

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1824

By: Corn

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 6-101, as last amended by Section 5, Chapter 521, O.S.L. 2004 (47 O.S. Supp. 2005, Section 6-101), which relates to class requirements for driver license; modifying motorcycle endorsement requirements; deleting authorization to waive certain examinations; modifying certain license and endorsement fees; directing deposit and use of portions of certain fees; amending Section 4, Chapter 457, O.S.L. 2005 (47 O.S. Supp. 2005, Section 6-105.3), which relates to issuance of identification cards; modifying period of time for which identification cards are valid; providing for replacement of identification cards; amending 47 O.S. 2001, Section 6-114, as last amended by Section 6, Chapter 390, O.S.L. 2004 (47 O.S. Supp. 2005, Section 6-114), which relates to replacement license; providing for apportionment of certain fees; directing deposit in certain fund and specifying use; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-101, as last amended by Section 5, Chapter 521, O.S.L. 2004 (47 O.S. Supp. 2005, Section 6-101), is amended to read as follows:

Section 6-101. A. No person, except those hereinafter expressly exempted in Section 6-102 of this title, shall operate any motor vehicle upon a highway in this state unless the person has a valid Oklahoma driver license for the class of vehicle being operated under the provisions of this title. No person shall be permitted to possess more than one valid license at any time.

B. 1. No person shall operate a Class A commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class A commercial license, except as provided in paragraph 5 of this subsection. Any person holding a valid Class A

commercial license shall be permitted to operate motor vehicles in Classes A, B, C, and D, except as provided for in paragraph 4 of this subsection.

2. No person shall operate a Class B commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class B commercial license. Any person holding a valid Class B commercial license shall be permitted to operate motor vehicles in Classes B, C, and D, except as provided for in paragraph 4 of this subsection.

3. No person shall operate a Class C commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class C commercial license. Any person holding a valid Class C commercial license shall be permitted to operate motor vehicles in Classes C and D, except as provided for in paragraph 4 of this subsection.

4. No person under twenty-one (21) years of age shall be licensed to operate any motor vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F; provided, a person eighteen (18) years of age or older may be licensed to operate a farm vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F.

5. A person at least seventeen (17) years of age who successfully completes all examinations required by law may be issued by the Department:

- a. a restricted Class A commercial license which shall grant to the licensee the privilege to operate a Class A or Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle, or
- b. a restricted Class B commercial license which shall grant to the licensee the privilege to operate a Class

B commercial motor vehicle for harvest purposes or a Class D motor vehicle.

6. No person shall operate a Class D motor vehicle unless the person is sixteen (16) years of age or older and holds a valid Class D license, except as provided for in Section 6-102 or 6-105 of this title. Any person holding a valid Class D license shall be permitted to operate motor vehicles in Class D only.

C. Any person issued a driver license pursuant to this section may exercise the privilege thereby granted upon all streets and highways in this state.

D. No person shall operate a motorcycle or motor-driven cycle without having a valid Class A, B, C or D license with a motorcycle endorsement.

1. Except as otherwise provided by law, any new applicant for an original driver license shall be required to successfully complete a written examination, vision examination, and driving examination for a motorcycle as prescribed by the Department of Public Safety to be eligible for a motorcycle endorsement thereon. The driving examination for a motorcycle may be waived by the Department of Public Safety upon verification that the person has completed a certified Motorcycle Safety Foundation rider course approved by the Department.

~~E. 2. Except as otherwise provided by law, any person who lawfully possesses a valid Oklahoma driver license which is eligible for renewal and who desires to add a motorcycle endorsement shall be required to successfully complete a written examination, vision examination, and driving examination for a motorcycle as prescribed by the Department to be eligible for a motorcycle endorsement, provided, however, the Department may waive all such examinations until July 1, 2000, upon satisfactory proof that the applicant has regularly operated a motorcycle or motor-driven cycle for a minimum of two (2) years immediately preceding the application.~~

~~F.~~ E. 1. Any person eighteen (18) years of age or older may apply for a restricted Class A, B, or C commercial license. The Department, after the applicant has passed all parts of the examination for a Class D license and has successfully passed all parts of the examination for a Class A, B, or C commercial license other than the driving examination, may issue to the applicant a restricted driver license which shall entitle the applicant having immediate possession of the license to operate a Class A, B, or C commercial motor vehicle upon the public highways solely for the purpose of behind-the-wheel training in accordance with rules promulgated by the Department.

