage urban forestry and beautification, and issued to any person wishing to demonstrate support of such programs. As provided in this section, an amount of the fee collected shall be apportioned as provided in Section 1104.5 of this title;

21. Oklahoma State Parks Supporter License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma by the Oklahoma Tourism and Recreation Department, and issued to any person wishing to demonstrate support for the Oklahoma state parks system. Twenty-three Dollars (\$23.00) of the fee collected shall be deposited in the Oklahoma Tourism and Recreation

Department Revolving Fund. Such money shall be designated for and may only be expended for the support of Oklahoma state parks;

22. Adoption Creates Families License Plate - such plates shall be issued to any person wishing to demonstrate support of pregnant women who are committed to placing their children for adoption and wishing to provide assistance to guardians, adoptive parents and other created families to assist in the adoption and placement of children in permanent, safe homes. The license plates shall be designed and final terminology delivered in consultation with the Oklahoma Adoption Coalition and the Department of Human Services. Twenty-five Dollars (\$25.00) of the fee collected shall be deposited in a revolving fund established in the State Treasury for and to be used by the Department of Human Services for the implementation of the Investing in Stronger Oklahoma Families Act specifically for created families;

23. Choose Life License Plate - such plates shall be designed, subject to criteria presented to Service Oklahoma, by Choose Life America, Inc., and issued to any person who wishes to demonstrate support of organizations that encourage adoption as a positive choice for women with unplanned pregnancies. As provided in this section, an amount of the fee collected shall be deposited in the Choose Life Assistance Program Revolving Fund established in Section 1104.6 of this title;

24. Future Farmers of America License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the Oklahoma FFA Association (formerly known as Future Farmers of America). The license plates shall be designed in consultation with the Oklahoma FFA Association Board of Directors. As provided in this section, an amount of the fee collected shall be apportioned as provided in Section 1104.7 of this title;

25. Lions Club License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the Lions Clubs of Oklahoma. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The license plates shall be designed in consultation with the Oklahoma Lions Service Foundation and shall contain the official logo of the International Association of Lions Clubs. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Lions Service Foundation. The licensing agreement shall provide for a payment to the Oklahoma Lions Service Foundation of not more than Ten Dollars (\$10.00) for each license plate issued;

26. Color Oklahoma License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma by the Oklahoma Native Plant Society, and issued to any person wishing to demonstrate support for preserving and planting wildflowers and native plants in this state and to promote Oklahoma's wildflower

heritage through education. As provided in this section, an amount of the fee collected shall be apportioned as provided in Section 1104.8 of this title;

27. Girl Scouts of the United States of America Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Girl Scouts of the United States of America. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official Girl Scouts of the United States of America logo. Service Oklahoma shall be authorized, if necessary, to enter into a licensing agreement with the Girl Scouts of the United States of America for any licensing fees which may be required in order to use the Girl Scouts of the United States of America logo or design. The licensing agreement shall provide for a payment to the Magic Empire Council of Girl Scouts, acting on behalf of all Oklahoma Girl Scout councils, of not more than Twenty Dollars (\$20.00) for each license plate issued;

28. Oklahoma City Memorial Marathon License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma City Memorial Marathon. The plate shall be designed in consultation with the Oklahoma City Memorial Marathon. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma City Memorial Marathon for any licensing fees which may be required in order to use the Oklahoma City Memorial Marathon logo or design. The licensing agreement shall provide for a payment to the Oklahoma City Memorial Marathon of not more than Twenty Dollars (\$20.00) for each license plate issued;

29. Oklahoma Scenic Rivers License Plate - such plates shall be designed to demonstrate support for the Grand River Dam Authority. The plates shall be designed in consultation with the Oklahoma Scenic Rivers operations of the Grand River Dam Authority. Twenty-five Dollars (\$25.00) of the fee shall be apportioned to the Grand River Dam Authority for the purposes of the Oklahoma Scenic Rivers operations;

30. Fight Cancer License Plate - such plates shall be designed to demonstrate support for the Oklahoma Central Cancer Registry. The plate shall contain the American Cancer Society logo. The American Cancer Society logo shall be used in accordance with the American Cancer Society's branding guidelines and shall only be utilized to support the Oklahoma Central Cancer Registry. Twenty Dollars (\$20.00) of the fee shall be apportioned to the Oklahoma Central Cancer Registry Revolving Fund;

31. Animal Friendly License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for controlling the overpopulation of dogs and cats through educational and sterilization efforts. The plates shall be designed in

consultation with the Veterinary Medical Association. Twenty Dollars (\$20.00) of the fee collected shall be designated by the purchaser of the plate to be deposited in the Oklahoma Pet Overpopulation Fund created in Section 2368.13 of Title 68 of the Oklahoma Statutes or the Animal Friendly Revolving Fund created in Section 1104.10 of this title;

32. Patriot License Plate - such plates shall be designed in consultation with the Military Department of the State of Oklahoma and issued to any person wishing to demonstrate support for Oklahoma residents who are members of the Oklahoma National Guard and deployed on active duty. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, a portion of the fee collected shall be deposited in the Patriot License Plate Revolving Fund created in Section 1104.11 of this title;

33. Global War on Terrorism License Plate - such plate shall be designed in consultation with the Military Department of the State of Oklahoma and issued to any person wishing to demonstrate support for Oklahoma residents who are members of the Armed Forces of the United States or Oklahoma National Guard that have served in the Global War on Terrorism. The plate shall be issued to any person in any combination of numbers and letters from one to a maximum of six. As provided in this section, a portion of the fee collected shall be deposited in the Oklahoma National Guard Museum Fund created in Section 235.1 of Title 44 of the Oklahoma Statutes;

34. Boys and Girls Clubs of America Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Boys and Girls Clubs of America. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official Boys and Girls Clubs of America logo. Service Oklahoma, if necessary, may enter into a licensing agreement with the Boys and Girls Clubs of America for any licensing fees which may be required in order to use the Boys and Girls Clubs of America logo or design. The licensing agreement shall provide for a payment to the Boys and Girls Clubs of America of not more than Twenty Dollars (\$20.00) for each license plate issued;

35. Oklahoma Quarter Horse License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the American Quarter Horse in this state. The plate shall be designed in consultation with the Oklahoma Quarter Horse Association. As provided in this section, a portion of the fee collected shall be deposited in the Oklahoma Quarter Horse Revolving Fund created in Section 1104.12 of this title;

36. Oklahoma Association for the Deaf License Plate - such plates shall be designed in consultation with the Oklahoma Association for the Deaf and issued to any person wishing to demonstrate support for Oklahoma residents who are deaf. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, a portion of the fee collected shall be deposited in the Oklahoma Association for the Deaf License Plate Revolving Fund created in Section 1104.15 of this title;

37. Oklahoma City Zoo License Plate - such plates shall be issued to any person wishing to demonstrate support for the Oklahoma City Zoo. The license plates shall be designed in consultation with the Oklahoma Zoological Society, Inc. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Zoological Society Revolving Fund created in Section 1104.13 of this title;

38. March of Dimes License Plate - such plates shall be issued to persons wishing to demonstrate support for the March of Dimes mission to improve the health of babies by preventing birth defects, premature birth and infant mortality. The license plates shall be designed in consultation with the Oklahoma Chapter March of Dimes. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Prevent Birth Defects, Premature Birth and Infant Mortality Fund established in Section 1104.14 of this title;

39. Support Our Troops Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Support Our Troops Incorporated. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of six. The plate shall contain the official Support Our Troops Incorporated logo which includes the mark "Support Our Troops" across the bottom of the plate. Service Oklahoma, if necessary, may enter into a licensing agreement with Support Our Troops Incorporated for any licensing fees which may be required in order to use the Support Our Troops Incorporated logo or design. The licensing agreement shall provide for a payment to Support Our Troops Incorporated of Twenty-five Dollars (\$25.00) for each license plate issued;

40. Folds of Honor Supporter License Plate - such plates shall be authorized to be designed and issued to any person wishing to demonstrate support for the Oklahoma City Chapter of Folds of Honor Incorporated, a nonprofit charitable organization exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), providing educational scholarships to spouses and children of America's fallen and disabled military service members. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of six. Such person may apply for a Folds of Honor Supporter license plate

for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate. The plate shall be designed in consultation with the Oklahoma City Chapter of Folds of Honor Incorporated and shall contain the official Folds of Honor Incorporated logo which includes the mark "Folds of Honor" across the bottom of the plate. Service Oklahoma, if necessary, may enter into a licensing agreement with Folds of Honor Incorporated for any licensing fees which may be required in order to use the Folds of Honor Incorporated logo or design. The licensing agreement shall provide for a payment to Folds of Honor Incorporated of Twenty-five Dollars (\$25.00) for each license plate issued. Subject to the provisions of subsection A of this section, the Folds of Honor Supporter License Plate is hereby reauthorized effective November 1, 2019;

41. Armed Forces Veterans Motorcycle License Plate - such plates shall be designed for use on a motorcycle in consultation with A Brotherhood Aiming Toward Education of Oklahoma, Inc. (ABATE), and issued to any honorably discharged former member of the United States Armed Forces wishing to demonstrate support for the Oklahoma National Guard Museum. Persons applying for such license plate must show proof of past military service. As provided in this section, a portion of the fee collected shall be deposited in the Oklahoma National Guard Museum Fund created in Section 235.1 of Title 44 of the Oklahoma Statutes;

42. Buffalo Soldier License Plate - such plates shall be issued to any person wishing to honor and celebrate the history and contribution of the Buffalo Soldiers. The license plates shall be designed in consultation with the Lawton-Fort Sill Chapter of the Buffalo Soldiers 9th and 10th (Horse) Cavalry Association. As provided in this section, an amount of the fee collected shall be deposited in the Buffalo Soldier License Plate Revolving Fund created in Section 1104.16 of this title;

43. Prevent Blindness Oklahoma License Plate - such plates shall be issued to any person wishing to provide financial support for vision screening of school age children in this state. The license plates shall be designed in consultation with Prevent Blindness Oklahoma. As provided in this section, an amount of the fee collected shall be deposited in the Prevent Blindness Oklahoma License Plate Revolving Fund created in Section 1104.17 of this title;

44. Oklahoma State Capitol Restoration License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for restoration of the Oklahoma State Capitol building. The license plates shall be designed in consultation with the Friends of the Capitol corporation, created pursuant to Section 15.4 of Title 73 of the Oklahoma Statutes and the State Capitol

Preservation Commission created pursuant to Section 4102 of Title 74 of the Oklahoma Statutes. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Friends of the Capitol License Plate Revolving Fund established in Section 1104.18 of this title;

45. Eastern Red Cedar Tree License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma and issued to any person wishing to demonstrate support for the removal of Eastern Redcedar trees from lands in the state and to develop marketable uses for the harvested trees. The license plate shall be designed in consultation with the Oklahoma Department of Agriculture, Food, and Forestry. Twenty-three Dollars (\$23.00) of the fee collected shall be deposited in the Eastern Redcedar Revolving Fund created in Section 18-407 of Title 2 of the Oklahoma Statutes. The money shall be designated for and may only be expended for the purposes as set forth in the Eastern Redcedar Management Act;

46. Pancreatic Cancer Research License Plate - such plates shall be issued to any person wishing to provide financial support for the University of Oklahoma Foundation, Pancreatic Cancer Research Fund. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of six. The license plates shall be designed in consultation with the University of Oklahoma Foundation, Pancreatic Cancer Research Fund. As provided in this section, an amount of the fee collected shall be deposited in the Pancreatic Cancer Research License Plate Revolving Fund created in Section 1104.19 of this title;

47. Alzheimer's Research License Plate - such plates shall be issued to any person wishing to provide financial support for the Oklahoma Chapter of the Alzheimer's Association. The license plates shall be designed in consultation with the Oklahoma Chapter of the Alzheimer's Association. As provided in this section, an amount of the fee collected shall be deposited in the Alzheimer's Research License Plate Revolving Fund created in Section 1104.20 of this title;

48. Hospice and Palliative Care License Plate - such plates shall be issued to any person wishing to provide financial support for the Oklahoma Hospice and Palliative Care Association. The license plates shall be designed in consultation with the Oklahoma Hospice and Palliative Care Association. As provided in this section, an amount of the fee collected shall be deposited in the Hospice and Palliative Care License Plate Revolving Fund created in Section 1104.21 of this title;

49. Juvenile Diabetes Research License Plate - such plates shall be issued to any person wishing to provide financial support for the Oklahoma Chapters of the Juvenile Diabetes Research Foundation. The license plates shall be designed in consultation

with the Oklahoma Chapters of the Juvenile Diabetes Research Foundation. As provided in this section, an amount of the fee collected shall be deposited in the Juvenile Diabetes Research License Plate Revolving Fund created in Section 1104.22 of this title;

50. Deer Creek Schools Foundation License Plate - such plates shall be issued to any person wishing to provide financial support for the Deer Creek Schools Foundation. The license plates shall be designed in consultation with the Deer Creek Schools Foundation. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Deer Creek Schools Foundation License Plate Revolving Fund created in Section 1104.23 of this title;

51. Lupus Awareness and Education License Plate - such plates shall be issued to any person wishing to provide financial support for the Oklahoma Chapter of the Lupus Foundation of America. The license plates shall be designed in consultation with the Oklahoma Chapter of the Lupus Foundation of America. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Lupus License Plate Revolving Fund created in Section 1104.24 of this title. Subject to the provisions of subsection A of this section, the Lupus Awareness and Education License Plate is hereby reauthorized effective November 1, 2018;

52. Chiefs of Police License Plate - such plates shall be issued to any person wishing to provide financial support for the Oklahoma Association of Chiefs of Police for a vehicle or motorcycle in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The license plates shall be designed in consultation with the Oklahoma Association of Chiefs of Police. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Association of Chiefs of Police for any licensing fees which may be required in order to use the association's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Association of Chiefs of Police of not more than Twenty Dollars (\$20.00) for each license plate issued. Subject to the provisions of subsection A of this section, the Chiefs of Police License Plate is hereby reauthorized effective November 1, 2015;

53. Crossings Christian School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Crossings Christian School located in Oklahoma City. The license plates shall be designed in consultation with the administration of Crossings Christian School. Service Oklahoma

shall be authorized to enter into a licensing agreement with Crossings Christian School for any licensing fees which may be required in order to use the school's logo or design. The licensing agreement shall provide for a payment to the Crossings Christian School of not more than Twenty Dollars (\$20.00) for each license plate issued;

54. Hilldale Education Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Hilldale Education Foundation. The license plates shall be designed in consultation with the administration of the Hilldale Education Foundation. Service Oklahoma shall be authorized to enter into a licensing agreement with the Hilldale Education Foundation for any licensing fees which may be required in order to use the foundation's logo or design. The licensing agreement shall provide for a payment to the Hilldale Education Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

55. Oklahoma Nurses License Plate - such plates shall be issued to any person licensed pursuant to the Oklahoma Nursing Practice Act and providing such documentation of current licensure as may be required by Service Oklahoma. The license plates shall be designed in consultation with the Oklahoma Nurses Association. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Nurses License Plate Revolving Fund created in Section 1104.26 of this title;

56. Oklahoma Sports Hall of Fame License Plate - such plates shall be issued to any person wishing to demonstrate support for the Oklahoma Sports Hall of Fame. The license plates shall be designed in consultation with the administration of the Oklahoma Sports Hall of Fame. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Sports Hall of Fame for any licensing fees which may be required in order to use the Hall of Fame's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Sports Hall of Fame of not more than Twenty Dollars (\$20.00) for each license plate issued;

57. Childhood Cancer Awareness License Plate - such plates shall be issued to any person wishing to demonstrate support for the Oklahoma Children's Cancer Association. The license plates shall be designed in consultation with the administration of the Oklahoma Children's Cancer Association. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Children's Cancer Association for any licensing fees which may be required in order to use the Oklahoma Children's Cancer Association's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Children's Cancer Association of not more than Twenty Dollars (\$20.00) for each license plate issued;

58. Oklahoma Educational Television Authority License Plate - such plates shall be designed and issued to any person wishing to

demonstrate support for the Oklahoma Educational Television Authority and such plates shall be designed in consultation with the Authority. As provided in this section, an amount of the fee collected shall be deposited in The Educational Television Authority Revolving Fund created in Section 156 of Title 62 of the Oklahoma Statutes;

59. Remembering Fallen Heroes License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Concerns of Police Survivors, Inc. Such plates shall be designed in consultation with the Oklahoma Chapter of Concerns of Police Survivors, Inc. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Concerns of Police Survivors License Plate Revolving Fund created in Section 1104.27 of this title;

60. Disabled American Veterans License Plate - such plates shall be designed in consultation with the Disabled American Veterans of Oklahoma and issued to any member of the organization wishing to demonstrate support. Service Oklahoma shall be authorized to enter into a licensing agreement with the Disabled American Veterans of Oklahoma for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Disabled American Veterans of Oklahoma of not more than Twenty Dollars (\$20.00) for each license plate issued. The plates shall incorporate a numbering system agreed upon by the Disabled American Veterans of Oklahoma and Service Oklahoma;

61. Owasso Rams Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Owasso Rams, and shall be designed in consultation with representatives of Owasso Public Schools. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

62. Collinsville Cardinals Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Collinsville Cardinals, and shall be designed in consultation with representatives of Collinsville Public Schools. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

63. Sperry Pirates Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support

for the Sperry Pirates, and shall be designed in consultation with representatives of Sperry Schools. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

64. Skiatook Bulldogs Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Skiatook Bulldogs, and shall be designed in consultation with representatives of Skiatook Public Schools. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

65. Rejoice Christian Eagles Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Rejoice Christian Eagles, and shall be designed in consultation with representatives of Rejoice Christian Schools. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

66. East Central Cardinals Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the East Central Cardinals, and shall be designed in consultation with representatives of East Central High School. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

67. Southeast Spartans Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Southeast Spartans, and shall be designed in consultation with the Southeast High School Alumni Association. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

68. Sooner State ABATE License Plate - such plates shall be issued to any person wishing to provide financial support for Sooner

State ABATE (A Brotherhood Against Totalitarian Enactments). The license plates shall be designed in consultation with Sooner State ABATE. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized plates. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate. Service Oklahoma shall be authorized to enter into a licensing agreement with Sooner State ABATE for any licensing fees, which may be required in order to use the association's logo or design. The licensing agreement shall provide for a payment to Sooner State ABATE of not more than Twenty Dollars (\$20.00) for each license plate issued. Subject to the provisions of subsection A of this section, the Sooner State ABATE License Plate is hereby reauthorized effective November 1, 2019;

69. Oklahoma License to Educate License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Oklahoma educators. Such plates shall be designed in consultation with the State Department of Education. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Teacher Recruitment Revolving Fund created in Section 6-132 of Title 70 of the Oklahoma Statutes;

70. Piedmont Education Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Piedmont Public Schools Education Foundation. Such plates shall be designed in consultation with the Foundation. As provided in this section, an amount of the fee collected shall be deposited in the Piedmont Public Schools Education Foundation License Plate Revolving Fund created in Section 1104.28 of this title;

71. The Pride of Oklahoma License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Pride of Oklahoma marching band and shall be designed in consultation with the Pride of Oklahoma marching band. Service Oklahoma shall be authorized to enter into a licensing agreement with the University of Oklahoma or the Pride of Oklahoma marching band for any licensing fees which may be required in order to use the applicable logo or design. The licensing agreement shall provide for a payment to the Pride of Oklahoma Fund at the University of Oklahoma Foundation, Inc. of not more than Twenty Dollars (\$20.00) for each license plate issued;

72. Jenks Trojans License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Jenks school district. The license plates shall be designed in consultation with the administration of the Jenks school district. Service Oklahoma shall be authorized to enter into a licensing agreement with the Jenks school district for any licensing fees

which may be required in order to use the school district's logo or design. The licensing agreement shall provide for a payment to the Jenks school district not more than Twenty Dollars (\$20.00) for each license plate issued;

73. Bixby Spartans License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Bixby school district. The license plates shall be designed in consultation with the administration of the Bixby school district. Service Oklahoma shall be authorized to enter into a licensing agreement with the Bixby school district for any licensing fees which may be required in order to use the school district's logo or design. The licensing agreement shall provide for a payment to the Bixby school district not more than Twenty Dollars (\$20.00) for each license plate issued;

74. Oklahoma Department of Aerospace and Aeronautics License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma aviation industry and to promote awareness of aviation and aerospace. Such plates shall be designed in consultation with the Oklahoma Department of Aerospace and Aeronautics and shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. Twenty-four Dollars (\$24.00) of the fee collected shall be deposited in the Oklahoma Department of Aerospace and Aeronautics Revolving Fund, for expenditure as provided in Section 91 of Title 3 of the Oklahoma Statutes;

75. Ducks Unlimited License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Ducks Unlimited. Such plates shall be designed in consultation with Ducks Unlimited. Service Oklahoma shall be authorized to enter into a licensing agreement with Ducks Unlimited for any licensing fee which may be required in order to use the Ducks Unlimited logo or design. The licensing agreement shall provide for a payment to Ducks Unlimited of not more than Twenty Dollars (\$20.00) for each license plate issued;

76. Prisoner of War and Missing in Action License Plate - such plates shall be issued to any person wishing to increase awareness of those who are currently prisoners of war or missing in action and provide financial support for current veterans. The license plates shall be designed in consultation with Rolling Thunder Oklahoma. As provided in this section, an amount of the fee collected shall be deposited in the Prisoner of War and Missing in Action License Plate Revolving Fund created in Section 1104.29 of this title;

77. Woodward Boomers License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Woodward school district. The license plates shall be designed in consultation with the administration of the Woodward school district. Service Oklahoma shall be authorized to enter into a

licensing agreement with the Woodward school district for any licensing fees which may be required in order to use the school district's logo or design. The licensing agreement shall provide for a payment to the Woodward school district not more than Twenty Dollars (\$20.00) for each license plate issued;

78. Clinton Public School Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Clinton Public School Foundation. The license plates shall be designed in consultation with the Clinton Public School Foundation. Service Oklahoma shall be authorized to enter into a licensing agreement with the Clinton Public School Foundation for any licensing fees which may be required in order to use the school foundation's logo or design. The licensing agreement shall provide for a payment to the Clinton Public School Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

79. Navajo School Foundation License Plate - such plates shall be issued to any person wishing to demonstrate support for the Navajo School Foundation. The license plates shall be designed in consultation with the administration of the Navajo School Foundation. Service Oklahoma shall be authorized to enter into a licensing agreement with the Navajo School Foundation for any licensing fees which may be required in order to use the Foundation's logo or design. The licensing agreement shall provide for a payment to the Navajo School Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

80. Oklahoma Music Hall of Fame Inc. License Plate - such plates shall be designed in consultation with the Oklahoma Music Hall of Fame Inc. and issued to any member of the organization wishing to demonstrate support. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Music Hall of Fame Inc. for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Music Hall of Fame Inc. of not more than Twenty Dollars (\$20.00) for each license plate issued. The plates shall incorporate a numbering system agreed upon by the Oklahoma Music Hall of Fame Inc. and Service Oklahoma. Subject to the provisions of subsection A of this section, the Oklahoma Music Hall of Fame Inc. License Plate is hereby reauthorized effective November 1, 2019;

81. Techlahoma Foundation License Plate - such plates shall be issued to any person wishing to provide financial support for the Techlahoma Foundation. The license plate shall be designed in consultation with the Techlahoma Foundation. The plate shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. Service Oklahoma shall be authorized to enter into a licensing

agreement with the Techlahoma Foundation for any licensing fees, which may be required in order to use the association's logo or design. The licensing agreement shall provide for a payment to the Techlahoma Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

82. Bethany Public Schools Foundation License Plate - such plates shall be issued to any person wishing to demonstrate support for the Bethany Public Schools Foundation. The license plates shall be designed in consultation with the administration of the Bethany Public Schools Foundation. Service Oklahoma shall be authorized to enter into a licensing agreement with the Bethany Public Schools Foundation for any licensing fees which may be required in order to use the Foundation's logo or design. The licensing agreement shall provide for a payment to the Bethany Public Schools Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

83. Cystic Fibrosis Foundation License Plate - such plates shall be issued to any person wishing to demonstrate support for the Cystic Fibrosis Foundation. The license plates shall be designed in consultation with the administration of the Cystic Fibrosis Foundation. Service Oklahoma shall be authorized to enter into a licensing agreement with the Cystic Fibrosis Foundation for any licensing fees which may be required in order to use the Foundation's logo or design. The licensing agreement shall provide for a payment to the Cystic Fibrosis Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

84. Down Syndrome Association of Central Oklahoma License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Down Syndrome Association of Central Oklahoma. Such plates shall be designed in consultation with the Association. As provided in this section, an amount of the fee collected shall be deposited in the Down Syndrome Association of Central Oklahoma License Plate Revolving Fund created in Section 1104.30 of this title;

85. Elk City Education Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Elk City Education Foundation. Such plates shall be designed in consultation with the Foundation. As provided in this section, an amount of the fee collected shall be deposited in the Elk City Education Foundation License Plate Revolving Fund created in Section 1104.31 of this title;

86. A Brotherhood Aiming Toward Education of Oklahoma (ABATE) License Plate - such plates shall be designed and issued to any person wishing to provide financial support for ABATE of Oklahoma. Such plates shall be designed in consultation with ABATE of Oklahoma. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized plates. The license plate for a motorcycle may

be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate. Service Oklahoma shall be authorized to enter into a licensing agreement with ABATE of Oklahoma for any licensing fees which may be required in order to use the ABATE of Oklahoma logo or design. The licensing agreement shall provide for a payment to ABATE of Oklahoma of not more than Twenty Dollars (\$20.00) for each license plate issued;

87. Downed Bikers Association License Plate - such plates shall be designed for a vehicle or motorcycle in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates, and issued to any person wishing to demonstrate support for the Downed Bikers Association, a nonprofit charitable organization exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), which provides emotional and financial support for downed bikers. The license plate shall be designed in consultation with the Central Oklahoma Chapter of the Downed Bikers Association and shall contain any official logo or design of the organization. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate. Service Oklahoma, if necessary, may enter into a licensing agreement with the Downed Bikers Association for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Downed Bikers Association of not more than Twenty Dollars (\$20.00) for each license plate;

88. Eagle Scout License Plate - such plates shall be designed to demonstrate support for Eagle Scouts of the Boy Scouts of America and shall include the Eagle Scout logo. Plates may be issued to any person who can show proof of having obtained the rank of Eagle Scout. Service Oklahoma shall be authorized to enter into a licensing agreement with the various Oklahoma local councils for any licensing fees which may be required in order to use the applicable logo or design. The licensing agreement shall provide for a payment of not more than Twenty Dollars (\$20.00) for each license plate issued to the specific Oklahoma local area council designated by the applicant;

89. Extraordinary Educators License Plate - such plates shall be designed and issued to any person wishing to provide financial support for common education in this state. Such plates shall be designed in consultation with the State Department of Education. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Extraordinary Educators License Plate Revolving Fund created in Section 1104.32 of this title;

90. Former Oklahoma Legislator License Plate - such plates shall be designed and issued to any person who previously served as a member of the House of Representatives or Senate. The license plates shall be designed in consultation with the Oklahoma Historical Society. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Historical Society Capital Improvement and Operations Revolving Fund created in Section 1.10a of Title 53 of the Oklahoma Statutes. Service Oklahoma shall create and maintain a list of former members of the Oklahoma House of Representatives and Oklahoma State Senate eligible to be issued such plates; provided, that no former member of the House of Representatives and Senate shall be eligible to possess more than two of such plates at any one time. Service Oklahoma shall confer as needed with the Chief Clerk of the House of Representatives and the Secretary of the Senate to confirm that such list is complete and accurate;

91. Monarch Butterfly License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the operations of The Nature Conservancy of Oklahoma. Such plates shall be designed in consultation with the Oklahoma Chapter of The Nature Conservancy. Service Oklahoma shall be authorized to enter into a licensing agreement with The Nature Conservancy of Oklahoma for any licensing fees which may be required in order to use the foundation's logo or design. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The licensing agreement shall provide for a payment to The Nature Conservancy of Oklahoma not more than Twenty Dollars (\$20.00) for each license plate issued;

92. Oklahoma Tennis Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Tennis Foundation. The license plates shall be designed in consultation with the Oklahoma Tennis Foundation. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Tennis Foundation for any licensing fees which may be required in order to use the foundation's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Tennis Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

93. Oklahoma Veterans of Foreign Wars License Plate - such plates shall be designed to honor the Oklahoma Veterans of Foreign Wars Chapters and shall be issued to any resident of this state upon proof of membership in the Oklahoma Veterans of Foreign Wars organization. The license plates shall be designed in consultation with the Oklahoma Veterans of Foreign Wars organization. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Veterans of Foreign Wars organization for any

licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Veterans of Foreign Wars organization of not more than Twenty Dollars (\$20.00) for each license plate issued. Service Oklahoma shall reinstate any Veterans of Foreign Wars license plates issued prior to November 1, 2021, and shall reimburse any individual who held a Veterans of Foreign Wars License Plate on October 31, 2021, for fees incurred for the replacement of such plate;

94. Oklahoma Women Veterans Organization License Plate - such plates shall be designed and issued to any female veteran of any branch of the United States Armed Forces wishing to demonstrate support for the Oklahoma Women Veterans Organization. The license plates shall be designed in consultation with the Oklahoma Women Veterans Organization. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Women Veterans Organization for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Women Veterans Organization of not more than Twenty Dollars (\$20.00) for each license plate issued;

95. FIRST (For Inspiration and Recognition of Science and Technology) in Oklahoma License Plate - such plates shall be issued to any person wishing to demonstrate support for FIRST in Oklahoma Robotics programs. The license plates shall be designed in consultation with the administration of FIRST in Oklahoma. Service Oklahoma shall be authorized to enter into a licensing agreement with FIRST in Oklahoma for any licensing fees which may be required in order to use the FIRST in Oklahoma logo or design. The licensing agreement shall provide for a payment to FIRST in Oklahoma not more than Twenty Dollars (\$20.00) for each license plate issued;

96. Pittsburg State University License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Pittsburg State University. The license plates shall be designed in consultation with Pittsburg State University. Service Oklahoma shall be authorized to enter into a licensing agreement with Pittsburg State University for any licensing fees which may be required in order to use the school foundation's logo or design. The licensing agreement shall provide for a payment to the Pittsburg State University of not more than Twenty Dollars (\$20.00) for each license plate issued;

97. Greenwood Historical District License Plate - such plates shall be issued to persons wishing to demonstrate support for the Tulsa Juneteenth Festival held in the Greenwood Historical District in Tulsa, Oklahoma. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The license plates shall be

designed in consultation with the Black Wall Street Chamber of Commerce. Service Oklahoma shall be authorized to enter into a licensing agreement with the Tulsa Juneteenth Festival for any licensing fees which may be required in order to use the Festival's logo or design. For each license plate issued, the licensing agreement shall provide for a payment of Twenty-five Dollars (\$25.00) of the fee collected to the Tulsa Juneteenth Festival and an additional Two Dollars (\$2.00) of the fee collected shall be deposited in the Public School Classroom Support Revolving Fund, for expenditure as provided in Section 1-123 of Title 70 of the Oklahoma Statutes;

98. Oklahoma Veterans of Foreign Wars Auxiliary Chapters License Plate - such plates shall be designed to honor the Oklahoma Veterans of Foreign Wars Auxiliary Chapters and issued to any resident of this state upon proof of membership in the Oklahoma Veterans of Foreign Wars Auxiliary organization in this state. The license plates shall be designed in consultation with the Oklahoma Veterans of Foreign Wars Auxiliary organization. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Veterans of Foreign Wars Auxiliary organization for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Veterans of Foreign Wars Auxiliary organization of not more than Twenty Dollars (\$20.00) for each license plate issued;

99. Transportation to Transportation License Plate - such plates shall be designed and issued to persons wishing to support county roads and bridges. The license plates shall be designed in consultation with the Association of County Commissioners of Oklahoma. Twenty Dollars (\$20.00) of the fee collected shall be paid to the county treasurer for the county in which the license plate was purchased to be credited to the county highway fund created pursuant to Section 1503 of Title 69 of the Oklahoma Statutes;

100. Blue Star Mothers License Plate - such plates shall be designed and issued to any person showing proof of membership in an Oklahoma Chapter of Blue Star Mothers of America, Inc. The license plates shall be designed in consultation with Blue Star Mothers of America, Inc., Oklahoma Chapter One. Service Oklahoma shall be authorized to enter into a licensing agreement with Blue Star Mothers of America, Inc., Oklahoma Chapter One for any licensing fees which may be required in order to use the Blue Star Mothers of America logo or design. The licensing agreement shall provide for a payment to Blue Star Mothers of America, Inc., Oklahoma Chapter One not more than Twenty Dollars (\$20.00) for each license plate issued;

101. Oklahoma Golf License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for

the sport of golf in this state. The license plates shall be designed in consultation with the South Central Section of the Professional Golfers' Association of America and issued to any person wishing to demonstrate support for the sport of golf in this state. Service Oklahoma shall be authorized to enter into a licensing agreement with the South Central Section of the Professional Golfers' Association of America for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the South Central Section of the Professional Golfers' Association of America of not more than Twenty Dollars (\$20.00) for each license plate issued;

102. Paramedic License Plate - such plates shall be designed and issued to any person who is a paramedic. Such persons may apply for a paramedic license plate for each vehicle with a rated carrying capacity of one (1) ton or less or a motorcycle upon proof of a paramedic license. The license plates shall be designed in consultation with the Oklahoma State University-Oklahoma City Paramedicine program and the Oklahoma Emergency Medical Technicians Association. The letters "PM" shall be placed on the plate followed by four random numbers, or such numbers as requested by such persons applying for the plate. Twenty Dollars (\$20.00) of the fees collected shall be deposited in the Emergency Medical Personnel Death Benefit Revolving Fund created in Section 1-2505.2 of Title 63 of the Oklahoma Statutes. Subject to the provisions of subsection A of this section, the Paramedic License Plate is hereby reauthorized effective November 1, 2022;

103. National Defense Service Medal License Plate - such plates shall be designed and issued to those persons who have received the National Defense Service Medal and wish to demonstrate support for the Oklahoma Department of Veterans Affairs. The license plates shall be designed in consultation with the Oklahoma Department of Veterans Affairs. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Department of Veterans Affairs for any licensing fees which may be required in order to use the Department's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Department of Veterans Affairs of not more than Twenty Dollars (\$20.00) for each license plate issued;

104. University of Oklahoma RUF/NEKS License Plate - such plates shall be designed and issued to any past or present member of the University of Oklahoma RUF/NEKS upon providing proof of membership in the organization as may be required by Service Oklahoma. The license plates shall be designed in consultation with the University of Oklahoma RUF/NEKS. Service Oklahoma shall be authorized to enter into a licensing agreement with the University of Oklahoma RUF/NEKS for any licensing fees which may be required in

order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Mike James RUF/NEKS Memorial Scholarship of not more than Twenty Dollars (\$20.00) for each license plate issued;

105. Tulsa Community College License Plate - such plates shall be issued to persons wishing to support Tulsa Community College. The plates shall be designed in consultation with Tulsa Community College. Service Oklahoma shall be authorized to enter into a licensing agreement with Tulsa Community College for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to Tulsa Community College of not more than Twenty Dollars (\$20.00) for each license plate issued;

106. Street Kings Car Club License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Street Kings Car Club in Guthrie. The license plates shall be designed in consultation with the Street Kings Car Club. Service Oklahoma shall be authorized to enter into a licensing agreement with the Street Kings Car Club for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Street Kings Car Club not more than Twenty Dollars (\$20.00) for each license plate issued;

107. Epilepsy Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Epilepsy Foundation. The license plates shall be designed in consultation with the Epilepsy Foundation of Oklahoma. Service Oklahoma shall be authorized to enter into licensing agreements with the Epilepsy Foundation for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Epilepsy Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

108. America First License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the proclamation of "America First". The license plates shall be designed in consultation with Warriors for Freedom and the Honoring America's Warriors Foundations. Service Oklahoma shall be authorized to enter into licensing agreements with the Warriors for Freedom and Honoring America's Warriors Foundations for any licensing fees which may be required in order to use the Foundations' logos or designs. The licensing agreements shall provide for a payment to the Honoring America's Warriors Foundation of not more than Ten Dollars (\$10.00) and a payment to the Warriors for Freedom Foundation of not more than Ten Dollars (\$10.00) for each license plate issued;

109. Diabetes Awareness License Plate - such plates shall be designed and issued to any person wishing to provide financial

support for Diabetes Solutions of Oklahoma. The license plates shall be designed in consultation with Diabetes Solutions of Oklahoma. Service Oklahoma shall be authorized to enter into licensing agreements with Diabetes Solutions of Oklahoma for any licensing fees which may be required in order to use the Diabetes Solutions of Oklahoma logos or designs. The licensing agreements shall provide for a deposit to the Diabetes Awareness License Plate Revolving Fund established in Section 1104.33 of this title;

110. Alliance of Mental Health Providers of Oklahoma License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Alliance of Mental Health Providers of Oklahoma. The license plates shall be designed in consultation with the Alliance of Mental Health Providers of Oklahoma. Service Oklahoma shall be authorized to enter into licensing agreements with the Alliance of Mental Health Providers of Oklahoma for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Alliance of Mental Health Providers of Oklahoma of not more than Twenty Dollars (\$20.00) for each license plate issued;

111. Stillwater Public Schools License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Stillwater school district. The license plates shall be designed in consultation with the administration of the Stillwater school district. Service Oklahoma shall be authorized to enter into a licensing agreement with the Stillwater school district for any licensing fees which may be required in order to use the school district's logo or design. The licensing agreement shall provide for a payment to the Stillwater school district of not more than Twenty Dollars (\$20.00) for each license plate issued;

112. Ally's House License Plate - such plates shall be designed and issued to those persons who live in Oklahoma, have had a child diagnosed with a form of cancer and wish to demonstrate support for Ally's House. The license plates shall be designed in consultation with Ally's House. Service Oklahoma shall be authorized to enter into a license agreement with Ally's House for any licensing fees which may be required in order to use the Ally's House logo or design. The licensing agreement shall provide for a payment to Ally's House of not more than Twenty Dollars (\$20.00) for each license plate issued;

113. The Church Studio License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for The Church Studio. The license plates shall be designed in consultation with The Church Studio. Service Oklahoma shall be authorized to enter into a licensing agreement with The Church Studio for any licensing fees which may be required in order to use The Church Studio logo or design. The licensing agreement shall

provide for a payment to The Church Studio of not more than Twenty Dollars (\$20.00) for each license plate issued;

114. Star Spencer High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Star Spencer High School. The license plates shall be designed in consultation with Star Spencer High School. Service Oklahoma shall be authorized to enter into a licensing agreement with Star Spencer High School for any licensing fees which may be required in order to use the Star Spencer High School logo or design. The licensing agreement shall provide for a payment to Star Spencer High School of not more than Twenty Dollars (\$20.00) for each license plate issued; and

115. Ralph Ellison Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Ralph Ellison Foundation. The license plates shall be designed in consultation with the Ralph Ellison Foundation. Service Oklahoma shall be authorized to enter into a licensing agreement with the Ralph Ellison Foundation for any licensing fees which may be required in order to use the Ralph Ellison Foundation logo or design. The licensing agreement shall provide for a payment to the Ralph Ellison Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued.

