

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1362, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Holt

Holt-BH-FS-Req#3222
3/8/2016 4:55 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 1362

By: Holt and Brooks of the
Senate

and

Christian of the House

FLOOR SUBSTITUTE

[driver licenses and identification cards - fees -
disbursement - images - issuance - application -
replacement licenses - repealer - ~~emergency~~]

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

SECTION 1. AMENDATORY 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), is amended to read as follows:

Section 6-101. A. No person, except those hereinafter
expressly exempted in Sections 6-102 and 6-102.1 of this title,
shall operate any motor vehicle upon a highway in this state unless
the person has a valid Oklahoma driver license for the class of
vehicle being operated under the provisions of this title. No
person shall be permitted to possess more than one valid license at

1 any time, except as provided in paragraph 4 of subsection F of this
2 section.

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

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

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

23 4. No person under twenty-one (21) years of age shall be
24 licensed to operate any motor vehicle which is required to be

1 placarded for hazardous materials pursuant to 49 C.F.R., Part 172,
2 subpart F, except as provided in subsection F of this section;
3 provided, a person eighteen (18) years of age or older may be
4 licensed to operate a farm vehicle which is required to be placarded
5 for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F,
6 except as provided in subsection F of this section.

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

- 10 a. a restricted Class A commercial license which shall
11 grant to the licensee the privilege to operate a Class
12 A or Class B commercial motor vehicle for harvest
13 purposes or a Class D motor vehicle, or
14 b. a restricted Class B commercial license which shall
15 grant to the licensee the privilege to operate a Class
16 B commercial motor vehicle for harvest purposes or a
17 Class D motor vehicle.

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

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

4 D. No person shall operate a motorcycle or motor-driven cycle
5 without having a valid Class A, B, C or D license with a motorcycle
6 endorsement. Except as otherwise provided by law, any new applicant
7 for an original driver license shall be required to successfully
8 complete a written examination, vision examination, and driving
9 examination for a motorcycle as prescribed by the Department of
10 Public Safety to be eligible for a motorcycle endorsement thereon.
11 The written examination and driving examination for a motorcycle may
12 be waived by the Department of Public Safety upon verification that
13 the person has successfully completed a certified Motorcycle Safety
14 Foundation rider course approved by the Department.

15 E. Except as otherwise provided by law, any person who lawfully
16 possesses a valid Oklahoma driver license which is eligible for
17 renewal shall be required to successfully complete a written
18 examination, vision examination, and driving examination for a
19 motorcycle as prescribed by the Department to be eligible for a
20 motorcycle endorsement. The written examination and driving
21 examination for a motorcycle may be waived by the Department of
22 Public Safety upon verification that the person has successfully
23 completed a certified Motorcycle Safety Foundation rider course
24 approved by the Department.

1 F. 1. Any person eighteen (18) years of age or older may apply
2 for a restricted Class A, B or C commercial learner permit. The
3 Department, after the applicant has passed all parts of the
4 examination for a Class D license and has successfully passed all
5 parts of the examination for a Class A, B or C commercial license
6 other than the driving examination, may issue to the applicant a
7 commercial learner permit which shall entitle the person having
8 immediate lawful possession of the commercial learner permit and a
9 valid Oklahoma driver license or provisional driver license pursuant
10 to Section 6-212 of this title to operate a Class A, B or C
11 commercial motor vehicle upon the public highways solely for the
12 purpose of behind-the-wheel training in accordance with rules
13 promulgated by the Department.

14 2. This commercial learner permit shall be issued for a period
15 as provided in Section 6-115 of this title of one hundred eighty
16 (180) days, which may be renewed one time for an additional one
17 hundred eighty (180) days; provided, such commercial learner permit
18 may be suspended, revoked, canceled, denied or disqualified at the
19 discretion of the Department for violation of the restrictions, for
20 failing to give the required or correct information on the
21 application, or for violation of any traffic laws of this state
22 pertaining to the operation of a motor vehicle. Except as otherwise
23 provided, the lawful possessor of a commercial learner permit who
24 has been issued a commercial learner permit for a minimum of

1 fourteen (14) days may have the restriction requiring an
2 accompanying driver removed by satisfactorily completing a driver's
3 examination; provided, the removal of a restriction shall not
4 authorize the operation of a Class A, B or C commercial motor
5 vehicle if such operation is otherwise prohibited by law.

