

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1053

By: Isaac

AS INTRODUCED

An Act relating to driver licenses; amending 47 O.S. 1991, Sections 6-101, as last amended by Section 6, Chapter 373, O.S.L. 1992, 6-101.1, as amended by Section 4, Chapter 217, O.S.L. 1992, 6-111, as last amended by Section 7, Chapter 373, O.S.L. 1992, 6-114, 6-303 and 6-309, as amended by Section 16, Chapter 217, O.S.L. 1992 (47 O.S. Supp. 1992, Sections 6-101, 6-101.1, 6-111 and 6-309), which relate to driver licenses; requiring certain forms to be approved by the Department of Public Safety; authorizing the Department of Public Safety to promulgate rules governing driver license content; changing duplicate licenses to replacement licenses; amending 51 O.S. 1991, Section 24A.5, as amended by Section 2, Chapter 231, O.S.L. 1992 (51 O.S. Supp. 1992, Section 24A.5), which relates to inspection and reproduction of records; modifying requirement for release of driver license information; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 6-101, as last amended by Section 6, Chapter 373, O.S.L. 1992 (47 O.S. Supp. 1992, Section 6-101), is amended to read as follows:

Section 6-101. A. No person, except those hereinafter expressly exempted in Section 6-102 of this title, shall operate any motor vehicle upon a highway in this state unless such person has a valid Oklahoma license for the class of vehicle being operated under the provisions of this title. No person shall be permitted to possess more than one valid license at any time.

B. 1. No person shall operate a Class A commercial motor vehicle unless such person is eighteen (18) years of age or older and holds a valid Class A commercial license. Any person holding a valid Class A commercial license shall be permitted to operate motor vehicles in Classes A, B, C and D, except as provided for in paragraph 4 of this subsection;

2. No person shall operate a Class B commercial motor vehicle unless such person is eighteen (18) years of age or older and holds a valid Class B commercial license. Any person holding a valid Class B commercial license shall be permitted to operate motor vehicles in Classes B, C and D, except as provided for in paragraph 4 of this subsection;

3. No person shall operate a Class C commercial motor vehicle unless such person is eighteen (18) years of age or older and holds a valid Class C commercial license. Any person holding a valid Class C commercial license shall be permitted to operate motor vehicles in Classes C and D, except as provided for in paragraph 4 of this subsection;

4. No person under twenty-one (21) years of age shall be licensed to operate any motor vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F; provided, the Department of Public Safety shall provide by rule promulgated pursuant to the Administrative Procedures Act,

Section 250 et seq. of Title 75 of the Oklahoma Statutes, that a person under twenty-one (21) years of age may be licensed to operate:

- a. a farm vehicle, or
- b. if such person is the operator of or employed by the operator of a farm retail outlet, any vehicle,

which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F, if such licensure will not result in the loss of federal funds to the State of Oklahoma pursuant to federal law or regulation; and

5. No person shall operate a Class D motor vehicle unless such person is sixteen (16) years of age or older and holds a valid Class D license, except as provided for in Section 6-105 of this title. Any person holding a valid Class D license shall be permitted to operate motor vehicles in Class D only.

C. No person shall operate a motorcycle, motor-driven cycle or a motorized bicycle without having a valid Class A, B, C or D license with a motorcycle endorsement.

D. Any person issued a classified driver's license pursuant to this section may exercise the privilege thereby granted upon all streets and highways in this state.

E. Except as otherwise may be provided for by law, any new applicant for an original classified license shall be required to successfully complete a written examination, vision examination and driving examination for a motorcycle as prescribed by the Department of Public Safety to be eligible for a motorcycle endorsement thereon.

F. Except as otherwise may be provided for by law, any holder of an Oklahoma commercial chauffeur, chauffeur or operator driver's license which is eligible for renewal who applies for a Class A, B, C or D license shall be required to successfully complete a written examination, vision examination and driving examination for a

motorcycle as prescribed by the Department to be eligible for a motorcycle endorsement thereon; provided, however, the Department may waive all such examinations upon being furnished satisfactory proof that the applicant has regularly operated a motorcycle, motor-driven cycle or motorized bicycle for a minimum of two (2) years immediately preceding the application.

