

FILED
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Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

HAROLD E. HILL, MARGARET R. and
WILLIAM F. McCRIGHT, JOHN J. McQUEEN,
RITA J. MOSKOWITZ, BARBARA SANTEE,
and OKLAHOMA RELIGIOUS COALITION
FOR REPRODUCTIVE CHOICE
EDUCATION FUND, INC.,

04CV028

EA(C)

Civil Case No.

COMPLAINT

Plaintiffs,

vs.

THOMAS E. KEMP, Chairman, Oklahoma Tax
Commission, JERRY JOHNSON, Vice Chairman,
Oklahoma Tax Commission, CONNIE IRBY,
Secretary-Member, Oklahoma Tax Commission,
ROBERT BUTKIN, Treasurer, Oklahoma State
Treasury, and HOWARD H. HENDRICK, Director,
Oklahoma Department of Human Services,

Defendants.

Plaintiffs, by and through their undersigned attorneys, bring this Complaint against the above-named defendants and their employees, agents, and successors in office, and in support thereof allege the following:

I. INTRODUCTION

1. This action is brought under 42 U.S.C. § 1983 seeking declaratory and injunctive relief for violations of rights secured by the First and Fourteenth Amendments to the United States Constitution. Specifically, plaintiffs challenge the constitutionality of certain Oklahoma statutes involving "special license plates."

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2. The challenged statutes infringe plaintiffs' exercise of free speech and the protections accorded by both the Due Process and Equal Protection Clauses because those statutes: (a) permit viewpoint discrimination in the issuance of special license plates, a State-created forum for private speech (First through Fourth Claims for Relief); and (b) deny government funding to otherwise eligible recipients solely on the basis of protected speech activities (Fifth and Sixth Claims for Relief).

3. The protected speech at issue in this litigation involves plaintiffs' views about reproductive rights. Specifically, plaintiffs' injuries arise from their desire to express support for choice in family planning (*i.e.*, support for abortion as one of multiple options available to women with unplanned pregnancies).

B. Unconstitutional Viewpoint Discrimination

4. Through 47 O.S. § 1136, the Oklahoma Legislature created a forum for private speech by allowing Oklahoma motorists to purchase from the State of Oklahoma certain special license plates for the display of self-expression. New special license plates – those displaying different expression than that already authorized by statute – can be issued only by amendment to § 1136. The standardless process by which motorists are granted access to this State-created forum creates the potential for unconstitutional viewpoint discrimination.

5. Indeed, the motorist plaintiffs in this action are already victims of viewpoint discrimination because § 1136 has not been amended to authorize the issuance of a special license plate displaying their desired expression – notwithstanding that

Oklahoma motorists are currently permitted to purchase two different special license plates displaying contrary expression (*i.e.*, support for adoption at the exclusion of all other reproductive options available to women with unplanned pregnancies).

C. Unconstitutional Funding Restrictions

6. Through 47 O.S. § 1104.6, the Oklahoma Legislature imposed eligibility restrictions on applications for certain funding. Specifically, § 1104.6 provides that monies from additional fees paid by Oklahoma motorists to the State of Oklahoma for the purchase of “Choose Life” special license plates will be available for disbursement only to those organizations that, among other conditions, do not express support for choice in family planning. Accordingly, this restriction impermissibly links the receipt of government benefits with recipients’ protected speech activities.

II. JURISDICTION AND VENUE

7. Jurisdiction is conferred on this Court by 28 U.S.C. §§ 1331, 1343(a)(3) and 1343(a)(4).

8. Plaintiffs’ claim for declaratory and injunctive relief is authorized by 28 U.S.C. §§ 2201 and 2202, by Rules 57 and 65 of the Federal Rules of Civil Procedure, and by the general legal and equitable powers of this Court.

9. Venue is appropriate in the Northern District of Oklahoma under 28 U.S.C. § 1391(b).

III. PARTIES

A. Motorist Plaintiffs

10. Plaintiff Harold E. Hill is a retired Presbyterian minister and college professor, and he is a resident of Tulsa, Oklahoma. He owns a validly-registered 1993 Chevrolet S-10 pick-up truck.

11. Plaintiffs Margaret R. McCright and William F. McCright are, respectively, a retired teacher/job placement counselor and a retired contractor/petroleum marketer. Mr. and Mrs. McCright are married and reside in Tulsa, Oklahoma. They own validly- and jointly-registered 1980 Chevrolet El Camino and 1991 Chrysler Fifth Avenue passenger cars.

12. Plaintiff John J. McQueen is a retired attorney and certified public accountant, and he is a resident of Tulsa, Oklahoma. He owns a validly-registered 1995 Lincoln Towncar passenger car.

13. Plaintiff Rita J. Moskowitz is a commercial realtor, and she is a resident of Tulsa, Oklahoma. She owns a validly-registered 1994 Chevy Cavalier passenger car.

14. Plaintiff Barbara Santee has a doctoral degree in Sociomedical Sciences and recently retired as the Executive Director of Oklahoma-NARAL Pro-Choice America, and she is a resident of Tulsa, Oklahoma. She owns a validly-registered 1990 Volvo 740GL passenger car.

15. Each of the individuals identified in ¶¶ 10 through 14 above (collectively, the "Motorist Plaintiffs") wishes to purchase and display on his or her motor vehicle a

special license plate expressing a view about reproductive rights. Specifically, Motorist Plaintiffs seek a special license plate expressing support for choice in family planning.

16. Motorist Plaintiffs interpret the phrase “choice in family planning” to mean a woman’s freedom to choose among all available reproductive options both before and after conception.

17. Motorist Plaintiffs wish to express themselves in this manner because they believe a special license plate is a unique means of promoting their views about reproductive rights.

18. Motorist Plaintiffs also seek a special license plate expressing support for choice in family planning because other motorists are currently permitted to use special license plates to (a) express contrary views about reproductive rights, and (b) raise money for organizations promoting those contrary views.

19. Motorist Plaintiffs sue on their own behalf only as to the First through Fourth of the Claims for Relief set forth in ¶¶ 131 through 146 below.

B. Organizational Plaintiff

20. Plaintiff Oklahoma Religious Coalition for Reproductive Choice Education Fund, Inc. (“ORC” or the “Organizational Plaintiff”) is a non-profit organization established under § 501(c)(3) of the Internal Revenue Code.

21. ORC is located in Tulsa, Oklahoma. It was founded in 1978 as the Oklahoma affiliate of the former Religious Coalition for Abortion Rights, which is now

known as the Religious Coalition for Reproductive Choice.

22. ORC is a statewide coalition of Christian, Jewish, and other religious organizations supporting choice in family planning, regardless of income, culture, race, class, gender or ethnic origin.

23. ORC interprets the phrase "choice in family planning" to mean a woman's freedom to choose, according to her own faith traditions or religious and moral beliefs, among all available reproductive options both before and after conception.

24. ORC provides various services to assist pregnant women who wish to engage in choice in family planning. For example, ORC provides telephone counseling on all reproductive options available to women with unplanned pregnancies – including parenting, adopting, foster care and abortion. ORC accepts counseling referrals from other organizations and may also refer women to other organizations for counseling. In addition, ORC maintains a Roe Fund to help cover the costs (including child care, travel, overnight accommodations and medical care) incurred by impoverished pregnant women who have decided that abortion is the appropriate option given their circumstances.

25. ORC does not charge women for any services rendered.

26. ORC also engages in various activities to express support for choice in family planning. For example, on at least a monthly basis, ORC members and volunteers stand as a non-confrontational and peaceful presence outside health facilities providing abortion services. ORC also sponsors periodic worship, fellowship and educational gatherings for community members who wish to express support for choice in family

planning. In addition, ORC promotes the Clergy for Choice Network of the Religious Coalition for Reproductive Choice, which is a national registry of clergy of all faiths who believe that family planning encompasses a wide range of issues, including access to safe, legal and affordable adoption and abortion services.

27. ORC would like to apply for funding pursuant to 47 O.S. § 1104.6 to (a) create a program that would provide direct support to pregnant women who have decided that adoption is the appropriate option given their circumstances, and (b) support counseling and associated training about adoption as a family planning option.

28. ORC sues on its own behalf only as to the Fifth through Sixth Claims for Relief set forth in ¶¶ 147 through 152 below.

C. Defendants

29. Defendant Thomas E. Kemp is Chairman of the Oklahoma Tax Commission ("OTC").

30. Defendant Jerry Johnson is Vice-Chairman of the OTC.

31. Defendant Connie Irby is Secretary-Member of the OTC.

32. Together and individually, Defendants Kemp, Johnson and Irby are responsible for supervising the administration and enforcement of, among other statutes, the Oklahoma Vehicle License and Registration Act (Title 47, Chapter 74, §§ 1101 et seq., of the Oklahoma Code) (the "VLRA").

33. Together and individually, Defendants Kemp, Johnson and Irby are

responsible for supervising the administration and enforcement of the Statutory Scheme (codified in part by 47 O.S. § 1136) challenged in this lawsuit. These responsibilities include, but are not limited to, issuing special license plates and collecting and apportioning the associated fees.

34. Defendant Robert Butkin is the Oklahoma State Treasurer (“Treasurer”). He is responsible for creating and maintaining the Choose Life Assistance Program Revolving Fund (established by 47 O.S. § 1104.6(A)) challenged in this lawsuit.

35. Defendant Howard H. Hendrick is the Director of the Oklahoma Department of Human Services (“DHS”). He is responsible for administering and implementing the Choose Life Assistance Program Revolving Fund (47 O.S. § 1104.6(B)-(E)) challenged in this lawsuit.

36. Each of the individuals identified in ¶¶ 29 through 35 above, and their employees, agents, and successors in office, (collectively, the “Defendants”) is sued in his or her official capacity for his or her actions taken under color of state law.

IV. OKLAHOMA’S OFFICIAL LICENSE PLATES¹

37. Under Oklahoma law, every motor vehicle must be registered and have a government-issued license plate affixed to the rear bumper. *See generally* 47 O.S. § 1113.

¹ A description of these statutory provisions is offered here – even though they are not challenged in this lawsuit – to provide context for the challenged provisions described elsewhere in the Complaint.

38. Upon information and belief, any Oklahoma motorist is permitted to affix a non-government issued replica or mock license plate to the front bumper of his or her motor vehicle. Replica license plates are available for purchase at various retail and government locations. For purposes of this lawsuit, any and all references to license plates mean the government-issued license plates required by law to be affixed to the rear bumpers of motor vehicles.

39. Any Oklahoma motorist convicted of operating a motor vehicle without a license plate will be deemed guilty of a misdemeanor and punished by a fine. *See* 47 O.S. § 1151(A)(5).

40. Any Oklahoma motorist convicted of altering a license plate in any manner will be deemed guilty of a misdemeanor and punished by a fine. *See* 47 O.S. § 1151(A)(2).

41. The OTC is required, upon the filing of an initial registration application and payment of the associated fees, to assign a unique identification number to the motor vehicle described in the application ("Vehicle ID Number"). The OTC is further required to issue the vehicle owner a certificate of registration and one license plate displaying the Vehicle ID Number (an "Official Plate"). *See* 47 O.S. § 1113(A)(1).

42. Upon information and belief, Vehicle ID Numbers typically consist of randomly-selected configurations of letters and/or numbers. Oklahoma motorists are also permitted to create their own Vehicle ID Numbers by purchasing from the OTC personally-selected configurations of letters and/or numbers consisting of seven digits or

of the associated fees, to issue the vehicle owner a decal indicating expiration of the renewal period. The decal must then be affixed to the Official Plate that was issued to the motorist upon initial registration. *See* 47 O.S. § 1113(A)(1).

48. The fees imposed by the VLRA, including those relating to motor vehicle registration and renewal, are payable to the OTC and thereafter become the property of the State of Oklahoma.

49. The OTC apportions all VLRA fees in fixed percentages among: (a) Oklahoma school districts, municipalities, and counties; (b) the General Revenue Fund; (c) the Oklahoma State Transportation Fund; (d) the Oklahoma Law Enforcement Retirement Fund; and (e) the Wildlife Conservation Fund. *See* 47 O.S. §§ 1104(A)-(K).

V. THE CHALLENGED STATUTES AND RELATED ALLEGATIONS

A. Special License Plates

50. Oklahoma motorists may purchase from the OTC certain government-issued special license plates that must be affixed to the rear of their motor vehicles in lieu of Official Plates.

51. Oklahoma motorists are not required by law to purchase special license plates or to affix special license plates to their motor vehicles.

52. Special license plates substantially differ in appearance from Official Plates. For example, unlike Official Plates, special license plates do not display the words "Native America," nor do they display the emblem featured on the Oklahoma State

less. *See* 47 O.S. § 1136.13(a); *see also* ¶ 72 below.

43. Each Oklahoma motorist's Vehicle ID Number is unique regardless of whether it was randomly-selected or personally-selected. Accordingly, no two motorists can have the same Vehicle ID Number.

44. Upon information and belief, Vehicle ID Numbers are displayed on Official Plates to facilitate the identification of motor vehicles. Vehicle identification assists the State of Oklahoma and its employees and agents in the performance of safety, traffic and law enforcement functions.

45. The Official Plate design is prescribed by statute. Official Plates have a solid white background. The top of the plate reads "Oklahoma" in black lettering, and the bottom reads "Native America" in red lettering. The center of the plate displays the same emblem featured on the Oklahoma State flag. The first three digits of the Vehicle ID Number are displayed in green and white to the left of the emblem, and the last three digits are displayed in green and white to the right of the emblem. *See* 47 O.S. § 1113(B)(3).

