

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

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

1 behind-the-wheel training; providing for certain
2 duration of issuance and renewal of commercial
3 learner permit; providing for disqualification;
4 providing for removal of certain restrictions;
5 providing circumstances prohibiting the application
6 for and issuance of certain licenses; providing for
7 the application for another class of commercial
8 license; providing for adding or removing certain
9 endorsement or restrictions; providing for the
10 issuance of a commercial learner permit; authorizing
11 the Department to issue commercial learner permit;
12 providing for validity of commercial learner permit;
13 modifying certain fees for application for and
14 issuance of certain licenses, commercial learner
15 permits and identification cards; providing for
16 renewal of commercial learner permit; providing for
17 allocation of certain monies; providing for the
18 acceptance of certain skills test results; construing
19 provision; requiring the Department to conduct
20 certain background checks on certain examiners and
21 examiner applicants; providing for certain fee;
22 prohibiting a certain photograph or image on a
23 commercial learner permit; clarifying language;
24 modifying certain fees; 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 6. Enrollment in or successful completion of a commercial
22 driver training school shall not be required for any commercial
23 learner permit applicant who requests a skills examination for a
24 Class A, B or C license, nor shall any student enrolled in a

commercial driver training school be prohibited from taking a skills examination for a Class A, B or C license upon request with a Department of Public Safety examiner regardless of whether the person has completed the course, is still enrolled in the course to be completed or has voluntarily withdrawn from the course.

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:

<u>Class A Commercial Learner Permit</u>	<u>\$25.00</u>
Class A Commercial License	\$25.00
<u>Class B Commercial Learner Permit</u>	<u>\$15.00</u>
Class B Commercial License	\$15.00
<u>Class C Commercial Learner Permit</u>	<u>\$15.00</u>
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

1 such examination fees pursuant to the provisions of this subsection
2 shall be deposited in the General Revenue Fund of this state.

3 I. ~~1. In addition to any fee charged pursuant to the~~
4 ~~provisions of subsection C of this section, the fee charged for the~~
5 ~~issuance or renewal of an Oklahoma license which is not in a~~
6 ~~computerized image format shall be in accordance with the following~~
7 ~~schedule:~~

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

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

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

11 ~~Class D License \$20.50~~

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

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

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

23 ~~2. In addition to any fee charged pursuant to the provisions of~~
24 ~~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 <u>\$33.50</u>

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~~
subsection:

~~a.~~ 1. 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.~~ 2. 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

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

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

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

9 Age 62	\$11.25 <u>\$21.25</u>
10 Age 63	\$ 7.50 <u>\$17.50</u>
11 Age 64	\$ 3.75 <u>\$13.75</u>
12 Age 65	-0-

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

23 M. The Department of Public Safety and the Oklahoma Tax
24 Commission are authorized to promulgate rules for the issuance and

1 renewal of driver licenses authorized pursuant to the provisions of
2 Sections 6-101 through 6-309 of this title. Applications, upon
3 forms approved by the Department of Public Safety, for such licenses
4 shall be handled by the motor license agents; provided, the
5 Department of Public Safety is authorized to assume these duties in
6 any county of this state. Each motor license agent accepting
7 applications for driver licenses shall receive ~~Two Dollars (\$2.00)~~
8 Four Dollars (\$4.00) to be deducted from the total collected for
9 each license or renewal application accepted. The ~~two-dollar~~ four-
10 dollar fee received by the motor license agent shall be used for
11 operating expenses.

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

19 The next Five Hundred Thousand Dollars (\$500,000.00) of monies
20 collected pursuant to this section shall be paid by the Tax
21 Commission to the State Treasurer to be deposited each fiscal year
22 under the provisions of this section to the credit of the Department
23 of Public Safety Revolving Fund for the purpose of the Statewide Law
24 Enforcement Communications System. All other monies collected in

1 excess of Five Hundred Sixty Thousand Dollars (\$560,000.00) each
2 fiscal year shall be apportioned as provided in Section 1104 of this
3 title, except as otherwise provided in this section.

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

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

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

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

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

20 SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-105.3, is
21 amended to read as follows:

22 Section 6-105.3 A. In addition to the licenses to operate
23 motor vehicles, the Department of Public Safety may issue cards to
24 Oklahoma residents for purposes of identification only. The

1 identification cards shall be issued, renewed, replaced, canceled
2 and denied in the same manner as driver licenses in this state. The
3 application for an identification card by any person under the age
4 of eighteen (18) shall be signed and verified by a custodial legal
5 parent or legal guardian before a person authorized to administer
6 oaths. Except as otherwise provided in this section, the
7 identification cards shall be valid for a period of four (4) years
8 from the month of issuance; however, the identification cards issued
9 to persons sixty-five (65) years of age or older shall be valid
10 indefinitely from the month of issuance.

