

EHB 2569

THE STATE SENATE  
Monday, April 05, 2010

ENGROSSED

House Bill No. 2569

As Amended

ENGROSSED HOUSE BILL NO. 2569 - By: Wesselhoft, Kern, Sears, Faught, Pittman, Ritze, Sullivan, Reynolds, Murphey, Blackwell and Jones of the House and Newberry and Sykes of the Senate.

[ motor vehicles - issuance of driver licenses - prohibit use of radio frequency identification tags on driver licenses and identification cards - emergency ]

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-111, as last amended by Section 2, Chapter 388, O.S.L. 2009 (47 O.S. Supp. 2009, Section 6-111), is amended to read as follows:

Section 6-111. A. 1. The Department of Public Safety shall, upon payment of the required fee, issue to every applicant qualifying therefor a Class A, B, C or D driver license or identification card as applied for, which license or card shall bear thereon a distinguishing alphanumeric identification assigned to the licensee or cardholder, date of issuance and date of expiration of the license or card, the full name, signature or computerized signature, date of birth, residence address, sex, a color photograph or computerized image of the licensee or cardholder and security features as determined by the Department. The photograph or image

(Bold face denotes Committee Amendments)

1 shall depict a full front unobstructed view of the entire face of  
2 the licensee or cardholder. When any person is issued both a driver  
3 license and an identification card, the Department shall ensure the  
4 information on both the license and the card are the same, unless  
5 otherwise provided by law.

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

9 3. The Department may cancel the distinguishing number, when  
10 that distinguishing number is another person's Social Security  
11 number, assign a new distinguishing alphanumeric identification, and  
12 issue a new license or identification card without charge to the  
13 licensee or cardholder.

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

18 5. It is unlawful for any person to apply, adhere, or otherwise  
19 attach to a driver license or identification card any decal,  
20 sticker, label, or other attachment. Any law enforcement officer is  
21 authorized to remove and dispose of any unlawful decal, sticker,  
22 label, or other attachment from the driver license of a person. The  
23 law enforcement officer, the employing agency of the officer, the

1 Department of Public Safety, and the State of Oklahoma shall be  
2 immune from any liability for any loss suffered by the licensee,  
3 cardholder, or the owner of the decal, sticker, label, or other  
4 attachment caused by the removal and destruction of the decal,  
5 sticker, label, or other attachment.

6 6. The Department of Public Safety shall develop by rule an  
7 alternative procedure whereby a person applying for a renewal or  
8 replacement Class D license or identification card, when the person  
9 satisfactorily demonstrates to the Department the inability to  
10 appear personally to be photographed because the person is not in  
11 the state at the time of renewal or at a time a replacement is  
12 required by the person, may be issued a license or card; provided,  
13 immediately upon returning to Oklahoma, the person shall obtain a  
14 replacement license or card as provided in Section 6-114 of this  
15 title.

16 7. The Department of Public Safety shall be prohibited from  
17 imbedding, affixing, adhering or assigning any radio frequency  
18 identification (RFID) tag to any driver license or identification  
19 card. The Department shall further be prohibited from utilizing any  
20 type of RFID ink in any format or configuration onto or into any  
21 driver license or identification card. As used in this paragraph,  
22 "radio frequency identification" means a data collection technology  
23 system that uses electromagnetic or electrostatic coupling in the

1 radio frequency portion of the electromagnetic spectrum to transmit  
2 signals that contain unique identification or location information  
3 of persons or products.

4 B. The Department may issue a temporary permit to an applicant  
5 for a driver license permitting such applicant to operate a motor  
6 vehicle while the Department is completing its investigation and  
7 determination of all facts relative to such applicant's privilege to  
8 receive a license. Such permit must be in the immediate possession  
9 of the driver while operating a motor vehicle, and it shall be  
10 invalid when the applicant's driver license has been issued or for  
11 good cause has been refused.

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

- 15 a. farm retail outlets and suppliers,
- 16 b. agri-chemical businesses,
- 17 c. custom harvesters, and
- 18 d. livestock feeders.

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

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

7           a. diesel fuel in quantities of one thousand (1,000)  
8 gallons or less,

9           b. liquid fertilizers in vehicles with total capacities  
10 of three thousand (3,000) gallons or less, and

11          c. solid fertilizers that are not mixed with any organic  
12 substance.

13          No other placarded hazardous materials shall be transported by  
14 holders of such licenses.

15          D. 1. The Department shall develop a procedure whereby a  
16 person applying for an original, renewal or replacement Class A, B,  
17 C or D driver license or identification card who is required to  
18 register as a convicted sex offender with the Department of  
19 Corrections pursuant to the provisions of the Sex Offenders  
20 Registration Act and who the Department of Corrections designates as  
21 an aggravated or habitual offender pursuant to subsection ¶ K of  
22 Section 584 of Title 57 of the Oklahoma Statutes shall be issued a  
23 license or card bearing the words "Sex Offender".

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

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

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

1 E. Nothing in subsection D of this section shall be deemed to  
2 impose any liability upon or give rise to a cause of action against  
3 any employee, agent or official of the Department of Corrections for  
4 failing to designate a sex offender as an aggravated or habitual  
5 offender pursuant to subsection ~~J~~ K of Section 584 of Title 57 of  
6 the Oklahoma Statutes.

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

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

16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 3-31-10 - DO  
17 PASS, As Amended and Coauthored.