

THE HOUSE OF REPRESENTATIVES
Monday, February 16, 2009

House Bill No. 1052

HOUSE BILL NO. 1052 - By: SEARS of the House and BARRINGTON of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Sections 6-101, as last amended by Section 23, Chapter 44, 2nd Extraordinary Session, O.S.L. 2006, 6-115, as last amended by Section 3, Chapter 294, O.S.L. 2006 and 6-121, as amended by Section 10, Chapter 418, O.S.L. 2004 (47 O.S. Supp. 2008, Sections 6-101, 6-115 and 6-121), which relate to the issuance and renewal of driver licenses; deleting certain time limitations for restricted, original and renewal driver licenses; providing statutory references; expanding time limitations for renewal of driver licenses; modifying certain driver license extension provision for military personnel; and providing an effective date.

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

- 1 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-101, as last amended by
- 2 Section 23, Chapter 44, 2nd Extraordinary Session, O.S.L. 2006 (47 O.S. Supp. 2008,
- 3 Section 6-101), is amended to read as follows:
- 4 Section 6-101. A. No person, except those hereinafter expressly exempted in
- 5 Section 6-102 of this title, shall operate any motor vehicle upon a highway in this state
- 6 unless the person has a valid Oklahoma driver license for the class of vehicle being
- 7 operated under the provisions of this title. No person shall be permitted to possess more
- 8 than one valid license at any time.
- 9 B. 1. No person shall operate a Class A commercial motor vehicle unless the
- 10 person is eighteen (18) years of age or older and holds a valid Class A commercial license,

1 except as provided in paragraph 5 of this subsection. Any person holding a valid Class A
2 commercial license shall be permitted to operate motor vehicles in Classes A, B, C and D,
3 except as provided for in paragraph 4 of this subsection.

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

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

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

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

- 19 a. a restricted Class A commercial license which shall grant to the
20 licensee the privilege to operate a Class A or Class B commercial motor
21 vehicle for harvest purposes or a Class D motor vehicle, or

1 b. a restricted Class B commercial license which shall grant to the
2 licensee the privilege to operate a Class B commercial motor vehicle for
3 harvest purposes or a Class D motor vehicle.

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

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

10 D. No person shall operate a motorcycle or motor-driven cycle without having a
11 valid Class A, B, C or D license with a motorcycle endorsement. Except as otherwise
12 provided by law, any new applicant for an original driver license shall be required to
13 successfully complete a written examination, vision examination, and driving
14 examination for a motorcycle as prescribed by the Department of Public Safety to be
15 eligible for a motorcycle endorsement thereon. The driving examination for a motorcycle
16 may be waived by the Department of Public Safety upon verification that the person has
17 successfully completed a certified Motorcycle Safety Foundation rider course approved by
18 the Department.

19 E. Except as otherwise provided by law, any person who lawfully possesses a valid
20 Oklahoma driver license which is eligible for renewal shall be required to successfully
21 complete a written examination, vision examination, and driving examination for a
22 motorcycle as prescribed by the Department to be eligible for a motorcycle endorsement;

1 provided, however, the Department may waive all such examinations until July 1, 2000,
2 upon satisfactory proof that the applicant has regularly operated a motorcycle or motor-
3 driven cycle for a minimum of two (2) years immediately preceding the application.

4 F. 1. Any person eighteen (18) years of age or older may apply for a restricted
5 Class A, B or C commercial license. The Department, after the applicant has passed all
6 parts of the examination for a Class D license and has successfully passed all parts of the
7 examination for a Class A, B or C commercial license other than the driving examination,
8 may issue to the applicant a restricted driver license which shall entitle the applicant
9 having immediate possession of the license to operate a Class A, B or C commercial
10 motor vehicle upon the public highways solely for the purpose of behind-the-wheel
11 training in accordance with rules promulgated by the Department.

