

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2299:

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AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 6-101, as last amended by Section 2, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2003, Section 6-101), which relates to driver licenses; adding fees; designating distribution of fees; amending 47 O.S. 2001, Section 6-212, as amended by Section 5, Chapter 474, O.S.L. 2002 (47 O.S. Supp. 2003, Section 6-212), which relates to reinstatement for driver licenses; adding fee; designating distribution of fee; amending 47 O.S. 2001, Section 6-303, as amended by Section 6, Chapter 86, O.S.L. 2002 (47 O.S. Supp. 2003, Section 6-303), which relates to driving while license revoked; modifying fines; making certain persons liable for certain fees; granting authority to Department of Public Safety to collect certain fees as a debt; providing for distribution of certain monies; amending 47 O.S. 2001, Sections 17-101 and 17-102, which relate to penalties; increasing fines under certain circumstances; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-101, as last amended by Section 2, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2003, 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.

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, a person eighteen (18) years of age or older may be licensed to operate a farm vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F.

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 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 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.

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

Class A Commercial License	\$25.00
Class B Commercial License	\$15.00
Class C Commercial License	\$15.00

Class D License	\$ 4.00
Motorcycle Endorsement	\$ 4.00

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

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

I. 1. 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 which is not in a computerized image format shall be the total base fee plus an additional fee, if at the time of the issuance or renewal the licensee has any reported moving traffic violation on the driving record of the licensee, in accordance with the following schedule:

<u>Type of License</u>	<u>Base Fee</u>	<u>Additional Fee</u>
Class A Commercial License	\$40.50	<u>\$5.00</u>
Class B Commercial License	\$40.50	<u>\$5.00</u>
Class C Commercial License	\$30.50	<u>\$5.00</u>
Class D License	\$20.50	<u>\$5.00</u>

Notwithstanding the provisions of Section 1104 of this title~~7~~:

a. of each base fee charged pursuant to this paragraph:

~~a.~~

(1) 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.~~

(2) 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, and

b. of each additional fee charged pursuant to this paragraph:

(1) fifty percent (50%) shall be deposited to the Department of Public Safety Revolving Fund, and

(2) fifty percent (50%) shall be deposited to the General Revenue Fund.

2. 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 which is in a computerized image format shall be the total of the base fee plus an additional fee, if at the time of issuance or renewal the licensee has any reported moving traffic violation on the driving record of the licensee, in accordance with the following schedule:

<u>Type of License</u>	<u>Base Fee</u>	<u>Additional Fee</u>
Class A Commercial License	\$41.50	<u>\$5.00</u>
Class B Commercial License	\$41.50	<u>\$5.00</u>
Class C Commercial License	\$31.50	<u>\$5.00</u>
Class D License	\$21.50	<u>\$5.00</u>

Notwithstanding the provisions of Section 1104 of this title~~7~~:

a. of each base fee charged pursuant to the provisions of this paragraph:

~~a.~~

(1) 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.~~

(2) 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, and

b. of each additional fee charged pursuant to this paragraph:

- (1) fifty percent (50%) shall be deposited to the Department of Public Safety Revolving Fund, and
- (2) fifty percent (50%) shall be deposited to the General Revenue Fund.

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 Notwithstanding the provisions of subsection I of this section, the fee charged to any person sixty-two (62) years of age or older during the calendar year of issuance or renewal of a Class D license or motorcycle endorsement shall be charged the total of the base fee plus an additional fee, if at the time of issuance or renewal, the licensee has any reported moving traffic violation on the driving record of the licensee, in accordance with the following prorated fee:

Age of Licensee  
At Time of Issuance

<u>Or Renewal</u>	<u>Base Fee</u>	<u>Additional Fee</u>
<del>Age</del> 62	\$11.25	<u>\$5.00</u>
<del>Age</del> 63	\$ 7.50	<u>\$5.00</u>
<del>Age</del> 64	\$ 3.75	<u>\$5.00</u>

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 2. AMENDATORY 47 O.S. 2001, Section 6-212, as amended by Section 5, Chapter 474, O.S.L. 2002 (47 O.S. Supp. 2003, Section 6-212), is amended to read as follows:

Section 6-212. A. The Department of Public Safety shall not assess and collect multiple reinstatement fees when reinstating the driving privilege of any person having more than one suspension or revocation affecting the person's driving privilege at the time of reinstatement.

B. The Department shall:

1. Suspend or revoke a person's driving privilege for each basis as delineated within the Oklahoma Statutes; and

2. Require any person having more than one suspension or revocation affecting the person's driving privilege to meet the statutory requirements for each action as a condition precedent to the reinstatement of any driving privilege. Provided, however, reinstatement fees shall not be cumulative, and a single reinstatement fee, as provided for in subsection C of this section, shall be paid for all suspensions or revocations as shown by the Department's records at the time of reinstatement.