6 3. No person shall apply for and the Department shall not issue
7 an original Class A, B or C driver license until the person has been
8 issued a commercial learner permit and held the permit for at least
9 fourteen (14) days. Any person who currently holds a Class B or C
10 license and who wishes to apply for another class of commercial
11 driver license shall be required to apply for a commercial learner
12 permit and to hold the permit for at least fourteen (14) days before
13 applying for the Class A or B license, as applicable. Any person
14 who currently holds a Class A, B or C license and who wishes to add
15 an endorsement or remove a restriction for which a skills
16 examination is required shall be required to apply for a commercial
17 learner permit and to hold the permit for at least fourteen (14)
18 days before applying for the endorsement.

19 4. A commercial learner permit shall be issued by the
20 Department as a separate and unique document which shall be valid
21 only in conjunction with a valid Oklahoma driver license or
22 provisional driver license pursuant to Section 6-212 of this title,
23 both of which shall be in the possession of the person to whom they
24

1 have been issued whenever that person is operating a commercial
2 motor vehicle as provided in this subsection.

3 5. After one renewal of a commercial learner permit, as
4 provided in paragraph 2 of this subsection, a commercial permit
5 shall not be renewed again. Any person who has held a commercial
6 learner permit for the initial issuance period and one renewal
7 period shall not be eligible for and the Department shall not issue
8 another renewal of the permit; provided, the person may reapply for
9 a new commercial learner permit, as provided for in this subsection.

10 6. Enrollment in or successful completion of a commercial
11 driver training school shall not be required for any commercial
12 learner permit applicant who requests a skills examination for a
13 Class A, B or C license, nor shall any student enrolled in a
14 commercial driver training school be prohibited from taking a skills
15 examination for a Class A, B or C license upon request with a
16 Department of Public Safety examiner regardless of whether the
17 person has completed the course, is still enrolled in the course to
18 be completed or has voluntarily withdrawn from the course.

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

20 a. REAL ID Compliant Driver License or Identification
21 Card means a driver license or identification card
22 issued by the State of Oklahoma that has been
23 certified by the United States Department of Homeland
24 Security (USDHS) as compliant with the requirements of

1 the REAL ID Act of 2005, Public Law No. 109-13. A
2 REAL ID Compliant Driver License or Identification
3 Card and the process through which it is issued
4 incorporate a variety of security measures designed to
5 protect the integrity and trustworthiness of the
6 license or card. A REAL ID Compliant Driver License
7 or Identification Card will be clearly marked on the
8 face indicating that it is a compliant document, and
9 b. REAL ID Noncompliant Driver License or Identification
10 Card means a driver license or identification card
11 issued by the State of Oklahoma that has not been
12 certified by the United States Department of Homeland
13 Security (USDHS) as being compliant with the
14 requirements of the REAL ID Act. A REAL ID
15 Noncompliant Driver License or Identification Card
16 will be clearly marked on the face indicating that it
17 is not compliant with the federal REAL ID Act and is
18 not acceptable for official federal purposes. The
19 driver license or identification card will have a
20 unique design or color indicator that clearly
21 distinguishes it from a compliant license or card.

22 2. The fee charged for an approved application for an original
23 Oklahoma ~~driver license~~ REAL ID Compliant or REAL ID Noncompliant
24 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
Class A Commercial License	\$51.50
Class B Commercial Learner Permit	\$51.50
Class B Commercial License	\$51.50
Class C Commercial License	\$41.50
Class D License	\$33.50

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.

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

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

6 2. Six Dollars and seventy-five cents (\$6.75) shall be
7 deposited to the Department of Public Safety Computer Imaging System
8 Revolving Fund to be used solely for the purpose of administration
9 and maintenance of the computerized imaging system of the
10 Department; ~~and~~

11 3. Ten Dollars (\$10.00) shall be deposited to the Department of
12 Public Safety Revolving Fund for all original or renewal issuances
13 of licenses; and

14 4. Ten Dollars (\$10.00) shall be deposited to the Department of
15 Public Safety Revolving Fund upon the issuance of an original or
16 renewal Oklahoma REAL ID Compliant Driver License.

