

ENROLLED SENATE
BILL NO. 257

By: Robinson of the Senate

and

Staggs and Nance of the
House

An Act relating to driver licenses; amending 38 O.S. 2001, Section 18, as amended by Section 14, Chapter 390, O.S.L. 2002 (38 O.S. Supp. 2002, Section 18), which relates to licensed drivers list for jury selection; adding county of residency to certain list; amending 47 O.S. 2001, Sections 6-106, as amended by Section 2, Chapter 114, O.S.L. 2002, 6-111, 6-116 and 6-117, as amended by Section 17, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2002, Sections 6-106 and 6-117), which relate to application for driver license, issuance of driver license, notice of change of address or name, and records to be kept by the Department of Public Safety; requiring county of residency on application for certain licenses; requiring inclusion of specified information on certain licenses; providing for notification; prohibiting certain changes without notification; requiring the Department to maintain files of certain information; and providing an effective date.

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

SECTION 1. AMENDATORY 38 O.S. 2001, Section 18, as amended by Section 14, Chapter 390, O.S.L. 2002 (38 O.S. Supp. 2002, Section 18), is amended to read as follows:

Section 18. For the purpose of ascertaining names of all persons qualified for jury service:

1. The Commissioner of Public Safety shall cause to be provided to the Administrative Director of the Courts, not later than the first day of October of each year, a list by county of residence of persons ~~whose mailing addresses are~~ who reside in the county, who are eighteen (18) years of age or older, and who are holders of a current driver license or a current identification license issued by the Department of Public Safety. The list shall contain the name, date of birth, and mailing address of each person listed. The list shall be used exclusively for jury selection purposes. The Administrative Director of the Courts and the court clerk shall not

copy or permit any person to copy the list or any portion thereof for purposes other than jury selection;

2. All names and addresses of the persons so listed under the provisions of paragraph 1 of this section shall be used thereafter in the selection of juries; provided, however, no jury panel shall be quashed because of a duplication of names;

3. The list will be furnished by the Administrative Director of the Courts to the court clerks according to the period of time prescribed by the Administrative Director of the Courts;

4. The provisions of this section shall not be construed to preclude persons otherwise qualified to serve as jurors from volunteering for jury service in a manner prescribed by the Administrative Director of the Courts; and

5. The Administrative Director of the Courts may accept changes or corrections in a mailing address or county of residence of a qualified juror from such qualified juror. Changes may be accepted in any manner prescribed by the Administrative Director of the Courts.

SECTION 2. 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, county of residence, and mailing address, if different than the residence address;

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

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

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

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

9. Whether the applicant has previously been licensed, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal; and

10. Social security number.

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 3. 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 therefor a Class A, B, C or D driver license or identification card as applied for, which license or card shall bear thereon a distinguishing number assigned to the licensee or

cardholder, date of issuance and date of expiration of the license or card, the full name, signature or computerized signature, date of birth, mailing address, sex, a color photograph or computerized image of the licensee or cardholder and security features as determined by the Department.

2. A driver license or identification card issued by the Department on or after the effective date of this act shall bear thereon the county of residence of the licensee or cardholder.

3. 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.~~ 4. 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.~~ 5. The Department shall promulgate rules for provision of a small decal for attachment to the card or license, identifying the licensee or cardholder as having executed an Advance Directive for Health Care and/or a Do Not Resuscitate order pursuant to Section 3101.4 of Title 63 of the Oklahoma Statutes. 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.~~ 6. 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 4. AMENDATORY 47 O.S. 2001, Section 6-116, is amended to read as follows:

Section 6-116. A. Whenever any person, after applying for or receiving a ~~driver's~~ driver license or identification card, shall ~~move from:~~

1. Change the mailing address named in such application or displayed on the license or card issued to him or the person;

2. Move from the person's previous county or residence; or

3. when Change the name of a licensee is changed by marriage or otherwise, such person shall within notify the Department of Public Safety as provided in subsection B of this section.

