

ENROLLED SENATE  
BILL NO. 1406

By: Crutchfield of the Senate

and

Nance of the House

An Act relating to motor vehicles; amending Section 3, Chapter 137, O.S.L. 1994, as amended by Section 1, Chapter 144, O.S.L. 1996, and Section 4, Chapter 137, O.S.L. 1994, as last amended by Section 1, Chapter 171, O.S.L. 1997 (37 O.S. Supp. 1999, Sections 600.2 and 600.3), which relate to the Prevention of Youth Access to Tobacco Act; adding definitions; providing for proof of certain violations; providing that the defense does not relieve from liability certain violations; amending 47 O.S. 1991, Sections 6-103, as last amended by Section 1, Chapter 161, O.S.L. 1999, 6-105, as last amended by Section 2, Chapter 161, O.S.L. 1999, 6-106, as last amended by Section 1 of Enrolled House Bill No. 1960 of the 2nd Session of the 47th Oklahoma Legislature, 6-114, as amended by Section 4, Chapter 97, O.S.L. 1993, and 6-115 (47 O.S. Supp. 1999, Sections 6-103, 6-105 and 6-114), which relate to driver licenses; providing for cancelation and denial of identification cards; requiring primary and secondary proof of identification; establishing requirements for proofs of identity for persons of specified ages to obtain a replacement license; providing for rules prescribing forms for proofs of identity; requiring certain proofs of identity for renewal of driver licenses; amending 47 O.S. 1991, Section 6-201, as amended by Section 2, Chapter 139, O.S.L. 1999 (47 O.S. Supp. 1999, Section 6-201), which relates to authority to cancel driver licenses; authorizing the Department of Public Safety to cancel an identification card; requiring surrender of canceled or revoked driver license or identification card; providing appeal process for canceled driver license or identification card; amending 47 O.S. 1991, Section 6-205.2, as last amended by Section 3, Chapter 229, O.S.L. 1999 (47 O.S. Supp. 1999, Section 6-205.2), which relates to revocation of driver licenses; authorizing revocation of certain driver license for fraudulent information; setting period for disqualification; amending Section 1, Chapter 144, O.S.L. 1999 (21 O.S. Supp. 1999, Section 1533.1), which relates to identity theft; expanding identity theft to prohibit allowing another person to use personal information to obtain identifying documents; setting penalty; and providing an effective date.

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

SECTION 1. AMENDATORY Section 3, Chapter 137, O.S.L. 1994, as amended by Section 1, Chapter 144, O.S.L. 1996 (37 O.S. Supp. 1999, Section 600.2), is amended to read as follows:

Section 600.2 As used in the Prevention of Youth Access to Tobacco Act:

1. "Person" means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed;

2. "Proof of age" means a driver license, license for identification only, or other generally accepted means of identification that describes the individual as eighteen (18) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid;

3. "Sample" means a tobacco product distributed to members of the public at no cost for the purpose of promoting the product;

4. "Sampling" means the distribution of samples to members of the public in a public place; ~~and~~

5. "Tobacco product" means any product that contains tobacco and is intended for human consumption;

6. "Transaction scan" means the process by which a seller checks, by means of a transaction scan device, the validity of a driver license or other government-issued photo identification; and

7. "Transaction scan device" means any commercial device or combination of devices used at a point of sale or entry that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver license or other government-issued photo identification.

SECTION 2. AMENDATORY Section 4, Chapter 137, O.S.L. 1994, as last amended by Section 1, Chapter 171, O.S.L. 1997 (37 O.S. Supp. 1999, Section 600.3), is amended to read as follows:

Section 600.3 A. It is unlawful for any person to sell or furnish in any manner any tobacco product to another person who is under eighteen (18) years of age, or to purchase in any manner a tobacco product on behalf of any such person. It shall not be unlawful for an employee under eighteen (18) years of age to handle tobacco products when required in the performance of the employee's duties.