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

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

22 Age 62	\$21.25
23 Age 63	\$17.50
24 Age 64	\$13.75

~~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.

~~M.~~ N. 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 Four Dollars (\$4.00) to be deducted from the total collected for each license or renewal application accepted. The four-dollar fee received by the motor license agent shall be used for operating expenses.

1 ~~N.~~ O. Notwithstanding the provisions of Section 1104 of this
2 title 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 Restricted Revolving Fund for the purpose of the
13 Statewide Law Enforcement Communications System. All other monies
14 collected in excess of Five Hundred Sixty Thousand Dollars
15 (\$560,000.00) each fiscal year shall be apportioned as provided in
16 Section 1104 of this title, except as otherwise provided in this
17 section.

18 ~~O.~~ P. The Department of Public Safety shall ~~implement a~~
19 ~~procedure whereby~~ retain the images displayed on licenses and
20 identification cards issued pursuant to the provisions of Sections
21 6-101 through 6-309 of this title ~~are maintained by the Department~~
22 ~~to create photographs or computerized images,~~ which may be used
23 only:
24

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

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

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

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

12 Q. No person may hold more than one state-issued REAL ID
13 Compliant Driver License or REAL ID Compliant Identification Card
14 from Oklahoma or any other state. The Department shall not issue a
15 REAL ID Compliant Driver License to a person who has been previously
16 issued a REAL ID Compliant Driver License or REAL ID Compliant
17 Identification Card until such license or identification card has
18 been surrendered to the Department by the applicant. The Department
19 may promulgate rules to address the issue of replacement REAL ID
20 Compliant Driver License or Identification Cards in the event of
21 loss or theft.

22 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-105.3, as
23 last amended by Section 1, Chapter 266, O.S.L. 2015 (47 O.S. Supp.
24 2015, Section 6-105.3), is amended to read as follows:

1 Section 6-105.3. A. In addition to the licenses to operate
2 motor vehicles, the Department of Public Safety may issue cards to
3 Oklahoma residents for purposes of identification only. The
4 identification cards shall be issued, renewed, replaced, canceled
5 and denied in the same manner as driver licenses in this state. The
6 application for an identification card by any person under the age
7 of eighteen (18) years shall be signed and verified by a custodial
8 legal parent or legal guardian, either in person before a person
9 authorized to administer oaths or electronically if completing an
10 online application, or a notarized affidavit signed by a custodial
11 legal parent or legal guardian submitted before a person authorized
12 to administer oaths by the person under the age of eighteen (18)
13 years with the application. Except as otherwise provided in this
14 section, the identification cards shall be valid for a period of
15 four (4) years from the month of issuance; however, the
16 identification cards issued to persons sixty-five (65) years of age
17 or older shall be valid indefinitely from the month of issuance.

18 B. No person may hold more than one state-issued REAL ID
19 Compliant Driver License or REAL ID Compliant Identification Card,
20 issued by Oklahoma or any other state or territory, as defined in
21 paragraph 1 of subsection G of Section 6-101 of this title. The
22 Department shall not issue a REAL ID Compliant Identification Card
23 to a person who has been previously issued a REAL ID Compliant
24 Driver License or REAL ID Compliant Identification Card until such

1 license or identification card has been surrendered to the
2 Department by the applicant. The Department may promulgate rules to
3 address the issue of replacement REAL ID Compliant Driver License or
4 Identification Cards in the event of loss or theft.

5 C. The fee charged for the issuance, renewal, or replacement of
6 an identification card a REAL ID Compliant Identification Card shall
7 be Thirty Dollars (\$30.00). The fee charged for the issuance,
8 renewal or replacement of a REAL ID Noncompliant Identification Card
9 pursuant to this section shall be Twenty Dollars (\$20.00); however,
10 no person sixty-five (65) years of age or older shall be charged a
11 fee for an identification card. Of each fee charged pursuant to the
12 provisions of this subsection:

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

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

19 3. Ten Dollars (\$10.00) shall be deposited in the Department of
20 Public Safety Revolving Fund; and

