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**Mary Fallin, Governor**  
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# Table of Contents

<b>Agency/Action/Subject Index</b> .....	iii
<b>Rules Affected Index</b> .....	iv
<b>Agency Index (Title numbers assigned)</b> .....	xx
<b>Notices of Rulemaking Intent</b>	
Real Estate Appraiser Board (Title 600) .....	1803
Tax Commission, Oklahoma (Title 710) .....	1803
<b>Legislative Disapprovals</b>	
Construction Industries Board (Title 158) .....	1805, 1806
<b>Emergency Adoptions</b>	
Construction Industries Board (Title 158) .....	1807
<b>Permanent Final Adoptions</b>	
Psychologists, State Board of Examiners of (Title 575) .....	1813, 1815
Tourism and Recreation Department, Oklahoma (Title 725) .....	1820
<b>Executive Orders (Title 1)</b> .....	1825



# Agency/Action/Subject Index

**CONSTRUCTION Industries Board (Title 158)**

*Legislative Disapprovals*

Procedures of the Oklahoma Construction Industries Board  
 (Chapter 1) ..... 1805  
 Plumbing Industry Regulations (Chapter 30) ..... 1805  
 Electrical Industry Regulations (Chapter 40) ..... 1805  
 Mechanical Industry Regulations (Chapter 50) ..... 1805  
 Inspectors Regulations (Chapter 60) ..... 1806  
 Home Inspectors Act (Chapter 70) ..... 1806

*Emergency Adoptions*

Home Inspectors Act (Chapter 70) ..... 1807

**GOVERNOR**

*Executive Orders*

Ordering flags at half-staff to honor victims of shooting in Oak  
 Creek, Wisconsin (12-22) ..... 1825

**PSYCHOLOGISTS, State Board of Examiners of  
 (Title 575)**

*Permanent Final Adoptions*

Organization of Board and Procedures for Handling  
 Complaints (Chapter 1) ..... 1813  
 Licensure of Psychologists (Chapter 10) ..... 1815

**REAL Estate Appraiser Board (Title 600)**

*Notices of Rulemaking Intent*

Licensure and Certification Requirements  
 (Chapter 10) ..... 1803

**TAX Commission, Oklahoma (Title 710)**

*Notices of Rulemaking Intent*

Sales and Use Tax (Chapter 65) ..... 1803

**TOURISM and Recreation Department, Oklahoma  
 (Title 725)**

*Permanent Final Adoptions*

Division of State Parks (Chapter 30) ..... 1820

# Rules Affected Index

[(E) = Emergency action]

Rule	Register Page	Rule	Register Page
10:15-23-2.1. ....	[NEW] (E) ..... 95	35:40-15-7. ....	[NEW] ..... 588
10:15-23-2.1. ....	[NEW] ..... 1687	35:44-1-2. ....	[AMENDED] (E) ..... 352
10:15-25-4. ....	[AMENDED] (E) ..... 96	35:44-1-2. ....	[AMENDED] ..... 920
10:15-25-4. ....	[AMENDED] ..... 1688	35:44-1-3. ....	[AMENDED] ..... 921
25:15-1-2. ....	[AMENDED] ..... 451	35:44-3-3. ....	[AMENDED] ..... 921
25:15-1-3. ....	[AMENDED] ..... 452	35:55-1-1. ....	[NEW] (E) ..... 1748
25:15-1-4. ....	[AMENDED] ..... 453	35:55-1-2. ....	[NEW] (E) ..... 1748
25:30-1-2. ....	[AMENDED] ..... 457	35:55-1-3. ....	[NEW] (E) ..... 1748
25:30-1-3. ....	[AMENDED] ..... 458	35:55-1-4. ....	[NEW] (E) ..... 1749
25:30-3-4. ....	[AMENDED] ..... 458	35:55-1-5. ....	[NEW] (E) ..... 1749
25:30-7-1. ....	[AMENDED] ..... 458	35:55-1-6. ....	[NEW] (E) ..... 1750
25:30-7-3. ....	[AMENDED] ..... 459	35:55-1-7. ....	[NEW] (E) ..... 1750
25:30-9-3. ....	[AMENDED] ..... 459	35:55-1-8. ....	[NEW] (E) ..... 1750
35:2-3-10. ....	[REVOKED] ..... 583	35:55-1-9. ....	[NEW] (E) ..... 1750
35:3-1-3. ....	[NEW] ..... 1688	35:55-1-10. ....	[NEW] (E) ..... 1750
35:3-1-5. ....	[NEW] ..... 895	35:55-1-11. ....	[NEW] (E) ..... 1751
35:10-1-3. ....	[AMENDED] ..... 584	35:55-1-12. ....	[NEW] (E) ..... 1751
35:13-1-1. ....	[AMENDED] ..... 1689	35:55-1-13. ....	[NEW] (E) ..... 1751
35:13-1-2. ....	[AMENDED] ..... 1689	35:55-3-1. ....	[NEW] (E) ..... 1751
35:15-3-2. ....	[AMENDED] ..... 897	35:55-3-2. ....	[NEW] (E) ..... 1751
35:15-5-1. ....	[AMENDED] ..... 1690	35:55-3-3. ....	[NEW] (E) ..... 1751
35:15-11-52. ....	[AMENDED] ..... 898	35:55-3-4. ....	[NEW] (E) ..... 1752
35:15-11-53. ....	[AMENDED] ..... 899	35:55-3-5. ....	[NEW] (E) ..... 1752
35:15-11-54. ....	[AMENDED] ..... 899	35:55-3-6. ....	[NEW] (E) ..... 1753
35:15-11-55. ....	[AMENDED] ..... 901	35:55-3-7. ....	[NEW] (E) ..... 1753
35:15-11-56. ....	[AMENDED] ..... 902	35:55-3-8. ....	[NEW] (E) ..... 1753
35:15-15-72. ....	[REVOKED] ..... 902	35:55-3-9. ....	[NEW] (E) ..... 1753
35:15-36-3. ....	[AMENDED] ..... 1691	35:55-3-10. ....	[NEW] (E) ..... 1753
35:15-42-51. ....	[AMENDED] ..... 1692	35:55-5-1. ....	[NEW] (E) ..... 1753
35:15-44-4. ....	[AMENDED] ..... 1692	35:55-5-2. ....	[NEW] (E) ..... 1754
35:15-44-6. ....	[AMENDED] ..... 1693	35:55-5-3. ....	[NEW] (E) ..... 1754
35:15-45-37. ....	[REVOKED] ..... 1691	35:55-5-4. ....	[NEW] (E) ..... 1754
35:15-45-39. ....	[AMENDED] ..... 1691	35:55-5-5. ....	[NEW] (E) ..... 1756
35:15-45-132. ....	[AMENDED] ..... 1693	35:55-7-1. ....	[NEW] (E) ..... 1756
35:15-47-6. ....	[AMENDED] ..... 1693	35:55-7-2. ....	[NEW] (E) ..... 1756
35:17-3-6. ....	[AMENDED] ..... 903	35:55-7-3. ....	[NEW] (E) ..... 1757
35:17-3-11. ....	[AMENDED] ..... 906	35:55-7-4. ....	[NEW] (E) ..... 1757
35:17-3-13. ....	[AMENDED] ..... 909	35:55-7-5. ....	[NEW] (E) ..... 1757
35:17-3-14. ....	[AMENDED] ..... 910	35:55-7-6. ....	[NEW] (E) ..... 1757
35:17-3-25. ....	[AMENDED] ..... 911	55:10-1-3. ....	[AMENDED] ..... 921
35:17-4-4. ....	[AMENDED] ..... 913	55:10-3-3. ....	[AMENDED] ..... 923
35:17-4-9. ....	[AMENDED] ..... 914	55:10-3-6. ....	[AMENDED] ..... 923
35:17-4-11. ....	[AMENDED] ..... 916	55:10-3-11. ....	[AMENDED] ..... 923
35:17-4-12. ....	[AMENDED] ..... 917	55:10-3-13. ....	[AMENDED] ..... 923
35:17-4-21. ....	[AMENDED] ..... 918	55:10-5-1. ....	[AMENDED] ..... 924
35:17-5-11. ....	[AMENDED] ..... 1694	55:10-5-2. ....	[AMENDED] ..... 924
35:17-7-8. ....	[AMENDED] ..... 1695	55:10-5-4. ....	[AMENDED] ..... 924
35:30-17-13. ....	[AMENDED] ..... 585	55:10-5-5. ....	[AMENDED] ..... 924
35:30-17-89.1. ....	[AMENDED] ..... 585	55:10-5-6. ....	[AMENDED] ..... 924
35:30-43-1. ....	[NEW] (E) ..... 351	55:10-5-7. ....	[AMENDED] ..... 925
35:30-43-2. ....	[NEW] (E) ..... 351	55:10-5-8. ....	[AMENDED] ..... 925
35:37-3-1. ....	[AMENDED] ..... 586	55:10-5-10. ....	[AMENDED] ..... 925
35:37-3-3. ....	[AMENDED] ..... 586	55:10-5-11. ....	[AMENDED] ..... 927
35:37-5-1. ....	[AMENDED] ..... 586	55:10-7-1. ....	[AMENDED] ..... 928
35:37-5-2. ....	[AMENDED] ..... 586	55:10-7-2. ....	[AMENDED] ..... 928
35:40-15-1. ....	[NEW] ..... 587	55:10-7-9. ....	[AMENDED] ..... 928
35:40-15-2. ....	[NEW] ..... 587	55:10-9-1. ....	[AMENDED] ..... 929
35:40-15-3. ....	[NEW] ..... 587	55:10-9-6. ....	[AMENDED] ..... 929
35:40-15-4. ....	[NEW] ..... 588	55:10-9-8. ....	[AMENDED] ..... 929
35:40-15-5. ....	[NEW] ..... 588	55:10-9-10. ....	[AMENDED] ..... 929
35:40-15-6. ....	[NEW] ..... 588	55:10-11-7. ....	[AMENDED] ..... 930

55:10-11-9. . . . . [AMENDED] . . . . .	930	165:5-7-9. . . . . [AMENDED] . . . . .	943
55:10-11-10. . . . . [AMENDED] . . . . .	931	165:5-7-27. . . . . [AMENDED] . . . . .	944
55:10-13-1. . . . . [AMENDED] . . . . .	931	165:5-7-35.1. . . . . [NEW] . . . . .	945
55:10-13-2. . . . . [AMENDED] . . . . .	932	165:5-9-2. . . . . [AMENDED] . . . . .	946
55:10-13-4. . . . . [AMENDED] . . . . .	932	165:5-9-3. . . . . [AMENDED] . . . . .	947
55:10-13-5. . . . . [AMENDED] . . . . .	932	165:10-1-2. . . . . [AMENDED] . . . . .	950
55:10-13-6. . . . . [AMENDED] . . . . .	932	165:10-1-4. . . . . [AMENDED] . . . . .	950
55:10-13-7. . . . . [AMENDED] . . . . .	933	165:10-3-4. . . . . [AMENDED] . . . . .	950
55:10-13-8. . . . . [AMENDED] . . . . .	933	165:10-3-10. . . . . [AMENDED] . . . . .	950
55:10-13-9. . . . . [AMENDED] . . . . .	933	165:10-3-28. . . . . [AMENDED] . . . . .	950
55:10-13-10. . . . . [AMENDED] . . . . .	933	165:10-5-5. . . . . [AMENDED] . . . . .	950
55:10-13-12. . . . . [AMENDED] . . . . .	933	165:10-7-5. . . . . [AMENDED] . . . . .	950
55:10-13-13. . . . . [AMENDED] . . . . .	933	165:10-7-16. . . . . [AMENDED] . . . . .	950
55:10-13-16. . . . . [AMENDED] . . . . .	933	165:10-7-19. . . . . [AMENDED] . . . . .	950
55:10-13-20. . . . . [AMENDED] . . . . .	934	165:10-7-20. . . . . [AMENDED] . . . . .	950
55:10-15-4. . . . . [AMENDED] . . . . .	934	165:10-7-24. . . . . [AMENDED] . . . . .	950
55:10-15-9. . . . . [AMENDED] . . . . .	934	165:10-9-1. . . . . [AMENDED] . . . . .	950
55:10-15-11. . . . . [AMENDED] . . . . .	934	165:10-9-2. . . . . [AMENDED] . . . . .	950
55:10-17-6. . . . . [AMENDED] . . . . .	934	165:10-9-3. . . . . [AMENDED] . . . . .	950
55:10-17-7. . . . . [AMENDED] . . . . .	935	165:10-9-4. . . . . [AMENDED] . . . . .	950
55:10-17-9. . . . . [AMENDED] . . . . .	935	165:10-11-3. . . . . [AMENDED] . . . . .	950
55:10-17-10. . . . . [AMENDED] . . . . .	935	165:10-21-21. . . . . [AMENDED] . . . . .	950
55:10-17-12. . . . . [AMENDED] . . . . .	936	165:10-21-22. . . . . [AMENDED] . . . . .	950
75:15-1-1.1. . . . . [AMENDED] . . . . .	1759	165:10-21-36. . . . . [AMENDED] . . . . .	950
75:15-1-2. . . . . [AMENDED] . . . . .	1760	165:10-21-45. . . . . [AMENDED] . . . . .	950
75:15-2-1. . . . . [AMENDED] . . . . .	1763	165:10-21-55. . . . . [AMENDED] . . . . .	950
75:15-2-2. . . . . [AMENDED] . . . . .	1765	165:10-21-58. . . . . [AMENDED] . . . . .	950
75:15-2-3. . . . . [AMENDED] . . . . .	1765	165:10-21-78. . . . . [AMENDED] . . . . .	950
75:15-2-4. . . . . [AMENDED] . . . . .	1766	165:10-21-80. . . . . [AMENDED] . . . . .	950
75:15-5-3. . . . . [AMENDED] . . . . .	1766	165:10-21-82. . . . . [AMENDED] . . . . .	950
75:15-5-3.1. . . . . [AMENDED] . . . . .	1766	165:10-21-82.2. . . . . [AMENDED] . . . . .	950
75:15-7-1. . . . . [AMENDED] . . . . .	1767	165:10-21-82.3. . . . . [AMENDED] . . . . .	950
75:15-7-5. . . . . [AMENDED] . . . . .	1768	165:10-29-3. . . . . [NEW] . . . . .	950
75:15-7-6. . . . . [AMENDED] . . . . .	1768	165:30-3-1. . . . . [AMENDED] . . . . .	952
75:15-7-9. . . . . [AMENDED] . . . . .	1768	165:30-3-3. . . . . [AMENDED] . . . . .	953
75:15-13-1. . . . . [AMENDED] . . . . .	1769	165:30-3-11. . . . . [AMENDED] . . . . .	953
75:15-17-3. . . . . [AMENDED] . . . . .	1769	165:30-3-17. . . . . [AMENDED] . . . . .	955
75:25-1-2. . . . . [AMENDED] . . . . .	1770	165:30-3-71. . . . . [AMENDED] . . . . .	955
75:25-1-2.1. . . . . [NEW] . . . . .	1770	165:30-3-75. . . . . [AMENDED] . . . . .	955
75:25-1-3. . . . . [AMENDED] . . . . .	1771	165:30-3-92. . . . . [AMENDED] . . . . .	955
75:25-3-1. . . . . [AMENDED] . . . . .	1773	165:30-7-6. . . . . [AMENDED] . . . . .	956
75:25-3-4. . . . . [AMENDED] . . . . .	1774	165:30-7-12. . . . . [AMENDED] . . . . .	956
75:25-3-6. . . . . [AMENDED] . . . . .	1776	165:30-7-15. . . . . [NEW] . . . . .	957
75:25-3-13. . . . . [AMENDED] . . . . .	1776	165:30-10-45. . . . . [AMENDED] . . . . .	957
75:25-3-15. . . . . [AMENDED] . . . . .	1776	165:30-13-2. . . . . [AMENDED] . . . . .	957
75:25-3-16. . . . . [AMENDED] . . . . .	1776	165:30-13-20. . . . . [AMENDED] . . . . .	958
75:25-5-3. . . . . [AMENDED] . . . . .	1776	165:30-13-26. . . . . [AMENDED] . . . . .	959
75:25-5-19. . . . . [AMENDED] . . . . .	1777	165:30-15-4. . . . . [AMENDED] . . . . .	960
75:25-5-20. . . . . [AMENDED] . . . . .	1777	165:30-16-1. . . . . [AMENDED] . . . . .	961
75:25-5-21. . . . . [AMENDED] . . . . .	1778	165:30-16-11. . . . . [NEW] . . . . .	961
87:10-1-2. . . . . [AMENDED] (E) . . . . .	11	165:30-19-3. . . . . [AMENDED] . . . . .	961
87:10-17-3. . . . . [AMENDED] (E) . . . . .	12	165:30-19-4. . . . . [AMENDED] . . . . .	962
87:10-19-1. . . . . [AMENDED] (E) . . . . .	14	165:30-19-19. . . . . [AMENDED] . . . . .	962
92:10-1-2. . . . . [AMENDED] . . . . .	1696	165:30-21-4. . . . . [AMENDED] . . . . .	963
92:10-1-5. . . . . [AMENDED] . . . . .	1697	165:30-21-16. . . . . [AMENDED] . . . . .	963
92:10-1-8. . . . . [AMENDED] . . . . .	1697	165:35-34-1. . . . . [AMENDED] . . . . .	1541
120:10-5-25. . . . . [AMENDED] . . . . .	1698	165:35-34-3. . . . . [AMENDED] . . . . .	1542
120:10-15-16. . . . . [NEW] . . . . .	1700	165:35-34-4. . . . . [NEW] . . . . .	1544
158:70-1-3. . . . . [AMENDED] (E) . . . . .	1807	165:35-37-1. . . . . [AMENDED] . . . . .	1546
160:5-1-2. . . . . [AMENDED] . . . . .	936	165:35-37-4. . . . . [AMENDED] . . . . .	1546
165:5-1-3. . . . . [AMENDED] . . . . .	939	165:35-43-1. . . . . [NEW] . . . . .	1547
165:5-1-5. . . . . [AMENDED] . . . . .	939	165:35-43-2. . . . . [NEW] . . . . .	1547
165:5-1-26. . . . . [AMENDED] . . . . .	940	165:35-43-3. . . . . [NEW] . . . . .	1547
165:5-3-1. . . . . [AMENDED] . . . . .	947	165:35-43-4. . . . . [NEW] . . . . .	1547
165:5-5-1. . . . . [AMENDED] . . . . .	940	165:35-43-5. . . . . [NEW] . . . . .	1548
165:5-7-6.1. . . . . [NEW] . . . . .	942	165:35-43-6. . . . . [NEW] . . . . .	1548
165:5-7-6.2. . . . . [NEW] . . . . .	942	165:35-43-7. . . . . [NEW] . . . . .	1548

**Rules Affected Index – *continued***

165:55-1-1. . . . . [AMENDED] . . . . .	1550	165:55-15-5. . . . . [AMENDED] . . . . .	1578
165:55-1-4. . . . . [AMENDED] . . . . .	1550	165:55-17-29. . . . . [AMENDED] . . . . .	1579
165:55-1-13. . . . . [AMENDED] . . . . .	1554	165:55-22-5. . . . . [AMENDED] . . . . .	1579
165:55-3-1. . . . . [AMENDED] . . . . .	1554	165:55-22-9. . . . . [AMENDED] . . . . .	1580
165:55-3-20. . . . . [AMENDED] . . . . .	1557	165:55-23-1. . . . . [AMENDED] . . . . .	1581
165:55-3-22. . . . . [AMENDED] . . . . .	1557	165:55-25-1. . . . . [AMENDED] . . . . .	1581
165:55-3-23. . . . . [AMENDED] . . . . .	1558	165:55, App. A. . . . . [REVOKED] . . . . .	1582
165:55-3-31. . . . . [REVOKED] . . . . .	1559	165:59-3-62. . . . . [AMENDED] . . . . .	1583
165:55-5-1. . . . . [AMENDED] . . . . .	1559	165:59-7-1. . . . . [AMENDED] . . . . .	1585
165:55-5-2. . . . . [AMENDED] . . . . .	1559	165:59-7-6. . . . . [AMENDED] . . . . .	1585
165:55-5-3. . . . . [REVOKED] . . . . .	1559	175:10-7-5. . . . . [AMENDED] . . . . .	964
165:55-5-10. . . . . [AMENDED] . . . . .	1560	175:10-7-6. . . . . [AMENDED] . . . . .	964
165:55-5-10.1. . . . . [REVOKED] . . . . .	1560	175:10-7-31. . . . . [NEW] . . . . .	964
165:55-5-10.2. . . . . [AMENDED] . . . . .	1561	175:10-9-55. . . . . [NEW] . . . . .	964
165:55-5-10.3. . . . . [AMENDED] . . . . .	1561	210:1-3-2. . . . . [AMENDED] (E) . . . . .	96
165:55-5-11. . . . . [AMENDED] . . . . .	1561	210:1-3-2. . . . . [AMENDED] . . . . .	965
165:55-5-13. . . . . [AMENDED] . . . . .	1562	210:1-5-7. . . . . [AMENDED] (E) . . . . .	100
165:55-5-14. . . . . [AMENDED] . . . . .	1562	210:1-5-7. . . . . [AMENDED] . . . . .	969
165:55-5-20. . . . . [AMENDED] . . . . .	1563	210:1-5-8. . . . . [AMENDED] (E) . . . . .	101
165:55-5-21. . . . . [AMENDED] . . . . .	1563	210:1-5-8. . . . . [AMENDED] . . . . .	970
165:55-5-22. . . . . [AMENDED] . . . . .	1563	210:10-1-9. . . . . [REVOKED] (E) . . . . .	14
165:55-5-23. . . . . [AMENDED] . . . . .	1563	210:10-1-9. . . . . [REVOKED] . . . . .	972
165:55-5-30. . . . . [AMENDED] . . . . .	1563	210:10-1-18. . . . . [NEW] . . . . .	973
165:55-5-32. . . . . [AMENDED] . . . . .	1564	210:10-1-19. . . . . [NEW] . . . . .	975
165:55-5-34. . . . . [AMENDED] . . . . .	1564	210:10-1-20. . . . . [NEW] . . . . .	1587
165:55-5-36. . . . . [AMENDED] . . . . .	1564	210:10-9-6. . . . . [AMENDED] . . . . .	1588
165:55-5-50. . . . . [REVOKED] . . . . .	1564	210:10-13-16. . . . . [AMENDED] (E) . . . . .	1683
165:55-5-64. . . . . [REVOKED] . . . . .	1565	210:10-13-22. . . . . [NEW] . . . . .	1589
165:55-5-65. . . . . [REVOKED] . . . . .	1565	210:15-3-5.8. . . . . [REVOKED] . . . . .	1701
165:55-5-66. . . . . [REVOKED] . . . . .	1565	210:15-3-90. . . . . [REVOKED] . . . . .	1701
165:55-5-67. . . . . [REVOKED] . . . . .	1567	210:15-3-90.1. . . . . [REVOKED] . . . . .	1701
165:55-5-68. . . . . [REVOKED] . . . . .	1567	210:15-3-90.2. . . . . [NEW] . . . . .	1701
165:55-5-69. . . . . [REVOKED] . . . . .	1567	210:15-3-90.3. . . . . [NEW] . . . . .	1701
165:55-5-70. . . . . [REVOKED] . . . . .	1567	210:15-3-91. . . . . [REVOKED] . . . . .	1701
165:55-5-71. . . . . [REVOKED] . . . . .	1567	210:15-3-91.1. . . . . [NEW] . . . . .	1701
165:55-5-72. . . . . [REVOKED] . . . . .	1567	210:15-3-92. . . . . [REVOKED] . . . . .	1701
165:55-5-73. . . . . [REVOKED] . . . . .	1567	210:15-3-92.2. . . . . [NEW] . . . . .	1701
165:55-5-74. . . . . [REVOKED] . . . . .	1567	210:15-3-93. . . . . [REVOKED] . . . . .	1701
165:55-5-75. . . . . [REVOKED] . . . . .	1567	210:15-3-93.3. . . . . [NEW] . . . . .	1701
165:55-5-76. . . . . [REVOKED] . . . . .	1567	210:15-3-94. . . . . [REVOKED] . . . . .	1701
165:55-9-1. . . . . [AMENDED] . . . . .	1568	210:15-3-94.4. . . . . [NEW] . . . . .	1701
165:55-9-2. . . . . [AMENDED] . . . . .	1568	210:15-3-95. . . . . [REVOKED] . . . . .	1701
165:55-9-4. . . . . [AMENDED] . . . . .	1569	210:15-3-95.5. . . . . [NEW] . . . . .	1701
165:55-9-8. . . . . [AMENDED] . . . . .	1569	210:15-3-96. . . . . [REVOKED] . . . . .	1701
165:55-9-14. . . . . [AMENDED] . . . . .	1569	210:15-3-96.6. . . . . [NEW] . . . . .	1701
165:55-11-4. . . . . [AMENDED] . . . . .	1570	210:15-3-97. . . . . [REVOKED] . . . . .	1701
165:55-11-7. . . . . [AMENDED] . . . . .	1571	210:15-3-97.7. . . . . [NEW] . . . . .	1701
165:55-11-12. . . . . [AMENDED] . . . . .	1571	210:15-3-98. . . . . [REVOKED] . . . . .	1701
165:55-11-13. . . . . [AMENDED] . . . . .	1571	210:15-3-98.8. . . . . [NEW] . . . . .	1701
165:55-11-14. . . . . [AMENDED] . . . . .	1572	210:15-3-99. . . . . [REVOKED] . . . . .	1701
165:55-13-1. . . . . [AMENDED] . . . . .	1572	210:15-3-99.9. . . . . [NEW] . . . . .	1701
165:55-13-2. . . . . [AMENDED] . . . . .	1572	210:15-3-100. . . . . [REVOKED] . . . . .	1701
165:55-13-10. . . . . [AMENDED] . . . . .	1572	210:15-3-100.1. . . . . [NEW] . . . . .	1701
165:55-13-12. . . . . [AMENDED] . . . . .	1573	210:15-3-100.2. . . . . [NEW] . . . . .	1701
165:55-13-12.1. . . . . [NEW] . . . . .	1574	210:15-3-100.3. . . . . [NEW] . . . . .	1701
165:55-13-20. . . . . [AMENDED] . . . . .	1574	210:15-3-101. . . . . [REVOKED] . . . . .	1701
165:55-13-22. . . . . [AMENDED] . . . . .	1575	210:15-3-101.1. . . . . [NEW] . . . . .	1701
165:55-13-23. . . . . [AMENDED] . . . . .	1575	210:15-3-102. . . . . [REVOKED] . . . . .	1701
165:55-13-24. . . . . [AMENDED] . . . . .	1575	210:15-3-102.2. . . . . [NEW] . . . . .	1701
165:55-13-30. . . . . [AMENDED] . . . . .	1576	210:15-3-103. . . . . [REVOKED] . . . . .	1701
165:55-13-31. . . . . [REVOKED] . . . . .	1576	210:15-3-103.3. . . . . [NEW] . . . . .	1701
165:55-13-50. . . . . [AMENDED] . . . . .	1576	210:15-3-104. . . . . [REVOKED] . . . . .	1701
165:55-13-51. . . . . [AMENDED] . . . . .	1576	210:15-3-104.4. . . . . [NEW] . . . . .	1701
165:55-13-52. . . . . [AMENDED] . . . . .	1576	210:15-8-3. . . . . [REVOKED] . . . . .	1701
165:55-13-53. . . . . [AMENDED] . . . . .	1576	210:15-23-10. . . . . [NEW] . . . . .	1701
165:55-15-1. . . . . [AMENDED] . . . . .	1577	210:15-27-1. . . . . [AMENDED] (E) . . . . .	103
165:55-15-3. . . . . [REVOKED] . . . . .	1578	210:15-27-1. . . . . [AMENDED] . . . . .	977