46. Photographs of Official Plates are available online at various internet websites. *See, e.g.*, <<http://www.plateshack.com/y2k/Oklahoma/ok2004.jpg>>; <http://www.worldlicenseplates.com/usa/US_OKXX.html>. An image from one such website of the Official Plate is attached as Exhibit A.

47. Every Oklahoma motorist is required to timely renew his or her vehicle registration. The OTC is required, upon the filing of a renewal application and payment

flag. In addition, the Vehicle ID Numbers displayed on special license plates may be positioned in different locations and/or be of different colors than the Vehicle ID Numbers displayed on Official Plates. Special license plates also typically differ in color from Official Plates.

53. Most importantly, special license plates display words, illustrations and other information that is not displayed on Official Plates. This information constitutes self-expression by Oklahoma motorists.

54. The self-expression displayed on special license plates (and absent from Official Plates) neither facilitates the identification of motor vehicles nor assists the State of Oklahoma and its employees and agents in the performance of any safety, traffic and law enforcement functions.

B. The Statutory Scheme

55. The Oklahoma Legislature, through 47 O.S. § 1136, created a process that authorizes the OTC to issue, upon payment by an Oklahoma motorist of an amount typically exceeding the amount paid for an Official Plate, any of the special license plates enumerated in § 1136. A copy of § 1136, as most recently amended, is attached as Exhibit B (2003 Okla. Sess. Law. Serv. Ch. 97 (H.B. 1599) (WEST)).

56. Section 1136 provides that if fewer than 50 of any authorized special license plate are purchased by Oklahoma motorists within 5 years after first being offered for sale, the OTC must discontinue issuance of that special license plate.

57. Pursuant to the process, the OTC may issue a new special license plate (*i.e.*, one that is not currently enumerated in § 1136) only after the Oklahoma Legislature amends § 1136 to authorize issuance of the new special license plate.

58. As a result, the process requires prior approval from the Oklahoma Legislature if an Oklahoma motorist's desired special license plate – and thus the motorist's desired self-expression – is not among those already authorized for issuance by the OTC and enumerated in § 1136.

59. For purposes of this lawsuit, the process described in ¶¶ 55 through 58 above will be referred to as the “Statutory Scheme.”

60. The Statutory Scheme currently authorizes the OTC to issue and allows Oklahoma motorists to purchase 82 different special license plates. *See* 47 O.S. §§ 1136.1-7, §§ 1136.9-12, §§ 1136.14-67, and § 1136.69-85 (described in detail in ¶¶ 67 through 70 below).

61. The Oklahoma Legislature prescribed the design of only 6 currently authorized special license plates. The Oklahoma Legislature delegated design of 40 special license plates to private or government entities. The Statutory Scheme is silent as to the design responsibility for the remaining 36 currently authorized special license plates.

62. The fees charged for special license plates under the Statutory Scheme are payable to the OTC and thereafter become the property of the State of Oklahoma.

63. The OTC must deposit at least \$2 of every special license plate fee paid by Oklahoma motorists into the Oklahoma Tax Commission Reimbursement Fund (the "OTC Reimbursement Fund") to be used for administration of the VLRA. *See* 47 O.S. § 1136.

64. The Statutory Scheme requires the OTC to deposit prescribed portions of the remainder of special license plate fees for 20 different plates into specified funds maintained by the Treasurer. Monies from those funds may then be distributed to various private and/or government entities. With respect to the remainder of special license plate fees for 3 different plates, the OTC is required to transfer prescribed portions directly to private entities. In all other instances, the Statutory Scheme requires the remainder of each special license plate fee to be apportioned by the OTC pursuant to 47 O.S. § 1104 (discussed in ¶ 49 above).

C. All Currently Authorized Self-Expression

65. Each of the currently authorized special license plates substantially differs in appearance from Official Plates and reflects one or more of the following four categories of self-expression by Oklahoma motorists: (a) support for a cause or idea; (b) support for an institution or entity; (c) membership in a particular group; and (d) vehicle usage. These categories are described in greater detail in ¶¶ 67 through 70 below.

66. Photographs of many of the currently authorized special license plates are available online at various internet websites. *See, e.g.*, <<http://www.plateshack.com/>>

y2k/Oklahoma/oky2k.html>; <http://www.worldlicenseplates.com/usa/US_OK2X.html>.

67. First Category Of Self-Expression – Support For A Cause Or Idea: These special license plates allow any Oklahoma motorist to express support for a cause, idea or hobby. A listing of the names of each such plate follows below, together with the associated fee, the apportionment of that fee (where specified in § 1136), and the identity of the designer (where specified in § 1136):

- a) 47 O.S. § 1136.21: **Environmental Awareness** (for any person wishing to demonstrate support to implement statewide general public environmental education program; \$25 additional fee – \$24 deposited into Environmental Education Revolving Fund, \$1 to OTC Reimbursement Fund; design by Oklahoma Department of Environmental Quality in consultation with Oklahoma Arts Council)
- b) 47 O.S. § 1136.24: **Round & Square Dance** (for any person wishing to demonstrate support for round and square dancing; \$5 additional fee)
- c) 47 O.S. § 1136.29: **Wildlife Conservation** (for any person wishing to demonstrate support for wildlife conservation in Oklahoma; \$25 additional fee – \$17 for first year, and \$20 for each year thereafter, deposited into Wildlife Diversity Fund; design by Oklahoma Department of Wildlife in consultation with Oklahoma Arts Council)
- d) 47 O.S. § 1136.31: **Child Abuse Prevention** (for any person wishing to demonstrate support for prevention of child abuse; \$25 additional fee – \$20 deposited into Child Abuse Prevention Fund; design by Oklahoma Department of Health–Office of Child Abuse Prevention and Oklahoma Committee to Prevent Child Abuse)
- e) 47 O.S. § 1136.36: **Oklahoma History** (for any person wishing to demonstrate interest in Oklahoma history; \$20 additional fee – \$15 deposited into Oklahoma Historical Society Revolving Fund, to then be used for educational purposes)
- f) 47 O.S. § 1136.39: **Historic Route 66** (to honor historic Route 66, also known as the “Mother Road”; \$20 additional fee – \$15 apportioned to Oklahoma Tourism and Recreation Department Revolving Fund, to then be distributed to Route 66 Museum)

- g) 47 O.S. § 1136.40: **Heart of the Heartland** (for any person wishing to honor the victims of Oklahoma City terrorist bombing attack on April 19, 1995; \$25 additional fee – \$20 deposited into Heart of the Heartland Scholarship Fund, see 70 O.S. § 2282)
- h) 47 O.S. § 1136.44: **Fight Breast Cancer** (to demonstrate support for prevention and treatment of breast cancer in Oklahoma; \$25 additional fee – \$20 apportioned to Breast Cancer Act Revolving Fund)
- i) 47 O.S. § 1136.45: **Balloonists** (for any person wishing to demonstrate support for hot air ballooning in Oklahoma; \$25 additional fee)
- j) 47 O.S. § 1136.48: **Crime Victims Awareness** (for any person wishing to demonstrate awareness of and support for victims of crimes; \$25 additional fee – \$2 apportioned to Attorney General's Revolving Fund for the Office of the Attorney General, which is directed to use such funds to contract with statewide nonprofit organizations to provide services to crime victims; design by Oklahoma Crime Victims Centre)
- k) 47 O.S. § 1136.64: **Agricultural Awareness** (for any person wishing to demonstrate support for Department's Ag in the Classroom Education Program; \$25 additional fee – \$24 deposited into Ag in the Classroom Education Revolving Fund; design by Oklahoma Department of Agriculture in consultation with Oklahoma Arts Council)
- l) 47 O.S. § 1136.65: **Oklahoma Statehood Centennial** (for any person wishing to commemorate centennial of Oklahoma's admission to statehood in 1907; \$25 additional fee – \$20 deposited into Oklahoma Capitol Complex and Centennial Commemoration Commission Revolving Fund; design by Oklahoma Capitol and Centennial Commemoration Commission)
- m) 47 O.S. § 1136.66: **Support Education** (for any person wishing to demonstrate support for education in Oklahoma; \$25 additional fee – \$23 apportioned among Education Reform Revolving Fund, Higher Education Revolving Fund, State Vocational-Technical Fund, and Teachers' Retirement Benefit Fund; design by Oklahoma Department of Education in consultation with Oklahoma Arts Council)
- n) 47 O.S. § 1136.76: **Urban Forestry & Beautification** (for any person wishing to demonstrate support of programs to encourage urban forestry and beautification; \$25 additional fee – \$20 deposited into Urban Forestry and Beautification Revolving Fund; design by Oklahoma Department of Agriculture in consultation with certain nonprofit organizations)

- o) 47 O.S. § 1136.81: **Respect Life Support Adoption** (for any person “wishing to demonstrate support of pregnant women who are committed to placing their children for adoption and wishing to provide assistance to guardians, adoptive parents and other creative families to assist in the adoption and placement of children in permanent, safe homes”; \$25 additional fee deposited into revolving fund to be used by Department of Human Services for implementation of Investing in Stronger Oklahoma Families Act; design by Oklahoma Department of Human Services in consultation with Oklahoma Adoption Coalition)
- p) 47 O.S. § 1136.82: **West Point 200th Anniversary** (for any person wishing to commemorate 200th anniversary of the founding of U.S. Military Academy at West Point; \$5 additional fee; design by West Point Society of Central Oklahoma)
- q) 47 O.S. § 1136.83: **Choose Life** (for any person who “wishes to demonstrate support of organizations that encourage adoption as a positive choice for women with unplanned pregnancies;” \$25 additional fee – \$20 deposited into Choose Life Assistance Program Revolving Fund; design by Choose Life, Inc.)

68. Second Category Of Self-Expression – Support For An Institution Or

Entity: These special license plates allow any Oklahoma motorist to express support for an institution or entity, but do not require membership in the organization. A listing of the names of each such plate follows below, together with the associated fee, the apportionment of that fee (where specified in § 1136), and the identity of the designer (where specified in § 1136):

- a) 47 O.S. § 1136.20: **University or College Supporter** (for any person wishing to demonstrate support to any state-supported or private university or college; \$25 additional fee – \$20 to particular university or college, and \$3 deposited into Adaptive Grant Program for Oklahomans with Mental Retardation Revolving Fund)
- b) 47 O.S. § 1136.32: **National Association for the Advancement of Colored People** (for any person wishing to demonstrate support for NAACP; \$20 additional fee; design by NAACP)
- c) 47 O.S. § 1136.33: **National Rifle Association** (for any person wishing to demonstrate support for NRA; \$20 additional fee; design by NRA)

- d) 47 O.S. § 1136.35: **United States Olympic Committee Supporter** (for any person wishing to demonstrate support for USOC; \$28 additional fee – not more than \$25 to be paid as licensing fee to USOC)
- e) 47 O.S. § 1136.52: **Oklahoma Safe Kids Association** (for any person wishing to demonstrate support and awareness of Oklahoma Safe Kids Association; \$25 additional fee – \$20 deposited into Children’s Hospital-Oklahoma Safe Kids Association Revolving Fund, to then be distributed to Oklahoma Safe Kids Association program; design by Oklahoma Safe Kids Association)
- f) 47 O.S. § 1136.63: **Four-H Club** (for any person wishing to demonstrate support of Four-H Club; \$25 additional fee – \$17 for first year, and \$20 for each year thereafter, to be deposited into OSU Extension Service License Plate Revolving Fund; design by Four-H Club)
- g) 47 O.S. § 1136.69: **Civil Emergency Management** (for any person wishing to demonstrate support for state civil emergency management system; \$5 additional fee; design by Civil Emergency Management)
- h) 47 O.S. § 1136.71: **Civilian Conservation Corps** (for any person wishing to demonstrate support of the Civilian Conservation Corps; \$5 additional fee; design by Civilian Conservation Corps Association)
- i) 47 O.S. § 1136.74: **Boy Scouts of America Supporter** (for any person wishing to demonstrate support for Boy Scouts of America; \$25 additional fee, not more than \$20 to be paid as licensing fee to Boy Scouts of America)
- j) 47 O.S. § 1136.75: **Humane Society** (for any person wishing to demonstrate support for Humane Society of the United States; \$5 additional fee)
- k) 47 O.S. § 1136.78: **Oklahoma State Parks Supporter** (for any person wishing to demonstrate support for Oklahoma State Parks system; \$25 additional fee – \$23 deposited into Oklahoma Tourism and Recreation Department Revolving Fund, to then be expended for support of Oklahoma State Parks; design by Oklahoma Tourism and Recreation Department)
- l) 47 O.S. § 1136.84: **Future Farmers of America** (for any person wishing to demonstrate support for Oklahoma FFA; \$25 additional fee – \$20 deposited into Oklahoma Department of Career and Technology Education Agriculture Revolving Fund, \$5 to OTC Reimbursement Fund; design by Oklahoma Future Farmers of America)

- m) 47 O.S. § 1136.85: **Lions Club** (for any person wishing to demonstrate support for Lions Club of Oklahoma; \$15 additional fee -- not more than \$10 to be paid as licensing fee to deposited into Oklahoma Lions Service Foundation; design by Oklahoma Lions Service Foundation)

69. Third Category Of Self-Expression -- Membership: These special license plates allow any Oklahoma motorist to express his or her membership in a particular group. A listing of the names of each such plate follows below, together with the requisite eligibility criteria to purchase the plate, the associated fee, the apportionment of that fee (where specified in § 1136), and the identity of the designer (where specified in § 1136):

