

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2196

By: Webb

COMMITTEE SUBSTITUTE

An Act relating to public safety; amending 21 O.S. 2001, Section 1550.41, which relates to identification of documents; expanding authority of Commissioner of Public Safety to issue identification documents; amending 47 O.S. 2001, Section 2-110, which relates to the authority of the Department of Public Safety to administer oaths and certify records; authorizing Department to copy videotapes; setting fee; stating monies to be credited to Department of Public Safety Revolving Fund; amending 47 O.S. 2001, Sections 6-102, 6-205.1, 6-301 and 6-303, which relate to driver licenses; authorizing military personnel to operate any class of motor vehicle when holding a valid driver license; prohibiting modification of some driver license revocations; setting time limit for certain modifications; prohibiting approval or attempt to issue unauthorized driver license; specifying grounds for termination of employment; specifying type of driver license revocation which shall be extended for subsequent convictions; amending 47 O.S. 2001, Section 18-101, which relates to record of traffic cases; adding information to be included on abstract; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1550.41, is amended to read as follows:

Section 1550.41 A. As used in this section and Section 1550.42 of this title, "identification document", "identification card", or "identification certificate" means any printed form which contains:

1. The name and photograph of a person; or
2. The name and any physical description of a person; or
3. Any combination of information provided for in paragraphs 1

and 2 of this subsection; and

which by its format, is capable of leading a person to believe said document, card, or certificate has been issued for the purpose of identifying the person named thereon, but shall not include any printed form which, on its face, conspicuously bears the term "NOT FOR IDENTIFICATION" in not less than six-point type.

B. It is a misdemeanor for any person:

1. To purchase an identification document, identification card, or identification certificate which bears altered or fictitious information concerning the date of birth, sex, height, eye color, weight, a fictitious or forged name or signature or a photograph of any person, other than the person named thereon;

2. To display or cause or permit to be displayed or to knowingly possess an identification document, identification card or identification certificate which bears altered or fictitious information concerning the date of birth, sex, height, eye color, weight, or fictitious or forged name or signature or a photograph of any person, other than the person named thereon;

3. To display or cause or permit to be displayed or to knowingly possess any counterfeit or fictitious identification document, identification card, or identification certificate; or

4. To use the "Great Seal of the State of Oklahoma" or facsimile thereof, on any identification document, identification card, or identification certificate which is not issued by an entity of this state or political subdivision thereof, or by the United States. Provided, nothing in this paragraph shall be construed to prohibit the use of the "Great Seal of the State of Oklahoma" for authorized advertising, including but not limited to, business cards, calling cards and stationery.

C. It is a felony for any person:

1. To create, publish or otherwise manufacture an identification document, identification card or identification certificate or facsimile thereof, or to create, manufacture or

possess an engraved plate or other such device for the printing of an identification document, identification card or identification certificate or facsimile thereof, which purports to identify the bearer of such document, card, or certificate whether or not intended for use as identification, and includes, but is not limited to, documents, cards, and certificates purporting to be driver's licenses, nondriver's identification cards, birth certificates, social security cards, and employee identification cards, except as authorized by state or federal law;

2. To sell or offer for sale an identification document, identification card, or identification certificate or facsimile thereof, which purports to identify the bearer of such document, card, or certificate whether or not intended for use as identification, and includes, but is not limited to, documents, cards, and certificates purporting to be driver's licenses, nondriver's identification cards, birth certificates, social security cards, and employee identification cards, except as authorized by state or federal law; or

3. To display or present an identification document, identification card or identification certificate which bears altered, false or fictitious information for the purpose of:

- a. committing or aiding in the commission of a felony in any commercial or financial transaction,
- b. misleading a peace officer in the performance of his duties, or
- c. avoiding prosecution.

D. 1. The violation of any of the provisions of subsection B of this section shall constitute a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00).

2. The violation of any of the provisions of subsection C of this section shall constitute a felony and, upon conviction thereof,

shall be punishable by a fine not exceeding Ten Thousand Dollars (\$10,000.00) or a term of imprisonment in the State Penitentiary not to exceed seven (7) years, or by both such fine and imprisonment.

E. Notwithstanding any provision of this section, the chief administrator of a federal or state law enforcement, military, or intelligence agency may request the Commissioner of the Department of Public Safety to authorize the issuance of an identification document, identification card, or identification certificate which would otherwise be a violation of this section, to identify a ~~police~~ law enforcement officer or agent as another person for the sole purpose of aiding in a criminal investigation or a military or intelligence operation. A person displaying or possessing such identification shall not be prosecuted for a violation of this section. Upon termination of the ~~criminal~~ investigation or operation, the person to whom such identification document, identification card or identification certificate was issued shall return such identification to the Department of Public Safety.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 2-110, is amended to read as follows:

Section 2-110. A. Officers and employees of the Department of Public Safety designated by the Commissioner, for the purpose of administering the motor vehicle laws, are authorized to administer oaths and acknowledge signatures and shall do so without fee.

