

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2655

By: Scott and Stone

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7 AS INTRODUCED

8 An Act relating to driver licenses; amending 47 O.S.
9 2011, Section 2-110, as last amended by Section 1,
10 Chapter 266, O.S.L. 2014 (47 O.S. Supp. 2015, Section
11 2-110), which relates to the release of records
12 maintained by the Department of Public Safety;
13 modifying certain definition; prohibiting the release
14 of certain information; defining term; providing for
15 the issuance of driver authorization cards;
16 establishing application requirements for driver
17 authorization cards; providing for the expiration and
18 renewal of driver authorization cards; prohibiting
19 the use of driver authorization cards to determine
20 eligibility for state benefits, licenses or services;
21 declaring all driver-license-related statutes be
22 applicable to driver authorization cards; directing
23 the Department of Public Safety to promulgate certain
24 rules; providing for codification; and providing an
effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 2-110, as
last amended by Section 1, Chapter 266, O.S.L. 2014 (47 O.S. Supp.
2015, Section 2-110), is amended to read as follows:

1 Section 2-110. A. Officers and employees of the Department of
2 Public Safety designated by the Commissioner, for the purpose of
3 administering the motor vehicle laws, are authorized to administer
4 oaths and acknowledge signatures and shall do so without fee.

5 B. The Commissioner and such officers of the Department as the
6 Commissioner may designate are hereby authorized to prepare under
7 the seal of the Department and deliver upon request a certified copy
8 of any record of the Department, charging a fee of Three Dollars
9 (\$3.00) for each record so certified, and every such certified copy
10 shall be admissible in any proceeding in any court in like manner as
11 the original thereof. A certification fee shall be charged:

12 1. Only if the person requesting the record specifically
13 requests that the record be certified; and

14 2. In addition to the copying and reproduction fees provided by
15 the Oklahoma Open Records Act or any other applicable law.

16 C. The Commissioner and any other officers of the Department as
17 the Commissioner may designate are hereby authorized to provide a
18 copy of any record required to be maintained by the Department at no
19 charge to any of the following government agencies when requested in
20 the performance of official governmental duties:

21 1. The driver license agency of any other state;

22 2. Any court, district attorney or municipal prosecutor in this
23 state or any other state;

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1 3. Any law enforcement agency in this state or any other state
2 or any federal agency empowered by law to make arrests for public
3 offenses;

4 4. Any public school district in this state for purposes of
5 providing the Motor Vehicle Report of a currently employed school
6 bus driver or person making application for employment as a school
7 bus driver;

8 5. The Department of Human Services for the purpose of
9 providing the Motor Vehicle Report to ascertain the suitability of
10 any person being considered by the Department of Human Services for
11 placement of a child in foster care or for adoption of the child;

12 6. The Office of Juvenile Affairs for the purpose of providing
13 the Motor Vehicle Report to ascertain the suitability of any person
14 being considered by the Office of Juvenile Affairs for placement of
15 a child in foster care;

16 7. Any nonprofit provider exempt from federal income tax
17 pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986
18 and contracted by the Developmental Disabilities Services Division
19 of the Oklahoma Department of Human Services; or

20 8. Any state agency in this state.

21 D. Any record required to be maintained by the Department may
22 be released to any other entity free of charge when the release of
23 the record would be for the benefit of the public, as determined by
24 the Commissioner or a designee of the Commissioner.

1 E. The following records shall be provided by the Department to
2 any authorized recipient, pursuant to the provisions of the Driver's
3 Privacy Protection Act, 18 United States Code, Sections 2721 through
4 2725, upon payment of the appropriate fees for the records:

5 1. A Motor Vehicle Report, as defined in Section 6-117 of this
6 title; and

7 2. A copy of any driving record related to the Motor Vehicle
8 Report.

9 F. 1. The provisions of subsections B, D, and E of this
10 section and the Oklahoma Open Records Act shall not apply to the
11 release of personal information from any driving record of any
12 person. Such personal information shall be confidential except as
13 provided for in this subsection or in the provisions of the Driver's
14 Privacy Protection Act, 18 United States Code, Sections 2721 through
15 2725. Upon written request to the Commissioner of Public Safety by
16 a law enforcement agency or another state's or country's driver
17 licensing agency for personal information on a specific individual,
18 as named or otherwise identified in the written request, to be used
19 in the official capacity of the agency, the Commissioner may release
20 such personal information to the agency pursuant to the provisions
21 of the Driver's Privacy Protection Act, 18 United States Code,
22 Sections 2721 through 2725. Provided, the provisions of this
23 subsection or any other provision of this title shall not be
24 construed to keep audio or video recordings of the Department of

1 Public Safety confidential beyond any exceptions provided for in the
2 Oklahoma Open Records Act.

3 2. For the purposes of this subsection, "personal information"
4 means information which identifies a person, including but not
5 limited to a photograph or image in computerized format of the
6 person, fingerprint image in computerized format, signature or
7 signature in computerized format, social security number, individual
8 taxpayer identification number, residence address, mailing address,
9 and medical or disability information.

10 G. 1. The Commissioner shall not release any information
11 relating to legal presence or any other information relating to or
12 describing immigration status, nationality or citizenship from a
13 file or record relating to a request for or the issuance of a driver
14 license, identification card or title or registration of a vehicle
15 to any person or to any federal, state or local governmental entity
16 for any purpose relating to the enforcement of immigration laws.

