

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3996

By: Dobrinski

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2021, Section 6-105.3, which relates to issuance of identification cards; exempting certain veterans from payment of certain fees; amending 47 O.S. 2021, Section 6-110, which relates to the examination of applicants; requiring certain applicants, examiners and instructors to submit to criminal history record check; providing for the payment of certain fees; amending 47 O.S. 2021, Section 6-110.1, which relates to endorsements; modifying certain motorcycle endorsement; adding certain motorcycle endorsements; providing effective dates; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2021, Section 6-105.3, is amended to read as follows:

Section 6-105.3 A. In addition to the licenses to operate motor vehicles, the Department of Public Safety may issue cards to Oklahoma residents for purposes of identification only. The identification cards shall be issued, renewed, replaced, canceled and denied in the same manner as driver licenses in this state. A licensee whose record reflects a notation of the person's proof of

1 legal presence, verified by the U.S. Department of Homeland
2 Security, or proof of U.S. citizenship, may obtain a REAL ID
3 Compliant Identification Card or a Noncompliant Identification Card
4 from a motor license agent or the Department of Public Safety,
5 regardless of the status of the license held by the licensee.
6 Provided, the licensee must comply with all REAL ID documentation
7 requirements to obtain a REAL ID Compliant Identification Card. A
8 person shall not apply for or possess more than one state-issued or
9 territory-issued REAL ID Compliant Identification Card pursuant to
10 the provisions of Section 6-101 of this title.

11 The application for an identification card by any person under
12 the age of eighteen (18) years shall be signed and verified by a
13 custodial legal parent or legal guardian, either in person before a
14 person authorized to administer oaths or electronically if
15 completing an online application, or a notarized affidavit signed by
16 a custodial legal parent or legal guardian submitted before a person
17 authorized to administer oaths by the person under the age of
18 eighteen (18) years with the application. Except as otherwise
19 provided in this section, the identification cards shall be valid
20 for a period of either four (4) years from the month of issuance or
21 eight (8) years from the month of issuance; however, the
22 identification cards issued to persons sixty-five (65) years of age
23 or older shall be valid indefinitely from the month of issuance.

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1 B. 1. The Department of Corrections shall coordinate with the
2 Department of Public Safety to provide REAL ID Noncompliant
3 Identification Cards to all inmates who do not have a current state-
4 issued identification card or driver license upon their release from
5 custody. The identification cards shall be issued, replaced,
6 canceled and denied in the same manner as driver licenses in this
7 state.

8 2. If an inmate is unable to provide a valid identification
9 document and no other form of identification is available, the
10 Department of Public Safety shall allow the use of a Department of
11 Corrections-issued consolidated record card to serve as a valid
12 identification document to obtain a REAL ID Noncompliant
13 Identification Card.

14 3. REAL ID Noncompliant Identification Cards issued with a
15 consolidated record card from the Department of Corrections for
16 inmates shall be valid for a period of four (4) years from the month
17 of issuance for an allowable fee to be determined by the Department
18 of Public Safety and are nonrenewable and nontransferable.

19 4. The fee charged for the issuance or replacement of a REAL ID
20 Noncompliant Identification Card pursuant to this subsection shall
21 be deposited in the Department of Public Safety Revolving Fund.
22 Provided, however, REAL ID Noncompliant Identification Cards issued
23 to individuals required to register pursuant to the Sex Offenders
24 Registration Act shall only be valid for a period of one (1) year.

1 No person sixty-five (65) years of age or older shall be charged a
2 fee for a REAL ID Noncompliant Identification Card.

3 5. The Department of Public Safety is authorized to promulgate
4 rules and procedures to implement the provisions of this subsection.

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

16 D. The fee charged for the issuance or renewal of a REAL ID
17 Compliant Identification Card shall be Twenty-five Dollars (\$25.00)
18 for a 4-year card and Fifty Dollars (\$50.00) for an 8-year card.
19 The fee charged for the issuance or renewal of a REAL ID
20 Noncompliant Identification Card pursuant to this section shall be
21 Twenty-five Dollars (\$25.00) for a 4-year card and Fifty Dollars
22 (\$50.00) for an 8-year card; however, no person sixty-five (65)
23 years of age or older, or one hundred percent (100%) disabled
24 veteran described in subsection P of Section 6-101 of this title

1 shall be charged a fee for an identification card. Of each fee
2 charged pursuant to the provisions of this subsection:

3 1. Seven Dollars (\$7.00) of a 4-year card and Fourteen Dollars
4 (\$14.00) of an 8-year card shall be apportioned as provided in
5 Section 1104 of this title;

6 2. Three Dollars (\$3.00) of a 4-year card and Six Dollars
7 (\$6.00) of an 8-year card shall be credited to the Department of
8 Public Safety Computer Imaging System Revolving Fund to be used
9 solely for the purpose of the administration and maintenance of the
10 computerized imaging system of the Department;

