

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1845

By: Osborn (Leslie)

AS INTRODUCED

An Act relating to driver licenses; amending 47 O.S. 2011, Section 6-101, as last amended by Section 1, Chapter 180, O.S.L. 2016 (47 O.S. Supp. 2016, Section 6-101), which relates to classes of driver licenses; defining terms; requiring certain designs and markings; requiring certain applications be made to the Department of Public safety; requiring certain tasks be performed by Department employees; providing certain process for obtaining certain driver licenses and identification cards; modifying references; modifying issuance and renewal fee amounts for certain licenses; providing issuance and renewal fee amounts for certain licenses; modifying apportionments of certain fees; modifying amount fee from issuance and renewal motor license agents may retain; requiring certain amount be used in certain way; requiring certain annual reporting; clarifying language; prohibiting possession of multiple licenses or identification cards simultaneously; authorizing the promulgation of rules by the Department related to certain subject; 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. 2016, Section 6-105.3), which relates to issuance of identification cards; prohibiting possession of multiple licenses or identification cards simultaneously; modifying the fee for issuance, renewal and replacement of identification cards; modifying apportionment of certain fee; clarifying language; amending 47 O.S. 2011, Section 6-106, as last amended by Section 1, Chapter 170, O.S.L. 2016 (47 O.S. Supp. 2016, Section 6-106), which relates to applications for driver licenses and identification cards; modifying application information required; prohibiting possession of multiple licenses or identification

1 cards simultaneously; amending 47 O.S. 2011, Section
2 6-110.3, which relates to prohibiting the
3 implementation of the federal REAL ID Act; modifying
4 legislative finding and statement; eliminating
5 prohibition on REAL ID Act implementation and
6 compliance; eliminating requirement related to
7 retrieval and deletion of certain data; prohibiting
8 the sharing of certain information and data;
9 providing an exception; amending 47 O.S. 2011,
10 Section 6-111, as last amended by Section 1, Chapter
11 214, O.S.L. 2016 (47 O.S. Supp. 2016, Section 6-111),
12 which relates to the issuance of licenses and
13 identification cards; modifying information to be
14 included on driver licenses and identification cards;
15 clarifying language; amending 47 O.S. 2011, Section
16 6-114, as last amended by Section 2, Chapter 170,
17 O.S.L. 2016 (47 O.S. Supp. 2016, Section 6-114),
18 which relates to replacement driver licenses;
19 modifying the fee for replacement licenses; modifying
20 apportionment of certain fee; requiring certain
21 security measures related to the production of
22 certain driver licenses and identification cards;
23 requiring certain measures during hours of operation;
24 requiring certain procedures during nonoperating
hours; defining term; requiring certain option be
provided on certain online systems; creating the
Public Safety Enhancement Fund; identifying revenue
source; providing appropriation authority; stating
purpose for such appropriation; providing for
codification; and declaring an 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 180, O.S.L. 2016 (47 O.S. Supp.
2016, 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

1 the person has a valid Oklahoma driver license for the class of
2 vehicle being operated under the provisions of this title. No
3 person shall be permitted to possess more than one valid license at
4 any time, except as provided in paragraph 4 of subsection F of this
5 section.

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

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

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

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

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

- 14 a. a restricted Class A commercial license which shall
15 grant to the licensee the privilege to operate a Class
16 A or Class B commercial motor vehicle for harvest
17 purposes or a Class D motor vehicle, or
- 18 b. a restricted Class B commercial license which shall
19 grant to the licensee the privilege to operate a Class
20 B commercial motor vehicle for harvest purposes or a
21 Class D motor vehicle.

22 6. No person shall operate a Class D motor vehicle unless the
23 person is sixteen (16) years of age or older and holds a valid Class
24 D license, except as provided for in Section 6-102 or 6-105 of this

1 title. Any person holding a valid Class D license shall be
2 permitted to operate motor vehicles in Class D only.

