

SUBCOMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1362 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Mike Christian

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

PROPOSED SUBCOMMITTEE SUBSTITUTE
FOR ENGROSSED

SENATE BILL NO. 1362

By: Holt and Brooks of the
Senate

and

Christian of the House

PROPOSED SUBCOMMITTEE SUBSTITUTE

An Act relating to driver licenses and identification cards; amending 47 O.S. 2011, Section 6-101, as last amended by Section 1, Chapter 97, O.S.L. 2015 (47 O.S. Supp. 2015, Section 6-101), which relates to fees, issuance and renewal of driver licenses and identification cards; providing definitions; providing for certain licenses and fees; directing disbursement of certain fees; directing retention of certain images; restricting issuance in certain situations; amending 47 O.S. 2011, Section 6-105.3, as last amended by Section 1, Chapter 266, O.S.L. 2015 (47 O.S. Supp. 2015, Section 6-105.3), which relates to the issuance of identification cards; modifying certain fees; directing disbursement of certain fees; restricting issuance in certain situations; amending 47 O.S. 2011, Section 6-106, as last amended by Section 1, Chapter 242, O.S.L. 2014 (47 O.S. Supp. 2015, Section 6-106), which relates to application for licenses; modifying components of application; restricting issuance in certain situations; amending 47 O.S. 2011, Section 6-110.3, which relates to a prohibition to implementing the REAL ID Act of 2005; modifying legislative finding; eliminating certain prohibitions; requiring certain option be given; prohibiting the sharing of certain information and data; amending 47 O.S. 2011, Section 6-111, as last amended by Section 4, Chapter 266, O.S.L. 2015 (47 O.S. Supp. 2015, Section 6-111), which relates to issuance of license or identification card; modifying information required to be included; amending 47 O.S.

1 2011, Section 6-114, as amended by Section 6, Chapter
2 259, O.S.L. 2013 (47 O.S. Supp. 2015, Section 6-114),
3 which relates to replacement licenses; modifying
4 certain fees; directing disbursement of certain fees;
5 amending 47 O.S. 2011, Section 1141.1, as amended by
6 Section 4, Chapter 158, O.S.L. 2012 (47 O.S. Supp.
7 2015, Section 1141.1), which relates to the retention
8 of taxes and fees by motor license agents; modifying
9 retention schedule; and declaring an emergency.

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

11 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-101, as
12 last amended by Section 1, Chapter 97, O.S.L. 2015 (47 O.S. Supp.
13 2015, Section 6-101), is amended to read as follows:

14 Section 6-101. A. No person, except those hereinafter
15 expressly exempted in Sections 6-102 and 6-102.1 of this title,
16 shall operate any motor vehicle upon a highway in this state unless
17 the person has a valid Oklahoma driver license for the class of
18 vehicle being operated under the provisions of this title. No
19 person shall be permitted to possess more than one valid license at
20 any time, except as provided in paragraph 4 of subsection F of this
21 section.

22 B. 1. No person shall operate a Class A commercial motor
23 vehicle unless the person is eighteen (18) years of age or older and
24 holds a valid Class A commercial license, except as provided in
paragraph 5 of this subsection and subsection F of this section.
Any person holding a valid Class A commercial license shall be

1 permitted to operate motor vehicles in Classes A, B, C and D, except
2 as provided for in paragraph 4 of this subsection.

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

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

16 4. No person under twenty-one (21) years of age shall be
17 licensed to operate any motor vehicle which is required to be
18 placarded for hazardous materials pursuant to 49 C.F.R., Part 172,
19 subpart F, except as provided in subsection F of this section;
20 provided, a person eighteen (18) years of age or older may be
21 licensed to operate a farm vehicle which is required to be placarded
22 for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F,
23 except as provided in subsection F of this section.
24

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

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

8 b. a restricted Class B commercial license which shall
9 grant to the licensee the privilege to operate a Class
10 B commercial motor vehicle for harvest purposes or a
11 Class D motor vehicle.

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

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

20 D. No person shall operate a motorcycle or motor-driven cycle
21 without having a valid Class A, B, C or D license with a motorcycle
22 endorsement. Except as otherwise provided by law, any new applicant
23 for an original driver license shall be required to successfully
24 complete a written examination, vision examination, and driving

1 examination for a motorcycle as prescribed by the Department of
2 Public Safety to be eligible for a motorcycle endorsement thereon.
3 The written examination and driving examination for a motorcycle may
4 be waived by the Department of Public Safety upon verification that
5 the person has successfully completed a certified Motorcycle Safety
6 Foundation rider course approved by the Department.

