

1 STATE OF OKLAHOMA

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

3 SENATE BILL 652

By: Barrington

4
5 AS INTRODUCED

6 An Act relating to driver licenses; amending 47 O.S.
7 2011, Sections 1-114, 6-101, as amended by Section 1,
8 Chapter 280, O.S.L. 2012, 6-105.3, 6-110, as amended
9 by Section 3, Chapter 280, O.S.L. 2012, 6-111, 6-114,
10 6-205.2, as amended by Section 3, Chapter 207, O.S.L.
11 2012, and 230.6, as amended by Section 9, Chapter
12 207, O.S.L. 2012 (47 O.S. Supp. 2012, Sections 6-101,
13 6-110, 6-205.2 and 230.6), which relate to
14 definitions, Driver License Examining Division,
15 certain class requirements for driver licenses,
16 commercial motor vehicles, hazardous materials,
17 restricted driver license, certain fees, certain
18 expiration, issuance and renewals, allocation of
19 certain monies, identification photographs database,
20 issuance of identification cards, examination of
21 certain applicants, issuance of certain license or
22 identification card, certain replacement licenses,
23 proof of identity and removal of certain endorsements
24 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
duration of issuance and renewal of commercial
learner permit; providing for disqualification;
providing for removal of certain restrictions;
providing circumstances prohibiting the application
for and issuance of certain licenses; providing for
the application for another class of commercial
license; providing for adding or removing certain

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

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

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

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

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

1 The term shall include an intermediate Class D driver license, a
2 learner permit and commercial learner permit.

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

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

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

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

1 Classes B, C and D, except as provided for in paragraph 4 of this
2 subsection.

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

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

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

20 a. a restricted Class A commercial license which shall
21 grant to the licensee the privilege to operate a Class
22 A or Class B commercial motor vehicle for harvest
23 purposes or a Class D motor vehicle, or
24

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

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

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

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

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

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

23 2. This ~~restricted driver license~~ commercial learner permit
24 shall be issued for a period as provided in Section 6-115 of this

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

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

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

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

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

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

23 <u>Class A Commercial Learner Permit</u>	<u>\$25.00</u>
24 Class A Commercial License	\$25.00

1	<u>Class B Commercial Learner Permit</u>	<u>\$15.00</u>
2	Class B Commercial License	\$15.00
3	<u>Class C Commercial Learner Permit</u>	<u>\$15.00</u>
4	Class C Commercial License	\$15.00
5	Class D License	\$ 4.00
6	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

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

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

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

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

18 <u>Class A Commercial Learner Permit</u>	<u>\$51.50</u>
19 Class A Commercial License	\$41.50 <u>\$51.50</u>
20 <u>Class B Commercial Learner Permit</u>	<u>\$51.50</u>
21 Class B Commercial License	\$41.50 <u>\$51.50</u>
22 Class C Commercial License	\$31.50 <u>\$41.50</u>
23 Class D License	\$21.50 <u>\$31.50</u>

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

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

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

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

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

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

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

23 Age 62	\$11.25 <u>\$21.25</u>
24 Age 63	\$ 7.50 <u>\$17.50</u>

Age 64

~~\$ 3.75~~ \$13.75

Age 65

-0-

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

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

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

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

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

22 1. By a law enforcement agency for purposes of criminal
23 investigations, missing person investigations, or any law
24

1 enforcement purpose which is deemed necessary by the Commissioner of
2 Public Safety;

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

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

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

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

12 Section 6-105.3. A. In addition to the licenses to operate
13 motor vehicles, the Department of Public Safety may issue cards to
14 Oklahoma residents for purposes of identification only. The
15 identification cards shall be issued, renewed, replaced, canceled
16 and denied in the same manner as driver licenses in this state. The
17 application for an identification card by any person under the age
18 of eighteen (18) shall be signed and verified by a custodial legal
19 parent or legal guardian before a person authorized to administer
20 oaths. Except as otherwise provided in this section, the
21 identification cards shall be valid for a period of four (4) years
22 from the month of issuance; however, the identification cards issued
23 to persons sixty-five (65) years of age or older shall be valid
24 indefinitely from the month of issuance.

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

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

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

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

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

21 D. When a person makes application for a new identification
22 card, or makes application to renew an identification card, and the
23 person has been convicted of, or received a deferred judgment for,
24 any offense required to register pursuant to the Sex Offenders

1 Registration Act, the identification card shall be valid for a
2 period of one (1) year from the month of issuance, but may be
3 renewed yearly during the time the person is registered on the Sex
4 Offender Registry. The cost for such identification card shall be
5 the same as for other identification cards and renewals.

