**425TITLE 595. DEPARTMENT OF PUBLIC SAFETY**

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

**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~~425-7283 [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~~686-9105

(B) Troop B: Tulsa, (918) 627-~~3881~~0440

(C) Troop C: Muskogee, (918) ~~683-3256~~684-6401

(D) Troop D: McAlester, (918) ~~423-3636~~420-4010

(E) Troop E: Durant, (580) ~~924-2601~~916-4821

(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~~338-5129

(J) Troop J: Enid, (580) 234-6147

(K) Troop K: Perry, (580) 336-~~9880~~9827

(L) Troop L: Vinita, (918) 256-~~3388~~7888

(M) Troop M: Altus, (580) 477-~~2765~~2764

(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~~355-9069

(C) Troop XC: Indian Nation, (918) ~~548-3799~~420-4010

(D) Troop XD: Cherokee, (918) ~~868-2372~~256-7476

(E) Troop XE: Creek, (918) 355-9069

(F) Troop YA: Cimarron, (405) ~~425-3683~~968-3000

(G) Troop YB: Turner, (918) 968-3000

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

(I) Troop YD: Chickasaw, (580) ~~223-8800~~222-3165

(J) Troop YE: Kilpatrick, (405) ~~424-1616~~ 222-3165

(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~~321-1831

(B) Troop P: Public ~~Information~~Affairs Office, (405) 425-7709. 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. It is further responsible for providing Department records pursuant to the provisions of the Open Records Act and Title 595, Chapter 1, Subchapter 9 of the Oklahoma Administrative Code. ~~[see (j) of this Section]~~

(C) Troop R: Capitol Patrol Section, ~~[see (4)(C) of this subsection]~~(405) 425-2410

(D) Troop S: (405) 521-6067:

(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~~2472

(F) Troop T: Training, (405) 425-2410

(G) Troop W: Lake Patrol Section, ~~[see (4)(B) of this subsection]~~(918) 681-4959

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

(I) Troop BT: Bomb Squad Section, ~~[see (4)(D) of this subsection]~~(405) 425-2462

(J) Communications Section: The link between the general public and public safety services provided by the Oklahoma Highway Patrol and other law enforcement agencies or emergency providers.

(i) Central Regional Communications Center, Oklahoma City, (405) 425-2323

(ii) Northeast Regional Communications Center, Tulsa, (918) 627-0440

(iii) Southeast Regional Communications Center, Durant, (580) 924-2601

(iv) Troop F, Ardmore, (580) 223-8800

(v) Southwest Regional Communications Center, Lawton, (580) 353-0783

(vi) Regional Communication Center, Enid, (580) 234-6431.

~~(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 is created by 47 O.S. § 2-105.4A and has the primary duty of enforcing the provisions of the size, weight and load laws pursuant to [47 O.S. §14-101, et seq.]~~*~~et seq.,~~* ~~and Title 730 of the Oklahoma Administrative Code rules [OAC 595:30]. Telephone: (405) 521-6060. [47 O.S. § 2-105.4A]~~

~~(B)~~**~~Lake PatrolMarine Enforcement Section (Troop W).~~**~~The Lake Patrol Section is created by 47 O.S. § 2-105.6 and has the primary enforcement duty related to state boat registration laws pursuant to [63 O.S. §4001, et seq. and §4101 et seq.], boating and water safety laws pursuant to [63 O.S. §4200, et seq.~~*~~et seq.,~~* ~~federal boating regulations, and Department of Public Safety orand Department of Wildlife Conservation administrative 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 38~~~~th~~~~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 is created by 47 O.S. § 2-105.7 and 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 the Capitol Complex located in 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 is created by 47 O.S. § 2-105.4B and 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 created by 47 O.S. § 2-105.8 and is the link between the general public and public safety services provided by the DepartmentOklahoma Highway Patrol and other law enforcement agencies or emergency providers. These services may be obtained by telephone or in person at any of the thirteenOHP Field Troop Headquarters statewide~~ ~~[see (1) in this subsection for telephone numbers]. [47 O.S. § 2-105.8]~~

(b) **Legal Division.** The Legal Division is created by 47 O.S. § 2-121 and 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. ~~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)~~ **~~Identify Verification~~Fraudulent Documents Unit.** The Fraudulent Documents Unit, also known as the ~~Identify~~Indentification Verification Unit is created by 47 O.S. §2-106.3 and responsible for investigating identify fraud and theft. ~~The division is located at the Department of Public Safety.~~ Telephone: (405) 425-2477.