11 3. Ten Dollars (\$10.00) of a 4-year card and Twenty Dollars
12 (\$20.00) of an 8-year card shall be deposited in the Department of
13 Public Safety Revolving Fund;

14 4. Three Dollars (\$3.00) of a 4-year card and Six Dollars
15 (\$6.00) of an 8-year card shall be deposited to the State Public
16 Safety Fund created in Section 2-147 of this title; and

17 5. Two Dollars (\$2.00) for a 4-year card and Four Dollars
18 (\$4.00) for an 8-year card of the fee authorized by this subsection
19 related to the issuance or renewal of an identification card by a
20 motor license agent that does process approved applications or
21 renewals for REAL ID Compliant and REAL ID Non-Compliant Driver
22 Licenses or Identification Cards shall be retained by the motor
23 license agent.

1 E. The fee charged for replacement of a REAL ID Compliant
2 Identification Card, or REAL ID Non-Compliant Identification Card,
3 shall be Twenty-five Dollars (\$25.00); however, no person sixty-five
4 (65) years of age or older or a one hundred percent (100%) disabled
5 veteran as described in subsection P of Section 6-101 of this title
6 shall be charged a fee for an identification card replacement. Of
7 each fee charged pursuant to the provisions of this subsection:

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

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

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

16 4. Three Dollars (\$3.00) shall be deposited to the State Public
17 Safety Fund created in Section 2-147 of this title; and

18 5. Two Dollars (\$2.00) of the fee authorized by this subsection
19 related to the replacement of an identification card by a motor
20 license agent that does process approved applications or renewals
21 for REAL ID Compliant or REAL ID Non-Compliant Driver Licenses or
22 Identification Cards shall be retained by the motor license agent.

23 F. The Oklahoma Tax Commission is hereby authorized to
24 reimburse, from funds available to that agency, each motor license

1 agent issuing an identification card to a person sixty-five (65)
2 years of age or older, an amount not to exceed One Dollar (\$1.00)
3 for each card or driver license so issued. The Tax Commission shall
4 develop procedures for claims for reimbursement.

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

15 SECTION 2. AMENDATORY 47 O.S. 2021, Section 6-110, is
16 amended to read as follows:

17 Section 6-110. A. 1. The Department of Public Safety shall
18 establish procedures to ensure every applicant for an original Class
19 A, B, C or D license and for any endorsements thereon is examined by
20 the Department, or an approved written examination proctor, except
21 as otherwise provided in Section 6-101 et seq. of this title or as
22 provided in paragraph 2 of this subsection or in subsections D and E
23 of this section. The Department is authorized to approve and enter
24 into agreements with local school districts, the Oklahoma Department

1 of Career and Technology Education, or institutions of higher
2 education to act as approved written examination proctors with
3 regard to any written examination required by this section. The
4 examination shall include a test of the applicant's:

- 5 a. eyesight,
- 6 b. ability to read and understand highway signs
7 regulating, warning and directing traffic,
- 8 c. knowledge of the traffic laws of this state including
9 a portion on bicycle and motorcycle safety, and
- 10 d. ability, by actual demonstration, to exercise ordinary
11 and reasonable control in the operation of a motor
12 vehicle. The actual demonstration shall be conducted
13 in the type of motor vehicle for the class of driver
14 license being applied for.

15 The Department of Public Safety may create a knowledge test that may
16 be taken on the Internet by an applicant applying for a Class D
17 license.

18 Any licensee seeking to apply for a driver license of another class
19 which is not covered by the licensee's current driver license shall
20 be considered an applicant for an original license for that class.

21 2. The Department of Public Safety shall have the authority to
22 waive the requirement of any part of the examination required in
23 paragraph 1 of this subsection for those applicants whose driving
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1 record meets the standards set by the Department of Public Safety
2 and surrender either of the following:

- 3 a. a valid unexpired driver license issued by any state
4 or country for the same type or types of vehicles, or
- 5 b. an expired driver license that:

- 6 (1) is not expired more than six (6) months past the
7 expiration date listed on the driver license, and
- 8 (2) is not a Class A, B or C commercial driver
9 license or commercial driver license permit.

10 3. The Department of Public Safety shall accept skills test
11 results from another state for Class A, B or C license applicants
12 who have successfully completed commercial motor vehicle driver
13 training in that state and successfully passed the skills test in
14 that state; provided, the Department shall not accept skills test
15 results from another state when the applicant has not successfully
16 completed commercial motor vehicle driver training in that state.
17 Nothing in this section shall be construed to prohibit the
18 Department of Public Safety from administering the skills test to
19 any applicant who has successfully completed commercial vehicle
20 driver training in another state.