B. Within ten (10) days ~~thereafter~~ such person shall notify the Department of Public Safety in writing of his:

1. Both the old and new mailing addresses;

2. Both the old and new counties of residence; or of such

3. Both the former and new names, and of the number of any driver's driver license and identification card then held by him the person.

C. The Department of Public Safety shall not:

1. Change a county of residence unless the person specifically notifies the Department of such change; and

2. Presume that a new mailing address which is a different county than the old mailing address means that the person has changed his or her county of residence, and shall not change the county of residence unless specifically notified of such change.

SECTION 5. AMENDATORY 47 O.S. 2001, Section 6-117, as amended by Section 17, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2002, Section 6-117), is amended to read as follows:

Section 6-117. A. The Department of Public Safety shall file every application for a driver license or identification card received by it and shall maintain suitable indexes containing, ~~in alphabetical order:~~

1. All applications denied and on each thereof note the reasons for such denial;

2. All applications granted; ~~and~~

3. The name of every person whose driving privilege has been suspended ~~or~~, revoked, cancelled, or disqualified by the Department and after each such name note the reasons for such action. Any notation of suspension of a person's driving privilege for reason of nonpayment of a fine shall be removed from the record after the person has paid the fine and the person's driving privilege reinstated as provided for by law; and

4. By the county of residence, the name, date of birth, and mailing address of each person residing in that county who is eighteen (18) years of age or older, and who is the holder of a current driver license or a current identification card issued by the Department of Public Safety for the purpose of ascertaining names of all persons qualified for jury service as required by Section 18 of Title 38 of the Oklahoma Statutes.

B. The Department shall file all collision reports and abstracts of court records of convictions received by it pursuant to the laws of this state and maintain convenient records of such records and reports or make suitable notations in order that an individual record of a person showing the convictions of such person and the traffic collisions in which the person has been involved shall be readily ascertainable and available for the consideration of the Department of Public Safety upon any application for a driver license or renewal of a driver license and at other suitable times. Any abstract, index or other entry relating to a driving record according to the licensing authority in another state or a province of Canada may be posted upon the driving record of any resident of

this state when notice thereof is received by documentation or by electronic transmission. The individual record of a person shall not include any collision reports and abstracts of court records involving a collision in which the person was not issued a citation or if a citation is issued and said person was not convicted.

C. The Commissioner and such officers of the Department as the Commissioner may designate are hereby authorized to prepare under the seal of the Department and deliver upon request a copy of any collision report on file with the Department, charging a fee of Seven Dollars (\$7.00). However, the Department shall not be required to furnish personal information from a driver record contrary to the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725.

D. The Department of Public Safety or any motor license agent upon request shall prepare and furnish a summary to any person of the driving record of any person subject to the provisions of the motor vehicle laws of this state. However, the Department shall not be required to furnish personal information from a driving record contrary to the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725. Said summary shall include the enumeration of any motor vehicle collisions, reference to convictions for violations of motor vehicle laws, and any action taken against the person's privilege to operate a motor vehicle, as shown by the files of the Department for the three (3) years preceding the date of the request. For each summary furnished by the Department of Public Safety, the Department shall collect the sum of Ten Dollars (\$10.00). For each summary furnished by a motor license agent, the agent shall collect the sum of Ten Dollars (\$10.00), Eight Dollars (\$8.00) of which shall be paid to the Oklahoma Tax Commission for deposit in the General Revenue Fund in the State Treasury and Two Dollars (\$2.00) of which shall be retained by the motor license agent. Persons sixty-five (65) years of age or older shall not be required to pay a fee for their own driving record summary furnished by the Department or a motor license agent.

E. All monies received by the Commissioner of Public Safety and the officers and employees of the Department shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury except as otherwise provided for by law.

SECTION 6. This act shall become effective November 1, 2003.

Passed the Senate the 13th day of May, 2003.

Presiding Officer of the Senate

Passed the House of Representatives the 15th day of May, 2003.

Presiding Officer of the House
of Representatives