

1 **SENATE FLOOR VERSION**

February 8, 2017

2 **AS AMENDED**

3 SENATE BILL NO. 791

By: Schulz and Holt

4
5 **[driver licenses - issuance and renewal - certain**
6 **license and identification - identification cards -**
7 **REAL ID Act of 2005 - effective date -**
8 **emergency]**

9
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-101, as
12 last amended by Section 1, Chapter 180, O.S.L. 2016 (47 O.S. Supp.
13 2016, Section 6-101), is amended to read as follows:

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

22 B. 1. No person shall operate a Class A commercial motor
23 vehicle unless the person is eighteen (18) years of age or older and
24 holds a valid Class A commercial license, except as provided in

1 paragraph 5 of this subsection and subsection F of this section.

2 Any person holding a valid Class A commercial license shall be
3 permitted to operate motor vehicles in Classes A, B, C and D, except
4 as provided for in paragraph 4 of this subsection.

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

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

18 4. No person under twenty-one (21) years of age shall be
19 licensed to operate any motor vehicle which is required to be
20 placarded for hazardous materials pursuant to 49 C.F.R., Part 172,
21 subpart F, except as provided in subsection F of this section;
22 provided, a person eighteen (18) years of age or older may be
23 licensed to operate a farm vehicle which is required to be placarded

24

1 for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F,
2 except as provided in subsection F of this section.

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

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

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

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

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

22 D. No person shall operate a motorcycle or motor-driven cycle
23 without having a valid Class A, B, C or D license with a motorcycle
24 endorsement. Except as otherwise provided by law, any new applicant

1 for an original driver license shall be required to successfully
2 complete a written examination, vision examination, and driving
3 examination for a motorcycle as prescribed by the Department of
4 Public Safety, and a certified state-approved motorcycle basic rider
5 course approved by the Department if the applicant is seventeen (17)
6 years of age or younger to be eligible for a motorcycle endorsement
7 thereon. The written examination and driving examination for a
8 motorcycle shall be waived by the Department of Public Safety upon
9 verification that the person has successfully completed a certified
10 Motorcycle Safety Foundation rider course approved by the
11 Department.

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

24

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

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

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

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

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

1 have been issued whenever that person is operating a commercial
2 motor vehicle as provided in this subsection.

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

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

19 G. 1. For the purpose of this title:

20 a. "REAL ID Compliant Driver License or Identification
21 Card" means a driver license or identification card
22 issued by the State of Oklahoma that has been
23 certified by the United States Department of Homeland
24 Security (USDHS) as compliant with the requirements of

1 the REAL ID Act of 2005, Public Law No. 109-13. A
2 REAL ID Compliant Driver License or Identification
3 Card and the process through which it is issued
4 incorporate a variety of security measures designed to
5 protect the integrity and trustworthiness of the
6 license or card. A REAL ID Compliant Driver License
7 or Identification Card will be clearly marked on the
8 face indicating that it is a compliant document, and
9 b. "REAL ID Noncompliant Driver License or Identification
10 Card" means a driver license or identification card
11 issued by the State of Oklahoma that has not been
12 certified by the United States Department of Homeland
13 Security (USDHS) as being compliant with the
14 requirements of the REAL ID Act. A REAL ID
15 Noncompliant Driver License or Identification Card
16 will be clearly marked on the face indicating that it
17 is not compliant with the federal REAL ID Act and is
18 not acceptable for official federal purposes. The
19 driver license or identification card will have a
20 unique design or color indicator that clearly
21 distinguishes it from a compliant license or card.

22 2. The fee charged for an approved application for an original
23 Oklahoma ~~driver license~~ REAL ID Compliant or REAL ID Noncompliant
24 Driver License or an approved application for the addition of an

1 endorsement to a current valid Oklahoma ~~driver license~~ REAL ID
2 Compliant or REAL ID Noncompliant Driver License shall be assessed
3 in accordance with the following schedule:

4	Class A Commercial Learner Permit	\$25.00
5	Class A Commercial License	\$25.00
6	Class B Commercial Learner Permit	\$15.00
7	Class B Commercial License	\$15.00
8	Class C Commercial Learner Permit	\$15.00
9	Class C Commercial License	\$15.00
10	Class D License	\$ 4.00
11	Motorcycle Endorsement	\$ 4.00

12 ~~2.~~ 3. Notwithstanding the provisions of Section 1104 of this
13 title, all monies collected from the fees charged for Class A, B and
14 C commercial licenses pursuant to the provisions of this subsection
15 shall be deposited in the General Revenue Fund of this state.

