**TITLE 595. DEPARTMENT OF PUBLIC SAFETY**

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

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

 Subchapter 1. Organization of the Department of Public Safety

 595:1-1-3. Function of each division which deals directly with deals directly with and affects the public [AMENDED]

 Subchapter 3. Rules of Practice

 595:1-3-3. Administrative hearings [AMENDED]

 595:1-3-7. Request for hearing [AMENDED]

 595:1-3-13. Appearance by counsel [REVOKED]

 595:1-3-19. Procedures for telephonic implied consent hearings [REVOKED]

 595:1-3-20. Appeal [REVOKED]

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

 595:1-9-2. Inspection and copies of open records [AMENDED]

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

 595:1-9-3.1. Retention and destruction of Department records [AMENDED]

 595:1-9-4. Fees [AMENDED]

 595:1-9-5. Obtaining open records [AMENDED]

 595:1-9-6. Summary of Motor Vehicle Report [REVOKED]

**AUTHORITY:**

 Commissioner of Public Safety; 47 O.S. § 2-108; 58th Legislature, 2nd Session, HB 3419

**ADOPTION:**

July 19, 2022

**EFFECTIVE:**

November 1, 2022

**EXPIRATION:**

Effective through September 14, 2023, unless superseded by another rule or disapproved by the Legislature

**SUPERSEDED EMERGENCY ACTIONS:**

N/A

**INCORPORATIONS BY REFERENCE:**

N/A

**FINDING OF EMERGENCY:**

HB 3419, which transfers the Driver License Services Division and supporting administrative functions to Service Oklahoma, will relieve the Department of Public Safety's authority to perform certain functions but will require it to maintain others.

**GIST/ANALYSIS:**

 The Department of Public Safety is revoking portions of Chapter 1 of its Administrative Rules due to the passage of HB 3419, which transfers the Driver License Services Division and supporting administrative functions to Service Oklahoma.

**CONTACT PERSON:**

 Latosha Carrillo, Administrative Programs Officer III, 405-425-2148, latosha.carrillo@dps.ok.gov.

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253 (F) WITH A LATER EFFECTIVE DATE OF NOVEMBER 1, 2022:**

**SUBCHAPTER 1. ORGANIZATION OF THE DEPARTMENT OF PUBLIC SAFETY**

**595:1-1-3. Function of each division which deals directly with and affects the public**

(a) **Oklahoma Highway Patrol Division.** The Oklahoma Highway Patrol Division provides safety and protection for the citizens on the highways of Oklahoma. The headquarters of the Oklahoma Highway Patrol Division is located at the Department of Public Safety. Telephone: (405) 425-2424 [47 O.S. § 2-103] The division is divided into the following field and specialty troops and sections located throughout the state:

(1) **Field troops.** Field troops of the Highway Patrol have primary law enforcement authority on state, federal, and interstate highways, excluding those portions within city limits. Following is a list of the field troops, the location of their headquarters, and their telephone numbers:

(A) Troop A: Oklahoma City, (405) 425-2285

(B) Troop B: Tulsa, (918) 627-3881

(C) Troop C: Muskogee, (918) 683-3256

(D) Troop D: McAlester, (918) 423-3636

(E) Troop E: Durant, (580) 924-2601

(F) Troop F: Ardmore, (580) 223-8800

(G) Troop G: Lawton, (580) 353-0783

(H) Troop H: Clinton, (580) 323-2424

(I) Troop I: Guymon, (580) 338-3366

(J) Troop J: Enid, (580) 234-6147

(K) Troop K: Perry, (580) 336-9880

(L) Troop L: Vinita, (918) 256-3388

(M) Troop M: Altus, (580) 477-2765

(2) **Turnpike troops.** Turnpike troops of the Highway Patrol have sole law enforcement authority on the turnpikes of this state. Following is a list of the turnpike troops, the turnpike each patrol, and their telephone numbers:

(A) Troop XA: Will Rogers, (918) 256-7476

(B) Troop XB: Muskogee, (918) 683-1782

(C) Troop XC: Indian Nation, (918) 548-3799

(D) Troop XD: Cherokee, (918) 868-2372

(E) Troop XE: Creek, (918) 355-9069

(F) Troop YA: Cimarron, (405) 425-3683

(G) Troop YB: Turner, (918) 968-3000

(H) Troop YC: H.E. Bailey, (405) 222-3165

(I) Troop YD: Chickasaw, (580) 223-8800

(J) Troop YE: Kilpatrick, (405) 424-1616

(3) **Specialty troops.** Specialty troops of the Highway Patrol perform specialized law enforcement functions within the scope of the mission and operation of the Department of Public Safety. Following is a list of the specialty troops, their functions, and their telephone numbers:

(A) Troop O: Aircraft, (405) 425-2335

(B) Troop P: Public Information [see (j) of this Section]

(C) Troop R: Capitol Patrol Section [see (4)(C) of this subsection]

(D) Troop S:

(i) Motor Carrier Safety, (405) 521-6060,

(ii) Hazardous Materials Transportation, (405) 521-6060,

(iii) Size and Weight Enforcement Section [see (4)(A) of this subsection]

(E) Troop SO: Special Operations, (405) 425-2473

(F) Troop T: Training, (405) 425-2410

(G) Troop W: Lake Patrol Section [see (4)(B) of this subsection]

(H) Troop Z: Investigations Division, (405) 425-2137

(I) Troop BT: Bomb Squad Section [see (4)(D) of this subsection]

(4) **Troops created by statute.** Following are sections within the Highway Patrol Division which are created by statute:

(A) **Size and Weight Enforcement Section (Troop S).** The Size and Weight Enforcement Section has the primary duty of enforcing the provisions of the size, weight and load laws [47 O.S. §14-101 et seq.] and rules [OAC 595:30]. Telephone: (405) 521-6060. [47 O.S. § 2-105.4A]

