STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

HOUSE BILL 1839 By: Williams

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 1-114, which relates to motor vehicle definitions; modifying and adding definitions; amending 47 O.S. 2011, Section 2-106, which relates to the Driver License Examining Division; changing name of the Driver License Examining Division; requiring criminal history background checks for certain persons; changing certain effective dates; deleting salary schedule; amending 47 O.S. 2011, Sections 6-101, as amended by Section 5, Chapter 283, O.S.L. 2012, 6-105.3, 6-110, as amended by Section 3, Chapter 280, O.S.L. 2012, 6-111, 6-114 and 6-115 (47 O.S. Supp. 2012, Sections 6-101 and 6-110), which relate to the issuance, expiration and renewal of driver licenses; providing statutory references; 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 driver licenses; increasing fee amount for replacement driver license; directing deposit of certain monies into Department of Public Safety Revolving Fund; authorizing renewal of commercial

learner permit; amending 47 O.S. 2011, Section 6-205.2, as amended by Section 3, Chapter 207, O.S.L. 2012 (47 O.S. Supp. 2012, Section 6-205.2), which relates to the disqualification of driving privileges; adding offenses to list of disqualifying offenses; amending 47 O.S. 2011, Section 230.6, as amended by Section 9, Chapter 207, O.S.L. 2012 (47 O.S. Supp. 2012, Section 230.6), which relates to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act; providing exception to certain prohibited acts; prohibiting commercial motor vehicle operation under certain circumstances; and providing an effective date.

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

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

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

B. "Driver license" means a document issued by the Department 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.

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

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

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

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

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

a. be a citizen of the State of Oklahoma,

b. be of good moral character,

c. possess a high school diploma or General Educational Development equivalency certificate, and

d. meet physical and mental standards as the Commissioner may prescribe. The scope of the physical and mental examinations for persons appointed as a Driver License

Examiner or Senior Driver License Examiner shall be as prescribed by the Commissioner.

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

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

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

F. Effective ~~January 1, 2007~~ July 1, 2013, the annual salaries of ~~the following~~ employees of the Driver License ~~Examining~~ Services Division of the Department of Public Safety shall be in accordance with the ~~following salary schedule~~ Office of Management and Enterprise Services job family descriptors and salary bands,

exclusive of longevity pay, as authorized by Section 840-2.18 of Title 74 of the Oklahoma Statutes~~:~~

~~1. Driver License Examiner $34,023.00;~~

~~2. Senior Driver License Examiner $40,686.00;~~

~~3. Administrative Programs Officer I $37,202.00;~~

~~4. Administrative Programs Officer II $43,308.00; and~~

~~5. Training Specialist $40,686.00~~.

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

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

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

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

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

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

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

4. No person under twenty-one (21) years of age shall be licensed to operate any motor vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F, except as provided in subsection F of this section; provided, a person eighteen (18) years of age or older may be licensed to operate a farm vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F, except as provided in subsection F of this section.

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

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

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

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

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

D. No person shall operate a motorcycle or motor-driven cycle without having a valid Class A, B, C or D license with a motorcycle endorsement. Except as otherwise provided by law, any new applicant for an original driver license shall be required to successfully complete a written examination, vision examination, and driving

examination for a motorcycle as prescribed by the Department of Public Safety to be eligible for a motorcycle endorsement thereon. The driving examination for a motorcycle may be waived by the Department of Public Safety upon verification that the person has successfully completed a certified Motorcycle Safety Foundation rider course approved by the Department.

E. Except as otherwise provided by law, any person who lawfully possesses a valid Oklahoma driver license which is eligible for renewal shall be required to successfully complete a written examination, vision examination, and driving examination for a motorcycle as prescribed by the Department to be eligible for a motorcycle endorsement; provided, however, the Department may waive all such examinations until July 1, 2000, upon satisfactory proof that the applicant has regularly operated a motorcycle or motor-driven cycle for a minimum of two (2) years immediately preceding the application.

F. 1. Any person eighteen (18) years of age or older may apply for a restricted Class A, B or C commercial ~~license~~ learner permit. The Department, after the applicant has passed all parts of the examination for a Class D license and has successfully passed all parts of the examination for a Class A, B or C commercial license other than the driving examination, may issue to the applicant a ~~restricted driver license~~ commercial learner permit which shall entitle the ~~applicant~~ person having immediate lawful possession of

the ~~license~~ commercial learner permit and a valid Oklahoma driver license to operate a Class A, B or C commercial motor vehicle upon the public highways solely for the purpose of behind-the-wheel training in accordance with rules promulgated by the Department.