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

6 D. No person shall operate a motorcycle or motor-driven cycle
7 without having a valid Class A, B, C or D license with a motorcycle
8 endorsement. Except as otherwise provided by law, any new applicant
9 for an original driver license shall be required to successfully
10 complete a written examination, vision examination, and driving
11 examination for a motorcycle as prescribed by the Department of
12 Public Safety, and a certified state-approved motorcycle basic rider
13 course approved by the Department if the applicant is seventeen (17)
14 years of age or younger to be eligible for a motorcycle endorsement
15 thereon. The written examination and driving examination for a
16 motorcycle shall be waived by the Department of Public Safety upon
17 verification that the person has successfully completed a certified
18 Motorcycle Safety Foundation rider course approved by the
19 Department.

20 E. Except as otherwise provided by law, any person who lawfully
21 possesses a valid Oklahoma driver license which is eligible for
22 renewal shall be required to successfully complete a written
23 examination, vision examination, and driving examination for a
24 motorcycle as prescribed by the Department, and a certified state-

1 approved motorcycle basic rider course approved by the Department if
2 the person is seventeen (17) years of age or younger to be eligible
3 for a motorcycle endorsement. The written examination and driving
4 examination for a motorcycle shall be waived by the Department of
5 Public Safety upon verification that the person has successfully
6 completed a certified Motorcycle Safety Foundation rider course
7 approved by the Department.

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

21 2. This commercial learner permit shall be issued for a period
22 as provided in Section 6-115 of this title of one hundred eighty
23 (180) days, which may be renewed one time for an additional one
24 hundred eighty (180) days; provided, such commercial learner permit

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

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

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

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

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

3 G. 1. For purposes of this title:

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

1 is not compliant with the federal REAL ID Act and is
2 not acceptable for official federal purposes. The
3 driver license or identification card will have a
4 unique design or color indicator that clearly
5 distinguishes it from a compliant license or card;

6 2. Application for a REAL ID Compliant Driver License or
7 Identification Card shall be made to the Department of Public
8 Safety;

9 3. Department of Public Safety employees shall perform all
10 document recognition and other requirements needed for approval of a
11 REAL ID Compliant Driver License or Identification Card application;

12 4. Upon approval of a REAL ID Compliant Driver License or
13 Identification Card application, the applicant may take the approved
14 application document to a motor license agent to receive their REAL
15 ID Compliant Driver License or Identification Card; and

16 5. The motor license agent shall process the approved REAL ID
17 Compliant Driver License or Identification Card application and upon
18 payment shall hand the applicant their REAL ID Driver License or
19 Identification Card.

20 H. 1. The fee charged for an approved application for an
21 original Oklahoma ~~driver license~~ REAL ID Compliant or REAL ID
22 Noncompliant Driver License or an approved application for the
23 addition of an endorsement to a current valid Oklahoma ~~driver~~
24

1 ~~license~~ REAL ID Compliant or REAL ID Noncompliant Driver License

2 shall be assessed in accordance with the following schedule:

3	Class A Commercial Learner Permit	\$25.00
4	Class A Commercial License	\$25.00
5	Class B Commercial Learner Permit	\$15.00
6	Class B Commercial License	\$15.00
7	Class C Commercial Learner Permit	\$15.00
8	Class C Commercial License	\$15.00
9	Class D License	\$ 4.00
10	Motorcycle Endorsement	\$ 4.00

11 2. Notwithstanding the provisions of Section 1104 of this
12 title, all monies collected from the fees charged for Class A, B and
13 C commercial licenses pursuant to the provisions of this subsection
14 shall be deposited in the General Revenue Fund of this state.

15 ~~H.~~ I. The fee charged for any failed examination shall be Four
16 Dollars (\$4.00) for any license classification. Notwithstanding the
17 provisions of Section 1104 of this title, all monies collected from
18 such examination fees pursuant to the provisions of this subsection
19 shall be deposited in the General Revenue Fund of this state.