~~(h)~~(d) **Wrecker Services Division.** The Wrecker Services Division is responsible for the licensing and governance of wrecker or towing services pursuant to Chapter 72 of Title 47 of the Oklahoma Statutes and Chapter 30 of Title 595 of the Oklahoma Administrative Code. ~~[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)~~ **~~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) 425-77077709. [47 O.S. § 2-103]~~

~~(j)~~(e) **Oklahoma Highway Safety Office.** The Oklahoma Highway Safety Office (OHSO) is created in 47 O.S. § 2-106.2A and 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 created by 47 O.S. § 2-124 and is ~~a~~thestatewide 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~~Unit.** The Transportation ~~Division~~Unit is created by 47 O.S. § 2-103 and 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~~Unit. 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~~Unit.** The Finance ~~Division~~Unit is created by 47 O.S. § 2-103 and is responsible for ~~paying the bills~~the accounts receivable and accounts payable of the Department of Public Safety ~~within its approved budget~~ ~~and accounting for and depositing receipts collected for fees, fines, penalties, and other monies as provided by law~~. The ~~Division~~Unit 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]~~74 O.S. § 250, *et seq.,* 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~~ the Oklahoma Motor Carrier Safety and Hazardous Materials Act.** Hearings provided for by the ~~specific rules set forth by divisions within the Department:~~

~~(A) Oklahoma Motor Carrier Safety and Hazardous Materials Transportation~~ Act~~. Hearings involving~~involve penalties for violation of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act, ~~[~~47 O.S. § 230.1,~~et seq.]~~*et seq.,* and are conducted ~~as set forth in~~pursuant to OAC 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~~53004, Oklahoma City, OK ~~73136~~73152-9998.

**~~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)~~(2) Wrecker or towing service [75 O.S. § 318]

~~(6)~~(3) 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)~~(4)(b).

(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~~*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~~ This Act places 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~~*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.

**"Agency"** or **"Agencies"** means the Department of Public Safety.

~~(1)~~"**Ancillary record**" means any record that is routine in nature~~, having no material connection with a motor vehicle record,~~ that identifies a 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 and has no informational value beyond the immediate use for which the record was created or received.

**"Commissioner"** means the Commissioner of Public Safety.

**"Department"** means the Department of Public Safety.

**"Investigative record"** means all records pertaining to, documenting, or reflecting efforts to detect and investigate criminal activity. **"Investigative record"** does not include phone logs, radio logs, phone memos, records generated by the investigating division of the agency or other business records of the agency not reduced to an investigative report or memorandum. This definition applies only to these rules regarding record retention and destruction and, in no way, limits the rights of the agency to claim a record of the agency as confidential and not open to the public pursuant to 51 O.S. § 24A.8 or other statutes.

~~(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)~~ **"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~~*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~~*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~~ Certain records pertaining to personnel, 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)(1)~~**~~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 pursuitpursuits, (3) custodial arrestarrrests, (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)(15)~~**~~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)(16)~~**~~Speed trap.~~**~~Records relating to the investigation of a speed trap shall be retained for three (3) years after the investigation is complete.~~

~~(21)(17)~~**~~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)(18)~~**~~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)(19)~~**~~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)(20)~~**~~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 helduntil no longer needed by the Department.~~

~~(25)(21)~~**~~Government Publications.~~**~~Internal Department publications and publications of the state or other governmental entities shall be retained until superseded or when obsolete.~~

~~(26)(22)~~**~~Material safety data sheets.~~**~~Records shall be retained until superseded or when the hazardous item is no longer stored by the Department.~~

~~(27)(23)~~**~~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)(24)~~**~~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)(25)~~**~~Public relations records.~~**~~Media or press releases issued by the Department shall be retained for three (3) years after being issued.~~

~~(30)(26)~~**~~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. 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]; Okl. Atty. Gen. Opinion 1996 OK AG 26]

(c) **Fee amounts.** 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.  A schedule of fees is posted at the Department of Public Safety's principal place of business, 3600 North Martin Luther King Avenue, Oklahoma City, OK or the Oklahoma County Court Clerk's Office, 320 Robert S Kerr Ave, STE 203, Oklahoma City, OK, and is posted on the DPS website at www.ok.gov/DPS.

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

~~(8) 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)~~(3) 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~~595:1-9-10. 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~~*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~~*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~~Public Affairs Office ~~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~~53004, Oklahoma City, OK ~~73136-0415~~73152-9998.

(D) **Other delivery methods.** Requests may be delivered to the Department of Public Safety via United Parcel Service (UPS) or FedEx or other third-party delivery services 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~~release of any Department 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.~~ Upon request, the Department will mail records via USPS only. Records will not be delivered to the requesting party via UPS, FedEx, or other ~~3~~~~rd~~third-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~~ is 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.~~

**595:1-9-7 Permanent storage**

Records kept in permanent storage pursuant to these administrative rules shall be kept in a manner to ensure their availability for continued use and reference if necessary, including, but not limited to, computer hard disk drive, magnetic tape drive, optical disk format, microfilm, and microfiche and in a manner reasonably designed to keep them safe from damage by natural elements, fire, deterioration over time or other natural disaster.

**595:1-9-8. Convenience copies**

Should the Department maintain multiple copies of a record subject to these administrative rules for convenience in review and distribution, only one such copy shall be required to be retained and/or stored pursuant to these rules. All other copies may be retained or destroyed at the discretion of the Commissioner.

**595:1-9-9. In-office retention**

At any point these administrative rules require or refer to records being retained "in-office" or "in-house" the records shall be retained in a form and manner readily accessible to authorized employees during the regular exercise of the daily business of the Department including, but not limited to, on-site use of paper hard copy records, use of on-site document scanning and storage in computer systems, or other electronic storage systems as long as the records are readily accessible.