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

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

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

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

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

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

22 4. All applicants requiring a hazardous materials endorsement
23 shall be required, for the renewal of the endorsement, to
24 successfully complete the examination and to submit to a security

1 threat assessment performed by the Transportation Security
2 Administration of the Department of Homeland Security as required by
3 and pursuant to 49 C.F.R., Part 1572, which shall be used to
4 determine whether the applicant is eligible for renewal of the
5 endorsement pursuant to federal law and regulation.

6 ~~4.~~ 5. The Department of Public Safety shall give the complete
7 examination as provided for in this section within thirty (30) days
8 from the date the application is received, and the examination shall
9 be given at a location within one hundred (100) miles of the
10 residence of the applicant. The Department shall make every effort
11 to make the examination locations and times convenient for
12 applicants. The Department shall consider giving the examination at
13 various school sites if the district board of education for the
14 district in which the site is located agrees and if economically
15 feasible and practicable.

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

20 C. Except as provided in subsection E of Section 6-101 of this
21 title, any person holding a valid Oklahoma Class A, B or C
22 commercial license shall, upon time for renewal thereof, be entitled
23 to a Class D license without any type of testing or examination,
24

1 except for any endorsements thereon as otherwise provided for by
2 Section 6-110.1 of this title.

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

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

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

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

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

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

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

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

20 Section 6-111. A. 1. The Department of Public Safety shall,
21 upon payment of the required fee, issue to every applicant
22 qualifying therefor a Class A, B, C or D driver license or
23 identification card as applied for, which license or card shall bear
24 thereon a distinguishing alphanumeric identification assigned to the

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

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

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

20 4. The Department may promulgate rules for inclusion of the
21 height and a brief description of the licensee or cardholder on the
22 face of the card or license identifying the licensee or cardholder
23 as deaf or hard-of-hearing.
24

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

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

22 B. The Department may issue a temporary permit to an applicant
23 for a driver license permitting such applicant to operate a motor
24 vehicle while the Department is completing its investigation and

1 determination of all facts relative to such applicant's privilege to
2 receive a license. Such permit must be in the immediate possession
3 of the driver while operating a motor vehicle, and it shall be
4 invalid when the applicant's driver license has been issued or for
5 good cause has been refused.

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

- 9 a. farm retail outlets and suppliers,
- 10 b. agri-chemical businesses,
- 11 c. custom harvesters, and
- 12 d. livestock feeders.

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

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

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

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

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

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

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

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

22 3. Upon surrendering the license or card for the reason set
23 forth in this subsection, application may be made with the
24

1 Department for a replacement license or card bearing the words "Sex
2 Offender".

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

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

22 F. The Department shall develop a procedure whereby a person
23 subject to an order for the installation of an ignition interlock
24 device shall be required by the Department to submit their driver

1 license for a replacement. The replacement driver license shall
2 bear the words "Interlock Required" and such designation shall
3 remain on the driver license for the duration of the order requiring
4 the ignition interlock device. The replacement license shall be
5 subject to the same expiration and renewal procedures provided by
6 law. Upon completion of the requirements for the interlock device,
7 a person may apply for a replacement driver license.

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

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

15 Section 6-114. A. 1. In the event that a driver license is
16 lost, destroyed or requires the updating of any information,
17 restriction or endorsement displayed thereon, the person to whom
18 such license was issued may obtain a replacement thereof upon
19 payment of the required fee and by furnishing both primary and
20 secondary proofs of identity to the Department of Public Safety. If
21 application is made at a motor license agency or subagency, the
22 agent or subagent shall immediately verify the identity of the
23 ~~applicant~~ person, by means of both primary and secondary proofs of
24 identity, and the eligibility of the ~~applicant~~ person by contacting

1 the Department for verification and approval, ~~if the applicant will~~
2 ~~pay the costs of any long distance calls that might be involved.~~ If
3 the ~~licensee~~ person is an alien, the ~~licensee~~ person shall appear
4 before a driver license examiner of the Department and, after
5 furnishing primary and secondary proofs of identity as required in
6 this section, shall be issued a replacement driver license for a
7 period which does not exceed the lesser of:

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

9 b. the expiration date on the valid documentation

10 authorizing the presence of the ~~applicant of licensee~~

11 person in the United States, as required by paragraph

12 9 of subsection A of Section 6-103 of this title.

