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THE STATE SENATE
Monday, April 10, 2006

ENGROSSED
House Bill No. 2708
As Amended

ENGROSSED HOUSE BILL NO. 2708 - By: JACKSON of the House and
LAUGHLIN of the Senate.

[public safety - change of name - marriage license - driver
license - offenses and penalties - effective date]

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

SECTION 1. AMENDATORY 12 O.S. 2001, Section 1637, is
amended to read as follows:

Section 1637. After ~~the effective date of this act~~ May 19,
1953, no natural person in this state may change his or her name
except as provided in Sections 1631 through 1635 of this title and
~~Sections 1~~ Section 90.4 of Title 10 of the Oklahoma Statutes and ~~3~~
Section 1-321 of Title 63 of this act the Oklahoma Statutes, other
than by marriage, as prescribed in Sections 5, 6, and 8 of Title 43
of the Oklahoma Statutes, or by decree of divorce, as prescribed in
Section 121 of Title 43 of the Oklahoma Statutes, or by adoption, as
prescribed in Section 7505-3.1 of Title 10 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 43 O.S. 2001, Section 5, as
amended by Section 1, Chapter 33, O.S.L. 2005 (43 O.S. Supp. 2005,
Section 5), is amended to read as follows:

1 Section 5. A. Persons desiring to be married in this state
2 shall submit an application in writing signed and sworn to in person
3 before the clerk of the district court by both of the parties
4 setting forth:

5 1. ~~Each party's~~ The place of residence of each party;

6 2. ~~Each party's~~ The full legal name and the age of each party
7 ~~as the same they appear upon or are calculable from~~ a certified copy
8 of the birth certificate, ~~a the current motor vehicle operator's,~~
9 ~~chauffeur's or commercial driver license or identification card, a~~
10 ~~current voter's registration certificate, a~~ the current passport or
11 visa, or any other certificate, license or document issued by or
12 existing pursuant to the laws of any nation or of any state, or
13 ~~other governmental political~~ subdivision thereof, accepted as proof
14 of identity and age;

15 3. For each party, the full name by which the party will be
16 known after the marriage, which shall become the full legal name of
17 the party upon the filing of the marriage license and certificate
18 with the court, as required by law;

19 4. That the parties are not disqualified from or incapable of
20 entering into the marriage relation; and

21 ~~4.~~ 5. Whether the parties have successfully completed a
22 premarital counseling program.

1 B. 1. Upon application pursuant to this section and the
2 payment of fees as provided in Section 31 of Title 28 of the
3 Oklahoma Statutes, if the clerk of the district court is satisfied
4 of the truth and sufficiency of the application and that there is no
5 legal impediment to such marriage, the judge shall issue the
6 marriage license authorizing the marriage and a marriage
7 certificate, which shall be incorporated as one document. As
8 required by law, the marriage certificate shall be completed
9 immediately following the marriage, and the marriage license and
10 certificate shall be returned to the court.

11 2. Parties to be married and who present a certificate to the
12 clerk of the district court that states the parties have completed
13 the premarital counseling program pursuant to Section 5.1 of this
14 title shall be entitled to pay a reduced fee for a marriage license
15 in an amount provided in Section 31 of Title 28 of the Oklahoma
16 Statutes.

17 C. In the event that one or both of the parties are under legal
18 age, the application shall have been on file in the court clerk's
19 office for a period of not less than seventy-two (72) hours prior to
20 issuance of the marriage license.

21 D. The marriage license shall be valid in any county within the
22 state.

1 E. The provisions hereof are mandatory and not directory except
2 under the circumstances set out in the provisions of Section 3 of
3 this title.

4 SECTION 3. AMENDATORY 43 O.S. 2001, Section 6, is
5 amended to read as follows:

6 Section 6. A. The marriage license ~~herein~~ provided for in this
7 title shall contain ~~the~~:

8 1. The date of its issuance~~;~~;

9 2. The name of the court issuing the license, and the name of
10 the city or town and county in which ~~it~~ the court is located~~;~~;

11 3. The full legal names of the persons authorized to be married
12 ~~thereunder~~ by the license, the full legal names by which the persons
13 will be known after the marriage, their ages, and their places of
14 residence~~;~~ ~~and social security numbers~~, ~~if any~~, ~~and shall be~~
15 ~~directed~~;

16 4. Directions to any person authorized by law to perform and
17 solemnize the marriage ceremony~~;~~ ~~and shall fix the time of the~~
18 ~~return thereof~~;

19 5. The date by which the completed marriage certificate, along
20 with the marriage license, shall be returned to the judge or court,
21 which shall not be more than thirty (30) days from the date of its
22 issuance~~;~~ ~~and shall contain a blank~~;

1 6. Any other information, declarations, seals and signatures,
2 as required by law.

3 B. The marriage certificate provided for in this title shall
4 contain appropriate wording and blanks to be ~~made out~~ completed and
5 endorsed, as required by Section 8 of this title, by the person
6 solemnizing or performing the marriage ceremony ~~thereunder,~~ the
7 witnesses, and the persons who have been married.

8 SECTION 4. AMENDATORY 43 O.S. 2001, Section 8, is
9 amended to read as follows:

10 Section 8. A. The person performing or solemnizing the
11 marriage ceremony shall, immediately upon the completion thereof of
12 the ceremony, endorse upon the license authorizing the marriage his:

13 1. His or her name, and official or clerical designation; the
14 2. The court of which he or she is the judge, or the
15 congregation or body of which he or she is pastor, preacher,
16 minister, priest, rabbi or dignitary; provided, that the authority
17 to perform or solemnize marriages shall be coextensive with the
18 congregation or body of which he or she is pastor, preacher,
19 minister, priest, rabbi or dignitary; the provided further, that all
20 marriages solemnized among the society called Friends or Quakers,
21 the spiritual assembly of the Baha'is, or the Church of Jesus Christ
22 of Latter-day Saints, in the form heretofore practiced and in use in
23 their meetings shall be good and valid. One person chosen by such

1 society, assembly, or church shall be responsible for completing the
2 marriage certificate pursuant to this section in the same manner as
3 a minister or other person authorized to perform marriages;

4 3. The town or city and county where the same court,
5 congregation, body, society, assembly, or church is located; and
6 signed by him

7 4. His or her signature along with his or her official or
8 clerical designation.

9 B. The witnesses to the ceremony shall endorse the license
10 authorizing the marriage certificate, attesting to their presence at
11 the ceremony, with their names and post office addresses.

12 C. The persons who have been married in the ceremony shall
13 endorse the marriage certificate with the names by which they are to
14 be known from the time of the marriage, as evidenced on the marriage
15 license.

16 D. The marriage license, along with such the completed marriage
17 certificate thereon shall be transmitted without delay to the judge
18 or the court clerk who issued the same license and certificate.

19 ~~Provided that all marriages solemnized among the society called~~
20 ~~Friends, or Quakers, the spiritual assembly of the Baha'Is, or the~~
21 ~~Church of Jesus Christ of Latter Day Saints, in the form heretofore~~
22 ~~practiced and in use in their meetings shall be good and valid. One~~
23 ~~person chosen by such society, church or assembly shall be~~

1 ~~responsible for completing the certification of marriage pursuant to~~
2 ~~this title in the same manner as a minister or other person~~
3 ~~authorized to perform marriages. Such person shall be chosen by the~~
4 ~~society, church or assembly for this purpose.~~

5 SECTION 5. AMENDATORY 43 O.S. 2001, Section 121, is
6 amended to read as follows:

7 Section 121. A. When a divorce is granted, the ~~wife~~ decree
8 shall ~~be restored to~~ restore:

9 1. To the wife her maiden or former name, if her name was
10 changed as a result of the marriage and if she so desires;

11 2. To the husband his former name, if his name was changed as a
12 result of the marriage and if he so desires.

13 B. The court shall enter its decree confirming in each spouse
14 the property owned by him or her before marriage and the
15 undisposed-of property acquired after marriage by him or her in his
16 or her own right. Either spouse may be allowed such alimony out of
17 real and personal property of the other as the court shall think
18 reasonable, having due regard to the value of such property at the
19 time of the divorce. Alimony may be allowed from real or personal
20 property, or both, or in the form of money judgment, payable either
21 in gross or in installments, as the court may deem just and
22 equitable. As to such property, whether real or personal, which has
23 been acquired by the parties jointly during their marriage, whether

1 the title thereto be in either or both of said parties, the court
2 shall, subject to a valid antenuptial contract in writing, make such
3 division between the parties as may appear just and reasonable, by a
4 division of the property in kind, or by setting the same apart to
5 one of the parties, and requiring the other thereof to be paid such
6 sum as may be just and proper to effect a fair and just division
7 thereof. The court may set apart a portion of the separate estate
8 of a spouse to the other spouse for the support of the children of
9 the marriage where custody resides with that spouse.

10 SECTION 6. AMENDATORY 47 O.S. 2001, Section 6-102, as
11 last amended by Section 1, Chapter 457, O.S.L. 2005 (47 O.S. Supp.
12 2005, Section 6-102), is amended to read as follows:

13 Section 6-102. A. A nonresident who is sixteen (16) years of
14 age or older may operate a motor vehicle in this state as authorized
15 by the class, restrictions, and endorsements specified on the
16 license, if the nonresident is:

17 1. Properly licensed in the home state or country to operate a
18 commercial or noncommercial motor vehicle and who has immediate
19 possession of a valid driver license issued by the home state or
20 country; or

21 2. A member of the Armed Forces of the United States or the
22 spouse or dependent of such member who has been issued and is in

1 possession of a valid driver license issued by an overseas component
2 of the Armed Forces of the United States.