G. Any person eighteen (18) years of age or older may apply for a restricted Class A, B or C license. The Department, after the applicant has passed all parts of the examination for and has been issued a Class D license and has successfully passed all parts of the examination for a Class A, B or C license other than the driving test, may issue to the applicant a restricted driver's license which shall entitle the applicant having such license in his immediate possession to operate a Class A, B or C commercial motor vehicle upon the public highways solely for the purpose of behind-the-wheel training in accordance with rules promulgated by the Department.

This restricted driver's license shall be issued for the same period as all other licenses; provided, such restricted license may be suspended, revoked, canceled or denied at the discretion of the Department for violation of the restrictions, for failing to give the required or correct information on the application or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle. Except as otherwise provided, the holder of such restricted license who has been issued such restricted license for a minimum of thirty (30) days may have the restriction requiring an accompanying driver removed by satisfactorily completing a driver's examination; provided, the removal of such restriction shall not authorize the operation of a Class A, B or C commercial motor vehicle if such operation is otherwise prohibited by law. The Department shall cause such examination to be conducted not more than three times during the first six (6) months after date of issuance of said restricted

license and not more than one time every three (3) months thereafter upon request of the holder thereof.

H. The fee charged for a successful examination shall be assessed in accordance with the following schedule:

Class A Commercial License	\$25.00
Class B Commercial License	\$15.00
Class C Commercial License	\$15.00
Class D License	\$ 4.00
Motorcycle Examination	\$ 4.00

Notwithstanding the provisions of Section 1104 of this title, all monies collected from the examination fees charged for Class A, B and C Commercial Licenses pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

I. The fee charged for an examination other than a successful examination shall be Four Dollars (\$4.00) for any license classification. Notwithstanding the provisions of Section 1104 of this title, all monies collected from such examination fees pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of the state.

J. In addition to any fee charged for a successful examination pursuant to the provisions of subsection H of this section, the fee charged for the issuance or renewal of an Oklahoma license shall be in accordance with the following schedule:

Class A Commercial License	\$35.00
Class B Commercial License	\$35.00
Class C Commercial License	\$25.00
Class D License	\$15.00

K. All original and renewal classified licenses shall expire four (4) years from the last day of the month in which the license was issued.

L. Any person sixty-two (62) years of age or older during the calendar year of issuance or renewal of a Class D license or motorcycle endorsement shall be charged the following prorated fee:

Age 62	\$11.25
Age 63	\$ 7.50
Age 64	\$ 3.75
Age 65	-0-

M. The Oklahoma Department of Public Safety and the Oklahoma Tax Commission are authorized to promulgate rules for the issuance and for the renewal of driver's licenses authorized to be issued pursuant to the provisions of Sections 6-101 through 6-309 of this title. Applications, upon forms approved by the Department of Public Safety, for such licenses shall be handled by the motor license agents, provided that the Department of Public Safety is authorized to assume these duties in any county of this state. Each motor license agent accepting applications for such drivers' licenses shall receive Two Dollars (\$2.00) to be deducted from the total collected for each license or renewal application accepted. The two-dollar fee received by the motor license agent shall be used for operating expenses.

N. Notwithstanding the provisions of Section 1104 of this title and subsection M of this section and except as provided in subsection H of this section, the first Sixty Thousand Dollars (\$60,000.00) of all monies collected pursuant to this section shall be paid by the Oklahoma Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department of Public Safety Revolving Fund for the purpose of the Department of Public Safety Share the Road Program as that program pertains to the operation of commercial vehicles in this state with a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds. Expenditures from the Department of Public Safety Revolving Fund for the purpose of the Department of

