

ENROLLED HOUSE
BILL NO. 1308

By: Sweeden and Roan of the
House

and

Rozell of the Senate

An Act relating to motor vehicles; authorizing use of fingerprint on driver license or identification card under certain circumstances; providing for rule promulgation; 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), which relates to the authority of the Department of Public Safety to administer oaths and certify copies; modifying definition of personal information; amending 47 O.S. 1991, Sections 6-101, as last amended by Section 5 of Enrolled Senate Bill No. 539 of the 1st Session of the 48th Oklahoma Legislature, 6-105, as last amended by Section 1 of Enrolled Senate Bill No. 747 of the 1st Session of the 48th Oklahoma Legislature, 6-106, as last amended by Section 21 of Enrolled House Bill No. 1965 of the 1st Session of the 48th Oklahoma Legislature, 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 6-114 and 6-212), which relate to driver licenses; modifying fees; authorizing apportionment of certain fees; eliminating use of social security number for driver license number; creating the Computer Imaging System Revolving Fund; stating allowable expenditures for fund; establishing the Oklahoma KIDs ID Act; providing short title; defining terms; authorizing Department of Public Safety to establish child identification program; authorizing rule promulgation; authorizing fingerprinting of minors under certain circumstances; establishing fee for identification card; providing for codification; providing for noncodification; providing effective dates; and declaring an 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 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, ~~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. AMENDATORY 47 O.S. 1991, Section 6-101, as last amended by Section 5 of Enrolled Senate Bill No. 539 of the 1st Session of the 48th Oklahoma Legislature, is amended to read as follows:

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

B. 1. No person shall operate a Class A commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class A commercial license, except as provided in paragraph 5 of this subsection. Any person holding a valid Class A commercial license shall be permitted to operate motor vehicles in Classes A, B, C, and D, except as provided for in paragraph 4 of this subsection.

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

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

4. No person under twenty-one (21) years of age shall be licensed to operate any motor vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F; provided, the Department of Public Safety shall provide by rule promulgated pursuant to the Administrative Procedures Act that a person under twenty-one (21) years of age may be licensed to operate a farm vehicle or, if such person is the operator of or employed by the operator of a farm retail outlet, any vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F, if such licensure will not result in the loss of federal funds to this state pursuant to federal law or regulation.

5. A person at least seventeen (17) years of age who successfully completes all examinations required by law may be issued by the Department:

- a. a restricted Class A commercial license which shall grant to the licensee the privilege to operate a Class A or Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle, or
- b. a restricted Class B commercial license which shall grant to the licensee the privilege to operate a Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle.

6. No person shall operate a Class D motor vehicle unless the person is sixteen (16) years of age or older and holds a valid Class D license, except as provided for in Section 6-102 or 6-105 of this title. Any person holding a valid Class D license shall be permitted to operate motor vehicles in Class D only.

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

D. No person shall operate a motorcycle, motor-driven cycle, or a motorized bicycle without having a valid Class A, B, C, or D license with a motorcycle endorsement. Except as otherwise provided by law, any new applicant for an original driver license shall be required to successfully complete a written examination, vision examination, and driving examination for a motorcycle as prescribed by the Department of Public Safety to be eligible for a motorcycle endorsement thereon. The driving examination for a motorcycle may be waived by the Department of Public Safety upon verification that the person has completed a certified Motorcycle Safety Foundation rider course approved by the Department.

E. Except as otherwise provided by law, any person who lawfully possesses a valid Oklahoma driver license which is eligible for renewal shall be required to successfully complete a written examination, vision examination, and driving examination for a motorcycle as prescribed by the Department to be eligible for a motorcycle endorsement; provided, however, the Department may waive all such examinations until July 1, 2000, upon satisfactory proof that the applicant has regularly operated a motorcycle, motor-driven cycle, or motorized bicycle for a minimum of two (2) years immediately preceding the application.

F. 1. Any person eighteen (18) years of age or older may apply for a restricted Class A, B, or C commercial license. The Department, after the applicant has passed all parts of the examination for and has been issued a Class D license and has successfully passed all parts of the examination for a Class A, B, or C commercial license other than the driving examination, may issue to the applicant a restricted driver license which shall entitle the applicant having immediate possession of the license to operate a Class A, B, or C commercial motor vehicle upon the public highways solely for the purpose of behind-the-wheel training in accordance with rules promulgated by the Department.

