

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 HOUSE BILL 1839

 By: Williams

5
6
7 AS INTRODUCED

8
9 An Act relating to motor vehicles; amending 47 O.S.
10 2011, Section 1-114, which relates to motor vehicle
11 definitions; modifying and adding definitions;
12 amending 47 O.S. 2011, Section 2-106, which relates
13 to the Driver License Examining Division; changing
14 name of the Driver License Examining Division;
15 requiring criminal history background checks for
16 certain persons; changing certain effective dates;
17 deleting salary schedule; amending 47 O.S. 2011,
18 Sections 6-101, as amended by Section 5, Chapter 283,
19 O.S.L. 2012, 6-105.3, 6-110, as amended by Section 3,
20 Chapter 280, O.S.L. 2012, 6-111, 6-114 and 6-115 (47
21 O.S. Supp. 2012, Sections 6-101 and 6-110), which
22 relate to the issuance, expiration and renewal of
23 driver licenses; providing statutory references;
24 providing for the issuance of a commercial learner
 permit; establishing issuance and renewal periods;
 providing application procedures and guidelines for
 issuing commercial learner permits; establishing fee
 amounts for commercial learner permit applications;
 deleting fee amounts for certain licenses; modifying
 fee amounts for the issuance or renewal of Oklahoma
 licenses; updating statutory reference; directing
 deposit of certain monies into Department of Public
 Safety Revolving Fund; increasing fee amount for
 identification cards; authorizing acceptance of
 certain test results for commercial driver license
 applicants; providing an exception; requiring
 criminal history background checks for designated
 examiners; providing exception to photograph or image
 requirement; modifying procedures for replacement

1 driver licenses; increasing fee amount for
2 replacement driver license; directing deposit of
3 certain monies into Department of Public Safety
4 Revolving Fund; authorizing renewal of commercial
5 learner permit; amending 47 O.S. 2011, Section 6-
6 205.2, as amended by Section 3, Chapter 207, O.S.L.
7 2012 (47 O.S. Supp. 2012, Section 6-205.2), which
8 relates to the disqualification of driving
9 privileges; adding offenses to list of disqualifying
10 offenses; amending 47 O.S. 2011, Section 230.6, as
11 amended by Section 9, Chapter 207, O.S.L. 2012 (47
12 O.S. Supp. 2012, Section 230.6), which relates to the
13 Oklahoma Motor Carrier Safety and Hazardous Materials
14 Transportation Act; providing exception to certain
15 prohibited acts; prohibiting commercial motor vehicle
16 operation under certain circumstances; and providing
17 an effective date.

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

19 SECTION 1. AMENDATORY 47 O.S. 2011, Section 1-114, is
20 amended to read as follows:

21 Section 1-114. ~~Every~~ A. "Driver" means any person who drives,
22 operates or is in actual physical control of a vehicle.

23 B. "Driver license" means a document issued by the Department
24 of Public Safety or the driver licensing agency of another state or
country which grants to the person named thereon the privilege to
drive, operate or be in actual physical control of a motor vehicle.

The term "driver license" shall include intermediate Class D driver
license, learner permit and commercial learner permit.

1 SECTION 2. AMENDATORY 47 O.S. 2011, Section 2-106, is
2 amended to read as follows:

3 Section 2-106. A. There is hereby established in the
4 Department of Public Safety the Driver License ~~Examining~~ Services
5 Division and the Driver Compliance Division and such other divisions
6 as the Commissioner of Public Safety may direct.

7 B. The Driver License ~~Examining~~ Services Division shall consist
8 of noncommissioned classified employees of the Department who may
9 administer tests for the purpose of issuing driver licenses pursuant
10 to Chapter 6 of this title.

11 C. Any employee appointed to the position of Driver License
12 Examiner shall be not less than twenty-one (21) nor more than
13 sixty-five (65) years of age and any person appointed to the
14 position of Senior Driver License Examiner shall have held the
15 position of Driver License Examiner with the Department for not less
16 than three (3) years immediately preceding such appointment.

17 D. 1. Any person appointed to any position created pursuant to
18 this section shall:

- 19 a. be a citizen of the State of Oklahoma,
- 20 b. be of good moral character,
- 21 c. possess a high school diploma or General Educational
22 Development equivalency certificate, and

23
24

1 d. meet physical and mental standards as the Commissioner
2 may prescribe. The scope of the physical and mental
3 examinations for persons appointed as a Driver License
4 Examiner or Senior Driver License Examiner shall be as
5 prescribed by the Commissioner.

6 2. Any person appointed to the position of Driver License
7 Examiner shall be required to complete satisfactorily a course of
8 training as prescribed by the Commissioner.

9 3. The Department shall conduct an annual complete nationwide
10 criminal history background check on each current employee in the
11 Driver License Services Division and a complete nationwide criminal
12 history background check on each applicant for employment in the
13 Driver License Services Division when the responsibilities of the
14 employee or applicant include administering tests for the purpose of
15 issuing driver licenses pursuant to Chapter 6 of this title. The
16 fee for the background check of an applicant shall be borne by the
17 applicant.

18 E. Drunkenness, being under the influence of an intoxicating
19 substance or any conduct not becoming an officer or public employee
20 shall be sufficient grounds for the removal of any employee
21 appointed pursuant to this section.

22 F. Effective ~~January 1, 2007~~ July 1, 2013, the annual salaries
23 of ~~the following~~ employees of the Driver License ~~Examining~~ Services

1 Division of the Department of Public Safety shall be in accordance
2 with the ~~following salary schedule~~ Office of Management and
3 Enterprise Services job family descriptors and salary bands,
4 exclusive of longevity pay, as authorized by Section 840-2.18 of
5 Title 74 of the Oklahoma Statutes:

- 6 1. ~~Driver License Examiner~~ ~~_____~~ ~~\$34,023.00;~~
- 7 2. ~~Senior Driver License Examiner~~ ~~_____~~ ~~\$40,686.00;~~
- 8 3. ~~Administrative Programs Officer I~~ ~~_____~~ ~~\$37,202.00;~~
- 9 4. ~~Administrative Programs Officer II~~ ~~_____~~ ~~\$43,308.00; and~~
- 10 5. ~~Training Specialist~~ ~~_____~~ ~~\$40,686.00.~~

11 Provided, however, no such employee shall receive less than the
12 salary the employee was receiving on ~~December 31, 2006~~ June 30,
13 2013.

