

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 342

By: Crain of the Senate

3 and

4 Thompson of the House
5
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7 An Act relating to public safety; amending 47 O.S.
2001, Section 6-301, as last amended by Section 8,
8 Chapter 149, O.S.L. 2004 (47 O.S. Supp. 2008, Section
6-301), which relates to unlawful use of driver
9 license or identification cards; creating a
misdemeanor for certain use of driver license or
10 identification card information; providing
exceptions; and providing an effective date.
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13 AUTHOR: Add the following House Coauthor: Tibbs

14 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
and insert
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16 "An Act relating to public safety; amending 47 O.S.
2001, Section 1-107.4, as amended by Section 3,
17 Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2008,
Section 1-107.4), which relates to the definition of
18 Class D motor vehicle; expanding scope of
definition; amending 47 O.S. 2001, Section 6-301, as
19 last amended by Section 8, Chapter 149, O.S.L. 2004
(47 O.S. Supp. 2008, Section 6-301), which relates
20 to unlawful use of driver license or identification
cards; creating a misdemeanor for certain use of
21 driver license or identification card information;
providing exceptions; repealing Section 2 of
22 Enrolled House Bill No. 1092 of the 1st Session of
the 52nd Oklahoma Legislature, which relates to an
23 effective date; providing an effective date; and
declaring an emergency.
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1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. AMENDATORY 47 O.S. 2001, Section 1-107.4, as
3 amended by Section 3, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2008,
4 Section 1-107.4), is amended to read as follows:

5 Section 1-107.4

6 CLASS D MOTOR VEHICLE

7 A. A Class D motor vehicle is any motor vehicle or combination
8 of vehicles which:

9 1. Regardless of weight:

10 a. is marked and used as an authorized emergency vehicle,

11 as defined in Section 1-103 of this title, or

12 b. is designed and used solely as a recreational vehicle;

13 2. Is a single or combination vehicle with a gross combined
14 weight rating of less than twenty-six thousand one (26,001) pounds;

15 ~~or~~

16 3. Is a single or combination farm vehicle with a gross
17 combined weight rating of more than twenty-six thousand one (26,001)

18 pounds if:

19 a. it is entitled to be registered with a farm tag and

20 has a farm tag attached thereto,

21 b. it is controlled and operated by a farmer, his family
22 or his employees,

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- c. it is used to transport either agricultural products, farm machinery, farm supplies or any combination of those materials to or from a farm,
- d. it is not used in the operations of a common or contract motor carrier, and
- e. it is used within one hundred fifty (150) air miles of the person's farm or as otherwise provided by federal law; or

4. Is operated by a driver employed by a unit of local government that operates a commercial motor vehicle within the boundaries of that unit of local government for the purpose of removing snow or ice from a roadway by plowing, sanding or salting, if:

- a. the properly licensed employee who ordinarily operates a commercial vehicle for these purposes is unable to operate the vehicle, or
- b. the employing governmental entity determines that a snow or ice emergency requires additional assistance.

B. A Class D Motor Vehicle shall not include any vehicle which is:

- 1. Designed to carry sixteen or more passengers, including the driver; or
- 2. Required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F; provided, a farm vehicle, as defined in

1 paragraph 3 of subsection A of this section, which is required to be
2 placarded for hazardous materials under 49 C.F.R., Part 172, subpart
3 F, shall be considered to be a Class D motor vehicle.

4 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-301, as
5 last amended by Section 8, Chapter 149, O.S.L. 2004 (47 O.S. Supp.
6 2008, Section 6-301), is amended to read as follows:

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

15 1. It is a misdemeanor for any licensee:

16 a. to display or cause or permit to be displayed one's
17 own license after such license has been suspended,
18 revoked or canceled or to possess one's own license
19 after having received notice of its suspension,
20 revocation, or cancellation,

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

21 2. It is a misdemeanor for any person:

