STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1899 By: Nance

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 2001, Sections 6-106, as last amended by Section 5, Chapter 392, O.S.L. 2003, 6-110, as amended by Section 1, Chapter 386, O.S.L. 2002, 6-110.1, as amended by Section 6, Chapter 392, O.S.L. 2003 and 6-111, as amended by Section 7, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2003, Sections 6-106, 6-110, 6-110.1 and 6-111), which relate to issuance, expiration, and renewal of driver licenses; modifying driver license application process for certain persons; requiring certain persons to provide criminal history record; deleting authorization for certified driver education instructors to administer certain tests; providing notice of ineligibility for certain endorsement; establishing period of time for compliance; deleting exception for commercial driver license requirements; amending 47 O.S. 2001, Sections 6-201, as last amended by Section 12, Chapter 392, O.S.L. 2003, 6-205, as amended by Section 14, Chapter 392, O.S.L. 2003 and 6-205.2, as last amended by Section 15, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2003, Sections 6-201, 6-205 and 6-205.2), which relate to cancellation, suspension, or revocation of licenses; providing for the cancellation or denial of driver license under certain circumstances; modifying requirement for release; stating period of revocation for certain offenses; providing for the disqualification of certain persons under certain circumstances; deleting certain disqualifying offenses; expanding definition to include certain offenses; amending 47 O.S. 2001, Section 6-301, as last amended by Section 18, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2003, Section 6-301), which relates to violation of license provisions; expanding certain prohibited items; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-106, as last amended by Section 5, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2003, Section 6-106), is amended to read as follows:

Section 6-106. A. 1. Every application for a driver license or identification card shall be made by the applicant upon a form furnished by the Department of Public Safety.

2. Every original, renewal, or replacement application for a driver license or identification card made by ~~an~~ a male applicant who is ~~a male~~ at least sixteen (16) but less than twenty-six (26) years of age shall include a statement that by submitting the application, the applicant is consenting to registration with the Selective Service System~~, if~~. The pertinent information from the application shall be forwarded by the Department to the Data Management Center of the Selective Service System in order to register the applicant ~~is~~ as required by law ~~to register~~, with the Selective Service System. ~~The information necessary to register persons required to do so with the Selective Service System shall be transmitted electronically via magnetic tape on a regular basis by the Department of Public Safety to the Data Management Center of the Selective Service System~~ Any applicant refusing to sign the consent statement shall be denied a driver license or identification card.

3. Every applicant for a driver license or identification card 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. A brief description of the applicant, as determined by the Department;

8. 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;

9. Whether the applicant is an alien eligible to be considered for licensure and is not prohibited from licensure pursuant to paragraph 9 of subsection A of Section 6-103 of this title; and

10. Social security number.

No person shall request the Department to use the social security number of that person as the driver license 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. <u>In addition to the requirements of subsections A and B of this section, every applicant for a commercial driver license with a hazardous materials endorsement shall submit to the Department a current criminal history record from the Oklahoma State Bureau of Investigation or the Federal Bureau of Investigation which shall be used to determine whether the applicant is eligible for such endorsement pursuant to federal law and regulation.</u>

<u>D.</u> 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.~~ E. Whenever the Department receives a request for a driving record from another licensing jurisdiction, the record shall be forwarded without charge.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-110, as amended by Section 1, Chapter 386, O.S.L. 2002 (47 O.S. Supp. 2003, Section 6-110), is amended to read as follows:

Section 6-110. A. 1. The Department of Public Safety shall examine every applicant for an original Class A, B, C or D license and for any endorsements thereon, except as otherwise provided in Sections 6-101 through 6-309 of this title or as provided in paragraph 2 of this subsection or in subsection D of this section. Such examination shall include a test of the applicant's:

a. eyesight,

b. ability to read and understand highway signs regulating, warning and directing traffic,

c. knowledge of the traffic laws of this state, and

d. ability, by actual demonstration, to exercise ordinary and reasonable control in the operation of a motor vehicle. The actual demonstration shall be conducted in the type of motor vehicle for the class of driver license being applied for.

Any licensee seeking to apply for a driver license of another class which is not covered by the licensee's current driver license shall be considered an applicant for an original license for that class.

2. The Department of Public Safety shall have the authority to waive the requirement of any part of the examination required in

paragraph 1 of this subsection for those applicants who surrender a valid unexpired driver license issued by any state or country for the same type or types of vehicles, provided that the applicant's driving record meets the standards set by the Department of Public Safety.

