

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2557

By: McCullough

4
5
6 AS INTRODUCED

7 An Act relating to game and fish; creating the
8 Omnibus Hunting, Fishing and Recreation Act of 2010;
9 amending 29 O.S. 2001, Section 4-101, as last amended
10 by Section 3, Chapter 44, O.S.L. 2007 (29 O.S. Supp.
11 2009, Section 4-101), which relates to usage,
12 application, termination and revocation of licenses;
13 allowing application for certain licenses when making
14 application for a driver license; allowing certain
15 persons to carry a certain driver license or
16 identification card; modifying requirement for
17 checking harvested wildlife at a hunter check
18 station; amending 29 O.S. 2001, Section 4-112, as
19 last amended by Section 1, Chapter 49, O.S.L. 2008
20 (29 O.S. Supp. 2009, Section 4-112), which relates to
21 hunting licenses; clarifying statutory language;
22 deleting certain exemptions for persons possessing a
23 senior citizen lifetime license; amending 29 O.S.
24 2001, Section 4-133, which relates to senior citizen
lifetime hunting and fishing licenses; making the
senior citizen lifetime hunting license in lieu of
certain other licenses and permits; allowing persons
with a certain handgun license to carry a pistol or
handgun when hunting during any open season; amending
29 O.S. 2001, Section 5-401, as last amended by
Section 1, Chapter 131, O.S.L. 2006 (29 O.S. Supp.
2009, Section 5-401), which relates to the authority
of the Wildlife Conservation Commission to determine
open seasons and adopt rules; limiting the bag limit
for antlered deer; allowing antlerless deer to be
taken on any day during an open season; updating and
clarifying statutory language; amending 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),
which relates to issuance of driver licenses;
directing the Department of Public Safety to issue

1 certain driver license with certain hunting or
2 fishing license information included; providing for
3 codification; providing for noncodification;
4 providing an effective date; and declaring an
5 emergency.

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

7 SECTION 1. NEW LAW A new section of law not to be
8 codified in the Oklahoma Statutes reads as follows:

9 This act shall be known and may be cited as the "Omnibus
10 Hunting, Fishing and Recreation Act of 2010".

11 SECTION 2. AMENDATORY 29 O.S. 2001, Section 4-101, as
12 last amended by Section 3, Chapter 44, O.S.L. 2007 (29 O.S. Supp.
13 2009, Section 4-101), is amended to read as follows:

14 Section 4-101. A. All licenses and permits issued by the
15 Director of Wildlife Conservation, the Department of Wildlife
16 Conservation ~~or~~, by any of its agents, or as provided for in
17 subsection C of this section shall be used only in conformity with
18 the provisions of this title and the rules promulgated by the
19 Oklahoma Wildlife Conservation Commission.

20 B. All persons making application for any licenses required by
21 this section shall produce a valid license to operate a motor
22 vehicle or other positive proof of identification, age and
23 residency, and any such license issued shall show such data as well
24 as the date and time of issuance.

1 C. Persons may make application for a five-year fishing
2 license, hunting license or combination hunting/fishing license
3 issued pursuant to Section 4-113.1 of this title or a lifetime
4 fishing license, hunting license, or combination hunting and fishing
5 license issued pursuant to Section 4-114 of this title as part of an
6 application for issuance, renewal, or change of address for a driver
7 license or issuance of a state identification card issued pursuant
8 to Section 6-105 of Title 47 of the Oklahoma Statutes with a
9 designated representative of the Department of Public Safety.

10 D. All licenses are nontransferable. No person shall alter,
11 change, lend or transfer any license. No person shall use or borrow
12 a license which has not been issued to that person by the Director,
13 the Department or by any of its agents pursuant to the provisions of
14 this section.

15 ~~D.~~ E. No person may engage in activities requiring a license
16 without that person's carrying such license on their person and
17 producing the same for an inspection upon the demand of any Oklahoma
18 citizen or game warden. A person who has been issued a driver
19 license or identification card pursuant to Section 6-111 of Title 47
20 of the Oklahoma Statutes which includes information about the
21 hunting or fishing license issued to the person, may carry only the
22 driver license or identification card and produce the license or
23 card for inspection.

