

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 1711

By: Billy of the House

and

Wilson of the Senate

8 An Act relating to motor vehicles; amending 47 O.S.
2001, Section 6-107, as last amended by Section 11,
9 Chapter 311, O.S.L. 2006 (47 O.S. Supp. 2006, Section
6-107), which relates to restricted licenses for
10 unemancipated persons; providing exception to
verification requirement; and providing an effective
11 date.

13 AUTHOR: Add the following Senate Coauthor: Johnson
(Constance)

15 AMENDMENT NO. 1. Page 1, line 13 1/2, insert new Sections 1
through 5 to read

16 "SECTION 1. AMENDATORY 47 O.S. 2001, Section 2-116, is
17 amended to read as follows:

18 Section 2-116. Whenever the Department of Public Safety is
19 authorized or required to give any notice under this act or other
20 law regulating the operation of vehicles, unless a different method
21 of giving such notice is otherwise expressly prescribed, such notice
22 shall be given either by personal delivery thereof to the person to
23 be so notified or by deposit in the United States mail of such
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1 notice in an envelope with first class postage prepaid, addressed to
2 such person at the address as shown by the records of the
3 Department. The giving of notice by mail is complete upon the
4 expiration of ten (10) days after such deposit of said notice. Proof
5 of the giving of notice in either such manner may be made by the
6 certificate of any officer or employee of the Department or
7 affidavit of any person over eighteen (18) years of age, naming the
8 person to whom such notice was given and specifying the time, place
9 and manner of the giving thereof. Failure of the person to receive
10 notice because of failure to notify the Department of a change in
11 his or her current mailing address, as required by Section 6-116 of
12 this title, shall not be sufficient grounds for the person to
13 protest the notice.

14 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-106, as
15 last amended by Section 26, Chapter 16, O.S.L. 2006 (47 O.S. Supp.
16 2006, Section 6-106), is amended to read as follows:

17 Section 6-106. A. 1. Every application for a driver license
18 or identification card shall be made by the applicant upon a form
19 furnished by the Department of Public Safety.

20 2. Every original, renewal, or replacement application for a
21 driver license or identification card made by a male applicant who
22 is at least sixteen (16) but less than twenty-six (26) years of age
23 shall include a statement that by submitting the application, the
24 applicant is consenting to registration with the Selective Service

1 System. The pertinent information from the application shall be
2 forwarded by the Department to the Data Management Center of the
3 Selective Service System in order to register the applicant as
4 required by law, with the Selective Service System. Any applicant
5 refusing to sign the consent statement shall be denied a driver
6 license or identification card.

7 3. Every applicant for a driver license or identification card
8 shall provide to the Department at the time of application both
9 primary and secondary proofs of identity. The Department shall
10 promulgate rules prescribing forms of primary and secondary
11 identification acceptable for an original Oklahoma driver license.

12 B. Every applicant for a driver license shall state upon the
13 application the following information:

14 1. Full name;

15 2. Date of birth;

16 3. Sex;

17 4. Residence address, and county of residence, ~~and mailing to~~
18 be displayed on the license;

19 5. Mailing address, if different than the residence address to
20 be maintained by the Department for the purpose of giving notice, if
21 necessary, as required by Section 2-116 of this title;

22 ~~5.~~ 6. Medical information, as determined by the Department,
23 which shall assure the Department that the person is not prohibited
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1 from being licensed as provided by paragraph 7 of subsection A of
2 Section 6-103 of this title;

3 ~~6.~~ 7. Whether the applicant is deaf or hard-of-hearing;

4 ~~7.~~ 8. A brief description of the applicant, as determined by
5 the Department;

6 ~~8.~~ 9. Whether the applicant has previously been licensed, and,
7 if so, when and by what state or country, and whether any license
8 has ever been suspended or revoked, or whether an application has
9 ever been refused, and, if so, the date of and reason for the
10 suspension, revocation or refusal;

11 ~~9.~~ 10. Whether the applicant is an alien eligible to be
12 considered for licensure and is not prohibited from licensure
13 pursuant to paragraph 9 of subsection A of Section 6-103 of this
14 title;

15 ~~10. Effective September 1, 2005, whether~~ 11. Whether the
16 applicant has:

17 a. previously been licensed and, if so, when and by what
18 state or country, and

19 b. held more than one license at the same time during the
20 immediately preceding ten (10) years; and

21 ~~11.~~ 12. Social security number.