C. The fee for such plates shall be Thirty-five Dollars (\$35.00) per year of renewal and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. The fee shall be apportioned as follows through June 30, 2023:

1. Twenty Dollars (\$20.00) per year of renewal or any other amount as provided in this title of the fee shall be apportioned as provided or deposited in a fund as specified within the paragraph authorizing the special license plate;

2. Eight Dollars (\$8.00) per year of renewal of the fee shall be deposited in the Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act. Beginning January 1, 2023, Eight Dollars (\$8.00) per year of renewal of the fee shall be deposited in the Service Oklahoma Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act; and

3. Any remaining amounts of the fee shall be apportioned as provided in Section 1104 of this title.

Added by Laws 2004, c. 504, § 14, eff. July 1, 2004. Amended by Laws 2005, c. 416, § 5, eff. Nov. 1, 2005; Laws 2006, c. 200, § 1, eff. Nov. 1, 2006; Laws 2006, 2nd Ex. Sess., c. 44, § 25, eff. July 1, 2007; Laws 2009, c. 311, § 3, eff. Nov. 1, 2009; Laws 2010, c. 2, § 19, emerg. eff. March 3, 2010; Laws 2010, c. 190, § 1, eff. Nov. 1, 2010; Laws 2010, c. 366, § 3, eff. Nov. 1, 2010; Laws 2011, c. 1, § 25, emerg. eff. March 18, 2011; Laws 2011, c. 248, § 2, eff. Nov.

1, 2011; Laws 2013, c. 197, § 2, eff. Nov. 1, 2013; Laws 2013, c. 365, § 4, eff. Nov. 1, 2013; Laws 2014, c. 351, § 3, eff. Nov. 1, 2014; Laws 2015, c. 54, § 16, emerg. eff. April 10, 2015; Laws 2015, c. 378, § 2, eff. Nov. 1, 2015; Laws 2016, c. 210, § 25, emerg. eff. April 26, 2016; Laws 2017, c. 284, § 1, eff. Nov. 1, 2017; Laws 2017, c. 331, § 3, eff. Nov. 1, 2017; Laws 2018, c. 69, § 4, eff. Nov. 1, 2018; Laws 2018, c. 293, § 2, eff. Nov. 1, 2018; Laws 2019, c. 25, § 26, emerg. eff. April 4, 2019; Laws 2019, c. 434, § 3, eff. Nov. 1, 2019; Laws 2021, c. 543, § 6, emerg. eff. May 28, 2021; Laws 2022, c. 282, § 164, emerg. eff. May 19, 2022; Laws 2023, c. 310, § 32, eff. July 1, 2023; Laws 2024, c. 452, § 92, emerg. eff. June 14, 2024; Laws 2025, c. 325, § 2, eff. Nov. 1, 2025.

NOTE: Laws 2006, c. 152, § 2 repealed by Laws 2006, 2nd Ex. Sess., c. 44, § 26, eff. July 1, 2007. Laws 2006, c. 311, § 25 repealed by Laws 2006, 2nd Ex. Sess., c. 44, § 27, eff. July 1, 2007. Laws 2006, c. 275, § 3 repealed by Laws 2006, 2nd Ex. Sess., c. 44, § 28, eff. July 1, 2007. Laws 2009, c. 256, § 1 repealed by Laws 2010, c. 2, § 20, emerg. eff. March 3, 2010. Laws 2010, c. 454, § 11 repealed by Laws 2011, c. 1, § 26, emerg. eff. March 18, 2011. Laws 2014, c. 372, § 3 repealed by Laws 2015, c. 54, § 17, emerg. eff. April 10, 2015. Laws 2015, c. 372, § 2 repealed by Laws 2016, c. 210, § 26, emerg. eff. April 26, 2016. Laws 2017, c. 97, § 2 repealed by Laws 2017, c. 331, § 6, eff. Nov. 1, 2017 and by Laws 2017, c. 339, § 2, eff. Nov. 1, 2017. Laws 2017, c. 273, § 1 repealed by Laws 2017, c. 331, § 6, eff. Nov. 1, 2017 and by Laws 2017, c. 339, § 3, eff. Nov. 1, 2017. Laws 2018, c. 181, § 1 repealed by Laws 2019, c. 25, § 27, emerg. eff. April 4, 2019. Laws 2018, c. 226, § 2 repealed by Laws 2019, c. 25, § 28, emerg. eff. April 4, 2019. Laws 2018, c. 304, § 15 repealed by Laws 2019, c. 25, § 29, emerg. eff. April 4, 2019.

NOTE: Laws 2017, c. 339, § 1 was purportedly repealed by Laws 2018, c. 304, § 16, but without reference to Laws 2018, c. 226, § 2, which amended that section.

§47-1135.5v3. Special license plates - Demonstration of support and financial assistance to specific causes.

A. Service Oklahoma is hereby authorized to design and issue appropriate official special license plates to persons wishing to demonstrate support and provide financial assistance as provided by this section.

Special license plates shall not be transferred to any other person but shall be removed from the vehicle upon transfer of ownership and retained. The special license plate may then be used on another vehicle but only after such other vehicle has been registered for the current year with a licensed operator.

Special license plates shall be renewed each year by Service Oklahoma or a licensed operator, unless authorized by Service

Oklahoma to be renewed for a period greater than one (1) year. Service Oklahoma shall notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon presentation to a licensed operator or Service Oklahoma. The license plates shall be issued on a staggered system.

Service Oklahoma is hereby directed to develop and implement a system whereby licensed operators are permitted to accept applications for special license plates authorized under this section. The licensed operator shall confirm the applicant's eligibility, if applicable, collect and deposit any amount specifically authorized by law, accept and process the necessary information directly into such system and generate a receipt accordingly. For performance of these duties, licensed operators shall retain the fee provided in Section 1141.1 of this title for registration of a motor vehicle through June 30, 2025. Through June 30, 2025, the licensed operator fees for acceptance of applications and renewals shall be paid out of the Service Oklahoma Reimbursement Fund. Beginning July 1, 2023, fees shall be retained by the licensed operator pursuant to subsection E of Section 1141.1 of this title.

If fewer than one hundred of any type of special license plates authorized prior to January 1, 2004, are issued prior to January 1, 2006, Service Oklahoma shall discontinue issuance and renewal of that type of special license plate. Any such authorized special license plate registrant shall be allowed to display the license plate upon the designated vehicle until the registration expiration date. After such time the expired special license plate shall be removed from the vehicle.

For special license plates authorized on or after July 1, 2004, no special license plates shall be developed or issued by Service Oklahoma until Service Oklahoma receives one hundred prepaid applications therefor. The prepaid applications must be received by Service Oklahoma within one hundred eighty (180) days of the effective date of the authorization or the authority to issue shall be null and void. In the event one hundred prepaid applications are not received by Service Oklahoma within such prescribed time period any payment so received shall be refunded accordingly.

B. The special license plates provided by this section are as follows:

1. University or College Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support to any state-supported or private university or college. As provided in this section, an amount of the fee collected shall be apportioned as provided in Section 1104.1 of this title;

2. Environmental Awareness License Plate - such plates shall be designed, subject to the criteria to be presented to Service

Oklahoma by the Department of Environmental Quality in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support to implement the statewide general public Environmental Education Program created pursuant to the provisions of the Oklahoma Environmental Quality Code. Such plates shall be designed and issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. A dealer's license plate issued pursuant to Section 1116.1 or 1128 of this title may be designated an Environmental Awareness License Plate upon payment of the fee imposed by this section and any other registration fees required by the Oklahoma Vehicle License and Registration Act. As provided in this section, an amount of the fee collected shall be apportioned pursuant to Section 1104.2 of this title;

3. Firefighter License Plate - such plates shall be designed for any career or retired firefighter, volunteer or paid. Firefighters may apply for firefighter plates for up to four vehicles with a rated capacity of one (1) ton or less or for a motorcycle upon proof of a fire department membership by either an identification card or letter from the chief of the fire department. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The surviving spouse of any deceased firefighter, if the spouse has not since remarried, may apply for a firefighter license plate for one vehicle with a rated carrying capacity of one (1) ton or less or for a motorcycle upon proof that the deceased firefighter was a member of a fire department by either an identification card or letter from the chief of the fire department. The license plate shall be designed in consultation with the Oklahoma State Firefighters Association.

As provided in this section, an amount of the fee collected shall be deposited to the Oklahoma State Firemen's Museum Building & Memorial Fund for support of the Oklahoma State Firefighters Museum and the Oklahoma Fallen and Living Firefighters Memorial;

4. Wildlife Conservation License Plate - such plates shall be designed, subject to the criteria to be presented to Service Oklahoma by the Department of Wildlife Conservation in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support for wildlife conservation in this state through the Wildlife Diversity Fund, provided for in Section 3-310 of Title 29 of the Oklahoma Statutes. Such plates may be designed and issued to any person as for personalized license plates.

As provided in this section, an amount of the fee collected shall be apportioned pursuant to subsection D of Section 3-310 of Title 29 of the Oklahoma Statutes;

5. Child Abuse Prevention License Plate - such plates shall be designed, subject to the criteria to be presented to Service

Oklahoma by the Office of Child Abuse Prevention in the State Department of Health and the Child Abuse Prevention Action Committee, and issued to any person wishing to demonstrate support for the prevention of child abuse.

As provided in this section, an amount of the fee collected shall be deposited in the Child Abuse Prevention Fund;

6. United States Olympic and Paralympic Committee Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the United States Olympic and Paralympic Committee. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official United States Olympic and Paralympic Committee logo. Service Oklahoma shall be authorized, if necessary, to enter into a licensing agreement with the United States Olympic and Paralympic Committee for any licensing fees which may be required in order to use the United States Olympic and Paralympic Committee logo or design. The licensing agreement shall provide for a payment of not more than Twenty-five Dollars (\$25.00) for each license plate issued;

7. Oklahoma History License Plate - such plates shall be designed and issued to any person wishing to demonstrate interest in Oklahoma history. As provided in this section, an amount of the fee collected shall be deposited to the Oklahoma Historical Society Revolving Fund to be used for educational purposes;

8. Historic Route 66 License Plate - such:

- a. vehicle plates shall be designed to honor historic Route 66, also known as the "Mother Road". As provided in this section, an amount of the fee collected for each vehicle license plate shall be apportioned to the Oklahoma Historical Society Revolving Fund to be distributed to the Oklahoma Route 66 Museum located in Clinton, Oklahoma, and
- b. motorcycle plates shall be designed in consultation with the Oklahoma Route 66 Association, Inc. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Route 66 Association, Inc., for any licensing fees which may be required in order to use the Oklahoma Route 66 Association, Inc., logo or design. The licensing agreement shall provide for a payment to the Oklahoma Route 66 Association, Inc., of not more than Twenty Dollars (\$20.00) for each motorcycle license plate issued;

9. Heart of the Heartland License Plate - such plates shall be designed and issued to any person wishing to honor the victims of the terrorist bombing attack on the Alfred P. Murrah Federal Building in downtown Oklahoma City on April 19, 1995. As provided

in this section, an amount of the fee collected shall be deposited in the Heart of the Heartland Scholarship Fund, as established in Section 2282 of Title 70 of the Oklahoma Statutes;

10. Emergency Medical Technician License Plate - such plates shall be designed and issued to any person who is an emergency medical technician. Such persons may apply for an emergency medical technician license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of an emergency medical technician's license. The license plate shall be designed in consultation with the Oklahoma Emergency Medical Technicians Association. As provided in this section, an amount of the fee collected shall be apportioned to the Emergency Medical Personnel Death Benefit Revolving Fund created in Section 1-2505.2 of Title 63 of the Oklahoma Statutes;

11. Fight Breast Cancer License Plate - such plates shall be designed to demonstrate support for the prevention and treatment of breast cancer in this state;

12. Crime Victims Awareness License Plate - such plates shall be designed and issued to any person wishing to demonstrate awareness of and support for victims of crimes. The license plates shall be designed in consultation with the Crime Victims Compensation Program. As provided in this section, an amount of the fee collected shall be apportioned to the Attorney General's Revolving Fund for the Office of the Attorney General, which is hereby directed to use such funds to contract with a statewide nonprofit organization to provide services to crime victims;

13. Safe Kids Oklahoma License Plate - such plates shall be designed and issued to any person wishing to demonstrate support and awareness of the Safe Kids Oklahoma. The license plate shall be designed in consultation with the Oklahoma Safe Kids Association. As provided in this section, an amount of the fee collected shall be deposited in the Children's Hospital - Oklahoma Safe Kids Association Revolving Fund to be distributed to the Safe Kids Oklahoma program;

14. Oklahoma Four-H Club License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma by the Four-H Foundation, and issued to any person wishing to demonstrate support of the Oklahoma Four-H Club. Such plates may be designed and issued to any person as for personalized license plates. As provided in this section, an amount of the fee collected shall be apportioned to the OSU Extension Service License Plate Revolving Fund created in Section 1104.4 of this title;

15. Agricultural Awareness License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma, by the Oklahoma Department of Agriculture, Food, and Forestry in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support of the Department's Ag in the

Classroom Education Program. As provided in this section, an amount of the fee collected shall be apportioned as provided in Section 1104.3 of this title;

16. Oklahoma Statehood Centennial License Plate - such plates shall be designed and issued to any person wishing to commemorate the centennial of Oklahoma's admission to statehood in 1907. The license plates shall be designed in consultation with the Oklahoma Capitol Complex and Centennial Commemoration Commission. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Department of Commerce Revolving Fund created in Section 5012 of Title 74 of the Oklahoma Statutes;

17. Support Education License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma by the State Department of Education in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support for education in this state. All licensed operators shall display a sample of the Support Education License plate in the area of the business accessed by the public. Twenty-three Dollars (\$23.00) of the fee collected shall be apportioned as follows:

- a. five percent (5%) shall be deposited to the Education Reform Revolving Fund,
- b. five percent (5%) shall be deposited to the Oklahoma State Regents for Higher Education Revolving Fund,
- c. five percent (5%) shall be deposited to the State Career-Technology Fund, and
- d. eighty-five percent (85%) shall be deposited to the Retirement Benefit Fund as set forth in Section 17-108 of Title 70 of the Oklahoma Statutes.

However, when the Retirement Benefit Fund attains a seventy percent (70%) funded ratio based on an annual actuarial valuation as required by law, the amount of the fee shall be apportioned equally pursuant to subparagraphs a, b and c of this paragraph;

18. Retired Oklahoma Highway Patrol Officers License Plate - such plates shall be designed and issued to any retired officer of the Oklahoma Highway Patrol. The license plate shall have the legend "Oklahoma" and shall contain, in the center of the plate, the Highway Patrol Officers patch using the same colors and pattern as used in the patch. Centered on the bottom of the license plate shall be the word "Retired". The letters "TRP" shall be used in combination with three numbers on either side of the insignia or emblem. The color of the letters and numbers shall be brown. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The surviving spouse of any deceased retired officer of the Oklahoma Highway Patrol, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a Retired

Oklahoma Highway Patrol Officers license plate. As provided in this section, an amount of the fee collected shall be deposited into the Oklahoma Law Enforcement Retirement Fund;

19. Boy Scouts of America Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Boy Scouts of America. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official Boy Scouts of America logo. Service Oklahoma shall be authorized, if necessary, to enter into a licensing agreement with the Boy Scouts of America for any licensing fees which may be required in order to use the Boy Scouts of America logo or design. The licensing agreement shall provide for a payment to the Boy Scouts of America of not more than Twenty Dollars (\$20.00) for each license plate issued;

20. Urban Forestry and Beautification License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma, by the Oklahoma Department of Agriculture, Food, and Forestry in consultation with nonprofit organizations in this state that develop and operate programs to encourage urban forestry and beautification, and issued to any person wishing to demonstrate support of such programs. As provided in this section, an amount of the fee collected shall be apportioned as provided in Section 1104.5 of this title;

21. Oklahoma State Parks Supporter License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma by the Oklahoma Tourism and Recreation Department, and issued to any person wishing to demonstrate support for the Oklahoma state parks system. Twenty-three Dollars (\$23.00) of the fee collected shall be deposited in the Oklahoma Tourism and Recreation Department Revolving Fund. Such money shall be designated for and may only be expended for the support of Oklahoma state parks;

22. Adoption Creates Families License Plate - such plates shall be issued to any person wishing to demonstrate support of pregnant women who are committed to placing their children for adoption and wishing to provide assistance to guardians, adoptive parents and other created families to assist in the adoption and placement of children in permanent, safe homes. The license plates shall be designed and final terminology delivered in consultation with the Oklahoma Adoption Coalition and the Department of Human Services. Twenty-five Dollars (\$25.00) of the fee collected shall be deposited in a revolving fund established in the State Treasury for and to be used by the Department of Human Services for the implementation of the Investing in Stronger Oklahoma Families Act specifically for created families;

23. Choose Life License Plate - such plates shall be designed, subject to criteria presented to Service Oklahoma, by Choose Life

America, Inc., and issued to any person who wishes to demonstrate support of organizations that encourage adoption as a positive choice for women with unplanned pregnancies. As provided in this section, an amount of the fee collected shall be deposited in the Choose Life Assistance Program Revolving Fund established in Section 1104.6 of this title;

24. Future Farmers of America License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the Oklahoma FFA Association (formerly known as Future Farmers of America). The license plates shall be designed in consultation with the Oklahoma FFA Association Board of Directors. As provided in this section, an amount of the fee collected shall be apportioned as provided in Section 1104.7 of this title;

25. Lions Club License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the Lions Clubs of Oklahoma. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The license plates shall be designed in consultation with the Oklahoma Lions Service Foundation and shall contain the official logo of the International Association of Lions Clubs. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Lions Service Foundation. The licensing agreement shall provide for a payment to the Oklahoma Lions Service Foundation of not more than Ten Dollars (\$10.00) for each license plate issued;

26. Color Oklahoma License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma by the Oklahoma Native Plant Society, and issued to any person wishing to demonstrate support for preserving and planting wildflowers and native plants in this state and to promote Oklahoma's wildflower heritage through education. As provided in this section, an amount of the fee collected shall be apportioned as provided in Section 1104.8 of this title;

27. Girl Scouts of the United States of America Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Girl Scouts of the United States of America. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official Girl Scouts of the United States of America logo. Service Oklahoma shall be authorized, if necessary, to enter into a licensing agreement with the Girl Scouts of the United States of America for any licensing fees which may be required in order to use the Girl Scouts of the United States of America logo or design. The licensing agreement shall provide for a payment to the Magic Empire Council of Girl Scouts, acting on behalf of all Oklahoma Girl Scout

councils, of not more than Twenty Dollars (\$20.00) for each license plate issued;

28. Oklahoma City Memorial Marathon License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma City Memorial Marathon. The plate shall be designed in consultation with the Oklahoma City Memorial Marathon. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma City Memorial Marathon for any licensing fees which may be required in order to use the Oklahoma City Memorial Marathon logo or design. The licensing agreement shall provide for a payment to the Oklahoma City Memorial Marathon of not more than Twenty Dollars (\$20.00) for each license plate issued;

29. Oklahoma Scenic Rivers License Plate - such plates shall be designed to demonstrate support for the Grand River Dam Authority. The plates shall be designed in consultation with the Grand River Dam Authority. Twenty-five Dollars (\$25.00) of the fee shall be apportioned to the Grand River Dam Authority;

30. Fight Cancer License Plate - such plates shall be designed to demonstrate support for the Oklahoma Central Cancer Registry. The plate shall contain the American Cancer Society logo. The American Cancer Society logo shall be used in accordance with the American Cancer Society's branding guidelines and shall only be utilized to support the Oklahoma Central Cancer Registry. Twenty Dollars (\$20.00) of the fee shall be apportioned to the Oklahoma Central Cancer Registry Revolving Fund;

31. Animal Friendly License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for controlling the overpopulation of dogs and cats through educational and sterilization efforts. The plates shall be designed in consultation with the Veterinary Medical Association. Twenty Dollars (\$20.00) of the fee collected shall be designated by the purchaser of the plate to be deposited in the Oklahoma Pet Overpopulation Fund created in Section 2368.13 of Title 68 of the Oklahoma Statutes or the Animal Friendly Revolving Fund created in Section 1104.10 of this title;

32. Patriot License Plate - such plates shall be designed in consultation with the Military Department of the State of Oklahoma and issued to any person wishing to demonstrate support for Oklahoma residents who are members of the Oklahoma National Guard and deployed on active duty. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, a portion of the fee collected shall be deposited in the Patriot License Plate Revolving Fund created in Section 1104.11 of this title;

33. Global War on Terrorism License Plate - such plate shall be designed in consultation with the Military Department of the State

of Oklahoma and issued to any person wishing to demonstrate support for Oklahoma residents who are members of the Armed Forces of the United States or Oklahoma National Guard that have served in the Global War on Terrorism. The plate shall be issued to any person in any combination of numbers and letters from one to a maximum of six. As provided in this section, a portion of the fee collected shall be deposited in the Oklahoma National Guard Museum Fund created in Section 235.1 of Title 44 of the Oklahoma Statutes;

34. Boys and Girls Clubs of America Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Boys and Girls Clubs of America. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official Boys and Girls Clubs of America logo. Service Oklahoma, if necessary, may enter into a licensing agreement with the Boys and Girls Clubs of America for any licensing fees which may be required in order to use the Boys and Girls Clubs of America logo or design. The licensing agreement shall provide for a payment to the Boys and Girls Clubs of America of not more than Twenty Dollars (\$20.00) for each license plate issued;

35. Oklahoma Quarter Horse License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the American Quarter Horse in this state. The plate shall be designed in consultation with the Oklahoma Quarter Horse Association. As provided in this section, a portion of the fee collected shall be deposited in the Oklahoma Quarter Horse Revolving Fund created in Section 1104.12 of this title;

36. Oklahoma Association for the Deaf License Plate - such plates shall be designed in consultation with the Oklahoma Association for the Deaf and issued to any person wishing to demonstrate support for Oklahoma residents who are deaf. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, a portion of the fee collected shall be deposited in the Oklahoma Association for the Deaf License Plate Revolving Fund created in Section 1104.15 of this title;

37. Oklahoma City Zoo License Plate - such plates shall be issued to any person wishing to demonstrate support for the Oklahoma City Zoo. The license plates shall be designed in consultation with the Oklahoma Zoological Society, Inc. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Zoological Society for any licensing fee which may be required in order to use the Oklahoma Zoological Society's logo or design. The licensing agreement shall provide for payment to the Oklahoma Zoological Society of not more than Twenty Dollars (\$20.00) for each license plate issued;

38. March of Dimes License Plate - such plates shall be issued to persons wishing to demonstrate support for the March of Dimes mission to improve the health of babies by preventing birth defects, premature birth and infant mortality. The license plates shall be designed in consultation with the Oklahoma Chapter March of Dimes. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Prevent Birth Defects, Premature Birth and Infant Mortality Fund established in Section 1104.14 of this title;

39. Support Our Troops Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Support Our Troops Incorporated. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of six. The plate shall contain the official Support Our Troops Incorporated logo which includes the mark "Support Our Troops" across the bottom of the plate. Service Oklahoma, if necessary, may enter into a licensing agreement with Support Our Troops Incorporated for any licensing fees which may be required in order to use the Support Our Troops Incorporated logo or design. The licensing agreement shall provide for a payment to Support Our Troops Incorporated of Twenty-five Dollars (\$25.00) for each license plate issued;

40. Folds of Honor Supporter License Plate - such plates shall be authorized to be designed and issued to any person wishing to demonstrate support for the Oklahoma City Chapter of Folds of Honor Incorporated, a nonprofit charitable organization exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), providing educational scholarships to spouses and children of America's fallen and disabled military service members. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of six. Such person may apply for a Folds of Honor Supporter license plate for a motorcycle; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate. The plate shall be designed in consultation with the Oklahoma City Chapter of Folds of Honor Incorporated and shall contain the official Folds of Honor Incorporated logo which includes the mark "Folds of Honor" across the bottom of the plate. Service Oklahoma, if necessary, may enter into a licensing agreement with Folds of Honor Incorporated for any licensing fees which may be required in order to use the Folds of Honor Incorporated logo or design. The licensing agreement shall provide for a payment to Folds of Honor Incorporated of Twenty-five Dollars (\$25.00) for each license plate issued. Subject to the provisions of subsection A of this section, the Folds of Honor Supporter License Plate is hereby reauthorized effective November 1, 2019;

41. Armed Forces Veterans Motorcycle License Plate - such plates shall be designed for use on a motorcycle in consultation with A Brotherhood Aiming Toward Education of Oklahoma, Inc. (ABATE), and issued to any honorably discharged former member of the United States Armed Forces wishing to demonstrate support for the Oklahoma National Guard Museum. Persons applying for such license plate must show proof of past military service. As provided in this section, a portion of the fee collected shall be deposited in the Oklahoma National Guard Museum Fund created in Section 235.1 of Title 44 of the Oklahoma Statutes;

42. Buffalo Soldier License Plate - such plates shall be issued to any person wishing to honor and celebrate the history and contribution of the Buffalo Soldiers. The license plates shall be designed in consultation with the Lawton-Fort Sill Chapter of the Buffalo Soldiers 9th and 10th (Horse) Cavalry National Association. As provided in this section, an amount of the fee collected shall be deposited in the Buffalo Soldier License Plate Revolving Fund created in Section 1104.16 of this title;

43. Prevent Blindness Oklahoma License Plate - such plates shall be issued to any person wishing to provide financial support for vision screening of school age children in this state. The license plates shall be designed in consultation with Prevent Blindness Oklahoma. As provided in this section, an amount of the fee collected shall be deposited in the Prevent Blindness Oklahoma License Plate Revolving Fund created in Section 1104.17 of this title;

44. Oklahoma State Capitol Restoration License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for restoration of the Oklahoma State Capitol building. The license plates shall be designed in consultation with the Friends of the Capitol corporation, created pursuant to Section 15.4 of Title 73 of the Oklahoma Statutes and the State Capitol Preservation Commission created pursuant to Section 4102 of Title 74 of the Oklahoma Statutes. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Friends of the Capitol License Plate Revolving Fund established in Section 1104.18 of this title;

45. Eastern Red Cedar Tree License Plate - such plates shall be designed, subject to criteria to be presented to Service Oklahoma and issued to any person wishing to demonstrate support for the removal of Eastern Redcedar trees from lands in the state and to develop marketable uses for the harvested trees. The license plate shall be designed in consultation with the Oklahoma Department of Agriculture, Food, and Forestry. Twenty-three Dollars (\$23.00) of the fee collected shall be deposited in the Eastern Redcedar Revolving Fund created in Section 18-407 of Title 2 of the Oklahoma Statutes. The money shall be designated for and may only be

expended for the purposes as set forth in the Eastern Redcedar Management Act;

46. Pancreatic Cancer Research License Plate - such plates shall be issued to any person wishing to provide financial support for the University of Oklahoma Foundation, Pancreatic Cancer Research Fund. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of six. The license plates shall be designed in consultation with the University of Oklahoma Foundation, Pancreatic Cancer Research Fund. As provided in this section, an amount of the fee collected shall be deposited in the Pancreatic Cancer Research License Plate Revolving Fund created in Section 1104.19 of this title;

47. Alzheimer's Research License Plate - such plates shall be issued to any person wishing to provide financial support for the Oklahoma Chapter of the Alzheimer's Association. The license plates shall be designed in consultation with the Oklahoma Chapter of the Alzheimer's Association. As provided in this section, an amount of the fee collected shall be deposited in the Alzheimer's Research License Plate Revolving Fund created in Section 1104.20 of this title;

48. Hospice and Palliative Care License Plate - such plates shall be issued to any person wishing to provide financial support for the Oklahoma Hospice and Palliative Care Association. The license plates shall be designed in consultation with the Oklahoma Hospice and Palliative Care Association. As provided in this section, an amount of the fee collected shall be deposited in the Hospice and Palliative Care License Plate Revolving Fund created in Section 1104.21 of this title;

49. Juvenile Diabetes Research License Plate - such plates shall be issued to any person wishing to provide financial support for the Oklahoma Chapters of the Juvenile Diabetes Research Foundation. The license plates shall be designed in consultation with the Oklahoma Chapters of the Juvenile Diabetes Research Foundation. As provided in this section, an amount of the fee collected shall be deposited in the Juvenile Diabetes Research License Plate Revolving Fund created in Section 1104.22 of this title;

50. Deer Creek Schools Foundation License Plate - such plates shall be issued to any person wishing to provide financial support for the Deer Creek Schools Foundation. The license plates shall be designed in consultation with the Deer Creek Schools Foundation. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Deer Creek Schools Foundation License Plate Revolving Fund created in Section 1104.23 of this title;

51. Lupus Awareness and Education License Plate - such plates shall be issued to any person wishing to provide financial support for the Oklahoma Chapter of the Lupus Foundation of America. The license plates shall be designed in consultation with the Oklahoma Chapter of the Lupus Foundation of America. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Lupus License Plate Revolving Fund created in Section 1104.24 of this title. Subject to the provisions of subsection A of this section, the Lupus Awareness and Education License Plate is hereby reauthorized effective November 1, 2018;

52. Chiefs of Police License Plate - such plates shall be issued to any person wishing to provide financial support for the Oklahoma Association of Chiefs of Police for a vehicle or motorcycle in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The license plates shall be designed in consultation with the Oklahoma Association of Chiefs of Police. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Association of Chiefs of Police for any licensing fees which may be required in order to use the association's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Association of Chiefs of Police of not more than Twenty Dollars (\$20.00) for each license plate issued. Subject to the provisions of subsection A of this section, the Chiefs of Police License Plate is hereby reauthorized effective November 1, 2015;

53. Crossings Christian School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Crossings Christian School located in Oklahoma City. The license plates shall be designed in consultation with the administration of Crossings Christian School. Service Oklahoma shall be authorized to enter into a licensing agreement with Crossings Christian School for any licensing fees which may be required in order to use the school's logo or design. The licensing agreement shall provide for a payment to the Crossings Christian School of not more than Twenty Dollars (\$20.00) for each license plate issued;

54. Hilldale Education Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Hilldale Education Foundation. The license plates shall be designed in consultation with the administration of the Hilldale Education Foundation. Service Oklahoma shall be authorized to enter into a licensing agreement with the Hilldale Education Foundation for any licensing fees which may be required in order to use the foundation's logo or design. The licensing agreement shall

provide for a payment to the Hilldale Education Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

55. Oklahoma Nurses License Plate - such plates shall be issued to any person licensed pursuant to the Oklahoma Nursing Practice Act and providing such documentation of current licensure as may be required by Service Oklahoma. The license plates shall be designed in consultation with the Oklahoma Nurses Association. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Nurses License Plate Revolving Fund created in Section 1104.26 of this title;

56. Oklahoma Sports Hall of Fame License Plate - such plates shall be issued to any person wishing to demonstrate support for the Oklahoma Sports Hall of Fame. The license plates shall be designed in consultation with the administration of the Oklahoma Sports Hall of Fame. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Sports Hall of Fame for any licensing fees which may be required in order to use the Hall of Fame's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Sports Hall of Fame of not more than Twenty Dollars (\$20.00) for each license plate issued;

57. Childhood Cancer Awareness License Plate - such plates shall be issued to any person wishing to demonstrate support for the Oklahoma Children's Cancer Association. The license plates shall be designed in consultation with the administration of the Oklahoma Children's Cancer Association. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Children's Cancer Association for any licensing fees which may be required in order to use the Oklahoma Children's Cancer Association's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Children's Cancer Association of not more than Twenty Dollars (\$20.00) for each license plate issued;

58. Oklahoma Educational Television Authority License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Educational Television Authority and such plates shall be designed in consultation with the Authority. As provided in this section, an amount of the fee collected shall be deposited in The Educational Television Authority Revolving Fund created in Section 156 of Title 62 of the Oklahoma Statutes;

59. Remembering Fallen Heroes License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Concerns of Police Survivors, Inc. Such plates shall be designed in consultation with the Oklahoma Chapter of Concerns of Police Survivors, Inc. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Concerns of Police Survivors License Plate Revolving Fund created in Section 1104.27 of this title;

60. Disabled American Veterans License Plate - such plates shall be designed in consultation with the Disabled American Veterans of Oklahoma and issued to any member of the organization wishing to demonstrate support. Service Oklahoma shall be authorized to enter into a licensing agreement with the Disabled American Veterans of Oklahoma for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Disabled American Veterans of Oklahoma of not more than Twenty Dollars (\$20.00) for each license plate issued. The plates shall incorporate a numbering system agreed upon by the Disabled American Veterans of Oklahoma and Service Oklahoma;

61. Owasso Rams Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Owasso Rams, and shall be designed in consultation with representatives of Owasso Public Schools. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

62. Collinsville Cardinals Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Collinsville Cardinals, and shall be designed in consultation with representatives of Collinsville Public Schools. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

63. Sperry Pirates Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Sperry Pirates, and shall be designed in consultation with representatives of Sperry Schools. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

64. Skiatook Bulldogs Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Skiatook Bulldogs, and shall be designed in consultation with representatives of Skiatook Public Schools. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee

collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

65. Rejoice Christian Eagles Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Rejoice Christian Eagles, and shall be designed in consultation with representatives of Rejoice Christian Schools. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

66. East Central Cardinals Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the East Central Cardinals, and shall be designed in consultation with representatives of East Central High School. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

67. Southeast Spartans Supporter License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Southeast Spartans, and shall be designed in consultation with the Southeast High School Alumni Association. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Education Reform Revolving Fund created in Section 34.89 of Title 62 of the Oklahoma Statutes;

68. Sooner State ABATE License Plate - such plates shall be issued to any person wishing to provide financial support for Sooner State ABATE (A Brotherhood Against Totalitarian Enactments). The license plates shall be designed in consultation with Sooner State ABATE. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized plates. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate. Service Oklahoma shall be authorized to enter into a licensing agreement with Sooner State ABATE for any licensing fees, which may be required in order to use the association's logo or design. The licensing agreement shall provide for a payment to Sooner State ABATE of not more than Twenty Dollars (\$20.00) for each license plate issued. Subject to the provisions of subsection A of this section, the Sooner State

ABATE License Plate is hereby reauthorized effective November 1, 2019;

69. Oklahoma License to Educate License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Oklahoma educators. Such plates shall be designed in consultation with the State Department of Education. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Teacher Recruitment Revolving Fund created in Section 6-132 of Title 70 of the Oklahoma Statutes;

70. Piedmont Education Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Piedmont Public Schools Education Foundation. Such plates shall be designed in consultation with the Foundation. As provided in this section, an amount of the fee collected shall be deposited in the Piedmont Public Schools Education Foundation License Plate Revolving Fund created in Section 1104.28 of this title;

71. The Pride of Oklahoma License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Pride of Oklahoma marching band and shall be designed in consultation with the Pride of Oklahoma marching band. Service Oklahoma shall be authorized to enter into a licensing agreement with the University of Oklahoma or the Pride of Oklahoma marching band for any licensing fees which may be required in order to use the applicable logo or design. The licensing agreement shall provide for a payment to the Pride of Oklahoma Fund at the University of Oklahoma Foundation, Inc. of not more than Twenty Dollars (\$20.00) for each license plate issued;

72. Jenks Trojans License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Jenks school district. The license plates shall be designed in consultation with the administration of the Jenks school district. Service Oklahoma shall be authorized to enter into a licensing agreement with the Jenks school district for any licensing fees which may be required in order to use the school district's logo or design. The licensing agreement shall provide for a payment to the Jenks school district of not more than Twenty Dollars (\$20.00) for each license plate issued;

73. Bixby Spartans License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Bixby school district. The license plates shall be designed in consultation with the administration of the Bixby school district. Service Oklahoma shall be authorized to enter into a licensing agreement with the Bixby school district for any licensing fees which may be required in order to use the school district's logo or design. The licensing agreement shall provide for a payment to the

Bixby school district of not more than Twenty Dollars (\$20.00) for each license plate issued;

74. Oklahoma Department of Aerospace and Aeronautics License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma aviation industry and to promote awareness of aviation and aerospace. Such plates shall be designed in consultation with the Oklahoma Department of Aerospace and Aeronautics and shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. Twenty-four Dollars (\$24.00) of the fee collected shall be deposited in the Oklahoma Department of Aerospace and Aeronautics Revolving Fund, for expenditure as provided in Section 91 of Title 3 of the Oklahoma Statutes;

75. Ducks Unlimited License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Ducks Unlimited. Such plates shall be designed in consultation with Ducks Unlimited. Service Oklahoma shall be authorized to enter into a licensing agreement with Ducks Unlimited for any licensing fee which may be required in order to use the Ducks Unlimited logo or design. The licensing agreement shall provide for a payment to Ducks Unlimited of not more than Twenty Dollars (\$20.00) for each license plate issued;

76. Prisoner of War and Missing in Action License Plate - such plates shall be issued to any person wishing to increase awareness of those who are currently prisoners of war or missing in action and provide financial support for current veterans. The license plates shall be designed in consultation with Rolling Thunder Oklahoma. As provided in this section, an amount of the fee collected shall be deposited in the Prisoner of War and Missing in Action License Plate Revolving Fund created in Section 1104.29 of this title;

77. Woodward Boomers License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Woodward school district. The license plates shall be designed in consultation with the administration of the Woodward school district. Service Oklahoma shall be authorized to enter into a licensing agreement with the Woodward school district for any licensing fees which may be required in order to use the school district's logo or design. The licensing agreement shall provide for a payment to the Woodward school district of not more than Twenty Dollars (\$20.00) for each license plate issued;

78. Clinton Public School Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Clinton Public School Foundation. The license plates shall be designed in consultation with the Clinton Public School Foundation. Service Oklahoma shall be authorized to enter into a licensing agreement with the Clinton Public School Foundation for any licensing fees which may be required in order to

use the school foundation's logo or design. The licensing agreement shall provide for a payment to the Clinton Public School Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

79. Navajo School Foundation License Plate - such plates shall be issued to any person wishing to demonstrate support for the Navajo School Foundation. The license plates shall be designed in consultation with the administration of the Navajo School Foundation. Service Oklahoma shall be authorized to enter into a licensing agreement with the Navajo School Foundation for any licensing fees which may be required in order to use the Foundation's logo or design. The licensing agreement shall provide for a payment to the Navajo School Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

80. Oklahoma Music Hall of Fame Inc. License Plate - such plates shall be designed in consultation with the Oklahoma Music Hall of Fame Inc. and issued to any member of the organization wishing to demonstrate support. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Music Hall of Fame Inc. for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Music Hall of Fame Inc. of not more than Twenty Dollars (\$20.00) for each license plate issued. The plates shall incorporate a numbering system agreed upon by the Oklahoma Music Hall of Fame Inc. and Service Oklahoma. Subject to the provisions of subsection A of this section, the Oklahoma Music Hall of Fame Inc. License Plate is hereby reauthorized effective November 1, 2019;

