STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 704 By: Laughlin

COMMITTEE SUBSTITUTE

[motor vehicles - suspension of driving privilege - restricted driver license - modifying fees - alien driver license - repealing duplicate sections - effective date -

emergency]

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

SECTION 1. AMENDATORY 22 O.S. 2001, Section 1115.5, is amended to read as follows:

Section 1115.5 A. 1. Following receipt of notification and a request for driving privilege suspension from a municipal or district court clerk as provided for in Section 1115.1 of this title, the Department of Public Safety shall:

a. suspend the person's privilege to operate a motor vehicle in this state; or

b. request suspension of the person's driving privilege in the state which issued the license as provided by the Nonresident Violator Compact.

~~If the driving privilege is suspended in this state, such suspension shall remain in effect until the person meets~~ A person whose license is subject to suspension pursuant to this section may avoid the effective date of the suspension or, if suspended, shall be eligible for reinstatement, if otherwise eligible, upon meeting the requirements of subsection C of this section.

2. The Department of Public Safety may decline to initiate such suspension action if the request is discovered to be improper or questionable.

3. The Department shall not be required to issue more than one suspension of a person's driving privilege in the event multiple requests for suspensions are received from a court clerk based upon the failure of the person to appear at a particular time and date on multiple charges.

B. Following receipt of a request from another jurisdiction for the suspension of the driving privilege of an Oklahoma resident as provided by the Nonresident Violator Compact, the Department of Public Safety, if the request appears to be valid, shall initiate suspension of the person's privilege to operate a motor vehicle in this state. If suspended, such suspension shall remain in effect until the person meets the requirements of subsection C of this section.

C. 1. A person whose license is subject to suspension in this state pursuant to the provisions of this section may avoid the effective date of suspension, or if suspended in this state, shall be eligible for reinstatement, if otherwise eligible, upon:

a. making application therefore to the Department of Public Safety, and

b. showing proof from the court or court clerk that ~~he~~ the person has entered an appearance in the case which was the basis for the suspension action and was released by the court as provided for by the Nonresident Violator Compact or consistent provisions, and

c. submitting with the application the fees, as provided for in Section 6-212 of Title 47 of the Oklahoma Statutes. The fees shall be remitted to the State

Treasurer to be credited to the General Revenue Fund of the State Treasury;

2. Upon reinstatement, the Department of Public Safety may remove any record of the suspension and reinstatement as provided for in this section from the individual licensee's file and maintain an internal record of the suspension and reinstatement for fiscal and other purposes.

D. Any person whose driving privilege is suspended or subject to suspension in this state pursuant to the provisions of this section, at any time, may informally present specific reasons or documentation to the Department of Public Safety to show that such suspension may be unwarranted. The Department of Public Safety may stay the suspension or suspension action pending receipt of further information or documentation from the person or from the jurisdiction requesting such suspension, or pending review of the record, or other inquiry. If the Department of Public Safety determines the suspension is unwarranted, the suspension action shall be withdrawn or vacated without the requirement of a processing fee and a reinstatement fee and the Department of Public Safety shall accordingly notify the jurisdiction which requested the suspension. If, however, the request for suspension appears valid, the Department of Public Safety shall proceed with suspension of the person's driving privilege and the person shall have the right to appeal as provided for by Section 6-211 of Title 47 of the Oklahoma Statutes. Provided however, the court shall not consider modification, but shall either sustain or vacate the Department of Public Safety's order of suspension based upon the records on file with the Department of Public Safety, the law and other relevant evidence.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-101, as amended by Section 4, Chapter 474, O.S.L. 2002 (47 O.S. Supp. 2002, Section 6-101), 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. A court shall not have the authority to order the Department of Public Safety to issue a driver license or identification card to any person unless the person has met all lawful requirements for the issuance of such license or card.

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)~~ eighteen (18) years of age or older 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~~ of not more than four (4) years; 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~~	$26.00
Class B Commercial License	~~$15.00~~	$16.00
Class C Commercial License	~~$15.00~~	$16.00
Class D License	~~$ 4.00~~	$5.00
Motorcycle Endorsement	~~$ 4.00~~	$5.00

2. Notwithstanding the provisions of Section 1104 of this title, ~~all monies~~ of each fee 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~~:

a. One Dollar ($1.00) shall be deposited into the Department of Public Safety Revolving Fund,

b. the remaining monies of each fee charged for a Class A, B, or C commercial license shall be deposited into the General Revenue Fund of this state, and

c. the remaining monies of each fee charge for a Class D license or a motorcycle endorsement shall be apportioned as provided in Section 1104 of this title.