21 4. Ten Dollars (\$10.00) shall be deposited to the Department of
22 Public Safety Revolving Fund upon the issuance of an original,
23 renewal or replacement Oklahoma REAL ID Identification Card.
24

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

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

17 SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-106, as
18 last amended by Section 1, Chapter 242, O.S.L. 2015 (47 O.S. Supp.
19 2015, Section 6-106), is amended to read as follows:

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

23 2. Every original, renewal, or replacement application for a
24 driver license or identification card made by a male applicant who

1 is at least sixteen (16) but less than twenty-six (26) years of age
2 shall include a statement that by submitting the application, the
3 applicant is consenting to registration with the Selective Service
4 System. The pertinent information from the application shall be
5 forwarded by the Department to the Data Management Center of the
6 Selective Service System in order to register the applicant as
7 required by law with the Selective Service System. Any applicant
8 refusing to sign the consent statement shall be denied a driver
9 license or identification card.

10 3. Except as provided for in subsection G of this section,
11 every applicant for a driver license or identification card shall
12 provide to the Department at the time of application both primary
13 and secondary proofs of identity. The Department shall promulgate
14 rules prescribing forms of primary and secondary identification
15 acceptable for an original Oklahoma driver license.

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

18 1. Full name;

19 2. Date of birth;

20 3. Sex;

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

24

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

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

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

9 8. A brief description of the applicant, as determined by the
10 Department;

11 9. Whether the applicant has previously been licensed, and, if
12 so, when and by what state or country, and whether any license has
13 ever been suspended or revoked, or whether an application has ever
14 been refused, and, if so, the date of and reason for the suspension,
15 revocation or refusal;

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

19 11. Whether the applicant has:

20 a. previously been licensed and, if so, when and by what
21 state or country, and

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

24 12. Social security number.

1 No person shall request the Department to use the social security
2 number of that person as the driver license number. Upon renewal or
3 replacement of any driver license issued after the effective date of
4 this act, the licensee shall advise the Department or the motor
5 license agent if the present driver license number of the licensee
6 is the social security number of the licensee. If the driver
7 license number is the social security number, the Department or the
8 motor license agent shall change the driver license number to a
9 computer-generated alphanumeric identification.

10 C. 1. In addition to the requirements of subsections A and B
11 of this section, every applicant for a commercial driver license who
12 is subject to the requirements of 49 C.F.R., Part 391, and is
13 applying for an original, renewal, or replacement license, and every
14 person who, upon the effective date of this act, is currently the
15 holder of a commercial driver license and is subject to the
16 requirements of 49 C.F.R., Part 391, and who does not apply for a
17 renewal or replacement license prior to January 30, 2014, shall
18 submit to the Department and maintain with the Department a current
19 approved medical examination certificate signed by a licensed
20 physician authorized to perform and approve medical examination
21 certifications. The Department shall adopt rules ~~regarding~~
22 ~~procedures~~ for maintaining medical examination certificates pursuant
23 to the requirements in 49 C.F.R., Parts 383 and 384. Any commercial
24 driver licensee subject to the requirements of this paragraph who

1 fails to maintain on file with the Department a current, approved
2 medical examination certificate shall have the driving privileges of
3 the person downgraded to a Class D driver license by the Department.

4 2. If the applicant is applying for an original commercial
5 driver license in Oklahoma or is transferring a commercial driver
6 license from another state to Oklahoma, the Department shall review
7 the driving record of the applicant in other states for the
8 immediately preceding ten (10) years, unless the record review has
9 already been performed by the Department. As a result of the
10 review, if it is determined by the Department that the applicant is
11 subject to a period of disqualification as prescribed by Section 6-
12 205.2 of this title which has not yet been imposed, the Department
13 shall impose the period of disqualification and the applicant shall
14 serve the period of disqualification before a commercial driver
15 license is issued to the applicant; provided, nothing in this
16 paragraph shall be construed to prevent the issuance of a Class D
17 driver license to the applicant.

18 3. If the applicant has or is applying for a hazardous material
19 endorsement, the applicant shall submit to a security threat
20 assessment performed by the Transportation Security Administration
21 of the Department of Homeland Security as required by and pursuant
22 to 49 C.F.R., Part 1572, which shall be used to determine whether
23 the applicant is eligible for the endorsement pursuant to federal
24 law and regulation.