17 2. As used in this subsection, "information relating to legal
18 presence" means information that may reveal whether a person is
19 legally present in the United States including, without limitation,
20 whether the driver license that a person possesses is a driver
21 authorization card, whether the person applied for a driver license
22 pursuant to Section 6-106 of this title or Section 2 of this act,
23 and the documentation used to prove name, age and residence that was
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1 provided by the person with his or her application for a driver
2 license.

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 6-106.5 of Title 47, unless
5 there is created a duplication in numbering, reads as follows:

6 A. An application for a driver authorization card must:

7 1. Be made upon a form furnished by the Department of Public
8 Safety;

9 2. Be verified by the applicant before a person authorized to
10 administer oaths. Officers and employees of the Department may
11 administer those oaths without charge;

12 3. Be accompanied by the required fee;

13 4. State the name, date of birth, sex and residence address of
14 the applicant and briefly describe the applicant;

15 5. State whether the applicant has theretofore been licensed as
16 a driver and, if so, when and by what state or country, and whether
17 any such driver license has ever been suspended or revoked, or
18 whether an application has ever been refused and, if so, the date of
19 and reason for the suspension, revocation or refusal; and

20 6. Include such other information as the Department may require
21 to determine the competency and eligibility of the applicant.

22 B. Every applicant must furnish proof of his or her name and
23 age by displaying an original or certified copy of:

24 1. Any one of the following documents:

- 1 a. a birth certificate issued by a state, a political
2 subdivision of a state, the District of Columbia or
3 any territory of the United States,
- 4 b. a driver license issued by another state, the District
5 of Columbia or any territory of the United States
6 which is issued pursuant to the standards established
7 by 6 C.F.R., Part 37, Subparts A to E, inclusive, and
8 which contains a security mark approved by the United
9 States Department of Homeland Security in accordance
10 with 6 C.F.R., Section 37.17,
- 11 c. a passport issued by the United States government,
- 12 d. a military identification card or military dependent
13 identification card issued by any branch of the Armed
14 Forces of the United States,
- 15 e. for persons who served in any branch of the Armed
16 Forces of the United States, a Report of Separation,
- 17 f. a Certificate of Degree of Indian Blood issued by the
18 United States government,
- 19 g. a Certificate of Citizenship, Certificate of
20 Naturalization, Permanent Resident Card or Temporary
21 Resident Card issued by the United States Citizenship
22 and Immigration Services of the Department of Homeland
23 Security,
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1 h. a Consular Report of Birth Abroad issued by the
2 Department of State, or

3 i. such other documentation as specified by the
4 Department by regulation; or

5 2. Any two of the following documents:

6 a. a driver license issued by another state, the District
7 of Columbia or any territory of the United States
8 other than such a driver license described in
9 subparagraph b of paragraph 1 of this subsection,

10 b. a passport issued by a foreign government,

11 c. a birth certificate issued by a foreign government,

12 d. a consular identification card issued by the
13 Government of Mexico or a document issued by another
14 government that the Department determines is
15 substantially similar, or

16 e. any other proof acceptable to the Department.

17 C. No document which is written in a language other than
18 English may be accepted by the Department pursuant to this section
19 unless it is accompanied by a verified translation of the document
20 in the English language.

21 D. Every applicant must prove his or her residence in the State
22 of Oklahoma by displaying an original or certified copy of any two
23 of the following documents:

- 1 1. A receipt from the rent or lease of a residence located in
2 this state;
- 3 2. A record from a public utility for a service address located
4 in this state which is dated within the previous sixty (60) days;
- 5 3. A bank or credit card statement indicating a residential
6 address located in this state which is dated within the previous
7 sixty (60) days;
- 8 4. A stub from an employment check indicating a residential
9 address located in this state;
- 10 5. A document issued by an insurance company or its agent,
11 including, without limitation, an insurance card, binder or bill,
12 indicating a residential address located in this state;
- 13 6. A record or receipt of bill from a medical provider
14 indicating a residential address located in this state; or
- 15 7. Any other document as prescribed by the Department by
16 regulation.
- 17 E. A driver authorization card obtained in accordance with this
18 section must:
 - 19 1. Contain the same information as prescribed for a driver
20 license pursuant to Section 6-111 of Title 47 of the Oklahoma
21 Statutes and any regulations adopted pursuant thereto;
 - 22 2. Be of the same design as an Oklahoma driver license; and
 - 23 3. Be numbered from the same sequence of numbers as an Oklahoma
24 driver license.

1 F. Notwithstanding the provisions of Section 6-115 of Title 47
2 of the Oklahoma Statutes, every driver authorization card expires on
3 the anniversary of its issuance or renewal. Every driver
4 authorization card is renewable at any time before its expiration
5 upon application and payment of the required fee. The Department
6 may, by regulation, defer the expiration of the driver authorization
7 card of a person who is on active duty in the Armed Forces of the
8 United States upon such terms and conditions as it may prescribe.
9 The Department may similarly defer the expiration of the driver
10 authorization card of the spouse or dependent son or daughter of
11 that person if the spouse or child is residing with the person.

12 G. A driver authorization card shall not be used to determine
13 eligibility for any benefits, licenses or services issued or
14 provided by the State of Oklahoma or its political subdivisions.

15 H. Except as otherwise provided in this section or by specific
16 statute, any provision of this title that applies to driver licenses
17 shall be deemed to apply to a driver authorization card obtained in
18 accordance with the provisions of this section.

19 I. The provisions of this section shall apply only with respect
20 to the issuance of noncommercial driver licenses.

21 J. The Department of Public Safety shall promulgate rules as
22 may be necessary to implement and administer the provisions of this
23 section.

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1 SECTION 3. This act shall become effective November 1, 2016.

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3 55-2-7624 GRS 10/26/15
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