B. The Commissioner and such officers of the Department as the Commissioner may designate are hereby authorized to prepare under the seal of the Department and deliver upon request a certified copy of any record of the Department, charging a fee of Three Dollars (\$3.00) for each record so certified, and every such certified copy shall be admissible in any proceeding in any court in like manner as the original thereof. A certification fee shall be charged:

1. Only if the person requesting the record specifically requests that the record be certified; and

2. In addition to the copying and reproduction fees provided by the Oklahoma Open Records Act or any other applicable law.

C. The Commissioner and any other officers of the Department as the Commissioner may designate are hereby authorized to provide a copy of any record required to be maintained by the Department at no charge to any of the following government agencies when requested in the performance of official governmental duties:

1. The driver license agency of any other state;

2. Any court, district attorney or municipal prosecutor in this state or any other state;

3. Any law enforcement agency in this state or any other state or any federal agency empowered by law to make arrests for public offenses;

4. Any public school district in this state for purposes of verifying the driving record of a currently employed school bus driver or person making application for employment as a school bus driver; or

5. Any state agency in this state.

D. Any record required to be maintained by the Department may be released to any other entity free of charge when the release of the record would be for the benefit of the public, as determined by the Commissioner or a designee of the Commissioner.

E. The Commissioner and any other officers of the Department as the Commissioner may designate are hereby authorized to prepare copies of videotape recordings, when held as records of the Department, and deliver upon request to any person a copy of a videotape recording, for a fee of Twenty-five Dollars (\$25.00) for each copy. Any monies collected by the Department pursuant to this subsection shall be deposited to the credit of the Department of Public Safety Revolving Fund.

F. The provisions of subsections B and D of this section and the Open Records Act shall not apply to the release of personal

information on the driving record of any person or application for an original, renewal, or replacement driver license or identification card. Such personal information shall be confidential except as provided for in this subsection or in the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725. Upon written request to the Commissioner of Public Safety by a law enforcement agency or another state's or country's driver licensing agency for personal information on a specific individual, as named or otherwise identified in the written request, to be used in the official capacity of the agency, the Commissioner may release such personal information to the agency pursuant to the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725. For the purposes of this subsection, "personal information" means information which identifies a person, including but not limited to a photograph or image in computerized format of the person, fingerprint image in computerized format, signature or signature in computerized format, social security number, residence address, mailing address, and medical or disability information.

SECTION 3. AMENDATORY 47 O.S. 2001, Section 6-102, is amended to read as follows:

Section 6-102. A. A nonresident who is sixteen (16) years of age or older ~~who~~ may operate a motor vehicle in this state as authorized by the class, restrictions, and endorsements specified on the license, if the nonresident is:

1. Properly licensed in the home state or country to operate a commercial or noncommercial motor vehicle and who has immediate possession of a valid driver license issued by the home state or country; or
2. A member of the Armed Forces of the United States or the spouse of such member who has been issued and is in possession of a

valid driver license issued by an overseas component of the Armed Forces of the United States;

~~may operate a motor vehicle in this state as authorized by the class, restrictions and endorsements specified on the license.~~

B. A resident who is at least fifteen (15) years of age ~~who may operate a vehicle in this state without a driver license, if the resident~~ is:

1. Operating a vehicle pursuant to subsection A of Section 6-105 of this title; or

2. Taking the driving skills examination as required by Section 6-110 of this title, when accompanied by a Driver License Examiner of the Department of Public Safety or by a designated examiner approved and certified by the Department;

~~may operate a vehicle in this state without a driver license.~~

C. Any person, while in the performance of official duties, may operate any class of motor vehicle if the person possesses any class of valid Oklahoma driver license or a valid driver license issued by another state, if the person is:

1. A member of the Armed Forces of the United States who is on active duty;

2. A member of the military reserves, not including United States reserve technician;

3. A member of the National Guard who is on active duty, including National Guard military technicians;

4. A member of the National Guard who is on part-time National Guard training, including National Guard military technicians; or

5. A member of the United States Coast Guard who is on active duty.

SECTION 4. AMENDATORY 47 O.S. 2001, Section 6-205.1, is amended to read as follows:

Section 6-205.1 A. The driving privilege of a person who is convicted of any offense as provided in paragraph 2 or 6 of

subsection A of Section 6-205 of this title, or a person who has refused to submit to a test or tests as provided in Section 753 of this title, or a person whose alcohol concentration is subject to the provisions of Section 754 of this title, shall be revoked or denied by the Department of Public Safety for the following period, as applicable:

1. The first license revocation pursuant to paragraph 2 of subsection A of Section 6-205 of this title or to Section 753 or 754 of this title shall be for one hundred eighty (180) days, which may be modified;

2. A revocation pursuant to paragraph 2 of subsection A of Section 6-205, or to Section 753 or 754 of this title shall be for a period of one (1) year if within five (5) years preceding the date of arrest relating thereto, a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205, or to Section 753 or 754 of this title as shown by the Department's records. Such period shall not be modified; or

3. A revocation pursuant to paragraph 2 of subsection A of Section 6-205, or to Section 753 or 754 of this title shall be for a period of three (3) years if within five (5) years preceding the date of arrest relating thereto, two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205, or to Section 753 or 754 of this title as shown by the Department's records. Such period may be modified after one (1) year.