H. The fee charged for any failed examination shall be ~~Four Dollars ($4.00)~~ Five Dollars ($5.00) for any license classification. Notwithstanding the provisions of Section 1104 of this title~~, all monies~~ of each fee collected ~~from such examination fees~~ pursuant to the provisions of this subsection ~~shall be deposited in the General Revenue Fund of this state~~:

a. One Dollar ($1.00) shall be deposited in the Department of Public Safety Revolving Fund, and

b. the remaining monies shall be deposited in the General Revenue Fund of this state.

I. 1. ~~Until~~ After January 1, 2003 and 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~~	$40.50
Class B Commercial License	~~$39.00~~	$40.50
Class C Commercial License	~~$29.00~~	$30.50
Class D License	~~$19.00~~	$20.50

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

a. ~~Four Dollars ($4.00)~~ Five Dollars and fifty cents ($5.50) shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 330.97 of Title 63 of the Oklahoma Statutes, and

b. Five Dollars and seventy-five cents ($5.75) 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.

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:

Class A Commercial License	~~$40.00~~	$41.50
Class B Commercial License	~~$40.00~~	$41.50
Class C Commercial License	~~$30.00~~	$31.50
Class D License	~~$20.00~~	$21.50

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)~~ Five Dollars and fifty cents ($5.50) shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 330.97 of Title 63 of the Oklahoma Statutes, and

b. Six Dollars and seventy-five cents ($6.75) 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 no more than four (4) years from the last day of the month in which the license was issued, as provided by law.

K. Any person sixty-two (62) years of age or older during the calendar year of issuance 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 3. AMENDATORY 47 O.S. 2001, Section 6-103, as amended by Section 1, Chapter 114, O.S.L. 2002 (47 O.S. Supp. 2002, Section 6-103), is amended to read as follows:

Section 6-103. A. Except as otherwise provided by law, the Department of Public Safety shall not issue a driver license to:

1. Any person who is under eighteen (18) years of age, except that the Department may issue a Class D license to any person who attains sixteen (16) years of age on or after August 15, 2000, and meets the requirements of Sections 6-105 and 6-107.3 of this title;

2. Any unemancipated person who is under eighteen (18) years of age and whose custodial parent or guardian objects to the issuance of a license or permit by filing an objection pursuant to Section 6-103.1 of this title;

3. Any person whose driving privilege has been suspended, revoked, canceled or denied in this state or any other state <u>or country</u> until the driving privilege has been reinstated by the state <u>or country</u> withdrawing the privilege<u>. A court shall not have the authority to order the Department of Public Safety to issue a driver license or identification card to such person until the person has</u>

met all lawful requirements for the issuance of such license or card;

4. Any person ~~whose driving privilege has been revoked for a period of three (3) years pursuant to the provisions of paragraph 4 of subsection A of Section 6-205.1 of this title, until the passage of the three-year period~~ who is classified as an excessive user of alcohol, any other intoxicating substance, or a combination of alcohol and any other intoxicating substance and is determined by the Department to be a hazard to public safety, in accordance with rules promulgated by the Department, until all requirements granting or reinstatement of driving privileges are met, including but not limited to abstinence from the use of alcohol, any other intoxicating substance, or combination of alcohol and any other intoxicating substance for a minimum of twelve (12) months immediately preceding application for or application for reinstatement of driving privileges;

5. Any person who is required by Section 6-101 et seq. of this title to take an examination, unless the person shall have successfully passed the examination;

6. Any person who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;

7. Any person who is physically deformed or who is afflicted with any mental disease or physical condition that would impair the driving ability of the person or when the Commissioner of Public Safety, from information concerning the person or from the records and reports on file in the Department of Public Safety, determines that the operation of a motor vehicle by such person on the highways would be inimical to public safety or welfare;

8. Any person who is a nonresident, as defined in Section 1-137 of this title;

9. Any alien unless such person presents valid documentation of identity and authorization for presence in the United States issued pursuant to the laws of the United States; provided, no license shall be issued to any alien whose documentation indicates the alien is a visitor or is not eligible to establish residency; ~~or~~

10. Any person who possesses a valid license to operate a motor vehicle issued by another state until the other state license has been surrendered; or

11. Any person who is an abuser and who is dependent upon or addicted to alcohol, another drug or drugs, or a combination of alcohol and another drug or drugs which may effect the ability of the person to safely operate a motor vehicle.