1 ~~E.~~ F. Any person required to produce a license ~~must~~ shall also
2 identify themselves as the person to whom such license was issued,
3 and failure or refusal to comply shall be deemed prima facie
4 evidence of a violation of this section.

5 ~~F.~~ G. Unless otherwise provided in this Code:

6 1. All licenses shall terminate December 31 for the year
7 issued; and

8 2. Any person convicted of violating any of the provisions of
9 this title may have any or all licenses held by that person or the
10 privilege of applying for, purchasing or exercising the benefits
11 conferred by the licenses revoked by the Department in accordance
12 with rules promulgated by the Commission or by a court of competent
13 jurisdiction for a period of not less than one (1) year. For
14 purposes of this paragraph, a court conviction, a plea of guilty, a
15 plea of nolo contendere, the imposition of a deferred or suspended
16 sentence by a court, or forfeiture of bond shall be deemed a
17 conviction.

18 ~~G.~~ H. Should any license or permit issued pursuant to Part 1 of
19 Article IV of this title be lost or destroyed, duplicates will be
20 issued by the Department at a fee of One Dollar and fifty cents
21 (\$1.50).

22 ~~H.~~ I. Upon harvesting any whitetail or mule deer, or any other
23 wildlife where the hunter, according to Commission rules, is
24

1 required to check the wildlife in at a Department check station, the
2 taker of the wildlife shall:

3 1. Securely attach the name and license number to the carcass
4 of the wildlife;

5 2. Transport to and check in the carcass of the wildlife within
6 twenty-four (24) hours of taking the wildlife at the nearest hunter
7 check station that is open or a hunter check station that is
8 convenient for the hunter or with an authorized Department employee;
9 and

10 3. Not remove evidence of the sex of the animal until after the
11 carcass of the animal has been checked in.

12 ~~I.~~ J. It shall be unlawful for any license or permit holder to
13 knowingly make a false statement or give false information to any
14 person operating an authorized hunter check station or to an
15 authorized Department employee when complying with the provisions of
16 subsection ~~H~~ I of this section. Information which may be collected
17 at a Department check station shall include but not be limited to
18 the name, address, license or permit number and signature of the
19 taker, the date, time, county, method or weapon of the kill, sex and
20 weight of carcass, whether or not the animal was taken on public
21 hunting land and if so in what area, or any other information which
22 may be required by the Commission.

23 ~~J.~~ K. Any person convicted of violating the provisions of this
24 section or of making a false statement or giving any false

1 information in order to acquire any license or permit, pursuant to
2 the provisions of this section, shall be punishable by a fine of not
3 less than Twenty-five Dollars (\$25.00) nor more than One Hundred
4 Dollars (\$100.00), or by imprisonment in the county jail for a
5 period not to exceed ten (10) days, or by both such fine and
6 imprisonment.

7 ~~K.~~ L. Any person who has had their license privileges revoked
8 shall not be entitled to purchase, apply for, or exercise the
9 benefits conferred by any license until the revocation period has
10 expired or the person has obtained approval from the Director. Any
11 person violating the provisions of this subsection, upon conviction,
12 shall be punished by a fine of not more than Five Hundred Dollars
13 (\$500.00), or by imprisonment in a county jail for a term of not
14 more than ninety (90) days or by both the fine and imprisonment.
15 Upon conviction under this subsection, the previously granted
16 license revocation period shall be extended by two (2) additional
17 years.

18 SECTION 3. AMENDATORY 29 O.S. 2001, Section 4-112, as
19 last amended by Section 1, Chapter 49, O.S.L. 2008 (29 O.S. Supp.
20 2009, Section 4-112), is amended to read as follows:

21 Section 4-112. A. Except as otherwise provided for in the
22 Oklahoma Wildlife Conservation Code or the Oklahoma Farmed Cervidae
23 Act, no person may hunt, pursue, trap, harass, catch, kill, take or
24 attempt to take in any manner, use, have in possession, sell, or

1 transport all or any portion of any wildlife except fish, without
2 having first procured a license from the Department of Wildlife
3 Conservation. The Wildlife Conservation Commission shall designate
4 a consecutive Saturday and Sunday in September of each year as free
5 hunting days in which residents of this state may hunt without first
6 procuring a hunting license pursuant to the provisions of this
7 section.