210:15-27-2. .... [NEW] .....	978	252:100-31-25. .... [AMENDED] .....	999
210:15-27-3. .... [NEW] .....	979	252:100-31-26. .... [AMENDED] .....	1000
210:15-34-1. .... [NEW] .....	980	252:100-31-27. .... [REVOKED] .....	1001
210:15-34-2. .... [NEW] .....	981	252:100, App. Q. .... [REVOKED] .....	590
210:15-34-3. .... [NEW] .....	981	252:100, App. Q. .... [NEW] .....	590
210:15-34-4. .... [NEW] .....	981	252:110-1-1. .... [AMENDED] .....	1002
210:15-34-5. .... [NEW] .....	981	252:110-1-2. .... [AMENDED] .....	1002
210:15-34-6. .... [NEW] .....	982	252:110-1-7. .... [REVOKED] .....	1002
210:15-34-7. .... [NEW] .....	982	252:110-5-1. .... [AMENDED] .....	1002
210:15-34-8. .... [NEW] .....	982	252:110-15-1. .... [NEW] .....	1003
210:15-34-9. .... [NEW] .....	982	252:110-15-2. .... [NEW] .....	1004
210:15-34-10. .... [NEW] .....	982	252:110-15-3. .... [NEW] .....	1004
210:15-34-11. .... [NEW] .....	983	252:110-15-4. .... [NEW] .....	1004
210:15-34-12. .... [NEW] .....	983	252:110-15-5. .... [NEW] .....	1004
210:15-34-13. .... [NEW] .....	983	252:110-15-6. .... [NEW] .....	1005
210:15-34-14. .... [NEW] .....	983	252:205-3-1. .... [AMENDED] .....	620
210:15-34-15. .... [NEW] .....	983	252:410-1-7. .... [AMENDED] .....	621
210:15-34-16. .... [NEW] .....	983	252:410-3-33. .... [AMENDED] .....	627
210:20-9-98. .... [AMENDED] .....	1595	252:410-10-1. .... [AMENDED] .....	621
210:20-9-104. .... [NEW] .....	1596	252:410-10-35. .... [AMENDED] .....	622
210:25-5-5. .... [AMENDED] .....	1597	252:410-10-40. .... [AMENDED] .....	624
210:30-5-1. .... [AMENDED] .....	984	252:410-10-71. .... [AMENDED] .....	625
240:1-3-9. .... [AMENDED] .....	459	252:410-11-1. .... [AMENDED] .....	628
240:5-1-3. .... [NEW] .....	461	252:410-11-2. .... [AMENDED] .....	629
240:10-1-2. .... [AMENDED] .....	461	252:410-11-4. .... [AMENDED] .....	629
240:10-1-4. .... [NEW] .....	463	252:410-11-71. .... [AMENDED] .....	629
240:10-1-5. .... [NEW] .....	463	252:410-11-74. .... [AMENDED] .....	629
240:10-3-20. .... [AMENDED] .....	463	252:410-11-75. .... [AMENDED] .....	630
240:10-3-23. .... [AMENDED] .....	463	252:410-11-81. .... [AMENDED] .....	631
240:10-3-24. .... [REVOKED] .....	464	252:410-19-1. .... [REVOKED] .....	631
240:10-3-41. .... [AMENDED] .....	465	252:410-19-2. .... [REVOKED] .....	631
240:10-3-45. .... [AMENDED] .....	465	252:410-19-3. .... [REVOKED] .....	632
240:10-3-54. .... [NEW] .....	466	252:410-19-4. .... [REVOKED] .....	632
240:15-11-1. .... [AMENDED] .....	466	252:410-19-5. .... [REVOKED] .....	632
240:21-1-1. .... [AMENDED] .....	467	252:410-19-6. .... [REVOKED] .....	632
240:21-1-2. .... [AMENDED] .....	467	252:410-19-7. .... [REVOKED] .....	632
240:21-1-3. .... [AMENDED] .....	468	252:410-19-8. .... [REVOKED] .....	632
240:21-1-4. .... [NEW] .....	468	252:410-19-9. .... [REVOKED] .....	632
240:21-3-1. .... [REVOKED] .....	468	252:410-19-10. .... [REVOKED] .....	633
240:21-3-2. .... [REVOKED] .....	468	252:410-19-11. .... [REVOKED] .....	633
240:21-3-3. .... [REVOKED] .....	468	252:410-20-1. .... [AMENDED] .....	625
240:21-3-4. .... [REVOKED] .....	468	252:515-1-2. .... [AMENDED] .....	1006
240:21-3-5. .... [REVOKED] .....	468	252:515-1-3. .... [AMENDED] .....	1010
240:21-3-6. .... [REVOKED] .....	468	252:515-3-1. .... [AMENDED] .....	1010
240:21-7-1. .... [AMENDED] .....	468	252:515-3-2. .... [AMENDED] .....	1010
240:21-7-2. .... [AMENDED] .....	469	252:515-3-6. .... [AMENDED] .....	1011
240:21-7-3. .... [AMENDED] .....	469	252:515-3-39. .... [AMENDED] .....	1011
240:21-7-5. .... [AMENDED] .....	469	252:515-19-1. .... [AMENDED] .....	1011
252:4-7-73. .... [AMENDED] .....	988	252:515-19-38. .... [AMENDED] .....	1012
252:4-7-74. .... [AMENDED] .....	989	252:515-19-40. .... [AMENDED] .....	1012
252:100-1-3. .... [AMENDED] .....	990	252:515-21-1. .... [AMENDED] .....	1012
252:100-2-1. .... [AMENDED] .....	589	252:515-21-2. .... [AMENDED] .....	1012
252:100-2-3. .... [AMENDED] .....	589	252:515-21-3. .... [AMENDED] .....	1013
252:100-7-15. .... [AMENDED] .....	994	252:515-21-4. .... [AMENDED] .....	1013
252:100-7-18. .... [AMENDED] .....	995	252:515-21-5. .... [AMENDED] .....	1013
252:100-8-2. .... [AMENDED] .....	605	252:515-21-32. .... [AMENDED] .....	1013
252:100-8-4. .... [AMENDED] .....	609	252:515-21-32.1. .... [AMENDED] .....	1014
252:100-8-31. .... [AMENDED] .....	611	252:515-21-33. .... [AMENDED] .....	1014
252:100-8-33. .... [AMENDED] .....	618	252:515-21-34. .... [AMENDED] .....	1014
252:100-8-51.1. .... [AMENDED] .....	620	252:515-21-35. .... [AMENDED] .....	1014
252:100-31-1. .... [AMENDED] .....	997	252:515-21-36. .... [AMENDED] .....	1014
252:100-31-2. .... [AMENDED] .....	997	252:515-21-51. .... [AMENDED] .....	1014
252:100-31-4. .... [NEW] .....	998	252:515-21-71. .... [AMENDED] .....	1015
252:100-31-7. .... [AMENDED] .....	998	252:515-21-72. .... [AMENDED] .....	1015
252:100-31-13. .... [AMENDED] .....	998	252:515-21-74. .... [AMENDED] .....	1016
252:100-31-15. .... [AMENDED] .....	998	252:515-21-75. .... [AMENDED] .....	1016
252:100-31-16. .... [AMENDED] .....	999	252:515-21-91. .... [AMENDED] .....	1016

**Rules Affected Index – *continued***

252:515-21-92. . . . . [AMENDED] . . . . .	1016	252:656-9-2. . . . . [AMENDED] . . . . .	1070
252:515-21-111. . . . . [AMENDED] . . . . .	1017	252:656-25-1. . . . . [AMENDED] . . . . .	1071
252:515-21-112. . . . . [AMENDED] . . . . .	1017	252:656-25-2. . . . . [AMENDED] . . . . .	1071
252:515, App. H. . . . . [REVOKED] . . . . .	1019	252:656-27-1. . . . . [NEW] . . . . .	1071
252:515, App. H. . . . . [NEW] . . . . .	1019	252:656-27-2. . . . . [NEW] . . . . .	1072
252:515, App. I. . . . . [REVOKED] . . . . .	1025	252:656-27-3. . . . . [NEW] . . . . .	1072
252:515, App. I. . . . . [NEW] . . . . .	1025	252:656-27-4. . . . . [NEW] . . . . .	1073
252:606-1-4. . . . . [AMENDED] . . . . .	634	252:656-27-5. . . . . [NEW] . . . . .	1073
252:619-1-4. . . . . [AMENDED] . . . . .	1030	265:45-1-1. . . . . [NEW] . . . . .	1600
252:619-3-2. . . . . [AMENDED] . . . . .	1031	265:45-1-2. . . . . [NEW] . . . . .	1600
252:619-3-3. . . . . [REVOKED] . . . . .	1032	265:45-1-3. . . . . [NEW] . . . . .	1600
252:619-5-2. . . . . [REVOKED] . . . . .	1032	265:45-1-4. . . . . [NEW] . . . . .	1600
252:621-1-1. . . . . [AMENDED] . . . . .	1033	265:45-1-5. . . . . [NEW] . . . . .	1600
252:621-3-4. . . . . [REVOKED] . . . . .	1033	265:45-1-6. . . . . [NEW] . . . . .	1600
252:621-3-5. . . . . [REVOKED] . . . . .	1034	310:515-1-3. . . . . [AMENDED] . . . . .	1602
252:621-3-6. . . . . [REVOKED] . . . . .	1034	310:515-1-4. . . . . [AMENDED] . . . . .	1602
252:621-5-2. . . . . [REVOKED] . . . . .	1034	310:515-1-8. . . . . [AMENDED] . . . . .	1603
252:621-5-3. . . . . [REVOKED] . . . . .	1035	310:667-13-5. . . . . [NEW] . . . . .	1604
252:621-5-4. . . . . [REVOKED] . . . . .	1035	317:2-1-2. . . . . [AMENDED] (E) . . . . .	187
252:621-7-1. . . . . [AMENDED] . . . . .	1035	317:2-1-2. . . . . [AMENDED] . . . . .	470
252:623-1-7. . . . . [AMENDED] . . . . .	635	317:2-1-15. . . . . [NEW] (E) . . . . .	188
252:626-9-2. . . . . [AMENDED] . . . . .	1036	317:2-1-15. . . . . [NEW] . . . . .	471
252:626-9-8. . . . . [AMENDED] . . . . .	1036	317:10-1-1. . . . . [AMENDED] . . . . .	1074
252:626-9-9. . . . . [AMENDED] . . . . .	1037	317:10-1-12. . . . . [AMENDED] . . . . .	1074
252:626-9-14. . . . . [NEW] . . . . .	1041	317:30-3-2. . . . . [AMENDED] . . . . .	1076
252:626-13-1. . . . . [AMENDED] . . . . .	1042	317:30-3-5. . . . . [AMENDED] . . . . .	472
252:626-13-2. . . . . [AMENDED] . . . . .	1042	317:30-3-19.1. . . . . [NEW] . . . . .	1075
252:626-13-3. . . . . [AMENDED] . . . . .	1043	317:30-3-40. . . . . [AMENDED] . . . . .	1077
252:626-13-4. . . . . [AMENDED] . . . . .	1043	317:30-3-42. . . . . [AMENDED] . . . . .	1078
252:626-13-5. . . . . [AMENDED] . . . . .	1043	317:30-3-57. . . . . [AMENDED] . . . . .	1078
252:627-1-1. . . . . [NEW] . . . . .	1045	317:30-5-7. . . . . [AMENDED] . . . . .	1085
252:627-1-2. . . . . [NEW] . . . . .	1045	317:30-5-12. . . . . [AMENDED] . . . . .	1086
252:627-1-3. . . . . [NEW] . . . . .	1045	317:30-5-42.6. . . . . [AMENDED] . . . . .	1107
252:627-1-4. . . . . [NEW] . . . . .	1046	317:30-5-58. . . . . [NEW] (E) . . . . .	190
252:627-1-5. . . . . [NEW] . . . . .	1046	317:30-5-58. . . . . [NEW] . . . . .	475
252:627-1-6. . . . . [NEW] . . . . .	1047	317:30-5-95.24. . . . . [AMENDED] (E) . . . . .	414
252:627-1-7. . . . . [NEW] . . . . .	1047	317:30-5-95.24. . . . . [AMENDED] . . . . .	1126
252:627-3-1. . . . . [NEW] . . . . .	1047	317:30-5-95.25. . . . . [AMENDED] (E) . . . . .	415
252:627-3-2. . . . . [NEW] . . . . .	1047	317:30-5-95.25. . . . . [AMENDED] . . . . .	1127
252:627-3-3. . . . . [NEW] . . . . .	1048	317:30-5-95.26. . . . . [AMENDED] (E) . . . . .	415
252:627-3-4. . . . . [NEW] . . . . .	1048	317:30-5-95.26. . . . . [AMENDED] . . . . .	1127
252:627-5-1. . . . . [NEW] . . . . .	1049	317:30-5-95.27. . . . . [AMENDED] (E) . . . . .	415
252:627, App. A. . . . . [NEW] . . . . .	1050	317:30-5-95.27. . . . . [AMENDED] . . . . .	1127
252:631-1-3. . . . . [AMENDED] . . . . .	1051	317:30-5-95.28. . . . . [AMENDED] (E) . . . . .	416
252:631-3-3. . . . . [AMENDED] . . . . .	1051	317:30-5-95.28. . . . . [AMENDED] . . . . .	1128
252:631-3-11. . . . . [AMENDED] . . . . .	1053	317:30-5-95.29. . . . . [AMENDED] (E) . . . . .	416
252:641-1-2. . . . . [AMENDED] . . . . .	1054	317:30-5-95.29. . . . . [AMENDED] . . . . .	1128
252:641-1-3. . . . . [AMENDED] . . . . .	1055	317:30-5-95.30. . . . . [AMENDED] (E) . . . . .	416
252:641-3-2. . . . . [AMENDED] . . . . .	1056	317:30-5-95.30. . . . . [AMENDED] . . . . .	1128
252:641-3-4. . . . . [AMENDED] . . . . .	1057	317:30-5-95.31. . . . . [AMENDED] (E) . . . . .	417
252:641-9-2. . . . . [AMENDED] . . . . .	1058	317:30-5-95.31. . . . . [AMENDED] . . . . .	1129
252:641-10-2. . . . . [AMENDED] . . . . .	1058	317:30-5-96.2. . . . . [AMENDED] . . . . .	1080
252:641-10-3. . . . . [AMENDED] . . . . .	1059	317:30-5-122. . . . . [AMENDED] . . . . .	1081
252:641-15-3. . . . . [AMENDED] . . . . .	1060	317:30-5-123. . . . . [AMENDED] . . . . .	1089
252:641, App. C. . . . . [REVOKED] . . . . .	1061	317:30-5-211.2. . . . . [AMENDED] . . . . .	474
252:641, App. C. . . . . [NEW] . . . . .	1061	317:30-5-211.10. . . . . [AMENDED] . . . . .	1103
252:656-1-1. . . . . [AMENDED] . . . . .	1062	317:30-5-240. . . . . [AMENDED] (E) . . . . .	417
252:656-1-2. . . . . [AMENDED] . . . . .	1062	317:30-5-240. . . . . [AMENDED] . . . . .	1129
252:656-1-3. . . . . [NEW] . . . . .	1063	317:30-5-240.1. . . . . [AMENDED] (E) . . . . .	417
252:656-3-1. . . . . [AMENDED] . . . . .	1063	317:30-5-240.1. . . . . [AMENDED] . . . . .	1129
252:656-3-2. . . . . [AMENDED] . . . . .	1063	317:30-5-240.2. . . . . [AMENDED] (E) . . . . .	418
252:656-3-4. . . . . [AMENDED] . . . . .	1064	317:30-5-240.2. . . . . [AMENDED] . . . . .	1130
252:656-3-5. . . . . [AMENDED] . . . . .	1067	317:30-5-241. . . . . [AMENDED] (E) . . . . .	419
252:656-3-6. . . . . [AMENDED] . . . . .	1068	317:30-5-241. . . . . [AMENDED] . . . . .	1131
252:656-3-8. . . . . [REVOKED] . . . . .	1069	317:30-5-241.1. . . . . [AMENDED] (E) . . . . .	420
252:656-3-9. . . . . [AMENDED] . . . . .	1069	317:30-5-241.1. . . . . [AMENDED] . . . . .	1132
252:656-3-10. . . . . [AMENDED] . . . . .	1070	317:30-5-241.2. . . . . [AMENDED] (E) . . . . .	422

317:30-5-241.2. . . . . [AMENDED] . . . . .	1134	317:35-9-1. . . . . [AMENDED] . . . . .	1163
317:30-5-241.3. . . . . [AMENDED] (E) . . . . .	425	317:35-9-5. . . . . [AMENDED] . . . . .	1163
317:30-5-241.3. . . . . [AMENDED] . . . . .	1137	317:35-9-25. . . . . [AMENDED] . . . . .	1164
317:30-5-241.4. . . . . [AMENDED] (E) . . . . .	426	317:35-9-45. . . . . [AMENDED] . . . . .	1164
317:30-5-241.4. . . . . [AMENDED] . . . . .	1138	317:35-9-48.1. . . . . [AMENDED] . . . . .	1165
317:30-5-241.5. . . . . [AMENDED] (E) . . . . .	426	317:35-9-49. . . . . [AMENDED] . . . . .	1166
317:30-5-241.5. . . . . [AMENDED] . . . . .	1139	317:35-9-97. . . . . [AMENDED] . . . . .	1166
317:30-5-276. . . . . [AMENDED] (E) . . . . .	429	317:35-10-38. . . . . [AMENDED] . . . . .	1166
317:30-5-276. . . . . [AMENDED] . . . . .	1141	317:35-13-7. . . . . [AMENDED] . . . . .	1170
317:30-5-281. . . . . [AMENDED] (E) . . . . .	430	317:35-15-1. . . . . [AMENDED] . . . . .	1166
317:30-5-281. . . . . [AMENDED] . . . . .	1142	317:35-17-1. . . . . [AMENDED] . . . . .	1172
317:30-5-291. . . . . [AMENDED] . . . . .	478	317:35-17-2. . . . . [AMENDED] . . . . .	1173
317:30-5-296. . . . . [AMENDED] . . . . .	478	317:35-17-3. . . . . [AMENDED] (E) . . . . .	204
317:30-5-306. . . . . [AMENDED] . . . . .	1107	317:35-17-3. . . . . [AMENDED] . . . . .	1176
317:30-5-307. . . . . [AMENDED] . . . . .	1107	317:35-17-4. . . . . [AMENDED] . . . . .	1178
317:30-5-326.1. . . . . [AMENDED] . . . . .	1104	317:35-17-5. . . . . [AMENDED] . . . . .	1178
317:30-5-327. . . . . [AMENDED] . . . . .	1105	317:35-17-11. . . . . [AMENDED] . . . . .	1180
317:30-5-327.1. . . . . [AMENDED] . . . . .	1105	317:35-17-12. . . . . [AMENDED] . . . . .	1183
317:30-5-327.2. . . . . [REVOKED] . . . . .	1106	317:35-17-14. . . . . [AMENDED] . . . . .	1183
317:30-5-328. . . . . [NEW] . . . . .	1106	317:35-17-15. . . . . [AMENDED] . . . . .	1187
317:30-5-390. . . . . [AMENDED] . . . . .	1081	317:35-17-16. . . . . [AMENDED] . . . . .	1187
317:30-5-410. . . . . [AMENDED] . . . . .	1082	317:35-17-17. . . . . [REVOKED] . . . . .	1188
317:30-5-420. . . . . [AMENDED] . . . . .	1082	317:35-17-18. . . . . [AMENDED] . . . . .	1188
317:30-5-423. . . . . [AMENDED] . . . . .	1082	317:35-17-19. . . . . [AMENDED] . . . . .	1188
317:30-5-465. . . . . [REVOKED] . . . . .	1086	317:35-17-21.1. . . . . [AMENDED] . . . . .	1189
317:30-5-466. . . . . [REVOKED] . . . . .	1086	317:35-17-24. . . . . [AMENDED] . . . . .	1189
317:30-5-467. . . . . [REVOKED] . . . . .	1087	317:35-18-1. . . . . [AMENDED] . . . . .	1190
317:30-5-480. . . . . [AMENDED] . . . . .	1083	317:35-18-2. . . . . [AMENDED] . . . . .	1190
317:30-5-482. . . . . [AMENDED] . . . . .	1092	317:35-18-3. . . . . [AMENDED] . . . . .	1190
317:30-5-482. . . . . [AMENDED] (E) . . . . .	1788	317:35-18-4. . . . . [AMENDED] . . . . .	1190
317:30-5-495. . . . . [AMENDED] . . . . .	1083	317:35-18-5. . . . . [AMENDED] . . . . .	1190
317:30-5-515. . . . . [AMENDED] . . . . .	1083	317:35-18-6. . . . . [AMENDED] . . . . .	1191
317:30-5-535. . . . . [AMENDED] . . . . .	1083	317:35-18-7. . . . . [AMENDED] . . . . .	1192
317:30-5-596. . . . . [AMENDED] (E) . . . . .	431	317:35-18-9. . . . . [AMENDED] . . . . .	1192
317:30-5-596. . . . . [AMENDED] . . . . .	1144	317:35-18-10. . . . . [AMENDED] . . . . .	1192
317:30-5-596.1. . . . . [AMENDED] (E) . . . . .	434	317:35-18-11. . . . . [AMENDED] . . . . .	1193
317:30-5-596.1. . . . . [AMENDED] . . . . .	1146	317:35-19-3. . . . . [AMENDED] . . . . .	1167
317:30-5-664.5. . . . . [AMENDED] . . . . .	1088	317:35-19-8. . . . . [AMENDED] . . . . .	1167
317:30-5-676. . . . . [AMENDED] . . . . .	478	317:35-19-9. . . . . [AMENDED] . . . . .	1167
317:30-5-696. . . . . [AMENDED] . . . . .	1108	317:35-22-1. . . . . [AMENDED] . . . . .	1157
317:30-5-698. . . . . [AMENDED] . . . . .	1111	317:35-23-2. . . . . [AMENDED] . . . . .	1193
317:30-5-741. . . . . [AMENDED] (E) . . . . .	434	317:35-23-3. . . . . [AMENDED] . . . . .	1194
317:30-5-741. . . . . [AMENDED] . . . . .	1147	317:35-23-4. . . . . [AMENDED] . . . . .	1194
317:30-5-760. . . . . [AMENDED] . . . . .	1083	317:40-1-1. . . . . [AMENDED] . . . . .	1195
317:30-5-763. . . . . [AMENDED] (E) . . . . .	193	317:40-5-3. . . . . [AMENDED] . . . . .	1200
317:30-5-763. . . . . [AMENDED] . . . . .	1114	317:40-5-5. . . . . [AMENDED] . . . . .	1202
317:30-5-1011. . . . . [AMENDED] . . . . .	1084	317:40-5-8. . . . . [REVOKED] . . . . .	1203
317:30-5-1012. . . . . [AMENDED] . . . . .	1097	317:40-5-9. . . . . [AMENDED] . . . . .	1204
317:30-5-1014. . . . . [AMENDED] . . . . .	1097	317:40-5-13. . . . . [AMENDED] . . . . .	1204
317:30-5-1023. . . . . [AMENDED] . . . . .	1098	317:40-5-59. . . . . [AMENDED] . . . . .	1205
317:30-5-1027. . . . . [AMENDED] . . . . .	1101	317:40-5-101. . . . . [AMENDED] . . . . .	1206
317:30-5-1076. . . . . [AMENDED] . . . . .	1084	317:40-5-110. . . . . [AMENDED] (E) . . . . .	1793
317:30-5-1154. . . . . [AMENDED] . . . . .	1088	317:40-5-113. . . . . [AMENDED] . . . . .	1208
317:30-5-1201. . . . . [AMENDED] . . . . .	1102	317:40-5-152. . . . . [AMENDED] . . . . .	1198
317:35-3-2. . . . . [AMENDED] . . . . .	1148	317:40-7-4. . . . . [AMENDED] . . . . .	1199
317:35-5-2. . . . . [AMENDED] . . . . .	1150	317:40-7-12. . . . . [AMENDED] . . . . .	1208
317:35-5-4. . . . . [AMENDED] . . . . .	1154	317:40-7-15. . . . . [AMENDED] . . . . .	1209
317:35-5-8. . . . . [AMENDED] . . . . .	1150	317:40-7-21. . . . . [AMENDED] . . . . .	1209
317:35-5-41.8. . . . . [AMENDED] . . . . .	1158	317:45-1-3. . . . . [AMENDED] . . . . .	1211
317:35-5-42. . . . . [AMENDED] . . . . .	479	317:45-1-4. . . . . [AMENDED] . . . . .	1212
317:35-5-43. . . . . [AMENDED] . . . . .	1156	317:45-9-4. . . . . [AMENDED] . . . . .	484
317:35-6-15. . . . . [AMENDED] . . . . .	1161	317:45-11-10. . . . . [AMENDED] . . . . .	485
317:35-7-15. . . . . [AMENDED] . . . . .	1161	317:45-11-12. . . . . [AMENDED] . . . . .	486
317:35-7-37. . . . . [AMENDED] . . . . .	1150	317:45-11-24. . . . . [AMENDED] . . . . .	487
317:35-7-48. . . . . [AMENDED] . . . . .	1151	317:45-13-1. . . . . [AMENDED] . . . . .	488
317:35-7-60. . . . . [AMENDED] . . . . .	1151	317:50-1-2. . . . . [AMENDED] . . . . .	1213
317:35-7-60.1. . . . . [AMENDED] . . . . .	1153	317:50-1-3. . . . . [AMENDED] . . . . .	1214