3 B. A resident who is at least fifteen (15) years of age may
4 operate a vehicle in this state without a driver license, if the
5 resident is:

6 1. Operating a vehicle pursuant to subsection B of Section 6-
7 105 of this title; or

8 2. Taking the driving skills examination as required by Section
9 6-110 of this title, when accompanied by a Driver License Examiner
10 of the Department of Public Safety or by a designated examiner
11 approved and certified by the Department.

12 C. Any person, while in the performance of official duties, may
13 operate any class of motor vehicle if the person possesses any class
14 of valid Oklahoma driver license or a valid driver license issued by
15 another state, if the person is:

16 1. A member of the Armed Forces of the United States who is on
17 active duty;

18 2. A member of the military reserves, not including United
19 States reserve technician;

20 3. A member of the National Guard who is on active duty,
21 including National Guard military technicians;

22 4. A member of the National Guard who is on part-time National
23 Guard training, including National Guard military technicians; or

1 5. A member of the United States Coast Guard who is on active
2 duty.

3 D. The Commissioner of Public Safety is hereby authorized to
4 adopt rules as may be necessary to enter into reciprocity agreements
5 with foreign countries. The rules shall specify that the driver
6 license standards of the foreign ~~county~~ country shall be comparable
7 to those of this state. The rules shall also require foreign
8 drivers, who are operating a motor vehicle in Oklahoma under such a
9 reciprocity agreement, to comply with the compulsory motor vehicle
10 liability insurance and financial responsibility laws of this state.

11 SECTION 7. AMENDATORY 47 O.S. 2001, Section 6-103, as
12 last amended by Section 3, Chapter 392, O.S.L. 2003 (47 O.S. Supp.
13 2005, Section 6-103), is amended to read as follows:

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

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

20 2. Any unemancipated person who is under eighteen (18) years of
21 age and whose custodial legal parent or legal guardian does not
22 approve the issuance of a license as required by Section 6-110.2 of

1 this title or objects to the issuance of a license or permit by
2 filing an objection pursuant to Section 6-103.1 of this title;

3 3. Any person whose driving privilege has been suspended,
4 revoked, canceled or denied in this state or any other state or
5 country until the driving privilege has been reinstated by the state
6 or country withdrawing the privilege;

7 4. Any person who is classified as an excessive user of
8 alcohol, any other intoxicating substance, or a combination of
9 alcohol and any other intoxicating substance, and inimical to public
10 safety, in accordance with rules promulgated by the Department,
11 until all requirements granting or reinstating driving privileges
12 are met, including, but not limited to, abstinence from the use of
13 alcohol, any other intoxicating substance, or any combination of
14 alcohol and any other intoxicating substance for a minimum of twelve
15 (12) months immediately preceding application for or application for
16 reinstatement of driving privileges;

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

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

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

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

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

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

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

21 SECTION **8.** AMENDATORY 47 O.S. 2001, Section 6-103.1, is
22 amended to read as follows:

1 Section 6-103.1 A. Any legal custodial parent or legal
2 guardian may prohibit the licensing of, or cause the cancellation of
3 a license previously issued to, ~~their~~ his or her unemancipated child
4 by filing an objection with the Department of Public Safety on a
5 form prescribed by the Department. The Department shall refuse to
6 issue or shall cancel a license when an objection has been properly
7 filed by a legal custodial parent or legal guardian. A license may
8 not be issued and a previous license shall remain canceled until the
9 objection is withdrawn by the legal custodial parent or legal
10 guardian or until the child attains eighteen (18) years of age. A
11 license canceled because a legal custodial parent or legal guardian
12 has filed an objection may be reinstated only after a period of
13 three (3) months. No fee shall be assessed by the Department for
14 reinstatement of a license pursuant to the provisions of this act.

15 B. No legal custodial parent or legal guardian shall be found
16 liable for negligent entrustment of an unemancipated child for
17 failure to file an objection pursuant to the provisions of this ~~act~~
18 section.

19 SECTION 9. AMENDATORY 47 O.S. 2001, Section 6-105, as
20 last amended by Section 2, Chapter 457, O.S.L. 2005 (47 O.S. Supp.
21 2005, Section 6-105), is amended to read as follows:

22 Section 6-105. A. Unless a legal custodial parent or legal
23 guardian has filed an objection to licensure pursuant to Section 6-

1 103.1 of this title, any person under eighteen (18) years of age who
2 is in compliance with or not subject to Section 6-107.3 of this
3 title may be permitted to operate:

4 1. A Class D motor vehicle under the graduated driver license
5 provisions prescribed in subsections B through E of this section;

6 2. A motorcycle under the provisions prescribed in subsection H
7 of this section; or

8 3. A farm vehicle under the provisions prescribed in subsection
9 I of this section.

10 B. Any person who is at least fifteen (15) years of age may
11 drive during a session in which the driver is being instructed in a
12 driver education course, as set out in subparagraphs a, b, c and d
13 of paragraph 1 of subsection C of this section, by a certified
14 driver education instructor who is seated in the right front seat of
15 the motor vehicle.

16 C. Any person:

17 1. Who is at least fifteen and one-half (15 1/2) years of age
18 and is currently receiving instruction in or has successfully
19 completed driver education. For purposes of this section, the term
20 "driver education" shall mean:

21 a. a prescribed secondary school driver education course,
22 as provided for in Sections 19-113 through 19-121 of
23 Title 70 of the Oklahoma Statutes,

- 1 b. a driver education course, certified by the Department
2 of Public Safety, from a parochial, private, or other
3 nonpublic secondary school,
4 c. a commercial driver training course, as defined by
5 Sections 801 through 808 of this title, or
6 d. a parent-taught driver education course, certified by
7 the Department of Public Safety. The Department shall
8 promulgate rules for any parent-taught driver
9 education course; or

10 2. Who is at least sixteen (16) years of age,
11 may, upon successfully passing all parts of the driver license
12 examination administered by the Department except the driving
13 examination, be issued a learner permit which will grant the
14 permittee the privilege to operate a Class D motor vehicle upon the
15 public highways while accompanied by a licensed driver who is at
16 least twenty-one (21) years of age and who is actually occupying a
17 seat beside the permittee.

- 18 D. 1. Any person:
19 a. who has applied for, been issued, and has possessed a
20 learner permit for a minimum of six (6) months,
21 b. who has no convictions on the driving record of the
22 person, and

1 c. whose custodial legal parent or legal guardian
2 certifies to the Department by sworn affidavit that
3 the person has received a minimum of forty (40) hours
4 of actual behind-the-wheel training, of which at least
5 ten (10) hours of such training was at night, from a
6 licensed driver who was at least twenty-one (21) years
7 of age and who was properly licensed to operate a
8 Class D motor vehicle for a minimum of two (2) years,
9 may be issued an intermediate Class D license upon successfully
10 passing all parts of the driver license examinations administered by
11 the Department.

12 2. A person who has been issued an intermediate Class D license
13 under the provisions of this subsection:

14 a. shall be granted the privilege to operate a Class D
15 motor vehicle upon the public highways:

- 16 (1) only between the hours of 5:00 a.m. and 11:00
17 p.m., except for driving to and from work,
18 school, school activities, and church activities,
19 or
20 (2) at any time, if a licensed driver who is at least
21 twenty-one (21) years of age is actually
22 occupying a seat beside the intermediate Class D
23 licensee, and

1 b. shall not operate a motor vehicle with more than one
2 passenger unless:
3 (1) all passengers live in the same household as the
4 custodial legal parent or legal guardian, or
5 (2) a licensed driver at least twenty-one (21) years
6 of age is actually occupying a seat beside the
7 intermediate Class D licensee.

8 E. Any person:

9 1. Who has been issued an intermediate Class D license for a
10 minimum of:

11 a. one (1) year, or
12 b. six (6) months, if the person has completed both the
13 driver education and the parent-certified behind-the-
14 wheel training provisions of subparagraph c of
15 paragraph 1 of subsection D of this section; and

16 2. Who has no convictions on the driving record of the person,
17 may be issued a Class D license.

18 F. Learner permits and intermediate Class D licenses shall be
19 issued for the same period as all other driver licenses. The
20 licenses may be suspended or canceled at the discretion of the
21 Department for violation of restrictions, for failing to give the
22 required or correct information on the application, for knowingly
23 giving false or inaccurate information on the application or any

1 subsequent documentation related to the granting of driving
2 privileges, or for violation of any traffic laws of this state
3 pertaining to the operation of a motor vehicle.

4 G. The Department of Public Safety shall promulgate rules
5 establishing procedures for removal of learner permit and
6 intermediate Class D license restrictions from the permit or license
7 upon the permittee or licensee qualifying for a less restricted or
8 an unrestricted license.