8 B. Pursuant to the provisions of this Code, persons excepted
9 from the license requirement of this section are:

10 1. Legal residents of Oklahoma under sixteen (16) years of age;

11 2. Legal residents of Oklahoma sixty-four (64) years of age or
12 older provided they have obtained a senior ~~citizen's~~ citizen

13 lifetime license pursuant to the provisions of Section 4-133 of this
14 title;

15 3. Legal residents born on or before January 1, 1923;

16 4. Legal resident veterans having a disability of sixty percent
17 (60%) or more;

18 5. Legal resident owners or tenants who hunt on land owned or
19 leased by them;

20 6. Every citizen of Oklahoma serving in a branch of the United
21 States Armed Forces on properly authorized leave from military duty
22 having in his or her possession proper written evidence showing such
23 authorized leave and serving outside the State of Oklahoma at the
24 time of the hunting;

1 7. Any nonresident under fourteen (14) years of age;

2 8. Legal residents having a proven disability which renders
3 them nonambulatory and confines them to a wheelchair, as certified
4 by a physician licensed in this state or in any state which borders
5 this state;

6 9. Any person under eighteen (18) years of age who is in the
7 physical custody of a child care facility as defined by Section 402
8 of Title 10 of the Oklahoma Statutes; and

9 10. Any person hunting, pursuing, trapping, harassing,
10 catching, killing, taking, or attempting to take in any manner any
11 species of rattlesnake during an organized rattlesnake-hunting event
12 or festival and who has a rattlesnake permit issued pursuant to
13 Section 4-143 of this title.

14 C. Except as otherwise provided for in this Code, the fees for
15 licenses listed in this subsection are:

16 1. a. Annual hunting licenses for nonresidents hunting game
17 other than deer, antelope, or elk, One Hundred Thirty-
18 six Dollars (\$136.00); for deer, Two Hundred Dollars
19 (\$200.00); for antelope and elk, Three Hundred Dollars
20 (\$300.00). There shall be no exemptions for deer,
21 antelope, elk, or turkey. Any nonresident hunting in
22 a big game or combination big game and upland game
23 commercial hunting area shall be required to have an
24 annual nonresident hunting license pursuant to this

1 subparagraph, and the fee shall be One Hundred Thirty-
2 six Dollars (\$136.00). For a five-day nonresident
3 hunting license to hunt game other than deer,
4 antelope, elk, or turkey, the fee shall be Sixty-nine
5 Dollars (\$69.00).

6 b. Annual combination hunting licenses for nonresidents
7 hunting one antlered and one antlerless deer, Two
8 Hundred Fifty Dollars (\$250.00); for nonresidents
9 hunting an additional antlerless deer, Fifty Dollars
10 (\$50.00) which shall be valid only on private lands
11 not managed by the Department of Wildlife
12 Conservation.

13 c. Of the amount of monies collected pursuant to the
14 provisions of this paragraph, Five Dollars (\$5.00) of
15 the license fee for hunting game other than deer,
16 antelope and elk, Five Dollars (\$5.00) of the license
17 fee for hunting deer, Five Dollars (\$5.00) of the
18 license fee for hunting antelope and elk and Two
19 Dollars and fifty cents (\$2.50) of the five-day
20 hunting license shall be deposited in the Wildlife
21 Land Acquisition Fund created pursuant to the
22 provisions of Section 4-132 of this title.

23 2. Disability hunting license, residents of this state for at
24 least six (6) months and who are receiving Social Security

1 Disability benefits, Supplemental Security Income benefits or
2 disability benefits under the Railroad Retirement Act, 45 U.S.C.A.,
3 Section 231a or residents who are one-hundred-percent disabled and
4 are receiving disability payments from the Multiple Injury Trust
5 Fund pursuant to Section 173 of Title 85 of the Oklahoma Statutes,
6 may purchase a disability hunting license from the Director for Ten
7 Dollars (\$10.00) for five (5) years.