**Rules Affected Index – continued**

317:50-1-4. .... [AMENDED] .....	1218	340:50-5-3. .... [AMENDED] .....	799
317:50-3-2. .... [AMENDED] .....	1215	340:50-5-28. .... [AMENDED] .....	799
317:50-3-4. .... [AMENDED] .....	1219	340:50-5-45. .... [AMENDED] .....	800
317:50-5-2. .... [AMENDED] .....	1216	340:50-7-29. .... [AMENDED] .....	802
317:50-5-4. .... [AMENDED] .....	1220	340:50-7-30. .... [AMENDED] .....	804
318:10-1-6. .... [AMENDED] .....	725	340:50-9-1. .... [AMENDED] .....	806
318:10-1-11. .... [AMENDED] .....	725	340:50-9-4. .... [AMENDED] .....	809
325:20-1-21. .... [AMENDED] .....	1221	340:50-9-5. .... [AMENDED] .....	810
325:20-1-22. .... [AMENDED] .....	1222	340:50-9-6. .... [AMENDED] .....	811
325:35-1-13. .... [AMENDED] (E) .....	724	340:65-1-2. .... [AMENDED] .....	813
325:45-1-18. .... [AMENDED] .....	1222	340:65-3-1. .... [AMENDED] .....	815
325:75-1-15. .... [AMENDED] .....	1223	340:65-3-4. .... [AMENDED] .....	818
340:2-1-8. .... [AMENDED] .....	1225	340:65-3-7. .... [AMENDED] .....	819
340:2-1-42. .... [AMENDED] .....	1226	340:65-3-8. .... [AMENDED] .....	819
340:2-1-57. .... [REVOKED] (E) .....	1795	340:65-5-1. .... [AMENDED] .....	820
340:2-3-2. .... [AMENDED] .....	726	340:75-1-44. .... [AMENDED] .....	635
340:2-3-32. .... [AMENDED] .....	732	340:75-1-45. .... [AMENDED] .....	635
340:2-3-33. .... [AMENDED] .....	734	340:75-1-86. .... [AMENDED] .....	635
340:2-3-35. .... [AMENDED] .....	735	340:75-3-6.1. .... [AMENDED] .....	635
340:2-3-36. .... [AMENDED] .....	736	340:75-3-7.1. .... [AMENDED] .....	635
340:2-3-37. .... [AMENDED] .....	741	340:75-3-7.3. .... [AMENDED] .....	635
340:5-3-4. .... [AMENDED] .....	743	340:75-3-8.4. .... [AMENDED] .....	635
340:5-5-4. .... [AMENDED] .....	744	340:75-3-10.1. .... [AMENDED] .....	635
340:5-5-6. .... [AMENDED] (E) .....	104	340:75-3-10.2. .... [AMENDED] .....	635
340:5-5-6. .... [AMENDED] .....	745	340:75-4-9. .... [AMENDED] .....	635
340:10-3-5. .... [AMENDED] .....	749	340:75-4-12.1. .... [AMENDED] .....	635
340:10-3-31. .... [AMENDED] .....	752	340:75-4-13. .... [REVOKED] .....	635
340:10-3-32. .... [AMENDED] .....	753	340:75-4-14. .... [REVOKED] .....	635
340:10-3-40. .... [AMENDED] .....	754	340:75-6-1. .... [AMENDED] .....	635
340:10-3-56. .... [AMENDED] .....	755	340:75-6-30. .... [AMENDED] .....	635
340:10-3-57. .... [AMENDED] .....	757	340:75-6-31. .... [AMENDED] .....	635
340:10-20-1. .... [REVOKED] .....	759	340:75-6-31.1. .... [AMENDED] .....	635
340:20-1-4. .... [AMENDED] .....	760	340:75-6-31.3. .... [AMENDED] .....	635
340:20-1-10. .... [AMENDED] .....	761	340:75-6-40.5. .... [AMENDED] .....	635
340:20-1-11. .... [AMENDED] .....	762	340:75-6-46. .... [AMENDED] .....	635
340:20-1-17. .... [AMENDED] .....	764	340:75-6-48. .... [AMENDED] .....	635
340:20-1-20. .... [AMENDED] .....	765	340:75-6-48.3. .... [AMENDED] .....	635
340:25-1-1.2. .... [AMENDED] .....	766	340:75-6-85.2. .... [AMENDED] .....	635
340:25-1-2.1. .... [AMENDED] .....	767	340:75-6-91. .... [AMENDED] .....	635
340:25-1-5.1. .... [AMENDED] .....	767	340:75-6-110. .... [AMENDED] .....	635
340:25-5-66. .... [AMENDED] .....	768	340:75-7-2. .... [AMENDED] .....	635
340:25-5-67. .... [AMENDED] .....	768	340:75-7-10. .... [AMENDED] .....	635
340:25-5-110.1. .... [AMENDED] .....	769	340:75-7-12. .... [AMENDED] .....	635
340:25-5-117. .... [AMENDED] .....	770	340:75-7-14. .... [AMENDED] .....	635
340:25-5-123. .... [AMENDED] .....	771	340:75-7-15. .... [AMENDED] .....	635
340:25-5-124. .... [AMENDED] .....	771	340:75-7-18. .... [AMENDED] .....	635
340:25-5-140. .... [AMENDED] .....	772	340:75-7-18. .... [NEW] .....	635
340:25-5-140.1. .... [AMENDED] .....	773	340:75-7-19. .... [AMENDED] .....	635
340:25-5-168. .... [AMENDED] .....	774	340:75-7-24. .... [AMENDED] .....	635
340:25-5-171. .... [AMENDED] .....	777	340:75-7-37. .... [AMENDED] .....	635
340:25-5-176. .... [AMENDED] .....	778	340:75-7-37.1. .... [AMENDED] .....	635
340:25-5-178. .... [AMENDED] .....	779	340:75-7-51. .... [AMENDED] .....	635
340:25-5-179.1. .... [AMENDED] .....	780	340:75-7-52. .... [AMENDED] .....	635
340:25-5-200. .... [AMENDED] .....	780	340:75-7-65. .... [AMENDED] .....	635
340:25-5-200.1. .... [AMENDED] .....	782	340:75-7-94. .... [AMENDED] .....	635
340:25-5-201.1. .... [AMENDED] .....	782	340:75-13-12. .... [AMENDED] .....	635
340:25-5-270. .... [AMENDED] .....	782	340:75-13-13. .... [AMENDED] .....	635
340:25-5-339. .... [AMENDED] .....	783	340:75-13-15. .... [REVOKED] .....	635
340:25-5-340. .... [AMENDED] .....	783	340:75-13-16. .... [AMENDED] .....	635
340:25-5-345.2. .... [AMENDED] .....	784	340:75-13-17. .... [AMENDED] .....	635
340:25-5-350.1. .... [AMENDED] .....	785	340:75-13-18. .... [AMENDED] .....	635
340:25-5-350.3. .... [AMENDED] .....	785	340:75-13-21. .... [AMENDED] .....	635
340:40-7-8. .... [AMENDED] .....	788	340:75-13-74. .... [AMENDED] .....	635
340:40-7-11. .... [AMENDED] .....	791	340:75-13-75. .... [AMENDED] .....	635
340:50-3-1. .... [AMENDED] .....	794	340:75-13-79. .... [AMENDED] .....	635
340:50-3-2. .... [AMENDED] .....	796	340:75-13-80. .... [AMENDED] .....	635
340:50-3-3. .... [AMENDED] .....	797	340:75-15-6. .... [AMENDED] .....	635

340:75-15-42. .... [AMENDED] .....	635	340:110-1-54.1. .... [AMENDED] .....	1253
340:75-15-45. .... [AMENDED] .....	635	360:10-3-13. .... [AMENDED] .....	489
340:75-15-47. .... [AMENDED] .....	635	360:10-3-24. .... [AMENDED] .....	489
340:75-15-82. .... [AMENDED] .....	635	360:10-3-25. .... [AMENDED] .....	490
340:75-15-84. .... [AMENDED] .....	635	360:10-3-29.1. .... [AMENDED] .....	490
340:75-15-87. .... [AMENDED] .....	635	360:10-5-16. .... [AMENDED] .....	490
340:75-15-88. .... [AMENDED] .....	635	360:10-5-79. .... [AMENDED] .....	491
340:75-15-89. .... [AMENDED] .....	635	360:15-1-2. .... [AMENDED] .....	492
340:75-15-103. .... [AMENDED] .....	635	360:15-1-20. .... [AMENDED] .....	492
340:75-15-128.1. .... [AMENDED] .....	635	365:1-1-4. .... [AMENDED] .....	1254
340:75-15-128.4. .... [AMENDED] .....	635	365:10-1-15. .... [AMENDED] (E) .....	253
340:75-15-128.5. .... [AMENDED] .....	635	365:10-1-15. .... [AMENDED] .....	1256
340:75-15-132. .... [AMENDED] .....	635	365:10-1-16. .... [NEW] .....	1256
340:75-16-30. .... [AMENDED] .....	635	365:10-1-31. .... [AMENDED] .....	1257
340:75-18-1. .... [AMENDED] .....	635	365:10-1-32. .... [AMENDED] .....	1257
340:75-18-3. .... [REVOKED] .....	635	365:10-5-150. .... [AMENDED] .....	1258
340:75-18-4. .... [REVOKED] .....	635	365:10-5-155. .... [AMENDED] .....	1258
340:75-18-5. .... [REVOKED] .....	635	365:10-5-164. .... [NEW] .....	1260
340:75-18-6. .... [REVOKED] .....	635	365:10-5-177. .... [AMENDED] .....	1260
340:75-18-7. .... [REVOKED] .....	635	365:10-29-1. .... [NEW] (E) .....	16
340:75-18-8. .... [REVOKED] .....	635	365:10-29-1. .... [NEW] .....	1262
340:75-18-9. .... [REVOKED] .....	635	365:10-29-2. .... [NEW] (E) .....	17
340:75-18-10. .... [REVOKED] .....	635	365:10-29-2. .... [NEW] .....	1262
340:75-18-11. .... [REVOKED] .....	635	365:10-29-3. .... [NEW] (E) .....	17
340:75-18-12. .... [REVOKED] .....	635	365:10-29-3. .... [NEW] .....	1262
340:75-18-13. .... [REVOKED] .....	635	365:10-29-4. .... [NEW] (E) .....	17
340:75-18-14. .... [REVOKED] .....	635	365:10-29-4. .... [NEW] .....	1262
340:75-18-15. .... [REVOKED] .....	635	365:10-29-5. .... [NEW] (E) .....	17
340:100-3-4. .... [AMENDED] .....	823	365:10-29-5. .... [NEW] .....	1263
340:100-3-6. .... [AMENDED] .....	825	365:10-29-6. .... [NEW] (E) .....	17
340:100-3-16. .... [NEW] .....	826	365:10-29-6. .... [NEW] .....	1263
340:100-3-27. .... [AMENDED] .....	828	365:10-29-7. .... [NEW] (E) .....	17
340:100-3-27.1. .... [AMENDED] .....	831	365:10-29-7. .... [NEW] .....	1263
340:100-3-27.2. .... [AMENDED] .....	834	365:10-29-8. .... [NEW] (E) .....	17
340:100-3-27.3. .... [REVOKED] .....	835	365:10-29-8. .... [NEW] .....	1263
340:100-3-27.4. .... [AMENDED] .....	836	365:10-29-9. .... [NEW] (E) .....	17
340:100-3-27.5. .... [AMENDED] .....	836	365:10-29-9. .... [NEW] .....	1263
340:100-3-34. .... [AMENDED] .....	837	365:10-29-10. .... [NEW] (E) .....	17
340:100-3-40. .... [AMENDED] .....	838	365:10-29-10. .... [NEW] .....	1263
340:100-5-20. .... [AMENDED] .....	839	365:10, App. PP. .... [NEW] (E) .....	18
340:100-5-35. .... [AMENDED] .....	1227	365:10, App. PP. .... [NEW] .....	1264
340:105-10-3. .... [AMENDED] .....	638	365:10, App. QQ. .... [NEW] (E) .....	20
340:105-10-50.1. .... [AMENDED] .....	643	365:10, App. QQ. .... [NEW] .....	1266
340:105-10-72. .... [AMENDED] .....	645	365:10, App. RR. .... [NEW] (E) .....	29
340:105-10-74. .... [AMENDED] .....	646	365:10, App. RR. .... [NEW] .....	1275
340:105-10-75. .... [AMENDED] .....	646	365:10, App. SS. .... [NEW] (E) .....	32
340:105-11-249. .... [AMENDED] .....	647	365:10, App. SS. .... [NEW] .....	1278
340:105-11-250. .... [AMENDED] .....	647	365:10, App. TT. .... [NEW] (E) .....	34
340:110-1-6. .... [AMENDED] .....	1230	365:10, App. TT. .... [NEW] .....	1280
340:110-1-8.3. .... [AMENDED] .....	1230	365:10, App. UU. .... [NEW] .....	1281
340:110-1-8.4. .... [NEW] .....	1238	365:10, App. VV. .... [NEW] .....	1283
340:110-1-8.5. .... [NEW] .....	1238	365:15-7-3. .... [AMENDED] .....	1286
340:110-1-8.6. .... [NEW] .....	1238	365:15-7-30. .... [AMENDED] .....	1286
340:110-1-8.7. .... [NEW] .....	1239	365:25-3-1. .... [AMENDED] .....	1287
340:110-1-8.8. .... [NEW] .....	1240	365:25-3-14. .... [AMENDED] .....	1291
340:110-1-8.9. .... [NEW] .....	1241	365:25-5-3. .... [AMENDED] .....	1295
340:110-1-8.10. .... [NEW] .....	1241	365:25-5-4. .... [AMENDED] .....	1295
340:110-1-9. .... [AMENDED] .....	1242	365:25-5-34. .... [AMENDED] .....	1295
340:110-1-9.1. .... [AMENDED] .....	1244	365:25-5-35. .... [AMENDED] .....	1296
340:110-1-9.3. .... [AMENDED] .....	1245	365:25-5-43. .... [AMENDED] .....	1296
340:110-1-10.1. .... [AMENDED] .....	1247	377:3-11-5. .... [AMENDED] (E) .....	319
340:110-1-13. .... [AMENDED] .....	1249	377:3-11-5. .... [AMENDED] .....	649
340:110-1-15. .... [AMENDED] .....	1249	377:3-11-6. .... [AMENDED] (E) .....	320
340:110-1-44. .... [AMENDED] .....	1250	377:3-11-6. .... [AMENDED] .....	649
340:110-1-46. .... [AMENDED] .....	1250	377:3-11-8. .... [AMENDED] (E) .....	320
340:110-1-47.2. .... [AMENDED] .....	1251	377:3-11-8. .... [AMENDED] .....	650
340:110-1-54. .... [AMENDED] .....	1252	377:3-11-9. .... [AMENDED] (E) .....	320

## Rules Affected Index – *continued*

377:3-11-9. .... [AMENDED] .....	650	385:35-1-4. .... [REVOKED] .....	1311
377:3-11-10. .... [AMENDED] (E) .....	320	390:1-1-4. .... [AMENDED] .....	1604
377:3-11-10. .... [AMENDED] .....	650	390:1-1-6. .... [AMENDED] .....	1606
377:3-11-11. .... [AMENDED] (E) .....	321	390:2-1-2. .... [AMENDED] .....	1606
377:3-11-11. .... [AMENDED] .....	650	390:2-1-4. .... [AMENDED] .....	1607
377:3-11-12. .... [AMENDED] (E) .....	321	390:2-1-11. .... [AMENDED] .....	1608
377:3-11-12. .... [AMENDED] .....	650	390:15-1-13. .... [AMENDED] .....	1609
377:10-7-20. .... [AMENDED] .....	651	390:15-1-18. .... [AMENDED] .....	1610
380:30-1-2. .... [AMENDED] .....	1296	390:15-3-7. .... [AMENDED] .....	1610
385:1-1-2. .... [AMENDED] .....	1298	390:15-3-8. .... [AMENDED] .....	1610
385:1-1-4. .... [AMENDED] .....	1298	390:30-1-6. .... [AMENDED] .....	1611
385:1-1-5. .... [AMENDED] .....	1298	390:31-1-3. .... [AMENDED] .....	1612
385:1-1-6. .... [AMENDED] .....	1298	390:31-1-5. .... [AMENDED] .....	1612
385:1-1-11. .... [AMENDED] .....	1298	435:10-1-4. .... [AMENDED] (E) .....	354
385:1-1-13. .... [NEW] .....	1299	435:20-5-10. .... [NEW] .....	1613
385:15-1-3. .... [AMENDED] .....	1299	435:30-1-2. .... [AMENDED] .....	1614
385:15-1-4. .... [AMENDED] .....	1299	435:30-1-16. .... [AMENDED] .....	1614
385:15-1-6. .... [AMENDED] .....	1299	450:-27-5-44. .... [NEW] .....	670
385:15-1-8. .... [AMENDED] .....	1300	450:15-3-8. .... [AMENDED] .....	493
385:15-1-9. .... [AMENDED] .....	1300	450:15-3-45. .... [AMENDED] .....	493
385:15-1-18. .... [AMENDED] .....	1301	450:15-3-66. .... [AMENDED] .....	494
385:15-1-20. .... [AMENDED] .....	1301	450:15-3-85. .... [AMENDED] .....	495
385:15-1-21. .... [AMENDED] .....	1301	450:15-7-3. .... [AMENDED] .....	495
385:15-1-22. .... [AMENDED] .....	1302	450:15-7-4. .... [AMENDED] .....	496
385:15-1-25. .... [AMENDED] .....	1302	450:15-7-6. .... [AMENDED] .....	496
385:15-1-32. .... [AMENDED] .....	1302	450:16-1-2. .... [AMENDED] .....	653
385:20-1-1. .... [AMENDED] .....	1303	450:16-5-2. .... [AMENDED] .....	655
385:20-1-2. .... [AMENDED] .....	1303	450:16-5-2.1. .... [REVOKED] .....	655
385:20-1-3. .... [AMENDED] .....	1304	450:16-5-3. .... [REVOKED] .....	656
385:20-1-6. .... [REVOKED] .....	1304	450:16-5-4. .... [NEW] .....	656
385:20-1-7. .... [AMENDED] .....	1304	450:16-5-5. .... [NEW] .....	656
385:20-1-9. .... [AMENDED] .....	1304	450:16-5-6. .... [NEW] .....	656
385:20-1-10. .... [AMENDED] .....	1304	450:16-7-1. .... [AMENDED] .....	656
385:20-1-11. .... [AMENDED] .....	1304	450:16-7-2. .... [REVOKED] .....	657
385:20-1-12. .... [AMENDED] .....	1304	450:16-7-3. .... [REVOKED] .....	657
385:20-1-13. .... [AMENDED] .....	1304	450:16-9-1. .... [AMENDED] .....	657
385:20-1-14. .... [AMENDED] .....	1305	450:16-11-1. .... [AMENDED] .....	657
385:20-1-15. .... [AMENDED] .....	1305	450:16-13-1. .... [AMENDED] .....	658
385:20-1-16. .... [AMENDED] .....	1305	450:16-13-2. .... [REVOKED] .....	658
385:20-1-17. .... [AMENDED] .....	1306	450:16-13-3. .... [REVOKED] .....	658
385:20-1-19. .... [REVOKED] .....	1306	450:16-13-4. .... [REVOKED] .....	658
385:20-1-20. .... [AMENDED] .....	1306	450:16-13-5. .... [REVOKED] .....	658
385:20-1-21. .... [AMENDED] .....	1306	450:16-13-7. .... [AMENDED] .....	658
385:20-1-22. .... [AMENDED] .....	1306	450:16-13-8. .... [REVOKED] .....	658
385:25-1-1. .... [AMENDED] .....	1307	450:16-13-9. .... [REVOKED] .....	658
385:25-1-2. .... [AMENDED] .....	1307	450:16-13-10. .... [REVOKED] .....	658
385:25-1-4. .... [AMENDED] .....	1307	450:16-13-11. .... [REVOKED] .....	658
385:25-1-5. .... [AMENDED] .....	1307	450:16-13-12. .... [AMENDED] .....	659
385:25-1-7. .... [AMENDED] .....	1307	450:16-13-13. .... [REVOKED] .....	659
385:25-1-12. .... [AMENDED] .....	1307	450:16-13-14. .... [REVOKED] .....	659
385:25-1-13. .... [AMENDED] .....	1308	450:16-13-15. .... [REVOKED] .....	659
385:25-1-15. .... [AMENDED] .....	1308	450:16-13-16. .... [REVOKED] .....	659
385:25-1-22. .... [AMENDED] .....	1308	450:16-13-17. .... [REVOKED] .....	659
385:25-1-23. .... [AMENDED] .....	1308	450:16-13-18. .... [REVOKED] .....	659
385:25-1-24. .... [AMENDED] .....	1308	450:16-13-19. .... [REVOKED] .....	659
385:25-1-25. .... [AMENDED] .....	1308	450:16-13-20. .... [REVOKED] .....	659
385:25-1-31. .... [AMENDED] .....	1309	450:16-13-22. .... [REVOKED] .....	659
385:25-1-33. .... [AMENDED] .....	1309	450:16-13-24. .... [REVOKED] .....	659
385:25-1-39. .... [REVOKED] .....	1309	450:16-13-25. .... [REVOKED] .....	659
385:25-1-40. .... [REVOKED] .....	1309	450:16-13-27. .... [AMENDED] .....	660
385:25-1-41. .... [AMENDED] .....	1309	450:16-13-27.1. .... [REVOKED] .....	660
385:25-1-43. .... [AMENDED] .....	1309	450:16-13-28. .... [REVOKED] .....	660
385:30-1-3. .... [AMENDED] .....	1310	450:16-13-33. .... [AMENDED] .....	660
385:30-1-9. .... [AMENDED] .....	1310	450:16-13-33.1. .... [REVOKED] .....	660
385:35-1-1. .... [REVOKED] .....	1311	450:16-13-33.2. .... [REVOKED] .....	660
385:35-1-2. .... [REVOKED] .....	1311	450:16-13-33.3. .... [REVOKED] .....	660
385:35-1-3. .... [REVOKED] .....	1311	450:16-13-34. .... [REVOKED] .....	660

450:16-13-35. ....	[REVOKED]	660	450:27-7-27. ....	[NEW]	673
450:16-13-35.1. ....	[REVOKED]	660	450:27-7-28. ....	[NEW]	673
450:16-13-36. ....	[AMENDED]	660	450:27-7-29. ....	[NEW]	673
450:16-13-37. ....	[REVOKED]	660	450:27-7-30. ....	[NEW]	673
450:16-13-38. ....	[REVOKED]	660	450:27-7-31. ....	[NEW]	673
450:16-13-39. ....	[REVOKED]	660	450:27-7-32. ....	[NEW]	674
450:16-13-40. ....	[REVOKED]	661	450:27-7-33. ....	[NEW]	674
450:16-13-45. ....	[REVOKED]	661	450:27-7-34. ....	[NEW]	674
450:16-13-46. ....	[REVOKED]	661	450:27-7-41. ....	[NEW]	674
450:16-13-48. ....	[AMENDED]	661	450:27-7-42. ....	[NEW]	675
450:16-13-48.1. ....	[REVOKED]	661	450:27-7-43. ....	[NEW]	675
450:16-13-49. ....	[REVOKED]	661	450:27-7-44. ....	[NEW]	675
450:16-15-1. ....	[AMENDED]	661	450:27-7-45. ....	[NEW]	675
450:16-15-5. ....	[REVOKED]	661	450:27-7-46. ....	[NEW]	675
450:16-23-1. ....	[AMENDED]	661	450:27-7-47. ....	[NEW]	675
450:16-27-1. ....	[REVOKED]	661	460:3-1-5. ....	[AMENDED]	1779
450:16-27-2. ....	[REVOKED]	662	460:3, App. A. ....	[REVOKED]	1781
450:16-27-3. ....	[REVOKED]	662	460:10-17-6. ....	[AMENDED]	1782
450:16-27-4. ....	[REVOKED]	662	460:10-35-8. ....	[NEW]	1782
450:16-27-5. ....	[NEW]	662	475:1-1-1. ....	[AMENDED]	1312
450:16-29-5. ....	[REVOKED]	662	475:1-5-6. ....	[AMENDED]	1312
450:16-29-7. ....	[AMENDED]	662	475:1-5-11. ....	[AMENDED]	1312
450:16-29-8. ....	[AMENDED]	662	475:10-1-2. ....	[AMENDED]	1313
450:16-29-9. ....	[REVOKED]	662	475:10-1-3. ....	[AMENDED]	1313
450:16-30-1. ....	[NEW]	663	475:10-1-5. ....	[AMENDED]	1313
450:27-1-1. ....	[NEW]	663	475:10-1-9. ....	[AMENDED]	1314
450:27-1-2. ....	[NEW]	663	475:10-1-10. ....	[AMENDED]	1314
450:27-1-3. ....	[NEW]	665	475:10-1-11. ....	[AMENDED]	1315
450:27-1-4. ....	[NEW]	665	475:10-1-15. ....	[AMENDED]	1316
450:27-1-5. ....	[NEW]	666	475:10-1-16. ....	[AMENDED]	1316
450:27-1-6. ....	[NEW]	666	475:10-1-20. ....	[AMENDED]	1316
450:27-3-1. ....	[NEW]	666	475:10-1-21. ....	[AMENDED]	1316
450:27-3-2. ....	[NEW]	666	475:10-1-22. ....	[AMENDED]	1316
450:27-3-3. ....	[NEW]	666	475:15-1-2. ....	[AMENDED]	1317
450:27-3-3.1. ....	[NEW]	666	475:15-1-3. ....	[AMENDED]	1317
450:27-3-21. ....	[NEW]	666	475:20-1-5. ....	[AMENDED]	1318
450:27-3-22. ....	[NEW]	666	475:20-1-7. ....	[AMENDED]	1319
450:27-3-23. ....	[NEW]	667	475:20-1-8. ....	[AMENDED]	1319
450:27-3-24. ....	[NEW]	667	475:25-1-7. ....	[AMENDED]	1319
450:27-3-25. ....	[NEW]	667	475:25-1-9. ....	[AMENDED]	1319
450:27-3-26. ....	[NEW]	667	475:25-1-10. ....	[AMENDED]	1320
450:27-3-41. ....	[NEW]	667	475:25-1-12. ....	[AMENDED]	1320
450:27-3-42. ....	[NEW]	668	475:30-1-4. ....	[AMENDED]	1320
450:27-3-43. ....	[NEW]	668	475:30-1-6. ....	[AMENDED]	1321
450:27-3-61. ....	[NEW]	668	475:30-1-10. ....	[AMENDED]	1322
450:27-3-62. ....	[NEW]	668	475:30-1-11. ....	[AMENDED]	1322
450:27-5-1. ....	[NEW]	668	475:30-1-15. ....	[AMENDED]	1323
450:27-5-2. ....	[NEW]	669	475:45-1-1. ....	[AMENDED]	1323
450:27-5-21. ....	[NEW]	669	475:45-1-2. ....	[AMENDED]	1323
450:27-5-22. ....	[NEW]	669	475:45-1-3. ....	[AMENDED]	1323
450:27-5-23. ....	[NEW]	669	475:45-1-4. ....	[AMENDED]	1323
450:27-5-41. ....	[NEW]	670	475:45-1-5. ....	[AMENDED]	1324
450:27-5-42. ....	[NEW]	670	475:50-1-4. ....	[AMENDED]	1324
450:27-5-45. ....	[NEW]	670	475:55-1-2. ....	[AMENDED]	1325
450:27-7-1. ....	[NEW]	670	475:55-1-5. ....	[AMENDED]	1325
450:27-7-2. ....	[NEW]	670	485:1-1-1. ....	[AMENDED]	1615
450:27-7-3. ....	[NEW]	670	485:10-1-1. ....	[AMENDED]	1617
450:27-7-4. ....	[NEW]	671	485:10-1-2. ....	[AMENDED]	1617
450:27-7-5. ....	[NEW]	671	485:10-1-3. ....	[AMENDED]	1618
450:27-7-6. ....	[NEW]	671	485:10-5-12. ....	[AMENDED]	1619
450:27-7-7. ....	[NEW]	671	485:10-7-1. ....	[AMENDED]	1619
450:27-7-21. ....	[NEW]	671	485:10-7-2. ....	[AMENDED]	1620
450:27-7-22. ....	[NEW]	672	485:10-7-4. ....	[AMENDED]	1621
450:27-7-23. ....	[NEW]	672	485:10-7-5. ....	[AMENDED]	1622
450:27-7-24. ....	[NEW]	672	485:10-8-1. ....	[NEW]	1622
450:27-7-25. ....	[NEW]	672	485:10-9-1. ....	[AMENDED]	1622
450:27-7-26. ....	[NEW]	672	485:10-9-2. ....	[AMENDED]	1623