20 ~~I.~~ J. In addition to any fee charged pursuant to the provisions
21 of subsection ~~G~~ H of this section, the fee charged for the issuance
22 or renewal of ~~an Oklahoma license~~ a REAL ID Noncompliant Driver
23 License shall be in accordance with the following schedule;

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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>\$59.50</u>
Class A Commercial License	\$51.50	<u>\$59.50</u>
Class B Commercial Learner Permit	\$51.50	<u>\$59.50</u>
Class B Commercial License	\$51.50	<u>\$59.50</u>
Class C Commercial License	\$41.50	<u>\$49.50</u>
Class D License	\$33.50	<u>\$41.50</u>

K. In addition to any fee charged pursuant to the provisions of subsection H 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>\$59.50</u>
<u>REAL ID Compliant Class A Commercial License</u>	<u>\$59.50</u>
<u>REAL ID Compliant Class B Commercial Learner Permit</u>	<u>\$59.50</u>
<u>REAL ID Compliant Class B Commercial License</u>	<u>\$59.50</u>
<u>REAL ID Compliant Class C Commercial License</u>	<u>\$49.50</u>
<u>REAL ID Compliant Class D License</u>	<u>\$41.50</u>

L. 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.

Age 63 ~~\$17.50~~ \$17.75

Age 64 ~~\$13.75~~ \$14.00

Age 65 -0-

~~H.~~ P. 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.~~ Q. 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 for a REAL ID Noncompliant Driver License and

1 Six Dollars (\$6.00) from the total collected for each license or
2 renewal application accepted for a REAL ID Compliant Driver License.
3 ~~The four dollar fee received by the motor license agent~~ Four Dollars
4 (\$4.00) of the amount authorized in this section shall be used by
5 the motor license agent for operating expenses. One Dollar and
6 fifty cents (\$1.50) when applicable shall be deposited in an account
7 to be used to pay for phone lines that connect with systems operated
8 by the motor license agent. Motor license agents shall report
9 annually the cost incurred for each specific phone line, the amount
10 paid from the account during the year and the ending balance in such
11 account.

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

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

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

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

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

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

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

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

21 T. No person may hold more than one state-issued REAL ID
22 Compliant Driver License or REAL ID Compliant Identification Card
23 from Oklahoma or any other state. The Department shall not issue a
24 REAL ID Compliant Driver License to a person who has been previously

1 issued a REAL ID Compliant Driver License or REAL ID Compliant
2 Identification Card until such license or identification card has
3 been surrendered to the Department by the applicant. The Department
4 may promulgate rules related to the issuance of replacement REAL ID
5 Compliant Driver Licenses or Identification Cards in the event of
6 loss or theft.

7 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-105.3, as
8 last amended by Section 1, Chapter 266, O.S.L. 2015 (47 O.S. Supp.
9 2016, Section 6-105.3), is amended to read as follows:

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

1 identification cards issued to persons sixty-five (65) years of age
2 or older shall be valid indefinitely from the month of issuance.

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

14 C. The fee charged for the issuance, renewal, or replacement of
15 ~~an identification card~~ a REAL ID Compliant Identification Card shall
16 be Twenty-eight Dollars (\$28.00). The fee charged for the issuance,
17 renewal or replacement of a REAL ID Noncompliant Identification Card
18 pursuant to this section shall be ~~Twenty Dollars (\$20.00)~~ Twenty-
19 eight Dollars (28.00); however, no person sixty-five (65) years of
20 age or older shall be charged a fee for an identification card. Of
21 each fee charged pursuant to the provisions of this subsection:

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

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

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

7 4. Six Dollars (\$6.00) shall be deposited in the Public Safety
8 Enhancement Fund, created in Section 9 of this act; and

9 5. Two Dollars (\$2.00) shall be retained by the motor license
10 agent to be used for operating expenses, provided the fee is related
11 to an application accepted for a REAL ID Compliant Identification
12 Card.