16 H. The fee charged for any failed examination shall be Four
17 Dollars (\$4.00) for any license classification. Notwithstanding the
18 provisions of Section 1104 of this title, all monies collected from
19 such examination fees pursuant to the provisions of this subsection
20 shall be deposited in the General Revenue Fund of this state.

21 I. In addition to any fee charged pursuant to the provisions of
22 subsection G of this section, the fee charged for the issuance or
23 renewal of an Oklahoma ~~license~~ REAL ID Compliant or Noncompliant
24 Driver License shall be in accordance with the following schedule;

1 provided, that any applicant who has a CDL Learner Permit shall be
2 charged only the replacement fee for the issuance of the license:

3	Class A Commercial Learner Permit	\$51.50 _____
4	Class A Commercial License	\$51.50 _____
5	Class B Commercial Learner Permit	\$51.50 _____
6	Class B Commercial License	\$51.50 _____
7	Class C Commercial License	\$41.50 _____
8	Class D License	\$33.50 _____

9 A commercial learner permit may be renewed one time for a period
10 of one hundred eighty (180) days. The cost for the renewed permit
11 shall be the same as for the original permit.

12 Notwithstanding the provisions of Section 1104 of this title, of
13 each fee charged pursuant to the provisions of this subsection:

14 1. Five Dollars and fifty cents (\$5.50) shall be deposited to
15 the Trauma Care Assistance Revolving Fund created in Section 1-
16 2530.9 of Title 63 of the Oklahoma Statutes;

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

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

1 J. All original and renewal driver licenses shall expire as
2 provided in Section 6-115 of this title.

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

6	Age 62	\$21.25
7	Age 63	\$17.50
8	Age 64	\$13.75
9	Age 65	-0-

10 L. No person who has been honorably discharged from active
11 service in any branch of the Armed Forces of the United States or
12 Oklahoma National Guard and who has been certified by the United
13 States Department of Veterans Affairs, its successor, or the Armed
14 Forces of the United States to be a disabled veteran in receipt of
15 compensation at the one-hundred-percent rate for a permanent
16 disability sustained through military action or accident resulting
17 from disease contracted while in such active service shall be
18 charged a fee for the issuance or renewal of an Oklahoma driver
19 license.

20 M. The Department of Public Safety and the Oklahoma Tax
21 Commission are authorized to promulgate rules for the issuance and
22 renewal of driver licenses authorized pursuant to the provisions of
23 Sections 6-101 through 6-309 of this title. Applications, upon
24 forms approved by the Department of Public Safety, for such licenses

1 shall be handled by the motor license agents; provided, the
2 Department of Public Safety is authorized to assume these duties in
3 any county of this state. Each motor license agent accepting
4 applications for driver licenses shall receive Four Dollars (\$4.00)
5 to be deducted from the total collected for each license or renewal
6 application accepted. The four-dollar fee received by the motor
7 license agent shall be used for operating expenses.

8 N. Notwithstanding the provisions of Section 1104 of this title
9 and subsection M of this section and except as provided in
10 subsections G and I of this section, the first Sixty Thousand
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1 Dollars (\$60,000.00) of all monies collected pursuant to this
2 section shall be paid by the Oklahoma Tax Commission to the State
3 Treasurer to be deposited in the General Revenue Fund of the State
4 Treasury.

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

15 O. The Department of Public Safety shall implement a procedure
16 whereby images displayed on licenses and identification cards issued
17 pursuant to the provisions of Sections 6-101 through 6-309 of this
18 title are maintained by the Department to create photographs or
19 computerized images which may be used only:

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

24

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

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

4 The computer system and related equipment acquired for this
5 purpose must conform to industry standards for interoperability and
6 open architecture. The Department of Public Safety may promulgate
7 rules to implement the provisions of this subsection.