9 H. Any person fourteen (14) years of age or older may apply for
10 a restricted Class D license with a motorcycle-only restriction.
11 After the person has successfully passed all parts of the motorcycle
12 examination other than the driving examination and has met all
13 requirements provided for in the rules of the Department, the
14 Department shall issue to the person a restricted Class D license
15 with a motorcycle-only restriction which shall grant to the person,
16 while having the license in the person's immediate possession, the
17 privilege to operate a motorcycle or motor-driven cycle:

- 18 1. With a piston displacement not to exceed two hundred fifty
19 (250) cubic centimeters;
- 20 2. Between the hours of 4:30 a.m. to 9:00 p.m. only;
- 21 3. While wearing approved protective headgear; and
- 22 4. While accompanied by and receiving instruction from any
23 person who is at least twenty-one (21) years of age and who is

1 properly licensed pursuant to the laws of this state to operate a
2 motorcycle or motor-driven cycle, and who has visual contact with
3 the restricted licensee.

4 The restricted licensee may apply on or after thirty (30) days
5 from date of issuance of the restricted Class D license with a
6 motorcycle-only restriction to have the restriction of being
7 accompanied by a licensed driver removed by successfully completing
8 the driving portion of an examination.

9 I. The Department may in its discretion issue a special permit
10 to any person who has attained the age of fourteen (14) years,
11 authorizing such person to operate farm vehicles between the farm
12 and the market to haul commodities grown on the farm; provided, that
13 the special permit shall be temporary and shall expire not more than
14 thirty (30) days after the issuance of the special permit. Special
15 permits shall be issued only to farm residents and shall be issued
16 only during the time of the harvest of the principal crops grown on
17 such farm. Provided, however, the Department shall not issue a
18 special permit pursuant to this subsection until the Department is
19 fully satisfied after the examination of the application and other
20 evidence furnished in support thereof, that the person is physically
21 and mentally developed to such a degree that the operation of a
22 motor vehicle by the person would not be inimical to public safety.

1 SECTION 10. AMENDATORY Section 4, Chapter 457, O.S.L.
2 2005 (47 O.S. Supp. 2005, Section 6-105.3), is amended to read as
3 follows:

4 Section 6-105.3 A. In addition to the licenses to operate
5 motor vehicles, the Department of Public Safety may issue cards to
6 Oklahoma residents for purposes of identification only. The
7 identification cards shall be issued, renewed, replaced, canceled
8 and denied in the same manner as driver licenses in this state. The
9 application for an identification card by any person under the age
10 of eighteen (18) shall be signed and verified by a custodial legal
11 parent or legal guardian before a person authorized to administer
12 oaths. The identification cards shall be valid for a period of four
13 (4) years from the month of issuance; however, the identification
14 cards issued to persons sixty-five (65) years of age or older shall
15 be valid indefinitely from the month of issuance.

16 B. ~~The fee charged for the issuance or renewal of an~~
17 ~~identification card which is not in computerized image format~~
18 ~~pursuant to this section shall be Seven Dollars (\$7.00); however, no~~
19 ~~person sixty five (65) years of age or older shall be charged a fee~~
20 ~~for an identification card. The fees derived pursuant to this~~
21 ~~subsection shall be apportioned as provided in Section 1104 of Title~~
22 ~~47 of the Oklahoma Statutes.~~

1 ~~C.~~ The fee charged for the issuance ~~or~~, renewal, or replacement
2 of an identification card ~~which is in computerized image format~~
3 pursuant to this section shall be Ten Dollars (\$10.00); however, no
4 person sixty-five (65) years of age or older shall be charged a fee
5 for an identification card. Of each fee charged pursuant to the
6 provisions of this subsection:

7 1. Seven Dollars (\$7.00) shall be apportioned as provided in
8 Section 1104 of ~~Title 47 of the Oklahoma Statutes~~ this title; and

9 2. Three Dollars (\$3.00) shall be credited to the Department of
10 Public Safety Computer Imaging System Revolving Fund to be used
11 solely for the purpose of the administration and maintenance of the
12 computerized imaging system of the Department.

13 ~~D.~~ C. The Oklahoma Tax Commission is hereby authorized to
14 reimburse, from funds available to that agency, each motor license
15 agent issuing an identification card to a person sixty-five (65)
16 years of age or older, an amount not to exceed One Dollar (\$1.00)
17 for each card or driver license so issued. The Tax Commission shall
18 develop procedures for claims for reimbursement.

19 SECTION 11. AMENDATORY 47 O.S. 2001, Section 6-107, as
20 amended by Section 16, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2005,
21 Section 6-107), is amended to read as follows:

22 Section 6-107. A. ~~The~~ In addition to the requirements of
23 Section 6-106 of this title, the application of any unemancipated

1 person under the age of ~~sixteen (16)~~ eighteen (18) years for a
2 restricted license shall be signed and verified by the legal
3 custodial parent or legal guardian of the applicant before a person
4 authorized to administer oaths ~~by the father, mother or guardian,~~
5 ~~or, in the event there is no parent or guardian, then by another~~
6 ~~responsible adult who.~~ The signature of the legal custodial parent
7 or legal guardian shall be evidence that the legal custodial parent
8 or legal guardian is willing to assume the obligation imposed under
9 this act upon a person signing the application of a person under
10 ~~sixteen (16) years of age~~ the age of eighteen (18) years.

11 B. Any negligence or willful misconduct of a person under the
12 age of ~~sixteen (16)~~ eighteen (18) years when driving a motor vehicle
13 upon a highway with the knowledge and consent of the person who
14 signed the application for the restricted license shall be imputed
15 to the person who has signed the application. Such person shall be
16 jointly and severally liable with the minor for any damages caused
17 by such negligence or willful misconduct, except as otherwise
18 provided in subsection C of this section.

19 C. In the event a person under ~~sixteen (16) years of age~~ the
20 age of eighteen (18) years deposits, or there is deposited upon his
21 or her behalf, proof of financial responsibility in respect to the
22 operation of a motor vehicle owned by him or her or if not the owner
23 of a motor vehicle then with respect to the operation of any motor

1 vehicle, in form and in amounts as required under the motor vehicle
2 financial responsibility laws of this state, then the Department may
3 accept the application of such person when signed by ~~one~~ the legal
4 custodial parent or the legal guardian of such person, and while
5 such proof is maintained ~~such~~ the legal custodial parent or legal
6 guardian shall not be subject to the liability imposed under
7 subsection B of this section.

8 D. The Department may, at its discretion, cancel or suspend the
9 license of any person under the age of eighteen (18) years for any
10 unlawful act, negligence or misconduct while driving a motor
11 vehicle.

12 E. ~~Any person~~ As provided in Section 6-103.1 of this title, any
13 legal custodial parent or legal guardian who has signed the
14 application of a ~~minor~~ person under the age of eighteen (18) years
15 for a license may thereafter file with the Department of Public
16 Safety a verified written request that the license of that ~~minor~~
17 person so granted be canceled. The Department shall then cancel the
18 license of the ~~minor~~ person and the ~~person~~ legal custodial parent or
19 legal guardian who signed the application of the ~~minor~~ person shall
20 be relieved from the liability imposed under this act by reason of
21 having signed the application on account of any subsequent
22 negligence or willful misconduct of the ~~minor~~ person in operating a
23 motor vehicle.

1 F. The Department of Public Safety upon receipt of satisfactory
2 evidence of the death of the ~~person~~ legal custodial parent or legal
3 guardian who signed the application of a ~~minor~~ person under the age
4 of eighteen (18) years for a license shall cancel the license and
5 shall not issue a new license until such time as a new application,
6 duly signed and verified, is made as required by this chapter. This
7 provision shall not apply in the event the ~~minor~~ person has attained
8 ~~sixteen (16)~~ the age of eighteen (18) years ~~of age~~.

9 SECTION 12. AMENDATORY 47 O.S. 2001, Section 6-107.3, is
10 amended to read as follows:

11 Section 6-107.3 A. The Department of Public Safety shall deny
12 a license, restricted license, or instruction permit for the
13 operation of a motor vehicle to any person under eighteen (18) years
14 of age who does not, at the time of application, present
15 documentation that such person:

- 16 1. a. is a student enrolled in a public or private secondary
17 school, including any technology center school, of
18 this state or any other state,
- 19 b. has received a diploma or certificate of completion
20 issued to the person from a secondary school of this
21 state or any other state,
- 22 c. is enrolled and making satisfactory progress in a
23 program leading to a Certificate of High School

1 Equivalency issued by the State Department of
2 Education, or has obtained such certificate,
3 d. is excused from such requirement pursuant to a lawful
4 excuse as defined in subsection G of this section or
5 due to circumstances beyond the control of the person,
6 or
7 e. is excused from such requirement pursuant to
8 subsection C of this section; and

9 2. Has successfully passed the criterion-referenced reading
10 test required for all eighth grade students or an alternative
11 reading proficiency test approved by the State Department of
12 Education, pursuant to the provisions of Section ~~3~~ 1210.515 of ~~this~~
13 ~~act~~ Title 70 of the Oklahoma Statutes, demonstrating reading
14 proficiency at the eighth-grade reading level, unless such student
15 is excused from such requirement pursuant to the provisions of
16 Section ~~3~~ 1210.515 of ~~this act~~ Title 70 of the Oklahoma Statutes.