B. The driving privilege of a person who is convicted of any offense as provided in paragraph 6 of subsection A of Section 6-205 of this title shall be revoked or denied by the Department of Public Safety for the following period, as applicable:

1. The first license revocation shall be for one hundred eighty (180) days, which may be modified; provided, for license revocations for a misdemeanor charge of possessing a controlled dangerous

substance, the provisions of this paragraph shall apply to any such revocations by the Department on or after January 1, 1993;

2. A revocation shall be for a period of one (1) year if within five (5) years preceding the date of arrest relating thereto, a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205, or under Section 753 or 754 of this title as shown by the Department's records. Such period ~~may~~ shall not be modified; or

3. A revocation shall be for a period of three (3) years if within five (5) years preceding the date of arrest relating thereto, two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205, or under Section 753 or 754 of this title as shown by the Department's records. Such period may be modified after one (1) year.

The revocation of the driving privilege of any person under this subsection shall not run concurrently with any other withdrawal of driving privilege resulting from a different incident and which requires the driving privilege to be withdrawn for a prescribed amount of time. A denial based on a conviction of any offense as provided in paragraph 6 of subsection A of Section 6-205 of this title shall become effective on the first day the convicted person is otherwise eligible to apply for and be granted driving privilege if the person was not eligible to do so at the time of the conviction.

C. For the purposes of this subsection:

1. The term "conviction" includes a juvenile delinquency adjudication by a court or any notification from a court pursuant to Section 6-107.1 of this title; and

2. The term "revocation" includes a denial of driving privileges by the Department.

D. Each period of revocation not subject to modification shall be mandatory and neither the Department nor any court shall grant

driving privileges based upon hardship or otherwise for the duration of that period. Each period of revocation, subject to modification as provided for in this section, may be modified as provided for in Section 754.1 or 755 of this title.

E. Any appeal of a revocation or denial of driving privileges shall be governed by Section 6-211 of this title.

SECTION 5. AMENDATORY 47 O.S. 2001, Section 6-301, is amended to read as follows:

Section 6-301. It shall be unlawful for any person to commit any of the acts specified in paragraph 1 or 2 of this section in relation to an Oklahoma ~~driver's~~ driver license or identification card authorized to be issued by the Department of Public Safety pursuant to the provisions of Sections 6-101 through 6-309 of this title or any driver license or other evidence of driving privilege or identification card authorized to be issued by the state of origin.

1. It is a misdemeanor for any licensee:

- a. to display or cause or permit to be displayed one's own license after such license has been suspended, revoked or canceled or to possess one's own license after having received notice of its suspension, revocation, or cancellation,
- b. to lend one's own license or identification card to any other person or knowingly permit the use thereof by another,
- c. to display or cause or permit to be displayed or to possess a license or identification card issued to oneself which bears altered information concerning the date of birth, expiration date, sex, height, eye color, weight or license or card number,

- d. to fail or refuse to surrender to the Department upon its lawful demand any license or identification card which has been suspended, revoked or canceled,
- e. to permit any unlawful use of a license or identification card issued to oneself,
- f. to do any act forbidden or fail to perform any act required by this chapter, excepting those acts as provided in paragraph 2 of this section, or
- g. to display or represent as one's own, any license or identification card not issued to such person, unless under conditions provided in subparagraph e of paragraph 2 of this section.

2. It is a felony for any person:

- a. to create, publish or otherwise manufacture an Oklahoma or other state license or identification card or facsimile thereof, or to create, manufacture or possess an engraved plate or other such device for the printing of an Oklahoma or other state license or identification card or facsimile thereof, except as authorized pursuant to this title,
- b. to display or cause or permit to be displayed or to knowingly possess any state counterfeit or fictitious license or identification card,
- c. to display or cause to be displayed or to knowingly possess any state license or identification card bearing a fictitious or forged name or signature,
- d. to display or cause to be displayed or to knowingly possess any state license or identification card bearing the photograph of any person, other than the person named thereon as licensee,
- e. to display or represent as one's own, any license or identification card not issued to him, for the purpose

of committing a fraud in any commercial transaction or to mislead a peace officer in the performance of his duties, or

- f. to use a false or fictitious name in any application for a license or identification card or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application.