14 SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-101, as
15 amended by Section 5, Chapter 283, O.S.L. 2012 (47 O.S. Supp. 2012,
16 Section 6-101), is amended to read as follows:

17 Section 6-101. A. No person, except those hereinafter
18 expressly exempted in Section 6-102 of this title, shall operate any
19 motor vehicle upon a highway in this state unless the person has a
20 valid Oklahoma driver license for the class of vehicle being
21 operated under the provisions of this title. No person shall be
22 permitted to possess more than one valid license at any time, except
23 as provided in paragraph 4 of subsection F of this section.

1 B. 1. No person shall operate a Class A commercial motor
2 vehicle unless the person is eighteen (18) years of age or older and
3 holds a valid Class A commercial license, except as provided in
4 paragraph 5 of this subsection and subsection F of this section.

5 Any person holding a valid Class A commercial license shall be
6 permitted to operate motor vehicles in Classes A, B, C and D, except
7 as provided for in paragraph 4 of this subsection.

8 2. No person shall operate a Class B commercial motor vehicle
9 unless the person is eighteen (18) years of age or older and holds a
10 valid Class B commercial license, except as provided in paragraph 5

11 of this subsection and subsection F of this section. Any person
12 holding a valid Class B commercial license shall be permitted to
13 operate motor vehicles in Classes B, C and D, except as provided for
14 in paragraph 4 of this subsection.

15 3. No person shall operate a Class C commercial motor vehicle
16 unless the person is eighteen (18) years of age or older and holds a
17 valid Class C commercial license, except as provided in subsection F

18 of this section. Any person holding a valid Class C commercial
19 license shall be permitted to operate motor vehicles in Classes C
20 and D, except as provided for in paragraph 4 of this subsection.

21 4. No person under twenty-one (21) years of age shall be
22 licensed to operate any motor vehicle which is required to be
23 placarded for hazardous materials pursuant to 49 C.F.R., Part 172,

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

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
23
24

1 C. Any person issued a driver license pursuant to this section
2 may exercise the privilege thereby granted upon all streets and
3 highways in this state.

4 D. No person shall operate a motorcycle or motor-driven cycle
5 without having a valid Class A, B, C or D license with a motorcycle
6 endorsement. Except as otherwise provided by law, any new applicant
7 for an original driver license shall be required to successfully
8 complete a written examination, vision examination, and driving
9 examination for a motorcycle as prescribed by the Department of
10 Public Safety to be eligible for a motorcycle endorsement thereon.
11 The driving examination for a motorcycle may be waived by the
12 Department of Public Safety upon verification that the person has
13 successfully completed a certified Motorcycle Safety Foundation
14 rider course approved by the Department.

15 E. Except as otherwise provided by law, any person who lawfully
16 possesses a valid Oklahoma driver license which is eligible for
17 renewal shall be required to successfully complete a written
18 examination, vision examination, and driving examination for a
19 motorcycle as prescribed by the Department to be eligible for a
20 motorcycle endorsement; provided, however, the Department may waive
21 all such examinations until July 1, 2000, upon satisfactory proof
22 that the applicant has regularly operated a motorcycle or motor-

1 driven cycle for a minimum of two (2) years immediately preceding
2 the application.

3 F. 1. Any person eighteen (18) years of age or older may apply
4 for a restricted Class A, B or C commercial ~~license~~ learner permit.

5 The Department, after the applicant has passed all parts of the
6 examination for a Class D license and has successfully passed all
7 parts of the examination for a Class A, B or C commercial license
8 other than the driving examination, may issue to the applicant a
9 ~~restricted driver license~~ commercial learner permit which shall
10 entitle the ~~applicant~~ person having immediate lawful possession of
11 the ~~license~~ commercial learner permit and a valid Oklahoma driver
12 license to operate a Class A, B or C commercial motor vehicle upon
13 the public highways solely for the purpose of behind-the-wheel
14 training in accordance with rules promulgated by the Department.

15 2. This ~~restricted driver license~~ commercial learner permit
16 shall be issued for a period ~~as provided in Section 6-115 of this~~
17 title of one hundred eighty (180) days, which may be renewed one
18 time for an additional one hundred eighty (180) days; provided, such
19 ~~restricted license~~ commercial learner permit may be suspended,
20 revoked, canceled, ~~or~~ denied, or disqualified at the discretion of
21 the Department for violation of the restrictions, for failing to
22 give the required or correct information on the application, or for
23 violation of any traffic laws of this state pertaining to the

24

1 operation of a motor vehicle. Except as otherwise provided, the
2 lawful possessor of a ~~restricted license~~ commercial learner permit
3 who has been issued a ~~restricted license~~ commercial learner permit
4 for a minimum of ~~thirty (30)~~ fourteen (14) days may have the
5 restriction requiring an accompanying driver removed by
6 satisfactorily completing a driver's examination; provided, the
7 removal of a restriction shall not authorize the operation of a
8 Class A, B or C commercial motor vehicle if such operation is
9 otherwise prohibited by law.

10 3. No person shall apply for and the Department shall not issue
11 an original Class A, B or C driver license until the person has been
12 issued a commercial learner permit and held the permit for at least
13 fourteen (14) days. Any person who currently holds a Class B or C
14 license and who wishes to apply for another class of commercial
15 driver license shall be required to apply for a commercial learner
16 permit and to hold the permit for at least fourteen (14) days before
17 applying for the Class A or B license, as applicable. Any person
18 who currently holds a Class A, B or C license and who wishes to add
19 an endorsement or remove a restriction for which a skills
20 examination is required shall be required to apply for a commercial
21 learner permit and hold the permit for at least fourteen (14) days
22 before applying for the endorsement.

23
24

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 4. A commercial learner permit shall be issued by the
2 Department as a separate and unique document which shall be valid
3 only in conjunction with a valid Oklahoma driver license, both of
4 which shall be in the possession of the person to whom such
5 documents have been issued whenever that person is operating a
6 commercial motor vehicle as provided in this subsection.

