STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2655 By: Scott and Stone

AS INTRODUCED

An Act relating to driver licenses; amending 47 O.S. 2011, Section 2-110, as last amended by Section 1, Chapter 266, O.S.L. 2014 (47 O.S. Supp. 2015, Section 2-110), which relates to the release of records maintained by the Department of Public Safety; modifying certain definition; prohibiting the release of certain information; defining term; providing for the issuance of driver authorization cards; establishing application requirements for driver authorization cards; providing for the expiration and renewal of driver authorization cards; prohibiting the use of driver authorization cards to determine eligibility for state benefits, licenses or services; declaring all driver-license-related statutes be applicable to driver authorization cards; directing the Department of Public Safety to promulgate certain rules; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 2-110, as last amended by Section 1, Chapter 266, O.S.L. 2014 (47 O.S. Supp. 2015, Section 2-110), is amended to read as follows:

Section 2-110. A. Officers and employees of the Department of Public Safety designated by the Commissioner, for the purpose of administering the motor vehicle laws, are authorized to administer oaths and acknowledge signatures and shall do so without fee.

B. The Commissioner and such officers of the Department as the Commissioner may designate are hereby authorized to prepare under the seal of the Department and deliver upon request a certified copy of any record of the Department, charging a fee of Three Dollars ($3.00) for each record so certified, and every such certified copy shall be admissible in any proceeding in any court in like manner as the original thereof. A certification fee shall be charged:

1. Only if the person requesting the record specifically requests that the record be certified; and

2. In addition to the copying and reproduction fees provided by the Oklahoma Open Records Act or any other applicable law.

C. The Commissioner and any other officers of the Department as the Commissioner may designate are hereby authorized to provide a copy of any record required to be maintained by the Department at no charge to any of the following government agencies when requested in the performance of official governmental duties:

1. The driver license agency of any other state;

2. Any court, district attorney or municipal prosecutor in this state or any other state;

3. Any law enforcement agency in this state or any other state or any federal agency empowered by law to make arrests for public offenses;

4. Any public school district in this state for purposes of providing the Motor Vehicle Report of a currently employed school bus driver or person making application for employment as a school bus driver;

5. The Department of Human Services for the purpose of providing the Motor Vehicle Report to ascertain the suitability of any person being considered by the Department of Human Services for placement of a child in foster care or for adoption of the child;

6. The Office of Juvenile Affairs for the purpose of providing the Motor Vehicle Report to ascertain the suitability of any person being considered by the Office of Juvenile Affairs for placement of a child in foster care;

7. Any nonprofit provider exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986 and contracted by the Developmental Disabilities Services Division of the Oklahoma Department of Human Services; or

8. Any state agency in this state.

D. Any record required to be maintained by the Department may be released to any other entity free of charge when the release of the record would be for the benefit of the public, as determined by the Commissioner or a designee of the Commissioner.

E. The following records shall be provided by the Department to any authorized recipient, pursuant to the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725, upon payment of the appropriate fees for the records:

1. A Motor Vehicle Report, as defined in Section 6-117 of this title; and

2. A copy of any driving record related to the Motor Vehicle Report.

F. 1. The provisions of subsections B, D, and E of this section and the Oklahoma Open Records Act shall not apply to the release of personal information from any driving record of any person. Such personal information shall be confidential except as provided for in this subsection or in the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725. Upon written request to the Commissioner of Public Safety by a law enforcement agency or another state's or country's driver licensing agency for personal information on a specific individual, as named or otherwise identified in the written request, to be used in the official capacity of the agency, the Commissioner may release such personal information to the agency pursuant to the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725. Provided, the provisions of this subsection or any other provision of this title shall not be construed to keep audio or video recordings of the Department of

Public Safety confidential beyond any exceptions provided for in the Oklahoma Open Records Act.

2. For the purposes of this subsection, "personal information" means information which identifies a person, including but not limited to a photograph or image in computerized format of the person, fingerprint image in computerized format, signature or signature in computerized format, social security number, individual taxpayer identification number, residence address, mailing address, and medical or disability information.

G. 1. The Commissioner shall not release any information relating to legal presence or any other information relating to or describing immigration status, nationality or citizenship from a file or record relating to a request for or the issuance of a driver license, identification card or title or registration of a vehicle to any person or to any federal, state or local governmental entity for any purpose relating to the enforcement of immigration laws.

