**TITLE 595. DEPARTMENT OF PUBLIC SAFETY**

**CHAPTER 1. GENERAL RULES OF THE DEPARTMENT OF PUBLIC SAFETY**

**SUBCHAPTER 15. Sale and auction of surplus and forfeited property**

**595:1-15-1. Purpose**

The purpose of this subchapter is to establish procedures the Department of Public Safety will use for [47 O.S. § 2-123(C)]:

(1) the sale by the Department of surplus property, and

(2) the auction by the Department of surplus and forfeited property~~.~~, and

(3) online auctions of surplus or forfeited property, and

(4) auctions by third party vendors on behalf of the Department.

**595:1-15-4. Auction of surplus and forfeited property**

(a) **General.** All auctions are open to the public. Any person or agency may purchase surplus or forfeited property at an auction conducted by the Department. The Department may conduct any auction exclusively on its website, or contract with a third-party vendor to conduct an auction on its behalf, or conduct an auction in conjunction with the Office of Management and Enterprise Services in accordance with State surplus procedures.

(b) **Limitations.**

(1) **Property is considered obligated.** When surplus and forfeited property has been determined by the ~~department~~Department to be included in an auction and has been obligated as such, no person or agency may request to purchase, nor will the Department sell, any of that property outside of the auction.

(2) **Property reserved for sale to agencies.** Surplus equipment may be reserved for sale only to agencies.

(3) **Property withdrawn from auction.** Notwithstanding any prior notice or published list of property to be sold at auction, vehicles, vessels, and motors which have been tampered with will be withdrawn from the auction.

(4) **Property not sold.** Any unsold surplus or forfeited property may be held by the Department to be sold at a subsequent auction conducted by the Department.

(c) **Information regarding surplus and forfeited property to be auctioned.**

(1) **Auction dates.** The Department shall determine auction dates as needed from time to time to dispose of surplus and forfeited property.

(2) **Notice of auction.** Notice to the public of an auction to be conducted by the will be by publication in newspapers throughout Oklahoma. However, announcements made the day of the sale supercede any prior terms stated in such publications. Any interested party may contact the Director regarding the auction dates.

(3) **Contact.** The Director may be contacted by:

(A) Telephone: (405) 425-2122

(B) Mail: Department of Public Safety, Director of Transportation, P.O. Box 11415, Oklahoma City, OK 73136-0415.

(C) Fax: (405) 425-2304

(4) **Viewing surplus and forfeited property.** Surplus and forfeited property which is to be auctioned may be viewed from 12 p.m. (noon) until 2:00 p.m. on the day of the auction at the location published in the notice of auction.

(d) **Participation in an auction.** Any person or agency wishing to bid at an auction must register to bid on the day of the auction. A unique bidder's registration number will be assigned to each registrant. No person or agency may bid unless the person or agency has registered and been issued a bidder's registration number.

(e) **Pricing.** As in any auction, prices are dependent upon the condition of and the interest in each particular property for sale. However, the Department reserves the right to set a minimum bid. In addition, the auctioneer reserves the right to reject any or all bids.

(f) **Payment.**

(1) **Payment to be made at auction.** Successful bidders shall appear before the cashier at the auction and make payment-in-full of the successful bid price, plus sales tax if applicable, or make arrangements for payment-in-full with the Director of Finance of the Department or the Director's designee. Proper identification will be required. Property will not be released by the Department to the successful bidder until payment-in-full is confirmed. Failure to appear at the cashier may result in the Department nullifying the successful bid and in the loss of right to the property by the successful bidder.

(2) **Form of payment from a person.** Acceptable forms of payment from any person are:

(A) Cash.

(B) Personal or business check accompanied by a notarized letter of credit from the financial institution's president or vice president guaranteeing funds are available in the account to cover the check.

(C) Cashier's check.

(E) Personal or business check not accompanied by a notarized letter of credit [see (g)(6) of this Section regarding release of property].

(3) **Forms of payment from an agency.** Acceptable forms of payment from an agency are:

(A) Agency purchase order. The purchase order shall be on a form adopted by the purchasing agency and signed by an agency employee authorized to do so.