11 B. The fee charged for the issuance, renewal, or replacement of
12 an identification card pursuant to this section shall be ~~Ten Dollars~~
13 ~~(\$10.00)~~ Twenty Dollars (\$20.00); however, no person sixty-five (65)
14 years of age or older shall be charged a fee for an identification
15 card. Of each fee charged pursuant to the provisions of this
16 subsection:

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

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

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

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

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

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

19 Section 6-110. A. 1. The Department of Public Safety shall
20 examine every applicant for an original Class A, B, C or D license
21 and for any endorsements thereon, except as otherwise provided in
22 Section 6-101 et seq. of this title or as provided in paragraph 2 of
23 this subsection or in subsection D of this section. The examination
24 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. 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

1 successfully passed the skills test in that state; provided, the
2 Department shall not accept skills test results from another state
3 when the applicant has not successfully completed commercial motor
4 vehicle driver training in that state. Nothing in this section
5 shall be construed to prohibit the Department from administering the
6 skills test to any applicant who has successfully completed
7 commercial vehicle driver training in another state.

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

16 ~~4.~~ 5. The Department of Public Safety shall give the complete
17 examination as provided for in this section within thirty (30) days
18 from the date the application is received, and the examination shall
19 be given at a location within one hundred (100) miles of the
20 residence of the applicant. The Department shall make every effort
21 to make the examination locations and times convenient for
22 applicants. The Department shall consider giving the examination at
23 various school sites if the district board of education for the
24

1 district in which the site is located agrees and if economically
2 feasible and practicable.

3 B. Any person holding a valid Oklahoma Class D license and
4 applying for a Class A, B or C commercial license shall be required
5 to successfully complete all examinations as required for the
6 specified class.

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

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

21 2. The Department of Public Safety shall adopt a curriculum of
22 required courses and training to be offered to applicants who are
23 qualified to apply to be a designated examiner. The courses and
24

1 training for certification shall meet the same standards as required
2 for driver examiners of the Department of Public Safety.

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

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

21 5. The Department shall conduct an annual complete nationwide
22 criminal history background check on each designated examiner and a
23 complete nationwide criminal history background check on each
24 designated examiner applicant. The fees for the background check

1 shall be borne by the designated examiner or designated examiner
2 applicant.

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

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

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

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

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

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

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

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

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

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

- 22 a. farm retail outlets and suppliers,
- 23 b. agri-chemical businesses,
- 24 c. custom harvesters, and

1 d. livestock feeders.

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

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

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

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

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

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

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

1 Registration Act and who the Department of Corrections designates as
2 an aggravated or habitual offender pursuant to subsection J of
3 Section 584 of Title 57 of the Oklahoma Statutes shall be issued a
4 license or card bearing the words "Sex Offender".

5 2. The Department shall notify every person subject to
6 registration under the provisions of Section 1-101 et seq. of this
7 title who holds a current Class A, B, C or D driver license or
8 identification card that such person is required to surrender the
9 license or card to the Department within one hundred eighty (180)
10 days from the date of the notice.

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

15 4. Failure to comply with the requirements set forth in such
16 notice shall result in cancellation of the person's license or card.
17 Such cancellation shall be in effect for one (1) year, after which
18 time the person may make application with the Department for a new
19 license or card bearing the words "Sex Offender". Continued use of
20 a canceled license or card shall constitute a misdemeanor and shall,
21 upon conviction thereof, be punishable by a fine of not less than
22 Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars
23 (\$200.00). When an individual is no longer required to register as
24 a convicted sex offender with the Department of Corrections pursuant

1 to the provisions of the Sex Offenders Registration Act, the
2 individual shall be eligible to receive a driver license or
3 identification card which does not bear the words "Sex Offender".

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

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

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

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

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

- 20 a. the expiration date of the license being replaced, or
21 b. the expiration date on the valid documentation
22 authorizing the presence of the ~~applicant of licensee~~
23 person in the United States, as required by paragraph
24 9 of subsection A of Section 6-103 of this title.

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

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

16 ~~4.~~ 3. The Department shall promulgate rules prescribing forms
17 of primary and secondary identification acceptable for replacement
18 of an Oklahoma driver license.

19 B. Any person desiring to add or remove an endorsement or
20 endorsements or a restriction or restrictions to any existing driver
21 license, when authorized by the Department of Public Safety, shall
22 obtain a replacement license with said endorsement or endorsements
23 or said restriction or restrictions change thereon and shall be
24

1 charged the fee for a replacement license as provided in subsection
2 A of this section.

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

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

- 8 1. A nonvacated adjudication of guilt;
- 9 2. A determination that a person has violated or failed to
10 comply with this section in any court or by the Department of Public
11 Safety following an administrative determination;
- 12 3. A nonvacated forfeiture of bail or collateral deposited to
13 secure a person's appearance in court;
- 14 4. A plea of guilty or nolo contendere accepted by the court;
- 15 5. The payment of any fine or court costs; or
- 16 6. A violation of a condition of release without bail,
17 regardless of whether or not the penalty is rebated, suspended or
18 probated.