2. This restricted driver license shall be issued for a period as determined by federal regulation and shall be nonrenewable; provided, such restricted license may be suspended, revoked, canceled, or denied at the discretion of the Department for violation of the restrictions, for failing to give the required or correct information on the application, or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle. Except as otherwise provided, the lawful possessor of a restricted license who has been issued a restricted license for a minimum of thirty (30) days may have the restriction requiring an accompanying driver removed by satisfactorily completing a driver's examination; provided, the removal of a restriction shall not authorize the operation of a Class A, B, or C commercial motor vehicle if such operation is otherwise prohibited by law. The Department shall cause an examination to be conducted not more than three times during the first six (6) months after the date of issuance of the restricted license and not more than one time every three (3) months thereafter upon request of the lawful possessor thereof.

G. 1. The fee charged for an approved application for an original Oklahoma driver license or an approved application for the addition of an endorsement to a current valid Oklahoma driver license shall be assessed in accordance with the following schedule:

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

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

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

I. ~~In~~ 1. Until July 1, 2004, in addition to any fee charged pursuant to the provisions of subsection G of this section, the fee charged for the issuance or renewal of an Oklahoma license shall be in accordance with the following schedule:

Class A Commercial License	\$39.00
Class B Commercial License	\$39.00
Class C Commercial License	\$29.00
Class D License	\$19.00

Notwithstanding the provisions of Section 1104 of this title, Four Dollars (\$4.00) of each fee charged pursuant to the provisions of this subsection shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 330.97 of Title 63 of the Oklahoma Statutes.

2. Effective July 1, 2004, in addition to any fee charged pursuant to the provisions of subsection G of this section, the fee charged for the issuance or renewal of an Oklahoma license shall be in accordance with the following schedule:

<u>Class A Commercial License</u>	<u>\$40.00</u>
<u>Class B Commercial License</u>	<u>\$40.00</u>
<u>Class C Commercial License</u>	<u>\$30.00</u>
<u>Class D License</u>	<u>\$20.00</u>

Notwithstanding the provisions of Section 1104 of this title, of each fee charged pursuant to the provisions of this paragraph:

- a. Four Dollars (\$4.00) shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 330.97 of Title 63 of the Oklahoma Statutes, and
- b. One Dollar (\$1.00) shall be deposited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of the Department.

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

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

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

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

M. Notwithstanding the provisions of Section 1104 of this title and subsection L of this section and except as provided in subsections G and I of this section, the first Sixty Thousand Dollars (\$60,000.00) of all monies collected pursuant to this section shall be paid by the Oklahoma Tax Commission to the State Treasurer to be deposited in the General Revenue Fund of the State Treasury.

The next Five Hundred Thousand Dollars (\$500,000.00) of monies collected pursuant to this section shall be paid by the Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department of Public Safety Revolving Fund for the purpose of the Statewide Law Enforcement Communications System. All other monies collected in excess of Five Hundred Sixty Thousand Dollars (\$560,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title, except as otherwise provided in this section.

N. The Department of Public Safety shall implement a procedure whereby images displayed on licenses and identification cards issued pursuant to the provisions of Sections 6-101 through 6-309 of this title are maintained by the Department to create photographs or computerized images which may be used only:

1. By a law enforcement agency for purposes of criminal investigations, missing person investigations, or any law enforcement purpose which is deemed necessary by the Commissioner of Public Safety;

2. By the driver licensing agency of another state for its official purpose; and

3. As provided in Section 2-110 of this title.

The computer system and related equipment acquired for this purpose must conform to industry standards for interoperability and open architecture. The Department of Public Safety may promulgate rules to implement the provisions of this subsection.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 6-105, as last amended by Section 1 of Enrolled Senate Bill No. 747 of the 1st Session of the 48th Oklahoma Legislature, 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, as set out in divisions (1) and (2) of subparagraph a of paragraph 2 of this subsection, 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,

(2) 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,

may, upon successfully passing all parts of the driver license examination administered by the Department except the driving examination, be issued an instruction permit which will grant the permittee 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 permittee,

b. is being instructed in a parent-taught driver education course, certified by the Department of Public Safety, in which the student is being instructed by a parent or legal guardian may, upon successfully passing all parts of the driver license examination except the driving examination, be issued an instruction permit which will grant the permittee the privilege to operate a Class D motor vehicle upon the public highways while accompanied by a parent or guardian who is actually occupying a seat beside the permittee. The student must obtain the permit before the student may operate a Class D vehicle. The Department shall promulgate rules for any parent-taught driver education course, or

c. is not being instructed in a driver education course as set out in subparagraph a or b of this paragraph, but whose parent or legal guardian has certified to the Department by sworn affidavit that the person will receive a minimum of thirty-six (36) 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 an instruction permit which will grant the permittee 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 permittee;

