

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 HOUSE BILL 3938

 By: Provenzano

7 AS INTRODUCED

8 An Act relating to driver licenses; amending 47 O.S.
9 2021, Section 6-103, as amended by Section 40,
10 Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2023, Section
11 6-103), which relates to persons not to be licensed;
12 removing certain description of persons not to be
13 licensed; amending 47 O.S. 2021, Section 6-106, as
14 amended by Section 45, Chapter 282, O.S.L. 2022 (47
15 O.S. Supp. 2023, Section 6-106), which relates to
16 application for license; modifying type of
17 information required for driver license application;
18 and providing an effective date.

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

18 SECTION 1. AMENDATORY 47 O.S. 2021, Section 6-103, as
19 amended by Section 40, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2023,
20 Section 6-103), is amended to read as follows:

21 Section 6-103. A. Except as otherwise provided by law, Service
22 Oklahoma shall not issue a driver license to:

23 1. Any person who is under eighteen (18) years of age, except
24 that Service Oklahoma may issue a Class D license to any person who

1 attains sixteen (16) years of age on or after August 15, 2000, and
2 meets the requirements of Sections 6-105 and 6-107.3 of this title;

3 2. Any unemancipated person who is under eighteen (18) years of
4 age and whose custodial legal parent or legal guardian does not
5 approve the issuance of a license as required by Section 6-110.2 of
6 this title or objects to the issuance of a license or permit by
7 filing an objection pursuant to Section 6-103.1 of this title;

8 3. Any person whose driving privilege has been suspended,
9 revoked, canceled or denied in this state or any other state or
10 country until the driving privilege has been reinstated by the state
11 or country withdrawing the privilege;

12 4. Any person who is classified as an excessive user of
13 alcohol, any other intoxicating substance, or a combination of
14 alcohol and any other intoxicating substance, and inimical to public
15 safety, in accordance with rules promulgated by the Department of
16 Public Safety, until all requirements granting or reinstating
17 driving privileges are met, including, but not limited to,
18 abstinence from the use of alcohol, any other intoxicating
19 substance, or any combination of alcohol and any other intoxicating
20 substance for a minimum of either twelve (12) months or eighteen
21 (18) months, as determined by OAC 595:10-5, immediately preceding
22 application for or application for reinstatement of driving
23 privileges;

1 5. Any person who is required by Section 6-101 et seq. of this
2 title to take an examination, unless the person shall have
3 successfully passed the examination;

4 6. Any person who is required under the laws of this state to
5 deposit proof of financial responsibility and who has not deposited
6 such proof;

7 7. Any person ~~who is physically deformed or~~ who is afflicted
8 with any mental disease or physical condition that would impair the
9 driving ability of the person or when the Commissioner of Public
10 Safety, from information concerning the person or from the records
11 and reports on file in the Department of Public Safety, determines
12 that the operation of a motor vehicle by such person on the highways
13 would be inimical to public safety or welfare;

14 8. Any person who is a nonresident, as defined in Section 1-137
15 of this title;

16 9. Any alien unless such person presents valid documentation of
17 identity and authorization for presence in the United States issued
18 pursuant to the laws of the United States; provided, no license
19 shall be issued to any alien whose documentation indicates the alien
20 is a visitor or is not eligible to establish residency; or

21 10. Any person who possesses a valid license to operate a motor
22 vehicle issued by another state until the other state license has
23 been surrendered.

1 B. Any applicant who is denied a license under the provisions
2 of subsection A of this section shall have the right to an appeal as
3 provided in Section 6-211 of this title.

4 SECTION 2. AMENDATORY 47 O.S. 2021, Section 6-106, as
5 amended by Section 45, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2023,
6 Section 6-106), is amended to read as follows:

7 Section 6-106. A. 1. Every application for a driver license
8 or identification card shall be made by the applicant upon a form
9 furnished by Service Oklahoma.

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

21 3. Except as provided for in subsections G and H of this
22 section, every applicant for a driver license or identification card
23 shall provide to Service Oklahoma at the time of application a
24 document showing proof of identity. Service Oklahoma shall

1 promulgate rules prescribing forms of primary and secondary
2 identification acceptable for an original Oklahoma driver license.

