

1 **SENATE FLOOR VERSION**

2 March 18, 2015

3 ENGROSSED HOUSE
4 BILL NO. 1860

By: Wright of the House

5 and

6 Schulz of the Senate

7
8 An Act relating to motor vehicles; amending 47 O.S.
9 2011, Sections 6-107 and 6-110.2, which relate to the
10 issuance of driver licenses; authorizing submission
of notarized affidavit for certain purposes; and
providing an effective date.

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

14 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-107, is
15 amended to read as follows:

16 Section 6-107. A. In addition to the requirements of Section
17 6-106 of this title, the application of any unemancipated person
18 under the age of eighteen (18) years for a restricted license shall
19 be signed and verified by the legal custodial parent or legal
20 guardian of the applicant before a person authorized to administer
21 oaths or a notarized affidavit signed by a custodial legal parent or
22 guardian shall be submitted by the person under the age of eighteen
23 (18) years with the application. The signature of the legal
24 custodial parent or legal guardian shall be evidence that the legal

1 custodial parent or legal guardian is willing to assume the
2 obligation imposed under this act upon a person signing the
3 application of a person under the age of eighteen (18) years.
4 Provided, however, any unemancipated person under the age of
5 eighteen (18) years who is in the permanent custody of the
6 Department of Human Services, upon proof of financial responsibility
7 in respect to the operation of a motor vehicle owned by him or her
8 or if not the owner of a motor vehicle then with respect to the
9 operation of any motor vehicle, in form and in amounts as required
10 under the motor vehicle financial responsibility laws of this state,
11 shall not be required to have his or her application for restricted
12 license signed or verified by another person.

13 B. Any negligence or willful misconduct of a person under the
14 age of eighteen (18) years when driving a motor vehicle upon a
15 highway with the knowledge and consent of the person who signed the
16 application or notarized affidavit for the restricted license shall
17 be imputed to the person who has signed the application or notarized
18 affidavit. Such person shall be jointly and severally liable with
19 the minor for any damages caused by such negligence or willful
20 misconduct, except as otherwise provided in subsection C of this
21 section.

22 C. In the event a person under the age of eighteen (18) years
23 deposits, or there is deposited upon his or her behalf, proof of
24 financial responsibility in respect to the operation of a motor

1 vehicle owned by him or her or if not the owner of a motor vehicle
2 then with respect to the operation of any motor vehicle, in form and
3 in amounts as required under the motor vehicle financial
4 responsibility laws of this state, then the Department may accept
5 the application of such person when signed by the legal custodial
6 parent or the legal guardian of such person, and while such proof is
7 maintained the legal custodial parent or legal guardian shall not be
8 subject to the liability imposed under subsection B of this section.

9 D. The Department may, at its discretion, cancel or suspend the
10 license of any person under the age of eighteen (18) years for any
11 unlawful act, negligence or misconduct while driving a motor
12 vehicle.

13 E. As provided in Section 6-103.1 of this title, any legal
14 custodial parent or legal guardian who has signed the application or
15 notarized affidavit of a person under the age of eighteen (18) years
16 for a license may thereafter file with the Department of Public
17 Safety a verified written request that the license of that person so
18 granted be canceled. The Department shall then cancel the license
19 of the person and the legal custodial parent or legal guardian who
20 signed the application or notarized affidavit of the person shall be
21 relieved from the liability imposed under this act by reason of
22 having signed the application on account of any subsequent
23 negligence or willful misconduct of the person in operating a motor
24 vehicle.

1 F. The Department of Public Safety upon receipt of satisfactory
2 evidence of the death of the legal custodial parent or legal
3 guardian who signed the application or notarized affidavit of a
4 person under the age of eighteen (18) years for a license shall
5 cancel the license and shall not issue a new license until such time
6 as a new application, duly signed and verified, is made as required
7 by this chapter. This provision shall not apply in the event the
8 person has attained the age of eighteen (18) years.

9 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-110.2, is
10 amended to read as follows:

11 Section 6-110.2 A. The Department of Public Safety shall
12 implement a procedure for computerized finger imaging by means of an
13 inkless finger image scanning device and shall require every
14 applicant for an original, renewal or replacement driver license or
15 identification card to submit to finger imaging for the purposes of
16 proof of identity and to ensure the security of the driver license
17 or identification card issued to the applicant. If the finger image
18 of a person over sixty-five (65) years of age cannot be scanned and
19 the issuing agent can personally verify the individual's identity
20 with alternative identification the finger imaging shall be
21 overridden. Means must be provided to trace to the agent who
22 authorized the override.

23 B. No unemancipated person under eighteen (18) years of age
24 shall be issued a driver license or identification card by the

1 Department unless an authorization form, prescribed and furnished by
2 the Department, or notarized affidavit authorizing the finger
3 imaging of the person and signed by the legal custodial parent,
4 legal guardian, or legal custodian of the person, is in the
5 possession of the Department.

6 C. No law enforcement agency of the state or federal government
7 other than the Department of Public Safety shall have access to any
8 information collected through the use of computerized finger imaging
9 without first obtaining a court order from a judge of competent
10 jurisdiction. Each application for an order authorizing the access
11 to any information collected through the use of computerized finger
12 imaging shall be made in writing upon oath or affirmation to a judge
13 of competent jurisdiction. Each application shall establish
14 probable cause for belief that a named individual is committing, has
15 committed or is about to commit a particular violation of law.

16 D. The Commissioner of Public Safety shall adopt rules as may
17 be necessary to carry out the provisions of this section.

18 SECTION 3. This act shall become effective November 1, 2015.

19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
20 March 18, 2015 - DO PASS

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