(B) **Lake Patrol Section (Troop W).** The Lake Patrol Section has the primary enforcement duty related to state boat registration laws [63 O.S. §4001 et seq. and §4101 et seq.], boating and water safety laws [63 O.S. §4200 et seq.], federal boating regulations, and Department of Public Safety or Department of Wildlife Conservation rules [OAC 595:45] pertaining to Oklahoma lakes, rivers and adjacent shores, and the duty of providing statutorily mandated boating safety education. The address for enforcement issues is 220 NE 38th Terr, Oklahoma City, OK 73105; telephone: (405) 522-1880. [47 O.S. § 2-105.6]

(C) **Capitol Patrol Section (Troop R).** The Capitol Patrol Section has the primary duty of providing law enforcement services to all state buildings and properties within Oklahoma County, including the State Capitol Park and the Governor's mansion, and Tulsa County, including the State Capitol Complex, and enforcing all parking, traffic, and criminal laws within the boundaries of Oklahoma and Tulsa Counties. Oklahoma City telephone: (405) 521-6040. Tulsa telephone: (918) 581-2000 [47 O.S. §2 -105.7]

(D) **Bomb Squad Section (Troop BT).** The Bomb Squad Section has the primary duty of carrying out the duties prescribed in 63 O.S. §122.2. Telephone: (405) 425-2435 [47 O.S. § 2-105.4B]

(E) **Communications Section.** The Communications Section is the link between the general public and public safety services provided by the Department and other law enforcement agencies or emergency providers. These services may be obtained by telephone or in person at any of the thirteen Field Troop Headquarters statewide [see (1) in this subsection for telephone numbers]. [47 O.S. § 2-105.8]

(b) **Legal Division.** The Legal Division provides legal services for the Department ~~and administratively enforces Oklahoma's implied consent law [47 O.S. § 751 et seq.]~~. Specific legal advice is not made available to the general public. This division is also responsible for providing certain records pursuant to the public under the provisions of the Open Records Act [see 595:1-9-5 and 595:1-9-6 (relating to obtaining open records)]. The division is located at the Department of Public Safety. Telephone: (405) 425-2148.

(c) **~~Records Management Division.~~**~~The Records Management Division is the designated repository for all official traffic accident reports and records required to be submitted by law enforcement officers of municipal, county and state agencies, and for court abstracts and other records concerning motor vehicle and related convictions and offenses required to be reported by municipal and district courts. This division also ensures that appropriate entries from the above documents are made to the respective individual driver's record master file. This division is also responsible for providing certain records pursuant to the public under the provisions of the Open Records Act [see 595:1-9-5 and 595:1-9-6 (relating to obtaining open records)]. The division is located at the Department of Public Safety. Telephone: (405) 425-2192. [47 O.S. § 2-103]~~

~~(d)~~ **Size and Weight Permit Division.** The Size and Weight Permit Division issues appropriate permits for eligible oversize and overweight vehicles and loads. The central location of the division is located at 2401 Northwest 23rd Street, Suite 45, Oklahoma City, OK 73107. For information concerning operation and for addresses and telephone numbers of branch offices, call (405) 522-9006 or toll-free (877) 425-2390 or see OAC 595:30-3-3. [47 O.S. § 2-103]

~~(e)~~**~~Driver License Services Division.~~**~~The Driver License Services Division issues permits for driver education instructors, administers tests for the purpose of issuing driver licenses, commercial driver credentialing, including driver qualification, HAZMAT Security Threat Assessment program and the licensing of truck driver training institutions, provides administrative services related to the issuance and renewal of driver licenses and identification cards, and coordinates the issuance of driver licenses and identification cards with motor license agents. The division is located at the Department of Public Safety. Telephone: (405) 425-7745. [47 O.S. § 2-106]~~

~~(f)~~**~~Driver Compliance Division.~~**~~The Driver Compliance Division provides driver improvement and financial responsibility services, and may suspend, deny, cancel, revoke, or disqualify individual driving privileges, subject to statutory authorization. The division administers rules relating to the point system and discretionary suspensions [OAC 595:10-7], medical aspects [OAC 595:10-5], alcohol and drug substance abuse courses [595:10-5-12], mature driver accident prevention [OAC 595:10-5], and issues parking permits for the physically disabled [OAC 595:50-3]. It also administers the~~*~~Driver License Compact~~*~~[47 O.S., § 781 et seq.] and the~~*~~Nonresident Violator Compact~~*~~[47 O.S., §§ 789 and 790]. This division is also charged with enforcement of the provisions of the financial responsibility laws of this state (47 O.S. §7-101 et seq.) and the Compulsory Insurance Law (47 O.S. §7-600 et seq.). The division is located at the Department of Public Safety. For information concerning operation and the availability of branch office services, call (405) 425-2098. [47 O.S. § 2-106]~~

~~(g)~~(d) **Identify Verification Unit.** The Identify Verification Unit is responsible for investigating identify fraud and theft. The division is located at the Department of Public Safety. Telephone: (405) 425-2477.