8 P. No person may hold more than one state-issued REAL ID
9 Compliant Driver License or REAL ID Compliant Identification Card
10 from Oklahoma or any other state. The Department shall not issue a
11 REAL ID Compliant Driver License to a person who has been previously
12 issued a REAL ID Compliant Driver License or REAL ID Compliant
13 Identification Card until such license or identification card has
14 been surrendered to the Department by the applicant. The Department
15 may promulgate rules to address the issue of replacement REAL ID
16 Compliant Driver License or Identification Cards in the event of
17 loss or theft.

18 Q. Any person holding an existing Oklahoma state-issued
19 unexpired driver license may choose to obtain a REAL ID Compliant or
20 Noncompliant Driver License or REAL ID Compliant or Noncompliant
21 Identification Card through the services of a motor license agent
22 who accepts applications for driver licenses and identification
23 cards.

24

1 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-105.3, as
2 last amended by Section 1, Chapter 266, O.S.L. 2015 (47 O.S. Supp.
3 2016, Section 6-105.3), is amended to read as follows:

4 Section 6-105.3. A. In addition to the licenses to operate
5 motor vehicles, the Department of Public Safety may issue cards to
6 Oklahoma residents for purposes of identification only. The
7 identification cards shall be issued, renewed, replaced, canceled
8 and denied in the same manner as driver licenses in this state. The
9 application for an identification card by any person under the age
10 of eighteen (18) years shall be signed and verified by a custodial
11 legal parent or legal guardian, either in person before a person
12 authorized to administer oaths or electronically if completing an
13 online application, or a notarized affidavit signed by a custodial
14 legal parent or legal guardian submitted before a person authorized
15 to administer oaths by the person under the age of eighteen (18)
16 years with the application. Except as otherwise provided in this
17 section, the identification cards shall be valid for a period of
18 four (4) years from the month of issuance; however, the
19 identification cards issued to persons sixty-five (65) years of age
20 or older shall be valid indefinitely from the month of issuance.

21 B. No person may hold more than one state-issued REAL ID
22 Compliant Driver License or REAL ID Compliant Identification Card,
23 issued by Oklahoma or any other state or territory, as defined in
24 paragraph 1 of subsection G of Section 6-101 of this title. The

1 Department shall not issue a REAL ID Compliant Identification Card
2 to a person who has been previously issued a REAL ID Compliant
3 Driver License or REAL ID Compliant Identification Card until such
4 license or identification card has been surrendered to the
5 Department by the applicant. The Department may promulgate rules to
6 address the issue of replacement REAL ID Compliant Driver License or
7 Identification Cards in the event of loss or theft.

8 C. The fee charged for the issuance, renewal, or replacement of
9 ~~an identification card~~ a REAL ID Compliant or Noncompliant
10 Identification Card pursuant to this section shall be ~~Twenty Dollars~~
11 ~~(\$20.00)~~ _____; however, no person sixty-five (65) years
12 of age or older shall be charged a fee for an identification card.
13 Of each fee charged pursuant to the provisions of this subsection:

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

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

20 3. ~~Ten Dollars (\$10.00)~~ _____ shall be deposited in
21 the Department of Public Safety Revolving Fund.

22 ~~C.~~ D. The Oklahoma Tax Commission is hereby authorized to
23 reimburse, from funds available to that agency, each motor license
24 agent issuing an identification card to a person sixty-five (65)

1 years of age or older, an amount not to exceed One Dollar (\$1.00)
2 for each card or driver license so issued. The Tax Commission shall
3 develop procedures for claims for reimbursement.

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

14 SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-106, as
15 last amended by Section 1, Chapter 170, O.S.L. 2016 (47 O.S. Supp.
16 2016, Section 6-106), is amended to read as follows:

17 Section 6-106. A. 1. Every application for a driver license
18 or identification card shall be made by the applicant upon a form
19 furnished by the Department of Public Safety.

20 2. Every original, renewal, or replacement application for a
21 driver license or identification card made by a male applicant who
22 is at least sixteen (16) but less than twenty-six (26) years of age
23 shall include a statement that by submitting the application, the
24 applicant is consenting to registration with the Selective Service

1 System. The pertinent information from the application shall be
2 forwarded by the Department to the Data Management Center of the
3 Selective Service System in order to register the applicant as
4 required by law with the Selective Service System. Any applicant
5 refusing to sign the consent statement shall be denied a driver
6 license or identification card.