2. This ~~restricted driver license~~ commercial learner permit shall be issued for a period ~~as provided in Section 6-115 of this title~~ of one hundred eighty (180) days, which may be renewed one time for an additional one hundred eighty (180) days; provided, such ~~restricted license~~ commercial learner permit may be suspended, revoked, canceled, ~~or~~ denied, or disqualified at the discretion of the Department for violation of the restrictions, for failing to give the required or correct information on the application, or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle. Except as otherwise provided, the lawful possessor of a ~~restricted license~~ commercial learner permit who has been issued a ~~restricted license~~ commercial learner permit for a minimum of ~~thirty (30)~~ fourteen (14) days may have the restriction requiring an accompanying driver removed by satisfactorily completing a driver's examination; provided, the removal of a restriction shall not authorize the operation of a Class A, B or C commercial motor vehicle if such operation is otherwise prohibited by law.

3. No person shall apply for and the Department shall not issue an original Class A, B or C driver license until the person has been

issued a commercial learner permit and held the permit for at least fourteen (14) days. Any person who currently holds a Class B or C license and who wishes to apply for another class of commercial driver license shall be required to apply for a commercial learner permit and to hold the permit for at least fourteen (14) days before applying for the Class A or B license, as applicable. Any person who currently holds a Class A, B or C license and who wishes to add an endorsement or remove a restriction for which a skills examination is required shall be required to apply for a commercial learner permit and hold the permit for at least fourteen (14) days before applying for the endorsement.

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

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

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

Class A Commercial Learner Permit	$25.00
Class A Commercial License	$25.00
Class B Commercial Learner Permit	$15.00
Class B Commercial License	$15.00
Class C Commercial Learner Permit	$15.00
Class C Commercial License	$15.00
Class D License	$ 4.00
Motorcycle Endorsement	$ 4.00

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

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

I. ~~1. In addition to any fee charged pursuant to the provisions of subsection G of this section, the fee charged for the issuance or renewal of an Oklahoma license which is not in a~~

~~computerized image format shall be in accordance with the following schedule:~~

~~Class A Commercial License $40.50~~

~~Class B Commercial License $40.50~~

~~Class C Commercial License $30.50~~

~~Class D License $20.50~~

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

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

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

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

Class A Commercial Learner Permit $51.50

Class A Commercial License	~~$41.50~~	$51.50
Class B Commercial Learner Permit		$51.50
Class B Commercial License	~~$41.50~~	$51.50
Class C Commercial Learner Permit		$41.50
Class C Commercial License	~~$31.50~~	$41.50
Class D License	~~$21.50~~	$31.50

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

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

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

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

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

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

Age 62	~~$11.25~~ $21.25
Age 63	~~$ 7.50~~ $17.50
Age 64	~~$ 3.75~~ $13.75
Age 65	-0-

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

M. The Department of Public Safety and the Oklahoma Tax Commission are authorized to promulgate rules for the issuance and renewal of driver licenses authorized pursuant to the provisions of Sections 6-101 through 6-309 of this title. Applications, upon forms approved by the Department of Public Safety, for such licenses shall be handled by the motor license agents; provided, the Department of Public Safety is authorized to assume these duties in

any county of this state. Each motor license agent accepting applications for driver licenses shall receive Two Dollars ($2.00) to be deducted from the total collected for each license or renewal application accepted. The two-dollar fee received by the motor license agent shall be used for operating expenses.

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

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

O. The Department of Public Safety shall implement a procedure whereby images displayed on licenses and identification cards issued

pursuant to the provisions of Sections 6-101 through 6-309 of this title are maintained by the Department to create photographs or computerized images which may be used only:

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

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

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

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

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

Section 6-105.3 A. In addition to the licenses to operate motor vehicles, the Department of Public Safety may issue cards to Oklahoma residents for purposes of identification only. The identification cards shall be issued, renewed, replaced, canceled and denied in the same manner as driver licenses in this state. The application for an identification card by any person under the age of eighteen (18) shall be signed and verified by a custodial legal parent or legal guardian before a person authorized to administer

oaths. Except as otherwise provided in this section, the identification cards shall be valid for a period of four (4) years from the month of issuance; however, the identification cards issued to persons sixty-five (65) years of age or older shall be valid indefinitely from the month of issuance.

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

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

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

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

C. The Oklahoma Tax Commission is hereby authorized to reimburse, from funds available to that agency, each motor license agent issuing an identification card to a person sixty-five (65) years of age or older, an amount not to exceed One Dollar ($1.00)

for each card or driver license so issued. The Tax Commission shall develop procedures for claims for reimbursement.

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

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

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

a. eyesight,

b. ability to read and understand highway signs regulating, warning and directing traffic,

c. knowledge of the traffic laws of this state, including a portion on bicycle and motorcycle safety, and

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

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

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

3. <u>The Department shall accept skills test results from another state for Class A, B, or C license applicants who have successfully completed commercial motor vehicle driver training in that state and successfully passed the skills test in that state; provided, the Department shall not accept skills test results from another state when the applicant has not successfully completed commercial motor</u>

vehicle driver training in that state. Nothing in this section shall be construed to prohibit the Department from administering the skills test to any applicant who has successfully completed commercial vehicle driver training in another state.