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

17 F. 1. Any person eighteen (18) years of age or older may apply
18 for a restricted Class A, B or C commercial learner permit. The
19 Department, after the applicant has passed all parts of the
20 examination for a Class D license and has successfully passed all
21 parts of the examination for a Class A, B or C commercial license
22 other than the driving examination, may issue to the applicant a
23 commercial learner permit which shall entitle the person having
24 immediate lawful possession of the commercial learner permit and a

1 valid Oklahoma driver license or provisional driver license pursuant
2 to Section 6-212 of this title to operate a Class A, B or C
3 commercial motor vehicle upon the public highways solely for the
4 purpose of behind-the-wheel training in accordance with rules
5 promulgated by the Department.

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

22 3. No person shall apply for and the Department shall not issue
23 an original Class A, B or C driver license until the person has been
24 issued a commercial learner permit and held the permit for at least

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

11 4. A commercial learner permit shall be issued by the
12 Department as a separate and unique document which shall be valid
13 only in conjunction with a valid Oklahoma driver license or
14 provisional driver license pursuant to Section 6-212 of this title,
15 both of which shall be in the possession of the person to whom they
16 have been issued whenever that person is operating a commercial
17 motor vehicle as provided in this subsection.

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

1 6. Enrollment in or successful completion of a commercial
2 driver training school shall not be required for any commercial
3 learner permit applicant who requests a skills examination for a
4 Class A, B or C license, nor shall any student enrolled in a
5 commercial driver training school be prohibited from taking a skills
6 examination for a Class A, B or C license upon request with a
7 Department of Public Safety examiner regardless of whether the
8 person has completed the course, is still enrolled in the course to
9 be completed or has voluntarily withdrawn from the course.

10 G. 1. For the purpose of this title:

11 a. REAL ID Compliant Driver License or Identification
12 Card means a driver license or identification card
13 issued by the State of Oklahoma that has been
14 certified by the United States Department of Homeland
15 Security (USDHS) as compliant with the requirements of
16 the REAL ID Act of 2005, Public Law No. 109-13. A
17 REAL ID Compliant Driver License or Identification
18 Card and the process through which it is issued
19 incorporate a variety of security measures designed to
20 protect the integrity and trustworthiness of the
21 license or card. A REAL ID Compliant Driver License
22 or Identification Card will be clearly marked on the
23 face indicating that it is a compliant document, and
24

b. REAL ID Noncompliant Driver License or Identification Card means a driver license or identification card issued by the State of Oklahoma that has not been certified by the United States Department of Homeland Security (USDHS) as being compliant with the requirements of the REAL ID Act. A REAL ID Noncompliant Driver License or Identification Card will be clearly marked on the face indicating that it is not compliant with the federal REAL ID Act and is not acceptable for official federal purposes. The driver license or identification card will have a unique design or color indicator that clearly distinguishes it from a compliant license or card.

2. The fee charged for an approved application for an original Oklahoma ~~driver license~~ REAL ID Compliant or REAL ID Noncompliant Driver License or an approved application for the addition of an endorsement to a current valid Oklahoma ~~driver license~~ REAL ID Compliant or REAL ID Noncompliant Driver License shall be assessed in accordance with the following schedule:

Class A Commercial Learner Permit	\$25.00
Class A Commercial License	\$25.00
Class B Commercial Learner Permit	\$15.00
Class B Commercial License	\$15.00
Class C Commercial Learner Permit	\$15.00

Class C Commercial License \$15.00

Class D License \$ 4.00

Motorcycle Endorsement \$ 4.00

~~2.~~ 3. 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. 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~~ a REAL ID Noncompliant Driver License 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:

Class A Commercial Learner Permit	\$51.50	<u>\$61.50</u>
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Class A Commercial License	\$51.50	<u>\$61.50</u>
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Class B Commercial Learner Permit	\$51.50	<u>\$61.50</u>
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Class B Commercial License	\$51.50	<u>\$61.50</u>
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Class C Commercial License	\$41.50	<u>\$51.50</u>
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Class D License	\$33.50	<u>\$43.50</u>
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J. 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 a REAL ID Compliant Driver License 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>REAL ID Compliant Class A Commercial Learner Permit</u>	<u>\$61.50</u>
<u>REAL ID Compliant Class A Commercial License</u>	<u>\$61.50</u>
<u>REAL ID Compliant Class B Commercial Learner Permit</u>	<u>\$61.50</u>
<u>REAL ID Compliant Class B Commercial License</u>	<u>\$61.50</u>
<u>REAL ID Compliant Class C Commercial License</u>	<u>\$51.50</u>
<u>REAL ID Compliant Class D License</u>	<u>\$43.50</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 subsection~~ subsections I and J of this section:

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;

2. ~~Six Dollars and seventy-five cents (\$6.75)~~ Eight Dollars and seventy-five cents (\$8.75) 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

3. ~~Ten Dollars (\$10.00)~~ Sixteen Dollars (\$16.00) shall be deposited to the Department of Public Safety Revolving Fund for all original or renewal issuances of licenses.

