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THE STATE SENATE
Wednesday, February 11, 2009

Senate Bill No. 48

SENATE BILL NO. 48 - By: Anderson and Ellis of the Senate and Jackson of the House.

An Act relating to identification documents; amending 21 O.S. 2001, Section 1550.42, as amended by Section 4, Chapter 112, O.S.L. 2007 (21 O.S. Supp. 2008, Section 1550.42), which relates to entities authorized to print identification documents; specifying renewal procedure for temporary driver licenses; specifying renewal procedure for full-term driver licenses; requiring certain presumption despite expiration of certain driver license; requiring renewal of certain driver license without certain proof; defining circumstance under which proof may be required; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1550.42, as amended by Section 4, Chapter 112, O.S.L. 2007 (21 O.S. Supp. 2008, Section 1550.42), is amended to read as follows:

Section 1550.42 A. The following entities may create, publish or otherwise manufacture an identification document, identification card, or identification certificate and may possess an engraved plate or other such device for the printing of such identification; provided, the name of the issuing entity shall be clearly printed upon the face of the identification:

1. Businesses, companies, corporations, service organizations and federal, state and local governmental agencies for employee

1 identification which is designed to identify the bearer as an
2 employee;

3 2. Businesses, companies, corporations and service
4 organizations for customer identification which is designed to
5 identify the bearer as a customer or member;

6 3. Federal, state and local government agencies for purposes
7 authorized or required by law or any legitimate purpose consistent
8 with the duties of such an agency, including, but not limited to,
9 voter identification cards, driver licenses, nondriver
10 identification cards, passports, birth certificates and social
11 security cards;

12 4. Any public school or state or private educational
13 institution, as defined by Sections 1-106, 21-101 or 3102 of Title
14 70 of the Oklahoma Statutes, to identify the bearer as an
15 administrator, faculty member, student or employee;

16 5. Any professional organization or labor union to identify the
17 bearer as a member of the professional organization or labor union;
18 and

19 6. Businesses, companies or corporations which manufacture
20 medical-alert identification for the wearer thereof.

21 B. All identification documents as provided for in paragraph 3
22 or 4 of subsection A of this section shall be issued only to United
23 States citizens, nationals and legal permanent resident aliens.

1 C. The provisions of subsection B of this section shall not
2 apply when an applicant presents, in person, valid documentary
3 evidence of:

4 1. A valid, unexpired immigrant or nonimmigrant visa status for
5 admission into the United States;

6 2. A pending or approved application for asylum in the United
7 States;

8 3. Admission into the United States in refugee status;

9 4. A pending or approved application for temporary protected
10 status in the United States;

11 5. Approved deferred action status; or

12 6. A pending application for adjustment of status to legal
13 permanent residence status or conditional resident status.

14 Upon approval, the applicant may be issued an identification
15 document provided for in paragraph 3 or 4 of subsection A of this
16 section. Such identification document shall be valid only during
17 the period of time of the authorized stay of the applicant in the
18 United States or, if there is no definite end to the period of
19 authorized stay, a period of one (1) year. Any identification
20 document issued pursuant to the provisions of this subsection shall
21 clearly indicate that it is temporary and shall state the date that
22 the identification document expires. Such identification document
23 may be renewed only upon presentation of valid documentary evidence

1 that the status by which the applicant qualified for the
2 identification document has been extended by the United States
3 Citizenship and Immigration Services or other authorized agency of
4 the United States Department of Homeland Security.

5 D. The provisions of subsection B of this section shall not
6 apply to an identification document described in paragraph 4 of
7 subsection A of this section that is only valid for use on the
8 campus or facility of that educational institution and includes a
9 statement of such restricted validity clearly and conspicuously
10 printed upon the face of the identification document.

11 E. Any temporary driver license ~~issued to a person who is not a~~
12 ~~United States citizen, national or legal permanent resident alien as~~ as
13 described in subsection C of this section for which an application
14 has been made for renewal, duplication or reissuance shall be
15 presumed to have been originally issued in accordance with the
16 provisions of subsection C of this section; provided that, at the
17 time the application is made, the driver license has not expired, or
18 been cancelled, suspended or revoked. The requirements of
19 subsection C of this section shall apply, however, to a renewal,
20 duplication or reissuance if the Department of Public Safety is
21 notified by a local, state or federal government agency of
22 information in the possession of the agency indicating a reasonable
23 suspicion that the individual seeking such renewal, duplication or

1 reissuance is present in the United States in violation of law. The
2 provisions of this subsection shall not apply to United States
3 citizens, nationals or legal permanent resident aliens.

4 F. Unless otherwise prescribed by law, any driver license
5 originally issued to a United States citizen, national or legal
6 permanent resident alien for which an application has been made for
7 renewal, duplication or reissuance shall be presumed to have been
8 originally issued in accordance with the provisions of subsection B
9 of this section, and shall be renewed, duplicated or reissued
10 without documentary proof of United States citizenship, nationality
11 or permanent resident alien status, whether or not such driver
12 license has expired at the time the application is made. However,
13 proof of United States citizenship, nationality or permanent
14 resident alien status shall be required at the time the application
15 is made if the Department of Public Safety has been notified by a
16 local, state or federal government agency of information in the
17 possession of the agency indicating a reasonable suspicion that the
18 individual seeking such renewal, duplication or reissuance is
19 present in the United States in violation of law.

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

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