An Act

ENROLLED SENATE
BILL NO. 34

By: Barrington of the Senate

and

Christian of the House

An Act relating to online renewals; amending 47 O.S. 2011, Sections 6-105.3, as last amended by Section 3, Chapter 259, O.S.L. 2013), Section 6-107, Section 6-110, as last amended by Section 2, Chapter 199, O.S.L. 2014, Section 6-111, as amended by Section 5, Chapter 259, O.S.L. 2013, Section 6-122, as amended by Section 4, Chapter 280, O.S.L. 2012 (47 O.S. Supp. 2014, Sections 6-105.3, 6-110, 6-111, and 6-122), which relate to licenses and identification cards; allowing online renewal; allowing the Department of Public Safety to develop a rule for renewal of licenses; and providing an effective date.

SUBJECT: Driver license and ID application requirements

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-105.3, as last amended by Section 3, Chapter 259, O.S.L. 2013 (47 O.S. Supp. 2014, Section 6-105.3), is amended to read as follows:

Section 6-105.3 A. In addition to the licenses to operate motor vehicles, the Department of Public Safety may issue cards to Oklahoma residents for purposes of identification only. The identification cards shall be issued, renewed, replaced, canceled and denied in the same manner as driver licenses in this state. The application for an identification card by any person under the age of eighteen (18) years shall be signed and verified by a custodial legal parent or legal guardian, either in person before a person

authorized to administer oaths or electronically if completing an online application, or a notarized affidavit signed by a custodial legal parent or legal guardian submitted before a person authorized to administer oaths by the person under the age of eighteen (18) years with the application. Except as otherwise provided in this section, the identification cards shall be valid for a period of four (4) years from the month of issuance; however, the identification cards issued to persons sixty-five (65) years of age or older shall be valid indefinitely from the month of issuance.

B. The fee charged for the issuance, renewal, or replacement of an identification card pursuant to this section shall be Twenty Dollars ($20.00); however, no person sixty-five (65) years of age or older shall be charged a fee for an identification card. Of each fee charged pursuant to the provisions of this subsection:

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

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

3. Ten Dollars ($10.00) shall be deposited in the Department of Public Safety Revolving Fund.

C. The Oklahoma Tax Commission is hereby authorized to reimburse, from funds available to that agency, each motor license agent issuing an identification card to a person sixty-five (65) years of age or older, an amount not to exceed One Dollar ($1.00) for each card or driver license so issued. The Tax Commission shall develop procedures for claims for reimbursement.

D. When a person makes application for a new identification card, or makes application to renew an identification card, and the person has been convicted of, or received a deferred judgment for, any offense required to register pursuant to the Sex Offenders Registration Act, the identification card shall be valid for a period of one (1) year from the month of issuance, but may be renewed yearly during the time the person is registered on the Sex

Offender Registry. The cost for such identification card shall be the same as for other identification cards and renewals.

SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-107, is amended to read as follows:

Section 6-107. A. In addition to the requirements of Section 6-106 of this title, the application of any unemancipated person under the age of eighteen (18) years for a restricted license shall be signed and verified by the legal custodial parent or legal guardian of the applicant, either in person before a person authorized to administer oaths, electronically if completing an online application, or by a notarized affidavit signed by a custodial legal parent or legal guardian and submitted with the application by the person under the age of eighteen (18) years before a person authorized to administer oaths. The signature of the legal custodial parent or legal guardian shall be evidence that the legal custodial parent or legal guardian is willing to assume the obligation imposed under ~~this act~~ Section 1-101 et seq. of this title upon a person signing the application of a person under the age of eighteen (18) years. Provided, however, any unemancipated person under the age of eighteen (18) years who is in the permanent custody of the Department of Human Services, upon proof of financial responsibility in respect to the operation of a motor vehicle owned by him or her or if not the owner of a motor vehicle then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, shall not be required to have his or her application for restricted license signed or verified by another person.

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

C. In the event a person under the age of eighteen (18) years deposits, or there is deposited upon his or her behalf, proof of

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

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

E. As provided in Section 6-103.1 of this title, any legal custodial parent or legal guardian who has signed the application of a person under the age of eighteen (18) years for a license may thereafter file with the Department of Public Safety a verified written request that the license of that person so granted be canceled. The Department shall then cancel the license of the person and the legal custodial parent or legal guardian who signed the application of the person shall be relieved from the liability imposed under ~~this act~~ Section 1-101 et seq. of this title by reason of having signed the application on account of any subsequent negligence or willful misconduct of the person in operating a motor vehicle.