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

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

Age 62	\$21.25 <u>\$31.25</u>
Age 63	\$17.50 <u>\$27.50</u>
Age 64	\$13.75 <u>\$23.75</u>
Age 65	-0-

~~L.~~ M. 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.

1 ~~M.~~ N. The Department of Public Safety and the Oklahoma Tax
2 Commission are authorized to promulgate rules for the issuance and
3 renewal of driver licenses authorized pursuant to the provisions of
4 Sections 6-101 through 6-309 of this title. Applications, upon
5 forms approved by the Department of Public Safety, for such licenses
6 shall be handled by the motor license agents; provided, the
7 Department of Public Safety is authorized to assume these duties in
8 any county of this state. Each motor license agent accepting
9 applications for driver licenses shall receive ~~Four Dollars (\$4.00)~~
10 Six Dollars (\$6.00) to be deducted from the total collected for each
11 license or renewal application accepted. The ~~four-dollar~~ six-dollar
12 fee received by the motor license agent shall be used for operating
13 expenses.

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

21 The next Five Hundred Thousand Dollars (\$500,000.00) of monies
22 collected pursuant to this section shall be paid by the Tax
23 Commission to the State Treasurer to be deposited each fiscal year
24 under the provisions of this section to the credit of the Department

1 of Public Safety Restricted Revolving Fund for the purpose of the
2 Statewide Law Enforcement Communications System. All other monies
3 collected in excess of Five Hundred Sixty Thousand Dollars
4 (\$560,000.00) each fiscal year shall be apportioned as provided in
5 Section 1104 of this title, except as otherwise provided in this
6 section.

7 ~~Θ. P.~~ The Department of Public Safety shall ~~implement a~~
8 ~~procedure whereby~~ retain the images displayed on licenses and
9 identification cards issued pursuant to the provisions of Sections
10 6-101 through 6-309 of this title ~~are maintained by the Department~~
11 ~~to create photographs or computerized images~~ which may be used only:

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

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

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

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

23 Q. No person may hold more than one state-issued REAL ID
24 Compliant Driver License or REAL ID Compliant Identification Card

1 from Oklahoma or any other state. The Department shall not issue a
2 REAL ID Compliant Driver License to a person who has been previously
3 issued a REAL ID Compliant Driver License or REAL ID Compliant
4 Identification Card until such license or identification card has
5 been surrendered to the Department by the applicant. The Department
6 may promulgate rules to address the issue of replacement REAL ID
7 Compliant Driver Licenses or Identification Cards in the event of
8 loss or theft.

9 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-105.3, as
10 last amended by Section 1, Chapter 266, O.S.L. 2015 (47 O.S. Supp.
11 2015, Section 6-105.3), is 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) years shall be signed and verified by a custodial
19 legal parent or legal guardian, either in person before a person
20 authorized to administer oaths or electronically if completing an
21 online application, or a notarized affidavit signed by a custodial
22 legal parent or legal guardian submitted before a person authorized
23 to administer oaths by the person under the age of eighteen (18)
24 years with the application. Except as otherwise provided in this

1 section, the identification cards shall be valid for a period of
2 four (4) years from the month of issuance; however, the
3 identification cards issued to persons sixty-five (65) years of age
4 or older shall be valid indefinitely from the month of issuance.

5 B. No person may hold more than one state-issued REAL ID
6 Compliant Driver License or REAL ID Compliant Identification Card,
7 issued by Oklahoma or any other state or territory, as defined in
8 paragraph 1 of subsection G of Section 6-101 of this title. The
9 Department shall not issue a REAL ID Compliant Identification Card
10 to a person who has been previously issued a REAL ID Compliant
11 Driver License or REAL ID Compliant Identification Card until such
12 license or identification card has been surrendered to the
13 Department by the applicant. The Department may promulgate rules to
14 address the issue of replacement REAL ID Compliant Driver Licenses
15 or Identification Cards in the event of loss or theft.