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

18 3. The cost of a replacement license ~~which is in computerized~~
19 ~~image format~~ shall be ~~Ten Dollars (\$10.00)~~ Twenty Dollars (\$20.00),
20 of which Two Dollars (\$2.00) shall be apportioned as provided in
21 Section 1104 of this title, Three Dollars (\$3.00) shall be remitted
22 to the State Treasurer to be credited to the General Revenue Fund,
23 and Five Dollars (\$5.00) shall be credited to the Department of
24 Public Safety Computer Imaging System Revolving Fund to be used

1 solely for the purpose of administering and maintaining the computer
2 imaging system of the Department, and Twenty Dollars (\$20.00) to the
3 Revolving Fund of the Department of Public Safety.

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

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

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

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

- 19 1. A nonvacated adjudication of guilt;
- 20 2. A determination that a person has violated or failed to
21 comply with this section in any court or by the Department of Public
22 Safety following an administrative determination;
- 23 3. A nonvacated forfeiture of bail or collateral deposited to
24 secure a person's appearance in court;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 this subsection, "serious traffic offense" shall mean any of the
2 following offenses committed while operating a commercial motor
3 vehicle:

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

5 2. Reckless driving;

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

8 4. Erratic or unsafe lane changes;

9 5. Following too closely;

10 6. Failure to obtain a commercial driver license;

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

13 8. Failure to have:

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

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

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

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

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

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

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

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

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

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

21 b. while transporting hazardous materials required to be
22 placarded under the Hazardous Materials Transportation
23 Act, 49 P. app. 180-1813, or while operating a motor
24 vehicle designed for transport of sixteen (16) or more

1 passengers, including the driver, the period of
2 disqualification shall be for three (3) years; and

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

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

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

20 J. Upon the receipt of the record of a conviction of a person
21 of a railroad highway grade crossing offense in a commercial motor
22 vehicle, pursuant to Sections 11-701 or 11-702 of this title or
23 Section 11-1115 of this title, or upon receipt of an equivalent
24 conviction from any state, when the conviction becomes final, the

1 Department shall disqualify the driving privileges of the person
2 convicted as follows:

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

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

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

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

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

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

1 license of the nonresident to operate the commercial vehicle was
2 issued.

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

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

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

14 B. No person shall operate, authorize to operate, or require
15 the operation of any vehicle or the use of any container when the
16 person has been placed out-of-service or the vehicle or container
17 has been marked out-of-service until all requirements of the out-of-
18 service order of the person have been met or all required
19 corrections for the vehicle or container have been made; provided,
20 upon approval of the Department, the vehicle or container may be
21 moved to another location for the purpose of repair or correction.

22 C. No person shall remove an out-of-service marking from a
23 transport vehicle or container unless all required corrections have
24 been made and the vehicle or container has been inspected and

1 approved by an authorized officer, employee, or agent of the
2 Department. No person shall return to duty unless all requirements
3 of the out-of-service order have been met and the person has been
4 approved to return to duty by an authorized officer, employee or
5 agent of the Department.

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

8 1. During any period in which the employee:

- 9 a. has had driving privileges to operate a commercial
10 motor vehicle suspended, revoked, canceled, denied or
11 disqualified,
- 12 b. has had driving privileges to operate a commercial
13 motor vehicle disqualified ~~for life~~,
- 14 c. is not licensed to operate a commercial motor vehicle;
15 provided, this subparagraph shall not apply to any
16 person who is the holder of a valid commercial learner
17 permit issued by the Department in conjunction with a
18 Class D driver license, or
- 19 d. has more than one commercial driver license; provided,
20 this subparagraph shall not apply to any person who is
21 the holder of a valid commercial learner permit issued
22 by the Department in conjunction with a Class A, B or
23 C driver license,

- 1 e. does not have the proper class or endorsements on the
2 driver license or commercial learner permit, or
3 f. is in violation of any restriction on the driver
4 license or commercial learner permit;

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

9 3. In violation:

- 10 a. of a federal, state, or local law, regulation, or
11 ordinance pertaining to railroad-highway grade
12 crossings, or
13 b. of any restriction on the driver license or commercial
14 learner permit of the employee.

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

20 F. An employee who is determined by the Commissioner to have
21 committed a violation of any provision of this section shall be
22 subject to an administrative penalty of not less than Two Thousand
23 Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars
24 (\$5,000.00).

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

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