21 4. All applicants requiring a hazardous materials endorsement
22 shall be required, for the renewal of the endorsement, to
23 successfully complete the examination and to submit to a security
24 threat assessment performed by the Transportation Security

Administration of the Department of Homeland Security as required by and pursuant to 49 C.F.R., Part 1572, which shall be used to determine whether the applicant is eligible for renewal of the endorsement pursuant to federal law and regulation.

5. The Department of Public Safety, or an approved written examination proctor, shall give the complete examination as provided for in this section within thirty (30) days from the date the application is received, and the examination shall be given at a location within one hundred (100) miles of the residence of the applicant. The Department of Public Safety shall make every effort to make the examination locations and times convenient for applicants. The Department of Public Safety shall consider giving the examination at various school sites if the district board of education for the district in which the site is located agrees and if economically feasible and practicable.

B. Any person holding a valid Oklahoma Class D license or provisional driver license pursuant to Section 6-212 of this title and applying for a Class A, B or C commercial license shall be required to successfully complete all examinations as required for the specified class. Failure to submit to the Department of Public Safety federally required medical certification information pursuant to 49 C.F.R., Part 391.41 et seq. shall result in an automatic downgrade of a commercial license to a Class D license. Provided, however, once the required medical certification information has

1 been received by the Department of Public Safety, the license shall
2 be reinstated to the classification of the commercial license prior
3 to the downgrade and the holder of such a license shall not be
4 required to reapply.

5 C. Except as provided in subsection E of Section 6-101 of this
6 title, any person holding a valid Oklahoma Class A, B or C
7 commercial license shall, upon time for renewal thereof, be entitled
8 to a Class D license without any type of testing or examination,
9 except for any endorsements thereon as otherwise provided for by
10 Section 6-110.1 of this title.

11 D. 1. Any certified driver education instructor who is
12 currently an operator or an employee of a commercial driver training
13 school in this state or any driver education instructor employed by
14 any school district in this state shall be eligible to apply to be a
15 designated examiner of the Department of Public Safety for the
16 purposes of administering the Class D driving skills portion of the
17 Oklahoma driving examination to any person who has been issued a
18 learner permit.

19 2. The Department of Public Safety shall adopt a curriculum of
20 required courses and training to be offered to applicants who are
21 qualified to apply to be a designated examiner. The courses and
22 training for certification shall meet the same standards as required
23 for driver examiners of the Department of Public Safety.

1 3. Each person applying to be a designated examiner shall be
2 required to pay an initial designated examiner certification fee of
3 One Thousand Dollars (\$1,000.00). Upon successful completion of
4 training prescribed by paragraph 2 of this subsection, the person
5 shall be required to pay an annual designated examiner certification
6 fee of Five Hundred Dollars (\$500.00). If an applicant for the
7 designated examiner program is employed by an Oklahoma public school
8 system that offers driver education, and he or she administers the
9 skills test only to students enrolled in a public school driver
10 education program, the certification fee may be waived by the
11 Department of Public Safety. Each designated examiner certification
12 shall expire on the last day of the calendar year and may be renewed
13 upon application to the Department of Public Safety. The designated
14 examiner certification fees collected by the Department of Public
15 Safety pursuant to this subsection shall be deposited to the credit
16 of the Department of Public Safety Restricted Revolving Fund to be
17 used for the purposes of this subsection. No designated examiner
18 certification fee shall be refunded in the event that certification
19 is denied, suspended or revoked.

20 4. A designated examiner may charge a fee for each Class D
21 driving skills examination given, whether the person being examined
22 passes or fails the examination.

23 5. The Department of Public Safety shall ~~conduct an annual~~
24 ~~complete nationwide criminal history background check on~~ require

1 each designated examiner and ~~a complete nationwide~~ driver education
2 instructor applicant to submit to an electronic criminal history
3 ~~background record check on each designated examiner applicant~~
4 pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes. On
5 or before December 1, 2022, the Department shall require each
6 designated examiner and driver education instructor to submit to an
7 electronic national criminal history record check pursuant to
8 Section 150.9 of Title 74 of the Oklahoma Statutes. The fees for
9 the background record check shall be borne by the designated
10 examiner or, designated examiner applicant, driver education
11 instructor or driver education instructor applicant.

12 6. The Department of Public Safety shall promulgate rules to
13 implement and administer the provisions of this subsection.

14 E. 1. Upon application and approval of the Commissioner of
15 Public Safety, any public or private commercial truck driving school
16 that has or maintains a program instructing students for a Class A,
17 B or C license, public transit agency or state, county or municipal
18 government agency in this state shall be authorized to hire or
19 employ designated examiners approved by the Department of Public
20 Safety to be third-party examiners of the Class A, B or C driving
21 skills portion of the Oklahoma driving examination. All designated
22 examiners must successfully have completed the courses and training
23 as outlined in paragraph 2 of this subsection. The Department of
24 Public Safety shall be required to approve at least one public

1 transit agency that has or maintains a program instructing students
2 for a Class A, B or C license to hire or employ third-party
3 examiners pursuant to this section. It shall be permissible for any
4 public transit agency operating in the State of Oklahoma to utilize
5 the third-party examiners hired or employed by a public transit
6 agency approved by the Department.