7 5. After one renewal of a commercial learner permit, as
8 provided in paragraph 2 of this subsection, a commercial permit
9 shall not be renewed again. Any person who has held a commercial
10 learner permit for the initial issuance period and one renewal
11 period shall not be eligible for and the Department shall not issue
12 another renewal of the permit; provided, the person may reapply for
13 a new commercial learner permit, as provided for in this subsection.

14 G. 1. The fee charged for an approved application for an
15 original Oklahoma driver license or an approved application for the
16 addition of an endorsement to a current valid Oklahoma driver
17 license shall be assessed in accordance with the following schedule:

18 <u>Class A Commercial Learner Permit</u>	<u>\$25.00</u>
19 Class A Commercial License	\$25.00
20 <u>Class B Commercial Learner Permit</u>	<u>\$15.00</u>
21 Class B Commercial License	\$15.00
22 <u>Class C Commercial Learner Permit</u>	<u>\$15.00</u>
23 Class C Commercial License	\$15.00

1 Class D License \$ 4.00

2 Motorcycle Endorsement \$ 4.00

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

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

12 I. ~~1. In addition to any fee charged pursuant to the~~
13 ~~provisions of subsection G of this section, the fee charged for the~~
14 ~~issuance or renewal of an Oklahoma license which is not in a~~
15 ~~computerized image format shall be in accordance with the following~~
16 ~~schedule:~~

17 ~~Class A Commercial License \$40.50~~

18 ~~Class B Commercial License \$40.50~~

19 ~~Class C Commercial License \$30.50~~

20 ~~Class D License \$20.50~~

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

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

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

10 ~~2.~~ In addition to any fee charged pursuant to the provisions of
11 subsection G of this section, the fee charged for the issuance or
12 renewal of an Oklahoma license ~~which is in a computerized image~~
13 ~~format~~ shall be in accordance with the following schedule, provided
14 that any applicant who has a commercial learner permit shall be
15 charged only the replacement fee for the issuance of the license:

<u>Class A Commercial Learner Permit</u>	<u>\$51.50</u>
Class A Commercial License	\$41.50 <u>\$51.50</u>
<u>Class B Commercial Learner Permit</u>	<u>\$51.50</u>
Class B Commercial License	\$41.50 <u>\$51.50</u>
<u>Class C Commercial Learner Permit</u>	<u>\$41.50</u>
Class C Commercial License	\$31.50 <u>\$41.50</u>
Class D License	\$21.50 <u>\$31.50</u>

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

3 a. Five Dollars and fifty cents (\$5.50) shall be
4 deposited to the Trauma Care Assistance Revolving Fund
5 created in Section ~~330.97~~ 1-2530.9 of Title 63 of the
6 Oklahoma Statutes, ~~and~~

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

12 c. Ten Dollars (\$10.00) shall be deposited to the
13 Department of Public Safety Revolving Fund to be used
14 for all original or renewal issuances of licenses.

15 J. All original and renewal driver licenses shall expire as
16 provided in Section 6-115 of this title.

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

20	Age 62	\$11.25 <u>\$21.25</u>
21	Age 63	\$ 7.50 <u>\$17.50</u>
22	Age 64	\$ 3.75 <u>\$13.75</u>
23	Age 65	-0-

1 L. No person who has been honorably discharged from active
2 service in any branch of the Armed Forces of the United States or
3 Oklahoma National Guard and who has been certified by the United
4 States Department of Veterans Affairs, its successor, or the Armed
5 Forces of the United States to be a disabled veteran in receipt of
6 compensation at the one-hundred-percent rate for a permanent
7 disability sustained through military action or accident resulting
8 from disease contracted while in such active service shall be
9 charged a fee for the issuance or renewal of an Oklahoma driver
10 license.

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

23
24

1 N. Notwithstanding the provisions of Section 1104 of this title
2 and subsection M of this section and except as provided in
3 subsections G and I of this section, the first Sixty Thousand
4 Dollars (\$60,000.00) of all monies collected pursuant to this
5 section shall be paid by the Oklahoma Tax Commission to the State
6 Treasurer to be deposited in the General Revenue Fund of the State
7 Treasury.

8 The next Five Hundred Thousand Dollars (\$500,000.00) of monies
9 collected pursuant to this section shall be paid by the Tax
10 Commission to the State Treasurer to be deposited each fiscal year
11 under the provisions of this section to the credit of the Department
12 of Public Safety Restricted Revolving Fund for the purpose of the
13 Statewide Law Enforcement Communications System. All other monies
14 collected in excess of Five Hundred Sixty Thousand Dollars
15 (\$560,000.00) each fiscal year shall be apportioned as provided in
16 Section 1104 of this title, except as otherwise provided in this
17 section.

18 O. The Department of Public Safety shall implement a procedure
19 whereby images displayed on licenses and identification cards issued
20 pursuant to the provisions of Sections 6-101 through 6-309 of this
21 title are maintained by the Department to create photographs or
22 computerized images which may be used only:
23
24

- 1 1. By a law enforcement agency for purposes of criminal
2 investigations, missing person investigations, or any law
3 enforcement purpose which is deemed necessary by the Commissioner of
4 Public Safety;
- 5 2. By the driver licensing agency of another state for its
6 official purpose; and
- 7 3. As provided in Section 2-110 of this title.

8 The computer system and related equipment acquired for this
9 purpose must conform to industry standards for interoperability and
10 open architecture. The Department of Public Safety may promulgate
11 rules to implement the provisions of this subsection.

12 SECTION 4. AMENDATORY 47 O.S. 2011, Section 6-105.3, is
13 amended to read as follows:

14 Section 6-105.3 A. In addition to the licenses to operate
15 motor vehicles, the Department of Public Safety may issue cards to
16 Oklahoma residents for purposes of identification only. The
17 identification cards shall be issued, renewed, replaced, canceled
18 and denied in the same manner as driver licenses in this state. The
19 application for an identification card by any person under the age
20 of eighteen (18) shall be signed and verified by a custodial legal
21 parent or legal guardian before a person authorized to administer
22 oaths. Except as otherwise provided in this section, the
23 identification cards shall be valid for a period of four (4) years

1 from the month of issuance; however, the identification cards issued
2 to persons sixty-five (65) years of age or older shall be valid
3 indefinitely from the month of issuance.