## Rules Affected Index – *continued*

485:10-9-4. ....	[AMENDED]	1625	490:10-1-5.2. ....	[NEW]	1339
485:10-9-5. ....	[AMENDED]	1626	490:10-1-9. ....	[REVOKED]	1339
485:10-10-2. ....	[AMENDED]	1626	490:10-1-10. ....	[REVOKED]	1340
485:10-10-3. ....	[AMENDED]	1626	490:10-1-11. ....	[AMENDED]	1340
485:10-10-5. ....	[AMENDED]	1626	490:10-3-1. ....	[AMENDED]	1340
485:10-10-6. ....	[AMENDED]	1627	490:10-3-2. ....	[AMENDED]	1341
485:10-10-7. ....	[AMENDED]	1627	490:10-3-3. ....	[AMENDED]	1341
485:10-10-8. ....	[AMENDED]	1627	490:10-3-4. ....	[AMENDED]	1342
485:10-10-8.1. ....	[AMENDED]	1627	490:10-3-5. ....	[AMENDED]	1342
485:10-10-10. ....	[AMENDED]	1628	490:10-3-6. ....	[AMENDED]	1343
485:10-11-1. ....	[AMENDED]	1628	490:10-5-3. ....	[AMENDED]	1343
485:10-11-2. ....	[AMENDED]	1629	490:10-5-5. ....	[AMENDED]	1344
485:10-11-3. ....	[AMENDED]	1631	490:10-7-3. ....	[AMENDED]	1345
485:10-13-1. ....	[AMENDED]	1631	490:10-8-2. ....	[AMENDED]	1345
485:10-13-2. ....	[AMENDED]	1631	490:10-8-3. ....	[AMENDED]	1345
485:10-13-3. ....	[AMENDED]	1631	490:10-8-4. ....	[AMENDED]	1345
485:10-15-4. ....	[AMENDED]	1631	490:10-8-5. ....	[AMENDED]	1345
485:10-15-4.1. ....	[REVOKED]	1633	490:10-8-5.1. ....	[AMENDED]	1346
485:10-15-5. ....	[AMENDED]	1633	490:10-8-6. ....	[AMENDED]	1346
485:10-15-6. ....	[AMENDED]	1634	490:10-8-7. ....	[AMENDED]	1346
485:10-15-7. ....	[AMENDED]	1635	490:10-8-8. ....	[AMENDED]	1346
485:10-15-8. ....	[AMENDED]	1635	490:10-8-10. ....	[AMENDED]	1346
485:10-15-9. ....	[AMENDED]	1636	490:10-8-11. ....	[AMENDED]	1346
485:10-15-9.1. ....	[NEW]	1636	490:10-8-13. ....	[AMENDED]	1347
485:10-16-1. ....	[AMENDED]	1636	490:10-8-14. ....	[AMENDED]	1347
485:10-16-2. ....	[AMENDED]	1637	490:10-13-1. ....	[AMENDED]	1347
485:10-16-3. ....	[AMENDED]	1637	490:10-13-2. ....	[AMENDED]	1348
485:10-16-4. ....	[AMENDED]	1638	490:10-13-3. ....	[AMENDED]	1349
485:10-16-5. ....	[AMENDED]	1638	490:15-1-3. ....	[AMENDED]	1351
485:10-16-6. ....	[AMENDED]	1638	490:15-1-3.1. ....	[AMENDED]	1351
485:10-16-7. ....	[AMENDED]	1639	490:15-1-4. ....	[AMENDED]	1351
485:10-16-8. ....	[AMENDED]	1639	490:15-3-2. ....	[AMENDED]	1351
485:10-18-2. ....	[AMENDED]	1639	490:15-3-3. ....	[NEW]	1352
485:10-18-3. ....	[AMENDED]	1640	530:10-3-22. ....	[AMENDED]	1353
485:10-18-4. ....	[AMENDED]	1640	530:10-7-19. ....	[REVOKED]	1354
485:10-18-5. ....	[AMENDED]	1640	530:10-9-37. ....	[AMENDED]	1354
490:1-1-1. ....	[AMENDED]	1326	530:10-9-38. ....	[AMENDED]	1354
490:1-1-2. ....	[AMENDED]	1326	530:10-9-52. ....	[AMENDED]	1354
490:1-3-1. ....	[AMENDED]	1328	530:10-9-100. ....	[AMENDED]	1355
490:1-3-2. ....	[AMENDED]	1328	530:10-9-111. ....	[AMENDED]	1355
490:1-5-2. ....	[AMENDED]	1329	530:10-9-131. ....	[AMENDED]	1355
490:1-5-2.1. ....	[AMENDED]	1329	530:10-15-58. ....	[NEW] (E)	63
490:1-5-3. ....	[AMENDED]	1329	530:10-15-58. ....	[NEW]	1356
490:1-5-6. ....	[NEW]	1329	530:10-17-77. ....	[AMENDED]	1356
490:1-5-7. ....	[AMENDED]	1329	530:10, App. A. ....	[REVOKED] (E)	64
490:1-5-7.1. ....	[AMENDED]	1330	530:10, App. A. ....	[NEW] (E)	64
490:1-5-8. ....	[AMENDED]	1330	530:10, App. A. ....	[REVOKED]	1358
490:1-6-1. ....	[REVOKED]	1330	530:10, App. A. ....	[NEW]	1358
490:1-7-1. ....	[AMENDED]	1333	535:1-11-1. ....	[AMENDED]	1641
490:1-7-2. ....	[AMENDED]	1333	535:15-3-4.1. ....	[AMENDED]	1641
490:1-9-1. ....	[AMENDED]	1330	535:15-3-17. ....	[AMENDED]	1642
490:1-9-2. ....	[AMENDED]	1331	535:15-6-9. ....	[AMENDED]	1642
490:1-9-3. ....	[AMENDED]	1331	535:15-16-1. ....	[NEW]	1642
490:1-9-4. ....	[AMENDED]	1331	535:15-16-2. ....	[NEW]	1642
490:1-9-5. ....	[AMENDED]	1334	535:15-16-3. ....	[NEW]	1642
490:10-1-1. ....	[AMENDED]	1335	535:15-16-4. ....	[NEW]	1643
490:10-1-2.1. ....	[AMENDED]	1335	535:15-16-5. ....	[NEW]	1643
490:10-1-3. ....	[AMENDED]	1336	535:15-16-6. ....	[NEW]	1644
490:10-1-3.1. ....	[NEW]	1336	535:15-16-7. ....	[NEW]	1644
490:10-1-3.2. ....	[NEW]	1337	540:50-1-1. ....	[NEW] (E)	893
490:10-1-3.3. ....	[NEW]	1337	540:50-1-2. ....	[NEW] (E)	893
490:10-1-3.4. ....	[NEW]	1337	540:50-1-3. ....	[NEW] (E)	893
490:10-1-3.5. ....	[NEW]	1338	540:50-1-4. ....	[NEW] (E)	893
490:10-1-3.6. ....	[NEW]	1338	540:50-1-5. ....	[NEW] (E)	894
490:10-1-4. ....	[AMENDED]	1338	540:50-1-6. ....	[NEW] (E)	894
490:10-1-5. ....	[AMENDED]	1339	540:50-1-7. ....	[NEW] (E)	894
490:10-1-5.1. ....	[NEW]	1339	540:50-1-8. ....	[NEW] (E)	894

540:50-1-9. . . . .	[NEW] (E)	894	580:55-5-3. . . . .	[RESERVED]	1714
550:1-5-2. . . . .	[AMENDED]	1359	580:55-5-4. . . . .	[NEW]	1714
550:1-7-2.1. . . . .	[AMENDED]	1360	580:55-5-5. . . . .	[RESERVED]	1714
575:1-1-2. . . . .	[AMENDED]	1813	580:55-5-6. . . . .	[NEW]	1714
575:1-1-3. . . . .	[AMENDED]	1814	580:55-5-7. . . . .	[RESERVED]	1714
575:10-1-2. . . . .	[AMENDED]	1815	580:55-5-8. . . . .	[NEW]	1714
575:10-1-8. . . . .	[AMENDED]	1818	580:55-5-9. . . . .	[RESERVED]	1715
580:20-27-1. . . . .	[NEW]	1703	580:55-5-10. . . . .	[NEW]	1715
580:20-27-2. . . . .	[NEW]	1703	580:55-5-11. . . . .	[RESERVED]	1715
580:20-27-3. . . . .	[NEW]	1703	580:55-5-12. . . . .	[NEW]	1715
580:20-27-4. . . . .	[RESERVED]	1704	580:55-5-13. . . . .	[NEW]	1715
580:20-27-5. . . . .	[NEW]	1704	580:55-5-14. . . . .	[NEW]	1716
580:20-27-6. . . . .	[RESERVED]	1704	580:55-7-1. . . . .	[NEW]	1716
580:20-27-7. . . . .	[RESERVED]	1704	580:55-7-2. . . . .	[RESERVED]	1716
580:20-27-8. . . . .	[RESERVED]	1704	580:55-7-3. . . . .	[NEW]	1716
580:20-27-9. . . . .	[NEW]	1704	580:55-7-4. . . . .	[NEW]	1716
580:20-27-10. . . . .	[RESERVED]	1705	580:55-9-1. . . . .	[NEW]	1717
580:20-27-11. . . . .	[NEW]	1705	580:55-9-2. . . . .	[RESERVED]	1717
580:20-27-12. . . . .	[RESERVED]	1705	580:55-9-3. . . . .	[NEW]	1717
580:20-27-13. . . . .	[NEW]	1705	580:55-9-4. . . . .	[NEW]	1717
580:20-27-14. . . . .	[RESERVED]	1705	580:55-9-5. . . . .	[NEW]	1717
580:20-27-15. . . . .	[NEW]	1706	580:61-1-1. . . . .	[NEW]	1718
580:20-27-16. . . . .	[RESERVED]	1706	580:61-1-2. . . . .	[NEW]	1718
580:20-27-17. . . . .	[NEW]	1706	580:61-1-3. . . . .	[NEW]	1718
580:20-27-18. . . . .	[RESERVED]	1706	585:2-1-1. . . . .	[AMENDED]	1361
580:20-27-19. . . . .	[NEW]	1706	585:2-1-2. . . . .	[AMENDED]	1361
580:20-27-20. . . . .	[RESERVED]	1706	585:2-1-3. . . . .	[AMENDED]	1361
580:20-27-21. . . . .	[NEW]	1706	585:2-1-4. . . . .	[AMENDED]	1361
580:20-27-22. . . . .	[RESERVED]	1706	585:2-1-5. . . . .	[AMENDED]	1361
580:20-27-23. . . . .	[NEW]	1706	585:2-3-1. . . . .	[AMENDED]	1361
580:20-27-24. . . . .	[RESERVED]	1707	585:2-3-5. . . . .	[AMENDED]	1362
580:20-27-25. . . . .	[RESERVED]	1707	585:2-3-6. . . . .	[AMENDED]	1362
580:20-27-26. . . . .	[RESERVED]	1707	585:2-3-7. . . . .	[AMENDED]	1362
580:20-27-27. . . . .	[NEW]	1707	585:2-3-8. . . . .	[AMENDED]	1362
580:20-27-28. . . . .	[RESERVED]	1707	585:2-5-5. . . . .	[AMENDED]	1362
580:20-27-29. . . . .	[NEW]	1707	585:2-5-6. . . . .	[AMENDED]	1363
580:55-1-1. . . . .	[REVOKED]	1707	585:2-5-7. . . . .	[AMENDED]	1363
580:55-1-1.1. . . . .	[REVOKED]	1708	585:2-5-10. . . . .	[REVOKED]	1364
580:55-1-2. . . . .	[REVOKED]	1708	585:2-7-3. . . . .	[AMENDED]	1364
580:55-1-3. . . . .	[REVOKED]	1709	585:2-7-12. . . . .	[AMENDED]	1364
580:55-1-4. . . . .	[REVOKED]	1709	585:30-1-1. . . . .	[AMENDED]	1365
580:55-1-5. . . . .	[REVOKED]	1709	585:30-1-2. . . . .	[AMENDED]	1365
580:55-1-6. . . . .	[REVOKED]	1709	585:30-1-3. . . . .	[AMENDED]	1365
580:55-1-7. . . . .	[REVOKED]	1709	585:30-1-4. . . . .	[AMENDED]	1365
580:55-1-8. . . . .	[REVOKED]	1710	585:30-1-5. . . . .	[AMENDED]	1365
580:55-1-9. . . . .	[REVOKED]	1710	585:30-1-6. . . . .	[AMENDED]	1366
580:55-1-10. . . . .	[REVOKED]	1710	585:30-1-7. . . . .	[AMENDED]	1366
580:55-1-11. . . . .	[REVOKED]	1710	585:30-1-8. . . . .	[AMENDED]	1366
580:55-1-12. . . . .	[REVOKED]	1710	585:35-1-1. . . . .	[AMENDED]	1366
580:55-1-13. . . . .	[REVOKED]	1711	585:35-1-2. . . . .	[AMENDED]	1366
580:55-1-14. . . . .	[REVOKED]	1711	585:35-1-3. . . . .	[AMENDED]	1367
580:55-1-15. . . . .	[REVOKED]	1711	585:35-1-4. . . . .	[AMENDED]	1367
580:55-1-16. . . . .	[REVOKED]	1712	585:35-1-5. . . . .	[AMENDED]	1367
580:55-1-17. . . . .	[REVOKED]	1712	585:35-5-1. . . . .	[REVOKED]	1367
580:55-1-18. . . . .	[REVOKED]	1712	585:35-5-2. . . . .	[REVOKED]	1367
580:55-1-21. . . . .	[NEW]	1712	585:35-5-3. . . . .	[REVOKED]	1368
580:55-1-22. . . . .	[RESERVED]	1712	585:35-5-4. . . . .	[REVOKED]	1368
580:55-1-23. . . . .	[NEW]	1712	585:35-5-5. . . . .	[REVOKED]	1368
580:55-1-24. . . . .	[RESERVED]	1713	585:35-5-6. . . . .	[REVOKED]	1368
580:55-1-25. . . . .	[NEW]	1713	585:35-5-7. . . . .	[REVOKED]	1368
580:55-1-26. . . . .	[RESERVED]	1713	585:35-5-8. . . . .	[REVOKED]	1368
580:55-1-27. . . . .	[NEW]	1713	585:35-7-1. . . . .	[AMENDED]	1369
580:55-1-28. . . . .	[RESERVED]	1713	585:35-7-2. . . . .	[AMENDED]	1369
580:55-1-29. . . . .	[NEW]	1713	590:1-1-5. . . . .	[AMENDED]	497
580:55-1-33. . . . .	[RESERVED]	1714	590:1-3-8. . . . .	[AMENDED]	497
580:55-5-1. . . . .	[NEW]	1714	590:10-1-7. . . . .	[AMENDED] (E)	50
580:55-5-2. . . . .	[NEW]	1714	590:10-1-7. . . . .	[AMENDED]	499

**Rules Affected Index – *continued***

590:10-3-8. .... [AMENDED] .....	499	595:25-1-3. .... [AMENDED] (E) .....	66
590:10-3-10. .... [AMENDED] (E) .....	50	595:25-1-3. .... [AMENDED] .....	1392
590:10-3-10. .... [AMENDED] .....	500	595:25-5-6. .... [AMENDED] (E) .....	67
590:10-3-11. .... [AMENDED] (E) .....	50	595:25-5-6. .... [AMENDED] .....	1392
590:10-3-11. .... [AMENDED] .....	500	595:25-9-1. .... [AMENDED] (E) .....	67
590:10-3-14. .... [AMENDED] (E) .....	51	595:25-9-1. .... [AMENDED] .....	1393
590:10-3-14. .... [AMENDED] .....	501	595:35-1-6. .... [AMENDED] .....	1395
590:10-7-4. .... [AMENDED] (E) .....	51	595:35-1-9. .... [AMENDED] .....	1396
590:10-7-4. .... [AMENDED] .....	501	595:35-1-10. .... [AMENDED] .....	1398
590:10-7-9. .... [AMENDED] (E) .....	51	595:50-3-2. .... [AMENDED] .....	1401
590:10-7-9. .... [AMENDED] .....	501	595:50-3-6. .... [AMENDED] .....	1401
590:10-7-16. .... [AMENDED] .....	502	595:60-1-1. .... [AMENDED] .....	1402
590:10-7-22. .... [AMENDED] .....	503	595:60-1-4. .... [AMENDED] .....	1402
590:10-8-5. .... [AMENDED] (E) .....	52	595:70-1-1. .... [NEW] (E) .....	1796
590:10-8-5. .... [AMENDED] .....	503	595:70-1-2. .... [NEW] (E) .....	1796
590:10-9-1. .... [AMENDED] (E) .....	52	595:70-1-3. .... [NEW] (E) .....	1796
590:10-9-1. .... [AMENDED] .....	503	595:70-1-4. .... [NEW] (E) .....	1796
590:15-1-2. .... [AMENDED] .....	504	595:70-1-5. .... [NEW] (E) .....	1796
590:15-1-12. .... [AMENDED] .....	504	595:70-1-6. .... [NEW] (E) .....	1796
590:15-1-18. .... [AMENDED] .....	505	595:70-1-7. .... [NEW] (E) .....	1796
590:25-9-17. .... [AMENDED] .....	506	595:70-1-8. .... [NEW] (E) .....	1796
590:25-9-20. .... [AMENDED] .....	506	595:70-1-9. .... [NEW] (E) .....	1796
590:25-15-2. .... [AMENDED] .....	507	600:10-1-18. .... [NEW] (E) .....	1799
590:35-7-1. .... [AMENDED] .....	508	605:10-1-2. .... [AMENDED] .....	1404
590:35-13-9. .... [AMENDED] .....	508	605:10-1-3. .... [AMENDED] .....	1404
590:35-15-3. .... [AMENDED] .....	509	605:10-3-5. .... [AMENDED] .....	1405
590:35-19-7. .... [AMENDED] .....	509	605:10-3-7. .... [AMENDED] .....	1405
595:1-15-3. .... [AMENDED] .....	1370	605:10-5-1. .... [AMENDED] .....	1407
595:10-1-1. .... [AMENDED] .....	1372	605:10-5-1.1. .... [AMENDED] .....	1408
595:10-1-3. .... [AMENDED] .....	1372	605:10-5-2. .... [AMENDED] .....	1410
595:10-1-5. .... [AMENDED] .....	1375	605:10-7-2. .... [AMENDED] .....	1412
595:10-1-8. .... [REVOKED] .....	1377	605:10-7-3. .... [AMENDED] .....	1414
595:10-1-9. .... [REVOKED] .....	1377	605:10-7-4. .... [AMENDED] .....	1414
595:10-1-10. .... [AMENDED] .....	1378	605:10-7-7. .... [AMENDED] .....	1414
595:10-1-12. .... [AMENDED] .....	1379	605:10-7-8. .... [AMENDED] .....	1415
595:10-1-18. .... [AMENDED] .....	1379	605:10-7-8.1. .... [AMENDED] .....	1415
595:10-1-19. .... [AMENDED] .....	1380	605:10-7-8.2. .... [AMENDED] .....	1416
595:10-1-27. .... [AMENDED] .....	1381	605:10-7-8.3. .... [AMENDED] .....	1416
595:10-1-28. .... [AMENDED] .....	1381	605:10-7-8.4. .... [NEW] .....	1417
595:10-1-35. .... [AMENDED] .....	1381	605:10-9-1. .... [AMENDED] .....	1417
595:10-1-50. .... [AMENDED] .....	1382	605:10-9-4. .... [AMENDED] .....	1417
595:10-1-51. .... [AMENDED] .....	1383	605:10-11-2. .... [AMENDED] .....	1418
595:10-1-56. .... [AMENDED] .....	1384	605:10-11-3. .... [AMENDED] .....	1419
595:10-1-91. .... [AMENDED] .....	1385	605:10-13-1. .... [AMENDED] .....	1419
595:10-1-92. .... [AMENDED] (E) .....	53	605:10-15-3. .... [AMENDED] .....	1421
595:10-1-92. .... [AMENDED] .....	1386	605:10-17-4. .... [AMENDED] .....	1422
595:10-1-93. .... [AMENDED] .....	1386	605:10-17-6. .... [AMENDED] .....	1423
595:10-3-1. .... [AMENDED] .....	1386	605:10, App. A. .... [REVOKED] .....	1424
595:10-3-4. .... [AMENDED] .....	1386	605:10, App. A. .... [NEW] .....	1424
595:10-3-9. .... [AMENDED] .....	1387	610:1-13-1. .... [REVOKED] .....	676
595:10-5-5. .... [AMENDED] .....	1389	610:1-13-2. .... [REVOKED] .....	677
595:10-5-5. .... [AMENDED] (E) .....	1795	610:1-13-3. .... [REVOKED] .....	677
595:10-13-5. .... [AMENDED] .....	1389	610:25-23-2. .... [AMENDED] .....	678
595:11-1-14. .... [AMENDED] .....	510	610:25-23-3. .... [AMENDED] .....	679
595:11-1-15. .... [AMENDED] .....	511	610:25-23-4. .... [AMENDED] .....	679
595:11-1-21. .... [AMENDED] .....	511	610:25-23-5. .... [AMENDED] .....	681
595:11-1-61. .... [AMENDED] .....	512	610:25-23-6. .... [AMENDED] .....	682
595:11-1-62. .... [AMENDED] .....	512	610:25-23-8. .... [AMENDED] .....	682
595:11-3-2. .... [AMENDED] .....	512	610:25-23-9. .... [AMENDED] .....	683
595:11-3-6. .... [AMENDED] .....	512	612:1-3-2.1. .... [AMENDED] .....	1427
595:11-3-7. .... [AMENDED] .....	513	612:1-11-4. .... [AMENDED] .....	1428
595:11-3-8. .... [AMENDED] .....	514	612:1-11-15. .... [AMENDED] .....	1428
595:11-9-5. .... [AMENDED] .....	515	612:1-11-55. .... [AMENDED] .....	1429
595:11-9-6. .... [AMENDED] .....	515	612:1-13-7. .... [AMENDED] .....	1429
595:11-9-9. .... [AMENDED] .....	516	612:1-13-9. .... [AMENDED] .....	1429
595:25-1-2. .... [AMENDED] (E) .....	65	612:10-1-2. .... [AMENDED] .....	1430
595:25-1-2. .... [AMENDED] .....	1391	612:10-1-7. .... [AMENDED] .....	1434

612:10-7-24.1. . . . . [AMENDED] . . . . .	1436	675:3-1-4. . . . . [AMENDED] . . . . .	1732
612:10-7-25.1. . . . . [AMENDED] . . . . .	1438	675:10-1-1.2. . . . . [AMENDED] . . . . .	1733
612:10-7-87. . . . . [AMENDED] . . . . .	1439	675:10-1-4. . . . . [AMENDED] (E) . . . . .	36
612:10-7-98. . . . . [AMENDED] . . . . .	1440	675:10-1-4. . . . . [AMENDED] . . . . .	1733
612:10-7-230.4. . . . . [AMENDED] . . . . .	1442	675:10-1-5. . . . . [AMENDED] (E) . . . . .	36
612:10-13-4. . . . . [REVOKED] . . . . .	1443	675:10-1-5. . . . . [AMENDED] . . . . .	1733
612:20-2-5. . . . . [AMENDED] . . . . .	1444	675:10-1-6. . . . . [AMENDED] . . . . .	1735
612:20-2-13. . . . . [AMENDED] . . . . .	1445	675:10-1-9. . . . . [AMENDED] (E) . . . . .	37
612:20-2-17. . . . . [AMENDED] . . . . .	1445	675:10-1-9. . . . . [AMENDED] . . . . .	1736
612:20-9-1. . . . . [NEW] . . . . .	1446	675:10-1-10. . . . . [AMENDED] (E) . . . . .	38
612:25-2-5. . . . . [AMENDED] . . . . .	1448	675:10-1-10. . . . . [AMENDED] . . . . .	1736
612:25-2-6. . . . . [REVOKED] . . . . .	1450	675:10-1-12.1. . . . . [AMENDED] . . . . .	1736
612:25-2-9. . . . . [NEW] . . . . .	1451	675:12-1-4. . . . . [AMENDED] (E) . . . . .	38
612:25-4-1. . . . . [AMENDED] . . . . .	1451	675:12-1-4. . . . . [AMENDED] . . . . .	1737
612:25-4-3. . . . . [REVOKED] . . . . .	1451	675:12-1-6. . . . . [AMENDED] . . . . .	1737
612:25-4-4. . . . . [AMENDED] . . . . .	1451	675:12-1-8. . . . . [NEW] . . . . .	1739
612:25-4-14. . . . . [AMENDED] . . . . .	1452	675:15-1-2. . . . . [AMENDED] . . . . .	1739
612:25-4-15. . . . . [AMENDED] . . . . .	1454	675:15-1-3. . . . . [AMENDED] . . . . .	1739
612:25-4-16. . . . . [NEW] . . . . .	1454	675:15-1-5. . . . . [AMENDED] . . . . .	1740
612:25-4-25. . . . . [AMENDED] . . . . .	1454	675:20-1-6. . . . . [AMENDED] . . . . .	1741
612:25-4-26. . . . . [AMENDED] . . . . .	1454	710:1-1-2. . . . . [AMENDED] . . . . .	685
612:25-4-27. . . . . [AMENDED] . . . . .	1454	710:10-2-5. . . . . [AMENDED] . . . . .	516
612:25-4-28. . . . . [REVOKED] . . . . .	1455	710:10-7-2.2. . . . . [AMENDED] . . . . .	517
612:25-4-29. . . . . [REVOKED] . . . . .	1455	710:10-7-4. . . . . [AMENDED] . . . . .	518
612:25-4-30. . . . . [REVOKED] . . . . .	1456	710:10-7-5. . . . . [AMENDED] . . . . .	518
612:25-4-53. . . . . [AMENDED] . . . . .	1456	710:10-7-11. . . . . [AMENDED] . . . . .	519
612:25-4-54. . . . . [AMENDED] . . . . .	1456	710:10-7-13. . . . . [AMENDED] . . . . .	519
612:25-4-55. . . . . [AMENDED] . . . . .	1456	710:10-14-1. . . . . [AMENDED] . . . . .	519
612:25-4-56. . . . . [AMENDED] . . . . .	1457	710:20-2-5. . . . . [AMENDED] . . . . .	520
612:25-4-57. . . . . [AMENDED] . . . . .	1457	710:20-2-6. . . . . [AMENDED] . . . . .	520
612:25-4-58. . . . . [AMENDED] . . . . .	1457	710:20-3-3. . . . . [AMENDED] . . . . .	522
612:25-4-59. . . . . [AMENDED] . . . . .	1457	710:20-5-6. . . . . [AMENDED] . . . . .	522
612:25-4-60. . . . . [AMENDED] . . . . .	1458	710:22-5-11. . . . . [AMENDED] . . . . .	522
612:25-4-61. . . . . [AMENDED] . . . . .	1458	710:25-1-5. . . . . [AMENDED] . . . . .	523
612:25-4-62. . . . . [AMENDED] . . . . .	1459	710:45-9-21. . . . . [AMENDED] . . . . .	524
612:25-4-73. . . . . [AMENDED] . . . . .	1459	710:45-9-23. . . . . [AMENDED] . . . . .	525
612:25-4-74. . . . . [REVOKED] . . . . .	1460	710:45-9-24. . . . . [AMENDED] . . . . .	525
612:25-6-1. . . . . [AMENDED] . . . . .	1460	710:45-9-27. . . . . [AMENDED] . . . . .	525
612:25-6-2. . . . . [AMENDED] . . . . .	1461	710:45-9-28. . . . . [AMENDED] . . . . .	525
612:25-6-2.1. . . . . [NEW] . . . . .	1461	710:45-9-31. . . . . [AMENDED] . . . . .	526
612:25-6-3. . . . . [AMENDED] . . . . .	1462	710:45-9-32.1. . . . . [AMENDED] . . . . .	526
612:25-6-5. . . . . [AMENDED] . . . . .	1462	710:45-9-34. . . . . [AMENDED] . . . . .	527
612:25-6-15. . . . . [AMENDED] . . . . .	1463	710:45-9-35. . . . . [AMENDED] . . . . .	527
612:25-6-16. . . . . [AMENDED] . . . . .	1463	710:45-9-40. . . . . [AMENDED] . . . . .	527
612:25-6-18. . . . . [AMENDED] . . . . .	1463	710:45-9-41. . . . . [AMENDED] . . . . .	527
612:25-6-19. . . . . [AMENDED] . . . . .	1465	710:45-9-51. . . . . [AMENDED] . . . . .	528
612:25-6-20. . . . . [AMENDED] . . . . .	1465	710:45-9-60. . . . . [AMENDED] . . . . .	528
612:25-6-21. . . . . [AMENDED] . . . . .	1465	710:45-9-62. . . . . [AMENDED] . . . . .	529
612:25-6-22. . . . . [AMENDED] . . . . .	1466	710:45-9-62.1. . . . . [AMENDED] . . . . .	529
612:25-6-32. . . . . [AMENDED] . . . . .	1466	710:45-9-64. . . . . [AMENDED] . . . . .	530
612:25-6-33. . . . . [AMENDED] . . . . .	1467	710:45-9-70. . . . . [AMENDED] . . . . .	530
655:10-1-2. . . . . [AMENDED] . . . . .	1719	710:45-9-71. . . . . [AMENDED] . . . . .	530
655:10-7-1. . . . . [AMENDED] . . . . .	1721	710:45-9-73. . . . . [AMENDED] . . . . .	531
655:10-7-11. . . . . [AMENDED] . . . . .	1722	710:45-9-82. . . . . [AMENDED] . . . . .	531
655:10-7-13. . . . . [AMENDED] . . . . .	1725	710:45-9-90. . . . . [AMENDED] . . . . .	531
655:10-7-32. . . . . [AMENDED] . . . . .	1726	710:45-9-92. . . . . [AMENDED] . . . . .	531
655:10-7-33. . . . . [AMENDED] . . . . .	1726	710:45-9-93. . . . . [AMENDED] . . . . .	532
655:10-9-1. . . . . [AMENDED] . . . . .	1727	710:50-3-54. . . . . [AMENDED] . . . . .	1468
675:1-1-1.1. . . . . [AMENDED] (E) . . . . .	35	710:50-3-55. . . . . [NEW] . . . . .	1470
675:1-1-1.1. . . . . [AMENDED] . . . . .	1729	710:50-15-53. . . . . [AMENDED] . . . . .	1475
675:1-1-4. . . . . [AMENDED] (E) . . . . .	35	710:50-15-109. . . . . [AMENDED] . . . . .	1471
675:1-1-4. . . . . [AMENDED] . . . . .	1729	710:50-15-110. . . . . [AMENDED] . . . . .	1472
675:1-1-9. . . . . [AMENDED] (E) . . . . .	35	710:50-15-114. . . . . [NEW] . . . . .	1473
675:1-1-9. . . . . [AMENDED] . . . . .	1729	710:50-15-115. . . . . [NEW] . . . . .	1474
675:3-1-2. . . . . [AMENDED] . . . . .	1730	710:50-17-51. . . . . [AMENDED] . . . . .	1476
675:3-1-3. . . . . [AMENDED] . . . . .	1730	710:60-3-12. . . . . [AMENDED] . . . . .	533
675:3-1-3.1. . . . . [NEW] . . . . .	1732	710:60-3-24. . . . . [AMENDED] . . . . .	533