**595:1-9-10. 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 and provided no legal action is pending, the Commissioner or Commissioner's designee shall make the final retention or destruction decision. If legal action involving the records is pending, the record(s) shall be retained until the exhaustion of all legal remedies, then retained or destroyed at the discretion of the Commissioner or Commissioner's designee.

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

(1) **Human Capital Management.** Records of DPS personnel 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.**  Applications for employment and supporting documentation such as transcripts, resumes, and letters of recommendation; notes and other records pertaining to employment applications and job interviews shall be retained for one (1) year after the receipt by the Department.

(B) **Personnel records of regular state employees (active).** Record copies of applications, hiring, promotional date, and other personnel records pertaining to state employment of active regular state employees shall be retained in-office until end of employment with the Department plus ten (10) years.

(C) **Personnel records of temporary state employees.** Record copies of application, hiring, promotional date, and all other personnel records pertaining to state employment of temporary state employees shall be retained in-office or in permanent storage for three (3) years after the employee leaves the employ of the Department. At that time the employment application, Request for Personnel Action (OPM Form 14), Longevity Certification Form (OPM Form 52 or Equivalent), employment history cards, Individual Leave Record (OPM Form 1 or equivalent), INS Form I-9, correspondence relating to leave without pay, and Department of Defense Form DD214 shall be retained in-office until the end of employment with the Department plus three (3) years.

(D) **Contractual employment records.** Records other than copies of contracts and payment information pertaining to contractual employment shall be retained in-office for five (5), years after final payment, provided all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies.

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

(F) **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.

(G) **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.

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

(F) **Organizational Charts.** At least one current organizational chart indicating overall administrative structure of the Department to the unit level shall be retained in office until superseded by subsequent charts, then permanently stored for perpetuity.

(H) **Payroll financial records.** Unless specifically provided otherwise by administrative rule, the following records shall be retained in-office for ten (10) years.

(i) The following records shall be retained in-office until one (1) year after all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state.

(I) Copies of OSF Form 41, Payroll Funding Sheet-Record Type C and Tape Layout; OSF Form 41, Payroll funding Detail Listing- Record Type S and Tape Layout; and any required supporting documents submitted to the Office of State Finance for payment of employee wages and salaries

(II) Copies of OSF Form PWC, "Request for Payroll Warrant Cancellation" submitted to the Office of State Finance.

(III) Quarterly computer printouts from the Office of State Finance listing employee wages and tax deductions.

(IV) Reports listing employee salary and wage deductions for insurance, credit union dues, and annuities, as well as billing documents form insurance companies for premium payments and copies of applicable miscellaneous claims sent to the Office of State Finance.

(V) Overtime reports and payroll data for seasonal employees used to compile agency payrolls submitted to the Office of State Finance.

(VI) Copies of reports submitted to the State Insurance Fund that are the basis for premium calculations.

(VII) Copies of monthly computer printouts from the Office of State Finance.

(VIII) Records used to transmit each employee's monthly and supplemental payroll warrants and any applicable correspondence.

(IX) Records of claims by which the Department remits state employees' voluntary payroll deductions for supplemental insurance and retirement plans.

(ii) Prelists, copies of employee withholding data, payroll cancellation information, and other documents used to compile agency payroll shall be retained in office until superseded then retained or destroyed at the discretion of the Commissioner.

(iii) Records pertaining to deductions from employee salaries and wages for the purchase of U.S. Savings Bonds shall be retained in office for seven (7) years then retained or destroyed at the discretion of the Commissioner provided no legal action is pending. If legal action involving the records is pending, the records shall be retained until the exhaustion of all legal remedies, then retained or destroyed at the discretion of the Commissioner.

(iv) Cumulative monthly computer printouts from the Office of State Finance showing the gross pay, deductions and net pay on a calendar year basis shall be retained as follows:

(I) All monthly reports shall be retained in office until no longer needed for administrative purposes then retained or destroyed at the discretion of the Commissioner.

(II) All calendar year end reports shall be retained for two (2) years then retained or destroyed at the discretion of the Commissioner.

(I) **Requests for certification records.** Copies of requests submitted to the Office of Personnel Management for lists of qualified applicants for Merit System Positions shall be retained in office until two (2) years after the making of the records or the personnel action involved, whichever occurred later.

(J) **Office of Personnel Management correspondence.** Incoming letters and copies of outgoing responses to the Office of Personnel Management shall be reviewed on an annual basis. Duplicate and ancillary records as well as substantive records two (2) years old or more shall then retained or destroyed at the discretion of the Commissioner.

(K) **Reduction in force plans.**  Copies of plans filed with the Office of Personnel Management outlining how the agencies will proceed in the event of an ordered reduction in force shall be retained in office until superseded by new plan then retained or destroyed at the discretion of the Commissioner one (1) year after all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state.

(L) **Affirmative action records.** Records pertaining to agency affirmative action policies, including but not limited to, all information received and sent regarding the Affirmative Action Plan, EEO reports, and directives from the Governor or Affirmative Action Plan Coordinator for the State, as well as annual reports, semiannual reports, and progress reports pertaining to agency affirmative action plan and policies and procedures implemented to insure that hirings, promotions, and terminations are carried out in full compliance with all applicable laws and rules and regulations shall be retained in office until superseded by subsequent plan then retained for three (3) years after all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies.