4 B. The fee charged for the issuance, renewal, or replacement of
5 an identification card pursuant to this section shall be ~~Ten Dollars~~
6 ~~(\$10.00)~~ Twenty Dollars (\$20.00); however, no person sixty-five (65)
7 years of age or older shall be charged a fee for an identification
8 card. Of each fee charged pursuant to the provisions of this
9 subsection:

10 1. Seven Dollars (\$7.00) shall be apportioned as provided in
11 Section 1104 of this title; ~~and~~

12 2. Three Dollars (\$3.00) shall be credited to the Department of
13 Public Safety Computer Imaging System Revolving Fund to be used
14 solely for the purpose of the administration and maintenance of the
15 computerized imaging system of the Department; and

16 3. Ten Dollars (\$10.00) shall be credited to the Department of
17 Public Safety Revolving Fund.

18 C. The Oklahoma Tax Commission is hereby authorized to
19 reimburse, from funds available to that agency, each motor license
20 agent issuing an identification card to a person sixty-five (65)
21 years of age or older, an amount not to exceed One Dollar (\$1.00)
22 for each card or driver license so issued. The Tax Commission shall
23 develop procedures for claims for reimbursement.

24

1 D. When a person makes application for a new identification
2 card, or makes application to renew an identification card, and the
3 person has been convicted of, or received a deferred judgment for,
4 any offense required to register pursuant to the Sex Offenders
5 Registration Act, the identification card shall be valid for a
6 period of one (1) year from the month of issuance, but may be
7 renewed yearly during the time the person is registered on the Sex
8 Offender Registry. The cost for such identification card shall be
9 the same as for other identification cards and renewals.

10 SECTION 5. AMENDATORY 47 O.S. 2011, Section 6-110, as
11 amended by Section 3, Chapter 280, O.S.L. 2012 (47 O.S. Supp. 2012,
12 Section 6-110), is amended to read as follows:

13 Section 6-110 A. 1. The Department of Public Safety shall
14 examine every applicant for an original Class A, B, C or D license
15 and for any endorsements thereon, except as otherwise provided in
16 Section 6-101 et seq. of this title or as provided in paragraph 2 of
17 this subsection or in subsection D of this section. The examination
18 shall include a test of the applicant's:

- 19 a. eyesight,
- 20 b. ability to read and understand highway signs
21 regulating, warning and directing traffic,
- 22 c. knowledge of the traffic laws of this state, including
23 a portion on bicycle and motorcycle safety, and

24

1 d. ability, by actual demonstration, to exercise ordinary
2 and reasonable control in the operation of a motor
3 vehicle. The actual demonstration shall be conducted
4 in the type of motor vehicle for the class of driver
5 license being applied for.

6 Any licensee seeking to apply for a driver license of another
7 class which is not covered by the licensee's current driver license
8 shall be considered an applicant for an original license for that
9 class.

10 2. The Department of Public Safety shall have the authority to
11 waive the requirement of any part of the examination required in
12 paragraph 1 of this subsection for those applicants who surrender a
13 valid unexpired driver license issued by any state or country for
14 the same type or types of vehicles, provided that the applicant's
15 driving record meets the standards set by the Department of Public
16 Safety.

17 3. The Department shall accept skills test results from another
18 state for Class A, B, or C license applicants who have successfully
19 completed commercial motor vehicle driver training in that state and
20 successfully passed the skills test in that state; provided, the
21 Department shall not accept skills test results from another state
22 when the applicant has not successfully completed commercial motor
23 vehicle driver training in that state. Nothing in this section

1 shall be construed to prohibit the Department from administering the
2 skills test to any applicant who has successfully completed
3 commercial vehicle driver training in another state.

4 4. All applicants requiring a hazardous materials endorsement
5 shall be required, for the renewal of the endorsement, to
6 successfully complete the examination and to submit to a security
7 threat assessment performed by the Transportation Security
8 Administration of the Department of Homeland Security as required by
9 and pursuant to 49 C.F.R., Part 1572, which shall be used to
10 determine whether the applicant is eligible for renewal of the
11 endorsement pursuant to federal law and regulation.

12 4.5. The Department of Public Safety shall give the complete
13 examination as provided for in this section within thirty (30) days
14 from the date the application is received, and the examination shall
15 be given at a location within one hundred (100) miles of the
16 residence of the applicant. The Department shall make every effort
17 to make the examination locations and times convenient for
18 applicants. The Department shall consider giving the examination at
19 various school sites if the district board of education for the
20 district in which the site is located agrees and if economically
21 feasible and practicable.

22 B. Any person holding a valid Oklahoma Class D license and
23 applying for a Class A, B or C commercial license shall be required
24

1 to successfully complete all examinations as required for the
2 specified class.

3 C. Except as provided in subsection E of Section 6-101 of this
4 title, any person holding a valid Oklahoma Class A, B or C
5 commercial license shall, upon time for renewal thereof, be entitled
6 to a Class D license without any type of testing or examination,
7 except for any endorsements thereon as otherwise provided for by
8 Section 6-110.1 of this title.

9 D. 1. Any certified driver education instructor who is
10 currently an operator or an employee of a commercial driver training
11 school in this state or any driver education instructor employed by
12 any school district in this state shall be eligible to apply to be a
13 designated examiner of the Department of Public Safety for the
14 purposes of administering the Class D driving skills portion of the
15 Oklahoma driving examination to any person who has not previously
16 been a student of the instructor.

17 2. The Department of Public Safety shall adopt a curriculum of
18 required courses and training to be offered to applicants who are
19 qualified to apply to be a designated examiner. The courses and
20 training for certification shall meet the same standards as required
21 for driver examiners of the Department of Public Safety.

