

EHB 1052

1 THE STATE SENATE  
2 Thursday, March 26, 2009

3 ENGROSSED

4 House Bill No. 1052

5 ENGROSSED HOUSE BILL NO. 1052 - By: Sears, Terrill and Faught of the  
6 House and Barrington of the Senate.

7 An Act relating to motor vehicles; amending 47 O.S. 2001,  
8 Sections 6-101, as last amended by Section 23, Chapter 44,  
9 2nd Extraordinary Session, O.S.L. 2006, 6-115, as last  
10 amended by Section 3, Chapter 294, O.S.L. 2006 and 6-121, as  
11 amended by Section 10, Chapter 418, O.S.L. 2004 (47 O.S.  
12 Supp. 2008, Sections 6-101, 6-115 and 6-121), which relate  
13 to the issuance and renewal of driver licenses; deleting  
14 certain time limitations for restricted, original and  
15 renewal driver licenses; providing statutory references;  
16 expanding time limitations for renewal of driver licenses;  
17 modifying certain driver license extension provision for  
18 military personnel; and providing an effective date.

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

20 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-101, as  
21 last amended by Section 23, Chapter 44, 2nd Extraordinary Session,  
22 O.S.L. 2006 (47 O.S. Supp. 2008, Section 6-101), is amended to read  
23 as follows:

24 Section 6-101. A. No person, except those hereinafter  
25 expressly exempted in Section 6-102 of this title, shall operate any  
26 motor vehicle upon a highway in this state unless the person has a  
27 valid Oklahoma driver license for the class of vehicle being  
28 operated under the provisions of this title. No person shall be  
29 permitted to possess more than one valid license at any time.

1           B. 1. No person shall operate a Class A commercial motor  
2 vehicle unless the person is eighteen (18) years of age or older and  
3 holds a valid Class A commercial license, except as provided in  
4 paragraph 5 of this subsection. Any person holding a valid Class A  
5 commercial license shall be permitted to operate motor vehicles in  
6 Classes A, B, C and D, except as provided for in paragraph 4 of this  
7 subsection.

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

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

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

1 may be licensed to operate a farm vehicle which is required to be  
2 placarded for hazardous materials pursuant to 49 C.F.R., Part 172,  
3 subpart F.

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

7 a. a restricted Class A commercial license which shall  
8 grant to the licensee the privilege to operate a Class  
9 A or Class B commercial motor vehicle for harvest  
10 purposes or a Class D motor vehicle, or

11 b. a restricted Class B commercial license which shall  
12 grant to the licensee the privilege to operate a Class  
13 B commercial motor vehicle for harvest purposes or a  
14 Class D motor vehicle.

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

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

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

12 E. Except as otherwise provided by law, any person who lawfully  
13 possesses a valid Oklahoma driver license which is eligible for  
14 renewal shall be required to successfully complete a written  
15 examination, vision examination, and driving examination for a  
16 motorcycle as prescribed by the Department to be eligible for a  
17 motorcycle endorsement; provided, however, the Department may waive  
18 all such examinations until July 1, 2000, upon satisfactory proof  
19 that the applicant has regularly operated a motorcycle or motor-  
20 driven cycle for a minimum of two (2) years immediately preceding  
21 the application.

22 F. 1. Any person eighteen (18) years of age or older may apply  
23 for a restricted Class A, B or C commercial license. The

1 Department, after the applicant has passed all parts of the  
2 examination for a Class D license and has successfully passed all  
3 parts of the examination for a Class A, B or C commercial license  
4 other than the driving examination, may issue to the applicant a  
5 restricted driver license which shall entitle the applicant having  
6 immediate possession of the license to operate a Class A, B or C  
7 commercial motor vehicle upon the public highways solely for the  
8 purpose of behind-the-wheel training in accordance with rules  
9 promulgated by the Department.

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

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

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

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

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

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

1	Class A Commercial License	\$40.50
2	Class B Commercial License	\$40.50
3	Class C Commercial License	\$30.50
4	Class D License	\$20.50

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

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

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

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

20	Class A Commercial License	\$41.50
21	Class B Commercial License	\$41.50
22	Class C Commercial License	\$31.50
23	Class D License	\$21.50

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

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

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

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

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

19	Age 62	\$11.25
20	Age 63	\$ 7.50
21	Age 64	\$ 3.75
22	Age 65	-0-

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

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

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

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

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

22 1. By a law enforcement agency for purposes of criminal  
23 investigations, missing person investigations, or any law

1 enforcement purpose which is deemed necessary by the Commissioner of  
2 Public Safety;

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

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

6 The computer system and related equipment acquired for this  
7 purpose must conform to industry standards for interoperability and  
8 open architecture. The Department of Public Safety may promulgate  
9 rules to implement the provisions of this subsection.

10 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-115, as  
11 last amended by Section 3, Chapter 294, O.S.L. 2006 (47 O.S. Supp.  
12 2008, Section 6-115), is amended to read as follows:

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

18 1. Four (4) years; or

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

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

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

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

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

19           D. Except as otherwise provided in this section, every driver  
20 license shall be renewable by the licensee upon application to  
21 either the Department of Public Safety or a motor license agent,  
22 furnishing both primary and secondary proofs of identity, the  
23 current mailing address of the person and payment of the required

1 fee, if the person is otherwise eligible for renewal. If the  
2 licensee is an alien, the licensee shall appear before a driver  
3 license examiner of the Department and, after furnishing primary and  
4 secondary proofs of identity as required in this section, shall be  
5 issued a renewal driver license for a period which does not exceed  
6 the lesser of:

7 1. Four (4) years; or

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

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

16 F. When a person makes application for a driver license, or  
17 makes application to renew a driver license, and the person has been  
18 convicted of, or received a deferred judgment for, any offense  
19 required to register pursuant to the Sex Offenders Registration Act,  
20 the driver license shall be valid for a period of one (1) year from  
21 the month of issuance, but may be renewed yearly during the time the  
22 person is registered on the Sex Offender Registry. The cost for

1 such license shall be the same as for other driver licenses and  
2 renewals.

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

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

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

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

13 2. Who is currently employed as a civilian contractor with the  
14 Armed Forces of the United States,  
15 living outside the continental limits of the United States of  
16 Oklahoma and having a valid driver license issued by the State of  
17 Oklahoma for the operation of motor vehicles upon the highways of  
18 the this state shall not be considered to have, without additional  
19 charge, a valid an expired driver license for the duration of such  
20 service or employment and for a period of sixty (60) days from and  
21 after the return of the person or the spouse or dependent of the  
22 person to ~~the continental limits of the United States~~ Oklahoma from

1 such service or employment. This law shall not be construed to  
2 confer driving privileges in any jurisdiction other than Oklahoma.

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

4 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,  
5 dated 3-24-09 - DO PASS.