B. A person engaged in the sale or distribution of tobacco products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser may be under eighteen (18) years of age.

If an individual engaged in the sale or distribution of tobacco products has demanded proof of age from a prospective purchaser or

recipient who is not under eighteen (18) years of age, the failure to subsequently require proof of age shall not constitute a violation of subsection B of this section.

C. 1. When a person violates subsection A or B of this section, the Alcoholic Beverage Laws Enforcement (ABLE) Commission shall impose an administrative fine of:

- a. not more than One Hundred Dollars (\$100.00) for the first offense,
- b. not more than Two Hundred Dollars (\$200.00) for the second offense within a one-year period following the first offense,
- c. not more than Three Hundred Dollars (\$300.00), or not more than fifteen (15) days suspension of the store's license to sell tobacco products, or both such fine and suspension for a third offense within a one-year period following the first offense, or
- d. not more than Three Hundred Dollars (\$300.00), or not more than thirty (30) days suspension of the store's license to sell tobacco products, or both such fine and suspension for a fourth or subsequent offense within a one-year period following the first offense.

2. When it has been determined that a penalty shall include a license suspension, the ABLE Commission shall notify the Oklahoma Tax Commission, and the Oklahoma Tax Commission shall suspend the store's license to sell tobacco products at the location where the offense occurred for the period of time prescribed by the ABLE Commission.

3. Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to any action brought pursuant to this ~~subsection~~ section. A person cited for violating this section shall be deemed to have reasonably relied upon proof of age, and such person shall not be found guilty of such violation, if such person proves that:

- a. the individual who purchased or received the tobacco product presented a driver license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older, and
- b. the person cited for the violation confirmed the validity of the driver license or other government-issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device.

Provided, that this defense shall not relieve from liability any person cited for a violation of this section if such person failed to exercise reasonable diligence to determine whether the physical description and picture appearing on the driver license or other government-issued photo identification was that of the individual

who presented it. The availability of the defense described in this subsection does not affect the availability of any other defense under any other provision of law.

D. If the sale is made by an employee of the owner of a store at which tobacco products are sold at retail, the employee shall be guilty of the violation and shall be subject to the fine. If the sale is made by an employee who has previously been twice found to be in violation of this section, the owner of the store, if the owner knew of the employee's previous violations, shall also be found to be in violation and shall be subject to an identical fine.

E. On or before December 15, 1997, the ABLE Commission shall adopt rules establishing a method of notification of storeowners when one of their employees has been determined to be in violation of this section by the ABLE Commission or convicted of a violation by a municipality.

F. 1. Upon failure of the employee to pay the administrative fine within ninety (90) days of the day of the assessment of such fine, the ABLE Commission shall notify the Department of Public Safety and the Department shall suspend or not issue a driver license to the employee until proof of payment has been furnished to the Department of Public Safety.

2. Upon failure of a storeowner to pay the administrative fine within ninety (90) days of the assessment of the fine, the ABLE Commission shall notify the Oklahoma Tax Commission and the Oklahoma Tax Commission shall suspend the store's license to sell tobacco products until proof of payment has been furnished to the Oklahoma Tax Commission.

G. For purposes of determining the liability of a person controlling franchises or business operations in multiple locations for any violation of subsection A or B of this section, each individual franchise or business location shall be deemed a separate entity.

H. Cities and towns may enact and municipal police officers may enforce ordinances prohibiting and penalizing conduct under provisions of this section, but the provisions of such ordinances shall be the same as provided for in this section, and the enforcement provisions under such ordinances shall not be more stringent than those of this section.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 6-103, as last amended by Section 1, Chapter 161, O.S.L. 1999 (47 O.S. Supp. 1999, Section 6-103), is amended to read as follows:

Section 6-103. A. Except as otherwise provided by law, the Department of Public Safety shall not issue a driver license to:

1. Any person who is under eighteen (18) years of age, except that the Department may issue a Class D license to any person who attains sixteen (16) years of age on or after August 15, 2000, and meets the requirements of Sections 6-105 and 6-107.3 of this title;