B. Any applicant who is denied a license under the provisions of subsection A of this section shall have the right to an appeal as provided in Section 6-211 of this title.

SECTION 4. AMENDATORY 47 O.S. 2001, Section 6-106, as amended by Section 2, Chapter 114, O.S.L. 2002 (47 O.S. Supp. 2002, Section 6-106), is amended to read as follows:

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 application for a driver license made by an applicant who is a male 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 applicant is 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. 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.~~ 7. A brief description of the applicant, as determined by the Department;

~~9.~~ 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; ~~and~~

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. 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 5. AMENDATORY 47 O.S. 2001, 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's license to any person qualifying therefore as determined by the Department of Public Safety.

Endorsement	Authorizes the operation of:
"H"	A ~~no~~ 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.

SECTION 6. AMENDATORY 47 O.S. 2001, 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. 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~~, 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 or by other printed means the licensee or cardholder as deaf or hard-of-hearing or 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. 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 7. AMENDATORY 47 O.S. 2001, 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. <u>If the licensee is an alien, the licensee shall appear before a driver license examiner of the Department and, after furnishing primary and secondary proofs of identity as required in this section, shall be issued a replacement driver license for a period which does not exceed the lesser of the expiration date of the license being replaced or the expiration date on the valid</u>

documentation authorizing the presence of the applicant of licensee in the United States, as required by paragraph 9 of subsection A of Section 6-103 of this title.

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 8. AMENDATORY 47 O.S. 2001, Section 6-115, is amended to read as follows:

Section 6-115. A. Every driver license shall be issued for a period of no more than four (4) years; provided, if the applicant or licensee is an alien, the license shall be issued for a period which does not exceed the lesser of four (4) years or the expiration date

on the valid documentation authorizing the presence of the applicant or licensee in the United States, as required by paragraph 9 of subsection A of Section 6-103 of this title.

B. The expiration date of an initial license shall be no more than four (4) years from the last day of the month of issuance or no more than 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.

C. The expiration date of a renewal license shall be no more than four (4) years from the last day of the month of expiration of the previous license or no more than 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.

D. Every ~~such~~ driver license shall be renewable by the licensee upon application to either the Department of Public Safety or a motor license agent, furnishing both primary and secondary proofs of identity, and payment of the required fee, if the person is otherwise eligible for renewal. If the licensee is an alien, the licensee shall appear before a driver license examiner of the Department and, after furnishing primary and secondary proofs of identity as required in this section, shall be issued a renewal driver license for a period which does not exceed the lesser of four (4) years or the expiration date on the valid documentation authorizing the presence of the applicant or licensee in the United States, as required by paragraph 9 of subsection A of Section 6-103 of this title.

E. 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.

F. The Department of Public Safety shall promulgate rules prescribing forms of primary and secondary identification acceptable for the renewal of an Oklahoma driver license.

SECTION 9. AMENDATORY 47 O.S. 2001, Section 6-118, is amended to read as follows:

Section 6-118. A. There is hereby created a Driver's License Medical Advisory Committee whose membership~~, beginning January 1, 1991,~~ shall be composed of two members appointed by the State Commissioner of ~~Public~~ Health, two members appointed by the Commissioner of Public Safety, one member appointed by the Governor, one member appointed by the President Pro Tempore of the Senate, and one member appointed by the Speaker of the House of Representatives. ~~The terms of the present members of the committee shall expire on January 1, 1991. Beginning January 1, 1991, one~~ One member appointed by the State Commissioner of Public Health, one member appointed by the Commissioner of Public Safety and the member appointed by the Governor shall each serve two (2) years and one member appointed by the State Commissioner of Public Health, one member appointed by the Commissioner of Public Safety, the member appointed by the President Pro Tempore of the Senate and the member appointed by the Speaker of the House of Representatives shall each serve three (3) years. The terms of the seven (7) members of the committee shall expire on the first day of January of the year in which the term of each member expires. The personnel of the Board shall include but not be limited to, an internist, vision specialist, orthopedic surgeon, neurologist, and psychiatrist. Members of the Committee shall serve in the interest of public health, safety and welfare, without compensation for their services. The Committee shall meet from time to time as its duties may require, or when called by the Commissioner of Public Safety. The Commissioner is authorized to use appropriated funds for meal expenses related to such meetings. The Committee may use additional

medical doctors, psychologists or medical support specialists and delegate the authority to act and recommend action on behalf of the Committee when such delegation is approved by the Commissioner of Public Safety.