(M) **Agency promotional plans.** Copies of required plans submitted to the Office of Personnel Management shall be retained in office until superseded by subsequent plan, then retained in office for three (3) years after all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies.

(N) **Salary administration plan.** The Salary Administration Plan for positions used by the Department shall be retained in office for three (3) years provided all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies.

(O) **Current employee rosters.**  A roster of employees shall be retained in the office until superseded by subsequent roster then retained or destroyed at the discretion of the Commissioner.

(P) **Unemployment compensation claims records.** Copies of unemployment compensation claim forms, correspondence and supporting documentation relating to claims, appeals and decisions for unemployment compensation shall be retained in office two (2) years.

(Q) **Worker’s Compensation quarterly report.**  Quarterly reports received from the State Insurance Fund pertaining to workers compensation insurance coverage of agency personnel and related correspondence shall be retained in office for two (2) years.

(R) **Worker’s Compensation accident records.** Copies of Form 2, Form 3, Form 4, Form 5, Form 6, Form 7, Form 19, and other forms filed with the Worker's Compensation Court shall be retained in office in hard copy paper form until employee leaves the Department plus ten (10) years.

(S) **Job descriptions – merit.**  Copies of Office of Personnel Management job descriptions for various classified positions shall be retained in-office or in permanent storage.

(T) **Job descriptions- non-merit.** Copies of present job descriptions for non-merit positions shall be kept permanently in office. A copy of all changes/updates to such job descriptions shall be kept permanently in-office or in permanent storage.

(U) **Grievance procedures records**. Copies of records concerning the resolution of employee grievances submitted to the Office of Personnel Management shall be retained in-office until the subject employee leaves the Department plus ten (10) years.

(V) **Merit Protection Commission or Civil Service Division cases.** Copies of materials relating to hearings or appeal requests under investigation by the Merit Protection Commission or Civil Service Division for alleged violations of the Oklahoma Personnel Act shall be retained in office until the subject employee leaves the Department plus ten (10) years.

(W) **Equal Employment Opportunity Commission complaint records.** Copies of material relating to charges of discrimination or harassment filed with the Equal Employment Opportunity Commission against the Department shall be retained in-office until the subject employee leaves the Department plus ten (10) years.

(X) **Access badges.** Access badges to certain work areas, storage areas, or other areas where access is restricted shall be retained or destroyed at the discretion of the Commissioner upon resignation, retirement, or termination of employment of the employee.

(Y) **Benefit information.** Copies of records relating to benefits available to state employees shall be retained in-office for one (1) year after superseded by subsequent information.

(Z) **Position description questionnaire.** Copies of OPM Form 39, (Position Description Questionnaire) used to describe each position within the Department and for possible reclassification shall be retained in office for one (1) year after superseded by subsequent.

(AA) **Garnishment records.** Copies of salary records filed with county clerks pursuant to a garnishment shall be retained in-office for one (1) year after notification by court of payment of obligation or release of payment of obligation.

(AB) **Internal Revenue Service levies records.** Orders issued by the Internal Revenue Service requiring deductions from employee salaries for the payment of taxes owed to the federal government shall be retained in-office for one (1) year after notification of payment of obligation and final release of payment of obligation.

(AC) **Department of Justice Immigration and Naturalization Service form I-9.** Department of Justice Immigration and Naturalization Service Form I-9 (Employment Eligibility Verification) and supporting documentation shall be retained in-office for one year after the person is no longer employed by the Department provided the records are at least three (3) years old.

(AE) **Work activity sheets.** Weekly time sheets, timecards, or equivalent which may be signed by the employee and his/her immediate supervisor indicating actual hours worked, leave status hours and total hours for the week shall be retained in-office for three (3) years provided all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies.

(AD) **Selection procedure and recruitment records**. Records pertaining to internal recruitment to fill position vacancies within the Department including but not limited to, position vacancy announcements; position descriptions; salary and benefits information; applications; supporting documentation including resumes, transcripts, and letters of recommendation; interview notes; correspondence with applicants and other materials relating to internal recruitment to fill position vacancies shall be retained in-office for two (2) years after the position is filled.

(AE) **Employee mediation records**. Forms, incoming memoranda, copies of outgoing memoranda, and other records pertaining to the resolution of employee mediation disputes shall be retained in-office for five (5) years.

(AF) **OSHA log and summary of occupational injuries and illnesses.** U.S. Department of Labor OSHA Form No. 200 or equivalent maintained as a log and summary record of "recordable" injuries as defined in 29 CFR, '1904.1, *et seq.*,shall be retained in-office for five (5) years "following the end of the year to which they relate" (29 CFR, §1904.6).

(AG) **OSHA supplementary record.** U.S. Department of Labor OSHA Form No. 101 or equivalent maintained to record supplementary information about "recordable" injuries and illnesses as defined in 29 CFR, §1904.1, *et seq.,* shall be retained in-office for five (5) years "following the end of the year to which they relate" (29 CFR, §1904.6).