22 No person shall request the Department to use the social security
23 number of that person as the driver license number. Upon renewal or
24 replacement of any driver license issued after the effective date of

1 this act, the licensee shall advise the Department or the motor
2 license agent if the present driver license number of the licensee
3 is the social security number of the licensee. If the driver
4 license number is the social security number, the Department or the
5 motor license agent shall change the driver license number to a
6 computer-generated alphanumeric identification.

7 C. In addition to the requirements of subsections A and B of
8 this section, every applicant for a commercial driver license with a
9 hazardous material endorsement shall submit to a security threat
10 assessment performed by the Transportation Security Administration
11 of the Department of Homeland Security as required by and pursuant
12 to 49 C.F.R., Part 1572, which shall be used to determine whether
13 the applicant is eligible for the endorsement pursuant to federal
14 law and regulation.

15 The Department of Public Safety shall notify each commercial
16 driving school of the passage of this section, and each commercial
17 driving school shall notify prospective students of its school of
18 the hazardous material endorsement requirement.

19 D. Whenever application is received from a person previously
20 licensed in another jurisdiction, the Department shall request a
21 copy of the driving record from the other jurisdiction and,
22 effective September 1, 2005, from all other jurisdictions in which
23 the person was licensed within the immediately previous ten (10)
24 years. When received, the driving record shall become a part of the

1 driving record of the person in this state with the same force and
2 effect as though entered on the driver's record in this state in the
3 original instance.

4 E. Whenever the Department receives a request for a driving
5 record from another licensing jurisdiction, the record shall be
6 forwarded without charge.

7 SECTION 3. AMENDATORY 47 O.S. 2001, Section 6-111, as
8 last amended by Section 16, Chapter 311, O.S.L. 2006 (47 O.S. Supp.
9 2006, Section 6-111), is amended to read as follows:

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

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

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

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

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

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1 6. The Department of Public Safety shall develop by rule an
2 alternative procedure whereby a person applying for a renewal or
3 replacement Class D license or identification card, when the person
4 satisfactorily demonstrates to the Department the inability to
5 appear personally to be photographed because the person is not in
6 the state at the time of renewal or at a time a replacement is
7 required by the person, may be issued a license or card; provided,
8 immediately upon returning to Oklahoma, the person shall obtain a
9 replacement license or card as provided in Section 6-114 of this
10 title.

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

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

- 22 a. farm retail outlets and suppliers,
- 23 b. agri-chemical businesses,
- 24 c. custom harvesters, and

1 d. livestock feeders.

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

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

12 a. diesel fuel in quantities of one thousand (1,000)
13 gallons or less,

14 b. liquid fertilizers in vehicles with total capacities
15 of three thousand (3,000) gallons or less, and

16 c. solid fertilizers that are not mixed with any organic
17 substance.

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

20 SECTION 4. AMENDATORY 47 O.S. 2001, Section 6-116, as
21 amended by Section 4, Chapter 234, O.S.L. 2003 (47 O.S. Supp. 2006,
22 Section 6-116), is amended to read as follows:

23 Section 6-116. A. Whenever any person, after applying for or
24 receiving a driver license or identification card, shall:

1 1. Change the mailing address named in such application ~~or~~;

2 2. Change the residence address displayed on the license or
3 card issued to the person;

4 3. Move from the person's previous county ~~or residence~~; or

5 ~~3.~~ 4. Change the name of a licensee by marriage or otherwise,
6 such person shall notify the Department of Public Safety as provided
7 in subsection B of this section.