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

19 ~~D.~~ E. When a person makes application for a new identification
20 card, or makes application to renew an identification card, and the
21 person has been convicted of, or received a deferred judgment for,
22 any offense required to register pursuant to the Sex Offenders
23 Registration Act, the identification card shall be valid for a
24 period of one (1) year from the month of issuance, but may be

1 renewed yearly during the time the person is ~~registered~~ subject to
2 registration on the Sex Offender Registry. The cost for such
3 identification card shall be the same as for other identification
4 cards and renewals.

5 SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-106, as
6 last amended by Section 1, Chapter 170, O.S.L. 2016 (47 O.S. Supp.
7 2016, Section 6-106), is amended to read as follows:

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

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

22 3. Except as provided for in subsections G and H of this
23 section, every applicant for a driver license or identification card
24 shall provide to the Department at the time of application both

1 primary and secondary proofs of identity. The Department shall
2 promulgate rules prescribing forms of primary and secondary
3 identification acceptable for an original Oklahoma driver license.

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

6 1. Full name;

7 2. Date of birth;

8 3. Sex;

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

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

15 6. Medical information, as determined by the Department, which
16 shall assure the Department that the person is not prohibited from
17 being licensed as provided by paragraph 7 of subsection A of Section
18 6-103 of this title;

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

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

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

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

Statutes shall not apply when issuing an identification card pursuant to the provisions of this subsection. The Department shall promulgate rules necessary to implement and administer the provisions of this subsection.

H. A valid and unexpired ~~U.S.~~ United States passport shall serve as both primary and secondary proofs of identity whenever application for a driver license or identification card is submitted to the Department. The Department shall promulgate rules necessary to implement and administer the provisions of this subsection.

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

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

~~2. B. The State of Oklahoma shall not participate in the implementation of the REAL ID Act of 2005. The Department of Public Safety is hereby directed not to implement the provisions of the REAL ID Act of 2005 and to report to the Governor and the~~

1 ~~Legislature any attempt by agencies or agents of the United States~~
2 ~~Department of Homeland Security to secure the implementation of the~~
3 ~~REAL ID Act of 2005 through the operations of that or any other~~
4 ~~state department.~~

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 offer its citizens the option of choosing a Compliant Driver~~
19 ~~License or Identification Card or a Noncompliant Driver License or~~
20 ~~Identification Card.~~

21 C. The State of Oklahoma shall not share its citizens' personal
22 information or biometric data with the federal government directly,
23 except as a result of compliance with the REAL ID Act of 2005,
24 Public Law Number 109-13.

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

3 1. Facial feature pattern characteristics;

4 2. Voice data used for comparing live speech with a previously
5 created speech model of a person's voice;

6 3. Iris recognition data containing color or texture patterns
7 or codes;

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

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

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

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

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

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

18 SECTION 5. AMENDATORY 47 O.S. 2011, Section 6-111, as
19 last amended by Section 1, Chapter 214, O.S.L. 2016 (47 O.S. Supp.
20 2016, Section 6-111), is amended to read as follows:

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

1 thereon a distinguishing alphanumeric identification assigned to the
2 licensee or cardholder, date of issuance and date of expiration of
3 the license or card, the full legal name, signature or computerized
4 signature, date of birth, residence address, unless specified as an
5 exception in the Code of Federal Regulations per 6 C.F.R., Section
6 37.17, sex, a ~~color photograph~~ or computerized color image of the
7 licensee or cardholder taken in accordance with Department rules and
8 security features as determined by the Department. The ~~photograph~~
9 ~~or~~ image shall depict a full front unobstructed view of the entire
10 face of the licensee or cardholder; provided, a commercial learner
11 permit shall not bear the ~~photograph~~ or image of the licensee. When
12 any person is issued both a driver license and an identification
13 card, the Department shall ensure the information on both the
14 license and the card are the same, unless otherwise provided by law.

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

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

23 4. The Department may promulgate rules for inclusion of the
24 height and a brief description of the licensee or cardholder on the

1 face of the card or license identifying the licensee or cardholder
2 as deaf or hard-of-hearing.