B. The Committee shall recommend standards for determining the physical, emotional and mental capacity of applicants for driver's licenses and holders of driver's licenses, and submit the recommended standards to the Commissioner of Public Safety for adoption. The Commissioner shall also solicit input on the recommended standards from select medical professional organizations including, but not limited to, the American Diabetes Association and the American Heart Association before adopting such standards. In cases of ailment or disability not specifically covered by the adopted standards, the Committee may consider each case or delegate consideration of the case to its selected representative and may consider the individual's own compensating abilities in making its recommendations to the Department of Public Safety.

C. The Commissioner of Public Safety shall give due consideration to the findings and recommendations of the Committee, which may be used, together with other available information, in determining the applicant's or licensee's ability to operate a motor vehicle with a reasonable degree of safety and in accordance with established standards of the Department of Public Safety. The Department may require physical, psychological, vision, written or driving tests when necessary to make a determination pursuant to this section. Such findings and recommendations shall be considered with other evidence in determining whether the license should be canceled or denied.

D. Any person whose driver's license is canceled or who is denied a driver's license under the provisions of this section shall have the right to an appeal as provided for in Section 6-211 of this title. The findings and recommendations of the Committee or its

selected representative, in written or oral form shall be admissible as evidence and shall be considered by the court in determining whether the action of the Department was justified.

E. Members of the Driver's License Medical Advisory Committee or its selected representative shall not be held liable for their requested standards, opinions and recommendations presented in good faith, for consideration by the Department of Public Safety or consideration by the court.

SECTION 10. AMENDATORY 47 O.S. 2001, Section 6-122, is amended to read as follows:

Section 6-122. The Department of Public Safety shall develop procedures whereby driver licenses issued under the provisions of Section 6-101 et seq. of this title may be renewed by mail ~~and a picture may be used~~ except for licenses to be renewed by aliens as prescribed by subsection D of Section 6-115 of this title. Any license issued pursuant to this section shall be valid for a period of at least four (4) years.

SECTION 11. AMENDATORY 47 O.S. 2001, Section 6-201, as amended by Section 18, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2002, 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, ~~or~~ 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 ~~period~~ 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. Any person whose driving privilege is revoked under the provisions of subsection B of this section shall obtain a release from the Driver License Fraud Unit of the Department before being considered for reinstatement of driving privileges.

D. 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 12. AMENDATORY 47 O.S. 2001, Section 6-201.1, is amended to read as follows:

Section 6-201.1 A. In addition to other qualifications and conditions established by law, the driving privilege of an individual is subject to the requirements of this section.

B. Upon receipt of an order from a court or from the Office of Administrative Hearings: Child Support of the Department of Human Services, hereinafter referred to as "OAH", that a person obligated to pay child support who owns or operates a motor vehicle is not in compliance with an order for support, the Commissioner of Public Safety shall revoke the person's driving privilege.

C. 1. Whenever a court or the OAH finds that a person is not in compliance with an order of child support, the court or the OAH, as applicable, shall require the person to surrender to it the driver license held by the person and shall forward to the Department of Public Safety an order to revoke the driving privilege of the person, together with any driver license surrendered to the court or OAH. An order of the court or the OAH, as applicable, to revoke a person's driving privilege for noncompliance with an order of support shall be upon a Notification of Revocation form prescribed by the Department of Public Safety. The Department of Public Safety shall prepare and distribute the Notification form to be used by the courts and the OAH.