1 4. The Department of Public Safety shall notify each commercial
2 driving school of the passage of this section, and each commercial
3 driving school shall notify prospective students of its school of
4 the hazardous material endorsement requirement.

5 D. In addition to the requirements of subsections A and B of
6 this section, every applicant shall be given an option on the
7 application for issuance of a driver license or identification card
8 or renewal pursuant to Section 6-115 of this title to provide an
9 emergency contact person. The emergency contact information
10 requested may include full name, address, and phone number. The
11 emergency contact information shall be maintained by the Department
12 and shall be used by the Department and law enforcement for
13 emergency purposes only. A person listed as an emergency contact
14 may request to be removed at any time. Any update to a change of
15 name, address, or phone number may be made by the applicant listing
16 the emergency contact person or by the person listed as the
17 emergency contact.

18 E. Whenever application is received from a person previously
19 licensed in another jurisdiction, the Department shall request a
20 copy of the driving record from the other jurisdiction and,
21 effective September 1, 2005, from all other jurisdictions in which
22 the person was licensed within the immediately previous ten (10)
23 years. When received, the driving record shall become a part of the
24 driving record of the person in this state with the same force and

1 effect as though entered on the driver's record in this state in the
2 original instance.

3 F. Whenever the Department receives a request for a driving
4 record from another licensing jurisdiction, the record shall be
5 forwarded without charge.

6 G. A person may not apply for or possess more than one state-
7 issued REAL ID Compliant Driver License or Identification Card,
8 pursuant to the provisions of Section 6-101 of this title. A valid
9 and unexpired Oklahoma driver license shall serve as both primary
10 and secondary proofs of identity whenever application for ~~an~~
11 ~~identification card~~ a REAL ID Noncompliant Identification Card is
12 submitted to the Department. The provisions of subsection B of
13 Section 1550.42 of Title 21 of the Oklahoma Statutes shall not apply
14 when issuing an identification card pursuant to the provisions of
15 this subsection. The Department shall promulgate rules necessary to
16 implement and administer the provisions of this subsection.

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

19 Section 6-110.3. A. ~~1.~~ The Legislature finds that the
20 enactment into law by the United States Congress of the federal REAL
21 ID Act of 2005, Public Law Number 109-13, is ~~inimical to the~~
22 ~~security and well-being of the people of Oklahoma, will cause~~
23 ~~approximately Eight Million Dollars (\$8,000,000.00) in added expense~~
24 ~~and inconvenience to our state, and was adopted by the United States~~

1 ~~Congress in violation of~~ something that individual Oklahomans should
2 have an option to refuse under the principles of federalism
3 contained in the Tenth Amendment to the United States Constitution.

4 ~~2. B. The State of Oklahoma shall not participate in the~~
5 ~~implementation of the REAL ID Act of 2005. The Department of Public~~
6 ~~Safety is hereby directed not to implement the provisions of the~~
7 ~~REAL ID Act of 2005 and to report to the Governor and the~~
8 ~~Legislature any attempt by agencies or agents of the United States~~
9 ~~Department of Homeland Security to secure the implementation of the~~
10 ~~REAL ID Act of 2005 through the operations of that or any other~~
11 ~~state department~~ offer its citizens the option of choosing a
12 Compliant Driver License or Identification Card or a Noncompliant
13 Driver License or Identification Card.

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

18 ~~B. No department or agency of the state charged with motor~~
19 ~~vehicle registration or operation, the issuance or renewal of driver~~
20 ~~licenses, or the issuance or renewal of any identification cards~~
21 ~~shall collect, obtain, or retain any data in connection with~~
22 ~~activities related to complying with the REAL ID Act of 2005.~~

23 ~~C. Any biometric data previously collected, obtained, or~~
24 ~~retained in connection with motor vehicle registration or operation,~~

~~the issuance or renewal of driver licenses, or the issuance or renewal of any identification cards by any department or agency of this state charged with those activities shall be retrieved and deleted from any and all databases. The provisions of this subsection shall not apply to any data collected, obtained or retained for a purpose other than complying with the REAL ID Act of 2005.~~

