

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1052

By: Sears

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5
6 AS INTRODUCED

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

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

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

Section 6-101. A. No person, except those hereinafter
expressly exempted in Section 6-102 of this title, shall operate any
motor vehicle upon a highway in this state unless the person has a

1 valid Oklahoma driver license for the class of vehicle being
2 operated under the provisions of this title. No person shall be
3 permitted to possess more than one valid license at any time.

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

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

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

23 4. No person under twenty-one (21) years of age shall be
24 licensed to operate any motor vehicle which is required to be

1 placarded for hazardous materials pursuant to 49 C.F.R., Part 172,
2 subpart F; provided, a person eighteen (18) years of age or older
3 may be licensed to operate a farm vehicle which is required to be
4 placarded for hazardous materials pursuant to 49 C.F.R., Part 172,
5 subpart F.

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

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

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

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

22 C. Any person issued a driver license pursuant to this section
23 may exercise the privilege thereby granted upon all streets and
24 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
24 Department, after the applicant has passed all parts of the

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

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

23 G. 1. The fee charged for an approved application for an
24 original Oklahoma driver license or an approved application for the

1 addition of an endorsement to a current valid Oklahoma driver
2 license shall be assessed in accordance with the following schedule:

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

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

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

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

22	Class A Commercial License	\$40.50
23	Class B Commercial License	\$40.50
24	Class C Commercial License	\$30.50

1 Class D License \$20.50

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

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

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

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

17 Class A Commercial License \$41.50

18 Class B Commercial License \$41.50

19 Class C Commercial License \$31.50

20 Class D License \$21.50

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

23 a. Five Dollars and fifty cents (\$5.50) shall be
24 deposited to the Trauma Care Assistance Revolving Fund

1 created in Section 330.97 of Title 63 of the Oklahoma
2 Statutes, and

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

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

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

15	Age 62	\$11.25
16	Age 63	\$ 7.50
17	Age 64	\$ 3.75
18	Age 65	-0-

19 L. No person who has been honorably discharged from active
20 service in any branch of the Armed Forces of the United States or
21 Oklahoma National Guard and who has been certified by the United
22 States Department of Veterans Affairs, its successor, or the Armed
23 Forces of the United States to be a disabled veteran in receipt of
24 compensation at the one-hundred-percent rate for a permanent

1 disability sustained through military action or accident resulting
2 from disease contracted while in such active service shall be
3 charged a fee for the issuance or renewal of an Oklahoma driver
4 license.

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

17 N. Notwithstanding the provisions of Section 1104 of this title
18 and subsection M of this section and except as provided in
19 subsections G and I of this section, the first Sixty Thousand
20 Dollars (\$60,000.00) of all monies collected pursuant to this
21 section shall be paid by the Oklahoma Tax Commission to the State
22 Treasurer to be deposited in the General Revenue Fund of the State
23 Treasury.

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

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

15 1. By a law enforcement agency for purposes of criminal
16 investigations, missing person investigations, or any law
17 enforcement purpose which is deemed necessary by the Commissioner of
18 Public Safety;

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

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

22 The computer system and related equipment acquired for this
23 purpose must conform to industry standards for interoperability and
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1 open architecture. The Department of Public Safety may promulgate
2 rules to implement the provisions of this subsection.

3 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-115, as
4 last amended by Section 3, Chapter 294, O.S.L. 2006 (47 O.S. Supp.
5 2008, Section 6-115), is amended to read as follows:

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

11 1. Four (4) years; or

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

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

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

23 1. For a renewal during the month of expiration, four (4) years
24 from the last day of the month of expiration of the ~~previous~~

1 expiring license or ~~no more than~~ four (4) years from the last day of
2 the birth month of the licensee immediately preceding the expiration
3 date of the ~~previous~~ expiring license, if requested by the licensee;
4 or

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

10 D. Except as otherwise provided in this section, every driver
11 license shall be renewable by the licensee upon application to
12 either the Department of Public Safety or a motor license agent,
13 furnishing both primary and secondary proofs of identity, the
14 current mailing address of the person and payment of the required
15 fee, if the person is otherwise eligible for renewal. If the
16 licensee is an alien, the licensee shall appear before a driver
17 license examiner of the Department and, after furnishing primary and
18 secondary proofs of identity as required in this section, shall be
19 issued a renewal driver license for a period which does not exceed
20 the lesser of:

21 1. Four (4) years; or

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

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

7 F. When a person makes application for a driver license, or
8 makes application to renew a driver license, and the person has been
9 convicted of, or received a deferred judgment for, any offense
10 required to register pursuant to the Sex Offenders Registration Act,
11 the driver license shall be valid for a period of one (1) year from
12 the month of issuance, but may be renewed yearly during the time the
13 person is registered on the Sex Offender Registry. The cost for
14 such license shall be the same as for other driver licenses and
15 renewals.

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

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

22 Section 6-121. Any person or the spouse or dependent of a
23 person:
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1 1. Who is on active duty with the Armed Forces of the United
2 States; or
3 2. Who is currently employed as a civilian contractor with the
4 Armed Forces of the United States,
5 living outside ~~the continental limits of the United States~~ of
6 Oklahoma and having a valid driver license issued by the State of
7 Oklahoma for the operation of motor vehicles upon the highways of
8 ~~the~~ this state shall not be considered to have, ~~without additional~~
9 ~~charge, a valid~~ an expired driver license for the duration of such
10 service or employment and for a period of sixty (60) days from and
11 after the return of the person or the spouse or dependent of the
12 person to ~~the continental limits of the United States~~ Oklahoma from
13 such service or employment. This law shall not be construed to
14 confer driving privileges in any jurisdiction other than Oklahoma.

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

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17 52-1-5307 GRS 12/15/08

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