2. In addition to the Department of Public Safety, the court or the OAH, as applicable, shall send a copy of the Notification of Revocation to the person obligated to pay child support by first class, postage prepaid mail. The Notification shall:

a. include the name, address, date of birth, physical description and, if known, the driver license number of the person,

b. require the Department to revoke the driving privilege of the person required to pay child support,

c. require the Department to not reinstate the person's driving privilege until:

(1) the court or the OAH issues a release that states such person is in compliance with the order of support or until a court or the OAH otherwise

authorizes reinstatement of the person's driving privilege, and

(2) the person has paid to the Department the fees required by Section 6-212 of this title and has met all other statutory requirements for reinstatement of the person's driving privilege;

d. specify the reason and statutory ground for the revocation and the effective date of the revocation;

e. inform the person that in order to apply for reinstatement of the person's driving privilege, the person must obtain a release from the OAH or the court, as applicable; and

f. inform the person that the person may file a petition for judicial review of the Notification of Revocation in district court within thirty (30) days after receipt of the Notification.

D. Upon receipt of the Notification of Revocation from a court or the OAH, as applicable, that a person obligated to pay child support is not in compliance with an order of support, the Department shall, in addition to any other authority to withdraw driving privileges, revoke the driving privilege of the person named in the Notification without hearing.

E. 1. The court or the OAH ~~may modify the revocation order in cases of extreme and unusual hardship when it is determined by the court or the OAH, as applicable, that no other adequate means of transportation exists for the person whose driving privilege has been revoked to allow driving in any or all of the following situations:~~

~~a. to and from a place of employment or in search of employment,~~

~~b. to and from a child care facility, providing the person is a parent or legal guardian with no other~~

~~means of transporting the child so the parent or legal guardian can maintain employment,~~

~~c. to and from a medical facility in the event of an emergency,~~

~~d. in the course of employment,~~

~~e. to and from an educational institution for the purpose of attending classes if the person is enrolled and regularly attending classes at such institution, or~~

~~f. to permit the person to comply with any existing court order.~~

~~2. The modification order shall state the circumstances under which driving is permitted.~~

~~3. Upon receipt of a written modification order from the court or the OAH, as applicable, and the payment to the Department of a modification fee of One Hundred Dollars ($100.00), the Department shall modify the revocation order as provided in the modification order. In the modification order, the Department of Public Safety shall specify the specific times of the day or night based on the circumstances set out in the order, that the person owing child support may drive. Upon the application of such person and upon a showing of good cause, such times may be modified due to employment, course of employment or other reason authorized by the Department of Public Safety~~ shall furnish a release to the Department whenever a person, whose driving privilege has been revoked pursuant to this section, has established and is complying with a payment schedule, as determined by the court or the OAH. Upon receipt of such release, the Department shall reinstate the driving privileges of the person, if the person is otherwise eligible, pursuant to Section 6-212 of this title;

2. Should the person default on the payment schedule, the court or OAH may resubmit the notice of noncompliance as provided for in this section. The court or the OAH shall furnish a release to the

Department whenever the person is once again complying with the payment schedule, as determined by the court or the OAH. Upon receipt of such release, the Department shall reinstate the driving privileges of the person, if the person is otherwise eligible, pursuant to Section 6-212 of this title; and

3. A person revoked for noncompliance due to defaulting on a payment schedule, pursuant to paragraph 2 of this subsection, shall be required to meet all statutory requirements for reinstatement of driving privileges, including but not limited to the payment of processing and reinstatement fees, as provided for in Section 6-212 of this title.

F. If the court or the OAH, as applicable, is unable to secure the surrender to it of the driver license held by the person found to be in noncompliance with an order of support, the Department, upon revoking the driving privilege of the person, shall require that the driver license held by the person be surrendered to the Department. Upon reinstatement of the person's driving privileges, as provided for by law, the person's valid and lawful driver license shall be returned to the person by the Department if the person is otherwise eligible.

SECTION 13. AMENDATORY 47 O.S. 2001, 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 ~~16~~ 11-906.4 of this ~~act~~ 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~~, Section 1-101 et seq. of this title,~~ 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~~, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes~~;

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.

SECTION 14. AMENDATORY 47 O.S. 2001, Section 6-205.2, as amended by Section 1, Chapter 169, O.S.L. 2002 (47 O.S. Supp. 2002, 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;

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.