~~(h)~~(e) **Wrecker Services Division.** The Wrecker Services Division is responsible for the licensing and governance of wrecker or towing services [47 O.S. § 951 et seq.]. The division provides notification to owners and lien holders of the location of vehicles impounded at the request of law enforcement agencies within the state and receives and maintains records of vehicles impounded from private property and of vehicles stored over thirty (30) days by wrecker or towing services. The division is located at the Department of Public Safety. Telephone: (405) 425-2312. [47 O.S. § 2-103]

~~(i)~~(f) **Public Affairs Office.** The Public Affairs Office acts as the liaison between the Department and the public, the media, and other city, county, state, and federal agencies. Information provided includes traffic safety campaigns, press releases, traffic statistics, road conditions, and services provided by each of the Department's divisions. Telephone: (405) 425-7707. [47 O.S. § 2-103]

~~(j)~~(g) **Oklahoma Highway Safety Office.** The Oklahoma Highway Safety Office (OHSO) is the state organization responsible for developing an annual statewide plan (Highway Safety Plan) to decrease fatalities and injuries on Oklahoma roadways. Each state has a highway safety program under the direction of the state governor. The OHSO administers federal highway safety funds in the form of highway safety projects with state and local agencies, nonprofit organizations, and private contractors. Project applications are normally due in February or March of each year for the following federal fiscal year, which begins on October 1. ~~The OHSO is located at 3223 N. Lincoln, Oklahoma City, OK 73105.~~ Telephone: 405-523-1570. Fax: 405-523-1586. [47 O.S. § 2-106.2A et seq.]

~~(k)~~(h) **Oklahoma Law Enforcement Telecommunications System.** The Oklahoma Law Enforcement Telecommunications System (OLETS) is a statewide telecommunications network which serves city, county, state, federal, and military law enforcement and criminal justice agencies in Oklahoma. Additionally, OLETS provides direct computer interfaces to the computer systems of the Department of Public Safety, the Oklahoma Tax Commission, the Oklahoma State Bureau of Investigation, the National Crime Information Center (NCIC), the National Law Enforcement Telecommunications System (NLETS), and the National Weather Service Computer System and Network in Oklahoma City, Oklahoma. OLETS is managed and operated by the Department of Public Safety. The division is located at the Department of Public Safety. Telephone: (405) 425-2224. [47 O.S. § 2-124]

~~(l)~~(i) **Transportation Division.** The Transportation Division is responsible for the purchase, repair, and disposal of all Department vehicles. Repairs may be done at private facilities or at the Department garage with funding coordinated by the Division. Department vehicles are disposed of by sale to other law enforcement agencies in Oklahoma or by public auction. The location of the Transportation Division is at 2300 N.E. 36th Street at the Department of Public Safety. Telephone (405) 425-2129. [47 O.S. § 2-103]

~~(m)~~(j) **Finance Division.** The Finance Division is responsible for paying the bills of the Department within its approved budget and accounting for and depositing receipts collected for fees, fines, penalties, and other monies as provided by law. The Division also processes sales of surplus and forfeited property as provided in Subchapter 15 of this Chapter. The location of the Finance Division is at the Department of Public Safety. Telephone (405) 425-2833. [47 O.S. § 2-103]

**SUBCHAPTER 3. RULES OF PRACTICE**

**595:1-3-3. Administrative hearings**

(a) All hearings of the Department of Public Safety shall be conducted according to the rules of this Chapter to the extent not otherwise provided for by statute or other rule.

(b) A person has the right to request a hearing before the Department of Public Safety whenever he or she has been aggrieved or adversely affected by an act or refusal to act, or by the issuance of an order or decision by the Department which is subject to review under any applicable statute. Hearings before the Department fall into four categories:

(1) **Hearings under Title 47.** Hearings which are specifically provided for and follow those procedures set forth under Title 47 of the Oklahoma Statutes:

(A)**~~Implied consent hearings.~~**~~Implied consent hearings, involving driving privilege revocation for refusal to take or failure of a breath or blood test for alcohol concentration, are specifically provided for and follow the procedures of the Oklahoma statutes. [47 O.S. § 751 et seq.].~~

~~(B)~~ **Impounded vehicle hearings.** Impounded vehicle hearings follow the procedures specifically provided for under 47 O.S. § 903A.

~~(C)~~(B) **Parking violations on certain state property.** Hearings involving parking violations on certain state property, as set forth under 47 O.S. § 11-1009, are conducted according to state law.

(2) **Hearings under the Administrative Procedures Act - Wrecker or towing service hearings.** Wrecker or towing service hearings resulting in wrecker license cancellation, revocation, or refusal to issue or renew the license, follow the procedures set forth under the Administrative Procedures Act [75 O.S. Art. II] except for those hearings related to vehicles impounded by public agencies which are specifically provided for and conducted according to 47 O.S. § 903A.

(3) **Hearings under Department rules.** Hearings provided for by specific rules set forth by divisions within the Department:

(A) **Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act.** Hearings involving penalties for violation of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act [47 O.S. § 230.1 et seq.] are conducted as set forth in 595:35-1-9. [47 O.S. § 230.9(F)]

(B) **Oversize and overweight vehicles.** Hearings involving the denial or suspension of a permit for oversize and overweight vehicles are conducted as set forth in 595:30-5-3.

(4) **Hearings set forth in this Chapter.** Hearings conducted according to the rules of this Chapter:

(A) **~~Points violations.~~**~~Hearings on points violations resulting in suspension of driving privileges [47 O.S. § 6-206].~~

~~(B)~~**~~Medical aspects.~~**~~Hearings on medical aspects relating to a driver's affliction with physical or mental ailments which may cause loss or partial loss of control of or incapability of properly controlling a vehicle [47 O.S. § 6-119 et seq.].~~

~~(C)~~**Financial responsibility hearings.** Financial responsibility hearings involving the suspension of driving privileges for an owner or driver of a motor vehicle involved in a collision resulting in personal injury, death, or property damage of over three hundred dollars ($300.00) where there is no security (liability insurance) [47 O.S. § 7-101].

~~(D)~~(B) **Other hearings.** Other hearings conducted within the discretion of the Commissioner of Public Safety [47 O.S. § 2-115].