2. Any unemancipated person who is under eighteen (18) years of age and whose custodial parent or guardian objects to the issuance of a license or permit by filing an objection pursuant to Section 6-103.1 of this title;

3. Any person whose driving privilege has been suspended, revoked, canceled or denied in this state or any other state until the driving privilege has been reinstated by the state withdrawing the privilege;

4. Any person whose driving privilege has been revoked for a period of three (3) years pursuant to the provisions of paragraph 4 of subsection A of Section 6-205.1 of this title, until the passage of the three-year period;

5. Any person who is required by Section 6-101 et seq. of this title to take an examination, unless the person shall have successfully passed the examination;

6. Any person who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;

7. Any person who is physically deformed or who is afflicted with any mental disease or physical condition that would impair the driving ability of the person or when the Commissioner of Public Safety, from information concerning the person or from the records and reports on file in the Department of Public Safety, determines that the operation of a motor vehicle by such person on the highways would be inimical to public safety or welfare;

8. Any person who is a nonresident, as defined in Section 1-137 of this title;

9. Any alien unless such person presents valid documentation of identity issued pursuant to the laws of the United States; ~~or~~

10. Any person who possesses a valid license to operate a motor vehicle issued by another state until the other state license has been surrendered; or

11. Any male who is at least eighteen (18) years of age but less than twenty-six (26) years of age who does not, at the time of application or renewal, present documentation that he has complied with the requirements of Section 3 of the Military Selective Service Act, 50 U.S.C. App. Sec. 453, as amended.

B. Any applicant who is denied a license under the provisions of subsection A of this section shall have the right to an appeal as provided in Section 6-211 of this title.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 6-105, as last amended by Section 2, Chapter 161, O.S.L. 1999 (47 O.S. Supp. 1999, Section 6-105), is amended to read as follows:

Section 6-105. A. Unless a custodial parent or guardian has filed an objection to licensure pursuant to Section 6-103.1 of this

title, any person under sixteen (16) years of age may be permitted to operate a motor vehicle as provided in this section. Any secondary school student who is in compliance with Section 6-107.3 of this title and:

1. Is at least fifteen (15) years of age may drive during a session in which the driver is being instructed in a driver education course by a certified driver education instructor who is seated in the right front seat of the motor vehicle;

2. Is at least fifteen and one-half (15 1/2) years of age and:

a. is currently receiving instruction in or has successfully completed:

(1) a prescribed secondary school driver education course, as provided for in Sections 19-113 through 19-121 of Title 70 of the Oklahoma Statutes, or

(2) a driver education course, certified by the Department of Public Safety, from a parochial, private, or other nonpublic secondary school, or

(3) a commercial driver training course, as defined by Sections 801 through 808 of this title, or

b. whose parent or legal guardian has certified to the Department by sworn affidavit that the person will receive a minimum of twenty-five (25) hours of actual behind-the-wheel training from a licensed driver who is at least twenty-one (21) years of age and who has been properly licensed to operate a Class D motor vehicle for a minimum of two (2) years,

may, upon successfully passing all parts of the driver license examination administered by the Department except the driving examination, be issued a restricted Class D license which will grant the licensee the privilege to operate a Class D motor vehicle upon the public highways while accompanied by a licensed driver who is at least twenty-one (21) years of age and who is actually occupying a seat beside the restricted Class D licensee;

3. Is at least sixteen (16) years of age and has not completed a driver education course may be issued a restricted Class D license upon successfully passing all parts of the driver license examinations administered by the Department. A restricted Class D license shall grant to the licensee the privilege to operate a Class D motor vehicle upon the public highways only during daylight hours except for driving to and from work, school, school activities, and church activities, or if a parent or guardian is a passenger in the front seat of the vehicle, the person may drive at any time, and may not operate a motor vehicle with more than one passenger unless all passengers live in the same household or unless the parent or guardian is a passenger in the front seat of the vehicle;