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, 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 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, 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; or

5. Following too close.

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 pursuant to Sections 11-701 or 11-702 of this title or Section ~~3~~ 11-1115 of this ~~act~~ 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, 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 15. AMENDATORY 47 O.S. 2001, Section 6-206, is amended to read as follows:

Section 6-206. A. Whenever any person is convicted or pleads guilty in any court having jurisdiction over offenses committed

under Section 1-101 et seq. of this title, or any other act or municipal ordinance or act or ordinance of another state regulating the operation of motor vehicles on highways, such court shall make immediate report to the Department of Public Safety setting forth the name of the offender, the number of the driver license and the penalty imposed. Said report shall be submitted by the judge or the clerk of the court upon forms furnished or approved by the Department.

B. The Department, upon receipt of said report or upon receipt of a report of a conviction in another state relating to the operation of a motor vehicle, may in its discretion suspend the driving privilege of such person for such period of time as in its judgment is justified from the records of such conviction together with the records and reports on file in the Department, subject to the limitations provided in Section 6-208 of this title. Any action taken by the Department shall be in addition to the penalty imposed by the court.

C. Following receipt of a notice of any nonpayment of fine and costs for a moving traffic violation with a recommendation of suspension of driving privileges of a defendant from any court within this state, as provided for in Section 983 of Title 22 of the Oklahoma Statutes, the Department shall suspend the driving privilege of the named person after giving notice as provided in Section 2-116 of this title. ~~Such suspension shall remain in effect until the Department receives proof of payment of the total amount of fine and costs or a release by the court and receives a reinstatement fee as provided for in Section 6-212 of this title~~ A person whose license is subject to suspension pursuant to this section may avoid the effective date of the suspension or, if suspended, shall be eligible for reinstatement, if otherwise eligible, upon:

1. Making application to the Department of Public Safety;

2. Showing proof of payment of the total amount of the fine and cost or a release from the court or court clerk; and

3. Submitting the processing and reinstatement fees, as provided for in Section 6-212 of this title.

Provided, however, in cases of extreme and unusual hardship, as determined by the court, the person shall be placed on a payment plan by the court, and the court shall send a release to the Department for reinstatement purposes. The court may submit another suspension request pursuant to this section if the person fails to honor the payment plan. In such case, the Department shall again suspend the person's driving privilege for nonpayment of fine and costs for the same moving traffic violation. Upon reinstatement after suspension for nonpayment of fine and costs for a moving traffic violation the Department may remove such record of suspension from the person's driving record and retain an internal record for audit purposes.

D. Any person whose driving privilege is so suspended under the provisions of this section shall have the right of appeal, as provided in Section 6-211 of this title.

SECTION 16. AMENDATORY 47 O.S. 2001, Section 6-211, is amended to read as follows:

Section 6-211. A. Any person denied driving privileges, or whose driving privilege has been canceled, denied, suspended or revoked by the Department, except where such cancellation, denial, suspension or revocation is mandatory, under the provisions of Section 6-205 of this title, or disqualified by the Department, under the provisions of Section 6-205.2 of this title, shall have the right of appeal to the district court as hereinafter provided. Proceedings before the district court shall be exempt from the provisions of the Oklahoma Pleading and Discovery codes, except that the appeal shall be by petition, without responsive pleadings. The

district court is hereby vested with original jurisdiction to hear said petition.

B. A person whose driving privilege is denied, canceled, revoked or suspended due to inability to meet standards prescribed by law, or due to an out-of-state conviction or violation, or due to an excessive point accumulation on the traffic record, or for an unlawful license issued, may appeal in the county in which the person resides.

C. Any person whose driving privilege is canceled, denied, suspended or revoked may appeal to the district court in the county in which the offense was committed upon which the Department based its order.

D. A person whose driving privilege is revoked or denied or who is denied a hearing pursuant to Section 753 or 754 of this title may appeal to the district court in the county in which the arrest occurred relating to the test refusal or test result, as shown by the records of the Department.

E. The petition shall be filed within thirty (30) days after the order has been served upon the person, except a petition relating to an implied consent revocation shall be filed within thirty (30) days after the Department gives notice to the person that the revocation is sustained as provided in Section 754 of this title. It shall be the duty of the district court to enter an order setting the matter for hearing not less than fifteen (15) days and not more than thirty (30) days from the date the petition is filed. A certified copy of petition and order for hearing shall be served forthwith by the clerk of the court upon the Commissioner of Public Safety by certified mail at the Department of Public Safety, Oklahoma City, Oklahoma.

