

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1660

By: Covey

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 6-103, as last amended by Section 3, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2004, Section 6-103), which relates to persons not to be licensed; providing exception; amending 47 O.S. 2001, Section 6-111, as last amended by Section 4, Chapter 149, O.S.L. 2004 (47 O.S. Supp. 2004, Section 6-111), which relates to issuance of license or identification card; requiring certain information on driver license or identification card; authorizing issuance of nonresident commercial driver license; stating applicant requirements; requiring certain information on license; establishing time limitation for license; establishing fee; requiring surrender of certain license issued from another state; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-103, as last amended by Section 3, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2004, Section 6-103), is amended to read as follows:

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

1. Any person who is under eighteen (18) years of age, except that the Department may issue a Class D license to any person who attains sixteen (16) years of age on or after August 15, 2000, and meets the requirements of Sections 6-105 and 6-107.3 of this title;
2. Any unemancipated person who is under eighteen (18) years of age and whose custodial parent or guardian objects to the issuance of a license or permit by filing an objection pursuant to Section 6-103.1 of this title;
3. Any person whose driving privilege has been suspended, revoked, canceled or denied in this state or any other state or

country until the driving privilege has been reinstated by the state or country withdrawing the privilege;

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

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

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

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

8. Any person who is a nonresident, as defined in Section 1-137 of this title, except as provided in subsection D of Section 6-111 of this title;

9. Any alien unless such person presents valid documentation of identity and authorization for presence in the United States issued pursuant to the laws of the United States; provided, no license

shall be issued to any alien whose documentation indicates the alien is a visitor or is not eligible to establish residency; or

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

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

SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-111, as last amended by Section 4, Chapter 149, O.S.L. 2004 (47 O.S. Supp. 2004, Section 6-111), is amended to read as follows:

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

2. A driver license or identification card issued by the Department on or after November 1, 2004, shall bear the county of residence of the licensee or cardholder.

3. The Department may cancel the distinguishing number, when that distinguishing number is ~~another person's~~ the Social Security number of another person, assign a new distinguishing number, and

issue a new license or identification card without charge to the licensee or cardholder.

~~3.~~ 4. The Department may promulgate rules for inclusion of the height and a brief description of the licensee or cardholder on the face of the card or license identifying the licensee or cardholder as deaf or hard-of-hearing.

~~4.~~ 5. It is unlawful for any person to apply, adhere, or otherwise attach to a driver license or identification card any decal, sticker, label, or other attachment. Any law enforcement officer is authorized to remove and dispose of any unlawful decal, sticker, label, or other attachment from the driver license of a person. The law enforcement officer, the employing agency of the officer, the Department of Public Safety, and the State of Oklahoma shall be immune from any liability for any loss suffered by the licensee, cardholder, or the owner of the decal, sticker, label, or other attachment caused by the removal and destruction of the decal, sticker, label, or other attachment.

~~5.~~ 6. The Department of Public Safety shall develop an alternative procedure whereby a person applying for a renewal or replacement Class D license or identification card who satisfactorily demonstrates to the Department the inability to appear personally to be photographed, because the person is not in the state at the time of renewal or at a time a replacement is required by the person, may be issued a license or card bearing the words "Valid Without Photo"; provided, immediately upon returning to Oklahoma, the person shall obtain a replacement license or card, as applicable, which contains and displays a photograph or computerized image of the person.

B. The Department may issue a temporary permit to an applicant for a driver license permitting ~~such~~ the applicant to operate a motor vehicle while the Department is completing its investigation and determination of all facts relative to ~~such applicant's~~ the

privilege of the applicant to receive a license. ~~Such~~ The permit must be in the immediate possession of the driver while operating a motor vehicle, and it shall be invalid when the ~~applicant's~~ driver license of the applicant has been issued or for good cause has been refused.

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

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

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

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

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

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

D. 1. The Department may issue a nonresident commercial driver license to an applicant who:

- a. is at least eighteen (18) years of age,
- b. is employed by an Oklahoma employer,
- c. is a resident of a foreign country, other than Canada or Mexico, and
- d. has met all the requirements for a commercial driver license, except the requirement of having been issued a Social Security number, for the operation of any commercial class of vehicles. Any person who is applying for a nonresident commercial driver license shall be subject to the provisions of this title.

2. A nonresident commercial driver license issued pursuant to paragraph 1 of this subsection shall contain on the face of the license the statement "nonresident commercial driver license" or "nonresident CDL".

3. Any license issued pursuant to paragraph 1 of this subsection shall be valid only for the period the nonresident is authorized to be employed in the United States or for a period of four (4) years, whichever is shorter. The fee for a nonresident commercial driver license will be the same as for a resident commercial driver license.

4. If the nonresident applicant is the holder of a nonresident commercial driver license issued by another state, the license shall be surrendered to the Department at the time a nonresident commercial driver license is issued by the Department.

SECTION 3. This act shall become effective November 1, 2005.

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