3 B. Every applicant for a driver license shall provide the
4 following information:

5 1. Full name;

6 2. Date of birth;

7 3. Sex;

8 4. Address of principal residence and county of such residence
9 which shall be referenced on the REAL ID Compliant Driver License or
10 Identification Card; proof of principal residency, as prescribed by
11 rules promulgated by Service Oklahoma, documenting provided address;

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

15 6. Medical information, as determined by the Department, which
16 shall assure Service Oklahoma 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. For Class D driver licenses only, a self-
19 certification that the applicant is medically able to drive safely
20 shall assure Service Oklahoma that the person is not prohibited from
21 being licensed as provided by paragraph 7 of subsection A of Section
22 6-103 of this title;

23 7. Whether the applicant is deaf or hard-of-hearing;
24

1 8. A brief physical description of the applicant, as determined
2 by ~~the Department~~ Service Oklahoma in conjunction with the
3 Department of Public Safety;

4 9. Whether the applicant has previously been licensed, and, if
5 so, when and by what state or country, and whether any license has
6 ever been suspended or revoked without subsequent reinstatement, or
7 whether an application has ever been refused without subsequent
8 acceptance, and, if so, the date of and reason for the suspension,
9 revocation or refusal;

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

13 11. Whether the applicant has:

14 a. previously been licensed and, if so, when and by what
15 state or country, and

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

18 12. Social Security number.

19 No person shall request Service Oklahoma to use the Social Security
20 number of that person as the driver license number. Upon renewal or
21 replacement of any driver license issued after the effective date of
22 this act, the licensee shall advise Service Oklahoma or the licensed
23 operator if the present driver license number of the licensee is the
24 Social Security number of the licensee. If the driver license

1 number is the Social Security number, Service Oklahoma or the
2 licensed operator shall change the driver license number to a
3 computer-generated alphanumeric identification.

4 C. 1. In addition to the requirements of subsections A and B
5 of this section, every applicant for a commercial driver license who
6 is subject to the requirements of 49 C.F.R., Part 391, and is
7 applying for an original, renewal, or replacement license, and every
8 person who, upon or after May 8, 2012, is currently the holder of a
9 commercial driver license and is subject to the requirements of 49
10 C.F.R., Part 391, and who does not apply for a renewal or
11 replacement license prior to January 30, 2014, shall submit to
12 Service Oklahoma and maintain with Service Oklahoma a current
13 approved medical examination certificate signed by a licensed
14 physician authorized to perform and approve medical examination
15 certifications. Service Oklahoma shall adopt rules for maintaining
16 medical examination certificates pursuant to the requirements in 49
17 C.F.R., Parts 383 and 384. Any commercial driver licensee subject
18 to the requirements of this paragraph who fails to maintain on file
19 with Service Oklahoma a current, approved medical examination
20 certificate shall have the driving privileges of the person
21 downgraded to a Class D driver license by Service Oklahoma.

22 2. If the applicant is applying for an original commercial
23 driver license in Oklahoma or is transferring a commercial driver
24 license from another state to Oklahoma, Service Oklahoma shall

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

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

19 4. Service Oklahoma shall notify each commercial driving school
20 of the passage of this section, and each commercial driving school
21 shall notify prospective students of its school of the hazardous
22 material endorsement requirement.

23 D. In addition to the requirements of subsections A and B of
24 this section, every applicant shall be given an option on the

1 application for issuance of a driver license or identification card
2 or renewal pursuant to Section 6-115 of this title to provide an
3 emergency contact person. The emergency contact information
4 requested may include full name, address, and phone number. The
5 emergency contact information shall be maintained by Service
6 Oklahoma and shall be used by Service Oklahoma and law enforcement
7 for emergency purposes only. A person listed as an emergency
8 contact may request to be removed at any time. Any update to a
9 change of name, address, or phone number may be made by the
10 applicant listing the emergency contact person or by the person
11 listed as the emergency contact.

12 E. Whenever application is received from a person previously
13 licensed in another jurisdiction, Service Oklahoma shall request a
14 copy of the driving record from the other jurisdiction and,
15 effective September 1, 2005, from all other jurisdictions in which
16 the person was licensed within the immediately previous ten (10)
17 years. When received, the driving record shall become a part of the
18 driving record of the person in this state with the same force and
19 effect as though entered on the driver's record in this state in the
20 original instance.

21 F. Whenever Service Oklahoma receives a request for a driving
22 record from another licensing jurisdiction, the record shall be
23 forwarded without charge.

24

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

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

17 SECTION 3. This act shall become effective November 1, 2024.

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19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/20/2024 -
20 DO PASS.

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