**Rules Affected Index – *continued***

710:60-3-140. ....	[AMENDED]	534	710:95-21-7. ....	[NEW]	1484
710:60-3-141. ....	[AMENDED]	534	710:95-21-8. ....	[NEW]	1484
710:60-3-201. ....	[AMENDED]	535	710:95-21-9. ....	[NEW]	1485
710:60-5-2. ....	[AMENDED]	535	710:95-21-10. ....	[NEW]	1485
710:60-5-8. ....	[NEW]	535	712:10-5-1. ....	[AMENDED]	840
710:60-5-51. ....	[AMENDED]	535	712:10-5-2. ....	[AMENDED]	847
710:60-5-61. ....	[AMENDED]	536	712:10-5-3. ....	[AMENDED]	848
710:60-5-64. ....	[NEW]	536	712:10-5-4. ....	[AMENDED]	851
710:60-5-77. ....	[AMENDED]	537	715:1-1-2. ....	[AMENDED]	853
710:60-5-91. ....	[AMENDED]	538	715:1-1-3. ....	[AMENDED]	853
710:60-7-3. ....	[AMENDED]	539	715:1-1-4. ....	[AMENDED]	853
710:60-9-54. ....	[AMENDED]	540	715:1-1-6. ....	[REVOKED]	853
710:60-9-132. ....	[AMENDED]	541	715:1-1-9. ....	[REVOKED]	854
710:65-1-7. ....	[AMENDED]	543	715:10-1-2. ....	[AMENDED]	855
710:65-3-1. ....	[AMENDED]	544	715:10-1-3. ....	[AMENDED]	855
710:65-3-3. ....	[AMENDED]	545	715:10-1-4. ....	[AMENDED]	855
710:65-7-6. ....	[AMENDED]	545	715:10-1-5. ....	[AMENDED]	856
710:65-7-9. ....	[AMENDED]	546	715:10-1-6. ....	[AMENDED]	856
710:65-7-13. ....	[AMENDED]	546	715:10-1-7. ....	[AMENDED]	856
710:65-9-10. ....	[AMENDED]	547	715:10-3-1. ....	[AMENDED]	857
710:65-13-15. ....	[AMENDED]	549	715:10-3-2. ....	[AMENDED]	857
710:65-13-16. ....	[REVOKED]	551	715:10-3-3. ....	[AMENDED]	857
710:65-13-130. ....	[AMENDED]	551	715:10-3-4. ....	[AMENDED]	858
710:65-13-152.1. ....	[AMENDED]	553	715:10-3-5. ....	[AMENDED]	858
710:65-13-210. ....	[AMENDED]	553	715:10-5-4. ....	[REVOKED]	858
710:65-13-337. ....	[AMENDED]	554	715:10-5-7.3. ....	[AMENDED]	859
710:65-13-338. ....	[AMENDED]	555	715:10-5-9. ....	[AMENDED]	860
710:65-13-511. ....	[AMENDED]	555	715:10-5-11. ....	[REVOKED]	860
710:65-18-4. ....	[AMENDED]	558	715:10-5-28. ....	[AMENDED]	860
710:65-18-6. ....	[AMENDED]	563	715:10-5-33. ....	[REVOKED]	861
710:65-19-45. ....	[AMENDED]	558	715:10-7-6. ....	[AMENDED]	861
710:65-19-49. ....	[AMENDED]	558	715:10-9-2. ....	[REVOKED]	861
710:65-19-52. ....	[AMENDED]	559	715:10-9-3. ....	[AMENDED]	861
710:65-19-55. ....	[AMENDED]	559	715:10-9-4. ....	[REVOKED]	861
710:65-19-56. ....	[AMENDED]	560	715:10-9-5. ....	[AMENDED]	862
710:65-19-76. ....	[REVOKED]	561	715:10-9-6. ....	[REVOKED]	862
710:65-19-109. ....	[AMENDED]	561	715:10-11-1. ....	[AMENDED]	862
710:65-19-116. ....	[NEW]	561	715:10-11-2. ....	[AMENDED]	863
710:65-19-193. ....	[AMENDED]	561	715:10-13-1. ....	[REVOKED]	863
710:65-19-210. ....	[AMENDED]	561	715:10-13-4.1. ....	[REVOKED]	864
710:65-19-329. ....	[AMENDED]	562	715:10-13-9. ....	[REVOKED]	864
710:65-19-350. ....	[AMENDED]	562	715:10-13-13. ....	[AMENDED]	865
710:70-2-15. ....	[NEW]	564	715:10-15-1. ....	[AMENDED]	865
710:70-5-3. ....	[AMENDED]	565	715:10-15-2. ....	[AMENDED]	865
710:70-5-5. ....	[AMENDED]	686	715:10-15-7. ....	[AMENDED]	866
710:70-5-14. ....	[AMENDED]	565	715:10-15-7.1. ....	[REVOKED]	866
710:90-3-11. ....	[AMENDED]	566	715:10-15-10.2. ....	[AMENDED]	866
710:95-5-1. ....	[AMENDED]	1479	715:10-15-10.3. ....	[AMENDED]	867
710:95-5-2. ....	[AMENDED]	1479	715:10-15-13. ....	[REVOKED]	868
710:95-5-3. ....	[AMENDED]	1479	715:10-17-2. ....	[AMENDED]	868
710:95-5-8. ....	[AMENDED]	1480	715:10-17-6. ....	[AMENDED]	868
710:95-5-9. ....	[AMENDED]	1480	715:10-25-1. ....	[REVOKED]	869
710:95-5-10. ....	[AMENDED]	1480	715:10-25-2. ....	[REVOKED]	869
710:95-5-11. ....	[AMENDED]	1481	715:10-25-3. ....	[REVOKED]	869
710:95-5-12. ....	[AMENDED]	1481	715:10-25-4. ....	[REVOKED]	869
710:95-5-19. ....	[AMENDED]	1481	715:10-25-5. ....	[REVOKED]	869
710:95-12-11. ....	[NEW]	1485	715:10-25-6. ....	[REVOKED]	870
710:95-17-3. ....	[AMENDED]	1481	720:10-3-3. ....	[AMENDED]	1486
710:95-17-7. ....	[AMENDED]	1481	720:10-3-5. ....	[AMENDED]	1486
710:95-19-6. ....	[AMENDED]	1482	720:10-3-9. ....	[AMENDED]	1487
710:95-19-7. ....	[AMENDED]	1482	725:30-8-1. ....	[AMENDED]	1820
710:95-21-1. ....	[NEW]	1482	725:30-12-1. ....	[AMENDED]	1821
710:95-21-2. ....	[NEW]	1482	725:30-12-5. ....	[AMENDED]	1821
710:95-21-3. ....	[NEW]	1483	725:30-26-15. ....	[NEW]	1823
710:95-21-4. ....	[NEW]	1484	730:1-3-4. ....	[AMENDED]	1487
710:95-21-5. ....	[NEW]	1484	730:10-1-1. ....	[AMENDED]	1488
710:95-21-6. ....	[NEW]	1484	730:10-1-2. ....	[AMENDED]	1488

730:10-1-3. .... [AMENDED] .....	1489	748:20-9-4. .... [NEW] .....	1660
730:10-1-4. .... [AMENDED] .....	1489	748:20-9-5. .... [NEW] .....	1660
730:10-1-5. .... [REVOKED] .....	1490	748:20-9-6. .... [NEW] .....	1661
730:10-1-6. .... [REVOKED] .....	1490	748:20-11-1. .... [NEW] .....	1661
730:10-1-7. .... [AMENDED] .....	1490	748:20-11-2. .... [NEW] .....	1661
730:10-1-8. .... [REVOKED] .....	1490	748:20-11-3. .... [NEW] .....	1661
730:10-1-9. .... [AMENDED] .....	1490	748:20-11-4. .... [NEW] .....	1661
730:10-1-11. .... [AMENDED] .....	1491	748:20-11-5. .... [NEW] .....	1661
730:10-15-1. .... [AMENDED] .....	1491	748:20-11-6. .... [NEW] .....	1662
730:10-15-2. .... [AMENDED] .....	1491	748:20-11-7. .... [NEW] .....	1662
730:10, App. A. .... [REVOKED] .....	1492	748:20-11-8. .... [NEW] .....	1662
730:10, App. B. .... [NEW] .....	1493	748:20-11-9. .... [NEW] .....	1664
730:15-1-9. .... [REVOKED] .....	1494	748:20-13-1. .... [NEW] .....	1664
730:15-3-1. .... [NEW] .....	1494	748:20-13-2. .... [NEW] .....	1664
730:15-3-2. .... [NEW] .....	1494	748:20-13-3. .... [NEW] .....	1664
730:20-3-1. .... [NEW] .....	568	748:20-13-4. .... [NEW] .....	1664
730:20-3-2. .... [NEW] .....	568	748:20-13-5. .... [NEW] .....	1664
730:30-5-2. .... [AMENDED] .....	1495	748:20-13-6. .... [NEW] .....	1665
730:35-5-3. .... [AMENDED] .....	1496	748:20-13-7. .... [NEW] .....	1665
730:35-5-18. .... [NEW] .....	1499	748:20-13-8. .... [NEW] .....	1665
748:1-1-2. .... [AMENDED] .....	1645	748:20-13-9. .... [NEW] .....	1666
748:1-1-4. .... [AMENDED] .....	1645	748:20-13-10. .... [NEW] .....	1666
748:3-1-2. .... [AMENDED] .....	1645	748:20-15-1. .... [NEW] .....	1666
748:20-1-1. .... [NEW] .....	1647	748:20-15-2. .... [NEW] .....	1666
748:20-1-2. .... [NEW] .....	1647	748:20-15-3. .... [NEW] .....	1666
748:20-1-3. .... [NEW] .....	1647	748:20-15-4. .... [NEW] .....	1667
748:20-1-4. .... [NEW] .....	1647	748:20-15-5. .... [NEW] .....	1667
748:20-1-5. .... [NEW] .....	1647	748:20-15-6. .... [NEW] .....	1667
748:20-1-6. .... [NEW] .....	1648	748:20-15-7. .... [NEW] .....	1667
748:20-1-7. .... [NEW] .....	1648	748:20-15-8. .... [NEW] .....	1668
748:20-1-8. .... [NEW] .....	1648	748:20-15-9. .... [NEW] .....	1669
748:20-1-9. .... [NEW] .....	1649	748:20-15-10. .... [NEW] .....	1669
748:20-1-10. .... [NEW] .....	1649	748:20-15-11. .... [NEW] .....	1670
748:20-1-11. .... [NEW] .....	1649	748:20-15-12. .... [NEW] .....	1670
748:20-1-12. .... [NEW] .....	1649	748:20-15-13. .... [NEW] .....	1671
748:20-1-13. .... [NEW] .....	1650	748:20-15-14. .... [NEW] .....	1671
748:20-1-14. .... [NEW] .....	1650	748:20-15-15. .... [NEW] .....	1671
748:20-1-15. .... [NEW] .....	1651	748:20-15-16. .... [NEW] .....	1671
748:20-1-16. .... [NEW] .....	1651	780:15-3-1. .... [AMENDED] .....	1500
748:20-1-17. .... [NEW] .....	1651	780:20-3-2. .... [AMENDED] .....	1501
748:20-1-18. .... [NEW] .....	1651	780:20-3-4. .... [AMENDED] .....	1507
748:20-3-1. .... [NEW] .....	1652	800:1-11-1. .... [AMENDED] .....	1508
748:20-3-2. .... [NEW] .....	1652	800:10-1-4. .... [AMENDED] .....	1509
748:20-3-3. .... [NEW] .....	1652	800:10-1-5. .... [AMENDED] .....	1510
748:20-3-4. .... [NEW] .....	1652	800:10-5-3. .... [AMENDED] .....	1512
748:20-3-5. .... [NEW] .....	1652	800:25-3-2. .... [AMENDED] .....	1513
748:20-3-6. .... [NEW] .....	1653	800:25-3-3. .... [AMENDED] .....	1515
748:20-3-7. .... [NEW] .....	1653	800:25-7-3. .... [AMENDED] .....	1515
748:20-3-8. .... [NEW] .....	1653	800:25-7-7. .... [AMENDED] .....	1516
748:20-3-9. .... [NEW] .....	1654	800:25-7-48. .... [AMENDED] .....	1517
748:20-3-10. .... [NEW] .....	1654	800:25-7-55. .... [AMENDED] .....	1517
748:20-3-11. .... [NEW] .....	1654	800:25-7-57. .... [AMENDED] .....	1517
748:20-3-12. .... [NEW] .....	1655	800:25-7-67. .... [AMENDED] .....	1518
748:20-3-13. .... [NEW] .....	1656	800:25-7-83.1. .... [NEW] .....	1518
748:20-3-14. .... [NEW] .....	1656	800:25-7-90. .... [AMENDED] .....	1519
748:20-7-1. .... [NEW] .....	1657	800:25-7-91. .... [AMENDED] .....	1519
748:20-7-2. .... [NEW] .....	1657	800:25-7-94. .... [AMENDED] .....	1520
748:20-7-3. .... [NEW] .....	1657	800:25-7-94.1.1. .... [NEW] .....	1520
748:20-7-4. .... [NEW] .....	1657	800:25-7-111. .... [AMENDED] .....	1521
748:20-7-5. .... [NEW] .....	1657	800:25-7-126. .... [AMENDED] .....	1521
748:20-7-6. .... [NEW] .....	1658	800:25-7-131.1. .... [AMENDED] .....	1521
748:20-7-7. .... [NEW] .....	1658	800:25-7-131.2. .... [AMENDED] .....	1522
748:20-7-8. .... [NEW] .....	1658	800:25-7-149.1. .... [AMENDED] .....	1522
748:20-7-9. .... [NEW] .....	1658	800:25-9-11. .... [AMENDED] .....	1522
748:20-9-1. .... [NEW] .....	1660	800:25-29-3. .... [AMENDED] .....	1523
748:20-9-2. .... [NEW] .....	1660	800:25-29-4. .... [AMENDED] .....	1523
748:20-9-3. .... [NEW] .....	1660	800:30-1-2. .... [AMENDED] .....	1524

**Agency/Title Index – *continued***

---

800:30-1-4. .... [AMENDED] .....	1525	800:30-1-20. .... [AMENDED] .....	1527
800:30-1-5. .... [AMENDED] .....	1526	800:30-1-21. .... [NEW] .....	1527
800:30-1-7. .... [AMENDED] (E) .....	1757	450 27-5-43. .... [NEW] .....	670

# Agency/Title Index

[Assigned as of 9-4-12]

Agency	Title	Agency	Title
Oklahoma <b>ABSTRACTORS</b> Board	5	<b>EDGE</b> Fund Policy Board	208
Oklahoma <b>ACCOUNTANCY</b> Board	10	State Department of <b>EDUCATION</b>	210
State <b>ACCREDITING</b> Agency	15	<b>EDUCATION</b> Oversight Board	215
<b>AD</b> Valorem Task Force ( <i>abolished 7-1-93</i> )	20	Oklahoma <b>EDUCATIONAL</b> Television Authority	220
Oklahoma <b>AERONAUTICS</b> Commission	25	[RESERVED]	225
Board of Regents for the Oklahoma <b>AGRICULTURAL</b> and Mechanical Colleges ( <i>exempted 11-1-98</i> )	30	State <b>ELECTION</b> Board	230
Oklahoma Department of <b>AGRICULTURE</b> , Food, and Forestry	35	Oklahoma <b>FUNERAL</b> Board ( <i>Formerly</i> : Oklahoma State Board of <b>EMBALMERS</b> and Funeral Directors)	235
Oklahoma Board of Licensed <b>ALCOHOL</b> and Drug Counselors	38	Oklahoma Department of <b>EMERGENCY</b> Management ( <i>Formerly</i> : Department of <b>CIVIL</b> Emergency Management) - <i>See</i> Title 145	
Board of Tests for <b>ALCOHOL</b> and Drug Influence	40	Oklahoma <b>EMPLOYMENT</b> Security Commission	240
<b>ALCOHOLIC</b> Beverage Laws Enforcement Commission	45	Oklahoma <b>ENERGY</b> Resources Board	243
<b>ANATOMICAL</b> Board of the State of Oklahoma	50	State Board of Licensure for Professional <b>ENGINEERS</b> and Land Surveyors ( <i>Formerly</i> : State Board of Registration for Professional <b>ENGINEERS</b> and Land Surveyors)	245
Board of Governors of the Licensed <b>ARCHITECTS</b> , Landscape Architects and Registered Interior Designers of Oklahoma ( <i>Formerly</i> : Board of Governors of the Licensed <b>ARCHITECTS</b> and Landscape Architects of Oklahoma; and Board of Governors of the Licensed <b>ARCHITECTS</b> , Landscape Architects and Interior Designers of Oklahoma)	55	Board of Trustees for the <b>ENID</b> Higher Education Program ( <i>exempted 11-1-98</i> )	250
<b>ARCHIVES</b> and Records Commission	60	Department of <b>ENVIRONMENTAL</b> Quality	252
Board of Trustees for the <b>ARDMORE</b> Higher Education Program ( <i>exempted 11-1-98</i> )	65	State Board of <b>EQUALIZATION</b>	255
Oklahoma <b>ARTS</b> Council	70	<b>ETHICS</b> Commission ( <i>Title revoked</i> )	257
Oklahoma State <b>ATHLETIC</b> Commission ( <i>Formerly</i> : Oklahoma Professional <b>BOXING</b> Commission) - <i>See</i> Title 92		<b>ETHICS</b> Commission	258
<b>ATTORNEY</b> General	75	Office of State <b>FINANCE</b>	260
State <b>AUDITOR</b> and Inspector	80	State <b>FIRE</b> Marshal Commission	265
State <b>BANKING</b> Department	85	Oklahoma Council on <b>FIREFIGHTER</b> Training	268
Oklahoma State Employees <b>BENEFITS</b> Council	87	Oklahoma <b>FIREFIGHTERS</b> Pension and Retirement System	270
Council of <b>BOND</b> Oversight	90	[RESERVED]	275
Oklahoma State <b>ATHLETIC</b> Commission ( <i>Formerly</i> : Oklahoma Professional <b>BOXING</b> Commission)	92	<b>FORENSIC</b> Review Board	277
State <b>BURIAL</b> Board ( <i>abolished 7-1-92</i> )	95	State Board of Registration for <b>FORESTERS</b>	280
[RESERVED]	100	<b>FOSTER</b> Care Review Advisory Board	285
Oklahoma <b>CAPITAL</b> Investment Board	105	Oklahoma <b>FUNERAL</b> Board ( <i>Formerly</i> : Oklahoma State Board of Embalmers and Funeral Directors) - <i>See</i> Title 235	
Oklahoma <b>CAPITOL</b> Improvement Authority	110	Oklahoma <b>FUTURES</b>	290
State <b>CAPITOL</b> Preservation Commission	115	<b>GOVERNOR</b> ( <i>See also</i> Title 1, Executive Orders)	295
<b>CAPITOL-MEDICAL</b> Center Improvement and Zoning Commission	120	<b>GRAND</b> River Dam Authority	300
Oklahoma Department of <b>CAREER</b> and Technology Education ( <i>Formerly</i> : Oklahoma Department of <b>VOCATIONAL</b> and Technical Education) - <i>See</i> Title 780		Group Self-Insurance Association <b>GUARANTY</b> Fund Board	302
Board of Regents of <b>CARL</b> Albert State College ( <i>exempted</i> <i>11-1-98</i> )	125	Individual Self-Insured <b>GUARANTY</b> Fund Board	303
Department of <b>CENTRAL</b> Services ( <i>Formerly</i> : Office of <b>PUBLIC</b> Affairs) - <i>See</i> Title 580		<b>STATE</b> Use Committee ( <i>Formerly</i> : Committee on Purchases of Products and Services of the Severely <b>HANDICAPPED</b> )	304
<b>CEREBRAL</b> Palsy Commission	130	Office of <b>DISABILITY</b> Concerns ( <i>Formerly</i> : Office of <b>HANDICAPPED</b> Concerns)	305
Commission on <b>CHILDREN</b> and Youth	135	Oklahoma State Department of <b>HEALTH</b>	310
Board of <b>CHIROPRACTIC</b> Examiners	140	Oklahoma Basic <b>HEALTH</b> Benefits Board ( <i>abolished 11-1-97</i> )	315
Oklahoma Department of <b>EMERGENCY</b> Management ( <i>Formerly</i> : Department of <b>CIVIL</b> Emergency Management)	145	Oklahoma <b>HEALTH</b> Care Authority	317
Oklahoma Department of <b>COMMERCE</b>	150	<b>HIGHWAY</b> Construction Materials Technician Certification Board	318
<b>COMMUNITY</b> Hospitals Authority	152	Oklahoma <b>HISTORICAL</b> Society	320
<b>COMPSOURCE</b> Oklahoma ( <i>Formerly</i> : State <b>INSURANCE</b> Fund) - <i>See</i> Title 370		Oklahoma <b>HORSE</b> Racing Commission	325
Oklahoma <b>CONSERVATION</b> Commission	155	Oklahoma <b>HOUSING</b> Finance Agency	330
<b>CONSTRUCTION</b> Industries Board	158	Oklahoma <b>HUMAN</b> Rights Commission	335
Department of <b>CONSUMER</b> Credit	160	Department of <b>HUMAN</b> Services	340
<b>CORPORATION</b> Commission	165	Committee for <b>INCENTIVE</b> Awards for State Employees	345
Department of <b>CORRECTIONS</b>	170	Oklahoma <b>INDIAN</b> Affairs Commission	350
State Board of <b>COSMETOLOGY</b>	175	Oklahoma <b>INDIGENT</b> Defense System	352
Oklahoma State <b>CREDIT</b> Union Board	180	Oklahoma <b>INDUSTRIAL</b> Finance Authority	355
<b>CRIME</b> Victims Compensation Board	185	<b>INJURY</b> Review Board	357
Joint <b>CRIMINAL</b> Justice System Task Force Committee	190	Oklahoma State and Education Employees Group <b>INSURANCE</b> Board	360
Board of <b>DENTISTRY</b>	195	<b>INSURANCE</b> Department	365
Oklahoma <b>DEVELOPMENT</b> Finance Authority	200	<b>COMPSOURCE</b> Oklahoma ( <i>Formerly</i> : State <b>INSURANCE</b> Fund)	370
Office of <b>DISABILITY</b> Concerns ( <i>Formerly</i> : Office of <b>HANDICAPPED</b> Concerns) - <i>See</i> Title 305		Oklahoma State Bureau of <b>INVESTIGATION</b>	375
Board of Regents of <b>EASTERN</b> Oklahoma State College ( <i>exempted</i> <i>11-1-98</i> )	205	Council on <b>JUDICIAL</b> Complaints	376
		Office of <b>JUVENILE</b> Affairs	377
		Department of <b>LABOR</b>	380
		Department of the Commissioners of the <b>LAND</b> Office	385
		Council on <b>LAW</b> Enforcement Education and Training	390
		Oklahoma <b>LAW</b> Enforcement Retirement System	395
		Board on <b>LEGISLATIVE</b> Compensation	400