22 3. Each person applying to be a designated examiner shall be
23 required to pay an initial designated examiner certification fee of
24

1 One Thousand Dollars (\$1,000.00). Upon successful completion of
2 training prescribed by paragraph 2 of this subsection, the person
3 shall be required to pay an annual designated examiner certification
4 fee of Five Hundred Dollars (\$500.00). Each designated examiner
5 certification shall expire on the last day of the calendar year and
6 may be renewed upon application to the Department of Public Safety.
7 The designated examiner certification fees collected by the
8 Department pursuant to this subsection shall be deposited to the
9 credit of the Department of Public Safety Restricted Revolving Fund
10 to be used for the purposes of this subsection. No designated
11 examiner certification fee shall be refunded in the event that
12 certification is denied, suspended or revoked.

13 4. A designated examiner may charge a fee of no more than
14 Twenty-five Dollars (\$25.00) for each Class D driving skills
15 examination given, whether the person being examined passes or fails
16 the examination.

17 5. The Department shall conduct an annual complete nationwide
18 criminal history background check on each designated examiner and a
19 complete nationwide criminal history background check on each
20 designated examiner applicant. The fees for the background check
21 shall be borne by the designated examiner or designated examiner
22 applicant.

23
24

1 6. The Department of Public Safety shall promulgate rules to
2 implement and administer the provisions of this subsection.

3 SECTION 6. AMENDATORY 47 O.S. 2011, Section 6-111, is
4 amended to read as follows:

5 Section 6-111 A. 1. The Department of Public Safety shall,
6 upon payment of the required fee, issue to every applicant
7 qualifying therefor a Class A, B, C or D driver license or
8 identification card as applied for, which license or card shall bear
9 thereon a distinguishing alphanumeric identification assigned to the
10 licensee or cardholder, date of issuance and date of expiration of
11 the license or card, the full name, signature or computerized
12 signature, date of birth, residence address, sex, a color photograph
13 or computerized image of the licensee or cardholder and security
14 features as determined by the Department. The photograph or image
15 shall depict a full front unobstructed view of the entire face of
16 the licensee or cardholder; provided, a commercial learner permit
17 shall not bear the photograph or image of the licensee. When any
18 person is issued both a driver license and an identification card,
19 the Department shall ensure the information on both the license and
20 the card are the same, unless otherwise provided by law.

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

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

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

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

21 6. The Department of Public Safety shall develop by rule an
22 alternative procedure whereby a person applying for a renewal or
23 replacement Class D license or identification card, when the person
24

1 satisfactorily demonstrates to the Department the inability to
2 appear personally to be photographed because the person is not in
3 the state at the time of renewal or at a time a replacement is
4 required by the person, may be issued a license or card; provided,
5 immediately upon returning to Oklahoma, the person shall obtain a
6 replacement license or card as provided in Section 6-114 of this
7 title.

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

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

- 19 a. farm retail outlets and suppliers,
- 20 b. agri-chemical businesses,
- 21 c. custom harvesters, and
- 22 d. livestock feeders.

23
24

1 The applicant shall hold a valid Oklahoma driver license and
2 shall meet all the requirements for a commercial driver license.
3 The restricted commercial driver license shall not exceed a total of
4 one hundred eighty (180) days within any twelve-month period.

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

- 11 a. diesel fuel in quantities of one thousand (1,000)
12 gallons or less,
- 13 b. liquid fertilizers in vehicles with total capacities
14 of three thousand (3,000) gallons or less, and
- 15 c. solid fertilizers that are not mixed with any organic
16 substance.

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

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

1 Registration Act and who the Department of Corrections designates as
2 an aggravated or habitual offender pursuant to subsection ~~¶~~ N 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 Section 1-101 et seq. of this
7 title who holds a current Class A, B, C or D driver license or
8 identification card that such person is required to surrender the
9 license or card to the Department within one hundred eighty (180)
10 days from the date of the 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

1 a convicted sex offender with the Department of Corrections pursuant
2 to the provisions of the Sex Offenders Registration Act, the
3 individual shall be eligible to receive a driver license or
4 identification card which does not bear the words "Sex Offender".

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

11 F. The Department shall develop a procedure whereby a person
12 subject to an order for the installation of an ignition interlock
13 device shall be required by the Department to submit their driver
14 license for a replacement. The replacement driver license shall
15 bear the words "Interlock Required" and such designation shall
16 remain on the driver license for the duration of the order requiring
17 the ignition interlock device. The replacement license shall be
18 subject to the same expiration and renewal procedures provided by
19 law. Upon completion of the requirements for the interlock device,
20 a person may apply for a replacement driver license.

21 G. The Department shall develop a procedure whereby a person
22 applying for an original, renewal or replacement Class D driver
23 license who has been granted modified driving privileges under this
24

1 title shall be issued a Class D driver license which identifies the
2 license as a modified license.

3 SECTION 7. AMENDATORY 47 O.S. 2011, Section 6-114, is
4 amended to read as follows:

5 Section 6-114 A. 1. In the event that a driver license is
6 lost, destroyed or requires the updating of any information,
7 restriction or endorsement displayed thereon, the person to whom
8 ~~such~~ the license was issued may obtain a replacement thereof upon
9 payment of the required fee and by furnishing both primary and
10 secondary proofs of identity to the Department of Public Safety. If
11 application is made at a motor license agency or subagency, the
12 agent or subagent shall immediately verify the identity of the
13 ~~applicant~~ person, by means of both primary and secondary proofs of
14 identity, and the eligibility of the ~~applicant~~ person by contacting
15 the Department for verification and approval, ~~if the applicant will~~
16 ~~pay the costs of any long distance calls that might be involved.~~ If
17 the ~~licensee~~ person is an alien, the ~~licensee~~ person shall appear
18 before a driver license examiner of the Department and, after
19 furnishing primary and secondary proofs of identity as required in
20 this section, shall be issued a replacement driver license for a
21 period which does not exceed the lesser of:

22 a. the expiration date of the license being replaced, or
23
24

1 b. the expiration date on the valid documentation
2 authorizing the presence of the ~~applicant of licensee~~
3 person in the United States, as required by paragraph
4 9 of subsection A of Section 6-103 of this title.