**595:1-3-7. Request for hearing**

A request for a hearing must be in writing~~, on a form prescribed by the Department of Public Safety~~. ~~This~~A form is available at the Department's principal place of business at 3600 North Martin Luther King Avenue, Oklahoma City, OK or at www.ok.gov/DPS. The request shall be submitted to the Department of Public Safety. Hearing requests may only be submitted in person at the Department's principal place of business, or by mail to the address below. Hearing requests submitted other than in person or by mail will not be accepted and a hearing will not be granted. Hearing request forms mailed via the U.S. Postal Service shall be addressed to the Department of Public Safety, Legal Division, P.O. Box 11415, Oklahoma City, OK 73136.

**595:1-3-13. Appearance by counsel**

~~(a) Any party to a proceeding may appear and be heard in person or accompanied by an attorney.~~

~~(b) Counsel for parties in any proceeding should make appearances in appropriate attire as befits practitioners of the profession and contributes to the dignity of the proceedings.~~

**595:1-3-19. Procedures for telephonic implied consent hearings**

~~(a)~~**~~Opportunity for hearing.~~**~~An Administrative Hearing will only be provided to a person whose driving privileges are subject to revocation pursuant to the Implied Consent law relating to a test result or test refusal. The hearing shall be conducted by a Hearing Officer designated by the Commissioner of Public Safety.~~

~~(b)~~**~~Exemptions.~~**~~Hearings for persons whose driving privileges are subject to revocation pursuant to the Implied Consent law relating to a test result or test refusal shall be exempt from and not subject to the provisions of the Oklahoma Administrative Procedures Act and the Oklahoma Pleading and Discovery Codes. The rules of this chapter shall govern the administration of such hearings.~~

~~(c)~~**~~Hearing request.~~**~~The form to request an implied consent hearing may be obtained at the Department's principal place of business at 3600 North Martin Luther King Avenue, Oklahoma City, OK or at www.ok.gov/DPS. Hearing requests shall only be submitted as provided in 595:1-3-7.~~

~~(d)~~**~~Primary method.~~**~~The primary method of conducting implied consent hearings shall be by telephone. All persons participating in the hearing must be able to participate, as determined by the Hearing Officer. The Hearing Officer may designate an alternate method of conducting the hearing, if deemed necessary.~~

~~(e)~~**~~Responsibilities of the party requesting the hearing.~~**

~~(1) A party requesting a hearing shall make a timely written hearing request on a form prescribed by the Department and the party shall provide the Department the following information:~~

~~(A) the telephone number that will be used to contact the party for the hearing;~~

~~(B) the name, mailing address, and telephone number of the party's attorney, if any;~~

~~(C) the name of any witness appearing on behalf of the party requesting the hearing, along with a brief statement of the testimony to be offered by the witness.~~

~~(2) The party is responsible for ensuring the Department receives the required information no later than three (3) business days prior to the date of the scheduled hearing.~~

~~(3) A party shall provide any other information or records if requested by the hearing officer.~~

~~(f)~~**~~Responsibility of hearing officer.~~**

~~(1) The Hearing Officer will call the party or the party's attorney, if any, at the telephone number provided by the party. If the party requesting the hearing, or the party's attorney, fails to answer or participate in the hearing after two (2) attempts by the Hearing Officer, the hearing will be terminated.~~

~~(2) The Hearing Officer will call the witnesses, if any, at the telephone number provided by the party requesting the hearing. If the witness fails to answer or participate in the hearing after two (2) attempts by the Hearing Officer, the Hearing Officer may exclude the witness and continue with the hearing.~~

~~(3) All persons providing testimony will be sworn in by the Hearing Officer prior to giving testimony.~~

~~(g)~~**~~Rescheduling.~~**

~~(1) Once the hearing has been scheduled, it may be continued or reset only at the discretion of the Hearing Officer or the Hearing Officer's designee.~~

~~(2) Any request for continuance or reset must be in writing on a form prescribed by the Department. The form may be obtained at the Department's principal place of business at 3600 North Martin Luther King Avenue, Oklahoma City, OK or at www.ok.gov/DPS. Requests shall be submitted in accordance with 595:1-3-7.~~

~~(3) The request for continuance or reset must be received by the Department no later than 12:00 P.M. on the first business day prior to the date of the scheduled hearing.~~

~~(4) Any request that does not comply with this subchapter or that is not received by 12:00 P.M. on the first business day prior to the date of the scheduled hearing, will not be considered. Emergency situations will be considered by the Hearing Officer on a case by case basis.~~

**595:1-3-20. Appeal**

~~Appeal to district court is statutorily provided under Title 47 of the Oklahoma Statutes for the areas of law set forth below:~~

~~(1) Implied consent [47 O.S. § 6-211 and 755]~~

~~(2) Financial responsibility [47 O.S. § 7-102]~~

~~(3) Security verification [47 O.S. § 7-102]~~

~~(4) Medical aspects [47 O.S. § 6-120]~~

~~(5) Wrecker or towing service [75 O.S. § 318]~~

~~(6) Vehicle impoundment [47 O.S. § 903A(C)]~~

~~(7) Points [47 O.S. § 6-211]~~

~~(8) Driver license cancellation, suspension, denial, or revocation, except where mandatory under the law [47 O.S. § 6-211].~~

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

**595:1-9-2. Inspection and copies of open records**

(a) Records of the Department may be obtained pursuant to the fee schedule as set forth in 595:1-9-4 and as posted in the office of the County Clerk, Oklahoma County, Oklahoma, as required by 51 O.S. § 24A.5(3).

(b) Any record that is open to a person for examination, as provided in 47 O.S. § 10-115 (B), shall be available to that person by copying or reproduction in the same medium as the record is available to the person for examination and for the fee required to be charged for the record.