- a) 47 O.S. § 1136.2: **Legislative** (for persons elected to Oklahoma legislature; \$5 additional fee)
- b) 47 O.S. § 1136.4: **Prisoner of War** (for former prisoners of war or their surviving spouses; \$5 fee)
- c) 47 O.S. § 1136.5: **National Guard** (for active or retired members of Oklahoma National Guard; \$5 additional fee)
- d) 47 O.S. § 1136.6: **Air National Guard** (for active or retired members of Oklahoma Air National Guard; \$5 additional fee)
- e) 47 O.S. § 1136.7: **United States Armed Forces** (for active, retired, former or reserve members of U.S. Armed Forces; \$5 additional fee)
- f) 47 O.S. § 1136.9: **Disabled Veterans** (for disabled veterans or their surviving spouses; \$5 fee)
- g) 47 O.S. § 1136.10: **Congressional Medal of Honor Recipient** (for any Oklahoma resident awarded Congressional Medal of Honor; \$5 additional fee)
- h) 47 O.S. § 1136.11: **Missing in Action** (for spouses or parents of members of U.S. Armed Forces missing in action; \$5 additional fee)

- i) 47 O.S. § 1136.14: **Purple Heart Recipient** (for any Oklahoma resident awarded Purple Heart military decoration, or spouse of such recipient; \$5 additional fee)
- j) 47 O.S. § 1136.15: **Pearl Harbor Survivor** (for any Oklahoma resident who was member of U.S. Armed Forces on Dec. 7, 1941, stationed on island of Oahu during attack, and received honorable discharge; \$5 additional fee)
- k) 47 O.S. § 1136.16: **Iwo Jima** (for any Oklahoma resident who was member of U.S. Armed Forces in February of 1945 and stationed on or in immediate vicinity of Iwo Jima; \$5 additional fee; design prescribed by statute)
- l) 47 O.S. § 1136.17: **D-Day Survivor** (for any Oklahoma resident who was member of U.S. Armed Forces on June 6, 1944 and participated in Allied invasion; \$5 additional fee)
- m) 47 O.S. § 1136.18: **Killed in Action** (for spouses of members of U.S. Armed Forces killed in action; \$5 fee)
- n) 47 O.S. § 1136.19: **Gold Star Parents** (for parents of members of U.S. Armed Forces killed during war; \$5 fee)
- o) 47 O.S. § 1136.22: **Military Decoration** (for any Oklahoma resident awarded Distinguished Service Award, Distinguished Flying Cross, Bronze Star or Silver Star military decoration; \$5 additional fee)
- p) 47 O.S. § 1136.23: **Vietnam Veterans** (for honorably discharged or present members of U.S. Armed Forces who served in Vietnam Conflict; \$5 additional fee)
- q) 47 O.S. § 1136.25: **Firefighter** (for any career or retired, volunteer or paid, firefighter or their surviving spouses; \$20 additional fee – \$15 to Oklahoma State Firemen's Museum Building & Memorial Fund, \$3 to OTC; design prescribed by statute)
- r) 47 O.S. § 1136.26: **Police Officer** (for any currently employed or retired municipal police officer; \$5 additional fee; designed in consultation with state municipal police departments)
- s) 47 O.S. § 1136.27: **World War II Veteran** (for honorably discharged former members of U.S. Armed Forces who served on federal active duty anytime from Sept. 16, 1940 to Dec. 7, 1945; \$5 additional fee, or \$12 additional fee if personalized; design prescribed by statute)

- t) 47 O.S. § 1136.28: **Korean War Veteran** (for honorably discharged former members of U.S. Armed Forces who served on federal active duty anytime from September 1, 1950 to April 27, 1954; \$5 additional fee, or \$12 additional fee if personalized; design prescribed by statute)
- u) 47 O.S. § 1136.30: **Municipal Officer** (for persons elected to municipal office, \$15 additional fee; design prescribed by statute)
- v) 47 O.S. § 1136.34: **Red Cross Volunteer** (for any resident American Red Cross volunteers and staff; \$5 additional fee; design prescribed by statute with assistance of Red Cross)
- w) 47 O.S. § 1136.37: **Oklahoma Military Academy Alumni** (for any resident alumnus of Oklahoma Military Academy; \$5 additional fee; design by Oklahoma Military Academy)
- x) 47 O.S. § 1136.38: **Masonic Fraternity** (for any resident member of any Masonic Fraternity of Oklahoma; \$5 additional fee; design by Masonic Fraternities of Oklahoma)
- y) 47 O.S. § 1136.41: **United States Air Force Association** (for members of U.S. Air Force Association; \$5 additional fee)
- z) 47 O.S. § 1136.42: **Shriner's Hospitals for Burned and Crippled Children** (for any resident member of any Shriner's Temple in Oklahoma to demonstrate support for Shriner's Hospitals for Burned and Crippled Children; \$5 additional fee; design by Shriner's Temples in Oklahoma)
- aa) 47 O.S. § 1136.43: **Emergency Medical Technician** (for any emergency medical technician; \$20 additional fee – \$15 apportioned to county of purchaser's residence, to then be apportioned by county to city and county volunteer fire departments; design by Oklahoma Association of Emergency Medical Technicians)
- bb) 47 O.S. § 1136.46: **Veterans of Foreign Wars** (for any resident member of any Veterans of Foreign Wars organization; \$5 additional fee; design by Veterans of Foreign Wars)
- cc) 47 O.S. § 1136.47: **Order of the Eastern Star** (for any resident member of any Order of the Eastern Star; \$5 additional fee; design by Order of the Eastern Star)

- dd) 47 O.S. § 1136.49: **Desert Storm** (for any honorably discharged or present member of U.S. Armed Forces who served in Persian Gulf Crisis and Desert Storm operation; \$5 additional fee)
- ee) 47 O.S. § 1136.50: **Military Reserve Unit** (for any honorably discharged or present member of any U.S. Armed Forces reserve unit; \$5 additional fee)
- ff) 47 O.S. § 1136.51: **Knights of Columbus** (for any resident member of Knights of Columbus; \$5 additional fee; design by Knights of Columbus)
- gg) 47 O.S. § 1136.53: **Oklahoma City Bombing Victims & Survivors** (for any victim or survivor of Oklahoma City bombing attack on April 19, 1995; \$5 additional fee)
- hh) 47 O.S. § 1136.54: **Civil Air Patrol** (for any member of Civil Air Patrol; \$5 additional fee; design by Civil Air Patrol)
- ii) 47 O.S. § 1136.55: **Ninety-Nines** (for members of Ninety-Nines; \$5 additional fee; design by Ninety-Nines)
- jj) 47 O.S. § 1136.56: **Jaycees** (for members of Jaycees; \$5 additional fee; design by Jaycees)
- kk) 47 O.S. § 1136.57: **Combat Infantryman Badge** (for recipients of Combat Infantryman Badge; \$5 additional fee; design prescribed by statute)
- ll) 47 O.S. § 1136.58: **Somalia Combat Veterans** (for any honorably discharged or present member of U.S. Armed Forces who saw combat in United Nations relief effort; \$5 additional fee)
- mm) 47 O.S. § 1136.59: **Ducks Unlimited** (for members of Ducks Unlimited; \$5 additional fee; design by Ducks Unlimited)
- nn) 47 O.S. § 1136.60: **Kiwanis International** (for members of Kiwanis International; \$5 additional fee; design by Kiwanis International)
- oo) 47 O.S. § 1136.61: **Certified Public Accountants** (for resident Certified Public Accountants; \$5 additional fee; design by Oklahoma Society of CPAs)
- pp) 47 O.S. § 1136.62: **Police Chaplain** (for members of International Conference of Police Chaplains; \$5 additional fee; design by International Conference of Police Chaplains)

- qq) 47 O.S. § 1136.67: **Retired Oklahoma Highway Patrol Officers** (for any retired officer of Oklahoma Highway Patrol, or their surviving spouses; \$25 additional fee – \$20 to Law Enforcement Retirement Fund; design prescribed by statute)
- rr) 47 O.S. § 1136.70: **Joint Service Commendation Medal** (for any resident awarded Joint Service Commendation Medal; \$5 additional fee)
- ss) 47 O.S. § 1136.72: **Rotarian License Plate** (for any resident member of Rotarian Club of Oklahoma; \$5 additional fee; design by Rotarian District Governors)
- tt) 47 O.S. § 1136.73: **Benevolent Protective Order of Elks** (for any resident member of Benevolent Protective Order of Elks; \$5 additional fee; design by Benevolent Protective Order of Elks)
- uu) 47 O.S. § 1136.77: **Oklahoma Mustang Club** (for any resident member of Oklahoma Mustang Club; \$5 additional fee; design by Oklahoma Mustang Club)
- vv) 47 O.S. § 1136.79: **American Business Clubs** (for members of American Business Clubs; \$5 additional fee; design by American Business Clubs)
- ww) 47 O.S. § 1136.80: **Merchant Marine** (for any person who during combat was a member of the Merchant Marines; \$5 additional fee; design by Oklahoma Department of Veterans Affairs)

70. Fourth Category Of Self-Expression – Vehicle Usage: These special license plates are available only to certain Oklahoma motorists and express how the vehicle is used. A listing of the names of each such plate follows below, together with the usage restriction, the associated fee, the apportionment of that fee (as specified in § 1136), and the identity of the designer (as specified in § 1136):

- a) 47 O.S. § 1136.1: **Political Subdivision** (for any vehicle owned by any Oklahoma political subdivision; \$5 fee)

- b) 47 O.S. § 1136.3: **Tax-Exempt or Nonprofit** (for any vehicle owned and used by tax-exempt or nonprofit organizations that provide youth programs, transport handicapped and elderly people, provide religious services, warehouse and distribute surplus foods, or provide mobile health screening services; and any vehicle primarily funded by a civil or fraternal organization with at least 100 local chapters or clubs; \$5 fee)
- c) 47 O.S. § 1136.12: **Indian Tribal** (for any vehicle used by any Native American Indian Tribal Association exclusively for furtherance of tribal functions; \$5 fee)

71. In addition, the Statutory Scheme authorizes the OTC to issue – at no additional fee – “Physically Disabled” and “Hearing Impaired” license plates for use by eligible Oklahoma motorists in lieu of Official Plates. The process by which these two plates are issued is not challenged in this lawsuit because, among other reasons, the plates appear to be designed to serve legitimate safety, traffic and law enforcement functions and/or do not appear to display protected speech.² See 47 O.S. §§ 1136.8 & 1136.68.

72. As noted in ¶ 42 above, Oklahoma motorists may create their own Vehicle ID Numbers by purchasing from the OTC personally-selected configurations of letters and/or numbers consisting of seven digits or less. See 47 O.S. § 1136.13(a). Official Plates with personally-selected configurations are often referred to as “personalized” or “vanity” license plates. This lawsuit does not challenge the process by which

² Similarly, other provisions of the Oklahoma Code allowing for the issuance of license plates differing in appearance in any respect from Official Plates (e.g., 47 O.S. §§ 1114(B)(4)-(6) (Oklahoma state vehicles, Highway Patrol vehicles, military vehicles); 70 O.S. § 1210.34 (a) (driver education training vehicles)) also are not challenged in this lawsuit because they appear to be designed to serve legitimate safety, traffic and law enforcement functions and/or do not appear to display protected speech.

personalized or vanity plates are issued because motorists' personally-selected configurations – while typically self-expressive – do not require prior approval from the Oklahoma Legislature.

D. Currently Authorized Self-Expression On The Reproductive Rights Debate

73. The Statutory Scheme currently authorizes two different special license plates expressing views about reproductive rights. Neither one expresses support for choice in family planning.

Respect Life – Support Adoption License Plates

74. House Bill 1670 (“HB 1670”) was introduced by former Oklahoma Representative Russ Roach (D) on February 5, 2001 and approved by the Oklahoma Governor on May 24, 2001. HB 1670 amended 47 O.S. § 1136 to authorize the OTC’s issuance of a special license plate referred to as the Respect Life – Support Adoption License Plate (“Respect Life Plate”).

75. The Respect Life Plate is available, upon payment of an additional \$25 fee to the OTC, to any Oklahoma motorist “wishing to demonstrate support of pregnant women who are committed to placing their children for adoption and wishing to provide assistance to guardians, adoptive parents and other creative families to assist in the adoption and placement of children in permanent, safe homes.” 47 O.S. § 1136.81.

76. Section 1136.81 provides that the Respect Life Plate would be designed in consultation with both the Oklahoma Adoption Coalition, a private non-profit

organization, and the DHS.

77. Upon information and belief, the Respect Life Plate consists of a solid light yellow background. The top of the plate reads "Adoption Creates Families" in colored lettering, and the bottom reads "Oklahoma" in colored lettering. The center of the Respect Life Plate displays a realistic-looking image of a family holding hands. The first three digits of the Vehicle ID Number are displayed to the left of the image, and the last three digits are positioned to the right of the image.

78. Upon information and belief, the phrase "Respect Life" can be understood in the context of the reproductive rights debate to express support for adoption at the exclusion of all other options available to women with unplanned pregnancies.

79. The phrase "Adoption Creates Families" and the realistic-looking image of a family holding hands displayed on the Respect Life Plate are the private speech of all Oklahoma motorists who purchase that special license plate.

Choose Life License Plates

80. Upon information and belief, representatives from Choose Life, Inc. ("CLP") and/or representatives from CLI's Oklahoma affiliate ("OK-CLI") met with Oklahoma Representative Thad Balkman (R) in early March 2002. CLI is a private non-profit organization that wished to make available to Oklahoma motorists a special license plate displaying the phrase "Choose Life."