17 Provided, during the summer months when school is not in regular
18 session, as established by the school district pursuant to Section
19 1-109 of Title 70 of the Oklahoma Statutes, ~~persons~~ a person under
20 eighteen (18) years of age may satisfy the documentation requirement
21 of this subsection by providing a notarized written statement from
22 and signed by the parent, legal custodial parent or legal guardian
23 of the ~~child~~ person to the Department of Public Safety stating that

1 the ~~child~~ person completed the immediately previous school year and
2 is enrolled or intends to enroll for the immediately subsequent
3 school year. ~~The documentation shall be signed by the parent,~~
4 ~~custodial parent or legal guardian.~~

5 B. 1. A ~~student~~ person under eighteen (18) years of age who is
6 receiving education by other means, including education at home
7 pursuant to Section 4 of Article XIII of the Oklahoma Constitution,
8 shall satisfy the documentation requirement of paragraph 1 of
9 subsection A of this section by providing a written statement from
10 and signed by the parent, legal custodial parent, or legal guardian
11 of the ~~student~~ person to the Department of Public Safety ~~attesting~~
12 stating that the ~~child~~ person is receiving instruction by other
13 means pursuant to Section 4 of Article XIII of the Oklahoma
14 Constitution. ~~The documentation shall be signed by the parent,~~
15 ~~custodial parent, or legal guardian.~~

16 2. Any person who falsifies the information required in such
17 documentation, upon conviction, shall be guilty of a misdemeanor.

18 C. 1. A ~~student~~ person under eighteen (18) years of age, who
19 does not meet the requirements of subparagraphs a through c of
20 paragraph 1 of subsection A of this section or the requirements of
21 subsection B of this section, may retain or be issued a driver
22 license if:

1 Department of Public Safety, withdraws from school, the attendance
2 officer shall notify the Department of Public Safety of such
3 withdrawal through a documentation of enrollment status form.

4 3. Within fifteen (15) working days of the receipt of such
5 notice, the Department of Public Safety shall provide written notice
6 to the ~~student~~ person, by first class, postage prepaid mail, that
7 the ~~student's~~ license of the person will be canceled, ~~or the driver~~
8 ~~license application of the student will be denied~~ thirty (30) days
9 following the date the notice to the ~~student~~ person was sent, unless
10 documentation of compliance with the provisions of this section is
11 received by the Department of Public Safety before such time. After
12 the thirty-day period, the Department of Public Safety shall cancel
13 the driving privileges of the ~~student~~ person.

14 E. When the withdrawal from school of a ~~student~~ person under
15 eighteen (18) years of age is:

16 1. Due to circumstances beyond the control of the ~~student~~
17 person;

18 2. Pursuant to any lawful excuse; or

19 3. For the purpose of transfer to another school, including
20 education at home pursuant to Section 4 of Article XIII of the
21 Oklahoma Constitution, as confirmed in writing by a ~~parent~~, the
22 legal custodial parent, ~~or~~ legal guardian of the ~~student~~ person,

1 no notice as required by subsection D of this section shall be sent
2 to the Department of Public Safety, or, if sent, such notice shall
3 be disregarded by the Department of Public Safety. If the ~~student~~
4 person is applying for a license, restricted license, or instruction
5 permit, the attendance officer shall provide the ~~student~~ person with
6 documentation to present to the Department of Public Safety to
7 excuse the ~~student~~ person from the requirements of this section.

8 F. Every school district shall, upon request, provide
9 documentation of reading proficiency for any ~~student~~ person under
10 eighteen (18) years of age enrolled in such school district by
11 certifying passage of a reading examination pursuant to the
12 provisions of Section ~~3~~ 1210.515 of ~~this act~~ Title 70 of the
13 Oklahoma Statutes.

14 G. As used in ~~this section~~ Sections 6-107.3 through 6-107.6 of
15 this title:

16 1. "Withdrawal" means more than ten (10) consecutive days, or
17 parts of days, of unexcused absences or fifteen (15) days, or parts
18 of days, total unexcused absences during a single semester;

19 2. "Lawful excuse" means absence from school pursuant to any
20 valid physical or mental illness or pursuant to any legal excuse as
21 provided in Section 10-105 of Title 70 of the Oklahoma Statutes;
22 provided, however, the meaning of such term shall not include
23 marriage;

1 3. "Circumstances beyond the control of the person" shall not
2 include marriage, suspension or expulsion from school, or
3 imprisonment in a jail, penitentiary or other correctional
4 institution;

5 4. "Documentation of enrollment status form" means the document
6 established and approved by the Department of Public Safety to
7 substantiate information concerning ~~a student's~~ the eligibility of a
8 person under eighteen (18) years of age to apply for or to retain a
9 license or permit to drive. Such documentation shall not include
10 any information which is considered an education record pursuant to
11 the Family Education Rights and Privacy Act, 20 U.S.C., Sections
12 1232g through 1232i, unless compliance is made with the restrictions
13 regarding disclosure of the information; and

14 5. "Documentation of reading proficiency" means information
15 provided by a school authorized by subsection B of Section ~~3~~
16 1210.515 of ~~this act~~ Title 70 of the Oklahoma Statutes to certify ~~a~~
17 ~~student's~~ the eligibility of a person under eighteen (18) years of
18 age to apply for a license or permit based on passage of a reading
19 proficiency test approved by the State Department of Education, or
20 pursuant to the alternative documentation criteria provided in
21 subsection C of Section ~~3~~ 1210.515 of ~~this act~~ Title 70 of the
22 Oklahoma Statutes. Such documentation shall not include any
23 information which is considered an education record pursuant to the

1 Family Education Rights and Privacy Act, 20 U.S.C., Sections 1232g
2 through 1232i, unless compliance is made with the restrictions
3 regarding disclosure of the information.

4 H. The provisions of this section shall be inapplicable with
5 respect to any ~~minor~~ person under eighteen (18) years of age upon
6 whom rights of majority have been conferred pursuant to Sections 91
7 through 94 of Title 10 of the Oklahoma Statutes.

8 I. The Department of Public Safety shall establish and approve
9 documentation forms and certificates required by this section for
10 use by school districts to comply with the provisions of this
11 section. Upon establishment and approval of such forms and
12 certificates, the Department of Public Safety shall notify each
13 school district and the State Board of Education of the content
14 thereof.

15 SECTION 13. AMENDATORY 47 O.S. 2001, Section 6-107.4, is
16 amended to read as follows:

17 Section 6-107.4 A. Whenever a license or instruction permit
18 and driving privileges are denied pursuant to Section 6-107.3 of
19 this title, the license or permit and the driving privilege shall
20 remain denied until the person becomes eligible. After becoming
21 eligible, the person may at any time apply for driving privileges by
22 presenting sufficient documentation to the Department of Public

1 Safety pursuant to Section 6-107.3 of this title and paying the fee
2 required for issuance of the license or permit, as applicable.

3 B. Whenever a license or instruction permit ~~for the operation~~
4 ~~of a motor vehicle is~~ and the driving privilege of a person are
5 canceled ~~or denied~~ pursuant to Section 6-107.3 of this title, the
6 license or permit and the driving privilege ~~to operate a motor~~
7 ~~vehicle~~ shall remain canceled ~~or denied~~ for a minimum period of
8 sixty (60) days or until the person whose license or permit has been
9 canceled or denied reaches eighteen (18) years of age, whichever
10 period is the shortest; provided, ~~however, a denial pursuant to~~
11 ~~paragraph 2 of subsection A of Section 6-107.3 of this title shall~~
12 ~~remain in effect only until such time as a student presents to the~~
13 ~~Department of Public Safety sufficient documentation of attainment~~
14 ~~of an eighth grade level of reading proficiency pursuant to the~~
15 ~~provisions of Section 1210.515 of Title 70 of the Oklahoma Statutes.~~

16 ~~B.~~ After the minimum period after becoming eligible, the
17 ~~licensee or applicant~~ person may at any time apply for reinstatement
18 of driving privileges by presenting sufficient documentation to the
19 Department of Public Safety pursuant to Section 6-107.3 of this
20 title and paying the fee required for ~~issuance or renewal~~
21 replacement of a ~~Class D~~ the license or permit, if applicable. Upon
22 reinstatement after cancellation ~~and upon issuance after denial,~~ the

1 Department shall remove the record of cancellation ~~or denial~~ from
2 the ~~person's~~ driving record of the person.

3 SECTION **14.** AMENDATORY 47 O.S. 2001, Section 6-107.5, is
4 amended to read as follows:

5 Section 6-107.5 Any person aggrieved by a denial or
6 cancellation of driving privileges pursuant to Section ~~34~~ 6-107.3 of
7 this ~~act~~ title may submit, within thirty (30) days of the denial or
8 of the receipt of notice of cancellation, a written request to the
9 Department of Public Safety for a hearing before the Department ~~of~~
10 ~~Public Safety~~. The hearing shall be held within ten (10) days of
11 the receipt by the Department of the request, to determine whether
12 the person is entitled to a license or is subject to cancellation of
13 a license under the provisions of Sections ~~34~~ 6-103, 6-107.3 through
14 ~~37 of this act and Sections 6-103~~ 6-107.6, and 6-105 of ~~Title 47 of~~
15 ~~the Oklahoma Statutes~~ this title. Appeal from the decision of the
16 Department may be taken to any court of competent jurisdiction as
17 provided for in Section 6-211 of ~~Title 47 of the Oklahoma Statutes~~
18 this title.

19 SECTION **15.** AMENDATORY 47 O.S. 2001, Section 6-110.2, as
20 amended by Section 1, Chapter 219, O.S.L. 2003 (47 O.S. Supp. 2005,
21 Section 6-110.2), is amended to read as follows:

22 Section 6-110.2 A. The Department of Public Safety shall
23 implement a procedure for computerized finger imaging by means of an

1 inkless finger image scanning device and shall require every
2 applicant for an original, renewal or replacement driver license or
3 identification card to submit to finger imaging for the purposes of
4 proof of identity and to ensure the security of the driver license
5 or identification card issued to the applicant.