~~(c) For the purposes of 47 O.S. § 40-102 (A)(2)(b), "legal representatives of a party involved in the collision" shall mean persons who have a blood, marital, or legal relationship with the person involved in the collision, including but not limited to:~~

~~(1) a spouse, widow, or widower,~~

~~(2) an executor of the person's estate,~~

~~(3) an adult child,~~

~~(4) the biological or adoptive parent,~~

~~(5) a person given authority by a notarized affidavit from a person described in (1), (2), (3), or (4) of this subsection,~~

~~(6) an adult sibling, or another adult relative who can provide proof to the satisfaction of the Department that such relative is actively involved in the care of or is responsible for the person, the person's estate, or the person's family,~~

~~(7) the medical service provider, or~~

~~(8) any other person, at the discretion of the Commissioner or the Director of the Records Management Division of the Department.~~

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

(a) **General.** The Department of Public Safety ("Department") is a "law enforcement agency", as defined under the Oklahoma Open Records Act, 51 O.S. § 24A.1 et seq., and also is a "state department of motor vehicles," as used in the Drivers Privacy Protection Act ("DPPA"), 18 U.S.C. § 2721 et. seq. Both of these Acts place restrictions on the access to and disclosure of Department records.

(b) **Exemptions.** Pursuant to Section 2-111 of Title 47 of the Oklahoma Statutes, records of the Department shall not be subject to the provisions of:

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

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

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

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

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

(2) "**DPPA**" means the Driver's Privacy Protection Act of 1994, 18 U.S.C. § 2721 et seq.

(3) ~~"~~**~~Motor vehicle report.~~**~~" Pursuant to 47 O.S. § 6-117(D), a motor vehicle report ("MVR") is defined as:~~

~~(A) A summary of the driving record of the person, including the enumeration of any motor vehicle collisions, reference to convictions for violations of motor vehicle laws, and any action taken against the privilege of the person to operate a motor vehicle, as shown by the files of the Department for the three (3) years preceding the date of the request. [Ref. 47 O.S. § 6-117(D)]~~

~~(B) A MVR shall also include a report which indicates that no driving record is on file with the Department of Public Safety based on the information in the request for a Motor Vehicle Report.~~

~~(C) A MVR shall not include any driving index required to be prepared and maintained by the Department pursuant to 47 O.S. § 6-117(A).~~

~~(4)~~"**Personal information**" means information that identifies a person [47 O.S. § 2-110 and 18 U.S.C § 2725], including, but not limited to the person's:

(A) photograph or image,

(B) signature,

(C) social security number,

(D) residence or mailing address,

(E) medical or disability information,

(F) driver identification number

(G) name, and

(H) telephone number.

~~(5)~~(4) **"Record"** means all documents, including, but not limited to, any book, paper, photograph, microfilm, data files created by or used with computer software, computer tape, disk, record, sound recording, film recording, video record, or other material regardless of physical form or characteristic, created by, received by, under the authority of, or coming into the custody, control or possession of the Department of Public Safety, or its representatives in connection with the transaction of public business, the expenditure of public funds or the administering of public property. Any document or other material specifically excluded from the definition of "Record" in the Oklahoma Open Records Act, 51 O.S. § 21A.1 et seq., shall not be considered a "record" under this definition.

(d) **Records open for inspection.** Records of the Department, as defined herein, other than records declared by law to be confidential, or any record or information not subject to the Oklahoma Open Records Act, or any record to which access has been denied pursuant to the Department's statutory authority, shall be open to public inspection, copying, or mechanical reproduction during regular business hours.

(e) **Records not open for inspection.** Records that are required by law to be confidential shall not be disclosed or open to inspection. In addition, the Department may deny access to law enforcement records, except where a court finds that the public interest or the interest of an individual outweighs the reason for denial, and may deny access to records where disclosure is discretionary pursuant to state and/or federal law. Records not open for inspection include, but are not limited to:

(1) Nongovernmental personal effects;

(2)~~Except where authorized by state and/or federal law, any record in connection with a Motor Vehicle Report issued by the Department of Public Safety;~~

~~(3) Except where authorized by state and/or federal law, personal information within the driving record;~~

~~(4)~~ Records protected by a state evidentiary privilege such as the attorney-client privilege, the work product immunity from discovery and the identity of informer privileges;

~~(5)~~(3) Records of what transpired during meetings of a public body lawfully closed to the public such as executive sessions authorized under the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes;

~~(6)~~(4) Personal notes and personally created materials other than department budget requests of a public body prepared as an aid to memory or research leading to the adoption of a public policy or the implementation of a public project;

~~(7)~~(5) Information relating to investigation of an act of terrorism, or a plan or scheme to commit an act of terrorism, including, but not limited to:

(A) assessments of the vulnerability of government facilities;

(B) details for deterrence or prevention of or protection from an act or threat of an act of terrorism;

(C) any response or remediation after an act of terrorism.

~~(8)~~(6) Personnel records, including, but not limited to:

(A) internal personnel investigation;

(B) examination and selection material for employment, hiring, appointment, promotion, demotion, discipline or resignation;

(C) disciplinary action that does not result in loss of pay, suspension, demotion of position, or termination;

(D) home address, telephone numbers and social security numbers of any person employed or formerly employed by the Department.

~~(9)~~(7) Department records relating to training, lesson plans, teaching materials, tests, and test results;

~~(10)~~(8) Policies, procedures, and operations, any of which are of a tactical nature or where disclosure would pose a risk to the safety of Department personnel;

~~(11)~~(9) Within radio logs, all telephone numbers, addresses, other than the location of incidents to which officers are dispatched, and personal information;

**595:1-9-3.1. Retention and destruction of Department records**

(a) **General.** Records that are no longer of value to the Department in carrying out the powers and duties of the Department may be destroyed pursuant to the conditions specified in this subsection; provided, nothing in this subsection shall compel the Department to destroy any record. In the event there is uncertainty or ambiguity regarding what category or retention period applies to a particular record, the Commissioner of Public Safety, or the Commissioner's designee, shall make the final determination.