(AH) **Oklahoma log of summary of occupational injuries and illnesses.**    Oklahoma Department of Labor Form OK No.200 or equivalent maintained as a log and summary record of occupational injuries and illnesses as required by the Rules and Regulations of the Oklahoma Department of Labor shall be retained in-office for five (5) years following the year to which they.

(AI) **Personnel transaction freeze exception request**. Records submitted with a Request for Personnel Action form to the Office of Personnel Management by an agency requesting that a job be filled despite a mandated freeze on jobs shall be retained in-office one (1) year after all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies.

(AJ) **Other personnel records.** Unless specifically provided otherwise by administrative rule, all other personnel records shall be retained in-office for a period of five (5) years.

(2) **Audio and video recordings of the Department.**

(A) Audio or video recordings of, or created solely for training events, maintenance or testing purposes, or 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 the use of force, vehicle pursuit, custodial arrest, discharge of a firearm, or 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 provided no legal action is pending. If legal action involving the records is pending.

(3) **Aircraft records.** 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.

(4) **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.

(D) **Real property files.** Records containing deeds, titles, inspection reports, loan agreements, promissory notes, and related records dealing with ownership of property shall be retained in-office until five (5) years after final disposition of property provided all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies.

(E) **Risk Management Certificate of Self Insurance.** Copies of Certificates of Self Insurance issued by the Risk Management Division of Central Services verifying liability insurance shall be retained in-office until superseded by subsequent Certificate then retained or destroyed at the discretion of the Commissioner.

(F) **Property inventory/surveys.** Original property inventories/property surveys conducted for Risk Management and computer printouts received from Risk Management with notations concerning comprehensive insurance coverage shall be retained in-office until superseded by subsequent.

(G) **Incident reports.** Incident reports completed when an incident has occurred where the State might be liable for damages including, but not limited to, Standard Liability/Standard Incident Report, In Case of Accident Report or related reports completed at the time of the incident and records of reports of incidents and/or occurrences involving the Department employees which do not result in risk management or worker's compensation claims shall be retained in-office for five (5) years.

(H) **Safety Audits.** Safety Audits conducted by Risk Management Safety Engineer, the Department of Labor, the Department, or others, plus follow up reports and correspondence shall be retained in office until next safety audit.

(I) **Safety correspondence.** Correspondence from Risk Management Division, the Department of Labor, the Department, or others concerning tips on safety and avoiding accidents shall be kept until no longer needed for administrative purposes.

(J) **Building facility inspection reports.** Inspection reports and allied documents of inspections of all building facilities of the Department shall be retained in office one (1) year from the date of inspection or until the following inspection, whichever is longer.

(K) **Capital improvement projects records.** Department capital improvement project records, including but not limited to, information to bidders, bid form proposals, bid affidavits, pertinent Senate and House bills, public construction contracts, and Construction Contract Forms for Use by Public Agencies shall be retained in hard copy paper form for not less than three (3) years.

(L) **Material safety data sheets.** Material Safety Data Sheets (MSDS) listing each hazardous substance which has been identified by the Chemical Information List (CIL) shall be retained in accordance with the Department of Labor requirements for these documents.

(5) **Administrative records.**

(A) **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.

(B) **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 four (4) years.

(C) **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.

(D) **Meeting agenda, minutes, and notes, desk calendars and appointment books.** 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.

(E) **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.

(F) **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. The Commissioner's, Assistant Commissioner's, and Chief of Patrol's incoming correspondence and copies of outgoing correspondence shall be stored for perpetuity. A review may be conducted on an annual basis. After the review, all duplicate and ancillary records and substantive records three (3) years old or older no longer needed by the Department for administrative purposes may be destroyed.

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

(H) **Legislative Files.** Reference copies of pending legislation bills that may have an effect upon the Department shall be retained in the office until passed into law or no longer required for administrative purposes.

(I) **Reports.** Record copies of reports submitted by Divisions, Departments, or Sections documenting activities to the Administration shall be retained in-office for three (3) years.

(J) **Mailing Lists.** Material used to create, maintain, and generate mailing lists shall be retained in office until no longer needed for administrative purposes.

(K) **Policies and procedures file.** A copy of the Department's Policy and Procedures Manual, including all updates/changes shall be kept permanently in-office.

(L) **Rulemaking and Oklahoma Administrative Code.** Records regarding emergency, permanent, and preemptive rules and revocations of rules proposed in accordance with 75 O.S. §250, *et seq.*, including but not limited to notice documents, rule documents, proposed rules, rule revocations, and other submissions for publication in the *Oklahoma Register* and the *Oklahoma Administrative Code*; written statements and petitions received during the comment period or during public hearings; stenographic notes; video tapes and audio tapes made during public hearings; petitions for exceptions to rules; summary statements of public hearings prepared by the Department, copies of attestations, liaison verifications, rule impact statements, transmittal letters to the governor and the legislature; notices of gubernatorial and legislative approval/disapproval; and any other records required by the Administrative Procedures Act (75 O.S. §250, *et seq.*) and the Administrative Rules on Rulemaking shall be retained in permanent storage for perpetuity.