81. One purpose for the meeting between CLI, OK-CLI and Representative

Balkman was to draft a bill that would amend § 1136 to authorize a special license plate displaying the phrase "Choose Life."

82. CLI and OK-CLI believe that the phrase "Choose Life" is "a simple statement with an important message." <<http://www.choose-life.org/aboutus.html>>. Specifically, upon information and belief, CLI and OK-CLI understand the phrase "Choose Life" to express support for adoption at the exclusion of all other reproductive options available to women with unplanned pregnancies.

83. Upon information and belief, Representative Balkman persuaded Senator Jim Williamson (R) in early April 2002 to revise House Bill 2278 ("HB 2278"). Prior to its revision, HB 2278 proposed an amendment to § 1136 clarifying that the "Oklahoma Mustang Club License Plate" would be available for sale only to Mustang Club members.

84. The revisions to HB 2278 proposed by Representative Balkman included a second amendment to § 1136 that would authorize the OTC's issuance of a special license plate known as the Choose Life License Plate ("Choose Life Plate").

85. Revised HB 2278 was approved by the Oklahoma Senate on April 24, 2002, approved by the Oklahoma House of Representatives on April 30, 2002, and approved by the Oklahoma Governor on May 6, 2002. It became effective on November 1, 2002.

86. The Choose Life Plate is available, upon payment of an additional \$25 fee to the OTC, to any Oklahoma motorist "who wishes to demonstrate support for organizations that encourage adoption as a positive choice for women with unplanned

pregnancies.” 47 O.S. § 1136.83.

87. Section 1136.83 provides that the Choose Life Plate would be designed by CLI.

88. The Choose Life Plate consists of a solid yellow background. The top of the plate reads “Choose Life” in red lettering, and the bottom reads “Oklahoma” in red lettering. The left side of the Choose Life Plate displays a hand-sketched illustration of two young children’s smiling faces. The right side displays in blue lettering the Vehicle ID Number.

89. Photographs of the Choose Life Plate are available online at various internet websites. *See, e.g.*, <<http://www.okchoose-life.org>>; <<http://www.plateshack.com/y2k/Oklahoma/ok2003chooselife.jpg>>. An image from one such website of the Choose Life Plate is attached as Exhibit C.

90. Upon information and belief, the design selected by CLI for the Choose Life Plate is the same design that CLI and its local affiliates use for the merchandise that they market using slogans such as “Tell other drivers ‘I’M FOR IT’” and “Take a Stand for Life.” *See* <http://www.ecognizant.net/chooselife/show_items.tcl> (indicating that online “Choose Life Store” publicly markets and sells neckties, scarves, caps, clothing for adults, children and babies, teddy bears, tote bags, jewelry, key chains, decals, license plate frames, and replica or mock license plates). It is also the same design used by CLI and its local affiliates for the purpose of allowing motorists in other states to express this particular view about reproductive rights.

91. Upon information and belief, OK-CLI and/or CLI independently and at their own expense promote the Choose Life Plate to Oklahoma motorists. For example, OK-CLI and/or CLI are providing churches with mail-order applications for private distribution. OK-CLI and/or CLI are also in the process of providing approximately 300 tag agencies located throughout the State of Oklahoma with color advertisements for the Choose Life Plate.

92. The phrase "Choose Life" and the hand-sketched illustration of two young children's smiling faces displayed on the Choose Life Plate are the private speech of all Oklahoma motorists who purchase that special license plate.

E. Choose Life Funding Restrictions

93. Section 1136.83 prescribes apportionment by the OTC of the \$25 additional fee paid by those Oklahoma motorists who purchase a Choose Life Plate. Of this amount, \$5 is to be deposited into the OTC Reimbursement Fund (*see* ¶ 63 above), and the remaining \$20 is to be deposited into the Choose Life Assistance Program Revolving Fund (the "Choose Life Fund") for further apportionment pursuant to 47 O.S. § 1104.6. *See* 47 O.S. § 1136.83.³

³ The additional fee paid by those Oklahoma motorists who purchase a Respect Life Plate is required by statute to "be deposited in a revolving fund established in the State Treasury and to be used by the [DHS] for the implementation of the Investing in Stronger Oklahoma Families Act specifically for created families." 47 O.S. § 1136.81. That Act is intended "to provide assistance to guardians of children, adoptive parents and families to assume permanent custody of children in need of safe and permanent homes, and to enhance family preservation and the stability of

94. The Choose Life Fund was created and is maintained by the Treasurer. The Choose Life Fund is used by the DHS for administering and implementing § 1104.6. See 47 O.S. § 1104.6(A). A copy of § 1104.6 is attached as Exhibit D.

95. Section 1104.6 provides that certain non-profit organizations may apply to the DHS for disbursement of monies from the Choose Life Fund. Eligible organizations are defined by statute as nonprofit organizations that, among other criteria: (a) “counsel[] pregnant women who are committed to placing their children for adoption;” (b) do not charge women for services rendered; and (c) agree to use 60% of the monies they receive from the Choose Life Fund to provide for the material needs of pregnant women committed to placing their children for adoption, and 40% for adoption counseling, training, or advertising. 47 O.S. § 1104.6(B).

96. Section 1104.6 prohibits disbursement of monies from the Choose Life Fund to organizations that are “involved or associated with abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising.” 47 O.S. § 1104.6(C).

VI. ADDITIONAL ALLEGATIONS

A. Motorist Plaintiffs’ Desired Self-Expression

97. Each Motorist Plaintiff is a resident of Tulsa, Oklahoma who owns a

these homes.” 10 O.S. § 22.2(B). Any funding restrictions associated with the Respect Life Plate are not challenged in this lawsuit because ORC does not currently seek to provide such services.

validly-registered motor vehicle for which he or she would like to purchase a special license plate expressing support for choice in family planning.

98. None of the Motorist Plaintiffs has been successful in his or her efforts to do so.

99. Each Motorist Plaintiff went to his or her local tag agency and specifically asked to purchase a special license plate expressing support for choice in family planning.

100. Motorist Plaintiffs were notified by their local tag agencies that no such special license plate is available for purchase by Oklahoma motorists. Instead, the Motorist Plaintiffs were advised to contact the OTC Motor Vehicles Division for further information regarding the availability of a special license plate expressing support for choice in family planning.

101. Motorist Plaintiff Moskowitz subsequently contacted the OTC Motor Vehicles Division to request a special license plate expressing support for choice in family planning, but was advised that no such special license plate currently exists.

102. When Motorist Plaintiff Moskowitz inquired why she and other Oklahoma motorists are not able to purchase a special license plate displaying this particular view about reproductive rights, she was informed that such plates can be made available only by statutory amendment.

103. Based on her conversation with a representative from the OTC Motor Vehicles Division, Motorist Plaintiff Moskowitz understands that a special license plate

expressing support for choice in family planning will be made available for purchase by Oklahoma motorists only if: (a) a member of the Oklahoma Legislature agrees to sponsor a bill that would amend 47 O.S. § 1136 to authorize the OTC's issuance of such a plate; and (b) the bill is approved by the appropriate Legislative committee(s); and (c) the bill is approved by the Legislature; and (d) the bill is successfully enacted into law.

104. Over two years ago, the Oklahoma Reproductive Health Coalition sought passage of an amendment to § 1136 that would authorize the OTC's issuance of a special license plate expressing support for choice in family planning. Motorist Plaintiff Santee and ORC were members of the Oklahoma Reproductive Health Coalition and involved with that effort.

105. On February 3, 2003, Senator Angela Monson (D) introduced Senate Bill 548 ("SB 548"), which would amend § 1136 to authorize a new "Choice in Family Planning License Plate" (the "Family Planning Plate") effective as of November 1, 2003.

106. Specifically, SB 548 would authorize the OTC to issue a Family Planning Plate to any person wishing to demonstrate support of choice in family planning. The Family Planning Plate would be available for purchase by Oklahoma motorists subject to an additional fee of \$25, of which \$20 would be deposited into a newly-created "Choice in Family Planning Revolving Fund" (the "Family Planning Fund"), and of which \$5 would be deposited into the OTC Reimbursement Fund (*see* ¶ 63 above).

107. SB 548 would further provide for an amendment to 47 O.S. § 1104 that

would authorize the Treasurer to create the Family Planning Fund, which would then be used by the DHS to fund family planning functions and activities.

108. SB 548 was referred to the Senate Finance Committee on February 4, 2003. No further action has been taken on SB 548, and the bill is listed on the Oklahoma Legislature's website as "dormant." See <<http://www.lsb.state.ok.us/>>.

109. Upon information and belief, no action has been taken on SB 548 because the Oklahoma Legislature disagrees with the expression to be displayed on the proposed Family Planning Plate and/or does not want a Family Planning Plate available for purchase by Oklahoma motorists.

110. There is no compelling or any other governmental interest satisfied by, on the one hand, allowing the OTC to make Choose Life Plates available for purchase by Oklahoma motorists who wish express support for adoption as a preferred family planning option, and on the other hand, failing to allow the OTC to make Family Planning Plates available for purchase by Oklahoma motorists who wish to express support for choice in family planning.

111. Also on February 3, 2003 – the same day that SB 548 was introduced – Representative Clay Pope (D) introduced House Bill 1599 ("HB 1599"), which would amend § 1136 to authorize the OTC to create and issue a new Lions Club License Plate ("Lions Club Plate") to any person wishing to demonstrate support for the Lions Club of Oklahoma. The Lions Club Plate would be designed by the Lions Club and subject to an additional \$15 fee.

112. In contrast to SB 548, HB 1599 was unanimously approved by the House of Representatives on March 5, 2003, unanimously approved by the Senate on April 9, 2003, and approved by the Oklahoma Governor on April 15, 2003. It became effective on November 1, 2003. See ¶ 68(m) above.

113. Upon information and belief, HB 1599 was promptly enacted because the Oklahoma Legislature agreed with the expression displayed on the Lions Club Plate and/or wanted a Lions Club Plate available for purchase by Oklahoma motorists.

114. There is no compelling or any other governmental interest satisfied by, on the one hand, allowing the OTC to make Lions Club Plates available for purchase by Oklahoma motorists who wish to express support for the Lions Club, and on the other hand, failing to allow the OTC to make Family Planning Plates available for purchase by Oklahoma motorists who wish to express support for choice in family planning.

B. Statutory Scheme Lacks Viewpoint Neutrality

115. Through the Statutory Scheme, the Oklahoma Legislature has created at least a nonpublic forum for private speech on special license plates. The Statutory Scheme simultaneously generates revenue for the State of Oklahoma while allowing Oklahoma motorists access to this State-created forum.

116. Upon information and belief, Oklahoma motorists paid to the OTC at least \$605,000 in special license plate fees for the purchase of approximately 33,000 special license plates during the period between August 1, 2002 and July 31, 2003.

117. The Statutory Scheme constitutes a prior restraint on Oklahoma motorists' exercise of their First Amendment rights. Motorists must first obtain approval from the Oklahoma Legislature if their desired self-expression is not among those already "approved" for display in the forum. Motorists who are unsuccessful in their efforts to obtain legislative "approval" and who, as a result, attempt to express themselves in the forum by altering their Official Plates are subject to misdemeanor prosecution and punishment by fine.

118. The Statutory Scheme imposes unreasonable restrictions on Oklahoma motorists' exercise of their First Amendment rights. Such restrictions have a chilling effect on the display of protected speech in the forum and do not advance any compelling or other governmental interest.

119. The Statutory Scheme allows the Oklahoma Legislature to limit access to this State-created forum only to those Oklahoma motorists of whose speech the legislators approve. Specifically, the Statutory Scheme grants the Oklahoma Legislature unbridled discretion in determining whether to amend § 1136 to allow the OTC to issue special license plates displaying previously "unapproved" self-expression. There are no standards governing these determinations.

120. Although the Oklahoma Administrative Code provides that "[n]o special license plate will be issued which may be offensive to the general public" (Okla. Admin. Code § 710:60-3-150(d)), the Motorist Plaintiffs do not believe this provision applies to the Oklahoma Legislature's ability to amend § 1136 to authorize the issuance of new

special license plates. However, to the extent Defendants may argue or the Court may find that the Oklahoma Legislature is bound by this provision, Motorist Plaintiffs challenge § 710:60-3-150(d) on the ground that it constitutes a grant of unbridled discretion because the lack of any clear explanation of may be “offensive to the general public” allows for *ad hoc* determinations by the Oklahoma Legislature that are not viewpoint neutral.

121. The Statutory Scheme lacks any procedural safeguards against the risk of viewpoint discrimination by the Oklahoma Legislature in determining whether to grant Oklahoma motorists access to this State-created forum. Specifically, the Statutory Scheme does not contain any time limit within which the Oklahoma Legislature must determine whether to amend § 1136 to authorize issuance special license plates displaying previously unauthorized self-expression, and there is no provision for prompt judicial review of decisions refusing such access.

122. The risk of viewpoint discrimination is exacerbated under the Statutory Scheme because it is exceedingly unlikely that Oklahoma legislators would support legislation authorizing the issuance of new special license plates for the display of self-expression deemed unpopular among the Oklahoma electorate.

C. Choose Life Funding Restrictions Infringe Free Speech

123. Upon information and belief, Oklahoma motorists have already purchased Choose Life Plates. As a result, monies should already have been deposited by the OTC into the Choose Life Fund maintained by the Treasurer for disbursement to eligible

organizations by the DHS.