7 3. Except as provided for in subsections G and H of this
8 section, every applicant for a an original, renewal or replacement
9 driver license or identification card shall provide to the
10 Department, at the time of application, ~~both primary and secondary~~
11 proofs documents to show proof of identity. The Department shall
12 promulgate rules prescribing forms of ~~primary and secondary~~
13 identification acceptable for an original, renewal and replacement
14 Oklahoma driver license.

15 B. Every applicant for a driver license shall ~~state upon the~~
16 ~~application~~ provide the following information:

- 17 1. Full name;
- 18 2. Date of birth;
- 19 3. Sex;
- 20 4. ~~Residence address or mailing address and~~ Address of
21 principal residence, county of residence ~~to be displayed~~, which
22 shall be referenced on the license;

23
24

1 5. ~~Mailing~~ Current and complete mailing address and residence
2 address to be maintained by the Department for the purpose of giving
3 notice, if necessary, as required by Section 2-116 of this title;

4 6. Medical information, as determined by the Department, which
5 shall assure the Department that the person is not prohibited from
6 being licensed as provided by paragraph 7 of subsection A of Section
7 6-103 of this title;

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

9 8. A brief description of the applicant, as determined by the
10 Department;

11 9. Whether the applicant has previously been licensed, and, if
12 so, when and by what state or country, and whether any license has
13 ever been suspended or revoked, or whether an application has ever
14 been refused, and, if so, the date of and reason for the suspension,
15 revocation or refusal;

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

19 11. Whether the applicant has:

20 a. previously been licensed and, if so, when and by what
21 state or country, and

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

24

1 12. ~~Social Security number~~ Social Security Administration
2 account number card; or, if a Social Security Administration account
3 card is not available, the person may present any of the following
4 documents bearing the applicant's social security number:

5 a. a W-2 form,

6 b. a SSA-1099 form,

7 c. a non-SSA-1099 form, or

8 d. a pay stub with the applicant's name and social
9 security number on it.

10 No person shall request the Department to use the Social Security
11 number of that person as the driver license number. Upon renewal or
12 replacement of any driver license issued after ~~the effective date of~~
13 ~~this act~~ July 1, 2001, the licensee shall advise the Department or
14 the motor license agent if the present driver license number of the
15 licensee is the Social Security number of the licensee. If the
16 driver license number is the Social Security number, the Department
17 or the motor license agent shall change the driver license number to
18 a computer-generated alphanumeric identification.

19 C. 1. In addition to the requirements of subsections A and B
20 of this section, every applicant for a commercial driver license who
21 is subject to the requirements of 49 C.F.R., Part 391, and is
22 applying for an original, renewal, or replacement license, and every
23 person who, upon ~~the effective date of this act~~ May 8, 2012, is
24 currently the holder of a commercial driver license and is subject

1 to the requirements of 49 C.F.R., Part 391, and who does not apply
2 for a renewal or replacement license prior to January 30, 2014,
3 shall submit to the Department and maintain with the Department a
4 current approved medical examination certificate signed by a
5 licensed physician authorized to perform and approve medical
6 examination certifications. The Department shall adopt rules
7 ~~regarding procedures~~ for maintaining medical examination
8 certificates pursuant to the requirements in 49 C.F.R., Parts 383
9 and 384. Any commercial driver licensee subject to the requirements
10 of this paragraph who fails to maintain on file with the Department
11 a current, approved medical examination certificate shall have the
12 driving privileges of the person downgraded to a Class D driver
13 license by the Department.

14 2. If the applicant is applying for an original commercial
15 driver license in Oklahoma or is transferring a commercial driver
16 license from another state to Oklahoma, the Department shall review
17 the driving record of the applicant in other states for the
18 immediately preceding ten (10) years, unless the record review has
19 already been performed by the Department. As a result of the
20 review, if it is determined by the Department that the applicant is
21 subject to a period of disqualification as prescribed by Section 6-
22 205.2 of this title which has not yet been imposed, the Department
23 shall impose the period of disqualification and the applicant shall
24 serve the period of disqualification before a commercial driver

1 license is issued to the applicant; provided, nothing in this
2 paragraph shall be construed to prevent the issuance of a Class D
3 driver license to the applicant.