4. Is at least sixteen and one-half (16½) years of age, has been issued a restricted Class D license for a minimum of thirty (30) days, and who has not been convicted of, pled guilty to, or pled no contest to any moving vehicle violations may be issued a Class D license; provided, if the licensee holds a restricted Class D license the licensee must successfully pass a driving examination. The Department shall conduct a driving examination not more than three (3) times during the first six (6) months after date of eligibility of the restricted licensee to have the restriction removed for a Class D license and not more than one time every three (3) months thereafter upon request of the restricted licensee;

5. Is at least sixteen (16) years of age, and has completed driver education or is at least seventeen (17) years of age may be issued a Class D license by successfully passing all parts of the driver license examination if the examinations have not been successfully passed in connection with a restricted Class D license application; or

6. Is at least sixteen (16) years of age, has not completed driver education, and resides in or is enrolled in a school district that does not offer driver education shall be exempt from the driver education requirement for a Class D license and may be issued a Class D license upon successfully completing all parts of the driver license examination.

B. Restricted Class D licenses shall be issued for the same period as all other driver licenses. The licenses may be suspended or ~~cancelled~~ canceled at the discretion of the Department for violation of 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.

C. The Department of Public Safety shall promulgate rules establishing proceedings for removal of the restriction from the license upon the license holder qualifying for an unrestricted license. The restriction shall have no force or effect upon or after the seventeenth birthday of the restricted licensee.

D. Any person fourteen (14) years of age or older may apply for a restricted Class D license with a motorcycle restriction. After the person has successfully passed all parts of the motorcycle examination other than the driving examination and has met all requirements provided for in the rules of the Department, the Department shall issue to the person a restricted Class D license with a motorcycle restriction which shall grant to the person, while having the license in the person's immediate possession, the privilege to operate a motor-driven cycle:

1. With a piston displacement not to exceed one hundred twenty-five (125) cubic centimeters; and
2. Between the hours of 4:30 a.m. to 9:00 p.m. only; and
3. While wearing approved protective headgear; and

4. While accompanied by and receiving instruction from any person who is at least twenty-one (21) years of age and who is properly licensed pursuant to the laws of this state to operate a motorcycle, and who has visual contact with the restricted licensee.

The restricted licensee may apply on or after thirty (30) days from date of issuance of the restricted Class D license with a motorcycle restriction to have the restriction of being accompanied by a licensed driver removed by successfully completing the driving portion of an examination.

E. The Department may in its discretion issue a special permit to any person who has attained the age of fourteen (14) years, authorizing such person to operate farm vehicles between the farm and the market to haul commodities grown on such farm; provided, that such special permit shall be temporary and shall expire not more than thirty (30) days after the issuance thereof. Special permits shall be issued only to farm residents and shall be issued only during the time of the harvest of the principal crops grown on such farm. Provided, however, the Department shall not issue a special permit pursuant to this subsection until the Department is fully satisfied after the examination of the application and other evidence furnished in support thereof, that the person is physically and mentally developed to such a degree that the operation of a motor vehicle by the person would not be inimical to public safety.

F. The Department may issue an instructor's permit to any qualified secondary school driver education instructor as defined by the Oklahoma State Board of Education Rules and Regulations for Oklahoma High School Driver and Traffic Safety Education or any driver education instructor, certified by the Department of Public Safety, of a parochial, private, or other nonpublic secondary school upon a proper application to the State Board of Education or the Department of Public Safety in the case of secondary schools that are not regulated by the State Board of Education or a commercial driver training course instructor as provided for in Sections 801 through 808 of this title. The Department shall promulgate rules for the issuance of such permits. Any instructor as defined in this subsection who has been issued a permit may instruct any person who is at least fifteen and one-half (15 ½) years of age or who is at least fifteen (15) years of age and of secondary school or higher educational standing while regularly enrolled and certified by the instructor as a student taking a prescribed course of secondary school driver education or a driver education course, certified by the Department of Public Safety, from a parochial, private, or other nonpublic secondary school or a commercial driver training course as defined by Sections 801 through 808 of this title to operate a motor vehicle while accompanied by and receiving instruction from the instructor who is actually occupying a seat beside the driver.