(b) **Records retention and disposal schedule.**

(1) **~~Conviction.~~**

~~(A) Any record of conviction of a holder of a Class D license or of an unlicensed operator of a Class D motor vehicle shall be retained for ten (10) years after the date of conviction.~~

~~(B) Any record of conviction of a holder of a Class A, B, or C commercial driver license or of an operator of a Class A, B, or C commercial motor vehicle who is not licensed to operate such vehicle shall be retained for ten (10) years; provided, any conviction for a major offense, as defined in 47 O.S. § 6-205.2, shall be retained for fifty-five (55) years after the date of conviction.~~

~~(2)~~**Department action.** A record of Department action against any operator of a motor vehicle shall be retained for ten (10) years after the date of reinstatement or similar action; provided, any Department action against a holder of a Class A, B, or C commercial driver license or against an operator of a Class A, B, or C commercial motor vehicle who is not licensed to operate such vehicle shall be retained for fifty-five (55) years after the date of reinstatement or similar action.

~~(3)~~**~~Collision reports and incident reports.~~**~~A collision report or an incident report created or submitted by a law enforcement officer shall be retained for five (5) years after the date the investigation of the collision or incident is completed.~~

~~(4)~~(2) **Other records related to driving privileges.** Any other record related to the driving privileges of a person shall be retained for ten (10) years after the date of the last activity relating to the record.

~~(5)~~(3) **Personnel records.** Personnel records of a Department employee shall be retained for the term of employment plus an additional ten (10) years, unless a different time period is specified.

(A) **Applications, resumes and materials submitted for Employment-Not Hired.** Records shall be retained for one (1) year after receipt by the Department.

(B) **Applicant/Employee Drug Testing Records.** Records shall be retained for five (5) years after the date the test was administered to the applicant/employee.

(C) **Discipline Records.** Records of the final imposition of informal and formal discipline shall be retained for the term of employment plus an additional ten (10) years.

(D) **Graded examinations.** Examinations administered to Department employees, and the results of such examinations, shall be retained for the term of employment of the person tested plus an additional five (5) years.

~~(6)~~(4) **Fitness for Duty Evaluations.** Records shall be retained for the term of employment plus an additional ten (10) years.

~~(7)~~(5) **Audio and video recordings of the Department.**

(A) Audio or video recordings of, or created solely for (1) training events, (2) maintenance or testing purposes, or (3) capability demonstrations, may be destroyed when no longer of value to the Department.

(B) Other than records subject to (A) above, any audio or video recordings depicting (1) use of force, (2) vehicle pursuit, (3) custodial arrest, (4) discharge of a firearm, or (5) any felony offense shall be maintained for three (3) years after the event was recorded.

(C) Any audio and video recordings not identified in (A) or (B) above shall be maintained for ninety (90) calendar days after the event was recorded.

~~(8)~~(6) **Ancillary records.** Ancillary records may be destroyed when no longer of immediate value to the Department.

~~(9)~~(7) **Records relating to aircraft.** Records specified in 17 CFR § 91.417, such as records of maintenance, preventive maintenance, and inspections, shall be retained for the life of the aircraft.

(A) All records specified in 14 CFR § 91.417(a)(1) shall be retained until the work is repeated or superseded by other work or for one (1) year after the work performed.

(B) All records specified in 14 CFR §91.417(a)(2) shall be retained and transferred with the aircraft at the time the aircraft is sold. The Department shall retain a copy of such records for five (5) years after the date of sale.

~~(10)~~(8) **Property records.**

(A) **Inventory.** Records relating to physical property, equipment, and materials shall be retained until the property is properly transferred or disposed of, plus an additional five (5) years.

(B) **Evidentiary or Asset Forfeiture.** Records shall be retained until the case is closed plus an additional ten (10) years.

(C) **Seized/confiscated property.** Records shall be retained until all seized property has been disposed of plus an additional one (1) year.

~~(11)~~(9) **Use of Force Reports.** Records shall be retained for three (3) years after the date the report is created.

~~(12)~~(10) **Administrative investigations.** Records relating to administrative or internal investigations conducted by the Department shall be retained until the investigation is closed plus an additional three (3) years.

~~(13)~~(11) **Criminal investigative files.** Records relating to criminal investigations conducted by the Department shall be retained until the investigation is closed plus an additional five (5) years.

~~(14)~~(12) **Commercial motor vehicle enforcement records.** Records shall be retained for three (3) years after the date the record is created.

~~(15)~~**~~Driver license/identification card.~~**~~Records relating to the application or issuance of a driver license or identification card, to include original application, issuance and history related information, compliance and enforcement actions, driver license photo files, driver license updates, medical and vision files; waivers, etc. shall be retained for fifty-five (55) years from the date of the last activity relating to the record.~~

~~(16)~~(13) **Training records.** Instructional materials, such as curricula, outlines, syllabuses, audio or visual training aids, handouts, computer presentations and other records associated with in-house training of Department personnel on policies and procedures, operations, job performance and other activities relating to the Department's programs, services, or projects, shall be retained until superseded plus an additional ten (10) years.

~~(17)~~(14) **Instructor certification.** Records shall be retained for the term of employment of the instructor plus an additional five (5) years.

~~(18)~~(15) **Graded examinations.** Examinations administered to the public by the Department, whether graded or in the nature of a pass/fail examination, shall be retained until no longer needed by the Department.

~~(19)~~(16) **Policies and procedures.** Records relating to any internally posted or distributed manuals, guidelines, or similar records concerning the personnel, activity and operations of the Department, shall be retained until the record is superseded plus an additional ten (10) years.

~~(20)~~(17) **Speed trap.** Records relating to the investigation of a speed trap shall be retained for three (3) years after the investigation is complete.

~~(21)~~(18) **Grant administration information for federal Grant awards.** Grant awards, sub recipient agreements, expenditure details and approvals, reimbursement details and approvals, federal waiver requests, monitoring reports, and all other grant related documentation shall be retained for the current federal fiscal year plus three (3) years.