124. ORC would like to apply for and receive disbursements from the Choose Life Fund in order to (a) create a program that would provide direct support to pregnant women who have decided that adoption is the appropriate option given their circumstances, and (b) support counseling and associated training about adoption as a family planning option.

125. However, ORC fails to satisfy the criteria for funding eligibility set forth in 47 O.S. § 1104.6.

126. ORC is ineligible to receive disbursements from the Choose Life Fund because ORC is “involved or associated with abortion activities” (47 O.S.

§§ 1104.6(B)(4) and (C)). Specifically, ORC:

- provides telephone counseling and referrals for counseling on all reproductive options available to women with unplanned pregnancies including, parenting, adopting, foster care and abortion;
- maintains a Roe Fund to help cover the costs (including child care, travel, overnight accommodations and medical care) incurred by impoverished women who have decided that abortion is the appropriate option in their circumstances;
- participates in non-violent demonstrations outside health facilities providing abortion services;
- sponsors periodic worship, fellowship and educational gatherings for community members who support choice in family planning; and
- promotes the Clergy for Choice Network of the Religious Coalition for Reproductive Choice, which is a national registry of clergy of all faiths who believe that family planning encompasses a wide range of issues,

including access to safe, legal and affordable adoption and abortion services.

127. ORC would not use any disbursements received from the Choose Life Fund to fund these or any other activities involved or associated with abortion.

128. Each of these activities involves the exercise by ORC of constitutionally-protected speech regarding choice in family planning.

129. Aside from its involvement and/or association with the types of activities described in ¶ 126 above, ORC otherwise satisfies all of the criteria for funding eligibility set forth in the Choose Life Statute.

130. Section 1104.6 unduly interferes with and discourages constitutionally-protected speech activities by denying a benefit to organizations that engage in such activities. Specifically, §§ 1104.6(B)(4) and (C) impermissibly render ORC ineligible to receive disbursements from the Choose Life Fund – notwithstanding that ORC would use those disbursements to fund only activities that are not involved or associated with abortion – solely because the Oklahoma Legislature disagrees with ORC’s speech regarding choice in family planning.

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FIRST CLAIM FOR RELIEF
(Motorist Plaintiffs – Freedom of Speech)

131. The allegations of ¶¶ 1 through 130 above are incorporated as though fully set forth herein.

132. As applied to the Motorist Plaintiffs, the Statutory Scheme violates the

First and Fourteenth Amendments to the United States Constitution and 42 U.S.C § 1983 because the Oklahoma Legislature engaged in viewpoint discrimination when it authorized the expression of only certain views about reproductive rights in a State-created speech forum.

133. As applied to the Motorist Plaintiffs, the Statutory Scheme violates the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C § 1983 because the Oklahoma Legislature engaged in viewpoint discrimination by failing to allow Motorist Plaintiffs to express their view about reproductive rights in a State-created speech forum.

134. The Statutory Scheme is not narrowly drawn to achieve a compelling or any other governmental interest justifying the Oklahoma Legislature's failure to amend § 1136 to allow the OTC to issue Family Planning Plates.

SECOND CLAIM FOR RELIEF
(Motorist Plaintiffs – Freedom of Speech)

135. The allegations of ¶¶ 1 through 134 above are incorporated as though fully set forth herein.

136. On its face, the Statutory Scheme violates the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C § 1983.

137. The Statutory Scheme is presumptively unconstitutional because it both grants the Oklahoma Legislature unbridled discretion and lacks viewpoint neutral standards for determining which Oklahoma motorists will be permitted access to a State-

created speech forum. With these faults, every application of the Statutory Scheme creates an impermissible risk that viewpoint discrimination will lead to suppression of protected expression.

138. The Statutory Scheme is presumptively unconstitutional because it lacks adequate procedural safeguards against decision-making delay and prompt judicial review. With these faults, every application of the Statutory Scheme creates an impermissible risk that viewpoint discrimination will lead to suppression of protected expression.

139. The restrictions imposed by the Statutory Scheme are not narrowly drawn to achieve a compelling or any other governmental interest.

THIRD CLAIM FOR RELIEF
(Motorists Plaintiffs – Due Process)

140. The allegations of ¶¶ 1 through 139 above are incorporated as though fully set forth herein.

141. The Statutory Scheme violates the Due Process protection accorded by the Fourteenth Amendment to the United States Constitution and 42 U.S.C § 1983 because it conditions access of Oklahoma motorists to a State-created speech forum on a statutory amendment by the Oklahoma Legislature authorizing the desired self-expression.

142. The Statutory Scheme is not narrowly drawn to achieve a compelling or any other governmental interest justifying this undue burden on Oklahoma motorists' First Amendment rights.

143. Moreover, even if this burden were sufficiently justified, the Statutory Scheme also violates Due Process because it does not adequately notify Oklahoma motorists of what, if any, additional self-expression would be permitted or prohibited in a State-created speech forum.

FOURTH CLAIM FOR RELIEF
(Motorists Plaintiffs – Equal Protection)

144. The allegations of ¶¶ 1 through 143 above are incorporated as though fully set forth herein.

145. The Statutory Scheme violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and 42 U.S.C § 1983 because it allows for, and in fact has resulted in, impermissible viewpoint discrimination among otherwise similarly-situated Oklahoma motorists in permitting access to a State-created speech forum.

146. The Statutory Scheme is not narrowly drawn to achieve a compelling or any other governmental interest justifying a distinction between allowing certain Oklahoma motorists to express themselves on special license plates and refusing to allow other Oklahoma motorists to do the same.

FIFTH CLAIM FOR RELIEF
(Organizational Plaintiff – Freedom of Speech)

147. The allegations of ¶¶ 1 through 146 above are incorporated as though fully set forth herein.

148. Section 1104.6 violates the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C § 1983 by impermissibly denying ORC the ability to apply for and receive money from the Choose Life Fund solely on the basis of ORC's involvement and association – through other funding sources – with abortion activities.

149. Section 1104.6 is not narrowly drawn to achieve a compelling or any other governmental interest justifying ORC's ineligibility to receive Choose Life Fund disbursements based on the expression of constitutionally-protected speech.

SIXTH CLAIM FOR RELIEF
(Organizational Plaintiff – Equal Protection)

150. The allegations of ¶¶ 1 through 149 above are incorporated as though fully set forth herein.

151. Section 1104.6 violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and 42 U.S.C § 1983 because it allows for, and in fact has resulted in, impermissible discrimination among otherwise similarly-situated non-profit organizations regarding their eligibility for disbursements from the Choose Life Fund.

152. Section 1104.6 is not narrowly drawn to achieve a compelling or any other governmental interest justifying a distinction between organizations that are eligible to receive money from the Choose Life Fund and those that are rendered ineligible based on the exercise of constitutionally-protected rights to freedom of speech.

* * *

REQUESTS FOR RELIEF

153. Plaintiffs respectfully request that the Court grant the following relief:

154. Declare that allowing a special license plate expressing only certain views about reproductive rights but not a special license plate expressing a different view is unconstitutional; *and* enjoin the Defendants, their agents, and their successors in office from implementing or further enforcing 47 O.S. §§ 1136.81 & 1136.83 and 47 O.S. § 1104.6; or, in the alternative.

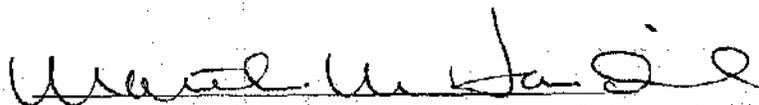
155. Declare that the Statutory Scheme is unconstitutional; *and* enjoin the Defendants, their agents, and their successors in office from implementing or further enforcing all provisions of 47 O.S. § 1136 & 47 O.S. § 1104 (with the exceptions of §§1136.8, 1136.13 and 1136.68); and

156. Declare that prohibiting the distribution of government funds raised by sales of the Choose Life Plate based on constitutionally-protected speech relating to a woman's exercise of choice in family planning is unconstitutional; *and* enjoin the Defendants, their agents, and their successors in office from implementing or further enforcing subsections B(4) and C of 47 O.S. § 1104.6; *and* sever subsections B(4) and C from the remainder of 47 O. S. § 1104.6; and

157. Award Plaintiffs their costs and reasonable attorneys' fees pursuant to 42 U.S.C. § 1988; and

158. Grant such other relief as the Court may deem just and proper.

Respectfully submitted,



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** Pending admission *pro hac vice*

Attorneys for Plaintiffs



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OKLAHOMA 2003 SESSION LAW SERVICE
Forty-Ninth Legislature, 2003 First Regular Session

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Additions are indicated by **Text**; deletions by
~~Text~~. Changes in tables are made but not highlighted.
Vetoed provisions within tabular material are not displayed.

CHAPTER 97
H.B. No. 1599
MOTOR VEHICLES--SPECIAL LICENSE PLATES

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 1136, as last amended by Section 1, Chapter 319, O.S.L. 2002 (47 O.S. Supp. 2002, Section 1136), which relates to special license plates; creating the Lions Club special license plate; providing for apportionment of monies generated from issuance of plates; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

<< OK ST T. 47 § 1136 >>

SECTION 1. AMENDATORY 47 O.S. 2001, Section 1136, as last amended by Section 1, Chapter 319, O.S.L. 2002 (47 O.S. Supp. 2002, Section 1136), is amended to read as follows:

Section 1136. The Oklahoma Tax Commission is hereby authorized to design and issue appropriate official special license plates as provided by this section.

Special license plates shall not be transferred to any other person but shall be removed from the vehicle upon transfer of ownership and retained. The special license plate may then be used on another vehicle but only after such other vehicle has been registered for the current year with a motor license agent.

Special license plates shall be renewed each year by the Tax Commission or a motor license agent. The Tax Commission shall annually notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon presentation to a motor license agent or the Tax Commission. The license plates shall be issued on a staggered system except for legislative and motorcycle license plates and vintage decals.

If fewer than fifty of any type of special license plates authorized prior to January 1, 2000, are issued prior to January 1, 2005, or, for any type of special license plate authorized after January 1, 2000, within five (5) years after first being offered, the Tax Commission shall discontinue issuance of that type of special license plate.

Special license plates shall be designed in such a manner as to identify the use and ownership of the vehicle. The special license plates provided by this section are as follows:

1. Political Subdivision Plates - such plates shall be designed for any vehicle owned by any political subdivision of this state and shall be registered for Five Dollars (\$5.00), after having obtained proper Oklahoma certificate of title. Such political subdivisions shall file an annual report with the Tax Commission stating the agency where

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such vehicle is located. Such license plates shall be permanent in nature and designed in such a manner as to remain with the vehicle for the duration of the life span of the vehicle or until the title is transferred to an owner who is not a political subdivision;

2. Legislative License Plates - such plates shall be designed for persons elected to the Oklahoma Legislature and shall designate the house of the Legislature in which the legislator serves and the district number.

The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to the regular plate issued to the member and the fees charged therefor;

3. Tax-Exempt or Nonprofit License Plates - such plates shall be designed for:

a. any motor bus, manufactured home, or mobile chapel and power unit owned and operated by a religious corporation or society of this state holding a valid exemption from taxation issued pursuant to Section 501(a) of the Internal Revenue Code, 26 U.S.C., Section 501(a), and listed as an exempt organization in Section 501(c)(3) of the Internal Revenue Code, as amended, 26 U.S.C., Section 501(c)(3), and that is used by the corporation or society solely for the furtherance of its religious functions,

b. any vehicle owned and operated only by nonprofit organizations devoted exclusively to youth programs including, but not limited to, the Girl Scouts and Boy Scouts of America,

c. any vehicle, except passenger automobiles, owned or operated by nonprofit organizations actually involved in programs for the employment of the handicapped and used exclusively in the transportation of goods or materials for such organization,

d. any vehicle owned and operated by a nonprofit organization that provides older persons transportation to and from medical, dental and religious services and relief from business and social isolation,

e. any vehicle owned and operated by a private nonprofit organization that:

(1) warehouses and distributes surplus foods to other nonprofit agencies and organizations, and

(2) holds a valid exemption from taxation issued pursuant to Section 501(c) of the Internal Revenue Code, as amended, 26 U.S.C., Section 501(c), and listed as an exempt organization in Section 501(c)(3) of the Internal Revenue Code, as amended, and

(3) uses such vehicle exclusively for the transportation of such surplus foods, or

f. any vehicle which:

(1) is owned and operated by a private, nonprofit organization which is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), and which is primarily funded by a fraternal or civic service organization with at least one hundred local chapters or clubs, and

(2) is designed and used to provide mobile health screening services to the general public at no cost to the recipient, and for which no reimbursement of any kind is received from any health insurance provider, health maintenance organization or governmental program.

The registration fee shall be Five Dollars (\$5.00).

