

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1040

By: Bice

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5
6 AS INTRODUCED

7 An Act relating to driver licenses; amending 47 O.S.
8 2011, Section 6-101, as last amended by Section 1,
9 Chapter 1, O.S.L. 2017 (47 O.S. Supp. 2017, Section
10 6-101), which relates to class requirements for
11 driver licenses; modifying procedures; and providing
12 an effective date.

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

14 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-101, as
15 last amended by Section 1, Chapter 1, O.S.L. 2017 (47 O.S. Supp.
16 2017, Section 6-101), is amended to read as follows:

17 Section 6-101. A. No person, except those hereinafter
18 expressly exempted in Sections 6-102 and 6-102.1 of this title,
19 shall operate any motor vehicle upon a highway in this state unless
20 the person has a valid Oklahoma driver license for the class of
21 vehicle being operated under the provisions of this title. No
22 person shall be permitted to possess more than one valid license at
23 any time, except as provided in paragraph 4 of subsection F of this
24 section.

1 B. 1. No person shall operate a Class A commercial motor
2 vehicle unless the person is eighteen (18) years of age or older and
3 holds a valid Class A commercial license, except as provided in
4 paragraph 5 of this subsection and subsection F of this section.
5 Any person holding a valid Class A commercial license shall be
6 permitted to operate motor vehicles in Classes A, B, C and D, except
7 as provided for in paragraph 4 of this subsection.

8 2. No person shall operate a Class B commercial motor vehicle
9 unless the person is eighteen (18) years of age or older and holds a
10 valid Class B commercial license, except as provided in paragraph 5
11 of subsection F of this section. Any person holding a valid Class B
12 commercial license shall be permitted to operate motor vehicles in
13 Classes B, C and D, except as provided for in paragraph 4 of this
14 subsection.

15 3. No person shall operate a Class C commercial motor vehicle
16 unless the person is eighteen (18) years of age or older and holds a
17 valid Class C commercial license, except as provided in subsection F
18 of this section. Any person holding a valid Class C commercial
19 license shall be permitted to operate motor vehicles in Classes C
20 and D, except as provided for in paragraph 4 of this subsection.

21 4. No person under twenty-one (21) years of age shall be
22 licensed to operate any motor vehicle which is required to be
23 placarded for hazardous materials pursuant to 49 C.F.R., Part 172,
24 subpart F, except as provided in subsection F of this section;

1 provided, a person eighteen (18) years of age or older may be
2 licensed to operate a farm vehicle which is required to be placarded
3 for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F,
4 except as provided in subsection F of this section.

5 5. A person at least seventeen (17) years of age who
6 successfully completes all examinations required by law may be
7 issued by the Department:

8 a. a restricted Class A commercial license which shall
9 grant to the licensee the privilege to operate a Class
10 A or Class B commercial motor vehicle for harvest
11 purposes or a Class D motor vehicle, or

12 b. a restricted Class B commercial license which shall
13 grant to the licensee the privilege to operate a Class
14 B commercial motor vehicle for harvest purposes or a
15 Class D motor vehicle.

16 6. No person shall operate a Class D motor vehicle unless the
17 person is sixteen (16) years of age or older and holds a valid Class
18 D license, except as provided for in Section 6-102 or 6-105 of this
19 title. Any person holding a valid Class D license shall be
20 permitted to operate motor vehicles in Class D only.

21 C. Any person issued a driver license pursuant to this section
22 may exercise the privilege thereby granted upon all streets and
23 highways in this state.

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1 D. No person shall operate a motorcycle or motor-driven cycle
2 without having a valid Class A, B, C or D license with a motorcycle
3 endorsement. Except as otherwise provided by law, any new applicant
4 for an original driver license shall be required to successfully
5 complete a written examination, vision examination, and driving
6 examination for a motorcycle as prescribed by the Department of
7 Public Safety, and a certified state-approved motorcycle basic rider
8 course approved by the Department if the applicant is seventeen (17)
9 years of age or younger to be eligible for a motorcycle endorsement
10 thereon. The written examination and driving examination for a
11 motorcycle shall be waived by the Department of Public Safety upon
12 verification that the person has successfully completed a certified
13 Motorcycle Safety Foundation rider course approved by the
14 Department.