4 3. If the applicant has or is applying for a hazardous material
5 endorsement, the applicant shall submit to a security threat
6 assessment performed by the Transportation Security Administration
7 of the Department of Homeland Security as required by and pursuant
8 to 49 C.F.R., Part 1572, which shall be used to determine whether
9 the applicant is eligible for the endorsement pursuant to federal
10 law and regulation.

11 4. The Department of Public Safety shall notify each commercial
12 driving school of the passage of this section, and each commercial
13 driving school shall notify prospective students of its school of
14 the hazardous material endorsement requirement.

15 D. In addition to the requirements of subsections A and B of
16 this section, every applicant shall be given an option on the
17 application for issuance of a driver license or identification card
18 or renewal pursuant to Section 6-115 of this title to provide an
19 emergency contact person. The emergency contact information
20 requested may include full name, address, and phone number. The
21 emergency contact information shall be maintained by the Department
22 and shall be used by the Department and law enforcement for
23 emergency purposes only. A person listed as an emergency contact
24 may request to be removed at any time. Any update to a change of

1 name, address, or phone number may be made by the applicant listing
2 the emergency contact person or by the person listed as the
3 emergency contact.

4 E. Whenever application is received from a person previously
5 licensed in another jurisdiction, the Department shall request a
6 copy of the driving record from the other jurisdiction and,
7 effective September 1, 2005, from all other jurisdictions in which
8 the person was licensed within the immediately previous ten (10)
9 years. When received, the driving record shall become a part of the
10 driving record of the person in this state with the same force and
11 effect as though entered on the driver's record in this state in the
12 original instance.

13 F. Whenever the Department receives a request for a driving
14 record from another licensing jurisdiction, the record shall be
15 forwarded without charge.

16 G. A person may not apply for or possess more than one state-
17 issued REAL ID Compliant Driver License or Identification Card,
18 pursuant to the provisions of Section 6-101 of this title. A valid
19 and unexpired Oklahoma driver license shall serve as both primary
20 and secondary proofs of identity whenever application for ~~an~~
21 ~~identification card~~ a REAL ID Noncompliant Identification Card is
22 submitted to the Department. The provisions of subsection B of
23 Section 1550.42 of Title 21 of the Oklahoma Statutes shall not apply
24 when issuing an identification card pursuant to the provisions of

1 this subsection. The Department shall promulgate rules necessary to
2 implement and administer the provisions of this subsection.

3 H. A valid and unexpired U.S. passport shall serve as both
4 primary and secondary proofs of identity whenever application for a
5 driver license or identification card is submitted to the
6 Department. The Department shall promulgate rules necessary to
7 implement and administer the provisions of this subsection.

8 SECTION 4. AMENDATORY 47 O.S. 2011, Section 6-110.3, is
9 amended to read as follows:

10 Section 6-110.3. A. ~~1.~~ The Legislature finds that the
11 enactment into law by the United States Congress of the federal REAL
12 ID Act of 2005, Public Law Number 109-13, is ~~inimical to the~~
13 ~~security and well-being of the people of Oklahoma, will cause~~
14 ~~approximately Eight Million Dollars (\$8,000,000.00) in added expense~~
15 ~~and inconvenience to our state, and was adopted by the United States~~
16 ~~Congress in violation of something that individual Oklahomans should~~
17 ~~have an option to refuse under the principles of federalism~~
18 contained in the Tenth Amendment to the United States Constitution.

19 ~~2. B. The State of Oklahoma shall not participate in the~~
20 ~~implementation of the REAL ID Act of 2005. The Department of Public~~
21 ~~Safety is hereby directed not to implement the provisions of the~~
22 ~~REAL ID Act of 2005 and to report to the Governor and the~~
23 ~~Legislature any attempt by agencies or agents of the United States~~
24 ~~Department of Homeland Security to secure the implementation of the~~

1 ~~REAL ID Act of 2005 through the operations of that or any other~~
2 ~~state department.~~

3 ~~B. No department or agency of the state charged with motor~~
4 ~~vehicle registration or operation, the issuance or renewal of driver~~
5 ~~licenses, or the issuance or renewal of any identification cards~~
6 ~~shall collect, obtain, or retain any data in connection with~~
7 ~~activities related to complying with the REAL ID Act of 2005.~~

