

THE HOUSE OF REPRESENTATIVES  
Wednesday, April 1, 2009

Committee Substitute for  
ENGROSSED  
Senate Bill No. 342

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 342 - By: CRAIN of the Senate and THOMPSON of the House.

An Act relating to public safety; amending 47 O.S. 2001, Section 1-107.4, as amended by Section 3, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2008, Section 1-107.4), which relates to the definition of Class D motor vehicle; expanding scope of definition; amending 47 O.S. 2001, Section 6-301, as last amended by Section 8, Chapter 149, O.S.L. 2004 (47 O.S. Supp. 2008, Section 6-301), which relates to unlawful use of driver license or identification cards; creating a misdemeanor for certain use of driver license or identification card information; providing exceptions; 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 1-107.4, as amended by  
2 Section 3, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2008, Section 1-107.4), is amended to  
3 read as follows:

4 Section 1-107.4

5 CLASS D MOTOR VEHICLE

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

7 1. Regardless of weight:

- 1           a.     is marked and used as an authorized emergency vehicle, as defined in  
2                     Section 1-103 of this title, or
- 3           b.     is designed and used solely as a recreational vehicle;
- 4           2. Is a single or combination vehicle with a gross combined weight rating of less  
5 than twenty-six thousand one (26,001) pounds; ~~or~~
- 6           3. Is a single or combination farm vehicle with a gross combined weight rating of  
7 more than twenty-six thousand one (26,001) pounds if:
- 8           a.     it is entitled to be registered with a farm tag and has a farm tag  
9                     attached thereto,
- 10          b.     it is controlled and operated by a farmer, his family or his employees,
- 11          c.     it is used to transport either agricultural products, farm machinery,  
12                     farm supplies or any combination of those materials to or from a farm,
- 13          d.     it is not used in the operations of a common or contract motor carrier,  
14                     and
- 15          e.     it is used within one hundred fifty (150) air miles of the person's farm  
16                     or as otherwise provided by federal law; or
- 17          4. Is operated by a driver employed by a unit of local government that operates a  
18 commercial motor vehicle within the boundaries of that unit of local government for the  
19 purpose of removing snow or ice from a roadway by plowing, sanding or salting, if:
- 20          a.     the properly licensed employee who ordinarily operates a commercial  
21                     vehicle for these purposes is unable to operate the vehicle, or



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

20           2. It is a misdemeanor for any person:

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

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

1 identification card in connection with a customer account or for any other purpose not  
2 prohibited by law.

3 3. It is a felony for any person:

- 4 a. to create, publish or otherwise manufacture an Oklahoma or other  
5 state license or identification card or facsimile thereof, or to create,  
6 manufacture or possess an engraved plate or other such device, card,  
7 laminate, digital image or file, or software for the printing of an  
8 Oklahoma or other state license or identification card or facsimile  
9 thereof, except as authorized pursuant to this title,
- 10 b. to display or cause or permit to be displayed or to knowingly possess  
11 any state counterfeit or fictitious license or identification card,
- 12 c. to display or cause to be displayed or to knowingly possess any state  
13 license or identification card bearing a fictitious or forged name or  
14 signature,
- 15 d. to display or cause to be displayed or to knowingly possess any state  
16 license or identification card bearing the photograph of any person,  
17 other than the person named thereon as licensee,
- 18 e. to display or represent as one's own, any license or identification card  
19 not issued to him or her, for the purpose of committing a fraud in any  
20 commercial transaction or to mislead a peace officer in the  
21 performance of his or her duties, or

1 f. to use a false or fictitious name in any application for a license or  
2 identification card or to knowingly make a false statement or to  
3 knowingly conceal a material fact or otherwise commit a fraud in any  
4 such application.

5 ~~3.~~ 4. It is a felony for any employee or person authorized to issue or approve the  
6 issuance of licenses or identification cards under this title to knowingly issue or attempt  
7 to issue a license or identification card or to knowingly give approval for, cause, or  
8 attempt to cause a license or identification card to be issued:

- 9 a. to a person not entitled thereto,
- 10 b. bearing erroneous information thereon, or
- 11 c. bearing the photograph of a person other than the person named  
12 thereon.

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

14 ~~4.~~ 5. The violation of any of the provisions of paragraph 1 or 2 of this section shall  
15 constitute a misdemeanor and shall, upon conviction thereof, be punishable by a fine of  
16 not less than Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars  
17 (\$200.00); the violation of any of the provisions of paragraph ~~2~~ 3 or ~~3~~ 4 of this section  
18 shall constitute a felony and shall, upon conviction thereof, be punishable by a fine not  
19 exceeding Ten Thousand Dollars (\$10,000.00) or a term of imprisonment in the State  
20 Penitentiary not to exceed seven (7) years, or by both such fine and imprisonment.

21 ~~5.~~ 6. Notwithstanding any provision of this section, the Commissioner of the  
22 Department of Public Safety may, upon the request of the chief administrator of a law

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 enforcement, military, or intelligence agency, authorize the issuance to and display, and  
2 possession by a person of a license which would otherwise be a violation of this section,  
3 for the sole purpose of aiding in a criminal investigation or a military or intelligence  
4 operation. While acting pursuant to such authorization by the Commissioner, such  
5 person shall not be prosecuted for a violation under this section. Upon termination of  
6 such investigation or operation or upon request of the Commissioner, the chief  
7 administrator shall forthwith cause such license to be returned to the Commissioner.

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

9 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 03-31-09 - DO PASS,  
10 As Amended.