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

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

6 2. Refusing to submit to a test for determination of alcohol
7 concentration, as required by Section 751 of this title, or as
8 required by the state in which the arrest occurred, while operating
9 a Class A, B or C commercial motor vehicle, or if the person is the
10 holder of a commercial driver license, committing the offense while
11 operating any vehicle;

12 3. Driving or being in actual physical control of a Class A, B
13 or C commercial motor vehicle while under the influence of alcohol
14 or any other intoxicating substance or the combined influence of
15 alcohol and any other intoxicating substance, or if the person is
16 the holder of a commercial driver license, committing the offense
17 while operating any vehicle. Provided, the Department shall not
18 additionally disqualify, pursuant to this subsection, if the
19 person's driving privilege has been disqualified in this state
20 because of a test result or test refusal pursuant to paragraph 1 or
21 2 of this subsection as a result of the same violation arising from
22 the same incident;

23 4. Knowingly leaving the scene of a collision which occurs
24 while operating a Class A, B or C commercial motor vehicle, or if

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

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

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

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

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

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

21 C. The Department of Public Safety shall disqualify any person
22 from operating a Class A, B or C commercial motor vehicle for a
23 period of not less than three (3) years upon receiving a record of
24 conviction of any of the disqualifying offenses described in

1 subsection B of this section, committed in connection with the
2 operation of a motor vehicle which is required to be placarded for
3 hazardous materials under 49 C.F.R., Part 172, subpart F, when the
4 conviction has become final.

5 D. The Department of Public Safety shall disqualify any person
6 from operating a Class A, B or C commercial motor vehicle for life
7 upon receiving a record of conviction in any court of any of the
8 disqualifying offenses described in subsection B of this section
9 after a former conviction of any of the following disqualifying
10 offenses, when the second conviction has become final.

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

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

1 F. The Department of Public Safety shall disqualify any person
2 from operating a Class A, B or C commercial motor vehicle for sixty
3 (60) days upon receiving a record of a second conviction of the
4 person for a serious traffic offense arising out of separate
5 transactions or occurrences within a three-year period, when the
6 convictions have become final. The Department of Public Safety
7 shall disqualify any person from operating a Class A, B or C
8 commercial motor vehicle for one hundred twenty (120) days upon
9 receiving a record of a third conviction of a person for a serious
10 traffic offense arising out of separate transactions or occurrences
11 within a three-year period, when the convictions have become final;
12 provided, the one-hundred-twenty-day period shall run in addition to
13 and shall not run concurrently with any other period
14 disqualification imposed pursuant to this subsection. As used in
15 this subsection, "serious traffic offense" shall mean any of the
16 following offenses committed while operating a commercial motor
17 vehicle:

- 18 1. Speeding fifteen (15) miles per hour or more over the limit;
- 19 2. Reckless driving;
- 20 3. Any traffic offense committed that results in or in
21 conjunction with a motor vehicle collision resulting in a fatality;
- 22 4. Erratic or unsafe lane changes;
- 23 5. Following too closely;
- 24 6. Failure to obtain a commercial driver license;

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

3 8. Failure to have:

- 4 a. the proper class of commercial driver license for the
- 5 class of vehicle being operated,
- 6 b. the proper endorsement or endorsements for the type of
- 7 vehicle being operated, including but not limited to,
- 8 passengers or type of cargo being transported, or
- 9 c. both proper class and proper endorsement, as provided
- 10 in subparagraphs a and b of this paragraph; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 3. The third or subsequent conviction within three (3) years
23 shall result in disqualification for one (1) year.
24

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

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

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

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

22 SECTION 8. AMENDATORY 47 O.S. 2011, Section 230.6, as
23 amended by Section 9, Chapter 207, O.S.L. 2012 (47 O.S. Supp. 2012,
24 Section 230.6), is amended to read as follows:

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

6 B. No person shall operate, authorize to operate, or require
7 the operation of any vehicle or the use of any container when the
8 person has been placed out-of-service or the vehicle or container
9 has been marked out-of-service until all requirements of the out-of-
10 service order of the person have been met or all required
11 corrections for the vehicle or container have been made; provided,
12 upon approval of the Department, the vehicle or container may be
13 moved to another location for the purpose of repair or correction.

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

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

24 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; 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 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 a Class A, B or C 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:

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

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

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

11 F. An employee who is determined by the Commissioner to have
12 committed a violation of any provision of this section shall be
13 subject to an administrative penalty of not less than Two Thousand
14 Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars
15 (\$5,000.00).

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

17
18 54-1-7922 CJB 04/11/13
19
20
21
22
23
24