(M)  **Public relations file.** Copies of news releases and clippings, cassette recordings of broadcast announcements, and other public relations materials shall be retained in-house for three (3) years and then permanently stored for perpetuity.

(N) **Insurance documentation excluding Risk Management, employee insurance and State Insurance Fund documentation.** Records of or pertaining to auto, fire, insurance, and other insurance policies excluding Risk Management, employee insurance, and State Insurance Fund documentation shall be retained in office until five (5) years after expiration of the policy.

(O) **Other administrative records.** All other administrative records not specifically referred to in these rules shall be retained for two (2) years.

(6) **Records relating to law enforcement.**

(A) **Use of Force Reports.** Records shall be retained in-office for three (3) years after the date the report is created and then permanently stored for perpetuity.

(B) **Criminal investigative files.** Records relating to criminal investigations conducted by the Department shall be retained in-office for ten (10) years after the investigation is closed and then permanently stored for perpetuity.

(C) **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 in-office until superseded plus an additional ten (10) years.

(D) **Instructor certification.** Records shall be retained in-office for the term of employment of the instructor plus an additional five (5) years.

(E) **Speed trap.** Records relating to the investigation of a speed trap shall be retained in-office for five (5) years after the investigation is complete.

(F) **Telephone logs.**  Records of telephone logs of incoming calls shall be retained in-office until no longer needed for administrative purposes. When telephone logs are critical to a criminal investigation, the telephone logs will be retained according to OAC 595:1-9-10(6)(B).

(G) **Radio logs.**  Records of radio logs, including a chronological listing of the calls dispatched shall be retained in-office until no longer needed for administrative purposes. When radio logs are critical to a criminal investigation, the radio logs will be retained according to OAC 595:1-9-10(6)(B).

(H) **OLETS.** Records regarding the Oklahoma Law Enforcement Telecommunication System shall be retained in-office for five (5) years.

(7) **Commercial motor vehicle enforcement records.** Records shall be retained in-office for five (5) years after the date the record is created.

(8) **Litigation records.**

(A) **Litigation files – Attorney General is attorney of record**. Records concerning litigation to which the Department is party where the Attorney General is the attorney of record, including but not limited to petitions, motions, pleadings, depositions, orders, opinions and related material shall be retained in-office for two (2) years after the exhaustion of all legal remedies

(B) **Litigation files – staff or private attorney is attorney of record.** Records concerning litigation to which the Department is party where a staff or private practice attorney is the attorney of record, but the Attorney General is not, including, but not limited to petitions, motions, pleadings, depositions, orders, opinions, and related material shall be retained in-office until the exhaustion of all legal remedies, then maintained in permanent storage for at least a further ten (10) years.

(C) **Litigation files – the Department not a party.** Records concerning litigation to which the agency is not a named party, but is a real party in interest or interested in an embedded issue within the litigation shall be retained in-office until no longer needed for administrative purposes

(D) **Court orders.** Court orders issued by judges requiring that certain actions be taken by the Department shall be retained in-office for two (2) years after exhaustion of all legal remedies.

(9) **Financial records.**

(A) **Accounting records.** Records generated, received, or utilized by any of the financial divisions of the Department shall be retained in accordance with the following schedule.

(i) Unless specifically provided otherwise by administrative rule, all accounting records shall be retained in-office until placed in permanent storage. Such documents shall be held in permanent storage for perpetuity.

(ii) The following records shall be retained in-office for three (3) years until placed in permanent storage. Such documents shall be held in permanent storage for perpetuity.

(I) Copies of OSF Form 3, "Notarized Claim Form"; OSF Form 15A, "Claim Jacket Form"; OSF Form 15B, "Inter/Intra Payment"; OSF Form 19, "Travel Voucher"; Affidavit-Actual and Necessary Unreceipted Travel Expenses; and OSF Form 19A, Travel Voucher Attachment submitted to the Office of State Finance for payment of financial obligations other than payrolls,

(II) Copies of OSF Form 14, "Claim for Disbursement of Payroll Withholdings" and OSF Form 9, "Imprest Cash Form",

(III) Copies of affidavits submitted to the State Treasurer's Office requesting the issuance of warrants to replace warrants that have been lost, stolen, or destroyed,

(IV) Copies of affidavits submitted to the Office of State Finance requesting the issuance of warrants to replace warrants issued in error,

(V) Copies of OSF Form 20A and 2-20 requesting the issuance of warrants to replace ones which have been statutorily canceled,

(VI) Copies of OSF Form MWC, "Request for Miscellaneous Warrant Cancellation", submitted to the Office of State Finance,

(VII) Copies of OSF Form 6 or any form used to acquire goods and services when it is not feasible or required to go out on competitive bid,

(VIII) Records of Accounts receivable by the Department, billing on those accounts receivable, and any supporting documents.