8 3. Deer gun hunting license, residents, Nineteen Dollars
9 (\$19.00). There shall be no exemptions except:

10 a. ~~residents sixty four (64) years of age or older~~
11 ~~provided such residents have obtained a senior~~
12 ~~citizen's license pursuant to the provisions of~~
13 ~~Section 4-133 of this title,~~

14 ~~b.~~ legal residents of Oklahoma under eighteen (18) years
15 of age provided such residents shall be required to
16 pay a deer gun hunting license fee of Nine Dollars
17 (\$9.00),

18 ~~e.~~ b. residents with proper certification from the United
19 States Department of Veterans Affairs or its
20 successor, certifying that the person is a disabled
21 veteran in receipt of compensation at the one-hundred-
22 percent rate shall be exempt from the fees specified
23 pursuant to this paragraph, and
24

1 big game or combination big game and upland game commercial hunting
2 areas shall be exempt from the fees specified pursuant to this
3 paragraph.

4 7. Bonus, special or second deer gun hunting license,
5 residents, Nineteen Dollars (\$19.00). No exemptions except:

6 a. ~~residents sixty five (65) years of age or older~~
7 ~~provided such residents have obtained a senior~~
8 ~~citizen's license pursuant to the provisions of~~
9 ~~Section 4-133 of this title,~~

10 ~~b.~~ persons with proper certification from the United
11 States Department of Veterans Affairs or its
12 successor, certifying that the person is a disabled
13 veteran in receipt of compensation at the one-hundred-
14 percent rate shall be exempt from the fees specified
15 pursuant to this paragraph, and

16 ~~e.~~ b. residents hunting in big game or combination big game
17 and upland game commercial hunting areas shall be
18 exempt from the fees specified pursuant to this
19 paragraph.

20 D. The fees for hunting licenses, except as provided for in the
21 Oklahoma Wildlife Conservation Code, are:

22 1. For legal residents eighteen (18) years of age and older,
23 Nineteen Dollars (\$19.00); for legal residents sixteen (16) or
24 seventeen (17) years of age, Four Dollars (\$4.00); and

1 2. Commercial hunting area small game ten-day permit, resident
2 or nonresident, Five Dollars (\$5.00).

3 E. The provisions of this section shall not be construed to
4 require a hunting license, resident or nonresident, of any person
5 merely because the person participates, as owner or handler of an
6 entry, as an official, or as a spectator in the conduct of a field
7 trial or performance test of dogs, whether a resident or nonresident
8 of the State of Oklahoma. No license to hunt shall be required of
9 any person engaged in training or working dogs, provided that person
10 is in no way engaged in hunting and does not take or attempt to take
11 in any manner any game.

12 F. 1. Any person arrested for hunting game other than deer,
13 antelope, elk, or turkey without a valid hunting license as required
14 by the provisions of subsection A of this section may purchase a
15 substitute temporary thirty-day license from the arresting game
16 warden in lieu of posting bond. Proof of hunter safety
17 certification will not be required for the temporary substitute
18 license. The fee for a substitute license purchased pursuant to the
19 provisions of this subsection shall be:

- 20 a. for legal residents, Fifty Dollars (\$50.00), and
- 21 b. for nonresidents, One Hundred Forty-five Dollars
22 (\$145.00).

23 2. Except as otherwise provided for by this subsection, the
24 fees from licenses purchased pursuant to the provisions of this

1 subsection shall be deposited in the Wildlife Conservation Fund to
2 be used exclusively for developing, managing, preserving, and
3 protecting wildlife and wildlife habitat.

4 G. Any person producing proof in court that a current hunting
5 license issued by the Department of Wildlife Conservation to that
6 person was in force at the time of the alleged offense shall be
7 entitled to dismissal of a charge of violating this section upon
8 payment of court costs; however, if proof of hunting license is
9 presented to the court or district attorney within seventy-two (72)
10 hours after the violation, the charge shall be dismissed without
11 payment of court costs.

12 H. Unless a substitute license is purchased as provided for by
13 subsection F of this section, any resident convicted of violating
14 the provisions of this section shall be punished by the imposition
15 of a fine of not less than Twenty-five Dollars (\$25.00) nor more
16 than Two Hundred Dollars (\$200.00), or by imprisonment in the county
17 jail for a period not to exceed thirty (30) days, or by both.

18 I. Unless a substitute license is purchased as provided for by
19 subsection F of this section, any nonresident convicted of violating
20 the provisions of this section shall be punished by the imposition
21 of a fine of not less than Two Hundred Dollars (\$200.00) nor more
22 than Five Hundred Dollars (\$500.00), or by imprisonment in the
23 county jail for a period not to exceed six (6) months, or by both.