81. Techlahoma Foundation License Plate - such plates shall be issued to any person wishing to provide financial support for the Techlahoma Foundation. The license plate shall be designed in consultation with the Techlahoma Foundation. The plate shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. Service Oklahoma shall be authorized to enter into a licensing agreement with the Techlahoma Foundation for any licensing fees, which may be required in order to use the association's logo or design. The licensing agreement shall provide for a payment to the Techlahoma Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

82. Bethany Public Schools Foundation License Plate - such plates shall be issued to any person wishing to demonstrate support for the Bethany Public Schools Foundation. The license plates shall be designed in consultation with the administration of the Bethany Public Schools Foundation. Service Oklahoma shall be authorized to enter into a licensing agreement with the Bethany Public Schools Foundation for any licensing fees which may be required in order to

use the Foundation's logo or design. The licensing agreement shall provide for a payment to the Bethany Public Schools Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

83. Cystic Fibrosis Foundation License Plate - such plates shall be issued to any person wishing to demonstrate support for the Cystic Fibrosis Foundation. The license plates shall be designed in consultation with the administration of the Cystic Fibrosis Foundation. Service Oklahoma shall be authorized to enter into a licensing agreement with the Cystic Fibrosis Foundation for any licensing fees which may be required in order to use the Foundation's logo or design. The licensing agreement shall provide for a payment to the Cystic Fibrosis Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

84. Down Syndrome Association of Central Oklahoma License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Down Syndrome Association of Central Oklahoma. Such plates shall be designed in consultation with the Association. As provided in this section, an amount of the fee collected shall be deposited in the Down Syndrome Association of Central Oklahoma License Plate Revolving Fund created in Section 1104.30 of this title;

85. Elk City Education Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Elk City Education Foundation. Such plates shall be designed in consultation with the Foundation. As provided in this section, an amount of the fee collected shall be deposited in the Elk City Education Foundation License Plate Revolving Fund created in Section 1104.31 of this title;

86. A Brotherhood Aiming Toward Education of Oklahoma (ABATE) License Plate - such plates shall be designed and issued to any person wishing to provide financial support for ABATE of Oklahoma. Such plates shall be designed in consultation with ABATE of Oklahoma. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized plates. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate. Service Oklahoma shall be authorized to enter into a licensing agreement with ABATE of Oklahoma for any licensing fees which may be required in order to use the ABATE of Oklahoma logo or design. The licensing agreement shall provide for a payment to ABATE of Oklahoma of not more than Twenty Dollars (\$20.00) for each license plate issued;

87. Downed Bikers Association License Plate - such plates shall be designed for a vehicle or motorcycle in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates, and issued to any person wishing to demonstrate support for the Downed Bikers Association, a nonprofit

charitable organization exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), which provides emotional and financial support for downed bikers. The license plate shall be designed in consultation with the Central Oklahoma Chapter of the Downed Bikers Association and shall contain any official logo or design of the organization. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate. Service Oklahoma, if necessary, may enter into a licensing agreement with the Downed Bikers Association for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Downed Bikers Association of not more than Twenty Dollars (\$20.00) for each license plate;

88. Eagle Scout License Plate - such plates shall be designed to demonstrate support for Eagle Scouts of the Boy Scouts of America and shall include the Eagle Scout logo. Plates may be issued to any person who can show proof of having obtained the rank of Eagle Scout. Service Oklahoma shall be authorized to enter into a licensing agreement with the various Oklahoma local councils for any licensing fees which may be required in order to use the applicable logo or design. The licensing agreement shall provide for a payment of not more than Twenty Dollars (\$20.00) for each license plate issued to the specific Oklahoma local area council designated by the applicant;

89. Extraordinary Educators License Plate - such plates shall be designed and issued to any person wishing to provide financial support for common education in this state. Such plates shall be designed in consultation with the State Department of Education. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. As provided in this section, an amount of the fee collected shall be deposited in the Extraordinary Educators License Plate Revolving Fund created in Section 1104.32 of this title;

90. Former Oklahoma Legislator License Plate - such plates shall be designed and issued to any person who previously served as a member of the House of Representatives or Senate. The license plates shall be designed in consultation with the Oklahoma Historical Society. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Historical Society Capital Improvement and Operations Revolving Fund created in Section 1.10a of Title 53 of the Oklahoma Statutes. Service Oklahoma shall create and maintain a list of former members of the House of Representatives and Senate eligible to be issued such plates; provided, that no former member of the House of Representatives and Senate shall be eligible to possess more than two of such plates at

any one time. Service Oklahoma shall confer as needed with the Chief Clerk of the House of Representatives and the Secretary of the Senate to confirm that such list is complete and accurate;

91. Monarch Butterfly License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the operations of the Oklahoma Monarch Society. Such plates shall be designed in consultation with the Oklahoma Monarch Society. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Monarch Society for any licensing fees which may be required in order to use the foundation's logo or design. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The licensing agreement shall provide for a payment to the Oklahoma Monarch Society of not more than Twenty Dollars (\$20.00) for each license plate issued;

92. Oklahoma Tennis Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Tennis Foundation. The license plates shall be designed in consultation with the Oklahoma Tennis Foundation. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Tennis Foundation for any licensing fees which may be required in order to use the foundation's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Tennis Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

93. Oklahoma Veterans of Foreign Wars License Plate - such plates shall be designed to honor the Oklahoma Veterans of Foreign Wars Chapters and shall be issued to any resident of this state upon proof of membership in the Oklahoma Veterans of Foreign Wars organization. The license plates shall be designed in consultation with the Oklahoma Veterans of Foreign Wars organization. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Veterans of Foreign Wars organization for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Veterans of Foreign Wars organization of not more than Twenty Dollars (\$20.00) for each license plate issued. Service Oklahoma shall reinstate any Veterans of Foreign Wars license plates issued prior to November 1, 2021, and shall reimburse any individual who held a Veterans of Foreign Wars License Plate on October 31, 2021, for fees incurred for the replacement of such plate;

94. Oklahoma Women Veterans Organization License Plate - such plates shall be designed and issued to any female veteran of any branch of the United States Armed Forces wishing to demonstrate support for the Oklahoma Women Veterans Organization. The license plates shall be designed in consultation with the Oklahoma Women

Veterans Organization. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Women Veterans Organization for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Women Veterans Organization of not more than Twenty Dollars (\$20.00) for each license plate issued;

95. FIRST (For Inspiration and Recognition of Science and Technology) in Oklahoma License Plate - such plates shall be issued to any person wishing to demonstrate support for FIRST in Oklahoma Robotics programs. The license plates shall be designed in consultation with the administration of FIRST in Oklahoma. Service Oklahoma shall be authorized to enter into a licensing agreement with FIRST in Oklahoma for any licensing fees which may be required in order to use the FIRST in Oklahoma logo or design. The licensing agreement shall provide for a payment to FIRST in Oklahoma of not more than Twenty Dollars (\$20.00) for each license plate issued;

96. Pittsburg State University License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Pittsburg State University. The license plates shall be designed in consultation with Pittsburg State University. Service Oklahoma shall be authorized to enter into a licensing agreement with Pittsburg State University for any licensing fees which may be required in order to use the school foundation's logo or design. The licensing agreement shall provide for a payment to the Pittsburg State University of not more than Twenty Dollars (\$20.00) for each license plate issued;

97. Greenwood Historical District License Plate - such plates shall be issued to persons wishing to demonstrate support for the Tulsa Juneteenth Festival held in the Greenwood Historical District in Tulsa, Oklahoma. The plates shall be issued to any person for a vehicle or a motorcycle in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The license plates shall be designed in consultation with Tulsa Juneteenth, Inc. Service Oklahoma shall be authorized to enter into a licensing agreement with the Tulsa Juneteenth Festival for any licensing fees which may be required in order to use the Festival's logo or design. The license plate for a motorcycle may be of similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate. For each license plate issued, the licensing agreement shall provide for a payment of Twenty-seven Dollars (\$27.00) of the fee collected to the Tulsa Juneteenth Festival;

98. Oklahoma Veterans of Foreign Wars Auxiliary Chapters License Plate - such plates shall be designed to honor the Oklahoma Veterans of Foreign Wars Auxiliary Chapters and issued to any resident of this state upon proof of membership in the Oklahoma

Veterans of Foreign Wars Auxiliary organization in this state. The license plates shall be designed in consultation with the Oklahoma Veterans of Foreign Wars Auxiliary organization. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Veterans of Foreign Wars Auxiliary organization for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Veterans of Foreign Wars Auxiliary organization of not more than Twenty Dollars (\$20.00) for each license plate issued;

99. Transportation to Transportation License Plate - such plates shall be designed and issued to persons wishing to support county roads and bridges. The license plates shall be designed in consultation with the Association of County Commissioners of Oklahoma. Twenty Dollars (\$20.00) of the fee collected shall be paid to the county treasurer for the county in which the license plate was purchased to be credited to the county highway fund created pursuant to Section 1503 of Title 69 of the Oklahoma Statutes;

100. Blue Star Mothers License Plate - such plates shall be designed and issued to any person showing proof of membership in an Oklahoma Chapter of Blue Star Mothers of America, Inc. The license plates shall be designed in consultation with Blue Star Mothers of America, Inc., Oklahoma Chapter One. Service Oklahoma shall be authorized to enter into a licensing agreement with Blue Star Mothers of America, Inc., Oklahoma Chapter One for any licensing fees which may be required in order to use the Blue Star Mothers of America logo or design. The licensing agreement shall provide for a payment to Blue Star Mothers of America, Inc., Oklahoma Chapter One of not more than Twenty Dollars (\$20.00) for each license plate issued;

101. Oklahoma Golf License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the sport of golf in this state. The license plates shall be designed in consultation with the South Central Section of the Professional Golfers' Association of America and issued to any person wishing to demonstrate support for the sport of golf in this state. Service Oklahoma shall be authorized to enter into a licensing agreement with the South Central Section of the Professional Golfers' Association of America for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the South Central Section of the Professional Golfers' Association of America of not more than Twenty Dollars (\$20.00) for each license plate issued;

102. Paramedic License Plate - such plates shall be designed and issued to any person who is a paramedic. Such persons may apply

for a paramedic license plate for each vehicle with a rated carrying capacity of one (1) ton or less or a motorcycle upon proof of a paramedic license. The license plates shall be designed in consultation with the Oklahoma State University-Oklahoma City Paramedicine program and the Oklahoma Emergency Medical Technicians Association. The letters "PM" shall be placed on the plate followed by four random numbers, or such numbers as requested by such persons applying for the plate. Twenty Dollars (\$20.00) of the fees collected shall be deposited in the Emergency Medical Personnel Death Benefit Revolving Fund created in Section 1-2505.2 of Title 63 of the Oklahoma Statutes. Subject to the provisions of subsection A of this section, the Paramedic License Plate is hereby reauthorized effective November 1, 2022;

103. National Defense Service Medal License Plate - such plates shall be designed and issued to those persons who have received the National Defense Service Medal and wish to demonstrate support for the Oklahoma Department of Veterans Affairs. The license plates shall be designed in consultation with the Oklahoma Department of Veterans Affairs. Service Oklahoma shall be authorized to enter into a licensing agreement with the Oklahoma Department of Veterans Affairs for any licensing fees which may be required in order to use the Department's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Department of Veterans Affairs of not more than Twenty Dollars (\$20.00) for each license plate issued;

104. University of Oklahoma RUF/NEKS License Plate - such plates shall be designed and issued to any past or present member of the University of Oklahoma RUF/NEKS upon providing proof of membership in the organization as may be required by Service Oklahoma. The license plates shall be designed in consultation with the University of Oklahoma RUF/NEKS. Service Oklahoma shall be authorized to enter into a licensing agreement with the University of Oklahoma RUF/NEKS for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Mike James RUF/NEKS Memorial Scholarship of not more than Twenty Dollars (\$20.00) for each license plate issued;

105. Tulsa Community College License Plate - such plates shall be issued to persons wishing to support Tulsa Community College. The plates shall be designed in consultation with Tulsa Community College. Service Oklahoma shall be authorized to enter into a licensing agreement with Tulsa Community College for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to Tulsa Community College of not more than Twenty Dollars (\$20.00) for each license plate issued;

106. Street Kings Car Club License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Street Kings Car Club in Guthrie. The license plates shall be designed in consultation with the Street Kings Car Club. Service Oklahoma shall be authorized to enter into a licensing agreement with the Street Kings Car Club for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Street Kings Car Club of not more than Twenty Dollars (\$20.00) for each license plate issued;

107. Epilepsy Foundation License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Epilepsy Foundation. The license plates shall be designed in consultation with the Epilepsy Foundation of Oklahoma. Service Oklahoma shall be authorized to enter into licensing agreements with the Epilepsy Foundation for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Epilepsy Foundation of not more than Twenty Dollars (\$20.00) for each license plate issued;

108. America First License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the proclamation of "America First". The license plates shall be designed in consultation with Warriors for Freedom and the Honoring America's Warriors Foundations. Service Oklahoma shall be authorized to enter into licensing agreements with the Warriors for Freedom and Honoring America's Warriors Foundations for any licensing fees which may be required in order to use the Foundations' logos or designs. The licensing agreements shall provide for a payment to the Honoring America's Warriors Foundation of not more than Ten Dollars (\$10.00) and a payment to the Warriors for Freedom Foundation of not more than Ten Dollars (\$10.00) for each license plate issued;

109. Diabetes Awareness License Plate - such plates shall be designed and issued to any person wishing to provide financial support for Diabetes Solutions of Oklahoma. The license plates shall be designed in consultation with Diabetes Solutions of Oklahoma. Service Oklahoma shall be authorized to enter into licensing agreements with Diabetes Solutions of Oklahoma for any licensing fees which may be required in order to use the Diabetes Solutions of Oklahoma logos or designs. The licensing agreements shall provide for a deposit to the Diabetes Awareness License Plate Revolving Fund established in Section 1104.33 of this title;

110. Alliance of Mental Health Providers of Oklahoma License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Alliance of Mental Health Providers of Oklahoma. The license plates shall be designed in consultation with the Alliance of Mental Health Providers of

Oklahoma. Service Oklahoma shall be authorized to enter into licensing agreements with the Alliance of Mental Health Providers of Oklahoma for any licensing fees which may be required in order to use the organization's logo or design. The licensing agreement shall provide for a payment to the Alliance of Mental Health Providers of Oklahoma of not more than Twenty Dollars (\$20.00) for each license plate issued;

111. Stillwater Public Schools License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Stillwater School District. The license plates shall be designed in consultation with the administration of the Stillwater School District. Service Oklahoma shall be authorized to enter into a licensing agreement with the Stillwater School District for any licensing fees which may be required in order to use the school district's logo or design. The licensing agreement shall provide for a payment to the Stillwater School District of not more than Twenty Dollars (\$20.00) for each license plate issued; and

112. Broken Arrow Public Schools License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Broken Arrow Public Schools. The license plates shall be designed in consultation with the administration of Broken Arrow Public Schools. Service Oklahoma shall be authorized to enter into a licensing agreement with Broken Arrow Public Schools for any licensing fee which may be required in order to use the school district's logo or design. The licensing agreement shall provide for payment to Broken Arrow Public Schools of not more than Twenty Dollars (\$20.00) for each license plate issued.

C. The fee for such plates shall be Thirty-five Dollars (\$35.00) per year of renewal and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. The fee shall be apportioned as follows through June 30, 2023:

1. Twenty Dollars (\$20.00) per year of renewal or any other amount as provided in this title of the fee shall be apportioned as provided or deposited in a fund as specified within the paragraph authorizing the special license plate;

2. Eight Dollars (\$8.00) per year of renewal of the fee shall be deposited in the Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act. Beginning January 1, 2023, Eight Dollars (\$8.00) per year of renewal of the fee shall be deposited in the Service Oklahoma Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act; and

3. Any remaining amounts of the fee shall be apportioned as provided in Section 1104 of this title.

Added by Laws 2004, c. 504, § 14, eff. July 1, 2004. Amended by Laws 2005, c. 416, § 5, eff. Nov. 1, 2005; Laws 2006, c. 200, § 1,

eff. Nov. 1, 2006; Laws 2006, 2nd Ex. Sess., c. 44, § 25, eff. July 1, 2007; Laws 2009, c. 311, § 3, eff. Nov. 1, 2009; Laws 2010, c. 2, § 19, emerg. eff. March 3, 2010; Laws 2010, c. 190, § 1, eff. Nov. 1, 2010; Laws 2010, c. 366, § 3, eff. Nov. 1, 2010; Laws 2011, c. 1, § 25, emerg. eff. March 18, 2011; Laws 2011, c. 248, § 2, eff. Nov. 1, 2011; Laws 2013, c. 197, § 2, eff. Nov. 1, 2013; Laws 2013, c. 365, § 4, eff. Nov. 1, 2013; Laws 2014, c. 351, § 3, eff. Nov. 1, 2014; Laws 2015, c. 54, § 16, emerg. eff. April 10, 2015; Laws 2015, c. 378, § 2, eff. Nov. 1, 2015; Laws 2016, c. 210, § 25, emerg. eff. April 26, 2016; Laws 2017, c. 284, § 1, eff. Nov. 1, 2017; Laws 2017, c. 331, § 3, eff. Nov. 1, 2017; Laws 2018, c. 69, § 4, eff. Nov. 1, 2018; Laws 2018, c. 293, § 2, eff. Nov. 1, 2018; Laws 2019, c. 25, § 26, emerg. eff. April 4, 2019; Laws 2019, c. 434, § 3, eff. Nov. 1, 2019; Laws 2021, c. 543, § 6, emerg. eff. May 28, 2021; Laws 2022, c. 397, § 3, eff. Nov. 1, 2022; Laws 2023, c. 126, § 23, eff. Nov. 1, 2023; Laws 2023, 1st Ex. Sess., c. 47, § 11, eff. July 1, 2023; Laws 2024, c. 88, § 1, eff. Nov. 1, 2024; Laws 2025, c. 358, § 1, eff. Nov. 1, 2025.

NOTE: Laws 2006, c. 152, § 2 repealed by Laws 2006, 2nd Ex. Sess., c. 44, § 26, eff. July 1, 2007. Laws 2006, c. 311, § 25 repealed by Laws 2006, 2nd Ex. Sess., c. 44, § 27, eff. July 1, 2007. Laws 2006, c. 275, § 3 repealed by Laws 2006, 2nd Ex. Sess., c. 44, § 28, eff. July 1, 2007. Laws 2009, c. 256, § 1 repealed by Laws 2010, c. 2, § 20, emerg. eff. March 3, 2010. Laws 2010, c. 454, § 11 repealed by Laws 2011, c. 1, § 26, emerg. eff. March 18, 2011. Laws 2014, c. 372, § 3 repealed by Laws 2015, c. 54, § 17, emerg. eff. April 10, 2015. Laws 2015, c. 372, § 2 repealed by Laws 2016, c. 210, § 26, emerg. eff. April 26, 2016. Laws 2017, c. 97, § 2 repealed by Laws 2017, c. 331, § 6, eff. Nov. 1, 2017 and by Laws 2017, c. 339, § 2, eff. Nov. 1, 2017. Laws 2017, c. 273, § 1 repealed by Laws 2017, c. 331, § 6, eff. Nov. 1, 2017 and by Laws 2017, c. 339, § 3, eff. Nov. 1, 2017. Laws 2018, c. 181, § 1 repealed by Laws 2019, c. 25, § 27, emerg. eff. April 4, 2019. Laws 2018, c. 226, § 2 repealed by Laws 2019, c. 25, § 28, emerg. eff. April 4, 2019. Laws 2018, c. 304, § 15 repealed by Laws 2019, c. 25, § 29, emerg. eff. April 4, 2019.

NOTE: Laws 2017, c. 339, § 1 was purportedly repealed by Laws 2018, c. 304, § 16, but without reference to Laws 2018, c. 226, § 2, which amended that section.

NOTE: Laws 2023, 1st Ex. Sess., c. 47, § 11 was purportedly repealed by Laws 2024, c. 452, § 97 but without reference to Laws 2024, c. 88, § 1, which amended it.

§47-1135.6. National Association for Stock Car Auto Racing Driver (NASCAR) Theme License Plates.

Service Oklahoma is hereby authorized to design and issue National Association for Stock Car Auto Racing Driver ("NASCAR")

Theme License Plates. Such plates shall be designed and issued to any person wishing to demonstrate interest in NASCAR auto racing. The plates shall be of such design as the supplier of the license plates in consultation with Service Oklahoma may prescribe. The fee for such plate shall be Forty Dollars (\$40.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. On and after January 1, 2022, if a special license plate is issued pursuant to this section, any registration fee required for such plate pursuant to this section and the fee required pursuant to Section 1132 of this title shall be remitted at the same time and subject to a single registration period. Service Oklahoma shall determine, by rule, a method for making required fee and registration period adjustments if a special license plate is obtained during a twelve-month period for which a registration fee has already been remitted pursuant to Section 1132 of this title. The combination of fees in a single remittance shall not alter the apportionment otherwise provided for in this section. Service Oklahoma shall be authorized to enter into a licensing agreement with the supplier of such NASCAR Driver license plates or other entity for any required licensing fees. The licensing agreement shall provide for a payment by Service Oklahoma of not more than twenty-five percent (25%) of the fee authorized for each license plate issued. Five Dollars (\$5.00) of the forty-dollar fee shall be apportioned by Service Oklahoma to the General Revenue Fund. Until December 31, 2022, the remaining amount of such fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund. Beginning January 1, 2023, the remaining amount of such fee shall be deposited by Service Oklahoma in the Service Oklahoma Reimbursement Fund.

For license plates numbered zero (0) through one hundred (100) displaying a particular NASCAR Driver theme, Service Oklahoma may establish an auction or similar procedure for the purpose of determining the order in which such distinctive license plates are sold and the amount of the additional fee for the distinctive license plates. This amount shall be due at the time the original application is submitted to Service Oklahoma and Forty Dollars (\$40.00) thereafter annually at the time of renewal registration. Added by Laws 2004, c. 504, § 15, eff. July 1, 2004. Amended by Laws 2021, c. 276, § 8, eff. Jan. 1, 2022; Laws 2022, c. 282, § 165, emerg. eff. May 19, 2022; Laws 2025, c. 171, § 53, eff. July 1, 2026.

§47-1135.7. Authorization to design and issue special license plates.

A. Service Oklahoma or a private vendor with whom Service Oklahoma has contracted is authorized to design and issue special license plates to any person that applies to Service Oklahoma or a

private vendor for the creation of a special license plate and meets the minimum standards and qualifications specified in this section.

B. If the following standards and guidelines are satisfied, Service Oklahoma shall authorize the issuance of a special license plate to the person making application for the special license plate:

1. The license plate is to:
 - a. show membership in or affiliation with an organization, or
 - b. demonstrate support for an organization, group or cause;
2. The license plate does not advertise or endorse a product, brand or service that is provided for sale;
3. The license plate does not promote any philosophy based on prejudice or that is contrary to state civil rights laws; and
4. Two hundred prepaid applications for the special license plate are received by Service Oklahoma or a private vendor.

C. The fee for special license plates shall be determined in accordance with Section 1135.9 of this title. If the special license plate does not provide financial assistance the fee shall be no less than Fifteen Dollars (\$15.00) per year of renewal and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Unless otherwise provided in this section, until December 31, 2022, Fifteen Dollars (\$15.00) of the fee shall be apportioned as follows: Eight Dollars (\$8.00) of the special license plate fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act and the remaining amounts of the special license plate fee shall be apportioned as provided in Section 1104 of this title. Beginning January 1, 2023, Eight Dollars (\$8.00) of the special license plate fee shall be deposited by Service Oklahoma in the Service Oklahoma Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act and the remaining amounts of the special license plate fee shall be apportioned by Service Oklahoma as provided in Section 1104 of this title.

D. For special license plates that provide financial assistance created pursuant to the provisions of this section, Service Oklahoma shall be authorized to enter into a licensing agreement with an organization for any licensing fees that may be required to use the organization's logo or design.

E. The fee for special license plates that provide financial assistance shall be determined in accordance with Section 1135.9 of this title. Provided, the fee shall be no less than Thirty-five Dollars (\$35.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act.

Thirty-five Dollars (\$35.00) per year of renewal of the fee shall be apportioned by Service Oklahoma as follows:

1. a. Twenty Dollars (\$20.00) of the fee shall be apportioned to the License Plate Special Program Assistance Revolving Fund created in Section 1135.8 of this title to be used in the manner detailed in the application for the special license plate, except as provided in subparagraph b of this paragraph.
- b. If Service Oklahoma has entered into a licensing agreement with an organization for the use of its design or logo pursuant to Chapter 74 of this title, an amount to be determined in the licensing agreement, but not to exceed Twenty Dollars (\$20.00) per license plate issued, shall be transferred monthly to that organization as payment of licensing fees and no fee shall be apportioned to the License Plate Special Program Assistance Revolving Fund;

2. Until December 31, 2022, Eight Dollars (\$8.00) of the fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act. Beginning January 1, 2023, Eight Dollars (\$8.00) of the fee shall be deposited by Service Oklahoma in the Service Oklahoma Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act; and

3. Any remaining amounts of the fee shall be apportioned as provided in Section 1104 of this title.

F. Except as otherwise provided in subsection D and subparagraph b of paragraph 1 of subsection E of this section, if a person applies for a special license plate that provides financial assistance, the application shall designate a state agency to be responsible for expending the funds generated by the special license plate and the application shall designate a specific public purpose for which the funds are to be used. The application shall include an acknowledgment from the designated state agency of their agreement with acceptance of the designated funds.

G. Special license plates shall not be transferred to any other person but shall be removed from the vehicle upon transfer of ownership and retained. The special license plate may then be used on another vehicle but only after such other vehicle has been registered for the current year.

Special license plates shall be renewed each year by Service Oklahoma or a licensed operator, unless authorized by Service Oklahoma to be renewed for a period greater than one (1) year. Service Oklahoma shall notify all persons issued special license plates of the renewal procedures prior to the expiration of the special license plate. The notice shall contain all necessary

information and shall contain instructions for the renewal procedure upon presentation to a t licensed operator or Service Oklahoma. The license plates shall be issued on a staggered system.

On and after January 1, 2022, if a special license plate is issued pursuant to this section, any registration fee required for such plate and the fee required pursuant to Section 1132 of this title shall be remitted at the same time and subject to a single registration period. Service Oklahoma shall determine, by rule, a method for making required fee and registration period adjustments if a special license plate is obtained during a twelve-month period for which registration has already been remitted pursuant to Section 1132 of this title. The combination of fees in a single remittance shall not alter the apportionment otherwise provided for in this section.

Service Oklahoma is hereby directed to develop and implement a system whereby licensed operators are permitted to accept applications for special license plates authorized under this section. The licensed operator shall confirm the applicant's eligibility, if applicable, collect and deposit any amount specifically authorized by law, accept and process the necessary information directly into such system and generate a receipt accordingly. For performance of these duties, licensed operators shall retain the fee provided in Section 1141.1 of this title for registration of a motor vehicle. The licensed operator fees for acceptance of applications and renewals shall be paid out of the Oklahoma Tax Commission Reimbursement Fund. Beginning January 1, 2023, the licensed operator fees for acceptance of applications and renewals shall be paid out of the Service Oklahoma Reimbursement Fund.

H. All special plates issued by Service Oklahoma prior to November 1, 2005, shall not be subject to the requirements and qualifications outlined in this section.

I. As used in this section, "person" includes an individual, group, organization or not-for-profit corporation that is recognized as such by the Internal Revenue Service.

Added by Laws 2005, c. 416, § 6, eff. Nov. 1, 2005. Amended by Laws 2018, c. 69, § 5, eff. Nov. 1, 2018; Laws 2021, c. 543, § 7, eff. Nov. 1, 2021; Laws 2022, c. 282, § 166, emerg. eff. May 19, 2022; Laws 2024, c. 452, § 99, emerg. eff. June 14, 2024; Laws 2025, c. 171, § 54, eff. July 1, 2026.

§47-1135.8. Service Oklahoma License Plate Special Program Assistance Revolving Fund.

A. 1. There is hereby created in the State Treasury a revolving fund for the Oklahoma Tax Commission, to be designated the "License Plate Special Program Assistance Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations,

and shall consist of any monies transferred thereto by paragraph 1 of subsection D of Section 1135.7 of this title, except as provided by paragraph 2 of this subsection.

2. There is hereby created in the State Treasury a revolving fund for Service Oklahoma, to be designated the "Service Oklahoma License Plate Special Program Assistance Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of any monies transferred thereto by paragraph 1 of subsection E of Section 1135.7 of this title, beginning January 1, 2023.

B. All monies accruing to the credit of said fund are hereby appropriated and shall be expended by the Tax Commission on December 31 of each year. Beginning January 1, 2023, all monies accruing to the credit of said fund are hereby appropriated and shall be expended by Service Oklahoma on December 31 of each year. The monies shall be distributed to the appropriate state agency to be expended in accordance with the specifications contained in the application for each special license plate that provides financial support in an amount based on the number of special license plates that are in circulation for that particular organization. Added by Laws 2005, c. 416, § 7, eff. Nov. 1, 2005. Amended by Laws 2022, c. 282, § 167, emerg. eff. May 19, 2022.

§47-1135.9. Authority to enter into contract with private vendor.

A. Service Oklahoma is authorized to enter into a contract with a private vendor experienced in the marketing and sale of:

1. Personalized license plates authorized under Section 1135.4 of Title 47 of the Oklahoma Statutes; and

2. Special license plates authorized under Sections 1135.3, 1135.5 and 1135.7 of Title 47 of the Oklahoma Statutes.

B. 1. Service Oklahoma shall establish by rule administrative fees for license plates issued and renewed under the provisions of subsection A of this section. The administrative fees authorized by this paragraph shall be reasonable but not less than the amounts necessary for Service Oklahoma to recover costs to Service Oklahoma associated with the:

- a. awarding of the contract authorized by this section,
- b. implementation and enforcement of such contract, and
- c. direct and indirect administrative costs associated with administering the provisions of this section.

2. The fees authorized by this subsection shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act, including the fees required by Sections 1135.3, 1135.4, 1135.5 and 1135.7 of Title 47 of the Oklahoma Statutes.

C. The contracted amount payable to a private vendor related to the marketing and sale of special license plates shall only be

payable from amounts derived from administrative fees associated with the issuance and renewal of such personalized and special license plates.

D. 1. Service Oklahoma may approve additional designs and color combinations for personalized and special license plates authorized under the provisions of Title 47 of the Oklahoma Statutes, including for special license plates that may be personalized, that may be marketed and sold by a private vendor under a contract entered into under the provisions of this section. Each approved license plate design and color combination shall remain the property of Service Oklahoma.

2. This subsection shall not be interpreted to authorize:

- a. Service Oklahoma to approve a design or color combination for a specialty license plate, or
- b. the private vendor to market or sell a special license plate with a design or color combination,

that is inconsistent with the design or color combination specified for the license plate in the special license plate's authorizing statute.

E. Service Oklahoma shall not:

1. Restrict the background color, color combinations or color alphanumeric license plate numbers of a special license plate, except as determined by the Department of Public Safety as necessary for law enforcement purposes;

2. Restrict the private vendor from conducting reasonable events or auctions;

3. Restrict the right of the private vendor to offer a variety of plate categories with both personalized and nonpersonalized patterns; or

4. Unreasonably disapprove or limit the ability for the private vendor to offer plate terms that exceed one (1) year.

F. Service Oklahoma may cancel a license plate or require the discontinuation or redesign of a license plate design or color combination that is marketed and sold by a private vendor under contract at any time if Service Oklahoma determines that the cancellation or discontinuation is in the best interest of the state or the motoring public.

G. To the extent fees collected under the provisions of this section are in excess of the total amounts provided in subparagraphs a, b and c of paragraph 1 of subsection B of this section and other apportionment provisions for personalized or specialized license plates, the excess amount shall be deposited by Service Oklahoma to the credit of the General Revenue Fund.

H. 1. A contract entered into with a private vendor under the provisions of this section shall provide for Service Oklahoma to recover all costs incurred by Service Oklahoma in implementing the provisions of this section. Under the provisions of the contract,

Service Oklahoma may require the private vendor to reimburse Service Oklahoma in advance for:

- a. not more than one-half (1/2) of Service Oklahoma's anticipated costs in initiating the contract, and
- b. Service Oklahoma's anticipated costs in coordinating the introduction of a new special license plate.

2. The initial term of contract entered into under the provisions of this section shall be no less than five (5) years in duration. Such contract may provide for additional terms at least equal in length to the initial term of the contract.

I. As applied to contracts entered under the provisions of this section, Service Oklahoma shall not:

1. Unreasonably disapprove or limit any aspect of a private vendor's marketing and sales plan; or

2. Unreasonably interfere with the selection, assignment or management by the private vendor of the private vendor's employees, agents or subcontractors.

J. A private vendor shall not market and sell license plates that compete directly for sales with other special license plates issued under the provisions of Title 47 of the Oklahoma Statutes, unless Service Oklahoma and the agency or organization associated with the special license plate authorizes such marketing and sale.

K. Service Oklahoma is hereby directed to develop and implement a system whereby licensed operators are permitted to accept applications for special license plates authorized under this section. The licensed operator shall collect and deposit any amount specifically authorized by law, accept and process the necessary information directly into such system, and generate a receipt accordingly. For performance of these duties, licensed operators shall retain the fee provided in Section 1141.1 of Title 47 of the Oklahoma Statutes for each year of registration of a motor vehicle. The licensed operator fees for acceptance of applications and renewals shall be paid out of the Service Oklahoma Reimbursement Fund.

Added by Laws 2018, c. 69, § 1, eff. Nov. 1, 2018. Amended by Laws 2022, c. 282, § 168, emerg. eff. May 19, 2022; Laws 2025, c. 171, § 55, eff. July 1, 2026.

§47-1136. Repealed by Laws 2004, c. 504, § 22, eff. July 1, 2004.

NOTE: Laws 2004, c. 366, § 1, amended this section prior to repeal to read as follows:

The Oklahoma Tax Commission is hereby authorized to design and issue appropriate official special license plates as provided by this section.

Special license plates shall not be transferred to any other person but shall be removed from the vehicle upon transfer of ownership and retained. The special license plate may then be used on another vehicle but only after such other vehicle has been registered for the current year with a motor license agent.

Special license plates shall be renewed each year by the Tax Commission or a motor license agent. The Tax Commission shall annually notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon presentation to a motor license agent or the Tax Commission. The license plates shall be issued on a staggered system except for legislative and motorcycle license plates and vintage decals.

If fewer than fifty of any type of special license plates authorized prior to January 1, 2000, are issued prior to January 1, 2005, or, for any type of special license plate authorized after January 1, 2000, within five (5) years after first being offered, the Tax Commission shall discontinue issuance of that type of special license plate.

Special license plates shall be designed in such a manner as to identify the use and ownership of the vehicle. The special license plates provided by this section are as follows:

1. Political Subdivision Plates - such plates shall be designed for any vehicle owned by any political subdivision of this state and shall be registered for Five Dollars (\$5.00), after having obtained proper Oklahoma certificate of title. Such political subdivisions shall file an annual report with the Tax Commission stating the agency where such vehicle is located. Such license plates shall be permanent in nature and designed in such a manner as to remain with the vehicle for the duration of the life span of the vehicle or until the title is transferred to an owner who is not a political subdivision;

2. Legislative License Plates - such plates shall be designed for persons elected to the Oklahoma Legislature and shall designate the house of the Legislature in which the legislator serves and the district number.

The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to the regular plate issued to the member and the fees charged therefor;

3. Tax-Exempt or Nonprofit License Plates - such plates shall be designed for:

- a. any motor bus, manufactured home, or mobile chapel and power unit owned and operated by a religious corporation or society of this state holding a valid exemption from taxation issued pursuant to Section 501(a) of the Internal Revenue Code, 26 U.S.C., Section 501(a), and listed as an exempt organization in Section 501(c)(3) of the Internal Revenue Code, as amended, 26 U.S.C., Section 501(c)(3), and that is used by the corporation or society solely for the furtherance of its religious functions,

- b. any vehicle owned and operated only by nonprofit organizations devoted exclusively to youth programs including, but not limited to, the Girl Scouts and Boy Scouts of America,

- c. any vehicle, except passenger automobiles, owned or operated by nonprofit organizations actually involved in programs for the employment of the handicapped and used exclusively in the transportation of goods or materials for such organization,

- d. any vehicle owned and operated by a nonprofit organization that provides older persons transportation to and from medical, dental and religious services and relief from business and social isolation,

- e. any vehicle owned and operated by a private nonprofit organization that:

- (1) warehouses and distributes surplus foods to other nonprofit agencies and organizations, and

(2) holds a valid exemption from taxation issued pursuant to Section 501(c) of the Internal Revenue Code, as amended, 26 U.S.C., Section 501(c), and listed as an exempt organization in Section 501(c) (3) of the Internal Revenue Code, as amended, and

(3) uses such vehicle exclusively for the transportation of such surplus foods, or

f. any vehicle which:

(1) is owned and operated by a private, nonprofit organization which is exempt from taxation pursuant to the provisions of Section 501(c) (3) of the Internal Revenue Code, 26 U.S.C., Section 501(c) (3), and which is primarily funded by a fraternal or civic service organization with at least one hundred local chapters or clubs, and

(2) is designed and used to provide mobile health screening services to the general public at no cost to the recipient, and for which no reimbursement of any kind is received from any health insurance provider, health maintenance organization or governmental program.

The registration fee shall be Five Dollars (\$5.00).

Any person claiming to be eligible for a tax-exempt or nonprofit license plate under the provisions of this paragraph must have the name of the tax-exempt or nonprofit organization prominently displayed upon the outside of the vehicle, except those vehicles registered pursuant to the provisions of subparagraph b of this paragraph, unless such display is prohibited by federal or state law or by state agency rules. No vehicle shall be licensed as a tax-exempt or nonprofit vehicle unless the vehicle has affixed on each side thereof, in letters not less than two (2) inches high and two (2) inches wide, the name of the tax-exempt or nonprofit organization or the insignia or other symbol of such organization which shall be of sufficient size, shape and color as to be readily legible during daylight hours from a distance of fifty (50) feet while the vehicle is not in motion;

4. Prisoner of War License Plates - such plates shall be designed for honorably discharged or present members of the United States Armed Forces and civilians who were former prisoners of war held by a foreign country and who can provide proper certification of that status. Such persons may apply for a prisoner of war license plate for no more than two vehicles with each vehicle having a rated carrying capacity of one (1) ton or less. The surviving spouse of any deceased former prisoner of war, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a prisoner of war license plate for one vehicle with a rated carrying capacity of one (1) ton or less. The registration fee shall be Five Dollars (\$5.00);

5. National Guard License Plates - such plates shall be designed for active or retired members of the Oklahoma National Guard. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

6. Air National Guard License Plates - such plates shall be designed for active or retired members of the Oklahoma Air National Guard. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

7. United States Armed Forces - such plates shall be designed for active, retired, former or reserve members of the United States Armed Forces, and shall identify which branch of service, and carry the emblem and name of either the Army, Navy, Air Force, Marines or Coast Guard, according to the branch of service to which the member belongs or did belong. Former members who have been dishonorably discharged shall not be eligible for such plates. Persons applying for such license plate must show proof of present or past military service by presenting a valid Uniformed Services Identity Card or the United States Department of Defense Form (DD)214. Retired or former members who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The fee for such plates shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

8. Physically Disabled License Plates - such plates shall be designed for persons who are eligible for an insignia as a physically disabled person under the provisions of Section 15-112 of this title. It shall prominently display the international accessibility symbol, which is a stylized human figure in a wheelchair. The Tax Commission shall also design physically disabled license plates for motorcycles owned by persons who are eligible for an insignia as a physically disabled person pursuant to the provisions of Section 15-112 of this title. Upon the death of the physically disabled person, the special license plate shall be returned to the Tax Commission. There shall be no fee for such plate in addition to the rate provided by the Oklahoma Vehicle License and Registration Act for the registration of the vehicle. For an additional fee of Ten Dollars (\$10.00), a person eligible for a physically disabled license plate shall have the option of purchasing a duplicate physically disabled special license plate which shall be securely attached to the front of the vehicle. The original physically disabled special license plate shall be securely attached to the rear of the vehicle at all times.