12 2. This restricted driver license shall be issued for a period of ~~not more than four (4)~~
13 years as provided in Section 6-115 of this title; provided, such restricted license may be
14 suspended, revoked, canceled, or denied at the discretion of the Department for violation
15 of the restrictions, for failing to give the required or correct information on the
16 application, or for violation of any traffic laws of this state pertaining to the operation of
17 a motor vehicle. Except as otherwise provided, the lawful possessor of a restricted
18 license who has been issued a restricted license for a minimum of thirty (30) days may
19 have the restriction requiring an accompanying driver removed by satisfactorily
20 completing a driver's examination; provided, the removal of a restriction shall not
21 authorize the operation of a Class A, B or C commercial motor vehicle if such operation is
22 otherwise prohibited by law.

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

4 Class A Commercial License	\$25.00
5 Class B Commercial License	\$15.00
6 Class C Commercial License	\$15.00
7 Class D License	\$ 4.00
8 Motorcycle Endorsement	\$ 4.00

9 2. Notwithstanding the provisions of Section 1104 of this title, all monies collected
10 from the fees charged for Class A, B and C commercial licenses pursuant to the
11 provisions of this subsection shall be deposited in the General Revenue Fund of this
12 state.

13 H. The fee charged for any failed examination shall be Four Dollars (\$4.00) for any
14 license classification. Notwithstanding the provisions of Section 1104 of this title, all
15 monies collected from such examination fees pursuant to the provisions of this subsection
16 shall be deposited in the General Revenue Fund of this state.

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

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

1 Class D License \$20.50

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

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

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

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

14 Class A Commercial License \$41.50

15 Class B Commercial License \$41.50

16 Class C Commercial License \$31.50

17 Class D License \$21.50

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

20 a. Five Dollars and fifty cents (\$5.50) shall be deposited to the Trauma
21 Care Assistance Revolving Fund created in Section 330.97 of Title 63 of
22 the Oklahoma Statutes, and

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

5 J. All original and renewal driver licenses shall expire ~~no more than four (4) years~~
6 ~~from the last day of the month in which the license was issued,~~ as provided by law in
7 Section 6-115 of this title.

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

11 Age 62	\$11.25
12 Age 63	\$ 7.50
13 Age 64	\$ 3.75
14 Age 65	-0-

15 L. No person who has been honorably discharged from active service in any branch
16 of the Armed Forces of the United States or Oklahoma National Guard and who has been
17 certified by the United States Department of Veterans Affairs, its successor, or the
18 Armed Forces of the United States to be a disabled veteran in receipt of compensation at
19 the one-hundred-percent rate for a permanent disability sustained through military
20 action or accident resulting from disease contracted while in such active service shall be
21 charged a fee for the issuance or renewal of an Oklahoma driver license.

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

10 N. Notwithstanding the provisions of Section 1104 of this title and subsection M of
11 this section and except as provided in subsections G and I of this section, the first Sixty
12 Thousand Dollars (\$60,000.00) of all monies collected pursuant to this section shall be
13 paid by the Oklahoma Tax Commission to the State Treasurer to be deposited in the
14 General Revenue Fund of the State Treasury.

15 The next Five Hundred Thousand Dollars (\$500,000.00) of monies collected
16 pursuant to this section shall be paid by the Tax Commission to the State Treasurer to be
17 deposited each fiscal year under the provisions of this section to the credit of the
18 Department of Public Safety Revolving Fund for the purpose of the Statewide Law
19 Enforcement Communications System. All other monies collected in excess of Five
20 Hundred Sixty Thousand Dollars (\$560,000.00) each fiscal year shall be apportioned as
21 provided in Section 1104 of this title, except as otherwise provided in this section.

1 O. The Department of Public Safety shall implement a procedure whereby images
2 displayed on licenses and identification cards issued pursuant to the provisions of
3 Sections 6-101 through 6-309 of this title are maintained by the Department to create
4 photographs or computerized images which may be used only:

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

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

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

10 The computer system and related equipment acquired for this purpose must
11 conform to industry standards for interoperability and open architecture. The
12 Department of Public Safety may promulgate rules to implement the provisions of this
13 subsection.