F. At a hearing on a revocation by the Department pursuant to the implied consent laws as provided in Sections 6-205.1, 753 and 754 of this title, the court shall not consider the merits of the

revocation action unless a written request for an administrative hearing was timely submitted to the Department and the person actually exercised the opportunity to appear as provided in Section 754 of this title and the Department entered an order sustaining the revocation.

G. Upon a hearing relating to a revocation pursuant to a conviction for an offense enumerated in Section 6-205 or 6-205.2 of this title, the court shall not consider the propriety or merits of the revocation action, except to correct the identity of the person convicted as shown by records of the Department.

H. In the event the Department declines to modify a revocation order issued pursuant to Section 753, Section 754, paragraph 2 of subsection A of Section 6-205 or Section 6-205.1 of this title, which is subject to modification pursuant to Section ~~16~~ 11-906.4 of this ~~act~~ title or Section 6-205.1 of this title, a petition for modification may be included with the appeal or separately filed at any time, and the district court may, in its discretion, modify the revocation as provided for in Section 755 of this title.

I. The court shall take testimony and examine the facts and circumstances, including all of the records on file in the office of the Department of Public Safety relative to the offense committed and the driving record of the person, and determine from the facts, circumstances, and records whether or not the petitioner is entitled to driving privileges or shall be subject to the order of denial, cancellation, suspension or revocation issued by the Department. The court may also determine whether or not, from the person's previous driving record, the order was for a longer period of time than such facts and circumstances warranted. In case the court finds that the order was not justified, the court may sustain the appeal, vacate the order of the Department and direct that driving privileges be restored to the petitioner, if otherwise eligible. The court may, in case it determines the order was justified, but

that the period of the suspension or revocation was excessive, enter an order modifying the same as provided by law.

J. The testimony of any hearing pursuant to this section shall be taken by the court stenographer and preserved for the purpose of appeal and, in case the Department files notice of appeal from the order of the court as provided herein, the court shall order and direct the court clerk to prepare and furnish a complete transcript of all pleadings and proceedings, together with a complete transcript taken at said hearing at no cost to the Department, except the cost of transcribing.

K. In order to stay or supersede any order of the Department, the petitioner may execute and file a cash appeal bond in the sum of Two Hundred Fifty Dollars ($250.00) with the clerk of the court, to be approved by the court clerk. A certified copy of the bond endorsed with the approval of the court clerk shall be served along with the notice of hearing and petition.

The bond shall be to the State of Oklahoma and conditioned that the petitioner will prosecute the appeal with due diligence and during pendency of the appeal abide by and not violate any of the laws of this state or any other state in the operation of a motor vehicle, and that the petitioner will abide by and perform the final judgment of the court therein, and in case the appeal is finally denied the appellant will pay all court costs incurred in the appeal in the district court. If the petitioner is convicted of a traffic offense during the pendency of the appeal or fails to prosecute the appeal with due diligence, the bond may be forfeited to the court fund upon application by the Department and after hearing before the court in which the appeal is pending.

L. After filing and approval of the appeal bond and the furnishing thereof to the Department as hereby provided, the Department shall restore driving privileges to the person if otherwise eligible, and the person shall be permitted to operate a

motor vehicle pending the appeal, under terms and conditions as prescribed in the bond which shall include the installation of an ignition interlock device on every motor vehicle operated by the person, pursuant to Section 754.1 or 755 of this title, if the person was denied modification pursuant to any provision of paragraph 2 of subsection A of Section 6-205 or Section 6-205.1, 753 or 754 of this title; provided, however, if the order of the Department is sustained in final judgment, the court shall, in such final judgment, enter an order extending the period of suspension or revocation for such time as the petitioner was permitted to operate motor vehicles under the provisions of an appeal bond, and the court shall also in such final judgment direct and require the immediate surrender of any driver license or licenses to the Department.

M. An appeal may be taken by the person or by the Department from the order or judgment of the district court to the Supreme Court of the State of Oklahoma as otherwise provided by law.