5 2. ~~The cost of such replacement license which is not in~~
6 ~~computerized image format shall be Five Dollars (\$5.00), of which~~
7 ~~Two Dollars (\$2.00) shall be apportioned as provided in Section 1104~~
8 ~~of this title and Three Dollars (\$3.00) shall be remitted to the~~
9 ~~State Treasurer to be credited to the General Revenue Fund.~~

10 ~~3.~~ The cost of a replacement license ~~which is in computerized~~
11 ~~image format shall be Ten Dollars (\$10.00)~~ Twenty Dollars (\$20.00),
12 of which Two Dollars (\$2.00) shall be apportioned as provided in
13 Section 1104 of this title, Three Dollars (\$3.00) shall be remitted
14 to the State Treasurer to be credited to the General Revenue Fund,
15 ~~and~~ Five Dollars (\$5.00) shall be credited to the Department of
16 Public Safety Computer Imaging System Revolving Fund to be used
17 solely for the purpose of administering and maintaining the computer
18 imaging system of the Department, and Ten Dollars (\$10.00) shall be
19 credited to the Department of Public Safety Revolving Fund.

20 4. The Department shall promulgate rules prescribing forms of
21 primary and secondary identification acceptable for replacement of
22 an Oklahoma driver license.

1 B. Any person desiring to add or remove an endorsement or
2 endorsements or a restriction or restrictions to any existing driver
3 license, when authorized by the Department of Public Safety, shall
4 obtain a replacement license with said endorsement or endorsements
5 or said restriction or restrictions change thereon and shall be
6 charged the fee for a replacement license as provided in subsection
7 A of this section.

8 SECTION 8. AMENDATORY 47 O.S. 2011, Section 6-115, is
9 amended to read as follows:

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

- 15 1. Four (4) years; or
- 16 2. The expiration date on the valid documentation authorizing
17 the presence of the applicant or licensee in the United States, as
18 required by paragraph 9 of subsection A of Section 6-103 of this
19 title.

20 B. Except as otherwise provided in this section, the expiration
21 date of an initial license shall be no more than four (4) years from
22 the last day of the month of issuance or no more than four (4) years
23

1 from the last day of the birth month of the applicant immediately
2 preceding the date of issuance, if requested by the applicant.

3 C. Except as otherwise provided in this section, the expiration
4 date of a renewal license shall be:

5 1. For a renewal during the month of expiration, four (4) years
6 from the last day of the month of expiration of the expiring license
7 or four (4) years from the last day of the birth month of the
8 licensee immediately preceding the expiration date of the expiring
9 license, if requested by the licensee; or

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

15 D. Notwithstanding the provisions of subsection E of Section
16 1550.42 of Title 21 of the Oklahoma Statutes, any Oklahoma driver
17 license that is not more than thirty (30) days past the date of
18 expiration provided on the driver license shall be presumed to be a
19 valid form of identification for the purposes of renewing an
20 Oklahoma driver license.

21 E. Except as otherwise provided in this section, every driver
22 license shall be renewable by the licensee upon application to
23 either the Department of Public Safety or a motor license agent,

24

1 furnishing both primary and secondary proofs of identity, the
2 current mailing address of the person and payment of the required
3 fee, if the person is otherwise eligible for renewal. If the
4 licensee is an alien, the licensee shall appear before a driver
5 license examiner of the Department and, after furnishing primary and
6 secondary proofs of identity as required in this section, shall be
7 issued a renewal driver license for a period which does not exceed
8 the lesser of:

- 9 1. Four (4) years; or
- 10 2. The expiration date on the valid documentation authorizing
11 the presence of the applicant or licensee in the United States, as
12 required by paragraph 9 of subsection A of Section 6-103 of this
13 title.

14 F. All applicants for renewals of driver licenses who have
15 proven collision records or apparent physical defects may be
16 required to take an examination as specified by the Commissioner of
17 Public Safety.

18 G. When a person makes application for a driver license, or
19 makes application to renew a driver license, and the person has been
20 convicted of, or received a deferred judgment for, any offense
21 required to register pursuant to the Sex Offenders Registration Act,
22 the driver license shall be valid for a period of one (1) year from
23 the month of issuance, but may be renewed yearly during the time the
24

1 person is registered on the Sex Offender Registry. The cost for
2 such license shall be the same as for other driver licenses and
3 renewals.

4 H. A commercial learner permit may be renewed one time for a
5 period of one hundred eighty (180) days. The cost for the renewed
6 permit shall be the same as for the original permit.

7 I. The Department of Public Safety shall promulgate rules
8 prescribing forms of primary and secondary identification acceptable
9 for the renewal of an Oklahoma driver license.

10 SECTION 9. AMENDATORY 47 O.S. 2011, Section 6-205.2, as
11 amended by Section 3, Chapter 207, O.S.L. 2012 (47 O.S. Supp. 2012,
12 Section 6-205.2), is amended to read as follows:

13 Section 6-205.2 A. As used in this section, "conviction"
14 means:

- 15 1. A nonvacated adjudication of guilt;
- 16 2. A determination that a person has violated or failed to
17 comply with this section in any court or by the Department of Public
18 Safety following an administrative determination;
- 19 3. A nonvacated forfeiture of bail or collateral deposited to
20 secure a person's appearance in court;
- 21 4. A plea of guilty or nolo contendere accepted by the court;
- 22 5. The payment of any fine or court costs; or

23
24

1 6. A violation of a condition of release without bail,
2 regardless of whether or not the penalty is rebated, suspended or
3 probated.