16 C. The fee charged for the issuance, renewal, or replacement of
17 ~~an identification card~~ a REAL ID Compliant Identification Card shall
18 be Thirty Dollars (\$30.00). The fee charged for the issuance,
19 renewal or replacement of a REAL ID Noncompliant Identification Card
20 pursuant to this section shall be ~~Twenty Dollars (\$20.00)~~ Thirty
21 Dollars (\$30.00); however, no person sixty-five (65) years of age or
22 older shall be charged a fee for an identification card. Of each
23 fee charged pursuant to the provisions of this subsection:
24

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

3 2. Three Dollars (\$3.00) shall be credited to the Department of
4 Public Safety Computer Imaging System Revolving Fund to be used
5 solely for the purpose of the administration and maintenance of the
6 computerized imaging system of the Department; ~~and~~

7 3. ~~Ten Dollars (\$10.00)~~ Fourteen Dollars (\$14.00) shall be
8 deposited in the Department of Public Safety Revolving Fund; and

9 4. Six Dollars (\$6.00) shall be retained by the motor license
10 agent for operating expenses.

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

17 ~~D.~~ E. When a person makes application for a new identification
18 card, or makes application to renew an identification card, and the
19 person has been convicted of, or received a deferred judgment for,
20 any offense required to register pursuant to the Sex Offenders
21 Registration Act, the identification card shall be valid for a
22 period of one (1) year from the month of issuance, but may be
23 renewed yearly during the time the person is ~~registered~~ subject to
24 registration on the Sex Offender Registry. The cost for such

1 identification card shall be the same as for other identification
2 cards and renewals.

3 SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-106, as
4 last amended by Section 1, Chapter 242, O.S.L. 2014 (47 O.S. Supp.
5 2015, Section 6-106), is amended to read as follows:

6 Section 6-106. A. 1. Every application for a driver license
7 or identification card shall be made by the applicant upon a form
8 furnished by the Department of Public Safety.

9 2. Every original, renewal, or replacement application for a
10 driver license or identification card made by a male applicant who
11 is at least sixteen (16) but less than twenty-six (26) years of age
12 shall include a statement that by submitting the application, the
13 applicant is consenting to registration with the Selective Service
14 System. The pertinent information from the application shall be
15 forwarded by the Department to the Data Management Center of the
16 Selective Service System in order to register the applicant as
17 required by law with the Selective Service System. Any applicant
18 refusing to sign the consent statement shall be denied a driver
19 license or identification card.

20 3. Except as provided for in subsection G of this section,
21 every applicant for a driver license or identification card shall
22 provide to the Department at the time of application both primary
23 and secondary proofs of identity. The Department shall promulgate
24

1 rules prescribing forms of primary and secondary identification
2 acceptable for an original Oklahoma driver license.

3 B. Every applicant for a driver license shall ~~state upon the~~
4 ~~application~~ provide the following information:

5 1. Full name;

6 2. Date of birth;

7 3. Sex;

8 4. ~~Residence address or mailing address and~~ Address of
9 principal residence, county of residence ~~to be displayed~~ which shall
10 be referenced on the license;

11 5. ~~Mailing~~ Current and complete mailing address ~~and residence~~
12 ~~address~~ to be maintained by the Department for the purpose of giving
13 notice, if necessary, as required by Section 2-116 of this title;

14 6. Medical information, as determined by the Department, which
15 shall assure the Department that the person is not prohibited from
16 being licensed as provided by paragraph 7 of subsection A of Section
17 6-103 of this title;

18 7. Whether the applicant is deaf or hard-of-hearing;

19 8. A brief description of the applicant, as determined by the
20 Department;

21 9. Whether the applicant has previously been licensed, and, if
22 so, when and by what state or country, and whether any license has
23 ever been suspended or revoked, or whether an application has ever
24

1 been refused, and, if so, the date of and reason for the suspension,
2 revocation or refusal;

3 10. Whether the applicant is an alien eligible to be considered
4 for licensure and is not prohibited from licensure pursuant to
5 paragraph 9 of subsection A of Section 6-103 of this title;

6 11. Whether the applicant has:

7 a. previously been licensed and, if so, when and by what
8 state or country, and

9 b. held more than one license at the same time during the
10 immediately preceding ten (10) years; and

11 12. Social security number.