(B) Agency check, claim, or warrant.

(g) **Terms of sale.**

(1) Surplus and forfeited property is sold "as is - where is" with no warranty implied or given by the Department.

(2) Surplus and forfeited property which has been purchased ~~can not~~cannot be returned to the Department.

(3) If requested, the Department will provide the successful bidder with invoice. The Department will provide the purchaser with a receipt upon payment. If the surplus or forfeited property purchased is or includes a vehicle, vessel, or motor, the Department will also provide the title to the vehicle, vessel, or motor. For an operable vehicle, the Department will provide a letter which will give authority for the purchaser to drive the vehicle from the Department to another location without a license plate [47 O.S. § 1132(B)]. No title will be provided until payment-in-full is confirmed. The purchaser is responsible for transfer of title of any vehicle, vessel, or motor purchased.

(4) All sales will be transacted in good faith. Payment-in-full on an agency's purchase order is due within forty-five (45) days of the sale. Failure to pay authorizes the Department to repossess any surplus or forfeited property for which the payment-in-full has not been received.

(5) Prior to sale, all identifying decals and insignias on a patrol vehicle will be removed by the Department. No patrol vehicle shall be sold with the intent that the vehicle represent the Oklahoma Highway Patrol.

(6) Surplus or forfeited property paid for by personal or business check without an accompanying notarized letter of credit will not be released until the check has cleared the financial institution on which it is drawn. To obtain earlier release of the property, a personal or business check may be replaced with another form of payment, as described in (f)(2)(A) through (f)(2)(D) of this Section, presented at the Finance Division of the Department during regular business hours (8am to 4:30pm) on the business day immediately following the auction.

(7) Sales tax will be charged, as applicable and required by law, and collected from the successful bidder on any surplus or forfeited property purchased.

(8) Any surplus or forfeited property purchased shall be picked up within forty-eight (48) hours after confirmation of payment unless other arrangements have been made with the Director. If the property is not picked up as required by this paragraph, the property may be impounded by the Department. The purchaser shall be responsible for any towing and/or storage fees associated with the impoundment of any vehicle or vessel.

(9) The Director will be the final authority in resolving any discrepancy, dispute, or financial arrangement.

(h) **Transportation of vessels and inoperable vehicles.** The purchaser shall be responsible for safe removal and transportation of any vessel or inoperable vehicle.

(i) Third party vendors. The Department may contract, in accordance with the Central Purchasing Act, with third party vendors to conduct auctions of surplus and forfeited property on its behalf. The third-party vendor, in accordance with the contract with the Department, will set the terms of the auction with regard to:

 (1) Dates and times of auction;

 (2) Notification of the auction;

 (3) Viewing property offered at the auction;

 (4) Payment terms;

 (5) Terms of sale.

**SUBCHAPTER 19. Oklahoma State Award Program**

**595:1-19-1. Definitions**

Words and terms, when used in this Subchapter shall have the following meaning, unless the context clearly indicates otherwise:

"**Advisory** **board**" means an advisory board formed at the discretion of the OSAP

Committee chair comprised of a designee from each of the nine members of the OSAP

Committee to collect, review, and make initial award recommendations to the Committee.

 "**Oklahoma Distinguished Meritorious Service Medal**"meansa medal or medals awarded by the Governor, in the name of the Oklahoma, to any person who has demonstrated meritorious achievement or has shown distinguished meritorious service to the state over an extended period of time while performing or actively engaged in public service activities.

"**Oklahoma** **Medal** **of** **Valor**" means a medal or medals awarded by the Governor, in the

name of the State of Oklahoma to any person, living or deceased, in recognition of extraordinary

acts of valor by public safety members and other citizens whose actions display great moral

strength and personal courage in the face of fear, danger or difficulty while actively engaged in

public service activities.

"**Oklahoma** **Purple** **Heart**" means a medal or medals awarded by the Governor in the name of the State of Oklahoma, exclusively to public safety members, living or deceased, who while serving under competent authority and acting within the legal and justified scope of their position suffers life-threatening injuries or injury resulting in a loss of limb, serious body impairment, deformity, loss of life or any injury resulting in the public safety member's service related retirement.