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

~~4.~~5. The Department of Public Safety shall give the complete examination as provided for in this section within thirty (30) days from the date the application is received, and the examination shall be given at a location within one hundred (100) miles of the residence of the applicant. The Department shall make every effort to make the examination locations and times convenient for applicants. The Department shall consider giving the examination at various school sites if the district board of education for the district in which the site is located agrees and if economically feasible and practicable.

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

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

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

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

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

3. Each person applying to be a designated examiner shall be required to pay an initial designated examiner certification fee of One Thousand Dollars ($1,000.00). Upon successful completion of

training prescribed by paragraph 2 of this subsection, the person shall be required to pay an annual designated examiner certification fee of Five Hundred Dollars ($500.00). Each designated examiner certification shall expire on the last day of the calendar year and may be renewed upon application to the Department of Public Safety. The designated examiner certification fees collected by the Department pursuant to this subsection shall be deposited to the credit of the Department of Public Safety Restricted Revolving Fund to be used for the purposes of this subsection. No designated examiner certification fee shall be refunded in the event that certification is denied, suspended or revoked.

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

5. <u>The Department shall conduct an annual complete nationwide criminal history background check on each designated examiner and a complete nationwide criminal history background check on each designated examiner applicant. The fees for the background check shall be borne by the designated examiner or designated examiner applicant.</u>

<u>6.</u> The Department of Public Safety shall promulgate rules to implement and administer the provisions of this subsection.

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

Section 6-111 A. 1. The Department of Public Safety shall, upon payment of the required fee, issue to every applicant qualifying therefor a Class A, B, C or D driver license or 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 signature, date of birth, residence address, sex, a color photograph or computerized image of the licensee or cardholder and security features as determined by the Department. The photograph or image shall depict a full front unobstructed view of the entire face of the licensee or cardholder; provided, a commercial learner permit shall not bear the photograph or image of the licensee. When any person is issued both a driver license and an identification card, the Department shall ensure the information on both the license and the card are the same, unless otherwise provided by law.

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

3. The Department may cancel the distinguishing number, when that distinguishing number is another person's Social Security number, assign a new distinguishing alphanumeric identification, and

issue a new license or identification card without charge to the licensee or cardholder.

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

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

6. The Department of Public Safety shall develop by rule an alternative procedure whereby a person applying for a renewal or replacement Class D license or identification card, when the person satisfactorily demonstrates to the Department the inability to appear personally to be photographed because the person is not in the state at the time of renewal or at a time a replacement is required by the person, may be issued a license or card; provided,

immediately upon returning to Oklahoma, the person shall obtain a replacement license or card as provided in Section 6-114 of this title.

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

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

a. farm retail outlets and suppliers,

b. agri-chemical businesses,

c. custom harvesters, and

d. livestock feeders.

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

2. The restricted commercial driver license shall not be valid for operators of commercial motor vehicles beyond one hundred fifty

(150) miles from the place of business or the farm currently being served. Such license shall be limited to Class B vehicles. Holders of such licenses who transport hazardous materials which are required to be placarded shall be limited to the following:

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

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

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

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

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

2. The Department shall notify every person subject to registration under the provisions of Section 1-101 et seq. of this title who holds a current Class A, B, C or D driver license or

identification card that such person is required to surrender the license or card to the Department within one hundred eighty (180) days from the date of the notice.

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

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

E. Nothing in subsection D of this section shall be deemed to impose any liability upon or give rise to a cause of action against any employee, agent or official of the Department of Corrections for failing to designate a sex offender as an aggravated or habitual

offender pursuant to subsection ~~J~~ N of Section 584 of Title 57 of the Oklahoma Statutes.

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

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

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

Section 6-114 A. 1. In the event that a driver license is lost, destroyed or requires the updating of any information, restriction or endorsement displayed thereon, the person to whom ~~such~~ the license was issued may obtain a replacement thereof upon payment of the required fee and by furnishing both primary and

secondary proofs of identity to the Department of Public Safety. If application is made at a motor license agency or subagency, the agent or subagent shall immediately verify the identity of the ~~applicant~~ person, by means of both primary and secondary proofs of identity, and the eligibility of the ~~applicant~~ person by contacting the Department for verification and approval~~, if the applicant will pay the costs of any long distance calls that might be involved~~. If the ~~licensee~~ person is an alien, the ~~licensee~~ person shall appear before a driver license examiner of the Department and, after furnishing primary and secondary proofs of identity as required in this section, shall be issued a replacement driver license for a period which does not exceed the lesser of:

a. the expiration date of the license being replaced, or

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

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

~~3.~~ The cost of a replacement license ~~which is in computerized image format~~ shall be ~~Ten Dollars ($10.00)~~ Twenty Dollars ($20.00),

of which Two Dollars ($2.00) shall be apportioned as provided in Section 1104 of this title, Three Dollars ($3.00) shall be remitted to the State Treasurer to be credited to the General Revenue Fund, ~~and~~ Five Dollars ($5.00) shall be credited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administering and maintaining the computer imaging system of the Department, and Ten Dollars ($10.00) shall be credited to the Department of Public Safety Revolving Fund.

