

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 652

By: Barrington of the Senate

and

6 Armes of the House

7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to driver licenses; amending 47 O.S.
11 2011, Sections 1-114, 6-101, as amended by Section 1,
12 Chapter 280, O.S.L. 2012, 6-105.3, 6-110, as amended
13 by Section 3, Chapter 280, O.S.L. 2012, 6-111, 6-114,
14 6-205.2, as amended by Section 3, Chapter 207, O.S.L.
15 2012, and 230.6, as amended by Section 9, Chapter
16 207, O.S.L. 2012 (47 O.S. Supp. 2012, Sections 6-101,
17 6-110, 6-205.2 and 230.6), which relate to
18 definitions, Driver License Examining Division,
19 certain class requirements for driver licenses,
20 commercial motor vehicles, hazardous materials,
21 restricted driver license, certain fees, certain
22 expiration, issuance and renewals, allocation of
23 certain monies, identification photographs database,
24 issuance of identification cards, examination of
certain applicants, issuance of certain license or
identification card, certain replacement licenses,
proof of identity and removal of certain endorsements
or restrictions, expiration and renewal of driver
licenses, disqualification from certain driving
privileges for certain convictions or acts, certain
uses and activities of vehicles and containers
prohibited; modifying and adding definitions;
providing certain exceptions to holding certain
classes of licenses; providing for a commercial
learner permit instead of a commercial license or
certain restricted driver license; authorizing
commercial learner permit and license for certain
behind-the-wheel training; providing for certain

1 duration of issuance and renewal of commercial
2 learner permit; providing for disqualification;
3 providing for removal of certain restrictions;
4 providing circumstances prohibiting the application
5 for and issuance of certain licenses; providing for
6 the application for another class of commercial
7 license; providing for adding or removing certain
8 endorsement or restrictions; providing for the
9 issuance of a commercial learner permit; authorizing
10 the Department to issue commercial learner permit;
11 providing for validity of commercial learner permit;
12 modifying certain fees for application for and
13 issuance of certain licenses, commercial learner
14 permits and identification cards; providing for
15 renewal of commercial learner permit; providing for
16 allocation of certain monies; increasing certain fee
17 for certain agents; providing for the acceptance of
18 certain skills test results; construing provision;
19 requiring the Department to conduct certain
20 background checks on certain examiners and examiner
21 applicants; providing for certain fee; prohibiting a
22 certain photograph or image on a commercial learner
23 permit; clarifying language; modifying certain fees;
24 providing for allocation of certain monies; providing
for renewal and cost of permit; adding certain
convictions and act; adding certain exception for
prohibition to operate certain vehicle; adding
certain criteria for prohibiting operation of certain
vehicles; 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

1 country which grants to the person named thereon the privilege to
2 drive, operate or be in actual physical control of a motor vehicle.
3 The term shall include an intermediate Class D driver license, a
4 learner permit and commercial learner permit.

5 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-101, as
6 amended by Section 1, Chapter 280, O.S.L. 2012 (47 O.S. Supp. 2012,
7 Section 6-101), is amended to read as follows:

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

15 B. 1. No person shall operate a Class A commercial motor
16 vehicle unless the person is eighteen (18) years of age or older and
17 holds a valid Class A commercial license, except as provided in
18 paragraph 5 of this subsection and subsection F of this section.
19 Any person holding a valid Class A commercial license shall be
20 permitted to operate motor vehicles in Classes A, B, C and D, except
21 as provided for in paragraph 4 of this subsection.

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

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

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

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

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

22 a. a restricted Class A commercial license which shall
23 grant to the licensee the privilege to operate a Class
24

1 A or Class B commercial motor vehicle for harvest
2 purposes or a Class D motor vehicle, or

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

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

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

15 D. No person shall operate a motorcycle or motor-driven cycle
16 without having a valid Class A, B, C or D license with a motorcycle
17 endorsement. Except as otherwise provided by law, any new applicant
18 for an original driver license shall be required to successfully
19 complete a written examination, vision examination, and driving
20 examination for a motorcycle as prescribed by the Department of
21 Public Safety to be eligible for a motorcycle endorsement thereon.
22 The written examination and driving examination for a motorcycle may
23 be waived by the Department of Public Safety upon verification that
24

1 the person has successfully completed a certified Motorcycle Safety
2 Foundation rider course approved by the Department.