15 E. Except as otherwise provided by law, any person who lawfully
16 possesses a valid Oklahoma driver license which is eligible for
17 renewal shall be required to successfully complete a written
18 examination, vision examination, and driving examination for a
19 motorcycle as prescribed by the Department, and a certified state-
20 approved motorcycle basic rider course approved by the Department if
21 the person is seventeen (17) years of age or younger to be eligible
22 for a motorcycle endorsement. The written examination and driving
23 examination for a motorcycle shall be waived by the Department of
24 Public Safety upon verification that the person has successfully

1 completed a certified Motorcycle Safety Foundation rider course
2 approved by the Department.

3 F. 1. Any person eighteen (18) years of age or older may apply
4 for a restricted Class A, B or C commercial learner permit. The
5 Department, after the applicant has passed all parts of the
6 examination for a Class D license and has successfully passed all
7 parts of the examination for a Class A, B or C commercial license
8 other than the driving examination, may issue to the applicant a
9 commercial learner permit which shall entitle the person having
10 immediate lawful possession of the commercial learner permit and a
11 valid Oklahoma driver license or provisional driver license pursuant
12 to Section 6-212 of this title to operate a Class A, B or C
13 commercial motor vehicle upon the public highways solely for the
14 purpose of behind-the-wheel training in accordance with rules
15 promulgated by the Department.

16 2. This commercial learner permit shall be issued for a period
17 as provided in Section 6-115 of this title of one hundred eighty
18 (180) days, which may be renewed one time for an additional one
19 hundred eighty (180) days; provided, such commercial learner permit
20 may be suspended, revoked, canceled, denied or disqualified at the
21 discretion of the Department for violation of the restrictions, for
22 failing to give the required or correct information on the
23 application, or for violation of any traffic laws of this state
24 pertaining to the operation of a motor vehicle. Except as otherwise

1 provided, the lawful possessor of a commercial learner permit who
2 has been issued a commercial learner permit for a minimum of
3 fourteen (14) days may have the restriction requiring an
4 accompanying driver removed by satisfactorily completing a driver's
5 examination; provided, the removal of a restriction shall not
6 authorize the operation of a Class A, B or C commercial motor
7 vehicle if such operation is otherwise prohibited by law.

8 3. No person shall apply for and the Department shall not issue
9 an original Class A, B or C driver license until the person has been
10 issued a commercial learner permit and held the permit for at least
11 fourteen (14) days. Any person who currently holds a Class B or C
12 license and who wishes to apply for another class of commercial
13 driver license shall be required to apply for a commercial learner
14 permit and to hold the permit for at least fourteen (14) days before
15 applying for the Class A or B license, as applicable. Any person
16 who currently holds a Class A, B or C license and who wishes to add
17 an endorsement or remove a restriction for which a skills
18 examination is required shall be required to apply for a commercial
19 learner permit and to hold the permit for at least fourteen (14)
20 days before applying for the endorsement.

21 4. A commercial learner permit shall be issued by the
22 Department as a separate and unique document which shall be valid
23 only in conjunction with a valid Oklahoma driver license or
24 provisional driver license pursuant to Section 6-212 of this title,

1 both of which shall be in the possession of the person to whom they
2 have been issued whenever that person is operating a commercial
3 motor vehicle as provided in this subsection.

4 5. After one renewal of a commercial learner permit, as
5 provided in paragraph 2 of this subsection, a commercial permit
6 shall not be renewed again. Any person who has held a commercial
7 learner permit for the initial issuance period and one renewal
8 period shall not be eligible for and the Department shall not issue
9 another renewal of the permit; provided, the person may reapply for
10 a new commercial learner permit, as provided for in this subsection.

11 6. Enrollment in or successful completion of a commercial
12 driver training school shall not be required for any commercial
13 learner permit applicant who requests a skills examination for a
14 Class A, B or C license, nor shall any student enrolled in a
15 commercial driver training school be prohibited from taking a skills
16 examination for a Class A, B or C license upon request with a
17 Department of Public Safety examiner regardless of whether the
18 person has completed the course, is still enrolled in the course to
19 be completed or has voluntarily withdrawn from the course.

20 G. 1. For purposes of this title:

21 a. "REAL ID Compliant Driver License" or "Identification
22 Card" means a driver license or identification card
23 issued by the State of Oklahoma that has been
24 certified by the United States Department of Homeland

1 Security (USDHS) as compliant with the requirements of
2 the REAL ID Act of 2005, Public Law No. 109-13. A
3 REAL ID Compliant Driver License or Identification
4 Card and the process through which it is issued
5 incorporate a variety of security measures designed to
6 protect the integrity and trustworthiness of the
7 license or card. A REAL ID Compliant Driver License
8 or Identification Card will be clearly marked on the
9 face indicating that it is a compliant document, and

10 b. "REAL ID Noncompliant Driver License" or
11 "Identification Card" means a driver license or
12 identification card issued by the State of Oklahoma
13 that has not been certified by the United States
14 Department of Homeland Security (USDHS) as being
15 compliant with the requirements of the REAL ID Act. A
16 REAL ID Noncompliant Driver License or Identification
17 Card will be clearly marked on the face indicating
18 that it is not compliant with the federal REAL ID Act
19 and is not acceptable for official federal purposes.
20 The driver license or identification card will have a
21 unique design or color indicator that clearly
22 distinguishes it from a compliant license or card.