12 No person shall request the Department to use the social security
13 number of that person as the driver license number. Upon renewal or
14 replacement of any driver license issued after the effective date of
15 this act, the licensee shall advise the Department or the motor
16 license agent if the present driver license number of the licensee
17 is the social security number of the licensee. If the driver
18 license number is the social security number, the Department or the
19 motor license agent shall change the driver license number to a
20 computer-generated alphanumeric identification.

21 C. 1. In addition to the requirements of subsections A and B
22 of this section, every applicant for a commercial driver license who
23 is subject to the requirements of 49 C.F.R., Part 391, and is
24 applying for an original, renewal, or replacement license, and every

1 person who, upon the effective date of this act, is currently the
2 holder of a commercial driver license and is subject to the
3 requirements of 49 C.F.R., Part 391, and who does not apply for a
4 renewal or replacement license prior to January 30, 2014, shall
5 submit to the Department and maintain with the Department a current
6 approved medical examination certificate signed by a licensed
7 physician authorized to perform and approve medical examination
8 certifications. The Department shall adopt rules ~~regarding~~
9 ~~procedures~~ for maintaining medical examination certificates pursuant
10 to the requirements in 49 C.F.R., Parts 383 and 384. Any commercial
11 driver licensee subject to the requirements of this paragraph who
12 fails to maintain on file with the Department a current, approved
13 medical examination certificate shall have the driving privileges of
14 the person downgraded to a Class D driver license by the Department.

15 2. If the applicant is applying for an original commercial
16 driver license in Oklahoma or is transferring a commercial driver
17 license from another state to Oklahoma, the Department shall review
18 the driving record of the applicant in other states for the
19 immediately preceding ten (10) years, unless the record review has
20 already been performed by the Department. As a result of the
21 review, if it is determined by the Department that the applicant is
22 subject to a period of disqualification as prescribed by Section 6-
23 205.2 of this title which has not yet been imposed, the Department
24 shall impose the period of disqualification and the applicant shall

1 serve the period of disqualification before a commercial driver
2 license is issued to the applicant; provided, nothing in this
3 paragraph shall be construed to prevent the issuance of a Class D
4 driver license to the applicant.

5 3. If the applicant has or is applying for a hazardous material
6 endorsement, the applicant shall submit to a security threat
7 assessment performed by the Transportation Security Administration
8 of the Department of Homeland Security as required by and pursuant
9 to 49 C.F.R., Part 1572, which shall be used to determine whether
10 the applicant is eligible for the endorsement pursuant to federal
11 law and regulation.

12 4. The Department of Public Safety shall notify each commercial
13 driving school of the passage of this section, and each commercial
14 driving school shall notify prospective students of its school of
15 the hazardous material endorsement requirement.

16 D. In addition to the requirements of subsections A and B of
17 this section, every applicant shall be given an option on the
18 application for issuance of a driver license or identification card
19 or renewal pursuant to Section 6-115 of this title to provide an
20 emergency contact person. The emergency contact information
21 requested may include full name, address, and phone number. The
22 emergency contact information shall be maintained by the Department
23 and shall be used by the Department and law enforcement for
24 emergency purposes only. A person listed as an emergency contact

1 may request to be removed at any time. Any update to a change of
2 name, address, or phone number may be made by the applicant listing
3 the emergency contact person or by the person listed as the
4 emergency contact.

5 E. Whenever application is received from a person previously
6 licensed in another jurisdiction, the Department shall request a
7 copy of the driving record from the other jurisdiction and,
8 effective September 1, 2005, from all other jurisdictions in which
9 the person was licensed within the immediately previous ten (10)
10 years. When received, the driving record shall become a part of the
11 driving record of the person in this state with the same force and
12 effect as though entered on the driver's record in this state in the
13 original instance.

14 F. Whenever the Department receives a request for a driving
15 record from another licensing jurisdiction, the record shall be
16 forwarded without charge.

17 G. A person may not apply for or possess more than one state-
18 issued REAL ID Compliant Driver License or Identification Card
19 pursuant to the provisions of Section 6-101 of this title. A valid
20 and unexpired Oklahoma driver license shall serve as both primary
21 and secondary proofs of identity whenever application for ~~an~~
22 ~~identification card~~ a REAL ID Noncompliant Identification Card is
23 submitted to the Department. The provisions of subsection B of
24 Section 1550.42 of Title 21 of the Oklahoma Statutes shall not apply

1 when issuing an identification card pursuant to the provisions of
2 this subsection. The Department shall promulgate rules necessary to
3 implement and administer the provisions of this subsection.