- 22 a. to electronically scan bar-coded information contained
23 on a driver license or identification card,
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1 b. to compile or maintain a database of information
2 electronically scanned from a bar code on a driver
3 license or identification card, or
4 c. to purchase, sell, trade, or otherwise disseminate
5 information electronically scanned from a bar code on
6 a driver license or identification card,
7 for the purpose of marketing, advertising, or soliciting, including,
8 without limitation, distribution of samples of any product. This
9 paragraph shall not apply to federally insured depository
10 institutions and their affiliates, and shall not prohibit business
11 entities of this state from accessing and maintaining electronically
12 readable or digitally transferable information from a driver license
13 or identification card that has been voluntarily submitted by a
14 licensee or cardholder doing business with the business entity,
15 provided such information maintained by the business entity is in a
16 secured and encrypted form, and is used by the business entity
17 solely for identification purposes or for the purpose of preventing
18 fraud or deceptive practices in retail transactions. This paragraph
19 shall not prohibit any person or entity, public or private, from
20 accessing or using information from a driver license or
21 identification card, provided that the licensee or cardholder
22 provides written or electronic consent for any marketing,
23 advertising, soliciting, or commercial purposes, such information is
24 not sold to any unaffiliated third party, and the licensee or

1 cardholder is of legal age to purchase the product or products that
2 are the subject of such purposes. This paragraph shall not prohibit
3 any person or entity, public or private, from acquiring or verifying
4 information from a driver license or identification card in
5 connection with a customer account or for any other purpose not
6 prohibited by law.

7 3. It is a felony for any person:

- 8 a. to create, publish or otherwise manufacture an
9 Oklahoma or other state license or identification card
10 or facsimile thereof, or to create, manufacture or
11 possess an engraved plate or other such device, card,
12 laminate, digital image or file, or software for the
13 printing of an Oklahoma or other state license or
14 identification card or facsimile thereof, except as
15 authorized pursuant to this title,
- 16 b. to display or cause or permit to be displayed or to
17 knowingly possess any state counterfeit or fictitious
18 license or identification card,
- 19 c. to display or cause to be displayed or to knowingly
20 possess any state license or identification card
21 bearing a fictitious or forged name or signature,
- 22 d. to display or cause to be displayed or to knowingly
23 possess any state license or identification card

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1 bearing the photograph of any person, other than the
2 person named thereon as licensee,

3 e. to display or represent as one's own, any license or
4 identification card not issued to him or her, for the
5 purpose of committing a fraud in any commercial
6 transaction or to mislead a peace officer in the
7 performance of his or her duties, or

8 f. to use a false or fictitious name in any application
9 for a license or identification card or to knowingly
10 make a false statement or to knowingly conceal a
11 material fact or otherwise commit a fraud in any such
12 application.

13 ~~3.~~ 4. It is a felony for any employee or person authorized to
14 issue or approve the issuance of licenses or identification cards
15 under this title to knowingly issue or attempt to issue a license or
16 identification card or to knowingly give approval for, cause, or
17 attempt to cause a license or identification card to be issued:

18 a. to a person not entitled thereto,

19 b. bearing erroneous information thereon, or

20 c. bearing the photograph of a person other than the
21 person named thereon.

22 Such conduct shall be grounds for termination of employment of the
23 employee.

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

11 ~~5.~~ 6. Notwithstanding any provision of this section, the
12 Commissioner of the Department of Public Safety may, upon the
13 request of the chief administrator of a law enforcement, military,
14 or intelligence agency, authorize the issuance to and display, and
15 possession by a person of a license which would otherwise be a
16 violation of this section, for the sole purpose of aiding in a
17 criminal investigation or a military or intelligence operation.
18 While acting pursuant to such authorization by the Commissioner,
19 such person shall not be prosecuted for a violation under this
20 section. Upon termination of such investigation or operation or
21 upon request of the Commissioner, the chief administrator shall
22 forthwith cause such license to be returned to the Commissioner.

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1 SECTION 3. REPEALER Section 2 of Enrolled House Bill No.
2 1092 of the 1st Session of the 52nd Oklahoma Legislature, is hereby
3 repealed.

4 SECTION 4. Section 1 and 2 of this act shall become effective
5 November 1, 2009.

6 SECTION 5. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof Section 1 of Enrolled House
9 Bill No. 1092 of the First Session of the 52nd Oklahoma Legislature
10 and Section 3 of this act shall take effect and be in full force
11 from and after the passage and approval of this act."

12 Passed the House of Representatives the 21st day of April, 2009.

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Presiding Officer of the House of
Representatives

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17 Passed the Senate the ____ day of _____, 2009.

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Presiding Officer of the Senate

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