1 SECTION 4. AMENDATORY 29 O.S. 2001, Section 4-133, is
2 amended to read as follows:

3 Section 4-133. A. 1. Except as otherwise provided by this
4 subsection, no person born after January 1, 1923, who is sixty-four
5 (64) years of age or older and who is exempt, pursuant to paragraph
6 2 or 3 of subsection B of Section 4-110 or paragraph 2 or 3 of
7 subsection B of Section 4-112 of this title, from the licensing
8 requirements set forth in said sections, shall fish, hunt, pursue,
9 trap, harass, catch, kill, take or attempt to take in any manner,
10 use, have in possession, sell, or transport all or any portion of
11 any wildlife without having first obtained a senior citizen lifetime
12 hunting or fishing or hunting and fishing combination license from
13 the Director or any ~~of his~~ authorized agents.

14 2. Any person who is sixty-three (63) years of age shall be
15 eligible for the senior citizen lifetime license, hunting and
16 fishing license or senior citizen fees provided by this section
17 during the calendar year in which such person turns sixty-four (64)
18 years of age.

19 B. The fees for the licenses required pursuant to this section
20 shall be as follows:

21 1. Five Dollars and twenty-five cents (\$5.25) for a senior
22 citizen lifetime hunting license;

23 2. Five Dollars and twenty-five cents (\$5.25) for a senior
24 citizen lifetime fishing license;

1 3. Nine Dollars and twenty-five cents (\$9.25) for a senior
2 citizen lifetime combination hunting and fishing license.

3 ~~Said~~

4 C. The fees collected pursuant to this subsection shall be
5 deposited in the Wildlife Heritage Fund created in Section 4-134 of
6 this title.

7 ~~C.~~ D. Except as otherwise provided for in this section, the
8 senior citizen lifetime hunting license shall be in lieu of all
9 annual hunting licenses and all special season permits.

10 E. Federal matching funds received by the Oklahoma Wildlife
11 Conservation Commission shall be used to match expended monies
12 collected pursuant to this section.

13 ~~D.~~ F. Unless a substitute license is purchased as provided for
14 by subsection E of Section 4-110 of this title or subsection F of
15 Section 4-112 of this title, any person convicted of violating the
16 provisions of subsection A of this section shall be punished by the
17 imposition of a fine of not less than Twenty-five Dollars (\$25.00)
18 nor more than One Hundred Dollars (\$100.00), or by imprisonment in
19 the county jail for a period not to exceed thirty (30) days, or by
20 both said fine and imprisonment.

21 ~~E.~~ G. Any person subject to the provisions of this section
22 violating the provisions of this section may make application for a
23 senior citizen lifetime license for hunting and/or fishing with a
24 game warden. The application fee for the senior citizen lifetime

1 license shall be the same as stated in subsection B of this section.
2 Said fee shall be submitted to the game warden. The application fee
3 shall cover the cost of the senior citizen lifetime license which
4 will be mailed to the individual by the Department. A copy of the
5 application shall serve as a temporary senior citizen license.

6 SECTION 5. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 5-203.2 of Title 29, unless
8 there is created a duplication in numbering, reads as follows:

9 A person who is licensed pursuant to the Oklahoma Self-Defense
10 Act to carry a concealed handgun shall be permitted to carry a
11 loaded or unloaded concealed pistol or handgun as authorized by the
12 Oklahoma Self-Defense Act or a loaded or unloaded pistol or handgun
13 open and not concealed when hunting or taking game during any open
14 season.

15 SECTION 6. AMENDATORY 29 O.S. 2001, Section 5-401, as
16 last amended by Section 1, Chapter 131, O.S.L. 2006 (29 O.S. Supp.
17 2009, Section 5-401), is amended to read as follows:

18 Section 5-401. A. The Wildlife Conservation Commission is
19 authorized to declare an open season on wildlife in any counties or
20 parts of counties of this state where, in the judgment of the
21 Commission, such wildlife exists in sufficient quantity to warrant
22 ~~such~~ an open season, and ~~such~~ the open season shall be declared by
23 Commission resolution not less than ten (10) days before the season
24 is opened.