~~(22)~~(19) **Contracts and leases.** Records relating to contracts, leases and other binding instruments to include bid specifications, affidavits of publication of calls for bids, accepted and rejected bids, performance bonds, contracts, purchase orders, inspection reports, and correspondence, shall be retained until expiration or termination of the instrument according to its terms plus an additional seven (7) years.

~~(23)~~(20) **Correspondence.** Records or copies of general or administrative correspondence shall be retained for one (1) year after the creation, receipt or transmittal of the record, whichever is a longer period of time.

~~(24)~~(21) **Meeting agenda, minutes and notes.** Administrative records relating to meetings held or attended by Department personnel, to include personally created notes, shall be retained ~~for one (1) year after the meeting is held~~until no longer needed by the Department.

~~(25)~~(22) **Government Publications.** Internal Department publications and publications of the state or other governmental entities shall be retained until superseded or when obsolete.

~~(26)~~(23) **Material safety data sheets.** Records shall be retained until superseded or when the hazardous item is no longer stored by the Department.

~~(27)~~(24) **Open record requests.** Requests for records and all related correspondence shall be retained until such request is fulfilled or denied plus an additional two (2) years. The original of any record provided in response to a record request shall be retained for the time period specified in these rules for that particular record, or for two (2) years after the request is fulfilled, whichever is longer.

~~(28)~~(25) **Subpoenas.** Subpoenas and all related correspondence shall be retained until the subpoena has been routed to the correct custodian of records, fully complied with, withdrawn by the issuing entity, or quashed by a court. The original of any record provided in response to a subpoena shall be retained for the time period specified in these rules for that particular record, or for two (2) years after the subpoena is complied with, whichever is longer.

~~(29)~~(26) **Public relations records.** Media or press releases issued by the Department shall be retained for three (3) years after being issued.

~~(30)~~(27) **Other records.** Any other record of the Department not identified specifically herein, shall be retained for ten (10) years after the last activity related to the record.

**595:1-9-4. Fees**

(a) **General.** A fee shall be assessed for each individual record, or portion thereof, and for the recovery of the reasonable, direct costs of mechanical reproduction, copies of records, materials, certification, searches, and other activities relating to records as allowed by law and in accordance with these rules.

(b) **Search fees.** If a request for records is either solely for commercial purposes or would clearly cause excessive disruption of the essential functions of the Department, a search fee may be charged to recover the direct cost of record search and copying.

(c) **Fee amounts.**

(1) A record produced on a single sheet of paper with dimensions of eight and one-half (8 1/2) by fourteen (14) inches or smaller: $0.25 per page. [51 O.S. § 24A.5(3)]

(2) ~~Motor vehicle report: $25.00 per report. [47 O.S. §6-117(D)]. Persons sixty-five (65) years of age or older shall not be required to pay a fee for their own Motor Vehicle Report furnished by the Department or tag agent.~~

~~(3) Certified Motor Vehicle Report: $28.00 per report. [47 O.S. §§ 2-110(B) and 6-117(D)]~~

~~(4) Collision report on file with the Department: $7.00 per report. [47 O.S. § 6-117(C)]~~

~~(5) Certified collision report on file with the Department: $10.00 per report. [47 O.S. §§ 2-110(B) and 6-117(C)]~~

~~(6)~~Certified copy of a record~~, other than a Motor Vehicle Report or a Collision report~~: $3.00 per report. [47 O.S. § 2-110(B)]

~~(7)~~(3) Compact disc (CD), DVD or similar optical storage disc: $5.00 per disc.

~~(8)~~(4) Search fee: The amount of the fee shall be for the cost of materials and labor directly attributable to fulfilling the request. [51 O.S. § 24A.5(3)(b); Okl. Atty. Gen. Opinion 1996 OK AG 26]

~~(9)~~(5) For any other record not specified herein, a fee may be assessed for recovery of the reasonable, direct costs of record copying or mechanical reproduction.

~~(10) Persons sixty-five (65) years of age or older shall not be required to pay a fee for their own Motor Vehicle Report furnished by the Department or motor license agent.~~

**595:1-9-5. Obtaining open records**

(a) **General guidelines.** A schedule of fees stated herein shall be posted at the Department of Public Safety's principal place of business, 3600 North Martin Luther King Avenue, Oklahoma City, OK, and at the Oklahoma County Court Clerk's office. Records of the Department, as defined in 595:1-9-3, will be made available in accordance with rules 595:1-9-1 through 595:1-9-6. All requests for records must be in writing and submitted using a form prescribed by the Department. The forms are available at the Department's principal place of business or at www.ok.gov/DPS. Fees and charges may be collected for copies, materials, certification, searches, and other activities relating to records as allowed by law and in accordance with these rules. Requests that do not comply with these rules may not be fulfilled.

(b) **Principal place of business.** Records may only be obtained from the principal place of business of the Department of Public Safety, located at 3600 North Martin Luther King Avenue, Oklahoma City, OK 73111. ~~However, a Motor Vehicle Report may be obtained from either the Department, from a motor license agent, or at www.ok.gov/DPS.~~

(c) **Availability.** Requests will be processed, and records will be made available, only during regular business hours. Regular business hours shall include only those dates and times that the Department is open to the public. Requests are processed in the order they are received by the Department; however, prior to release, records may not be available until they have undergone a review by the Department's Legal Division.

(d) **Written requests.** A request for any Department record made pursuant to the Oklahoma Open Records Act, 51 O.S. §24A.1 et seq., shall be submitted in writing using a form prescribed by the Department available from either the Department's principal place of business or at www.ok.gov/DPS.

(1) The request shall include sufficient information for the Department to conduct a focused, time efficient search.