4 SECTION 4. AMENDATORY 47 O.S. 2011, Section 6-110.3, is
5 amended to read as follows:

6 Section 6-110.3 A. ~~1.~~ The Legislature finds that the
7 enactment into law by the United States Congress of the federal REAL
8 ID Act of 2005, Public Law Number 109-13, is ~~inimical to the~~
9 ~~security and well-being of the people of Oklahoma, will cause~~
10 ~~approximately Eight Million Dollars (\$8,000,000.00) in added expense~~
11 ~~and inconvenience to our state, and was adopted by the United States~~
12 ~~Congress in violation of~~ something that individual Oklahomans should
13 have an option to refuse under the principles of federalism
14 contained in the Tenth Amendment to the United States Constitution.

15 ~~2. B.~~ The State of Oklahoma shall ~~not participate in the~~
16 ~~implementation of the REAL ID Act of 2005. The Department of Public~~
17 ~~Safety is hereby directed not to implement the provisions of the~~
18 ~~REAL ID Act of 2005 and to report to the Governor and the~~
19 ~~Legislature any attempt by agencies or agents of the United States~~
20 ~~Department of Homeland Security to secure the implementation of the~~
21 ~~REAL ID Act of 2005 through the operations of that or any other~~
22 ~~state department~~ offer its citizens the option of choosing a
23 Compliant Driver License or Identification Card or a Noncompliant
24 Driver License or Identification Card.

1 C. The State of Oklahoma shall not share its citizens' personal
2 information or biometric data with the federal government directly
3 only as a result of compliance with the REAL ID Act of 2005, Public
4 Law Number 109-13.

5 ~~B. No department or agency of the state charged with motor~~
6 ~~vehicle registration or operation, the issuance or renewal of driver~~
7 ~~licenses, or the issuance or renewal of any identification cards~~
8 ~~shall collect, obtain, or retain any data in connection with~~
9 ~~activities related to complying with the REAL ID Act of 2005.~~

10 ~~C. Any biometric data previously collected, obtained, or~~
11 ~~retained in connection with motor vehicle registration or operation,~~
12 ~~the issuance or renewal of driver licenses, or the issuance or~~
13 ~~renewal of any identification cards by any department or agency of~~
14 ~~this state charged with those activities shall be retrieved and~~
15 ~~deleted from any and all databases. The provisions of this~~
16 ~~subsection shall not apply to any data collected, obtained or~~
17 ~~retained for a purpose other than complying with the REAL ID Act of~~
18 ~~2005.~~

19 D. For purposes of this section, "biometric data" includes, but
20 is not limited to:

- 21 1. Facial feature pattern characteristics;
- 22 2. Voice data used for comparing live speech with a previously
- 23 created speech model of a person's voice;
- 24

1 3. Iris recognition data containing color or texture patterns
2 or codes;

3 4. Retinal scans, reading through the pupil to measure blood
4 vessels lining the retina;

5 5. Behavior characteristics of a handwritten signature, such as
6 shape, speed, pressure, pen angle, or sequence;

7 6. Fingerprints, palm prints, and other methods for measuring
8 or recording ridge pattern or fingertip characteristics;

9 7. Keystroke dynamics, measuring pressure applied to key pads;

10 8. Hand geometry, measuring hand characteristics, including the
11 shape and length of fingers, in three (3) dimensions; and

12 9. Deoxyribonucleic acid (DNA) and/or ribonucleic acid (RNA).

13 SECTION 5. AMENDATORY 47 O.S. 2011, Section 6-111, as
14 last amended by Section 4, Chapter 266, O.S.L. 2015 (47 O.S. Supp.
15 2015, Section 6-111), is 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 legal name, signature or computerized
23 signature, date of birth, residence address, unless specified as an
24 exception in the Code of Federal Regulations per 6 C.F.R., Section

1 37.17, sex, a ~~color photograph or~~ computerized color image of the
2 licensee or cardholder taken in accordance with Department rules and
3 security features as determined by the Department. The ~~photograph~~
4 ~~or~~ image shall depict a full front unobstructed view of the entire
5 face of the licensee or cardholder; provided, a commercial learner
6 permit shall not bear the ~~photograph or~~ image of the licensee. When
7 any person is issued both a driver license and an identification
8 card, the Department shall ensure the information on both the
9 license and the card are the same, unless otherwise provided by law.

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

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

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

22 5. It is unlawful for any person to apply, adhere, or otherwise
23 attach to a driver license or identification card any decal,
24 sticker, label, or other attachment. Any law enforcement officer is

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

9 6. The Department of Public Safety may develop by rule an
10 alternative procedure whereby a person may apply for a renewal or
11 replacement Oklahoma Class D license or Oklahoma identification
12 card.