2. This restricted driver license shall be issued for a period of not more than four (4) years; provided, such restricted license may be suspended, revoked, canceled, or denied at the discretion of the Department for violation of the restrictions, for failing to give the required or correct information on the application, or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle. Except as otherwise provided, the lawful possessor of a restricted license who has been issued a restricted license for a minimum of thirty (30) days may have the restriction requiring an accompanying driver removed by satisfactorily completing a driver's examination; provided, the removal of a restriction shall not authorize the operation of a Class A, B, or C commercial motor vehicle if such operation is otherwise prohibited by law.

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

Class A Commercial License	\$25.00 <u>\$30.00</u>
Class B Commercial License	\$15.00 <u>\$20.00</u>
Class C Commercial License	\$15.00 <u>\$20.00</u>

~~this subsection shall be deposited in the General Revenue Fund of this state to the Department of Public Safety Revolving Fund for the purpose of administering the Driver License Examining Division.~~

~~I. 1. In addition to any fee charged pursuant to the provisions of subsection G of this section, the fee charged for the issuance or renewal of an Oklahoma license which is not in a computerized image format shall be in accordance with the following schedule:~~

Class A Commercial License	\$40.50
Class B Commercial License	\$40.50
Class C Commercial License	\$30.50
Class D License	\$20.50

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

- ~~a. Five Dollars and fifty cents (\$5.50) shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 330.97 of Title 63 of the Oklahoma Statutes, and~~
- ~~b. Five Dollars and seventy five cents (\$5.75) shall be deposited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of the Department.~~

~~2. G. In addition to any fee charged pursuant to the provisions of subsection G F of this section, the fee charged for the issuance or renewal of an Oklahoma license which is in a computerized image format shall be in accordance with the following schedule:~~

Class A Commercial License	\$41.50
Class B Commercial License	\$41.50
Class C Commercial License	\$31.50
Class D License	\$21.50

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

~~a.~~ 1. Five Dollars and fifty cents (\$5.50) shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 330.97 of Title 63 of the Oklahoma Statutes~~7i~~ and

~~b.~~ 2. Six Dollars and seventy-five cents (\$6.75) shall be deposited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of the Department.

~~F.~~ H. All original and renewal driver licenses shall expire no more than four (4) years from the last day of the month in which the license was issued, as provided by law.

~~K.~~ I. Any person sixty-two (62) years of age or older during the calendar year of issuance of a Class D license or motorcycle endorsement shall be charged the following prorated fee:

Age 62	\$11.25
Age 63	\$ 7.50
Age 64	\$ 3.75
Age 65	-0-

~~H.~~ J. The Department of Public Safety and the Oklahoma Tax Commission are authorized to promulgate rules for the issuance and renewal of driver licenses authorized pursuant to the provisions of Sections 6-101 through 6-309 of this title. Applications, upon forms approved by the Department of Public Safety, for such licenses shall be handled by the motor license agents; provided, the Department of Public Safety is authorized to assume these duties in any county of this state. Each motor license agent accepting applications for driver licenses shall receive Two Dollars (\$2.00) to be deducted from the total collected for each license or renewal application accepted. The two-dollar fee received by the motor license agent shall be used for operating expenses.

~~M.~~ K. Notwithstanding the provisions of Section 1104 of this title and subsection ~~H~~ J of this section and except as provided in subsections ~~G~~ F and ~~I~~ G of this section, the first Sixty Thousand Dollars (\$60,000.00) of all monies collected pursuant to this section shall be paid by the Oklahoma Tax Commission to the State Treasurer to be deposited in the General Revenue Fund of the State Treasury.

The next Five Hundred Thousand Dollars (\$500,000.00) of monies collected pursuant to this section shall be paid by the Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department of Public Safety Revolving Fund for the purpose of the Statewide Law Enforcement Communications System. All other monies collected in excess of Five Hundred Sixty Thousand Dollars (\$560,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title, except as otherwise provided in this section.