**Agency/Title Index – continued**

Agency	Title	Agency	Title
Oklahoma Department of <b>LIBRARIES</b> .....	405	Oklahoma <b>SAVINGS</b> and Loan Board ( <i>abolished 7-1-93</i> ) .....	625
<b>LIEUTENANT</b> Governor .....	410	<b>SCENIC</b> Rivers Commission .....	630
Oklahoma <b>LINKED</b> Deposit Review Board .....	415	Oklahoma Commission on <b>SCHOOL</b> and County Funds Management .....	635
Oklahoma <b>LIQUEFIED</b> Petroleum Gas Board .....	420	Advisory Task Force on the Sale of <b>SCHOOL</b> Lands ( <i>functions concluded 2-92</i> ) .....	640
Oklahoma <b>LIQUEFIED</b> Petroleum Gas Research, Marketing and Safety Commission .....	422	The Oklahoma School of <b>SCIENCE</b> and Mathematics .....	645
<b>LITERACY</b> Initiatives Commission .....	425	Oklahoma Center for the Advancement of <b>SCIENCE</b> and Technology .....	650
<b>LONG-RANGE</b> Capital Planning Commission .....	428	<b>SECRETARY</b> of State .....	655
Oklahoma State Board of Examiners for <b>LONG-TERM</b> Care Administrators ( <i>Formerly: Oklahoma State Board of Examiners for NURSING Home Administrators</i> ) - <i>See</i> Title 490	429	Department of <b>SECURITIES</b> .....	660
<b>LOTTERY</b> Commission, Oklahoma .....	429	Board of Regents of <b>SEMINOLE</b> State College ( <i>exempted 11-1-98</i> ) .....	665
Board of Trustees for the <b>MCCURTAIN</b> County Higher Education Program ( <i>exempted 11-1-98</i> ) .....	430	<b>SHEEP</b> and Wool Commission .....	670
Commission on <b>MARGINALLY</b> Producing Oil and Gas Wells .....	432	State Board of Licensed <b>SOCIAL</b> Workers .....	675
State Board of <b>MEDICAL</b> Licensure and Supervision .....	435	<b>SOUTHERN</b> Growth Policies Board .....	680
<b>MEDICAL</b> Technology and Research Authority of Oklahoma .....	440	Oklahoma <b>SOYBEAN</b> Commission ( <i>abolished 7-1-97</i> ) .....	685
Board of <b>MEDICOLEGAL</b> Investigations .....	445	Board of Examiners for <b>SPEECH-LANGUAGE</b> Pathology and Audiology ( <i>Formerly: Board of Examiners for SPEECH Pathology and Audiology</i> ) .....	690
Department of <b>MENTAL</b> Health and Substance Abuse Services .....	450	<b>STATE</b> Employee Charitable Contributions, Oversight Committee for ( <i>Formerly: STATE Agency Review Committee</i> ) .....	695
<b>MERIT</b> Protection Commission .....	455	<b>STATE</b> Use Committee ( <i>Formerly: Committee on Purchases of Products and Services of the Severely HANDICAPPED</i> ) - <i>See</i> Title 304	700
<b>MILITARY</b> Planning Commission, Oklahoma Strategic .....	457	Oklahoma <b>STUDENT</b> Loan Authority .....	705
Department of <b>MINES</b> .....	460	<b>TASK</b> Force 2000 .....	710
Oklahoma <b>MOTOR</b> Vehicle Commission .....	465	Oklahoma <b>TAX</b> Commission .....	712
Board of Regents of <b>MURRAY</b> State College ( <i>exempted 11-1-98</i> ) .....	470	Oklahoma Commission for <b>TEACHER</b> Preparation .....	715
Oklahoma State Bureau of <b>NARCOTICS</b> and Dangerous Drugs Control .....	475	<b>TEACHERS'</b> Retirement System .....	720
Board of Regents of <b>NORTHERN</b> Oklahoma College ( <i>exempted 11-1-98</i> ) .....	480	State <b>TEXTBOOK</b> Committee .....	723
Oklahoma Board of <b>NURSING</b> .....	485	<b>TOBACCO</b> Settlement Endowment Trust Fund .....	725
Oklahoma State Board of Examiners for <b>LONG-TERM</b> Care Administrators ( <i>Formerly: Oklahoma State Board of Examiners for NURSING Home Administrators</i> ) .....	490	Oklahoma <b>TOURISM</b> and Recreation Department .....	730
Board of Regents of <b>OKLAHOMA</b> City Community College ( <i>exempted 11-1-98</i> ) .....	495	Department of <b>TRANSPORTATION</b> .....	731
Board of Regents of <b>OKLAHOMA</b> Colleges ( <i>exempted 11-1-98</i> ) .....	500	Oklahoma <b>TRANSPORTATION</b> Authority ( <i>Name changed to Oklahoma TURNPIKE Authority 11-1-05</i> ) - <i>See</i> Title 731	735
Board of Examiners in <b>OPTOMETRY</b> .....	505	Oklahoma <b>TURNPIKE</b> Authority ( <i>Formerly: Oklahoma TRANSPORTATION Authority AND Oklahoma TURNPIKE Authority</i> ) - <i>See</i> also Title 745 .....	740
State Board of <b>OSTEOPATHIC</b> Examiners .....	510	State <b>TREASURER</b> .....	745
<b>PARDON</b> and Parole Board .....	515	Board of Regents of <b>TULSA</b> Community College ( <i>exempted 11-1-98</i> ) .....	748
Oklahoma <b>PEANUT</b> Commission .....	520	Oklahoma <b>TURNPIKE</b> Authority ( <i>Name changed to Oklahoma TRANSPORATION Authority 11-1-99 - no rules enacted in this Title - See</i> Title 731) .....	750
Oklahoma State <b>PENSION</b> Commission .....	525	Oklahoma <b>UNIFORM</b> Building Code Commission .....	752
State Board of Examiners of <b>PERFUSIONISTS</b> .....	527	Board of Trustees for the <b>UNIVERSITY</b> Center at Tulsa ( <i>exempted 11-1-98</i> ) .....	755
Office of <b>PERSONNEL</b> Management .....	530	<b>UNIVERSITY</b> Hospitals Authority .....	757
Board of Commercial <b>PET</b> Breeders .....	532	<b>UNIVERSITY</b> Hospitals Trust .....	755
Oklahoma State Board of <b>PHARMACY</b> .....	535	Board of Regents of the <b>UNIVERSITY</b> of Oklahoma ( <i>exempted 11-1-98</i> ) .....	760
<b>PHYSICIAN</b> Manpower Training Commission .....	540	Board of Regents of the <b>UNIVERSITY</b> of Science and Arts of Oklahoma ( <i>exempted 11-1-98</i> ) .....	765
Board of <b>PODIATRIC</b> Medical Examiners .....	545	Oklahoma <b>USED</b> Motor Vehicle and Parts Commission .....	770
Oklahoma <b>POLICE</b> Pension and Retirement System .....	550	Oklahoma Department of <b>VETERANS</b> Affairs .....	775
State Department of <b>POLLUTION</b> Control ( <i>abolished 1-1-93</i> ) .....	555	Board of <b>VETERINARY</b> Medical Examiners .....	780
<b>POLYGRAPH</b> Examiners Board .....	560	Oklahoma Department of <b>CAREER</b> and Technology Education ( <i>Formerly: Oklahoma Department of VOCATIONAL and Technical Education</i> ) .....	785
Oklahoma Board of <b>PRIVATE</b> Vocational Schools .....	565	Oklahoma <b>WATER</b> Resources Board .....	790
State Board for <b>PROPERTY</b> and Casualty Rates ( <i>abolished 7-1-06; see also Title 365</i> ) .....	570	Board of Regents of <b>WESTERN</b> Oklahoma State College ( <i>exempted 11-1-98</i> ) .....	795
State Board of Examiners of <b>PSYCHOLOGISTS</b> .....	575	Oklahoma <b>WHEAT</b> Commission .....	800
Department of <b>CENTRAL</b> Services ( <i>Formerly: Office of PUBLIC Affairs</i> ) .....	580	Department of <b>WILDLIFE</b> Conservation .....	805
<b>PUBLIC</b> Employees Relations Board .....	585	<b>WILL</b> Rogers and J.M. Davis Memorials Commission .....	805
Oklahoma <b>PUBLIC</b> Employees Retirement System .....	590		
Department of <b>PUBLIC</b> Safety .....	595		
<b>REAL</b> Estate Appraiser Board .....	600		
Oklahoma <b>REAL</b> Estate Commission .....	605		
Board of Regents of <b>REDLANDS</b> Community College ( <i>exempted 11-1-98</i> ) .....	607		
State <b>REGENTS</b> for Higher Education .....	610		
State Department of <b>REHABILITATION</b> Services .....	612		
Board of Regents of <b>ROGERS</b> State College ( <i>exempted 11-1-98</i> ) .....	615		
Board of Regents of <b>ROSE</b> State College ( <i>exempted 11-1-98</i> ) .....	620		

# Notices of Rulemaking Intent

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

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

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

## **TITLE 600. REAL ESTATE APPRAISER BOARD CHAPTER 10. LICENSURE AND CERTIFICATION REQUIREMENTS**

*[OAR Docket #12-851]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

600:10-1-18. National Registry Fee [NEW]

### **SUMMARY:**

The proposed new rule is required to replace an emergency rule placed into effect to allow for the collection of the National Registry Fee from licensed appraisers on an annual basis, in whatever amount is due, as required by the Appraisal Subcommittee, and in turn pay the National Registry Fee on behalf of Oklahoma appraisers. The emergency rule was effective July 20, 2012.

### **AUTHORITY:**

Real Estate Appraiser Board, 59 O.S. § 858-706.

### **COMMENT PERIOD:**

Persons may submit written or oral comments to Christine McEntire at the offices of the Real Estate Appraiser Board, Oklahoma Insurance Department, 5 Corporate Plaza, 3625 NW 56th St, Suite 100, Oklahoma City, Oklahoma 73112 during the period September 18, 2012 to October 18, 2012.

### **PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on November 2, 2012, in the offices of the Oklahoma Insurance Commissioner located at 5 Corporate Plaza, 3625 NW 56th St, Suite 100, Oklahoma City, Oklahoma 73112.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by this proposed rule are requested to provide the Board with information, in dollar amounts if possible, about any increases in the level of direct costs expected to be incurred by the business entity due to compliance with the proposed rule. Business entities may submit this information in writing to Christine McEntire, Director, at the above address during the period of September 18, 2012 to October 18, 2012.

### **COPIES OF PROPOSED RULES:**

A copy of the proposed rule is available at the Offices of the Real Estate Appraiser Board, Oklahoma Insurance Department at 5 Corporate Plaza, 3625 NW 56th St, Suite 100, Oklahoma City, Oklahoma 73112. A copy of the proposed rule may also be obtained by written request to the attention of Christine

McEntire, Real Estate Appraiser Board, Five Corporate Plaza, Suite 100, Oklahoma City, OK 73112. A copy of the proposed rules is posted on the Real Estate Appraiser Board website, [www.reab.oid.ok.gov](http://www.reab.oid.ok.gov).

### **RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained at the Offices of the Real Estate Appraiser Board, Oklahoma Insurance Department at 5 Corporate Plaza, 3625 NW 56th St, Suite 100, Oklahoma City, Oklahoma 73112.

### **CONTACT PERSON:**

Christine McEntire, Director (405) 522-2475.

*[OAR Docket #12-851; filed 8-7-12]*

## **TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 65. SALES AND USE TAX**

*[OAR Docket #12-855]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 19. Specific Applications and Examples  
Part 1. "A"

710:65-19-11 [AMENDED]

### **SUMMARY:**

Section 710:65-19-11 is amended to clarify the Tax Commission's policy regarding the sales tax treatment of parts, materials and other property utilized by repair shops, service centers and body shops to repair automobiles distinguishing between repair shops that charge a lump sum price for parts and labor and those that make sales of parts and separately charge for labor or installation.

### **AUTHORITY:**

68 O.S. § 203; Oklahoma Tax Commission

### **COMMENT PERIOD:**

Persons wishing to make written submissions may do so by **4:30 p.m. October 5, 2012** to the Oklahoma Tax Commission, Tax Policy Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

### **PUBLIC HEARING:**

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **October 10, 2012 at 9:30 a.m.** in the Concourse Theater located in the lower level of the Will Rogers Building (State Capitol Complex), 2401 N. Lincoln, Oklahoma City,

## Notices of Rulemaking Intent

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Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

### **REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that any business entity affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

### **COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be reviewed online at [www.tax.ok.gov](http://www.tax.ok.gov)

### **RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared and will be available for review from and after September 19, 2012 from the same source listed above for obtaining copies of proposed rules.

### **CONTACT PERSON:**

Lisa Haws, Liaison; .Phone: 405-521-3133; FAX: 405-522-0063; Email: [lhaws@tax.ok.gov](mailto:lhaws@tax.ok.gov)

*[OAR Docket #12-855; filed 8-9-12]*

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# Legislative Disapprovals

Upon disapproval by the Legislature of an agency's rules, the agency must publish a notice of such legislative disapproval in the Register.

For additional information on legislative disapprovals, see 75 O.S., Section 308.

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

*[OAR Docket #12-857]*

**RULEMAKING ACTION:**

Legislative disapproval of PERMANENT rules

**RULES:**

Subchapter 3. General Operation and Procedures

158:1-3-1. Address [AMENDED]

**LEGISLATIVE DISAPPROVAL:**

These rules were not heard in the Senate Subcommittee, therefore considered as disapproved.

*[OAR Docket #12-857; filed 8-9-12]*

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

*[OAR Docket #12-858]*

**RULEMAKING ACTION:**

Legislative disapproval of PERMANENT rules

**RULES:**

Subchapter 1. General Provisions

158:30-1-4. [AMENDED]

Subchapter 3. Procedures of the Committee and Hearing Board

158:30-3-2. [AMENDED]

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

158:30-9-1. [AMENDED]

158:30-9-4. [AMENDED]

**LEGISLATIVE DISAPPROVAL:**

These rules were not heard in the Senate Subcommittee, therefore considered as disapproved.

*[OAR Docket #12-858; filed 8-9-12]*

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

*[OAR Docket #12-859]*

**RULEMAKING ACTION:**

Legislative disapproval of PERMANENT rules

**RULES:**

Subchapter 1. General Provisions.

158:40-1-2. [AMENDED]

Subchapter 7. License Classifications

158:40-7-1. [AMENDED]

158:40-7-2. [AMENDED]

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

158:40-9-3. [AMENDED]

158:40-9-4. [AMENDED]

**LEGISLATIVE DISAPPROVAL:**

These rules were not heard in the Senate Subcommittee, therefore considered as disapproved.

*[OAR Docket #12-859; filed 8-9-12]*

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

*[OAR Docket #12-860]*

**RULEMAKING ACTION:**

Legislative disapproval of PERMANENT rules

**RULES:**

Subchapter 1. General Provisions

158:50-1-2. [AMENDED]

158:50-1-3. [AMENDED]

158:50-1-4. [AMENDED]

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

158:50-5-1. [AMENDED]

158:50-5-2. [AMENDED]

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

158:50-9-1. [AMENDED]

158:50-9-2. [AMENDED]

158:50-9-7. [AMENDED]

## Legislative Disapprovals

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### LEGISLATIVE DISAPPROVAL:

These rules were not heard in the Senate Subcommittee, therefore considered as disapproved.

*[OAR Docket #12-860; filed 8-9-12]*

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### TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 60. INSPECTORS REGULATIONS

*[OAR Docket #12-861]*

#### RULEMAKING ACTION:

Legislative disapproval of PERMANENT rules

#### RULES:

Subchapter 1. General Provisions

158:60-1-2. [AMENDED]

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

158:60-5-1. [AMENDED]

158:60-5-2. [AMENDED]

158:60-5-3. [AMENDED]

158:60-5-4. [AMENDED]

158:60-5-5. [AMENDED]

#### LEGISLATIVE DISAPPROVAL:

These rules were not heard in the Senate Subcommittee, therefore considered as disapproved.

*[OAR Docket #12-861; filed 8-9-12]*

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### TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 70. HOME INSPECTORS ACT

*[OAR Docket #12-862]*

#### RULEMAKING ACTION:

Legislative disapproval of PERMANENT rules

#### RULES:

Subchapter 1. General Provisions

158:70-1-2. [AMENDED]

158:70-1-3. [AMENDED]

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

158:70-9-1. [AMENDED]

158:70-9-5. [AMENDED]

158:70-9-6. [AMENDED]

Subchapter 11. License Revocation and Suspension and Additional Prohibited Acts

158:70-11-3. [NEW]

#### LEGISLATIVE DISAPPROVAL:

These rules were not heard in the Senate Subcommittee, therefore considered as disapproved.

*[OAR Docket #12-862; filed 8-9-12]*

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# Emergency Adoptions

An agency may adopt new rules, or amendments to or revocations of existing rules, on an emergency basis if the agency determines that "an imminent peril exists to the preservation of the public health, safety, or welfare, or that a compelling public interest requires an emergency rule[s] . . . . [A]n agency may promulgate, at any time, any such [emergency] rule[s], provided the Governor first approves such rule[s]" [75 O.S., Section 253(A)].

An emergency action is effective immediately upon approval by the Governor or on a later date specified by the agency in the preamble of the emergency rule document. An emergency rule expires on July 15 after the next regular legislative session following promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).

Emergency rules are not published in the *Oklahoma Administrative Code*; however, a source note entry, which references the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action.

*For additional information on the emergency rulemaking process, see 75 O.S., Section 253.*

## TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 70. HOME INSPECTORS ACT

[OAR Docket #12-856]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 1. General Provisions  
158:70-1-3. Standards of workmanship and practice

### AUTHORITY:

The Construction Industries Board is specifically authorized to promulgate, amend and repeal rules pertaining to the standards of practice for licensed home inspectors. 59 O.S. § 858-627(B)(5). The CIB has general rulemaking authority at 59 O.S. § 1000.4(A)(1).

### DATES:

#### Adoption:

February 8, 2012

#### Approved by Governor:

March 30, 2012

#### Effective:

Immediately upon Governor's approval

#### Expiration:

Effective through July 14, 2013, unless superseded by another rule or disapproved by the legislature

### SUPERSEDED EMERGENCY ACTIONS:

N/A

### INCORPORATIONS BY REFERENCE:

N/A

### FINDING OF EMERGENCY:

Corrugated stainless steel tubing or commonly known as "CSST" is flexible gas piping used to convey natural gas or propane to household appliances such as water heaters, furnaces, and fireplaces. Research has been presented showing, if direct or indirect lightning strikes a structure where yellow CSST is installed but not properly bonded, it is possible for the electrical energy to arc and penetrate the tubing, potentially causing gas leaks or fires in some cases.

Manufacturers have estimated CSST has been installed in more than 150,000 homes in Oklahoma, where many of these installations occurred prior to new installation guidelines and code changes. Due to the high volume of electrical storms in Oklahoma and the desire of the Construction Industries Board to protect life and property, this proposed emergency rule is requested in order to raise awareness of these dangers and promote public safety.

### ANALYSIS:

158:70-1-3 adds the notification of CSST flexible gas piping to the client if the inspector visually observes any shade of yellow corrugated stainless steel tubing flexible gas piping during the inspection and that the product is safer when properly bonded and grounded as required by the manufacturer's installation instructions.

### CONTACT PERSON:

Linda McLennan, Liaison Officer, 405.521.6546

## PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE

## CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253 (D):

### SUBCHAPTER 1. GENERAL PROVISIONS

#### 158:70-1-3. Standards of workmanship and practice

##### (a) General requirements.

(1) These standards of practice are the minimum levels of inspection practice required of inspectors for the components and systems identified in these rules. Home inspections performed in accordance with these standards of practice are intended to provide the client with information regarding the condition of the systems and components at the time of the inspection.

(2) The inspector shall be governed by the following general requirements:

(A) The inspector shall inspect all readily accessible installed systems and components listed in these standards of practice.

(B) The inspector shall complete a written inspection report in accordance with these standards and submit the report to the client within an agreed upon time frame.

(C) The inspector shall identify in any written report the client, the inspector who performed the inspection by name and license number and the address of the inspected property.

(D) The inspector shall report:

(i) those systems and components inspected, which in the professional opinion of the inspector, are in normal working order;

(ii) those systems and components inspected which, in the professional opinion of the inspector, are not in normal working order and the reason, if not self-evident;

(iii) those systems and components inspected which, in the professional opinion of the inspector, could impair the safety of the occupants or client and the reason, if not self-evident;

(iv) the inspector's recommendations to have corrected, further evaluated or monitored any reported condition or defect; and,

## Emergency Adoptions

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- (v) any systems and components designated for inspection in these standards, which were present at the time of the Home Inspection but were not inspected and the reason they were not inspected.
  - (3) These standards of practice are not intended to limit inspectors from:
    - (A) including other inspection services or inspecting other systems or components in addition to those required by these Standards;
    - (B) providing a higher level of inspection performance than required by these Standards;
    - (C) reporting other observations or conditions in addition to those required by these Standards; or,
    - (D) excluding systems and components from the inspection, if requested by the client in writing.
  - (4) Beginning July 1, 2006 all home inspectors shall maintain a log or record of all home inspections performed, for a minimum period of five years from the date of inspection. The log or record shall include the name of the client, the address of the property, and the date of the inspection. The home inspector shall maintain a copy of all home inspections completed within the past 36 months. The log or record and inspection reports may be a hard file or an electronic file and shall be maintained at the home inspector's principal business address. The files shall be available for review upon request of an authorized representative of the Construction Industries Board.
  - (5) A home inspector who visually examines any portion of a residential unit that is part of a real property consisting of more than four (4) dwelling units, shall advise, in writing, the person requesting the visual examination that the visual examination being conducted by the home inspector is not governed by the Act and these rules.
- (b) **General limitations and exclusions.**
- (1) The inspector is not required to perform any action or make any determination not specifically stated in these Standards of Practice.
  - (2) Inspections performed in accordance with these standards are not required to be technically exhaustive, will not identify concealed conditions or latent defects and are only applicable to buildings with four or fewer dwelling units and their garages, both attached and detached, or carports.
  - (3) The inspector is not required to:
    - (A) perform any action or make any determination unless specifically stated in these Standards, except as may be required by lawful authority;
    - (B) determine the condition of systems or components which are not readily accessible;
    - (C) determine the remaining life of any system or component;
    - (D) determine the strength, adequacy, effectiveness, efficiency or insurability of any system or component;
    - (E) determine the causes of any condition or defect;
    - (F) determine the methods or materials for repair or correction of any defect;
    - (G) determine future conditions including, but not limited to, failure of systems and components;
    - (H) determine the suitability of the property for any specialized use or compliance with any regulatory requirements other than this Chapter;
    - (I) determine the presence of potentially hazardous plants or animals including, but not limited to, wood destroying organisms, mold, mildew, fungi, or diseases harmful to humans;
    - (J) determine the presence of any environmental hazards including, but not limited to, toxins, carcinogens, noise, and contaminants in soil, water, or air;
    - (K) determine the effectiveness of any system installed or methods utilized to control or remove suspected hazardous substances;
    - (L) determine the operating costs of any system or component;
    - (M) determine the acoustical properties of any system or component;
    - (N) perform engineering or architectural services or perform work in any trade or professional service other than home inspections;
    - (O) provide warranties or guarantees of any kind;
    - (P) operate any system or component which is shut down or otherwise inoperable or turn on any utility services;
    - (Q) operate any system or component which does not respond to normal operating controls, or shut-off valves;
    - (R) enter any area which will, in the opinion of the inspector, likely be dangerous to the inspector or other persons or may damage the property or its systems or components;
    - (S) enter the under-floor crawl spaces, attics or any area which, in the opinion of the inspector, is not readily accessible;
    - (T) inspect or determine the integrity of underground systems or components, including, but not limited to, main drain lines connecting to sewers, water lines, gas lines, electrical lines and underground storage tanks or other underground indications of their presence whether abandoned or active;
    - (U) inspect systems or components which are not installed, decorative items, systems or components located in areas that are not entered in accordance with these Standards, detached structures other than garages and carports, or common elements and areas in multi-unit housing, such as condominium properties or cooperative housing;
    - (V) move suspended ceiling tiles, personal property, furniture, equipment, plants, soil, snow, ice, or debris;
    - (W) dismantle any system or component, except as explicitly required by these rules; or,
    - (X) light any standing gas pilot light that does not have a spark-ignitor, including but not limited to heating systems, water heaters and fireplaces; or,

- (Y) determine the cost to correct any defect or provide cost estimates.
- (4) The inspector shall not:
  - (A) offer or perform any act or service contrary to law;
  - (B) determine or report on the market value of the property or its marketability;
  - (C) report on the advisability of the purchase of the property; or,
  - (D) advertise or solicit to perform repair services on the inspected home for a period of one (1) year from the date of the inspection.
- (c) **Structural system inspection requirements.**
  - (1) The inspector shall inspect:
    - (A) the foundation structure including slabs, piers, columns, posts, stem walls;
    - (B) the floor structure including beams, girders, joists, trusses, sill plates, blocking, bracing, drilling, notching and sub floors;
    - (C) the wall structure;
    - (D) the roof structure including rafters, trusses, sheathing, blocking, bracing, drilling, notching and fire stops;
    - (E) the ceiling structure including joists, trusses, blocking, bracing, drilling, notching and fire stops at ceiling penetrations; and,
    - (F) the crawlspace, basement and attic moisture conditions and indicators of harmful water penetration or condensation on structural components.
  - (2) The inspector is required to:
    - (A) describe the foundation, floor structure, roof structure, ceiling structure and wall structure;
    - (B) describe indicators of foundation or structural movement;
    - (C) enter the crawlspace and attic to determine the general condition of the components;
    - (D) report the method used to observe the crawlspace and attic if the inspector did not enter; and,
    - (E) probe structural components where deterioration is suspected or where clear indications of possible deterioration exist. Probing is not required where no deterioration is visible.
  - (3) The inspector is not required to:
    - (A) enter a crawlspace or any foundation area where the headroom is less than 18 inches, the access opening is less than 18 inches by 24 inches, where the area is excessively wet, or where the inspector reasonably determines the conditions or materials are hazardous to the safety of the inspector;
    - (B) enter an attic space where head room is less than 30 inches, the access opening is less than 18 inches wide by 24 inches long, or where the inspector reasonably determines conditions or materials are hazardous to the safety of the inspector; or
    - (C) perform any invasive or destructive inspection.
- (d) **Exterior inspection requirements.**
  - (1) The inspector shall inspect:
    - (A) the exterior wall covering, trim, flashings, caulking and protective coatings;
    - (B) all exterior doors and locking devices;
    - (C) overhead garage doors and garage door openers including safety mechanisms;
    - (D) storm windows and doors;
    - (E) attached decks/patios, balconies, stoops, steps, porches, and their associated railings;
    - (F) eaves, soffits and fascia's;
    - (G) driveways and walkways leading to dwelling entrances;
    - (H) vegetation, grading, surface drainage, and retaining walls on the property when any of these are likely to have an adverse effect on the structure; and,
    - (I) the primary garage or carport.
  - (2) The inspector shall describe:
    - (A) the exterior wall covering;
    - (B) attached decks/patios and balconies;
    - (C) driveways; and,
    - (D) walkways.
  - (3) The inspector is not required to inspect:
    - (A) screening, shutters, awnings, and similar seasonal accessories;
    - (B) fences;
    - (C) geotechnical or hydrological conditions;
    - (D) recreational facilities;
    - (E) detached structures except the primary garage or carport;
    - (F) seawalls, break-walls, and docks; or,
    - (G) erosion control and earth stabilization measures.
- (e) **Roof system inspection requirements.**
  - (1) The inspector shall inspect the:
    - (A) roof covering;
    - (B) roof drainage systems;
    - (C) flashings;
    - (D) skylights;
    - (E) chimneys;
    - (F) attic ventilation covers; and,
    - (G) other roof penetrations.
  - (2) The inspector shall describe:
    - (A) the roof covering;
    - (B) The inspector shall report;
    - (C) the number of layers of roof covering;
    - (D) asphalt/composition shingles over wood shingles; and,
    - (E) the methods used to inspect the roof.
  - (3) The inspector is not required to inspect:
    - (A) the interiors of flues or chimneys;
    - (B) antennae; or,
    - (C) other installed accessories.
- (f) **Plumbing system inspection requirements.**
  - (1) The inspector shall inspect:
    - (A) the interior water supply and distribution systems and components;
    - (B) the connections, flow and drainage of fixtures, and fittings at bathtubs, showers, sinks, toilets and

## Emergency Adoptions

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- the exterior hose bibs immediately adjacent to the structure;
- (C) the clothes washing machine faucets and drains, unless a washing machine is in place;
- (D) drain, waste and vent systems and components;
- (E) the shower and bathtub enclosure surfaces;
- (F) the water heating equipment, safety devices/valves, clearances, vent systems, flues and chimneys, gas supply piping and gas shut off valves;
- (G) the fuel storage and/or fuel distribution systems; and,
- (H) the drainage sumps, sump pumps and related piping.
- (2) The inspector shall describe:
- (A) water supply piping materials;
- (B) drain, waste, and vent piping materials;
- (C) the water heating equipment and the energy sources; and,
- (D) the location of the main water shut-off, main fuel shut-off and the house sewer cleanout.
- (E) the presence of any shade of yellow corrugated stainless steel tubing ("CSST") flexible gas piping observed during the inspection in which the inspector is not required to identify concealed conditions, components not readily accessible, or any other item accepted from inspection pursuant to 158:70-1-3. If any shade of yellow CSST flexible gas piping is observed, the home inspector shall notify the client, in writing, as follows: "Manufacturers believe the product is safer if properly bonded and grounded as required by the manufacturer's installation instructions. Proper bonding and grounding of the product can only be determined by a licensed electrical contractor."
- (3) The inspector is not required to:
- (A) inspect the interiors of flues or chimneys, wells, well pumps, or water storage related equipment, water conditioning systems, solar water heating systems, fire and lawn sprinkler systems, or private waste disposal systems,
- (B) determine the quantity or quality of the water supply;
- (C) determine whether water supply and waste disposal are public or private;
- (D) operate safety valves, shut-off valves or washing machine hose connections, if installed appliances are present; or,
- (E) use technically exhaustive techniques to determine the water tightness or integrity of shower pans or enclosures.
- (g) **Electrical system inspection requirements.**
- (1) Except as provided in 158:70-1-3(b), the Inspector shall inspect:
- (A) the service drop;
- (B) the service entrance conductors, cables, and raceways;
- (C) the service equipment and main disconnects;
- (D) the service grounding;
- (E) the interior components of service panels and sub panels by removing the panel dead front covers;
- (F) the branch circuit conductors, over current protection devices and the compatibility of the conductors with the device;
- (G) conduit, wiring and splicing including the basement, crawl space and attic;
- (H) interior and exterior installed lighting fixtures, switches and ceiling fans;
- (I) receptacles including polarity and grounding, ground fault circuit interrupters and arc fault circuit interrupters; and,
- (J) exterior electrical components that provide service to a qualifying garage or carport.
- (2) The inspector shall describe:
- (A) the amperage and voltage rating of the service;
- (B) the wiring methods;
- (C) the location of main disconnect(s), distribution panels and sub panels;
- (D) the presence of solid conductor aluminum branch circuit wiring; and,
- (E) the absence of smoke detectors.
- (3) The inspector is not required to:
- (A) inspect remote control devices unless the device is the only control device, alarm systems and components, low voltage wiring systems and components or ancillary wiring systems and components not a part of the primary electrical power distribution system;
- (B) measure amperage, voltage/voltage drop, or impedance;
- (C) insert any tool, probe or testing device inside panels or dismantle any electrical device or control other than to remove the dead front covers of the main and sub panels; or,
- (D) test or operate any over current protection device except ground fault and arc fault circuit interrupters.
- (h) **Heating, air conditioning and distribution system inspection requirements.**
- (1) **Heating systems.**
- (A) The inspector shall open readily openable access panels
- (B) The inspector shall inspect:
- (i) the installed heating equipment including backup heating devices;
- (ii) controls;
- (iii) heating operation;
- (iv) burners and burner chambers in fuel fired heating systems;
- (v) combustion air provisions;
- (vi) gas supply piping and shut off valve;
- (vii) electrical supply provisions and disconnects;
- (viii) clearances;
- (ix) vent systems, flues, and chimneys; and,
- (x) bathroom supplemental heating appliances.

