

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1559

By: Wesselhoft

6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 6-111, which relates to the issuance of
9 driver licenses; prohibiting the use of radio
10 frequency identification tags on driver licenses and
11 identification cards; and providing an effective
12 date.

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

14 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-111, is
15 amended to read as follows:

16 Section 6-111. A. 1. The Department of Public Safety shall,
17 upon payment of the required fee, issue to every applicant
18 qualifying therefor a Class A, B, C or D driver license or
19 identification card as applied for, which license or card shall bear
20 thereon a distinguishing alphanumeric identification assigned to the
21 licensee or cardholder, date of issuance and date of expiration of
22 the license or card, the full name, signature or computerized
23 signature, date of birth, residence address, sex, a color photograph
24 or computerized image of the licensee or cardholder and security

1 features as determined by the Department. The photograph or image
2 shall depict a full front unobstructed view of the entire face of
3 the licensee or cardholder. When any person is issued both a driver
4 license and an identification card, the Department shall ensure the
5 information on both the license and the card are the same, unless
6 otherwise provided by law.

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

10 3. The Department may cancel the distinguishing number, when
11 that distinguishing number is another person's Social Security
12 number, assign a new distinguishing alphanumeric identification, and
13 issue a new license or identification card without charge to the
14 licensee or cardholder.

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

19 5. It is unlawful for any person to apply, adhere, or otherwise
20 attach to a driver license or identification card any decal,
21 sticker, label, or other attachment. Any law enforcement officer is
22 authorized to remove and dispose of any unlawful decal, sticker,
23 label, or other attachment from the driver license of a person. The
24 law enforcement officer, the employing agency of the officer, the

1 Department of Public Safety, and the State of Oklahoma shall be
2 immune from any liability for any loss suffered by the licensee,
3 cardholder, or the owner of the decal, sticker, label, or other
4 attachment caused by the removal and destruction of the decal,
5 sticker, label, or other attachment.

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

16 7. The Department of Public Safety shall be prohibited from
17 imbedding, affixing, adhering or assigning any radio frequency
18 identification (RFID) tag to any driver license or identification
19 card. The Department shall further be prohibited from utilizing any
20 type of RFID ink in any format or configuration onto or into any
21 driver license or identification card. As used in this paragraph,
22 "radio frequency identification" means a data collection technology
23 system that uses electromagnetic or electrostatic coupling in the
24 radio frequency portion of the electromagnetic spectrum to transmit

1 signals that contain unique identification or location information
2 of persons or products.

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

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

- 14 a. farm retail outlets and suppliers,
- 15 b. ~~agri-chemical~~ agrichemical businesses,
- 16 c. custom harvesters, and
- 17 d. livestock feeders.

18 The applicant shall hold a valid Oklahoma driver license and
19 shall meet all the requirements for a commercial driver license.

20 The restricted commercial driver license shall not exceed a total of
21 one hundred eighty (180) days within any twelve-month period.

22 2. The restricted commercial driver license shall not be valid
23 for operators of commercial motor vehicles beyond one hundred fifty
24 (150) miles from the place of business or the farm currently being

1 served. Such license shall be limited to Class B vehicles. Holders
2 of such licenses who transport hazardous materials which are
3 required to be placarded shall be limited to the following:

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

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

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

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

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

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

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

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

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

20 E. Nothing in subsection D of this section shall be deemed to
21 impose any liability upon or give rise to a cause of action against
22 any employee, agent or official of the Department of Corrections for
23 failing to designate a sex offender as an aggravated or habitual
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1 offender pursuant to subsection ~~7~~ N of Section 584 of Title 57 of
2 the Oklahoma Statutes.

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

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

18 SECTION 2. This act shall become effective November 1, 2013.
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20 54-1-5347 GRS 12/19/12
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