6 B. No unemancipated ~~minor~~ person under eighteen (18) years of
7 age shall be issued a driver license or identification card by the
8 Department unless an authorization form, prescribed and furnished by
9 the Department, authorizing the finger imaging of the ~~minor~~ person
10 and signed by the ~~minor's~~ legal custodial parent or legal guardian
11 of the person, is in the possession of the Department.

12 C. No law enforcement agency of the state or federal government
13 other than the Department of Public Safety shall have access to any
14 information collected through the use of computerized finger imaging
15 without first obtaining a court order from a judge of competent
16 jurisdiction. Each application for an order authorizing the access
17 to any information collected through the use of computerized finger
18 imaging shall be made in writing upon oath or affirmation to a judge
19 of competent jurisdiction. Each application shall establish
20 probable cause for belief that a named individual is committing, has
21 committed or is about to commit a particular violation of law.

22 D. The Commissioner of Public Safety shall adopt rules as may
23 be necessary to carry out the provisions of this section.

1 SECTION 16. AMENDATORY 47 O.S. 2001, Section 6-111, as
2 last amended by Section 2, Chapter 36, O.S.L. 2005 (47 O.S. Supp.
3 2005, Section 6-111), is amended to read as follows:

4 Section 6-111. A. 1. The Department of Public Safety shall,
5 upon payment of the required fee, issue to every applicant
6 qualifying therefore a Class A, B, C or D driver license or
7 identification card as applied for, which license or card shall bear
8 thereon a distinguishing alphanumeric identification assigned to the
9 licensee or cardholder, date of issuance and date of expiration of
10 the license or card, the full name, signature or computerized
11 signature, date of birth, mailing address, sex, a color photograph
12 or computerized image of the licensee or cardholder and security
13 features as determined by the Department. The photograph or image
14 shall depict a full front unobstructed view of the entire face of
15 the licensee or cardholder. When any person is issued both a driver
16 license and an identification card, the Department shall ensure the
17 information on both the license and the card are the same, unless
18 otherwise provided by law.

19 2. A driver license or identification card issued by the
20 Department on or after ~~the effective date of this act~~ March 1, 2004,
21 shall bear thereon the county of residence of the licensee or
22 cardholder.

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

6 4. The Department may promulgate rules for inclusion of the
7 height and a brief description of the licensee or cardholder on the
8 face of the card or license identifying the licensee or cardholder
9 as deaf or hard-of-hearing.

10 5. It is unlawful for any person to apply, adhere, or otherwise
11 attach to a driver license or identification card any decal,
12 sticker, label, or other attachment. Any law enforcement officer is
13 authorized to remove and dispose of any unlawful decal, sticker,
14 label, or other attachment from the driver license of a person. The
15 law enforcement officer, the employing agency of the officer, the
16 Department of Public Safety, and the State of Oklahoma shall be
17 immune from any liability for any loss suffered by the licensee,
18 cardholder, or the owner of the decal, sticker, label, or other
19 attachment caused by the removal and destruction of the decal,
20 sticker, label, or other attachment.

21 6. The Department of Public Safety shall develop by rule an
22 alternative procedure whereby a person applying for a renewal or
23 replacement Class D license or identification card ~~who~~, when the

1 person satisfactorily demonstrates to the Department the inability
2 to appear personally to be photographed, because the person is not
3 in the state at the time of renewal or at a time a replacement is
4 required by the person, may be issued a license or card ~~bearing the~~
5 ~~words "Valid Without Photo";~~ provided, immediately upon returning to
6 Oklahoma, the person shall obtain a replacement license or card, ~~as~~
7 ~~applicable, which contains and displays a photograph or computerized~~
8 ~~image of the person~~ as provided in Section 6-114 of this title.

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

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

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

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

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

- 11 a. diesel fuel in quantities of one thousand (1,000)
12 gallons or less,
- 13 b. liquid fertilizers in vehicles with total capacities
14 of three thousand (3,000) gallons or less, and
- 15 c. solid fertilizers that are not mixed with any organic
16 substance.

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

19 SECTION 17. AMENDATORY 47 O.S. 2001, Section 6-205, as
20 last amended by Section 50, Chapter 1, O.S.L. 2005 (47 O.S. Supp.
21 2005, Section 6-205), is amended to read as follows:

22 Section 6-205. A. The Department of Public Safety shall
23 immediately revoke the driving privilege of any person, whether

1 adult or juvenile, upon receiving a record of conviction in any
2 municipal, state or federal court within the United States of any of
3 the following offenses, when such conviction has become final:

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

6 2. Driving or being in actual physical control of a motor
7 vehicle while under the influence of alcohol, any other intoxicating
8 substance, or the combined influence of alcohol and any other
9 intoxicating substance, any violation of paragraph 1, 2, 3 or 4 of
10 subsection A of Section 11-902 of this title or any violation of
11 Section 11-906.4 of this title. However, the Department shall not
12 additionally revoke the driving privileges of the person pursuant to
13 this subsection if the person's driving privilege has been revoked
14 because of a test result or test refusal pursuant to Section 753 or
15 754 of this title arising from the same circumstances which resulted
16 in the conviction unless the revocation because of a test result or
17 test refusal is set aside;

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

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

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

5 6. A misdemeanor or felony conviction for unlawfully
6 possessing, distributing, dispensing, manufacturing ~~or,~~ trafficking,
7 cultivating, selling, transferring, attempting or conspiring to
8 possess, distribute, dispense, manufacture, traffic, sell, or
9 transfer ~~in~~ a controlled dangerous substance as defined in the
10 Uniform Controlled Dangerous Substances Act;

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

13 8. ~~A conviction for a violation of paragraph 3 of subsection A~~
14 ~~of Section 1151 of this title; or~~

15 ~~9.~~ A misdemeanor conviction for a violation of Section ~~±~~ 1465
16 of ~~this act~~ Title 21 of the Oklahoma Statutes.

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

21 C. A license revocation under any provision of this section,
22 except for paragraph 2, 6, or 7 ~~or~~ 8 of subsection A of this
23 section, shall be for a period of three (3) years if a prior

1 revocation under this section, except under paragraph 2 of
2 subsection A of this section, commenced within the preceding five-
3 year period as shown by the Department's record. Such period shall
4 not be modified.

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

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

13 ~~F. The period of license revocation under paragraph 8 of~~
14 ~~subsection A of this section shall be effective until the person~~
15 ~~provides to the Department proof of registration of the vehicle in~~
16 ~~Oklahoma or proof that the person no longer owns the vehicle.~~

17 SECTION 18. AMENDATORY 47 O.S. 2001, Section 6-205.1, as
18 last amended by Section 7, Chapter 390, O.S.L. 2004 (47 O.S. Supp.
19 2005, Section 6-205.1), is amended to read as follows:

20 Section 6-205.1 A. The driving privilege of a person who is
21 convicted of any offense as provided in paragraph 2 or 6 of
22 subsection A of Section 6-205 of this title, or a person who has
23 refused to submit to a test or tests as provided in Section 753 of

1 this title, or a person whose alcohol concentration is subject to
2 the provisions of Section 754 of this title, shall be revoked or
3 denied by the Department of Public Safety for the following period,
4 as applicable:

5 1. The first license revocation pursuant to paragraph 2 of
6 subsection A of Section 6-205 of this title or to Section 753 or 754
7 of this title shall be for one hundred eighty (180) days, which may
8 be modified; provided, any modification under this paragraph shall
9 apply to Class D motor vehicles only;

10 2. A revocation pursuant to paragraph 2 of subsection A of
11 Section 6-205 of this title, or to Section 753 or 754 of this title
12 shall be for a period of one (1) year if within five (5) years
13 preceding the date of arrest relating thereto, as shown by the
14 records of the Department:

15 a. a prior revocation commenced pursuant to paragraph 2
16 or 6 of subsection A of Section 6-205 of this title,
17 or to Section 753 or 754 of this title ~~as shown by the~~
18 ~~Department's records~~. Such period shall not be
19 modified~~+~~, or

20 b. the record of the person reflects a prior conviction
21 in another jurisdiction which did not result in a
22 revocation of Oklahoma driving privileges, for a
23 violation substantially similar to paragraph 2 of

1 subsection A of Section 6-205 of this title, and the
2 person was not a resident or a licensee of Oklahoma at
3 the time of the offense resulting in the conviction;

4 3. A revocation pursuant to paragraph 2 of subsection A of
5 Section 6-205 of this title, or to Section 753 or 754 of this title
6 shall be for a period of three (3) years if within five (5) years
7 preceding the date of arrest relating thereto, as shown by the
8 records of the Department:

9 a. two or more prior revocations commenced pursuant to
10 paragraph 2 or 6 of subsection A of Section 6-205 of
11 this title, or to Section 753 or 754 of this title ~~as~~
12 ~~shown by the Department's records.~~ Such period shall
13 not be modified, or

14 b. record of the person reflects a prior conviction in
15 another jurisdiction which did not result in a
16 revocation of Oklahoma driving privileges, for a
17 violation substantially similar to paragraph 2 of
18 subsection A of Section 6-205 of this title, and the
19 person was not a resident or a licensee of Oklahoma at
20 the time of the offense resulting in the conviction.

