

ENGROSSED HOUSE  
BILL NO. 1308

By: Sweeden of the House  
and  
Rozell of the Senate

( motor vehicles - authorizing use of fingerprint on  
driver license - amending 47 O.S. 1991, Section 2-110,  
as last amended by Section 1, Chapter 342, O.S.L. 2000  
(47 O.S. Supp. 2000, Section 2-110) - authority of the  
Department of Public Safety to administer oaths and  
certify copies - appropriation - amending 47 O.S.  
1991, Sections 6-105, as last amended by Section 4,  
Chapter 277, O.S.L. 2000, 6-114, as last amended by  
Section 6, Chapter 277, O.S.L. 2000 and 6-212, as  
amended by Section 6, Chapter 218, O.S.L. 1994 (47  
O.S. Supp. 2000, Sections 6-105, 6-114 and 6-212) -  
driver licenses - Oklahoma KIDS ID Act - fee for  
identification card - codification - effective dates -  
emergency )

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 6-110.2 of Title 47, unless  
there is created a duplication in numbering, reads as follows:

The Department of Public Safety shall implement a procedure for  
computerized fingerprinting by means of an inkless fingerprint  
scanning device which will allow every applicant for an original,  
renewal or replacement driver license or identification card who so

desires to submit to fingerprinting for the purposes of proof of identity and to ensure the security of the driver license or identification card issued to the applicant. Nothing in this section shall be construed to compel any applicant to submit to fingerprinting. The custodial parent or guardian of any minor under eighteen (18) years of age shall authorize the fingerprinting of the minor by signing a form that shall be developed for the program by the Department. No minor shall be fingerprinted unless a signed authorization form is in the possession of the Department. The Commissioner of Public Safety shall promulgate rules as may be necessary to carry out the provisions of this section.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 2-110, as last amended by Section 1, Chapter 342, O.S.L. 2000 (47 O.S. Supp. 2000, Section 2-110), is amended to read as follows:

Section 2-110. A. Officers and employees of the Department 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, court clerk, 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 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. There is hereby appropriated Two Million Dollars (\$2,000,000.00) from the General Revenue Fund to the Department of Public Safety for the purpose of purchasing digital driver licensing equipment.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 6-105, as last amended by Section 4, Chapter 277, O.S.L. 2000 (47 O.S. Supp. 2000, 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 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. 1. 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, 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.~~

2. Until July 1, 2004, the fee charged for the issuance or renewal of an identification card pursuant to this section shall be Seven Dollars (\$7.00); however, 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 paragraph~~ shall be apportioned as provided in Section 1104 of this title.

3. Effective July 1, 2004, the fee charged for the issuance or renewal of an identification card pursuant to this section shall be Ten Dollars (\$10.00); however, no person sixty-five (65) years of age or older shall be charged a fee for an identification card. Of each fee charged pursuant to the provisions of this paragraph:

- a. Seven Dollars (\$7.00) shall be apportioned as provided in Section 1104 of this title, and
- b. Three Dollars (\$3.00) shall be credited to the Department of Public Safety Revolving Fund to be used solely for the purpose of the administration and maintenance of the computerized imaging system of the Department.

4. 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 6-114, as last amended by Section 6, Chapter 277, O.S.L. 2000 (47 O.S. Supp. 2000, Section 6-114), is amended to read as follows:

Section 6-114. A. 1. 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 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~~ 2. Until July 1, 2004, 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.

3. Effective July 1, 2004, the cost of a replacement license shall be Ten Dollars (\$10.00), of which Two Dollars (\$2.00) shall be apportioned as provided in Section 1104 of this title, Three Dollars

(\$3.00) shall be remitted to the State Treasurer to be credited to the General Revenue Fund, and Five Dollars (\$5.00) shall be credited to the Department of Public Safety Revolving Fund to be used solely for the purpose of administering and maintaining the computer imaging system of the Department.

4. 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 6. AMENDATORY 47 O.S. 1991, Section 6-212, as amended by Section 6, Chapter 218, O.S.L. 1994 (47 O.S. Supp. 2000, Section 6-212), is amended to read as follows:

Section 6-212. A. ~~Effective April 1, 1995, the~~ The Department of Public Safety shall:

~~1. Abolish and cease the policy and procedure of assessing and collecting~~ not assess and collect multiple reinstatement fees when reinstating the driving privilege of any person having more than one suspension or revocation affecting his driving privilege at the time of reinstatement; ~~and.~~

~~2.~~ B. The Department shall:

1. Suspend or revoke a person's driving privilege for each basis as delineated within the Oklahoma Statutes; and

~~3.~~ 2. Require any person having more than one suspension or revocation affecting his driving privilege to meet the statutory requirements for each action as a condition precedent to the reinstatement of any driving privilege. Provided, however,

reinstatement fees shall not be cumulative, and a single reinstatement fee, as provided for in subsection ~~B~~ C of this section, shall be paid for all suspensions or revocations as shown by the Department's records at the time of reinstatement.