8 ~~C. Any biometric data previously collected, obtained, or~~
9 ~~retained in connection with motor vehicle registration or operation,~~
10 ~~the issuance or renewal of driver licenses, or the issuance or~~
11 ~~renewal of any identification cards by any department or agency of~~
12 ~~this state charged with those activities shall be retrieved and~~
13 ~~deleted from any and all databases. The provisions of this~~
14 ~~subsection shall not apply to any data collected, obtained or~~
15 ~~retained for a purpose other than complying with the REAL ID Act of~~
16 ~~2005~~

17 offer its citizens the option of choosing a REAL ID Compliant
18 Driver License or Identification Card or a Noncompliant Driver
19 License or Identification Card.

20 C. The State of Oklahoma shall not share its citizens' personal
21 information or biometric data with the federal government directly
22 only as a result of compliance with the REAL ID Act of 2005, Public
23 Law Number 109-13. Any records received pursuant to this act shall
24 not be used, further transferred or otherwise made available to any

1 other person or entity for the purpose of creating or enhancing a
2 federal identification database.

3 D. For purposes of this section, "biometric data" includes, but
4 is not limited to:

5 1. Facial feature pattern characteristics;

6 2. Voice data used for comparing live speech with a previously
7 created speech model of a person's voice;

8 3. Iris recognition data containing color or texture patterns
9 or codes;

10 4. Retinal scans, reading through the pupil to measure blood
11 vessels lining the retina;

12 5. Behavior characteristics of a handwritten signature, such as
13 shape, speed, pressure, pen angle, or sequence;

14 6. Fingerprints, palm prints, and other methods for measuring
15 or recording ridge pattern or fingertip characteristics;

16 7. Keystroke dynamics, measuring pressure applied to key pads;

17 8. Hand geometry, measuring hand characteristics, including the
18 shape and length of fingers, in three (3) dimensions; and

19 9. Deoxyribonucleic acid (DNA) and/or ribonucleic acid (RNA).

20 SECTION 5. AMENDATORY 47 O.S. 2011, Section 6-111, as
21 last amended by Section 1, Chapter 214, O.S.L. 2016 (47 O.S. Supp.
22 2016, Section 6-111), is amended to read as follows:

23 Section 6-111. A. 1. The Department of Public Safety shall,
24 upon payment of the required fee, issue to every applicant

1 qualifying therefor a Class A, B, C or D driver license or
2 identification card as applied for, which license or card shall bear
3 thereon a distinguishing alphanumeric identification assigned to the
4 licensee or cardholder, date of issuance and date of expiration of
5 the license or card, the full legal name, signature or computerized
6 signature, date of birth, residence address, unless specified as an
7 exception in the Code of Federal Regulations per 6 C.F.R., Section
8 37.17, sex, ~~a color photograph or~~ computerized color image of the
9 licensee or cardholder taken in accordance with Department rules,
10 and security features as determined by the Department. The
11 ~~photograph or~~ image shall depict a full front unobstructed view of
12 the entire face of the licensee or cardholder; provided, a
13 commercial learner permit shall not bear the ~~photograph or~~ image of
14 the licensee. When any person is issued both a driver license and
15 an identification card, the Department shall ensure the information
16 on both the license and the card are the same, unless otherwise
17 provided by law.

18 2. A driver license or identification card issued by the
19 Department on or after March 1, 2004, shall bear thereon the county
20 of residence of the licensee or cardholder.

21 3. The Department may cancel the distinguishing number, when
22 that distinguishing number is another person's Social Security
23 number, assign a new distinguishing alphanumeric identification, and
24

1 issue a new license or identification card without charge to the
2 licensee or cardholder.

3 4. The Department may promulgate rules for inclusion of the
4 height and a brief description of the licensee or cardholder on the
5 face of the card or license identifying the licensee or cardholder
6 as deaf or hard-of-hearing.

