

1 ENGROSSED SENATE
2 BILL NO. 342

By: Crain of the Senate

3 and

4 Thompson of the House

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

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

16 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-301, as
17 last amended by Section 8, Chapter 149, O.S.L. 2004 (47 O.S. Supp.
18 2008, Section 6-301), is amended to read as follows:

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

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

1 under conditions provided in subparagraph e of
2 paragraph ~~2~~ 3 of this section, or

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

6 2. It is a misdemeanor for any person:

7 a. to electronically scan bar-coded information contained
8 on a driver license or identification card,

9 b. to compile or maintain a database of information
10 electronically scanned from a bar code on a driver
11 license or identification card, or

12 c. to purchase, sell, trade, or otherwise disseminate
13 information electronically scanned from a bar code on
14 a driver license or identification card,

15 for the purpose of marketing, advertising, or soliciting, including,
16 without limitation, distribution of samples of any product. This
17 paragraph shall not apply to federally insured depository
18 institutions and their affiliates, and shall not prohibit business
19 entities of this state from accessing and maintaining electronically
20 readable or digitally transferable information from a driver license
21 or identification card that has been voluntarily submitted by a
22 licensee or cardholder doing business with the business entity,
23 provided such information maintained by the business entity is in a
24 secured and encrypted form, and is used by the business entity

1 solely for identification purposes. This paragraph shall not
2 prohibit any person or entity, public or private, from accessing or
3 using information from a driver license or identification card,
4 provided that the licensee or cardholder provides written or
5 electronic consent for any marketing, advertising, soliciting, or
6 commercial purposes, such information is not sold to any
7 unaffiliated third party, and the licensee or cardholder is of legal
8 age to purchase the product or products that are the subject of such
9 purposes. This paragraph shall not prohibit any person or entity,
10 public or private, from acquiring or verifying information from a
11 driver license or identification card in connection with a customer
12 account or for any other purpose not prohibited by law.

13 3. It is a felony for any person:

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

- 1 c. to display or cause to be displayed or to knowingly
2 possess any state license or identification card
3 bearing a fictitious or forged name or signature,
4 d. to display or cause to be displayed or to knowingly
5 possess any state license or identification card
6 bearing the photograph of any person, other than the
7 person named thereon as licensee,
8 e. to display or represent as one's own, any license or
9 identification card not issued to him or her, for the
10 purpose of committing a fraud in any commercial
11 transaction or to mislead a peace officer in the
12 performance of his or her duties, or
13 f. to use a false or fictitious name in any application
14 for a license or identification card or to knowingly
15 make a false statement or to knowingly conceal a
16 material fact or otherwise commit a fraud in any such
17 application.

18 ~~3.~~ 4. It is a felony for any employee or person authorized to
19 issue or approve the issuance of licenses or identification cards
20 under this title to knowingly issue or attempt to issue a license or
21 identification card or to knowingly give approval for, cause, or
22 attempt to cause a license or identification card to be issued:

- 23 a. to a person not entitled thereto,
24 b. bearing erroneous information thereon, or

1 c. bearing the photograph of a person other than the
2 person named thereon.

3 Such conduct shall be grounds for termination of employment of the
4 employee.

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

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

1 upon request of the Commissioner, the chief administrator shall
2 forthwith cause such license to be returned to the Commissioner.

3 SECTION 2. This act shall become effective November 1, 2009.

4 Passed the Senate the 11th day of February, 2009.

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Presiding Officer of the Senate

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8 Passed the House of Representatives the ____ day of _____,
9 2009.

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Presiding Officer of the House
of Representatives

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