7 2. The Department of Public Safety shall adopt a curriculum of
8 required courses and training to be offered to third-party
9 examiners. The courses and training for certification shall meet
10 the same standards as required for commercial driver examiners of
11 the Department of Public Safety.

12 3. The Department of Public Safety shall require each third-
13 party examiner applicant and commercial school driver education
14 instructor applicant to submit to an electronic national criminal
15 history record check pursuant to Section 150.9 of Title 74 of the
16 Oklahoma Statutes. On or before December 1, 2022, the Department
17 shall require each third-party examiner or commercial school driver
18 education instructor to submit to an electronic national criminal
19 history record check pursuant to Section 150.9 of Title 74 of the
20 Oklahoma Statutes. The fees for the background check shall be borne
21 by the third-party examiner, third-party examiner applicant,
22 commercial school driver education instructor or commercial school
23 driver education instructor applicant.

1 F. The Department of Public Safety shall promulgate rules no
2 later than December 15, 2021, to:

3 1. Implement and administer the provisions of this section
4 based on requirements set forth in Section 383.75 of Title 49 of the
5 Code of Federal Regulations;

6 2. Establish a process to inform any school, public transit
7 agency, examiner, or state, county or municipal government agency,
8 who has been denied, within forty-five (45) days from the denial;

9 3. Create an appeal process for any school, public transit
10 agency, examiner, or state, county or municipal government agency
11 denied; and

12 4. If the initial application for approval was denied, limit
13 the number of times an individual school, public transit agency,
14 individual examiner applicant, or state, county or municipal
15 government agency may reapply in a calendar year to two
16 reapplications.

17 SECTION 3. AMENDATORY 47 O.S. 2021, Section 6-110.1, is
18 amended to read as follows:

19 Section 6-110.1 A. The following endorsements shall be placed
20 on an Oklahoma driver license to any person qualifying therefore as
21 determined by the Department of Public Safety. Any person having an
22 original Class A, B, C or D Oklahoma driver license shall only be
23 required to take the supporting written endorsement testing which is
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1 required to endorse the original Class A, B, C or D Oklahoma driver
2 license.

3	Endorsement	Authorizes the operation of:
4	"H"	A non-tank-type vehicle used to
5		transport hazardous materials in
6		placardable amounts pursuant to 49
7		C.F.R., Part 172, subpart F;
8	"M" <u>"L"</u>	A motorcycle <u>with two wheels in</u>
9		<u>contact with the ground and a</u>
10		<u>motorcycle with three wheels in</u>
11		<u>contact with the ground;</u>
12	<u>"L2"</u>	<u>A motorcycle with two wheels in</u>
13		<u>contact with the ground;</u>
14	<u>"L3"</u>	<u>A motorcycle with three wheels in</u>
15		<u>contact with the ground;</u>
16	"N"	A tank vehicle as defined in Section
17		1-173.1 of this title;
18	"P"	A vehicle designed by the
19		manufacturer to transport sixteen or
20		more passengers, including the
21		driver;
22	"S"	A school bus;
23	"T"	A vehicle with double or triple
24		trailers;

1 "X"

A tank vehicle used to transport
hazardous materials in placardable
amounts pursuant to 49 C.F.R., Part
172, subpart F.

5 B. The Department may also provide for additional endorsements
6 as may be needed or as otherwise provided for by law.

7 C. No person shall operate a motor vehicle requiring
8 endorsements as provided for in this section without having a valid
9 Class A, B, C or D license with the required endorsements.

10 D. All endorsements as provided for in this section must be
11 obtained prior to the operation of such vehicles. However, the
12 requirement for a hazardous materials endorsement is not required
13 for the operation of farm vehicles used to transport pesticides,
14 fertilizers, or other products integral to farming, but which are
15 defined as hazardous materials. If, after obtaining a hazardous
16 material endorsement, a person becomes ineligible for the hazardous
17 material endorsement pursuant to state or federal law, or both, or
18 any regulation, the Department of Public Safety shall provide notice
19 as provided in Section 2-116 of this title. A person will have
20 thirty (30) days from the date of the notice to appear at a
21 designated testing facility to apply and be issued a commercial
22 driver license without the endorsement. Failure to comply within
23 the required time shall be grounds for the Department of Public
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1 Safety to disqualify the commercial driver license of the person
2 until compliance has been met.

3 SECTION 4. Section 1 of this act shall become effective July 1,
4 2022.

5 SECTION 5. Section 3 of this act shall become effective
6 November 1, 2022.

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

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