3. It is a felony for any employee or person authorized to issue or approve the issuance of licenses or identification cards under this title to knowingly issue or attempt to issue a license or identification card or to knowingly give approval for, cause, or attempt to cause a license or identification card to be issued:

- a. to a person not entitled thereto,
- b. bearing erroneous information thereon, or
- c. bearing the photograph of a person other than the person named thereon.

Such conduct shall be grounds for termination of employment of the employee.

4. The violation of any of the provisions of paragraph 1 of this section shall constitute a misdemeanor and shall, upon conviction thereof, be punishable by a fine of not less than Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00); the violation of any of the provisions of paragraph 2 or 3 of this section shall constitute a felony and shall, upon conviction thereof, be punishable by a fine not exceeding Ten Thousand Dollars (\$10,000.00) or a term of imprisonment in the State Penitentiary not to exceed seven (7) years, or by both such fine and imprisonment.

5. Notwithstanding any provision of this section, the Commissioner of the Department of Public Safety may, upon the request of the chief administrator of a law enforcement, military,

or intelligence agency, authorize the issuance to and display, and possession by a person of a license which would otherwise be a violation of this section, for the sole purpose of aiding in a criminal investigation or a military or intelligence operation. While acting pursuant to such authorization by the Commissioner, such person shall not be prosecuted for a violation under this section. Upon termination of such investigation or operation or upon request of the Commissioner, the chief administrator shall forthwith cause such license to be returned to the Commissioner.

SECTION 6. AMENDATORY 47 O.S. 2001, 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 license for the class of vehicle being operated 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. Any person who drives a motor vehicle on any public roads, streets, highways, turnpikes or other public roads of this state at a time when the driving privilege of that person is canceled, denied, suspended or revoked, pursuant to paragraph 1, 2, or 3 of subsection A of Section 6-205.1 of this title, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) and not more than One Thousand Dollars (\$1,000.00), 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.

D. 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.

E. 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, pursuant to paragraph 1, 2, or 3 of subsection A of Section 6-205.1 of this title, or who is disqualified from operating a motor vehicle, pursuant to paragraph 1, 2, or 3 of subsection ~~A of Section 6-205.1~~ B or paragraph 1, 2, or 3 of subsection C of Section 6-205.2 of this title, or both such revocation and disqualification, shall extend the period of such disqualification, ~~suspension~~ or revocation for an additional four-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.

F. 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 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 7. AMENDATORY 47 O.S. 2001, Section 18-101, is amended to read as follows:

Section 18-101. A. Every magistrate or judge of a court shall keep or cause to be kept a record of every traffic complaint, traffic citation, or other legal form of traffic charge deposited with or presented to the court or its traffic-violations bureau, and shall keep a record of every official action by the court or its traffic-violations bureau, including, but not limited to, a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture resulting from every traffic complaint, citation or other legal form of traffic charge deposited with or presented to the court or traffic-violations bureau.

B. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any law regulating the operation of vehicles on highways every magistrate of the court or clerk of the court of record, in which the conviction was had or bail was forfeited, shall prepare and immediately forward to the Department of Public Safety an abstract of the record covering the case in which the person was convicted or forfeited bail, which shall be certified by the person required to prepare the abstract to be true and correct. A report shall not be made of any conviction:

1. Involving the illegal parking or standing of a vehicle;
2. Involving speeding if the speed limit is not exceeded by more than ten (10) miles per hour; or

3. Rendered by a nonlawyer judge, unless, within a period not to exceed the preceding reporting period for Mandatory Continuing Legal Education, the judge has completed courses held for municipal judges which have been approved by the Oklahoma Bar Association Mandatory Legal Education Commission for at least six (6) hours of continuing legal education credit or attendance of at least one (1) day of a state judicial conference, and the Department of Public Safety receives verification of such attendance, from the judge. In the case of attendance of a continuing legal education course, verification may be made by a statement of attendance signed by the course registration personnel. In the case of verification of attendance of a state judicial conference, a statement of attendance signed by the Administrative Director of the Courts or a designee shall be sufficient verification.

C. The abstract shall be made upon a form furnished by the Department and shall include:

1. The name, address, sex, and date of birth of the person charged;

2. The traffic citation number;

3. The driver license number, if any, of the person charged, and the state or jurisdiction from which the license is issued;

4. The license plate number, make, and model of the vehicle involved; ~~and~~

5. The nature and date of the offense, the date of hearing, the plea, the judgment, or, if bail was forfeited, the amount of the fine or forfeiture; and

6. The name of the court and whether it is a municipal or district court.

D. Every court of record shall also forward a like report to the Department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

E. The failure, refusal or neglect of any judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be ground for removal.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

48-2-8631          LAC          6/12/15