

SB 1745

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THE STATE SENATE
Monday, February 25, 2008

Senate Bill No. 1745
As Amended

SENATE BILL NO. 1745 - By: BASS, LEFTWICH and BROGDON of the Senate and COX of the House.

[public safety - unlawful use of driver license -
misdemeanor - effective date]

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-301, as last amended by Section 8, Chapter 149, O.S.L. 2004 (47 O.S. Supp. 2007, Section 6-301), is amended to read as follows:

Section 6-301. It shall be unlawful for any person to commit any of the acts specified in paragraph 1 ~~or~~, 2, 3 or 4 of this section in relation to an Oklahoma driver license or identification card authorized to be issued by the Department of Public Safety pursuant to the provisions of Sections 6-101 through 6-309 of this title or any driver license or other evidence of driving privilege or identification card authorized to be issued by the state of origin.

- 1. It is a misdemeanor for any licensee:
 - a. to display or cause or permit to be displayed one's own license after such license has been suspended, revoked or canceled or to possess one's own license

- 1 after having received notice of its suspension,
2 revocation, or cancellation,
- 3 b. to lend one's own license or identification card to
4 any other person or knowingly permit the use thereof
5 by another,
- 6 c. to display or cause or permit to be displayed or to
7 possess a license or identification card issued to
8 oneself which bears altered information concerning the
9 date of birth, expiration date, sex, height, eye
10 color, weight or license or card number,
- 11 d. to fail or refuse to surrender to the Department upon
12 its lawful demand any license or identification card
13 which has been suspended, revoked or canceled,
- 14 e. to permit any unlawful use of a license or
15 identification card issued to oneself,
- 16 f. to do any act forbidden or fail to perform any act
17 required by this chapter, excepting those acts as
18 provided in paragraph ~~2~~ 3 of this section,
- 19 g. to display or represent as one's own, any license or
20 identification card not issued to such person, unless
21 under conditions provided in subparagraph e of
22 paragraph ~~2~~ 3 of this section, or

1 h. to add to, delete from, alter, or deface the required
2 information on a driver license or identification
3 card.

4 2. It is a misdemeanor for any person:

5 a. to access or use electronically readable or digitally
6 transferable information derived from a driver license
7 or identification card,

8 b. to compile or maintain a database of electronically
9 readable or digitally transferable information derived
10 from a driver license or identification card, or

11 c. to purchase, sell, trade, or otherwise disseminate
12 electronically readable or digitally transferable
13 information derived from a driver license or
14 identification card,

15 for any marketing, advertising, soliciting, or commercial purposes.

16 This paragraph shall not prohibit any person or entity, public or
17 private, from acquiring or verifying information from a driver
18 license or identification card for any other purpose not prohibited
19 by law.

20 3. It is a felony for any person:

21 a. to create, publish or otherwise manufacture an
22 Oklahoma or other state license or identification card
23 or facsimile thereof, or to create, manufacture or

1 possess an engraved plate or other such device, card,
2 laminate, digital image or file, or software for the
3 printing of an Oklahoma or other state license or
4 identification card or facsimile thereof, except as
5 authorized pursuant to this title,
6 b. to display or cause or permit to be displayed or to
7 knowingly possess any state counterfeit or fictitious
8 license or identification card,
9 c. to display or cause to be displayed or to knowingly
10 possess any state license or identification card
11 bearing a fictitious or forged name or signature,
12 d. to display or cause to be displayed or to knowingly
13 possess any state license or identification card
14 bearing the photograph of any person, other than the
15 person named thereon as licensee,
16 e. to display or represent as one's own, any license or
17 identification card not issued to him or her, for the
18 purpose of committing a fraud in any commercial
19 transaction or to mislead a peace officer in the
20 performance of his or her duties, or
21 f. to use a false or fictitious name in any application
22 for a license or identification card or to knowingly
23 make a false statement or to knowingly conceal a

1 material fact or otherwise commit a fraud in any such
2 application.

3 ~~3.~~ 4. It is a felony for any employee or person authorized to
4 issue or approve the issuance of licenses or identification cards
5 under this title to knowingly issue or attempt to issue a license or
6 identification card or to knowingly give approval for, cause, or
7 attempt to cause a license or identification card to be issued:
8 a. to a person not entitled thereto,
9 b. bearing erroneous information thereon, or
10 c. bearing the photograph of a person other than the
11 person named thereon.

12 Such conduct shall be grounds for termination of employment of the
13 employee.

14 ~~4.~~ 5. The violation of any of the provisions of paragraph 1 or
15 2 of this section shall constitute a misdemeanor and shall, upon
16 conviction thereof, be punishable by a fine of not less than
17 Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars
18 (\$200.00); the violation of any of the provisions of paragraph ~~2~~ 3
19 or ~~3~~ 4 of this section shall constitute a felony and shall, upon
20 conviction thereof, be punishable by a fine not exceeding Ten
21 Thousand Dollars (\$10,000.00) or a term of imprisonment in the State
22 Penitentiary not to exceed seven (7) years, or by both such fine and
23 imprisonment.

1 ~~5-~~ 6. Notwithstanding any provision of this section, the
2 Commissioner of the Department of Public Safety may, upon the
3 request of the chief administrator of a law enforcement, military,
4 or intelligence agency, authorize the issuance to and display, and
5 possession by a person of a license which would otherwise be a
6 violation of this section, for the sole purpose of aiding in a
7 criminal investigation or a military or intelligence operation.
8 While acting pursuant to such authorization by the Commissioner,
9 such person shall not be prosecuted for a violation under this
10 section. Upon termination of such investigation or operation or
11 upon request of the Commissioner, the chief administrator shall
12 forthwith cause such license to be returned to the Commissioner.

13 SECTION 2. This act shall become effective November 1, 2008.

14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-20-08 - DO
15 PASS, As Amended and Coauthored.