4 B. The Department of Public Safety shall disqualify any person
5 from operating a Class A, B or C commercial motor vehicle for a
6 period of not less than one (1) year upon receiving a record of
7 conviction of any of the following disqualifying offenses, when the
8 conviction has become final:

9 1. Driving, operating or being in actual physical control of a
10 Class A, B or C commercial motor vehicle while having a blood or
11 breath alcohol concentration, as defined in Section 756 of this
12 title, or as defined by the state in which the arrest occurred, of
13 four-hundredths (0.04) or more;

14 2. Refusing to submit to a test for determination of alcohol
15 concentration, as required by Section 751 of this title, or as
16 required by the state in which the arrest occurred, while operating
17 a Class A, B or C commercial motor vehicle, or if the person is the
18 holder of a commercial driver license, committing the offense while
19 operating any vehicle;

20 3. Driving or being in actual physical control of a Class A, B
21 or C commercial motor vehicle while under the influence of alcohol
22 or any other intoxicating substance or the combined influence of
23 alcohol and any other intoxicating substance, or if the person is
24

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 the holder of a commercial driver license, committing the offense
2 while operating any vehicle. Provided, the Department shall not
3 additionally disqualify, pursuant to this subsection, if the
4 person's driving privilege has been disqualified in this state
5 because of a test result or test refusal pursuant to paragraph 1 or
6 2 of this subsection as a result of the same violation arising from
7 the same incident;

8 4. Knowingly leaving the scene of a collision which occurs
9 while operating a Class A, B or C commercial motor vehicle, or if
10 the person is the holder of a commercial driver license, committing
11 the offense while operating any vehicle;

12 5. Any felony during the commission of which a Class A, B or C
13 commercial motor vehicle is used, except a felony involving the
14 manufacture, distribution or dispensation of a controlled dangerous
15 substance, or if the person is the holder of a commercial driver
16 license, committing the offense while operating any vehicle;

17 6. Operating a commercial motor vehicle while the commercial
18 driving privilege is revoked, suspended, canceled, denied, or
19 disqualified; ~~or~~

20 7. Manslaughter homicide, or negligent homicide occurring as a
21 direct result of negligent operation of a commercial motor vehicle,
22 or, if the person is the holder of a commercial driver license,
23 committing the offense while operating any vehicle;

24

1 8. Fraud related to the examination for or issuance of a
2 commercial learner permit or a Class A, B or C driver license; or

3 9. Failure to submit to skills or knowledge reexaminations, or
4 both, for the purpose of issuance of a commercial learner permit or
5 a Class A, B or C driver license within thirty (30) days of receipt
6 of notification from the Department.

7 C. The Department of Public Safety shall disqualify any person
8 from operating a Class A, B or C commercial motor vehicle for a
9 period of not less than three (3) years upon receiving a record of
10 conviction of any of the disqualifying offenses described in
11 subsection B of this section, committed in connection with the
12 operation of a motor vehicle which is required to be placarded for
13 hazardous materials under 49 C.F.R., Part 172, subpart F, when the
14 conviction has become final.

15 D. The Department of Public Safety shall disqualify any person
16 from operating a Class A, B or C commercial motor vehicle for life
17 upon receiving a record of conviction in any court of any of the
18 disqualifying offenses described in subsection B of this section
19 after a former conviction of any of the following disqualifying
20 offenses, when the second conviction has become final.

21 The Department of Public Safety may promulgate rules
22 establishing conditions under which a disqualification for life
23 pursuant to the provisions of this subsection may be reduced to a
24

1 period of not less than ten (10) years provided a previous lifetime
2 disqualification has not been reduced.

3 E. The Department of Public Safety shall disqualify any person
4 from operating a Class A, B or C commercial motor vehicle for life
5 upon receiving a record of conviction for any felony related to the
6 manufacture, distribution or dispensation of a controlled dangerous
7 substance in the commission of which a Class A, B or C commercial
8 motor vehicle is used, or if the person is the holder of a
9 commercial driver license, committing the offense while operating
10 any vehicle, when the conviction has become final.

11 F. The Department of Public Safety shall disqualify any person
12 from operating a Class A, B or C commercial motor vehicle for sixty
13 (60) days upon receiving a record of a second conviction of the
14 person for a serious traffic offense arising out of separate
15 transactions or occurrences within a three-year period, when the
16 convictions have become final. The Department of Public Safety
17 shall disqualify any person from operating a Class A, B or C
18 commercial motor vehicle for one hundred twenty (120) days upon
19 receiving a record of a third conviction of a person for a serious
20 traffic offense arising out of separate transactions or occurrences
21 within a three-year period, when the convictions have become final;
22 provided, the one-hundred-twenty-day period shall run in addition to
23 and shall not run concurrently with any other period

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 disqualification imposed pursuant to this subsection. As used in
2 this subsection, "serious traffic offense" shall mean any of the
3 following offenses committed while operating a commercial motor
4 vehicle:

5 1. Speeding fifteen (15) miles per hour or more over the limit;

6 2. Reckless driving;

7 3. Any traffic offense committed that results in or in
8 conjunction with a motor vehicle collision resulting in a fatality;

9 4. Erratic or unsafe lane changes;

10 5. Following too closely;

11 6. Failure to obtain a commercial driver license;

12 7. Failure to have in possession of the person a commercial
13 driver license;

14 8. Failure to have:

15 a. the proper class of commercial driver license for the
16 class of vehicle being operated,

17 b. the proper endorsement or endorsements for the type of
18 vehicle being operated, including but not limited to,
19 passengers or type of cargo being transported, or

20 c. both proper class and proper endorsement, as provided
21 in subparagraphs a and b of this paragraph; or

22 9. Operating a commercial motor vehicle while using a cellular
23 telephone or electronic communication device to write, send or read
24

1 a text-based communication while the commercial motor vehicle is in
2 motion.

3 G. Upon the receipt of a person's record of conviction of
4 violating a lawful out-of-service order, when the conviction becomes
5 final the Department shall disqualify the driving privilege of the
6 person as follows:

7 1. For a first conviction for violating an out-of-service
8 order:

9 a. except as provided in subparagraph b of this
10 paragraph, the period of disqualification shall be for
11 ninety (90) days, or

12 b. while transporting hazardous materials required to be
13 placarded under the Hazardous Materials Transportation
14 Act, 49 P. app. 180-1813, or while operating a motor
15 vehicle designed for transport of sixteen (16) or more
16 passengers, including the driver, the period of
17 disqualification shall be for one (1) year;

18 2. For a second conviction within ten (10) years for violating
19 an out-of-service order:

20 a. except as provided in subparagraph b of this
21 paragraph, the period of disqualification shall be for
22 one (1) year, or

23

24

1 b. while transporting hazardous materials required to be
2 placarded under the Hazardous Materials Transportation
3 Act, 49 P. app. 180-1813, or while operating a motor
4 vehicle designed for transport of sixteen (16) or more
5 passengers, including the driver, the period of
6 disqualification shall be for three (3) years; and

7 3. For a third or subsequent conviction within ten (10) years
8 for violating an out-of-service order, the period of
9 disqualification shall be for three (3) years.