23 2. Original Driver License and Identification Card Issuance:
24

- 1 a. Application for an original REAL ID Compliant or REAL
2 ID Noncompliant Driver License or Identification Card
3 shall be made to the Department of Public Safety.
- 4 b. Department of Public Safety employees shall perform
5 all document recognition and other requirements needed
6 for approval of an original REAL ID Compliant or REAL
7 ID Noncompliant Driver License or Identification Card
8 application.
- 9 c. Upon approval of an original REAL ID Compliant or REAL
10 ID Noncompliant Driver License or Identification Card
11 application, the applicant may take the approved
12 application document to a motor license agent to
13 receive a temporary driver license or identification
14 card.
- 15 d. The motor license agent or the Department of Public
16 Safety shall process the approved REAL ID Compliant or
17 REAL ID Noncompliant Driver License or Identification
18 Card application and upon payment shall provide the
19 applicant a temporary driver license or identification
20 card. A temporary driver license or identification
21 card shall afford the holder the privileges otherwise
22 granted by the specific class of driver license or
23 identification card for the period of time listed on
24 the temporary driver license or identification card or

1 the period of time prior to the applicant receiving a
2 REAL ID Compliant or REAL ID Noncompliant Driver
3 License or Identification Card, whichever time period
4 is shorter.

5 3. REAL ID Compliant Driver License and Identification Card

6 Renewal and Replacement:

- 7 a. Application for renewal or replacement of a REAL ID
8 Compliant Driver License or Identification Card may be
9 made to the Department of Public Safety or to a motor
10 license agent, provided such motor license agent is
11 authorized to process application for REAL ID
12 Compliant Driver Licenses and Identification Cards;
13 and further provided, no motor license agent shall
14 process an application for a Class A, B or C
15 commercial license.
- 16 b. Department of Public Safety employees or authorized
17 motor license agents shall perform all document
18 recognition and other requirements needed for approval
19 of a renewal or replacement REAL ID Compliant Driver
20 License or Identification Card application; provided,
21 no motor license agent shall perform such document
22 recognition and other requirements needed for approval
23 of an application for a Class A, B or C commercial
24 license.

1 c. Upon approval of a renewal or replacement REAL ID
2 Compliant Driver License or Identification Card
3 application, the applicant may receive a temporary
4 driver license or identification card from the
5 Department of Public Safety or an authorized motor
6 license agent.

7 d. A temporary driver license or identification card
8 acquired under the provisions of this paragraph shall
9 afford the holder the privileges otherwise granted by
10 the specific class of driver license or identification
11 card being renewed or replaced for the period of time
12 listed on the temporary driver license or
13 identification card or the period of time prior to the
14 applicant receiving a REAL ID Compliant Driver License
15 or Identification Card, whichever time period is
16 shorter.

17 e. For purposes of this title, an application for a REAL
18 ID Compliant Driver License or Identification Card by
19 an individual with a valid Oklahoma-issued driver
20 license or identification card shall be considered a
21 renewal of a REAL ID Compliant Driver License or
22 Identification Card.

23 4. REAL ID Noncompliant Driver License and Identification Card

24 Renewal and Replacement:

- 1 a. Application for renewal or replacement of a REAL ID
2 Noncompliant Driver License or Identification Card may
3 be made to the Department of Public Safety or to a
4 motor license agent; provided, no motor license agent
5 shall process an application for a Class A, B or C
6 commercial license.
- 7 b. Department of Public Safety employees or motor license
8 agents shall perform all document recognition and
9 other requirements needed for approval of a renewal or
10 replacement REAL ID Noncompliant Driver License or
11 Identification Card application; provided, no motor
12 license agent shall perform such document recognition
13 and other requirements needed for approval of an
14 application for a Class A, B or C commercial license.
- 15 c. Upon approval of a renewal or replacement REAL ID
16 Noncompliant Driver License or Identification Card
17 application, the applicant may receive a temporary
18 driver license or identification card from the
19 Department of Public Safety or a motor license agent.
- 20 d. A temporary driver license or identification card
21 acquired under the provisions of this paragraph shall
22 afford the holder the privileges otherwise granted by
23 the specific class of driver license or identification
24 card being renewed or replaced for the period of time

1 listed on the temporary driver license or
2 identification card or the period of time prior to the
3 applicant receiving a REAL ID Noncompliant Driver
4 License or Identification Card, whichever time period
5 is shorter.