3 E. Except as otherwise provided by law, any person who lawfully
4 possesses a valid Oklahoma driver license which is eligible for
5 renewal shall be required to successfully complete a written
6 examination, vision examination, and driving examination for a
7 motorcycle as prescribed by the Department to be eligible for a
8 motorcycle endorsement. The written examination and driving
9 examination for a motorcycle may be waived by the Department of
10 Public Safety upon verification that the person has successfully
11 completed a certified Motorcycle Safety Foundation rider course
12 approved by the Department.

13 F. 1. Any person eighteen (18) years of age or older may apply
14 for a restricted Class A, B or C commercial ~~license~~ learner permit.
15 The Department, after the applicant has passed all parts of the
16 examination for a Class D license and has successfully passed all
17 parts of the examination for a Class A, B or C commercial license
18 other than the driving examination, may issue to the applicant a
19 ~~restricted driver license~~ commercial learner permit which shall
20 entitle the ~~applicant~~ person having immediate lawful possession of
21 the ~~license~~ commercial learner permit and a valid Oklahoma driver
22 license to operate a Class A, B or C commercial motor vehicle upon
23 the public highways solely for the purpose of behind-the-wheel
24 training in accordance with rules promulgated by the Department.

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

19 3. No person shall apply for and the Department shall not issue
20 an original Class A, B or C driver license until the person has been
21 issued a commercial learner permit and held the permit for at least
22 fourteen (14) days. Any person who currently holds a Class B or C
23 license and who wishes to apply for another class of commercial
24 driver license shall be required to apply for a commercial learner

1 permit and to hold the permit for at least fourteen (14) days before
2 applying for the Class A or B license, as applicable. Any person
3 who currently holds a Class A, B or C license and who wishes to add
4 an endorsement or remove a restriction for which a skills
5 examination is required shall be required to apply for a commercial
6 learner permit and to hold the permit for at least fourteen (14)
7 days before applying for the endorsement.

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

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

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

1	<u>Class A Commercial Learner Permit</u>	<u>\$25.00</u>
2	Class A Commercial License	\$25.00
3	<u>Class B Commercial Learner Permit</u>	<u>\$15.00</u>
4	Class B Commercial License	\$15.00
5	<u>Class C Commercial Learner Permit</u>	<u>\$15.00</u>
6	Class C Commercial License	\$15.00
7	Class D License	\$ 4.00
8	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 CDL Learner Permit shall be 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>
Class C Commercial License	\$31.50 <u>\$41.50</u>

Class D License

~~\$21.50~~ \$33.50

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.

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 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 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)~~ Four Dollars (\$4.00) to be deducted from the total collected for each license or renewal application accepted. The ~~two-dollar~~ four-

1 dollar fee received by the motor license agent shall be used for
2 operating expenses.

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

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

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

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 3. 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
24 from the month of issuance; however, the identification cards issued

1 to persons sixty-five (65) years of age or older shall be valid
2 indefinitely from the month of issuance.

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

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

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

15 3. Ten Dollars (\$10.00) shall be deposited in the Department of
16 Public Safety Revolving Fund.

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

23 D. When a person makes application for a new identification
24 card, or makes application to renew an identification card, and the

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

8 SECTION 4. AMENDATORY 47 O.S. 2011, Section 6-110, as
9 amended by Section 3, Chapter 280, O.S.L. 2012 (47 O.S. Supp. 2012,
10 Section 6-110), is amended to read as follows:

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

- 17 a. eyesight,
- 18 b. ability to read and understand highway signs
19 regulating, warning and directing traffic,
- 20 c. knowledge of the traffic laws of this state, including
21 a portion on bicycle and motorcycle safety, and
- 22 d. ability, by actual demonstration, to exercise ordinary
23 and reasonable control in the operation of a motor
24 vehicle. The actual demonstration shall be conducted

1 in the type of motor vehicle for the class of driver
2 license being applied for.

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

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

14 3. The Department shall accept skills test results from another
15 state for Class A, B or C license applicants who have successfully
16 completed commercial motor vehicle driver training in that state and
17 successfully passed the skills test in that state; provided, the
18 Department shall not accept skills test results from another state
19 when the applicant has not successfully completed commercial motor
20 vehicle driver training in that state. Nothing in this section
21 shall be construed to prohibit the Department from administering the
22 skills test to any applicant who has successfully completed
23 commercial vehicle driver training in another state.
24

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

9 ~~4.~~ 5. The Department of Public Safety shall give the complete
10 examination as provided for in this section within thirty (30) days
11 from the date the application is received, and the examination shall
12 be given at a location within one hundred (100) miles of the
13 residence of the applicant. The Department shall make every effort
14 to make the examination locations and times convenient for
15 applicants. The Department shall consider giving the examination at
16 various school sites if the district board of education for the
17 district in which the site is located agrees and if economically
18 feasible and practicable.