C. Whenever a person's privilege to operate a motor vehicle is suspended or revoked pursuant to any provision as authorized by the Oklahoma Statutes, the license or privilege to operate a motor vehicle shall remain under suspension or revocation and shall not be reinstated until:

1. The expiration of each such revocation or suspension order;
2. The person has paid to the Department:

- a. if such privilege is suspended or revoked pursuant to Section 1115.5 of Title 22 of the Oklahoma Statutes or pursuant to any provisions of this title, except as provided in subparagraph b or c of this paragraph, a processing fee of Twenty-five Dollars (\$25.00) for each such suspension or revocation as shown by the Department's records, ~~or~~
- b. if such privilege is suspended or revoked pursuant to the provisions of Section 6-205, 6-205.1, 7-506, 7-608, 753, 754 or 761 of this title or pursuant to subsection A of Section 7-605 of this title for a conviction for failure to maintain the mandatory motor vehicle insurance required by law or pursuant to subsection B of Section 6-206 of this title for a suspension other than for points accumulation, a processing fee of Seventy-five Dollars (\$75.00) for each such suspension or revocation as shown by the Department's records, and
- c. if such suspension or revocation of driving privileges is extended as provided in subsection D or E of Section 6-303 of this title, a processing fee of Twenty-five Dollars (\$25.00) for each period of extension which shall be in addition to any other processing fee for the initial period of suspension or revocation; and

3. The person has paid to the Department a single reinstatement fee of Twenty-five Dollars (\$25.00).

D. ~~Effective July 1, 2002, and for each fiscal year thereafter~~  
Until July 1, 2004:

1. Two Hundred Fifty Thousand Dollars (\$250,000.00) of all monies collected each month pursuant to this section shall be apportioned as provided in Section 1104 of this title, except as otherwise provided in this section; and

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

E. Beginning July 1, 2004:

1. The first Two Hundred Fifty Thousand Dollars (\$250,000.00) of all monies collected each month pursuant to this section shall be apportioned as provided in Section 1104 of this title, except as otherwise provided in this section;

2. The next Two Hundred Fifty Thousand Dollars (\$250,000.00) of all monies collected each month pursuant to this section shall be deposited in the General Revenue Fund; and

3. All other monies collected in excess of Five Hundred Thousand Dollars (\$500,000.00) each month shall be deposited to the credit of the Department of Public Safety Revolving Fund.

SECTION 3. AMENDATORY 47 O.S. 2001, Section 6-303, as amended by Section 6, Chapter 86, O.S.L. 2002 (47 O.S. Supp. 2003, Section 6-303), is amended to read as follows:

Section 6-303. A. No person shall operate a motor vehicle upon the public roads, streets, highways, turnpikes or other public place of this state without having first procured a driver license for the class of vehicle being operated from the Oklahoma Department of Public Safety, except as herein specifically exempted.

Any violation of the provisions of this subsection shall constitute a misdemeanor and shall be punishable by a fine of not

less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00) plus costs or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

B. Any person who drives a motor vehicle on any public roads, streets, highways, turnpikes or other public place of this state at a time when his privilege to do so is canceled, denied, suspended or revoked or at a time when he is disqualified from so doing shall be guilty of a misdemeanor and upon conviction shall be punished by a fine:

1. For a first conviction, of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00);

2. For a second conviction, of not less than Two Hundred Dollars (\$200.00) and not more than Seven Hundred Fifty Dollars (\$750.00); or

3. For a third and subsequent conviction, of not less than Three Hundred Dollars (\$300.00) and not more than One Thousand Dollars (\$1,000.00),

or by imprisonment for not more than one (1) year or by both such fine and imprisonment. Each act of driving on the highways as prohibited shall constitute a separate offense.

C. Any person who drives a motor vehicle on any public roads, streets, highways, turnpikes or other public roads of this state at a time when the driving privilege of that person is canceled, denied, suspended or revoked, pursuant to paragraph ~~1, 2, or 3~~ of subsection A of Section 6-205.1 of this title, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine:

1. For a first conviction, of not less than Five Hundred Dollars (\$500.00) and not more than One Thousand Dollars (\$1,000.00);

2. For a second conviction, of not less than One Thousand Dollars (\$1,000.00) and not more than Two Thousand Dollars (\$2,000.00); or

3. For a third and subsequent conviction, of not less than Two Thousand Dollars (\$2,000.00) and not more than Five Thousand Dollars (\$5,000.00),

or by imprisonment for not more than one (1) year or by both such fine and imprisonment. Each act of driving on the highways as prohibited shall constitute a separate offense.

D. The Department upon receiving a record of conviction of an offense committed by any person whose license or privilege to operate motor vehicles is under suspension or revocation or who is disqualified from operating a motor vehicle, shall extend the period of such disqualification, suspension or revocation for an additional three-month period of time. The additional orders of suspension, disqualification or revocation shall be dated and become effective the day following the date terminating the prior order of suspension, disqualification or revocation.

E. The Department upon receiving a record of conviction of an offense committed by any person whose license or privilege to operate motor vehicles is under revocation, pursuant to paragraph 1, 2, or 3 of subsection A of Section 6-205.1 of this title, or who is disqualified from operating a motor vehicle, pursuant to paragraph 1, 2, or 3 of subsection B or paragraph 1, 2, or 3 of subsection C of Section 6-205.2 of this title, or both such revocation and disqualification, shall extend the period of such disqualification or revocation for an additional four-month period of time. The additional orders of disqualification or revocation shall be dated and become effective the day following the date terminating the prior order of disqualification or revocation.

