

SB 412

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THE STATE SENATE
Monday, February 25, 2008

Senate Bill No. 412
As Amended

SENATE BILL NO. 412 - By: CORN of the Senate and SMITHSON of the House.

[motor vehicles - class requirements for driver license - replacement of identification cards - 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 23, Chapter 44, O.S.L. 2006 (47 O.S. Supp. 2006, 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

1 Classes A, B, C and D, except as provided for in paragraph 4 of this
2 subsection.

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

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

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

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

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

8 b. a restricted Class B commercial license which shall
9 grant to the licensee the privilege to operate a Class
10 B commercial motor vehicle for harvest purposes or a
11 Class D motor vehicle.

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

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

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

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

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

20 ~~F. E.~~ 1. Any person eighteen (18) years of age or older may
21 apply for a restricted Class A, B or C commercial license. The
22 Department, after the applicant has passed all parts of the
23 examination for a Class D license and has successfully passed all

1 parts of the examination for a Class A, B or C commercial license
2 other than the driving examination, may issue to the applicant a
3 restricted driver license which shall entitle the applicant having
4 immediate possession of the license to operate a Class A, B or C
5 commercial motor vehicle upon the public highways solely for the
6 purpose of behind-the-wheel training in accordance with rules
7 promulgated by the Department.

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

22 ~~G. F.~~ 1. The fee charged for an approved application for an
23 original Oklahoma driver license or an approved application for the

1 addition of an endorsement to a current valid Oklahoma driver
2 license shall be assessed in accordance with the following schedule:

3	Class A Commercial License	\$25.00 <u>\$30.00</u>
4	Class B Commercial License	\$15.00 <u>\$20.00</u>
5	Class C Commercial License	\$15.00 <u>\$20.00</u>
6	Class D License	\$4.00 <u>\$10.00</u>
7	Motorcycle Endorsement	\$4.00 <u>\$10.00</u>

8 ~~2.~~ Notwithstanding the provisions of Section 1104 of this
9 title, from the monies collected from the fees charged pursuant to
10 this paragraph, the first Five Dollars (\$5.00) of each fee collected
11 shall be deposited in the Department of Public Safety Revolving Fund
12 for the purpose of administering the Driver License Examining
13 Division; all remaining monies collected from the fees charged for
14 Class A, B, and C commercial licenses pursuant to the provisions of
15 this subsection paragraph shall be deposited in the General Revenue
16 Fund of this state; and all other remaining monies shall be
17 deposited as provided by subsection K of this section.

18 2. The fee charged for the basic examination for an original
19 Oklahoma driver license, the examination for the addition of an
20 endorsement to a current valid Oklahoma driver license, and the
21 examination for the renewal of a hazardous material endorsement to a
22 valid Oklahoma commercial driver license shall be assessed in
23 accordance with the following schedule:

1	<u>Class A Commercial Driver License Basic Examination</u>	<u>\$30.00</u>
2	<u>Class B Commercial Driver License Basic Examination</u>	<u>\$20.00</u>
3	<u>Class C Commercial Driver License Basic Examination</u>	<u>\$20.00</u>
4	<u>Each Commercial Driver License Endorsement Examination</u>	<u>\$10.00</u>
5	<u>Class D Driver License Examination</u>	<u>\$10.00</u>
6	<u>Motorcycle Endorsement</u>	<u>\$10.00</u>

7 H. The fee charged for any failed examination shall be ~~Four~~
8 ~~Dollars (\$4.00)~~ the same as for a successful examination for any
9 license classification or endorsement. Notwithstanding the
10 provisions of Section 1104 of this title, all monies collected from
11 ~~such examination fees pursuant to the provisions of this subsection~~
12 the fees charged pursuant to this paragraph shall be deposited in
13 the ~~General Revenue Fund of this state~~ Department of Public Safety
14 Revolving Fund for the purpose of administering the Driver License
15 Examining Division.

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

21	Class A Commercial License	\$40.50
22	Class B Commercial License	\$40.50
23	Class C Commercial License	\$30.50

1 ~~Class D License~~ ~~_____~~ ~~\$20.50~~

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

4 ~~a. Five Dollars and fifty cents (\$5.50) shall be~~
5 ~~deposited to the Trauma Care Assistance Revolving Fund~~
6 ~~created in Section 1-2530.9 of Title 63 of the~~
7 ~~Oklahoma Statutes, and~~

8 ~~b. Five Dollars and seventy-five cents (\$5.75) shall be~~
9 ~~deposited to the Department of Public Safety Computer~~
10 ~~Imaging System Revolving Fund to be used solely for~~
11 ~~the purpose of administration and maintenance of the~~
12 ~~computerized imaging system of the Department.~~

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

17 Class A Commercial License	\$41.50
18 Class B Commercial License	\$41.50
19 Class C Commercial License	\$31.50
20 Class D License	\$21.50

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

1 ~~a.~~ 1. Five Dollars and fifty cents (\$5.50) shall be deposited
2 to the Trauma Care Assistance Revolving Fund created in Section
3 ~~330.97~~ 1-2530.9 of Title 63 of the Oklahoma Statutes~~;~~; and

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

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

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

15	Age 62	\$11.25
16	Age 63	\$ 7.50
17	Age 64	\$ 3.75
18	Age 65	-0-

19 ~~H.~~ J. No person who has been honorably discharged from active
20 service in any branch of the Armed Forces of the United States or
21 Oklahoma National Guard and who has been certified by the United
22 States Department of Veterans Affairs, its successor, or the Armed
23 Forces of the United States to be a disabled veteran in receipt of

1 compensation at the one-hundred-percent rate for a permanent
2 disability sustained through military action or accident resulting
3 from disease contracted while in such active service shall be
4 charged a fee for the issuance or renewal of an Oklahoma driver
5 license.