~~N.~~ L. The Department of Public Safety shall implement a procedure whereby images displayed on licenses and identification cards issued pursuant to the provisions of Sections 6-101 through 6-309 of this title are maintained by the Department to create photographs or computerized images which may be used only:

1. By a law enforcement agency for purposes of criminal investigations, missing person investigations, or any law enforcement purpose which is deemed necessary by the Commissioner of Public Safety;

2. By the driver licensing agency of another state for its official purpose; and

3. As provided in Section 2-110 of this title.

The computer system and related equipment acquired for this purpose must conform to industry standards for interoperability and open architecture. The Department of Public Safety may promulgate rules to implement the provisions of this subsection.

SECTION 2. AMENDATORY Section 4, Chapter 457, O.S.L.

2005 (47 O.S. Supp. 2005, Section 6-105.3), is amended to read as follows:

Section 6-105.3. A. In addition to the licenses to operate motor vehicles, the Department of Public Safety may issue cards to Oklahoma residents for purposes of identification only. The identification cards shall be issued, ~~renewed~~ replaced, canceled and denied in the same manner as driver licenses in this state. The application for an identification card by any person under the age of eighteen (18) shall be signed and verified by a custodial legal parent or legal guardian before a person authorized to administer oaths. The identification cards shall be valid ~~for a period of four (4) years from the month of issuance; however, the identification cards issued to persons sixty-five (65) years of age or older shall be valid indefinitely from the month of issuance;~~ provided, an identification card holder may replace his or her identification card at any time upon payment of the fee as provided in subsection B of this section.

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

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

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

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

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

SECTION 3. AMENDATORY 47 O.S. 2001, Section 6-114, as last amended by Section 6, Chapter 390, O.S.L. 2004 (47 O.S. Supp. 2005, Section 6-114), is amended to read as follows:

Section 6-114. A. 1. In the event that a driver license is lost, destroyed or requires the updating of any information, restriction or endorsement displayed thereon, the person to whom such license was issued may obtain a replacement thereof upon payment of the required fee and by furnishing both primary and secondary proofs of identity to the Department of Public Safety. If application is made at a motor license agency or subagency, the agent or subagent shall immediately verify the identity of the applicant, by means of both primary and secondary proofs of identity, and the eligibility of the applicant by contacting the Department for verification and approval, if the applicant will pay the costs of any long distance calls that might be involved. If the licensee is an alien, the licensee shall appear before a driver license examiner of the Department and, after furnishing primary and secondary proofs of identity as required in this section, shall be issued a replacement driver license for a period which does not exceed the lesser of:

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

~~2. The cost of such replacement license which is not in computerized image format shall be Five Dollars (\$5.00), of which Two Dollars (\$2.00) shall be apportioned as provided in Section 1104 of this title and Three Dollars (\$3.00) shall be remitted to the State Treasurer to be credited to the General Revenue Fund.~~

~~3. The cost of a replacement license which is in computerized image format shall be Ten Dollars (\$10.00), of which if:~~

- a. the replacement license is for the purpose of exchanging a learner permit for an intermediate driver license, as provided in Section 6-105 of this title, Two Dollars (\$2.00) shall be apportioned as provided in Section 1104 of this title and Eight Dollars (\$8.00) shall be credited to the Department of Public Safety Revolving Fund for the purpose of administering the Driver License Examining Division, or
- b. the replacement license is for any purpose other than described in subparagraph a of this paragraph, Two Dollars (\$2.00) shall be apportioned as provided in Section 1104 of this title, Three Dollars (\$3.00) shall be remitted to the State Treasurer to be credited to the General Revenue Fund, and Five Dollars (\$5.00) shall be credited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administering and maintaining the computer imaging system of the Department.

~~4.~~ 3. The Department shall promulgate rules prescribing forms of primary and secondary identification acceptable for replacement of an Oklahoma driver license.

B. Any person desiring to add or remove an endorsement or endorsements or a restriction or restrictions to any existing driver license, when authorized by the Department of Public Safety, shall obtain a replacement license with said endorsement or endorsements or said restriction or restrictions change thereon and shall be charged the fee for a replacement license as provided in subsection A of this section.

SECTION 4. This act shall become effective November 1, 2006.

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