21 B. The driving privilege of a person who is convicted of any
22 offense as provided in paragraph 6 of subsection A of Section 6-205

1 of this title shall be revoked or denied by the Department of Public
2 Safety for the following period, as applicable:

3 1. The first license revocation shall be for one hundred eighty
4 (180) days, which may be modified; provided, for license revocations
5 for a misdemeanor charge of possessing a controlled dangerous
6 substance, the provisions of this paragraph shall apply to any such
7 revocations by the Department on or after January 1, 1993; provided
8 further, any modification under this paragraph shall apply to Class
9 D motor vehicles only;

10 2. A revocation shall be for a period of one (1) year if within
11 five (5) years preceding the date of arrest relating thereto, as
12 shown by the records of the Department:

13 a. a prior revocation commenced pursuant to paragraph 2
14 or 6 of subsection A of Section 6-205 of this title,
15 or under Section 753 or 754 of this title ~~as shown by~~
16 ~~the Department's records.~~ Such period shall not be
17 modified~~+~~, or

18 b. the record of the person reflects a prior conviction
19 in another jurisdiction which did not result in a
20 revocation of Oklahoma driving privileges, for a
21 violation substantially similar to paragraph 2 or 6 of
22 subsection A of Section 6-205 of this title, and the

1 person was not a resident or a licensee of Oklahoma at
2 the time of the offense resulting in the conviction;

3 3. A revocation shall be for a period of three (3) years if
4 within five (5) years preceding the date of arrest relating thereto,
5 as shown by the records of the Department:

6 a. two or more prior revocations commenced pursuant to
7 paragraph 2 or 6 of subsection A of Section 6-205 of
8 this title, or under Section 753 or 754 of this title
9 ~~as shown by the Department's records, or~~

10 b. the record of the person reflects a prior conviction
11 in another jurisdiction which did not result in a
12 revocation of Oklahoma driving privileges, for a
13 violation substantially similar to paragraph 2 or 6 of
14 subsection A of Section 6-205 of this title, and the
15 person was not a resident or licensee of Oklahoma at
16 the time of the offense resulting in the conviction.

17 Such period ~~may~~ shall not be modified ~~after one (1)~~
18 ~~year; provided, any modification under this paragraph~~
19 ~~shall apply to Class D motor vehicles only.~~

20 The revocation of the driving privilege of any person under this
21 subsection shall not run concurrently with any other withdrawal of
22 driving privilege resulting from a different incident and which
23 requires the driving privilege to be withdrawn for a prescribed

1 amount of time. A denial based on a conviction of any offense as
2 provided in paragraph 6 of subsection A of Section 6-205 of this
3 title shall become effective on the first day the convicted person
4 is otherwise eligible to apply for and be granted driving privilege
5 if the person was not eligible to do so at the time of the
6 conviction.

7 C. For the purposes of this subsection:

8 1. The term "conviction" includes a juvenile delinquency
9 adjudication by a court or any notification from a court pursuant to
10 Section 6-107.1 of this title; and

11 2. The term "revocation" includes a denial of driving
12 privileges by the Department.

13 D. Each period of revocation not subject to modification shall
14 be mandatory and neither the Department nor any court shall grant
15 driving privileges based upon hardship or otherwise for the duration
16 of that period. Each period of revocation, subject to modification
17 as provided for in this section, may be modified as provided for in
18 Section 754.1 or 755 of this title; provided, any modification under
19 this paragraph shall apply to Class D motor vehicles only.

20 E. Any appeal of a revocation or denial of driving privileges
21 shall be governed by Section 6-211 of this title.

1 SECTION 19. AMENDATORY 47 O.S. 2001, Section 6-205.2, as
2 last amended by Section 3, Chapter 394, O.S.L. 2005 (47 O.S. Supp.
3 2005, Section 6-205.2), is amended to read as follows:

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

- 6 1. A nonvacated adjudication of guilt;
- 7 2. A determination that a person has violated or failed to
8 comply with this section in any court or by the Department of Public
9 Safety following an administrative determination;
- 10 3. A nonvacated forfeiture of bail or collateral deposited to
11 secure a person's appearance in court;
- 12 4. A plea of guilty or nolo contendere accepted by the court;
- 13 5. The payment of any fine or court costs; or
- 14 6. A violation of a condition of release without bail,
15 regardless of whether or not the penalty is rebated, suspended or
16 probated.

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

- 22 1. Driving, operating or being in actual physical control of a
23 Class A, B or C commercial motor vehicle while having a blood or

1 breath alcohol concentration, as defined in Section 756 of this
2 title, or as defined by the state in which the arrest occurred, of
3 four-hundredths (0.04) or more;

4 2. Refusing to submit to a test for determination of alcohol
5 concentration, as required by Section 751 of this title, or as
6 required by the state in which the arrest occurred, while operating
7 a Class A, B or C commercial motor vehicle, or, ~~effective September~~
8 ~~1, 2005,~~ if the person is the holder of a commercial driver license,
9 committing the offense while operating any vehicle;

10 3. Driving or being in actual physical control of a Class A, B
11 or C commercial motor vehicle while under the influence of alcohol
12 or any other intoxicating substance or the combined influence of
13 alcohol and any other intoxicating substance, or, ~~effective~~
14 ~~September 1, 2005,~~ if the person is the holder of a commercial
15 driver license, committing the offense while operating any vehicle.
16 Provided, the Department shall not additionally disqualify, pursuant
17 to this subsection, if the person's driving privilege has been
18 disqualified in this state because of a test result or test refusal
19 pursuant to paragraph 1 or 2 of this subsection as a result of the
20 same violation arising from the same incident;

21 4. ~~Knowingly failing to stop and render aid as required under~~
22 ~~the laws of this state in the event of a motor vehicle collision~~
23 leaving the scene of a collision which occurs while operating a

1 Class A, B or C commercial motor vehicle, or, ~~effective September 1,~~
2 ~~2005,~~ if the person is the holder of a commercial driver license,
3 committing the offense while operating any vehicle;

4 5. Any felony during the commission of which a Class A, B or C
5 commercial motor vehicle is used, except a felony involving the
6 manufacture, distribution or dispensation of a controlled dangerous
7 substance, or, ~~effective September 1, 2005,~~ if the person is the
8 holder of a commercial driver license, committing the offense while
9 operating any vehicle;

10 6. ~~Effective September 1, 2005, operating~~ Operating a
11 commercial motor vehicle while the commercial driving privilege is
12 revoked, suspended, canceled, denied, or disqualified; or

13 7. ~~Effective September 1, 2005, manslaughter,~~ Manslaughter
14 homicide, or negligent homicide occurring as a direct result of
15 negligent operation of a commercial motor vehicle, or, if the person
16 is the holder of a commercial driver license, committing the offense
17 while operating any vehicle.

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

1 hazardous materials under 49 C.F.R., Part 172, subpart F, when the
2 conviction has become final.

3 D. The Department of Public Safety shall disqualify any person
4 from operating a Class A, B or C commercial motor vehicle for life
5 upon receiving a record of conviction in any court of any of the
6 disqualifying offenses described in subsection B of this section
7 after a former conviction of any of the following disqualifying
8 offenses, when the second conviction has become final.

9 The Department of Public Safety may promulgate rules
10 establishing conditions under which a disqualification for life
11 pursuant to the provisions of this subsection may be reduced to a
12 period of not less than ten (10) years provided a previous lifetime
13 disqualification has not been reduced.

14 E. The Department of Public Safety shall disqualify any person
15 from operating a Class A, B or C commercial motor vehicle for life
16 upon receiving a record of conviction for any felony related to the
17 manufacture, distribution or dispensation of a controlled dangerous
18 substance in the commission of which a Class A, B or C commercial
19 motor vehicle is used, ~~or, effective September 1, 2005,~~ if the
20 person is the holder of a commercial driver license, committing the
21 offense while operating any vehicle, when the conviction has become
22 final.

1 F. The Department of Public Safety shall disqualify any person
2 from operating a Class A, B or C commercial motor vehicle for sixty
3 (60) days upon receiving a record of a second conviction of the
4 person for a serious traffic offense arising out of separate
5 transactions or occurrences within a three-year period, when the
6 convictions have become final. The Department of Public Safety
7 shall disqualify any person from operating a Class A, B or C
8 commercial motor vehicle for one hundred twenty (120) days upon
9 receiving a record of a third conviction of a person for a serious
10 traffic offense arising out of separate transactions or occurrences
11 within a three-year period, when the convictions have become final;
12 provided, ~~effective September 1, 2005,~~ the one-hundred-twenty-day
13 period shall run in addition to and shall not run concurrently with
14 any other period disqualification imposed pursuant to this
15 subsection. As used in this subsection, "serious traffic offense"
16 shall mean any of the following offenses committed while operating a
17 commercial motor vehicle:

- 18 1. Speeding fifteen (15) miles per hour or more over the limit;
- 19 2. Reckless driving;
- 20 3. Any traffic offense committed that results in or in
21 conjunction with a motor vehicle collision resulting in a fatality;
- 22 4. Erratic or unsafe lane changes;
- 23 5. Following too close;

1 6. ~~Effective September 1, 2005, failure~~ Failure to obtain a
2 commercial driver license;

3 7. ~~Effective September 1, 2005, failure~~ Failure to have in
4 possession of the person a commercial driver license; or

5 8. ~~Effective September 1, 2005, failure~~ Failure to have:

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

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

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

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

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

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

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

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

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

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

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

17 J. Any person who drives a Class A, B or C commercial motor
18 vehicle on any public roads, streets, highways, turnpikes or any
19 other public place of this state at a time when the person has been
20 disqualified or when the privilege to do so is canceled, denied,
21 suspended or revoked shall be guilty of a misdemeanor and upon
22 conviction shall be punished by a fine of not less than One Hundred
23 Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00),

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

4 K. Upon the receipt of the record of a conviction of a person
5 of a railroad highway grade crossing offense in a commercial motor
6 vehicle, pursuant to Sections 11-701 or 11-702 of this title or
7 Section 11-1115 of this title, or upon receipt of an equivalent
8 conviction from any state, when the conviction becomes final, the
9 Department shall disqualify the driving privileges of the person
10 convicted as follows:

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

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

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

17 L. ~~Effective September 1, 2005, the~~ The Department, upon
18 receipt of a written notice of immediate disqualification issued by
19 the Federal Motor Carrier Safety Administration under 49 CFR 383.52,
20 shall immediately disqualify the person's commercial driving
21 privilege for the period of time specified on the written notice.