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

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

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

Section 6-115 A. Except as otherwise provided in this section, every driver license shall be issued for a period of no more than four (4) years; provided, if the applicant or licensee is an alien,

the license shall be issued for a period which does not exceed the lesser of:

1. Four (4) years; or

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

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

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

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

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

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

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

1. Four (4) years; or

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

F. All applicants for renewals of driver licenses who have proven collision records or apparent physical defects may be

required to take an examination as specified by the Commissioner of Public Safety.

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

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

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

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

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

1. A nonvacated adjudication of guilt;

2. A determination that a person has violated or failed to comply with this section in any court or by the Department of Public Safety following an administrative determination;

3. A nonvacated forfeiture of bail or collateral deposited to secure a person's appearance in court;

4. A plea of guilty or nolo contendere accepted by the court;

5. The payment of any fine or court costs; or

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

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

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

2. Refusing to submit to a test for determination of alcohol concentration, as required by Section 751 of this title, or as required by the state in which the arrest occurred, while operating a Class A, B or C commercial motor vehicle, or if the person is the

holder of a commercial driver license, committing the offense while operating any vehicle;

3. Driving or being in actual physical control of a Class A, B or C commercial motor vehicle while under the influence of alcohol or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle. Provided, the Department shall not additionally disqualify, pursuant to this subsection, if the person's driving privilege has been disqualified in this state because of a test result or test refusal pursuant to paragraph 1 or 2 of this subsection as a result of the same violation arising from the same incident;

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

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

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

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

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

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

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

D. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving a record of conviction in any court of any of the

disqualifying offenses described in subsection B of this section after a former conviction of any of the following disqualifying offenses, when the second conviction has become final.

The Department of Public Safety may promulgate rules establishing conditions under which a disqualification for life pursuant to the provisions of this subsection may be reduced to a period of not less than ten (10) years provided a previous lifetime disqualification has not been reduced.

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

F. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for sixty (60) days upon receiving a record of a second conviction of the person for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when the convictions have become final. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for one hundred twenty (120) days upon

receiving a record of a third conviction of a person for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when the convictions have become final; provided, the one-hundred-twenty-day period shall run in addition to and shall not run concurrently with any other period disqualification imposed pursuant to this subsection. As used in this subsection, "serious traffic offense" shall mean any of the following offenses committed while operating a commercial motor vehicle:

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

2. Reckless driving;

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

4. Erratic or unsafe lane changes;

5. Following too closely;

6. Failure to obtain a commercial driver license;

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

8. Failure to have:

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

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

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

9. Operating a commercial motor vehicle while using a cellular telephone or electronic communication device to write, send or read a text-based communication while the commercial motor vehicle is in motion.

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

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

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

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

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

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

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

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

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

I. Any person who drives a Class A, B or C commercial motor vehicle on any public roads, streets, highways, turnpikes or any other public place of this state at a time when the person has been disqualified or when the privilege to do so is canceled, denied, suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars ($100.00) and not more than Five Hundred Dollars ($500.00), or by imprisonment for not more than one (1) year, or by both such

fine and imprisonment. Each act of driving as prohibited shall constitute a separate offense.

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

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

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

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

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

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

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

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

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

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

B. No person shall operate, authorize to operate, or require the operation of any vehicle or the use of any container when the person has been placed out-of-service or the vehicle or container has been marked out-of-service until all requirements of the out-of-

service order of the person have been met or all required corrections for the vehicle or container have been made; provided, upon approval of the Department, the vehicle or container may be moved to another location for the purpose of repair or correction.

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

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

1. During any period in which the employee:

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

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

c. is not licensed to operate a commercial motor vehicle<u>; provided, this subparagraph shall not apply to any person who is the cardholder of a valid commercial</u>

learner permit issued by the Department in conjunction with a Class D driver license, ~~or~~

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

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

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

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

3. In violation of:

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

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

E. An employer who is determined by the Commissioner to have committed a violation of subsection D of this section shall be subject to an administrative penalty of not less than Two Thousand

Seven Hundred Fifty Dollars ($2,750.00) nor more than Twenty-five Thousand Dollars ($25,000.00).

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

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

54-1-5512 GRS 01/02/13