19 B. Any person holding a valid Oklahoma Class D license and
20 applying for a Class A, B or C commercial license shall be required
21 to successfully complete all examinations as required for the
22 specified class.

23 C. Except as provided in subsection E of Section 6-101 of this
24 title, any person holding a valid Oklahoma Class A, B or C

1 commercial license shall, upon time for renewal thereof, be entitled
2 to a Class D license without any type of testing or examination,
3 except for any endorsements thereon as otherwise provided for by
4 Section 6-110.1 of this title.

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

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

18 3. Each person applying to be a designated examiner shall be
19 required to pay an initial designated examiner certification fee of
20 One Thousand Dollars (\$1,000.00). Upon successful completion of
21 training prescribed by paragraph 2 of this subsection, the person
22 shall be required to pay an annual designated examiner certification
23 fee of Five Hundred Dollars (\$500.00). Each designated examiner
24 certification shall expire on the last day of the calendar year and

1 may be renewed upon application to the Department of Public Safety.
2 The designated examiner certification fees collected by the
3 Department pursuant to this subsection shall be deposited to the
4 credit of the Department of Public Safety Restricted Revolving Fund
5 to be used for the purposes of this subsection. No designated
6 examiner certification fee shall be refunded in the event that
7 certification is denied, suspended or revoked.

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

12 5. The Department shall conduct an annual complete nationwide
13 criminal history background check on each designated examiner and a
14 complete nationwide criminal history background check on each
15 designated examiner applicant. The fees for the background check
16 shall be borne by the designated examiner or designated examiner
17 applicant.

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

20 SECTION 5. AMENDATORY 47 O.S. 2011, Section 6-111, is
21 amended to read as follows:

22 Section 6-111. A. 1. The Department of Public Safety shall,
23 upon payment of the required fee, issue to every applicant
24 qualifying therefor a Class A, B, C or D driver license or

1 identification card as applied for, which license or card shall bear
2 thereon a distinguishing alphanumeric identification assigned to the
3 licensee or cardholder, date of issuance and date of expiration of
4 the license or card, the full name, signature or computerized
5 signature, date of birth, residence address, sex, a color photograph
6 or computerized image of the licensee or cardholder and security
7 features as determined by the Department. The photograph or image
8 shall depict a full front unobstructed view of the entire face of
9 the licensee or cardholder; provided, a commercial learner permit
10 shall not bear the photograph or image of the licensee. When any
11 person is issued both a driver license and an identification card,
12 the Department shall ensure the information on both the license and
13 the card are the same, unless otherwise provided by law.

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

17 3. The Department may cancel the distinguishing number, when
18 that distinguishing number is another person's Social Security
19 number, assign a new distinguishing alphanumeric identification, and
20 issue a new license or identification card without charge to the
21 licensee or cardholder.

22 4. The Department may promulgate rules for inclusion of the
23 height and a brief description of the licensee or cardholder on the
24

1 face of the card or license identifying the licensee or cardholder
2 as deaf or hard-of-hearing.

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

14 6. The Department of Public Safety shall develop by rule an
15 alternative procedure whereby a person applying for a renewal or
16 replacement Class D license or identification card, when the person
17 satisfactorily demonstrates to the Department the inability to
18 appear personally to be photographed because the person is not in
19 the state at the time of renewal or at a time a replacement is
20 required by the person, may be issued a license or card; provided,
21 immediately upon returning to Oklahoma, the person shall obtain a
22 replacement license or card as provided in Section 6-114 of this
23 title.
24

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

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

- 12 a. farm retail outlets and suppliers,
- 13 b. agri-chemical businesses,
- 14 c. custom harvesters, and
- 15 d. livestock feeders.

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

20 2. The restricted commercial driver license shall not be valid
21 for operators of commercial motor vehicles beyond one hundred fifty
22 (150) miles from the place of business or the farm currently being
23 served. Such license shall be limited to Class B vehicles. Holders
24

1 of such licenses who transport hazardous materials which are
2 required to be placarded shall be limited to the following:

- 3 a. diesel fuel in quantities of one thousand (1,000)
4 gallons or less,
- 5 b. liquid fertilizers in vehicles with total capacities
6 of three thousand (3,000) gallons or less, and
- 7 c. solid fertilizers that are not mixed with any organic
8 substance.