22 M. The periods of disqualification as defined by this section
23 shall not be modified. A person may not be granted driving

1 privileges to operate a Class A, B or C commercial vehicle until the
2 disqualification is reinstated.

3 N. When any record of conviction, as specified in this section,
4 is received by the Department and pertains to a nonresident operator
5 of a Class A, B or C commercial motor vehicle, or, ~~effective~~
6 ~~September 1, 2005,~~ if the nonresident operator is the holder of a
7 commercial driver license, a record of the conviction pertaining to
8 the nonresident operator of any vehicle, the Department shall not
9 disqualify the person and shall report the conviction to the
10 licensing jurisdiction in which the license of the nonresident to
11 operate the commercial vehicle was issued.

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

15 SECTION 20. AMENDATORY 47 O.S. 2001, Section 6-206, as
16 amended by Section 16, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2005,
17 Section 6-206), is amended to read as follows:

18 Section 6-206. A. Whenever any person is convicted or pleads
19 guilty in any court having jurisdiction over offenses committed
20 under Section 1-101 et seq. of this title, or any other act or
21 municipal ordinance or act or ordinance of another state regulating
22 the operation of motor vehicles on highways, such court shall make
23 immediate report to the Department of Public Safety setting forth

1 the name of the offender, the number of the driver license and the
2 penalty imposed. Said report shall be submitted by the judge or the
3 clerk of the court upon forms furnished or approved by the
4 Department.

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

14 C. Following receipt of a notice of any nonpayment of fine and
15 costs for a moving traffic violation with a recommendation of
16 suspension of driving privileges of a defendant from any court
17 within this state, as provided for in Section 983 of Title 22 of the
18 Oklahoma Statutes, the Department shall suspend the driving
19 privilege of the named person after giving notice as provided in
20 Section 2-116 of this title. A person whose license is subject to
21 suspension pursuant to this section may avoid the effective date of
22 the suspension or, if suspended, shall be eligible for
23 reinstatement, if otherwise eligible, upon:

- 1 1. Making application to the Department of Public Safety;
- 2 2. Showing proof of payment of the total amount of the fine and
- 3 cost or a release from the court or court clerk; and
- 4 3. Submitting the processing and reinstatement fees, as
- 5 provided for in Section 6-212 of this title.

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

18 D. Upon the receipt of a record of conviction for eluding or
19 attempting to elude a peace officer, the Department of Public Safety
20 shall suspend the driving privilege of the person:

- 21 1. For the first conviction as indicated on the driving record
22 of the person, for a period of six (6) months;

1 2. For the second conviction as indicated on the driving record
2 of the person, for a period of one (1) year. Such period shall not
3 be modified; and

4 3. For the third or subsequent conviction as indicated on the
5 driving record of the person, a period of three (3) years. Such
6 period shall not be modified.

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

10 SECTION **21.** AMENDATORY 47 O.S. 2001, Section 6-211, as
11 amended by Section 17, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2005,
12 Section 6-211), is amended to read as follows:

13 Section 6-211. A. Any person denied driving privileges, or
14 whose driving privilege has been canceled, denied, suspended or
15 revoked by the Department, except where such cancellation, denial,
16 suspension or revocation is mandatory, under the provisions of
17 Section 6-205 of this title, or disqualified by the Department,
18 under the provisions of Section 6-205.2 or 761 of this title, shall
19 have the right of appeal to the district court as hereinafter
20 provided. Proceedings before the district court shall be exempt
21 from the provisions of the Oklahoma Pleading and Discovery codes,
22 except that the appeal shall be by petition, without responsive

1 pleadings. The district court is hereby vested with original
2 jurisdiction to hear said petition.

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

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

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

18 E. The petition shall be filed within thirty (30) days after
19 the order has been served upon the person, except a petition
20 relating to an implied consent revocation shall be filed within
21 thirty (30) days after the Department gives notice to the person
22 that the revocation is sustained as provided in Section 754 of this
23 title. It shall be the duty of the district court to enter an order

1 setting the matter for hearing not less than fifteen (15) days and
2 not more than thirty (30) days from the date the petition is filed.
3 A certified copy of petition and order for hearing shall be served
4 forthwith by the clerk of the court upon the Commissioner of Public
5 Safety by certified mail at the Department of Public Safety,
6 Oklahoma City, Oklahoma.

7 F. At a hearing on a revocation by the Department pursuant to
8 the implied consent laws as provided in Sections 6-205.1, 753 and
9 754 of this title, the court shall not consider the merits of the
10 revocation action unless a written request for an administrative
11 hearing was timely submitted to the Department and the person
12 actually exercised the opportunity to appear as provided in Section
13 754 of this title and the Department entered an order sustaining the
14 revocation.

15 G. Upon a hearing relating to a revocation pursuant to a
16 conviction for an offense enumerated in Section 6-205, 761, or 6-
17 205.2 of this title, the court shall not consider the propriety or
18 merits of the revocation action, except to correct the identity of
19 the person convicted as shown by records of the Department.

20 H. In the event the Department declines to modify a revocation
21 order issued pursuant to Section 753, Section 754, paragraph 2 of
22 subsection A of Section 6-205 or Section 6-205.1 of this title,
23 which is subject to modification pursuant to Section 11-906.4 of

1 this title or Section 6-205.1 of this title, a petition for
2 modification may be included with the appeal or separately filed at
3 any time, and the district court may, in its discretion, modify the
4 revocation as provided for in Section 755 of this title.

5 I. The court shall take testimony and examine the facts and
6 circumstances, including all of the records on file in the office of
7 the Department of Public Safety relative to the offense committed
8 and the driving record of the person, and determine from the facts,
9 circumstances, and records whether or not the petitioner is entitled
10 to driving privileges or shall be subject to the order of denial,
11 cancellation, suspension or revocation issued by the Department.
12 The court may also determine whether or not, from the person's
13 previous driving record, the order was for a longer period of time
14 than such facts and circumstances warranted. In case the court
15 finds that the order was not justified, the court may sustain the
16 appeal, vacate the order of the Department and direct that driving
17 privileges be restored to the petitioner, if otherwise eligible.
18 The court may, in case it determines the order was justified, but
19 that the period of the suspension or revocation was excessive, enter
20 an order modifying the same as provided by law.

21 J. The testimony of any hearing pursuant to this section shall
22 be taken by the court stenographer and preserved for the purpose of
23 appeal and, in case the Department files notice of appeal from the

1 order of the court as provided herein, the court shall order and
2 direct the court clerk to prepare and furnish a complete transcript
3 of all pleadings and proceedings, together with a complete
4 transcript taken at said hearing at no cost to the Department,
5 except the cost of transcribing.

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

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

1 L. After filing and approval of the appeal bond and the
2 furnishing thereof to the Department as hereby provided, the
3 Department shall restore driving privileges to the person if
4 otherwise eligible, and the person shall be permitted to operate a
5 motor vehicle pending the appeal, under terms and conditions as
6 prescribed in the bond which shall include the installation of an
7 ignition interlock device on every motor vehicle operated by the
8 person, pursuant to Section 754.1 or 755 of this title, if the
9 person was denied modification pursuant to any provision of
10 paragraph 2 of subsection A of Section 6-205 or Section 6-205.1, 753
11 or 754 of this title; provided, however, if the order of the
12 Department is sustained in final judgment, the court shall, in such
13 final judgment, enter an order extending the period of suspension or
14 revocation for such time as the petitioner was permitted to operate
15 motor vehicles under the provisions of an appeal bond, and the court
16 shall also in such final judgment direct and require the immediate
17 surrender of any driver license or licenses to the Department.