3. All applicants requiring a hazardous materials endorsement shall be required, for the renewal of the endorsement, to successfully complete the examination ~~for the renewal of such endorsement~~ and to submit to the Department a current criminal history record from the Oklahoma State Bureau of Investigation or the Federal Bureau of Investigation which shall be used to determine whether the applicant is eligible for renewal of the endorsement pursuant to federal law and regulation.

4. The Department of Public Safety shall give the complete examination as provided for in this section within thirty (30) days from the date the application is received, and the examination shall be given at a location within one hundred (100) miles of the residence of the applicant. The Department shall make every effort to make the examination locations and times convenient for applicants. The Department shall consider giving the examination at various school sites if the district board of education for the district in which the site is located agrees and if economically feasible and practicable.

5. The Department of Public Safety shall provide an alternative method of testing for an applicant for a Class D driver license who is eighteen (18) years of age or older and who can only understand Spanish, subject to the availability of funds. The Department may limit the number of testing sites where the examination in Spanish may be administered.

B. Any person holding a valid Oklahoma Class D license and applying for a Class A, B or C commercial license shall be required

to successfully complete all examinations as required for the specified class.

C. Except as provided in subsection E of Section 6-101 of this title, any person holding a valid Oklahoma Class A, B or C commercial license shall, upon time for renewal thereof, be entitled to a Class D license without any type of testing or examination, except for any endorsements thereon as otherwise provided for by Section 6-110.1 of this title.

~~D. Under the direction of the Department of Public Safety, any certified driver education instructor may administer the written portion of the Oklahoma driving examination as required for a driver education course or Class D license. The required driving skills portion of the Oklahoma driving examination may be given by such certified driver education instructor to a student who has successfully completed one of the following:~~

~~1. A prescribed secondary school driver education course, as defined by Section 19-113 et seq. 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~~

~~3. A commercial driver training course, as defined by Sections 801 through 808 of this title.~~

SECTION 3. AMENDATORY 47 O.S. 2001, Section 6-110.1, as amended by Section 6, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2003, Section 6-110.1), is amended to read as follows:

Section 6-110.1 A. The following endorsements shall be placed on an Oklahoma driver license to any person qualifying therefore as determined by the Department of Public Safety.

| Endorsement | Authorizes the operation of: |
|---|---|
| "H" | A non-tank-type vehicle used to transport hazardous materials in |

placardable amounts pursuant to 49 C.F.R., Part 172, subpart F;

"M" A motorcycle;

"N" A tank vehicle as defined in Section 1-173.1 of this title;

"P" A vehicle designed by the manufacturer to transport sixteen or more passengers, including the driver;

"S" A school bus;

"T" A vehicle with double or triple trailers;

"X" A tank vehicle used to transport hazardous materials in placardable amounts pursuant to 49 C.F.R., Part 172, subpart F.

B. The Department may also provide for additional endorsements as may be needed or as otherwise provided for by law.

C. All endorsements as provided for in this section must be obtained prior to the operation of such vehicles. However, the requirement for a hazardous materials endorsement is not required for the operation of farm vehicles used to transport pesticides, fertilizers, or other products integral to farming, but which are defined as hazardous materials. <u>If, after obtaining a hazardous material endorsement, a person becomes ineligible for the hazardous material endorsement pursuant to state or federal law, or both, or any regulation, the Department of Public Safety shall provide notice as provided in Section 2-116 of this title. A person will have thirty (30) days from the date of the notice to appear at a designated testing facility to apply and be issued a commercial driver license without the endorsement. Failure to comply within the required time shall be grounds for the Department of Public</u>

Safety to disqualify the commercial driver license of the person until compliance has been met.

SECTION 4. AMENDATORY 47 O.S. 2001, Section 6-111, as amended by Section 7, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2003, 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 therefore 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. The photograph or image shall depict a full front unobstructed view of the entire face of the licensee or cardholder. When any person is issued both a driver license and an identification card, the Department shall ensure the information on both the license and the card are the same, unless otherwise provided by law.

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 identifying the licensee or cardholder as deaf or hard-of-hearing.

4. 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. 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 a person applying for a renewal or replacement Class D license or identification card who satisfactorily demonstrates to the Department the inability to appear personally to be photographed, because the person is not in the state at the time of renewal or at a time a replacement is required by the person, may be issued a license or card bearing the words "Valid Without Photo"; provided, immediately upon returning to Oklahoma, the person shall obtain a replacement license or card, as applicable, which contains and displays a photograph or computerized image of the person.