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

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

24 a. farm retail outlets and suppliers,

- b. agri-chemical businesses,
- c. custom harvesters, and
- d. livestock feeders.

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

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

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

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

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

D. 1. The Department shall develop a procedure whereby a person applying for an original, renewal or replacement Class A, B, C or D driver license or identification card who is required to

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

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

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

17 4. Failure to comply with the requirements set forth in such
18 notice shall result in cancellation of the person's license or card.
19 Such cancellation shall be in effect for one (1) year, after which
20 time the person may make application with the Department for a new
21 license or card bearing the words "Sex Offender". Continued use of
22 a canceled license or card shall constitute a misdemeanor and shall,
23 upon conviction thereof, be punishable by a fine of not less than
24 Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars

1 (\$200.00). When an individual is no longer required to register as
2 a convicted sex offender with the Department of Corrections pursuant
3 to the provisions of the Sex Offenders Registration Act, the
4 individual shall be eligible to receive a driver license or
5 identification card which does not bear the words "Sex Offender".

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

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

22 G. The Department shall develop a procedure whereby a person
23 applying for an original, renewal or replacement Class D driver
24 license who has been granted modified driving privileges under this

1 title shall be issued a Class D driver license which identifies the
2 license as a modified license.

3 SECTION 6. AMENDATORY 47 O.S. 2011, Section 6-114, as
4 amended by Section 6, Chapter 259, O.S.L. 2013 (47 O.S. Supp. 2015,
5 Section 6-114), is amended to read as follows:

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

- 21 a. the expiration date of the license being replaced, or
- 22 b. the expiration date on the valid documentation
- 23 authorizing the presence of the person in the United

1 States, as required by paragraph 9 of subsection A of
2 Section 6-103 of this title.

3 2. The cost of a replacement license shall be ~~Twenty Dollars~~
4 ~~(\$20.00)~~ Thirty Dollars (\$30.00), of which Two Dollars (\$2.00) shall
5 be apportioned as provided in Section 1104 of this title, Three
6 Dollars (\$3.00) shall be remitted to the State Treasurer to be
7 credited to the General Revenue Fund, ~~and~~ Five Dollars (\$5.00) shall
8 be credited to the Department of Public Safety Computer Imaging
9 System Revolving Fund to be used solely for the purpose of
10 administering and maintaining the computer imaging system of the
11 Department, ~~and Ten Dollars (\$10.00)~~ Fourteen Dollars (\$14.00) shall
12 be credited to the Revolving Fund of the Department of Public Safety
13 and Six Dollars (\$6.00) shall be retained by the motor license agent
14 for operating expenses.

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

18 B. Any person desiring to add or remove an endorsement or
19 endorsements or a restriction or restrictions to any existing driver
20 license, when authorized by the Department of Public Safety, shall
21 obtain a replacement license with ~~said~~ the endorsement or
22 endorsements or ~~said~~ the restriction or restrictions change thereon
23 and shall be charged the fee for a replacement license as provided
24 in subsection A of this section.

1 SECTION 7. AMENDATORY 47 O.S. 2011, Section 1141.1, as
2 amended by Section 4, Chapter 158, O.S.L. 2012 (47 O.S. Supp. 2015,
3 Section 1141.1), is amended to read as follows:

4 Section 1141.1 A. Each motor license agent shall be entitled
5 to retain the following amounts from the taxes and fees collected by
6 such agent to be used to fund the operation of the office of such
7 motor license agent subject to the provisions of Sections 1140
8 through 1147 of this title:

9 1. Beginning July 1, 2005, Two Dollars and eighty-one cents
10 (\$2.81) for each vehicle registered and for each special license
11 plate issued pursuant to the Oklahoma Vehicle License and
12 Registration Act. Beginning July 1, 2006, and thereafter, Three
13 Dollars and fifty-six cents (\$3.56) for each vehicle registered and
14 for each special license plate issued pursuant to the Oklahoma
15 Vehicle License and Registration Act;

16 2. One Dollar and twenty-five cents (\$1.25) for each
17 certificate of title issued for boats and motors pursuant to the
18 Oklahoma Statutes;

19 3. For each certificate of registration issued for boats and
20 motors pursuant to the Oklahoma Statutes, an amount determined
21 pursuant to the provisions of subsection B of this section;