(IX) Copies of monthly computer printouts from the Office of State Finance listing all miscellaneous warrants issued during the reporting period,

(X) Correspondence from the Department and Stop Payment Forms completed by Treasurer's office employees when the Department request that warrants not be redeemed for payment,

(XI) Copies of forms submitted to the State Treasurer's Office along with deposits of funds to Treasury Fund Accounts and supporting information,

(XII) Copies of documents, including Agency Summary/Activities Statements and reconcilement of Official Depository Balance as per Statement Rendered by the State Treasurer’s Office, used to reconcile the Department's accounting with those compiled by the State Treasurer's Office,

(XIII) Copies of OSF Form 18 submitted to the Office of State Finance requesting permission to establish special accounts,

(XIV) Copies of letters submitted to the State Treasurer's Office requesting the establishment of an Agency Clearing Account,

(XV) Invoices, vouchers and supporting documentation for payment of obligations from the Department Special or Clearing Accounts,

(XVI) Vouchers written on special accounts that are ultimately returned to the Department and not to the State Treasurer,

(XVII) Copies of OSF Form 11, "Agency Clearing Account Report" and OSF Form 11A, "Agency Special Account Report" detailing transactions through clearing and special accounts,

(XVIII) Records pertaining to deposits previously credited to Department accounts by the State Treasurer's Office that have been 'charged back' because of checks that were returned by banks for insufficient funds, closed accounts, or other reasons, including but not limited to, checks returned and Charge Back Slips listing agency names, account numbers, amounts being charged back and transaction dates,

(XIX) Records of both corporate and individual bankruptcy filings, notices of creditors meetings, and related incoming and copies of outgoing correspondence,

(XX) Annual year-end GAAP reports and supporting information.

(B) **Budget records.**

(i) Unless specifically provided otherwise by administrative rule, all budgeting records shall be retained in-office house until placed in permanent storage. Such documents shall be held in permanent storage for perpetuity.

(ii) The following records shall be retained in-office for three (3) years until placed in permanent storage. Such documents shall be held in permanent storage for perpetuity.

(I) Department budget requests submitted to the Office of State Finance for development of Executive budget and materials submitted from various divisions and other working papers used to compile the agency budget.

(II) Copies of OSF Form 55, Capital Outlay Projects; OSF Form 47, Detail of Personnel by Sub-Activity; PSF From 47.1, Detail of Exempted Personnel by Sub-Activity; OSF From 47.2, Detail of Professional Services by Sub-Activity; OSF Form 16, detail of Expenditures by Sub-Activity; OSF Form 22, Summary of Sub-Activities within an Activity; OSF From 17, Detail of Expenditures by Activity; OSF From 21, Summary of Activities within an Agency; OSF From 33, Estimate of Income To Agency Funds; OSF Form 48, Request for Allotment and/or Appropriation Transfer; OSF Form 47, Detail of Personnel by Sub-Activity-Revision; OSF From 47.2, Detail of Professional Services by Sub-Activity-Revision; OSF Form 16, Detail of Expenditures by Sub-Activity- Revision; OSF Form 22, Summary of Sub-Activities within an Activity-Revision; OSF From 21, Summary of Activities Within an Agency-Revision; OSF Form 33, Estimate of Income to Agency Funds-Revision budget requests and materials submitted from various divisions and working papers used to compile the Department's budget work program.

(III) Copies of OSF Form 24A requesting that revolving and appropriated funds be posted to agency accounts.

(IV) Copies of OSF Form 48 requesting that appropriate funds be transferred to different line items.

(V) Copies of letters submitted to the Office of State Finance requesting the establishment of treasury fund accounts.

(C) **State finance reports.**

(i) Unless specifically provided otherwise by administrative rule, all state finance report records shall be retained in-office house until placed in permanent storage. Such documents shall be held in permanent storage for perpetuity.

(ii) The following records shall be retained in-office for three (3) years until placed in permanent storage. Such documents shall be held in permanent storage for perpetuity.

(I) Monthly computer printouts from the Office of State Finance listing the closing balances of all treasury accounts.

(II) Monthly computer printouts from the Office of State Finance showing beginning account balances, receipts, disbursements, transfers, and ending balances for each Department fund.

(III) Computer printout from Office of State Finance listing deposit totals for the current month and fiscal year.

(IV) Computer printout from Office of State Finance listing all deposits.

(V) Copies of OSF Form PFT submitted to the Office of State Finance showing transfer activity between budgetary funds and the payroll fund (data includes fund, agency, account, sub-activity, transfer, debit and credit).

(VI) Journal entries by agency and fund.

(VII) Monthly computer printouts from the office of State Finance listing expenditures by object of expenditure sequence.

(VIII) Computer printouts from the Office of State Finance listing agency expenditures by object code in fund sequence.

(IX) Monthly computer printouts from the Office of State Financing listing expenditures incurred within each agency fund and the amount.

(X) Computer printouts from the Office of State Finance listing processed warrantless claims.

(XI) Computer printouts from the Office of State Finance listing expenditures pertaining to contractual services, i.e., legal, architectural, administrative, and consulting.

(XII) SEFA Transactions Report.

(XIII) Computer printouts from the Office of State Finance listing statutory cancellation of warrants.

(XIV) Monthly printout generated by Office of State Finance listing outstanding Purchase Orders.

(XV) Lapse Fund Advance Notice/Continuing Funds.