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 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 5. AMENDATORY 47 O.S. 2001, Section 6-201, as last amended by Section 12, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2003, Section 6-201), is amended to read as follows:

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

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

2. Failed to give the required or correct information in the application.

Upon such cancellation or denial, the person to whom the license or card was issued shall surrender the license or card so canceled to the Department. The person may apply for a valid driver license or

identification card, if the person is otherwise eligible. Any person whose driving privilege is canceled or denied under the provisions of this subsection shall have the right to an appeal as provided in Section 6-211 of this title.

B. Upon determination by the Department that any person:

1. Used fraudulent information to apply for or obtain a driver license or identification card;

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

3. Committed or aided another person in the commission of any act provided in subparagraph a, b, c, d, e, or f of paragraph 2 of Section 6-301 of this title, the Department shall revoke the person's driving privilege for a period of sixty (60) days for a first determination. For a second or subsequent determination by the Department under paragraph 1, 2 or 3 of this subsection, the person's driving privilege shall be revoked for a period of six (6) months. Such periods shall not be subject to modification. Upon such revocation, the person to whom the license or card was issued shall surrender the license or card to the Department. The person may apply for a valid identification card, if the person is otherwise eligible.

C. A determination, as provided for in subsection B of this section, shall include:

1. A conviction in any court, when the conviction becomes final; or

2. The findings of an investigation by the Driver License Fraud Unit of the Oklahoma Highway Patrol Division of the Department of Public Safety.

D. Any person whose driving privilege is revoked under the provisions of subsection B of this section ~~shall~~ may be required to obtain a release from the Driver License Fraud Unit of the

Department before being considered for reinstatement of driving privileges.

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

SECTION 6. AMENDATORY 47 O.S. 2001, Section 6-205, as amended by Section 14, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2003, Section 6-205), is amended to read as follows:

Section 6-205. A. The Department of Public Safety shall immediately revoke the driving privilege of any person, whether adult or juvenile, upon receiving a record of conviction in any municipal, state or federal court within the United States of any of the following offenses, when such conviction has become final:

1. Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

2. Driving or being in actual physical control of a motor vehicle while under the influence of alcohol, any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, any violation of paragraph 1, 2, 3 or 4 of subsection A of Section 11-902 of this title or any violation of Section 11-906.4 of this title. However, the Department shall not additionally revoke the driving privileges of the person pursuant to this subsection if the person's driving privilege has been revoked because of a test result or test refusal pursuant to Section 753 or 754 of this title arising from the same circumstances which resulted in the conviction unless the revocation because of a test result or test refusal is set aside;

3. Any felony during the commission of which a motor vehicle is used;

4. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

5. Perjury or the making of a false affidavit or statement under oath to the Department under the Uniform Vehicle Code or under any other law relating to the ownership or operation of motor vehicles;

6. A misdemeanor or felony conviction for unlawfully possessing, distributing, dispensing, manufacturing or trafficking in a controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act;

7. Failure to pay for gasoline pumped into a vehicle pursuant to Section 1740 of Title 21 of the Oklahoma Statutes; or

8. A conviction for a violation of paragraph 3 of subsection A of Section 1151 of this title.

B. The first license revocation under any provision of this section, except for paragraph 2, 6, 7 or 8 of subsection A of this section, shall be for a period of one (1) year. Such period shall not be modified.

C. A license revocation under any provision of this section, except for paragraph 2, 6, 7 or 8 of subsection A of this section, shall be for a period of three (3) years if a prior revocation under this section, except under paragraph 2 of subsection A of this section, commenced within the preceding five-year period as shown by the Department's record. Such period shall not be modified.

D. The period of license revocation under paragraph 2 or 6 of subsection A of this section shall be governed by the provisions of Section 6-205.1 of this title.

E. The first license revocation under paragraph 7 ~~or 8~~ of subsection A of this section shall be for a period of six (6) months. A second or subsequent license revocation under paragraph 7 ~~or 8~~ of subsection A of this section shall be for a period of one (1) year. Such periods shall not be modified.

F. The period of license revocation under paragraph 8 of subsection A of this section shall be effective until the person

provides to the Department proof of registration of the vehicle in Oklahoma or proof that the person no longer owns the vehicle.