22 4. Two Dollars and twenty-five cents (\$2.25) for each
23 certificate of title issued pursuant to the Oklahoma Vehicle License
24 and Registration Act. Provided, the fee retention amount for

1 certificates of title issued pursuant to the provisions of
2 subsection H of Section 1105 of this title, in which an insurer pays
3 the optional twenty-two-dollar-fee amount, is Four Dollars and fifty
4 cents (\$4.50);

5 5. Beginning October 1, 2000, three percent (3%) of the vehicle
6 excise tax collected pursuant to Section 2103 of Title 68 of the
7 Oklahoma Statutes. Beginning July 1, 2001, each motor license agent
8 shall be entitled to retain three and one hundred twenty-five one-
9 thousandths percent (3.125%) of the vehicle excise tax collected
10 pursuant to Section 2103 of Title 68 of the Oklahoma Statutes.

11 Beginning July 1, 2002, and for all subsequent years, each motor
12 license agent shall be entitled to retain three and twenty-five one-
13 hundredths percent (3.25%) of the vehicle excise tax collected
14 pursuant to Section 2103 of Title 68 of the Oklahoma Statutes.
15 However, beginning July 1, 2003, the Legislature shall annually
16 review the percentage to be retained by the motor license agents
17 pursuant to this paragraph to determine whether such percentage
18 should be adjusted;

19 6. Four percent (4%) of the excise tax collected on the
20 transfer of boats and motors pursuant to the Oklahoma Statutes;

21 7. ~~Two Dollars (\$2.00)~~ Six Dollars (\$6.00) for each driver
22 license, endorsement, identification license, or renewal or
23 duplicate issued pursuant to Section 6-101 et seq. of this title;

- 1 8. Two Dollars (\$2.00) for the recording of security interests
2 as provided in Section 1110 of this title;
- 3 9. Two Dollars (\$2.00) for each inspection conducted pursuant
4 to subsection L of Section 1105 of this title;
- 5 10. Three Dollars (\$3.00) for each inspection conducted
6 pursuant to subsection M of Section 1105 of this title;
- 7 11. One Dollar (\$1.00) for each certificate of ownership filed
8 pursuant to subsection R of Section 1105 of this title;
- 9 12. One Dollar (\$1.00) for each temporary permit issued
10 pursuant to Section 1124 of this title;
- 11 13. One Dollar and fifty cents (\$1.50) for processing each
12 proof of financial responsibility, driver license information,
13 insurance verification information, and other additional information
14 as provided in Section 7-602 of this title;
- 15 14. The mailing fees and registration fees provided in Sections
16 1131 and 1140 of this title;
- 17 15. The notary fee provided in Section 1143 of this title;
- 18 16. Three Dollars (\$3.00) for each lien entry form completed
19 and recorded on a certificate of title pursuant to subsection G of
20 Section 1105 of this title;
- 21 17. Seven Dollars (\$7.00) for each notice of transfer as
22 provided by subsection B of Section 1107.4 of this title;
- 23
24

1 18. Seven Dollars (\$7.00) for each certificate of title or each
2 certificate of registration issued for repossessed vehicles pursuant
3 to Section 1126 of this title;

4 19. Any amount specifically authorized by law to be retained by
5 the motor license agent for the furnishing of a summary of a traffic
6 record; and

7 20. Beginning July 1, 2009, each motor license agent shall also
8 be entitled to a portion of the penalties for delinquent
9 registration or payment of excise tax as provided for in subsection
10 C of Section 1115, subsection F of Section 1132 and subsection C of
11 Section 1151 of this title and of subsection A of Section 2103 of
12 Title 68 of the Oklahoma Statutes.

13 The balance of the funds collected shall be remitted to the
14 Oklahoma Tax Commission as provided in Section 1142 of this title to
15 be apportioned pursuant to Section 1104 of this title.

16 B. For each certificate of registration issued for boats and
17 motors, each motor license agent shall be entitled to retain the
18 greater of One Dollar and twenty-five cents (\$1.25) or an amount to
19 be determined by the Tax Commission according to the provisions of
20 this subsection. At the end of fiscal year 1997 and each fiscal
21 year thereafter, the Tax Commission shall compute the average amount
22 of registration fees for all boats and motors registered in this
23 state during the fiscal year and shall multiply the result by six
24 and twenty-two one-hundredths percent (6.22%). The resulting

1 product shall be the amount which may be retained by each motor
2 license agent for each certificate of registration for boats and
3 motors issued during the following calendar year.

4 SECTION 8. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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