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

18 ~~N.~~ L. Notwithstanding the provisions of Section 1104 of this
19 title and subsection ~~M~~ K of this section and, except as provided in
20 subsections ~~E~~ F and ~~F~~ G of this section, the first Sixty Thousand
21 Dollars (\$60,000.00) of all monies collected pursuant to this
22 section shall be paid by the ~~Oklahoma~~ Tax Commission to the State

1 Treasurer to be deposited in the General Revenue Fund of the State
2 Treasury.

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

12 ~~Θ~~ M. The Department of Public Safety shall implement a
13 procedure whereby images displayed on licenses and identification
14 cards issued pursuant to the provisions of Sections 6-101 through 6-
15 309 of this title are maintained by the Department to create
16 photographs or computerized images which may be used only:

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

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

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

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

5 SECTION 2. AMENDATORY Section 4, Chapter 457, O.S.L.
6 2005, as amended by Section 2, Chapter 294, O.S.L. 2006 (47 O.S.
7 Supp. 2006, Section 6-105.3), is amended to read as follows:

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

1 ~~B. The fee charged for the issuance or renewal of an~~
2 ~~identification card which is not in computerized image format~~
3 ~~pursuant to this section shall be Seven Dollars (\$7.00); however, no~~
4 ~~person sixty-five (65) years of age or older shall be charged a fee~~
5 ~~for an identification card. The fees derived pursuant to this~~
6 ~~subsection shall be apportioned as provided in Section 1104 of Title~~
7 ~~47 of the Oklahoma Statutes.~~

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

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

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

20 ~~D.~~ C. The Oklahoma Tax Commission is hereby authorized to
21 reimburse, from funds available to that agency, each motor license
22 agent issuing an identification card to a person sixty-five (65)
23 years of age or older, an amount not to exceed One Dollar (\$1.00)

1 for each card or driver license so issued. The Tax Commission shall
2 develop procedures for claims for reimbursement.

3 ~~E.~~ D. When a person makes application for a new identification
4 card, or makes application to renew an identification card, and the
5 person has been convicted of, or received a deferred judgment for,
6 any offense required to register pursuant to the Sex Offenders
7 Registration Act, the identification card shall be valid for a
8 period of one (1) year from the month of issuance, but may be
9 renewed yearly during the time the person is registered on the Sex
10 Offender Registry. The cost for such identification card shall be
11 the same as for other identification cards and renewals.

12 SECTION 3. AMENDATORY 47 O.S. 2001, Section 6-114, as
13 last amended by Section 6, Chapter 390, O.S.L. 2004 (47 O.S. Supp.
14 2005, Section 6-114), is amended to read as follows:

15 Section 6-114. A. 1. In the event that a driver license is
16 lost, destroyed or requires the updating of any information,
17 restriction or endorsement displayed thereon, the person to whom
18 such license was issued may obtain a replacement thereof upon
19 payment of the required fee and by furnishing both primary and
20 secondary proofs of identity to the Department of Public Safety. If
21 application is made at a motor license agency or subagency, the
22 agent or subagent shall immediately verify the identity of the
23 applicant, by means of both primary and secondary proofs of

1 identity, and the eligibility of the applicant by contacting the
2 Department for verification and approval, if the applicant will pay
3 the costs of any long distance calls that might be involved. If the
4 licensee is an alien, the licensee shall appear before a driver
5 license examiner of the Department and, after furnishing primary and
6 secondary proofs of identity as required in this section, shall be
7 issued a replacement driver license for a period which does not
8 exceed the lesser of:

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

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

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

- 21 a. the replacement license is for the purpose of
22 exchanging a learner permit for an intermediate driver
23 license as provided in Section 6-105 of this title,

1 Two Dollars (\$2.00) shall be apportioned as provided
2 in Section 1104 of this title, and Eight Dollars
3 (\$8.00) shall be credited to the Department of Public
4 Safety Revolving Fund for the purpose of administering
5 the Driver License Examining Division, or

6 b. the replacement license is for any purpose other than
7 described in subparagraph a of this paragraph, Two
8 Dollars (\$2.00) shall be apportioned as provided in
9 Section 1104 of this title, Three Dollars (\$3.00)
10 shall be remitted to the State Treasurer to be
11 credited to the General Revenue Fund, and Five Dollars
12 (\$5.00) shall be credited to the Department of Public
13 Safety Computer Imaging System Revolving Fund to be
14 used solely for the purpose of administering and
15 maintaining the computer imaging system of the
16 Department.

17 ~~4.~~ 3. The Department shall promulgate rules prescribing forms
18 of primary and secondary identification acceptable for replacement
19 of an Oklahoma driver license.

20 B. Any person desiring to add or remove an endorsement or
21 endorsements or a restriction or restrictions to any existing driver
22 license, when authorized by the Department of Public Safety, shall
23 obtain a replacement license with said endorsement or endorsements

1 or said restriction or restrictions change thereon and shall be
2 charged the fee for a replacement license as provided in subsection
3 A of this section.

4 SECTION 4. This act shall become effective November 1, **2008**.

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