SECTION 7. AMENDATORY 47 O.S. 2001, Section 6-205.2, as last amended by Section 15, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2003, Section 6-205.2), is amended to read as follows:

Section 6-205.2 A. As used in this section, "conviction" means:

1. A nonvacated adjudication of guilt;

2. A determination that a person has violated or failed to comply with this section in any court or by the Department of Public Safety following an administrative determination under the provisions of Section 230.6 or 754 of this title;

3. A nonvacated forfeiture of bail or collateral deposited to secure a person's appearance in court;

4. The payment of any fine and court costs; or

5. A violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

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

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

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

required by the state in which the arrest occurred, while operating a Class A, B or C commercial motor vehicle, or, if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

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

4. Knowingly failing to stop and render aid as required under the laws of this state in the event of a motor vehicle collision which occurs while operating a Class A, B or C commercial motor vehicle, or, if the person is the holder of a commercial driver license, committing the offense while operating any vehicle; or

5. Any felony during the commission of which a Class A, B or C commercial motor vehicle is used, except a felony involving the manufacture, distribution or dispensation of a controlled dangerous substance, or, if the person is the holder of a commercial driver license, committing the offense while operating any vehicle.

C. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for a period of not less than three (3) years upon receiving a record of conviction of any of the ~~following~~ disqualifying offenses described in subsection B of this section, committed in connection with the operation of a motor vehicle which is required to be placarded for

hazardous materials under 49 C.F.R., Part 172, subpart F, when such conviction has become final~~:~~

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

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

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

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

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

D. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving a record of conviction in any court of any of the ~~following~~ disqualifying offenses described in subsection B of this

section after a former conviction of any of the following disqualifying offenses, when such second conviction has become final~~:~~

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

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

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

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

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

The Department of Public Safety may promulgate rules establishing conditions under which a disqualification for life pursuant to the provisions of this subsection may be reduced to a

period of not less than ten (10) years provided a previous lifetime disqualification has not been reduced.

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

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

1. Speeding fifteen (15) miles per hour or more over the limit;

2. Reckless driving;

3. Any traffic offense committed that results in or in conjunction with a motor vehicle collision resulting in a fatality;

4. Erratic or unsafe lane changes;

5. Following too close;

6. Failure to obtain a commercial driver license;

7. Failure to have in possession of the person a commercial driver license; or

8. Failure to have:

a. the proper class of commercial driver license for the class of vehicle being operated,

b. the proper endorsement or endorsements for the type of vehicle being operated, including but not limited to, passengers or type of cargo being transported, or

c. both proper class and proper endorsement, as provided in subparagraphs a and b of this paragraph.

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

1. The first conviction shall result in a ninety-day disqualification;

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

3. The third or subsequent conviction within ten (10) years shall result in a three-year disqualification.

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

1. The first conviction shall result in a one-year disqualification; and

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

I. Upon determination by the Department that fraudulent information was used to apply for or obtain a Class A, B or C driver license, the Department shall disqualify the driving privilege of the applicant or licensee for a period of sixty (60) days.

J. Any person who drives a Class A, B or C commercial motor vehicle on any public roads, streets, highways, turnpikes or any other public place of this state at a time when such person has been disqualified or when the privilege to do so is canceled, denied, suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars ($100.00) and not more than Five Hundred Dollars ($500.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. Each act of driving as prohibited shall constitute a separate offense.

K. Upon the receipt of the record of a conviction of a person of a railroad highway grade crossing offense in a commercial motor vehicle, or, if the person is the holder of a commercial driver license, committing the offense while operating any vehicle, pursuant to Sections 11-701 or 11-702 of this title or Section 11-1115 of this title, or upon receipt of an equivalent conviction from any state, when the conviction becomes final, the Department shall disqualify the driving privileges of the person convicted as follows:

1. The first conviction shall result in disqualification for sixty (60) days;

2. The second conviction within three (3) years shall result in disqualification for one hundred twenty (120) days; and

3. The third or subsequent conviction within three (3) years shall result in disqualification for one (1) year.

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

M. When any such record of conviction, as specified in this section, is received by the Department and pertains to a nonresident operator of a Class A, B or C commercial motor vehicle, <u>or, if the nonresident operator is the holder of a commercial driver license, a record of the conviction pertaining to the nonresident operator of any vehicle,</u> the Department shall not disqualify the person and shall report such conviction to the licensing jurisdiction in which the nonresident's license to operate such commercial vehicle was issued.

N. Any person who is disqualified from driving under the provisions of this section shall have the right of appeal, as provided in Section 6-211 of this title.

SECTION 8. AMENDATORY 47 O.S. 2001, Section 6-301, as last amended by Section 18, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2003, 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 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,

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, or

h. to add to, delete from, alter, or deface the required information on a driver license or identification card.

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<u>, card, laminate, digital image or file, or software</u> 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 9. This provisions of Section 7 of this act shall become effective September 30, 2005.

SECTION 10. This act shall become effective November 1, 2004.

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