Any person claiming to be eligible for a tax-exempt or nonprofit license plate under the provisions of this paragraph must have the name of the tax-exempt or nonprofit organization prominently displayed upon the outside

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of the vehicle, except those vehicles registered pursuant to the provisions of subparagraph b of this paragraph, unless such display is prohibited by federal or state law or by state agency rules. No vehicle shall be licensed as a tax-exempt or nonprofit vehicle unless the vehicle has affixed on each side thereof, in letters not less than two (2) inches high and two (2) inches wide, the name of the tax-exempt or nonprofit organization or the insignia or other symbol of such organization which shall be of sufficient size, shape and color as to be readily legible during daylight hours from a distance of fifty (50) feet while the vehicle is not in motion;

4. Prisoner of War License Plates - such plates shall be designed for honorably discharged or present members of the United States Armed Forces and civilians who were former prisoners of war held by a foreign country and who can provide proper certification of that status. Such persons may apply for a prisoner of war license plate for no more than two vehicles with each vehicle having a rated carrying capacity of one (1) ton or less. The surviving spouse of any deceased former prisoner of war, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a prisoner of war license plate for one vehicle with a rated carrying capacity of one (1) ton or less. The registration fee shall be Five Dollars (\$5.00);

5. National Guard License Plates - such plates shall be designed for active or retired members of the Oklahoma National Guard. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

6. Air National Guard License Plates - such plates shall be designed for active or retired members of the Oklahoma Air National Guard. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

7. United States Armed Forces - such plates shall be designed for active, retired, former or reserve members of the United States Armed Forces, and shall identify which branch of service, and carry the emblem and name of either the Army, Navy, Air Force, Marines or Coast Guard, according to the branch of service to which the member belongs or did belong. Former members who have been dishonorably discharged shall not be eligible for such plates. Persons applying for such license plate must show proof of present or past military service by presenting a valid Uniformed Services Identity Card or the United States Department of Defense Form (DD)214. Retired or former members who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The fee for such plates shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

8. Physically Disabled License Plates - such plates shall be designed for persons who are eligible for an insignia as a physically disabled person under the provisions of Section 15-112 of this title. It shall prominently display the international accessibility symbol, which is a stylized human figure in a wheelchair. Upon the death of the physically disabled person, the special license plate shall be returned to the Tax Commission. There shall be no fee for such plate in addition to the rate provided by the Oklahoma Vehicle License and Registration Act for the registration of the vehicle. For an additional fee of Ten Dollars (\$10.00), a person eligible for a physically disabled license plate shall have the option of purchasing a duplicate physically disabled special license plate which shall be securely attached to the front of the vehicle. The original physically disabled special license plate shall be securely attached to the rear of the vehicle at all times.

Any person who is eligible for a physically disabled license plate and whose vehicle has had modifications because of the physical disability of the owner or of a family member within the second degree of consanguinity of the owner, may register the vehicle for a flat fee of Twenty-five Dollars (\$25.00). This fee shall be in lieu of all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

9. Disabled Veterans License Plates - such plates shall be designed for persons presenting proper certification

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from the United States Department of Veterans Affairs or the Armed Forces of the United States certifying such veteran has a service-connected disability rating of fifty percent (50%) or more, regardless which agency pays the disability benefits, or that such veteran has been awarded a vehicle by the United States government or receives a grant from the United States Department of Veterans Affairs for the purchase of an automobile due to a service-connected disability rating or due to the loss of use of a limb or an eye. Such persons may apply to the Tax Commission for a disabled veterans license plate or to a motor license agent for a regular license plate for no more than two vehicles with each vehicle having a rated carrying capacity of one (1) ton or less. The surviving spouse of any deceased disabled veteran, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a disabled veterans license plate for one vehicle with a rated carrying capacity of one (1) ton or less. The registration fee shall be Five Dollars (\$5.00);

10. Congressional Medal of Honor Recipient License Plates - such plates shall be designed for any resident of this state who has been awarded the Congressional Medal of Honor. Such persons may apply for a Congressional Medal of Honor recipient license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00);

11. Missing In Action License Plates - such plates shall be designed to honor members of the United States Armed Forces who are missing in action. The spouse of such missing person, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, and each parent of the missing person may apply for a missing in action license plate upon presenting proper certification that the person is missing in action and that the person making the application is the qualifying spouse or the parent of the missing person. The qualifying spouse and each parent of the missing person may each apply for the missing in action license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The registration fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to the regular plate issued and the fees charged therefor;

12. Indian Tribal License Plates - such plates shall be designed for any vehicle of a native American Indian Tribal Association exempted in Sections 201 through 204 of Public Law 97-473 and used by the tribal association exclusively for the furtherance of its tribal functions. The registration fee shall be Five Dollars (\$5.00);

13. Personalized License Plates - such plates shall be designed and issued for the following:

- a. any person in any combination of numbers or letters from one to a maximum of seven,
- b. persons eligible for two or more of the military decoration special license plates provided for in this section. Such plates may be issued in any combination of emblems. However, such plates shall only display up to three emblems and shall also display any combination of letters or numbers from one to a maximum of three, and
- c. motorcycles in any combination of numbers or letters from one to a maximum of six.

The personalized license plates shall be issued on a staggered system except for motorcycles.

On and after January 1, 1987, persons owning vehicles which are twenty-one (21) years and older are qualified to submit for approval by the Tax Commission or a motor license agent a vintage but expired official Oklahoma license plate which is twenty-one (21) years and older. Upon approval of such personalized plate, the owner shall be issued the annual registration decal which the Tax Commission or agent shall direct to be affixed in close proximity to the mandatory vehicle inspection decal. The Tax Commission shall promulgate a rule which establishes appropriate criteria to be used in the implementation of the Oklahoma Vehicle License and Registration Act.

The fee for such plate shall be Twelve Dollars (\$12.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Two Dollars (\$2.00) of the personalized tag fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be used for the administration of the

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Oklahoma Vehicle License and Registration Act;

14. Purple Heart Recipient License Plates - such plates shall be designed for any resident of this state who has been awarded the Purple Heart military decoration and, upon the death of the recipient, the spouse of the recipient. Such persons may apply for a Purple Heart recipient license plate for vehicles having a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

15. Pearl Harbor Survivor License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States as being:

- a. a member of the United States Armed Forces on December 7, 1941,
- b. stationed on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a. m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three (3) miles, and
- c. a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for a Pearl Harbor Survivor license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act.

The Tax Commission shall design and make available to any person who is issued a Pearl Harbor Survivor License Plate a commemorative Pearl Harbor decal to commemorate the fiftieth anniversary of Pearl Harbor. Such decal shall include the language "Pearl Harbor 1941-1991" and shall be designed to be easily attached to a license plate. This decal shall be free of charge to those persons issued a Pearl Harbor Survivor License Plate;

16. Iwo Jima License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States as being:

- a. a member of the United States Armed Forces in February of 1945,
- b. stationed in February of 1945 on or in the immediate vicinity of the island of Iwo Jima, and
- c. a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for an Iwo Jima license plate for each vehicle with a rated carrying capacity of one (1) ton or less.

Such license plate shall have the legend "Oklahoma OK" and shall contain three letters and three numbers. Between the letters and numbers shall be a logo of the flag-raising at Iwo Jima. Below the letters, logo and numbers, the plate shall contain the words "FEB." at the left, "Iwo Jima" in the center and "1945" at the right. Such plates shall not be subject to the design requirements of any other license plates prescribed by law other than the space for the placement of the yearly decals for each succeeding year of registration after the initial issue.

The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

17. D-Day Survivor License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States as being:

- a. a member of the United States Armed Forces on June 6, 1944,

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b. a participant in the Allied invasion of the coast of Normandy on June 6, 1944; provided, if such participation cannot be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States, the Tax Commission may, in its discretion, accept evidence of such participation from the person applying for the license plate, and

c. a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for a D-Day Survivor license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

18. Killed in Action License Plates - such plates shall be designed to honor members of the United States Armed Forces who were killed in action. The spouse of the deceased person, if the spouse has not remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a killed in action license plate upon presenting proper certification that the person was killed in action and that the person making the application is the qualifying spouse of the deceased person. The qualifying spouse may apply for a killed in action license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The registration fee for each plate shall be Five Dollars (\$5.00);

19. Gold Star Parents License Plates - such plates shall be designed to honor members of the United States Armed Forces who were killed during a war. The parents of the deceased person may apply for a gold star license plate upon presenting proper certification that the person was killed during a war and that the person making the application is the parent of the deceased person. The parent may apply for a gold star parent license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The registration fee for each plate shall be Five Dollars (\$5.00);

20. University or College Supporter License Plates - such plates shall be designed and issued to any person wishing to demonstrate support to any state-supported or private university or college. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The twenty-five-dollar fee shall be apportioned pursuant to Section 1104.1 of this title;

21. Environmental Awareness License Plates - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the Department of Environmental Quality in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support to implement the statewide general public environmental education program created pursuant to the provisions of the Oklahoma Environmental Quality Code. Such plates shall be designed and issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The twenty-five-dollar fee shall be apportioned pursuant to Section 1104.2 of this title. A dealer's license plate issued pursuant to Section 1116.1 or 1128 of this title may be designated an Environmental Awareness License Plate upon payment of the fee imposed by this paragraph and any other registration fees required by the Oklahoma Vehicle License and Registration Act;

22. Military Decoration License Plates - such plates shall be designed for any resident of this state who has been awarded the Distinguished Service Award, the Distinguished Flying Cross, the Bronze Star military decoration or the Silver Star military decoration. Such persons may apply for a military decoration license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

23. Vietnam Veteran License Plates - such plates shall be designed for honorably discharged or present members of the United States Armed Forces who served in the Vietnam Conflict. Such persons may apply for a Vietnam

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veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

24. Round and Square Dance License Plates - such plates shall be designed and issued to any person wishing to demonstrate support for round and square dancing. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

25. Firefighter License Plates - such plates shall be designed for any career or retired firefighter, volunteer or paid. Firefighters may apply for firefighter plates for up to four vehicles with a rated capacity of one (1) ton or less or for a motorcycle upon proof of a fire department membership by either an identification card or letter from the Chief of the fire department. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The surviving spouse of any deceased firefighter, if the spouse has not since remarried, may apply for a firefighter license plate for one vehicle with a rated carrying capacity of one (1) ton or less or for a motorcycle upon proof that the deceased firefighter was a member of a fire department by either an identification card or letter from the Chief of the fire department.

Except for motorcycles, the license plate shall have the legend "Oklahoma" in the color Pantone 186C Red and shall contain no more than three letters and three numbers in the color Pantone 301C Blue. Between the letters and numbers shall be the Firefighter Maltese Cross Logo in the color Pantone 186C Red outlined in the color Pantone 301C Blue. Below the letters and the logo shall be the word "Firefighter" in the color Pantone 186C Red. The license plate for motorcycles may be of a similar design as space permits or a new design in order to meet the space requirements of a motorcycle license plate. The plates shall not be subject to the design requirements of any other license plates prescribed by law other than the space for the placement of the yearly decals for each succeeding year of registration after the initial issue.

The fee for each plate shall be Twenty Dollars (\$20.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The Twenty Dollars (\$20.00) for initial registration and succeeding yearly registration shall be apportioned as follows: Fifteen Dollars (\$15.00) shall be deposited to the Oklahoma State Firemen's Museum Building & Memorial Fund for support of the Oklahoma Firefighter Fallen and Living Memorial and Five Dollars (\$5.00) to the Tax Commission;

26. Police Officer License Plates - such plates shall be designed for any currently employed or retired municipal police officer. Police officers may apply for police officer plates for vehicles with a rated capacity of one (1) ton or less upon proof of employment by or retirement from a municipal police department by either an identification card or letter from the chief of the police department or the Oklahoma Police Pension and Retirement Board. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The license plates shall be designed in consultation with municipal police departments of this state.

The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

27. World War II Veteran License Plates - such plates shall be designed to honor honorably discharged former members of the United States Armed Forces who are residents of this state and who can be verified by the Oklahoma Military Department, the Department of Veterans Affairs or the Armed Forces of the United States as having served on federal active duty anytime during the period from September 16, 1940, to December 7, 1945. The former members may apply for a World War II Veteran license plate for vehicles with a rated carrying capacity of one (1) ton or less.

The license plate shall have the legend "Oklahoma" and shall contain, in the center of the plate, either the Thunderbird Insignia of the 45th Infantry Division in the prescribed red and gold coloring or the emblem of the Army, Navy, Air Force, Marines or Coast Guard according to the branch of service to which the member belonged.

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For the purpose of license plate identification, the plate shall contain four digits, two digits at the left and two digits at the right of the insignia or emblem. Centered on the bottom of the license plate shall be the words "WORLD WAR II". However, the plates may be issued to any person in any combination of numbers and letters with up to three on each side of the insignia or emblem as for personalized license plates.

The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. If the plate is issued in any combination of numbers and letters with up to three on each side of the insignia or emblem as for personalized license plates, the fee for each plate shall be Twelve Dollars (\$12.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act.

The Tax Commission shall design and make available to any person who is issued a World War II Veteran License Plate a commemorative World War II decal to commemorate the fiftieth anniversary of the end of World War II. The decal shall include the language "World War II 50th Anniversary" and shall be designed to be easily attached to a license plate. This decal shall be free of charge to those persons issued a World War II Veteran License Plate;

28. Korean War Veteran License Plates - such plates shall be designed to honor honorably discharged former members of the United States Armed Forces who are residents of this state and who can be verified by the Oklahoma Military Department, the Department of Veterans Affairs or the Armed Forces of the United States as having served on federal active duty anytime during the period from September 1, 1950, to April 27, 1954. The former members may apply for a Korean War Veteran license plate for vehicles with a rated carrying capacity of one (1) ton or less.

The license plate shall have the legend "OKLAHOMA" and shall contain, in the center of the plate, either the Thunderbird Insignia of the 45th Infantry Division in the prescribed red and gold coloring or the emblem of the Army, Navy, Air Force, Marines or Coast Guard according to the branch of service to which the member belonged. For the purpose of license plate identification, the plate shall contain four digits, two digits at the left and two digits at the right of the insignia or emblem. Centered on the bottom of the license plate shall be the word "KOREA". However, the plates may be issued to any person in any combination of numbers and letters with up to three on each side of the insignia or emblem as for personalized license plates.