Any person who is eligible for a physically disabled license plate and whose vehicle has had modifications because of the physical disability of the owner or of a family member within the second degree of consanguinity of the owner, may register the vehicle for a flat fee of Twenty-five Dollars (\$25.00). This fee shall be in lieu of all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

9. Disabled Veterans License Plates - such plates shall be designed for persons presenting proper certification from the United States Department of Veterans Affairs or the Armed Forces of the United States certifying such veteran has a service-connected disability rating of fifty percent (50%) or more, regardless which agency pays the disability benefits, or that such veteran has been awarded a vehicle by the United States government or receives a grant from the United States Department of Veterans Affairs for the purchase of an automobile due to a service-connected disability rating or due to the loss of use of a limb or an eye. Such persons may apply to the Tax Commission for a disabled veterans license plate or to a motor license agent for a regular license plate for no more than two vehicles with each vehicle having a rated carrying capacity of one (1) ton or less. The surviving spouse of any deceased disabled veteran, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a disabled veterans license plate for one vehicle with a rated carrying capacity of one (1) ton or less. The registration fee shall be Five Dollars (\$5.00);

10. Congressional Medal of Honor Recipient License Plates - such plates shall be designed for any resident of this state who has been awarded the Congressional Medal of Honor. Such persons may apply for a Congressional Medal of Honor recipient license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00);

11. Missing In Action License Plates - such plates shall be designed to honor members of the United States Armed Forces who are missing in action. The spouse of such missing person, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, and each parent of the missing person may apply for a missing in action license plate upon presenting proper certification that the person is missing in action and that the person making the application is the qualifying spouse or the parent of the missing person. The qualifying spouse and each parent of the missing person may each apply for the missing in action license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The registration fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to the regular plate issued and the fees charged therefor;

12. Indian Tribal License Plates - such plates shall be designed for any vehicle of a native American Indian Tribal Association exempted in Sections 201 through 204 of Public Law 97-473 and used by the tribal association exclusively for the furtherance of its tribal functions. The registration fee shall be Five Dollars (\$5.00);

13. Personalized License Plates - such plates shall be designed and issued for the following:

a. any person in any combination of numbers or letters from one to a maximum of seven,

b. persons eligible for two or more of the military decoration special license plates provided for in this section. Such plates may be issued in any combination of emblems. However, such plates shall only display up to three emblems and shall also display any combination of letters or numbers from one to a maximum of three, and

c. motorcycles in any combination of numbers or letters from one to a maximum of six.

The personalized license plates shall be issued on a staggered system except for motorcycles.

On and after January 1, 1987, persons owning vehicles which are twenty-one (21) years and older are qualified to submit for approval by the Tax Commission or a motor license agent a vintage but expired official Oklahoma license plate which is twenty-one (21) years and older. Upon approval of such personalized plate, the owner shall be issued the annual registration decal which the Tax Commission or agent shall direct to be affixed. The Tax Commission shall promulgate a rule which establishes appropriate criteria to be used in the implementation of the Oklahoma Vehicle License and Registration Act.

The fee for such plate shall be Twelve Dollars (\$12.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Two Dollars (\$2.00) of the personalized tag fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act;

14. Purple Heart Recipient License Plates - such plates shall be designed for any resident of this state who has been awarded the Purple Heart military decoration and, upon the death of the recipient, the spouse of the recipient. Such persons may apply for a Purple Heart recipient license plate for vehicles having a rated carrying capacity of

one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

15. Pearl Harbor Survivor License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States as being:

- a. a member of the United States Armed Forces on December 7, 1941,
- b. stationed on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three (3) miles, and
- c. a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for a Pearl Harbor Survivor license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act.

The Tax Commission shall design and make available to any person who is issued a Pearl Harbor Survivor License Plate a commemorative Pearl Harbor decal to commemorate the fiftieth anniversary of Pearl Harbor. Such decal shall include the language "Pearl Harbor 1941-1991" and shall be designed to be easily attached to a license plate. This decal shall be free of charge to those persons issued a Pearl Harbor Survivor License Plate;

16. Iwo Jima License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States as being:

- a. a member of the United States Armed Forces in February of 1945,
- b. stationed in February of 1945 on or in the immediate vicinity of the island of Iwo Jima, and
- c. a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for an Iwo Jima license plate for each vehicle with a rated carrying capacity of one (1) ton or less.

Such license plate shall have the legend "Oklahoma OK" and shall contain three letters and three numbers. Between the letters and numbers shall be a logo of the flag-raising at Iwo Jima. Below the letters, logo and numbers, the plate shall contain the words "FEB." at the left, "Iwo Jima" in the center and "1945" at the right. Such plates shall not be subject to the design requirements of any other license plates prescribed by law other than the space for the placement of the yearly decals for each succeeding year of registration after the initial issue.

The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

17. D-Day Survivor License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States as being:

- a. a member of the United States Armed Forces on June 6, 1944,
- b. a participant in the Allied invasion of the coast of Normandy on June 6, 1944; provided, if such participation cannot be verified by the United States Department of Veterans Affairs or the Armed Forces of

the United States, the Tax Commission may, in its discretion, accept evidence of such participation from the person applying for the license plate, and

c. a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for a D-Day Survivor license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

18. Killed in Action License Plates - such plates shall be designed to honor members of the United States Armed Forces who were killed in action. The spouse of the deceased person, if the spouse has not remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a killed in action license plate upon presenting proper certification that the person was killed in action and that the person making the application is the qualifying spouse of the deceased person. The qualifying spouse may apply for a killed in action license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The registration fee for each plate shall be Five Dollars (\$5.00);

19. Gold Star Parents License Plates - such plates shall be designed to honor members of the United States Armed Forces who were killed during a war. The parents of the deceased person may apply for a gold star license plate upon presenting proper certification that the person was killed during a war and that the person making the application is the parent of the deceased person. The parent may apply for a gold star parent license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The registration fee for each plate shall be Five Dollars (\$5.00);

20. University or College Supporter License Plates - such plates shall be designed and issued to any person wishing to demonstrate support to any state-supported or private university or college. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The twenty-five-dollar fee shall be apportioned pursuant to Section 1104.1 of this title;

21. Environmental Awareness License Plates - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the Department of Environmental Quality in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support to implement the statewide general public environmental education program created pursuant to the provisions of the Oklahoma Environmental Quality Code. Such plates shall be designed and issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The twenty-five-dollar fee shall be apportioned pursuant to Section 1104.2 of this title. A dealer's license plate issued pursuant to Section 1116.1 or 1128 of this title may be designated an Environmental Awareness License Plate upon payment of the fee imposed by this paragraph and any other registration fees required by the Oklahoma Vehicle License and Registration Act;

22. Military Decoration License Plates - such plates shall be designed for any resident of this state who has been awarded the Distinguished Service Award, the Distinguished Flying Cross, the Bronze

Star military decoration or the Silver Star military decoration. Such persons may apply for a military decoration license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

23. Vietnam Veteran License Plates - such plates shall be designed for honorably discharged or present members of the United States Armed Forces who served in the Vietnam Conflict. Such persons may apply for a Vietnam veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

24. Round and Square Dance License Plates - such plates shall be designed and issued to any person wishing to demonstrate support for round and square dancing. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

25. Firefighter License Plates - such plates shall be designed for any career or retired firefighter, volunteer or paid. Firefighters may apply for firefighter plates for up to four vehicles with a rated capacity of one (1) ton or less or for a motorcycle upon proof of a fire department membership by either an identification card or letter from the chief of the fire department. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The surviving spouse of any deceased firefighter, if the spouse has not since remarried, may apply for a firefighter license plate for one vehicle with a rated carrying capacity of one (1) ton or less or for a motorcycle upon proof that the deceased firefighter was a member of a fire department by either an identification card or letter from the chief of the fire department.

Except for motorcycles, the license plate shall have the legend "Oklahoma" in the color Pantone 186C Red and shall contain no more than three letters and three numbers in the color Pantone 301C Blue. Between the letters and numbers shall be the Firefighter Maltese Cross Logo in the color Pantone 186C Red outlined in the color Pantone 301C Blue. Below the letters and the logo shall be the word "Firefighter" in the color Pantone 186C Red. The license plate for motorcycles may be of a similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate. The plates shall not be subject to the design requirements of any other license plates prescribed by law other than the space for the placement of the yearly decals for each succeeding year of registration after the initial issue.

The fee for each plate shall be Twenty Dollars (\$20.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The Twenty Dollars (\$20.00) for initial registration and succeeding yearly registration shall be apportioned as follows: Fifteen Dollars (\$15.00) shall be deposited to the Oklahoma State Firemen's Museum Building & Memorial Fund for support of the Oklahoma Firefighter Fallen and Living Memorial and Five Dollars (\$5.00) to the Tax Commission;

26. Police Officer License Plates - such plates shall be designed for any currently employed or retired municipal police officer. Police officers may apply for police officer plates for vehicles with a rated capacity of one (1) ton or less upon proof of employment by or retirement from a municipal police department by either an identification card or

letter from the chief of the police department or the Oklahoma Police Pension and Retirement Board. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The license plates shall be designed in consultation with municipal police departments of this state.

The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

27. World War II Veteran License Plates - such plates shall be designed to honor honorably discharged former members of the United States Armed Forces who are residents of this state and who can be verified by the Oklahoma Military Department, the Department of Veterans Affairs or the Armed Forces of the United States as having served on federal active duty anytime during the period from September 16, 1940, to December 7, 1945. The former members may apply for a World War II Veteran license plate for vehicles with a rated carrying capacity of one (1) ton or less.

The license plate shall have the legend "Oklahoma" and shall contain, in the center of the plate, either the Thunderbird Insignia of the 45th Infantry Division in the prescribed red and gold coloring or the emblem of the Army, Navy, Air Force, Marines or Coast Guard according to the branch of service to which the member belonged. For the purpose of license plate identification, the plate shall contain four digits, two digits at the left and two digits at the right of the insignia or emblem. Centered on the bottom of the license plate shall be the words "WORLD WAR II". However, the plates may be issued to any person in any combination of numbers and letters with up to three on each side of the insignia or emblem as for personalized license plates.

The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. If the plate is issued in any combination of numbers and letters with up to three on each side of the insignia or emblem as for personalized license plates, the fee for each plate shall be Twelve Dollars (\$12.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act.

The Tax Commission shall design and make available to any person who is issued a World War II Veteran License Plate a commemorative World War II decal to commemorate the fiftieth anniversary of the end of World War II. The decal shall include the language "World War II 50th Anniversary" and shall be designed to be easily attached to a license plate. This decal shall be free of charge to those persons issued a World War II Veteran License Plate;

28. Korean War Veteran License Plates - such plates shall be designed to honor honorably discharged former members of the United States Armed Forces who are residents of this state and who can be verified by the Oklahoma Military Department, the Department of Veterans Affairs or the Armed Forces of the United States as having served on federal active duty anytime during the period from September 1, 1950, to April 27, 1954. The former members may apply for a Korean War Veteran license plate for vehicles with a rated carrying capacity of one (1) ton or less.

The license plate shall have the legend "OKLAHOMA" and shall contain, in the center of the plate, either the Thunderbird Insignia of the 45th Infantry Division in the prescribed red and gold coloring or the emblem of the Army, Navy, Air Force, Marines or Coast Guard according to

the branch of service to which the member belonged. For the purpose of license plate identification, the plate shall contain four digits, two digits at the left and two digits at the right of the insignia or emblem. Centered on the bottom of the license plate shall be the word "KOREA". However, the plates may be issued to any person in any combination of numbers and letters with up to three on each side of the insignia or emblem as for personalized license plates.

The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. If the plate is issued in any combination of numbers and letters with up to three on each side of the insignia or emblem as for personalized license plates, the fee for each plate shall be Twelve Dollars (\$12.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

29. Wildlife Conservation License Plates - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the Oklahoma Department of Wildlife Conservation in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support for wildlife conservation in this state through the Wildlife Diversity Fund, provided for in Section 3-310 of Title 29 of the Oklahoma Statutes. Such plates may be designed and issued to any person as for personalized license plates. The fee for the plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Motor license agents shall have the option of stocking an inventory of numbered Wildlife Conservation License Plates, as well as stocking applications for personalized Wildlife Conservation License Plates. In addition to the amounts authorized to be retained by motor license agents pursuant to the provisions of Section 1141.1 of this title, motor license agents shall retain an additional Three Dollars (\$3.00) for each original Wildlife Conservation License Plate issued and for each application submitted by mail that carries the agent's code and for which a Wildlife Conservation License Plate is issued. The three-dollar fee to be retained by the motor license agent pursuant to this paragraph shall not be included in the maximum sum that may be retained by motor license agents as compensation pursuant to the provisions of Section 1143 of this title. For the first year such plate is issued, Seventeen Dollars (\$17.00) of the twenty-five-dollar fee shall be apportioned pursuant to subsection D of Section 3-310 of Title 29 of the Oklahoma Statutes. After the first year such plate is issued, Twenty Dollars (\$20.00) of the twenty-five-dollar fee shall be apportioned pursuant to subsection D of Section 3-310 of Title 29 of the Oklahoma Statutes;

30. Municipal Official License Plates - such plates shall be designed for persons elected to a municipal office in this state and shall designate the name of the municipality and the district or ward in which the municipal official serves. The plates shall only be produced upon application. The fee for the plate shall be Fifteen Dollars (\$15.00) and shall be in addition to the regular plate issued to the elected municipal official and the fees charged therefor;

31. Child Abuse Prevention License Plates - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the Office of Child Abuse Prevention in the State Department of Health and the Oklahoma Committee to Prevent Child Abuse, and issued to any person wishing to demonstrate support for the prevention of child abuse. The fee for the plate shall be Twenty-five Dollars (\$25.00) and shall be

in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty Dollars (\$20.00) of the twenty-five-dollar fee shall be deposited in the Child Abuse Prevention Fund;

32. National Association for the Advancement of Colored People License Plates - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the NAACP, and issued to any person wishing to demonstrate support for the NAACP. The fee for the plate shall be Twenty Dollars (\$20.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

33. National Rifle Association License Plates - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the National Rifle Association, and issued to any person wishing to demonstrate support for the National Rifle Association. The fee for the plate shall be Twenty Dollars (\$20.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

34. Red Cross Volunteer License Plates - such plates shall be designed to honor American Red Cross volunteers and staff who are residents of this state. Such persons must present an identification card issued by the American Red Cross and bearing a photograph of the person. The license plate shall be designed with the assistance of the American Red Cross and shall have the legend "Oklahoma OK!" in the color Pantone 186C Red. Below the legend the symbol of the American Red Cross and no more than three letters and three numbers shall be in the color Pantone 186C Red. Below the symbol and letters and numbers shall be the words "American Red Cross" in black. The plates shall not be subject to the design requirements of any other license plates prescribed by law other than the space for the placement of the yearly decals for each succeeding year of registration after the initial issue. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

35. United States Olympic Committee Supporter License Plates - such plates shall be designed and issued to any person wishing to demonstrate support for the United States Olympic Committee. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official United States Olympic Committee logo. The fee for such plate shall be Twenty-eight Dollars (\$28.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The Tax Commission shall be authorized, if necessary, to enter into a licensing agreement with the United States Olympic Committee for any licensing fees which may be required in order to use the United States Olympic Committee logo or design. The licensing agreement shall provide for a payment of not more than Twenty-five Dollars (\$25.00) for each license plate issued. Motor license agents shall have the option of stocking an inventory of preprinted United States Olympic Committee Supporter License Plates, as well as stocking applications for personalized United States Olympic Committee Supporter License Plates. In addition to the amounts authorized to be retained by motor license agents pursuant to the provisions of Section 1141.1 of this title, motor license agents shall retain an additional Three Dollars (\$3.00) for each United States Olympic Committee Supporter License Plate issued and for each application submitted by mail that carries the agent's code and for which a United

States Olympic Committee Supporter License Plate is issued. The three-dollar fee to be retained by the motor license agent pursuant to this paragraph shall not be included in the maximum sum that may be retained by motor license agents as compensation pursuant to the provisions of Section 1143 of this title;

36. Oklahoma History License Plates - such plates shall be designed and issued to any person wishing to demonstrate interest in Oklahoma history. The fee for such plate shall be Twenty Dollars (\$20.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Fifteen Dollars (\$15.00) of the twenty-dollar fee shall be deposited to the Oklahoma Historical Society Revolving Fund to be used for educational purposes;

37. Oklahoma Military Academy Alumni License Plates - such plates shall be designed and issued to any resident of this state who is an alumnus of the Oklahoma Military Academy. Such persons may apply for an Oklahoma Military Academy Alumnus license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The license plates shall be designed in consultation with the Oklahoma Military Academy and shall contain the shield of the Academy. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

38. Masonic Fraternity License Plates - such plates shall be designed and issued to any resident of this state who is a member of a Masonic Fraternity of Oklahoma. Such persons may apply for a Masonic Fraternity license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Masonic Fraternity membership or upon the presentment of an application for a Masonic Fraternity license plate authorized and approved by the Grand Lodge of Oklahoma. The license plates shall be designed in consultation with the Masonic Fraternities of Oklahoma and shall contain the Masonic emblem. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

39. Historic Route 66 License Plates - such plates shall be designed to honor historic Route 66, also known as the "Mother Road".

The fee for the plate shall be Twenty Dollars (\$20.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Fifteen Dollars (\$15.00) of the twenty-dollar fee shall be apportioned to the Oklahoma Tourism and Recreation Department Revolving Fund to be distributed to the Route 66 Museum located in Clinton, Oklahoma;

40. Heart of the Heartland License Plates - such plates shall be designed and issued to any person wishing to honor the victims of the terrorist bombing attack on the Alfred P. Murrah Federal Building in downtown Oklahoma City on April 19, 1995. The fee for the plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty Dollars (\$20.00) of the twenty-five-dollar fee shall be deposited in the Heart of the Heartland Scholarship Fund, as established in Section 2282 of Title 70 of the Oklahoma Statutes;

41. United States Air Force Association License Plates - such plates shall be designed for members of the United States Air Force Association. Persons applying for such license plate must show proof of membership in the Association. The license plates shall be designed in consultation with the Association. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

42. Shriner's Hospitals for Burned and Crippled Children License Plates - such plates shall be designed to demonstrate support for Shriner's Hospitals for Burned and Crippled Children and shall be issued to any resident of this state who is a member of a Shriner's Temple in Oklahoma. The license plate shall be designed in consultation with the Shriner's Temples in Oklahoma and shall contain the Shriner's emblem. The fee for the plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

43. Emergency Medical Technician License Plates - such plates shall be designed and issued to any person who is an emergency medical technician. Such persons may apply for an emergency medical technician license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of an emergency medical technician's license. The license plate shall be designed in consultation with the state association of emergency medical technicians. The fee for the plate shall be Twenty Dollars (\$20.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Fifteen Dollars (\$15.00) of the twenty-dollar fee shall be apportioned to the county of residence of the person purchasing the plates to be equally apportioned by the county to the city and county volunteer fire departments in the county;

44. Fight Breast Cancer License Plates - such plates shall be designed to demonstrate support for the prevention and treatment of breast cancer in this state. The plate shall contain the legend "Fight Breast Cancer". The fee for the plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty Dollars (\$20.00) of the twenty-five-dollar fee shall be apportioned to the Breast Cancer Act Revolving Fund;

45. Balloonists License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for hot air ballooning in this state. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

46. Veterans of Foreign Wars License Plates - such plates shall be designed to honor the veterans of foreign wars and issued to any resident of this state who is a member of a Veterans of Foreign Wars organization in this state. Such persons may apply for Veterans of Foreign Wars license plates upon proof of membership in a Veterans of Foreign Wars organization. The license plate shall be designed in consultation with the Veterans of Foreign Wars organization. The fee for the plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

47. Order of the Eastern Star License Plates - such plates shall be designed and issued to any resident of this state who is a member of an Order of the Eastern Star. Such persons may apply for an Order of the Eastern Star license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of an Order of the Eastern Star membership or upon the presentment of an application for an Order of the Eastern Star license plate authorized and approved by the organization. The license plate shall be designed in consultation with the Order of the Eastern Star and shall contain the Order of the Eastern Star emblem. The fee for each license plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

48. Crime Victims Awareness License Plates - such plates shall be designed and issued to any person wishing to demonstrate awareness of and support for victims of crimes. The license plates shall be designed in consultation with the Oklahoma Crime Victims Centre. The fee for the plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty Dollars (\$20.00) of the twenty-five-dollar fee shall be apportioned to the Attorney General's Revolving Fund for the Office of the Attorney General, which is hereby directed to use such funds to contract with a statewide nonprofit organization to provide services to crime victims;

49. Desert Storm License Plates - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who served in the Persian Gulf Crisis and the Desert Storm operation. Such persons may apply for a Desert Storm license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

50. Military Reserve Unit License Plates - such plates shall be designed and issued to any honorably discharged or present member of a reserve unit of the United States Armed Forces. Such persons may apply for a Military Reserve Unit license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

51. Knights of Columbus License Plates - such plates shall be designed and issued to any resident of this state who is a member of the Knights of Columbus. Such persons may apply for a Knights of Columbus license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Knights of Columbus membership or upon the presentment of an application for a Knights of Columbus license plate authorized and approved by the organization. The license plate shall be designed in consultation with the Knights of Columbus and shall contain the Knights of Columbus emblem. The fee for each license plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

52. Oklahoma Safe Kids Association License Plates - such plates shall be designed and issued to any person wishing to demonstrate support and awareness of the Oklahoma Safe Kids Association. The license plate shall be designed in consultation with the Oklahoma Safe Kids Association. The fee for the plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty Dollars (\$20.00) of the twenty-five-dollar fee shall be deposited in the Children's Hospital - Oklahoma Safe Kids Association Revolving Fund to be distributed to the Oklahoma Safe Kids Association program;

53. Oklahoma City Bombing Victims and Survivors License Plates - such plates shall be designed and issued to any victim or survivor of the bombing attack on the Alfred P. Murrah Federal Building in downtown Oklahoma City on April 19, 1995. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

54. Civil Air Patrol License Plates - such plates shall be designed and issued to any person who is a member of the Civil Air Patrol. Such persons may apply for a Civil Air Patrol license plate for

each vehicle with a rated carrying capacity of one (1) ton or less upon proof of membership in the Civil Air Patrol. The license plate shall be designed in consultation with the Civil Air Patrol. The fee for the plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

55. Ninety-Nines License Plates - such plates shall be designed and issued to members of the Ninety-Nines. Persons applying for such license plate must show proof of membership in the Ninety-Nines. The license plates shall be designed in consultation with the Ninety-Nines. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

56. Jaycees License Plates - such plates shall be designed and issued to members of the Jaycees. Persons applying for such license plate must show proof of membership in the Jaycees. The license plates shall be designed in consultation with the Jaycees. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

57. Combat Infantryman Badge License Plates - such plates shall be designed to honor recipients of the Combat Infantryman Badge. The plate shall have the legend "Oklahoma OK". Below the legend shall be the Combat Infantryman Badge and three numbers. Below the badge and the numbers shall be the words "Combat Infantryman Badge". Such persons may apply for a Combat Infantryman Badge license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

58. Somalia Combat Veterans License Plates - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who saw combat in the United Nations relief effort. Such persons may apply for a Somalia Combat Veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

59. Ducks Unlimited License Plates - such plates shall be designed and issued to members of Ducks Unlimited. Persons applying for and renewing such license plates must show proof of tag membership in Ducks Unlimited. The license plates shall be designed in consultation with Ducks Unlimited. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

60. Kiwanis International License Plates - such plates shall be designed and issued to members of Kiwanis International. Persons applying for such license plate must show proof of membership in Kiwanis International. The license plates shall be designed in consultation with Kiwanis International. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

61. Certified Public Accountants License Plates - such plates shall be designed and issued to any resident of this state who is a Certified Public Accountant. Such persons may apply for a Certified Public Accountant license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of status as a Certified

Public Accountant. The license plates shall be designed in consultation with the Oklahoma Society of Certified Public Accountants. The fee for each license plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

62. Police Chaplain License Plates - such plates shall be designed and issued to members of the International Conference of Police Chaplains (ICPC) who have completed the ICPC requirements for basic certification as a police chaplain. The license plates shall be designed in consultation with the ICPC. The fee for such plates shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

63. Four-H Club License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission by the Four-H Foundation, and issued to any person wishing to demonstrate support of the Four-H Club. Such plates may be designed and issued to any person as for personalized license plates. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Motor license agents shall have the option of stocking an inventory of numbered Four-H Club License Plates, as well as stocking applications for personalized Four-H Club License Plates. In addition to the amounts authorized to be retained by motor license agents pursuant to the provisions of Section 1141.1 of this title, motor license agents shall retain an additional Three Dollars (\$3.00) for each original Four-H Club License Plate issued and for each application submitted by mail that carries the agent's code and for which a Four-H Club License Plate is issued. The three-dollar fee to be retained by the motor license agent pursuant to this paragraph shall not be included in the maximum sum that may be retained by motor license agents as compensation pursuant to the provisions of Section 1143 of this title. For the first year such plate is issued, Seventeen Dollars (\$17.00) of the twenty-five-dollar fee shall be apportioned to the OSU Extension Service License Plate Revolving Fund created in Section 1104.4 of this title. After the first year such plate is issued, Twenty Dollars (\$20.00) of the twenty-five-dollar fee shall be apportioned to such fund;

64. Agricultural Awareness License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the State Department of Agriculture in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support of the Department's Ag in the Classroom Education Program. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The fee shall be apportioned as provided in Section 1104.3 of this title;

65. Oklahoma Statehood Centennial License Plates - such plates shall be designed and issued to any person wishing to commemorate the centennial of Oklahoma's admission to statehood in 1907. The license plates shall be designed in consultation with the Oklahoma Capitol Complex and Centennial Commemoration Commission. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty Dollars (\$20.00) of the twenty-five-dollar fee shall be deposited in the Oklahoma Capitol Complex and Centennial Commemoration Commission Revolving Fund created in Section 98.5 of Title 73 of the Oklahoma Statutes;

66. Support Education License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission by the State Department of Education in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support for education in this state. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Two Dollars (\$2.00) of the twenty-five-dollar fee shall be deposited into the Oklahoma Tax Commission Reimbursement Fund. The remaining Twenty-three Dollars (\$23.00) shall be apportioned as follows:

a. five percent (5%) shall be deposited to the Education Reform Revolving Fund,

b. five percent (5%) shall be deposited to the Higher Education Revolving Fund,

c. five percent (5%) shall be deposited to the State Vocational-Technical Fund, and

d. eighty-five percent (85%) of the fee shall be deposited to the Teachers' Retirement Benefit Fund as set forth in Section 17-108 of Title 70 of the Oklahoma Statutes. However, when the Teachers' Retirement Benefit Fund attains a seventy percent (70%) funded ratio based on an annual actuarial valuation as required by law, Twenty-three Dollars (\$23.00) of the fee shall be apportioned equally pursuant to subparagraphs a, b and c of this paragraph;

67. Retired Oklahoma Highway Patrol Officers License Plates - such plates shall be designed and issued to any retired officer of the Oklahoma Highway Patrol. The license plate shall have the legend "Oklahoma" and shall contain, in the center of the plate, the Highway Patrol Officers patch using the same colors and pattern as used in the patch. Centered on the bottom of the license plate shall be the word "Retired". The letters "TRP" shall be used in combination with three numbers on either side of the insignia or emblem. The color of the letters and numbers shall be brown. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The surviving spouse of any deceased retired officer of the Oklahoma Highway Patrol, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a Retired Oklahoma Highway Patrol Officers license plate. The fee for each plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The fee shall be apportioned as follows: Twenty Dollars (\$20.00) shall be deposited into the Law Enforcement Retirement Fund, and Five Dollars (\$5.00) shall be deposited to the Oklahoma Tax Commission Reimbursement Fund;

68. Hearing Impaired License Plates - such plates shall be designed for persons who are hearing impaired. Such persons may apply for a hearing-impaired license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon the presentment of an application on a form furnished by the Tax Commission and certified by a physician holding a valid license to practice pursuant to the licensing provisions of Title 59 of the Oklahoma Statutes, attesting that the person is hearing impaired. The license plate shall be designed so that such persons may be readily identified as being hearing impaired. There shall be no additional fee for the plate, but all other registration fees provided by the Oklahoma Vehicle License and Registration Act shall apply;

69. Civil Emergency Management License Plates - such plates shall be designed and issued to persons wishing to demonstrate support for the state civil emergency management system. The license plates shall be designed in consultation with the Department of Civil Emergency Management. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

70. Joint Service Commendation Medal License Plates - such plates shall be designed and issued to any resident of this state who has been awarded the Joint Service Commendation Medal by the United States Secretary of Defense. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

71. Civilian Conservation Corps License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the Civilian Conservation Corps Association, and issued to any person wishing to demonstrate support of the Civilian Conservation Corps. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

72. Rotarian License Plates - such plates shall be designed and issued to any resident of this state who is a member of a Rotarian Club of Oklahoma. Such persons may apply for a Rotarian license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Rotarian Club membership or upon the presentment of an application for a Rotarian license plate authorized and approved by a Rotarian Club of Oklahoma. The license plates shall be designed in consultation with the five Rotarian District Governors and shall contain the Rotarian emblem. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

73. Benevolent Protective Order of Elks - such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the Benevolent Protective Order of Elks, and issued to any resident of this state who is a member of the Benevolent Protective Order of Elks. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

74. Boy Scouts of America Supporter License Plates - such plates shall be designed and issued to any person wishing to demonstrate support for the Boy Scouts of America. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official Boy Scouts of America logo. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The Tax Commission shall be authorized, if necessary, to enter into a licensing agreement with the Boy Scouts of America for any licensing fees which may be required in order to use the Boy Scouts of America logo or design. The licensing agreement shall provide for a payment to the Boy Scouts of America of not more than Twenty Dollars (\$20.00) for each license plate issued;

75. Humane Society License Plates - such plates shall be designed and issued to any person wishing to demonstrate support for the Humane Society of the United States. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official

Humane Society logo. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

76. Urban Forestry and Beautification License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the State Department of Agriculture in consultation with nonprofit organizations in this state that develop and operate programs to encourage urban forestry and beautification, and issued to any person wishing to demonstrate support of such programs. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The fee shall be apportioned as provided in Section 1104.5 of this title;

77. Oklahoma Mustang Club - such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the Oklahoma Mustang Club, and issued to any resident of this state who is a member of the Oklahoma Mustang Club. Such persons may apply for an Oklahoma Mustang Club license plate upon presentment of proof of membership in the Oklahoma Mustang Club. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

78. Oklahoma State Parks Supporter License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission by the Oklahoma Tourism and Recreation Department, and issued to any person wishing to demonstrate support for the Oklahoma state parks system. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty-three Dollars (\$23.00) of the twenty-five-dollar fee shall be deposited in the Oklahoma Tourism and Recreation Department Revolving Fund. Such money shall be designated for and may only be expended for the support of Oklahoma state parks;

79. American Business Clubs (AMBUCS) License Plates - such plates shall be designed and issued to members of American Business Clubs. Persons applying for such license plate must show proof of membership in AMBUCS. The license plates shall be designed in consultation with American Business Clubs. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

80. Merchant Marine License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission by the Oklahoma Department of Veterans Affairs, and issued to any person who during combat was a member of the Merchant Marines as certified by the Oklahoma Department of Veterans Affairs. Such license plate may be issued for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

81. Respect Life - Support Adoption License Plates - such plates shall be issued to any person wishing to demonstrate support of pregnant women who are committed to placing their children for adoption and wishing to provide assistance to guardians, adoptive parents and other created families to assist in the adoption and placement of children in permanent, safe homes. The license plates shall be designed and final terminology delivered in consultation with the Oklahoma Adoption

Coalition and the Department of Human Services. The fee for the plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. The twenty-five-dollar fee derived from the sale of such plates shall be deposited in a revolving fund established in the State Treasury for and to be used by the Department of Human Services for the implementation of the Investing in Stronger Oklahoma Families Act specifically for created families;

82. West Point 200th Anniversary License Plates - such plates shall be designed and issued to any person wishing to commemorate the Two Hundredth Anniversary of the founding of the United States Military Academy at West Point, New York. The license plates shall be designed in consultation with the West Point Society of Central Oklahoma. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

83. Choose Life License Plates - such plates shall be designed, subject to criteria presented to the Tax Commission, by Choose Life, Inc., and issued to any person who wishes to demonstrate support of organizations that encourage adoption as a positive choice for women with unplanned pregnancies. The fee for the plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Five Dollars (\$5.00) of the twenty-five dollar fee shall be deposited into the Oklahoma Tax Commission Reimbursement Fund. The remaining Twenty Dollars (\$20.00) derived from the sale of such plates shall be deposited in the Choose Life Assistance Program Revolving Fund established in Section 1104.6 of this title;

84. Future Farmers of America License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the Oklahoma FFA (formerly known as Future Farmers of America). The license plates shall be designed in consultation with the Oklahoma FFA Foundation Board of Directors. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The fee shall be apportioned as provided in Section 1104.7 of this title; and

85. Lions Club License Plates - such plates shall be designed and issued to persons wishing to demonstrate support for the Lions Club of Oklahoma. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The license plates shall be designed in consultation with the Oklahoma Lions Service Foundation and shall contain the official logo of the International Association of Lions Clubs. The fee for such plate shall be Fifteen Dollars (\$15.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The Tax Commission shall be authorized to enter into a licensing agreement with the Oklahoma Lions Service Foundation. The licensing agreement shall provide for a payment to the Oklahoma Lions Service Foundation of not more than Ten Dollars (\$10.00) for each license plate issued.

Notwithstanding the provisions of Section 1104 of this title, Two Dollars (\$2.00) of each special tag fee shall be deposited to the Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act.

Use of any vehicle possessing a special license plate for any purpose not specified in this section shall be grounds for revocation of the special license plate and registration certificate.

§47-1136.1. Repealed by Laws 2004, c. 504, § 23, eff. July 1, 2004.

§47-1136.2. Former military vehicles.

A. Except as provided in this section, former military vehicles shall be exempt from the provisions of the Oklahoma Vehicle License and Registration Act if:

1. The former military vehicle is used only for exhibitions, club activities, parades, and other functions of public interest and will not be used for regular transportation; and

2. The owner of the former military vehicle files with Service Oklahoma or a licensed operator a sworn affidavit, signed by the owner, stating that the vehicle is a former military vehicle and will be used solely for the purposes listed in paragraph 1 of this subsection.

B. Upon each former military vehicle, the annual license fee shall be Twenty Dollars (\$20.00). Upon initial registration, the owner shall make application for the flat license fee which application shall include the year of manufacture and a description of the vehicle containing information as may be required by Service Oklahoma, including the information required in paragraphs 1 and 2 of subsection A of this section.

C. A former military vehicle shall not be required to display a license plate if current proof of registration for the vehicle, in a form prescribed by Service Oklahoma, is carried in the vehicle. In addition, the vehicle shall display in a prominent location on the vehicle a registration mark prescribed by Service Oklahoma. Service Oklahoma shall allow the use of a unique identification mark similar to the mark assigned that vehicle by the branch of the Armed Forces in which the vehicle was used. If such a mark is not used, Service Oklahoma shall designate a registration mark consisting of numbers, letters, or numbers and letters in combination at least two (2) inches in height. To the extent possible, the location and design of the registration mark shall conform to the official military design and markings of the vehicle.

D. A certificate of title shall be issued for a former military vehicle, and the applicable fees for the issuance of a certificate of title as provided pursuant to the Oklahoma Vehicle License and Registration Act shall apply.

E. All penalties pursuant to the Oklahoma Vehicle License and Registration Act relating to the failure to register a vehicle shall apply to this section if the former military vehicle is not properly registered or is used in a manner which violates the provisions of paragraph 1 or 2 of subsection A of this section.

F. As used in this section, "former military vehicle" means a vehicle which has been, but no longer is, used by the Armed Forces

of a national government and which displays markings indicating it was a military vehicle.

Added by Laws 1997, c. 204, § 2, eff. Nov. 1, 1997. Amended by Laws 2022, c. 282, § 169, emerg. eff. May 19, 2022.

§47-1137. Repealed by Laws 1990, c. 315, § 10, eff. July 1, 1990.

§47-1137.1. See the following versions:

OS 47-1137.1v1 (SB 2038, Laws 2024, c. 452, § 102)

OS 47-1137.1v2 (HB 1751, Laws 2025, c. 330, § 19)

§47-1137.1v1. Used dealer temporary license plate - Certificate of title - Tax stamp - Registration and title - Nonresident purchasers

A. Except for vehicles, travel trailers or commercial trailers which display a current Oklahoma license tag, upon the purchase or transfer of ownership of a used motor vehicle, travel trailer or commercial trailer, including an out-of-state purchase or transfer of the same, to a licensed used motor vehicle dealer, wholesale used motor vehicle dealer, used travel trailer dealer or used commercial trailer dealer, subsequently referred to in this section as

"dealer", the dealer shall affix a used dealer's plate visible from the rear of the vehicle, travel trailer or commercial trailer. Such license plate shall expire on December 31 of each year. When the vehicle, travel trailer or commercial trailer is parked on the dealer's licensed place of business, it shall not be required to have a license plate of any kind affixed. A dealer shall obtain from Service Oklahoma at a cost of Ten Dollars (\$10.00) a dealer license plate for demonstrating, transporting or any other normal business of a dealer including use by an individual holding a valid salesperson's license issued by the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission. Any dealer who operates a wrecker or towing service licensed pursuant to Sections 951 through 957 of this title shall register each wrecker vehicle and display a wrecker license plate on each vehicle as required by Section 1134.3 of this title. A dealer may obtain as many additional license plates as may be desired upon the payment of Ten Dollars (\$10.00) for each additional license plate. Use of the used dealer license plate by a licensed dealer for other than the purposes as set forth herein shall constitute grounds for revocation of the dealer's license. Service Oklahoma shall design the official used dealer license plate to include the used dealer's license number issued to him or her each year by Service Oklahoma or the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission.