1 B. The Commission may designate any two (2) consecutive days
2 after the open season declared for hunting deer to be senior
3 citizen's hunting days. During those two (2) days only legal
4 residents of Oklahoma who are sixty-four (64) years of age or older
5 may hunt deer provided the person has a valid license as otherwise
6 provided by law.

7 C. The Commission is further authorized to declare an open
8 season on mountain lions and black bears.

9 D. No person may take more than one antlered whitetail deer and
10 one antlered mule deer annually, regardless of which open season the
11 deer is taken. Antlerless whitetail deer and mule deer may be taken
12 on any day of any open season established by the Commission subject
13 only to a total bag limit for the season or year as established by
14 the Commission.

15 F. The Commission is further authorized to prescribe rules
16 necessary to the proper conduct and policing of ~~such~~ an open season,
17 the amount and kind of wildlife that may be taken, and the dates and
18 time limits of ~~such~~ the open season.

19 ~~E.~~ G. The Commission is further authorized to require any
20 person participating in ~~such~~ an open season or hunting in open areas
21 during open season to procure, under rules prescribed by the
22 Commission, a special permit or license to participate in ~~such~~ the
23 open season or hunt in such areas during open season and to charge
24 residents not to exceed Twenty Dollars (\$20.00), nonresidents not to

1 exceed Seventy-five Dollars (\$75.00) ~~and further providing that~~
2 Five Dollars (\$5.00) of this fee shall be set aside for compensation
3 to Oklahoma surface holders participating in the Acres for Wildlife
4 Program at a rate to be determined by the Wildlife Conservation
5 Commission. No exemptions shall be permitted.

6 ~~F.~~ H. Open seasons, closed seasons, bag limits, catch limits,
7 possession limits and territorial limitations set forth in the
8 statutes of this state, pertaining to wildlife of every sort, are
9 hereby declared to be based on the existence of a normal population
10 of ~~such~~ the species of wildlife, compatible with and not damaging to
11 the proper agricultural use of the lands of the state.

12 ~~G.—Such~~ I. The seasons, catch limits, bag limits, possession
13 limits and territorial limitations as set by statute shall prevail
14 and be in full force and effect for each and every species of
15 wildlife to which they pertain so long as the population or numbers
16 of ~~such~~ the wildlife species remain normal or are not damaging or
17 endangering crops or proper agricultural use of the lands of the
18 state.

19 ~~H. J.~~ The Commission ~~in session, and after having given ten~~
20 ~~(10) days' public notice of such meeting being called and the~~
21 ~~purpose of such meeting, the species of wildlife to be considered~~
22 ~~and the reasons therefor,~~ shall have the right to determine if there
23 does or does not exist a normal population of the wildlife species
24 under consideration, which does or does not endanger the crops of

1 the state or of any certain areas, or the agricultural use of the
2 lands therein. Consideration by the Commission shall be in an open
3 meeting after having given not less than ten (10) days' public
4 notice of the meeting. The public notice shall include the purpose
5 of the meeting, the species of wildlife to be considered and the
6 reasons for the meeting. In the event the consideration is other
7 than statewide, the Commission shall meet at the most convenient
8 place to the people of the area in the area being considered. All
9 meetings shall be open to the public and proper records of those
10 appearing and testifying shall be made. If the Commission, after
11 hearing and after investigation, finds that the populations of the
12 wildlife species under hearing are not normal or that they are not
13 compatible to the agricultural use of the lands or are damaging or
14 endangering the farm crops of the area, ~~they shall,~~ by
15 administrative order, make the necessary changes by either
16 extending, shortening, opening or closing ~~such~~ the seasons, ~~and~~
17 ~~change such~~ changing the bag limits, catch limits and possession
18 limits, and ~~regulate~~ regulating the methods or devices for taking,
19 killing or capturing of the wildlife species affected in any area or
20 areas covered by the notice of meeting and hearing, except as
21 otherwise set by the Legislature.

22 ~~I. Such~~ K. Any administrative order issued pursuant to
23 subsection J of this section shall take effect after publication in
24 at least one newspaper of general state circulation, or in a

1 newspaper having circulation in the territory affected. A copy of
2 all ~~such~~ orders shall, before publication, be filed with the
3 Secretary of State, and ~~such~~ an order shall not be construed as
4 authorizing the Commission to change any penalty for violating any
5 game law or regulation or change the amount of any license
6 established by the Legislature.