8 B. Within ten (10) days such person shall notify the Department
9 of Public Safety in writing of the number of any driver license and
10 identification card then held by the person and, as applicable:

11 1. Both the old and new mailing addresses;

12 2. Both the old and new residence addresses;

13 3. Both the old and new counties of residence; or

14 ~~3.~~ 4. Both the former and new names, ~~and of the number of any~~
15 ~~driver license and identification card then held by the person.~~

16 C. The Department of Public Safety shall not:

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

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

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1 SECTION 5. AMENDATORY 47 O.S. 2001, Section 6-117, as
2 last amended by Section 6, Chapter 204, O.S.L. 2006 (47 O.S. Supp.
3 2006, Section 6-117), is amended to read as follows:

4 Section 6-117. A. The Department of Public Safety shall file
5 every application for a driver license or identification card
6 received by the Department and shall maintain suitable indexes
7 containing:

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

10 2. All applications granted;

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

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

1 5. The name, driver license number, and mailing address of
2 every person for the purpose of giving notice, if necessary, as
3 required by Section 2-116 of this title.

4 B. The Department shall file all collision reports and
5 abstracts of court records of convictions received by it pursuant to
6 the laws of this state and maintain convenient records of the
7 records and reports or make suitable notations in order that an
8 individual record of a person showing the convictions of the person
9 and the traffic collisions in which the person has been involved
10 shall be readily ascertainable and available for the consideration
11 of the Department of Public Safety upon any application for a driver
12 license or renewal of a driver license and at other suitable times.
13 Any abstract, index or other entry relating to a driving record
14 according to the licensing authority in another state or a province
15 of Canada may be posted upon the driving record of any resident of
16 this state when notice thereof is received by documentation or by
17 electronic transmission. The individual record of a person shall
18 not include any collision reports and abstracts of court records
19 involving a collision in which the person was not issued a citation
20 or if a citation is issued and the person was not convicted.

21 C. 1. The Commissioner and the officers of the Department as
22 the Commissioner may designate are hereby authorized to prepare
23 under the seal of the Department and deliver upon request a copy of
24 any collision report on file with the Department, charging a fee of

1 Seven Dollars (\$7.00). However, the Department shall not be
2 required to furnish personal information from the collision report
3 which is contrary to the provisions of the Driver's Privacy
4 Protection Act, 18 United States Code, Sections 2721 through 2725.

5 2. Notwithstanding the provisions of paragraph 1 of this
6 subsection, the Department is authorized to enter into contracts to
7 supply information regarding vehicles reported to be involved in
8 collisions. For each vehicle, the information shall be limited to
9 that which only describes the vehicle and the collision. The
10 Department shall not be required to provide any information
11 regarding the owner or operator of the vehicle or any information
12 which would conflict with Section 2-110 or Section 1109 of this
13 title.

14 D. The Department of Public Safety or any motor license agent
15 upon request shall prepare and furnish to any authorized person a
16 Motor Vehicle Report of any person subject to the provisions of the
17 motor vehicle laws of this state. However, the Department shall not
18 be required to furnish personal information from a driving record
19 contrary to the provisions of the Driver's Privacy Protection Act,
20 18 United States Code, Sections 2721 through 2725. The Motor
21 Vehicle Report shall be a summary of the driving record of the
22 person and shall include the enumeration of any motor vehicle
23 collisions, reference to convictions for violations of motor vehicle
24 laws, and any action taken against the privilege of the person to

1 operate a motor vehicle, as shown by the files of the Department for
2 the three (3) years preceding the date of the request. The
3 Department shall not be required to release to any person, in whole
4 or in part and in any format, a driving index, as described in
5 subsection A of this section, except as otherwise provided for by
6 law. For each Motor Vehicle Report furnished by the Department of
7 Public Safety, the Department shall collect the sum of Ten Dollars
8 (\$10.00). For each Motor Vehicle Report furnished by a motor
9 license agent, the agent shall collect the sum of Ten Dollars
10 (\$10.00), Eight Dollars (\$8.00) of which shall be paid to the
11 Oklahoma Tax Commission for deposit in the General Revenue Fund in
12 the State Treasury and Two Dollars (\$2.00) of which shall be
13 retained by the motor license agent. Persons sixty-five (65) years
14 of age or older shall not be required to pay a fee for their own
15 Motor Vehicle Report furnished by the Department or a motor license
16 agent. For purposes of this subsection, a Motor Vehicle Report
17 shall include a report which indicates that no driving record is on
18 file with the Department of Public Safety for the information
19 received by the Department in the request for the Motor Vehicle
20 Report.

21 E. The Department of Public Safety may develop procedures
22 whereby an employer of a person:

23 1. Who has a Class A, B or C driver license; and
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