B. Upon the purchase or transfer of ownership of an out-of-state used motor vehicle, travel trailer or commercial trailer to a licensed dealer, the dealer shall make application for an Oklahoma

certificate of title pursuant to the Oklahoma Vehicle License and Registration Act, Section 1101 et seq. of this title. Upon receipt of the Oklahoma certificate of title, the dealer shall follow the procedure as set forth in subsection A of this section. Provided, nothing in this title shall be construed as requiring a dealer to register a used motor vehicle, travel trailer or commercial trailer purchased in another state which will not be operated or sold in this state.

C. Upon sale or transfer of ownership of the used motor vehicle or travel trailer, the dealer shall place upon the reassignment portion of the certificate of title a tax stamp issued by the county treasurer of the county in which the dealer has his or her primary place of business. The tax stamp shall be issued upon payment of a fee of Three Dollars and fifty cents (\$3.50) and shall be in lieu of the dealer's ad valorem tax on the inventories of used motor vehicles or travel trailers but shall not relieve any other property of the dealer from ad valorem taxation.

D. Upon sale of a used motor vehicle or travel trailer to another licensed dealer, the selling dealer shall place the tax stamp required in subsection C of this section upon the certificate of title. The used dealer license plate or wholesale dealer license plate shall be removed by the selling dealer. The purchasing dealer shall, at time of purchase, place his or her dealer license plate on the used motor vehicle, travel trailer or commercial trailer as provided in subsection A of this section; provided, for vehicles, travel trailers or commercial trailers purchased by a licensed used dealer at an auction, in lieu of such placement of the dealer license plate, the auction may provide temporary documentation as approved by the Director of the Motor Vehicle Division of Service Oklahoma for the purpose of transporting such vehicle to the purchaser's point of destination. Such temporary documentation shall be valid for two (2) days following the date of sale.

E. The purchaser of every used motor vehicle, travel trailer or commercial trailer, except as otherwise provided by law, shall obtain registration and title for the vehicle or trailer within two (2) months from the date of purchase of same. It shall be the responsibility of the selling dealer to place a temporary license plate, in size similar to the permanent Oklahoma license plate but of a weatherproof plastic-impregnated substance approved by the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission, upon a used motor vehicle, travel trailer or commercial trailer when a transaction is completed for the sale of said vehicle. The temporary license plate under this subsection shall be placed at the location provided for the permanent motor vehicle license plate. The temporary license plate shall show the license number which is issued to the dealer each year by Service Oklahoma or the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured

Housing Commission, the date the used motor vehicle, travel trailer or commercial trailer was purchased and the company name of the selling dealer. The Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission is hereby directed to develop the temporary license plate design to incorporate these requirements in a manner that will permit law enforcement personnel to readily identify the dealer license number and date of the vehicle purchase. The Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission is hereby authorized to develop additional requirements and parameters as deemed appropriate to discourage or prevent illegal duplication and use of the temporary license plate. Such temporary license plate shall be valid for a period of thirty (30) days from the date of purchase. Use of the temporary license by a dealer for other than the purposes set forth herein shall constitute grounds for revocation of the dealer's license to conduct business. Purchasers of a commercial trailer shall affix the temporary license plate to the rear of the commercial trailer. The purchaser shall display the temporary license plate for a period not to exceed two (2) months or until registration and title are obtained as provided in this section.

The provisions of this subsection on temporary licenses shall apply to nonresidents who purchase a used motor vehicle, travel trailer or commercial trailer within this state that is to be licensed in another state. The nonresident purchaser shall be allowed to operate the vehicle or trailer within the state with a temporary license plate for a period not to exceed two (2) months from date of purchase. Any nonresident purchaser found to be operating a used motor vehicle, travel trailer or commercial trailer within this state after two (2) months shall be subject to the registration fees of this state upon the same terms and conditions applying to residents of this state.

F. It shall be unlawful for any dealer to procure the registration and licensing of any used motor vehicle, travel trailer or commercial trailer sold by the dealer or to act as the agent for the purchaser in the procurement of the registration and licensing of the purchaser's used vehicle, travel trailer or commercial trailer. A license of any dealer violating the provision of this section may be revoked.

G. Dealers following the procedure set forth herein shall not be required to register vehicles, travel trailers or commercial trailers to which this section applies, nor will the registration fee otherwise required be assessed. Provided, dealers shall not purchase or trade for a used motor vehicle, travel trailer or commercial trailer on which the registration therefor has been expired for a period exceeding two (2) months without obtaining current registration therefor.

H. A nonprofit charitable organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), and which accepts donations of used motor vehicles previously titled in Oklahoma to be subsequently transferred to another owner, upon the qualifying organization providing sufficient documentation of its tax-exempt status, may obtain from Service Oklahoma charitable nonprofit organization license plates for demonstrating, transporting or test-driving donated vehicles, provided that no organization shall possess or use at any one time more than eight such plates. Service Oklahoma shall design distinctive license plates for that purpose. The cost for said plates shall be the same as provided in subsection A of this section for dealer plates.

I. The transfer of ownership from the vehicle donor to the qualifying nonprofit organization described in subsection H of this section shall be made without the payment of motor vehicle excise tax levied pursuant to Section 2103 of Title 68 of the Oklahoma Statutes.

Added by Laws 1986, c. 172, § 5, eff. July 1, 1986. Amended by Laws 1988, c. 163, § 7, emerg. eff. May 16, 1988; Laws 1989, c. 57, § 6, operative July 1, 1989; Laws 1990, c. 115, § 1, operative July 1, 1990; Laws 1990, c. 315, § 5, eff. July 1, 1990; Laws 1991, c. 56, § 1, emerg. eff. April 10, 1991; Laws 1992, c. 200, § 1, eff. July 1, 1992; Laws 1993, c. 93, § 3, eff. July 1, 1993; Laws 1994, c. 119, § 1, eff. Sept. 1, 1994; Laws 2005, c. 190, § 15, eff. Sept. 1, 2005; Laws 2007, c. 326, § 19, eff. Nov. 1, 2007; Laws 2015, c. 386, § 7, eff. Nov. 1, 2015; Laws 2016, c. 308, § 1, eff. Nov. 1, 2016; Laws 2022, c. 107, § 22, eff. Nov. 1, 2022; Laws 2024, c. 452, § 102, emerg. eff. June 14, 2024.

§47-1137.1v2. Used dealer temporary license plate - Certificate of title - Tax stamp - Registration and title - Nonresident purchasers.

A. Except for vehicles, travel trailers or commercial trailers which display a current Oklahoma license tag, upon the purchase or transfer of ownership of a used motor vehicle, travel trailer or commercial trailer, including an out-of-state purchase or transfer of the same, to a licensed used motor vehicle dealer, wholesale used motor vehicle dealer, used travel trailer dealer or used commercial trailer dealer, subsequently referred to in this section as "dealer", the dealer shall affix a used dealer's plate visible from the rear of the vehicle, travel trailer or commercial trailer. Such license plate shall expire on December 31 of each year. When the vehicle, travel trailer or commercial trailer is parked on the dealer's licensed place of business, it shall not be required to have a license plate of any kind affixed. A dealer shall obtain from Service Oklahoma at a cost of Ten Dollars (\$10.00) a dealer license plate for demonstrating, transporting or any other normal

business of a dealer including use by an individual holding a valid salesperson's license issued by the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission. Any dealer who operates a wrecker or towing service licensed pursuant to Sections 951 through 957 of this title shall register each wrecker vehicle and display a wrecker license plate on each vehicle as required by Section 1134.3 of this title. A dealer may obtain as many additional license plates as may be desired upon the payment of Ten Dollars (\$10.00) for each additional license plate. Use of the used dealer license plate by a licensed dealer for other than the purposes as set forth herein shall constitute grounds for revocation of the dealer's license. Service Oklahoma shall design the official used dealer license plate to include the used dealer's license number issued to him or her each year by Service Oklahoma or the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission.

B. Upon the purchase or transfer of ownership of an out-of-state used motor vehicle, travel trailer or commercial trailer to a licensed dealer, the dealer shall make application for an Oklahoma certificate of title pursuant to the Oklahoma Vehicle License and Registration Act, Section 1101 et seq. of this title. Upon receipt of the Oklahoma certificate of title, the dealer shall follow the procedure as set forth in subsection A of this section. Provided, nothing in this title shall be construed as requiring a dealer to register a used motor vehicle, travel trailer or commercial trailer purchased in another state which will not be operated or sold in this state.

C. Upon sale or transfer of ownership of the used motor vehicle or travel trailer, the dealer shall place upon the reassignment portion of the certificate of title a tax stamp issued by the county treasurer of the county in which the dealer has his or her primary place of business. The tax stamp shall be issued upon payment of a fee of Three Dollars and fifty cents (\$3.50) and shall be in lieu of the dealer's ad valorem tax on the inventories of used motor vehicles or travel trailers but shall not relieve any other property of the dealer from ad valorem taxation.

D. Upon sale of a used motor vehicle or travel trailer to another licensed dealer, the selling dealer shall place the tax stamp required in subsection C of this section upon the certificate of title. The used dealer license plate or wholesale dealer license plate shall be removed by the selling dealer. The purchasing dealer shall, at time of purchase, place his or her dealer license plate on the used motor vehicle, travel trailer or commercial trailer as provided in subsection A of this section; provided, for vehicles, travel trailers or commercial trailers purchased by a licensed used dealer at an auction, in lieu of such placement of the dealer license plate, the auction may provide temporary documentation as

approved by the Director of the Motor Vehicle Division of Service Oklahoma for the purpose of transporting such vehicle to the purchaser's point of destination. Such temporary documentation shall be valid for two (2) days following the date of sale.

E. 1. The purchaser of every used motor vehicle, travel trailer, or commercial trailer, except as otherwise provided by law, shall obtain registration and title for the vehicle or trailer within two (2) months from the date of purchase of same. It shall be the responsibility of the selling dealer to place a temporary license plate, in size similar to the permanent Oklahoma license plate but of a ten-mil weatherproof plastic-impregnated paper approved by the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission, upon a used motor vehicle, travel trailer or commercial trailer when a transaction is completed for the sale of such vehicle. Provided, upon a determination by the Commission that there exists a national shortage of ten-mil weatherproof plastic-impregnated paper, eight-mil weatherproof plastic-impregnated paper may be approved by the Commission until it has been determined by the Commission the shortage has ended. The temporary license plate under this subsection shall be placed at the location provided for the permanent motor vehicle license plate. The temporary license plate shall show the license number which is issued to the dealer each year by Service Oklahoma or the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission, the date of expiration, and the company name of the selling dealer.

2. The Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission is hereby directed to develop the motor vehicle temporary license plate design to incorporate these requirements in a manner that will permit law enforcement personnel to readily identify the dealer license number and date of expiration. The Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission is hereby authorized to develop additional requirements and parameters as deemed appropriate to discourage or prevent illegal duplication and use of the temporary license plate. Such motor vehicle temporary license plate shall be valid for a period of ten (10) days from the date of purchase. Use of the motor vehicle temporary license plate by a dealer for other than the purposes set forth herein shall constitute grounds for revocation of the dealer's license to conduct business. Purchasers of a commercial trailer shall affix the commercial trailer temporary license plate to the rear of the commercial trailer. The purchaser of a motor vehicle shall display the motor vehicle temporary license plate for a period not to exceed ten (10) days or until registration and title are obtained as provided in this section. The purchaser of a commercial trailer shall display the commercial trailer temporary license plate for a period not to exceed two (2) months or

until registration and title are obtained as provided in this section.

3. The provisions of this subsection on temporary licenses shall apply to nonresidents who purchase a used motor vehicle, travel trailer, or commercial trailer within this state that is to be licensed in another state. The nonresident purchaser shall be allowed to operate the vehicle or trailer within the state with a temporary license plate for a period not to exceed ten (10) days from date of purchase. Any nonresident purchaser found to be operating a used motor vehicle, travel trailer, or commercial trailer within this state after two (2) months shall be subject to the registration fees of this state upon the same terms and conditions applying to residents of this state. Additionally, within two (2) business days of the date of the sale or transfer of the vehicle or trailer, the parties shall submit the requisite documentation to Service Oklahoma or licensed operator identifying the vehicle or trailer subject to the sale or transfer, purchaser information, and any associated license plate on the vehicle, pursuant to the requirements of Section 1112.2 of this title.

F. It shall be unlawful for any dealer to procure the registration and licensing of any used motor vehicle, travel trailer or commercial trailer sold by the dealer or to act as the agent for the purchaser in the procurement of the registration and licensing of the purchaser's used vehicle, travel trailer, or commercial trailer. A license of any dealer violating the provision of this section may be revoked.

G. Dealers following the procedure set forth herein shall not be required to register vehicles, travel trailers, or commercial trailers to which this section applies, nor will the registration fee otherwise required be assessed. Provided, dealers shall not purchase or trade for a used motor vehicle, travel trailer, or commercial trailer on which the registration therefor has been expired for a period exceeding two (2) months without obtaining current registration therefor.

H. A nonprofit charitable organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), and which accepts donations of used motor vehicles previously titled in Oklahoma to be subsequently transferred to another owner, upon the qualifying organization providing sufficient documentation of its tax-exempt status, may obtain from Service Oklahoma charitable nonprofit organization license plates for demonstrating, transporting, or test-driving donated vehicles, provided that no organization shall possess or use at any one time more than eight such plates. Service Oklahoma shall design distinctive license plates for that purpose. The cost for such plates shall be the same as provided in subsection A of this section for dealer plates.

I. The transfer of ownership from the vehicle donor to the qualifying nonprofit organization described in subsection H of this section shall be made without the payment of motor vehicle excise tax levied pursuant to Section 2103 of Title 68 of the Oklahoma Statutes.

Added by Laws 1986, c. 172, § 5, eff. July 1, 1986. Amended by Laws 1988, c. 163, § 7, emerg. eff. May 16, 1988; Laws 1989, c. 57, § 6, operative July 1, 1989; Laws 1990, c. 115, § 1, operative July 1, 1990; Laws 1990, c. 315, § 5, eff. July 1, 1990; Laws 1991, c. 56, § 1, emerg. eff. April 10, 1991; Laws 1992, c. 200, § 1, eff. July 1, 1992; Laws 1993, c. 93, § 3, eff. July 1, 1993; Laws 1994, c. 119, § 1, eff. Sept. 1, 1994; Laws 2005, c. 190, § 15, eff. Sept. 1, 2005; Laws 2007, c. 326, § 19, eff. Nov. 1, 2007; Laws 2015, c. 386, § 7, eff. Nov. 1, 2015; Laws 2016, c. 308, § 1, eff. Nov. 1, 2016; Laws 2022, c. 282, § 170, emerg. eff. May 19, 2022; Laws 2023, c. 262, § 1, eff. Nov. 1, 2023; Laws 2024, c. 236, § 11, eff. Sept. 1, 2024; Laws 2025, c. 330, § 19, eff. July 1, 2025.

NOTE: Laws 2023, c. 262, § 1 was purportedly repealed by Laws 2024, c. 452, § 103 but without reference to Laws 2024, c. 236, § 11, which amended it.

§47-1137.2. Authority to grant power to issue dealer license plates.

The Oklahoma New Motor Vehicle Commission and the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission shall have the authority to grant the power to issue the dealer license plate specified in subsection A of Section 1137.1 of this title to authorized temporary license plate vendors, pursuant to the provisions of Section 2 of this act.

Added by Laws 1990, c. 115, § 2, operative July 1, 1990. Amended by Laws 1993, c. 93, § 4, eff. July 1, 1993; Laws 1994, c. 119, § 2, eff. Sept. 1, 1994; Laws 2022, c. 282, § 171, emerg. eff. May 19, 2022; Laws 2024, c. 236, § 12, eff. Sept. 1, 2024.

§47-1137.3. See the following versions:

OS 47-1137.3v1 (SB 2038, Laws 2024, c. 452, § 104).

OS 47-1137.3v2 (SB 2035, Laws 2024, c. 236, § 13).

§47-1137.3v1. Registration and licensing of new motor vehicle, trailer or commercial trailer - Temporary license plate - Unlawful acts and penalties.

The purchaser of every new motor vehicle, travel trailer, or commercial trailer shall register or license the same within thirty two (2) months from the date of purchase. It shall be the responsibility of the selling dealer to place a temporary license plate, in size similar to the permanent Oklahoma license plate but of a weatherproof plastic-impregnated substance approved by the

Oklahoma New Motor Vehicle Commission, upon a new motor vehicle, travel trailer, or commercial trailer when a transaction is completed for the sale of the vehicle or trailer. Except for cab and chassis trucks, the temporary license plate under this section shall be placed at the location provided for the permanent motor vehicle license plate. The purchaser of a new cab and chassis truck may place the temporary license plate under this section in the rear window. The temporary license plate shall show the dealer's license number which is issued to him or her each year by Service Oklahoma, the date the new motor vehicle, travel trailer, or commercial trailer was purchased, and the company name of the selling dealer. The Commission is hereby directed to develop a temporary license plate design to incorporate these requirements in a manner that will permit law enforcement personnel to readily identify the dealer license number and date of the vehicle purchase. The Commission is further authorized to develop additional requirements and parameters designed to discourage or prevent illegal duplication and use of the temporary license plate. On or before two (2) months from the date of purchase of a new motor vehicle, travel trailer, or commercial trailer, the temporary license plate shall be removed and replaced with a permanent, current Oklahoma license plate. Use of the temporary license plate by a licensed dealer for other than the purpose of normally doing business shall constitute grounds for revocation of the dealer's license.

It shall be unlawful for any licensed dealer of new motor vehicles, travel trailers, or commercial trailers to procure the registration and licensing of any new motor vehicle, travel trailer, or commercial trailer sold by such licensed dealer or to act as the agent for such purchaser in the procurement of the registration and licensing. The license of any licensed dealer of new motor vehicles, travel trailers, or commercial trailers violating the provisions of this section shall be revoked.

Added by Laws 1992, c. 200, § 2, eff. July 1, 1992. Amended by Laws 1993, c. 93, § 5, eff. July 1, 1993; Laws 2007, c. 326, § 20, eff. Nov. 1, 2007; Laws 2008, c. 315, § 5, emerg. eff. June 2, 2008; Laws 2022, c. 282, § 172, emerg. eff. May 19, 2022; Laws 2023, c. 29, § 32, eff. Nov. 1, 2023; Laws 2024, c. 452, § 104, emerg. eff. June 14, 2024.

§47-1137.3v2. Registration and licensing of new motor vehicle, trailer, or powersports vehicle – Temporary license plate – Unlawful acts and penalties.

A. 1. The purchaser of every new motor vehicle, travel trailer, or powersports vehicle shall register or license the same within two (2) months from the date of purchase. It shall be the responsibility of the selling dealer to place a temporary license plate, twelve (12) inch by six (6) inch size or in a size similar to

the permanent Oklahoma license plate but of a ten-mil weatherproof plastic-impregnated paper approved by the Oklahoma New Motor Vehicle Commission, upon a new motor vehicle, travel trailer, or powersports vehicle when a transaction is completed for the sale of such vehicle or trailer. Provided, upon a determination by the Commission that there exists a national shortage of ten-mil weatherproof plastic-impregnated paper, eight-mil weatherproof plastic-impregnated paper may be approved by the Commission until it has been determined by the Commission the shortage has ended. Except for cab and chassis trucks, the temporary license plate under this section shall be placed at the location provided for the permanent motor vehicle license plate. The purchaser of a new cab and chassis truck may place the temporary license plate under this section in the rear window. The temporary license plate shall show the dealer's license number which is issued to him or her each year by Service Oklahoma, the date of expiration, and the company name of the selling dealer. Additionally, within two (2) business days of the date of the sale or transfer of the motor vehicle, the selling dealer must submit the requisite documentation to Service Oklahoma or a licensed operator identifying the motor vehicle subject to the sale or transfer, purchaser information, and any associated license plate on the vehicle, pursuant to the requirements of Section 1112.2 of this title.

2. The Oklahoma New Motor Vehicle Commission is hereby directed to develop a temporary license plate design to incorporate these requirements in a manner that will permit law enforcement personnel to readily identify the dealer license number and date of expiration. The Oklahoma New Motor Vehicle Commission is further authorized to develop additional requirements and parameters designed to discourage or prevent illegal duplication and use of the temporary license plate. On or before ten (10) days from the date of purchase of a new motor vehicle, travel trailer, or powersports vehicle, the temporary license plate shall be removed and replaced with a permanent, current Oklahoma license plate. Use of such temporary license plate by a licensed dealer for other than the purpose of normally doing business shall constitute grounds for revocation of the dealer's license.

B. It shall be unlawful for any licensed dealer of new motor vehicles, travel trailers, or powersports vehicle to procure the registration and licensing of any new motor vehicle, travel trailer, or powersports vehicle sold by the licensed dealer or to act as the agent for the purchaser in the procurement of the registration and licensing. The license of any licensed dealer of new motor vehicles, travel trailers, or powersports vehicle violating the provisions of this section shall be revoked.

Added by Laws 1992, c. 200, § 2, eff. July 1, 1992. Amended by Laws 1993, c. 93, § 5, eff. July 1, 1993; Laws 2007, c. 326, § 20, eff.

Nov. 1, 2007; Laws 2008, c. 315, § 5, emerg. eff. June 2, 2008; Laws 2022, c. 282, § 172, emerg. eff. May 19, 2022; Laws 2023, c. 262, § 2, eff. Nov. 1, 2023; Laws 2024, c. 236, § 13, eff. Sept. 1, 2024. NOTE: Laws 2023, c. 262, § 2 was purportedly repealed by Laws 2024, c. 452, § 105 but without reference to Laws 2024, c. 236, § 13, which amended it.

§47-1137.4. Temporary license plates – Registration of authorized vendors.

A. The Oklahoma New Motor Vehicle Commission and the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission shall have the power and duty to promulgate rules and procedures to register authorized temporary license plate vendors in this state. The Commissions may impose a vendor registration fee not to exceed Six Hundred Dollars (\$600.00) and a subsequent annual renewal fee not to exceed Six Hundred Dollars (\$600.00).

B. Oklahoma New Motor Vehicle Commission and the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission vendors shall provide pre-printed temporary license plates, or software services or the equipment and supplies necessary to print temporary license plates to dealers licensed by the Oklahoma New Motor Vehicle Commission and the Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission. Vendors may provide the following:

1. Provide a method for such dealers to electronically enter required purchaser information for each vehicle purchase; and
2. Electronically submit such required purchaser information to Service Oklahoma in a manner that protects and meets security requirements promulgated by the Commissions every twenty-four (24) hours in a format that is readily accessible by Service Oklahoma.

C. The Commissions shall also be granted the power to revoke the designation and registration of and administer fines and penalties, not to exceed Ten Thousand Dollars (\$10,000.00) per occurrence, to registered temporary license plate vendors that fail to comply with the provisions of this section.

D. The Commissions shall also be granted the power to require the vendors to do the following:

1. Obtain a Fifty Thousand Dollar (\$50,000.00) bond; and
2. Obtain commercial liability insurance with a minimum coverage amount of One Million Dollars (\$1,000,000.00).

E. Temporary license plates issued by authorized temporary license plate vendors shall be required to include:

1. A sequential three-character prefix, unique to the individual authorized temporary license plate vendor, followed by a five-digit tag number;
2. The name of this state;
3. The name of the vehicle purchaser;

4. The date of expiration;
5. The name of the dealer and the dealer license number; and
6. The year, make, and model of the vehicle. Provided, the name of the vehicle purchaser shall not be required to be included on the temporary license plate if the vendor holds a record of the name of the vehicle purchaser and the bill of sale is carried in the vehicle.

Added by Laws 2024, c. 236, § 2, eff. Sept. 1, 2024.

§47-1138. Repealed by Laws 2014, c. 383, § 1, eff. Nov. 1, 2014.

§47-1139. Repealed by Laws 2014, c. 383, § 1, eff. Nov. 1, 2014.

§47-1139.1. Lease agreements involving counties - Fee exemption.

At the time required for payment of any fee imposed pursuant to the provisions of the Oklahoma Vehicle License and Registration Act, any vehicle which is the subject of a lease or lease-purchase agreement between the owner of such vehicle and any county of this state shall be exempt from the fees so imposed. Owners of vehicles claiming the exemption provided by this section shall present adequate proof that the vehicle for which exemption is sought is the subject of a lease or lease-purchase agreement with a county of this state at the time any fee imposed by such act would otherwise be due. Service Oklahoma shall have the authority to determine what constitutes adequate proof as required by this section.

Added by Laws 1986, c. 284, § 3, operative July 1, 1986. Amended by Laws 2022, c. 282, § 173, emerg. eff. May 19, 2022.

§47-1140. Qualifications to locate and operate Service Oklahoma locations - Obtaining a license to operate locations - Sale or transfer of licenses - Revocation - Vacancy.

A. The Service Oklahoma Operator Board shall adopt rules prescribing minimum qualifications and requirements for locating Service Oklahoma locations and for persons applying for a license to operate a designated Service Oklahoma location. Such qualifications and requirements shall include, but not be limited to, the following:

1. Necessary job skills and experience;
2. Minimum office hours;
3. Provision for sufficient staffing, equipment, office space and parking to provide maximum efficiency and maximum convenience to the public;
4. Obtainment of a faithful performance surety bond as provided for by law;
5. That the applicant has not been convicted of a felony and that no felony charges are pending against the applicant;

6. That the location specified in the individual's application for a license to operate a designated Service Oklahoma location not be owned by a member of Service Oklahoma or an employee of Service Oklahoma or any person related to a member of Service Oklahoma or an employee of Service Oklahoma within the third degree by consanguinity, marriage, or adoption and that the location not be within a three-mile radius of an existing licensed operator unless the applicant is assuming the location of an operating licensed operator;

7. That a single website, designated by Service Oklahoma, will be used for the distribution of services provided by Service Oklahoma with motor vehicle services to be fulfilled by licensed operators;

8. That licensed operators will attend all required training provided by Service Oklahoma; and

9. That there should be at least one Service Oklahoma location in each county.

B. 1. Any person making application to the Service Oklahoma Operator Board for the purpose of obtaining a license to operate a designated Service Oklahoma location shall pay, when submitting the application, a nonrefundable application fee of One Hundred Dollars (\$100.00). All such application fees shall be deposited in the Oklahoma Tax Commission Fund. Beginning January 1, 2023, all such application fees shall be deposited in the Service Oklahoma Revolving Fund.

2. Any person making application to the Service Oklahoma Operator Board for the purpose of obtaining a license to operate a designated Service Oklahoma location must meet standardization and branding requirements established by the Service Oklahoma Operator Board, upon recommendations from Service Oklahoma. Upon approval, the person must either pay a fee to Service Oklahoma for all costs related to meeting the standardization and branding requirements or obtain approval from the Service Oklahoma Operator Board that the location meets all standardization and branding requirements. All such fees shall be deposited in the Service Oklahoma Revolving Fund. The amount of the license fee will be determined by the Service Oklahoma Operator Board. This provision shall not apply to any existing Service Oklahoma location.

3. Any person shall have been a resident of the State of Oklahoma for a period of six (6) months prior to submitting an application for a license to operate a designated Service Oklahoma location. If a licensed operator moves his or her residence to a place outside the State of Oklahoma, the licensed operator shall provide notice to the Service Oklahoma Operator Board and sell his or her license within ninety (90) days of such notice.

C. Upon application by a person to serve as a licensed operator, the Service Oklahoma Operator Board is authorized to make

a determination whether such person and such location meets the criteria and guidelines established by the Service Oklahoma Operator Board and, if such be the case, may issue a license to operate a designated Service Oklahoma location.

D. 1. A licensed operator may be permitted, upon application, to sell or transfer an existing license to operate a designated Service Oklahoma location. Any sale or transfer of a license is subject to approval of the Service Oklahoma Operator Board. In order to sell or transfer an existing licensed operator license, the licensed operator shall meet the following guidelines and requirements:

- a. the licensed operator shall be in good standing with the Service Oklahoma Operator Board,
- b. the licensed operator shall have held a licensed operator license, issued by the Service Oklahoma Operator Board, for a minimum of five (5) years, and
- c. the licensed operator shall provide the Service Oklahoma Operator Board evidence that the proposed buyer or transferee of the licensed operator licensee meets the qualifications and requirements set forth in subsection A of this section, has the ability to meet all financial requirements and terms of any current existing contract between the licensed operator and Service Oklahoma, and agrees to the onboarding and training requirements of Service Oklahoma, as established by Service Oklahoma and the Service Oklahoma Operator Board.

2. The purchase price of a licensed operator license shall be agreed upon by the licensed operator and the individual purchasing the license to operate a designated Service Oklahoma location. However, the purchaser or transferee agrees to pay a transfer fee to Service Oklahoma in the amount of three percent (3%) of the last annual gross revenue from fees retained at the Service Oklahoma location to be purchased, not to exceed Fifteen Thousand Dollars (\$15,000.00). The transfer fee shall be deposited in the Service Oklahoma Revolving Fund.

3. Upon receipt of the application to sell or transfer an existing licensed operator license, the Service Oklahoma Operator Board will determine whether the licensed operator license may be sold or transferred on the condition that the existing location is in good standing and the new licensee meets the requirements outlined in Section 1140 et seq. of this title.

4. The Service Oklahoma Operator Board may, at its discretion, buy back a licensed operator license from a licensed operator who desires to sell or transfer its licensed operator license but has held a licensed operator license issued by Service Oklahoma for less than five (5) years. The purchase price for such a license will be

one-half (1/2) times the most recent annual gross revenue from fees retained of that Service Oklahoma location, not to exceed Two Hundred Thousand Dollars (\$200,000.00). The purchase price shall be paid out of the excess funds available in the Licensed Operator Performance Fund, created in Section 3-106 of this title, after distribution to licensed operators, pursuant to Section 3-106 of this title.

5. Licensed operators issued a license to operate a designated Service Oklahoma location on January 1, 2023, may be permitted, upon application, to sell or transfer their existing license within the first five (5) years. Any sale or transfer of such license is subject to the approval of the Service Oklahoma Operator Board.

- a. In order to sell or transfer the existing license within the first five (5) years, the licensed operator shall meet the following guidelines and requirements:
 1. the licensed operator shall be in good standing with the Service Oklahoma Operator Board, and
 2. the licensed operator shall provide the Service Oklahoma Operator Board evidence that the proposed buyer or transferee of the licensed operator licensee meets the qualifications and requirements set forth in this section, has the ability to meet all financial requirements and terms of any current existing contract between the licensed operator and Service Oklahoma, and agrees to the onboarding and training requirements of Service Oklahoma, as established by Service Oklahoma and the Service Oklahoma Operator Board.
- b. The branding and physical standardization exemption specified in this section shall not transfer to the purchaser, unless:
 - (1) the licensed operator submitted a contingent resignation and the purchaser submitted a relation application to the Oklahoma Tax Commission prior to May 19, 2022, or
 2. the purchaser is related to the licensed operator within the third degree by consanguinity, marriage, or adoption.

E. 1. Licensed operators shall be subject to all laws relating to licensed operators and shall be subject to removal for cause by the Service Oklahoma Operator Board. Any action taken by Service Oklahoma to revoke a license shall be pursuant to and in accordance with the provisions of the Administrative Procedures Act. For the purposes of this section, "for cause" shall be defined as follows:

- a. repeated violations of written contracts, rules, regulations and statutes pertaining to licensed

- operators after written warning by the Service Oklahoma Operator Board and an opportunity to correct such violations,
- b. failure of the licensed operator to promptly remit funds owed to Service Oklahoma upon written demand,
 - c. being charged with a felony crime involving dishonesty or moral turpitude,
 - d. failure to timely file state and federal income tax returns, or
 - e. any act of official misconduct as set forth in Section 93 of Title 51 of the Oklahoma Statutes.

In the event a license is revoked by the Service Oklahoma Operator Board for cause, the Service Oklahoma location operated by the licensed operator will be permanently closed and the licensed operator shall not be entitled to any compensation.

Motor license agents and licensed operators in good standing as of November 1, 2022, shall be exempt from the branding and physical standardization requirements to be established by the Service Oklahoma Operator Board, with the recommendation of the Director of Service Oklahoma.

2. A license to operate a designated Service Oklahoma location may be revoked by the Service Oklahoma Operator Board for failure to meet the standards for customer satisfaction established by the Service Oklahoma Operator Board. In the event of revocation, the licensed operator shall sell his or her license to operate a Service Oklahoma location to Service Oklahoma at a rate of one-half (1/2) times the most recent annual gross revenue from fees retained of that Service Oklahoma location, not to exceed Two Hundred Thousand Dollars (\$200,000.00). The purchase price shall be paid out of the excess funds available in the Licensed Operator Performance Fund, created in Section 3-106 of this title, after distribution to licensed operators, pursuant to Section 3-106 of this title.

F. All licensed operators shall be licensed by and under the supervision of Service Oklahoma; provided, any agent authorized to issue registrations pursuant to the International Registration Plan shall also be under the supervision of the Corporation Commission, subject to rules promulgated by the Corporation Commission pursuant to the provisions of subsection E of Section 1166 of this title. Service Oklahoma shall be the holder of all licenses and has the right to approve and revoke such licenses. After obtaining a license, any such licensed operator shall furnish and file with Service Oklahoma a bond in such amount as may be fixed by Service Oklahoma. Such licensed operator shall be removable at the will of Service Oklahoma. Such licensed operator shall perform all duties and do such things in the administration of the laws of this state as shall be enjoined upon and required by the Service Oklahoma Operator Board. Provided, Service Oklahoma may operate a Service

Oklahoma location in any county where a vacancy occurs, as determined by Service Oklahoma.

G. In the event of a vacancy due to the death of a licensed operator, the licensed operator's designee or a licensed operator location employee shall immediately notify Service Oklahoma. A licensed operator may designate an individual to continue to operate the Service Oklahoma location upon the death of the licensed operator. The designee shall apply to obtain a license to operate the vacant licensed operator location with the Service Oklahoma Operator Board within thirty (30) days of the licensed operator's death. In the event that no designee is designated or that the designee fails to apply to be a licensed operator with Service Oklahoma within thirty (30) days, Service Oklahoma may take any and all action it deems appropriate in order to provide for the orderly transition and the maintenance of operations of the Service Oklahoma location, as permitted by law.

H. When an application for registration is made with Service Oklahoma, the Corporation Commission or a licensed operator, a registration fee of One Dollar and seventy-five cents (\$1.75) shall be collected for each license plate or decal issued. Such fees shall be in addition to the registration fees on motor vehicles and when an application for registration is made to the licensed operator, such licensed operator shall retain a fee as provided in Section 1141.1 of this title through June 30, 2023. Beginning July 1, 2023, the fee shall be retained by the licensed operator pursuant to subsection E of Section 1141.1 of this title. When the fee is paid by a person making application directly with Service Oklahoma or the Corporation Commission, as applicable, the registration fees shall be in the same amount as provided for licensed operators and the fee provided by Section 1141.1 of this title shall be deposited in the Oklahoma Tax Commission Fund or as provided in Section 1167 of this title, as applicable. Beginning January 1, 2023, the fee provided by Section 1141.1 of this title shall be deposited in the Service Oklahoma Revolving Fund or as provided in Section 1167 of this title, as applicable. Service Oklahoma shall prepare schedules of registration fees and charges for titles which shall include the fees for such licensed operators and all fees and charges paid by a person shall be listed separately on the application and registration and totaled on the application and registration. The licensed operators shall charge only such fees as are specifically provided for by law, and all such authorized fees shall be posted in such a manner that any person shall have notice of all fees that are imposed by law.

I. Any licensed operator shall be responsible for all costs incurred by Service Oklahoma when relocating an existing Service Oklahoma location. The Service Oklahoma Operator Board may waive

payment of such costs in case of unforeseen business or emergency conditions beyond the control of the licensed operator.

J. Any existing contracts by or between any motor license agent and the Oklahoma Tax Commission shall be assigned to Service Oklahoma. All existing motor license agents in good standing with the Oklahoma Tax Commission will be offered a subsequent contract from Service Oklahoma to become a licensed operator to take effect on January 1, 2023. The contract between existing motor license agents and Service Oklahoma shall be agreed to no later than December 31, 2022. In the event an existing motor license agent declines to enter into the subsequent contract with Service Oklahoma to become a licensed operator, that motor license agent may continue to conduct business pursuant to the existing contract through December 31, 2025, so long as that motor license agent remains in good standing with Service Oklahoma in accordance with the terms of the existing contract.

Added by Laws 1985, c. 179, § 43, operative July 1, 1985. Amended by Laws 1985, c. 197, § 5, operative July 1, 1985; Laws 1987, c. 158, § 1, emerg. eff. June 25, 1987; Laws 2004, c. 534, § 10, eff. Nov. 1, 2004; Laws 2005, c. 1, § 77, emerg. eff. March 15, 2005; Laws 2008, c. 383, § 1, eff. Nov. 1, 2008; Laws 2009, c. 386, § 1, eff. July 1, 2009; Laws 2018, c. 174, § 1, eff. Nov. 1, 2018; Laws 2018, c. 289, § 1, eff. Nov. 1, 2018; Laws 2019, c. 195, § 2, eff. July 1, 2019; Laws 2021, c. 365, § 1, eff. Nov. 1, 2021; Laws 2021, c. 569, § 1, eff. Nov. 1, 2021; Laws 2022, c. 282, § 174, emerg. eff. May 19, 2022; Laws 2023, c. 310, § 33, eff. July 1, 2023; Laws 2024, c. 452, § 106, emerg. eff. June 14, 2024.

NOTE: Laws 2004, c. 522, § 23 repealed by Laws 2005, c. 1, § 78, emerg. eff. March 15, 2005.

§47-1140.1. Repealed by Laws 2022, c. 282, § 241, emerg. eff. May 19, 2022.

§47-1140.2. License and ID Apportionment Reimbursement Revolving Fund - Service Oklahoma License and ID Apportionment Reimbursement Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Tax Commission to be designated the "License and ID Apportionment Reimbursement Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies appropriated to the fund by law. All monies accruing to the credit of the fund are hereby appropriated and may be expended by the Oklahoma Tax Commission to offset the increased fees retained by licensed operators, pursuant to the provisions of Section 6-101 of this title, beginning upon the effective date of this act and ending on December 31, 2022.

B. There is hereby created in the State Treasury a revolving fund for Service Oklahoma to be designated the "Service Oklahoma License and ID Apportionment Reimbursement Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies appropriated to the fund by law. All monies accruing to the credit of the fund are hereby appropriated and may be expended by Service Oklahoma to offset the increased fees retained by licensed operators, pursuant to the provisions of Section 6-101 of this title, beginning January 1, 2023, and ending on February 28, 2023.

Added by Laws 2021, c. 522, § 5, emerg. eff. May 24, 2021. Amended by Laws 2022, c. 282, § 175, emerg. eff. May 19, 2022.

§47-1140.3. Monthly report on apportionment.

The Oklahoma Tax Commission shall submit a monthly report of the apportionment reimbursed out of the License and ID Apportionment Reimbursement Revolving Fund, created in Section 5 of this act, to the Chair of the Senate Appropriations Committee and Chair of the House of Representatives Appropriations and Budget Committee.