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

14 6. The Department of Public Safety may develop by rule an
15 alternative procedure whereby a person may apply for a renewal or
16 replacement Oklahoma Class D license or Oklahoma identification
17 card.

18 B. The Department may issue a temporary permit to an applicant
19 for a driver license permitting such applicant to operate a motor
20 vehicle while the Department is completing its investigation and
21 determination of all facts relative to such applicant's privilege to
22 receive a license. Such permit must be in the immediate possession
23 of the driver while operating a motor vehicle, and it shall be
24

1 invalid when the applicant's driver license has been issued or for
2 good cause has been refused.

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

- 6 a. farm retail outlets and suppliers,
- 7 b. agri-chemical businesses,
- 8 c. custom harvesters, and
- 9 d. livestock feeders.

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

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

- 20 a. diesel fuel in quantities of one thousand (1,000)
21 gallons or less,
- 22 b. liquid fertilizers in vehicles with total capacities
23 of three thousand (3,000) gallons or less, and

24

1 c. solid fertilizers that are not mixed with any organic
2 substance.

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

5 D. The Department may issue a non-domiciled commercial learner
6 permit or a non-domiciled commercial driver license to:

7 1. An H2A-Temporary Agricultural worker lawfully present in the
8 United States as indicated on an original, valid and unexpired I-94
9 immigration status document issued by the United States Customs and
10 Immigration Service; and

11 2. A J-1 Exchange Visitor Program participant lawfully present
12 in the United States as indicated on a valid and unexpired J-1
13 Visitor Visa issued by the United States Customs and Immigration
14 Service and who is enrolled in an agricultural education training
15 program.

16 A person applying for such permit or license must comply with
17 all testing and licensing requirements in accordance with applicable
18 federal regulations, state laws and Department rules. The issued
19 license shall be valid until the expiration of the visa for the non-
20 domiciled worker. The Department may promulgate rules for the
21 implementation of the process to carry out the provisions of this
22 section.

23 E. 1. The Department shall develop a procedure whereby a
24 person applying for an original, renewal or replacement Class A, B,

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

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

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

18 4. Failure to comply with the requirements set forth in such
19 notice shall result in cancellation of the person's license or card.
20 Such cancellation shall be in effect for one (1) year, after which
21 time the person may make application with the Department for a new
22 license or card bearing the words "Sex Offender". Continued use of
23 a canceled license or card shall constitute a misdemeanor and shall,
24 upon conviction thereof, be punishable by a fine of not less than

1 Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars
2 (\$200.00). When an individual is no longer required to register as
3 a convicted sex offender with the Department of Corrections pursuant
4 to the provisions of the Sex Offenders Registration Act, the
5 individual shall be eligible to receive a driver license or
6 identification card which does not bear the words "Sex Offender".

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

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

23 H. The Department shall develop a procedure whereby a person
24 applying for an original, renewal or replacement Class D driver

1 license who has been granted modified driving privileges under this
2 title shall be issued a Class D driver license which identifies the
3 license as a modified license.

4 SECTION 6. AMENDATORY 47 O.S. 2011, Section 6-114, as
5 last amended by Section 2, Chapter 170, O.S.L. 2016 (47 O.S. Supp.
6 2016, Section 6-114), is amended to read as follows:

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

- 22 a. the expiration date of the license being replaced, or
- 23 b. the expiration date on the valid documentation
- 24 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)~~ Twenty-eight Dollars (\$28.00), of which:

5 a. Two Dollars (\$2.00) shall be apportioned as provided
6 in Section 1104 of this title,

7 b. Three Dollars (\$3.00) shall be remitted to the State
8 Treasurer to be credited to the General Revenue Fund,
9 ~~and~~

10 c. Five Dollars (\$5.00) shall be credited to the
11 Department of Public Safety Computer Imaging System
12 Revolving Fund to be used solely for the purpose of
13 administering and maintaining the computer imaging
14 system of the Department, ~~and~~

15 d. Ten Dollars (\$10.00) shall be credited to the
16 Revolving Fund of the Department of Public Safety,