7 SECTION 7. AMENDATORY 47 O.S. 2001, Section 6-111, as
8 last amended by Section 2, Chapter 388, O.S.L. 2009 (47 O.S. Supp.
9 2009, Section 6-111), is amended to read as follows:

10 Section 6-111. A. 1. The Department of Public Safety shall,
11 upon payment of the required fee, issue to every applicant
12 qualifying therefor a Class A, B, C or D driver license or
13 identification card as applied for, which license or card shall bear
14 thereon a distinguishing alphanumeric identification assigned to the
15 licensee or cardholder, date of issuance and date of expiration of
16 the license or card, the full name, signature or computerized
17 signature, date of birth, residence address, sex, a color photograph
18 or computerized image of the licensee or cardholder and security
19 features as determined by the Department. The photograph or image
20 shall depict a full front unobstructed view of the entire face of
21 the licensee or cardholder. When any person is issued both a driver
22 license and an identification card, the Department shall ensure the
23 information on both the license and the card are the same, unless
24 otherwise provided by law.

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

4 3. The Department may cancel the distinguishing number, when
5 that distinguishing number is another person's Social Security
6 number, assign a new distinguishing alphanumeric identification, and
7 issue a new license or identification card without charge to the
8 licensee or cardholder.

9 4. The Department may promulgate rules for inclusion of the
10 height and a brief description of the licensee or cardholder on the
11 face of the card or license identifying the licensee or cardholder
12 as deaf or hard-of-hearing.

13 5. It is unlawful for any person to apply, adhere, or otherwise
14 attach to a driver license or identification card any decal,
15 sticker, label, or other attachment. Any law enforcement officer is
16 authorized to remove and dispose of any unlawful decal, sticker,
17 label, or other attachment from the driver license of a person. The
18 law enforcement officer, the employing agency of the officer, the
19 Department of Public Safety, and the State of Oklahoma shall be
20 immune from any liability for any loss suffered by the licensee,
21 cardholder, or the owner of the decal, sticker, label, or other
22 attachment caused by the removal and destruction of the decal,
23 sticker, label, or other attachment.

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

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

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

- 22 a. farm retail outlets and suppliers,
- 23 b. agri-chemical businesses,
- 24 c. custom harvesters, and

1 d. livestock feeders.

2 The applicant shall hold a valid Oklahoma driver license and
3 shall meet all the requirements for a commercial driver license.

4 The restricted commercial driver license shall not exceed a total of
5 one hundred eighty (180) days within any twelve-month period.

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

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

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

16 c. solid fertilizers that are not mixed with any organic
17 substance.

18 No other placarded hazardous materials shall be transported by
19 holders of such licenses.

20 D. 1. The Department shall develop a procedure whereby a
21 person applying for an original, renewal or replacement Class A, B,
22 C or D driver license or identification card who is required to
23 register as a convicted sex offender with the Department of
24 Corrections pursuant to the provisions of the Sex Offenders

1 Registration Act and who the Department of Corrections designates as
2 an aggravated or habitual offender pursuant to subsection J of
3 Section 584 of Title 57 of the Oklahoma Statutes shall be issued a
4 license or card bearing the words "Sex Offender".

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

11 3. Upon surrendering the license or card for the reason set
12 forth in this subsection, application may be made with the
13 Department for a replacement license or card bearing the words "Sex
14 Offender".

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

1 to the provisions of the Sex Offenders Registration Act, the
2 individual shall be eligible to receive a driver license or
3 identification card which does not bear the words "Sex Offender".

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

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

15 G. The Department shall develop a procedure whereby a person
16 applying for an original, renewal or replacement Class A, B, C or D
17 driver license or identification card who has at the same time
18 applied for and been granted a five-year fishing license, hunting
19 license or combination hunting/fishing license issued pursuant to
20 Section 4-113.1 of Title 29 of the Oklahoma Statutes or a lifetime
21 fishing license, hunting license or combination hunting and fishing
22 license issued pursuant to Section 4-114 of Title 29 of the Oklahoma
23 Statutes, shall be issued a driver license or identification card
24 which includes a description of the type of hunting or fishing

1 license the person holds and the expiration date of the hunting or
2 fishing license on the face of the driver license or identification
3 card.

4 SECTION 8. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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