Added by Laws 2021, c. 522, § 6, emerg. eff. May 24, 2021.

§47-1141. Falsely advertising as licensed operator - Penalty.

It shall be unlawful for any person to display any sign or to advertise in any manner representing to the public that he or she is an official or authorized licensed operator of the state, or that he or she has authority to register motor vehicles and issue license plates therefor, unless such person is a duly licensed and qualified licensed operator under the provisions of Section 1140 of this title; and it shall be unlawful for any person to solicit, accept or receive any gratuity or compensation for acting as a messenger or for acting as the agent or representative of another person in applying for the registration of a motor vehicle and obtaining the license plate therefor from Service Oklahoma or from any official and authorized licensed operator, or to advertise, solicit, or in any manner offer to render such services for hire or compensation unless the licensed operator has appointed, authorized and approved said person to perform such acts and said person shall furnish to the licensed operator of the county in which such service is performed a surety bond in such amount as said licensed operator shall determine to be commensurate with the amount of money which may be involved at any one time.

Any person violating the provisions hereof shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not exceeding one (1) year, or both. Each day that any such person advertises or in any manner

offers to render such services to the public or to any person shall constitute a separate offense.

Nothing herein shall be construed as affecting or diminishing the responsibility and liability to Service Oklahoma of the official licensed operator or of his or her bond made to Service Oklahoma. Added by Laws 1985, c. 179, § 44, operative July 1, 1985. Amended by Laws 2019, c. 195, § 3, eff. July 1, 2019; Laws 2022, c. 282, § 176, emerg. eff. May 19, 2022.

§47-1141.1. Retention of taxes and fees.

A. Each licensed operator shall be entitled to retain the following amounts from the taxes and fees collected by such licensed operator to be used to fund the operation of the office of such licensed operator subject to the provisions of Sections 1140 through 1147 of this title:

1. Beginning July 1, 2006, through June 30, 2023, Three Dollars and fifty-six cents (\$3.56) for each vehicle registered pursuant to the Oklahoma Vehicle License and Registration Act;

2. Beginning on or after January 1, 2022, through June 30, 2023, if a special or personalized license plate is issued pursuant to Sections 1135.1 through 1135.7 of this title and remittance is combined with the registration required pursuant to Section 1132 of this title, Seven Dollars and twelve cents (\$7.12). Beginning July 1, 2023, through June 30, 2025, Three Dollars and fifty-six cents (\$3.56) for each special license plate issued pursuant to Sections 1135.1 through Section 1135.7 of this title;

3. One Dollar and twenty-five cents (\$1.25) for each certificate of title issued for boats and motors pursuant to the Oklahoma Statutes;

4. For each certificate of registration issued for boats and motors pursuant to the Oklahoma Statutes, an amount determined pursuant to the provisions of subsection B of this section;

5. Two Dollars and twenty-five cents (\$2.25) for each certificate of title issued pursuant to the Oklahoma Vehicle License and Registration Act. Provided, the fee retention amount for certificates of title issued pursuant to the provisions of subsection H of Section 1105 of this title, in which an insurer pays the optional twenty-two-dollar-fee amount, is Four Dollars and fifty cents (\$4.50);

6. Beginning July 1, 2002, through June 30, 2023, each licensed operator shall be entitled to retain three and twenty-five one-hundredths percent (3.25%) of the vehicle excise tax collected pursuant to Section 2103 of Title 68 of the Oklahoma Statutes;

7. Four percent (4%) of the excise tax collected on the transfer of boats and motors pursuant to the Oklahoma Statutes through June 30, 2025;

8. Two Dollars (\$2.00) for each driver license, endorsement, identification license, or renewal or duplicate issued pursuant to Section 6-101 et seq. of this title through June 30, 2023;

9. Two Dollars (\$2.00) for the recording of security interests as provided in Section 1110 of this title;

10. Two Dollars (\$2.00) for each inspection conducted pursuant to subsection L of Section 1105 of this title;

11. Three Dollars (\$3.00) for each inspection conducted pursuant to subsection M of Section 1105 of this title;

12. One Dollar (\$1.00) for each certificate of ownership filed pursuant to subsection R of Section 1105 of this title;

13. One Dollar (\$1.00) for each temporary permit issued pursuant to Section 1124 of this title;

14. One Dollar and fifty cents (\$1.50) for processing each proof of financial responsibility, driver license information, insurance verification information, and other additional information as provided in Section 7-602 of this title;

15. The mailing fees and registration fees provided in Sections 1131 and 1140 of this title;

16. The notary fee provided in Section 1143 of this title;

17. Three Dollars (\$3.00) for each lien entry form completed and recorded on a certificate of title pursuant to subsection G of Section 1105 of this title;

18. Seven Dollars (\$7.00) for each notice of transfer as provided by subsection B of Section 1107.4 of this title;

19. Seven Dollars (\$7.00) for each certificate of title or each certificate of registration issued for repossessed vehicles pursuant to Section 1126 of this title;

20. Any amount specifically authorized by law to be retained by the licensed operator for the furnishing of a summary of a traffic record;

21. Beginning July 1, 2009, and through June 30, 2023, each licensed operator shall also be entitled to a portion of the penalties for delinquent registration or payment of excise tax as provided for in subsection C of Section 1115, subsection F of Section 1132 and subsection C of Section 1151 of this title and of subsection A of Section 2103 of Title 68 of the Oklahoma Statutes;

22. Beginning January 1, 2023, each licensed operator shall be entitled to retain Three Dollars and fifty-six cents (\$3.56) for each electric vehicle registered pursuant to the provisions of this act and such amount shall be in addition to any other amount otherwise authorized by this section to be retained with respect to a vehicle through June 30, 2025;

23. Beginning January 1, 2023, and through June 30, 2023, each licensed operator shall be entitled to retain three and twenty-five hundredths percent (3.25%) of the vehicle excise tax collected pursuant to Section 2103 of Title 68 of the Oklahoma Statutes for

each electric vehicle but such amount shall not be in addition to any other amount otherwise authorized by this section to be retained with respect to a vehicle; and

24. Upon the effective date of this act, Service Oklahoma is authorized to set the licensed operator compensation pursuant to Section 3-103 of this title for processing the documentation submitted and issuing the license plate and/or decal pursuant to this subsection.

The balance of the funds collected shall be remitted to Service Oklahoma as provided in Section 1142 of this title to be apportioned pursuant to Section 1104 of this title.

B. Through June 30, 2025, for each certificate of registration issued for boats and motors, each licensed operator shall be entitled to retain the greater of One Dollar and twenty-five cents (\$1.25) or an amount to be determined by Service Oklahoma according to the provisions of this subsection. At the end of fiscal year 1997 and each fiscal year thereafter, Service Oklahoma shall compute the average amount of registration fees for all boats and motors registered in this state during the fiscal year and shall multiply the result by six and twenty-two one-hundredths percent (6.22%). The resulting product shall be the amount which may be retained by each licensed operator for each certificate of registration for boats and motors issued during the following calendar year.

C. When an application for registration is made with Service Oklahoma, the Corporation Commission or a licensed operator, a registration fee of One Dollar and seventy-five cents (\$1.75) shall be collected for each license plate or decal issued. Such fees shall be in addition to the registration fees on motor vehicles and when an application for registration is made to the licensed operator, such licensed operator shall retain a fee as provided in Section 1141.1 of this title through June 30, 2023. Beginning July 1, 2023, the fee shall be retained by the licensed operator pursuant to subsection E of Section 1141.1 of this title. When the fee is paid by a person making application directly with Service Oklahoma or the Corporation Commission, as applicable, the registration fees shall be in the same amount as provided for licensed operators and the fee provided by this section shall be deposited in the Service Oklahoma Revolving Fund or as provided in Section 1167 of this title, as applicable. Service Oklahoma shall prepare schedules of registration fees and charges for titles, which shall include the fees for licensed operators, and all fees and charges paid by a person shall be listed separately on the application and registration and totaled on the application and registration. The licensed operators shall charge only such fees as are specifically provided for by law, and all such authorized fees shall be posted in such a manner that any person shall have notice of all fees that are imposed by law.

D. Unless otherwise provided, beginning July 1, 2025, the provisions related to the reimbursement, retention, apportionment, or distribution of funds to or by licensed operators as outlined in this section shall be retained by the licensed operator pursuant to subsection E of this section.

E. Beginning July 1, 2023, unless otherwise provided, licensed operator compensation shall be fixed by Service Oklahoma pursuant to Section 3-103 of this title.

1. For fiscal year beginning July 1, 2023, through the fiscal year ending on June 30, 2025:

- a. licensed operators shall be entitled to retain nineteen percent (19%) of all fees collected related to registrations provided by the Oklahoma Vehicle License and Registration Act,
- b. licensed operators shall be entitled to retain forty percent (40%) of all fees collected related to the issuance of Class A, Class B, Class C, and Class D driver licenses, permits, and identification cards, including REAL ID Compliant and REAL ID Noncompliant credentials, pursuant to Section 6-101 et seq. of this title, and
- c. licensed operators shall be entitled to retain Three Dollars and fifty-six cents (\$3.56) for the annual renewal of each frac tank, construction machinery, rental trailer, commercial trailer or semitrailer registered pursuant to Section 1133 of this title.

2. All other fees directed by this section shall default back to the apportionment outlined in Section 1104 of this title.

Added by Laws 1991, c. 261, § 5, eff. Sept. 1, 1991. Amended by Laws 1993, c. 262, § 3, eff. Sept. 1, 1993; Laws 1995, c. 10, § 2, eff. July 1, 1995; Laws 1997, c. 95, § 1, eff. July 1, 1997; Laws 2000, c. 250, § 6, eff. Oct. 1, 2000, and adopted by State Question No. 691, Legislative Referendum No. 319, at election held Aug. 22, 2000; Laws 2001, c. 149, § 4, eff. Nov. 1, 2001; Laws 2005, c. 381, § 7, eff. July 1, 2005; Laws 2009, c. 443, § 3, eff. July 1, 2009; Laws 2012, c. 158, § 4, eff. July 1, 2012; Laws 2021, c. 276, § 10, eff. Jan. 1, 2022; Laws 2022, c. 282, § 177, emerg. eff. May 19, 2022; Laws 2023, 1st Ex. Sess., c. 47, § 13, eff. July 1, 2023; Laws 2024, c. 236, § 14, eff. Sept. 1, 2024; Laws 2025, c. 330, § 20, eff. July 1, 2025.

NOTE: This section was purportedly repealed by Laws 2022, c. 228, §17, emerg. eff. May 5, 2022.

§47-1142. Service Oklahoma Licensed Operator Account.

A. There is hereby created as an official depository of Service Oklahoma a special agency account. Service Oklahoma is hereby authorized and directed to assign an appropriate and distinctive

number or designation for the account herein created which shall be designated the Service Oklahoma Licensed Operator Account. Service Oklahoma shall assign an appropriate and distinctive subaccount number or designation for each licensed operator. Every licensed operator appointed under the provisions of the Oklahoma Vehicle License and Registration Act shall safeguard and preserve, in the manner herein required, all monies paid to such licensed operator which the licensed operator is bound to account for and pay over to Service Oklahoma.

B. Each licensed operator shall establish, in a bank or banks authorized to do a banking business in the state, such special licensed operator account and at any time that the licensed operator accumulates a total amount of receipts of One Hundred Dollars (\$100.00) or more then such licensed operator shall deposit within a period of one (1) banking business day after the close of business, all receipts which the licensed operator is obligated to account for and remit to Service Oklahoma in the designated Service Oklahoma Licensed Operator Account and no such monies shall be deposited in any other banks or other depositories unless the bank accounts are maintained by Service Oklahoma. Provided that, where a licensed operator is doing business in a municipality where there is no bank located, such licensed operator shall have a period of three (3) banking business days after the close of business to make such deposits. Advice of deposit receipts or duplicate deposit receipts, in a form and in an amount prescribed by Service Oklahoma, shall be obtained and preserved as directed by Service Oklahoma. One shall be retained by the licensed operator, and one shall be immediately forwarded to Service Oklahoma. Withdrawals or transfers from such Licensed Operator Service Oklahoma Account shall be made only by the duly authorized agent of Service Oklahoma. That part of the licensed operator's fees to be retained by the licensed operator as the licensed operator's personal compensation shall not be deposited in the Service Oklahoma Licensed Operator Account.

Each licensed operator shall submit the appropriate reports designated by Service Oklahoma to properly account for all funds, regardless of source, received by a licensed operator in the performance of the licensed operator's duties. Reports shall cover a period from the first day of the month to the fifteenth day of the month and from the sixteenth day of the month to the last day of the month. It shall be the responsibility of the licensed operator to mail or deliver such reports and all documents of all transactions to Service Oklahoma within a time period to be established by Service Oklahoma.

C. Licensed operators shall deposit in such account all monies, taxes and fees collected and received by them as such licensed operators, which they are obligated to account for and remit to Service Oklahoma, and it is specifically required that checks or

similar instruments accepted or received by such licensed operators for taxes or fees must be deposited in such account, less any amount provided by this section and Sections 2-117 and 1113.3 of this title that the licensed operators are entitled to retain as fees.

No licensed operator shall withdraw any funds from the licensed operator's licensed operator account. All checks, drafts, orders and vouchers so deposited shall bear an endorsement to the licensed operator account which endorsement shall include the assigned account number and the licensed operator's subaccount number. Items deposited shall be credited at par and should payment be refused on any such check, draft, order or voucher, or should the same prove otherwise worthless, the amount thereof shall not be charged by Service Oklahoma against the individual subaccounts of the licensed operator. The licensed operator shall continue to attempt to require proper payment of all such worthless items, but shall not be personally liable to Service Oklahoma for his or her payment. Service Oklahoma or the licensed operator shall charge the person issuing the check a fee of Twenty-five Dollars (\$25.00) for each check to cover the costs of the processing of each returned check, and all necessary travel expenses of collection, as provided by the State Travel Reimbursement Act; provided, such charge shall not be made unless efforts have been made to present such check, draft, order or voucher for payment a second time. Any licensed operator who collects a dishonored check pursuant to the provisions of Section 1121 of this title shall also collect a fee of Twenty-five Dollars (\$25.00) and shall be entitled to retain such fee.

D. It is specifically provided that nothing in this section shall be considered or construed as in any way affecting, relieving or relinquishing the liability of such licensed operator to Service Oklahoma for any monies collected by the licensed operator and due the state or the liability of such licensed operator or any surety on or under the licensed operator's bond made to Service Oklahoma.

Unless provided otherwise, any licensed operator who fails to comply with any provision of this section shall pay a penalty to be imposed by Service Oklahoma. Monies collected for payment of the penalty shall be deposited to the credit of the General Revenue Fund of the State Treasury. Any licensed operator who pays a penalty pursuant to this section shall not allocate his or her payment thereof as a part of his or her operating expenses, but shall use his or her personal funds for payment of the penalty. Such penalty shall be equal to one percent (1%) of the gross amount of the receipts received by the licensed operator for that particular day that the licensed operator fails to deposit all such funds required by this section or one percent (1%) of the gross amount of the receipts received by the licensed operator for the report period that the licensed operator fails to timely mail the required report or remit any excess licensed operator funds as provided in

subsection B of this section. Such penalty shall be increased to three percent (3%) of the gross amount of the receipts received for that particular day if the licensed operator fails to fulfill any of the requirements within a period of five (5) days. Provided that such penalty shall be three percent (3%) of the gross amount of the receipts received by the licensed operator for the report period that the licensed operator fails to timely mail the required report or remit any excess licensed operator funds as provided in subsection B of this section if the licensed operator fails to fulfill these requirements within five (5) days.

The Service Oklahoma Operator Board may waive the penalty for failing to timely file the accounting report required by this section if the Service Oklahoma Operator Board finds that:

1. The funds to which the report applies have been properly deposited;

2. The failure to timely file the report was due to emergency conditions beyond the control of the licensed operator; and

3. The report has been filed within a week of the date on which it was required to be filed.

Added by Laws 1985, c. 179, § 45, operative July 1, 1985. Amended by Laws 1985, c. 197, § 6, operative July 1, 1985; Laws 1986, c. 223, § 28, operative July 1, 1986; Laws 1988, c. 232, § 2, operative July 1, 1988; Laws 1989, c. 284, § 2, emerg. eff. May 22, 1989; Laws 2006, c. 295, § 6, eff. July 1, 2006; Laws 2007, c. 348, § 3, eff. Nov. 1, 2007; Laws 2021, c. 569, § 2, eff. Nov. 1, 2021; Laws 2022, c. 282, § 178, emerg. eff. May 19, 2022; Laws 2025, c. 171, § 56, eff. July 1, 2026.

§47-1142.1. Carrying on or compensating messenger, courier or pick up and delivery service - Penalty.

A. It shall be unlawful for any licensed operator or any employee of such licensed operator to carry on a messenger service, courier service or pick up and delivery service for the recording of a security interest or for the registration of a motor vehicle or boat or a motor, or obtaining license plates and decals, or for the issuance of a certificate of title for any motor vehicle or boat or motor. Provided, nothing in this subsection shall be construed to prevent a licensed operator or any employee of such licensed operator from performing such services for the licensed operator's depository bank, when the licensed operator or his or her employee goes to the licensed operator's depository bank to deposit tax monies into the licensed operator's designated Service Oklahoma Licensed Operator Account. Service Oklahoma shall not designate or assign a licensed operator more than one active Service Oklahoma Licensed Operator Account. Accounts designated prior to September 1, 1991, may remain active.

B. It shall be unlawful for any licensed operator to compensate in any manner a messenger service, courier service or pick up and delivery service or any one attempting to provide messenger service, courier service or pick up and delivery service for recording a security interest or for the registration of a motor vehicle or boat or motor, or obtaining license plates and decals, or for the issuance of a certificate of title for any motor vehicle or boat or motor.

C. A licensed operator who violates the provisions of this section shall be subject to a fine of Two Thousand Dollars (\$2,000.00) per occurrence.

Added by Laws 1991, c. 261, § 6, eff. Sept. 1, 1991. Amended by Laws 2019, c. 195, § 4, eff. July 1, 2019; Laws 2021, c. 569, § 3, eff. Nov. 1, 2021; Laws 2022, c. 282, § 179, emerg. eff. May 19, 2022.

§47-1143. Compensation of licensed operators - Mail order vehicle registration notification program - Bond.

A. A licensed operator shall retain as compensation those taxes and fees collected and retained pursuant to Section 1141.1 of this title, and shall additionally retain:

1. All amounts remaining from notary and mailing fees and those provided by Section 1105A of this title received by such licensed operator, after payment of all costs of handling and mailing;

2. All profits from any concessions operated in the licensed operator's office; and

3. All amounts collected pursuant to subsection H of Section 1111 of this title.

B. A licensed operator shall receive a fee as regulated in Title 49 of the Oklahoma Statutes for each document notarized.

C. Service Oklahoma shall initiate a mail order vehicle registration notification program, which shall consist of notification annually to all vehicle owners in this state of such time an owner shall register and license a vehicle as provided for in Section 1101 et seq. of this title. The notification issued by Service Oklahoma shall include a breakdown of all charges to be paid by the owner, other items deemed necessary by Service Oklahoma and shall notify the owner of the option of paying registration fees and receiving the license plate or decal through the mail directly from Service Oklahoma or of registering and receiving the license plate or decal from a licensed operator. On the back of such registration notification forms there shall be the address of Service Oklahoma in large black type and an explanation of the apportionment of all license fees and penalties collected and their disposition. Such explanation shall include information as to all charges included in the total license fee and any fees or charges incident to the registration of a motor vehicle, to include all fees that a licensed

operator is authorized to collect. If the owner chooses the option of receiving these services through the mail, either from Service Oklahoma or the licensed operator, the owner shall then be instructed to pay the final total listed. The costs of mailing shall be the cost of postage plus One Dollar and twenty-five cents (\$1.25) for license plates, the cost of postage plus One Dollar (\$1.00) for decals and for the mailing of any other form, title, decal or device provided for in the Oklahoma Vehicle License and Registration Act. Provided however, Service Oklahoma may adjust any mailing costs from time to time as it deems appropriate and as will allow for additional fees the U.S. Postal Service may charge.

D. Money received by Service Oklahoma for the issuance of any registrations, license plates or otherwise shall be apportioned to the schools in accordance with other laws controlling such distributions.

E. Failure by an owner of a vehicle to receive registration notification as provided for in the Motor Vehicle License and Registration Act shall not in any manner relieve such person from the obligation of proper and timely registration and licensing of such vehicle, and such person shall be subject to any penalties prescribed by the Oklahoma Vehicle License and Registration Act.

F. A licensed operator, out of the taxes and fees collected and retained pursuant to Section 1141.1 of this title, shall obtain a faithful performance surety bond or cash bond in the amount of Thirty Thousand Dollars (\$30,000.00) or in such additional amount and form required by Service Oklahoma or by the Oklahoma Vehicle License and Registration Act, a blanket surety bond or cash bond covering adequately all office personnel, necessary insurance, necessary office equipment and furniture, and other goods and services essential to the proper operation of the Service Oklahoma location. Provided that Service Oklahoma shall have the authority to lower such required surety bond to an amount that is commensurate with the amount of business conducted by the licensed operator, but in no event shall that amount be less than Five Thousand Dollars (\$5,000.00). Licensed operators shall obtain the surety bond or cash bond required by this section only during their first year of operation. Thereafter, the licensed operators shall be subject to the provisions of Section 1143.1 of this title.

Added by Laws 1985, c. 179, § 46, operative July 1, 1985. Amended by Laws 1985, c. 197, § 7, operative July 1, 1985; Laws 1987, c. 158, § 2, emerg. eff. June 25, 1987; Laws 1993, c. 300, § 1, eff. Sept. 1, 1993; Laws 1995, c. 208, § 4, eff. July 1, 1995; Laws 2001, c. 439, § 1, eff. July 1, 2001; Laws 2019, c. 195, § 5, eff. July 1, 2019; Laws 2022, c. 282, § 180, emerg. eff. May 19, 2022; Laws 2025, c. 330, § 21, eff. July 1, 2025.

§47-1143.1. Oklahoma Motor License Agent Indemnity Fund - Oklahoma Licensed Operator Indemnity Fund.

A. 1. There is hereby created the Oklahoma Motor License Agent Indemnity Fund. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of annual assessments levied on licensed operators. All monies accruing to the credit of the funds are hereby appropriated and may be expended, in amounts and as authorized by the Legislature, by the Office of Management and Enterprise Services. The purpose of the fund is to ensure that Service Oklahoma recovers tax revenue and the Corporation Commission recovers apportioned vehicle registration fees, not remitted to either because of negligence, malfeasance or fraud by a licensed operator. In addition, claims arising from licensed operator errors and omissions may be paid from monies in the fund in excess of Five Hundred Thousand Dollars (\$500,000.00). Upon final determination by Service Oklahoma of a tax revenue shortage or liability of a licensed operator whose Service Oklahoma location has been closed, or by the Corporation Commission of apportioned vehicle registration fee shortage, a claim in the amount of such liability may be made by either Service Oklahoma or the Corporation Commission against the fund. The claim shall be paid out of the fund by the Office of Management and Enterprise Services. At least sixty (60) days' written notice shall be given to the delinquent licensed operator before any such claim is paid. The Office shall have the power to seek restitution to the fund from any licensed operator whose liability was paid out of the fund. The monies in the fund shall be invested by the State Treasurer and the interest shall be deposited in the fund. Beginning January 1, 2023, all funds to be deposited in the Oklahoma Motor License Agent Indemnity Fund shall be deposited in the Oklahoma Licensed Operator Indemnity Fund.

2. There is hereby created the Oklahoma Licensed Operator Indemnity Fund. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of annual assessments levied on licensed operators. Beginning January 1, 2023, all monies accruing to the credit of the fund are hereby appropriated and may be expended in amounts and as authorized by the Legislature and by the Office of Management and Enterprise Services. The purpose of the fund is to ensure that Service Oklahoma recovers revenue fees not remitted to it because of negligence, malfeasance, or fraud by a licensed operator. In addition, claims arising from licensed operator errors and omissions may be paid from monies in the fund in excess of Five Hundred Thousand Dollars (\$500,000.00). Upon final determination by Service Oklahoma of a tax revenue shortage or liability of a licensed operator whose Service Oklahoma location has been closed, or by the Corporation Commission of apportioned vehicle registration fee shortage, a claim in the amount of such liability may be made by either Service Oklahoma or the Corporation Commission

against the fund. The claim shall be paid out of the fund by the Office of Management and Enterprise Services. At least sixty (60) days' written notice shall be given to the delinquent licensed operator before any such claim is paid. The Office of Management and Enterprise Services shall have the power to seek restitution to the fund from any licensed operator whose liability was paid out of the fund. The monies in the fund shall be invested by the State Treasurer and the interest shall be deposited in the fund.

B. Each fiscal year, the Office of Management and Enterprise Services shall collect and deposit into the fund an annual assessment from all licensed operators that have been operating for a period of not less than one (1) year. Such assessments shall be payable by each licensed operator on a quarterly basis. The amount on which the assessment shall be based shall be determined annually for each licensed operator by Service Oklahoma by dividing the volume of tax monies collected each fiscal year by the licensed operator by the number of reporting periods required by Service Oklahoma. The assessments shall be in the following amounts:

1. Each licensed operator which has been in operation for more than three (3) years and subject to the assessment pursuant to this subsection shall pay such assessment as follows:

- a. when the fund contains less than Five Hundred Thousand Dollars (\$500,000.00) on June 30 of any year, the assessment shall be one percent (1%) of the amount determined for the licensed operator by Service Oklahoma, and
- b. when the fund contains Five Hundred Thousand Dollars (\$500,000.00) or more on June 30 of any year, Service Oklahoma shall reduce or suspend the assessment for such licensed operators if Service Oklahoma determines that the fund is fiscally sound and meets the needs for which the fund is established.

Provided, however, if the fund contains less than Five Hundred Thousand Dollars (\$500,000.00) at any time during the fiscal year for which Service Oklahoma has reduced or suspended the assessment hereunder, Service Oklahoma shall immediately issue an assessment pursuant to subparagraph a of this paragraph in an amount equal to the amount which would have been paid during the remaining quarters of the fiscal year; and

2. Each licensed operator which has been in operation for less than three (3) years but more than one (1) year shall pay the assessment in an amount equal to one percent (1%) of the amount determined for the licensed operator by Service Oklahoma until the licensed operator reaches the end of its third year of operation. At such time, such licensed operator shall be subject to the assessment specified in subparagraph a of paragraph 1 of this subsection.

C. Any assessments required by subsection B of this section, shall be paid in quarterly amounts and due on September 30, December 30, March 30 and June 30 of each year. Such payments shall be deemed delinquent after October 15, January 15, April 15 and July 15 of each year. Licensed operators who are delinquent in remitting any quarterly payment for their operating Service Oklahoma locations in excess of fifteen (15) days after the date of the delinquency shall be subject to dismissal.

D. No annual assessment shall exceed One Thousand Two Hundred Dollars (\$1,200.00).

Added by Laws 1987, c. 158, § 3, emerg. eff. June 25, 1987. Amended by Laws 1991, c. 169, § 1, eff. July 1, 1991; Laws 1994, c. 329, § 11, eff. July 1, 1994; Laws 1996, c. 312, § 1, eff. Sept. 1, 1996; Laws 1998, c. 78, § 1, emerg. eff. April 8, 1998; Laws 2008, c. 168, § 7, emerg. eff. May 12, 2008; Laws 2012, c. 304, § 203; Laws 2022, c. 282, § 181, emerg. eff. May 19, 2022.

§47-1143.2. Additional duties and functions of licensed operators - Fees.

A. In addition to the duties and functions authorized to be performed by licensed operators pursuant to the provisions of the Oklahoma Vehicle License and Registration Act, Service Oklahoma is authorized to utilize licensed operators to perform the following duties:

1. Process, receive, and issue permits, licenses, and registration relating to any tax which is payable to, collectible by, or administered by Service Oklahoma;

2. Accept documents, reports, or returns required to be filed with Service Oklahoma and accept payment of remittances required to be made to Service Oklahoma as provided by the tax laws of this state;

3. Provide information regarding the status of any permit or license issued by Service Oklahoma, or the franchise tax status of any corporation, upon written request and subject to the provisions of Section 205 of Title 68 of the Oklahoma Statutes and any other provision of law relating to the confidentiality of records or information; and

4. Perform any other duties specified by Service Oklahoma relating to the enforcement or administration of any state tax law.

B. Any permit, license, or registration issued by a licensed operator, and any document, report, return, or remittance accepted by a licensed operator, pursuant to the provisions of subsection A of this section, shall be deemed on the date of such issuance or acceptance to have been issued or accepted by Service Oklahoma.

C. In addition to the amounts authorized to be retained by licensed operators pursuant to the provisions of Section 1141.1 of this title, licensed operators shall be entitled to charge and

receive fees for duties performed pursuant to the provisions of this section as provided by law.

Added by Laws 2004, c. 534, § 11, eff. Nov. 1, 2004. Amended by Laws 2022, c. 282, § 182, emerg. eff. May 19, 2022.

§47-1144. Methods of payment of fees and taxes - Licensed operator location hours of operation.

A. Payments for any required registration fees, license plates or decals or excise taxes, except as otherwise provided by law, may be made as follows:

1. By the applicant's personal or company check if presented within the period of time required for purchase or renewal of the registration and license plates or decals. At the time of presentment, the licensed operator may utilize a check verification system to confirm that there are sufficient funds to pay the check. Upon notification that there are insufficient funds, the licensed operator shall refuse to accept the check or deliver the license plate or decal. If a licensed operator fails to utilize the check verification system and the check is returned for nonpayment, the licensed operator shall not receive any fees for the transaction. No licensed operator shall be required to accept any check from any person during any penalty period relating to that person's registration; or

2. By a nationally recognized credit or debit card issued to the applicant. Service Oklahoma may add an amount equal to the amount of the service charge incurred as a service charge for the acceptance of such credit card. For purposes of this paragraph, "nationally recognized credit or debit card" means any instrument or device, whether known as a credit card, credit plate, charge plate, debit card or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining goods, services or anything else of value on credit which is accepted by over one thousand merchants in this state. Service Oklahoma shall determine which nationally recognized credit or debit cards will be accepted by a licensed operator as payment for any required motor vehicle registration fees, license plates or decals or excise taxes. Provided, however, Service Oklahoma must ensure that no loss of state revenue will occur by the use of such card.

B. Each licensed operator location shall be open a minimum of forty (40) hours per week, of which four (4) such hours per week shall be in the evening hours or on Saturday, subject to the approval of Service Oklahoma, except during such weeks that contain a legal holiday prescribed by the statutes of this state. Provided that Service Oklahoma may authorize a licensed operator to stay open a lesser period of time if Service Oklahoma is satisfied that the public is being properly served. Provided further, that there shall be at least one licensed operator in each county open the hours

designated in this section. All licensed operators shall post their hours in a conspicuous place for the public's information.

Added by Laws 1985, c. 179, § 47, operative July 1, 1985. Amended by Laws 1991, c. 75, § 1, eff. Sept. 1, 1991; Laws 1997, c. 294, § 6, eff. July 1, 1997; Laws 1998, c. 156, § 1, eff. Nov. 1, 1998; Laws 2006, c. 295, § 7, eff. July 1, 2006; Laws 2007, c. 155, § 2, eff. Nov. 1, 2007; Laws 2019, c. 195, § 6, eff. July 1, 2019; Laws 2019, c. 471, § 1, eff. July 1, 2019; Laws 2022, c. 282, § 183, emerg. eff. May 19, 2022.

§47-1145. Repealed by Laws 2001, c. 439, § 3, eff. July 1, 2001.

§47-1146. Audit and review - Public inspection of records.

A. Service Oklahoma shall audit all licensed operators at least once during each calendar year and shall have the power to require any changes it deems necessary in the operation of licensed operators. Service Oklahoma shall issue such rules as it deems necessary for the proper control of all fiscal matters involving licensed operators.

B. Any review or audit of a licensed operator performed by Service Oklahoma pursuant to the provisions of Sections 1140 through 1147 of this title shall be an open record and shall be made available for public inspection at Service Oklahoma, notwithstanding the provisions of Section 205 of Title 68 of the Oklahoma Statutes.

C. Any and all records, files, books or otherwise of a licensed operator relating to the operation of the Service Oklahoma location shall be public record which shall be open to public inspection at reasonable times, regardless of their location.

Added by Laws 1985, c. 179, § 49, operative July 1, 1985. Amended by Laws 1987, c. 158, § 5, emerg. eff. June 25, 1987; Laws 1991, c. 261, § 4, eff. Sept 1, 1991; Laws 1993, c. 300, § 3, eff. Sept. 1, 1993; Laws 2001, c. 439, § 2, eff. July 1, 2001; Laws 2022, c. 282, § 184, emerg. eff. May 19, 2022.

§47-1146.1. Repealed by Laws 1993, c. 300, § 4, eff. Sept. 1, 1993.

§47-1146.2. State Auditor and Inspector - Instructions or advice to licensed operators.

The State Auditor and Inspector, or his or her designee, shall advise all licensed operators on procedural and technical matters relating to accounting and budget procedures. It shall be the duty of the licensed operators with notice of such advice to follow the instructions or advice of the State Auditor and Inspector until relieved of such duty by a court of competent jurisdiction or until the Supreme Court shall hold otherwise.

Added by Laws 1992, c. 375, § 1, eff. Sept. 1, 1992. Amended by Laws 2022, c. 282, § 185, emerg. eff. May 19, 2022.

§47-1147. Designating office of county treasurer as licensed operator.

Service Oklahoma may designate the office of county treasurer of any county within the state as a licensed operator.

Added by Laws 1985, c. 179, § 50, operative July 1, 1985. Amended by Laws 2022, c. 282, § 186, emerg. eff. May 19, 2022.

§47-1148. Local authorities - Powers.

The local authorities of cities and towns of this state shall have no power to pass, enforce, or maintain any ordinances, rules, or regulations requiring from any owner to whom this act is applicable any tax, fee, license, or permit for the free use of the public highways or excluding or prohibiting any vehicle registered in compliance with this act or the accessories used thereon from the free use of the public highways, and no ordinance, rule, or regulation in any way contrary to or inconsistent with the provisions of this act, now in force or hereafter enacted, shall have any force or effect. The powers given to local authorities in municipalities to enact general rules and ordinances applicable equally to all vehicles upon certain streets in such cities where the traffic is heavy and continuous and the powers given local authorities to regulate vehicles offered to the public for hire or for processions, assemblages, or parades in the streets or public places shall remain in full force and effect. Local authorities may set aside a specified public highway or highways for speed contests or races to be given under proper restrictions for the safety of the public and may exclude by ordinance or regulation vehicles used exclusively for commercial purposes from the parks and parkways of this state, provided such ordinance or regulation is applicable equally and generally to all other vehicles used for the same purpose. The local authorities may exclude vehicles from any cemetery or ground used for burial of the dead. Cities and towns may regulate the speed of vehicles within their corporate limits; and that as to streets and highways within the corporate limits which have been constructed or reconstructed with state or federal funds, local authorities shall have joint authority with the Transportation Commission to establish or alter speed limits. No local authority shall impose speed limits on any such street or highway substantially lower than those justified by the highway design, capacity, and traffic volume as determined by engineering studies. A municipality may issue licenses authorizing the parking or unloading of vehicles in zones on streets restricted for loading, unloading or commercial use.

Added by Laws 1985, c. 179, § 51, operative July 1, 1985.

§47-1149. Service Oklahoma - Duty and authority.

It shall be the duty of Service Oklahoma, and Service Oklahoma is hereby granted authority and jurisdiction to administer this act with the aid of its licensed operators, the Department of Public Safety, the Highway Patrol, county sheriffs and all other duly authorized peace officers. Service Oklahoma is hereby authorized to promulgate all necessary rules and prepare forms and records to carry this act into effect and to enforce the provisions thereof. Service Oklahoma shall have the authority in cases of dispute to determine the actual sales price of any vehicle. Service Oklahoma shall periodically cause to be prepared and shall distribute to each authorized licensed operator a manual of procedure containing instructions, directions and guidelines to be followed by all licensed operators in the performance of their duties. Added by Laws 1985, c. 179, § 52, operative July 1, 1985. Amended by Laws 2000, c. 250, § 7, eff. Oct. 1, 2000, and adopted by State Question No. 691, Legislative Referendum No. 319, at election held Aug. 22, 2000; Laws 2022, c. 282, § 187, emerg. eff. May 19, 2022.

§47-1150. Certain persons authorized to administer oaths.

Any employee of Service Oklahoma charged with the duty of administering or assisting in the administration of this act shall, when designated by Service Oklahoma, have the power and authority to administer oaths to taxpayers with the same force and effect as if the oath had been administered by any other officer of the state authorized by the statutes to administer oaths.

Added by Laws 1985, c. 179, § 53, operative July 1, 1985. Amended by Laws 2022, c. 282, § 188, emerg. eff. May 19, 2022.

§47-1151. Offenses and penalties enumerated.

A. It shall be unlawful for any person to commit any of the following acts:

1. To lend or to sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title, license plate or decal issued to or in the custody of the person so lending or permitting the use thereof;

2. To alter or in any manner change a certificate of title, registration certificate, license plate or decal issued under the laws of this or any other state;

3. To procure from another state or country, or display upon any vehicle owned by such person within this state, except as otherwise provided in the Oklahoma Vehicle License and Registration Act, any license plate issued by any state or country other than this state, unless there shall be displayed upon such vehicle at all times the current license plate and decal assigned to it by Service Oklahoma or the Corporation Commission or the vehicle shall display evidence that the vehicle is registered as a nonresident vehicle pursuant to rules promulgated by Service Oklahoma, with the

concurrence of the Department of Public Safety. A violation of the provisions of this paragraph shall be presumed to have occurred if a person who is the holder of an Oklahoma driver license operates a vehicle owned by such person on the public roads or highways of this state and there is not displayed on the vehicle a current Oklahoma license plate and decal, unless the vehicle is owned by a member of the Armed Forces of the United States assigned to duty in this state in compliance with official military or naval orders or the spouse of such a member of the Armed Forces;

4. To drive, operate or move, or for the owner to cause or permit to be driven or moved, upon the roads, streets or highways of this state, any vehicle loaded in excess of its registered laden weight, or which is licensed for a capacity less than the manufacturer's rated capacity as provided for in the Oklahoma Vehicle License and Registration Act;

5. To operate a vehicle without proper license plate or decal or on which all taxes due the state have not been paid. No citation may be issued by any state, county or municipal law enforcement officer during the one-month period immediately succeeding the last day of the month during which a vehicle registration should have been renewed and a current license plate decal obtained and displayed on the license plate of the vehicle;

6. To buy, sell or dispose of, or possess for sale, use or storage, any secondhand or used vehicle on which the registration or license fee has not been paid, as required by law, and on which vehicle the person neglects, fails or refuses to display at all times the license plate or decal assigned to it;

7. To give a fictitious name or fictitious address or make any misstatement of facts in application for certificate of title and registration of a vehicle;

8. To purchase a license plate on an assigned certificate of title. This particular paragraph shall be applicable to all persons except a bona fide registered dealer in used cars who are holders of a current and valid used car dealer license;

9. To operate a vehicle upon the highways of this state after the registration deadline for that vehicle without a proper license plate, as prescribed by the Oklahoma Vehicle License and Registration Act, for the current year;

10. For any owner of a vehicle registered on the basis of laden weight to fail or refuse to weigh or reweigh it when requested to do so by any enforcement officer charged with the duty of enforcing this law;

11. To operate or possess any vehicle which bears a motor number or serial number other than the original number placed thereon by the factory except a number duly assigned and authorized by the state;

12. For any licensed operator to release a license plate, a manufactured home registration receipt, decal or excise tax receipt to any unauthorized person or source including any dealer in new or used motor vehicles. Violation of this paragraph shall constitute sufficient grounds for discharge of a licensed operator by Service Oklahoma;

13. To operate any vehicle registered as a commercial vehicle without the lettering requirements of Section 1102 of this title; or

14. To operate any vehicle in violation of the provisions of Sections 7-600 through 7-606 of this title while displaying a yearly decal issued to the owner who has filed an affidavit with the appropriate licensed operator in accordance with Section 7-607 of this title.