2. As used in this subsection, "information relating to legal presence" means information that may reveal whether a person is legally present in the United States including, without limitation, whether the driver license that a person possesses is a driver authorization card, whether the person applied for a driver license pursuant to Section 6-106 of this title or Section 2 of this act, and the documentation used to prove name, age and residence that was

provided by the person with his or her application for a driver license.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-106.5 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. An application for a driver authorization card must:

1. Be made upon a form furnished by the Department of Public Safety;

2. Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge;

3. Be accompanied by the required fee;

4. State the name, date of birth, sex and residence address of the applicant and briefly describe the applicant;

5. State whether the applicant has theretofore been licensed as a driver and, if so, when and by what state or country, and whether any such driver license has ever been suspended or revoked, or whether an application has ever been refused and, if so, the date of and reason for the suspension, revocation or refusal; and

6. Include such other information as the Department may require to determine the competency and eligibility of the applicant.

B. Every applicant must furnish proof of his or her name and age by displaying an original or certified copy of:

1. Any one of the following documents:

a. a birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States,

b. a driver license issued by another state, the District of Columbia or any territory of the United States which is issued pursuant to the standards established by 6 C.F.R., Part 37, Subparts A to E, inclusive, and which contains a security mark approved by the United States Department of Homeland Security in accordance with 6 C.F.R., Section 37.17,

c. a passport issued by the United States government,

d. a military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States,

e. for persons who served in any branch of the Armed Forces of the United States, a Report of Separation,

f. a Certificate of Degree of Indian Blood issued by the United States government,

g. a Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security,

h. a Consular Report of Birth Abroad issued by the Department of State, or

i. such other documentation as specified by the Department by regulation; or

2. Any two of the following documents:

a. a driver license issued by another state, the District of Columbia or any territory of the United States other than such a driver license described in subparagraph b of paragraph 1 of this subsection,

b. a passport issued by a foreign government,

c. a birth certificate issued by a foreign government,

d. a consular identification card issued by the Government of Mexico or a document issued by another government that the Department determines is substantially similar, or

e. any other proof acceptable to the Department.

C. No document which is written in a language other than English may be accepted by the Department pursuant to this section unless it is accompanied by a verified translation of the document in the English language.

D. Every applicant must prove his or her residence in the State of Oklahoma by displaying an original or certified copy of any two of the following documents:

1. A receipt from the rent or lease of a residence located in this state;

2. A record from a public utility for a service address located in this state which is dated within the previous sixty (60) days;

3. A bank or credit card statement indicating a residential address located in this state which is dated within the previous sixty (60) days;

4. A stub from an employment check indicating a residential address located in this state;

5. A document issued by an insurance company or its agent, including, without limitation, an insurance card, binder or bill, indicating a residential address located in this state;

6. A record or receipt of bill from a medical provider indicating a residential address located in this state; or

7. Any other document as prescribed by the Department by regulation.

E. A driver authorization card obtained in accordance with this section must:

1. Contain the same information as prescribed for a driver license pursuant to Section 6-111 of Title 47 of the Oklahoma Statutes and any regulations adopted pursuant thereto;

2. Be of the same design as an Oklahoma driver license; and

3. Be numbered from the same sequence of numbers as an Oklahoma driver license.

F. Notwithstanding the provisions of Section 6-115 of Title 47 of the Oklahoma Statutes, every driver authorization card expires on the anniversary of its issuance or renewal. Every driver authorization card is renewable at any time before its expiration upon application and payment of the required fee. The Department may, by regulation, defer the expiration of the driver authorization card of a person who is on active duty in the Armed Forces of the United States upon such terms and conditions as it may prescribe. The Department may similarly defer the expiration of the driver authorization card of the spouse or dependent son or daughter of that person if the spouse or child is residing with the person.

G. A driver authorization card shall not be used to determine eligibility for any benefits, licenses or services issued or provided by the State of Oklahoma or its political subdivisions.

H. Except as otherwise provided in this section or by specific statute, any provision of this title that applies to driver licenses shall be deemed to apply to a driver authorization card obtained in accordance with the provisions of this section.

I. The provisions of this section shall apply only with respect to the issuance of noncommercial driver licenses.

J. The Department of Public Safety shall promulgate rules as may be necessary to implement and administer the provisions of this section.

SECTION 3. This act shall become effective November 1, 2016.

55-2-7624 GRS 10/26/15