7 5. It is unlawful for any person to apply, adhere, or otherwise
8 attach to a driver license or identification card any decal,
9 sticker, label, or other attachment. Any law enforcement officer is
10 authorized to remove and dispose of any unlawful decal, sticker,
11 label, or other attachment from the driver license of a person. The
12 law enforcement officer, the employing agency of the officer, the
13 Department of Public Safety, and the State of Oklahoma shall be
14 immune from any liability for any loss suffered by the licensee,
15 cardholder, or the owner of the decal, sticker, label, or other
16 attachment caused by the removal and destruction of the decal,
17 sticker, label, or other attachment.

18 6. The Department of Public Safety may develop by rule an
19 alternative procedure whereby a person may apply for a renewal or
20 replacement Oklahoma Class D license or Oklahoma identification
21 card.

22 B. The Department may issue a temporary permit to an applicant
23 for a driver license permitting such applicant to operate a motor
24 vehicle while the Department is completing its investigation and

1 determination of all facts relative to such applicant's privilege to
2 receive a license. Such permit must be in the immediate possession
3 of the driver while operating a motor vehicle, and it shall be
4 invalid when the applicant's driver license has been issued or for
5 good cause has been refused.

6 C. 1. The Department may issue a restricted commercial driver
7 license to drivers eighteen (18) years of age or older for any of
8 the following specific farm-related service industries:

- 9 a. farm retail outlets and suppliers,
- 10 b. agri-chemical businesses,
- 11 c. custom harvesters, and
- 12 d. livestock feeders.

13 The applicant shall hold a valid Oklahoma driver license and
14 shall meet all the requirements for a commercial driver license.
15 The restricted commercial driver license shall not exceed a total of
16 one hundred eighty (180) days within any twelve-month period.

17 2. The restricted commercial driver license shall not be valid
18 for operators of commercial motor vehicles beyond one hundred fifty
19 (150) miles from the place of business or the farm currently being
20 served. Such license shall be limited to Class B vehicles. Holders
21 of such licenses who transport hazardous materials which are
22 required to be placarded shall be limited to the following:

- 23 a. diesel fuel in quantities of one thousand (1,000)
24 gallons or less,

- b. liquid fertilizers in vehicles with total capacities of three thousand (3,000) gallons or less, and
- c. solid fertilizers that are not mixed with any organic substance.

No other placarded hazardous materials shall be transported by holders of such licenses.

D. The Department may issue a non-domiciled commercial learner permit or a non-domiciled commercial driver license to:

1. An H2A-Temporary Agricultural worker lawfully present in the United States as indicated on an original, valid and unexpired I-94 immigration status document issued by the United States Customs and Immigration Service; and

2. A J-1 Exchange Visitor Program participant lawfully present in the United States as indicated on a valid and unexpired J-1 Visitor Visa issued by the United States Customs and Immigration Service and who is enrolled in an agricultural education training program.

A person applying for such permit or license must comply with all testing and licensing requirements in accordance with applicable federal regulations, state laws and Department rules. The issued license shall be valid until the expiration of the visa for the non-domiciled worker. The Department may promulgate rules for the implementation of the process to carry out the provisions of this section.

1 E. 1. The Department shall develop a procedure whereby a
2 person applying for an original, renewal or replacement Class A, B,
3 C or D driver license or identification card who is required to
4 register as a convicted sex offender with the Department of
5 Corrections pursuant to the provisions of the Sex Offenders
6 Registration Act and who the Department of Corrections designates as
7 an aggravated or habitual offender pursuant to subsection J of
8 Section 584 of Title 57 of the Oklahoma Statutes shall be issued a
9 license or card bearing the words "Sex Offender".

10 2. The Department shall notify every person subject to
11 registration under the provisions of Section 1-101 et seq. of this
12 title who holds a current Class A, B, C or D driver license or
13 identification card that such person is required to surrender the
14 license or card to the Department within one hundred eighty (180)
15 days from the date of the notice.

16 3. Upon surrendering the license or card for the reason set
17 forth in this subsection, application may be made with the
18 Department for a replacement license or card bearing the words "Sex
19 Offender".

20 4. Failure to comply with the requirements set forth in such
21 notice shall result in cancellation of the person's license or card.
22 Such cancellation shall be in effect for one (1) year, after which
23 time the person may make application with the Department for a new
24 license or card bearing the words "Sex Offender". Continued use of

1 a canceled license or card shall constitute a misdemeanor and shall,
2 upon conviction thereof, be punishable by a fine of not less than
3 Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars
4 (\$200.00). When an individual is no longer required to register as
5 a convicted sex offender with the Department of Corrections pursuant
6 to the provisions of the Sex Offenders Registration Act, the
7 individual shall be eligible to receive a driver license or
8 identification card which does not bear the words "Sex Offender".