Any person convicted of violating any provision of this subsection, other than paragraph 3 of this subsection, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00). Any person convicted of violating the provisions of paragraph 3 of this subsection shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) and shall be required to obtain an Oklahoma license plate. Employees of the Corporation Commission may be authorized by the Corporation Commission to issue citations to motor carriers or operators of commercial motor vehicles, pursuant to the jurisdiction of the Corporation Commission, for a violation of this subsection. If a person convicted of violating the provisions of this subsection was issued a citation by a duly authorized employee of the Corporation Commission, the fine herein levied shall be apportioned as provided in Section 1167 of this title.

B. Except as otherwise authorized by law, it shall be unlawful to:

1. Lend or sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title issued for a manufactured home, manufactured home registration receipt, manufactured home registration decal or excise tax receipt;

2. Alter or in any manner change a certificate of title issued for a manufactured home under the laws of this state or any other state;

3. Remove or alter a manufactured home registration receipt, manufactured home registration decal or excise tax receipt attached to a certificate of title or attach such receipts to a certificate of title with the intent to misrepresent the payment of the required excise tax and registration fees;

4. Buy, sell or dispose of, or possess for sale, use or storage any used manufactured home on which the registration fees or excise taxes have not been paid as required by law; or

5. Purchase identification, manufactured home registration receipt, manufactured home registration decal or excise tax receipt on an assigned certificate of title.

Anyone violating the provisions of this subsection, upon conviction, shall be guilty of a felony.

C. In the event a new vehicle is not registered within thirty (30) days from date of purchase, the penalty for the failure of the owner of the vehicle to register the vehicle within thirty (30) days shall be One Dollar (\$1.00) per day; provided, that in no event shall the penalty exceed One Hundred Dollars (\$100.00). No penalty shall be waived by Service Oklahoma or any licensed operator except as provided in subsection C of Section 1127 of this title. Of each dollar penalty collected pursuant to this subsection:

1. Twenty-one cents (\$0.21) shall be apportioned as provided in Section 1104 of this title;

2. Twenty-one cents (\$0.21) shall be retained by the licensed operator; and

3. Fifty-eight cents (\$0.58) shall be deposited in the General Revenue Fund. The penalty for new commercial vehicles shall be equal to the license fee for such vehicles.

If a used vehicle is brought into Oklahoma by a resident of this state and is not registered within thirty (30) days, a penalty of One Dollar (\$1.00) per day shall be charged from the date of entry to the date of registration; provided, that in no event shall the penalty exceed One Hundred Dollars (\$100.00). No penalty shall be waived by Service Oklahoma or any licensed operator except as provided in subsection C of Section 1127 of this title. Of each dollar penalty collected pursuant to this subsection:

1. Twenty-one cents (\$0.21) shall be apportioned as provided in Section 1104 of this title;

2. Twenty-one cents (\$0.21) shall be retained by the licensed operator; and

3. Fifty-eight cents (\$0.58) shall be deposited in the General Revenue Fund. The penalty for used commercial vehicles shall be equal to the license fee for such vehicles.

D. Any owner who knowingly makes or causes to be made any false statement of a fact required in this section to be shown in an application for the registration of one or more vehicles shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars (\$1,000.00), or shall be imprisoned in the county jail for not more than one (1) year, or by both such fine and imprisonment.

E. The following self-propelled or motor-driven and operated vehicles shall not be registered under the provisions of the Oklahoma Vehicle License and Registration Act or, except as provided for in Section 11-1116 of this title, be permitted to be operated on the streets or highways of this state:

1. Vehicles known and commonly referred to as "minibikes" and other similar trade names; provided, minibikes may be registered and operated in this state by food vendor services upon streets having a speed limit of thirty (30) miles per hour or less;

2. Golf carts;

3. Go-carts; and

4. Other motor vehicles, except motorcycles, which are manufactured principally for use off the streets and highways.

Transfers and sales of such vehicles shall be subject to sales tax and not motor vehicle excise taxes.

F. Any person violating paragraph 3 or 6 of subsection A of this section, in addition to the penal provisions provided in this section, shall pay as additional penalty a sum equal to the amount of license fees due on such vehicle or registration fees due on a manufactured home known to be in violation and such amount is hereby declared to be a lien upon the vehicle as provided in the Oklahoma Vehicle License and Registration Act. In addition to the penalty provisions provided in this section, any person violating paragraph 3 of subsection A of this section shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of One Hundred Dollars (\$100.00).

G. Each violation of any provision of the Oklahoma Vehicle License and Registration Act for each and every day such violation has occurred shall constitute a separate offense.

H. Anyone violating any of the provisions heretofore enumerated in this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars (\$10.00) and not to exceed Three Hundred Dollars (\$300.00).

I. Any violation of any portion of the Oklahoma Vehicle License and Registration Act where a specific penalty has not been imposed shall constitute a misdemeanor and upon conviction thereof the person having violated it shall be fined not less than Ten Dollars (\$10.00) and not to exceed Three Hundred Dollars (\$300.00).

J. Any provision of the Oklahoma Vehicle License and Registration Act providing for proportional registration under reciprocal agreements and the International Registration Plan that relates to the promulgation of rules and regulations shall not be subject to the provisions of this section.

Added by Laws 1985, c. 179, § 54, operative July 1, 1985. Amended by Laws 1987, c. 205, § 72, operative July 1, 1987; Laws 1988, c. 201, § 14, emerg. eff. June 10, 1988; Laws 1991, c. 308, § 2, eff. July 1, 1991; Laws 1994, c. 278, § 4, eff. Sept. 1, 1994; Laws 1995, c. 228, § 1, eff. July 1, 1995; Laws 1997, c. 133, § 485, eff. July 1, 1999; Laws 1997, c. 325, § 3, eff. July 1, 1997; Laws 1998, c. 293, § 3, eff. July 1, 1998; Laws 1999, c. 33, § 1, eff. July 1, 1999; Laws 2000, c. 168, § 1, eff. Nov. 1, 2000; Laws 2001, c. 339, § 2, eff. July 1, 2001; Laws 2002, c. 59, § 1, eff. Nov. 1, 2002;

Laws 2004, c. 306, § 1, emerg. eff. May 17, 2004; Laws 2004, c. 522, § 24, eff. July 1, 2004; Laws 2005, c. 1, § 79, emerg. eff. March 15, 2005; Laws 2005, c. 284, § 7, eff. July 1, 2005; Laws 2006, c. 311, § 26, emerg. eff. June 8, 2006; Laws 2007, c. 1, § 37, emerg. eff. Feb. 22, 2007; Laws 2009, c. 443, § 4, eff. July 1, 2009; Laws 2010, c. 412, § 20, eff. July 1, 2010; Laws 2011, c. 1, § 27, emerg. eff. March 18, 2011; Laws 2011, c. 376, § 3; Laws 2012, c. 337, § 3; Laws 2021, c. 454, § 1, eff. Nov. 1, 2021; Laws 2022, c. 282, § 189, emerg. eff. May 19, 2022; Laws 2024, c. 452, § 109, emerg. eff. June 14, 2024.

NOTE: Laws 2004, c. 418, § 27 repealed by Laws 2005, c. 1, § 80, emerg. eff. March 15, 2005. Laws 2006, c. 238, § 9 repealed by Laws 2007, c. 1, § 38, emerg. eff. Feb. 22, 2007. Laws 2010, c. 335, § 4 repealed by Laws 2011, c. 1, § 28, emerg. eff. March 18, 2011.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 485 from July 1, 1998, to July 1, 1999.

§47-1151.1. Repealed by Laws 2004, c. 418, § 29, eff. July 1, 2004.

NOTE: Laws 2004, c. 306, § 2 amended this section prior to repeal, as follows:

A. Notwithstanding any other provision of law, golf carts or all-terrain vehicles shall not be registered pursuant to the provisions of the Oklahoma Vehicle License and Registration Act.

B. Except as otherwise provided in this section and pursuant to the exception provided in subsection E of Section 1151 of this title, golf carts or all-terrain vehicles shall not be operated on the highways or turnpikes of the state.

C. All-terrain vehicles or golf carts may be operated on city streets if:

1. The municipal governing body has adopted an ordinance governing the operation of golf carts or all-terrain vehicles on city streets; and

2. Operation occurs during daylight hours only.

D. Golf carts may be operated on roadways under the following conditions:

1. The board of county commissioners of a county has approved the location of golf cart traffic on roadways within the county;

2. The roadway has a posted speed limit of twenty-five (25) miles per hour or less;

3. The roadway is located in an unincorporated area; and

4. Appropriate signage, cautioning motorists of the possibility of golf cart traffic, is erected by the board of county commissioners.

§47-1151.2. Renumbered as § 1116.2 of this title by Laws 2008, c. 302, § 14, emerg. eff. June 2, 2008.

§47-1151.3. Mini-truck registration and operation.

A. Mini-trucks shall be registered pursuant to the provisions of the Oklahoma Vehicle License and Registration Act. Service Oklahoma shall promulgate rules for the titling and registration of mini-trucks.

B. Mini-trucks which have been titled and registered pursuant to the provisions of the Oklahoma Vehicle License and Registration Act may be operated on the roadways of this state; provided, however, mini-trucks shall not be permitted to travel upon any highway in this state which is a part of the National System of Interstate and Defense Highways. Operators of mini-trucks shall comply with all traffic regulations and rules of conduct for the operation of motor vehicles on the roadways of this state provided by law.

Added by Laws 2008, c. 127, § 3, eff. Nov. 1, 2008. Amended by Laws 2022, c. 282, § 190, emerg. eff. May 19, 2022.

§47-1151.4. Medium-speed electric vehicles - Titling and registration - Operation on roadways.

A. Medium-speed electrical vehicles shall be registered pursuant to the provisions of the Oklahoma Vehicle License and Registration Act. Service Oklahoma shall promulgate rules for the titling and registration of medium-speed electric vehicles.

B. Medium-speed electrical vehicles which have been titled and registered pursuant to the provisions of the Oklahoma Vehicle License and Registration Act may be operated on the roadways of this state with a posted speed limit of forty-five (45) miles per hour or less; provided, however, medium-speed electrical vehicles shall not be permitted to travel upon any highway in this state which is a part of the National System of Interstate and Defense Highways and which otherwise meets or exceeds the National Highway Traffic Safety Administration regulations set forth in 49 C.F.R. 571.500.

Operators of medium-speed electrical vehicles shall comply with all traffic regulations and rules of conduct for the operation of motor vehicles on the roadways of this state provided by law.

Added by Laws 2008, c. 302, § 12, emerg. eff. June 2, 2008. Amended by Laws 2022, c. 282, § 191, emerg. eff. May 19, 2022.

NOTE: Laws 2008, c. 297, § 4 repealed by Laws 2009, c. 2, § 12, emerg. eff. March 12, 2009.

§47-1152. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§47-1153. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§47-1154. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§47-1155. Repealed by Laws 1987, c. 204, § 134, operative July 1, 1987.

§47-1161. Repealed by Laws 2000, c. 251, § 4, eff. July 1, 2000.

§47-1162. Repealed by Laws 2000, c. 251, § 4, eff. July 1, 2000.

§47-1163. Repealed by Laws 2000, c. 251, § 4, eff. July 1, 2000.

§47-1164. Repealed by Laws 2000, c. 251, § 4, eff. July 1, 2000.

§47-1165. Repealed by Laws 2000, c. 251, § 4, eff. July 1, 2000.

§47-1166. Transfer of powers, duties and responsibilities of Motor Vehicle Enforcement Section to Corporation Commission - Records, property pending matters - Funds - Timing - Employees - Rules.

A. Effective July 1, 2004, all powers, duties and responsibilities exercised by the Motor Vehicle Enforcement Section shall be transferred from the Oklahoma Tax Commission to the Corporation Commission. Beginning July 1, 2004, and effective July 1, 2005, all powers, duties and responsibilities exercised by the International Registration Plan Section and the International Fuel Tax Agreement Section shall be transferred from the Tax Commission to the Corporation Commission. All records, property and matters pending of the sections shall be transferred to the Corporation Commission. Funds sufficient to administer the powers, duties and responsibilities exercised by these sections shall be appropriated or allocated to the Corporation Commission for fiscal year 2005 as provided herein. Such funds appropriated or allocated to the Corporation Commission shall not be subject to budgetary limitations. The Office of Management and Enterprise Services is hereby authorized to transfer such funds as may be necessary to effect such allocations.

B. The period of July 1, 2004, through June 30, 2005, shall be a transitional period in which the Corporation Commission shall gradually assume complete administration and management over the powers, duties, responsibilities and staff currently carrying out the administration of the International Registration Plan Section and the International Fuel Tax Agreement Section. During this transition period, the employees assigned to the International Registration Plan Section and the International Fuel Tax Agreement

Section shall continue to be employees of the Tax Commission unless otherwise agreed to by the Tax Commission and the Corporation Commission. Effective July 1, 2005, the International Registration Plan Section and the International Fuel Tax Agreement Section shall be administered solely by the Corporation Commission. For the period of July 1, 2004, through June 30, 2005, the Corporation Commission and the Tax Commission shall enter into a contract whereby funds shall be paid to the Tax Commission by the Corporation Commission in exchange for the Tax Commission's agreement to continue to operate the International Registration Plan Section and the International Fuel Tax Agreement Section.

C. The powers, duties and responsibilities exercised by the Motor Vehicle Enforcement Section of the Tax Commission shall be fully transferred to the Corporation Commission on July 1, 2004.

D. All employees of the Tax Commission whose duties are transferred under this act shall be transferred to the Corporation Commission. Personnel transferred pursuant to the provisions of this section shall not be required to accept a lesser salary than presently received; provided, the provisions of this section shall not operate to prohibit the Corporation Commission or the Tax Commission from imposing furloughs or reductions-in-force with respect to such personnel as allowed by law. Personnel transferred shall be placed within the classification level in which they meet qualifications without an entrance exam. All such persons shall retain seniority, leave, sick and annual time earned and any retirement benefits which have accrued during their tenure with the Tax Commission. The transfer of personnel among the agencies shall be coordinated with the Office of Personnel Management.

E. Effective July 1, 2004, any administrative rules promulgated by the Tax Commission related to the administration of the International Registration Plan authorized by Section 1120 of Title 47 of the Oklahoma Statutes, the International Fuel Tax Agreement authorized by Section 607 of Title 68 of the Oklahoma Statutes, or the enforcement of Section 1115.1 of Title 47 of the Oklahoma Statutes shall be transferred to and become a part of the administrative rules of the Corporation Commission. The Office of Administrative Rules in the Secretary of State's office shall provide adequate notice in the Oklahoma Register of the transfer of rules, and shall place the transferred rules under the Administrative Code section of the Corporation Commission. From and after July 1, 2004, any amendment, repeal or addition to the transferred rules shall be under the jurisdiction of the Corporation Commission. All documents issued by the sections transferred to the Corporation Commission, including, but not limited to, vehicle registrations and permits, shall be deemed to have been issued by the Corporation Commission.

F. The Corporation Commission may promulgate rules necessary for the utilization of licensed operators in the registration of vehicles pursuant to Section 1120 of Title 47 of the Oklahoma Statutes.

Added by Laws 2004, c. 522, § 2, eff. July 1, 2004. Amended by Laws 2022, c. 282, § 192, emerg. eff. May 19, 2022.

Editorially renumbered from Title 47, § 1160 to avoid a duplication in numbering.

§47-1167. Rules to establish fees, fines and penalties - Adjudication of enforcement actions - Apportionment of revenue - Revolving funds.

A. The Corporation Commission is hereby authorized to promulgate rules pursuant to the Administrative Procedures Act to establish the amounts of fees, fines and penalties as set forth in Section 1166 et seq. of this title. The Corporation Commission shall notify all interested parties of any proposed rules to be promulgated as provided herein and shall provide such parties an opportunity to be heard prior to promulgation.

B. The Corporation Commission shall adjudicate enforcement actions initiated by Corporation Commission personnel.

C. Revenue derived from all fines and penalties collected or received by the Corporation Commission pursuant to the provisions of the Trucking One-Stop Shop Act shall be apportioned as follows:

1. For the period beginning August 23, 2013, the first Three Hundred Thousand Dollars (\$300,000.00) collected or received each fiscal year shall be remitted to the Department of Public Safety for the purpose of staffing the port of entry weigh stations to conduct safety inspections. The next Five Hundred Fifty Thousand Dollars (\$550,000.00) shall be remitted to Service Oklahoma and apportioned as provided in Section 1104 of this title; and

2. The remaining amount shall be deposited to the Trucking One-Stop Shop Fund created in subsection D of this section.

D. There is hereby created in the State Treasury a revolving fund for the Corporation Commission to be known and designated as the "Trucking One-Stop Shop Fund". The Trucking One-Stop Shop Fund shall consist of:

1. All funds apportioned thereto in subsection C of this section;

2. Fees collected by the Commission to be retained as a licensed operator or other Corporation Commission registration or motor fuel fees as allowed by statute or rule; and

3. Any other monies to be utilized for the Trucking One-Stop Shop Act.

The fund shall be a continuing fund, not subject to fiscal year limitations, and shall not be subject to legislative appropriation. Monies in the Trucking One-Stop Shop Fund shall only be expended for

direct expenses relating to the Trucking One-Stop Shop Act. Expenditures from the revolving fund shall be made pursuant to the laws of this state. In addition, expenditures from the revolving fund may be made pursuant to the Oklahoma Central Purchasing Act for the purpose of immediately responding to emergency situations, within the Commission's jurisdiction, having potentially critical environmental or public safety impact. Warrants for expenditures from the fund shall be drawn by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

E. There is hereby created in the State Treasury a revolving fund for the Department of Transportation to be designated the "Weigh Station Improvement Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies deposited thereto. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of constructing, equipping and maintaining facilities to determine the weight of vehicles traveling on the roads and highways of this state. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2004, c. 522, § 3, eff. July 1, 2004. Amended by Laws 2006, c. 238, § 10, emerg. eff. June 6, 2006; Laws 2008, c. 102, § 1, emerg. eff. May 2, 2008; Laws 2012, c. 304, § 204; Laws 2013, c. 324, § 1; Laws 2016, c. 373, § 1, eff. July 1, 2016; Laws 2022, c. 282, § 193, emerg. eff. May 19, 2022; Laws 2025, c. 171, § 57, eff. July 1, 2026.

NOTE: Editorially renumbered from § 1161 of this title to avoid a duplication in numbering.

§47-1168. Transfer of facilities and equipment to determine vehicle weight and funds to Department of Transportation - Agreement with Corporation Commission.

All facilities and equipment under the administrative control of the Oklahoma Tax Commission and used for determining the weight of vehicles operated on the roads or highways of this state are hereby transferred to the Department of Transportation. Any funds appropriated to or any powers, duties and responsibilities exercised by the Tax Commission for such purpose shall be transferred to the Department. The Director of the Office of Management and Enterprise Services is hereby authorized to transfer such funds as may be necessary. The Department is hereby authorized to enter into an agreement with the Corporation Commission to operate such facilities or equipment. The provisions of this section shall not be construed to obligate the Department to incur expenses in connection with the

administration of such facilities and equipment in an amount which exceeds deposits to the Weigh Station Improvement Revolving Fund. Added by Laws 2004, c. 522, § 4, eff. July 1, 2004. Amended by Laws 2012, c. 304, § 205.

NOTE: Editorially renumbered from § 1162 of this title to avoid a duplication in numbering.

§47-1169. Revocation, suspension, or denial of license, permit, registration or certificate - Interest or penalties - Presentation of altered or fraudulent credentials or documents.

A. The Corporation Commission is authorized to revoke, suspend or deny the issuance, extension or reinstatement of any Corporation Commission issued motor carrier or commercial motor vehicle license, permit, registration, certificate or duplicate copy thereof issued pursuant to the jurisdiction of the Corporation Commission, to any person who shall be guilty of:

1. Violation of any of the provisions of applicable state law;
2. Violation of rules promulgated by the Corporation

Commission;

3. Failure to observe or fulfill the conditions upon which the license, permit, registration or certificate was issued;

4. Nonpayment of any delinquent tax, fee or penalty to the Commission or the State of Oklahoma; or

5. Nonpayment of a uniform base state program delinquent tax, fee or penalty to a state or province participating with the Corporation Commission in that program.

B. The interest or penalty or any portion thereof ordinarily accruing by failure of the motor carrier, registrant or licensee to properly file a report or return may be waived or reduced by the Corporation Commission. No interest or penalties in excess of Ten Thousand Dollars (\$10,000.00) shall be allowed except by order of the Commission.

C. The Corporation Commission shall promulgate rules setting forth the revocation, suspension or denial of a motor carrier or commercial motor vehicle certificate, registration, license or permit issued pursuant to the jurisdiction of the Corporation Commission. The Corporation Commission shall additionally promulgate rules allowing for the collection and remittance of financial liabilities owed by a motor carrier, registrant, licensee or permittee to a state or province participating with the Corporation Commission in a uniform base state program or to another state agency.

D. Upon the revocation or expiration of any motor carrier or commercial motor vehicle license, permit, registration or certificate issued pursuant to the jurisdiction of the Corporation Commission, all accrued taxes, fees and penalties due and payable under the terms of state law, rules or order imposing or levying

such tax, fee or penalty shall become due and payable concurrently upon the revocation or expiration of the license, permit, registration or certificate and the licensee, permittee, registrant or certificate holder shall forthwith make a report covering the period of time not covered by preceding reports filed by said person and ending with the date of the revocation or expiration and shall pay all such taxes, fees or penalties owed.

E. No person shall knowingly, or intentionally, present an altered or fraudulent credential or document to the Corporation Commission or to any duly authorized peace officer. Any person or persons violating the provisions of this subsection shall be found guilty of contempt of the Commission and shall, upon conviction thereof, be punished by a fine of not more than Two Thousand Dollars (\$2,000.00) for each offense.

Added by Laws 2006, c. 238, § 11, emerg. eff. June 6, 2006.

§47-1170. Confidentiality of reports - Disclosure of information.

A. Reports and files of the Corporation Commission concerning the administration of the International Registration Plan and the International Fuel Tax Agreement, shall be considered confidential and privileged, except as otherwise provided for by law, and neither the Commission nor any employee engaged in the administration of the International Registration Plan or International Fuel Tax Agreement or charged with the custody of any such reports or records nor any person who may have secured such reports or records from the Commission shall disclose any information obtained from the reports or records of any person.

B. The provisions of this section shall not prevent the Commission from disclosing the following information and no liability whatsoever, civil or criminal, shall attach to any member of the Commission or any employee thereof for any error or omission in the disclosure of such information:

1. The delivery to a taxpayer or a duly authorized representative of the taxpayer of a copy of any report or any other paper filed by the taxpayer pursuant to the provisions of the International Registration Plan or the International Fuel Tax Agreement;

2. The exchange of information that is not protected by the federal Privacy Protection Act, 42 U.S.C., Section 2000aa et seq., pursuant to reciprocal agreements or compacts entered into by the Commission and other state agencies or agencies of the federal government;

3. The publication of statistics so classified as to prevent the identification of a particular report and the items thereof;

4. The examination of records and files by the State Auditor and Inspector or the duly authorized agents of the State Auditor and Inspector;

5. The disclosing of information or evidence to the Oklahoma State Bureau of Investigation, Attorney General, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, any district attorney, or agent of any federal law enforcement agency when the information or evidence is to be used by such officials to investigate or prosecute violations of the criminal provisions of the Uniform Tax Procedure Code or of any state tax law or of any federal crime committed against this state. Any information disclosed to the Oklahoma State Bureau of Investigation, Attorney General, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, any district attorney, or agent of any federal law enforcement agency shall be kept confidential by such person and not be disclosed except when presented to a court in a prosecution for violation of the tax laws of this state or except as specifically authorized by law, and a violation by the Oklahoma State Bureau of Investigation, Attorney General, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, district attorney, or agent of any federal law enforcement agency by otherwise releasing the information shall be a felony;

6. The use by any division of the Commission of any information or evidence in the possession of or contained in any report or return filed or documents obtained by the Commission in the administration of the International Fuel Tax Agreement or the International Registration Plan;

7. The furnishing, at the discretion of the Commission, of any information disclosed by its records or files to any official person or body of this state, any other state, the United States, or foreign country who is concerned with the administration or assessment of any similar tax in this state, any other state or province or the United States;

8. The furnishing of information as to the issuance or revocation of any registration or license by the Commission as provided for by law. Such information shall be limited to the name of the person issued the permit or license, the name of the business entity authorized to engage in business pursuant to the permit or license, the address of the business entity, and the grounds for revocation;

9. The disclosure of information to any person for a purpose as authorized by the taxpayer pursuant to a waiver of confidentiality. The waiver shall be in writing and shall be made upon such form as the Commission may prescribe;

10. The disclosure of information directly involved in the resolution of the protest by a taxpayer to an assessment of tax or additional tax or the resolution of a claim for a refund filed by a taxpayer, including the disclosure of the pendency of an administrative proceeding involving such protest or claim, to a person called by the Commission as an expert witness or as a witness

whose area of knowledge or expertise specifically addresses the issue addressed in the protest or claim for refund. Such disclosure to a witness shall be limited to information pertaining to the specific knowledge of that witness as to the transaction or relationship between taxpayer and witness;

11. The furnishing to a prospective purchaser of any business, or his or her authorized representative, of information relating to any liabilities, delinquencies, assessments or warrants of the prospective seller of the business which have not been filed of record, established, or become final and which relate solely to the seller's business. Any disclosure under this paragraph shall only be allowed upon the presentment by the prospective buyer, or the buyer's authorized representative, of the purchase contract and a written authorization between the parties;

12. The furnishing of information as to the amount of state revenue affected by the issuance or granting of any registration or license or credit issued by the Corporation Commission as provided for by law. Such information shall be limited to the type of registration, license or credit issued or granted, the date and duration of such registration, license or credit, and the amount of such revenue. The provisions of this paragraph shall not authorize the disclosure of the name of the person issued such registration, license, exemption, credit, or the name of the business entity authorized to engage in business pursuant to the registration, license or credit.

Added by Laws 2006, c. 238, § 12, emerg. eff. June 6, 2006.

§47-1171. Repealed by Laws 2001, c. 355, § 21, emerg. eff. June 1, 2001.

§47-1172. Repealed by Laws 1989, c. 218, § 6, emerg. eff. May 9, 1989.

§47-1200. Oklahoma Weigh Station Act of 2012.

This act shall be known and may be cited as the "Oklahoma Weigh Station Act of 2012."

Added by Laws 2012, c. 262, § 1, eff. July 1, 2012.

§47-1201. Definitions.

As used in the Oklahoma Weigh Station Act of 2012:

1. "Authority" means the Oklahoma Turnpike Authority;
2. "Commission" means the Corporation Commission;
3. "Fixed facility" means a weigh station or a port of entry;
4. "Port of entry" means a facility, in close proximity to a state line, designed to electronically weigh and screen motor carriers and commercial motor vehicles for compliance with federal

and state statutes and rules, allowing compliant carriers to proceed with minimal or no delay;

5. "Roadside enforcement" means a temporary location, with or without portable or semi-portable scales, used to randomly check commercial motor vehicles or motor carriers for compliance with federal or state statutes or rules;

6. "Weigh station" means a stationary and permanent weighing facility with fixed scales owned by the state where commercial motor vehicles are checked for compliance with weight and size standards. Weigh stations are also utilized to enforce federal and state laws and rules applicable to motor carriers and the operation of commercial motor vehicles and their drivers; and

7. "North American Standard Inspection" means a Level I, Level II, Level III, Hazardous Materials, Cargo Tank or Passenger Carrier inspection conducted by an individual certified by the Federal Motor Carrier Safety Administration to conduct such inspections.

Added by Laws 2012, c. 262, § 2, eff. July 1, 2012.

§47-1202. Maintenance and operations of fixed facilities - Enforcement

A. The Department of Transportation, the Oklahoma Turnpike Authority and the Corporation Commission may enter into interagency agreements concerning the equipment, maintenance and operations of fixed facilities.

B. The Department of Transportation, the Authority and the Commission shall endeavor to electronically upgrade weigh stations as practical to minimize the duplication of inspections for compliant commercial motor vehicles and motor carriers.

C. The Commission shall operate all current and future ports of entry weigh stations eighteen (18) to twenty (20) hours a day and seven (7) days a week upon the availability of funds.

D. The Commission shall continue to conduct roadside enforcement in the general area where a fixed facility is planned but no fixed facility currently exists until a fixed facility is located in the general area or July 1, 2016, whichever is earlier.

E. When a fixed facility is located in the general area, Commission motor carrier and commercial motor vehicle enforcement shall be limited to the fixed facility and a radius surrounding the facility. If the fixed facility is a weigh station as defined in Section 1201 of this title, the applicable radius shall be seven (7) miles. If the fixed facility is a port of entry weigh station as defined in Section 1201 of this title, the applicable radius shall be twenty-five (25) miles.

F. The Commission may assist in roadside enforcement in a joint effort at the request of the Oklahoma Highway Patrol.

G. The Commission is authorized to conduct audits, reviews, investigations, inspections or other enforcement actions by

enforcement officers provided those activities are within the scope of the Commission's jurisdiction and are not conducted as roadside enforcement in accordance with the provisions of the Oklahoma Weigh Station Act of 2012.

H. The Commission may enter into interagency cooperative agreements with other state or federal agencies to jointly enforce federal and state laws or rules.

I. North American Standard Inspections shall be conducted only by individuals holding certification in the level or classification of inspection being conducted.

Added by Laws 2012, c. 262, § 3, eff. July 1, 2012. Amended by Laws 2016, c. 235, § 3, eff. July 1, 2016; Laws 2016, c. 373, § 2, eff. July 1, 2016.

§47-1203. Citations for motor vehicle violations - Multiple violations in the same day prohibited.

A. A commercial motor vehicle, its driver or a motor carrier may not be cited for the same violation of motor carrier or commercial motor vehicle requirements on the same date by any Oklahoma officer, provided neither the vehicle configuration nor the load have changed. This subsection is not applicable to a Commercial Vehicle Safety Alliance out-of-service violation.

B. The Corporation Commission and the Department of Public Safety or other state or local agencies may enter into interagency agreements to share information electronically to facilitate this section.

Added by Laws 2012, c. 262, § 4, eff. July 1, 2012.

§47-1501. Short title.

This act shall be known and may be cited as the "Motor Vehicle Chop Shop, Stolen and Altered Property Act".

Added by Laws 1988, c. 158, § 1, operative July 1, 1988.

§47-1502. Definitions.

As used in the Motor Vehicle Chop Shop, Stolen and Altered Property Act:

1. "Chop shop" means any building, lot or other premise where one or more persons are or have been knowingly engaged in altering, destroying, disassembling, dismantling, reassembling, or knowingly storing any motor vehicle, or motor vehicle part known to be illegally obtained by theft, fraud or conspiracy to defraud, in order to either:

- a. alter, counterfeit, deface, destroy, disguise, falsify, forge, obliterate, or remove the identity, including the vehicle identification number of such motor vehicle or motor vehicle part, in order to misrepresent the identity of such motor vehicle or

- motor vehicle part, or to prevent the identification of such motor vehicle or motor vehicle part; or
- b. sell or dispose of such motor vehicle or motor vehicle part.

2. "Motor vehicle" means and includes every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, which is self-propelled or which may be connected to and towed by a self-propelled device, and also includes any and all other land-based devices which are self-propelled but which are not designed for use upon a highway, including but not limited to, farm machinery and construction equipment.

3. "Person" means and includes a natural person, company, corporation, unincorporated association, partnership, professional corporation, and any other legal entity.

4. "Unidentifiable" means that the uniqueness of a motor vehicle or motor vehicle part cannot be established by either expert law enforcement investigative personnel specially trained and experienced in motor vehicle theft investigative procedures and motor vehicle identification examination techniques, or by expert employees of not-for-profit motor vehicle theft prevention agencies specially trained and experienced in motor vehicle theft investigation procedures and motor vehicle identification examination techniques.

5. "Vehicle identification number" means a number or numbers, a letter or letters, a character or characters, a datum or data, a derivative or derivatives, or a combination or combinations thereof, used by the manufacturer or Service Oklahoma for the purpose of uniquely identifying a motor vehicle or motor vehicle part. The term shall include, but not be limited to, a number or numbers, a letter or letters, a character or characters, a datum or data, a derivative or derivatives, or a combination or combinations thereof. Added by Laws 1988, c. 158, § 2, operative July 1, 1988. Amended by Laws 2022, c. 282, § 194, emerg. eff. May 19, 2022.

§47-1503. Ownership and operation of chop shop - Alteration of vehicle identification number - Purchase or sale of parts from altered vehicle - Exceptions - Attempt - Conspiracy - Solicitation - Aiding and abetting - Accessory after fact - Penalties - Sentence - Restitution.

A. Any person who knowingly and with intent that a violation of this section be committed:

1. Owns, operates, or conducts a chop shop;
2. Transports any motor vehicle or motor vehicle part to or from a location knowing it to be a chop shop; or
3. Sells, transfers, purchases, or receives any motor vehicle or motor vehicle part either to or from a location knowing it to be a chop shop,

upon conviction, is guilty of a Class C2 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20M of Title 21 of the Oklahoma Statutes, or by a fine of not more than One Hundred Thousand Dollars (\$100,000.00), or both such imprisonment and fine.

B. Any person who knowingly alters, counterfeits, defaces, destroys, disguises, falsifies, forges, obliterates, or knowingly removes a vehicle identification number, with the intent to misrepresent the identity or prevent the identification of a motor vehicle or motor vehicle part, upon conviction is guilty of a Class C2 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20M of Title 21 of the Oklahoma Statutes, or by a fine of not more than One Hundred Thousand Dollars (\$100,000.00), or both such imprisonment and fine.

C. 1. Any person who buys, disposes, sells, transfers, or possesses a motor vehicle or motor vehicle part, with knowledge that the vehicle identification number of the motor vehicle or motor vehicle part has been altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated, or removed, upon conviction is guilty of a Class D1 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20N of Title 21 of the Oklahoma Statutes, or by a fine of not more than Fifty Thousand Dollars (\$50,000.00), or by both such imprisonment and fine.

2. The provisions of paragraph 1 of this subsection shall not apply to a motor vehicle scrap processor who, in the normal legal course of business and in good faith, processes a motor vehicle or motor vehicle part by crushing, compacting, or other similar methods, provided that any vehicle identification number is not removed from the motor vehicle or motor vehicle part prior to or during any such processing.

3. The provisions of paragraph 1 of this subsection shall not apply to any owner or authorized possessor of a motor vehicle or motor vehicle part which has been recovered by law enforcement authorities after having been stolen or where the condition of the vehicle identification number of the motor vehicle or motor vehicle part is known to or has been reported to law enforcement authorities. It shall be presumed that law enforcement authorities have knowledge of all vehicle identification numbers on a motor vehicle or motor vehicle part which are altered, counterfeited, defaced, disguised, falsified, forged, obliterated, or removed, when law enforcement authorities deliver or return the motor vehicle or motor vehicle part to its owner or authorized possessor after it has been recovered by law enforcement authorities after having been reported stolen.

D. A person commits an attempt when, with intent to commit a violation proscribed by subsections A, B or C of this section, the

person does any act which constitutes a substantial step toward the commission of the violation proscribed by subsections A, B or C of this section, and upon conviction is guilty of a Class D1 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20N of Title 21 of the Oklahoma Statutes, or by a fine of not more than Fifty Thousand Dollars (\$50,000.00), or by both such imprisonment and fine.

E. A person commits conspiracy when, with an intent that a violation proscribed by subsections A, B or C of this section be committed, the person agrees with another to the commission of the violation proscribed by subsections A, B or C of this section, and upon conviction is guilty of Class D3 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20P of Title 21 of the Oklahoma Statutes, or by a fine of not more than Twenty-five Thousand Dollars (\$25,000.00), or by both such imprisonment and fine. No person may be convicted of conspiracy under this section unless an act in furtherance of such agreement is alleged and proved to have been committed by that person or a coconspirator.

F. A person commits solicitation when, with intent that a violation proscribed by subsections A, B or C of this section be committed, the person commands, encourages, or requests another to commit the violation proscribed by subsections A, B or C of this section, and upon conviction is guilty of a Class D3 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20P of Title 21 of the Oklahoma Statutes, or by a fine of not more than Ten Thousand Dollars (\$10,000.00), or by both such imprisonment and fine.

G. A person commits aiding and abetting when, either before or during the commission of a violation proscribed by subsections A, B or C of this section, with the intent to promote or facilitate such commission, the person aids, abets, agrees or attempts to aid another in the planning or commission of the violation proscribed by subsections A, B or C of this section, and upon conviction is guilty of a Class D3 felony offense, punishable by imprisonment as provided for in subsections B through F of Section 20P of Title 21 of the Oklahoma Statutes, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine.

H. A person is an accessory after the fact who maintains, assists, or gives any other aid to an offender while knowing or having reasonable grounds to believe the offender to have committed a violation under subsections A, B, C, D, E, F or G of this section, and upon conviction is guilty of a Class D3 felony offense punishable by imprisonment as provided for in subsections B through F of Section 20P of Title 21 of the Oklahoma Statutes, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine.

I. No prosecution shall be brought, and no person shall be convicted, of any violation under this section, where acts of the person, otherwise constituting a violation were done in good faith in order to comply with the laws or regulations of any state or territory of the United States, or of the federal government of the United States.

J. The sentence imposed upon a person convicted of any violation of this section shall not be reduced to less than one (1) year imprisonment for a second conviction of any violation, or less than five (5) years for a third or subsequent conviction of any violation of this section, and no sentence imposed upon a person for a second or subsequent conviction of any violation of this section shall be suspended, or reduced, until such person shall have served the minimum period of imprisonment provided for herein. A person convicted of a second or subsequent violation of this section shall not be eligible for probation, parole, furlough or work release.

K. 1. In addition to any other punishment, a person who violates this section, shall be ordered to make restitution to the lawful owner or owners of the stolen motor vehicle or vehicles or the stolen motor vehicle part or parts, or to the owner's insurer to the extent that the owner has been compensated by the insurer, and to any other person for any financial loss sustained as a result of a violation of this section.

