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February 25, 2019

SENATE BILL NO. 19 By: Pemberton

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An Act relating to driver licenses; amending 47 O.S. 2011, Section 6-106, as last amended by Section 3, Chapter 1, O.S.L. 2017 (47 O.S. Supp. 2018, Section 6-106), which relates to the application for license; modifying provided documentation; amending 47 O.S. 2011, Section 6-111, as last amended by Section 5, Chapter 1, O.S.L. 2017 (47 O.S. Supp. 2018, Section 6-111), which relates to issuance of license or identification card; modifying inclusions; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-106, as last amended by Section 3, Chapter 1, O.S.L. 2017 (47 O.S. Supp. 2018, Section 6-106), is amended to read as follows:

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

2. Every original, renewal, or replacement application for a driver license or identification card made by a male applicant who is at least sixteen (16) but less than twenty-six (26) years of age shall include a statement that by submitting the application, the applicant is consenting to registration with the Selective Service

1 System. The pertinent information from the application shall be
2 forwarded by the Department to the Data Management Center of the
3 Selective Service System in order to register the applicant as
4 required by law with the Selective Service System. Any applicant
5 refusing to sign the consent statement shall be denied a driver
6 license or identification card.

7 3. Except as provided for in subsections G and H of this
8 section, every applicant for a driver license or identification card
9 shall provide to the Department at the time of application both
10 primary and secondary proofs of identity. Secondary proof of
11 identity is only required for REAL ID non-compliant driver license
12 or identification cards. The Department shall promulgate rules
13 prescribing forms of primary and secondary identification acceptable
14 for an original Oklahoma driver license.

15 B. Every applicant for a driver license shall provide the
16 following information:

- 17 1. Full name;
- 18 2. Date of birth;
- 19 3. Sex;
- 20 4. Address of principal residence and county of such residence
21 which shall be referenced on the REAL ID compliant driver license or
22 identification card; proof of principal residency, as prescribed by
23 rules promulgated by the Department, documenting provided address;
24

1 5. Current and complete mailing address to be maintained by the
2 Department for the purpose of giving notice, if necessary, as
3 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~~ or after May 8,
15 2012, is currently the holder of a commercial driver license and is
16 subject to the requirements of 49 C.F.R., Part 391, and who does not
17 apply for a renewal or replacement license prior to January 30,
18 2014, shall submit to the Department and maintain with the
19 Department a current approved medical examination certificate signed
20 by a licensed physician authorized to perform and approve medical
21 examination certifications. The Department shall adopt rules for
22 maintaining medical examination certificates pursuant to the
23 requirements in 49 C.F.R., Parts 383 and 384. Any commercial driver
24 licensee subject to the requirements of this paragraph who fails to

1 maintain on file with the Department a current, approved medical
2 examination certificate shall have the driving privileges of the
3 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 shall not apply for or possess more than one state-
7 issued or territory-issued REAL ID Compliant Driver License or
8 Identification Card pursuant to the provisions of Section 6-101 of
9 this title. A valid and unexpired Oklahoma driver license shall
10 serve as both primary and secondary proofs of identity whenever
11 application for 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 H. A valid and unexpired U.S. passport shall serve as both
18 primary and secondary proofs of identity whenever application for a
19 driver license or identification card is submitted to the
20 Department. The Department shall promulgate rules necessary to
21 implement and administer the provisions of this subsection.

22 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-111, as
23 last amended by Section 5, Chapter 1, O.S.L. 2017 (47 O.S. Supp.
24 2018, Section 6-111), is amended to read as follows:

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

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

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

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

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

21 6. The Department of Public Safety may develop by rule a
22 procedure which complies with the provisions of subsection G of
23 Section 6-101 of this title whereby a person may apply for a renewal
24

1 or replacement Oklahoma Class D license or Oklahoma identification
2 card.

3 B. 1. The Department may issue or authorize the issuance of a
4 temporary permit or license to an applicant for a driver license
5 permitting such applicant to operate a motor vehicle while the
6 Department is completing its investigation and determination of all
7 facts relative to such applicant's privilege to receive a license,
8 or while a permanent driver license is being produced and delivered
9 to the applicant. Such permit or license must be in the immediate
10 possession of the driver while operating a motor vehicle, and it
11 shall be invalid when the applicant's permanent driver license has
12 been issued and delivered or for good cause has been refused.

13 2. The Department may issue or authorize the issuance of a
14 temporary identification card to an applicant, permitting the holder
15 the privileges otherwise granted by identification cards, while a
16 permanent driver license is being provided and delivered to the
17 applicant. Such card shall be invalid when the applicant's
18 permanent identification card has been issued and delivered, or for
19 good cause has been refused.

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

- 23 a. farm retail outlets and suppliers,
- 24 b. agri-chemical businesses,

1 c. custom harvesters, and

2 d. livestock feeders.

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

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

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

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

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

17 c. solid fertilizers that are not mixed with any organic
18 substance.

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

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

23 1. An H2A-Temporary Agricultural worker lawfully present in the
24 United States as indicated on an original, valid and unexpired I-94

1 immigration status document issued by the United States Customs and
2 Immigration Service; and

3 2. A J-1 Exchange Visitor Program participant lawfully present
4 in the United States as indicated on a valid and unexpired J-1
5 Visitor Visa issued by the United States Customs and Immigration
6 Service and who is enrolled in an agricultural education training
7 program.

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

15 E. 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 F. Nothing in subsection E 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 G. A person subject to an order for the installation of an
8 ignition interlock device shall be required by the Department to
9 submit their driver license for a replacement. The replacement
10 driver license shall bear the words "Interlock Required" and such
11 designation shall remain on the driver license for the duration of
12 the order requiring the ignition interlock device. The replacement
13 license shall be subject to the same expiration and renewal
14 procedures provided by law. Upon completion of the requirements for
15 the interlock device, a person may apply for a replacement driver
16 license.

17 H. 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 3. This act shall become effective November 1, 2019.

23 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
24 February 25, 2019 - DO PASS