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

1. Facial feature pattern characteristics;
2. Voice data used for comparing live speech with a previously created speech model of a person's voice;
3. Iris recognition data containing color or texture patterns or codes;
4. Retinal scans, reading through the pupil to measure blood vessels lining the retina;
5. Behavior characteristics of a handwritten signature, such as shape, speed, pressure, pen angle, or sequence;
6. Fingerprints, palm prints, and other methods for measuring or recording ridge pattern or fingertip characteristics;
7. Keystroke dynamics, measuring pressure applied to key pads;
8. Hand geometry, measuring hand characteristics, including the shape and length of fingers, in three (3) dimensions; and
9. Deoxyribonucleic acid (DNA) and/or ribonucleic acid (RNA).

1 SECTION 5. AMENDATORY 47 O.S. 2011, Section 6-111, as
2 last amended by Section 4, Chapter 266, O.S.L. 2015 (47 O.S. Supp.
3 2015, Section 6-111), is amended to read as follows:

4 Section 6-111. A. 1. The Department of Public Safety shall,
5 upon payment of the required fee, issue to every applicant
6 qualifying therefor a Class A, B, C or D driver license or
7 identification card as applied for, which license or card shall bear
8 thereon a distinguishing alphanumeric identification assigned to the
9 licensee or cardholder, date of issuance and date of expiration of
10 the license or card, the full legal name, signature or computerized
11 signature, date of birth, residence address, unless specified as an
12 exception in the Code of Federal Regulations per 6 C.F.R., Section
13 37.17, sex, a ~~color photograph~~ or computerized color image of the
14 licensee or cardholder taken in accordance with Department rules,
15 and security features as determined by the Department. The
16 ~~photograph~~ or image shall depict a full front unobstructed view of
17 the entire face of the licensee or cardholder; provided, a
18 commercial learner permit shall not bear the ~~photograph~~ or image of
19 the licensee. When any person is issued both a driver license and
20 an identification card, the Department shall ensure the information
21 on both the license and the card are the same, unless otherwise
22 provided by law.

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

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

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

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

1 6. The Department of Public Safety may develop by rule an
2 alternative procedure whereby a person may apply for a renewal or
3 replacement Oklahoma Class D license or Oklahoma identification
4 card.

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

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

- 16 a. farm retail outlets and suppliers,
- 17 b. agri-chemical businesses,
- 18 c. custom harvesters, and
- 19 d. livestock feeders.

20 The applicant shall hold a valid Oklahoma driver license and
21 shall meet all the requirements for a commercial driver license.
22 The restricted commercial driver license shall not exceed a total of
23 one hundred eighty (180) days within any twelve-month period.
24

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

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

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

11 c. solid fertilizers that are not mixed with any organic
12 substance.

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

15 D. 1. The Department shall develop a procedure whereby a
16 person applying for an original, renewal or replacement Class A, B,
17 C or D driver license or identification card who is required to
18 register as a convicted sex offender with the Department of
19 Corrections pursuant to the provisions of the Sex Offenders
20 Registration Act and who the Department of Corrections designates as
21 an aggravated or habitual offender pursuant to subsection J of
22 Section 584 of Title 57 of the Oklahoma Statutes shall be issued a
23 license or card bearing the words "Sex Offender".
24

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

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

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

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

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

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

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

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

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

21 2. The cost of a replacement license shall be ~~Twenty Dollars~~
22 ~~(\$20.00)~~ Thirty Dollars (\$30.00), of which Two Dollars (\$2.00) shall
23 be apportioned as provided in Section 1104 of this title, Three
24 Dollars (\$3.00) shall be remitted to the State Treasurer to be

1 credited to the General Revenue Fund, and Five Dollars (\$5.00) shall
2 be credited to the Department of Public Safety Computer Imaging
3 System Revolving Fund to be used solely for the purpose of
4 administering and maintaining the computer imaging system of the
5 Department, and ~~Ten Dollars (\$10.00)~~ Twenty Dollars (\$20.00) to the
6 Revolving Fund of the Department of Public Safety.

7 3. The Department shall promulgate rules prescribing forms of
8 primary and secondary identification acceptable for replacement of
9 an Oklahoma driver license.

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

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

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