Financial loss shall include, but not be limited to, loss of earnings, out-of-pocket and other expenses, repair and replacement costs and claims payments. Lawful owner shall include an innocent bona fide purchaser for value of a stolen motor vehicle or stolen motor vehicle part who does not know that the motor vehicle or part is stolen; or an insurer to the extent that such insurer has compensated a bona fide purchaser for value.

2. The court shall determine the extent and method of restitution. In an extraordinary case, the court may determine that the best interests of the victim and justice would not be served by ordering restitution. In any such case, the court shall make and enter specific written findings on the record concerning the extraordinary circumstances presented which militated against restitution.

Added by Laws 1988, c. 158, § 3, operative July 1, 1988. Amended by Laws 1997, c. 133, § 486, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 351, eff. July 1, 1999; Laws 2025, c. 486, § 271, eff. Jan. 1, 2026.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 486 from July 1, 1998, to July 1, 1999.

§47-1504. Seizure without process of tool, implement, or instrumentality of offense - Disposition of seized property.

A. Any tool, implement, or instrumentality, including but not limited to a motor vehicle or motor vehicle part, used or possessed in connection with any violation of Section 3 of this act may be seized by a member of a state or local law enforcement agency upon process issued by any court of competent jurisdiction.

B. Seizure of property described in subsection A of this section may be made by a member of a state or local law enforcement agency without process if:

1. in accordance with any applicable law or regulation;
2. the seizure is incident to inspection under an administrative inspection warrant;
3. the seizure is incident to search made under a search warrant;
4. the seizure is incident to a lawful arrest;
5. the seizure is made pursuant to a valid consent to search;
6. the property seized has been the subject of a prior judgment in favor of the state in a criminal proceeding, or in an injunction or forfeiture proceeding under Section 6 of this act; or
7. there are reasonable grounds to believe that the property is directly or indirectly dangerous to health or safety.

C. When property is seized under this section, the seizing agency may:

1. place the property under seal; or
2. remove the property to a place selected and designated by the seizing agency.

Added by Laws 1988, c. 158, § 4, operative July 1, 1988.

§47-1505. Property subject to forfeiture - Determination of identity of rightful owner - Disposition of forfeited property - Issuance of new certificate of title or salvage certificate.

A. The following are subject to forfeiture unless obtained by theft, fraud or conspiracy to defraud and the rightful owner is known or can be identified and located:

1. Any tool;
2. Any implement; or
3. Any instrumentality, including but not limited to, real estate, any motor vehicle or motor vehicle part, whether owned or unowned by the person from whose possession or control it was seized, which is used or possessed either in violation of Section 1503 of this title or to promote or facilitate a violation of Section 1503 of this title.

B. Any motor vehicle, other conveyance, or motor vehicle part used by any person as a common carrier is subject to forfeiture under this section where the owner or other person in charge of the motor vehicle, other conveyance, or motor vehicle part is a consenting party to a violation of Section 1503 of this title.

C. Any motor vehicle, motor vehicle part, other conveyance, tool, implement, or instrumentality is not subject to forfeiture under this section by reason of any act or omission which the owner proves to have been committed or omitted without the owner's knowledge or consent.

D. 1. Seizing agencies will utilize their best efforts to identify any seized motor vehicle or motor vehicle part to determine ownership or the identity of any other person having a right or interest in a seized motor vehicle or motor vehicle part. In its reasonable identification and owner location attempts, the seizing agency will cause the stolen motor vehicle files of the state police to be searched for stolen or wanted information on motor vehicles similar to the seized motor vehicle or consistent with the seized motor vehicle part.

2. Where a motor vehicle or motor vehicle part has an apparent value in excess of One Thousand Dollars (\$1,000.00),

- a. the seizing agency shall consult with an expert of the type specified in paragraph 4 of Section 1502 of this title,
- b. the seizing agency shall also request searches of the on-line and off-line files of the National Crime Information Center (NCIC) and the National Automobile Theft Bureau (NATB) when the state police files have been searched with negative results.

E. A forfeiture of a motor vehicle, motor vehicle part, or other conveyance encumbered by a bona fide security interest is subject to the interest of the secured party where the secured party neither had knowledge of nor consented to the act or omission forming the ground for the forfeiture.

F. Property, described in subsection A of this section, seized and held for forfeiture, shall not be subject to replevin and is subject only to the order and judgments of a court of competent jurisdiction hearing the forfeiture proceedings.

G. 1. The district attorney in the county where the seizure occurs, or the attorney for the Oklahoma State Bureau of Investigation (OSBI) in cases investigated by the OSBI, or the attorney for the Department of Public Safety in cases investigated by the Department shall bring an action for forfeiture in a court of competent jurisdiction. The forfeiture action shall be brought within sixty (60) days from the date of seizure except where the attorney prosecuting the forfeiture in the sound exercise of discretion determines that no forfeiture action should be brought because of the rights of property owners, lienholders, or secured creditors, or because of exculpatory, exonerating, or mitigating facts and circumstances.

2. The attorney prosecuting the forfeiture shall give notice of the forfeiture proceeding by mailing a copy of the complaint in the

forfeiture proceeding to each person whose right, title, or interest is of record in Service Oklahoma, the Department of Public Safety, the Federal Aviation Agency, or any other department of the state, or any other state or territory of the United States, or of the federal government if such property is required to be registered in any such department.

3. Notice of the proceeding shall be given to any such other person as may appear, from the facts and circumstances, to have any right, title, or interest in or to the property.

4. The owner of the property, or any person having, or claiming, right, title, or interest in the property may within sixty (60) days after the mailing of such notice file a verified answer to the complaint and may appear at the hearing on the action for forfeiture.

5. The attorney prosecuting the forfeiture shall show at a forfeiture hearing, by a preponderance of the evidence, that such property was used in the commission of a violation of Section 1503 of this title, or was used or possessed to facilitate such violation.

6. The owner of property may show by a preponderance of the evidence that the owner did not know, and did not have reason to know, that the property was to be used or possessed in the commission of any violation or that any of the exceptions to forfeiture are applicable.

7. Unless the attorney prosecuting the forfeiture shall make the showing required of it, the court shall order the property released to the owner. Where the attorney prosecuting the forfeiture has made such a showing, the court may order:

- a. the property be destroyed by the agency which seized it or some other agency designated by the court,
- b. the property be delivered and retained for use by the agency which seized it or some other agency designated by the court, or
- c. the property be sold at public sale.

H. A copy of a forfeiture order shall be filed with the sheriff of the county in which the forfeiture occurs and with each federal or state department with which such property is required to be registered. Such order, when filed, constitutes authority for the issuance to the agency to whom the property is delivered and retained for use or to any purchaser of the property of a title certificate, registration certificate, or other special certificate as may be required by law considering the condition of the property.

I. Proceeds from sale at public auction, after payment of all reasonable charges and expenses incurred by the agency designated by the court to conduct the sale in storing and selling the property, shall be paid to the general fund of the county of seizure, the special agency account of the Oklahoma State Bureau of

Investigation, or treasury of the governmental unit employing the seizing agency.

J. No motor vehicle, either seized under Section 1504 of this title or forfeited under this section, shall be released by the seizing agency or used or sold by an agency designated by the court unless any altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated, or removed vehicle identification number is corrected by the issuance and affixing of either an assigned or replacement vehicle identification number plate as may be appropriate under laws or regulations of this state.

K. No motor vehicle part having any altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated, or removed vehicle identification number shall be disposed of upon forfeiture except by destruction thereof, except that this provision shall not apply to any such motor vehicle part which is assembled with and constitutes part of a motor vehicle.

L. No motor vehicle or motor vehicle part shall be forfeited under this section solely on the basis that it is unidentifiable. Instead of forfeiture, any seized motor vehicle or motor vehicle part which is unidentifiable shall be the subject of a written report sent by the seizing agency to the Department of Public Safety which report shall include a description of the motor vehicle or motor vehicle part, its color, if any, the date, time and place of its seizure, the name of the person from whose possession or control it was seized, the grounds for its seizure, and the location where the same is held or stored.

M. When a seized unidentifiable motor vehicle or motor vehicle part has been held for sixty (60) days or more after the notice to the Department of Public Safety specified in subsection L of this section, has been given, the seizing agency, or its agent, shall cause the motor vehicle or motor vehicle part to be sold at public sale to the highest bidder. Notice of the time and place of sale shall be posted in a conspicuous place for at least thirty (30) days prior to the sale on the premises where the motor vehicle or motor vehicle part has been stored.

N. When a seized unidentifiable motor vehicle or motor vehicle part has an apparent value of One Thousand Dollars (\$1,000.00) or less, the seizing agency shall authorize the disposal of the motor vehicle or motor vehicle part, provided that no such disposition shall be made less than sixty (60) days after the date of seizure.

O. The proceeds of the public sale of an unidentifiable motor vehicle or motor vehicle part shall be deposited in the special agency account of the Oklahoma State Bureau of Investigation, or treasury of the governmental unit employing the seizing agency after deduction of any reasonable and necessary towing and storage charges.

P. Seizing agencies will utilize their best efforts to arrange for the towing and storing of motor vehicles and motor vehicle parts in the most economical manner possible. In no event shall the owner of a motor vehicle or a motor vehicle part be required to pay more than the minimum reasonable costs of towing and storage.

Q. A seized motor vehicle or motor vehicle part that is neither forfeited nor unidentifiable shall be held subject to the order of the court in which the criminal action is pending or, if a request for its release from such custody is made until the district attorney has notified the defendant or the defendant's attorney of such request and both the prosecution and defense have been afforded a reasonable opportunity for an examination of the property to determine its true value and to produce or reproduce, by photographs or other identifying techniques, legally sufficient evidence for introduction at trial or other criminal proceedings. Upon expiration of a reasonable time for the completion of the examination which in no event shall exceed fourteen (14) days from the date of service upon the defense of the notice of request for return of property as provided herein, the property shall be released to the person making such request after satisfactory proof of such person's entitlement to the possession thereof. Notwithstanding the foregoing, upon application by either party with notice to the other, the court may order retention of the property if it determines that retention is necessary in the furtherance of justice.

R. When a seized vehicle is forfeited, restored to its owner, or disposed of as unidentifiable, the seizing agency shall retain a report of the transaction for a period of at least one (1) year from the date of the transaction.

S. When an applicant for a certificate of title or salvage certificate presents to Service Oklahoma proof that the applicant purchased or acquired a motor vehicle at a public sale conducted pursuant to this section and such fact is attested to by the seizing agency, Service Oklahoma shall issue a certificate of title, salvage certificate for the motor vehicle upon receipt of the statutory fee, properly executed application for a certificate of title, or other certificate of ownership, and the affidavit of the seizing agency that a state-assigned number was applied for and affixed to the motor vehicle prior to the time that the motor vehicle was released by the seizing agency to the purchaser.

Added by Laws 1988, c. 158, § 5, operative July 1, 1988. Amended by Laws 1997, c. 201, § 5, eff. Nov. 1, 1997; Laws 1998, c. 111, § 1, eff. July 1, 1998; Laws 2022, c. 282, § 195, emerg. eff. May 19, 2022.

§47-1506. Civil proceedings - Remedies - Treble damages - Estoppel - Limitations - Service of process.

A. The Attorney General, any district attorney or any aggrieved person may institute civil proceedings against any person in any court of competent jurisdiction seeking relief from conduct constituting a violation of any provision of the Motor Vehicle Chop Shop, Stolen and Altered Property Act. If the plaintiff in such a proceeding proves the alleged violation, or its threat, by a preponderance of the evidence, any court of competent jurisdiction after due provision for the rights of innocent persons, shall grant relief by entering any appropriate order or judgment, including, but not limited to:

1. ordering any defendant to be divested of any interest in any property;

2. imposing reasonable restrictions upon the future activities or investments of any defendant, including prohibiting any defendant from engaging in the same type of endeavor as the defendant was engaged in previously;

3. ordering the suspension or revocation of a license, permit, or prior approval granted by any public agency or any other public authority; or

4. ordering the surrender of the charter of a corporation organized under the laws of the state or the revocation of a certificate authorizing a foreign corporation to conduct business within the state upon finding that the board of directors or a managerial agent acting on behalf of the corporation, in conducting the affairs of the corporation, has authorized or engaged in conduct made unlawful by the Motor Vehicle Chop Shop, Stolen and Altered Property Act and that, for the prevention of future criminal conduct, the public interest requires the charter of the corporation be surrendered and the corporation dissolved or the certificate revoked.

B. In a proceeding under this section, injunctive relief shall be granted in conformity with the principles that govern the granting of relief from injury or threatened injury in other cases, but no showing of special or irreparable injury shall have to be made. Pending final determination of a proceeding under this section, a temporary restraining order or a preliminary injunction may be issued upon a showing of immediate danger of significant injury, including the possibility that any judgment for money damages might be difficult to execute, and, in a proceeding initiated by an aggrieved person, upon the execution of proper bond against injury for an injunction improvidently granted.

C. Any person injured, directly or indirectly, by conduct constituting a violation by any person of Section 3 of this act shall, in addition to any other relief, have a cause of action for threefold the actual damages sustained by the person.

D. A final judgment or decree rendered against the defendant in any civil or criminal proceeding shall estop the defendant in any

subsequent civil action or proceeding brought by any person as to all matters as to which the judgment or decree would be an estoppel as between the parties to the civil or criminal proceeding.

E. Notwithstanding any other provision of law providing a shorter period of limitations, a civil action under this section may be commenced at any time within five (5) years after the conduct made unlawful under Section 3 of this act terminates or the cause of action accrues or within any longer statutory period that may be applicable. If any action is brought by a prosecutor to punish, prevent or restrain any activity made unlawful under Section 3 of this act, the running of the period of limitations shall be suspended during the pendency of such action and for two (2) years following its termination.

F. Personal service of any process in an action under this section may be made upon any person outside the state if the person has engaged in any conduct constituting a violation of Section 3 of this act in this state. The person shall be deemed to have thereby submitted to the jurisdiction of the courts of this state for the purposes of this provision.

G. Obtaining any civil remedy under this section shall not preclude obtaining any other civil or criminal remedy under either this act or any other provision of law. Civil remedies under this section are supplemental and not mutually exclusive.

Added by Laws 1988, c. 158, § 6, operative July 1, 1988.

§47-1507. Repealed by Laws 1988, c. 201, § 15, eff. Nov. 1, 1988.

§47-1508. Power of Attorney General or district attorney.

In addition to the power of the Attorney General or any district attorney to institute civil proceedings under Section 6 of this act, the Attorney General or any district attorney is empowered to institute criminal prosecutions for a violation of Section 3 of this act in any court of competent jurisdiction.

Added by Laws 1988, c. 158, § 8, operative July 1, 1988.

§47-1601. Short title.

This act shall be known and may be cited as the "Oklahoma Mobility-Impaired Driver Refueling Service Act".

Added by Laws 1997, c. 196, § 1, emerg. eff. May 19, 1997.

§47-1602. Definitions.

As used in Section 1603 of this title:

1. "Refueling service" means the service of pumping motor vehicle fuel into the fuel tank of a motor vehicle;

2. "Mobility-impaired driver" means a person with a physical disability, as defined in Section 15-112 of this title; and

3. "Motor vehicle service station" means any facility where motor vehicle fuel is stored and dispensed into the fuel tanks of motor vehicles of the public.

Added by Laws 1997, c. 196, § 2, emerg. eff. May 19, 1997. Amended by Laws 2007, c. 62, § 18, emerg. eff. April 30, 2007; Laws 2008, c. 302, § 7, emerg. eff. June 2, 2008.

§47-1603. Participation in refueling service program.

A. Unless otherwise provided in this section, any motor vehicle service station in this state which offers gasoline or other motor vehicle fuel for sale to the public from the service station facility may, on a voluntary basis, participate in the refueling service program and upon request offer refueling service to a mobility-impaired driver who displays:

1. A placard indicating physical disability, issued pursuant to the provisions of Section 15-112 of this title;

2. A physically disabled license plate, issued pursuant to the provisions of Section 1135.1 of this title; or

3. A disabled veterans license plate with the international accessibility symbol issued pursuant to the provisions of Section 1135.2 of this title.

B. The refueling service provided for under subsection A of this section shall not apply when the mobility-impaired driver is accompanied by another person capable of refueling the motor vehicle.

C. Each participating motor vehicle service station in the state shall post signs notifying the public of the refueling services provided by the facility.

D. Only those motor vehicle service stations which voluntarily participate in the refueling service program established in this section and which offer gasoline or other motor vehicle fuel for sale to the public shall be required to comply with the provisions of this section.

Added by Laws 1997, c. 196, § 3, emerg. eff. May 19, 1997. Amended by Laws 2007, c. 62, § 19, emerg. eff. April 30, 2007; Laws 2008, c. 302, § 8, emerg. eff. June 2, 2008.

§47-1604. Repealed by Laws 2007, c. 62, § 39, emerg. eff. April 30, 2007.

§47-1700. Short title - Oklahoma Driving Automation System Uniformity Act.

This act shall be known as the "Oklahoma Driving Automation System Uniformity Act".

Added by Laws 2019, c. 316, § 1.

§47-1701. Definitions.

As used in this act:

A. "Automated driving system or ADS" means hardware and software that are collectively capable of performing the entire dynamic task on a sustained basis, regardless of whether it is limited to a specific operational design domain.

B. "Dynamic driving task" or "DDT" means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic, excluding the strategic functions such as trip scheduling and selection of destinations and waypoints and including without limitation:

1. Lateral vehicle motion control via steering;
2. Longitudinal vehicle motion control via acceleration and deceleration;
3. Monitoring the driving environment via object and event detection, recognition, classification and response preparation;
4. Object and event response execution;
5. Maneuver planning; and
6. Enhancing conspicuity via lighting, signaling and gesturing.

C. "DDT fallback" means the response by the person or human driver to either perform the DDT or achieve a minimal risk condition after occurrence of a DDT performance-relevant system failure(s) or upon operation design domain exit, or the response by an automated driving system to achieve minimal risk condition, given the same circumstances.

D. "Fully autonomous vehicle" means a motor vehicle equipped with an automated driving system designed to function without a human driver as a level 4 or 5 system under SAE J3016B.

E. "Human driver" means a natural person in the vehicle with a valid license to operate a motor vehicle who controls all or part of the dynamic driving task.

F. "Minimal risk condition" means a condition to which a person, human driver, or an ADS may bring a vehicle after performing the DDT fallback in order to reduce the risk of a crash when a given trip cannot or should not be completed.

G. "On-demand autonomous vehicle network" means a transportation service network that uses a software application or other digital means to dispatch or otherwise enable the prearrangement of transportation with fully autonomous vehicles for purposes of transporting passengers or goods including for-hire transportation and transportation of passengers or goods for compensation.

H. "Operational design domain" or "ODD" means operating conditions under which a given automated driving system is specifically designed to function including, but not limited to, environmental, geographical, and time-of-day restrictions, and the requisite presence or absence of certain traffic or roadway characteristics.

I. "Person" means a natural person, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

J. "Request to intervene" means notification by an automated driving system to a human driver that the human driver should promptly begin or resume performance of part or all of the dynamic driving task.

K. "SAE J3016B" means the Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles published by SAE International in June 2018.

Added by Laws 2019, c. 316, § 2. Amended by Laws 2022, c. 132, § 11, eff. Nov. 1, 2022.

§47-1702. State law preempts county or municipality authority and supersedes county or municipality laws or ordinances.

A. Only the State of Oklahoma may enact a law or take any other action to regulate the operation of motor vehicles equipped with automated driving systems in Oklahoma.

B. Pursuant to subsection A of this section, the State of Oklahoma:

1. Preempts the authority of a county or municipality to prohibit, restrict or regulate the operation of motor vehicles equipped with automated driving systems on the basis of those vehicles being equipped with automated driving systems; and

2. Supersedes any existing law or ordinance of a county or municipality that prohibits, restricts or regulates the testing or operation of motor vehicles equipped with automated driving systems.

Added by Laws 2019, c. 316, § 3. Amended by Laws 2022, c. 132, § 12, eff. Nov. 1, 2022.

§47-1703. Conditions required to operate fully autonomous vehicles without a human driver.

A. A person, as defined in Section 1701 of Title 47 of the Oklahoma Statutes, may operate a fully autonomous vehicle on the public roads of this state without a human driver provided that the automated driving system is engaged and the vehicle meets the following conditions:

1. If a failure of the automated driving system occurs that renders that system unable to perform the entire dynamic driving task relevant to its intended operational design domain, the fully autonomous vehicle will achieve a minimal risk condition;

2. The fully autonomous vehicle is capable of operating in compliance with the applicable traffic and motor vehicle safety laws and regulations of this state, unless an exemption has been granted by the Department of Public Safety or its designee; and

3. When required by federal law, the vehicle bears the required manufacturer's certification label indicating that at the time of its manufacture it has been certified to be in compliance with all applicable Federal Motor Vehicle Safety Standards including reference to any exemption granted by the National Highway Traffic Safety Administration.

B. Prior to operating a fully autonomous vehicle on the public roads of this state without a human driver, a person shall submit to the Department of Public Safety a law enforcement interaction plan that contains, but shall not be limited to, information that describes:

1. How to communicate with a fleet support specialist who is available during the times the vehicle is in operation;

2. How to safely remove the fully autonomous vehicle from the roadway;

3. How to recognize whether the fully autonomous vehicle is in autonomous mode and steps to safely tow the vehicle; and

4. Any additional information the manufacturer or owner deems necessary regarding the hazardous conditions or public safety risks associated with the operation of the fully autonomous vehicle.

C. The Department is authorized to promulgate rules regarding the contents of the law enforcement interaction plan described in subsection B of this section.

Added by Laws 2022, c. 132, § 1, eff. Nov. 1, 2022.

§47-1704. Proof of financial responsibility.

Before operating a fully autonomous vehicle on public roads in this state without a human driver, a person shall submit proof of financial responsibility satisfactory to the Department of Public Safety that the fully autonomous vehicle is covered by insurance or proof of self-insurance of at least One Million Dollars (\$1,000,000.00) which shall satisfy the requirements of the Compulsory Insurance Law pursuant to Section 7-600 et seq. of Title 47 of the Oklahoma Statutes.

Added by Laws 2022, c. 132, § 2, eff. Nov. 1, 2022.

§47-1705. In the event of an accident.

In the event of an accident:

1. The fully autonomous vehicle shall remain on the scene of the accident when required by Section 10-107 or 10-108 of Title 47 of the Oklahoma Statutes, consistent with its capability under Section 1 of this act; and

2. The owner of the fully autonomous vehicle, or a person on behalf of the vehicle owner, shall report any accidents or collisions consistent with Section 10-107 or 10-108 of Title 47 of the Oklahoma Statutes.

Added by Laws 2022, c. 132, § 3, eff. Nov. 1, 2022.

§47-1706. On-demand autonomous vehicle network permitted.

An on-demand autonomous vehicle network shall be permitted to operate pursuant to state laws governing the operation of transportation network companies, taxis, or any other ground transportation for hire of passengers, with the exception that any provision of the Oklahoma Transportation Network Company Services Act pursuant to Section 1010 et seq. of Title 47 of the Oklahoma Statutes that reasonably applies only to a human driver would not apply to the operation of a fully autonomous vehicle with the automated driving system engaged on an on-demand autonomous vehicle network.

Added by Laws 2022, c. 132, § 4, eff. Nov. 1, 2022.

§47-1707. Registration and title.

A. A fully autonomous vehicle shall be properly registered in accordance with the Oklahoma Vehicle License and Registration Act pursuant to Section 1101 et seq. of Title 47 of the Oklahoma Statutes. If a fully autonomous vehicle is registered in this state, the vehicle shall be identified on the registration as a fully autonomous vehicle.

B. A fully autonomous vehicle shall be properly titled in accordance with the Oklahoma Vehicle License and Registration Act. If a fully autonomous vehicle is titled in this state, the vehicle shall be identified on the title as a fully autonomous vehicle.

Added by Laws 2022, c. 132, § 5, eff. Nov. 1, 2022.

§47-1708. Conditions for a person to operate a vehicle with an automated driving system.

A. A person may operate a motor vehicle equipped with an automated driving system capable of performing the entire dynamic driving task if:

1. Such automated driving system will issue a request to intervene whenever the automated driving system is not capable of performing the entire dynamic driving task with the expectation that the person will respond appropriately to such a request; and

2. The automated driving system is capable of being operated in compliance with Sections 11-101 through 11-1404 of Title 47 of the Oklahoma Statutes unless an exemption has been granted by the Department of Public Safety.

B. Nothing in this act prohibits or restricts a human driver from operating a fully autonomous vehicle equipped with controls that allow for the human driver to control all or part of the dynamic driving task.

Added by Laws 2022, c. 132, § 6, eff. Nov. 1, 2022.

§47-1709. Fully autonomous commercial motor vehicles.

A fully autonomous vehicle that is also a commercial motor vehicle pursuant to Sections 161A through 230.34b of Title 47 of the Oklahoma Statutes may operate pursuant to state laws governing the operation of commercial motor vehicles, except that any provision that by its nature reasonably applies only to a human driver does not apply to such a vehicle operating with the automated driving system engaged.

Added by Laws 2022, c. 132, § 7, eff. Nov. 1, 2022.

§47-1710. State laws and regulations not applicable to fully autonomous vehicles.

A fully autonomous vehicle that is designed to be operated exclusively by the automated driving system for all trips is not subject to motor vehicle equipment laws or regulations of this state that:

1. Relate to or support motor vehicle operation by a human driver seated in the vehicle; and

2. Are not relevant for an automated driving system.

Added by Laws 2022, c. 132, § 8, eff. Nov. 1, 2022.

§47-1711. Scope of act - Promulgation of rules.

Unless otherwise provided in this title and notwithstanding any other provision of law, fully autonomous vehicles and automated driving systems are governed exclusively by this act. The Department of Public Safety and the Department of Transportation are authorized to promulgate administrative rules to implement the provisions of this act.

Added by Laws 2022, c. 132, § 9, eff. Nov. 1, 2022.

§47-1800. Definitions.

A. As used in this section:

1. "Agent" means any person charged with the responsibility of navigating and operating the personal delivery device, as defined in this section. Agent does not mean a person who requests or receives the services of a personal delivery device;

2. "Personal delivery device" means an electronically powered device:

- a. primarily operated on sidewalks and crosswalks,
- b. intended primarily for the transport of cargo and goods on public rights-of-way,
- c. whose weight of the device is not greater than five hundred fifty (550) pounds, not including property being transported, and
- d. equipped with automated driving technology, including software and hardware, that enables the operation of the device with remote support and supervision;

Personal delivery device shall not mean a motor vehicle and shall not be classified as such.

3. "Personal delivery device operator" means a person or the person's agent who monitors or exercises physical control over the navigation system and operation of a personal delivery device.

Added by Laws 2021, c. 421, § 1, eff. Nov. 1, 2021.

§47-1801. Personal delivery device - Requirements.

A. Notwithstanding any other law of this state, a personal delivery device may operate on any sidewalk, crosswalk, road or street of any county or municipality in this state.

B. A personal delivery device shall have a unique identifying device number and identifies the name and contact information of the personal device operator.

C. A personal delivery device shall:

1. Not unreasonably interfere with motor vehicles or traffic;
2. Not obstruct public rights of way;
3. Obey all traffic and pedestrian control signals and devices;
4. Not operate at a speed of more than ten (10) miles per hour on the sidewalk;

5. Be equipped with a system that enables the device to come to a controlled stop;

6. Be equipped with lights on the front and rear of the device that are visible and recognizable under normal atmospheric conditions on all sides of the device from at least five hundred (500) feet from the device; and

7. Not transport hazardous material regulated under the Hazardous Materials Transportation Act (49 U.S.C. § 5103) and are required to be placarded under 49 CFR Part 172, Subpart F.

Added by Laws 2021, c. 421, § 2, eff. Nov. 1, 2021.

§47-1802. Registration and licensing exemption - Insurance requirement.

A. A personal delivery device is exempt from motor vehicle licensing and registration requirements under the laws of this state.

B. A personal delivery device operator shall maintain an insurance policy that provides general liability coverage of at least One Hundred Thousand Dollars (\$100,000.00) for damages arising from the operation of the device.

Added by Laws 2021, c. 421, § 3, eff. Nov. 1, 2021.

§47-1803. Authority of political subdivisions.

A. Except as otherwise provided by law, a political subdivision shall not enact or enforce an ordinance or resolution relating to any of the following:

1. The design, manufacture, maintenance, certification, licensing, registration, taxation, assessment or insurance requirements of a personal delivery device; and

2. The types of property that may be transported by a personal delivery device.

B. A political subdivision shall have the authority to prohibit the operation of personal delivery devices within certain districts or within their entire jurisdiction.

Added by Laws 2021, c. 421, § 4, eff. Nov. 1, 2021.

§47-1105Av1. Program to permit electronic filing, storage and delivery of certificates of title.

A. On or before July 1, 2023, Service Oklahoma shall implement a program which will permit the electronic filing, storage, and delivery of motor vehicle certificates of title and allow a lienholder to perfect, assign and release a lien on a motor vehicle in lieu of submission and maintenance of paper documents as otherwise provided in the provisions of Section 1101 et seq. of this title. Service Oklahoma may:

1. Enter into a competitive contract with a qualified third-party service provider (System Developer), subject to the provisions of the Oklahoma Central Purchasing Act, Section 85.1 et seq. of Title 74 of the Oklahoma Statutes;

2. Act as the service provider; or

3. Authorize proprietary provider systems by Oklahoma financial institutions, to provide necessary hardware, software and services facilitating the interconnection between licensed operators and electronic title service providers described in subsection B of this section for a certificate of title and for filing or releasing a lien pursuant to the procedures prescribed by Service Oklahoma. The provisions of this section shall apply to certificates of title issued and liens filed after June 30, 2022. Service Oklahoma shall promulgate rules to implement the provisions of this section.

B. The program authorized under subsection A of this section shall include, but not be limited to, procedures:

1. For the delivery of a certificate of title, on a paper document or in an electronic format, to the secured party having the primary perfected security interest in a vehicle in lieu of delivery to the record owner, notwithstanding the provisions of Section 1101 et seq. of this title. When there is no security interest, lien, or other encumbrance on the vehicle, delivery of a certificate of title, on a paper document or in an electronic format, shall be made to the record owner. Provided, when electronic transmission of liens and lien satisfactions is used, a certificate of title need not be issued or printed until the last lien is satisfied and a

clear certificate of title is issued to the owner of the vehicle at their request;

2. Establishing qualifications for third-party electronic title service providers offering electronic lien services. The vendor selected in subsection A of this section shall not be considered an electronic title service provider and shall not operate or own an electronic title service provider;

3. Establishing reasonable fees, if necessary, to be charged by service providers or contractors for the establishment, maintenance and operation of the electronic lien title program;

4. Providing access to the electronic certificate of title records including liens on record, for licensed motor vehicle dealers and lienholders who participate in the program notwithstanding the provisions of Section 1109 of this title;

5. Allowing licensed operators to participate in the electronic lien title program. Participating licensed operators shall receive all fees provided by the Oklahoma Vehicle License and Registration Act unless otherwise provided in Section 1132A of this title; and

6. For the acceptance and use of electronic or digital signatures.

C. As used in this section and Section 1101 et seq. of this title:

1. "Deliver" or "delivery" means, with respect to a certificate of title or lien, either the physical delivery of a paper document or the electronic delivery of a document in an electronic format;

2. "Electronic format" means an electronic or digital format or medium of any document, record or other information; and

3. "Possess" or "possession" means, with respect to a certificate of title or lien, to hold or otherwise exercise control over a document which is in either a physical or electronic format.

D. Any documents created, stored or delivered under the electronic lien title program as provided in this section shall be presumed valid including any signatures which are generated electronically or contained on a scanned copy. A certified copy of Service Oklahoma's electronic record of a motor vehicle certificate of title or lien is admissible in any civil, criminal, or administrative proceeding in this state as evidence of the existence and contents of the certificate of title or lien.

E. All documents submitted electronically pursuant to the provisions of subsection A shall not require notarization.

F. All documents submitted pursuant to the provisions of this section shall be retained pursuant to the provision of subsection A of this section.

G. Submission and maintenance of paper documents as otherwise provided in this provisions of Section 1101 et seq. of this title shall be accepted through June 30, 2025.

Added by Laws 2021, c. 440, § 1, eff. Nov. 1, 2021. Amended by Laws 2022, c. 282, § 113, emerg. eff. May 19, 2022; Laws 2023, c. 366, § 1, emerg. eff. June 7, 2023; Laws 2024, c. 452, § 66, emerg. eff. June 14, 2024; Laws 2025, c. 171, § 41, eff. July 1, 2026.

§47-1105Av2. Program to permit electronic filing, storage and delivery of certificates of title.

A. On or before July 1, 2023, Service Oklahoma shall implement a program which will permit the electronic filing, storage, and delivery of motor vehicle certificates of title and allow a lienholder to perfect, assign and release a lien on a motor vehicle in lieu of submission and maintenance of paper documents as otherwise provided in the provisions of Section 1101 et seq. of this title. Service Oklahoma may:

1. Enter into a competitive contract with a qualified third-party service provider (System Developer), subject to the provisions of the Oklahoma Central Purchasing Act, Section 85.1 et seq. of Title 74 of the Oklahoma Statutes;

2. Act as the service provider; or

3. Authorize proprietary provider systems by Oklahoma financial institutions,

to provide necessary hardware, software and services facilitating the interconnection between licensed operators and electronic title service providers described in subsection B of this section for a certificate of title and for filing or releasing a lien pursuant to the procedures prescribed by Service Oklahoma. The provisions of this section shall apply to certificates of title issued and liens filed after June 30, 2022. Service Oklahoma shall promulgate rules to implement the provisions of this section.

B. The program authorized under subsection A of this section shall include, but not be limited to, procedures:

1. For the delivery of a certificate of title, on a paper document or in an electronic format, to the secured party having the primary perfected security interest in a vehicle in lieu of delivery to the record owner, notwithstanding the provisions of Section 1101 et seq. of this title. When there is no security interest, lien, or other encumbrance on the vehicle, delivery of a certificate of title, on a paper document or in an electronic format, shall be made to the record owner. Provided, when electronic transmission of liens and lien satisfactions is used, a certificate of title need not be issued or printed until the last lien is satisfied and a clear certificate of title is issued to the owner of the vehicle at their request;

2. Establishing qualifications for third-party electronic title service providers offering electronic lien services. The vendor selected in subsection A of this section shall not be considered an

electronic title service provider and shall not operate or own an electronic title service provider;

3. Establishing reasonable fees, if necessary, to be charged by service providers or contractors for the establishment, maintenance and operation of the electronic lien title program;

4. Providing access to the electronic certificate of title records including liens on record, for licensed motor vehicle dealers and lienholders who participate in the program notwithstanding the provisions of Section 1109 of this title;

5. Allowing licensed operators to participate in the electronic lien title program. Participating licensed operators shall receive all fees provided by the Oklahoma Vehicle License and Registration Act unless otherwise provided in Section 1132A of this title; and

6. For the acceptance and use of electronic or digital signatures.

C. As used in this section and Section 1101 et seq. of this title:

1. "Deliver" or "delivery" means, with respect to a certificate of title or lien, either the physical delivery of a paper document or the electronic delivery of a document in an electronic format;

2. "Electronic format" means an electronic or digital format or medium of any document, record or other information; and

3. "Possess" or "possession" means, with respect to a certificate of title or lien, to hold or otherwise exercise control over a document which is in either a physical or electronic format.

D. Any documents created, stored or delivered under the electronic lien title program as provided in this section shall be presumed valid including any signatures which are generated electronically or contained on a scanned copy. A certified copy of Service Oklahoma's electronic record of a motor vehicle certificate of title or lien is admissible in any civil, criminal, or administrative proceeding in this state as evidence of the existence and contents of the certificate of title or lien.

E. The Tax Commission is authorized to expend funds necessary for the implementation of the program provided in subsection A of this section from available monies in the Oklahoma Tax Commission and Office of Management and Enterprise Services Joint Computer Enhancement Fund created pursuant to Section 265 of Title 68 of the Oklahoma Statutes.

F. In the development of the program provided in subsection A of this section, the Oklahoma Tax Commission shall consult interested parties including, but not limited to, representatives of the Oklahoma Automobile Dealers Association, the Oklahoma Bankers Association, the Credit Union Association of Oklahoma and the Tag Agent Coalition.

G. All documents submitted electronically pursuant to the provisions of subsection A of this section shall require electronic verification in lieu of notarization.

H. All documents submitted pursuant to the provisions of this section shall be retained pursuant to the provision of subsection A of this section.

I. Submission and maintenance of paper documents as otherwise provided in the provisions of Section 1101 et seq. of this title shall be accepted through June 30, 2025.

Added by Laws 2021, c. 440, § 1, eff. Nov. 1, 2021. Amended by Laws 2022, c. 282, § 113, emerg. eff. May 19, 2022; Laws 2023, c. 366, § 1, emerg. eff. June 7, 2023; Laws 2024, c. 452, § 66, emerg. eff. June 14, 2024; Laws 2025, c. 330, § 16, eff. July 1, 2025.

§47-1132Av1. Registration renewals - Selection of licensed operators - Fees.

A. In any online system which provides a service that a licensed operator is authorized to provide pursuant to the Oklahoma Vehicle License and Registration Act there shall include a step where the individual shall select a licensed operator in the state to process any online transaction.

The motor license agent as defined in Section 1102 of this title does not include Service Oklahoma.

B. Licensed operators selected as provided in subsection A of this section shall receive all fees provided by the Oklahoma Vehicle License and Registration Act.

C. The selection step required pursuant to subsection A of this section shall be installed and operational no later than January 1, 2021.

Added by Laws 2010, c. 476, § 1, emerg. eff. June 10, 2010. Amended by Laws 2020, c. 166, § 1, eff. Nov. 1, 2020; Laws 2022, c. 264, § 1, emerg. eff. May 16, 2022.

§47-1132Av2. Registration renewals - Selection of motor license agents - Fees.

A. In any online system which provides a service that a licensed operator is authorized to provide pursuant to the Oklahoma Vehicle License and Registration Act there shall include a step where the individual shall select a licensed operator in the state to process any online transaction.

Said licensed operator as defined in Section 1102 of this title does not include Service Oklahoma. Any licensed operator fees collected by a state agency shall be deposited into the General Revenue Fund.

B. Licensed operators selected as provided in subsection A of this section shall receive all fees provided by the Oklahoma Vehicle License and Registration Act; provided, the amount of fees remitted

to the licensed operator for each online transaction processed by the licensed operator through any online system shall be reduced by One Dollar and fifty-six cents (\$1.56).

C. The selection step required pursuant to subsection A of this section shall be installed and operational no later than January 1, 2021.

Added by Laws 2010, c. 476, § 1, emerg. eff. June 10, 2010. Amended by Laws 2020, c. 166, § 1, eff. Nov. 1, 2020; Laws 2022, c. 282, § 152, emerg. eff. May 19, 2022.