(XVI) Cumulative quarterly computer printout from the Office of State Finance listing Department travel claims.

(XVII) Cumulative monthly computer printout forms the Office of State Finance listing expenditures against authorizations.

(D) **Procurement and other costs related records.**

(i) Unless specifically provided otherwise by administrative rule, all procurement and communication costs records shall be retained in-office for not less than seven (7) years from the date of purchase.

(ii) The following documents shall be retained in-office until no longer needed for administrative purposes.

(I) Correspondence and materials from Risk Management Division concerning policies and rules and regulations regarding Risk Management.

(II) Records containing inventory and sales reports (FMD-1) for Department owned vehicles, including vehicle number, make, model and year, purchase date, cost, license tag number, location and whether owned, loaned or leased by the Department.

(III) Monthly summaries turned into Fleet Management Division reporting fuel cost and usage, maintenance done and cost and related information.

(IV) Records containing correspondence and reports detailing Fleet Management policies and rules and regulations.

(V) Postal Service Form 3083-Trust Accounts and Withdrawal Receipts-Postal Service form received daily by agency showing balance for Business Reply Mail (Permit 601) and Record of Registered, Insured, C.O.D., Certified, and Express Mail-U.S. Postal Service PS Form 38877, used in conjunction with special mail services records shall be retained in-office house for one (1) year after all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies.

(VI) Copies of procurement documents including, but not limited to, correspondence, forms, bid documents, and bid responses, completed in-office or by the Department of Central Services for acquisition of products and/or services will be retained in accordance with the OMES rules for record retention.

(VII) Monthly telephone bills and applicable attachments sent by the Office of State Finance.

(VIII) Memos, worksheets, and invitations to bid on surplus property shall be retained in-office for ten (10) years after sale or transfer provided all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies.

(IX) Contracts for leasing of space for office, warehouse, or storage and contracts for the leasing of equipment shall be retained in accordance with the OMES rules for record retention.

(X) Reports of auctions conducted by the Department, including but not limited to letters to the Central Purchasing Division of OMES requesting permission for auction, lists of items to be auctioned, letter from OMES authorizing sale, buyer sign-in sheets, sales tickets, amounts recorded by buyer (net sales, tax, gross), report to OMES on items sold and price of each, and other miscellaneous supporting documents, and copies of reports to Oklahoma Tax Commission (Schedule 83-13, Series 3-1) on sales tax derived from the auction shall be retained in-office for five (5) years provided all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies.

(XI) Records of detailed vehicle maintenance for Department owned vehicles shall be retained in-office until the vehicle is sold or otherwise disposed provided all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies.

(10) **Electronic records.**

(A) **Data processing, planning, development, and evaluation records.**  Records consisting of planning, development, and evaluation records relating to selection, including feasibility studies, planning documents, and justification supporting materials; implementation; upgrading, modification, or conversion of systems and equipment; procedures; and manuals pertaining to the acquisition and use of data processing equipment shall be retained in accordance with the OMES rules for records retention.

(B) **Systems documentation records.** Records consisting of record layouts, code books, technical specifications, flow charts, job control records, test data, and all other records pertaining to systems operations shall be retained in-office until one (1) year after applicable equipment or program has been disposed of or discontinued provided all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies

(C) **Internal systems usage logs.** System Usage Logs and all allied records used to record system usage within the Department shall be retained in-office for ninety (90) days.

(D) **Federal Bureau of Investigation systems usage logs.**  System Usage Logs and all allied records used to record system usage involving contact or use with the electronic systems of the Federal Bureau of Investigations shall be retained in-office for one (1) year.

(E) **E-Mail.**  All communications transmitted through the email system that are made in connection with the transaction of official business, the expenditure of public funds, or the administration of public property are considered state records subject to the Records Management Act, 67 O.S. §§ 201 through 217 and the Open Records Act, 51 O.S. § 24A.1, *et seq.*

(11) **Information services records.**

(A) **Criminal history information request forms.**  Criminal History Information Request Forms used to request copies of a criminal history from the Department and all other correspondence relating to such requests shall be retained in-office for sixty (60) days

(B) **Uniform crime reporting documents.**  Reports from contributing agencies used by the Department in furtherance of an investigation shall be retained in accordance with OAC 595:1-9-10(6)(B).

(C)  **Open record requests.**

(i) Requests for records and all related correspondence shall be retained in-office until such request is fulfilled or denied plus an additional two (2) years.

(ii) All other records pertaining to requests for information under provisions of the Oklahoma Records Act [51 O.S., §24A1, *et seq.*], shall be retained in-office for two (2) years.

(iii) The original of any record provided in response to a record or information request shall be retained in-office 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.

(D) **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 subpoena and of any record provided in response to a subpoena shall be retained in-office 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.

(12) **Wrecker and Towing Services.** Records relating to Title 595, Chapter 25 of the Oklahoma Administrative Code shall be retained in-office for a minimum of ten (10) years from the date of last action.

(13) **Audit reports.** 375:8-3-27. Reports of audits conducted by the Department, State of Oklahoma, the Federal Government, or private auditing firms shall be retained in-office for ten (10) years.

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

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