G. In addition to the licenses to operate motor vehicles, the Department may issue cards for purposes of identification only. The identification cards shall be issued and, renewed, canceled and denied in the same manner as driver licenses in this state and for a fee of Seven Dollars (\$7.00) to any resident of this state. The application for an identification card by any person under the age of sixteen (16) shall be signed and verified by the parent or legal

guardian before a person authorized to administer oaths. Such cards shall be valid for a period of four (4) years from the month of issuance; however, the identification cards issued to persons sixty-five (65) years of age or older shall be valid indefinitely from the month of issuance, and no person sixty-five (65) years of age or older shall be charged a fee for an identification card or renewal driver license. The fees derived pursuant to this section shall be apportioned as provided in Section 1104 of this title.

The Oklahoma Tax Commission is hereby authorized to reimburse, from funds available to that agency, each motor license agent issuing an identification card to a person sixty-five (65) years of age or older, an amount not to exceed One Dollar (\$1.00) for each card or driver license so issued. The Tax Commission shall develop procedures for claims for reimbursement.

SECTION 5. AMENDATORY 47 O.S. 1991, Section 6-106, as last amended by Section 1 of Enrolled House Bill No. 1960 of the 2nd Session of the 47th Oklahoma Legislature, is amended to read as follows:

Section 6-106. A. Every application for a driver license shall be made upon a form furnished by the Department of Public Safety. Every applicant for a driver license shall provide to the Department at the time of application both primary and secondary proofs of identity. The Department shall promulgate rules prescribing forms of primary and secondary identification acceptable for an original Oklahoma driver license.

B. Every application for a driver license shall state the full name, date of birth, sex and residence address of the applicant, whether the applicant is deaf or hard-of-hearing, the license plate number and state by which the license plate is issued for up to two (2) vehicles owned by the applicant, and shall briefly describe the applicant. The application shall also state whether the applicant has previously been licensed, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal. Every application for a driver license shall contain the applicant's social security number. The Department may use the social security number as the driver license number only when requested to do so by the applicant. There will be no charge assessed to replace the social security number with another number.

C. Whenever application is received from a person previously licensed in another jurisdiction, the Department shall request a copy of the driving record from such other jurisdiction. When received, the driving record shall become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance.

D. Whenever the Department receives a request for a driver's record from another licensing jurisdiction, the record shall be forwarded without charge.

E. If an applicant for a driver license owns a vehicle which is not currently registered pursuant to the Oklahoma Vehicle License and Registration Act, the application shall be denied unless the applicant submits an affidavit to the effect that the applicant is not a resident of this state. The Department of Public Safety and the Oklahoma Tax Commission shall promulgate rules to administer the provisions of this subsection.

SECTION 6. AMENDATORY 47 O.S. 1991, Section 6-114, as amended by Section 4, Chapter 97, O.S.L. 1993 (47 O.S. Supp. 1999, Section 6-114), is amended to read as follows:

Section 6-114. A. In the event that a driver license is lost, destroyed or requires the updating of any information, restriction or endorsement displayed thereon, the person to whom such license was issued may obtain a replacement thereof upon payment of the required fee and by furnishing ~~proof~~ both primary and secondary proofs of identity to the Department of Public Safety. Proof of identity for a person between the ages of twenty-one (21) and twenty-six (26) shall include at a minimum a birth certificate and a notarized affidavit of another licensed Oklahoma driver over the age of twenty-one (21) which verifies the identity of the applicant. Such affidavit shall contain the verified driver license number of the affiant and shall be sent to the Department of Public Safety for filing. If application is made at a motor license agency or subagency, the agent or subagent shall immediately verify the identity of the applicant, by means of both primary and secondary proofs of identity, and 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 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. The Department shall promulgate rules prescribing forms of primary and secondary identification acceptable for replacement of an Oklahoma driver license.

