

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1542

By: Cockroft and Nelson

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5  
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.  
8 2001, Section 6-111, as last amended by Section 2,  
9 Chapter 388, O.S.L. 2009 (47 O.S. Supp. 2010, Section  
10 6-111), which relates to the issuance of driver  
11 licenses and identification cards; directing the  
12 Department of Public Safety to issue distinctive  
13 driver licenses to persons convicted of certain  
14 crime; providing notification procedure; stating time  
15 limitations; providing penalty for certain act; and  
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-111, as  
19 last amended by Section 2, Chapter 388, O.S.L. 2009 (47 O.S. Supp.  
20 2010, Section 6-111), is amended to read as follows:

21 Section 6-111. A. 1. The Department of Public Safety shall,  
22 upon payment of the required fee, issue to every applicant  
23 qualifying therefor a Class A, B, C or D driver license or  
24 identification card as applied for, which license or card shall bear  
thereon a distinguishing alphanumeric identification assigned to the  
licensee or cardholder, date of issuance and date of expiration of  
the license or card, the full name, signature or computerized

1 signature, date of birth, residence address, sex, a color photograph  
2 or computerized image of the licensee or cardholder and security  
3 features as determined by the Department. The photograph or image  
4 shall depict a full front unobstructed view of the entire face of  
5 the licensee or cardholder. When any person is issued both a driver  
6 license and an identification card, the Department shall ensure the  
7 information on both the license and the card are the same, unless  
8 otherwise provided by law.

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

12 3. The Department may cancel the distinguishing number, when  
13 that distinguishing number is another person's Social Security  
14 number, assign a new distinguishing alphanumeric identification, and  
15 issue a new license or identification card without charge to the  
16 licensee or cardholder.

17 4. The Department may promulgate rules for inclusion of the  
18 height and a brief description of the licensee or cardholder on the  
19 face of the card or license identifying the licensee or cardholder  
20 as deaf or hard-of-hearing.

21 5. It is unlawful for any person to apply, adhere, or otherwise  
22 attach to a driver license or identification card any decal,  
23 sticker, label, or other attachment. Any law enforcement officer is  
24 authorized to remove and dispose of any unlawful decal, sticker,

1 label, or other attachment from the driver license of a person. The  
2 law enforcement officer, the employing agency of the officer, the  
3 Department of Public Safety, and the State of Oklahoma shall be  
4 immune from any liability for any loss suffered by the licensee,  
5 cardholder, or the owner of the decal, sticker, label, or other  
6 attachment caused by the removal and destruction of the decal,  
7 sticker, label, or other attachment.

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

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

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

- 6 a. farm retail outlets and suppliers,
- 7 b. agri-chemical businesses,
- 8 c. custom harvesters, and
- 9 d. livestock feeders.

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

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

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

- 20 a. diesel fuel in quantities of one thousand (1,000)  
21 gallons or less,
- 22 b. liquid fertilizers in vehicles with total capacities  
23 of three thousand (3,000) gallons or less, and

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1 c. solid fertilizers that are not mixed with any organic  
2 substance.

3 No other placarded hazardous materials shall be transported by  
4 holders of such licenses.

5 D. 1. The Department shall develop a procedure whereby a  
6 person applying for an original, renewal or replacement Class A, B,  
7 C or D driver license or identification card who is required to  
8 register as a convicted sex offender with the Department of  
9 Corrections pursuant to the provisions of the Sex Offenders  
10 Registration Act and who the Department of Corrections designates as  
11 an aggravated or habitual offender pursuant to subsection F M of  
12 Section 584 of Title 57 of the Oklahoma Statutes shall be issued a  
13 license or card bearing the words "Sex Offender".

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

20 3. Upon surrendering the license or card for the reason set  
21 forth in this subsection, application may be made with the  
22 Department for a replacement license or card bearing the words "Sex  
23 Offender".  
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1           4. Failure to comply with the requirements set forth in such  
2 notice shall result in cancellation of the person's license or card.  
3 Such cancellation shall be in effect for one (1) year, after which  
4 time the person may make application with the Department for a new  
5 license or card bearing the words "Sex Offender". Continued use of  
6 a canceled license or card shall constitute a misdemeanor and shall,  
7 upon conviction ~~thereof~~, be punishable by a fine of not less than  
8 Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars  
9 (\$200.00). When an individual is no longer required to register as  
10 a convicted sex offender with the Department of Corrections pursuant  
11 to the provisions of the Sex Offenders Registration Act, the  
12 individual shall be eligible to receive a driver license or  
13 identification card which does not bear the words "Sex Offender".

14           E. Nothing in subsection D of this section shall be deemed to  
15 impose any liability upon or give rise to a cause of action against  
16 any employee, agent or official of the Department of Corrections for  
17 failing to designate a sex offender as an aggravated or habitual  
18 offender pursuant to subsection ~~F~~ M of Section 584 of Title 57 of  
19 the Oklahoma Statutes.

20           F. The Department shall develop a procedure whereby a person  
21 applying for an original, renewal or replacement Class D driver  
22 license who has been granted modified driving privileges under this  
23 title shall be issued a Class D driver license which identifies the  
24 license as a modified license.

1        G. 1. The Department shall develop a procedure whereby a  
2 person applying for an original, renewal or replacement Class A, B,  
3 C or D driver license who has been found guilty of a violation of  
4 any provision of Section 761 or 11-902 of this title or any person  
5 pleading guilty or nolo contendere for a violation of any provision  
6 of such sections shall be issued a driver license bearing the words  
7 "DUI/DWI Offender".

8        2. Upon receiving a record of conviction for a violation of  
9 Section 761 or 11-902 of this title and when all conditions for  
10 driving privilege reinstatement have been satisfied, the Department  
11 shall notify the person seeking reinstatement of a Class A, B, C or  
12 D driver license that when the driver license is reissued to the  
13 person, the license shall bear the words "DUI/DWI Offender".

14        3. If the person is eighteen (18) years of age or older, the  
15 designation shall remain on the driver license of the person for as  
16 long as the person retains driving privileges in the State of  
17 Oklahoma. If the person is eighteen (18) years of age or younger,  
18 the designation shall remain on the driver license of the person for  
19 a period of not less than four (4) years. If the person has  
20 received multiple convictions for a violation of Section 761 or 11-  
21 902 of this title, the license shall bear the words "Repeat DUI/DWI  
22 Offender" and shall remain on the driver license of the person for  
23 as long as the person retains driving privileges in the State of  
24 Oklahoma.

1        4. Continued use of a canceled driver license or card shall  
2 constitute a misdemeanor and shall, upon conviction, be punishable  
3 by a fine of not less than One Hundred Dollars (\$100.00).

4            SECTION 2. This act shall become effective November 1, 2011.

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6            53-1-6273            GRS            01/11/11

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