9 F. Nothing in subsection E of this section shall be deemed to
10 impose any liability upon or give rise to a cause of action against
11 any employee, agent or official of the Department of Corrections for
12 failing to designate a sex offender as an aggravated or habitual
13 offender pursuant to subsection J of Section 584 of Title 57 of the
14 Oklahoma Statutes.

15 G. ~~The Department shall develop a procedure whereby a~~ A person
16 subject to an order for the installation of an ignition interlock
17 device shall be required by the Department to submit their driver
18 license for a replacement. The replacement driver license shall
19 bear the words "Interlock Required" and such designation shall
20 remain on the driver license for the duration of the order requiring
21 the ignition interlock device. The replacement license shall be
22 subject to the same expiration and renewal procedures provided by
23 law. Upon completion of the requirements for the interlock device,
24 a person may apply for a replacement driver license.

1 H. The Department shall develop a procedure whereby a person
2 applying for an original, renewal or replacement Class D driver
3 license who has been granted modified driving privileges under this
4 title shall be issued a Class D driver license which identifies the
5 license as a modified license.

6 SECTION 6. AMENDATORY 47 O.S. 2011, Section 6-114, as
7 last amended by Section 2, Chapter 170, O.S.L. 2016 (47 O.S. Supp.
8 2016, Section 6-114), is amended to read as follows:

9 Section 6-114. A. 1. In the event that a driver license is
10 lost, destroyed or requires the updating of any information,
11 restriction or endorsement displayed thereon, the person to whom
12 such license was issued may obtain a replacement thereof upon
13 payment of the required fee and by furnishing both primary and
14 secondary proofs of identity to the Department of Public Safety. If
15 application is made at a motor license agency or subagency, the
16 agent or subagent shall immediately verify the identity of the
17 person, by means of both primary and secondary proofs of identity,
18 and the eligibility of the person by contacting the Department for
19 verification and approval. If the person is an alien, the person
20 shall appear before a driver license examiner of the Department and,
21 after furnishing primary and secondary proofs of identity as
22 required in this section, shall be issued a replacement driver
23 license for a period which does not exceed the lesser of:

24 a. the expiration date of the license being replaced, or

1 b. the expiration date on the valid documentation
2 authorizing the presence of the person in the United
3 States, as required by paragraph 9 of subsection A of
4 Section 6-103 of this title.

5 2. The cost of a replacement REAL ID Compliant or Noncompliant
6 Driver license shall be ~~Twenty Dollars (\$20.00)~~ _____, of
7 which Two Dollars (\$2.00) shall be apportioned as provided in
8 Section 1104 of this title, Three Dollars (\$3.00) shall be remitted
9 to the State Treasurer to be credited to the General Revenue Fund,
10 and Five Dollars (\$5.00) shall be credited to the Department of
11 Public Safety Computer Imaging System Revolving Fund to be used
12 solely for the purpose of administering and maintaining the computer
13 imaging system of the Department, and ~~Ten Dollars (\$10.00)~~
14 _____ to the Revolving Fund of the Department of Public
15 Safety.

16 3. The Department shall promulgate rules prescribing forms of
17 ~~primary and secondary~~ identification acceptable for replacement of
18 an Oklahoma driver license; provided, however, a valid and unexpired
19 U.S. passport shall be acceptable as both primary and secondary
20 identification.

21 B. Any person desiring to add or remove an endorsement or
22 endorsements or a restriction or restrictions to any existing driver
23 license, when authorized by the Department of Public Safety, shall
24 obtain a replacement license with ~~said~~ the endorsement or

1 endorsements or ~~said~~ the restriction or restrictions change thereon
2 and shall be charged the fee for a replacement license as provided
3 in subsection A of this section.

4 ~~SECTION 7. This act shall become effective July 1, 2017.~~

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

9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
10 February 8, 2017 - DO PASS AS AMENDED

11
12
13
14
15
16
17
18
19
20
21
22
23
24