Public Safety Share the Road program as that program pertains to the operation of commercial vehicles in this state with a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds shall be in compliance with competitive bidding required of state agencies, shall be in compliance with prohibitions against sole source contracts, and shall be audited annually by the State Auditor and Inspector. The next Five Hundred Thousand Dollars (\$500,000.00) of monies collected pursuant to this section shall be paid by the Oklahoma Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department of Public Safety Revolving Fund for the purpose of the Statewide Law Enforcement Communications System. All other monies collected in excess of Five Hundred Sixty Thousand Dollars (\$560,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title, except as provided in subsection M of this section.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 6-101.1, as amended by Section 4, Chapter 217, O.S.L. 1992 (47 O.S. Supp. 1992, Section 6-101.1), is amended to read as follows:

Section 6-101.1 A. ~~Beginning January 1, 1986, any~~ Any license issued pursuant to Sections 6-101, 6-105 or 6-114 of this title to any person under twenty-one (21) years of age shall be of special design, easily recognizable as the license of such a person and shall include the language "UNDER 21" on the face of the license.

B. When a person who has been issued a license designated to be the license of a person under twenty-one (21) years of age attains the age of twenty-one (21) years, said person may obtain a ~~duplicate~~ replacement license without said designation upon payment of the fee required for a duplicate license and by furnishing proof satisfactory to the Department of Public Safety or the motor license agent that said person has attained the age of twenty-one (21) years.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 6-111, as last amended by Section 7, Chapter 373, O.S.L. 1992 (47 O.S. Supp. 1992, Section 6-111), is amended to read as follows:

Section 6-111. A. The Department of Public Safety shall, upon payment of the required fee, issue to every applicant qualifying therefor a Class A, B, C or D license or identification card as applied for, which license or card shall bear thereon a distinguishing number assigned to the licensee or cardholder, date of issuance and date of expiration of the license or card, the full name, signature, date of birth, mailing address, ~~sex, height and a brief description of the licensee or cardholder,~~ and a color photograph of the licensee or cardholder. The Department may promulgate rules for any other content of a license or an identification card including, but not limited to, a description and other identifying information of the person to whom the license or identification card is issued. If the licensee or cardholder is deaf or hearing impaired, the license or card shall contain a small decal inside the lamination identifying the licensee or cardholder as deaf or hearing impaired. The Department of Public Safety may authorize all motor license agents to accept applications for the license or card immediately upon payment of the required fee in accordance with the rules promulgated by the Department of Public Safety. The Department of Public Safety shall develop an alternative procedure whereby an individual applying for a new or renewal Class D license who satisfactorily demonstrates to the Department the inability to appear personally to be photographed, shall be issued a license or card bearing the words "Valid Without Photo"; provided, however, only persons with legitimate religious objection to being photographed may be issued a new or renewal Class A, B or C license without a photograph and bearing the words "Valid Without Photo".

B. The Department may issue a temporary permit to an applicant for a driver's license permitting such applicant to operate a motor vehicle while the Department is completing its investigation and determination of all facts relative to such applicant's privilege to receive a license. Such permit must be in his immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's driver's license has been issued or for good cause has been refused.

C. The Department may issue a restricted commercial driver's license to seasonal drivers eighteen (18) years of age or older for any of the following specific farm-related service industries:

1. Farm retail outlets and suppliers;
2. Agri-chemical businesses;
3. Custom harvesters; and
4. Livestock feeders.

The applicant shall hold a valid Oklahoma driver's license and shall meet all the requirements for a commercial driver's license except for the commercial driver's license skills and knowledge tests. The restricted commercial driver's license shall not exceed a total of one hundred eighty (180) days within any twelve-month period.