(2) The request should not be in the form of a question. The Oklahoma Open Records Act, 51 O.S. § 24A.1 et seq., does not require public bodies to answer questions; it requires agencies to provide copies of records under their control.

(3) Requests that are not in writing or that fail to provide sufficient information to allow the Department to identify the record will not be fulfilled. Requests may be submitted by one of the following methods:

(A) **Email.** Information for obtaining records can be found on the Department's website at www.ok.gov/DPS or by contacting the Records Management Division or the Legal Division.

(B) **In person.** Requests may be presented in person to the Department of Public Safety, 3600 North Martin Luther King Avenue, Oklahoma City, OK 73111.

(C) **United States mail.** Requests may be mailed to: Department of Public Safety, P.O. Box 11415, Oklahoma City, OK 73136-0415

(D) **Other delivery methods.** Requests may be delivered to the Department of Public Safety via United Parcel Service (UPS) or FedEx using the physical address: Department of Public Safety, 3600 North Martin Luther King Avenue, Oklahoma City, OK 73111. The Department can receive from but cannot respond by delivery services other than the United States Postal Service.

(4) When the Department is asked to produce records, the Department will search for records within a default timeframe. The default timeframe will be from the date of the request and end on the date the search for records is commenced; however, a party seeking records may specify a different date-range for the records sought.

(5) Once records have been identified, those records shall undergo a legal review before releasing them to the requesting party.

(e) **Delivery of records.**

(1) Any applicable costs or fees charged pursuant to these rules shall be paid prior to the delivery of any record. The Department will not fulfill a request until all applicable fees and costs have been paid.

(2) Records responsive to a request may be picked up in person at the Department of Public Safety, 3600 N. Martin Luther King Avenue, Oklahoma City, OK 73111.

(3) If delivery by mail is preferred, the requesting party shall provide a self-addressed, postage pre-paid envelope or container. Excess postage shall not be refunded to the requesting party. Records will not be delivered to the requesting party via UPS, FedEx, or other 3rd party mail delivery service. The Department of Public Safety will mail records only in the envelope or container provided by the requesting party.

(4) At its discretion, the Department may make certain records available via electronic delivery. For the purpose of this subsection, "electronic delivery" shall mean delivery of a digitized or electronic file to the requesting party via email or by providing access to the record through a hyperlink.

(5) Some records may be made available to authorized recipients through a third-party web service at the discretion of the Department. Use of this service may require payment of a fee or charge that is separate from any fee or charge imposed by the Department.

(6) The final format in which a record will be produced shall be determined by the Department. If the Department does not maintain a record in an electronic or computerized format, the Department shall not be required to convert a record to any particular electronic format for the convenience of the person requesting record. [Okl.Atty. Gen. Opinion 2006 OK AG 35].

**595:1-9-6. Summary of Motor Vehicle Report**

~~(a)~~**~~In general.~~**~~As required by the Drivers Privacy Protection Act of 1994 ("DPPA"), 18 U.S.C. § 2721 et seq., the Department or any motor license agent shall not knowingly disclose or otherwise make available to any person or entity personal information, as defined in OAC 595:1-9-3(c)(4), about any individual obtained by the Department in connection with the motor vehicle record except as permitted in the DPPA.~~

~~(b)~~**~~Request by an individual for a motor vehicle report.~~**~~An individual requesting a motor vehicle report must submit the following to the Records Management Division of the Department or to a motor license agent for each report requested:~~

~~(1)~~**~~"Records Request" form.~~**~~This form must be completed by the individual, filling in all required information, checking all applicable statements regarding the request, and signing the request.~~

~~(2)~~**~~Photo identification.~~**~~The requesting party must produce a government issued photo identification to allow the Department to establish the requesting party's identity at the time the request is made.~~

~~(3)~~**~~Consent to Release.~~**~~If the individual requesting the driving record is not the person about whom the record has been compiled, the person about whom the record has been compiled must sign the consent to release portion of the "Records Request" form.~~

~~(4)~~**~~Fee.~~**~~The individual requesting the driving record shall make payment of the fee required by law [47 O.S. § 6-117(D)].~~

~~(c)~~**~~Entities requesting Motor Vehicle Reports in volume.~~**

~~(1)~~**~~Written requests.~~**~~Certain entities, as authorized in (2) of this subsection, may request Motor Vehicle Reports in volume from the Department by submitting a request in writing to the Director of the Records Management Division of the Department of Public Safety:~~

~~(A) in person at 3600 North Martin Luther King Avenue, Oklahoma City, OK, or~~

~~(B) by mail to: Records Management Division, Department of Public Safety, P.O. Box 11415, Oklahoma City, OK, 73136-0415.~~

~~(2)~~**~~Obtaining Reports in Bulk Quantity.~~**~~Only the following entities are authorized to obtain Motor Vehicle Reports from the Department in bulk quantities:~~

~~(A) courts,~~

~~(B) federal, state, and local governmental agencies,~~

~~(C) insurance companies for the limited purpose of determining eligibility for insurance coverage or underwriting, or~~

~~(D) any other person or entity as authorized by the Commissioner or designee.~~

~~(3)~~**~~Fee.~~**~~An entity requesting motor vehicle reports in volume shall pay the required fee per request as required by law [47 O.S. § 6-117 (D)] unless otherwise exempted from the fee by the Commissioner as authorized by 47 O.S. § 2-110.~~

~~(d)~~**~~Obtaining forms.~~**~~All forms may be obtained:~~

~~(1) in person at the Department of Public Safety, 3600 North Martin Luther King Avenue, Oklahoma City, OK 73111,~~

~~(2) by mail from the Department of Public Safety, P.O. Box 11415, Oklahoma City, OK, 73136-0415,~~

~~(3) by telephone by calling (405) 425-2262, or~~

~~(4) at www.ok.gov/DPS.~~