

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1131

By: Webb

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 6-111 and 6-115, as last amended by Sections 5 and 6, Chapter 342, O.S.L. 2000 (47 O.S. Supp. 2000, Sections 6-111 and 6-115), which relate to driver licenses; prohibiting attachment of unauthorized stickers to driver licenses; authorizing persons to request expiration of driver license during birth month; authorizing Department of Public Safety to promulgate rules; establishing procedures for reporting offenses committed by persons with a diplomatic driver license; amending 47 O.S. 1991, Section 6-212.2, as last amended by Section 2, Chapter 189, O.S.L. 2000 (47 O.S. Supp. 2000, Section 6-212.2), which relates to conditions for reinstatement of suspended or revoked driving privilege; removing requirement for separate substance abuse course for person under twenty-one years of age; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 6-111, as last amended by Section 5, Chapter 342, O.S.L. 2000 (47 O.S. Supp. 2000, Section 6-111), is amended to read as follows:

Section 6-111. A. 1. The Department of Public Safety shall, upon payment of the required fee, issue to every applicant qualifying therefor a Class A, B, C or D driver license or identification card as applied for, which license or card shall bear thereon a distinguishing number assigned to the licensee or cardholder, date of issuance and date of expiration of the license or card, the full name, signature or computerized signature, date of birth, mailing address, sex, a color photograph or computerized image of the licensee or cardholder and security features as determined by the Department.

2. The Department may cancel the distinguishing number, when that distinguishing number is another person's Social Security number, assign a new distinguishing number, and issue a new license or identification card without charge to the licensee or cardholder.

3. The Department may promulgate rules for inclusion of the height and a brief description of the licensee or cardholder on the face of the card or license, and for the provision of a small decal for attachment to the card or license, identifying the licensee or cardholder as deaf or hard-of-hearing.

4. The Department shall promulgate rules for provision of a small decal for attachment to the card or license, identifying the licensee or cardholder as having executed an Advance Directive for Health Care and/or a Do Not Resuscitate order pursuant to Section 3101.4 of Title 63 of the Oklahoma Statutes. ~~The Department of Public Safety may authorize all motor license agents to accept applications for the license or card immediately upon payment of the required fee in accordance with the rules promulgated by the Department of Public Safety.~~ It is unlawful for any person to apply, adhere, or otherwise attach to a driver license or identification card any decal, sticker, label, or other attachment which is not provided for in this subsection. Any law enforcement officer is authorized to remove and dispose of any unlawful decal, sticker, label, or other attachment from the driver license of a person. The law enforcement officer, the employing agency of the officer, the Department of Public Safety, and the State of Oklahoma shall be immune from any liability for any loss suffered by the licensee, cardholder, or the owner of the decal, sticker, label, or other attachment caused by the removal and destruction of the decal, sticker, label, or other attachment.

5. The Department of Public Safety shall develop an alternative procedure whereby an individual applying for a new or renewal Class D license who satisfactorily demonstrates to the Department the

inability to appear personally to be photographed, shall be issued a license or card bearing the words "Valid Without Photo".

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

C. 1. The Department may issue a restricted commercial driver license to seasonal drivers eighteen (18) years of age or older for any of the following specific farm-related service industries:

- a. farm retail outlets and suppliers,
- b. agri-chemical businesses,
- c. custom harvesters, and
- d. livestock feeders.

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

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

- a. diesel fuel in quantities of one thousand (1,000) gallons or less,

- b. liquid fertilizers in vehicles with total capacities of three thousand (3,000) gallons or less, and
- c. solid fertilizers that are not mixed with any organic substance.