F. It shall be a misdemeanor, punishable by imprisonment for not less than seven (7) days, nor more than six (6) months or by a fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment for any person to apply for a renewal or a replacement license to operate a motor vehicle while his license,

permit or other evidence of driving privilege is in the custody of a law enforcement officer or the Department. A notice regarding this offense and the penalty therefor shall be included on the same form containing the notice of revocation issued by the officer.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-212A of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding any other provision of law, when the Department of Public Safety receives notice of conviction of a person for any violation of this title relating to the operation or use of a motor vehicle, and the violation occurred during a period when the driving privileges of the person were suspended, revoked, canceled, denied, or disqualified, the violation and conviction shall be deemed prima facie evidence that the person has applied to reinstate driving privileges as provided in subsection C of Section 6-212 of Title 47 of the Oklahoma Statutes, and all processing fees and the reinstatement fee assessed of the person by the Department of Public Safety shall immediately become a debt owing to the Department.

B. Upon expiration of a period of suspension or revocation of a person provided for in subsection A of this section, the Department of Public Safety may file a claim with the Oklahoma Tax Commission, as provided in Section 205.2 of Title 68 of the Oklahoma Statutes, requesting the amount of the debt owed to the Department be deducted from any state income tax refund due to the person. The Department shall comply with all provisions of Section 205.2 of Title 68 of the Oklahoma Statutes, including but not limited to the giving of notice to the person against whom the claim is filed.

C. The provisions of this section shall not be construed to confer driving privileges on any person who has not otherwise complied with all:

1. The provisions of subsection C of Section 6-212 of Title 47 of the Oklahoma Statutes; and

2. The provisions of any other applicable law of this state or rule of the Department regarding requirements for reinstatement of driving privileges.

D. Any monies received by the Department pursuant to subsection B of this section as payment for processing and reinstatement fees shall be deposited as provided in subsection D of Section 6-212 of Title 47 of the Oklahoma Statutes. Any monies received by the Department pursuant to paragraph 1 of subsection D of Section 205.2 of Title 68 of the Oklahoma Statutes shall be deposited in the Department of Public Safety Revolving Fund.

SECTION 5. AMENDATORY 47 O.S. 2001, Section 17-101, is amended to read as follows:

Section 17-101. A. It is a misdemeanor for any person to violate any of the provisions of this title unless such violation is by this title or other law of this state declared to be a felony.

B. 1. Every person convicted of a misdemeanor for a violation of any of the provisions of Sections 10-101 through 14-121 or Sections 16-101 through 16-114 of this title for which another penalty is not provided shall upon conviction thereof be punished by a fine of not less than Five Dollars (\$5.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than ten (10) days; for a second such conviction within one (1) year after the first conviction by imprisonment for not more than twenty (20) days; upon a third or subsequent conviction within one (1) year after the first conviction by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

2. Any person violating the provisions of Sections 10-101 through 14-121 or Sections 16-101 through 16-114 of this title, where a jail sentence is not mandatory may, in the discretion of the district attorney wherein the offense occurred, be permitted to

enter a plea of guilty by written statement by the person charged to be presented to the court wherein the case is filed. A remittance covering the fine and costs may be considered and received with the same force and effect as a written plea of guilty.

C. Unless another penalty is in this title or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any other provision of this title shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

D. Provided, however, notwithstanding any provision of law to the contrary, any offense, including traffic offenses, in violation of any of the provisions of this title which is not otherwise punishable by a term of imprisonment or confinement shall be punishable by a term of imprisonment not to exceed one day in the discretion of the court, in addition to any fine prescribed by law.

E. The conviction of any person, as prescribed in this section, when the offense occurred during a period when the driving privileges of the person were under suspension, revocation, cancellation, denial, or disqualification or the person had not been granted driving privileges by Oklahoma or any other state, shall result in the doubling of the appropriate fine, as provided for in subsections B and C of this section, and the doubling of all court costs and all fees collected by the court on behalf of any other entity.

SECTION 6. AMENDATORY 47 O.S. 2001, Section 17-102, is amended to read as follows:

Section 17-102. A. Any person who is convicted of a violation of any of the provisions of the Uniform Vehicle Code declared by the Code or by other laws of this state to constitute a felony shall be guilty of a felony and shall be punished by imprisonment for not less than one (1) year nor more than five (5) years, or by a fine of

not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

B. The conviction of any person, as prescribed in this section, when the offense occurred during a period when the driving privileges of the person were under suspension, revocation, cancellation, denial, or disqualification or the person had not been granted driving privileges by Oklahoma or any other state, shall result in the doubling of the appropriate fine, as provided for in subsection A of this section, and the doubling of all court costs and all fees collected by the court on behalf of any other entity.

SECTION 7. This act shall become effective November 1, 2004.

49-2-8107            GRS            01/09/04