

SB 342

THE STATE SENATE
Thursday, February 5, 2009

Senate Bill No. 342
As Amended

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 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:

SECTION 1. AMENDATORY 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), is amended to read as follows:

Section 6-301. It shall be unlawful for any person to commit any of the acts specified in paragraph 1 ~~or~~, 2, 3 or 4 of this section in relation to an Oklahoma driver license or identification card authorized to be issued by the Department of Public Safety pursuant to the provisions of Sections 6-101 through 6-309 of this title or any driver license or other evidence of driving privilege or identification card authorized to be issued by the state of origin.

1. It is a misdemeanor for any licensee:

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

1 under conditions provided in subparagraph e of
2 paragraph ~~2~~ 3 of this section, or

3 h. to add to, delete from, alter, or deface the required
4 information on a driver license or identification
5 card.

6 2. It is a misdemeanor for any person:

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

9 b. to compile or maintain a database of information
10 electronically scanned from a bar code on a driver
11 license or identification card, or

12 c. to purchase, sell, trade, or otherwise disseminate
13 information electronically scanned from a bar code on
14 a driver license or identification card,
15 for the purpose of marketing, advertising, or soliciting, including,
16 without limitation, distribution of samples of any product. This
17 paragraph shall not apply to federally insured depository
18 institutions and their affiliates, and shall not prohibit business
19 entities of this state from accessing and maintaining electronically
20 readable or digitally transferable information from a driver license
21 or identification card that has been voluntarily submitted by a
22 licensee or cardholder doing business with the business entity,
23 provided such information maintained by the business entity is in a

1 secured and encrypted form, and is used by the business entity
2 solely for identification purposes. This paragraph shall not
3 prohibit any person or entity, public or private, from accessing or
4 using information from a driver license or identification card,
5 provided that the licensee or cardholder provides written or
6 electronic consent for any marketing, advertising, soliciting, or
7 commercial purposes, such information is not sold to any
8 unaffiliated third party, and the licensee or cardholder is of legal
9 age to purchase the product or products that are the subject of such
10 purposes. This paragraph shall not prohibit any person or entity,
11 public or private, from acquiring or verifying information from a
12 driver license or identification card in connection with a customer
13 account or for any other purpose not prohibited by law.

14 3. It is a felony for any person:

15 a. to create, publish or otherwise manufacture an
16 Oklahoma or other state license or identification card
17 or facsimile thereof, or to create, manufacture or
18 possess an engraved plate or other such device, card,
19 laminate, digital image or file, or software for the
20 printing of an Oklahoma or other state license or
21 identification card or facsimile thereof, except as
22 authorized pursuant to this title,

- 1 b. to display or cause or permit to be displayed or to
2 knowingly possess any state counterfeit or fictitious
3 license or identification card,
4 c. to display or cause to be displayed or to knowingly
5 possess any state license or identification card
6 bearing a fictitious or forged name or signature,
7 d. to display or cause to be displayed or to knowingly
8 possess any state license or identification card
9 bearing the photograph of any person, other than the
10 person named thereon as licensee,
11 e. to display or represent as one's own, any license or
12 identification card not issued to him or her, for the
13 purpose of committing a fraud in any commercial
14 transaction or to mislead a peace officer in the
15 performance of his or her duties, or
16 f. to use a false or fictitious name in any application
17 for a license or identification card or to knowingly
18 make a false statement or to knowingly conceal a
19 material fact or otherwise commit a fraud in any such
20 application.

21 ~~3.~~ 4. It is a felony for any employee or person authorized to
22 issue or approve the issuance of licenses or identification cards
23 under this title to knowingly issue or attempt to issue a license or

1 identification card or to knowingly give approval for, cause, or
2 attempt to cause a license or identification card to be issued:

- 3 a. to a person not entitled thereto,
- 4 b. bearing erroneous information thereon, or
- 5 c. bearing the photograph of a person other than the
6 person named thereon.

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

9 ~~4-~~ 5. The violation of any of the provisions of paragraph 1 or
10 2 of this section shall constitute a misdemeanor and shall, upon
11 conviction thereof, be punishable by a fine of not less than
12 Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars
13 (\$200.00); the violation of any of the provisions of paragraph ~~2~~ 3
14 or ~~3~~ 4 of this section shall constitute a felony and shall, upon
15 conviction thereof, be punishable by a fine not exceeding Ten
16 Thousand Dollars (\$10,000.00) or a term of imprisonment in the State
17 Penitentiary not to exceed seven (7) years, or by both such fine and
18 imprisonment.

19 ~~5-~~ 6. Notwithstanding any provision of this section, the
20 Commissioner of the Department of Public Safety may, upon the
21 request of the chief administrator of a law enforcement, military,
22 or intelligence agency, authorize the issuance to and display, and
23 possession by a person of a license which would otherwise be a

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

8 SECTION 2. This act shall become effective November 1, 2009.

9 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,
10 dated 2-3-09 - DO PASS, As Amended and Coauthored.