The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. If the plate is issued in any combination of numbers and letters with up to three on each side of the insignia or emblem as for personalized license plates, the fee for each plate shall be Twelve Dollars (\$12.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

29. Wildlife Conservation License Plates - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the Oklahoma Department of Wildlife Conservation in consultation with the State Arts Council, and issued to any person wishing to demonstrate support for wildlife conservation in this state through the Wildlife Diversity Fund, provided for in Section 3-310 of Title 29 of the Oklahoma Statutes. Such plates may be designed and issued to any person as for personalized license plates. The fee for the plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Motor license agents shall have the option of stocking an inventory of numbered Wildlife Conservation License Plates, as well as stocking applications for personalized Wildlife Conservation License Plates. In addition to the amounts authorized to be retained by motor license agents pursuant to the provisions of Section 1141.1 of this title, motor license agents shall retain an additional Three Dollars (\$3.00) for each original Wildlife Conservation License Plate issued and for each application submitted by mail that carries the agent's code and for which a Wildlife Conservation License Plate is issued. The three-dollar fee to be retained by the motor license agent pursuant to this paragraph shall not be included in the maximum sum that may be retained by motor license agents as compensation pursuant to the provisions of Section 1143 of this title. For the first year such plate is issued, Seventeen Dollars (\$17.00) of the twenty-five-dollar fee shall be apportioned pursuant to subsection D

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of Section 3-310 of Title 29 of the Oklahoma Statutes. After the first year such plate is issued, Twenty Dollars (\$20.00) of the twenty-five-dollar fee shall be apportioned pursuant to subsection D of Section 3-310 of Title 29 of the Oklahoma Statutes;

30. Municipal Official License Plates - such plates shall be designed for persons elected to a municipal office in this state and shall designate the name of the municipality and the district or ward in which the municipal official serves. The plates shall only be produced upon application. The fee for the plate shall be Fifteen Dollars (\$15.00) and shall be in addition to the regular plate issued to the elected municipal official and the fees charged therefor;

31. Child Abuse Prevention License Plates - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the Office of Child Abuse Prevention in the Oklahoma State Department of Health and the Oklahoma Committee to Prevent Child Abuse, and issued to any person wishing to demonstrate support for the prevention of child abuse. The fee for the plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty Dollars (\$20.00) of the twenty-five-dollar fee shall be deposited in the Child Abuse Prevention Fund;

32. National Association for the Advancement of Colored People License Plates - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the NAACP, and issued to any person wishing to demonstrate support for the NAACP. The fee for the plate shall be Twenty Dollars (\$20.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

33. National Rifle Association License Plates - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the National Rifle Association, and issued to any person wishing to demonstrate support for the National Rifle Association. The fee for the plate shall be Twenty Dollars (\$20.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

34. Red Cross Volunteer License Plates - such plates shall be designed to honor American Red Cross volunteers and staff who are residents of this state. Such persons must present an identification card issued by the American Red Cross and bearing a photograph of the person. The license plate shall be designed with the assistance of the American Red Cross and shall have the legend "Oklahoma OK!" in the color Pantone 186C Red. Below the legend the symbol of the American Red Cross and no more than three letters and three numbers shall be in the color Pantone 186C Red. Below the symbol and letters and numbers shall be the words "American Red Cross" in black. The plates shall not be subject to the design requirements of any other license plates prescribed by law other than the space for the placement of the yearly decals for each succeeding year of registration after the initial issue. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

35. United States Olympic Committee Supporter License Plates - such plates shall be designed and issued to any person wishing to demonstrate support for the United States Olympic Committee. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official United States Olympic Committee logo. The fee for such plate shall be Twenty-eight Dollars (\$28.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The Tax Commission shall be authorized, if necessary, to enter into a licensing agreement with the United States Olympic Committee for any licensing fees which may be required in order to use the United States Olympic Committee logo or design. The licensing agreement shall provide for a payment of not more than Twenty-five Dollars (\$25.00) for each license plate issued. Motor license agents shall have the option of stocking an inventory of preprinted United States Olympic Committee Supporter License Plates, as well as stocking applications for personalized United States Olympic Committee Supporter License Plates. In addition to the amounts authorized to be retained by motor license agents pursuant to the provisions of Section 1141.1 of this title, motor license agents shall retain an additional Three Dollars (\$3.00) for each United States Olympic Committee Supporter License Plate issued and for each application submitted by mail that carries the agent's code and for which a United States Olympic Committee Supporter License Plate is issued. The three-dollar fee to be retained by the motor license agent pursuant to this paragraph shall not be included in the

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maximum sum that may be retained by motor license agents as compensation pursuant to the provisions of Section 1143 of this title;

36. Oklahoma History License Plates - such plates shall be designed and issued to any person wishing to demonstrate interest in Oklahoma history. The fee for such plate shall be Twenty Dollars (\$20.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Fifteen Dollars (\$15.00) of the twenty-dollar fee shall be deposited to the Oklahoma Historical Society Revolving Fund to be used for educational purposes;

37. Oklahoma Military Academy Alumni License Plates - such plates shall be designed and issued to any resident of this state who is an alumnus of the Oklahoma Military Academy. Such persons may apply for an Oklahoma Military Academy Alumnus license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The license plates shall be designed in consultation with the Oklahoma Military Academy and shall contain the shield of the Academy. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

38. Masonic Fraternity License Plates - such plates shall be designed and issued to any resident of this state who is a member of a Masonic Fraternity of Oklahoma. Such persons may apply for a Masonic Fraternity license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Masonic Fraternity membership or upon the presentment of an application for a Masonic Fraternity license plate authorized and approved by the Grand Lodge of Oklahoma. The license plates shall be designed in consultation with the Masonic Fraternities of Oklahoma and shall contain the Masonic emblem. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

39. Historic Route 66 License Plates - such plates shall be designed to honor historic Route 66, also known as the "Mother Road".

The fee for the plate shall be Twenty Dollars (\$20.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Fifteen Dollars (\$15.00) of the twenty-dollar fee shall be apportioned to the Oklahoma Tourism and Recreation Department Revolving Fund to be distributed to the Route 66 Museum located in Clinton, Oklahoma;

40. Heart of the Heartland License Plates - such plates shall be designed and issued to any person wishing to honor the victims of the terrorist bombing attack on the Alfred P. Murrah Federal Building in downtown Oklahoma City on April 19, 1995. The fee for the plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty Dollars (\$20.00) of the twenty-five-dollar fee shall be deposited in the Heart of the Heartland Scholarship Fund, as established in Section 2282 of Title 70 of the Oklahoma Statutes;

41. United States Air Force Association License Plates - such plates shall be designed for members of the United States Air Force Association. Persons applying for such license plate must show proof of membership in the Association. The license plates shall be designed in consultation with the Association. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

42. Shriner's Hospitals for Burned and Crippled Children License Plates - such plates shall be designed to demonstrate support for Shriner's Hospitals for Burned and Crippled Children and shall be issued to any resident of this state who is a member of a Shriner's Temple in Oklahoma. The license plate shall be designed in consultation with the Shriner's Temples in Oklahoma and shall contain the Shriner's emblem. The fee for the plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

43. Emergency Medical Technician License Plates - such plates shall be designed and issued to any person who is

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an emergency medical technician. Such persons may apply for an emergency medical technician license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of an emergency medical technician's license. The license plate shall be designed in consultation with the state association of emergency medical technicians. The fee for the plate shall be Twenty Dollars (\$20.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Fifteen Dollars (\$15.00) of the twenty-dollar fee shall be apportioned to the county of residence of the person purchasing the plates to be equally apportioned by the county to the city and county volunteer fire departments in the county;

44. Fight Breast Cancer License Plates - such plates shall be designed to demonstrate support for the prevention and treatment of breast cancer in this state. The plate shall contain the legend "Fight Breast Cancer". The fee for the plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty Dollars (\$20.00) of the twenty-five-dollar fee shall be apportioned to the Breast Cancer Act Revolving Fund;

45. Balloonists License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for hot air ballooning in this state. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

46. Veterans of Foreign Wars License Plates - such plates shall be designed to honor the veterans of foreign wars and issued to any resident of this state who is a member of a Veterans of Foreign Wars organization in this state. Such persons may apply for Veterans of Foreign Wars license plates upon proof of membership in a Veterans of Foreign Wars organization. The license plate shall be designed in consultation with the Veterans of Foreign Wars organization. The fee for the plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

47. Order of the Eastern Star License Plates - such plates shall be designed and issued to any resident of this state who is a member of an Order of the Eastern Star. Such persons may apply for an Order of the Eastern Star license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of an Order of the Eastern Star membership or upon the presentment of an application for an Order of the Eastern Star license plate authorized and approved by the organization. The license plate shall be designed in consultation with the Order of the Eastern Star and shall contain the Order of the Eastern Star emblem. The fee for each license plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

48. Crime Victims Awareness License Plates - such plates shall be designed and issued to any person wishing to demonstrate awareness of and support for victims of crimes. The license plates shall be designed in consultation with the Oklahoma Crime Victims Centre. The fee for the plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty Dollars (\$20.00) of the twenty-five-dollar fee shall be apportioned to the Attorney General's Revolving Fund for the Office of the Attorney General, which is hereby directed to use such funds to contract with a statewide nonprofit organization to provide services to crime victims;

49. Desert Storm License Plates - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who served in the Persian Gulf Crisis and the Desert Storm operation. Such persons may apply for a Desert Storm license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

50. Military Reserve Unit License Plates - such plates shall be designed and issued to any honorably discharged or present member of a reserve unit of the United States Armed Forces. Such persons may apply for a Military Reserve Unit license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

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51. Knights of Columbus License Plates - such plates shall be designed and issued to any resident of this state who is a member of the Knights of Columbus. Such persons may apply for a Knights of Columbus license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Knights of Columbus membership or upon the presentation of an application for a Knights of Columbus license plate authorized and approved by the organization. The license plate shall be designed in consultation with the Knights of Columbus and shall contain the Knights of Columbus emblem. The fee for each license plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;
52. Oklahoma Safe Kids Association License Plates - such plates shall be designed and issued to any person wishing to demonstrate support and awareness of the Oklahoma Safe Kids Association. The license plate shall be designed in consultation with the Oklahoma Safe Kids Association. The fee for the plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty Dollars (\$20.00) of the twenty-five-dollar fee shall be deposited in the Children's Hospital - Oklahoma Safe Kids Association Revolving Fund to be distributed to the Oklahoma Safe Kids Association program;
53. Oklahoma City Bombing Victims and Survivors License Plates - such plates shall be designed and issued to any victim or survivor of the bombing attack on the Alfred P. Murrah Federal Building in downtown Oklahoma City on April 19, 1995. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;
54. Civil Air Patrol License Plates - such plates shall be designed and issued to any person who is a member of the Civil Air Patrol. Such persons may apply for a Civil Air Patrol license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of membership in the Civil Air Patrol. The license plate shall be designed in consultation with the Civil Air Patrol. The fee for the plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;
55. Ninety-Nines License Plates - such plates shall be designed and issued to members of the Ninety-Nines. Persons applying for such license plate must show proof of membership in the Ninety-Nines. The license plates shall be designed in consultation with the Ninety-Nines. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;
56. Jaycees License Plates - such plates shall be designed and issued to members of the Jaycees. Persons applying for such license plate must show proof of membership in the Jaycees. The license plates shall be designed in consultation with the Jaycees. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;
57. Combat Infantryman Badge License Plates - such plates shall be designed to honor recipients of the Combat Infantryman Badge. The plate shall have the legend "Oklahoma OK". Below the legend shall be the Combat Infantryman Badge and three numbers. Below the badge and the numbers shall be the words "Combat Infantryman Badge". Such persons may apply for a Combat Infantryman Badge license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;
58. Somalia Combat Veterans License Plates - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who saw combat in the United Nations relief effort. Such persons may apply for a Somalia Combat Veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;
59. Ducks Unlimited License Plates - such plates shall be designed and issued to members of Ducks Unlimited. Persons applying for and renewing such license plates must show proof of tag membership in Ducks Unlimited. The license plates shall be designed in consultation with Ducks Unlimited. The fee for such plates shall be Five

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Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

60. Kiwanis International License Plates - such plates shall be designed and issued to members of Kiwanis International. Persons applying for such license plate must show proof of membership in Kiwanis International. The license plates shall be designed in consultation with Kiwanis International. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

61. Certified Public Accountants License Plates - such plates shall be designed and issued to any resident of this state who is a Certified Public Accountant. Such persons may apply for a Certified Public Accountant license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of status as a Certified Public Accountant. The license plates shall be designed in consultation with the Oklahoma Society of Certified Public Accountants. The fee for each license plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

62. Police Chaplain License Plates - such plates shall be designed and issued to members of the International Conference of Police Chaplains (ICPC) who have completed the ICPC requirements for basic certification as a police chaplain. The license plates shall be designed in consultation with the ICPC. The fee for such plates shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