6 H. 1. The fee charged for an approved application for an
7 original Oklahoma REAL ID Compliant or REAL ID Noncompliant Driver
8 License or an approved application for the addition of an
9 endorsement to a current valid Oklahoma REAL ID Compliant or REAL ID
10 Noncompliant Driver License shall be assessed in accordance with the
11 following schedule:

12	Class A Commercial Learner Permit	\$25.00
13	Class A Commercial License	\$25.00
14	Class B Commercial Learner Permit	\$15.00
15	Class B Commercial License	\$15.00
16	Class C Commercial Learner Permit	\$15.00
17	Class C Commercial License	\$15.00
18	Class D License	\$ 4.00
19	Motorcycle Endorsement	\$ 4.00

20 2. Notwithstanding the provisions of Section 1104 of this
21 title, all monies collected from the fees charged for Class A, B and
22 C commercial licenses pursuant to the provisions of this subsection
23 shall be deposited in the General Revenue Fund of this state.
24

1 I. The fee charged for any failed examination shall be Four
2 Dollars (\$4.00) for any license classification. Notwithstanding the
3 provisions of Section 1104 of this title, all monies collected from
4 such examination fees pursuant to the provisions of this subsection
5 shall be deposited in the General Revenue Fund of this state.

6 J. In addition to any fee charged pursuant to the provisions of
7 subsection H of this section, the fee charged for the issuance or
8 renewal of a REAL ID Noncompliant Driver License shall be in
9 accordance with the following schedule; provided, that any applicant
10 who has a CDL Learner Permit shall be charged only the replacement
11 fee for the issuance of the license:

12	Class A Commercial Learner Permit	\$56.50
13	Class A Commercial License	\$56.50
14	Class B Commercial Learner Permit	\$56.50
15	Class B Commercial License	\$56.50
16	Class C Commercial License	\$46.50
17	Class D License	\$38.50

18 K. In addition to any fee charged pursuant to the provisions of
19 subsection H of this section, the fee charged for the issuance or
20 renewal of a REAL ID Compliant Driver License shall be in accordance
21 with the following schedule; provided, that any applicant who has a
22 CDL Learner Permit shall be charged only the replacement fee for the
23 issuance of the license:

24	REAL ID Compliant Class A Commercial Learner Permit	\$56.50
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1	REAL ID Compliant Class A Commercial License	\$56.50
2	REAL ID Compliant Class B Commercial Learner Permit	\$56.50
3	REAL ID Compliant Class B Commercial License	\$56.50
4	REAL ID Compliant Class C Commercial License	\$46.50
5	REAL ID Compliant Class D License	\$38.50

6 L. A commercial learner permit may be renewed one time for a
7 period of one hundred eighty (180) days. The cost for the renewed
8 permit shall be the same as for the original permit.

9 M. Notwithstanding the provisions of Section 1104 of this
10 title, of each fee charged pursuant to the provisions of subsections
11 J, K and L of this section:

12 1. Five Dollars and fifty cents (\$5.50) shall be deposited to
13 the Trauma Care Assistance Revolving Fund created in Section 1-
14 2530.9 of Title 63 of the Oklahoma Statutes;

15 2. Six Dollars and seventy-five cents (\$6.75) shall be
16 deposited to the Department of Public Safety Computer Imaging System
17 Revolving Fund to be used solely for the purpose of administration
18 and maintenance of the computerized imaging system of the
19 Department;

20 3. Ten Dollars (\$10.00) shall be deposited to the Department of
21 Public Safety Revolving Fund for all original or renewal issuances
22 of licenses;

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

1 5. Two Dollars (\$2.00) of the fee provided for in subsection J
2 of this section related to the issuance or renewal of a driver
3 license by a motor license agent that does not process approved
4 applications or renewals for REAL ID Compliant Driver Licenses and
5 Identification Cards shall be deposited, in addition to the amount
6 authorized by paragraph 4 of this subsection, to the State Public
7 Safety Fund created in Section 2-147 of this title.