- (C) The inspector shall describe the heating methods by their
  - (i) installed cooling equipment;
  - (ii) cooling operation;
  - (iii) condensate disposal provisions;
  - (iv) the electrical supply provisions and disconnect; and,
  - (v) the refrigerant lines.
- (D) The inspector shall describe the cooling methods by their distinguishing characteristics and the energy sources.
- (E) The inspector is not required to:
  - (i) verify sizing or component matching; or,
  - (ii) operate equipment when outdoor temperatures may cause damage to the equipment.
- (3) **Heat and air conditioning distribution systems.**
  - (A) The inspector shall inspect:
    - (i) plenums and ducts with associated supports, insulation, supply registers and return grills;
    - (ii) radiators and piping;
    - (iii) filters; and,
    - (iv) main air handler's fans and blowers.
  - (B) The inspector shall describe the type of conditioned air distribution system.
  - (C) The inspector is not required to:
    - (i) inspect electronic air filters, heat reclamation equipment or dampers;
    - (ii) determine duct leakage or calculate duct sizing; or,
    - (iii) determine the uniformity, adequacy, or distribution balance of the heat or cooling supply to habitable rooms.
- (i) **Interior inspection requirements.**
  - (1) The inspector shall inspect:
    - (A) walls, ceilings and floors of the dwelling and garage;
    - (B) steps, stairways, balconies and railings;
    - (C) doors and windows including operation, glazing and thermal pane seals;
    - (D) installed cabinets and countertops; and,
    - (E) indicators of harmful water penetration or condensation on interior and structural components.
  - (2) The inspector shall describe the walls, ceilings and floors.
  - (3) The inspector is not required to inspect:
    - (A) paint, wallpaper, and other finish treatments;
    - (B) carpeting and other floor coverings;
    - (C) window treatments;
    - (D) the operation of interior door locks, latches and devices; or,
    - (E) recreational facilities.
- (j) **Insulation and ventilation inspection requirements.**
  - (1) The inspector shall inspect:
    - (A) insulation and vapor retarders/barriers in unfinished spaces,
    - (B) ventilation of attics and foundation areas,
    - (C) mechanical ventilation systems
    - (D) the clothes dryer exhaust system.
  - (2) The inspector shall describe:
    - (A) the insulation and vapor retarders or barriers in unfinished spaces; and,
    - (B) the absence of insulation in unfinished spaces at conditioned surfaces.
  - (3) The inspector is not required to:
    - (A) disturb insulation or vapor retarders or barriers;
    - (B) operate powered attic vents; or,
    - (C) determine indoor air quality.
- (k) **Appliance inspection requirements.**
  - (1) The inspector shall inspect the:
    - (A) food waste disposal;
    - (B) range/stove, regardless of whether it is an installed or free standing appliance;
    - (C) cook top;
    - (D) oven(s);
    - (E) dishwasher;
    - (F) ventilation equipment or range hoods;
    - (G) installed microwave;
    - (H) trash compactor; and,
    - (I) gas appliance connectors and shut off valves.
  - (2) The inspector shall describe the range/stove, cook top and oven(s) by the energy source.
  - (3) The inspector is not required to:
    - (A) operate appliances in all modes or self-cleaning cycles; or,
    - (B) inspect clocks, timers, thermostats or household appliances not listed in these standards.
- (l) **Fireplaces and solid fuel burning appliances inspection requirements.**
  - (1) The inspector shall inspect the:
    - (A) hearth and hearth extension;
    - (B) damper;
    - (C) gas supply; and,
    - (D) the firebox, vent systems, flues and chimneys.
  - (2) The inspector shall describe:
    - (A) the fireplaces;
    - (B) solid fuel burning appliances; and,
    - (C) chimneys.
  - (3) The inspector is not required to:
    - (A) inspect the interiors of flues or chimneys, the fire screens and doors, the seals and gaskets, the automatic fuel feed devices, the mantels and fireplace surrounds, the combustion make-up air devices, the heat distribution assists whether gravity controlled or fan assisted or free standing solid fuel burning appliances;
    - (B) ignite or extinguish fires;
    - (C) determine draft characteristics; and,
    - (D) move fireplace inserts, stoves or firebox contents.

[OAR Docket #12-856; filed 8-9-12]



# Permanent Final Adoptions

An agency may promulgate rules on a permanent basis upon "final adoption" of the proposed new, amended, or revoked rules. "Final adoption" occurs upon approval by the Governor and the Legislature, or upon enactment of a joint resolution of approval by the Legislature. Before proposed permanent rules can be reviewed and approved/disapproved by the Governor and the Legislature, the agency must provide the public an opportunity for input by publishing a Notice of Rulemaking Intent in the *Register*.

Permanent rules are effective ten days after publication in the *Register*, or on a later date specified by the agency in the preamble of the permanent rule document.

Permanent rules are published in the *Oklahoma Administrative Code*, along with a source note entry that references the *Register* publication of the permanent action.

*For additional information on the permanent rulemaking process, see 75 O.S., Sections 303, 303.1, 303.2, 308 and 308.1.*

## TITLE 575. STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS CHAPTER 1. ORGANIZATION OF BOARD AND PROCEDURES FOR HANDLING COMPLAINTS

[OAR Docket #12-849]

### RULEMAKING ACTION:

PERMANENT final adoption

### RULES:

575:1-1-2 [AMENDED]

575:1-1-3 [AMENDED]

### AUTHORITY:

Oklahoma State Board of Examiners of Psychologists; 59, O.S., 2001, Section 1352.1(8).

### DATES:

#### Comment period:

February 16, 2011 through March 18, 2011

#### Public Hearing:

March 25, 2011

#### Adoption:

March 25, 2011

#### Submitted to Governor:

April 4, 2011

#### Submitted to House:

April 4, 2011

#### Submitted to Senate:

April 4, 2011

#### Gubernatorial approval:

May 11, 2011

#### Legislative approval:

Failure of the Legislature to disapprove the rules resulted in approval on March 29, 2012

#### Final Adoption:

March 29, 2012

#### Effective:

September 14, 2012

#### INCORPORATIONS BY REFERENCE:

n/a

#### SUPERSEDED EMERGENCY ACTIONS:

n/a

#### ANALYSIS:

The amendments to these rules will update and clarify the procedures for requests and update statute references.

#### CONTACT PERSON:

Teanne Rose, Executive Officer, Oklahoma State Board of Examiners of Psychologists, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, OK 73105, 405-524-9094.

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF SEPTEMBER 14, 2012:**

### 575:1-1-2.

#### Organization and proceedings of the Board; petitions for rule making; declaratory rulings

(a) **Meetings.** In accordance with the 1977 Open Meeting Law [Title 25, Sections 301 thru 314, of state statutes], all meetings of the Board are open to the public and votes of each member are to be publicly cast and recorded.

(1) **Regularly scheduled meetings.** The Secretary of State shall be given notice of all regularly scheduled meetings by December 15 of each calendar year, showing the date, time and place of such meetings for the following calendar year. If any change is to be made in the date, time, or place of regularly scheduled meetings, then notice in writing shall be given to the Secretary of State not less than 10 days prior to the implementation of such change. At least 24 hours prior to regularly scheduled meetings, excluding Saturdays, Sundays, and holidays legally declared by the State of Oklahoma, public notice will be given setting forth thereon the date, time, place, and agenda for said meeting. Such notice shall not preclude the consideration of new business providing such was not known about or could not have been reasonably foreseen prior to the time of posting. If a meeting is to be continued or reconvened, public notice of the date, time, and place shall be given by announcement at the original meeting, and only matters appearing on the agenda of the meeting which is continued may be discussed at the continued or reconvened meeting.

(2) **Special meetings.** Special meetings shall not be held without public notice, indicating the date, time, and place, being given to the Secretary of State at least 48 hours prior to said meeting. In addition, at least 24 hours prior to such a meeting, public notice giving the time, place, and agenda shall be posted in prominent public view in the building containing the office of the Board. In exceptional circumstances, emergency meetings without public notice may be called.

(3) **Minutes.** The proceedings of all meetings shall be kept in the form of written minutes and shall be open to public inspection.

(b) **Official office; Board records.** The official office of the Board shall be designated by the Board and all records of the Board shall be kept at the official office. Information may be obtained by making written request to said office, the address of which shall be listed in the Annual Directory.

(c) **Submissions to the Board to be in writing.** All submissions to the Board, or requests of the Board, shall be made in writing to said office. All communications with the Board must be in written form as a matter of record before official

## Permanent Final Adoptions

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consideration will be given to issues, requests, or submissions brought before the Board.

(d) **Board monies.** The monies received by the Board shall be kept in the Psychologists Licensing Fund, No. 200. Expenditures from said fund shall be subject to the approval of the Board.

(e) **Reimbursement for travel expenses.** Each Board member, staff member, or other persons who are performing substantial and necessary services for the Board may be reimbursed for expenses incurred under authorized official travel [Pursuant to O.S. 74, Section 500.2 et seq].

(f) **Formal and informal procedures.** The Board shall have both formal and informal procedures for use, as appropriate, in conducting the business of the Board. Such procedures may involve, but are not limited to, hearings for individuals, questions of legal policy, inquiries concerning Board policies or decisions, or other Board business.

(g) **Forms.** The Board shall have such forms as are required for the conduct of Board business. Such forms shall include, but are not limited to, application for licensure, application for private practice under supervision, and applications for a psychologist to hire a psychological technician in his/her private practice.

(h) **Petitions regarding rules; declaratory rulings.** Any interested person may petition the Board requesting the promulgation, amendment, or repeal of a rule. Petitions requesting declaratory rulings as to the applicability of any rule or order of the Board may also be submitted. The Board shall make prompt disposition of all such petitions.

(i) **Distribution of rules and regulations; annual directory.** The Board shall distribute all regulations and procedures established by the Board to each licensed psychologist and psychologist practicing under supervision. Such distribution shall occur not less than annually, and may be accomplished by inclusion of said rules in the Annual Directory. The Annual Directory shall contain, in addition to those items required by law [59 O.S., Section 1369], a verbatim copy of the licensing law as well as all rules and regulations duly established by the Board.

(j) **Board secretary.** The secretary of the Board, as described in 59 O.S., Sections 1358 and 1360, shall be employed by the Board.

(k) **Psychological consultant.** A qualified individual may be employed by the Board to perform certain activities to further the purposes of the Board. Such activities may include, but are not limited to: issues concerning training, credentialing, professional practice, regulation, ethical matters, and receiving and/or reviewing ~~complaints~~ requests for inquiries; advising the chair in the informal conduct of the Board's procedures and providing consultation to the Board during its regular and special meetings.

### 575:1-1-3. Investigation of requests for inquiry

(a) **Choice of investigative mode when unlicensed individuals are involved.** When violations of the law by unlicensed individuals are brought to the attention of the Board, the Board may conduct an investigation in its own behalf, request investigation by appropriate state agencies, and/or refer the

matter to the Office of the Attorney General. The choice of an investigative mode shall depend on the circumstances of the case and shall be made at the discretion of the Board.

(b) **Notification of the disposition of requests for inquiry against licensed psychologists and investigations of them.**

At the point at which any request for inquiry and/or investigation is resolved, the Board shall inform the requesting party and the psychologist of the disposition of the matter as well as the supporting rationale based on known facts and applicable laws or rules. The Board shall also notify the Attorney General's Office, ~~the Office of the Governor, and legislative committees as appropriate.~~

(c) **Investigative procedure.** The following is the procedure for investigation of requests for inquiry against licensed psychologists:

(1) **Requirements for requests for inquiry.** The investigation of a request for inquiry about a licensed psychologist may be initiated only when the request for inquiry is in writing, signed, notarized, and filed with the Board. The notarized request for inquiry must contain a brief statement setting forth the allegations of fact and naming the licensee or licensees about whom the request for inquiry is filed. The request for inquiry provides the basis for the chairperson and/or vice chairperson of the Board to request an informal meeting with the licensee, whose participation is voluntary, and/or for appointment of an investigator for the case. The Board may receive, accept, process, investigate, act upon, and otherwise dispose of written requests for inquiry which are not in substantial compliance with this subsection if the Board, in its discretion, determines that the request for inquiry otherwise contains sufficient indicia of reliability and/or the allegations can be independently verified by the Board.

(2) **Independently verified allegations - written request for inquiry may not be required.** In all inquiries, the Board shall require the request for inquiry to be in writing, signed, and notarized. However, alleged violations of the Psychologists Licensing Act which can be independently verified by the Board may not require written request for inquiry.

(3) **Selection of investigator.** The Board shall select a member or other qualified individual to investigate any request for inquiry regarding any ~~psychologist~~ psychologists. This selection may be by majority vote of the Board or by appointment by the chairperson or vice chairperson.

(4) **Compensation for expenses.** The investigator shall be compensated by the Board for necessary and prudent expenses which are properly documented and approved by the Board.

(5) **Investigator's gathering of information.** The Board member or other individual authorized to receive and investigate requests for inquiry shall gather all information necessary to adequately apprise a Probable Cause Committee. The investigation may include interviews with the requesting party, the licensee named in the request for inquiry, and others as appropriate. The licensee

will have the opportunity during the investigator's interview to show compliance with all lawful requirements for the retention of the license. The gathering of information to assist the Board in its disposition of requests for inquiry is the only designated function of the investigator during the conduct of the investigation. Any investigative reports prepared and submitted to the Board's Probable Cause Committee, the prosecutorial arm of the Board, are to be used solely to determine whether or not to recommend the pursuit of disciplinary action, and thus constitute confidential and privileged work product material, not subject to disclosure. The investigator shall not offer his/her opinions to the requesting party and/or to the licensee. Such opinions shall include but not be limited to the merits of the request for inquiry and/or whether an ethical violation has occurred.

(6) **Presentation of Probable Cause Committee's summary and recommendation.** The Probable Cause Committee, comprised of the investigator, counsel to the Board and other appropriate individuals, is an advisory body whose function is to summarize the requests for inquiry and to make an informed recommendation regarding disposition of the requests for inquiry to the Board. The Probable Cause Committee's recommendation will be presented at an open meeting of the Board. The requesting party and the licensee will be given prior notification by mail of the date, time, and place of that meeting. Notice shall be served as specified in ~~Section 1370(B and D)~~Section 1370(C and E) of the Psychologists Licensing Act. During the Probable Cause Committee's presentation, no questions will be posed by or to the licensee or the complaining witness pertaining to the substance of the case. Such questions may be submitted in writing to the representative of the Attorney General's office following the Board meeting.

(7) **Dismissal of request for inquiry by majority vote.** Upon consideration of the recommendation of the Probable Cause Committee, the Board may decide not to pursue further the allegations, and may dismiss the request for inquiry by an approving vote of a majority of the members present in open meeting.

(8) **Informal disposition of certain requests for inquiry.** In some situations including, but not limited to, cases where the inquiry does not allege conduct as described in the Psychologists Licensing Act in ~~Section 1370(A)~~Section 1370 or conduct punishable by suspension or revocation of a license, probation, or formal reprimand, the matter may be handled informally. However, no matter can be considered closed until so voted by a majority of the Board in open meeting.

(9) **Recusal of Board member.** A Board member, acting as the appointed investigator or Probable Cause Committee member, shall be recused from all Board decisions relating to the request for inquiry.

[OAR Docket #12-849; filed 8-1-12]

**TITLE 575. STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS  
CHAPTER 10. LICENSURE OF PSYCHOLOGISTS**

[OAR Docket #12-850]

**RULEMAKING ACTION:**  
PERMANENT final adoption

**RULES:**  
575:10-1-2 [AMENDED]  
575:10-1-8 [AMENDED]

**AUTHORITY:**  
Oklahoma State Board of Examiners of Psychologists; 59, O.S., 2001, Section 1352.1(8).

**DATES:**  
**Comment period:**  
February 16, 2011 through March 18, 2011

**Public Hearing:**  
March 25, 2011

**Adoption:**  
March 25, 2011

**Submitted to Governor:**  
April 4, 2011

**Submitted to House:**  
April 4, 2011

**Submitted to Senate:**  
April 4, 2011

**Gubernatorial approval:**  
May 11, 2011

**Legislative approval:**  
Failure of the Legislature to disapprove the rules resulted in approval on March 29, 2012

**Final Adoption:**  
March 29, 2012

**Effective:**  
September 14, 2012

**INCORPORATIONS BY REFERENCE:**  
n/a

**SUPERSEDED EMERGENCY ACTIONS:**  
n/a

**ANALYSIS:**  
The amendments to these rules will update and clarify the application process and requirements to become licensed as a psychologist. This will also allow an applicant to retake an examination without having to wait 3 months. These amendments will also update and clarify the procedure of submitting continuing education and additionally allow the board to review and approve the list of continuing education sponsors.

**CONTACT PERSON:**  
Teanne Rose, Executive Officer, Oklahoma State Board of Examiners of Psychologists, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, OK 73105, 405-524-9094.

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF SEPTEMBER 14, 2012:**

**575:10-1-2. Requirements to become licensed as a psychologist**

(a) **Application.** Persons desiring licensure as a psychologist may obtain an official application ~~form~~from information from either the Board office or the Official Board Website. Applicants are required to submit a four hundred dollar (\$400.00) application fee in the form of a personal or certified check or

## Permanent Final Adoptions

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~~acceptable money order. The application fee is non-refundable. The completed application and all necessary papers must be filed with the secretary received at the board office at least 30 days prior to the Board meeting preceding the date of the examination, if examination is required, a regularly scheduled Board meeting. The application must be accompanied by four hundred dollars (\$400.00) in the form of a personal or certified check or acceptable money order. The application fee is non-refundable.~~—A minimum of three references from licensed psychologists shall be required for each applicant. Board members shall not serve as references for applicants except to verify portions of completed training or experience.

(b) **Consideration of application.** The Board shall consider, on an individual basis, the request of each applicant to take the examination for licensure as a psychologist under O.S. 59, Section 1362(1).

(c) **Doctoral programs.** All applicants for licensure as a psychologist shall have a doctoral degree based upon a curriculum from an institution regionally accredited by an organization recognized by the U.S. Department of Education consisting of at least three academic years, which shall be defined as 90 semester hours (excluding internship credit), leading to said degree. The applicant's doctoral degree must be from a program accredited by the American Psychological Association or meet all of the following criteria. By January 1, 1997, applicants for licensure shall have completed a doctoral program in psychology that is accredited by the American Psychological Association, or the Canadian Psychological Association, or designated as a psychology program by the Designation Committee of the National Register of Health Service Providers in Psychology and the Association of State and Provincial Psychology Board, and meet all of the following criteria:

(1) The doctoral program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogs and brochures its intent to educate and train psychologists.

(2) The psychology program must stand as a recognizable coherent organizational entity within the institution.

(3) There must be clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

(4) The program must be an integrated, organized sequence of study.

(5) The program must have an identifiable psychology faculty and a psychologist responsible for the program.

(6) The program must have an identifiable body of students who are matriculated in that program for a degree.

(d) **Practica and internship required.** The assessment of mental, emotional, or behavioral disorders and/or the treatment of individuals, couples, families, or groups with such disorders, by psychologists, requires a doctoral degree from an academic program designed to train psychologists to provide these services which integrates coursework and other experiences toward the goal of training psychologist practitioners. Practica and an internship experience are required.

(e) **Evaluating doctoral programs.** The doctoral program shall be documented in writing to the Board. The institution is to document the name of the department granting the degree, the date of completion of the degree requirements, and the major program of study such as, but not limited to, clinical, counseling, developmental, educational, experimental, industrial-personnel, psychometrics, school, or social-personality, unless this information is indicated on the applicant's official transcript. A certified letter from the Registrar may be submitted as documentation of the date of completion of the degree requirements. This academic program will then be evaluated by the following criteria:

(1) Except in school psychology, the three academic years leading to the doctoral degree must include a minimum of two years of full-time, on campus, graduate study (excluding internship). In school psychology, the three academic years leading to the doctoral degree must include a minimum of one year of full-time postmaster's graduate study as defined by the institution (excluding internship).

(2) At least forty-two (42) hours of the specified course work must be primarily psychological in content. The applicant must have a minimum of three (3) or more graduate semester hours in each of the following substantive content areas, for a total of twenty-one (21) hours:

(A) scientific and professional ethics and standards,

(B) research design and methodology,

(C) statistics and psychometrics,

(D) biological bases of behavior [e.g. physiological psychology, comparative psychology, neuropsychology, sensation, psychopharmacology].

(E) cognitive-affective bases of behavior [e.g. learning, memory, perception, cognition, thinking, motivation, emotion].

(F) social bases of behavior [e.g. social psychology, cultural, ethnic, and group processes, sex roles, organization and systems theory], and

(G) individual behavior [e.g. personality theory, human development, individual differences, abnormal psychology].

(3) The remaining twenty-one (21) hours of specified course work may be in the foregoing basic areas or in courses pertaining to the specific program of study.

(f) **Doctoral degree in area related to psychology not sufficient.** The possession of a doctoral degree from an area related to psychology does not qualify one for licensure as a psychologist. This includes, but is not limited to, applicants with degrees in special education, pastoral psychology (or counseling), counseling and guidance, speech and hearing, and counselor education.

(g) **Supervised experience.** An applicant for licensure as a psychologist must have two years of supervised experience satisfactory to the Board. Supervisors may not be members of the psychologist's immediate family or other individuals with whom the necessary level of objectivity cannot be maintained. This will include, but is not limited to, spouses, children, siblings, and parents or anyone with whom the psychologist

has an emotionally or sexually intimate relationship. Any experience gained under such supervision will be disallowed. This two years of experience must be as a psychologist and in line with the applicant's major program of study for the doctoral degree as determined according to the procedure stated in 575:10-1-2(e). Applicants in the areas of clinical, counseling, and school psychology must have an internship experience. Applicants from psychology programs other than clinical, counseling, or school psychology, who assert the program's purpose to be the training of individuals to provide professional psychological services to the public, must have an internship experience. Internships of applicants from psychology programs with titles other than clinical, counseling, or school psychology programs will be evaluated using the same rules as those used to evaluate applicants with degrees from either clinical, counseling, or school psychology programs, depending upon which the Board deems is the most appropriate corollary based upon the program's training goals and objectives. A predoctoral internship may be used to partially fulfill the two-year experience requirement for licensure. Under no circumstances may more than one year of predoctoral experience as an intern be accepted. The internship must be consistent with the major program of study in the doctoral program which was documented in writing to the Board by the accredited institution [see 575:10-1-2(e)]. Internships in clinical psychology require a full-time experience (40 hours per week) either for one calendar year, or for two years of half-time experience. Counseling and school psychology internships require either a full-time experience (40 hours per week) for one calendar year or one academic contract year or a half-time experience for two calendar years or two academic contract years. An academic contract year means the school year of the elementary or secondary school setting in which an intern is fulfilling the internship requirement. If the counseling or school psychology internship is completed in other than an elementary or secondary school setting, the one calendar year requirement shall apply.

(h) **General requirements for internships.** Internships must be designed to provide a planned, programmed sequence of training experience. The primary focus and purpose of the internship must assure breadth and quality of training. An internship is an organized program of planned experiences in contrast to simply supervised experience or on-the-job training. The internship must provide training in a range of assessment and treatment activities conducted directly with patients or clients seeking psychological services. At least 25 percent of the trainee's time must be in direct patient or client contact. Internship training is at the post-coursework, post-candidacy, post-clerkship, post-practicum, post-externship level. A written statement or brochure must be available which describes the goals and content of the internship, states clear expectations for the quantity and quality of trainee's work, and is furnished to prospective interns.

(i) **Supervision in internships.** A clinical or counseling psychology internship agency must have a clearly designated staff psychologist, who is responsible for the integrity and quality of the training program and who is licensed. In a counseling or clinical psychology internship, the basic supervision

must be conducted by a staff psychologist who is trained in the applicant's major program of doctoral study, or a closely related program, and who is licensed. While additional experience with professionals in other disciplines is highly desirable, it is required that clinical and counseling psychology interns have experience with multiple (three or more) supervisors who are licensed as psychologists. Supervision of counseling and clinical psychology interns shall consist of an average of at least 10 percent of the full-time or half-time intern's week. At least half of the supervision of clinical and counseling psychology interns must be regularly scheduled, formal, face-to-face, individual supervision by one or more licensed psychologists with the intent of dealing with psychological services rendered directly by the intern. The remaining half of the supervision may be conducted individually or in a group by licensed psychologists or by other licensed professionals as appropriate to the internship experience. The counseling or clinical psychology internship agency should ordinarily have a minimum of two interns at the internship level of training during the applicant's training period.