3. Is at least sixteen (16) years of age and has completed a certified driver education course as set out in subparagraphs a and b of paragraph 2 of this subsection may be issued a Class D license by successfully completing all parts of the driver license examination;

4. 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; or

5. Is at least sixteen and one-half (16 1/2) years of age 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.

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, who is not subject to the provisions of Section 6-107.3 of this title, who is enrolled in a commercial driver education course, as defined by Sections 801 through 808 of this title, may be issued, upon successfully passing all parts of the driver license examination administered by the Department except the driving examination, an instruction permit which will grant the permittee 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 permittee. The student must obtain the permit before the student may operate a Class D vehicle. The permittee may be issued a Class D license upon successfully passing the driving examination.

E. 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 two hundred fifty (250) cubic centimeters;

2. Between the hours of 4:30 a.m. to 9:00 p.m. only;

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.

F. 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.

G. 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 1/2) 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.

H. 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 Computer Imaging System 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 6-106, as last amended by Section 21 of Enrolled House Bill No. 1965 of the 1st Session of the 48th Oklahoma Legislature:

Section 6-106. A. Every application for a driver license shall be made by the applicant 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 applicant for a driver license shall state upon the application the following information:

1. Full name;

2. Date of birth;

3. Sex;

4. Residence address and mailing address, if different than the residence address;

5. Medical information, as determined by the Department, which shall assure the Department that the person is not prohibited from being licensed as provided by paragraph 7 of subsection A of Section 6-103 of this title;

6. Whether the applicant is deaf or hard-of-hearing;

7. The license plate number and state by which the license plate is issued for up to two (2) vehicles owned by the applicant;

8. A brief description of the applicant, as determined by the Department;

9. 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; and

10. Social security number.

~~The No person shall request the Department may to use the social security number of that person 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. Upon renewal or replacement of any driver license issued after the effective date of this act, the licensee shall advise the Department or the motor license agent if the present driver license number of the licensee is the social security number of the licensee. If the driver license number is the social security number, the Department or the motor license agent shall change the driver license number to a computer-generated 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 driving record of the person 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 driving 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. 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 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 Computer Imaging System 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 7. 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~~ the person's 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~~ the person's 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).

D. Effective July 1, 2002, and for each fiscal year thereafter:

1. Two Hundred Fifty Thousand Dollars (\$250,000.00) of all monies collected each month pursuant to this section shall be deposited in the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administering and maintaining the computer imaging system of the Department; and

2. All other monies collected in excess of Two Hundred Fifty Thousand Dollars (\$250,000.00) each month shall be deposited in the General Revenue Fund.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-142 of Title 47, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Oklahoma Department of Public Safety, to be designated the "Computer Imaging System Revolving Fund". The Fund shall be a continuing fund not subject to fiscal year limitations. All monies accruing to the credit of said Fund are hereby appropriated and shall be budgeted and expended by the Department for the exclusive purpose of implementing, developing, administering, and maintaining the computer imaging system of the Department of Public Safety. Expenditures from said Fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 9. 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:

This section through Section 12 of this act shall be known and may be cited as the "Oklahoma KIDS ID Act".

SECTION 10. 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 for the purpose of identifying the minor;

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

3. "Minor" or "child" means a person under sixteen (16) 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 11. 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 lost, missing, kidnapped, or killed 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 or its agents;

5. The Department shall retain all fingerprints collected. The fingerprints retained by the Department shall be destroyed by the Department when the minor reaches sixteen (16) years of age, or at the request of the parent;

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

7. The identification card shall 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; and

8. Any identification card of a minor prepared pursuant to the Oklahoma KIDS ID Program that has not been updated within four (4) years of issuance or upon the minor reaching sixteen (16) years of age shall be placed in an inactive file for one (1) year and thereafter destroyed.

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

SECTION 12. 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, 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 13. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

Section 8 of Enrolled House Bill No. 1081 of the 1st Session of the 48th Oklahoma Legislature shall become effective July 1, 2001.

SECTION 14. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

Section 9 of Enrolled House Bill No. 1081 of the 1st Session of the 48th Oklahoma Legislature shall become effective upon the effective date of this act.

SECTION 15. Sections 1, 2, 3, 4, 5, 6, 7, 8, and 13 of this act shall become effective July 1, 2001.

SECTION 16. Sections 9, 10, 11 and 12 of this act shall become effective July 1, 2004.

SECTION 17. 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 22nd day of May, 2001.

Presiding Officer of the House of
Representatives

Passed the Senate the 23rd day of May, 2001.

Presiding Officer of the Senate