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

SECTION 2. AMENDATORY 47 O.S. 1991, Section 6-115, as last amended by Section 6, Chapter 342, O.S.L. 2000 (47 O.S. Supp. 2000, Section 6-115), is amended to read as follows:

Section 6-115. Every driver license shall be issued for a period of no more than four (4) years. The expiration date of ~~the~~ an initial license shall be four (4) years from the last day of the month of issuance ~~for an initial license, and~~ or four (4) years from the last day of the birth month of the applicant immediately preceding the date of issuance, if requested by the applicant. The expiration date of renewal license shall be four (4) years from the last day of the month of expiration of the previous license ~~for a renewed license~~ or four (4) years from the last day of the birth month of the licensee immediately preceding the expiration date of the previous license, if requested by the licensee. Every such driver license shall be renewable upon application and payment of the required fee. All applicants for renewals of driver licenses who have proven collision records or apparent physical defects may be required to take an examination as specified by the Commissioner of Public Safety.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-202.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. If any vehicle operator who displays to a law enforcement officer a driver license issued by the United States Department of State or who otherwise claims immunities or privileges under Title 22, Chapter 6 of the United States Code with respect to the

violation of Article 27, Section 388, 388a, or 388b of the Code by the individual, or a moving violation under the vehicle laws or regulations of this state or any local authority, when the operator is stopped by a law enforcement officer who has probable cause to believe that the operator has committed a violation, the officer shall:

1. As soon as practicable contact the United States Department of State office in order to verify the status and immunity of the driver, if any;

2. Record all relevant information from any driver license or identification card, including a driver license or identification card issued by the United States Department of State; and

3. Within five (5) working days after the date of the stop, forward the following to the Department of Public Safety:

- a. a vehicle collision report, if the driver was involved in a vehicle collision,
- b. if a citation was issued to the driver, a copy of the citation, and,
- c. if a citation was not issued to the driver, a written report of the incident.

B. The Department of Public Safety shall:

1. File and keep convenient records of each document and record described in paragraph 3 of subsection A of this section; and

2. Send a copy of each document and record described in paragraph 3 of subsection A of this section to the Bureau of Diplomatic Security, Office of Foreign Missions, United States Department of State.

C. The provisions of this section do not prohibit or limit the application of any law regarding a criminal or motor vehicle violation by any person who has or claims immunities or privileges under Title 22, Chapter 6 of the United States Code.

D. If any provision of this section or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 6-212.2, as last amended by Section 2, Chapter 189, O.S.L. 2000 (47 O.S. Supp. 2000, Section 6-212.2), is amended to read as follows:

Section 6-212.2 A. Whenever the records of the Department of Public Safety reflect a conviction of a person pursuant to Section 11-902 of this title or an alcohol- or drug-related revocation or suspension of the driving privileges of that person pursuant to the provisions of paragraph 2 or 6 of subsection A of Section 6-205 or to Section 6-205.1, 6-206, 753, 754 or 761 of this title, the person shall participate in an alcohol and drug substance abuse evaluation program offered by a facility or qualified practitioner certified by the Department of Mental Health and Substance Abuse Services for the purpose of evaluating the person's receptivity to treatment and prognosis. The person shall enroll, attend and successfully complete an alcohol and drug substance abuse course offered by an institution or organization certified by the Department of Mental Health and Substance Abuse Services to conduct such courses. For a second or subsequent offense, the alcohol and drug substance abuse course shall consist of at least twenty-four (24) hours of instruction and shall conform with the provisions of subsection G of Section 3-453 of Title 43A of the Oklahoma Statutes. ~~Persons under twenty-one (21) years of age shall be required to attend and successfully complete an alcohol and drug substance abuse course developed specifically to address the needs of young persons and offered by an institution or organization certified by the Department of Mental Health and Substance Abuse Services to conduct~~

~~such courses.~~ No citizen shall be compelled to travel more than fifty (50) miles from the citizen's place of residence to attend a course or evaluation program required herein. As used in this subsection, "qualified practitioner" means a person with at least a bachelor's degree in substance abuse treatment, mental health or a related health care field and at least two (2) years' experience in providing alcohol abuse treatment, other drug abuse treatment, or both alcohol and other drug abuse treatment, who is certified each year by the Department of Mental Health and Substance Abuse Services to provide such assessments. For purposes of this subsection, the requirement for alcohol and drug substance abuse evaluation shall be considered satisfied if the person is evaluated by a qualified practitioner or facility certified for that purpose and a report of such evaluation is presented to the court prior to sentencing.

B. The requirements of subsection A of this section shall be a condition for reinstatement of driving privileges, in addition to other conditions for driving privilege reinstatement provided by law.

SECTION 5. This act shall become effective November 1, 2001.

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