8 N. All original and renewal driver licenses shall expire as
9 provided in Section 6-115 of this title.

10 O. Any person sixty-two (62) years of age or older during the
11 calendar year of issuance of a Class D license or motorcycle
12 endorsement shall be charged the following prorated fee:

13 Age 62	\$21.25
14 Age 63	\$17.50
15 Age 64	\$13.75
16 Age 65	-0-

17 P. No person who has been honorably discharged from active
18 service in any branch of the Armed Forces of the United States or
19 Oklahoma National Guard and who has been certified by the United
20 States Department of Veterans Affairs, its successor, or the Armed
21 Forces of the United States to be a disabled veteran in receipt of
22 compensation at the one-hundred-percent rate for a permanent
23 disability sustained through military action or accident resulting
24 from disease contracted while in such active service shall be

1 charged a fee for the issuance or renewal of an Oklahoma driver
2 license.

3 Q. In accordance with the provisions of subsection G of this
4 section, the Department of Public Safety and the Oklahoma Tax
5 Commission are authorized to promulgate rules for the issuance and
6 renewal of driver licenses authorized pursuant to the provisions of
7 Sections 6-101 through 6-309 of this title; provided, that no such
8 rules applicable to the issuance or renewal of REAL ID Noncompliant
9 Driver Licenses shall create more stringent standards than such
10 rules applicable as of January 1, 2017, unless directly related to a
11 specific change in statutory law concerning standards for REAL ID
12 Noncompliant Driver Licenses. Applications, upon forms approved by
13 the Department of Public Safety, for such licenses shall be handled,
14 in accordance with the provisions of subsection G of this section,
15 by the motor license agents; ~~provided, the~~ or the Department of
16 Public Safety. The Department of Public Safety is authorized to
17 assume these duties in any county of this state. Each motor license
18 agent accepting applications for driver licenses shall receive Four
19 Dollars (\$4.00) to be deducted from the total collected for each
20 license or renewal application accepted; in addition to such amount,
21 each motor license agent that processes approved applications or
22 renewals for REAL ID Compliant Driver Licenses shall receive Two
23 Dollars (\$2.00) to be deducted from the total fee collected under
24 the provisions of subsections J and K of this section for each

1 license or renewal application accepted. The fees received by the
2 motor license agent, authorized by this subsection, shall be used
3 for operating expenses.

4 R. Notwithstanding the provisions of Section 1104 of this title
5 and subsection Q of this section and except as provided in
6 subsections H and M of this section, the first Sixty Thousand
7 Dollars (\$60,000.00) of all monies collected pursuant to this
8 section shall be paid by the Oklahoma Tax Commission to the State
9 Treasurer to be deposited in the General Revenue Fund of the State
10 Treasury.

11 The next Five Hundred Thousand Dollars (\$500,000.00) of monies
12 collected pursuant to this section shall be paid by the Tax
13 Commission to the State Treasurer to be deposited each fiscal year
14 under the provisions of this section to the credit of the Department
15 of Public Safety Restricted Revolving Fund for the purpose of the
16 Statewide Law Enforcement Communications System. All other monies
17 collected in excess of Five Hundred Sixty Thousand Dollars
18 (\$560,000.00) each fiscal year shall be apportioned as provided in
19 Section 1104 of this title, except as otherwise provided in this
20 section.

21 S. The Department of Public Safety shall retain the images
22 displayed on licenses and identification cards issued pursuant to
23 the provisions of Sections 6-101 through 6-309 of this title which
24 may be used only:

1 1. By a law enforcement agency for purposes of criminal
2 investigations, missing person investigations, or any law
3 enforcement purpose which is deemed necessary by the Commissioner of
4 Public Safety;

5 2. By the driver licensing agency of another state for its
6 official purpose; and

7 3. As provided in Section 2-110 of this title.

8 The computer system and related equipment acquired for this
9 purpose must conform to industry standards for interoperability and
10 open architecture. The Department of Public Safety may promulgate
11 rules to implement the provisions of this subsection.

12 T. No person may hold more than one state-issued or territory-
13 issued REAL ID Compliant Driver License or REAL ID Compliant
14 Identification Card from Oklahoma or any other state or territory.
15 The Department shall not issue a REAL ID Compliant Driver License to
16 a person who has been previously issued a REAL ID Compliant Driver
17 License or REAL ID Compliant Identification Card until such license
18 or identification card has been surrendered to the Department by the
19 applicant. The Department may promulgate rules related to the
20 issuance of replacement REAL ID Compliant Driver Licenses in the
21 event of loss or theft.

22 SECTION 2. This act shall become effective November 1, 2018.

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