10 H. Upon determination by the Department that fraudulent
11 information was used to apply for or obtain a Class A, B or C driver
12 license, the Department shall disqualify the driving privilege of
13 the applicant or licensee for a period of sixty (60) days.

14 I. Any person who drives a Class A, B or C commercial motor
15 vehicle on any public roads, streets, highways, turnpikes or any
16 other public place of this state at a time when the person has been
17 disqualified or when the privilege to do so is canceled, denied,
18 suspended or revoked shall be guilty of a misdemeanor and upon
19 conviction shall be punished by a fine of not less than One Hundred
20 Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00),
21 or by imprisonment for not more than one (1) year, or by both such
22 fine and imprisonment. Each act of driving as prohibited shall
23 constitute a separate offense.

1 J. Upon the receipt of the record of a conviction of a person
2 of a railroad highway grade crossing offense in a commercial motor
3 vehicle, pursuant to Sections 11-701 or 11-702 of this title or
4 Section 11-1115 of this title, or upon receipt of an equivalent
5 conviction from any state, when the conviction becomes final, the
6 Department shall disqualify the driving privileges of the person
7 convicted as follows:

8 1. The first conviction shall result in disqualification for
9 sixty (60) days;

10 2. The second conviction within three (3) years shall result in
11 disqualification for one hundred twenty (120) days; and

12 3. The third or subsequent conviction within three (3) years
13 shall result in disqualification for one (1) year.

14 K. The Department, upon receipt of a written notice of
15 immediate disqualification issued by the Federal Motor Carrier
16 Safety Administration under 49 CFR 383.52, shall immediately
17 disqualify the person's commercial driving privilege for the period
18 of time specified on the written notice.

19 L. The periods of disqualification as defined by this section
20 shall not be modified. A person may not be granted driving
21 privileges to operate a Class A, B or C commercial vehicle until the
22 disqualification is reinstated.

23
24

1 M. When any record of conviction, as specified in this section,
2 is received by the Department and pertains to a nonresident operator
3 of a Class A, B or C commercial motor vehicle, or if the nonresident
4 operator is the holder of a commercial driver license, a record of
5 the conviction pertaining to the nonresident operator of any
6 vehicle, the Department shall not disqualify the person and shall
7 report the conviction to the licensing jurisdiction in which the
8 license of the nonresident to operate the commercial vehicle was
9 issued.

10 N. Any person who is disqualified from driving under the
11 provisions of this section shall have the right of appeal, as
12 provided in Section 6-211 of this title.

13 SECTION 10. AMENDATORY 47 O.S. 2011, Section 230.6, as
14 amended by Section 9, Chapter 207, O.S.L. 2012 (47 O.S. Supp. 2012,
15 Section 230.6), is amended to read as follows:

16 Section 230.6 A. No person prohibited from operating a
17 commercial vehicle shall operate such commercial motor vehicle, nor
18 shall any person authorize or require a person who has been
19 prohibited from such operation of a motor vehicle to operate a
20 commercial motor vehicle.

21 B. No person shall operate, authorize to operate, or require
22 the operation of any vehicle or the use of any container when the
23 person has been placed out-of-service or the vehicle or container

24

1 has been marked out-of-service until all requirements of the out-of-
2 service order of the person have been met or all required
3 corrections for the vehicle or container have been made; provided,
4 upon approval of the Department, the vehicle or container may be
5 moved to another location for the purpose of repair or correction.

6 C. No person shall remove an out-of-service marking from a
7 transport vehicle or container unless all required corrections have
8 been made and the vehicle or container has been inspected and
9 approved by an authorized officer, employee, or agent of the
10 Department. No person shall return to duty unless all requirements
11 of the out-of-service order have been met and the person has been
12 approved to return to duty by an authorized officer, employee or
13 agent of the Department.

14 D. No employer shall knowingly allow, require, permit or
15 authorize an employee to operate a commercial motor vehicle:

16 1. During any period in which the employee:

17 a. has had driving privileges to operate a commercial
18 motor vehicle suspended, revoked, canceled, denied or
19 disqualified,

20 b. has had driving privileges to operate a commercial
21 motor vehicle disqualified ~~for life,~~

22 c. is not licensed to operate a commercial motor vehicle;
23 provided, this subparagraph shall not apply to any

24

1 person who is the cardholder of a valid commercial
2 learner permit issued by the Department in conjunction
3 with a Class D driver license, ~~or~~

4 d. has more than one commercial driver license; provided,
5 this subparagraph shall not apply to any person who is
6 the holder of a valid commercial learner permit issued
7 by the Department in conjunction with class A, B or D
8 driver license,

9 e. does not have the proper class or endorsements on the
10 driver license or commercial learner permit, or

11 f. is in violation of any restriction on the driver
12 license or commercial learner permit;

13 2. During any period in which the employee, the commercial
14 motor vehicle which the employee is operating, the motor carrier
15 business or operation, or the employer is subject to an out-of-
16 service order; or

17 3. In violation of:

18 a. a federal, state, or local law, regulation, or
19 ordinance pertaining to railroad-highway grade
20 crossings, or

21 b. any restriction on the driver license or commercial
22 learner permit of the employee.

1 E. An employer who is determined by the Commissioner to have
2 committed a violation of subsection D of this section shall be
3 subject to an administrative penalty of not less than Two Thousand
4 Seven Hundred Fifty Dollars (\$2,750.00) nor more than Twenty-five
5 Thousand Dollars (\$25,000.00).

6 F. An employee who is determined by the Commissioner to have
7 committed a violation of any provision of this section shall be
8 subject to an administrative penalty of not less than Two Thousand
9 Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars
10 (\$5,000.00).

11 SECTION 11. This act shall become effective November 1, 2013.

12
13 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/20/2013 -
14 DO PASS.
15
16
17
18
19
20
21
22
23
24