(j) **School psychology internships.** School psychology internships must have a clearly designated psychologist who is responsible for the integrity and quality of the training program and who is licensed. In a school psychology internship, the basic supervision must be conducted by a psychologist who is trained in the applicant's major program of doctoral study, or a closely related program, who is licensed, and who may be employed in a setting other than the school district in which the internship is situated. While additional experience with professionals in other disciplines is highly desirable, it is required that school psychology interns have experience with multiple (two or more) supervisors who are licensed as psychologists. Supervision of school psychology interns shall consist of an average of at least 10 percent of the full-time or half-time intern's week. At least half of the supervision of school psychology interns must be regularly scheduled, formal, face-to-face, individual supervision by one or more licensed psychologists with the intent of dealing with psychological services rendered directly by the intern. The remaining half of the supervision may be conducted individually or in a group by licensed psychologists or by other licensed professionals as appropriate to the internship experience.

(k) **Postdoctoral experience.** At least one year of the two-year experience requirement must be postdoctoral experience as a psychologist and in line with the applicant's major program of doctoral study as determined according to the procedure stated in 575:10-1-2(e). The postdoctoral experience must be a full time (40 hours per week) for at least one calendar year (50 weeks), or a total of 2000 hours of appropriate experience, or equivalent, for a period not to exceed three years, except in school psychology. The postdoctoral experience in school psychology must be full time (40 hours per week) for at least one calendar year (50 weeks) or one academic contract year, or a total of 2000 hours (or the number of hours in an academic contract year) of appropriate experience, or equivalent, for a period not to exceed three years. The postdoctoral experience must be under the supervision of a licensed psychologist(s) who was trained in the applicant's major program

## Permanent Final Adoptions

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of doctoral study, or a closely related program, and who is currently engaged in rendering psychological services relevant to that training. The applicant must have received and accumulated 75 hours of regularly scheduled, formal, face-to-face, individual supervision from his/her supervisor(s) reasonably distributed throughout each 12 months of the postdoctoral experience. The postdoctoral experience does not have to be in a private setting.

(l) **Examination process.** The full examination for licensure shall consist of three component examinations:

(1) **Objective examination.** An objective examination in basic psychology, the Examination for Professional Practice in Psychology, shall be administered each year at sites, dates and times approved by the Board.

(2) **Jurisprudence examination.** A jurisprudence examination based on the Rules of the Board, Psychologists Licensing Act, Code of Ethics and applicable Oklahoma Mental Health Law, will be administered at a time and place determined by the Board. Additional exams may be scheduled for reciprocity applicants at a time and place determined by the chair.

(3) **Oral examination.** An oral examination concerning ethics, professional problems, and any other subject matter the Board shall deem appropriate for the examination will be administered at a time and place determined by the Board. The examinee must pass both the objective and jurisprudence examinations before being admitted to the oral examination.

(m) **Passing scores on examinations.** An applicant is deemed to have passed the objective examination if he/she has obtained at least the minimum pass point designated by the developer of the examination. An applicant is deemed to have passed the jurisprudence examination if he/she has 70 percent of the total items correct. An applicant must pass both the objective and jurisprudence examinations before being eligible for the oral examination. An applicant is deemed to have passed the oral examination when a majority of the examining committee, voting by secret ballot, judges the performance of the applicant as satisfactory for licensure.

(n) **Notification of results.** All applicants will be notified by mail of the results of each component examination within 30 days of the examination date. At the request of the applicant, specific information about his/her performance on any component examination will be provided to the extent the integrity of the exam is not violated.

(o) **Re-examination.** If any of the three component examinations is failed on the first attempt, the applicant will be allowed to retake the failed component at sites, dates, and times approved by the Board, ~~providing a minimum of 3 months has elapsed since the previous attempt.~~ No special examination time shall be scheduled. If any of the component examinations is failed a second time, the applicant shall not be allowed to retake the failed component for a period of 6 months. The failed component may be taken two additional times. If any component is failed a total of four times, the application process shall cease. The former applicant may reapply for licensure by submitting a new application for consideration by the Board

in accordance with the requirements to become licensed as a psychologist.

(p) **Waiver of portion of examination or re-examination.** Failure on any portion of the licensing examination will be considered failure of the entire examination for purposes of licensing; however, satisfactory performance on the objective examination or jurisprudence examination will be grounds for waiver of that portion of the examination for future re-examination.

(q) **Licensing by reciprocity.** Applicants for licensure under the reciprocity provisions of this act may only be licensed if they meet the requirements in 59 O.S. Section 1366(2).

### 575:10-1-8. Continuing professional education for psychologists

(a) **Purpose.** The purpose of continuing professional education requirements for psychologists is to assure that licensees update and advance their skills such that the public shall benefit from the most current and effective standards of professional practice. To further the goal of public benefit, all psychologists are encouraged to fulfill a portion of their continuing professional education requirements in the areas of ethics, professional conduct, and related legal issues. Beginning with renewal of the license to practice on January 1, 1998, a minimum of three (3) of the twenty (20) continuing professional education credits required for yearly licensure renewal shall be earned by licensees with HSP certification in activities that are specific to ethics, relevant laws and legal issues, and/or applicable professional practice guidelines and standards.

(b) **Credits required for annual license renewal.** The minimum of twenty (20) credits of acceptable continuing professional education will be required for renewal of a license to practice psychology for the following year (one clock hour equals one credit). The continuing professional education year extends from October 1 through September 30 for licensure in the following calendar year. ~~A continuing professional education form, on which to register the activities and hours claimed for the year, will be sent out with the license renewal notice and must be returned to the Board office in person~~ Continuing professional education hours must be submitted online on the Board's official website by the close of business on November 1, ~~or postmarked by November 1.~~ For licenses issued after October 1 of a given year, the required credits of continuing professional education will be adjusted for the initial continuing professional education year only, to require 1.5 credits of continuing professional education per full month of licensure for the initial renewal of the license.

(c) **Preapproval of continuing professional education activities required.**

(1) Continuing professional education credits may be granted for acceptable educational activities at the graduate level which are preapproved by the Board, or by a committee appointed by the Board. No credits will be granted for any activities or categories of activities that have not been preapproved. Approval may be made at a regularly scheduled open meeting of the Board, or at a special meeting of either the Board or its appointed committee convened for the specific purpose.

(2) A provider of educational activities may apply to the Board for preapproval of an activity. The provider shall be responsible for compliance with the standards for approval of the activity, verification of participation, and for the provision of the necessary verification of attendance forms to all participants. This verification of attendance form shall include:

- (A) The participant's name.
- (B) The presenter's name, academic degree, profession, and whether licensed.
- (C) The presentation topic.
- (D) The program sponsor agency.
- (E) The location of the presentation.
- (F) The dates of presentation.
- (G) The total number of clock hours presented.

(d) **Exceptions to the requirements.** Exceptions to the requirements of (c) of this section may be granted at the discretion of the Board for programs presented by recognized sponsors whose programs have been preapproved by the Board. The university academic hour is equal to fifteen (15) credits, and shall be verified by the presentation of an official graduate transcript showing course or audit credits. The licensee is ultimately responsible for providing all information necessary for the Board to make final determination concerning the acceptability of any requested continuing professional education credits.

(e) **Fee for preapproval.** Providers of educational activities may be charged a fee for the review and preapproval of their program. This fee shall be set by the Board.

(f) **Kinds of educational activities for which credit may be received.** Continuing professional education credits may be earned through formal organized learning experiences, scientific publications, attendance at regularly scheduled meetings of international, national, regional, or state professional associations, or through presentations to appropriate groups not related to the psychologist's regular employment. The same kinds of educational activities, when the subject matter is so designated, may be used to fulfill the mandatory three (3) hours of credit in the areas of ethics, relevant laws and legal issues and/or applicable professional practice guidelines and standards. Other acceptable activities include attendance at Board meetings and serving the Board as an appointed investigator, tutor, practice monitor or supervisor, or oral examination committee member.

(g) **Credits allowed.** Continuing professional education activities, whether received or presented by the psychologist, must be targeted toward a professional audience. In those instances when the psychologist is teaching in programs such as institutes, seminars, workshops, and conferences which have been granted preapproval by the Board, three (3) credits will be given for each one (1) hour that is taught, provided that such teaching is not a part of the psychologist's regular employment. Publication of a scientific book or chapter in a book, or publication of a scientific article in a refereed journal, shall be equal to ten (10) credits. Examination by the American Board of Professional Psychology shall be equal to twenty (20) credits.

(h) **List of approved Continuing Professional Education Recognized Sponsors.** This list shall be reviewed and approved by the Board.

(i) **Verification of continuing professional education.** Continuing professional education records shall be maintained in the Board files for two years. Individual psychologists are to keep verification of all continuing professional education credits claimed for a period of two years. In November of each year, the Board will randomly select from two (2) to twenty-five (25) percent of the number of psychologists on active status the previous year for an audit of their claimed continuing professional education credits. These selected psychologists must then provide the Board with verification of all credits claimed on their continuing professional education form within thirty (30) days following receipt of the audit notice.

(j) **Board audit.** The Board may, at its discretion, audit and require verification of any continuing professional education credits claimed which it may consider questionable or fraudulent. In either condition, selected psychologists who do not furnish verification of claimed continuing professional education credits to the Board within thirty (30) days following receipt of the audit notice shall as of December 31 have their licenses invalidated for the practice of psychology, with possible suspension or revocation of the license to practice psychology.

(k) **Petition for extension of continuing professional education year and/or late fee for late filing.** A psychologist who has not completed the required twenty (20) credits of continuing professional education by September 30, may, by submitting an individual review fee, petition the Board for an extension of the continuing professional education year to December 31, provided that any credits earned in this extension period may be applied only to the continuing professional education year for which the extension was granted. This fee shall be set by the Board. A psychologist who has completed the required twenty (20) credits of continuing professional education credits by September 30, but has not returned his or her continuing professional education form by November 1, shall pay a late fee which will be set by the Board.

(l) **Petition for relief for previous years.** Under the extraordinary circumstances of incapacitation or serious illness of the licensed psychologist, or of an immediate family member, and upon the presentation of acceptable evidence thereof, a psychologist who is otherwise in full compliance with all renewal requirements, may petition the Board for partial or complete relief of the previous year's continuing professional education requirement. A petition requested under these circumstances must be filed by November 1 in lieu of the continuing professional education form. There shall be no fee for a psychologist who petitions the Board for compassionate relief of continuing professional education requirements under this subsection.

(m) **License rendered invalid for failure to comply.** A licensed psychologist who is not in compliance with the required twenty (20) credits (hours) of continuing professional education by September 30, and/or who has not returned his/her continuing professional education form by November 1, and who has not petitioned the Board for an extension under (k) of

# Permanent Final Adoptions

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this section or compassionate relief under (1) of this section, shall as of December 31 have his or her license invalidated for the practice of psychology, with possible suspension of the license to practice psychology.

[OAR Docket #12-850; filed 8-1-12]

## TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT CHAPTER 30. DIVISION OF STATE PARKS

[OAR Docket #12-854]

### RULEMAKING ACTION:

PERMANENT final adoption

### RULES:

Subchapter 8. Camping and Day Use

725:30-8-1 [AMENDED]

Subchapter 12. Reservations and Use of Cabins, Group Camps, Shelters, Reserved/Assigned Camping Facilities, Amphitheatres, Community Buildings and Meeting Rooms

725:30-12-1 [AMENDED]

725:30-12-5 [AMENDED]

Subchapter 26. Vehicles and Traffic Safety

725:30-26-15 [NEW]

### AUTHORITY:

Title 74, O.S. 2204 (6) Oklahoma Tourism, Parks and Recreation Commission - Powers, Rights and Duties

### DATES:

**Comment Period:**

February 13, 2012

**Public Hearing:**

February 14, 2012

**Adoption:**

February 16, 2012

**Submitted to Governor:**

February 24, 2012

**Submitted to House:**

February 24, 2012

**Submitted to Senate:**

February 24, 2012

**Gubernatorial approval:**

April 9, 2012

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Failure of the Legislature to disapprove the rules resulted in approval on April 20, 2012

**Final adoption:**

April 20, 2012

**Effective:**

October 10, 2012

**SUPERSEDED EMERGENCY ACTIONS:**

n/a

**INCORPORATIONS BY REFERENCE:**

n/a

**ANALYSIS:**

The proposed rule amendments to 725:30-8-1 changes the definition of reserved/assigned camping which identifies a type of camping area to a definition of what a reserved campsite is. The definition of non-reserved camping is clarified.

The proposed rule amendments to 725:30-12-1 provides two new definitions, one for portal fee and one for reservation fee. The portal fee covers the cost of the web service and the reservation fee covers the cost to the park for securing and managing the reservation at the site.

The proposed rule amendments to 725:30-12-5 includes provisions for an online reservation system Manager discretion regarding minimum stays is addressed. Deposit requirements are described for holiday versus non-holiday periods and other dates. A description of reservation confirmation is provided. The requirement of cancelling a reservation are noted along with limitation on

the number of reservations that can be made per online session. Late arrivals, early departures and site location changes are discussed.

725:30-26-15 describes the permitted use of golf carts and utility vehicles in certain parks or areas within State Parks and the requirements associated with that use.

**CONTACT PERSON:**

Claudia Conner, Deputy Director and General Counsel, Oklahoma Tourism and Recreation Department, 120 N. Robinson Avenue, Suite 600, Oklahoma City, OK 73102, 405-230-8304.

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF OCTOBER 10, 2012:**

## SUBCHAPTER 8. CAMPING AND DAY USE

### 725:30-8-1. Definitions

The following words or terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Primitive campsite"** means a site or area where there are no utilities, sanitation facilities or developments and is generally a significant distance from emergency services.

**"Unimproved campsite"** means a site where there is no water, electric or sanitation hookups for recreational vehicles but water, tables and grills are available in the area.

**"Semi-modern campsite"** means a site with a table, grill and electric utility service and water hydrants either at the site or in the area.

**"Modern campsite"** means a site which may have a table, grill, electric utility service, sanitation dump and water.

**"Tent site"** means a campsite where tents may be erected for overnight camping which includes erecting tents upon unimproved, semi-modern or modern campsites.

~~**"Reserved/assigned camping"** means camping in an area with gate and site attendant present during the recreation season. Reservations are accepted.~~

**"Reserved campsite"** means those sites that can be reserved through the online Oklahoma State Park Campground Reservation System or by contacting the park unit. Reservations may be made for campsites in accordance with 75:30-12-5 (a) of this chapter.

~~**"Non reserved/assigned camping"** means camping in an area which is not secured with a gate and a site attendant may not be present. Reservations are not accepted and are based on first come, first served.~~  
**means the rental of campsites on a first-come, first-served basis.**

## SUBCHAPTER 12. RESERVATIONS AND USE OF CABINS, GROUP CAMPS, SHELTERS, RESERVED/ASSIGNED CAMPING FACILITIES, AMPHITHEATERS, COMMUNITY BUILDINGS AND MEETING ROOMS

725:30-12-1. Definitions

The following words or terms, when used in this subchapter, shall have the following meaning unless the context clearly indicates otherwise:

"Daily" means the charge for use of a camp site from 5:00 p.m. until 2:00 p.m. the day of check out.

"Deposit" means the normal deposit for the first night's rate to be applied to the last night of the reservation. A deposit may be in the form of cash, check or properly authorized and processed credit card.

"Free shelter" means shelters designated by the park manager available free of charge on a first-come, first-served basis.

"Function space" means any area of the park unit used for purposes other than sleeping accommodations, such as meetings, banquets, dances and receptions.

"Group" means 8 or more persons.

"Group reservation" means a reservation for 20 or more cabins for one or more nights.

"Holiday weekend" means any three day weekend during the summer season when a state-declared holiday falls on a Friday or Monday.

"One-half day" means a period of time before 2:00 p.m. or after 4:00 p.m.

"Per day" means 6:00 a.m. to 11:00 p.m.

"Portal Fee" means a non-refundable fee charged to a customer for making a reservation using the Oklahoma State Parks Campground Reservation website. This fee covers the cost of the web service.

"Reservation" means a confirmed request for a park accommodation or facility which is available to be reserved and such availability has been verified and a deposit received by the park unit.

"Reservation Fee" means a non-refundable fee charged to a customer for making a reservation using the Oklahoma State Parks Campground Reservation website. This fee covers the cost to the park for securing and managing the reservation at the site.

"Season" means, for the purposes of this subchapter only, the period of time between May 15 and September 16 each year.

"Year-to-day" means the same day, week, weekend or holiday of the subsequent calendar year.

725:30-12-5. Reserved/assigned and group camping

(a) Reservations and reservation priorities - reserved/assigned camping.

(1) Reservations shall be accepted on a year-to-day basis.

(2) Reservations shall be taken on a first-come, first-served basis.

(3) Sites shall be reserved by availability and not by site number, unless the park manager determines otherwise.

(34) A reservation can be made by contacting the park unit in which the reservation is requested or online via the Oklahoma State Parks Campground Reservation System.

(5) A non-refundable portal fee and reservation fee shall be assessed for each campsite reserved online or with the assistance of park office staff.

(46) Minimum Stay

(A) The minimum reservation shall be for 2 nights on weekends and 3 nights on holiday weekends during the season.

(B) At the discretion of the park manager, single night reservations may be accepted less than 30 days prior to arrival providing ten percent (10%) of the park accommodations remain available for later requests including both Friday and Saturday nights.

(57) Deposits If accepted, a request reservation deposit shall be provided by the person requesting a reservation. The deposit shall be equal to the first night's rate (3 nights on holiday weekends) and presented to the park unit within 14 days (excluding Sundays) from the day the request for deposit was mailed from the park unit or the reservation shall be cancelled.

(A) Non-Holiday Weekend deposits:

(i) A deposit equal to the first night's rental is required for reservations on non-holiday weekends.

(ii) The deposit is in addition to the non-refundable portal fee and reservation fee.

(iii) Deposits for online reservations must be made with a credit or debit card.

(iv) Deposits may be made by presenting cash, check or money order to the park unit. Reservations made with a cash, check or money order deposit are not confirmed until that deposit is received by the park unit.

(B) Holiday Weekend deposits. Reservations for Memorial Day, 4<sup>th</sup> of July and Labor Day holiday weekends must be secured with a deposit equal to the rental for the full stay.

(C) Other Deposits

(i) Other dates may require a deposit equal to the full length of stay.

(ii) Dates requiring a deposit equal to the full length of stay will vary from park to park.

(iii) All dates requiring a deposit equal to the full length of stay will be prominently displayed on the Oklahoma State Parks Campground Reservations System homepage for each park.

(8) Confirmed Reservations

(A) A reservation is confirmed when the non-refundable portal fee, reservation fee and applicable deposit is paid.

(B) The customer will receive an e-mail confirmation upon receipt of payment.

(C) The reservation confirmation will provide the reservation confirmation number for each reservation and detailed reservation information that includes but is not limited to: customer name; customer e-mail address; name of the state park; arrival date; departure date; type of RV site reserved; and the total amount charged for each reservation.

## Permanent Final Adoptions

~~(6) Cancellation of the reservation shall be made 5 days in advance of the occupancy date or the deposit shall be subject to forfeiture, unless otherwise directed by the park manager. A transaction fee may still apply.~~

~~(7) Reservations shall be held without guarantees until 6:00 p.m. Reservations may be held after 6:00 p.m. with prepayment by check, money order or accepted credit cards in those parks that provide credit card services.~~

(9) Reservation Cancellation

(A) The customer must cancel their reservation ten (10) business days or more prior to the scheduled arrival date to receive a refund of the deposit.

(B) The portal and reservation fees incurred at the time of the reservation is not refundable.

(C) Reservations cancelled less than ten (10) business days prior to the scheduled arrival date will be subject to forfeiture of the deposit. The portal and reservation fees shall not be refunded.

(10) Reservation modification

(A) A reservation may be modified one (1) time after the reservation is completed and a confirmation number assigned without incurring additional portal or reservation fees.

(B) Reservation modifications that result in an upgrade to the campsite type may require an additional deposit before the modified reservation is confirmed.

(C) A second request to modify a reservation will result in cancellation of that reservation and reservation cancellation rules will apply.

~~(8) Persons may reserve a campsite in person on a first-come, first served basis when campsites have not been reserved and are available at the established reserved/assigned campground fee~~

~~(9) Sites shall be reserved by availability and not by site number, unless the park manager determines otherwise.~~

(11) Reservation Limitations - Number of Reservations

(A) The Oklahoma State Parks Campground Reservations System provides for two separate reservations to be made in a single online session (placed in the reservation cart).

(B) A separate portal fee and reservation fee is charged for each site reserved.

(12) Deposit requirements apply to each reservation.

(A) Late Arrivals. A confirmed reservation will be held until 10AM on the day following the schedule arrival.

(B) Early Departures. Departures after arrival to the park will result in the forfeiture of the portal and reservation fees and may also include forfeiture of the total rental fee for the dates associated with the reservation.

(13) Change of location after arrival

(A) If a customer chooses to move from the site assigned by the park unit or the site they selected to a first-come, first served site, the customer will forfeit the portal and reservation fee and may also forfeit the total rental fee for the reserved campsite.

(B) Fees forfeited by a customer initiated change of location request will not be applied to the fee that is associated with the customer's use of a first-come, first-served site.

~~(14)~~ One tent may be established in the immediate area of a rented site and a fee may be imposed at the discretion of the park manager in accordance with 725:30-8-3(e)(3).

~~(15)~~ The provisions in (1) through ~~(9)~~(13) of this subsection apply only to State Parks offering reserved camping.

**(b) Reservation and reservation priorities - group camping.**

(1) Reservations shall be accepted for groups when there will be five (5) or more sites occupied by the group for 2 or more consecutive nights or three (3) consecutive nights on holiday weekends on a year-to-day basis. At the park manager's discretion, reservations for groups (5 or more sites) may be requested for dates not in excess of three years from the date of application.

(2) A reservation can be made by contacting the park unit in which the reservation is requested 75 days in advance of the date of arrival.

(3) Reservations shall be made by one (1) person representing the entire group. The group representative shall provide the park unit:

(A) The arrival and departure dates;

(B) The number of campsites which will be occupied by the group; and

(C) The number of members applicable to a discount as defined in 725:30-6-1.

(4) The provisions (1) through (3) of this subsection apply only to state Parks offering reserved group camping.

(5) Two methods of advance deposits are available for groups.

(A) A security bond deposit in the amount of \$200.00 allows groups to make unlimited campground reservations for up to three years in advance. The deposit shall be submitted to the headquarters of the Oklahoma Tourism and Recreation Department.

(i) Upon notice of a group reservation a reservation confirmation shall be sent to the group representative.

(ii) When the \$200.00 security bond deposit level is reduced by the terms set forth in (b) (6) of this section the group representative shall reestablish the \$200.00 level within ten (10) days notice from the Department.

(B) Non-security bond deposits shall be made by the group representative 60 days in advance of arrival date in accordance with the following requirements or the reservation will be cancelled:

(i) The amount of deposit shall be equal to the first night's rate multiplied by the number of reserved sites, except on weekends and holidays.

(ii) The amount of the deposit shall be equal to the nightly rate for (2) nights multiplied by the number of sites on weekends during the season.

- (iii) The amount of deposit shall be equal to the nightly rate for three (3) nights multiplied by the number of sites on holiday weekends during the season.
- (iv) Upon receipt of deposit for non-security bond deposit a reservation confirmation shall be sent to the group representative.
- (6) Notice of cancellation for the entire group shall be received by mail or telephone from the group representative 10 days in advance of the occupancy date or the deposit amount will be deducted from the security bond deposit or the deposit will be forfeited for non-security bond deposits.
- (7) Upon arrival at the reserved/assigned campground the representative or designee shall provide payment for the balance of the reservation period and verification for senior citizen and totally disabled person discounts for the entire group.
- (8) Visitation and reservation circumstances shall dictate consecutive site allocation for groups.
- (c) **Reservation and reservation priorities - rallies and large groups.**
  - (1) Reservations shall be accepted outside of campgrounds for groups in excess of 20 recreational vehicle units where park facilities can accommodate the size of the group on a year-to-day basis.
  - (2) A reservation can be made by contacting the park unit in which the reservation is requested 75 days in advance of the date of arrival.
  - (3) Reservations shall be made by one (1) person representing the entire group. The group representative shall provide the park unit:
    - (A) The arrival and departure dates;
    - (B) The number of campsites which will be occupied by the group; and
    - (C) The number of members applicable to a discount as defined in 725:30-6-1.
  - (4) A deposit shall be required in accordance with the terms set forth in (b) (5) of this section.
  - (5) Notice of cancellation for the entire group shall be received by mail or telephone from the group representative 30 days in of the occupancy date or the deposit amount will be deducted from the security bond deposit or the deposit will be forfeited for non-security bond deposits.
  - (6) A permit requiring liability insurance may be require contingent upon activities conducted by the group in

accordance with the rules set forth in subchapter 16 of this chapter.

(7) Upon arrival the group representative or designee shall provide payment for the balance of the reservation period for the entire group.

(d) **Transferring of reservations.** The transferring of campsite reservations is prohibited.

**SUBCHAPTER 26. VEHICLES AND TRAFFIC SAFETY**

**725:30-26-15. Use of golf carts and utility vehicles**

(a) Use of golf carts in state parks by persons with physical disabilities is authorized in 47 O.S. §1116.2 which establishes provisions for such use. The park manager shall use discretion in allowing vehicle use by persons with qualified disabilities and shall provide a permit for such use as necessary and appropriate.

(b) Other persons may use golf carts and utility vehicles in certain designated state parks or areas within state parks, as identified by the Commission, based on staff recommendation. Safety shall be the primary but not the sole determiner of areas where golf cart and utility vehicle use is allowed.

(c) A permit shall be required for this use of golf carts and utility vehicles and a fee may be charged for issuance of the golf cart or utility vehicle use permit. Permits are only valid for the specific locations for which they are issued. [74:2220]

(d) Operation of golf carts and utility vehicles may only occur as follows:

- (1) Within the boundary of a designated state park;
- (2) During daylight hours;
- (3) On roadways with a posted speed limit of 25 miles per hour or less; and
- (4) The permitted operator shall possess a valid driver license.

(e) A vehicle that would otherwise be viewed as a golf cart or utility vehicle but is equipped with a vehicle tag, lights and was manufactured or sold for operation on the public streets or highways and possesses equipment required by law for street or highway use, shall be considered a motor vehicle.

*[OAR Docket #12-854; filed 8-9-12]*



# Executive Orders

As required by 75 O.S., Sections 255 and 256, Executive Orders issued by the Governor of Oklahoma are published in both the *Oklahoma Register* and the *Oklahoma Administrative Code*. Executive Orders are codified in Title 1 of the *Oklahoma Administrative Code*.

Pursuant to 75 O.S., Section 256(B)(3), "Executive Orders of previous gubernatorial administrations shall terminate ninety (90) calendar days following the inauguration of the next Governor unless otherwise terminated or continued during that time by Executive Order."

## TITLE 1. EXECUTIVE ORDERS

**1:2012-22.**

### EXECUTIVE ORDER 2012-22

I, Mary Fallin, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff starting Tuesday, August 7, 2012, until sunset on Friday, August 10, 2012, to honor those who were killed and injured on Sunday, August 5, 2012 in the tragic shooting in Oak Creek, Wisconsin.

The flying of the flags at half-staff is a symbol that allows the people of Oklahoma to express their sympathy and support to the families and friends of the many innocent victims of this heinous attack.

This executive order shall be forwarded to the Director of the Department of Central Services who shall cause the

provisions of this order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 6th day of August, 2012.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Michelle R. Day  
Assistant Secretary of State

*[OAR Docket #12-852; filed 8-8-12]*