63. Four-H Club License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission by the Four-H Foundation, and issued to any person wishing to demonstrate support of the Four-H Club. Such plates may be designed and issued to any person as for personalized license plates. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Motor license agents shall have the option of stocking an inventory of numbered Four-H Club License Plates, as well as stocking applications for personalized Four-H Club License Plates. In addition to the amounts authorized to be retained by motor license agents pursuant to the provisions of Section 1141.1 of this title, motor license agents shall retain an additional Three Dollars (\$3.00) for each original Four-H Club License Plate issued and for each application submitted by mail that carries the agent's code and for which a Four-H Club License Plate is issued. The three-dollar fee to be retained by the motor license agent pursuant to this paragraph shall not be included in the maximum sum that may be retained by motor license agents as compensation pursuant to the provisions of Section 1143 of this title. For the first year such plate is issued, Seventeen Dollars (\$17.00) of the twenty-five-dollar fee shall be apportioned to the OSU Extension Service License Plate Revolving Fund created in Section 1104.4 of this title. After the first year such plate is issued, Twenty Dollars (\$20.00) of the twenty-five-dollar fee shall be apportioned to such fund;

64. Agricultural Awareness License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the State Department of Agriculture in consultation with the State Arts Council, and issued to any person wishing to demonstrate support of the Department's Ag in the Classroom Education Program. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The fee shall be apportioned as provided in Section 1104.3 of this title;

65. Oklahoma Statehood Centennial License Plates - such plates shall be designed and issued to any person wishing to commemorate the centennial of Oklahoma's admission to statehood in 1907. The license plates shall be designed in consultation with the Oklahoma Capitol Complex and Centennial Commemoration Commission. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty Dollars (\$20.00) of the twenty-five-dollar fee shall be deposited in the Oklahoma Capitol Complex and Centennial Commemoration Commission Revolving Fund created in Section 98.5 of Title 73 of the Oklahoma Statutes;

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66. Support Education License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission by the State Department of Education in consultation with the Oklahoma Arts Council, and issued to any person wishing to demonstrate support for education in this state. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Two Dollars (\$2.00) of the twenty-five-dollar fee shall be deposited into the Oklahoma Tax Commission Reimbursement Fund. The remaining Twenty-three Dollars (\$23.00) shall be apportioned as follows:

a. five percent (5%) shall be deposited to the Education Reform Revolving Fund,

b. five percent (5%) shall be deposited to the Higher Education Revolving Fund,

c. five percent (5%) shall be deposited to the State Vocational-Technical Fund, and

d. eighty-five percent (85%) of the fee shall be deposited to the Teachers' Retirement Benefit Fund as set forth in Section 17-108 of Title 70 of the Oklahoma Statutes. However, when the Teachers' Retirement Benefit Fund attains a seventy percent (70%) funded ratio based on an annual actuarial valuation as required by law, Twenty-three Dollars (\$23.00) of the fee shall be apportioned equally pursuant to subparagraphs a, b and c of this paragraph;

67. Retired Oklahoma Highway Patrol Officers License Plates - such plates shall be designed and issued to any retired officer of the Oklahoma Highway Patrol. The license plate shall have the legend "Oklahoma" and shall contain, in the center of the plate, the Highway Patrol Officers patch using the same colors and pattern as used in the patch. Centered on the bottom of the license plate shall be the word "Retired". The letters "TRP" shall be used in combination with three numbers on either side of the insignia or emblem. The color of the letters and numbers shall be brown. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The surviving spouse of any deceased retired officer of the Oklahoma Highway Patrol, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a Retired Oklahoma Highway Patrol Officers license plate. The fee for each plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The fee shall be apportioned as follows: Twenty Dollars (\$20.00) shall be deposited into the Law Enforcement Retirement Fund, and Five Dollars (\$5.00) shall be deposited to the Oklahoma Tax Commission Reimbursement Fund;

68. Hearing Impaired License Plates - such plates shall be designed for persons who are hearing impaired. Such persons may apply for a hearing-impaired license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon the presentment of an application on a form furnished by the Tax Commission and certified by a physician holding a valid license to practice pursuant to the licensing provisions of Title 59 of the Oklahoma Statutes, attesting that the person is hearing impaired. The license plate shall be designed so that such persons may be readily identified as being hearing impaired. There shall be no additional fee for the plate, but all other registration fees provided by the Oklahoma Vehicle License and Registration Act shall apply;

69. Civil Emergency Management License Plates - such plates shall be designed and issued to persons wishing to demonstrate support for the state civil emergency management system. The license plates shall be designed in consultation with the Department of Civil Emergency Management. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

70. Joint Service Commendation Medal License Plates - such plates shall be designed and issued to any resident of this state who has been awarded the Joint Service Commendation Medal by the United States Secretary of Defense. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

71. Civilian Conservation Corps License Plates - such plates shall be designed, subject to criteria to be presented

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to the Tax Commission, by the Civilian Conservation Corps Association, and issued to any person wishing to demonstrate support of the Civilian Conservation Corps. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

72. Rotarian License Plates - such plates shall be designed and issued to any resident of this state who is a member of a Rotarian Club of Oklahoma. Such persons may apply for a Rotarian license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Rotarian Club membership or upon the presentment of an application for a Rotarian license plate authorized and approved by a Rotarian Club of Oklahoma. The license plates shall be designed in consultation with the five Rotarian District Governors and shall contain the Rotarian emblem. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

73. Benevolent Protective Order of Elks - such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the Benevolent Protective Order of Elks, and issued to any resident of this state who is a member of the Benevolent Protective Order of Elks. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

74. Boy Scouts of America Supporter License Plates - such plates shall be designed and issued to any person wishing to demonstrate support for the Boy Scouts of America. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official Boy Scouts of America logo. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The Tax Commission shall be authorized, if necessary, to enter into a licensing agreement with the Boy Scouts of America for any licensing fees which may be required in order to use the Boy Scouts of America logo or design. The licensing agreement shall provide for a payment to the Boy Scouts of America of not more than Twenty Dollars (\$20.00) for each license plate issued;

75. Humane Society License Plates - such plates shall be designed and issued to any person wishing to demonstrate support for the Humane Society of the United States. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official Humane Society logo. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

76. Urban Forestry and Beautification License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the State Department of Agriculture in consultation with nonprofit organizations in this state that develop and operate programs to encourage urban forestry and beautification, and issued to any person wishing to demonstrate support of such programs. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The fee shall be apportioned as provided in Section 1104.5 of this title;

77. Oklahoma Mustang Club - such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the Oklahoma Mustang Club, and issued to any resident of this state who is a member of the Oklahoma Mustang Club. Such persons may apply for an Oklahoma Mustang Club license plate upon presentment of proof of membership in the Oklahoma Mustang Club. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

78. Oklahoma State Parks Supporter License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission by the Oklahoma Tourism and Recreation Department, and issued to any person wishing to demonstrate support for the Oklahoma state parks system. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. Twenty-three Dollars (\$23.00) of the twenty-five-dollar fee shall be deposited in the

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Oklahoma Tourism and Recreation Department Revolving Fund. Such money shall be designated for and may only be expended for the support of Oklahoma state parks;

79. American Business Clubs (AMBUCS) License Plates - such plates shall be designed and issued to members of American Business Clubs. Persons applying for such license plate must show proof of membership in AMBUCS. The license plates shall be designed in consultation with American Business Clubs. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act;

80. Merchant Marine License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission by the Oklahoma Department of Veterans Affairs, and issued to any person who during combat was a member of the Merchant Marines as certified by the Oklahoma Department of Veterans Affairs. Such license plate may be issued for each vehicle with a rated carrying capacity of one (1) ton or less. The fee for each plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

81. Respect Life - Support Adoption License Plates - such plates shall be issued to any person wishing to demonstrate support of pregnant women who are committed to placing their children for adoption and wishing to provide assistance to guardians, adoptive parents and other created families to assist in the adoption and placement of children in permanent, safe homes. The license plates shall be designed and final terminology delivered in consultation with the Oklahoma Adoption Coalition and the Department of Human Services. The fee for the plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. The twenty-five-dollar fee derived from the sale of such plates shall be deposited in a revolving fund established in the State Treasury for and to be used by the Department of Human Services for the implementation of the Investing in Stronger Oklahoma Families Act specifically for created families; and

82. West Point 200th Anniversary License Plates - such plates shall be designed and issued to any person wishing to commemorate the Two Hundredth Anniversary of the founding of the United States Military Academy at West Point, New York. The license plates shall be designed in consultation with the West Point Society of Central Oklahoma. The fee for such plate shall be Five Dollars (\$5.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act;

83. Choose Life License Plates - such plates shall be designed, subject to criteria presented to the Tax Commission, by Choose Life, Inc., and issued to any person who wishes to demonstrate support of organizations that encourage adoption as a positive choice for women with unplanned pregnancies. The fee for the plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Five Dollars (\$5.00) of the twenty-five dollar fee shall be deposited into the Oklahoma Tax Commission Reimbursement Fund. The remaining Twenty Dollars (\$20.00) derived from the sale of such plates shall be deposited in the Choose Life Assistance Program Revolving Fund established in Section 2 1104.6 of Enrolled House Bill No. 2278 of the 2nd Session of the 48th Oklahoma Legislature this title; and

84. Future Farmers of America License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the Oklahoma FFA (formerly known as Future Farmers of America). The license plates shall be designed in consultation with the Oklahoma FFA Foundation Board of Directors. The fee for such plate shall be Twenty-five Dollars (\$25.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The fee shall be apportioned as provided in Section 2 1104.7 of this act title; and

85. Lions Club License Plates - such plates shall be designed and issued to persons wishing to demonstrate support for the Lions Club of Oklahoma. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The license plates shall be designed in consultation with the Oklahoma Lions Service Foundation and shall contain the official

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logo of the International Association of Lions Clubs. The fee for such plate shall be Fifteen Dollars (\$15.00) and shall be in addition to all other registration fees required by the Oklahoma Vehicle License and Registration Act. The Tax Commission shall be authorized to enter into a licensing agreement with the Oklahoma Lions Service Foundation. The licensing agreement shall provide for a payment to the Oklahoma Lions Service Foundation of not more than Ten Dollars (\$10.00) for each license plate issued.

Notwithstanding the provisions of Section 1104 of this title, Two Dollars (\$2.00) of each special tag fee shall be deposited to the Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act.

Use of any vehicle possessing a special license plate for any purpose not specified in this section shall be grounds for revocation of the special license plate and registration certificate.

SECTION 2. This act shall become effective November 1, 2003.

Approved April 15, 2003.

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END OF DOCUMENT



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**OKLAHOMA STATUTES ANNOTATED
TITLE 47. MOTOR VEHICLES
MISCELLANEOUS LAWS
CHAPTER 74. OKLAHOMA VEHICLE LICENSE AND REGISTRATION ACT
APPORTIONMENT**

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Current through end of 2003 Regular Session

§ 1104.6. Choose Life Assistance Program--Revolving fund--Applications for funds--Restrictions on use of funds

A. There is hereby created in the State Treasury a revolving fund for the Department of Human Services to be designated the Choose Life Assistance Program. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all the monies received by the Department of Human Services pursuant to the provisions of paragraph 83 of Section 1136 of Title 47 of the Oklahoma Statutes. All monies accruing to the credit of the fund are appropriated and shall be distributed at the beginning of each fiscal year in a pro rata share to all nonprofit organizations that provide services to the community that include counseling and meeting the physical needs of pregnant women who are committed to placing their children for adoption. Any unused funds in excess of ten percent (10%) of the funds allocated to a nonprofit organization shall be returned to the Choose Life Assistance Program Revolving Fund at the end of the fiscal year to be aggregated and distributed with the next fiscal year distribution.

B. To apply for and receive the funds available through the Choose Life Assistance Program, an organization must deliver to the Department of Human Services an affidavit signed by a duly appointed representative of the organization that states the following:

1. The organization is a nonprofit organization;
2. The organization does not discriminate for any reason, including, but not limited to, race, marital status, gender, religion, national origin, handicap or age;
3. The organization counsels pregnant women who are committed to placing their children for adoption;
4. The organization is not involved or associated with any abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising;
5. The organization does not charge women for any services received;
6. The organization understands that sixty percent (60%) of the funds received by an organization can only be used to provide for the material needs of pregnant women who are committed to placing their children for adoption, including clothing, housing, medical care, food, utilities, and transportation. Such funds may also be expended on infants awaiting placement with adoptive parents. Forty percent (40%) of the funds may be used for adoption, counseling, training, or advertising, but may not be used for administrative expenses, legal expenses, or capital expenditures.
7. The organization understands that no funds may be used for administrative expenses, legal expenses, or capital expenditures;
8. The organization understands that any unused funds at the end of the fiscal year that exceed ten percent (10%) of the funds received by the organization during the fiscal year must be returned to the Choose Life Assistance

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Program Revolving Fund to be aggregated and distributed with the next fiscal year distribution; and

9. The organization understands that each organization that receives such funds must submit to an annual audit of such funds verifying that the funds received were used in the manner prescribed by statute.

C. Funds may not be distributed to any organization that is involved or associated with abortion activities, including counseling for or referral to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising, and funds may not be distributed to any organization that charges women for services received.

D. Sixty percent (60%) of the funds received by an organization can only be used to provide for the material needs of pregnant women who are committed to placing their children for adoption, including clothing, housing, medical care, food, utilities, and transportation. Such funds may also be expended on infants awaiting placement with adoptive parents. Forty percent (40%) of the funds may be used for adoption, counseling, training, or advertising, but may not be used for administrative expenses, legal expenses, or capital expenditures.

E. Each organization that receives funds must submit to an annual audit of such funds verifying that the funds received were used in the manner prescribed in this section

CREDIT(S)

Added by Laws 2002, c. 179, § 2, eff. Nov. 1, 2002.

<General Materials (GM) - References, Annotations, or Tables>

47 Okl. St. Ann. § 1104.6

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