14 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-115, as last amended by
15 Section 3, Chapter 294, O.S.L. 2006 (47 O.S. Supp. 2008, Section 6-115), is amended to
16 read as follows:

17 Section 6-115. A. Except as otherwise provided in this section, every driver license
18 shall be issued for a period of no more than four (4) years; provided, if the applicant or
19 licensee is an alien, the license shall be issued for a period which does not exceed the
20 lesser of:

21 1. Four (4) years; or

1 2. The expiration date on the valid documentation authorizing the presence of the
2 applicant or licensee in the United States, as required by paragraph 9 of subsection A of
3 Section 6-103 of this title.

4 B. Except as otherwise provided in this section, the expiration date of an initial
5 license shall be no more than four (4) years from the last day of the month of issuance or
6 no more than four (4) years from the last day of the birth month of the applicant
7 immediately preceding the date of issuance, if requested by the applicant.

8 C. Except as otherwise provided in this section, the expiration date of a renewal
9 license shall be ~~no more than~~:

10 1. For a renewal during the month of expiration, four (4) years from the last day of
11 the month of expiration of the ~~previous expiring~~ license or ~~no more than~~ four (4) years
12 from the last day of the birth month of the licensee immediately preceding the expiration
13 date of the ~~previous expiring~~ license, if requested by the licensee; or

14 2. For a renewal prior to the month of expiration, as provided by rule of the
15 Department, four (4) years from the last day of the month of expiration of the current
16 license; provided, no license shall be issued with an expiration date of more than five (5)
17 years from the date of renewal.

18 D. Except as otherwise provided in this section, every driver license shall be
19 renewable by the licensee upon application to either the Department of Public Safety or a
20 motor license agent, furnishing both primary and secondary proofs of identity, the
21 current mailing address of the person and payment of the required fee, if the person is
22 otherwise eligible for renewal. If the licensee is an alien, the licensee shall appear before

1 a driver license examiner of the Department and, after furnishing primary and secondary
2 proofs of identity as required in this section, shall be issued a renewal driver license for a
3 period which does not exceed the lesser of:

4 1. Four (4) years; or

5 2. The expiration date on the valid documentation authorizing the presence of the
6 applicant or licensee in the United States, as required by paragraph 9 of subsection A of
7 Section 6-103 of this title.

8 E. All applicants for renewals of driver licenses who have proven collision records
9 or apparent physical defects may be required to take an examination as specified by the
10 Commissioner of Public Safety.

11 F. When a person makes application for a driver license, or makes application to
12 renew a driver license, and the person has been convicted of, or received a deferred
13 judgment for, any offense required to register pursuant to the Sex Offenders Registration
14 Act, the driver license shall be valid for a period of one (1) year from the month of
15 issuance, but may be renewed yearly during the time the person is registered on the Sex
16 Offender Registry. The cost for such license shall be the same as for other driver licenses
17 and renewals.

18 G. The Department of Public Safety shall promulgate rules prescribing forms of
19 primary and secondary identification acceptable for the renewal of an Oklahoma driver
20 license.

1 SECTION 3. AMENDATORY 47 O.S. 2001, Section 6-121, as amended by
2 Section 10, Chapter 418, O.S.L. 2004 (47 O.S. Supp. 2008, Section 6-121), is amended to
3 read as follows:

4 Section 6-121. Any person or the spouse or dependent of a person:

5 1. Who is on active duty with the Armed Forces of the United States; or

6 2. Who is currently employed as a civilian contractor with the Armed Forces of the
7 United States,

8 living outside ~~the continental limits of the United States~~ of Oklahoma and having a valid
9 driver license issued by the State of Oklahoma for the operation of motor vehicles upon
10 the highways of ~~the~~ this state shall not be considered to have, without additional charge,
11 ~~a valid~~ an expired driver license for the duration of such service or employment and for a
12 period of sixty (60) days from and after the return of the person or the spouse or
13 dependent of the person to ~~the continental limits of the United States~~ Oklahoma from
14 such service or employment. This law shall not be construed to confer driving privileges
15 in any jurisdiction other than Oklahoma.

16 SECTION 4. This act shall become effective November 1, 2009.

17 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02-12-09 - DO
18 PASS, As Coauthored.