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

SECTION 7. AMENDATORY 47 O.S. 1991, Section 6-115, is amended to read as follows:

Section 6-115. Every ~~driver's~~ driver license shall be issued for a period of four (4) years. The expiration date of the license shall be four (4) years from the last day of the month of issuance for an initial license, and shall be four (4) years from the last day of the month of expiration of the previous license for a renewed license. Every such ~~driver's~~ driver license shall be renewable upon application, furnishing both primary and secondary proofs of identity, and payment of the required fee. All applicants for

renewals of ~~driver's~~ driver licenses who have proven accident records or apparent physical defects may be required to take an examination as specified by the Commissioner of Public Safety. The Department of Public Safety shall promulgate rules prescribing forms of primary and secondary identification acceptable for the renewal of an Oklahoma driver license.

SECTION 8. AMENDATORY 47 O.S. 1991, Section 6-201, as amended by Section 2, Chapter 139, O.S.L. 1999 (47 O.S. Supp. 1999, Section 6-201), is amended to read as follows:

Section 6-201. A. The Department of Public Safety is hereby authorized to cancel or deny any person's driving privilege ~~and driver license~~ upon determining that the person ~~was:~~

1. Is not entitled to the issuance of the a driver license or that identification card issued to the person failed; or

2. Failed to give the required or correct information in the application or committed any fraud in making such application.

Upon such cancelation or denial, the person to whom the license or card was issued shall surrender the license or card so canceled to the Department. The person may apply for a valid driver license or identification card, if the person is otherwise eligible. Any person whose driving privilege is canceled or denied under the provisions of this subsection shall have the right to an appeal as provided in Section 6-211 of this title.

B. Upon determination by the Department that any person:

1. Used fraudulent information was used to apply for or obtain~~+~~

~~1. A Class A, B or C a driver license, the Department shall disqualify the person from operating a Class A, B, or C commercial motor vehicle and from applying for a Class A, B, or C driver license for a minimum of sixty (60) days; or~~

~~2. A Class D driver license, the Department shall cancel the person's driving privilege for a minimum of sixty (60) days.~~

~~C. Upon such cancellation or disqualification, the person shall surrender the driver license so canceled or disqualified to the Department. or identification card;~~

2. Committed or aided another person in the commission of any act provided in paragraph b, c, or e of subsection 1 of Section 6-301 of this title; or

3. Committed or aided another person in the commission of any act provided in paragraph a, b, c, d, e, or f of subsection 2 of Section 6-301 of this title:

The Department shall revoke the person's driving privilege for sixty (60) days. Such period shall not be subject to modification. Upon such revocation, the person to whom the license or card was issued shall surrender the license or card to the Department. The person

may apply for a valid identification card, if the person is otherwise eligible.

C. Any person whose driving privilege is revoked under the provisions of subsection B of this section shall obtain a release from the Driver License Fraud Unit of the Department before being considered for reinstatement of driving privileges.

D. Any person whose driving privilege is ~~canceled or disqualified~~ revoked under the provisions of subsection B of this section shall have the right to an appeal as provided in Section 6-211 of this title.

SECTION 9. AMENDATORY 47 O.S. 1991, Section 6-205.2, as last amended by Section 3, Chapter 229, O.S.L. 1999 (47 O.S. Supp. 1999, Section 6-205.2), is amended to read as follows:

Section 6-205.2 A. As used in this section:

1. "Person" shall mean a resident of this state or an Oklahoma licensee; and

2. "Conviction" shall mean:

- a. ~~an unvacated~~ a non-vacated adjudication of guilt,
- b. a determination that a person has violated or failed to comply with this section in any court or by the Department of Public Safety following an administrative determination under the provisions of Section 754 of this title,
- c. ~~an unvacated~~ a non-vacated forfeiture of bail or collateral deposited to secure a person's appearance in court,
- d. the payment of a fine and court costs, or
- e. a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

B. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for a period of not less than one (1) year upon receiving a record of conviction of any of the following disqualifying offenses, when such conviction has become final:

1. Driving, operating or being in actual physical control of a Class A, B or C commercial motor vehicle while having a blood or breath alcohol concentration, as defined in Section 756 of this title, or as defined by the state in which the arrest occurred, of four-hundredths (0.04) or more;

2. Refusing to submit to a test for determination of alcohol concentration, as required by Section 751 of this title, or as

required by the state in which the arrest occurred, while operating a Class A, B or C commercial motor vehicle;

3. Driving or being in actual physical control of a Class A, B or C commercial motor vehicle while under the influence of alcohol or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance. Provided, the Department shall not additionally disqualify, pursuant to this subsection, if the person's driving privilege has been disqualified in this state because of a test result or test refusal pursuant to paragraph 1 or 2 of this subsection as a result of the same violation arising from the same incident;

4. Knowingly failing to stop and render aid as required under the laws of this state in the event of a motor vehicle collision which occurs while operating a Class A, B or C commercial motor vehicle; or

5. Any felony during the commission of which a Class A, B or C commercial motor vehicle is used, except a felony involving the manufacture, distribution or dispensation of a controlled dangerous substance.

C. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for a period of not less than three (3) years upon receiving a record of conviction of any of the following disqualifying offenses, committed in connection with the operation of a motor vehicle which is required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F, when such conviction has become final:

1. Driving, operating or being in actual physical control of a Class A, B or C commercial motor vehicle while having a blood or breath alcohol concentration, as defined in Section 756 of this title, or as defined by the state in which the arrest occurred, of four-hundredths (0.04) or more;

2. Refusing to submit to a test for determination of alcohol concentration, as required by Section 751 of this title, or as required by the state in which the arrest occurred, while operating a Class A, B or C commercial motor vehicle;

3. Driving or being in actual physical control of a Class A, B or C commercial motor vehicle while under the influence of alcohol or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance. Provided, the Department shall not additionally disqualify, pursuant to this subsection, if the person's driving privilege has been disqualified in this state because of a test result or test refusal pursuant to paragraph 1 or 2 of this subsection as a result of the same violation arising from the same incident;

4. Knowingly failing to stop and render aid as required under the laws of this state in the event of a motor vehicle collision which occurs while operating a Class A, B or C commercial motor vehicle; or

5. Any felony during the commission of which a Class A, B or C commercial motor vehicle is used, except a felony involving the manufacture, distribution or dispensation of a controlled dangerous substance.

D. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving a record of conviction in any court of any of the following disqualifying offenses after a former conviction of any of the following disqualifying offenses, when such second conviction has become final:

1. Driving, operating or being in actual physical control of a Class A, B or C commercial motor vehicle while having a blood or breath alcohol concentration, as defined in Section 756 of this title, or as defined by the state in which the arrest occurred, of four-hundredths (0.04) or more;

2. Refusing to submit to a test for determination of alcohol concentration, as required by Section 751 of this title, or as required by the state in which the arrest occurred, while operating a Class A, B or C commercial motor vehicle;

3. Driving or being in actual physical control of a Class A, B or C commercial motor vehicle while under the influence of alcohol or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance. Provided, the Department shall not additionally disqualify, pursuant to this subsection, if the person's driving privilege has been disqualified in this state because of a test result or test refusal pursuant to paragraph 1 or 2 of this subsection as a result of the same violation arising from the same incident;

4. Knowingly failing to stop and render aid as required under the laws of this state in the event of a motor vehicle collision which occurs while operating a Class A, B or C commercial motor vehicle; or

5. Any felony during the commission of which a Class A, B or C commercial motor vehicle is used, except a felony involving the manufacture, distribution or dispensation of a controlled dangerous substance.

The Department of Public Safety may promulgate rules establishing conditions under which a disqualification for life pursuant to the provisions of this subsection may be reduced to a period of not less than ten (10) years.

E. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving a record of conviction for any felony related to the manufacture, distribution or dispensation of a controlled dangerous substance in the commission of which a Class A, B or C commercial motor vehicle is used, when such conviction has become final.

F. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for sixty

(60) days upon receiving a record of such person's second conviction for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when such convictions have become final. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for one hundred twenty (120) days upon receiving a record of such person's third conviction for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when such convictions have become final. As used in this subsection, "serious traffic offense" shall mean any of the following offenses committed while operating a commercial motor vehicle:

1. Speeding in excess of fifteen (15) miles per hour over the limit;
2. Reckless driving;
3. Any traffic offense committed that results in or in conjunction with a motor vehicle collision resulting in a fatality;
4. Erratic or unsafe lane changes; or
5. Following too close.

G. Upon the receipt of a person's record of conviction of violating a lawful out-of-service order, except as provided in subsection H of this section, when such conviction becomes final, the Department shall disqualify the driving privilege of such person as follows:

1. The first conviction shall result in a ninety-day disqualification;
2. The second conviction within ten (10) years shall result in a one-year disqualification; and
3. The third or subsequent conviction within ten (10) years shall result in a three-year disqualification.

H. Upon the receipt of a person's record of conviction of violating a lawful out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (49 P. app. 1801-1813), or while operating motor vehicles designed for transport of more than fifteen passengers, including the driver, when such conviction becomes final, the Department shall disqualify the driving privilege of such person as follows:

1. The first conviction shall result in a one-year disqualification; and
2. The second or subsequent conviction within ten (10) years shall result in a three-year disqualification.

I. Upon determination by the Department that fraudulent information was used to apply for or obtain a Class A, B or C driver

license, the Department shall disqualify the driving privilege of the applicant or licensee for a period of sixty (60) days.

J. Any person who drives a Class A, B or C commercial motor vehicle on any public roads, streets, highways, turnpikes or any other public place of this state at a time when such person has been disqualified or when the privilege to do so is canceled, denied, suspended or revoked 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 as prohibited shall constitute a separate offense.

~~J.~~ K. Such periods of disqualification as defined by this section shall not be modified. A person may not be granted driving privileges to operate a Class A, B or C commercial vehicle until the disqualification is reinstated.

~~K.~~ L. When any such record of conviction, as specified in this section, is received by the Department and pertains to a nonresident operator of a Class A, B or C commercial motor vehicle, the Department shall report such conviction to the licensing jurisdiction in which the nonresident's license to operate such commercial vehicle was issued or the nonresident's jurisdiction of residence.

SECTION 10. AMENDATORY Section 1, Chapter 144, O.S.L. 1999 (21 O.S. Supp. 1999, Section 1533.1), is amended to read as follows:

Section 1533.1 A. It is unlawful for any person to willfully and with fraudulent intent obtain the name, address, social security number, date of birth, or any other personal identifying information of another person, living or dead, with intent to use, sell, or allow any other person to use or sell such personal identifying information to obtain or attempt to obtain credit, goods, property, or service in the name of the other person without the consent of that person.

B. It is unlawful for any person to use with fraudulent intent the personal identity of another person, living or dead, or any information relating to the personal identity of another person, living or dead, to obtain or attempt to obtain credit or anything of value.

C. It is unlawful for any person with fraudulent intent to lend, sell, or otherwise offer the use of such person's own name, address, social security number, date of birth, or any other personal identifying information or document to any other person with the intent to allow such other person to use the personal identifying information or document to obtain or attempt to obtain any identifying document in the name of such other person.

D. Any person convicted of violating any provision of this section shall be guilty of identity theft. Identity theft is a felony offense.

SECTION 11. This act shall become effective November 1, 2000.

Passed the Senate the 17th day of May, 2000.

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President of the Senate

Passed the House of Representatives the 19th day of May, 2000.

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Speaker of the House of  
Representatives