The restricted commercial driver's license shall not be valid for operators of commercial motor vehicles beyond one hundred fifty (150) miles from the place of business or the farm currently being served. Such license shall be limited to Class B and Class C vehicles. Holders of such licenses who transport hazardous materials which are required to be placarded shall be limited to the following:

1. Diesel fuel in quantities of one thousand (1,000) gallons or less;
2. Liquid fertilizers in vehicles with total capacities of three thousand (3,000) gallons or less; and

3. Solid fertilizers that are not mixed with any organic substance.

No other placarded hazardous materials shall be transported by holders of said licenses.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 6-114, is amended to read as follows:

Section 6-114. A. In the event that a ~~driver's~~ driver license is lost ~~or~~, ~~destroyed~~, or requires the updating of any information, restriction or endorsement displayed thereon, the person to whom such license was issued may obtain a ~~duplicate~~ replacement thereof upon payment of the required fee and by furnishing proof of identity ~~and proof satisfactory~~ to the Department of Public Safety ~~or that such license has been lost or destroyed~~. If application is made at a motor license agency or subagency, the agent or subagent shall immediately verify the eligibility of the applicant by contacting the Department for verification and approval, if the applicant will pay the costs of any long distance calls that might be involved. The cost of such ~~duplicate certificate~~ replacement license shall be Five Dollars (\$5.00), of which Two Dollars (\$2.00) shall be apportioned as provided in Section 1104 of this title and Three Dollars (\$3.00) shall be remitted to the State Treasurer to be credited to the General Revenue Fund.

B. Any person desiring to add or remove an endorsement or endorsements, ~~or a~~ restriction or restrictions to any existing ~~driver's~~ driver license, when authorized by the Department of Public Safety, shall obtain a ~~duplicate driver's~~ replacement license with said endorsement or endorsements, ~~or said~~ restriction or restrictions change thereon and shall be charged the fee for a ~~duplicate driver's~~ replacement license as provided in subsection A of this section.

SECTION 5. AMENDATORY 47 O.S. 1991, Section 6-303, is amended to read as follows:

Section 6-303. A. No person shall operate a motor vehicle upon the public roads, streets, highways, turnpikes or other public place of this state without having first procured a driver's license from the Oklahoma Department of Public Safety except as herein specifically exempted.

Any violation of the provisions of this subsection shall constitute a misdemeanor and shall be punishable by a fine of not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00) plus costs or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

B. Any person who drives a motor vehicle on any public roads, streets, highways, turnpikes or other public place of this state at a time when his privilege to do so is canceled, denied, suspended or revoked or at a time when he is disqualified from so doing shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than one (1) year or by both such fine and imprisonment. Each act of driving on the highways as prohibited shall constitute a separate offense.

C. The Department upon receiving a record of conviction of an offense committed by any person whose license or privilege to operate motor vehicles is under suspension or revocation or who is disqualified from operating a motor vehicle, shall extend the period of such disqualification, suspension or revocation for an additional three-month period of time. The additional orders of suspension, disqualification or revocation shall be dated and become effective the day following the date terminating the prior order of suspension, disqualification or revocation.

D. It shall be a misdemeanor, punishable by imprisonment for not less than seven (7) days, nor more than six (6) months or by a fine of not more than Five Hundred Dollars (\$500.00), or by both

such fine and imprisonment for any person to apply for a renewal or a ~~duplicate~~ replacement license to operate a motor vehicle while his license, permit or other evidence of driving privilege is in the custody of a law enforcement officer or the Department. A notice regarding this offense and the penalty therefor shall be included on the same form containing the notice of revocation issued by the officer.

SECTION 6. AMENDATORY 47 O.S. 1991, Section 6-309, as amended by Section 16, Chapter 217, O.S.L. 1992 (47 O.S. Supp. 1992, Section 6-309), is amended to read as follows:

Section 6-309. A. Notwithstanding any other provision of law, a holder of an unexpired valid Oklahoma commercial chauffeur's license, chauffeur's license or operator's license shall be entitled to operate a Class D motor vehicle or motorcycle, motor-driven cycle or motorized bicycle in accordance with the driver's license granted until the expiration of said license, except for any period of time in which said driver's license has been canceled, suspended or revoked.

B. Notwithstanding any other provision of law, the holder of a valid Oklahoma commercial chauffeur's license or chauffeur's license which expires on or after April 1, 1992, shall not be entitled to operate a Class A, B or C commercial motor vehicle under the authority of such license on or after April 1, 1992.