17 e. Six Dollars (\$6.00) shall be credited to the Public
18 Safety Enhancement Fund created in Section 9 of this
19 act, and

20 f. Two Dollars (\$2.00) shall be retained by the motor
21 license agent to be used for operating expenses
22 provided the fee is related to an application accepted
23 for a REAL ID Compliant Driver License.
24

1 3. The Department shall promulgate rules prescribing forms of
2 primary and secondary identification acceptable for replacement of
3 an Oklahoma driver license; provided, however, a valid and unexpired
4 U.S. passport shall be acceptable as both primary and secondary
5 identification.

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

13 SECTION 7. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 6-110.5 of Title 47, unless
15 there is created a duplication in numbering, reads as follows:

16 To ensure the physical security of tag agencies regarding the
17 production of a REAL ID Compliant Driver License or Identification
18 Card, the following security measures shall be observed:

19 1. During operating hours:

20 a. when the public has access to a building where REAL ID
21 Compliant Driver Licenses or Identification Cards are
22 produced, the motor license agent or an employee must
23 be present at all times where equipment related to the
24

- 1 production of REAL ID Compliant Driver Licenses or
2 Identification Cards is located,
- 3 b. the motor license agent or an employee shall control
4 and restrict access by all other individuals to the
5 area where equipment related to the production of REAL
6 ID Compliant Driver Licenses or Identification Cards
7 is operated,
- 8 c. the motor license agent or an employee shall prohibit
9 any unauthorized person from operating equipment
10 related to the production of REAL ID Compliant Driver
11 Licenses or Identification Cards,
- 12 d. access to and operation of equipment related to the
13 production of REAL ID Compliant Driver Licenses or
14 Identification Cards must be limited to individuals
15 with private passwords and finger image authorization,
16 thus preventing instant unauthorized access to such
17 equipment, and
- 18 e. all documents and materials used in the production of
19 REAL ID Compliant Driver Licenses and Identification
20 Cards shall be properly loaded in the related
21 equipment used to produce such licenses and cards or
22 in a locked qualifying safe;

23 2. During nonoperating hours:
24

1 a. when the public does not have access to the building
2 where REAL ID Compliant Driver Licenses or
3 Identification Cards are produced, a working,
4 monitored security system utilizing an alarm shall be
5 utilized in an effort to provide physical security of
6 the location and equipment. Yearly, a signed
7 affidavit shall be provided to the Department of
8 Public Safety by the motor license agent, attesting
9 compliance with the provisions of this subparagraph
10 and providing the name of the monitoring company
11 associated with the security system,

12 b. all documents and materials used in the production of
13 REAL ID Compliant Driver Licenses and Identification
14 Cards shall be stored in a locked qualifying safe,

15 3. For purposes of this subsection, a "qualifying safe":

16 a. shall be in excess of two hundred fifty (250) pounds
17 in weight or anchored to a permanent fixture to
18 prevent removal, and

19 b. shall be equipped with a functional combination lock,
20 a functional key lock, or both.

21 SECTION 8. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 6-110.6 of Title 47, unless
23 there is created a duplication in numbering, reads as follows:
24

1 Any online system related to the issuance or renewal of driver
2 licenses or identification cards shall include an option whereby
3 each individual may select the motor license agent they desire for
4 the processing of their individual issuance or renewal.

5 SECTION 9. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 34.105 of Title 62, unless there
7 is created a duplication in numbering, reads as follows:

8 A. There is hereby created a fund to be known as the "Public
9 Safety Enhancement Fund". The fund shall consist of the funds
10 apportioned to the fund by Sections 6-101, 6-105.3 and 6-114 of
11 Title 47 of the Oklahoma Statutes.

12 B. The Legislature shall appropriate funds from the Public
13 Safety Enhancement Fund for the purpose of enhancing public safety
14 in the state of Oklahoma.

15 SECTION 10. It being immediately necessary for the preservation
16 of the public peace, health or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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