"**OSAP** **Committee**" means the Oklahoma State Award Program Committee, also referred to as the "OSAP Committee".

"**Public** **Safety** **Member**" means a person acting within the legal scope of duty and serving in any full time, part time, volunteer or reserve capacity as a law enforcement officer,

correctional officer, firefighter, paramedic or emergency medical technician of any jurisdictional

authority.

"**Public** **Service** **Activity**" means activities, individual actions, and any other personal act

directly related to the aid of another person or persons without consideration of compensation or

recognition.

**595:1-19-2. Order of precedence**

(a) The Oklahoma Medal of Valor is recognized as the highest award of honor presented to a

member of a public safety agency or a member of the public. Award recipients are selected by

the OSAP Committee and awarded by the Governor on behalf of the State of Oklahoma.

(b) The Oklahoma Purple Heart is recognized as the second highest award of honor

presented to a member of a public safety agency. Award recipients are selected by the OSAP

Committee and awarded by the Governor on behalf of the State of Oklahoma.

(c) The Oklahoma Distinguished Meritorious Service Medal is recognized as the third highest award of honor presented to a member of a public safety agency or a member of the public. Award recipients are selected by the OSAP Committee and awarded by the Governor on behalf of the State of Oklahoma.

**595:1-19-4. Criteria for eligibility**

(a) The criteria for eligibility to receive the Oklahoma Medal of Valor for meritorious

service includes any person, living or deceased, who, while performing a legal act:

(1) demonstrates an extraordinary act of valor; or

(2) demonstrates a distinct act of moral strength; or

(3) demonstrates great personal courage in the face of mortal fear, danger, or difficulty,

regardless of their personal safety; and

(4) was actively engaged in public service activities.

(b) The criteria for eligibility to receive the Oklahoma Purple Heart for serious line of duty

injuries includes any public safety member, living or deceased, who, while performing a legal

act,

(1) suffers a life-threatening injury as determined by the OSAP Committee; or

(2) suffers any injury resulting in a loss of limb, serious body impairment, deformity; loss of life; or

(3) suffers any injury resulting in the public safety member's permanent service-related

retirement.

­(c) The criteria for eligibility to receive the Oklahoma Distinguished Meritorious Service Medal for exemplary service to the state, includes any public safety member, living or deceased, who,

served the State of Oklahoma in a public safety capacity for an extended period of time, and exhibited:

(1) Professionalism,

(2) Expertise,

(3) Dedication, and

(4) Selflessness.

(d) Recipients may, at the discretion of the Governor and based on the recommendation of

the OSAP Committee, receive more than one award for any specific act that meets the criteria for eligibility.

**595:1-19-5. Criteria for proper wear of the Oklahoma Medal of Valor ~~and~~, the Oklahoma**

**Purple Heart, and the Oklahoma Distinguished Meritorious Service Medal**

(a) The proper uniform wear of the Oklahoma Medal of Valor and the Oklahoma Purple

Heart will be at the discretion of the recipient's individual public safety agency.

(b) If no agency policy exists, the recipient will wear a uniform medal centered above the

right breast pocket or approximate location, at least one (1) inch above the upper seam of the

pocket.

(c) Uniform award ribbons will be predominately worn, centered, one-half inch above their

right breast pocket or approximate location.

(d) Award medals will be worn by lanyard from the recipient's neck depending on the award

or appurtenance design at the time the medal was awarded.

(e) The Medal of Valor will be the predominately displayed award with no other medals,

ribbons or awards worn above or to the right of the award.

(f) The Purple Heart will be the predominately displayed award with no other medals,

ribbons, or awards worn above or to the right of the award, other than the Medal of Valor.

(g) The Oklahoma Distinguished Meritorious Service Medal will be the predominately displayed awarded with no other medals, ribbons, or awards worn above or to the right of the award, other than the Medal of Valor and the Purple Heart.

(h) Civilian or non-uniformed recipients will wear or display the award or other

appurtenances in the manner it was awarded.