

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 HOUSE BILL 2036

 By: Davis

7 AS INTRODUCED

8 An Act relating to motor vehicles; amending 47 O.S.
9 2011, Section 6-111, as last amended by Section 5,
10 Chapter 1, O.S.L. 2017 (47 O.S. Supp. 2018, Section
11 6-111), which relates to the issuance of driver
12 licenses; directing the promulgation of rules and
13 procedures for obtaining replacement commercial
14 driver license from tag agent; and providing an
15 effective date.

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

15 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-111, as
16 last amended by Section 5, Chapter 1, O.S.L. 2017 (47 O.S. Supp.
17 2018, Section 6-111), is amended to read as follows:

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

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

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

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

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

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

12 6. The Department of Public Safety may develop by rule a
13 procedure which complies with the provisions of subsection G of
14 Section 6-101 of this title whereby a person may apply for a renewal
15 or replacement Oklahoma Class D license or Oklahoma identification
16 card.

17 7. The Department of Public Safety shall develop by rule a
18 procedure whereby a person may apply for a replacement Oklahoma
19 commercial driver license through a tag agency.

20 B. 1. The Department may issue or authorize the issuance of a
21 temporary permit or license to an applicant for a driver license
22 permitting such applicant to operate a motor vehicle while the
23 Department is completing its investigation and determination of all
24 facts relative to such applicant's privilege to receive a license,

1 or while a permanent driver license is being produced and delivered
2 to the applicant. Such permit or license must be in the immediate
3 possession of the driver while operating a motor vehicle, and it
4 shall be invalid when the applicant's permanent driver license has
5 been issued and delivered or for good cause has been refused.

6 2. The Department may issue or authorize the issuance of a
7 temporary identification card to an applicant, permitting the holder
8 the privileges otherwise granted by identification cards, while a
9 permanent driver license is being provided and delivered to the
10 applicant. Such card shall be invalid when the applicant's
11 permanent identification card has been issued and delivered, or for
12 good cause has been refused.

13 C. 1. The Department may issue a restricted commercial driver
14 license to drivers eighteen (18) years of age or older for any of
15 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.

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

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

21 2. A J-1 Exchange Visitor Program participant lawfully present
22 in the United States as indicated on a valid and unexpired J-1
23 Visitor Visa issued by the United States Customs and Immigration
24

1 Service and who is enrolled in an agricultural education training
2 program.

3 A person applying for such permit or license must comply with
4 all testing and licensing requirements in accordance with applicable
5 federal regulations, state laws and Department rules. The issued
6 license shall be valid until the expiration of the visa for the non-
7 domiciled worker. The Department may promulgate rules for the
8 implementation of the process to carry out the provisions of this
9 section.

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

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

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

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

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

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

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

16 SECTION 2. This act shall become effective November 1, 2019.

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18 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES, dated
19 02/12/2019 - DO PASS.
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