SECTION 17. AMENDATORY 47 O.S. 2001, Section 6-301, as amended by Section 5, Chapter 86, O.S.L. 2002 (47 O.S. Supp. 2002, 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, ~~or~~

g. to display or represent as one's own, any license or identification card not issued to such person, unless under conditions provided in subparagraph e of paragraph 2 of this section, 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 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 18. AMENDATORY 63 O.S. 2001, Section 1-317, is amended to read as follows:

Section 1-317. ~~(a)~~ A. A death certificate for each death which occurs in this state shall be filed with the local registrar of the district in which the death occurred, within three (3) days after such death and prior to burial or removal of the body; provided that,

~~(1) if~~ 1. If the place of death is unknown, a death certificate shall be filed in the registration district in which a dead body is found, within three (3) days after such occurrence; and

~~(2) if~~ 2. If death occurs in a moving conveyance a death certificate shall be filed in the registration district in which the dead body was first removed from such conveyance, and, upon written request, with the Fatality Analysis Reporting System (FARS) Analyst of the Department of Public Safety to be used to populate the federal FARS database.

~~(b)~~ B. The funeral director or person acting as such who first assumes custody of a dead body shall ~~file~~:

1. File the death certificate~~. He shall obtain the~~;

2. Obtain the personal data from the next of kin or the best qualified person or source available~~. He shall complete the~~; and

3. Complete the certificate as to personal data and deliver the certificate to the attending physician or the medical examiner responsible for completing the medical certification portion of the certificate of death within twenty-four (24) hours after the death.

~~(c)~~ C. The medical certification shall be completed and signed within forty-eight (48) hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death, except when inquiry as to the cause of death is required by Section 938 of this title.

~~(d)~~ D. In the event that the physician in charge of the patient's care for the illness or condition which resulted in death is not in attendance at the time of death, the medical certification shall be completed and signed within forty-eight (48) hours after death by the physician in attendance at the time of death, except when inquiry as to the cause of death is required by Section 938 of this title. Provided that such certification, if signed by other than the attending physician, shall note on the face the name of the attending physician and that the information shown is only as reported.

SECTION 19. AMENDATORY 74 O.S. 2001, Section 150.21a, is amended to read as follows:

Section 150.21a A. The Director of the Oklahoma State Bureau of Investigation may establish a crimes information unit within the Bureau.

B. With authorization from the Director of the Bureau, the crimes information unit or any employee of the Bureau may:

1. Investigate organized crime, criminal conspiracies, and threats of violent crime;

2. Collect information concerning the activity and identity of individuals reasonably believed to be engaged in organized crime, criminal conspiracies, or threatening violent crime;

3. Analyze collected information and disseminate such information to other law enforcement agencies for the purposes of criminal investigation and crime prevention;

4. Analyze collected information and disseminate, upon written request, selected and requested information to the Fatality Analysis Reporting System (FARS) Analyst of the Department of Public Safety to be used to populate the federal crash database;

5. Coordinate the effort of this state with local, state and federal agencies to protect its citizens against organized crime, criminal conspiracies and threats of violent crime by creating a clearinghouse of crime-related information for use by local, state and federal law enforcement agencies; and

~~5.~~ 6. Provide training to peace officers of this state concerning the legal collection, preservation and dissemination of crime-related information.

C. Release of information compiled pursuant to this section shall be prohibited except for release of information to law enforcement officers and prosecutorial authorities for the purpose of criminal investigation, criminal prosecution, and crime prevention. Unauthorized release or unauthorized use of this information shall be a misdemeanor and shall be punishable by incarceration in the county jail not exceeding one (1) year or a

fine not exceeding Fifty Thousand Dollars ($50,000.00), or by both such fine and imprisonment. As used in this section, "unauthorized release" or "unauthorized use" shall include, but not be limited to, giving the information to any person who is not a law enforcement officer unless necessitated by an ongoing criminal investigation, or release of information to a law enforcement officer who is not engaged in a criminal investigation requiring the information or who is not authorized by his or her agency to receive such information, or release of information in violation of any rules promulgated by the Bureau. Information collected and compiled under the authority of this section shall be privileged and not discoverable nor subject to subpoena or order for production issued by any court, other than production in a district court criminal proceeding for the prosecution of crimes which are the subject of the information sought. The Director of OSBI shall make a quarterly report to the OSBI Commission of all information collected and compiled under the authority of this section.

SECTION 20. REPEALER 47 O.S. 2001, Sections 6-101, as amended by Section 1, Chapter 374, O.S.L. 2002 and 6-101, as amended by Section 15, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2002, Section 6-101), are hereby repealed.

SECTION 21. This act shall become effective July 1, 2003.

SECTION 22. 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.

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