~~B.~~ C. Whenever a person's privilege to operate a motor vehicle is suspended or revoked pursuant to any provision as authorized by the Oklahoma Statutes, the license or privilege to operate a motor vehicle shall remain under suspension or revocation and shall not be reinstated until:

1. The expiration of each such revocation or suspension order;  
and
2. The person has paid to the Department:
  - a. if such privilege is suspended or revoked pursuant to Section 1115.5 of Title 22 of the Oklahoma Statutes or pursuant to any provisions of this title, except as provided in subparagraph b of this paragraph, a processing fee of Twenty-five Dollars (\$25.00) for each such suspension or revocation as shown by the Department's records, or
  - b. if such privilege is suspended or revoked pursuant to the provisions of Section 6-205, 6-205.1, 7-506, 7-608, 753, 754 or 761 of this title or pursuant to subsection A of Section 7-605 of this title for a conviction for failure to maintain the mandatory motor vehicle insurance required by law or pursuant to subsection B of Section 6-206 of this title for a suspension other than for points accumulation, a processing fee of Seventy-five Dollars (\$75.00) for each such suspension or revocation as shown by the Department's records; and
3. The person has paid to the Department a single reinstatement fee of Twenty-five Dollars (\$25.00).

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-101.2 of Title 47, unless there is created a duplication in numbering, reads as follows:

Sections 7 through 10 of this act shall be known and may be cited as the "Oklahoma KIDS ID Act".

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-101.3 of Title 47, unless there is created a duplication in numbering, reads as follows:

For purposes of the Oklahoma KIDS ID Act:

1. "Fingerprint" means the scanning of the lines upon the fingertip of a minor collected by a fingerprint imaging system and retained within a computer system maintained by the Department of Public Safety and placed upon an identification card for the purpose of identifying the minor;

2. "Department" means the Department of Public Safety;

3. "Minor" or "child" means a person under eighteen (18) years of age;

4. "Parent" means a person who is the natural or adoptive parent, the legal guardian, or the legal custodian of the minor and who has actual physical custody of the minor; and

5. "Identification card" means a plastic card issued by the Department which contains certain digitized or computer-generated information about a minor, as specified in this act, for the purpose of identifying a minor.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-101.4 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. The Department of Public Safety shall develop an identification program, including the taking and retention of fingerprints, for children of this state to be known as the Oklahoma KIDS ID Program. The program may be developed in conjunction with any organization providing assistive services on a voluntary basis.

Such assistive services may include the donation of money to aid in defraying the costs of creating and issuing the identification cards. Any such donated money shall be considered a gift to the Department and shall be deposited to the credit of the Department of Public Safety Revolving Fund to be used solely for the administration and maintenance of the Oklahoma KIDS ID Program.

B. The program shall be developed for the sole purpose of providing a means by which a missing child might be located or identified and shall be administered under the following guidelines:

1. No child shall be required to participate in the program;

2. The Department shall have the sole authority and responsibility for the collection, retention, and dissemination of computerized fingerprints, computerized photographs, and other information collected for the program;

3. In order for a child to participate in the program, the custodial parent or guardian of the child shall authorize the child's participation by signing a form that shall be developed for the program by the Department. No child shall be fingerprinted unless a signed authorization form is in the possession of the Department;

4. The fingerprinting of minors shall be performed by employees of the Department;

5. The Department shall retain all fingerprints collected. The fingerprints retained by the Department shall be destroyed by the Department when the minor reaches eighteen (18) years of age;

6. The name, sex, hair and eye color, height, weight, date of birth, a computerized photograph, and fingerprints of the child shall be displayed on the identification card; and

7. The identification card shall include, in a conspicuous place on the card, a statement that the card may be used for identification purposes only and may not be used in any juvenile or criminal investigation or proceeding conducted against the minor.

An identification card prepared pursuant to the Oklahoma KIDs ID Program may be used by a law enforcement agency only to help identify a minor who is lost, missing, kidnapped, or killed.

C. The Commissioner of Public Safety shall promulgate rules as may be necessary to carry out the provisions of this act.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-101.5 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Upon request of a parent of a minor and the presentation of the minor at the Department, the Department shall take fingerprints of the minor, a computerized picture of the minor, and obtain certain other identifying information about the minor and shall issue an identification card to the parent which shall contain the computerized picture of the minor, fingerprints of the minor and other information about the minor, as prescribed in this act.

B. The fee charged for an identification card issued under this act shall be Ten Dollars (\$10.00). All monies collected from the issuance of such identification cards shall be deposited to the credit of the Department of Public Safety Revolving Fund to be used solely for the administration and maintenance of this program and of the computer imaging system of the Department.

SECTION 11. Sections 1, 2, 3, 4, 5 and 6 of this act shall become effective July 1, 2001.

SECTION 12. Sections 7, 8, 9 and 10 of this act shall become effective July 1, 2004.

SECTION 13. 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.

Passed the House of Representatives the 5th day of March, 2001.

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Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2001.

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Presiding Officer of the Senate