

1 STATE OF OKLAHOMA

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

3 SENATE BILL 515

By: Halligan

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5
6 AS INTRODUCED

7 An Act relating to public safety; amending 47 O.S.
8 2001, Section 6-301, as last amended by Section 8,
9 Chapter 149, O.S.L. 2004 (47 O.S. Supp. 2008, Section
10 6-301), which relates to unlawful use of driver
11 license or identification cards; creating a
12 misdemeanor for certain use of driver license or
13 identification card information; providing exceptions;
14 and declaring an emergency.

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

15 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-301, as
16 last amended by Section 8, Chapter 149, O.S.L. 2004 (47 O.S. Supp.
17 2008, Section 6-301), is amended to read as follows:

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

1 1. It is a misdemeanor for any licensee:

2 a. to display or cause or permit to be displayed one's own
3 license after such license has been suspended, revoked
4 or canceled or to possess one's own license after
5 having received notice of its suspension, revocation,
6 or cancellation,

7 b. to lend one's own license or identification card to any
8 other person or knowingly permit the use thereof by
9 another,

10 c. to display or cause or permit to be displayed or to
11 possess a license or identification card issued to
12 oneself which bears altered information concerning the
13 date of birth, expiration date, sex, height, eye color,
14 weight or license or card number,

15 d. to fail or refuse to surrender to the Department upon
16 its lawful demand any license or identification card
17 which has been suspended, revoked or canceled,

18 e. to permit any unlawful use of a license or
19 identification card issued to oneself,

20 f. to do any act forbidden or fail to perform any act
21 required by this chapter, excepting those acts as
22 provided in paragraph ~~2~~ 3 of this section,

23 g. to display or represent as one's own, any license or
24 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 card.

5 2. It is a misdemeanor for any person:

6 a. to electronically scan information contained on a
7 driver license or identification card,

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

11 c. to purchase, sell, trade or otherwise disseminate
12 information electronically scanned from a driver
13 license or identification card,

14 for the direct or indirect purpose of marketing, advertising, or
15 soliciting the purchase or use of any tobacco product, including,
16 without limitation, distribution of samples of any tobacco product.

17 This paragraph shall not prohibit any person or entity, public or
18 private, from acquiring or verifying information from a driver
19 license or identification card for any purpose not otherwise
20 prohibited by law.

21 3. It is a felony for any person:

22 a. to create, publish or otherwise manufacture an Oklahoma
23 or other state license or identification card or
24 facsimile thereof, or to create, manufacture or possess

1 an engraved plate or other such device, card, laminate,
2 digital image or file, or software for the printing of
3 an Oklahoma or other state license or identification
4 card or facsimile thereof, except as authorized
5 pursuant to this title,

6 b. to display or cause or permit to be displayed or to
7 knowingly possess any state counterfeit or fictitious
8 license or identification card,

9 c. to display or cause to be displayed or to knowingly
10 possess any state license or identification card
11 bearing a fictitious or forged name or signature,

12 d. to display or cause to be displayed or to knowingly
13 possess any state license or identification card
14 bearing the photograph of any person, other than the
15 person named thereon as licensee,

16 e. to display or represent as one's own, any license or
17 identification card not issued to him or her, for the
18 purpose of committing a fraud in any commercial
19 transaction or to mislead a peace officer in the
20 performance of his or her duties, or

21 f. to use a false or fictitious name in any application
22 for a license or identification card or to knowingly
23 make a false statement or to knowingly conceal a
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1 material fact or otherwise commit a fraud in any such
2 application.

3 ~~3.~~ 4. It is a felony for any employee or person authorized to
4 issue or approve the issuance of licenses or identification cards
5 under this title to knowingly issue or attempt to issue a license or
6 identification card or to knowingly give approval for, cause, or
7 attempt to cause a license or identification card to be issued:

- 8 a. to a person not entitled thereto,
- 9 b. bearing erroneous information thereon, or
- 10 c. bearing the photograph of a person other than the
11 person named thereon.

12 Such conduct shall be grounds for termination of employment of the
13 employee.

14 ~~4.~~ 5. The violation of any of the provisions of paragraph 1 or 2
15 of this section shall constitute a misdemeanor and shall, upon
16 conviction thereof, be punishable by a fine of not less than
17 Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars
18 (\$200.00); the violation of any of the provisions of paragraph ~~2~~ 3 or
19 ~~3~~ 4 of this section shall constitute a felony and shall, upon
20 conviction thereof, be punishable by a fine not exceeding Ten
21 Thousand Dollars (\$10,000.00) or a term of imprisonment in the State
22 Penitentiary not to exceed seven (7) years, or by both such fine and
23 imprisonment.

1 ~~5-~~ 6. Notwithstanding any provision of this section, the
2 Commissioner of the Department of Public Safety may, upon the request
3 of the chief administrator of a law enforcement, military, or
4 intelligence agency, authorize the issuance to and display, and
5 possession by a person of a license which would otherwise be a
6 violation of this section, for the sole purpose of aiding in a
7 criminal investigation or a military or intelligence operation.
8 While acting pursuant to such authorization by the Commissioner, such
9 person shall not be prosecuted for a violation under this section.
10 Upon termination of such investigation or operation or upon request
11 of the Commissioner, the chief administrator shall forthwith cause
12 such license to be returned to the Commissioner.

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

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18 52-1-745 JM 3/6/2009 5:02:29 AM

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