

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 SENATE BILL 412

By: Corn

4  
5 AS INTRODUCED

6 An Act relating to motor vehicles; amending 47 O.S.  
7 2001, Section 6-101, as last amended by Section 23,  
8 Chapter 44, O.S.L. 2006 (47 O.S. Supp. 2006, Section  
9 6-101), which relates to class requirements for  
10 driver license; modifying motorcycle endorsement  
11 requirements; deleting authorization to waive certain  
12 examinations; modifying certain license and  
13 endorsement fees; directing deposit and use of  
14 portions of certain fees; amending Section 4, Chapter  
15 457, O.S.L. 2005, as amended by Section 2, Chapter  
16 294, O.S.L. 2006 (47 O.S. Supp. 2006, Section 6-  
17 105.3), which relates to issuance of identification  
18 cards; modifying period of time for which  
19 identification cards are valid; providing for  
20 replacement of identification cards; amending 47 O.S.  
21 2001, Section 6-114, as last amended by Section 6,  
22 Chapter 390, O.S.L. 2004 (47 O.S. Supp. 2006, Section  
23 6-114), which relates to replacement license;  
24 providing for apportionment of certain fees;  
directing deposit in certain fund and specifying use;  
and providing an effective date.

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

19 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-101, as  
20 last amended by Section 23, Chapter 44, O.S.L. 2006 (47 O.S. Supp.  
21 2006, Section 6-101), is amended to read as follows:

22 Section 6-101. A. No person, except those hereinafter  
23 expressly exempted in Section 6-102 of this title, shall operate any  
24 motor vehicle upon a highway in this state unless the person has a

1 valid Oklahoma driver license for the class of vehicle being  
2 operated under the provisions of this title. No person shall be  
3 permitted to possess more than one valid license at any time.

4 B. 1. No person shall operate a Class A commercial motor  
5 vehicle unless the person is eighteen (18) years of age or older and  
6 holds a valid Class A commercial license, except as provided in  
7 paragraph 5 of this subsection. Any person holding a valid Class A  
8 commercial license shall be permitted to operate motor vehicles in  
9 Classes A, B, C and D, except as provided for in paragraph 4 of this  
10 subsection.

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

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

23 4. No person under twenty-one (21) years of age shall be  
24 licensed to operate any motor vehicle which is required to be

1 placarded for hazardous materials pursuant to 49 C.F.R., Part 172,  
2 subpart F; provided, a person eighteen (18) years of age or older  
3 may be licensed to operate a farm vehicle which is required to be  
4 placarded for hazardous materials pursuant to 49 C.F.R., Part 172,  
5 subpart F.

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

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

13 b. a restricted Class B commercial license which shall  
14 grant to the licensee the privilege to operate a Class  
15 B commercial motor vehicle for harvest purposes or a  
16 Class D motor vehicle.

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

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

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

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

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

23 ~~F. E.~~ 1. Any person eighteen (18) years of age or older may  
24 apply for a restricted Class A, B or C commercial license. The

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

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

24

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

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

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

20        2. The fee charged for the basic examination for an original  
21 Oklahoma driver license, the examination for the addition of an  
22 endorsement to a current valid Oklahoma driver license, and the  
23 examination for the renewal of a hazardous material endorsement to a  
24

1 valid Oklahoma commercial driver license shall be assessed in  
2 accordance with the following schedule:

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

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

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

23	<del>Class A Commercial License</del>	<del>\$40.50</del>
24	<del>Class B Commercial License</del>	<del>\$40.50</del>



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       ~~L.~~ 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  
24 compensation at the one-hundred-percent rate for a permanent

1 disability sustained through military action or accident resulting  
2 from disease contracted while in such active service shall be  
3 charged a fee for the issuance or renewal of an Oklahoma driver  
4 license.

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

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

24

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

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

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

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

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

22 The computer system and related equipment acquired for this  
23 purpose must conform to industry standards for interoperability and  
24

1 open architecture. The Department of Public Safety may promulgate  
2 rules to implement the provisions of this subsection.

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

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

21 B. ~~The fee charged for the issuance or renewal of an~~  
22 ~~identification card which is not in computerized image format~~  
23 ~~pursuant to this section shall be Seven Dollars (\$7.00); however, no~~  
24 ~~person sixty five (65) years of age or older shall be charged a fee~~

1 ~~for an identification card. The fees derived pursuant to this~~  
2 ~~subsection shall be apportioned as provided in Section 1104 of Title~~  
3 ~~47 of the Oklahoma Statutes.~~

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

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

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

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

22 ~~E.~~ D. When a person makes application for a new identification  
23 card, or makes application to renew an identification card, and the  
24 person has been convicted of, or received a deferred judgment for,

1 any offense required to register pursuant to the Sex Offenders  
2 Registration Act, the identification card shall be valid for a  
3 period of one (1) year from the month of issuance, but may be  
4 renewed yearly during the time the person is registered on the Sex  
5 Offender Registry. The cost for such identification card shall be  
6 the same as for other identification cards and renewals.

7 SECTION 3. AMENDATORY 47 O.S. 2001, Section 6-114, as  
8 last amended by Section 6, Chapter 390, O.S.L. 2004 (47 O.S. Supp.  
9 2005, Section 6-114), is amended to read as follows:

10 Section 6-114. A. 1. In the event that a driver license is  
11 lost, destroyed or requires the updating of any information,  
12 restriction or endorsement displayed thereon, the person to whom  
13 such license was issued may obtain a replacement thereof upon  
14 payment of the required fee and by furnishing both primary and  
15 secondary proofs of identity to the Department of Public Safety. If  
16 application is made at a motor license agency or subagency, the  
17 agent or subagent shall immediately verify the identity of the  
18 applicant, by means of both primary and secondary proofs of  
19 identity, and the eligibility of the applicant by contacting the  
20 Department for verification and approval, if the applicant will pay  
21 the costs of any long distance calls that might be involved. If the  
22 licensee is an alien, the licensee shall appear before a driver  
23 license examiner of the Department and, after furnishing primary and  
24 secondary proofs of identity as required in this section, shall be

1 issued a replacement driver license for a period which does not  
2 exceed the lesser of:

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

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

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

- 15 a. the replacement license is for the purpose of  
16 exchanging a learner permit for an intermediate driver  
17 license as provided in Section 6-105 of this title,  
18 Two Dollars (\$2.00) shall be apportioned as provided  
19 in Section 1104 of this title, and Eight Dollars  
20 (\$8.00) shall be credited to the Department of Public  
21 Safety Revolving Fund for the purpose of administering  
22 the Driver License Examining Division, or
- 23 b. the replacement license is for any purpose other than  
24 described in subparagraph a of this paragraph, Two

1 Dollars (\$2.00) shall be apportioned as provided in  
2 Section 1104 of this title, Three Dollars (\$3.00)  
3 shall be remitted to the State Treasurer to be  
4 credited to the General Revenue Fund, and Five Dollars  
5 (\$5.00) shall be credited to the Department of Public  
6 Safety Computer Imaging System Revolving Fund to be  
7 used solely for the purpose of administering and  
8 maintaining the computer imaging system of the  
9 Department.

10 ~~4.~~ 3. The Department shall promulgate rules prescribing forms  
11 of primary and secondary identification acceptable for replacement  
12 of an Oklahoma driver license.

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

20 SECTION 4. This act shall become effective November 1, 2007.

21  
22 51-1-345 LTL 11/2/2007 11:01:55 PM  
23  
24