

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1047

By: Kerbs

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6 AS INTRODUCED

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8 An Act relating to driver licenses; amending 47 O.S.
9 2011, Section 6-111, as last amended by Section 5,
10 Chapter 1, O.S.L. 2017 (47 O.S. Supp. 2020, Section
11 6-111), which relates to the issuance of driver
licenses; directing the promulgation of certain rules
and procedures; requiring hazardous materials
endorsement be replaced or renewed at the Department
of Public Safety; and providing an effective date.

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

16 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-111, as
17 last amended by Section 5, Chapter 1, O.S.L. 2017 (47 O.S. Supp.
18 2020, Section 6-111), is amended to read as follows:

19 Section 6-111. A. 1. The Department of Public Safety shall,
20 upon payment of the required fee, issue to every applicant
21 qualifying therefor a Class A, B, C or D driver license or
22 identification card as applied for, which license or card shall bear
23 thereon a distinguishing alphanumeric identification assigned to the
24 licensee or cardholder, date of issuance and date of expiration of

1 the license or card, the full legal name, signature or computerized
2 signature, date of birth, residence address, unless specified as an
3 exception in the Code of Federal Regulations per 6 C.F.R., Section
4 37.17, sex, a computerized color image of the licensee or cardholder
5 taken in accordance with Department rules and security features as
6 determined by the Department. The image shall depict a full front
7 unobstructed view of the entire face of the licensee or cardholder;
8 provided, a commercial learner permit shall not bear the image of
9 the licensee. When any person is issued both a driver license and
10 an identification card, the Department shall ensure the information
11 on both the license and the card are the same, unless otherwise
12 provided by law.

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

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

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

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

12 6. The Department of Public Safety may develop by rule a
13 procedure which complies with the provisions of subsection G of
14 Section 6-101 of this title whereby a person may apply for a renewal
15 or replacement Oklahoma Class D license or Oklahoma identification
16 card.

17 7. The Department of Public Safety shall promulgate rules and
18 procedures whereby a person may apply for a renewal or replacement
19 Oklahoma commercial driver license through a tag agency. However, a
20 commercial driver license holder shall be required to renew or
21 replace a hazardous material endorsement at the Department.

22 B. 1. The Department may issue or authorize the issuance of a
23 temporary permit or license to an applicant for a driver license
24 permitting such applicant to operate a motor vehicle while the

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

8 2. The Department may issue or authorize the issuance of a
9 temporary identification card to an applicant, permitting the holder
10 the privileges otherwise granted by identification cards, while a
11 permanent driver license is being provided and delivered to the
12 applicant. Such card shall be invalid when the applicant's
13 permanent identification card has been issued and delivered, or for
14 good cause has been refused.

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

- 18 a. farm retail outlets and suppliers,
- 19 b. agri-chemical businesses,
- 20 c. custom harvesters, and
- 21 d. livestock feeders.

22 The applicant shall hold a valid Oklahoma driver license and
23 shall meet all the requirements for a commercial driver license.

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1 The restricted commercial driver license shall not exceed a total of
2 one hundred eighty (180) days within any twelve-month period.

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

9 a. diesel fuel in quantities of one thousand (1,000)
10 gallons or less,

11 b. liquid fertilizers in vehicles with total capacities
12 of three thousand (3,000) gallons or less, and

13 c. solid fertilizers that are not mixed with any organic
14 substance.

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

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

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

23 2. A J-1 Exchange Visitor Program participant lawfully present
24 in the United States as indicated on a valid and unexpired J-1

1 Visitor Visa issued by the United States ~~Customs~~ Citizenship and
2 Immigration ~~Service~~ Services and who is enrolled in an agricultural
3 education training program.

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

11 E. 1. The Department shall develop a procedure whereby a
12 person applying for an original, renewal or replacement Class A, B,
13 C or D driver license or identification card who is required to
14 register as a convicted sex offender with the Department of
15 Corrections pursuant to the provisions of the Sex Offenders
16 Registration Act and who the Department of Corrections designates as
17 an aggravated or habitual offender pursuant to subsection J of
18 Section 584 of Title 57 of the Oklahoma Statutes shall be issued a
19 license or card bearing the words "Sex Offender".

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

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

7 4. Failure to comply with the requirements set forth in such
8 notice shall result in cancellation of the person's license or card.
9 Such cancellation shall be in effect for one (1) year, after which
10 time the person may make application with the Department for a new
11 license or card bearing the words "Sex Offender". Continued use of
12 a canceled license or card shall constitute a misdemeanor and shall,
13 upon conviction thereof, be punishable by a fine of not less than
14 Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars
15 (\$200.00). When an individual is no longer required to register as
16 a convicted sex offender with the Department of Corrections pursuant
17 to the provisions of the Sex Offenders Registration Act, the
18 individual shall be eligible to receive a driver license or
19 identification card which does not bear the words "Sex Offender".

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

3 G. A person subject to an order for the installation of an
4 ignition interlock device shall be required by the Department to
5 submit their driver license for a replacement. The replacement
6 driver license shall bear the words "Interlock Required" and such
7 designation shall remain on the driver license for the duration of
8 the order requiring the ignition interlock device. The replacement
9 license shall be subject to the same expiration and renewal
10 procedures provided by law. Upon completion of the requirements for
11 the interlock device, a person may apply for a replacement driver
12 license.

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

18 SECTION 2. This act shall become effective November 1, 2021.

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20 58-1-5998 JBH 12/08/20
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