

HB 2569

THE HOUSE OF REPRESENTATIVES
Monday, March 1, 2010

House Bill No. 2569
As Amended

HOUSE BILL NO. 2569 - By: WESSELHOFT, KERN, SEARS, FAUGHT, PITTMAN,
RITZE AND SULLIVAN of the House and NEWBERRY of the Senate.

[motor vehicles - prohibiting the use of radio frequency identification tags on
driver licenses and identification cards –
emergency]

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

1 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-111, as last amended by
2 Section 2, Chapter 388, O.S.L. 2009 (47 O.S. Supp. 2009, Section 6-111), is amended to
3 read as follows:
4 Section 6-111. A. 1. The Department of Public Safety shall, upon payment of the
5 required fee, issue to every applicant qualifying therefor a Class A, B, C or D driver
6 license or identification card as applied for, which license or card shall bear thereon a
7 distinguishing alphanumeric identification assigned to the licensee or cardholder, date of
8 issuance and date of expiration of the license or card, the full name, signature or
9 computerized signature, date of birth, residence address, sex, a color photograph or
10 computerized image of the licensee or cardholder and security features as determined by
11 the Department. The photograph or image shall depict a full front unobstructed view of
12 the entire face of the licensee or cardholder. When any person is issued both a driver

1 license and an identification card, the Department shall ensure the information on both
2 the license and the card are the same, unless otherwise provided by law.

3 2. A driver license or identification card issued by the Department on or after
4 March 1, 2004, shall bear thereon the county of residence of the licensee or cardholder.

5 3. The Department may cancel the distinguishing number, when that
6 distinguishing number is another person's Social Security number, assign a new
7 distinguishing alphanumeric identification, and issue a new license or identification card
8 without charge to the licensee or cardholder.

9 4. The Department may promulgate rules for inclusion of the height and a brief
10 description of the licensee or cardholder on the face of the card or license identifying the
11 licensee or cardholder as deaf or hard-of-hearing.

12 5. It is unlawful for any person to apply, adhere, or otherwise attach to a driver
13 license or identification card any decal, sticker, label, or other attachment. Any law
14 enforcement officer is authorized to remove and dispose of any unlawful decal, sticker,
15 label, or other attachment from the driver license of a person. The law enforcement
16 officer, the employing agency of the officer, the Department of Public Safety, and the
17 State of Oklahoma shall be immune from any liability for any loss suffered by the
18 licensee, cardholder, or the owner of the decal, sticker, label, or other attachment caused
19 by the removal and destruction of the decal, sticker, label, or other attachment.

20 6. The Department of Public Safety shall develop by rule an alternative procedure
21 whereby a person applying for a renewal or replacement Class D license or identification
22 card, when the person satisfactorily demonstrates to the Department the inability to

1 appear personally to be photographed because the person is not in the state at the time of
2 renewal or at a time a replacement is required by the person, may be issued a license or
3 card; provided, immediately upon returning to Oklahoma, the person shall obtain a
4 replacement license or card as provided in Section 6-114 of this title.

5 7. The Department of Public Safety shall be prohibited from imbedding, affixing,
6 adhering or assigning any radio frequency identification (RFID) tag to any driver license
7 or identification card. The Department shall further be prohibited from utilizing any
8 type of RFID ink in any format or configuration onto or into any driver license or
9 identification card. As used in this paragraph, "radio frequency identification" means a
10 data collection technology system that uses electromagnetic or electrostatic coupling in
11 the radio frequency portion of the electromagnetic spectrum to transmit signals that
12 contain unique identification or location information of persons or products.

13 B. The Department may issue a temporary permit to an applicant for a driver
14 license permitting such applicant to operate a motor vehicle while the Department is
15 completing its investigation and determination of all facts relative to such applicant's
16 privilege to receive a license. Such permit must be in the immediate possession of the
17 driver while operating a motor vehicle, and it shall be invalid when the applicant's driver
18 license has been issued or for good cause has been refused.

19 C. 1. The Department may issue a restricted commercial driver license to seasonal
20 drivers eighteen (18) years of age or older for any of the following specific farm-related
21 service industries:

22 a. farm retail outlets and suppliers,

- 1 b. agri-chemical businesses,
- 2 c. custom harvesters, and
- 3 d. livestock feeders.

4 The applicant shall hold a valid Oklahoma driver license and shall meet all the
5 requirements for a commercial driver license. The restricted commercial driver license
6 shall not exceed a total of one hundred eighty (180) days within any twelve-month period.

7 2. The restricted commercial driver license shall not be valid for operators of
8 commercial motor vehicles beyond one hundred fifty (150) miles from the place of
9 business or the farm currently being served. Such license shall be limited to Class B
10 vehicles. Holders of such licenses who transport hazardous materials which are required
11 to be placarded shall be limited to the following:

- 12 a. diesel fuel in quantities of one thousand (1,000) gallons or less,
- 13 b. liquid fertilizers in vehicles with total capacities of three thousand
14 (3,000) gallons or less, and
- 15 c. solid fertilizers that are not mixed with any organic substance.

16 No other placarded hazardous materials shall be transported by holders of such
17 licenses.

18 D. 1. The Department shall develop a procedure whereby a person applying for an
19 original, renewal or replacement Class A, B, C or D driver license or identification card
20 who is required to register as a convicted sex offender with the Department of
21 Corrections pursuant to the provisions of the Sex Offenders Registration Act and who the
22 Department of Corrections designates as an aggravated or habitual offender pursuant to

1 subsection ~~J~~ K of Section 584 of Title 57 of the Oklahoma Statutes shall be issued a
2 license or card bearing the words "Sex Offender".

3 2. The Department shall notify every person subject to registration under the
4 provisions of this act who holds a current Class A, B, C or D driver license or
5 identification card that such person is required to surrender the license or card to the
6 Department within one hundred eighty (180) days from the date of the notice.

7 3. Upon surrendering the license or card for the reason set forth in this subsection,
8 application may be made with the Department for a replacement license or card bearing
9 the words "Sex Offender".

10 4. Failure to comply with the requirements set forth in such notice shall result in
11 cancellation of the person's license or card. Such cancellation shall be in effect for one (1)
12 year, after which time the person may make application with the Department for a new
13 license or card bearing the words "Sex Offender". Continued use of a canceled license or
14 card shall constitute a misdemeanor and shall, upon conviction thereof, be punishable by
15 a fine of not less than Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars
16 (\$200.00). When an individual is no longer required to register as a convicted sex
17 offender with the Department of Corrections pursuant to the provisions of the Sex
18 Offenders Registration Act, the individual shall be eligible to receive a driver license or
19 identification card which does not bear the words "Sex Offender".

20 E. Nothing in subsection D of this section shall be deemed to impose any liability
21 upon or give rise to a cause of action against any employee, agent or official of the
22 Department of Corrections for failing to designate a sex offender as an aggravated or

1 habitual offender pursuant to subsection J K of Section 584 of Title 57 of the Oklahoma
2 Statutes.

3 F. The Department shall develop a procedure whereby a person applying for an
4 original, renewal or replacement Class D driver license who has been granted modified
5 driving privileges under this title shall be issued a Class D driver license which identifies
6 the license as a modified license.

7 SECTION 2. It being immediately necessary for the preservation of the public
8 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
9 this act shall take effect and be in full force from and after its passage and approval.

10 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
11 dated 02-25-10 - DO PASS, As Amended and Coauthored.