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

SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-110, as last amended by Section 2, Chapter 199, O.S.L. 2014 (47 O.S. Supp. 2014, Section 6-110), is amended to read as follows:

Section 6-110. A. 1. The Department of Public Safety shall examine every applicant for an original Class A, B, C or D license and for any endorsements thereon, except as otherwise provided in Section 6-101 et seq. of this title or as provided in paragraph 2 of this subsection or in subsection D of this section. The examination shall include a test of the applicant's:

a. eyesight,

b. ability to read and understand highway signs regulating, warning and directing traffic,

c. knowledge of the traffic laws of this state, including a portion on bicycle and motorcycle safety, and

d. ability, by actual demonstration, to exercise ordinary and reasonable control in the operation of a motor vehicle. The actual demonstration shall be conducted in the type of motor vehicle for the class of driver license being applied for.

The Department may create a knowledge test that may be taken on the Internet by an applicant applying for a Class D license.
Any licensee seeking to apply for a driver license of another class which is not covered by the licensee's current driver license shall be considered an applicant for an original license for that class.

2. The Department of Public Safety shall have the authority to waive the requirement of any part of the examination required in paragraph 1 of this subsection for those applicants ~~who surrender~~ whose driving record meets the standards set by the Department of Public Safety and surrenders either of the following:

a. a valid unexpired driver license issued by any state or country for the same type or types of vehicles, ~~provided that the applicant's driving record meets the standards set by the Department of Public Safety~~ or

b. an expired driver license that:

(1) is not expired more than six (6) months past the expiration date listed on the driver license, and

(2) is not a Class A, B or C commercial driver license or commercial driver license permit.

3. The Department shall accept skills test results from another state for Class A, B or C license applicants who have successfully completed commercial motor vehicle driver training in that state and successfully passed the skills test in that state; provided, the Department shall not accept skills test results from another state when the applicant has not successfully completed commercial motor vehicle driver training in that state. Nothing in this section shall be construed to prohibit the Department from administering the skills test to any applicant who has successfully completed commercial vehicle driver training in another state.

4. All applicants requiring a hazardous materials endorsement shall be required, for the renewal of the endorsement, to successfully complete the examination and to submit to a security threat assessment performed by the Transportation Security Administration of the Department of Homeland Security as required by and pursuant to 49 C.F.R., Part 1572, which shall be used to determine whether the applicant is eligible for renewal of the endorsement pursuant to federal law and regulation.

5. The Department of Public Safety shall give the complete examination as provided for in this section within thirty (30) days from the date the application is received, and the examination shall be given at a location within one hundred (100) miles of the residence of the applicant. The Department shall make every effort to make the examination locations and times convenient for applicants. The Department shall consider giving the examination at various school sites if the district board of education for the district in which the site is located agrees and if economically feasible and practicable.

B. Any person holding a valid Oklahoma Class D license and applying for a Class A, B or C commercial license shall be required to successfully complete all examinations as required for the specified class. Failure to submit to the Department federally required medical certification information pursuant to 49 C.F.R., Part 391.41 et seq. shall result in an automatic downgrade of a commercial license to a Class D license. Provided, however, once

the required medical certification information has been received by the Department, the license shall be reinstated to the classification of the commercial license prior to the downgrade and the holder of such a license shall not be required to reapply.

C. Except as provided in subsection E of Section 6-101 of this title, any person holding a valid Oklahoma Class A, B or C commercial license shall, upon time for renewal thereof, be entitled to a Class D license without any type of testing or examination, except for any endorsements thereon as otherwise provided for by Section 6-110.1 of this title.

D. 1. Any certified driver education instructor who is currently an operator or an employee of a commercial driver training school in this state or any driver education instructor employed by any school district in this state shall be eligible to apply to be a designated examiner of the Department of Public Safety for the purposes of administering the Class D driving skills portion of the Oklahoma driving examination to any person who has not previously been a student of the instructor.

2. The Department of Public Safety shall adopt a curriculum of required courses and training to be offered to applicants who are qualified to apply to be a designated examiner. The courses and training for certification shall meet the same standards as required for driver examiners of the Department of Public Safety.

3. Each person applying to be a designated examiner shall be required to pay an initial designated examiner certification fee of One Thousand Dollars ($1,000.00). Upon successful completion of training prescribed by paragraph 2 of this subsection, the person shall be required to pay an annual designated examiner certification fee of Five Hundred Dollars ($500.00). If an applicant for the designated examiner program is employed by an Oklahoma public school system that offers driver education, and he or she administers the skills test only to students enrolled in a public school driver education program, the certification fee may be waived by the Department. Each designated examiner certification shall expire on the last day of the calendar year and may be renewed upon application to the Department of Public Safety. The designated examiner certification fees collected by the Department pursuant to this subsection shall be deposited to the credit of the Department

of Public Safety Restricted Revolving Fund to be used for the purposes of this subsection. No designated examiner certification fee shall be refunded in the event that certification is denied, suspended or revoked.

4. A designated examiner may charge a fee of no more than Twenty-five Dollars ($25.00) for each Class D driving skills examination given, whether the person being examined passes or fails the examination.

5. The Department shall conduct an annual complete nationwide criminal history background check on each designated examiner and a complete nationwide criminal history background check on each designated examiner applicant. The fees for the background check shall be borne by the designated examiner or designated examiner applicant.