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

21 SECTION **22.** AMENDATORY 47 O.S. 2001, Section 1151, as
22 last amended by Section 7, Chapter 284, O.S.L. 2005 (47 O.S. Supp.
23 2005, Section 1151), is amended to read as follows:

1 Section 1151. A. It shall be unlawful for any person to commit
2 any of the following acts:

3 1. To lend or to sell to, or knowingly permit the use of by,
4 one not entitled thereto any certificate of title, license plate or
5 decal issued to or in the custody of the person so lending or
6 permitting the use thereof;

7 2. To alter or in any manner change a certificate of title,
8 registration certificate, license plate or decal issued under the
9 laws of this or any other state;

10 3. To procure from another state or country, or display upon
11 any vehicle owned by such person within this state, except as
12 otherwise provided in the Oklahoma Vehicle License and Registration
13 Act, any license plate issued by any state or country other than
14 this state, unless there shall be displayed upon such vehicle at all
15 times the current license plate and decal assigned to it by the
16 Oklahoma Tax Commission or the Corporation Commission or the vehicle
17 shall display evidence that the vehicle is registered as a
18 nonresident vehicle pursuant to rules promulgated by the Tax
19 Commission, with the concurrence of the Department of Public Safety.
20 A violation of the provisions of this paragraph shall be presumed to
21 have occurred if a person who is the holder of an Oklahoma driver
22 license operates a vehicle owned by such person on the public roads
23 or highways of this state and there is not displayed on the vehicle

1 a current Oklahoma license plate and decal, unless the vehicle is
2 owned by a member of the Armed Forces of the United States assigned
3 to duty in this state in compliance with official military or naval
4 orders or the spouse of such a member of the Armed Forces;

5 4. To drive, operate or move, or for the owner to cause or
6 permit to be driven or moved, upon the roads, streets or highways of
7 this state, any vehicle loaded in excess of its registered laden
8 weight, or which is licensed for a capacity less than the
9 manufacturer's rated capacity as provided for in the Oklahoma
10 Vehicle License and Registration Act;

11 5. To operate a vehicle without proper license plate or decal
12 or on which all taxes due the state have not been paid;

13 6. To buy, sell or dispose of, or possess for sale, use or
14 storage, any secondhand or used vehicle on which the registration or
15 license fee has not been paid, as required by law, and on which
16 vehicle the person neglects, fails or refuses to display at all
17 times the license plate or decal assigned to it;

18 7. To give a fictitious name or fictitious address or make any
19 misstatement of facts in application for certificate of title and
20 registration of a vehicle;

21 8. To purchase a license plate on an assigned certificate of
22 title. This particular paragraph shall be applicable to all persons

1 except a bona fide registered dealer in used cars who are holders of
2 a current and valid used car dealer license;

3 9. To operate a vehicle upon the highways of this state after
4 the registration deadline for that vehicle without a proper license
5 plate, as prescribed by the Oklahoma Vehicle License and
6 Registration Act, for the current year;

7 10. For any owner of a vehicle registered on the basis of laden
8 weight to fail or refuse to weigh or reweigh it when requested to do
9 so by any enforcement officer charged with the duty of enforcing
10 this law;

11 11. To operate or possess any vehicle which bears a motor
12 number or serial number other than the original number placed
13 thereon by the factory except a number duly assigned and authorized
14 by the state;

15 12. For any motor license agent to release a license plate, a
16 manufactured home registration receipt, decal or excise tax receipt
17 to any unauthorized person or source, including any dealer in new or
18 used motor vehicles. Violation of this paragraph shall constitute
19 sufficient grounds for discharge of a motor license agent by the Tax
20 Commission;

21 13. To operate any vehicle registered as a commercial vehicle
22 without the lettering requirements of Section 1102 of this title; or

1 14. To operate any vehicle in violation of the provisions of
2 Sections 7-600 through 7-606 of this title while displaying a yearly
3 decal issued to the owner who has filed an affidavit with the
4 appropriate motor license agent in accordance with Section 7-607 of
5 this title.

6 Any person convicted of violating any provision of this
7 subsection, other than paragraph 3 of this subsection, shall be
8 deemed guilty of a misdemeanor and upon conviction shall be punished
9 by a fine not to exceed Five Hundred Dollars (\$500.00). Any person
10 convicted of violating the provisions of paragraph 3 of this
11 subsection shall be deemed guilty of a misdemeanor and, upon
12 conviction, shall be punished by a fine of not less than One Hundred
13 Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00)
14 and shall be required to obtain an Oklahoma license plate.
15 Employees of the Corporation Commission may be authorized by the
16 Corporation Commission to issue citations for a violation of
17 paragraph 5 of this subsection. If a person convicted of violating
18 the provisions of paragraph 5 of this subsection was issued a
19 citation by a duly authorized employee of the Corporation
20 Commission, the fine herein levied shall be apportioned as provided
21 in Section ~~3~~ 1161 of this ~~act~~ title.

22 B. Except as otherwise authorized by law, it shall be unlawful
23 to:

1 1. Lend or sell to, or knowingly permit the use of by, one not
2 entitled thereto any certificate of title issued for a manufactured
3 home, manufactured home registration receipt, manufactured home
4 registration decal or excise tax receipt;

5 2. Alter or in any manner change a certificate of title issued
6 for a manufactured home under the laws of this state or any other
7 state;

8 3. Remove or alter a manufactured home registration receipt,
9 manufactured home registration decal or excise tax receipt attached
10 to a certificate of title or attach such receipts to a certificate
11 of title with the intent to misrepresent the payment of the required
12 excise tax and registration fees;

13 4. Buy, sell, or dispose of, or possess for sale, use or
14 storage any used manufactured home on which the registration fees or
15 excise taxes have not been paid as required by law; or

16 5. Purchase identification, manufactured home registration
17 receipt, manufactured home registration decal or excise tax receipt
18 on an assigned certificate of title.

19 Anyone violating the provisions of this subsection, upon
20 conviction, shall be guilty of a felony.

21 C. In the event a new vehicle is not registered within thirty
22 (30) days from date of purchase, the penalty for the failure of the
23 owner of the vehicle to register the vehicle within thirty (30) days

1 shall be Twenty-five Dollars (\$25.00) ti provided, l that in no event
2 shall the penalty exceed an amount equal to the license fee. The
3 penalty for new commercial vehicles shall be equal to the license
4 fee for such vehicles.

5 If a used vehicle is brought into Oklahoma by a resident of this
6 state and is not registered within thirty (30) days, a penalty of
7 twenty-five cents (\$0.25) per day shall be charged from the date of
8 entry to the date of registration, such penalty to accrue for thirty
9 (30) days, upon failure to register, at the end of which time the
10 penalty shall be Twenty-five Dollars (\$25.00) ti provided, l that in no
11 event shall the penalty exceed an amount equal to the license fee.
12 The penalty for used commercial vehicles shall be equal to the
13 license fee for such vehicles.

14 D. Any owner who knowingly makes or causes to be made any false
15 statement of a fact required in this section to be shown in an
16 application for the registration of one or more vehicles shall be
17 deemed guilty of a misdemeanor and, upon conviction, shall be fined
18 not more than One Thousand Dollars (\$1,000.00), or shall be
19 imprisoned in the county jail for not more than one (1) year, or by
20 both such fine and imprisonment.

21 E. The following self-propelled or motor-driven and operated
22 vehicles shall not be registered under the provisions of the
23 Oklahoma Vehicle License and Registration Act or, except as provided

1 for in Section 11-1116 of this title, be permitted to be operated on
2 the streets or highways of this state:

3 1. Vehicles known and commonly referred to as "minibikes" and
4 other similar trade names; provided, minibikes may be registered and
5 operated in this state by food vendor services upon streets having a
6 speed limit of thirty (30) miles per hour or less;

7 2. Golf carts;

8 3. Go-carts; and

9 4. Other motor vehicles, except motorcycles, which are
10 manufactured principally for use off the streets and highways.

11 Transfers and sales of such vehicles shall be subject to sales
12 tax and not motor vehicle excise taxes.

13 F. Any person violating paragraph 3 or 6 of subsection A of
14 this section, in addition to the penal provisions provided in this
15 section, shall pay as additional penalty a sum equal to the amount
16 of license fees due on such vehicle or registration fees due on a
17 manufactured home known to be in violation and such amount is hereby
18 declared to be a lien upon the vehicle as provided in the Oklahoma
19 Vehicle License and Registration Act. In addition to the penalty
20 provisions provided in this section, any person violating paragraph
21 3 of subsection A of this section shall be deemed guilty of a
22 misdemeanor and shall, upon conviction, be punished by a fine of One

1 Hundred Dollars (\$100.00) ~~and the suspension of such person's driver~~
2 ~~license and right to operate the vehicle.~~

3 G. Each violation of any provision of the Oklahoma Vehicle
4 License and Registration Act for each and every day such violation
5 has occurred shall constitute a separate offense.

6 H. Anyone violating any of the provisions heretofore enumerated
7 in this section shall be guilty of a misdemeanor and upon conviction
8 shall be fined not less than Ten Dollars (\$10.00) and not to exceed
9 Three Hundred Dollars (\$300.00).

10 I. Any violation of any portion of the Oklahoma Vehicle License
11 and Registration Act where a specific penalty has not been imposed
12 shall constitute a misdemeanor and upon conviction thereof the
13 person having violated it shall be fined not less than Ten Dollars
14 (\$10.00) and not to exceed Three Hundred Dollars (\$300.00).

15 J. Any provision of Section 1101 et seq. of this title
16 providing for proportional registration under reciprocal agreements
17 and the International Registration Plan that relates to the
18 promulgation of rules and regulations shall not be subject to the
19 provisions of this section.

20 SECTION **23**. This act shall become effective November 1, 2006.

21 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 4-4-06 - DO PASS,
22 As Amended.