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

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

20 2. The Department shall notify every person subject to
21 registration under the provisions of Section 1-101 et seq. of this
22 title who holds a current Class A, B, C or D driver license or
23 identification card that such person is required to surrender the
24

1 license or card to the Department within one hundred eighty (180)
2 days from the date of the notice.

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

7 4. Failure to comply with the requirements set forth in such
8 notice shall result in cancellation of the person's license or card.
9 Such cancellation shall be in effect for one (1) year, after which
10 time the person may make application with the Department for a new
11 license or card bearing the words "Sex Offender". Continued use of
12 a canceled license or card shall constitute a misdemeanor and shall,
13 upon conviction thereof, be punishable by a fine of not less than
14 Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars
15 (\$200.00). When an individual is no longer required to register as
16 a convicted sex offender with the Department of Corrections pursuant
17 to the provisions of the Sex Offenders Registration Act, the
18 individual shall be eligible to receive a driver license or
19 identification card which does not bear the words "Sex Offender".

20 E. Nothing in subsection D of this section shall be deemed to
21 impose any liability upon or give rise to a cause of action against
22 any employee, agent or official of the Department of Corrections for
23 failing to designate a sex offender as an aggravated or habitual
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1 offender pursuant to subsection J of Section 584 of Title 57 of the
2 Oklahoma Statutes.

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

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

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

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

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

- 13 a. the expiration date of the license being replaced, or
- 14 b. the expiration date on the valid documentation
15 authorizing the presence of the ~~applicant of licensee~~
16 person in the United States, as required by paragraph
17 9 of subsection A of Section 6-103 of this title.

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

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

1 of which Two Dollars (\$2.00) shall be apportioned as provided in
2 Section 1104 of this title, Three Dollars (\$3.00) shall be remitted
3 to the State Treasurer to be credited to the General Revenue Fund,
4 and Five Dollars (\$5.00) shall be credited to the Department of
5 Public Safety Computer Imaging System Revolving Fund to be used
6 solely for the purpose of administering and maintaining the computer
7 imaging system of the Department, and Twenty Dollars (\$20.00) to the
8 Revolving Fund of the Department of Public Safety.

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

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

19 SECTION 7. AMENDATORY 47 O.S. 2011, Section 6-205.2, as
20 amended by Section 3, Chapter 207, O.S.L. 2012 (47 O.S. Supp. 2012,
21 Section 6-205.2), is amended to read as follows:

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

24 1. A nonvacated adjudication of guilt;

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

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

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

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

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

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

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

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

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

3 3. Driving or being in actual physical control of a Class A, B
4 or C commercial motor vehicle while under the influence of alcohol
5 or any other intoxicating substance or the combined influence of
6 alcohol and any other intoxicating substance, or if the person is
7 the holder of a commercial driver license, committing the offense
8 while operating any vehicle. Provided, the Department shall not
9 additionally disqualify, pursuant to this subsection, if the
10 person's driving privilege has been disqualified in this state
11 because of a test result or test refusal pursuant to paragraph 1 or
12 2 of this subsection as a result of the same violation arising from
13 the same incident;

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

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

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

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

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

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

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

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

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

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

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

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

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

- 10 1. Speeding fifteen (15) miles per hour or more over the limit;
- 11 2. Reckless driving;
- 12 3. Any traffic offense committed that results in or in
13 conjunction with a motor vehicle collision resulting in a fatality;
- 14 4. Erratic or unsafe lane changes;
- 15 5. Following too closely;
- 16 6. Failure to obtain a commercial driver license;
- 17 7. Failure to have in possession of the person a commercial
18 driver license;
- 19 8. Failure to have:
 - 20 a. the proper class of commercial driver license for the
21 class of vehicle being operated,
 - 22 b. the proper endorsement or endorsements for the type of
23 vehicle being operated, including but not limited to,
24 passengers or type of cargo being transported, or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 8. 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 has been marked out-of-service until all requirements of the out-of-

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

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

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

15 1. During any period in which the employee:

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

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

21 c. is not licensed to operate a commercial motor vehicle;
22 provided, this subparagraph shall not apply to any
23 person who is the holder of a valid commercial learner
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1 permit issued by the Department in conjunction with a
2 Class D driver license, ~~or~~

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

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

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

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

16 3. In violation:

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

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

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

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

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

8 SECTION 9. This act shall become effective November 1, 2013.

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