C. Notwithstanding any other provision of law, the Department of Public Safety may require that the holder of a valid Oklahoma commercial chauffeur's license or chauffeur's license which expires on or after January 1, 1991, or a person applying for an original Class A, B or C license after January 1, 1991, complete all required parts of the examination for a Class A, B or C license as a condition for renewal or issuance of a Class A, B or C license.

Notwithstanding any other provision of law, the Department of Public Safety may require that the holder of a valid Oklahoma commercial

chauffeur's license or chauffeur's license, which expires on or after April 1, 1992, complete all required parts of the examination for a Class A, B or C license prior to April 1, 1992. The fee for a successful examination shall be as provided in subsection H of Section 6-101 of this title.

D. A holder of a commercial chauffeur's or chauffeur's license who has successfully completed the examination for a Class A, B or C license as required by this section shall be issued a Class A, B or C license upon:

1. Expiration of his commercial chauffeur's license or chauffeur's license on or before April 1, 1992, whichever occurs first;
2. Completion of any other requirements of the Oklahoma Vehicle License and Registration Act, Section 1101 et seq. of this title; and
3. Payment of the fee as provided in subsection H of Section 6-101 of this title and payment of the appropriate fee for ~~duplicate~~ replacement or renewal as applicable.

SECTION 7. AMENDATORY 51 O.S. 1991, Section 24A.5, as amended by Section 2, Chapter 231, O.S.L. 1992 (51 O.S. Supp. 1992, Section 24A.5), is amended to read as follows:

Section 24A.5 All records of public bodies and public officials shall be open to any person for inspection, copying, and/or mechanical reproduction during regular business hours; provided:

1. The Oklahoma Open Records Act does not apply to records specifically required by law to be kept confidential including:
 - a. records protected by a state evidentiary privilege such as the attorney-client privilege, the work product immunity from discovery and the identity of informer privileges; or
 - b. records of what transpired during meetings of a public body lawfully closed to the public such as executive

sessions authorized under the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes.

2. Any reasonably segregable portion of a record containing exempt material shall be provided after deletion of the exempt portions, provided however, the Oklahoma Department of Public Safety shall not be required to assemble for the requesting person specific information requested from the Oklahoma Department of Public Safety's Driver License file relating to persons whose names and dates of birth or whose driver license numbers are not furnished by the requesting person.

3. Any request for a record which contains individual records of persons and the cost of copying, reproducing or certifying such individual record which is otherwise prescribed by state law, the cost may be assessed for each individual record, or portion thereof requested as prescribed by state law. Otherwise, a public body may charge a fee only for recovery of the reasonable, direct costs of document copying, and/or mechanical reproduction. Notwithstanding any state or local provision to the contrary, in no instance shall said document copying fee exceed twenty-five cents (\$0.25) per page for documents having the dimensions of eight and one half (8 1/2) by fourteen (14) inches or smaller, or a maximum of One Dollar (\$1.00) per copied page for a certified copy. However, if the request is:

- a. solely for commercial purpose; or
- b. clearly would cause excessive disruption of the public body's essential functions;

then the public body may charge a reasonable fee to recover the direct cost of document search.

Any public body establishing fees under this act shall post a written schedule of said fees at its principal office and with the county clerk.

In no case shall a search fee be charged when the release of said documents is in the public interest, including, but not limited to, release to the news media, scholars, authors and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.

Said fees shall not be used for the purpose of discouraging requests for information or as obstacles to disclosure of requested information.

4. The land description tract index of all recorded instruments concerning real property required to be kept by the county clerk of any county shall be available for inspection or copying in accordance with the provisions of the Oklahoma Open Records Act; provided, however, such index shall not be copied and/or mechanically reproduced for the purpose of sale of such information.

5. A public body must provide prompt, reasonable access to its records but may establish reasonable procedures which protect the integrity and organization of its records and to prevent excessive disruptions of its essential functions.

6. A public body shall designate certain persons who are authorized to release records of the public body for inspection, copying, or mechanical reproduction. At least one such person shall be available at all times to release records during the regular business hours of the public body.

SECTION 8. This act shall become effective September 1, 1993.

44-1-5898

AJM