6. The Department of Public Safety shall promulgate rules to implement and administer the provisions of this subsection.

SECTION 4. AMENDATORY 47 O.S. 2011, Section 6-111, as amended by Section 5, Chapter 259, O.S.L. 2013 (47 O.S. Supp. 2014, Section 6-111), is amended to read as follows:

Section 6-111. A. 1. The Department of Public Safety shall, upon payment of the required fee, issue to every applicant qualifying therefor a Class A, B, C or D driver license or identification card as applied for, which license or card shall bear thereon a distinguishing alphanumeric identification assigned to the licensee or cardholder, date of issuance and date of expiration of the license or card, the full name, signature or computerized signature, date of birth, residence address, sex, a color photograph or computerized image of the licensee or cardholder and security features as determined by the Department. The photograph or image shall depict a full front unobstructed view of the entire face of the licensee or cardholder; provided, a commercial learner permit shall not bear the photograph or image of the licensee. When any person is issued both a driver license and an identification card, the Department shall ensure the information on both the license and the card are the same, unless otherwise provided by law.

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

3. The Department may cancel the distinguishing number, when that distinguishing number is another person's Social Security number, assign a new distinguishing alphanumeric identification, and issue a new license or identification card without charge to the licensee or cardholder.

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

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

6. The Department of Public Safety ~~shall~~ may develop by rule an alternative procedure whereby a person ~~applying~~ may apply for a renewal or replacement Oklahoma Class D license or Oklahoma identification card~~, when the person satisfactorily demonstrates to the Department the inability to appear personally to be photographed because the person is not in the state at the time of renewal or at a time a replacement is required by the person, may be issued a license or card; provided, immediately upon returning to Oklahoma, the person shall obtain a replacement license or card as provided in Section 6-114 of this title~~.

B. The Department may issue a temporary permit to an applicant for a driver license permitting such applicant to operate a motor vehicle while the Department is completing its investigation and determination of all facts relative to such applicant's privilege to

receive a license. Such permit must be in the immediate possession of the driver while operating a motor vehicle, and it shall be invalid when the applicant's driver license has been issued or for good cause has been refused.

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

a. farm retail outlets and suppliers,

b. agri-chemical businesses,

c. custom harvesters, and

d. livestock feeders.

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

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

a. diesel fuel in quantities of one thousand (1,000) 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. 1. The Department shall develop a procedure whereby a person applying for an original, renewal or replacement Class A, B, C or D driver license or identification card who is required to register as a convicted sex offender with the Department of Corrections pursuant to the provisions of the Sex Offenders Registration Act and who the Department of Corrections designates as an aggravated or habitual offender pursuant to subsection J of Section 584 of Title 57 of the Oklahoma Statutes shall be issued a license or card bearing the words "Sex Offender".

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

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

4. Failure to comply with the requirements set forth in such notice shall result in cancellation of the person's license or card. Such cancellation shall be in effect for one (1) year, after which time the person may make application with the Department for a new license or card bearing the words "Sex Offender". Continued use of a canceled license or card shall constitute a misdemeanor and shall, upon conviction thereof, be punishable by a fine of not less than Twenty-five Dollars ($25.00), nor more than Two Hundred Dollars ($200.00). When an individual is no longer required to register as a convicted sex offender with the Department of Corrections pursuant to the provisions of the Sex Offenders Registration Act, the individual shall be eligible to receive a driver license or identification card which does not bear the words "Sex Offender".

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

F. The Department shall develop a procedure whereby a person subject to an order for the installation of an ignition interlock device shall be required by the Department to submit their driver license for a replacement. The replacement driver license shall bear the words "Interlock Required" and such designation shall remain on the driver license for the duration of the order requiring the ignition interlock device. The replacement license shall be subject to the same expiration and renewal procedures provided by law. Upon completion of the requirements for the interlock device, a person may apply for a replacement driver license.

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

SECTION 5. AMENDATORY 47 O.S. 2011, Section 6-122, as amended by Section 4, Chapter 280, O.S.L. 2012 (47 O.S. Supp. 2014, Section 6-122), is amended to read as follows:

Section 6-122. The Department of Public Safety ~~shall~~ may develop procedures whereby driver licenses issued under the provisions of Section 6-101 et seq. of this title may be renewed by the applicant by mail or online except for licenses to be renewed by aliens as prescribed by subsection E of Section 6-115 of this title. Any license issued pursuant to this section shall be valid for a period as prescribed in Section 6-115 of this title. The Department shall not renew a license by mail or online unless the immediately preceding issuance or renewal was done in person by the applicant.

SECTION 6. This act shall become effective November 1, 2015.

Passed the Senate the 29th day of April, 2015.

Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of April, 2015.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 30th day of April, 2015, at 2:25 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 6th day of May, 2015, at 9:39 o'clock A M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 6th day of May, 2015, at 5:23 o'clock P. M.

By: R. Benge